

2022

Schenectady County's Local Laws

- Part I. Charter
- Part II. Administrative Code
- Part III. Codified Local Laws
- Part IV. Uncodified Local Laws



CODIFICATION OF THE LAWS OF THE COUNTY OF SCHENECTADY

Forward

This Codification project is a long-term, joint venture of the Clerk to the Schenectady County Legislature's Office and the Schenectady County Attorney's Office. This project began in 2007, and consumed thousands of hours of staff research, drafting and review. A large number of individuals worked on this project, including:

Clerk of the Legislature Staff

Geoffrey T. Hall, Clerk to the Legislature
M. Joe Landry, Counsel to the Legislature
Brian L. Quail, Former Clerk to the Legislature
Kevin D. Fox, Director of Legislative Operations
Kayleigh Reid, Intern
Tricia Donhowe, Attorney

County Attorney Staff

Christopher H. Gardner, County Attorney
Howard G. Carpenter, First Deputy County Attorney
Frank S. Salamone, Assistant County Attorney
Brian McGrath, Intern

There were many consequences resulting from the lack of an up to date well-organized codification of local laws. Some of the more significant consequences were the fact that it was difficult for the public to easily ascertain the applicable county laws; and it was difficult for the various county departments to ensure that they were enforcing, and operating under, currently applicable law. Accordingly, the Clerk of the Schenectady County Legislature and the Schenectady County Attorney determined that codification of the County Laws was necessary.

Because the local laws were not well-organized, over time, the County Board of Representatives and, more recently, the County Legislature, occasionally adopted local laws on substantially the same subject with differing language. In addition, often-times, the adoption of a new local law with respect to an issue previously subject to legislation did not explicitly supersede or repeal the prior legislation, for example, the County Legislature over the years has

adopted an ethics code and a prior written notice statute without explicitly repealing earlier versions. This resulted in potential confusion in determining which (if any) provisions of prior legislation remained in effect after new laws were adopted. Finally, confusion was precipitated by the fact that over the past decades, various Boards of Representatives and County Legislatures modified subjects governed by local laws by adopting resolutions and budget line items, respectively. This caused two concerns. First, it was difficult to determine what the law actually was. For example, various fees existing under the sanitary code which at various times were adopted by local laws and resolutions, respectively, also were modified in yearly county budgets. Thus, it was impossible to determine the proper fee without performing an in-depth review of annual budgets. Secondly, it became apparent that at various times throughout the course of the County's existence, certain subjects were regulated by resolutions which would have been more appropriately regulated by local law. In order alleviate these concerns, as well as to harmonize the county laws with current state law, the County Attorney and Clerk to the Legislature propose this codification of county laws.

THE CONDIFICATION PROCESS GENERALLY

The main purpose of a codification of laws is to organize and publish laws in an easily digestible format. In addition, the recodification process provides a mechanism to "clean-up" the laws on the books. There are various "clean-up" functions. For example, the codification process allows a legislative body the opportunity to correct any spelling or grammatical errors in prior legislation; provides an opportunity to add gender neutral language to pre-existing laws. Allows the legislature to the opportunity to clarify the applicability of prior legislative action; allows a

legislative body the opportunity to repeal prior legislation that is no longer valid; and allows the opportunity to amend and laws.

In determining which legislative enactments to include in the codified laws, one must consider the types of legislation that the legislative body adopts. The Schenectady County legislature adopts resolutions and local laws. Resolutions are typically adopted for the day-to-day functions of the County. Local laws are adopted for more permanent matters and are adopted pursuant to specific rules set forth in the New York State Constitution and the Municipal Home Rule Law. The Schenectady County recodification workgroup determined that it was appropriate to codify local laws and not to consider the majority of resolutions as part of this endeavor. One exception to this is that the Schenectady County Purchasing and Procurement Policy will be included in the codification so that it is readily available to residents, and County employees, alike.

This is appropriate because the codification provides a well-organized list of county laws. Including the various day-to-day resolutions adopted by the legislature would defeat this purpose. Once it was determined that that the codification would be limited to the local laws, the workgroup faced the question of which local laws to codify, and which should be excluded. Throughout the course of Schenectady County's 206 years of existence, hundreds of local laws have been adopted. It would be inappropriate to codify every local law. The purpose of this endeavor is to simplify the laws—including every law, particularly laws that had been amended, superseded, or repealed would be counter-intuitive. In addition, including laws enacted dating back to 1809, when the County was created, seemed unnecessary, especially when one takes note of the fact that the County Charter was first adopted in 1965.

The workgroup, mindful of the fact that typical recodification projects evaluate laws dating back 50 years, decided to surpass the standard 50 year practice and commence its evaluation with the local laws of 1955. However, in order to ensure that this methodology would not result in the elimination of an older local law still in use, the workgroup worked with the various department heads to determine whether any pre-1955 local laws were still utilized within the County. Based upon this review, it was determined that no pre-1955 local laws remain applicable.

Once it was determined that the codification workgroup would be responsible for the proposed codification and that the codification would be limited to local laws enacted 1955, forward, the only remaining question was how to organize the local laws. The workgroup created a 4 part system for the organization of local laws: (1) the County Charter; (2) the Administrative Code; (3) the Codified Local Laws; (4) the Uncodified Local Laws. In addition, the Purchasing and Procurement Policy will be appended to this.

The Schenectady County Charter was first adopted in 1965. It has been amended from time to time, most recently in 2011. The charter defines the County legislature, the various departments, and provides the general framework of government.

The Schenectady County Administrative Code was first adopted in 1971 and has been amended from time to time. The Administrative Code provides a more detailed framework for the administration of County government. This includes the responsibilities of various departments and the administration of County supervised programs such as the provision of indigent defense.

The Codified Local Laws were not organized as such prior to this proposed codification. Instead, local laws, which did not amend the County Charter or the Administrative Code, were organized by the date they were adopted, not by subject. The proposed section entitled Codified Local Laws includes the local laws which have been adopted, regulating the behavior of individuals and businesses within Schenectady County. In addition, the Codified Local Laws contain the vast array of real property tax exemptions available to property owners within the County.

Similarly, the Uncodified Local Laws were not organized as such prior to this proposed codification. Like Codified Local Laws, these local laws were organized by the date they were adopted. The local laws which are proposed to be organized under the heading Uncodified Local Laws are the local laws adopted by the Schenectady County Legislature which are not generally applicable within the County. Though most local laws adopted by the County Legislature are generally applicable to all persons within Schenectady County, on occasion local laws are adopted specific to certain persons or property. These local laws are generally adopted related to the sale or leasing of real property or which affect the salary or retirement benefits of employees and officers of the County. Because these local laws are not generally applicable, they do not fit within the Charter, Administrative Code, or Codified Local Laws. Therefore, a section was created for these local laws, which is located at the end of the proposed codification.

THE CODIFICATION PROCEDURE

The first step in the codification project was to locate each of the local laws adopted by Schenectady County dating back to 1955. Though the local laws adopted from 2006 forward

were easily obtained from the Clerk of the Legislature, the laws dating back before 2006 were not easily obtainable from the Clerk of the Legislature, The local laws from 1969 through 2006 were obtained from the New York State Secretary of State pursuant to a FOIL request. The local laws adopted between 1955 and 1969 were obtained by copying the text of the local laws from the published volumes of the Schenectady County Legislative Proceedings.

The Schenectady County Charter

Once each of the local laws from 1955 to the present were obtained, the codification process began. The Schenectady County Charter was the first section to be reviewed. As a preliminary matter, the Charter was updated to provide a uniform application of capitalization based on the New York State Bill Drafting Commission format. In addition, pronouns were updated to ensure the Charter is gender neutral. Additionally, the Charter was renumbered so that there was a uniform numbering strategy.

Once these ministerial matters were addressed, the Charter provisions were updated, ensuring that all provisions reflect current law and that all repealed and superseded provisions were removed. All modifications were notated demonstrating when, and by which local law, such additions, amendments and deletions were authorized.

The Schenectady County Administrative Code

As in the Charter, the majority of the proposed changes to the Administrative Code were not substantive. Formatting and grammatical changes were made throughout. In addition, sections were renumbered as indicated in the footnotes. Former sections were amended as

provided for in later legislation, with prior legislation being excluded from the proposed Administrative Code. All amendments are indicated in the footnotes.

Proposed Change	Rationale
Charter Page 4 Add Footnote 4	Provides easily to follow translation of 1965 Wards to current Election Districts
Charter Page 9 Add Footnote 22	Provides reference to Codified Local Laws on similar subject.
Charter Page 12 amend responsibility of County Attorney related to contracts “advise as to form and content”	Harmonizes Charter with duties of County Attorney
Charter Page 26 Add Footnote 65	Provides reference to Codified Local Law Section of the Sanitary Code
Charter Page 29 Remove reference to World Trade Centers Association, Inc.	This no longer exists
Charter Page 36 Add Article XXVII Residential Healthcare Facility	Though nursing home predated the Charter, it was never inserted in the Charter
Charter Page 37- 41 Add General Provisions	Provides housekeeping rules regarding citations, amendments, and interpretation
Admin Code Page 12 assigns duties of Treasurer to Commissioner of Finance	Harmonizes State Law with current structure of County Departments
Admin Code Pages 13-19 Adds provisions and Deletes provisions from the Purchasing Policy.	This harmonizes the Admin Code with the practice, and State Law to adopt the purchasing policy by Resolution. It keeps the guiding principles as local law and returns the specifics to the resolution adopted 12-2013.
Admin Code Page 23 Amends rules concerning residency waivers	Harmonizes the Admin Code with current practice and provides County Manager the ability to fill positions as necessary.
Admin Code Page 29 Remove Public Health and Hospitals and Replaces with Department of Public Health Services	Harmonizes the Admin Code with current structure of County Departments.
Admin Code Page 29 Replaces Department of Mental Health with Office of Community Services	Harmonizes the Admin Code with current structure of County Departments.
Admin Code Page 30 Renames Department of Economic Development and Planning	Harmonizes the Admin Code with current structure of County Departments.
Admin Code Page 30-31 Deletes the Economic Development Advisory Board	This no longer exists.
Admin Code Page 31 Adds a duty of Commissioner of Economic Development and Planning	Harmonizes the Admin Code with current structure of County Departments.
Admin Code Pages 32-37 Amends Department of Engineering and Public Works	Harmonizes the Admin Code with current structure of County Departments.
Admin Code Page 39 Removes citation to various offices	These sections were renumbered elsewhere

Proposed Change	Rationale
Admin Code 54-57 Adds General Provisions	Provides housekeeping rules regarding citations, amendments, and interpretation
Codified LL Chapter 1	Enabling Legislation of the codification
Codified LL Chapter 55-A	Explains that County filed plan with NYS Office of Court Administration and has not heard from OCA despite numerous attempts.
Codified LL Chapter 85	Allows County to enter into agreement with DEC to regulate wetlands reduces County's responsibility
Codified LL Chapter 95 Page 2 Amend to refer to section of law allowing County to adopt its own form.	County Leg has adopted a form this harmonizes county law with practice
Codified LL Chapter 95 Page 4 provides mechanism to appoint Chair of Ethics Board	This was never included in the previous ethics codes
Codifies LL Chapter 95 Page 4 Removes the initial Staggering of seats	The seats are now staggered, and this is superfluous.
Codifies LL Chapter 95 Page 4 removes maximum number of terms on Ethics Board	Would allow Legislature to continue to appoint members. General Municipal Law provides default rule which is Ethics Board members serve until removed. This provision still requires appointment to 2-year terms but removes maximum number of terms.
Codifies LL Chapter 95 Page 6	Allows state financial disclosure filing to meet requirement of the County.
Codifies LL Chapter 95 Page 8 Adds Exception of County exercising Municipal Home Rule Power	Various provisions of the Ethics Board preempt state law. This amendment ensures that the County's provisions remain in force.
Codified LL Chapter 125, adopts previous resolution as Local Law and proposes various changes to tattooing regulations proposed by the Department of Health	This would ensure the health and welfare of County residents and visitors.
Codified LL Chapter 215 Adds Section B	Repeals both prior written notice statutes. Harmonizes provisions with General Municipal Law and Highway Law
Codifies LL Chapter 270 Repealed	Demonstrates that Sex Offender Residency Restrictions were repealed as preempted by NYS Supreme Court
Codified LL Chapter 400 Repealed	Shows that prohibition of texting while driving has been preempted by State law and proposes repeal pursuant to reverse preemption clause of the local law.
Codified LL Chapter 500 Repealed	Shows that BPA regulations has been preempted by State law and proposes repeal pursuant to reverse preemption clause of local law.

Appendix 1: Disposition of Schenectady County Local Laws 1-1955 through 5-2022

			Repealed	Part I	Part II	Part III	Part IV
			Superseded or	Charter	Administrative	Codified	Uncodified
L.L. #	Year	Subject of Law	Sunset	Article(s)	Code Article(s)	Local Laws	Local Laws
1	1955	Establishing a mental health board	X				
2	1955	Registration of voters for election within the County of Schenectady	X				
3	1955	Salaries for officers of the county	X				
1	1956	Salaries for officers of the county	X				
1	1957	Salaries for officers of the county	X				
1	1959	Salary for the county auditor	X				
1	1961	Salaries for officers of the county	X				
1	1962	Salaries for officers of the county	X				
1	1963	Establishing a department of planning and planning	X				
1	1964	Establishing a traffic safety board				Ch. 385	
1	1965	Adopting a home rule charter		entire charter			
1	1966	Filling of vacancies of a member of the board of representatives	X				
2	1966	Representation by counsel of indigent defendants				Ch. 55	
3	1966	Leasing of county owned real property					X
4	1966	Continuity of government in the event of an attack or public disaster				Ch. 75	
5	1966	Partial exemption from real property tax: limited income and 65 years of age or over				Ch. 350	
1	1969	Establishing mass transportation system				Ch. 180	
2	1969	Contract re: operation of mass transportation system					X
1	1970	Salaries for officers of the county	X				
2	1970	Salary for civil service commissioner	X				
3	1970	Establishing standards of conduct for county officers and employees	X				
1	1971	Partial exemption from real property tax: limited income and 65 years of age or over	X				
2	1971	Environmental advisory council				Ch. 80	
3	1971	Salary for family court judge	X				
4	1971	Salary for surrogate judge	X				
5	1971	Salary for county court judge	X				

Appendix 1: Disposition of Schenectady County Local Laws 1-1955 through 5-2022

			Repealed	Part I	Part II	Part III	Part IV
			Superseded or	Charter	Administrative	Codified	Uncodified
L.L. #	Year	Subject of Law	Sunset	Article(s)	Code Article(s)	Local Laws	Local Laws
6	1971	Amend charter: delete article 9, department of records		IX			
7	1971	Amend charter: delete article 10, district attorney		X			
8	1971	Amend charter: delete article 11, department of public		XI			
9	1971	Amend charter: election of county board members		II			
10	1971	Adoption of administrative code			entire code		
1	1972	Rules: parking county property	X				
2	1972	Partial exemption from real property tax: limited income and 65 years of age or over	X				
3	1972	Salaries for commissioners of election	X				
1	1973	Salary for commissioner of election	X				
1	1974	Amendment of environmental advisory council				Ch. 80	
2	1974	Partial exemption from real property tax: limited income and 65 years of age or over	X				
3	1974	Establish traffic safety board				Ch. 385	
4	1974	Salaries for election commissioners	X				
5	1974	Create Schenectady County nature and historic preserve				Ch. 90	
1	1975	Partial exemption from real property tax: limited income and 65 years of age or over	X				
1	1976	Protection of county freshwater wetlands				Ch. 85	
2	1976	Prior notice to county of defects or danger before action against county for damages	X				
1	1977	Amend administrative code: composition of mental health board	X				
2	1977	Amend administrative code: board of managers of county hospital	X				
3	1977	Partial exemption from real property tax: limited income and 65 years of age or over	X				
1	1978	Alternative method for collection of delinquent village taxes				Ch. 290	
2	1978	Salaries for officers of the county	X				

Appendix 1: Disposition of Schenectady County Local Laws 1-1955 through 5-2022

			Repealed	Part I	Part II	Part III	Part IV
			Superseded or	Charter	Administrative	Codified	Uncodified
L.L. #	Year	Subject of Law	Sunset	Article(s)	Code Article(s)	Local Laws	Local Laws
3	1978	Amend charter: provide for revision of power and duties of mental health board		XV			
1	1979	Representation by counsel of indigent defendants	X				
2	1979	Provide civil service coverage for employees in county sheriff's department				Ch. 35	
3	1979	Salaries for commissioner of elections	X				
1	1980	Salary for district attorney	X				
2	1980	Salaries for county clerk and sheriff	X				
3	1980	Partial exemption from real property tax: limited income and 65 years of age or over	X				
4	1980	Salaries for commissioners of election	X				
5	1980	Partial exemption from real property tax: limited income and 65 years of age or over	X				
1	1981	Amend charter: economic development advisory board		XVI			
2	1981	Amend administrative code: delete planning advisory			XIII		
3	1981	Amend administrative code: create economic development advisory board			XIII		
4	1981	Authorize leasing of Glenridge Hospital Complex without advertising or competitive bidding					X
5	1981	Authorize sale of Glenridge Hospital Complex					X
6	1981	Amend administrative code-sale or lease of surplus, obsolete or unused supplies			V		
7	1981	Salaries for elected officers	X				
8	1981	Salaries for officers appointed for fixed terms	X				
9	1981	Salary for civil service commissioner	X				
1	1982	Authorize lease of real property in county office building					X
2	1982	Salaries for elected officers	X				
3	1982	Authorize contract with DUBB Bus Transportation					X
4	1982	Salaries for appointed officers	X				
5	1982	Partial exemption from real property tax: limited income and 65 years of age or over	X				

Appendix 1: Disposition of Schenectady County Local Laws 1-1955 through 5-2022

			Repealed	Part I	Part II	Part III	Part IV
			Superseded or	Charter	Administrative	Codified	Uncodified
L.L. #	Year	Subject of Law	Sunset	Article(s)	Code Article(s)	Local Laws	Local Laws
6	1982	Participation of attorneys in assigned counsel plan				Ch. 55	
1	1983	Prior notice to county of defects or danger before action against county for damages				Ch. 215	
2	1983	Sale of personal property at Glenridge Hospital without advertising or bidding					X
3	1983	Salary for elected officer	X				
4	1983	Salaries for officers appointed for a fixed term	X				
5	1983	Partial exemption from real property tax: limited income and 65 years of age or over	X				
1	1984	Authorize contracts and sponsorship of funds for mass transportation				Ch. 175	
2	1984	Salaries for officers appointed for a fixed term	X				
3	1984	Longevity payment plan for administrative, supervisory and management personnel					X
4	1984	Amend administrative code: county purchase contracts			V		
1	1985	Opt out of veterans real property tax exemption	X				
2	1985	Amend charter: substantive and non-substantive changes		III, V, VI, IX, XI, XIII, XIV, XV, XXII, XXV			
3	1985	Exemption from real property tax: veterans					
4	1985	Tax on certain rentals of hotels and motel rooms				Ch. 295	
5	1985	Salary for counsel				Ch. 55	
6	1985	Exemption from real property tax: Proportional increase or decrease for veterans				Ch. 325	
7	1985	Retirement incentive program for eligible employees	X				
1	1986	Salaries for officers appointed for a fixed term	X				
2	1986	Salaries for certain elected officers	X				
3	1986	Provide for computation by actuaries of other retirement systems concerning the Retirement incentive of 1985	X				
4	1986	Salaries for officers appointed for fixed term	X				
5	1986	Amend administrative code: appointment or confirmation of former legislator to county job			II		

Appendix 1: Disposition of Schenectady County Local Laws 1-1955 through 5-2022

			Repealed	Part I	Part II	Part III	Part IV
			Superseded or	Charter	Administrative	Codified	Uncodified
L.L. #	Year	Subject of Law	Sunset	Article(s)	Code Article(s)	Local Laws	Local Laws
6	1986	amend charter: provide for office of public defender		XXIII			
1	1987	Salaries for officers appointed for fixed term	X				
2	1987	Salary for county clerk	X				
3	1987	Partial exemption from real property tax: limited income and 65 years of age or over	X				
4	1987	Provide civil service coverage for civil enforcement officers on the sheriff's department				Ch. 30	
5	1987	Amend charter: change name from board of representatives to legislature		provisions throughout			
1	1988	Amend charter: provide for only one official newspaper		II			
2	1988	Provide longevity increase for administrative, supervisory and management personnel					X
3	1988	Salaries for certain elected officers	X				
4	1988	Salaries for certain officers appointed for fixed term	X				
5	1988	Regulate traffic and parking on county property	X				
6	1988	Provide terms of members and officers of environmental advisory council				Ch. 80	
1	1990	Partial exemption from real property tax: limited income and 65 years of age or over	X				
2	1990	Salaries for certain officers appointed for a fixed term	X				
3	1990	Salaries for certain elected officers	X				
4	1990	Amend charter: establish department of public health services		XIV			
5	1990	Amend charter: delete article XII, entitled "medical examiner"		XII			
6	1990	Partial exemption from real property tax: limited income and 65 years of age or over	X				
1	1991	Impose surcharge for enhanced 911 emergency telephone system				Ch. 370	
2	1991	Retirement incentive program for eligible employees	X				
1	1992	Partial exemption from real property tax: limited income and 65 years of age or over	X				

Appendix 1: Disposition of Schenectady County Local Laws 1-1955 through 5-2022

			Repealed	Part I	Part II	Part III	Part IV
			Superseded or	Charter	Administrative	Codified	Uncodified
L.L. #	Year	Subject of Law	Sunset	Article(s)	Code Article(s)	Local Laws	Local Laws
2	1992	Leasing of real property to not-for-profit for up to 40 years without ad or competitive bidding					X
3	1992	Reimbursement for medical and dental care to inmates				Ch. 255	
4	1992	Retirement incentive program for eligible employees	X				
5	1992	Imposition of an administrative fee law by probation department				Ch. 225	
6	1992	Imposition of fee for probation department family court custodial investigations				Ch. 230	
7	1992	Item pricing law				Ch. 45	
1	1993	Partial exemption from real property tax: limited income and 65 years of age or over	X				
2	1993	Authorize sale of certain real property along Route 50 without advertisement or competitive bidding					X
3	1993	Provide regulation of tattoo businesses	X				
4	1993	Authorize sale of certain real property along Route 50 without advertisement or competitive bidding					X
5	1993	Real property tax exemption: physically disabled and blind homeowners				Ch. 360	
6	1993	Salaries for officers appointed for a fixed term	X				
7	1993	Salaries for designated elected officers	X				
1	1994	Amend charter: commissioner of public health services		XIV			
2	1994	Amend administrative code: sale of surplus personal property			V		
3	1994	Partial exemption from real property tax: limited income and 65 years of age or over	X				
1	1995	Redemption of real property tax liens				Ch. 365	
2	1995	Salaries for elected officers	X				
3	1995	Salaries for officers appointed for a fixed term	X				
4	1995	Authorize conveyance of certain real property without ad or competitive bidding to Schenectady County IDA					X

Appendix 1: Disposition of Schenectady County Local Laws 1-1955 through 5-2022

			Repealed	Part I	Part II	Part III	Part IV
			Superseded or	Charter	Administrative	Codified	Uncodified
L.L. #	Year	Subject of Law	Sunset	Article(s)	Code Article(s)	Local Laws	Local Laws
5	1995	Authorize lease of real property at Glendale Nursing Home					X
6	1995	Authorize sale of real property within Glendale Nursing Home boundaries					X
7	1995	Amend administrative code: authorize transfer of surplus personal property to public corps.			V		
8	1995	Amend charter: provide economic development zone purposes		XVI			
1	1996	Increase period for redemption of real property delinquent tax liens				Ch. 365	
2	1996	Partial exemption from real property tax: limited income and 65 years of age or over	X				
3	1996	Salaries for officers appointed for a fixed term	X				
4	1996	Salaries for elected officers	X				
5	1996	Authorize leasing of real property for county purposes for initial lease term of up to 25 years					X
6	1996	Amend charter: office of security services		XXVI			
7	1996	Require cover page on real property instruments filed in the office of the county clerk				Ch. 3000	
8	1996	Amend administrative code: economic development zone			XIII		
9	1996	Redemption period for real property tax liens				Ch. 365	
10	1996	Partial exemption from real property tax: limited income and 65 years of age or over	X				
1	1997	Amend charter: sealer of weights and measures		XII			
2	1997	Salaries for officers appointed for a fixed term	X				
3	1997	Salaries for elected officers	X				
4	1997	Amend administrative code: office of consumer affairs/weights and measures			XXIII		
5	1997	Exemption from real property tax: veterans	X				
6	1997	Tobacco: retail dealer and vending machine operator compliance with adolescent tobacco-use prevention act				Ch. 375	

Appendix 1: Disposition of Schenectady County Local Laws 1-1955 through 5-2022

			Repealed	Part I	Part II	Part III	Part IV
			Superseded or	Charter	Administrative	Codified	Uncodified
L.L. #	Year	Subject of Law	Sunset	Article(s)	Code Article(s)	Local Laws	Local Laws
7	1997	Consumer goods and services: deceptive trade practices illegal in county				Ch. 40	
8	1997	Amend administrative code: rules for enforcement of deceptive trade practices law			XXIII		
1	1998	Salaries for officers appointed for a fixed term	X				
2	1998	Salaries for elected officers	X				
3	1998	Partial exemption from real property tax: limited income and disabilities	X				
1	1999	Salary for the director of real property tax service agency	X				
2	1999	Partial exemption from real property tax: limited income and 65 years of age or over	X				
3	1999	Regulation of tattooing and body piercing in the county				Ch. 280	
4	1999	Authorizing conveyance to the Schenectady Metroplex Development Authority of certain real property					X
5	1999	Salaries for elected officers	X				
6	1999	Salaries for officers appointed for a fixed term	X				
7	1999	Partial exemption from real property tax: limited income and disabilities	X				
8	1999	Exemption from real property tax: alteration or rehabilitation of historic properties				Ch. 340	
1	2000	Authorizing conveyance to Union College of 487 Nott Street					X
2	2000	Amend charter: legislature leadership, counsel and director of legislative operations		II, IV			
3	2000	Salary for director of real property tax service agency	X				
4	2000	Amend administrative code: requiring residency requirements for new hires	X		VIII		
5	2000	Amend sanitary code: mandatory attendance at a food handling course				Ch. 125	
6	2000	Self-service sale of tobacco products in Schenectady				Ch. 380	
7	2000	Amend Administrative Code: waiving residency requirements for newly hired health care professionals	X		VIII		

Appendix 1: Disposition of Schenectady County Local Laws 1-1955 through 5-2022

			Repealed	Part I	Part II	Part III	Part IV
			Superseded or	Charter	Administrative	Codified	Uncodified
L.L. #	Year	Subject of Law	Sunset	Article(s)	Code Article(s)	Local Laws	Local Laws
8	2000	Written waiver from item pricing				Ch. 45	
9	2000	Requiring pricing accuracy by retail stores in the County of Schenectady				Ch. 50	
10	2000	Retirement Incentive Program for eligible employees	X				
11	2000	Authorizing the update of the Schenectady County administrative code	X				
12	2000	Amend charter: department of public works and the department of engineering		XVII			
13	2000	Amend charter: fixed term appointment for the commissioner of finance		V			
1	2001	Penalties and enforcement of law re: retail cigarette dealers and cigarette vending machines				Ch. 375	
2	2001	Partial exemption from real property tax: limited income and 65 years of age or over	X				
3	2001	Partial exemption from real property tax: limited income and disabilities	X				
4	2001	Veteran's exemption from real property tax granted to Gold Star parents				Ch. 335	
5	2001	Amend administrative code: no residency requirement for employees hired before 5/1/2000	X		VIII		
6	2001	Agricultural exemption from real property tax: commercial horse boarding operations				Ch. 305	
7	2001	Amend charter: reapportionment of the Schenectady County legislature		II			
8	2001	Amend administrative code: reapportionment of the Schenectady County legislature			II		
1	2002	Utility easement to provide underground utility service at the Schenectady County Airport					X
2	2002	Salary for commissioner of finance	X				
3	2002	Authorizing sale of 821 Union Street without advertisement or competitive bidding					X
4	2002	Retirement Incentive Program eligible employees of the county	X				

Appendix 1: Disposition of Schenectady County Local Laws 1-1955 through 5-2022

			Repealed	Part I	Part II	Part III	Part IV
			Superseded or	Charter	Administrative	Codified	Uncodified
L.L. #	Year	Subject of Law	Sunset	Article(s)	Code Article(s)	Local Laws	Local Laws
1	2003	Administrative fee by the Schenectady County probation department				Ch. 220	
2	2003	Raise permit fees for tattooists and/or body piercers				Ch. 280	
3	2003	Partial exemption from real property tax: limited income and 65 years of age or over	X				
4	2003	Partial exemption from real property tax: limited income and disabilities	X				
5	2003	Increasing interest to be added to unpaid and/or delinquent real property taxes				Ch. 310	
6	2003	Increasing the tax upon rentals of hotel and motel rooms and disposition of revenue				Ch. 295	
1	2004	Partial exemption from real property tax: limited income and disabilities	X				
2	2004	Partial exemption from real property tax: limited income and 65 years of age or over	X				
3	2004	Amend charter: office of conflict defender		XXIV			
4	2004	Rules for parking and operating motor vehicles on certain county property				Ch. 210	
5	2004	Amend charter: change title of the department of planning		XVI			
6	2004	Salaries for elected officers	X				
7	2004	Salaries for officers appointed for a fixed term	X				
8	2004	Amending item pricing law				Ch. 45	
9	2004	Amending the fee for filing a cover or endorsement page--real property instruments				Ch. 250	
10	2004	Amending the landing fees at the Schenectady County Airport				Ch. 5	
1	2005	Prohibiting the sale, purchase, possession or use of alcohol without liquid devices				Ch. 10	
2	2005	Partial exemption from real property tax: members of volunteer fire companies and ambulance services				Ch. 345	
3	2005	Ex-officio members of the Schenectady County environmental advisory council				Ch. 80	

Appendix 1: Disposition of Schenectady County Local Laws 1-1955 through 5-2022

			Repealed	Part I	Part II	Part III	Part IV
			Superseded or	Charter	Administrative	Codified	Uncodified
L.L. #	Year	Subject of Law	Sunset	Article(s)	Code Article(s)	Local Laws	Local Laws
4	2005	Partial exemption from real property tax: members of volunteer fire companies and ambulance services				Ch. 345	
5	2005	Mortgage recording tax				Ch. 300	
1	2006	Exemption from real property tax: veterans				Ch. 320	
2	2006	Amend charter: commissioner of social services		XIII			
3	2006	Partial exemption from real property tax: limited income and disabilities				Ch. 355	
4	2006	Partial exemption from real property tax: limited income and 65 years of age or over				Ch. 350	
5	2006	Surcharge on wireless communications services	X			Ch. 390	
1	2007	Salaries for officers appointed for a fixed term					X
2	2007	Vacancies		II			
3	2007	Establishing residency restrictions in the County of Schenectady for persons who have been convicted of certain sex-related offenses	X			Ch. 270	
4	2007	Establishing civil remedies for enforcing certain residency restrictions for persons who have been convicted of sex-related offenses	X				
5	2007	Amending the Administrative Code: residency requirements for certain officers and employees	X		VIII		
6	2007	Repealing Local Law 04-07 regarding civil remedies for enforcing certain residency restrictions for persons who have been convicted of sex-related offenses	X			Ch. 270	
7	2007	Amending Local Law 03-07 regarding residency restrictions in the County of Schenectady for persons who have been convicted of certain sex-related offenses	X			Ch. 270	
8	2007	Regarding the disposition of revenues collected from the tax upon rentals of hotel and motel rooms in Schenectady County				Ch. 295	
9	2007	Prohibiting illicit discharges, activities and connections to separate storm sewer systems				Ch. 275	
10	2007	Amending the Item Pricing Law				Ch. 45	
11	2007	Salaries for officers appointed for a fixed term	X				

Appendix 1: Disposition of Schenectady County Local Laws 1-1955 through 5-2022

			Repealed	Part I	Part II	Part III	Part IV
			Superseded or	Charter	Administrative	Codified	Uncodified
L.L. #	Year	Subject of Law	Sunset	Article(s)	Code Article(s)	Local Laws	Local Laws
12	2007	Salaries for Elected Officers	X				
1	2008	Repealing Local Law 1 of 2000 regarding conveyance of 487 Nott St. in the City of Schenectady to Union College					X
2	2008	Authorizing the conveyance of 487 Nott St. to the Schenectady County IDA for economic development purposes					X
3	2008	Authorizing conveyance of land from Schenectady County Airport to the Schenectady County IDA for economic development purposes					X
4	2008	Real property tax exemption: cold war veterans				Ch. 330	
5	2008	Repealing Local Law 5 of 2005 and extending the Mortgage Recording tax for Schenectady County				Ch. 300	
6	2008	Prohibiting text messaging while driving	X				
1	2009	Dedication of parkland to property owned by Schenectady county and conveyance of certain parcels to Town of Niskayuna					X
2	2009	Establishing toxin free toddler and babies act	X			Ch. 500	
3	2009	Salaries for officers of the county for a fixed term	X				
4	2009	Amending the fees for recording, entering, indexing and endorsing a certificate of any instrument				Ch. 250	
1	2010	Amending Local Law 5 of 1966: Partial exemption from real property tax: limited income and 65 years of age or over				Ch. 350	
2	2010	Requiring chain food establishments to display calorie content values				Ch. 285	
3	2010	Amending Local Law 2 of 2009 establishing toxin free toddler and babies act	X			Ch. 500	
4	2010	Electing a retirement incentive program	X				
1	2011	Designating certain property owned by Schenectady county as parkland and conveying such property to the Town of Duansburg					X
2	2011	Salaries for officers of the county for a fixed term	X				

Appendix 1: Disposition of Schenectady County Local Laws 1-1955 through 5-2022

			Repealed	Part I	Part II	Part III	Part IV
			Superseded or	Charter	Administrative	Codified	Uncodified
L.L. #	Year	Subject of Law	Sunset	Article(s)	Code Article(s)	Local Laws	Local Laws
3	2011	Repealing Local Law 5 of 2008 and renewing Mortgage Recording tax for Schenectady County				Ch. 300	
4	2011	Amend charter: size and apportionment of seats of the county legislature		II			
5	2011	Amend administrative code: size and apportionment of seats of the county legislature			II		
6	2011	Authorizing a multi-year sign location lease agreement with Lamar Companies					X
7	2011	Authorizing lease agreement with Schenectady County Industrial Development Agency for property owned by the county that is located on Washington Avenue in the city of Schenectady					X
8	2011	Property tax exemption for capital improvements of residential buildings				Ch. 315	
1	2012	Amending Local Law 2 of 2003 regarding permit fees for tattooists and/or body piercers				Ch.280	
2	2012	Salaries of officers appointed for a fixed term					X
3	2012	Salaries for elected officers					X
4	2012	Authorizes the transfer certain real property located in the Town of Princetown to Richard Peterson					X
5	2012	Designation of certain property owned by Schenectady County as parkland and conveying such property to the Town of Rotterdam.					X
6	2012	Authorizing an override of the tax levy limit for Schenectady County for 2013 and authorizing the adoption of a budget for 2013 that requires a tax levy greater than the tax levy limit for the 2013 fiscal year	X				
7	2012	Regarding counsel for indigent litigants and representation of persons accused of a crime or parties before the Family Court, Surrogate's Court, or in certain other actions or in appeals therefrom				Chs. 55-55A	
1	2013	Regarding purchase contracts awarded on the basis of best value					X

Appendix 1: Disposition of Schenectady County Local Laws 1-1955 through 5-2022

			Repealed	Part I	Part II	Part III	Part IV
			Superseded or	Charter	Administrative	Codified	Uncodified
L.L. #	Year	Subject of Law	Sunset	Article(s)	Code Article(s)	Local Laws	Local Laws
2	2013	Regarding the repeal of Local Law no. 3-2011 and to renew the mortgage recording tax in Schenectady County				Ch. 300	
1	2014	Salaries for elected officers (Filed at LL 1-2015)					X
2	2015	Codifying the Schenectady County Charter, Administrative Code, and Local Laws.				Ch. 1	
3	2015	Allowing for certain items to be excluded from the dangerous fireworks definition as permitted by Section 405.00 of the New York State Penal Law	X			CH. 405	
1	2016	Prohibiting the sale of cigarettes, tobacco products, liquid nicotine or electronic cigarettes to persons under twenty-one years of age.				CH. 376	
1	2017	Repeal Local Law No. 03-2015 which is Chapter 405 of the official Code of Schenectady County entitled "allowing for certain items to be excluded from the dangerous fireworks definition as permitted by Section 405.00 of the New York State Penal Law"	X				
2	2017	A Local Law to repeal Local Law No. 05-2006, Chapter 390 of the official Code of Schenectady County, which repeals the wireless communications surcharge authorized by Article Six of the County Law of the State of New York, and to impose wireless communications surcharges pursuant to the authority of Section 186-g of the NYS Tax Law	X			CH. 390	
3	2017	Authorizing The Conveyance Of Real Property Owned By The County Of Schenectady: A two (2) acre parcel along Tower Road					X
4	2017	Authorizing The Conveyance Of Real Property Owned By The County Of Schenectady A three (3) acre parcel bounded by Route 50, Airport Road and an existing tree line at the rear of the site					X

Appendix 1: Disposition of Schenectady County Local Laws 1-1955 through 5-2022

			Repealed	Part I	Part II	Part III	Part IV
			Superseded or	Charter	Administrative	Codified	Uncodified
L.L. #	Year	Subject of Law	Sunset	Article(s)	Code Article(s)	Local Laws	Local Laws
1	2018	Amending Section 8.01 Of the Administrative Code Of The County Of Schenectady Regarding Officers And Employees Of Schenectady County	X		VIII		
2	2018	Amends Section 3 of LL 6-08 Real Property Tax Exemption For "Cold War" Veterans As Authorized By Section 458-B Of The Real Property Tax Law				CH. 330	
3	2018	Prohibits The Sale And Use Of "Sparkling Devices"				CH. 405	
4	2018	Enact Measures Regarding Eviction Proceedings And Dispositions Of Personal Property					X
5	2018	Amendment To The Hotel/Motel Room Occupancy Tax				CH. 295	
6	2018	Amending Section 8.01 Of The Administrative Code Of The County Of Schenectady Regarding Officers And Employees Of Schenectady County	X		VIII		
1	2019	Provide For The Payment Of Increased Salaries To Elected Officers Of The County Of Schenectady					X
2	2019	Local Law To Delete Section 8.01 Of The Administrative Code Related To Residency And Other Requirements For County Employees			VIII		
3	2019	Authorizing The Conveyance Of Real Property Owned By The County Of Schenectady situate in the Town of Glenville					X
4	2019	Amending The Schenectady County Charter To Provide For The Establishment Of The Office Of Assigned Counsel		XXIX			
5	2019	Amending The Schenectady County Administrative Code To Provide For The Establishment Of The Office Of Assigned Counsel			XXVII		
6	2019	Amending The Schenectady County Charter To Amend Chapter 55-A Of The Codified Laws To Implement The Creation Of The Office Of Assigned Counsel Administrator				CH. 55-A	

Appendix 1: Disposition of Schenectady County Local Laws 1-1955 through 5-2022

			Repealed	Part I	Part II	Part III	Part IV
			Superseded or	Charter	Administrative	Codified	Uncodified
L.L. #	Year	Subject of Law	Sunset	Article(s)	Code Article(s)	Local Laws	Local Laws
7	2019	Repeal Local Law No. 02-2016 And To Renew The Mortgage Recording Tax In Schenectady County				CH. 300	
1	2020	Amending Section 295.04 Of The Codified Local Laws Of The County Of Schenectady In Order To Increase The Tax Upon Rentals Of Hotel And Motel Rooms From Four To Five Percent				CH. 295.04	
2	2020	Provide For The Payment Of Increased Salaries To Elected Officers Of The County Of Schenectady					X
3	2020	Provide For The Payment Of Increased Salaries To Elected Officers Of The County Of Schenectady					X
4	2020	A Local Law Regarding The Fee For Providing Notice Of Sale Or Transfer Of Ownership Of Residential Property				CH. 250-A	
5	2020	HighBridge Erie A Local Law Authorizing The Conveyance Of Real Property Owned By The County Of Schenectady					X
6	2020	A Local Law Authorizing The Conveyance Of Real Property in the Town of Glenville Owned By The County Of Schenectady					X
7	2020	A Local Law Authorizing The Conveyance Of Real Property in The Town of Duanesburg Owned By The County Of Schenectady					X
8	2020	A Local Law Authorizing The Conveyance Of Real Property to C2 Design Owned By The County Of Schenectady in the Town of Glenville					X
9	2020	A Local Law Authorizing The Lease Of Real Property Owned By The County Of Schenectady to Blackwatch Soccer Club, Inc.					X
10	2020	A Local Law Amending Chapter 45 (Consumer Protection: Item Pricing Law) and Chapter 50 (Consumer Protection: Pricing Accuracy Law) of the Schenectady County Codified Laws to Create Certain Waivers for Small Businesses				Ch. 45 & 50	

Appendix 1: Disposition of Schenectady County Local Laws 1-1955 through 5-2022

			Repealed	Part I	Part II	Part III	Part IV
			Superseded or	Charter	Administrative	Codified	Uncodified
L.L. #	Year	Subject of Law	Sunset	Article(s)	Code Article(s)	Local Laws	Local Laws
1	2021	A Local Law Creating Chapter 51 (Food Delivery Services) Of The Schenectady County Codified Laws To Regulate Third-Party Food Delivery Service Fees During Certain Emergencies				Ch. 51	
2	2021	A Local Law Creating Chapter 150 (Creates a Sustainable Energy Loan Program, Open C-PACE) of the Schenectady County Codified Laws.				Ch. 150	
3	2021	A Local Law Amending Chapter 80 (Environment: Environmental Advisory Council) of the Schenectady County Codified Laws				Ch. 80	
4	2021	A Local Law Authorizing Hunting License Holders Who are Twelve or Thirteen Years of Age to Hunt Deer During Hunting Season in the County of Schenectady					X
5	2021	A Local Law Amending Ch. 125 (Health: Schenectady County Sanitary Code) of the Schenectady County Codified Laws to Amend Regulations Related to Body Art				Ch. 125	
1	2022	A Local Law Amending The Administrative Code Of The County Of Schenectady Regarding The Size And Apportionment Of Seats Of The County Legislature			II		
2	2022	A Local Law To Provide For The Payment Of Increased Salaries To Elected Officers Of The County Of Schenectady					X
3	2022	A Local Law To Repeal Local Law No. 7-2019 And To Renew The Mortgage Recording Tax In Schenectady County				Ch. 300	
4	2022	A Local Law Authorizing The Conveyance Of Real Property Owned By The County Of Schenectady					X
5	2022	A Local Law Authorizing The Lease Of Real Property Owned By The County Of Schenectady					X

Uncodified Schenectady County Local Laws

<u>Year</u>	<u>Local Law #</u>	<u>Subject</u>
-------------	--------------------	----------------

Laws Related to Sale, Conveyance or Lease of Property

2020	9	A Local Law Authorizing The Lease Of Real Property Owned By The County Of Schenectady to Blackwatch Soccer Club, Inc.
2020	8	Authorizing the conveyance of real property to C2 Design in the Town of Glenville
2020	7	Authorizing the conveyance of real property in the Town of Duanesburg
2020	6	Authorizing the conveyance of real property in the Town of Glenville
2020	5	Authorizing the conveyance of real property in Highbridge Erie
2012	5	Designation of certain property owned by Schenectady County as parkland and the conveyance of such property to the Town of Rotterdam
2012	4	Authorizes the transfer of certain real property located in the Town of Princetown to Richard Peterson
2011	7	Authorizing lease agreement with Schenectady County Industrial Development Agency for property owned by the county that is located on Washington
2011	1	Designating property owned by Schenectady County and conveying such property to the Town of Duanesburg
2009	1	Dedication of parkland to property owned by Schenectady County and conveyance of certain parcels to Town of Niskayuna
2008	3	Authorizing conveyance of land from Schenectady County Airport to the Schenectady County IDA for economic development purposes
2008	2	Authorizing the conveyance of 487 Nott St. to the Schenectady County IDA for economic development purposes
2008	1	Repealing Local Law 1 of 2000 regarding conveyance of 487 Nott St. in the City of Schenectady to Union College
2000	1	Auth. Conveyance to Union College of Real Prop. Owned by County of Schenectady, known as 487 Nott St.
1999	4	Authorizing conveyance to the Schenectady Metroplex Dev. Auth. of certain real property
1996	5	Authorize leasing of real property for purposes for initial lease term of up to 25 years
1995	6	Authorize lease of real property at Glendale Nursing Home without public advertisement
1995	5	Authorize lease of real property at Glendale Nursing Home
1995	4	Authorize conveyance to IDA of certain real property without public advertisement or competitive bidding
1993	4	Authorize sale of certain real property without public advertisement or competitive bidding
1993	2	Authorize sale of certain real property along Route 50 without public ad or competitive bidding
1992	2	Establish leasing of real property law
1983	2	Sale of personal property at Glenridge Hospital without advertising or bidding
1982	1	Authorize lease of real property in county office building
1981	5	Authorize sale of Glenridge Hospital Complex
1981	4	Authorize leasing of Glenridge Hospital Complex without public advertising or competitive bidding
1966	3	A local law relating to the leasing of county owned real property.

Laws Related to Utility Easement

2002	3	Authorizing the sale of real property of the county of Schenectady commonly known as 821 Union Street
2002	1	Granting a utility easement to Niagara Mohawk and Verizon Telephone to provide underground utility service at the Schenectady County Airport

Laws Related to Mass Transportation

Uncodified Schenectady County Local Laws

1982	3	Authorize contract with DUBB Bus. Transportation
1969	2	Contract with private management company operation of mass transportation system

Laws Related to Retirement Incentive

2002	4	Electing a Retirement Incentive Program as authorized by Chapter 69, Laws of 2002 for eligible employees
2000	10	Electing a Retirement Incentive Program as authorized by Chapter 86, Laws of 2000 for eligible employees
1992	4	Electing a retirement incentive program for eligible employees
1986	3	Amends LL-7-85-provide for computation by actuaries of other retirement systems
1985	7	Elect retirement incentive program for eligible employees

Laws Related to Longevity Plan

1988	2	Amends LL-3-84-Provide longevity increase for administrative supervisory and management personnel
1984	3	Provide longevity payment plan for administrative supervisory and management personeel of county

Uncodified Schenectady County Local Laws

n Avenue in the City of Schenectady

Retirement Incentives

LL 4-2000
LL 10-2000
LL 4-1992
LL 7-1985
LL 3-1986

Longevity

LL 2-1988
LL 3-1984

2022

Part I. Charter



Adopted by Referendum at General Election
November 2, 1965

Amendments noted in footnotes.

CHARTER OF SCHENECTADY COUNTY

ARTICLE I	SCHENECTADY COUNTY AND ITS GOVERNMENT	2
ARTICLE II	THE COUNTY LEGISLATURE.....	2
ARTICLE III	THE COUNTY MANAGER	10
ARTICLE IV	DEPARTMENT OF LAW	13
ARTICLE V	DEPARTMENT OF FINANCE	14
ARTICLE VI	DEPARTMENT OF AUDIT AND CONTROL.....	16
ARTICLE VII	FINANCIAL PROCEDURES.....	17
ARTICLE VIII	CIVIL SERVICE COMMISSION	21
ARTICLE IX	REAL PROPERTY TAX SERVICE AGENCY	22
ARTICLE X	BOARD OF ELECTIONS.....	22
ARTICLE XI	DEPARTMENT OF PROBATION.....	23
ARTICLE XII	OFFICE OF CONSUMER AFFAIRS/WEIGHTS AND MEASURES.....	23
ARTICLE XIII	DEPARTMENT OF SOCIAL SERVICES.....	23
ARTICLE XIV	DEPARTMENT OF PUBLIC HEALTH SERVICES.....	24
ARTICLE XV	OFFICE OF COMMUNITY SERVICES.....	27
ARTICLE XVI	DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING.....	28
ARTICLE XVII	DEPARTMENT OF ENGINEERING AND PUBLIC WORKS.....	29
ARTICLE XVIII	DEPARTMENT OF AVIATION	31
ARTICLE XIX	DEPARTMENT OF LIBRARIES	31
ARTICLE XX	MUNICIPAL COOPERATION.....	32
ARTICLE XXI	VETERANS SERVICE AGENCY	32
ARTICLE XXII	COMMUNITY COLLEGE	33
ARTICLE XXIII	OFFICE OF PUBLIC DEFENDER	33
ARTICLE XXIV	OFFICE OF CONFLICT DEFENDER	34
ARTICLE XXV	OFFICE OF EMERGENCY MANAGEMENT	34
ARTICLE XXVI	OFFICE OF SECURITY SERVICES	35
ARTICLE XXVII	RESIDENTIAL HEALTH CARE FACILITY	35
ARTICLE XXVIII	COUNTY JURY BOARD	36
ARTICLE XXIX	OFFICE OF ASSIGNED COUNSEL	37
ARTICLE XXX-XXXVIII	[RESERVED]	37
ARTICLE XXXIX	OTHER COUNTY FUNCTIONS	37
ARTICLE XXXX	GENERAL AND TRANSITIONAL PROVISIONS	37

ARTICLE I

SCHENECTADY COUNTY AND ITS GOVERNMENT

- 1.00. Title and purpose.
- 1.01. County status, powers and duties.
- 1.02. Charter effect on state laws.
- 1.03. Charter effect on local laws and resolutions.

Section 1.00. Title and purpose.

This charter and all amendments hereto shall constitute the form of government for Schenectady County and shall be known and cited as the "Schenectady County Charter". Among the purposes of this charter are the accomplishment of greater efficiency, economy, and responsibility in county government; the securing of all possible county home rule; and the separation of county legislative and executive functions.

Section 1.01. County status, powers and duties.

The County of Schenectady shall continue to be a municipal corporation exercising such powers and discharging such duties as may be imposed or conferred upon it by this charter, administrative code or by applicable law.

Section 1.02. Charter effect on state laws.

Within the limits prescribed in article 4 of the New York State Municipal Home Rule Law, wherever and whenever any state law, general, special or local in effect, is inconsistent with this charter or administrative code, such law shall be deemed to the extent of such inconsistency to be superseded by this charter insofar as the County of Schenectady and its government are affected.

Section 1.03. Charter effect on local laws and resolutions.

Except to the extent inconsistent with this charter or the administrative code, all existing laws and resolutions heretofore adopted by the county legislature of the County of Schenectady or its predecessors shall continue in force until amended, superseded or repealed as provided herein.

ARTICLE II¹

THE COUNTY LEGISLATURE

- 2.00. The county legislature.
- 2.01. County legislators, term of office.
- 2.02. Qualifications of legislators.
- 2.03. County legislative districts.
- 2.04. Size of county legislature; apportionment of seats.
- 2.05. Vacancies.

¹ Article retitled by L.L. 5-1987, § 2.

- 2.06. Officers and committees of the county legislature.
- 2.07. Clerk of the county legislature.
- 2.08. Director of legislative operations.
- 2.09. Counsel to the county legislature.
- 2.10. Legislative enactments.
- 2.11. Powers and duties of the county legislature.
- 2.12. Publication of local laws.
- 2.13. Official newspapers.

Section 2.00. The county legislature.²

- A. The county legislature shall be the elective governing body of the county. The legislators elected from the various county legislature districts, as more specifically hereinafter set forth, shall, when lawfully convened, constitute the legislative, appropriating, governing and policy determining body of Schenectady County.
- B. Whenever the words "board" or "board of representatives" or words of similar import are used herein they shall mean the "legislature".
- C. Whenever the word "representative" or words of similar import are used herein they shall mean "legislator" or "member of the county legislature".

Section 2.01. County legislators, term of office.³

- A. County legislators shall be elected at general elections held in odd numbered years, from such districts and in such numbers as hereinafter provided, with the first election to be held in 1967.
- B. The term of office of all county legislators shall be 4 years, dating from January first of the year next following their election except that 2 legislators from each of the districts shall be chosen at the general election in 1975 for 4 year terms, with the other legislators elected for only 2 year terms, and at subsequent general election in 1977, and thereafter, all legislators shall be elected for new 4 year terms commencing on the first day of January following the expiration of the former term, so that the terms of legislators will be staggered with the terms of a portion of the members of the county legislature expiring every 2 years.

Section 2.02. Qualifications of legislators.

- A. County legislators, at the time of their official nomination for election, shall be electors of the County of Schenectady qualified to vote in general elections from the districts they seek to represent.
- B. They shall continuously thereafter while seeking or holding such office, be residents of the district from which they are nominated or elected.

² Amended by L.L. 5-1987, § 2.

³ Amended by L.L. 9-1971, § 1.

- C. The board of elections of the County of Schenectady shall be the judge of the above qualifications of the members of the county legislature, and for that purpose shall have the power to subpoena witnesses, take testimony, and require the production of records.
- D. Decisions made by the board of elections in the exercise of powers granted by this section shall be subject to review by the courts.

Section 2.03. County legislative districts.

- A. For the purpose of electing county legislators in such numbers and from such districts as provided by this charter, the county shall be divided into 4 districts.
- B. All references to city ward, and election district boundaries refer to those ward and election district boundaries as described in the charter of the City of Schenectady, as of July 1, 1965.
- C. All references to towns apply to that territory wholly contained in each of the towns in the County of Schenectady bounded as of July 1, 1965.
- D. The districts shall be as follows:

- 1. District 1 shall consist of the area contained within the boundaries of city wards number 1, 2, 3, 4, 5, 6, 10; election districts 1, 2, 3, 4, 5, 11 of ward 9 and election districts 1, 2, 3, 8 of ward 11.
- 2. District 2 shall consist of the area contained within the boundaries of city wards number 7, 8, 12, 13, 14; election districts 6, 7, 8, 9, 10 of ward 9; election districts 4, 5, 6, 7 of ward 11.
- 3. District 3 shall consist of the area contained within the boundaries of the towns of Glenville and Niskayuna.

District 4 shall consist of the area contained within the boundaries of the towns of Duanesburg, Princetown and Rotterdam.⁴

- E. Any city, town or village within the aforementioned districts which shall have a population in excess of the "average population per legislator" as hereinafter defined in section 2.04 shall be entitled to representation by at least one district legislator, out of the total number of district legislators of the district within which said city, town or village shall be located, and such legislator shall be a resident of that city, town or village.
- F. The county legislative districts may be amended by local law of the county legislature subject to a permissive referendum as provided in section 34, subsection 4 of the New York State Municipal Home Rule Law.

⁴ Local Law 4-2011 and 5-2011 were adopted on May 11, 2011 to reapportion the legislature, based upon the figures of the 2010 federal decennial census, as required by section 2.04, subdivision E of the charter. This reapportionment is described in section 2.09 of the administrative code and, as of the 2014 election district map, drew the legislative district boundaries as follows: District 1: consists of city districts: 1, 2, 4, 5, 6, 7, 8, 9, 10, 12, 13, 15, 16, 25, 28, and 35; District 2: consists of city districts: 03, 11, 14, 17, 18, 19, 20, 22, 23, 24, 26, 27, 29, 30, 31, 32, 33, and 34; District 3: consists of the Town of Glenville and the Town of Niskayuna; and District 4: consists of the Town of Duanesburg, the Town of Princetown, and the Town of Rotterdam.

- G. If any portion of a municipality is annexed by a municipality located in or constituting a different legislative district or districts, such annexed portion shall automatically become part of the district in which such annexing municipality is located, or of that district within the annexing municipality to which the annexed portion was added, as the case may be.

Section 2.04. Size of county legislature, apportionment of seats.⁵

- A. The county legislature shall be composed of fifteen members, and the fifteen members shall be apportioned on the basis of population according to the official, decennial census among the county legislative districts.⁶
- B. The average population per legislator shall be determined by dividing the number of legislators into the county population according to the official, decennial census.⁷
- C. The county legislature shall be apportioned as follows:
1. For each county legislative district, the number of county legislators apportioned to the district shall be determined by dividing the average population per legislator as determined pursuant to subdivision (B) of this section into the population of each county legislative district.⁸
 2. If the formula in paragraph (1) of this subdivision results in a number, which is not a whole number, such number shall be rounded to the nearest whole number.⁹
 3. The number of legislators determined for each county legislative district pursuant to paragraphs (1) and (2) of this subdivision shall be added together and if the total aggregate equals the size of the legislature provided in subdivision A of this section, the legislature shall be thus apportioned. If the aforesaid aggregate does not equal the size of the legislature as provided in subdivision A of this section, a legislator or legislators shall be added or subtracted to one or more districts, on the basis of population, to make the aggregate equal the size of the legislature¹⁰.
- D. The county legislature shall apportion its members among the county legislative districts by local law. Such local law shall be adopted by the legislature within 90 days of the county's official receipt of the decennial census.¹¹
- E. To comply with the United States Constitutional mandate of one person, one vote, on all matters each legislator shall cast a weighted vote which shall be computed after each federal decennial

⁵ Amended by L.L. 7-2001.

⁶ Amended by L.L. 4-2011.

⁷ Amended by L.L. 4-2011.

⁸ Former Section 2.04 (C) (i). Redesignated Section 2.04 (C) (1) by L.L. 2-2015.

⁹ Former Section 2.04 (C) (i). Redesignated Section 2.04 (C) (2) by L.L. 2-2015.

¹⁰ Amended by L.L. 4-2011.

¹¹ Amended by L.L. 4-2011

census and which shall be effective as of the beginning of the term of legislators elected at the next subsequent general election.¹²¹³

- F. The legislators from a county legislative district shall have an equal vote, and such vote shall be calculated for each legislative district. The population of each county legislative district shall be divided by the number of legislators apportioned to it. The resulting number shall be divided by the average population per legislator for the entire county as determined pursuant to subdivision b of this section. The formula for calculating the weighted vote is thus expressed as follows: (District Population/Number of Legislators)/(Total County Population/Total Size of Legislature).¹⁴

Section 2.05. Vacancies.¹⁵

Vacancies which occur on the county legislature shall be filled in the following manner:

- A. Not later than 45 days after the happening of the vacancy, and upon at least 10 days' written notice, the chairperson of the county legislature shall conduct a caucus of county legislators.
- B. At the caucus, each legislator shall cast a vote for a candidate to fill the vacancy.
- C. If more than 2 candidates receive votes in the caucus, and no candidate receives a majority of the votes cast, the person receiving the least number of votes shall be deemed eliminated, and this procedure shall be followed in each subsequent ballot until a candidate has received a majority of the votes cast.
- D. The candidate selected in the manner provided in this section shall take and file his or her oath of office in accordance with law, and shall be entitled to take his or her seat at the next meeting of the county legislature, and shall serve until the next general election, at which time the electors of the district shall elect a district legislator to complete the balance of the term, if any.
- E. If a vacancy occurs between September 20th and the date of the general election in that same year, the procedure provided in the subsections of this section shall be followed to fill the vacancy, and the person selected in this manner shall take and file his or her oath of office in accordance with law and take his or her seat at the next meeting of the county legislature, and shall serve until the general election held in the year next following the year of his or her designation by the caucus, at which time the electors of the district shall elect a district legislator to complete the balance of the term, if any.

Section 2.06. Officers and committees of the county legislature.¹⁶

¹² Amended by L.L. 4-2011.

¹³ Added by L.L. 7-2001; former subdivision E was redesignated subdivision F by L.L. 7-2001.

¹⁴ Formerly subdivision E; redesignated and amended by L.L. 7-2001; former subdivision F was redesignated subdivision G by L.L. 7-2001; L.L. 4-2011.

¹⁵ Amended by L.L. 2-2007.

¹⁶ Amended by L.L. 9-1971, § 2; L.L. 2-2000, § 1.

- A. On January 1st of the even numbered year next following the election of any members of the county legislature, or as soon thereafter as practicable, the county legislature shall meet and organize by electing from among its members a chairperson and such other officials as are deemed required.
- B. Notwithstanding the provisions of section 200 of the New York State County Law or other applicable law, the chairperson, vice chairperson, deputy chairperson, majority and minority leaders may be paid an additional amount of salary which amount may be set from time to time in the tentative budget or within budgetary appropriations.
- C. The chairperson shall appoint a deputy chairperson and members of the county legislature to serve on such legislative committees as are provided by the rules of the county legislature.
- D. The clerk of the county legislature shall serve as chairperson until such time as the county legislature elects a chairperson.

Section 2.07. Clerk of the county legislature.¹⁷

On January 1st of the even numbered year next following the election of any members of the county legislature, or as soon thereafter as practicable, the county legislature shall appoint a clerk who shall serve at the pleasure of the county legislature and until his or her successor is appointed and has qualified, and from time to time the clerk shall appoint such additional personnel as are required for the efficient operation of the office of the clerk, within budgetary limitations.

Section 2.08. Director of legislative operations.¹⁸

On January 1st of the even numbered year next following the election of any members of the county legislature, or as soon thereafter as practicable, the chairperson of the county legislature shall appoint a director of legislative operations who shall serve at the pleasure of the chairperson of the county legislature and until his or her successor is appointed and has qualified, within budget limitations.

Section 2.09. Counsel to the county legislature.¹⁹

- A. Notwithstanding the provisions of section 501 of the New York State County Law, this charter or other applicable law, on January 1st of the even numbered year next following the election of any members of the county legislature or as soon thereafter as practicable, the chairperson of the county legislature shall appoint a counsel to the county legislature, who shall have been admitted to practice law in the State of New York and is a resident of the County of Schenectady.
- B. The counsel to the county legislature shall serve at the pleasure of the chairperson of the county legislature and until his or her successor is appointed and has qualified, within budget limitations.

Section 2.10. Legislative enactments.²⁰

¹⁷ Amended by L.L. 9-1971, § 3.

¹⁸ Added by L.L. 2-2000, § 3; former section 2.08 was renumbered section 2.11 by L.L. 2-2000, § 2.

¹⁹ Added by L.L. 2-2000, § 4; former section 2.09 was renumbered section 2.12 by L.L. 2-2000, § 2.

²⁰ Added by L.L. 2-2000, § 5; former section 2.10 was renumbered section 2.13 by L.L. 2-2000, § 2.

- A. Every resolution before the county legislature for enactment shall be in writing.
- B. Every written resolution shall have a title which shall concisely state the subject and contents thereof; shall completely embody the legislative initiatives from which it is preceded; shall expressly set forth the provisions of local law to be enacted; and shall expressly specify whether it is repealing or amending an existing local law.
- C. Every resolution shall be preceded by a legislative initiative, which shall be in writing, in a form and manner as prescribed in these rules and as set forth by the chairperson.
- D. Every legislative initiative must set forth the following information in the following form:
 - 1. The sponsor of the proposed resolution;
 - 2. The title of the proposed resolution;
 - 3. A statement of the purpose and general idea of the proposed resolution;
 - 4. A summary of the specific provisions of the proposed resolution;
 - 5. A statement as to the effects the proposed resolution would have upon present law; and
 - 6. A statement of the sponsor's justification as to why the proposed resolution should become law.
- E. Upon the report of a legislative initiative from a standing committee to the floor of the county legislature, at the election of the sponsor of the legislative initiative, the counsel to the county legislature, the county attorney, or the sponsor, shall convert the legislative initiative so reported, into resolution form.
- F. Each resolution shall completely embody the terms of the legislative initiative from which it was converted, and shall be considered by the entire county legislature at the first regular meeting after it was reported to the floor of the county legislature.

Section 2.11. Powers and duties of the county legislature.²¹

- A. Except as otherwise provided in this charter, the county legislature shall have and exercise all such powers and duties conferred on the Schenectady County board of supervisors, or generally conferred on a board of supervisors in the State of New York by applicable law, and all powers necessarily incidental thereto, and shall for the purposes of general laws conferring powers upon boards of supervisors be a board of supervisors.
- B. The county legislature shall have, but not by way of limitation, the following powers and duties:
 - 1. To adopt by resolution all necessary rules and regulations for its conduct and procedure in accordance with section 153 of the New York State County Law.

²¹ Formerly section 2.08; renumbered by L.L. 2-2000, § 2.

2. To make appropriations, incur indebtedness and adopt the budget.
3. To levy taxes, provided, however, that except as otherwise required by law the net cost of all general services rendered or made available by the county to the entire county shall be a charge against the entire county, and provided further that the net cost of all special services rendered or made available by the county to one or more municipalities or special districts within such county shall be a charge against such municipalities or special districts or the taxpayers or taxable real property thereof.
4. To equalize real property taxes on the basis of information supplied by the New York state board of equalization and assessment, various municipalities within the County of Schenectady, and various county administrative units.
5. To exercise all powers of local legislation in relation to enacting, amending or rescinding local laws, charter laws, legalizing acts, ordinances or resolutions.²²
6. To adopt, amend, and repeal by local law an administrative code which shall set forth the details of administration of the county government consistent with the provisions of this charter and which may contain revisions, simplifications, consolidations, codifications and restatements of special laws, local laws, ordinances, resolutions, rules and regulations consistent with this charter or amendments thereto.
7. By local law to create, alter, combine or abolish county administrative units not headed by elective officers.
8. To fix the compensation of all officers and employees paid from county funds except members of the judiciary, and except that the compensation of any elected official paid from county funds shall not be decreased during his or her term of office.
9. To make or cause to be made such studies, audits and investigations as it deems to be in the best interest of the county, and in connection therewith to obtain professional and technical advice, appoint temporary advisory boards of citizens, subpoena witnesses, administer oaths and require the production of books, papers and other evidence deemed necessary or material to such study, audit or investigation.
10. To appoint, and at its pleasure to remove, the county manager, and to appoint, or confirm, as the case may be, such other officials and employees as provided in this charter or administrative code.
11. To fix the amount of bonds of officers and employees paid from county funds.
12. To fill a vacancy in any elective county office, except the judiciary, and except as provided otherwise by this charter. The person or persons so appointed shall hold office by virtue of such appointment until the first general election after the happening of the vacancy, at which

²² There are codified local laws which establish quorum and/or vote requirements for the legislature in certain circumstances. Chapter 75 sets the quorum and vote requirements in the event of a disaster and chapter 180 mandates a three-fourths vote of the voting strength of the legislature to approve an agreement providing for the establishment of a mass transportation system.

election the electors of the county shall fill the vacancy for the balance of the term, if any, and the person so elected shall take office immediately.

13. To determine and make provision for any matter of county government not otherwise provided for, including but not restricted to any necessary matter involved in the transition to this charter form of government.

Section 2.12. Publication of local laws.²³

In addition to complying with section 27 of the New York State Municipal Home Rule Law, within 10 days after the adoption of a local law by the county legislature, the clerk of the legislature shall cause a copy of an abstract of the local law to be published in the official newspapers of the county.

Section 2.13. Official newspapers.²⁴

Notwithstanding the provisions of section 214 of the New York State County Law or other applicable law, the legislature shall be required to designate annually only one newspaper as the official newspaper for the publication of all local laws, notices and other matters required by law to be published.

ARTICLE III

THE COUNTY MANAGER

- 3.00. The county manager; appointment; term; qualifications.
- 3.01. Powers and duties.
- 3.02. Miscellaneous administrative functions.
- 3.03. Acting county manager; how designated.

Section 3.00. The county manager; appointment; term; qualifications.

- A. The county manager shall be the chief administrative officer of the county.
- B. He or she shall be appointed by the county legislature solely on the basis of his or her executive and administrative qualifications.
- C. He or she shall serve at the pleasure of the county legislature and may be suspended or removed by it.
- D. The county manager shall have supervision over all county departments, offices, agencies and administrative units except as otherwise provided in this charter, and shall hold no other public or political office.

Section 3.01. Powers and duties.

²³ Formerly section 2.09; renumbered by L.L. 2-2000, § 2.

²⁴ Formerly section 2.10; renumbered by L.L. 2-2000, § 2; added by L.L. 1-1988, § 1.

- A. The county manager shall be responsible to the county legislature for the administration of all county affairs.
- B. In addition to such other powers and duties provided by this charter or administrative code, he or she shall:
 - 1. Be the chief executive officer and administrative head of county government.
 - 2. Appoint to serve during his or her pleasure the heads of all departments, subject to confirmation by the county legislature, and all subordinate officers and employees, except such officers required to be elected and their subordinates, and except as otherwise provided in this charter.
 - 3. Exercise supervision and control of all administrative units, the heads of which he or she appoints, and prescribe the internal organization of such departments, offices and agencies.
 - 4. Appoint the county historian, and county fire coordinator, subject to confirmation by the county legislature, and all other county employees, except as provided in this charter. All such appointees shall serve at the pleasure of the county manager, except where otherwise provided by this charter.²⁵
 - 5. Appoint the members of all county boards where the members thereof are required to be appointed by county government, subject to confirmation by the county legislature including, but not limited to, the county fire advisory board, the district fish and wildlife management board, and the soil conservation district.²⁶
 - 6. Execute and enforce all local laws, legalizing acts, ordinances or resolutions of the county legislature, and all other laws required to be enforced through the county legislature or other county officers subject to its control.²⁷
 - 7. Collect all revenues and make all expenditures, secure proper accounting for all funds, oversee the physical property of the County, exercise general supervision over all county institutions and agencies, and coordinate the various activities of the county and unify the management of its affairs.²⁸
 - 8. Be the chief budget officer of the county and be responsible for the preparation of the operating and capital budgets of the county in manner provided by the charter.²⁹

²⁵ Formerly section 21.07; redesignated by L.L. 2-2015; former paragraph 4 redesignated paragraph 6 by L.L. 2-2015.

²⁶ Formerly section 21.06; redesignated by L.L. 2-2015; former paragraph 5 redesignated paragraph 7 by L.L. 2-2015.

²⁷ Formerly paragraph 4; redesignated by L.L. 2-2015.

²⁸ Formerly paragraph 5; redesignated by L.L. 2-2015.

²⁹ Formerly paragraph 6; redesignated by L.L. 2-2015.

9. Attend all meetings of the county legislature and recommend such measures as he or she may deem expedient or necessary.³⁰
10. Designate one or more depositaries located within the county for the deposit of monies received by the county.³¹
11. Examine regularly the books and papers of every administrative unit and report thereon to the county legislature, and order an audit of any administrative unit at any time.³²
12. Execute any contract for goods or services subject to review and approval of the county attorney as to form and content and within the amounts authorized by the annual budget, and except as otherwise provided in this charter or administrative code.³³
13. Report to the county legislature annually at the close of the fiscal year or as soon thereafter as practicable, but in no event later than the first day of June, and at such other times as the county legislature shall direct, the activities of the several administrative units of the county during the preceding fiscal year.³⁴
14. Have all necessary incidental powers to perform and exercise any of the duties and functions specified in this section or lawfully delegated to him or her.³⁵
15. Perform such other duties and have such other powers as may be prescribed for him or her by law, administrative code, ordinance or resolution, or as may be prescribed by the county legislature.³⁶
16. In addition to the powers set forth in this charter, have and be responsible for the exercise of all executive and administrative powers in relation to any and all functions of county government not otherwise specified in this charter.³⁷

Section 3.02. Miscellaneous administrative functions.³⁸

Administrative functions not otherwise assigned by this charter or the administrative code shall be assigned by the county manager to an appropriate administrative unit.

³⁰ Formerly paragraph 7; redesignated by L.L. 2-2015.

³¹ Formerly paragraph 8; redesignated by L.L. 2-2015.

³² Formerly paragraph 9; redesignated by L.L. 2-2015.

³³ Formerly paragraph 10; redesignated by L.L. 2-2015.

³⁴ Amended by L.L. 2-1985, § 1; formerly paragraph 11; redesignated by L.L. 2-2015.

³⁵ Formerly paragraph 12; redesignated by L.L. 2-2015.

³⁶ Formerly paragraph 13; redesignated by L.L. 2-2015.

³⁷ Formerly paragraph 14; redesignated by L.L. 2-2015.

³⁸ Formerly section 21.08; redesignated by L.L. 2-2015; former section 3.02 redesignated section 3.03 by L.L. 2-2015.

Section 3.03. Acting county manager; how designated.³⁹

- A. The county manager shall designate in writing one or more appointive department or executive office heads to perform the duties of the county manager during the latter's temporary inability to perform his or her duties by reason of disability or absence from the county. Such designation, with order of succession specified, shall be filed with the clerk of the county legislature. Any such designation may be revoked by the county manager at any time by filing a notice of revocation with the clerk of the county legislature or by majority vote of the county legislature. If a vacancy occurs in the office of the county manager, the acting county manager shall serve until the vacancy is filled by the county legislature, pursuant to the provisions of this charter.
- B. In the event that no acting county manager has been designated or is able to serve, the county legislature shall designate an appointive department or executive office head to perform the duties of the office during the disability or absence of the county manager.

ARTICLE IV

DEPARTMENT OF LAW

- 4.00. Department of law; county attorney.
- 4.01. Powers and duties.
- 4.02. Deputy and assistant county attorneys.

Section 4.00. Department of law; county attorney.

- A. There shall be a department of law headed by the county attorney, appointed by the county manager subject to confirmation by the county legislature.
- B. The county attorney shall have been admitted to practice law in the State of New York, and a resident of the County of Schenectady.
- C. He or she shall serve at the pleasure of the county manager.

Section 4.01. Powers and duties.⁴⁰

Except as otherwise provided in this charter or the administrative code, the county attorney shall be the legal advisor for the county and, on its behalf in county matters of a civil nature, advise all county officers and employees and where in the interest of the county, prepare all necessary papers and written instruments in connection therewith; prosecute or defend all action or proceedings of a civil nature brought by or against the county; execute tax foreclosure proceedings and perform such other additional and related duties as may be prescribed by law, by the county manager, or by resolution of the county legislature.

Section 4.02. Deputy and assistant county attorneys.

³⁹ Formerly section 3.02; redesignated by L.L. 2-2015.

⁴⁰ Amended by L.L. 2-2000, § 6.

- A. The county attorney shall have the power to appoint such confidential deputy county attorneys and assistant county attorneys as shall be authorized by the county legislature and within the appropriations made therefore.
- B. Such appointees shall be in the exempt class of the civil service, and shall serve at the pleasure of the county attorney.

ARTICLE V

DEPARTMENT OF FINANCE

- 5.00. Department of finance; commissioner.
- 5.01. Powers and duties.
- 5.02. Bureau of treasury; county treasurer.
- 5.03. Bureau of equalization and assessment; director.
- 5.04. Bureau of purchase; purchasing agent.
- 5.05. Bureau of accounts; supervisor.

Section 5.00. Department of finance; commissioner. ⁴¹

- A. There shall be a department of finance headed by a commissioner who shall be appointed by the county manager, subject to confirmation by the county legislature, on the basis of his or her administrative experience and qualifications for the office.
- B. Notwithstanding the provisions of section 3.01, subdivision B, paragraph 2 of this charter, the commissioner shall be appointed for a 5 year term.
- C. During the term of appointment, the commissioner's salary shall not be diminished.

Section 5.01. Powers and duties.

- A. The commissioner of finance shall be the chief fiscal officer of the county.
- B. Except as otherwise provided in this charter, he or she shall have supervision and control over the financial affairs of the county, have all the powers and be responsible for all the duties hereinafter conferred or imposed upon the several bureaus of the department, and have all the powers granted to a county treasurer by applicable law.
- C. Upon approval of the county manager he or she may perform the duties of any bureau head under his or her supervision, for which he or she has the prescribed qualifications, and may consolidate 2 or more bureaus under one head.

Section 5.02. Bureau of treasury; county treasurer. ⁴²

³² Amended by L.L. 13-2000, § 1.

⁴² Amended by L.L. 2-1985, § 2.

The functions, powers and duties of the bureau of treasury/county treasurer provided by this charter or administrative code, or by applicable law shall devolve upon the commissioner of finance.

Section 5.03. Bureau of equalization and assessment; director.⁴³

The functions, powers and duties of the bureau of equalization and assessment/director provided by this charter or administrative code, or by applicable law shall devolve upon the commissioner of finance except consultation and advisory services to local assessors which shall devolve upon the director of the real property tax service agency.

Section 5.04. Bureau of purchase; purchasing agent.

- A. There shall be in the department of finance a bureau of purchase headed by a purchasing agent who shall be appointed by the county manager on the basis of his or her experience and qualifications for the office.
- B. He or she shall:
 - 1. Make all purchases and sales of materials, supplies and equipment and contract for the rental or servicing of equipment for all departments of the county in accordance with requirements as to advertising and competitive bidding set forth in the administrative code or, in the absence of such requirements, as set forth in applicable law.
 - 2. Make purchases for other civil divisions within the county, if approved by the governing board of such divisions, and pursuant to agreement as provided in this charter or administrative code.
 - 3. Be responsible for the proper maintenance of all current inventories of supplies, equipment and materials owned or under the jurisdiction of the county, and for such purpose oversee the keeping of records and the operation of any storeroom or warehouse operated by the county.
 - 4. Have authority to transfer materials, supplies and equipment between departments, offices and agencies subject to the approval of the county manager.
 - 5. Provide or approve suitable specifications or standards for all materials, supplies and equipment to be purchased for the county, inspect all deliveries to determine their compliance with such specifications and standards and accept or reject the deliveries in accordance with the results of his or her inspection, subject to approval of the county manager.

Section 5.05. Bureau of accounts; supervisor.

- A. There shall be in the department of finance a bureau of accounts headed by a supervisor of accounts who shall be appointed by the county manager on the basis of his or her experience and qualifications for the office.
- B. He or she shall:
 - 1. Keep records of appropriations, encumbrances and expenditures, and prescribe approved methods of accounting for county offices and administrative units.

⁴³ Amended by L.L. 2-1985, § 3.

2. Examine all requisitions for the encumbering of funds for the expenditures for which the county is responsible and certify as to the availability of funds therefore.
3. Audit and certify for payment all lawful claims or charges against the county or against funds for which the county is responsible.
4. Procure statements from all depositories of county funds and funds for which the county is responsible and reconcile such statements with the county accounts.
5. Subject to the provisions of the New York State Civil Service law, certify the correctness of payrolls for the payment of salaries of officers and employees paid from county funds and deliver a certified transcript to the commissioner of finance as authorization for payment.

ARTICLE VI

DEPARTMENT OF AUDIT AND CONTROL

- 6.00. Department of audit and control; county auditor.
- 6.01. Powers and duties.
- 6.02. Professional accounting firm; designation by county legislature.

Section 6.00. Department of audit and control; county auditor.

- A. There shall be a department of audit and control headed by a county auditor who shall be appointed by the county legislature.
- B. He or she shall serve at the pleasure of the county legislature.

Section 6.01. Powers and duties.⁴⁴

- A. The county auditor shall be the chief internal auditing officer of the county.
- B. He or she shall at the direction of the county legislature:
 1. Examine and audit the books, records, vouchers and other papers pertaining to the money, funds and property of any county administrative unit, and render reports thereon to the county legislature as to whether proper books and records have been kept and all money and property accounted for.
 2. Maintain an internal audit of any county department in conjunction with, and as a supplement to, the external audits performed by professional accounting firms.
 3. Conduct investigations which may be upon his or her own initiative into any phase of county financial operations.
 4. Perform such other additional and related duties as may be prescribed by the county legislature.

⁴⁴ Amended by L.L. 2-1985, § 4.

Section 6.02. Professional accounting firm; designation by county legislature.

- A. The county legislature shall designate a professional accounting firm to conduct external audits at intervals not exceeding 4 years.
- B. Such professional accounting firm shall make the results of its audits available, in writing, to the county legislature.
- C. The professional accounting firm shall be responsible for guiding the internal audit.

ARTICLE VII

FINANCIAL PROCEDURES

- 7.00. Fiscal year.
- 7.01. Preparation and submission of budget and capital program.
- 7.02. Scope of budget message; budget and capital program.
- 7.03. Filing.
- 7.04. Notice and hearing.
- 7.05. County legislature action.
- 7.06. Tax levy and "reserve for uncollected taxes".
- 7.07. Appropriations: supplemental and emergency.
- 7.08. Appropriations: transfer and reduction.
- 7.09. Lapse of appropriations.
- 7.10. Certain payments and obligations prohibited; amendment of capital program.

Section 7.00. Fiscal year.

The fiscal year of the county shall begin with the first day of January and end with the last day of December.

Section 7.01. Preparation and submission of budget and capital program.

- A. On or before the first day of August each year, the county manager shall receive estimates of revenues and expenditures for the ensuing fiscal year from all offices, departments, and all other collecting and spending agencies of the government, except that all information required by the county manager for the capital program for the ensuing 6 years shall be submitted to the county manager by the requesting administrative units no later than the fifteenth day of July each year.
- B. The county manager shall review all estimates furnished him or her and may revise the estimates in such manner as he or she deems advisable.
- C. On or before the first day of October, the county manager shall submit to the county legislature the tentative budget for the ensuing fiscal year, the capital program for the ensuing 6 years, and an accompanying budget message.

Section 7.02. Scope of budget message; budget and capital program.

- A. The budget message shall consist of an outline of existing and proposed financial policies as they relate to the main features of the budget and capital program, a simple, clear, general summary of the detailed contents of the budget and the capital program. It shall further include a list of pending capital improvements and those proposed for the ensuing fiscal year together with the manager's comments. The message shall also include such other supporting or explanatory material as the manager deems desirable.
- B. The budget shall present a complete financial plan both in fiscal terms and in terms of work to be done for the operation of the county and its departments, offices, and agencies for the ensuing fiscal year. It shall contain all proposed expenditures and estimated revenues classified and detailed as set forth in the administrative code and a comparison of all expenditure and revenue items with the actual data of the last completed fiscal year and with an estimate of the expenditure and revenue items of the current fiscal year based on actual fiscal data of the past 9 months.
- C. The capital program shall contain an enumeration and description of each capital improvement proposed to be undertaken within the ensuing 6 fiscal years, showing the estimated cost, the proposed method of financing, the order of priority and the projected operation and maintenance expense. The first year of such capital program shall constitute the capital budget which shall contain a detailed account of all current and debt requirements for capital improvements for the fiscal year to which the budget relates except that the authorization of individual obligations of indebtedness must occur pursuant to the New York State Local Finance Law.

Section 7.03. Filing.

A copy of the tentative budget and capital program when submitted to the legislature shall be filed in the office of the county manager where it shall be available for public inspection until the public hearing is held.

Section 7.04. Notice and hearing.

- A. A public hearing shall be held on the budget and capital program prior to any legislative action on such budget and capital program.
- B. At least 10 days before such public hearing the legislature shall cause a reasonable number of copies of the tentative budget and capital program to be printed and distributed as specified in the administrative code.
- C. The legislature shall at the same time cause to be published at least once in one or more newspapers of general circulation in the county the general summaries of the tentative budget and capital program and a notice setting forth the time and place for the public hearing thereon.
- D. The legislature shall post copies of the notice conspicuously at the county office building and at seats of municipal government in the county.

Section 7.05. County legislature action.

- A. After the public hearing, the county legislature may adopt the budget with or without amendment. In amending, it may add, delete, increase or decrease items except for appropriations for debt service and any other appropriations required by law.

- B. After the public hearing, the county legislature may also adopt the capital program with or without amendment. In amending, it may delete and decrease any item.
- C. Any additions and increases must wait for the recommendations of the county manager which the legislature must request and consider, but need not follow.
- D. If a requested recommendation is not presented to the legislature within 5 days after the request therefore, the legislature may make such additions and increases without such recommendation.
- E. The legislature shall adopt the budget and capital program on or before the first day of November. If it fails to do so the budget and capital program shall be deemed adopted by the legislature as submitted by the manager.
- F. Three copies of the budget and capital program as adopted shall be certified by the county manager and the clerk of the county legislature.
 - 1. One of these copies shall be filed in the office of the county manager and one each in the offices of the commissioner of finance and the clerk of the county legislature.
 - 2. The budget and capital program so certified shall be printed or otherwise reproduced and a copy shall be made available upon request from any county resident.

Section 7.06. Tax levy and "reserve for uncollected taxes".

- A. The net county tax requirement, determined by subtracting the total estimated revenues from the total proposed expenditures as set forth in the adopted budget shall be levied in advance by the county legislature upon the taxable real property of the several tax districts of the county.
- B. The taxes so levied shall include an amount to be known as "reserve for uncollected taxes" which shall be fixed at such amount as deemed sufficient by the county legislature to ensure the receipt of the required amount of cash from the real property taxes.

Section 7.07. Appropriations: supplemental and emergency.

- A. If during any fiscal year the county manager certifies that there are available for appropriation:
 - 1. revenues received from sources not anticipated in the budget for that year, or
 - 2. revenues received from anticipated sources but in excess of the budget estimates therefore, or
 - 3. unappropriated cash surplus,
 - 4. the county legislature may make supplemental appropriations for the year up to the amount so certified.
- B. To meet a public emergency affecting life, health or property the county legislature upon written request by the county manager may make emergency appropriations. To the extent that there are no available unappropriated revenues to meet such appropriations the legislature may authorize the issuance of obligations pursuant to the New York State Local Finance Law.

Section 7.08. Appropriations: transfer and reduction.

- A. If at any time during the fiscal year it appears that the revenues available will be insufficient to meet the amounts appropriated, the county manager shall without delay report to the county legislature the estimated amount of the deficit, remedial action taken by him or her, and his or her recommendations as to further action.
 - 1. To prevent or minimize a deficit the legislature may reduce one or more appropriations except that no appropriation for debt service may be reduced, and no appropriation may be reduced by more than the unencumbered balance thereof or below any amount required by law to be appropriated.
 - 2. The legislature may also borrow temporarily pursuant to the New York State Local Finance Law in an amount no greater than such deficit for such purpose.
- B. The county manager may at any time during the fiscal year transfer part or all of any unencumbered appropriation balance between classifications of expenditures within the same department, office, or agency subject to certain restrictions and limitations as set forth in the administrative code.
- C. Upon written request by the county manager or by its own action, the county legislature by resolution may transfer part or all of any unencumbered appropriation balance from one department, office or agency to another. But no transfer shall be made from appropriations for debt service, and no appropriation may be reduced below any amount required by law to be appropriated.

Section 7.09. Lapse of appropriations.

- A. Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered.
- B. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned by a two-thirds vote of the county legislature membership.

Section 7.10. Certain payments and obligations prohibited; amendment of capital program.

- A. No payment shall be authorized or made and no obligation incurred against the county except in accordance with appropriations duly made except that nothing contained in this section or other sections of this charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds; nor shall it prevent the making, when permitted by law, of any contract or any lease providing for the payment of funds at a time beyond the end of the fiscal year in which the contract or lease is made. But any contract, lease or other obligation requiring the payment of funds from the appropriations of a later fiscal year or of more than one fiscal year shall be authorized by the legislature.
- B. No obligation for the financing of a capital improvement shall be authorized, issued or sold unless such obligation shall have been approved in the annual capital program, which may be amended as hereinafter provided. At any time after the adoption of such capital program the county legislature by the affirmative vote of two-thirds of the weighted vote, as defined in section 2.04 of this charter, may amend the capital program by adding, modifying or abandoning projects. Each

amendment resulting in an addition or expansion shall be subject to the consideration of the county manager's recommendation.⁴⁵

ARTICLE VIII

CIVIL SERVICE COMMISSION

- 8.00. Civil service commission; membership.
- 8.01. Commission members; term of office.
- 8.02. Organization of commission; election of chairperson.
- 8.03. Powers and duties of commission.

Section 8.00. Civil service commission; membership.

- A. There shall be a county civil service commission consisting of 3 members not more than 2 of whom shall be adherents of the same political party.
- B. The members of the county civil service commission shall be appointed by the county manager subject to confirmation by the county legislature, except that the membership of the county civil service commission at the time of adoption of this charter shall be continued to the end of each member's respective term, at which time the appointing authority of the county manager shall take effect.

Section 8.01. Commission members, term of office.

- A. The term of office of each county civil service commissioner shall be 6 years from the first day of June in the year in which the term of his or her predecessor expired.
- B. If the office of any such commissioner shall become vacant by death, resignation or otherwise, his or her successor shall be appointed as herein provided for the unexpired term.

Section 8.02. Organization of commission, election of chairperson.

- A. The county civil service commission shall annually elect one of its members chairperson.
- B. The county manager shall appoint such officers and employees as may be necessary for the performance of its duties.

Section 8.03. Powers and duties of commission.

Except as otherwise provided in this charter, the county civil service commission shall have, with reference to the civil service of the county, the powers and duties of a municipal civil service commission as provided in the Civil Service Law of this state, and shall be subject to supervision and control by the state civil service commission as are municipal civil service commissions.

⁴⁵ Amended by L.L. 4-2011

ARTICLE IX⁴⁶

REAL PROPERTY TAX SERVICE AGENCY

9.00. Real property tax service agency; director.

Section 9.00. Real property tax service agency; director.⁴⁷

- A. There shall be a real property tax service agency headed by a director who shall be appointed by the county manager, subject to confirmation by the county legislature.
- B. The operation of the real property tax service agency shall be provided and administered in accordance with the provisions of the New York State Real Property Tax Law, administrative code and by applicable law.

ARTICLE X⁴⁸

BOARD OF ELECTIONS

10.00. Board of elections; commissioners; employees.

Section 10.00. Board of elections; commissioners; employees.⁴⁹

- A. There shall be a Schenectady County board of elections constituted according to the New York State Election Law.
- B. The commissioners of election shall be appointed by the county legislature in accordance with the New York State Election Law, and shall have and exercise all powers and duties now or hereafter conferred or imposed upon them by applicable law.

⁴⁶ Deleted by L.L. 6-1971, § 1; added with new title by L.L. 2-2015.

⁴⁷ Added by L.L. 2-1985, § 11; formerly section 21.10; redesignated by L.L. 2-2015.

⁴⁸ Deleted by L.L. 7-1971, § 1; added with new title by L.L. 2-2015.

⁴⁹ Formerly section 21.00; redesignated by L.L. 2-2015.

ARTICLE XI ⁵⁰

DEPARTMENT OF PROBATION

11.00. Department of probation; director.

Section 11.00. Department of probation; director. ⁵¹

- A. There shall be a department of probation headed by a director of probation appointed in the manner provided by the New York State Criminal Procedure Law.
- B. The director of probation shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her by applicable law.

ARTICLE XII ⁵²

OFFICE OF CONSUMER AFFAIRS/WEIGHTS AND MEASURES

12.00. Office of Consumer Affairs/Weights and Measures; Director.

Section 12.00. Office of Consumer Affairs/Weights and Measures; Director. ⁵³

- A. There shall be an office of consumer affairs/weights and measures under the direction of a director of consumer affairs/weights and measures, who shall be appointed by the county manager, subject to confirmation by the county legislature, on the basis of his or her experience and qualifications for the office.
- B. The director of consumer affairs/weights and measures shall also be the county sealer of weights and measures, and shall have the powers and duties heretofore or hereafter conferred or imposed upon sealers of weights and measures by the laws of the State of New York.

ARTICLE XIII ⁵⁴

DEPARTMENT OF SOCIAL SERVICES

13.00. Department of social services; commissioner.

13.01. Powers and duties.

⁵⁰ Deleted by L.L. 8-1971, § 1; added with new title by L.L. 2-2015.

⁵¹ Amended by L.L. 2-1985, § 9; formerly section 21.01; redesignated by L.L. 2-2015.

⁵² Deleted by L.L. 5-1990, § 1; added with new title by L.L. 2-2015.

⁵³ Amended by L.L. 1-1997, § 1; formerly section 21.05; redesignated by L.L. 2-2015.

⁵⁴ Article retitled by L.L. 2-1985, § 5.

Section 13.00. Department of social services; commissioner. ⁵⁵

- A. There shall be a department of social services headed by a commissioner appointed by the county manager, subject to confirmation by the county legislature.
- B. The commissioner of social services shall have received a bachelor's degree from an accredited college or university, and shall possess the qualifications required by state law.
- C. The commissioner of social services shall be appointed for a 5 year term.

Section 13.01. Powers and duties. ⁵⁶

- A. The commissioner of social services shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her by applicable law, including management and supervision of any welfare institutions of the county.
- B. The commissioner of social services shall perform such other and related duties as shall be delegated to him or her by the county manager.

ARTICLE XIV ⁵⁷

DEPARTMENT OF PUBLIC HEALTH SERVICES

- 14.00. County health district; board of health.
- 14.01. Department of public health services; public health director; appointment; qualifications.
- 14.02. Powers and duties of the public health director.
- 14.03. Acting public health director.
- 14.04. Medical director and staff.
- 14.05. Health services advisory board.
- 14.06. Sanitary code.
- 14.07. Medical examiner; appointment; qualifications; powers and duties.
- 14.08. Commissioner of public health services.
- 14.09. Organization of the department of public health services.

Section 14.00. County health district; board of health. ⁵⁸

- A. The County of Schenectady shall be a county health district.

⁵⁵ Amended by L.L. 2-1985, § 5.

⁵⁶ Amended by L.L. 2-1985, § 5; L.L. 2-2006, § 1.

⁵⁷ Article retitled by L.L. 4-1990, § 1.

⁵⁸ Deleted and added by L.L. 2-1985, § 6; L.L. 4-1990, § 1.

- B. The county legislature shall constitute the board of health with all the powers and duties of a board of health of a county or part-county health district.

Section 14.01. Department of public health services; public health director; appointment; qualifications.⁵⁹

- A. There shall be a department of public health services headed by a public health director who shall be appointed by the county manager, subject to confirmation by the county legislature on the basis of his or her professional training; qualifications as may be required by law, and experience in the field of public health administration.
- B. He or she shall serve at the pleasure of the county manager.

Section 14.02. Powers and duties of the public health director.⁶⁰

- A. Except as otherwise provided in this charter, the public health director shall have all the powers and perform all the duties conferred or imposed by law upon public health directors.
- B. In addition thereto, the public health director shall perform such other and related duties as shall be required or delegated to him or her by the county manager or county legislature.

Section 14.03. Acting public health director.⁶¹

- A. The public health director shall designate in writing and file in the office of the county clerk, the office of the county manager and the office of the clerk of the county legislature an acting public health director who shall perform the powers and duties of the office in the event of a vacancy or the absence or the inability of such public health director to perform the duties of the office.
- B. Such acting public health director shall be designated from among the deputy directors, medical director and bureau heads under the jurisdiction of the public health director.

Section 14.04. Medical director and staff.⁶²

- A. The county manager, upon the recommendation of the public health director, shall have the power to appoint a medical director and such assistants and employees as shall be authorized by the county legislature.
- B. At the time of appointment, the medical director shall be and remain duly licensed and entitled to practice medicine in the State of New York, and shall have such other qualifications as may be required by law.
- C. The medical director shall be directly responsible to the public health director.

⁵⁹ Deleted by L.L. 2-1985, § 6; added by L.L. 4-1990, § 1.

⁶⁰ Deleted by L.L. 2-1985, § 6; added by L.L. 4-1990, § 1.

⁶¹ Added by L.L. 4-1990, § 1.

⁶² Added by L.L. 4-1990, § 1.

Section 14.05. Health services advisory board. ⁶³

- A. There shall be in the department of public health services a health services advisory board the members of which shall be appointed by the county manager, subject to confirmation by the county legislature.
- B. The composition of such advisory board in relation to the number of members and the professional or other representation, and the terms of such members, shall be as provided in the New York State Public Health Law for a health services advisory board.
- C. The health services advisory board shall advise the public health director with respect to the discharge of his or her powers, responsibilities and duties.
- D. The health services advisory board shall, at the request of the public health director, and may on its own initiative, advise the county legislature and the public health director on matters relating to the preservation and improvement of the public health.

Section 14.06. Sanitary code. ⁶⁴

- A. The health services advisory board may, subject to the approval of the public health director, recommend and submit to the county legislature for adoption, amendment or repeal thereof such rules, regulations, orders and directions relating to health in the county or part-county health district not inconsistent with the New York State Public Health Law or the state sanitary code.
- B. Any such rules, regulation, orders and directions so adopted, amended or repealed by the county legislature, in such manner and form as provided in the New York State Public Health Law, shall be known as the Schenectady County sanitary code. ⁶⁵

Section 14.07. Medical examiner; appointment; qualifications; powers and duties. ⁶⁶

- A. There shall be within the department of public health services a medical examiner who shall be appointed by the county manager, subject to confirmation by the county legislature.
- B. The medical examiner shall be a physician duly licensed to practice medicine in the State of New York, and shall have an adequate knowledge of forensic medicine.
- C. He or she shall serve at the pleasure of the county manager.
- D. The medical examiner shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her by applicable law.

⁶³ Added by L.L. 4-1990, § 1.

⁶⁴ Added by L.L. 4-1990, § 1.

⁶⁵ The Schenectady County sanitary code is chapter 125 of the codified local laws.

⁶⁶ Added by L.L. 4-1990, § 1; formerly section 14.07[1]; redesignated by L.L. 2-2015.

- E. He or she shall perform such other and related duties as shall be required or delegated to him or her by the county manager or county legislature.

Section 14.08. Commissioner of public health services. ⁶⁷

When a physician possessing the qualifications as prescribed in the sanitary code is the public health director, such individual shall perform the functions and exercise the powers and duties provided by this charter, or by applicable law, as the commissioner of public health services.

Section 14.09. Organization of the department of public health services. ⁶⁸

The department of public health services may be organized into such divisions and bureaus as may be prescribed by the county manager.

ARTICLE XV ⁶⁹

OFFICE OF COMMUNITY SERVICES

- 15.00. Office of community services; director.
- 15.01. Community services board.
- 15.02. Powers and duties; director.

Section 15.00. Office of community services; director. ⁷⁰

There shall be an office of community services headed by a director, who shall be appointed by the county manager on the basis of his or her experience and qualifications for the office and subject to confirmation by the county legislature.

Section 15.01. Community services board. ⁷¹

There shall be a community services board, the members of which shall be appointed by the county manager subject to confirmation by the county legislature in manner and number according to New York State Mental Hygiene Law.

⁶⁷ Added by L.L. 1-1994, § 1; formerly section 14.07[2]; redesignated by L.L. 2-2015.

⁶⁸ Added by L.L. 4-1990, § 1; formerly section 14.08; redesignated by L.L. 2-2015.

⁶⁹ Article retitled by L.L. 2-2015.

⁷⁰ Amended by L.L. 2-1985, § 7; L.L. 2-2015.

⁷¹ Formerly part of section 15.00; amended and redesignated by L.L. 2-2015.

Section 15.02. Powers and duties; director. ⁷²

- A. Except where inconsistent with this charter or administrative code, the director shall have and exercise all other powers and duties now or hereafter conferred or imposed upon him or her by the New York State Mental Hygiene Law or other applicable law.
- B. The director shall perform such other and related duties as shall be required or delegated to him or her by the county legislature or the county manager.

ARTICLE XVI ⁷³

DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING

- 16.00. Department of economic development and planning;
commissioner.
- 16.01. Powers and duties.
- 16.02. Economic development advisory board.
- 16.03. Economic development.

Section 16.00. Department of economic development and planning; commissioner. ⁷⁴

- A. There shall be a department of economic development and planning headed by a commissioner who shall be appointed by the county manager, subject to confirmation by the county legislature, on the basis of his or her professional training and experience in the fields of economic development and metropolitan, regional, county or municipal planning.
- B. The commissioner shall serve at the pleasure of the county manager.

Section 16.01. Powers and duties. ⁷⁵

- A. The commissioner of economic development and planning shall have and exercise all the powers and duties of a county, metropolitan or regional planning board as authorized by law.
- B. The commissioner of economic development and planning shall:
 - 1. Assist the county manager in executive planning, including the capital budget and capital improvement program, the preparation of all county plans, and supervise the writing of all planning reports.

⁷² Amended by L.L. 2-1985, § 7; L.L. 3-1978, § 1; formerly section 15.01; redesignated and amended by L.L. 2-2015.

⁷³ Article retitled by L.L. 5-2004, § 1.

⁷⁴ Amended by L.L. 5-2004, § 1.

⁷⁵ Amended by L.L. 5-2004, § 1.

2. Make available to cities, towns and villages in Schenectady County, at their request, advice and assistance on matters related to the planning function.
3. Act as secretary of the economic development advisory board.
4. Coordinate and oversee the various economic development initiatives within the county.
5. Perform such other and related duties as shall be required or delegated to him or her by the county manager.

Section 16.02. Economic development advisory board. ⁷⁶

- A. There may be in the department of economic development and planning an economic development advisory board, the members of which shall be appointed by the county manager subject to confirmation by the county legislature in manner and number according to the administrative code.
- B. The economic development advisory board shall be advisory to the county legislature, the county manager and the commissioner of planning in matters pertaining to comprehensive metropolitan, regional, county and municipal economic development and planning.

Section 16.03. Economic Development. ⁷⁷

- A. Notwithstanding any other provisions of law, the terms “public” or “municipal purpose” of the County of Schenectady shall include the promotion, creation, development or expansion of business, commerce, industry, or job opportunities within the corporate limits of the County of Schenectady in order to benefit the inhabitants thereof.

ARTICLE XVII

DEPARTMENT OF ENGINEERING AND PUBLIC WORKS

- 17.00. Department of engineering and public works; divisions and directors.
- 17.01. Powers and duties of director of public works.
- 17.02. Powers and duties of director of engineering; county engineer.
- 17.03. Appointment of director of division of parks; powers and duties.
- 17.04. Powers and duties of director of facilities.
- 17.05. Interim authority.

Section 17.00. Department of engineering and public works; divisions and directors. ⁷⁸

- A. There shall be a department of engineering and public works.

⁷⁶ Deleted by L.L. 1-1981, § 1; added by L.L. 1-1981, § 2; amended by L.L. 5-2004, § 1.

⁷⁷ Added by L.L. 8-1995, § 1; formerly section 21.13[1]; amended by L.L. 2-2015.

⁷⁸ Amended by L.L. 12-2000; L.L. 2-2015.

- B. The department of engineering and public works shall be composed of a division of public works, a division of engineering, a division of parks and a division of facilities.
- C. All of the divisions shall be headed by directors appointed by the county manager, subject to confirmation by the county legislature.

Section 17.01. Powers and duties of director of public works.⁷⁹

- A. The director of public works shall have all the powers and duties of the county superintendent of highways including but not limited to supervision of the construction, improvement, maintenance, repair, cleaning and lighting of all highways, roads, bridges, and grade separation structures, drains and drainage structures under the jurisdiction of the county.
- B. The director of public works shall have charge and supervision of the maintenance and operations of docks, marinas, parks, preserves, and other structures and facilities under the jurisdiction of the county.

Section 17.02. Powers and duties of director of engineering; county engineer.⁸⁰

The director of engineering shall:

- A. Be a professional engineer licensed by the State of New York.
- B. Have all the powers and duties of the county engineer and engineering duties of the county superintendent of highways including but not limited to the design, survey and other engineering related matters of structures under the jurisdiction of the county as provided by applicable law.
- C. Furnish engineering and other services as directed by the county manager.

Section 17.03. Appointment of Director of Division of Parks; Powers and Duties.⁸¹

- A. The director of public works shall act as director of the division of parks until such time as the county legislature may create the position of director of parks as part of the annual budget of the county.
- B. The director of parks shall, under the supervision of the director of public works, maintain and administer all county parks, trails and preserves.
- C. The director of parks shall have such other duties as are required by the county manager.

Section 17.04. Powers and duties of director of facilities.⁸²

⁷⁹ Amended by L.L. 12-2000; L.L. 2-2015.

⁸⁰ Amended by L.L. 12-2000; L.L. 2-2015.

⁸¹ Formerly section 17.04; amended and renumbered by L.L. 12-2000; amended by L.L. 2-2015; former section 17.03 was deleted by L.L. 12-2000.

⁸² Formerly section 17.05; renumbered and amended by L.L. 12- 2000; amended by L.L. 2-2015; former section 17.04 was renumbered section 17.03 by L.L. 12-2000.

- A. The director of facilities shall be appointed by the county manager, subject to confirmation by the county legislature.
- B. The director of facilities shall have all charge and supervision of the design, construction and alteration of county buildings, parking areas, drives, grounds and walks.
- C. The director shall have charge and supervision of maintenance, repair and custodial care of county buildings, except hospitals and infirmary buildings.
- D. The director of facilities shall furnish services as directed by the county manager.

Section 17.05. Interim authority. ⁸³

Upon approval of the county manager, any director is authorized, on an interim basis, to perform the duties of another director within the department of engineering and public works for which he or she has the prescribed qualifications consistent with applicable law.

ARTICLE XVIII

DEPARTMENT OF AVIATION

- 18.00. Department of aviation; commissioner
- 18.01. Powers and duties.

Section 18.00. Department of aviation; commissioner.

- A. There shall be a department of aviation headed by a commissioner of aviation appointed by the county manager, subject to confirmation by the county legislature, on the basis of his or her administrative experience and qualifications for the office.
- B. The commissioner of aviation shall serve at the pleasure of the county manager.

Section 18.01. Powers and duties.

In addition to such other and related duties as may be required or delegated to him or her by the county manager or the county legislature, the commissioner of aviation shall oversee and manage the operations of the Schenectady County airport, including the sale of supplies and the rental of space, and be responsible for custodial duties at said facility.

ARTICLE XIX

DEPARTMENT OF LIBRARIES

- 19.00. Schenectady County library system; board of trustees.
- 19.01. Powers and duties.

⁸³ Added by L.L. 12-2000; former section 17.05 was renumbered section 17.04 by L.L. 12-2000.

Section 19.00. Schenectady County library system; board of trustees.

There shall be a Schenectady County library system headed by a library board of trustees, the members of which shall be appointed by the county manager, subject to confirmation by the county legislature, in manner and number according to the administrative code.

Section 19.01. Powers and duties.

- A. The library board of trustees shall recommend for appointment by the county manager such staff as is provided within the appropriations therefore.
- B. Except where inconsistent with this charter or administrative code, the board of trustees shall have and exercise all other powers and duties now or hereafter imposed upon a board of trustees of a library system by the New York State Education Law or other applicable law.
- C. The board of trustees shall perform such other and related duties as shall be required or delegated to it by the county legislature or the county manager.

ARTICLE XX

MUNICIPAL COOPERATION

- 20.00. Local government functions, facilities and powers not transferred, altered or impaired.
- 20.01. Contracts for municipal cooperation.

Section 20.00. Local government functions, facilities and powers not transferred, altered or impaired.

No function, facility, duty or power of any city, town, village, school district or other district is transferred, altered or impaired by this charter or the administrative code.

Section 20.01. Contracts for municipal cooperation.

The County of Schenectady shall have power to contract with any public corporation, including but not limited to a municipal, district, or public benefit corporation or with any combination of the same for the establishment, maintenance and operation of any facility and the rendering of any service which each of the contracting parties would have legal authority to establish, maintain, operate or render for itself. Each of such contracting parties shall bear a fair proportionate share of the costs as agreed upon.

ARTICLE XXI ⁸⁴

VETERANS SERVICE AGENCY

⁸⁴ Article retitled by L.L. 2-2015; former article XXI was redesignated as article XXXIX by L.L. 2-2015 and most of its provisions were assigned to new articles or included in existing articles.

Section 21.00. Veterans service agency; director.

Section 21.00. Veterans service agency; director.⁸⁵

- A. There shall be a veterans service agency headed by a director who shall be appointed by the county manager, subject to confirmation by the county legislature, on the basis of his or her experience and qualifications for the office.
- B. The director of the veterans service agency shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her by applicable law.

ARTICLE XXII⁸⁶

COMMUNITY COLLEGE

Section 22.00. Community college.

Section 22.00. Community college.⁸⁷

- A. There shall be a community college headed by a board of trustees, the members of which shall be appointed in accordance with the provisions of the New York State Education Law.
- B. The operation of the community college shall be provided and administered in accordance with the provisions of the New York State Education Law, administrative code and by applicable law.

ARTICLE XXIII⁸⁸

OFFICE OF PUBLIC DEFENDER

Section 23.00. Public defender.

Section 23.00. Public defender.⁸⁹

- A. There shall be an office of public defender, which shall be headed by an attorney admitted to practice law in the State of New York and a resident of the County of Schenectady.
- B. The public defender shall be appointed by the county manager subject to confirmation by the county legislature.

⁸⁵ Formerly section 21.04; redesignated by L.L. 2-2015; former section 21.00 redesignated section 10.00 by L.L. 2-2015.

⁸⁶ Retitled by L.L. 2-2015, former article XXII redesignated as article XXXX by L.L. 2-2015.

⁸⁷ Added by L.L. 2-1985, § 12; formerly section 21.11, redesignated by L.L. 2-2015.

⁸⁸ Added by L.L. 2-2015.

⁸⁹ Added by L.L. 6-1986, § 1; formerly section 21.12; redesignated by L.L. 2-2015.

- C. The public defender shall serve at the pleasure of the county manager.
- D. The operation of the office of public defender shall be provided and administered in accordance with the provisions of the New York State County Law, administrative code and applicable law.

ARTICLE XXIV ⁹⁰

OFFICE OF CONFLICT DEFENDER

Section 24.00. Conflict defender.

Section 24.00. Conflict defender. ⁹¹

- A. There shall be an office of conflict defender to provide representation for indigent defendants who qualify for representation by the office of the public defender under state law, but due to a conflict of interest, the office of public defender is precluded from providing representation.
- B. The office of the conflict defender shall be headed by an attorney admitted to practice law in the State of New York and a resident of the County of Schenectady.
- C. The conflict defender shall be appointed by the county manager subject to confirmation by the county legislature.
- D. The conflict defender shall serve at the pleasure of the county manager.
- E. The conflict defender shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her by applicable law.

ARTICLE XXV ⁹²

OFFICE OF EMERGENCY MANAGEMENT

Section 25.00. Office of emergency management; director.

Section 25.00. Office of emergency management; director. ⁹³

- A. There shall be an office of emergency management headed by a director of emergency management who shall be appointed by the county manager, subject to confirmation by the county legislature, on the basis of his or her experience and qualifications for the office.

⁹⁰ Added by L.L. 2-2015.

⁹¹ Added by L.L. 3-2004, § 1; formerly section 21.13[3]; redesignated by L.L. 2-2015.

⁹² Added by L.L. 2-2015.

⁹³ Amended by L.L. 2-1985, § 10; formerly section 21.03; redesignated by L.L. 2-2015.

- B. The office of emergency management shall also function as the office of civil defense.
- C. The director of emergency management shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her by applicable law.

ARTICLE XXVI ⁹⁴

OFFICE OF SECURITY SERVICES

Section 26.00. Office of security services; chief security officer.

Section 26.00. Office of security services; chief security officer. ⁹⁵

- A. There shall be an office of security services, subject to appropriation by the county legislature, headed by a chief security officer who shall be appointed by the county manager on the basis of his or her experience and qualifications for the office.
- B. The chief security officer shall, under the supervision of the county manager, have charge of security of all county buildings.
- C. The chief security officer shall perform such other duties as may be directed by the county manager.
- D. The chief security officer shall be authorized to employ retired former members of the police or sheriff's departments, or the division of state police or retired former correction, parole or probation officers for the purpose of providing special patrol officers in properties owned or leased by the county in order to protect the property or persons on such premises.

ARTICLE XXVII ⁹⁶

RESIDENTIAL HEALTH CARE FACILITY

Section 27.00. Residential health care facility

Section 27.00. Residential health care facility. ⁹⁷

- A. There shall be a residential health care facility headed by an administrator who shall be appointed by the county manager, subject to confirmation by the county legislature.
- B. The administrator shall have the qualifications of a nursing home administrator.

⁹⁴ Added by L.L. 2-2015.

⁹⁵ Added by L.L. 6-1996, § 1; formerly section 21.13[2]; redesignated and amended by L.L. 2-2015.

⁹⁶ Added by L.L. 2-2015.

⁹⁷ Added by L.L. 2-2015.

- C. The administrator shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her by applicable law which shall be necessary to enable him or her to manage and supervise the county residential health care facility.

ARTICLE XXVIII⁹⁸

COUNTY JURY BOARD

Section 28.00. County jury board; commissioner of jurors.

Section 28.00. County jury board; commissioner of jurors.⁹⁹

- A. There shall be a county jury board constituted according to the New York State Judiciary Law.
- B. The county jury board shall appoint a commissioner of jurors, who shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her by applicable law.

ARTICLE XXIX¹⁰⁰

OFFICE OF ASSIGNED COUNSEL

Section 29.00. Assigned Counsel.

Section 29.00. Assigned Counsel.

- A. There shall be an office of Assigned Counsel Administrator to provide representation for indigent defendants who qualify for representation by the office of public defender under state law, but due to a conflict of interest, the offices of public defender and conflict defender, respectively, are precluded from providing representation.
- B. The office of assigned counsel shall be headed by an attorney admitted to practice law in the State of New York and a resident of the County of Schenectady.
- C. The assigned counsel administrator shall be appointed by the county manager subject to confirmation by the county legislature.
- D. The assigned counsel administrator shall serve at the pleasure of the county manager.
- E. The assigned counsel administrator shall have and exercise all powers and duties now or hereafter conferred or imposed upon him by applicable law.

⁹⁸ Added by L.L. 2-2015.

⁹⁹ Formerly section 21.02; redesignated by L.L. 2-2015.

¹⁰⁰ Added by L.L. 4-2019.

ARTICLE XXX – ARTICLE XXXVIII [Reserved]

ARTICLE XXXIX ¹⁰¹

OTHER COUNTY FUNCTIONS

Section 39.00. Power to administer oaths and issue subpoenas.

Section 39.00. Power to administer oaths and issue subpoenas. ¹⁰²

- A. The chairperson of the county legislature in accordance with section 209 of the New York State County Law, the county manager, the county auditor and such other county officers and boards as may be authorized by law shall have the power to subpoena and compel the attendance of witnesses and the production of books, records and papers, as the same may be pertinent to their respective offices.
- B. Any county officer authorized to hold a hearing or conduct an investigation shall have the power to administer oaths or affirmations in connection therewith.

ARTICLE XXXX ¹⁰³

GENERAL AND TRANSITIONAL PROVISIONS

- 40.00. Adoption of charter; when effective.
- 40.01. Elective offices abolished; incumbents continued.
- 40.02. Civil service rights continued.
- 40.03. Continuity of authority.
- 40.04. Charter clarification.
- 40.05. Amendment of charter.
- 40.06. Divisions within the Schenectady County charter.
- 40.07. References to Schenectady County local laws.
- 40.08. Reference to offices or officers.
- 40.09. Continuation of existing provisions.
- 40.10. Repeal of charter provisions not included.
- 40.11. Headings, captions, footnotes and editorial notes.
- 40.12. Amendments and new laws.
- 40.13. Local laws which amend, repeal or add to existing law.
- 40.14. Manifest errors and omissions.
- 40.15. Severability.
- 40.16. Charter to be liberally construed.

¹⁰¹ Added by L.L. 2-2015; formerly article XXI; redesignated article XXXIX by L.L. 2-2015.

¹⁰² Formerly 21.09; redesignated by L.L. 2-2015.

¹⁰³ Added by L.L. 2-2015; formerly article XXII, redesignated by L.L. 2-2015.

Section 40.00. Adoption of charter; when effective.¹⁰⁴

This charter became effective as of January 1, 1966, upon approval by referendum in the manner provided by law, except that the provisions of article II of this charter relating to the election of the county legislature became effective with the general election of 1967.

Section 40.01. Effective offices abolished; incumbents continued.

- A. The elective offices of county treasurer, commissioner of public welfare, and coroner are abolished, effective January 1, 1966.
- B. The persons holding such offices on January 1, 1966, shall be continued in the appointive positions relating to their functions for the remainder of their respective terms of office, at the conclusion of which the provisions of this charter relating to the appointment of a county treasurer, commissioner of social welfare and medical examiner shall take effect.

Section 40.02. Civil service rights continued.

- A. The civil service status and rights of all county employees and their beneficiaries, including but not limited to those with respect to retirement and social security, shall not be affected by this charter.
- B. The terms of office of all county officers whose appointment under this charter is vested in the county manager shall terminate on December 31, 1965, except as provided in section 22.01 of this charter, and except that any such officer, unless removed, shall continue to serve until his or her successor is appointed and has qualified or until an interim appointment is made.

Section 40.03. Continuity of authority.

All existing state, county, local and other laws or enactments having the force of law shall continue in force until lawfully amended, modified, superseded or repealed, either by this charter or an enactment adopted subsequent to its effective date. Any proceedings or other business undertaken or commenced prior to the effective date of this charter may be conducted and completed by the county officer or administrative unit responsible therefore under this charter or the administrative code.

Section 40.04. Charter clarification.

- A. If any provision of this charter is not clear or requires elaboration in its application to the county, the county legislature may interpret such provision in a local law not inconsistent with the provisions of the New York State Municipal Home Rule Law.
- B. Where any question arises concerning the transition to a charter which is not provided for herein, the county legislature may provide for such transition by a local law not inconsistent with the provisions of the New York State Municipal Home Rule Law.

Section 40.05. Amendment of charter.

¹⁰⁴ Amended by L.L. 2-2015.

- A. This charter may be amended in the manner provided by the New York State Municipal Home Rule Law.
- B. Any proposed amendment which would have the effect of transferring a function or duty of the county, or of a city, town, village, district or other unit of local government wholly contained in the county, shall not become operative unless and until it is approved by mandatory referendum as required by the New York State Municipal Home Rule Law.
- C. Any amendment which would create or abolish an elective county office, change the power or method or removing an elective county officer during his or her term of office, abolish, curtail or transfer to another county officer or agency any power of an elected county officer or change the method of election of the county legislature, as provided in article II of this charter, shall be subject to a permissive referendum.

Section 40.06. Divisions within the Schenectady County charter.¹⁰⁵

The charter is divided, in descending order of application, by article, section, subdivision, paragraph and subparagraph.

Section 40.07. References to Schenectady County local laws.¹⁰⁶

Whenever in one section of the Schenectady County charter, reference is made to another section of the Schenectady County charter, administrative code, codified local laws or uncoded local laws, that reference shall extend and apply to the section referred to as it is subsequently amended, revised, re-codified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

Section 40.08. Reference to offices or officers.¹⁰⁷

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of Schenectady County exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

Section 40.09. Continuation of existing provisions.¹⁰⁸

- A. The provisions of the charter proposed by chapter 1 of the Schenectady County codified local laws, insofar as they are substantially the same as the existing provisions of the charter, shall be construed as restatements and continuations thereof and not as new enactments and the effective date of such provisions shall date from the effective date of the prior local law.

¹⁰⁵ Added by L.L. 2-2015.

¹⁰⁶ Added by L.L. 2-2015.

¹⁰⁷ Added by L.L. 2-2015.

¹⁰⁸ Added by L.L. 2-2015.

- B. Only such provisions of the charter as are not included in the amended charter attached to chapter 1 of the Schenectady County codified local laws shall be deemed repealed or abrogated by the provisions of section 40.10 of the charter.

Section 40.10. Repeal of charter provisions not included.¹⁰⁹

- A. All provisions of the Schenectady County charter in force on the date of adoption of chapter 1 of the Schenectady County codified local laws and not contained in the amended charter attached to that law are hereby repealed on the effective date of that local law.
- B. When any law repealing a former article, section, or other provision of the charter shall be itself repealed, the repeal shall not be construed to revive the former article, section, or provision, unless it is expressly provided.

Section 40.11. Headings, captions, footnotes and editorial notes.¹¹⁰

Headings, captions, footnotes and editorial notes used in the Schenectady County charter other than the article and section numbers are employed for reference purposes only and shall not be deemed to be a part of the text of any section.

Section 40.12. Amendments and new laws.¹¹¹

- A. Any new local laws and all additions, deletions, amendments or supplements to any of the local laws known as the Schenectady County charter, when enacted or adopted in such form as to indicate the intention of the County legislature that they be a part of the Schenectady County charter, shall be deemed to be incorporated into such enactments so that reference to the Schenectady County charter shall be understood and intended to include such additions, deletions, amendments, supplements and new laws.
- B. Whenever such new local laws or additions, deletions, amendments or supplements to the Schenectady County charter shall be enacted or adopted, they shall be printed and inserted into the charter as amendments and supplements thereto.

Section 40.13. Local laws which amend, repeal or add to the charter.¹¹²

- A. If the Schenectady County legislature shall desire to amend or repeal any existing article, section or subdivision of the Schenectady County charter, it shall indicate the article, section or subdivision to be amended or repealed and the new desired language.
- B. Any local laws which proposed to add to or amend the existing Schenectady County charter shall use formatting consistent with the other codified laws in the charter.

¹⁰⁹ Added by L.L. 2-2015.

¹¹⁰ Added by L.L. 2-2015.

¹¹¹ Added by L.L. 2-2015.

¹¹² Added by L.L. 2-2015.

Section 40.14. Manifest errors and omissions. ¹¹³

- A. If a manifest error is discovered by the clerk of the legislature consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published.
- B. No alteration shall be made or permitted if any questions exist regarding the nature or extent of such error.
- C. Any alterations shall be filed by the clerk of the legislature with the department of state.

Section 40.15. Severability. ¹¹⁴

If any article, section, subdivision, paragraph, subparagraph or part of this charter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the article, section, subdivision, paragraph, subparagraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 40.16. Charter to be liberally construed.

This charter shall be liberally construed to achieve its objectives and purposes.

¹¹³ Added by L.L. 2-2015.

¹¹⁴ Amended by L.L. 2-2015.

2022

Part II. Administrative Code



Adopted by Local Law 10-1971

Amendments noted in footnotes.

ADMINISTRATIVE CODE OF SCHENECTADY COUNTY

ARTICLE I	SHORT TITLE AND GENERAL DEFINITIONS: SEAL AND FLAG	2
ARTICLE II	THE COUNTY LEGISLATURE	3
ARTICLE III	COUNTY MANAGER	7
ARTICLE IV	DEPARTMENT OF LAW	8
ARTICLE V	DEPARTMENT OF FINANCE.....	10
ARTICLE VI	DEPARTMENT OF AUDIT AND CONTROL	16
ARTICLE VII	FINANCIAL PROCEDURES.....	16
ARTICLE VIII	CIVIL SERVICE COMMISSION	19
ARTICLE IX	MEDICAL EXAMINER	20
ARTICLE X	DEPARTMENT OF SOCIAL SERVICES.....	23
ARTICLE XI	DEPARTMENT OF PUBLIC HEALTH SERVICES.....	24
ARTICLE XII	OFFICE OF COMMUNITY SERVICES	25
ARTICLE XIII	DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING	25
ARTICLE XIV	DEPARTMENT OF ENGINEERING AND PUBLIC WORKS	26
ARTICLE XV	DEPARTMENT OF AVIATION	29
ARTICLE XVI	DEPARTMENT OF LIBRARIES	30
ARTICLE XVII	MUNICIPAL COOPERATION	30
ARTICLE XVIII	COMMUNITY COLLEGE	31
ARTICLE XIX	BOARD OF ELECTIONS	32
ARTICLE XX	DEPARTMENT OF PROBATION	32
ARTICLE XXI	OFFICE OF EMERGENCY MANAGEMENT.....	33
ARTICLE XXII	VETERANS SERVICE AGENCY	34
ARTICLE XXIII	OFFICE OF CONSUMER AFFAIRS/WEIGHTS AND MEASURES.....	34
ARTICLE XXIV	COUNTY FIRE COORDINATOR.....	40
ARTICLE XXV	OFFICE OF PUBLIC DEFENDER.....	40
ARTICLE XXVI	OFFICE OF CONFLICT DEFENDER.....	42
ARTICLE XXVII	OFFICE OF ASSIGNED COUNSEL.....	44
ARTICLE XXVII THROUGH ARTICLE XXXVIII [RESERVED]	45
ARTICLE XXXIX	OTHER COUNTY FUNCTIONS	45
ARTICLE XXXX	GENERAL AND TRANSITIONAL PROVISIONS	46

ARTICLE I

Short Title and General Definitions: Seal and Flag

- Section 1.00. Short title.
- Section 1.01. Code effect on state laws.
- Section 1.02. General definitions.
- Section 1.03. The county seal.
- Section 1.04. The county flag.

Section 1.00. Short title.

This code and all amendments hereto shall be known and cited as the "Schenectady County administrative code".

Section 1.01. Code effect on state laws.

Within the limits prescribed in article IV of the New York State municipal home rule law, wherever and whenever any state law, general, special or local in effect, is inconsistent with this administrative code, such law shall be deemed to the extent of such inconsistency to be superseded by this code insofar as the County of Schenectady and its government are affected.

Section 1.02. General definitions.

A. Wherever used in this code, unless otherwise expressly stated, or unless the context or subject matter otherwise requires,

1. The term "county" shall mean the County of Schenectady.
2. The terms "charter" and "county charter" shall mean the Schenectady County charter and all amendments thereto.¹
3. The term "code" and "administrative code" shall mean the Schenectady County administrative code and all amendments thereto.²
4. The term "legislature" shall mean the legislature of the County of Schenectady existing pursuant to the Schenectady County charter, or other legislative governing body of the county hereafter created.
5. The term "municipal corporation" or "municipality" shall mean or include the towns, villages, city and/or the districts contained in the County of Schenectady as the context requires.

B. All words and phrases contained in this code are used according to their accepted and ordinary meaning except where another meaning is specifically indicated or manifest. Words used in the singular number shall extend to and include the plural number, and words used in the plural number

¹ Amended by L.L. 2-2015.

² Amended by L.L. 2-2015.

shall extend to and include the singular number. Words used in the masculine gender shall extend to and include the feminine.

Section 1.03. The county seal.

- A. The seal of the County of Schenectady shall consist of 2 circles, one within the other, with the words "Schenectady County Seal" around the outer circumference of the inner circle, with the word "Seal" separated from the other words by stars at each end, and in the center of the inner circle crossed swords over the scales of justice.
- B. The following design is hereby adopted as the official and standard design of such corporate seal:



- C. Such seal shall be used for all authorized and requisite purposes.

Section 1.04. The county flag.

- A. The flag for the County of Schenectady shall be rectangular in shape, on a field evenly divided among 3 stripes of orange at the top, white in middle and blue at the bottom.
- B. The county seal shall be superimposed, with the exception that the word "seal" shall be replaced by the numerals "1809".
- C. Superimposed in an outer circle around the aforementioned in the upper left corner a steam driven railroad engine, upper right a boat on water, lower right a bolt of wheat, lower left a streak of lightning, all in gold on a field of white.

ARTICLE II

The County Legislature

- Section 2.00. The legislature, employees.
- Section 2.01. Authorization for conference expenses.
- Section 2.02. Petty cash funds.
- Section 2.03. Legislature, meetings.
- Section 2.04. Confirmation of appointments.
- Section 2.05. Office hours for county employees.
- Section 2.06. Seal of the legislature.
- Section 2.07. Investigations.
- Section 2.08. Appointment or confirmation of former members of the legislature to county positions.
- Section 2.09. Calculations based upon the federal decennial census.

Section 2.00. The legislature, employees.

The legislature and all officers and employees thereof shall comprise the legislative branch of Schenectady County government.

Section 2.01. Authorization for conference expenses.

- A. The chairperson of the legislature shall have the power to designate and authorize any member, officer or employee of the legislative branch to attend an official or unofficial convention, conference or school for the betterment of county government.
- B. Within the appropriation therefore and when so authorized all necessary and actual expenses including but not limited to a registration fee and mileage as fixed by such board shall be paid from county funds.

Section 2.02. Petty cash funds.

- A. The legislature may authorize the commissioner of finance to furnish any officer or department of the county with a petty cash fund.
- B. Expenditures from such a fund shall be covered by itemized vouchers or claims in the name of the fund, verified by the oath of the officer or the head of the department for whom the fund was established.
- C. Upon audit of such vouchers or claims and by means of a warrant drawn up by the commissioner of finance, the commissioner of finance shall reimburse to such a petty cash fund the amount so audited and allowed.

Section 2.03. Legislature, meetings.

- A. The legislature may hold regular, monthly and special meetings.
 - 1. The regular meeting shall be on the second Tuesday of each month unless that day is a holiday.
 - 2. A majority of the weighted votes of the board shall constitute a quorum.³
- B. The rules of the legislature shall provide for such regular meetings as the legislature shall deem necessary for the performance of its function.
- C. Special meetings may be called at any time by the clerk of the legislature at the direction of the chairperson or on written request of the majority of the members thereof, and whenever required by law, upon not less than 48 hours' written notice served personally or delivered to the residence of each representative, or on 5 days' written notice duly mailed to the address of each representative as given to the clerk.
 - 1. The presence of any legislature member at a special meeting shall be conclusive evidence without other proof of due notice to him or her of such meeting.

³ Amended by L.L. 5-2011

2. Such notices shall state the subjects to be considered at the meeting and no other subject shall be considered unless by unanimous consent of all legislature members.
- D. Meetings of the legislature may be adjourned from time to time by authority of the legislature and all meetings of the legislature shall be public.

Section 2.04. Confirmation of appointments.

- A. All appointments by the county manager subject to confirmation by the legislature shall be in writing, signed by him or her, and filed in the office of the clerk of the legislature and the county clerk within 10 days after the date of appointment.
- B. Upon confirmation by the legislature and qualifying for the office, an appointee shall enter upon the duties of his or her position.
1. In the event the legislature has neither confirmed nor rejected by majority vote an appointment within a period of 45 days after the filing thereof with the clerk of the legislature, such appointment shall be deemed to be confirmed.
 2. Awaiting action by the legislature, the county manager may designate a qualified person to serve in the position during the period between the time of appointment and the time for confirmation.
- C. Confirmation of an appointment where required shall be by affirmative vote of a majority of the weighted votes of the members of the county legislators taken at a regular or special meeting.⁴

Section 2.05. Office hours for county employees.

The legislature shall have the power to fix the number of hours constituting a legal day's work for all classes of county employees and to grant to the head of any administrative unit or employing officer the power to stagger working hours; except, however, that the office of county clerk, surrogate, county treasurer, clerk of the legislature, and civil office of the sheriff, shall be kept open for the transaction of business pursuant to the provisions of section 206 of the County Law of the State of New York.

Section 2.06. Seal of the legislature.

- A. The seal of the legislature shall be the seal of the County of Schenectady as described in Article I of the administrative code.
- B. The clerk of the legislature shall affix or imprint such seal upon any and all instruments requiring the same.

Section 2.07. Investigations.

- A. The legislature is empowered to conduct an investigation into any subject matter within its jurisdiction, including the conduct and performance of official duties of any officer or employee paid

⁴ Amended by L.L. 5-2011

from county funds and the accounting for all money or property owned by or under the control of the county.

- B. The power to conduct investigations may be delegated to a committee of the legislature.
- C. The chairperson of the legislature and any member of such committee may issue a subpoena requiring a person to attend before the legislature or such committee and be examined with reference to any matter within the scope of the investigation, and in a proper case to produce all books, records, papers and documents or material relevant to the investigation.
- D. A subpoena issued under this section shall be regulated by the New York State Civil Practice Law and Rules.
- E. The chairperson of the legislature and any member of such committee may administer an oath to any witness and adjournments may be taken from time to time.

Section 2.08. Appointment or confirmation of former members of the legislature to county positions.⁵

A person, otherwise qualified, who is a member of the legislature at the time a vacancy occurs or exists in any county appointive or elective office or position may be appointed or confirmed by the legislature or a majority of the members thereof to fill the vacancy provided that he or she shall have resigned prior to such appointment or confirmation.

Section 2.09. Size of county legislature, apportionment of seats.⁶

- A. Pursuant to section 2.04 of the charter of the County of Schenectady, the legislature hereby declares the population of the County of Schenectady according to the federal decennial census is 158,061 [154,727] persons. The population of county legislative district 1 is 33,334 [32,717]; the population of county legislative district 2 is 33,713 [33,418]; the population of county legislative district 3 is 52,604 [51,261], and the population of county legislative district 4 is 38,410 [37,331].
- B. Pursuant to the figures of such decennial census, and section 2.04 of the charter of the County of Schenectady, the County Legislature hereby determines, and until the County Legislature reapportions itself pursuant to the 2020 decennial census and section 2.04 of the charter of the County of Schenectady, the County Legislature shall be composed of fifteen members as follows: three members from district one, three members from district two, five members from district three and four members from district four.
- C. Pursuant to section 2.04 of the charter of the County of Schenectady, the legislators from district one shall each cast 1.0545 [1.0572] votes each, the legislators from district two shall cast 1.0664 [1.0799] votes each, the legislators from district three shall cast 0.9985 [0.9939] votes each, and the legislators from district four shall cast 0.9112 [0.9048] votes each, such that the total of all votes shall be fifteen (15).

⁵ Added by L.L. 5-1986, § 1; Amended L.L. 5-2011.

⁶ Added by L.L. 8-2001; Amended by L.L. 5-2011; designated section 2.09 by L.L. 2-2015. Amended by L.L. 6-2021.

ARTICLE III

County Manager

- Section 3.00. Powers of appointment and removal.
- Section 3.01. Assignment of powers and duties.
- Section 3.02. Conflict of interest.
- Section 3.03. Conference expenses.
- Section 3.04. County manager; appointment and removal.
- Section 3.05. Administrative appointments by county manager.
- Section 3.06. County manager, residence in county.
- Section 3.07. Vacancies of department heads.

Section 3.00. Powers of appointment and removal.

- A. It shall be the duty of the county manager to supervise, direct and control, subject to the provisions of the county charter and administrative code, the administration of all departments of the county government (the heads of which are appointed by him or her).
- B. The county manager shall appoint, except as otherwise provided in the charter or code, and subject to the confirmation by the legislature, the head of every county department and office and members of county boards and agencies.
- C. The county manager may at any time remove any person so appointed; provided however that in the case of members of boards and agencies or other county officers appointed by the county manager for definite terms, no removal shall be made until the person to be removed has been served with a notice of the reasons for his or her removal and given an opportunity to be heard, publicly if he or she desires, thereon by the county manager. The decision of the county manager shall be final.

Section 3.01. Assignment of powers and duties.

- A. The legislature may by resolution devolve upon the county manager the exercise or performance of any of its powers and duties, except those which it must exercise or perform as provided in the county charter or special or general law of the State of New York, and except other powers and duties of a distinctly legislative character.
- B. The action of the county manager in any matter so devolved shall have the same effect in law as if performed by the legislature.
- C. The county manager shall have the additional duties prescribed by article VII of this code.

Section 3.02. Conflict of interest.

The county manager shall not be an officer, director or stockholder of any depositary or depositaries designated by him or her pursuant to the powers and duties granted by the county charter.

Section 3.03. Conference expenses.

- A. The county manager shall have the power to designate and authorize any officer or employee paid from county funds, except members, officers and employees of the legislative branch, to attend an official or unofficial convention, conference or school for the betterment of county government subject to the prior confirmation of the legislature.
- B. Within the appropriations, therefore, and when so authorized, all necessary and actual expenses including but not limited to a registration fee and mileage as fixed by the legislature shall be paid from county funds.

Section 3.04. County manager; appointment and removal.

- A. The county manager shall be appointed, and may be removed, by majority vote of the weighted votes of the membership of the county legislature.⁷
- B. If the resolution appointing or removing the county manager does not specify a day certain on which the action of the legislature shall take effect, it shall take effect as of the date of passage of the resolution of appointment or removal.

Section 3.05. Administrative appointments by county manager.

If the county charter or administrative code prescribes specific or special qualifications for any appointment to be made by the county manager pursuant to section 3.01, subdivision B of the county charter, the written notice of such appointment required shall also contain a statement of such qualifications and a certification by the county manager that the appointee has the required qualifications.

Section 3.06. County manager, residence in county.

The person appointed under the provisions of the county charter as county manager, shall, during the entire time that he or she serves in such position, be a resident of the County of Schenectady.

Section 3.07. Vacancies of department heads.

In the event that a vacancy occurs in the position of a head of a department under his or her control, the county manager shall be the acting head of that department until such vacancy is filled.

ARTICLE IV

Department of Law

- Section 4.00. Deputy and assistant county attorneys.
- Section 4.01. Acting county attorney, how designated.
- Section 4.02. Inconsistent interests among county officials.
- Section 4.03. Advice and service to towns.
- Section 4.04. Expert assistance.

⁷ Amended by L.L. 5-2011

- Section 4.05. Supplement to charter and code.
Section 4.06. Waiver of filing fees.

Section 4.00. Deputy and assistant county attorneys.

- A. Every appointment of a confidential deputy county attorney or an assistant county attorney by the county attorney shall be in writing, filed and recorded in the office of the county clerk.
- B. The person or persons so appointed shall take the prescribed oath of office and furnish any required official undertaking.
- C. Any such appointment may be revoked by the county attorney at any time by filing a written revocation in the office of the county clerk.

Section 4.01. Acting county attorney, how designated.

If more than one deputy county attorney or assistant county attorney shall be appointed, the county attorney shall designate in writing and file in the office of the county clerk and the clerk of the legislature the order in which such deputies and/or assistants shall exercise the powers and duties of the office in the event of a vacancy or the absence or the inability of such county attorney to perform the duties of the office.

Section 4.02. Inconsistent interests among county officials.

Whenever the interests of the legislature or the county are inconsistent with the interests of any officer paid his or her compensation from county funds, the county attorney shall represent the interests of the legislature and the county. In such case the officer may at his or her own expense employ an attorney at law.

Section 4.03. Advice and service to towns.

The legislature may include among the duties of the county attorney the rendering of advice and service to town boards and town officers when not in conflict with the interests of the county, legislature, or an officer whose compensation is paid from county funds.

Section 4.04. Expert assistance.

The county attorney may, within the limits of the appropriations provided therefore, employ special counsel, professional, technical or other consultant services and incur such expenses in connection therewith as he or she may deem necessary for the performance of his or her duties.

Section 4.05. Supplement to charter and code.

The county attorney shall prepare annually a supplement to the county charter and administrative code which shall indicate all additions to, repeals and amendments of, any section of the charter or code.

Section 4.06. Waiver of filing fees.

No office, officer, department or court of the county shall require from the department of law any filing or recording fee or other charge pertaining to or in connection with the work of said department.

ARTICLE V

Department of Finance

- Section 5.00. Department of finance; acting commissioner.
- Section 5.01. Rules and regulations.
- Section 5.02. Seal of the department of finance.
- Section 5.03. Depositary undertakings.
- Section 5.04. Default or insolvency of depositary.
- Section 5.05. Bureau of treasury; county treasurer, powers and duties.
- Section 5.06. Real property tax service agency.
- Section 5.07. Bureau of purchase, purchasing agent, powers and duties.
- Section 5.08. Bureau of accounts; supervisor, powers and duties.
- Section 5.09. Bond of commissioner of finance, bureau heads.
- Section 5.10. Quarterly reports.

Section 5.00. Department of finance; acting commissioner.

- A. The commissioner of finance shall designate in writing and file in the office of the county clerk, the office of the county manager and the office of the clerk of the legislature an acting commissioner of finance who shall perform the powers and duties of the office in the event of a vacancy or the absence or the inability of such commissioner of finance to perform the duties of the office.
- B. Such acting commissioner of finance shall be designated from among the bureau heads under the jurisdiction of the commissioner of finance, and if more than one bureau head has been appointed by the county manager pursuant to article V of the county charter, the commissioner of finance shall designate the order in which such bureau heads shall exercise the power and duties of the office of commissioner.

Section 5.01. Rules and regulations.

- A. The commissioner of finance may, except where otherwise provided by law, make rules and regulations relating to the conduct of his or her office, including the government of agency and trust funds in his or her charge and keeping.
- B. No such rules or regulations shall be effective until first approved by the county manager and filed in the office of the county clerk.

Section 5.02. Seal of the department of finance.

- A. The seal of the department of finance shall consist of 2 circles, one within the other, with the words "DEPARTMENT OF FINANCE -SCHENECTADY COUNTY, NEW YORK, SEAL" around the outer circumference of the inner circle, and in the center of the inner circle, crossed swords over the scales of justice.
- B. The following design is hereby adopted as the official and standard design of such seal:



- C. The commissioner of finance is hereby authorized to affix or imprint such seal upon any and all instruments whereon the seal of the department of finance is required including all instruments for the bureau of treasury in the department of finance for which a seal is required.

Section 5.03. Depositary undertakings.

- A. In designating one or more depositaries located within the county for the deposit of monies received by the county, the county manager may specify the maximum amount which may be kept on deposit at any one time in each depositary.
1. Such designations and amounts may be changed at any time.
 2. The county manager and the commissioner of finance may also agree with such depositaries upon the rate and time of interest thereon if any is to be paid.
 3. Nothing herein shall be deemed to limit the power of a court of competent jurisdiction or of the state comptroller to make directions concerning deposits of court and trust funds.
- B. Each depositary so designated shall, for the benefit of the security of the county and before receiving any such deposit, give to the county good and sufficient undertaking with surety authorized to underwrite surety and fidelity bonds in the State of New York, approved as to form by the county attorney.
1. The undertaking shall specify the amount which such commissioner of finance shall be authorized to have on deposit at any one time with such depositary and shall be to the effect that such depositary shall faithfully keep and pay over, on the order or warrant of such commissioner of finance or bureau head under his or her direction, or other lawful authority, such deposits and the agreed interest thereon: and for the payment of such bonds or coupons as by their terms are made payable at a bank or banks for the payment of which a deposit shall be made by such commissioner of finance with such depositary.
 2. The county manager may increase the amount which any such depositary is authorized to have on deposit at any one time and require additional undertaking therefore.
 3. Each such undertaking shall be filed in the office of the county clerk.
- C. In lieu of such undertaking, a depositary may execute its own undertaking in such form and upon such conditions as may be prescribed by law and as collateral thereto shall deposit with the county commissioner of finance outstanding matured bonds or other obligations of such quality, quantity, and under such conditions, as are provided by subdivision 5 of section 212 of the County Law of the State of New York.

Section 5.04. Default or insolvency of depositary.

The commissioner of finance shall not be liable for the loss of public funds of the county by reason of the default or insolvency of a designated depositary provided such funds have been deposited in accordance with the provisions of the previous section, except that in the event that securities have been deposited as provided in subdivision C of section 5.03 of this article and as provided in subdivision 5 of section 212 of the County Law of the State of New York, such commissioner of finance shall be liable to the extent of any loss in excess of the face amount of such securities on deposit at the time of such insolvency.

Section 5.05. Bureau of treasury; county treasurer, powers and duties.

- A. The county treasurer shall have all of the powers and all of the duties required by the laws of the State of New York to be performed by a county treasurer.
- B. The county treasurer shall perform such duties, and such other and related duties as the commissioner of finance may prescribe, under the direction of the county manager and the commissioner of finance.
- C. The county treasurer shall affix or imprint the seal of the department of finance upon any and all instruments requiring the same.
- D. The functions, powers and duties of the bureau of treasury/county treasurer provided by the charter, the administrative code or by applicable law shall devolve upon the commissioner of finance.⁸

Section 5.06. Real property tax service agency.

- A. This agency shall be headed by a director of real property tax services who shall be appointed by the county manager subject to confirmation by the legislature.
- B. The director shall supervise preparation and maintenance of tax maps and perform such other duties as required by state law or assigned to him or her by the legislature or the county manager which may include but are not limited to providing advisory appraisals to any city or town in the county and instituting county tax foreclosure proceedings.
- C. Upon authorization by the legislature, the director shall have the power to appoint professional appraisers or other assistants on a full or part-time basis.
- D. The director's appointees shall be in the exempt class of the civil service and shall serve at the pleasure of the director.

Section 5.07. Bureau of purchase, purchasing agent, powers and duties.⁹

- A. The purchasing objectives of the bureau of purchase are:
 - 1. To acquire quality goods and services for county departments to use in fulfilling their responsibilities.
 - 2. To ensure that these goods and services will be available at the proper time and place and in the appropriate quantity.
 - 3. To maximize the value of taxpayer funds in procuring goods and services.
- B. The principles and standards of the bureau's purchasing policy are:

⁸ Added by L.L. 2-2015.

⁹ Amended by L.L. 2-2015.

1. Schenectady County conducts its purchasing in accordance with the laws of New York state, the county charter, and the county administrative code. The purchasing guidelines follow the legal requirements established in these statutes.
2. The county is responsible for providing a purchasing program that ensures fairness and integrity and that guards against favoritism, fraud and corruption.
3. A central purchasing agent is responsible for county purchasing. The agent ensures that procurements are made in compliance with state and county laws and that the purchasing objectives in subdivision A of this section are met.
4. The county seeks to fulfill its needs for goods and services through open competitive bidding wherever practical and possible. Information is readily available to potential bidders.
5. The county encourages all segments of the business community, including businesses owned by minorities and women to participate in its purchasing program.
6. In order to maximize purchasing power, the county purchasing agent negotiates and/or utilizes county-wide and New York state contracts to purchase goods and services whenever possible.

C. Purchasing rules and guidelines:

1. The purchasing agent, as identified by biennial resolution pursuant to General Municipal Law § 104-b(2)(f), is responsible for administering the county's purchasing program.
2. The purchasing agent's responsibilities include:
 - a. Providing information and assistance to county departments, vendors, and the public.
 - b. Soliciting, administering, advertising and opening all competitive bids.
 - c. Negotiating and issuing purchase orders for items needed by county departments.
 - d. Negotiating county-wide contracts for goods and services routinely used by county departments (and other municipalities, if applicable).
 - e. Determining the classification of purchases.
 - f. Establishing, implementing, and monitoring purchasing policies.
 - g. The purchasing agent's responsibilities under this section do not extend to the purchase or lease of real property.
3. In order to promote efficiency and flexibility in the purchasing process, the county manager and the purchasing agent may allow departments to order merchandise directly with vendors approved under county or state contracts or with purchasing consortiums. The purchasing agent will provide departments with a listing of such vendors, items, and prices on a regular basis.
4. The County Legislature shall, by biennial resolution, adopt policies and procedures for the procurement of bid and non-bid goods and services, pursuant to, and in compliance with, General Municipal Law § 104-b.

D. Specific purchasing requirements:

1. Public works construction contracts exceeding two hundred thousand dollars (\$200,000) may only be awarded to contractors and subcontractors that have an approved apprenticeship program as provided for in article 23 of the New York State Labor Law.
2. In the case of an emergency situation, the Purchasing Agent may authorize expenditures below the legal competitive bid threshold without seeking quotes, upon receiving a written explanation of the emergency situation from the department head requesting the purchase. If the situation requires purchases or contracts which exceed the legal bid threshold, such purchase or contract shall be authorized only if the County Manager has authorized such expenditure by declaring the emergency situation in writing.
3. No bid for materials, supplies, equipment or services may be accepted from or contract therefore awarded to any person who is in arrears to the county, upon debt or contract, or who has defaulted as surety or otherwise upon a contract or obligation to the county.¹⁰

E. The purchasing agent shall maintain an inventory of all equipment purchased and owned by the county.¹¹

F. Sale or lease of surplus, obsolete or unused supplies, materials and equipment.¹²

1. The purchasing agent may sell or lease surplus, obsolete or unused supplies, materials or equipment having an aggregate market value not in excess of five thousand dollars (\$5,000) located in any storeroom or warehouse or not required by an agency of the county to the highest bidder at public auction or after the receipt of bids and after advertisement in at least 2 successive issues of a daily newspaper published in the County of Schenectady.
2. Whenever in the opinion of the purchasing agent, the market value of such items mentioned in paragraph 1 of this subdivision does not exceed the sum of twenty-five hundred dollars (\$2,500) he or she may sell or lease same to the highest responsible bidder without public advertisement. Bids on such items must be obtained from at least 3 bidders, whenever possible. If however, only one bid is submitted to the purchasing agent, the sale or lease shall be made at a price not less than the market value fixed by the purchasing agent.
3. Surplus, obsolete or unused supplies, materials or equipment having an aggregate market value in excess of five thousand dollars (\$5,000) may be sold or leased by the purchasing agent in accordance with the requirements of paragraph 1 of this subdivision only after authorization and approval of the legislature.

¹⁰ Formerly subdivision 2 of section 5.07; redesignated by L.L. 2-2015.

¹¹ Formerly subdivision 3 of section 5.07; redesignated by L.L. 2-2015.

¹² Added by L.L. 6-1981, § 1; amended by L.L. 2-1994, § 1, L.L. 7-1995, § 1; formerly subdivision 4 of section 5.07; redesignated by L.L. 2-2015.

4. All surplus obsolete or unused materials, with the exception of public records, supplies and equipment which in the opinion of the purchasing agent and the head of the department involved is not saleable and without monetary value may be destroyed or otherwise disposed of under the direction of the purchasing agent.
5. Notwithstanding any provision herein to the contrary, the purchasing agent, after authorization and approval of the legislature, may sell, transfer or lease to or exchange with any public corporation, the State of New York or the government of the United States and any agency or department thereof, either without consideration or for such consideration and upon such terms and conditions as shall be approved by the legislature, any saleable surplus, obsolete or unused supplies, materials or equipment which has monetary value.

G. Participation by political subdivisions in county purchase contracts.¹³

1. The purchasing agent may, upon written request of a political subdivision or other entity authorized by law (hereinafter referred to as political subdivision) include a provision in any county purchase contract of materials, supplies, equipment or apparatus that said political subdivision may make purchases directly from any vendor pursuant to said contract let by the purchasing agent.
2. Each political subdivision shall accept sole responsibility for any payment to the vendor.
3. Each political subdivision shall be responsible for audit and inspection of purchases so made.
4. Political subdivisions purchasing under a county contract shall, when requested, within 30 days of such purchase, send a copy of the purchase order to the purchasing agent.
5. Political subdivisions may also participate in other selected centralized contracts let by the purchasing agent subject to his or her approval, by filing their requirements for specific commodities through the use of requirement forms issued by the purchasing agent.
6. When requirements have been submitted to the purchasing agent by a subdivision, no separate bids for the same requirements shall be sought nor purchases thereof shall be made by such entity. Since a formal award is made by the purchasing agent to the vendor based on the filed requirements, such a subdivision shall be bound by the centralized contract with the same force and effect as if it had contracted directly with the vendor.
7. Political subdivisions may not withdraw requirements filed with the purchasing agent without obtaining his or her prior written approval.
8. The purchasing agent may, upon the failure of a political subdivision to promptly and properly adhere to all contract terms, statutes, applicable rules and regulations and reasonable directions of the purchasing agent and good business practices including prompt payment for materials, equipment or supplies received, suspend such entity's privilege of purchasing through the county or may take such other action as the purchasing agent deems appropriate including but not limited to the imposition of special conditions and restrictions with regard to future purchases through the county of such entity.

¹³ Added by L.L. 4-1984, § 1; formerly subdivision 5 of section 5.07; redesignated by L.L. 2-2015.

9. The purchasing agent may insert a clause in any bid specification and any county purchase contract of materials, supplies, equipment or apparatus that political subdivisions and other entities may make purchases directly from any vendor pursuant to said contract let by the purchasing agent.¹⁴

Section 5.08. Bureau of accounts; supervisor, powers and duties.

The director of the bureau of accounts shall, in addition to the powers prescribed in the county charter, have all of the powers and duties prescribed for county auditors in section 600 of the County Law of the State of New York.

Section 5.09. Bond of commissioner of finance, bureau heads.

The commissioner of finance and such of his or her bureau heads, officers and employees as the legislature shall require, shall each give a surety bond to the county in a sum fixed by the legislature conditioned for the faithful performance of his or her duties. Such bond shall be approved as to form by the county attorney, and filed in the office of the county clerk.

Section 5.10. Quarterly reports.

The commissioner of finance shall submit quarterly financial reports to the legislature.

ARTICLE VI

Department of Audit and Control

Section 6.00. County auditor, powers and duties.

Section 6.00. County auditor, powers and duties.

The county auditor, in addition to powers prescribed by the county charter, shall have all of the powers and duties prescribed for county auditors in subdivision 2 of section 600 of the County Law of the State of New York.

ARTICLE VII

Financial Procedures

- Section 7.00. Submission of capital project requests.
Section 7.01. Tentative budget and capital program.
Section 7.02. Amendment of capital budget.
Section 7.03. Notice and hearing.

¹⁴ Added by L.L. 2-2015.

Section 7.04. Contingent fund.

Section 7.00. Submission of capital project requests.

- A. On or before the first day of August in each year or such earlier date as the county manager may prescribe, and upon receipt of at least 30 days written notice from the county manager, the head of each administrative unit shall furnish to the county manager a description, justification and estimate for each physical public improvement or work, hereinafter called capital project, which he or she proposes for development during one or more of the ensuing 6 fiscal years.¹⁵
- B. Each capital project request shall show: recommended priority; development time schedule; estimated useful life in years; estimated cost for planning for site or right of way, construction, equipment and other features; status of plans and land acquisition; anticipated effect of project on annual operating budget; proposed method of paying for project; possible sources for financial aid; recommended expenditures by years, including total expenditures remaining beyond the 6-year period of the capital program, if any; and such other information as the county manager may deem advisable.
- C. To assist in the consideration of capital projects and the capital program, there shall be an internal capital projects committee consisting of the county manager, the commissioner of finance, the commissioner of economic development and planning, the county attorney and such other administrative heads as the county manager may designate. The county manager shall be solely responsible for the county capital program and budget as submitted to the legislature.

Section 7.01. Tentative budget and capital program.

- A. The tentative budget and capital program shall be in such form as the county manager may deem advisable, and shall show the following comparative information:
 - 1. Actual expenditures and revenues for the last completed fiscal year;
 - 2. The budgeted expenditures and revenues for the current fiscal year;
 - 3. The estimates of expenditures and revenues for the ensuing fiscal year submitted by the heads of the various departments: other administrative units and authorized agencies; and,
 - 4. The county manager's recommendations and estimates as to expenditures and revenues for the ensuing fiscal year.
- B. In addition to items of operation and maintenance, the tentative budget shall include or be supplemented by:
 - 1. All items of capital project expense for which the county is already liable or which the county manager recommends be undertaken in the ensuing fiscal year.

¹⁵ Amended by L.L. 2-2015.

2. A statement showing the bonded indebtedness of the county government and its agencies of the debt redemption and interest requirements, the indebtedness authorized and unissued, the condition of the capital reserve and sinking funds, and the borrowing capacity of the county.
- C. The recommendations for expenditures in the tentative budget shall be classified by administrative units and their sub-units according to the internal organization of such administrative units or by special funds and pursuant to the recommendations of the comptroller of the State of New York for the organization of municipal budgets and more specifically for county budgets.
 - D. The estimates of revenue in the tentative budget shall be classified by accounts and administrative units, and shall show the sources of income to the county from all sources except county taxes to be levied.
 - E. The capital program as recommended by the county manager shall be so arranged so as to set forth clearly:
 1. As to each pending capital project: the amount of all liabilities outstanding, the unencumbered balances of authorizations and estimated additional authorizations required for its completion;
 2. As to each new capital project recommended: the year in which it is recommended to be undertaken and the estimated cost;
 3. As to each pending or recommended project: a brief description, the estimated date of completion, the amount of liabilities estimated to be incurred in each fiscal year to completion, the estimated useful life in years, the amounts, nature and terms of obligations recommended to be authorized, and the estimated annual operating and maintenance charges such project will entail;
 4. Any recommendations that a pending project be modified or abandoned or further authorization therefore postponed;
 5. Any other information that the county manager may deem advisable.
 - F. The county manager, when filing the tentative budget and capital program with the legislature as provided in section 7.01 of the county charter, shall cause to be submitted to the legislature sufficient copies to provide 1 copy to each member of the legislature, and 3 additional copies for the office of the clerk of the legislature. At least 10 additional copies of the tentative budget and capital program shall be available for public distribution in the office of the county manager, at the time of submission of the tentative budget and capital program to the legislature.

Section 7.02. Amendment of capital budget.

Any proposal to amend the capital budget shall require that 10 days' notice shall be given to legislators prior to the time such amendment shall be considered, setting forth the details concerning such amendment.

Section 7.03. Notice and hearing.

- A. Pursuant to section 7.04 of the charter, the legislature or a committee designated by such legislature, shall hold a public hearing on the tentative budget, the capital program and the budget message as

submitted by the county manager, as well as any recommendations of a committee of the legislature designated to consider the tentative budget and the capital program.

- B. The notice of said public hearing shall state the time, place and purpose of such hearing, and shall state that copies of the proposed budget and capital program are available at the office of the clerk of the legislature and may be inspected or procured thereat by any interested person during business hours.
- C. Said notice shall be published at least once in the official newspapers and such other newspapers as may be designated by the legislature.
- D. Said hearing shall be held on the date so specified at which time any person may be heard for or against the recommendations and estimates submitted by the county manager or any item thereof and any recommendations submitted by the legislature or a committee designated by such legislature or any item thereof.
- E. Said hearing may be adjourned day to day.

Section 7.04. Contingent fund.

The legislature by resolution may, at any time, appropriate all or any part of the monies in the general contingent fund for general county purposes.

ARTICLE VIII

Civil Service Commission

- Section 8.00. Roster; certification of payrolls.
- Section 8.01. Officers and employees to be residents.
- Section 8.02. Personnel assistant.

Section 8.00. Roster; certification of payrolls.

- A. It shall be the duty of the county civil service commission to maintain a roster of all officers and employees of the county with their several rates of compensation, and no payroll shall be approved by the department of audit and control or the department of finance, bureau of accounts, for payment unless there is attached to the same a certificate by the civil service commission to the effect that the persons named therein have been during the period covering such payroll, duly employed in pursuance of this section at the rates of compensation specified therein.
- B. It shall be the duty of every head of a department, office, institution or agency of the county, to report at once to the commission all resignations and other changes in the status of employees.

Section 8.01. ¹⁶

¹⁶ Amended by L.L. 4-2000; L.L. 7-2000; LL 2-2015; L.L. 1-2018; L.L. 6-2018; Deleted by L.L. 2-2019

Section 8.02. Personnel assistant.

There shall be a personnel assistant who shall serve under the commission with the powers and duties prescribed by the New York State Civil Service Law.

ARTICLE IX

Medical Examiner

- Section 9.00. Medical Examiner, appointment, revocation.
- Section 9.01. Medical examiner, jurisdiction to investigate deaths.
- Section 9.02. Manner of investigation.
- Section 9.03. Advice, consultation and assistance.
- Section 9.04. Employment of stenographer.
- Section 9.05. Reports and records.
- Section 9.06. Disposition of money or property found on deceased.

Section 9.00. Medical Examiner, appointment, revocation.

- A. Upon appointment of a medical examiner as provided in section 14.07 of the county charter, a certificate of such appointment shall be filed and recorded in the office of the county clerk.
- B. The medical examiner, before entering upon the duties of his or her office, shall take and file the prescribed oath of office and furnish and file the required undertaking.
- C. The appointment of the medical examiner may be revoked at any time by the county manager by the filing of a certificate of such revocation in the office of the county clerk.

Section 9.01. Medical examiner, jurisdiction to investigate deaths.

- A. The medical examiner has jurisdiction and authority to investigate the death of every person dying within the County of Schenectady or whose body is found within the county which is or appears to be:
 - 1. A violent death, whether by criminal violence, suicide or casualty;
 - 2. A death caused by unlawful act or criminal neglect;
 - 3. A death occurring in a suspicious, unusual or unexplained manner;
 - 4. A death caused by suspected criminal abortion;
 - 5. A death while unattended by a physician, so far as can be discovered or where no physician able to certify the cause of death as provided in the New York State Public Health Law and in form as prescribed by the commissioner of health can be found; and
 - 6. A death of a person confirmed in a public institution other than a hospital, infirmary or nursing home.

Section 9.02. Manner of investigation.

- A. When the medical examiner is informed of the occurrence of a death within his or her jurisdiction as defined in the previous section, he or she shall go at once to the place where the body is and take charge of it. The medical examiner shall have authority to the extent required for the investigation to remove and transport the body upon taking charge of it, notwithstanding any general, special or local law.
- B. The medical examiner shall fully investigate the essential facts concerning the death, taking the names and addresses of as many witnesses thereto, as it may be practicable to obtain, and before leaving the premises shall reduce all such facts to writing. He or she shall take possession of any portable object which, in his or her opinion, may be useful in establishing the cause or means of death.
- C. In the course of investigation, the medical examiner shall make or cause to be made such examinations, including an autopsy, as in his or her opinion are necessary to establish the cause of death or to determine the means or manner of death or to discover facts, the ascertainment of which is requested in writing by a district attorney, or a sheriff, or the chief of a police department of the city or county, or the superintendent of state police, or the commissioner of correction.
- D. The authority to make any examination as provided in this section includes the authority to remove, retain and transport or send, for the purposes of the examination, any tissue or organs and any portable object.
- E. The medical examiner shall have power to subpoena and examine witnesses under oath in the same manner as a magistrate in holding a court of special sessions.

Section 9.03. Advice, consultation and assistance.

The medical examiner shall have authority when necessary in his or her opinion, to consult with and to request advice, consultation or other assistance from any officer of a department of the state government, from any medical examiner of any city or county, from any coroner or coroner's physician of any county, or from the head of any public health laboratory, police laboratory or state or municipal laboratory or from any member of the staff of such laboratory designated for such purposes by the head thereof, or from any physician qualified to make post mortem examinations and to testify thereon; and to request from any such person such tests, examinations or analyses and reports with respect thereto as are necessary in his or her opinion, with respect to the body of the deceased or any part thereof or with respect to any other matter related to his or her investigation.

Section 9.04. Employment of stenographer.

- A. When the services of a stenographer shall not have been provided by the legislature, or if a stenographer so provided is not available, the medical examiner shall have the power to employ a stenographer for the purpose of taking statements and reducing to writing the testimony of witnesses or of transcribing or reproducing any report or document required by his or her investigation.
- B. If the legislature has not fixed any rate of compensation, such stenographer shall be paid for taking and transcribing minutes at the rate charged by official court stenographers in the County of Schenectady.

Section 9.05. Reports and records.

- A. The writing made by the medical examiner at the place where he or she takes charge of the body shall be filed promptly in the office of the medical examiner. The testimony of witnesses examined before him or her and the report of any examination made or directed by him or her shall be made in writing or reduced to writing and thereupon filed in such office.
- B. The report of any autopsy or other examination shall state every fact and circumstances tending to show the condition of the body and the cause and means or manner of death.
 - 1. The person performing an autopsy for the purpose of determining the cause of death or means or manner of death shall enter upon the record the pathological appearances and findings, embodying such information as may be prescribed by the state commissioner of health and append thereto the diagnosis of the cause of death and of the means or manner of death.
 - 2. Methods and forms prescribed by the state commissioner of health for obtaining and preserving records and statistics of autopsies conducted within the state shall be employed.
 - 3. A detailed description of the findings, written during the progress of the autopsy, and the conclusions drawn therefrom shall, when completed, be filed in the office of the medical examiner.
- C. The medical examiner shall keep full and complete records, properly indexed, stating the name, if known, of every person whose death is investigated, the place where the body was found, the date of death, if known, and if not known, the date or approximate date as determined by the investigation, to which there shall be attached the original report of the medical examiner and the detailed findings of the autopsy, if any. Such records shall be kept in the office of the medical examiner.
- D. Such records as required in this article shall be open to inspection by the district attorney.
- E. Upon application of the personal representative, spouse or next of kin of the deceased or of any person who is or may be affected in a civil or a criminal action by the contents of the record of any investigation, or upon application of any person having a substantial interest therein, an order may be made by a court of record, or by a justice of the supreme court, that the record of that investigation be made available for his or her inspection, or that a transcript thereof be furnished to him or her, or both.
- F. The medical examiner shall promptly deliver to the district attorney copies of all records pertaining to any death whenever in his or her opinion or in the judgment of the person performing the autopsy, there is any indication that a crime was committed.

Section 9.06. Disposition of money or property found on deceased.

- A. Money and other property found upon the body of the deceased, not required for the purposes of the investigation, shall be delivered to the commissioner of finance of the County of Schenectady.
- B. Unless claimed in the meantime by the legal representatives of the deceased, articles held for the purposes of the investigation, except such writings of the deceased as may be relevant to the diagnosis, of means or manner of death, shall be delivered to the commissioner of finance of the County of Schenectady at the conclusion of the investigation.
- C. Upon the delivery of the money to the commissioner of finance he or she must place it to the credit of the county.

- D. If other property is delivered to the commissioner of finance, he or she must, within 1 year, sell it at public auction upon reasonable public notice, and must, in like manner, place the proceeds to the credit of the county.
- E. If the money be demanded within 6 years by the legal representatives of the deceased, the commissioner of finance must pay it to them, after deducting the amount of expenses incurred in connection therewith, or it may be so paid at any time thereafter, upon the order of the legislature; provided, however, that such money may be so paid at any time upon written order of the judge of the surrogate court of the County of Schenectady.
- F. Before auditing and allowing the account of the medical examiner, the legislature must require from him or her a statement in writing of any money or other property found upon persons whose deaths he or she has investigated, verified by his or her oath to the effect that the statement is true and that the money or property mentioned in it has been delivered to the legal representatives of the deceased, or to the commissioner of finance.

ARTICLE X ¹⁷

Department of Social Services

Section 10.00. Appointment of deputy.

Section 10.01. Advisory board to the commissioner.

Section 10.02. Disposition of unclaimed personal property.

Section 10.00. Appointment of deputy.

- A. There shall be a commissioner of social services as prescribed by article XIII of the charter.
- B. The county manager shall appoint a director of administrative services who shall serve as a deputy commissioner of social services.
- C. The director of administrative services shall perform such duties under the direction of the commissioner as the commissioner may describe.
- D. In the case of the absence of the commissioner from the county, or his or her inability to perform the duties of his or her office, the director of administrative services shall exercise the powers and duties of the commissioner until such time as the commissioner returns or the disability ceases.
- E. The commissioner, prior to the appointment by the county manager of such deputy or deputies, may recommend to the county manager the names of persons he or she deems qualified and suited for said positions.
- F. The position of director of administrative services shall be in the classified civil service.
- G. If neither the commissioner nor the director of administrative services is able to perform the duties of the office of commissioner, the director of social services shall perform such duties.

¹⁷ Article retitled by L.L. 2-2015.

Section 10.01. Advisory board to the commissioner.

- A. The commissioner may appoint a general advisory board, consisting of not fewer than 7 citizens to be approved by the county manager, to act in an advisory capacity to the commissioner.
- B. Members of such board shall serve without pay and shall be appointed for a term of 3 years to expire at the end of the calendar year, except that of those first appointed, one-third of the members shall serve for a 3-year term, one-third for a 2-year term, and one-third for a 1-year term, to expire at the end of the calendar year in which their terms would otherwise expire.
- C. Vacancies occurring on such board otherwise than by expiration of term shall be filled for the unexpired balance of the term in the same manner in which original appointments are made.

Section 10.02. Disposition of unclaimed personal property.

- A. All monies and articles of personal property belonging to a discharged or deceased person in any institution now or hereafter in the custody of the proper officer of such institution and under the jurisdiction of the commissioner of social services shall, if unclaimed by such discharged person, or the legal representative of such deceased person, for a period of 1 year after the discharge or the decease of such person, be deemed abandoned, and shall be inventoried and turned over to the commissioner of social services.
- B. The commissioner shall forthwith pay any monies so unclaimed to the county commissioner of finance who shall place the same to the credit of the county.
- C. Any personal property, other than money, remaining so unclaimed shall be sold at public or private sale as determined by the commissioner of social services, and the money derived therefrom shall be paid to the commissioner of finance and credited to the county as above provided.

ARTICLE XI¹⁸

Department of Public Health Services

Section 11.00. Organization of the department of public health services.

Section 11.00. Organization of the department of public health services.¹⁹

The department of public health services may be organized into such divisions and bureaus as may be prescribed by the county manager.

¹⁸ Article retitled by L.L. 2-2015.

¹⁹ Added by L.L. 2-2015.

ARTICLE XII ²⁰

Office of Community Services

Section 12.00. Office of community services; community services board.

Section 12.00. Office of community services; community services board.²¹

The office of community services is headed by a community services board. Appointment to this board and the powers and duties of the community services board are as provided for in Article XV of the charter.

ARTICLE XIII ²²

Department of Economic Development and Planning

Section 13.00. Department of economic development and planning; commissioner.

Section 13.01. Powers and duties.

Section 13.00. Department of economic development and planning; commissioner.

There shall be a department of economic development and planning headed by a commissioner who shall be appointed by the county manager, subject to confirmation by the legislature, on the basis of his or her professional training and experience in the field of metropolitan, regional, county or municipal planning. He or she shall serve at the pleasure of the county manager.

Section 13.01. Powers and duties.

The commissioner of economic development and planning shall have and exercise all the powers and duties of a county, metropolitan or regional planning board as authorized by law. He or she shall:

- A. Assist the county manager in executive planning, including the capital budget and capital improvement program, the preparation of all county plans, and supervise the writing of all planning reports.
- B. Make available to cities, towns and villages in Schenectady County, at their request, advice and assistance on matters related to the planning function.
- C. Coordinate and oversee the various economic development initiatives within the county.²³

²⁰ Article retitled by L.L. 2-2015.

²¹ Added by L.L. 2-2015.

²² Article retitled by L.L. 2-2015.

²³ Added by L.L. 2-2015.

- D. Perform such other and related duties as shall be required or delegated to him or her by the county manager.

ARTICLE XIV

Department of Engineering and Public Works

- Section 14.00. Divisions within the department of engineering and public works.
Section 14.01. Delegation of powers and duties of director of public works.
Section 14.02. Delegation of powers and duties of director of engineering.
Section 14.03. Permits, rules, regulations and fines.
Section 14.04. Powers and duties; director of division of parks.
Section 14.05. Powers and duties; director of division of facilities.

Section 14.00. Divisions within the department of engineering and public works.²⁴

The department of engineering and public works shall be composed of a division of public works, a division of engineering, a division of parks and a division of facilities.

Section 14.01. Delegation of powers and duties of director of public works.²⁵

- A. The division of public works shall be headed by the director of public works possessing the powers and duties as prescribed by article XVII of the charter.
- B. The director of public works may, upon approval of the county manager, delegate to one or more of the assistants or employees in his or her division specific powers and duties of the director of public works, including those which he or she has as county superintendent of highways
- C. The director of public works may also revoke such delegations.
- D. Such delegations and revocations shall be in writing and shall set forth the specific power or powers, duty or duties so delegated or revoked.
- E. Such written delegations or revocations shall be filed with the county clerk and if the power or powers, duty or duties so delegated or revoked are those which the director of public works has as county superintendent of highways, a duplicate of said written delegation or revocation shall be filed with the state superintendent of public works.
- F. The acts performed by such assistants or employees pursuant to such delegation shall have the same effect at law as if performed by the director of public works.

Section 14.02. Delegation of powers and duties of director of engineering.²⁶

²⁴ Added by L.L. 2-2015; former section 14.00 redesignated 14.01 by L.L. 2-2015.

²⁵ Amended by L.L. 2-2015; formerly section 14.00; redesignated by L.L. 2-2015.

- A. The division of engineering shall be headed by the director of engineering possessing the powers and duties as prescribed by article XVII of the charter.
- B. The director of engineering may, upon approval of the county manager, delegate to one or more of the assistants or employees in his or her division specific powers and duties of the director of engineering, including those which he or she has as county engineer.
- C. The director of engineering may also revoke such delegations.
- D. Such delegations and revocations shall be in writing and shall set forth the specific power or powers, duty or duties so delegated or revoked.
- E. Such written delegations or revocations shall be filed with the county clerk and if the power or powers, duty or duties so delegated or revoked are those which the director of public works has as county engineer, a duplicate of said written delegation or revocation shall be filed with the state superintendent of public works.
- F. The acts performed by such assistants or employees pursuant to such delegation shall have the same effect at law as if performed by the director of engineering.

Section 14.03. Permits, rules, regulations and fines.²⁷

- A. Notwithstanding the provisions of any special or local law to the contrary, the county director of public works shall have and exercise sole and exclusive jurisdiction, authority and control over all county roads on the county road system in the county between property lines within easements and in and across all intersections thereof, as to all openings, structures, changes and improvements.
- B. No person, firm, corporation, improvement district or municipality shall construct any works in or upon any such county road or construct any overhead, surface or underground crossing thereof or construct, maintain, alter or repair any drainage, sewer, water pipe, conduit or other structure thereon or thereunder without first obtaining a permit therefore from the director of public works under such rules, regulations, safeguards, specifications and conditions as prescribed, notwithstanding any consent or franchise granted by any other municipality.
- C. The director of public works, subject to the approval of the legislature and the county manager, shall prescribe such rules and regulations as are necessary for the proper regulation of the operation of heavy construction equipment, including tractors, power shovels, rollers, trailers, graders, and other machinery which does not operate on pneumatic tires, upon county roads.
- D. The director of public works shall have full and exclusive control of all shade trees and other planting within the property lines and easements of all county roads on the county road system outside of cities and villages. No person, firm or corporation shall plant, remove, trim, damage or otherwise alter any shade trees or planting on any county road outside of cities or villages without first obtaining approval thereof in writing from the director of public works. Any disobedience thereof shall be

²⁶ Added by L.L. 2-2015.

²⁷ Formerly section 14.01; redesignated and amended by L.L. 2-2015.

prosecuted by the director of public works and may be punished by a fine not to exceed one hundred dollars (\$100).

- E. Upon the application of the governing board of any city or village the said director of public works may assume full control of all shade trees and other planting within the property lines and easements of any county road in such city or village subject to the same regulations and procedure as prevail upon county roads outside of any city or village.
- F. For the purpose of this section the lateral limits of any county road shall be defined as the property lines on either side thereof or 1 ½ rods either side of the center line of the road if the road is located on an easement; and at intersections with other highways, the lines connecting the intersecting property line comers or easement limits or any combination of intersecting property lines and easement limits, on either side thereof--except that where such county road traverses a public park area the property lines shall be considered as being 24 ¾ feet distant from the center line of the pavement.
- G. Nothing in this section shall be construed to restrict or prevent the construction, maintenance or repair of any sidewalk by any municipality under laws and ordinances applicable thereto except in those operations of construction, maintenance or repair where the use of any portion of the pavement of such county road is affected or restricted; or to restrict or to prevent the adoption or enforcement of local municipal traffic control ordinances, rules and regulations not inconsistent with the provisions of this section.

Section 14.04. Powers and duties; director of division of parks. ²⁸

- A. The director of public works shall act as director of the division of parks until such time as the county legislature may create the position of director of parks as part of the annual budget of the county. The director of parks shall possess the powers and duties as prescribed by article XVII of the charter.²⁹
- B. The director of parks shall have the power from monies appropriated and property designated for that purpose by the legislature, to make available for use as a public park or parks, all such real estate, easements and rights which are or may come under his or her jurisdiction, and to develop, improve and embellish such park or parks and erect, construct or build thereon necessary structures and other improvements and appurtenances.
- C. The director of parks shall have the power to promote, demonstrate and organize constructive recreational activities cooperating with and supplementing the recreational services of the towns, villages and cities throughout the county; to provide recreational leadership training; and to establish recreation facilities and programs.
- D. The director of parks is hereby authorized to control and manage, maintain and operate any and all such parks and recreational activities. All such parks shall be held and maintained with all the rights, privileges and immunities provided in this article.

²⁸ Formerly section 14.02; redesignated by L.L. 2-2015.

²⁹ Added by L.L. 2-2015.

- E. The director of parks may consider, investigate and recommend to the county manager and the legislature for selection and location such real estate in the county as may in his or her opinion be proper and desirable to be reserved, set apart or acquired for one or more parks. For the purposes of this article the director of parks and the employees of the bureau of parks when authorized by him or her may enter upon any real estate or interest therein for the purpose of making such surveys, examinations and investigations as he or she may deem necessary in the performance of their duties.
- F. The director of parks may, if possible, make option agreements at a reasonable consideration for the acquiring by purchase of the real estate recommended or to be recommended for park purposes. Such option agreements shall be exercised unless or until the legislature has approved the taking of such real estate and made an appropriation therefore. The director of parks shall from time to time report the estimated cost of such proposed parks to the legislature, together with any preliminary map or description showing the real estate to be selected and located for park purposes, together with any other data relating thereto.
- G. The acquisition, improvement and embellishment of county parks, together with the maintenance thereof and all incidental proceedings for any one or more of the following purposes, namely: public health, public welfare, conservation of natural resources, education, instruction, interest, pleasure, recreation, athletics or amusement, are hereby declared to be for a public and county purpose.

Section 14.05. Powers and duties; director of division of facilities.³⁰

- A. The director of facilities shall be appointed by the county manager, subject to confirmation by the county legislature, and shall possess the powers and duties as prescribed by article XVII of the charter.
- B. The director of facilities shall have all charge and supervision of the design, construction and alteration of county buildings, parking areas, drives, grounds and walks.
- C. The director of facilities shall have charge and supervision of maintenance, repair and custodial care of county buildings, except hospitals and infirmary buildings.
- D. The director of facilities shall furnish services as directed by the county manager.

ARTICLE XV

Department of Aviation

Section 15.00. Powers and duties.

Section 15.00. Powers and duties.

³⁰ Amended by L.L. 2-2015; formerly section 14.03; redesignated by L.L. 2-2015.

- A. The commissioner of aviation shall oversee and manage the operation of the Schenectady County airport according to the provisions of article XIV of the New York State General Municipal Law, relating to airports and landing fields, and other applicable state law.
- B. All leases, contracts, or agreements for the sale, rental or use of equipment, or for the maintenance and operation of airport facilities, shall be prepared by or under the direction of the department of law.

ARTICLE XVI

Department of Libraries

Section 16.00. Board of trustees; appointment.

Section 16.01. Director.

Section 16.00. Board of trustees; appointment.

- A. The board of trustees of the Schenectady County library system shall be continued in office as constituted, and the appointing authority of the county manager, pursuant to article XIX of the county charter, shall take effect as of the end of the term of each respective member.
- B. The library board of trustees shall be constituted according to the provisions of section 260 of the Education Law of the State of New York and its operation shall be governed by the provisions of the Education Law and such other applicable state law.

Section 16.01. Director.

- A. The director of the library shall be qualified to serve as the head of a library serving a population of 50,000 to 250,000.
- B. In this administrative capacity, the director shall be responsible for all library functions and carry out policy as determined by the library board of trustees.
- C. The board of trustees may recommend appointment of a director to the county manager.

ARTICLE XVII

Municipal Cooperation

Section 17.00. Municipal cooperation; General Municipal Law.

Section 17.00. Municipal cooperation; General Municipal Law.

The provisions of article XX of the county charter shall be implemented according to the provisions of article V-g of the General Municipal Law of the State of New York, unless the legislature shall by local law provide for another method of municipal cooperation.

ARTICLE XVIII

Community College

Section 18.00. Schenectady County Community College; board of trustees; appointment.

Section 18.01. Appointment of staff; qualifications.

Section 18.02. Approval of budget; labor contracts.

Section 18.00. Schenectady County Community College; board of trustees; appointment.

- A. The board of trustees of Schenectady County Community College shall consist of 9 members, 5 of whom shall be appointed by the legislature and 4 of whom shall be appointed by the governor of the State of New York.
- B. Appointment and terms of office shall be in accordance with the provisions of the Education Law of the State of New York.
- C. Its operation shall also be governed by the provisions of the New York State Education Law and any other such applicable state law.

Section 18.01. Appointment of staff; qualifications.

- A. Staff appointments for faculty and administration of the college shall be made by the president of the college with the approval of the board of trustees.
- B. It shall be the responsibility of the president of the college to ascertain and verify to the board that each appointee has the required qualifications to fulfill the position to which he or she is appointed.

Section 18.02. Approval of budget; labor contracts.

- A. The board of trustees of the college shall submit its proposed budgets, both operating and capital, to the legislature for approval prior to submitting such proposals to the State University of New York.
- B. In addition to this, the board of trustees of the college shall submit to the legislature for approval, contracts negotiated with representatives of the employees pertaining to salaries and other working conditions.

ARTICLE XIX ³¹

Board of Elections

Section 19.00. Board of elections; certification of legislature.

Section 19.00. Board of elections; certification of legislature.

- A. Decisions by the board of elections pursuant to section 2.02 of the charter shall be in writing and shall be delivered personally or by registered mail to all interested parties and/or their attorneys of record.
- B. In its certification to the legislature as to the composition of that body, pursuant to section 2.04, subdivision B or 2.04, subdivision C of the charter, the board of elections shall cause to be delivered personally or by registered mail to the chairperson of the legislature, the clerk of the legislature, the county attorney, and the county manager, a full and complete review of the facts utilized as the basis for the certification, and the full mathematical calculations in connection therewith. Sufficient copies shall also be available to the public at the office of the board of elections.
- C. In placing the correct number of members of the legislature in each of the legislative districts pursuant to section 2.04, subdivision D in the charter, the board of elections shall cause to be delivered, personally or by registered mail to the chairperson of the legislature, the clerk of the legislature, the county manager, and the county attorney, certified copies of its reapportionment of seats on the legislature. Sufficient copies of said certification shall also be available to the public at the office of the board of elections.

ARTICLE XX ³²

Department of Probation

Section 20.00. Department of probation; director.

Section 20.00. Department of probation; director.³³

- A. The department of probation shall serve all of the courts within the County of Schenectady, including the city of Schenectady.
- B. The director of probation shall appoint such staff in a manner provided by the New York State Criminal Procedure Law, and within the appropriations therefore.

³¹ Article retitled by L.L. 2-2015; former article XIX was redesignated as article XXXIX by L.L. 2-2015 and most of its provisions were assigned to new articles.

³² Article retitled by L.L. 2-2015; former article XX redesignated as article XXXX by L.L. 2-2015.

³³ Formerly section 19.01; redesignated and amended by L.L. 2-2015.

ARTICLE XXI ³⁴

Office of Emergency Management

Section 21.00. Office of emergency management; director.

Section 21.00. Office of emergency management; director. ³⁵

- A. Upon the threat or occurrence of a natural disaster emergency such as flood, drought, fire, earthquake, hurricane, wind storm or other storm, landslide or other catastrophe arising from causes other than enemy attack as defined in the New York State Defense Emergency Act, and during and immediately following the same, and except as otherwise provided in subdivision D of this section, the county manager may direct the emergency management director of the county to assist in the protection and preservation of human life or property by holding a emergency management drill and training exercise at the scene of the disaster and at any other appropriate places within the county, in which all or any emergency management forces may be called upon to perform the emergency management duties assigned to them.
- B. The emergency management forces of the county shall be regarded as a reserve disaster force to be activated, in whole or a part, by the county emergency management director upon the direction of the county manager when the county manager, in his or her discretion, is convinced that the personnel and resources of local municipal and private agencies normally available for disaster assistance are insufficient to cope adequately with the disaster.
- C. The county manager may exercise the power conferred upon him or her in subdivision A of this section, or may deactivate the emergency management forces of the county in whole or in part, on his or her own motion or upon the request of the chief executive officer of a village, town or city located within the county.
- D. When performing disaster assistance pursuant to this section, county emergency management forces shall operate under the direction and command of the county emergency management director and his or her duly authorized deputies, and shall possess the same powers, duties, rights, privileges and immunities they would possess when performing their duties in a locally sponsored civil defense drill or training exercise in the civil or political subdivision in which they are enrolled, employed or assigned emergency management responsibilities.
- E. The mayor of the city of Schenectady shall be responsible for the conduct of disaster operations within the city, including the operations directed by the county emergency management director when rendering disaster assistance within the city pursuant to this section.
- F. Outside of the city, the county manager shall supervise the operations of the emergency management director except that he or she may delegate such supervisory power to an elected or appointed town or village official in the area affected.

³⁴ Article added by L.L. 2-2015.

³⁵ Formerly section 19.03; redesignated and amended by L.L. 2-2015.

- G. Neither the mayor of the city of Schenectady, nor the county manager, nor any elected or appointed town or village official to whom the county manager has delegated his or her supervisory power as aforesaid, shall be held responsible for acts or omissions of emergency management forces when performing disaster assistance.

ARTICLE XXII ³⁶

Veterans Service Agency

Section 22.00. Veterans service agency; director.

Section 22.00. Veterans service agency; director. ³⁷

There shall be a director of the veterans service agency.

ARTICLE XXIII ³⁸

Office of Consumer Affairs/Weights and Measures

Section 23.00. Powers and duties; director of office of consumer affairs/weights and measures.

Section 23.01. Council on consumer affairs.

Section 23.02. Abolishment and transfer of duties.

Section 23.03. Rules pertaining to the enforcement of the deceptive trade practices law.

Section 23.00. Powers and duties; director of office of consumer affairs/weights and measures. ³⁹

The director shall have the following powers and duties:

- A. In addition to the powers and duties set forth below, all the powers and duties of a county sealer pursuant to the New York State Agriculture and Markets Law or any general or special law applicable in the county.
- B. To receive and investigate complaints and initiate investigations of unfair or deceptive practices against consumers.
- C. To disseminate consumer educational and informational materials to the consumers of Schenectady County.

³⁶ Added by L.L. 2-2015.

³⁷ Formerly section 19.04; redesignated by L.L. 2-2015.

³⁸ Added by L.L. 2-2015.

³⁹ Amended by L.L. 4-1997, § 1; formerly subdivision 1 of section 19.05; redesignated and amended by L.L. 2-2015.

- D. To report information with respect to the violation of any federal, state or local consumer protection law, to the appropriate law enforcement agency.
- E. To assist, advise and cooperate with local, state and federal agencies to protect and promote the interests of the consumers of Schenectady County.
- F. To render each year, to the county legislature, a written report of the activities, investigations, complaints and recommendations of the department.
- G. To perform such other responsibilities and duties as may be assigned by the county manager or the county legislature.

Section 23.01. Council on consumer affairs.⁴⁰

- A. There is hereby created a consumer advisory council of 12 members representing a cross section of consumer and business interests, to be appointed by the county manager subject to confirmation by the county legislature.
- B. Of the 12 members first appointed, 4 shall be appointed for a term of 3 years, 4 for a term of 2 years and 4 for a term of 1 year; thereafter all appointments shall be for a term of 3 years.
- C. One member shall be designated by the county manager as chairperson.
- D. The advisory council shall assist and advise the director in fulfilling his or her duties and functions.

Section 23.02. Abolishment and transfer of duties.⁴¹

The Schenectady County sealer of weights and measures is hereby abolished and the functions, powers and duties of said sealer are transferred and assigned to the office of consumer affairs/weights and measures.

Section 23.03. Rules pertaining to the enforcement of the deceptive trade practices law.⁴²

A. Definitions.

For the purposes of these rules, the following terms shall have the meanings indicated.

- 1. Adjudicatory proceeding means any activity in which a determination of the legal rights, duties or privileges of named parties thereto is required by law to be made only on a record and after an opportunity for a hearing.
- 2. Hearing officer means an individual designated by the county manager 5 days of the issuance of a notice of hearing, providing that the officer so designated shall not be a person responsible for administration and enforcement of the deceptive trade practices local law.

⁴⁰ Formerly subdivision 2 of section 19.05; redesignated by L.L. 2-2015.

⁴¹ Formerly subdivision 4 of section 19.05; redesignated by L.L. 2-2015.

⁴² Added by L.L. 8-1997, § 1; formerly subdivisions 6.00 – 6.16 of section 19.05; redesignated by L.L. 2-2015.

3. Party means any person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party.
4. Person means any individual, partnership, corporation, association or public or private organization of any character.

B. Complaint procedure.

1. Filing.
 - a. All complaints must be in writing signed by the complainant on a form to be prescribed by the director of consumer affairs/weights and measures.
 - b. Complaints may be filed at the office of consumer affairs, in person or by mail.
 - c. Copies of any relevant documents such as advertisements should be attached to the complaint.
2. Docketing.
 - a. Each complaint shall be docketed and given a number.
 - b. Any notices, correspondence or adjudicatory hearing pleadings shall bear the complaint number.
3. Jurisdiction.

Within a reasonable time after filing, each complaint will be reviewed to determine whether the complaint comes within the jurisdiction of the director of consumer affairs/weights and measures.

C. Opportunity for hearing.

In an adjudicatory proceeding, all parties shall be afforded an opportunity for hearing within a reasonable time, said time to be, unless otherwise provided by statute or regulation, 30 days from accrual of a right to an opportunity to be heard, from the hearing officer's issuance of a notice of hearing, provided that the hearing officer may extend said period for good cause, including but not limited to the need for further investigation, pending judicial proceedings, the convenience of witnesses, parties, and personnel, or extraordinary circumstances, and further provided that this section shall be directional rather than jurisdictional and shall not affect or impair in any way the validity of any adjudicatory proceeding.

D. Notice.

All parties shall be given reasonable notice of an adjudicatory hearing, which notice shall include the following:

1. A statement of the time, place, and nature of the hearing;
2. A statement of the legal authority and jurisdiction under which the hearing is to be held;
3. A reference to the particular sections of the statutes and law involved, where possible;
4. A clear and detailed statement of all allegations and matters asserted.

E. More definite and detailed statement.

1. Upon application of any party, a more definite and detailed statement shall be furnished whenever the hearing officer finds that the statement is not sufficiently definite or not sufficiently detailed.
2. The finding of the hearing officer as to the sufficiency of definiteness or detail of the statement or its failure or refusal to furnish a more definite or detailed statement shall not be subject to judicial review.
3. Any statement furnished shall be deemed, in all respects, to be a part of the notice of hearing.

F. Opportunity to present written argument.

1. All parties shall be afforded an opportunity to present written argument on issues of law and an opportunity to present evidence and such argument on issues of fact; provided, however, that nothing contained herein shall be construed to prevent the hearing officer from allowing parties to present oral argument within a reasonable time.
2. In fixing the time and place for hearings and oral argument, due regard shall be had for the convenience of the parties.
3. Parties may also file answers and responsive pleadings.

G. Disposition.

Unless precluded by statute, disposition may be made of any complaint or adjudicatory proceeding by stipulation, agreed settlement, consent order, default or other informal method, provided that nothing herein shall be construed to require any such disposition.

H. Record.

1. The record in an adjudicatory proceeding shall include:
 - a. All notices, pleadings, motions, intermediate rulings;
 - b. The evidence presented;
 - c. A statement of matters officially noticed, except matters so obvious that a statement of them would serve no useful purpose;
 - d. Questions and offers of proof, objections thereto, and rulings thereon;
 - e. Proposed findings and exceptions, if any;
 - f. Any findings of fact, conclusions of law or other recommendations made by a hearing officer; and
 - g. Any decision, determination, opinion, order or report rendered.
2. The hearing officer shall make a complete record of all adjudicatory proceedings conducted before him or her.

- a. For this purpose, unless otherwise required by statute, the hearing officer may use whatever means he or she deems appropriate, including, but not limited to the use of stenographic transcriptions or electronic recording devices.
- b. Upon request made by any party within a reasonable time, but prior to the time for commencement of judicial review, of the hearing officer giving notice of his or her decision, determination, opinion or order, the hearing officer shall prepare the record, together with any transcript of proceedings within a reasonable time and shall furnish a copy of the record and transcript or any part thereof to any party as he or she may request subject to the payment of a reasonable charge for same.

I. Hearing officers.

1. Hearings shall be conducted in an impartial manner.
2. Upon filing in good faith by a party of a timely and sufficient affidavit of personal bias or disqualification of a hearing officer, the county manager shall determine the matter as part of the record in the case, and his or her determination shall be a matter subject to judicial review at the conclusion of the adjudicatory proceedings.
3. Whenever a hearing officer is disqualified or it becomes impractical for him or her to continue the hearing, another hearing officer may be assigned to continue with the case unless it is shown that substantial prejudice will result therefrom.

J. Powers of hearing officers.

Except as otherwise provided by statute, hearing officers are authorized to:

1. Administer oaths and affirmations;
2. Sign and issue subpoenas at the request of any party requiring attendance and giving of testimony by witnesses and the production of books, papers, documents and other evidence and said subpoenas shall be regulated by the New York State Civil Practice Law and Rules, provided that nothing contained herein shall affect the authority of an attorney for a party to issue subpoenas under the provisions of the New York State Civil Practice Law and Rules;
3. Provide for the taking of testimony by deposition;
4. Regulate the course of the hearings, set the time and place for continued hearings, and fix the time for filing of briefs and other documents, if any; and
5. Direct the parties to appear and confer to consider the simplification of the issues by consent by the parties, provided that nothing herein shall be construed as requiring any such directives.

K. Burden of proof.

1. Except as otherwise provided by statute, the burden of proof shall be on the party who initiated the proceeding.

2. No decision, determination or order shall be made except upon consideration of the record as a whole or such portion thereof as may be cited by any party to the proceeding and except where otherwise provided by statute, as supported by and in accordance with substantial evidence.

L. Rules of evidence.

1. Unless otherwise provided by any statute the rules of evidence observed by courts need not be observed, but the rules of privilege recognized by law shall be given effect.
2. Objections to evidentiary offers may be made and shall be noted in the record.
3. Irrelevant or unduly repetitious evidence or cross-examination may be excluded.
4. Subject to these requirements, for the purpose of expediting hearings and when the interests of parties will not be substantially prejudiced thereby, the submission of all or part of the evidence in written form may be permitted, provided that nothing herein shall be construed as requiring that such a submission be permitted.

M. Documentary evidence.

Evidence, including records and documents in the possession of the office of consumer affairs/weights and measures of which said office desires to avail itself shall be offered and made part of the record, and all such documentary evidence may be received in the form of copies or excerpts or by incorporation by reference, provided that materials incorporated by reference shall be available for examination by the parties before being received in evidence.

N. Cross-examination.

All parties shall have the right of cross-examination.

O. Official notice.

1. Official notice may be taken of all facts of which judicial notice could be taken and of other facts within the specialized knowledge of the office of consumer affairs/weights and measures.
2. When official notice is taken of a material fact not appearing in the evidence in the record and of which judicial notice could not be taken, every party shall be given notice thereof and shall on timely request be afforded an opportunity prior to decision to dispute the fact or its materiality.

P. Decisions, determination and orders.

1. A final decision, determination or order adverse to a party in an adjudicatory proceeding shall be in writing or stated in the record and shall include findings of fact and conclusions of law or reasons for the decision, determination or order.
2. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings.
3. A copy of the decision, determination or order shall be delivered or mailed forthwith to each party and to his or her attorney of record.

ARTICLE XXIV ⁴³

County Fire Coordinator

Section 24.00. County fire coordinator.

Section 24.00. County fire coordinator. ⁴⁴

- A. Nothing contained herein shall be construed to extend the authority of the county fire coordinator or to limit by act of county government the authority of volunteer fire districts.
- B. The county fire coordinator shall report to the county emergency management director.

ARTICLE XXV ⁴⁵

Office of Public Defender

Section 23.00. Duties; Public Defender.

- A. The Office of Public Defender shall not accept any assignments unless it has the resources to spend sufficient time with the client to establish a meaningful client/attorney relationship; to communicate with family or friends of the client and with professionals and service providers; to inform the client regularly as to the progress of the case; to provide copies of documents prepare or received by the attorney; and to provide the client with the opportunity to make an intelligent and informed decision where a decision is to be made by the client.
- B. The Office of Public Defender shall operate under quality control procedures that:
 - 1. require meaningful attorney qualifications for representing public defense clients, and match attorneys' ability, training, and experience to the complexity of clients' cases;
 - 2. provide for meaningful, periodic and ongoing evaluation of the work of attorneys and others according to objective criteria;
 - 3. include mechanisms for obtaining, evaluating, and responding to comments and complaints from clients and the client community to improve the quality of services; and

⁴³ Added by L.L. 2-2015.

⁴⁴ Formerly section 19.07; redesignated and amended by L.L. 2-2015.

⁴⁵ Added by L.L. 7-2012.

4. require entry-level and continuing training relevant to the types of cases in which mandated representation is offered.
- C. At least annually, and more often as needed, the Public Defender shall report to the County Manager the resources needed to operate the office of public defender in accordance with the New York State Bar Association Revised Standards for Providing Mandated Representation (2000).
- D. It shall be the duty of the assigned Public Defender to represent the Eligible Person to the best of his or her ability until the latter has been terminated in accordance with the standards of the New York Rules of Professional Conduct.
- E. The Public Defender assigned will immediately determine if the client is incarcerated.
1. If the client is incarcerated or otherwise deprived of liberty the assigned attorney should meet with that client in person within two business days from the time of notification of appointment. At that meeting the assigned attorney should discuss the issue of bail with the client.
 2. If the client is not incarcerated the assigned attorney should contact the client within two business days, but such contact may be by phone or by letter.
- F. The Public Defender assigned shall make an independent investigation to determine whether the person to whom he or she has been assigned is actually without sufficient funds to retain counsel. Whenever it appears that the person is financially able to obtain counsel, or to make partial payment for the representation or other services, counsel will report this fact to the court. The court may terminate the assignment of counsel, or upon a finding that the person is financially unable to retain counsel, continue representation as the interests of justice may dictate.
- G. The Public Defender assigned shall:
1. Interview the client as soon as possible, and in a setting in which client confidentiality can be maintained and a client/attorney relationship can be established;
 2. Review initial charging documents or petitions as soon as possible, and challenge inadequacies in documents and proceedings unless doing so would harm the client;
 3. Zealously advocate for pretrial release and/or diversion and for dismissal of proceedings whenever warranted;
 4. Aggressively pursue discovery in individual cases and seek to secure improved policies for the timely disclosure of information to which their clients are entitled;
 5. Investigate potential consequences that can arise from cases, advise each client about those consequences, and advocate for case dispositions that limit negative consequences as much as possible.
 6. Provide well-prepared sentencing advocacy in criminal cases, including cases in which a plea bargain exists, and well-prepared dispositional advocacy in parent representation cases.
 7. Immediately begin preparations for trial and sentencing/disposition.

- H. After the matter has been adjudicated, it shall be counsel's duty, promptly and in writing, to fully advise the defendant as to his or her right of appeal, if any, the time limitations involved and the manner of instituting an appeal and of obtaining a transcript of the testimony. Counsel shall ascertain whether his or her client desires to appeal, and if he or she so desires, counsel shall serve and file the necessary notices of appeal, after which his or her duties as assigned trial counsel shall have been completed.

ARTICLE XXVI ⁴⁶

Office of Conflict Defender

Section 23.00. Duties; Conflict Defender.

- A. The Office of Conflict Defender shall not accept any assignments unless it has the resources to spend sufficient time with the client to establish a meaningful client/attorney relationship; to communicate with family or friends of the client and with professionals and service providers; to inform the client regularly as to the progress of the case; to provide copies of documents prepare or received by the attorney; and to provide the client with the opportunity to make an intelligent and informed decision where a decision is to be made by the client.
- B. The Office of Conflict Defender shall operate under quality control procedures that:
1. require meaningful attorney qualifications for representing public defense clients, and match attorneys' ability, training, and experience to the complexity of clients' cases;
 2. provide for meaningful, periodic and ongoing evaluation of the work of attorneys and others according to objective criteria;
 3. include mechanisms for obtaining, evaluating, and responding to comments and complaints from clients and the client community to improve the quality of services; and
 4. require entry-level and continuing training relevant to the types of cases in which mandated representation is offered.
- C. At least annually, and more often as needed, the Conflict Defender shall report to the County Manager the resources needed to operate the office of conflict defender in accordance with the New York State Bar Association Revised Standards for Providing Mandated Representation (2000).
- D. It shall be the duty of the assigned Conflict Defender to represent the Eligible Person to the best of his or her ability until the latter has been terminated in accordance with the standards of the New York Rules of Professional Conduct.
- E. The Conflict Defender assigned will immediately determine if the client is incarcerated.

⁴⁶ Added by L.L. 7-2012.

1. If the client is incarcerated or otherwise deprived of liberty the assigned attorney should meet with that client in person within two business days from the time of notification of appointment. At that meeting the assigned attorney should discuss the issue of bail with the client.
 2. If the client is not incarcerated the assigned attorney should contact the client within two business days, but such contact may be by phone or by letter.
- F. The Conflict Defender assigned shall make an independent investigation to determine whether the person to whom he or she has been assigned is actually without sufficient funds to retain counsel. Whenever it appears that the person is financially able to obtain counsel, or to make partial payment for the representation or other services, counsel will report this fact to the court. The court may terminate the assignment of counsel, or upon a finding that the person is financially unable to retain counsel, continue representation as the interests of justice may dictate.
- G. The Conflict Defender assigned shall:
1. Interview the client as soon as possible, and in a setting in which client confidentiality can be maintained and a client/attorney relationship can be established;
 2. Review initial charging documents or petitions as soon as possible, and challenge inadequacies in documents and proceedings unless doing so would harm the client;
 3. Zealously advocate for pretrial release and/or diversion and for dismissal of proceedings whenever warranted;
 4. Aggressively pursue discovery in individual cases and seek to secure improved policies for the timely disclosure of information to which their clients are entitled;
 5. Investigate potential consequences that can arise from cases, advise each client about those consequences, and advocate for case dispositions that limit negative consequences as much as possible.
 6. Provide well-prepared sentencing advocacy in criminal cases, including cases in which a plea bargain exists, and well-prepared dispositional advocacy in parent representation cases.
 7. Immediately begin preparations for trial and sentencing/disposition.
- H. After the matter has been adjudicated, it shall be counsel's duty, promptly and in writing, to fully advise the defendant as to his or her right of appeal, if any, the time limitations involved and the manner of instituting an appeal and of obtaining a transcript of the testimony. Counsel shall ascertain whether his or her client desires to appeal, and if he or she so desires, counsel shall serve and file the necessary notices of appeal, after which his or her duties as assigned trial counsel shall have been completed.

ARTICLE XXVII⁴⁷

Office of Assigned Counsel

Section 27.00. Duties; Assigned Counsel Administrator.

Section 27.00. Duties; Assigned Counsel Administrator.

The Administrator shall be in active charge of the administration and supervision of the Plan. He or she shall conduct all correspondence and keep all records. In furtherance of his or her duties, he or she shall:

1. Require meaningful attorney qualifications for representing public defense clients.
2. In conjunction with the courts, provide for meaningful, periodic and ongoing evaluation of the work of assigned counsel.
3. Provide mechanisms for obtaining, evaluating, and responding to comments and complaints from clients and the client community to improve the quality of services.
4. Provide a method of registration of all eligible members of the bar who indicate willingness to accept assignments under the 18-B Plan.
5. Provide a method of assigning counsel for Eligible Persons by distributing to every court in Schenectady County the list of counsel available for assignment in particular courts of the county, with the requirement that assignments be made in rotation, from such lists, to the end that assignments are distributed fairly and equitably and in compliance with the statutes of the State of New York applicable thereto. The justice, judge or magistrate shall not be compelled to assign in rotation where the interests of justice would require a different method of assignment.
6. Establish rules for the operation of the 18-B Plan and develop the forms necessary for operation of the Plan.
7. Furnish both the courts and the attorneys participating in the plan with the forms and information necessary for the operation of the plan.
8. Establish procedures and maintain records necessary for the proper administration of the plan.

⁴⁷ Added by L.L. 5-2019.

9. Approve all vouchers submitted by assigned counsel for payment for services rendered under the Plan, assuring that all necessary documentation has been submitted and complied with Plan requirements.
10. Make an annual report with the assistance and cooperation of the Schenectady County Finance Department, pursuant to article 18-B of the County Law as the same may be from time to time amended.

ARTICLE XXVIII – ARTICLE XXXVIII [Reserved]

ARTICLE XXXIX⁴⁸

Other County Functions

Section 39.00. Other county boards; appointment.

Section 39.01. Constitutional officers.

Section 39.02. Jail physician.

Section 39.00. Other county boards; appointment.⁴⁹

Members of county boards, including but not limited to, the county fire advisory board, the district fish and wildlife management board, and the soil conservation district shall continue to serve as provided by law until the termination of terms of office of each respective member thereof, at which time the authority granted to the county manager under section 3.01, subdivision B, paragraph 5 of the charter shall take effect.

Section 39.01. Constitutional officers.⁵⁰

There shall be a county clerk, a district attorney and a county sheriff with the powers and duties prescribed by law.

Section 39.02. Jail physician.⁵¹

There shall be a jail physician appointed pursuant to section 501 of the New York State Correction Law.

⁴⁸ Added by L.L. 2-2015; formerly article XIX; redesignated by L.L. 2-2015.

⁴⁹ Formerly section 19.06; redesignated and amended by L.L. 2-2015.

⁵⁰ Formerly section 19.08; redesignated by L.L. 2-2015.

⁵¹ Formerly section 19.09; redesignated by L.L. 2-2015.

ARTICLE XXXX ⁵²

General and Transitional Provisions

- Section 40.00. Adoption of code; when effective.
- Section 40.01. Amendment of code.
- Section 40.02. Legislative intent.
- Section 40.03. Application of general laws.
- Section 40.04. Divisions within the Schenectady County administrative code.
- Section 40.05. References to Schenectady County local laws.
- Section 40.06. Reference to offices or officers.
- Section 40.07. Continuation of existing provisions.
- Section 40.08. Repeal of administrative code provisions not included.
- Section 40.09. Headings, captions, footnotes and editorial notes.
- Section 40.10. Amendments and new laws.
- Section 40.11. Local laws which amend, repeal or add to the administrative code.
- Section 40.12. Manifest errors and omissions.
- Section 40.13. Pending actions and proceedings.
- Section 40.14. Judicial notice.
- Section 40.15. Separability.
- Section 40.16. Saving clause.
- Section 40.17. Code to be liberally construed.

Section 40.00. Adoption of code; when effective.⁵³

This code shall, upon approval of the legislature in the manner provided by the charter for approval of local laws, become effective as of the fifth consecutive day following the day of approval, unless a different time shall be prescribed by the adopting law or required by Article 4 of the New York State Municipal Home Rule Law or other provision of law.

Section 40.01. Amendment of code.⁵⁴

This code may be amended by local law in the manner provided by the Municipal Home Rule Law of the State of New York.

Section 40.02. Legislative intent.⁵⁵

It is the intent of the county legislature by this local law to provide an administrative code for the governing of the County of Schenectady supplemental to the provisions of the county charter, and to provide herein an enumeration of specific powers, but such enumeration shall not operate to exclude or restrict other powers comprehended by a general grant of power.

⁵² Added by L.L. 2-2015; formerly article XX; redesignated by L.L. 2-2015.

⁵³ Formerly section 20.00; redesignated and amended by L.L. 2-2015.

⁵⁴ Formerly section 20.01; redesignated by L.L. 2-2015.

⁵⁵ Formerly section 20.02; redesignated by L.L. 2-2015.

Section 40.03. Application of general laws.⁵⁶

Every provision of the general laws of the State of New York applicable to the County of Schenectady shall prevail where no similar or comparable provision is made by or can fairly be inferred from this code or the county charter. Within the limits prescribed by New York State Municipal Home Rule Law, whenever any state law is inconsistent or conflicting with any provision of this code or the county charter, it shall be deemed superseded to the extent of such inconsistency or conflict.

Section 40.04. Divisions within the Schenectady County administrative code.⁵⁷

The administrative code is divided, in descending order of application, by article, section, subdivision, paragraph and subparagraph.

Section 40.05. References to Schenectady County local laws.⁵⁸

Whenever in one section of the Schenectady County administrative code, reference is made to another section of the Schenectady County charter, administrative code, codified local laws or uncodified local laws, that reference shall extend and apply to the section referred to as it is subsequently amended, revised, re-codified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

Section 40.06. Reference to offices or officers.⁵⁹

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of Schenectady County exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

Section 40.07. Continuation of existing provisions.⁶⁰

- A. The provisions of the administrative code proposed by chapter 1 of the Schenectady County codified local laws, insofar as they are substantially the same as the existing provisions of the charter, shall be construed as restatements and continuations thereof and not as new enactments and the effective date of such provisions shall date from the effective date of the prior local law.
- B. Only such provisions of the administrative code as are omitted from the amended administrative code attached to chapter 1 of the Schenectady County codified local laws shall be deemed repealed or abrogated by the provisions of section 40.08 of the administrative code.

Section 40.08. Repeal of administrative code provisions not included.⁶¹

⁵⁶ Formerly section 20.03; redesignated by L.L. 2-2015.

⁵⁷ Added by L.L. 2-2015.

⁵⁸ Added by L.L. 2-2015.

⁵⁹ Added by L.L. 2-2015.

⁶⁰ Added by L.L. 2-2015.

- A. All provisions of the Schenectady County administrative code in force on the date of adoption of chapter 1 of the Schenectady County codified local laws and not contained in the amended administrative code attached to that law are hereby repealed on the effective date of that local law.
- B. When any law repealing a former article, section, or other provision of the administrative code shall be itself repealed, the repeal shall not be construed to revive the former article, section, or provision, unless it is expressly provided.

Section 40.09. Headings, captions, footnotes and editorial notes. ⁶²

Headings, captions, footnotes and editorial notes used in the Schenectady County administrative code other than the article and section numbers are employed for reference purposes only and shall not be deemed to be a part of the text of any section.

Section 40.10. Amendments and new laws. ⁶³

- A. Any new local laws and all additions, deletions, amendments or supplements to any of the local laws known as the Schenectady County administrative code, when enacted or adopted in such form as to indicate the intention of the County legislature that they be a part of the Schenectady County administrative code, shall be deemed to be incorporated into such enactments so that reference to the Schenectady County administrative code shall be understood and intended to include such additions, deletions, amendments, supplements and new laws.
- B. Whenever such new local laws or additions, deletions, amendments or supplements to the Schenectady County administrative code shall be enacted or adopted, they shall be printed and inserted into the administrative code as amendments and supplements thereto.

Section 40.11. Local laws which amend, repeal or add to the administrative code. ⁶⁴

- A. If the Schenectady County legislature shall desire to amend or repeal any existing article, section or subdivision of the Schenectady County administrative code, it shall indicate the article, section or subdivision to be amended or repealed and the new desired language.
- B. Any local laws which proposed to add to or amend the existing provisions of the Schenectady County administrative code shall use formatting consistent with the other provisions of the administrative code.

Section 40.12. Manifest errors and omissions. ⁶⁵

⁶¹ Added by L.L. 2-2015.

⁶² Added by L.L. 2-2015.

⁶³ Added by L.L. 2-2015.

⁶⁴ Added by L.L. 2-2015.

- A. If a manifest error is discovered by the clerk of the legislature consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published.
- B. No alteration shall be made or permitted if any questions exist regarding the nature or extent of such error.
- C. Any alterations shall be filed by the clerk of the legislature with the department of state.

Section 40.13. Pending actions and proceedings.⁶⁶

No action, suit or proceeding commenced before the effective date of this code shall be affected by the adoption hereof or by any of the provisions herein contained, but shall be continued as if this code had not taken effect.

Section 40.14. Judicial notice.⁶⁷

All courts shall take judicial notice of all laws contained in this code and of all local laws, acts, resolutions, rules, and regulations adopted pursuant to the county charter or this code.

Section 40.15. Severability.⁶⁸

If any word, phrase, clause, sentence, paragraph, section or part of this code shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder or any other part or portion of this code, but shall be confined in its operation to such portion, section, sections or parts hereof directly involved in the controversy in which such judgment shall have been rendered.

Section 40.16. Saving clause.⁶⁹

The enactment of the foregoing provisions of this code shall not operate to invalidate or impair the effect of any provision of the county charter.

Section 40.17. Code to be liberally construed.⁷⁰

⁶⁵ Added by L.L. 2-2015.

⁶⁶ Formerly section 20.04; redesignated by L.L. 2-2015.

⁶⁷ Formerly section 20.05; redesignated by L.L. 2-2015.

⁶⁸ Formerly section 20.06; redesignated by L.L. 2-2015.

⁶⁹ Formerly section 20.07; redesignated by L.L. 2-2015.

⁷⁰ Formerly section 20.08; redesignated by L.L. 2-2015.

This code shall be liberally construed to achieve its objectives and purposes.

2022

Part III. Codified Local Laws



Codified by Local Law 2-2015.

Amendments and new chapters indicated in historical notes.

Schenectady County Codified Local Laws Table of Contents

Chapter 1	Adoption and codification of local laws
Chapter 5	Airport landing fees
Chapter 10	Alcohol: prohibiting the sale, purchase, possession or use of alcohol without liquid devices
Chapters 15-30	Reserved
Chapter 30	Civil service: enforcement officers in the sheriff's department
Chapter 35	Civil service: employees in the sheriff's department
Chapter 40	Consumer protection: deceptive trading practices
Chapter 45	Consumer protection: item pricing law
Chapter 50	Consumer protection: pricing accuracy
Chapter 51	Consumer protection: food delivery services
Chapter 55	Counsel for indigent litigants
Chapter 55A	Schenectady County plan
Chapters 55-75	Reserved
Chapter 75	Emergency protocol: continuity of government
Chapter 80	Environment: environmental advisory council
Chapter 85	Environment: freshwater wetlands' protection, preservation and conservation
Chapter 90	Environment: nature and historic preserve
Chapter 95	Ethics: Schenectady County ethics and disclosure law
Chapters 95-125	Reserved
Chapter 125	Health: Schenectady County sanitary code
Chapters 125-175	Reserved
Chapter 150	Sustainable Energy Loan Program (Open C-Pace)
Chapter 175	Mass transportation: authorizing contracts and sponsorship of funding
Chapter 180	Mass transportation: provisions for system
Chapters 180- 210	Reserved
Chapter 210	Parking and operating motor vehicles on certain county property
Chapter 215	Prior written notice: defective or dangerous condition of any street, highway, bridge, culvert, sidewalk or crosswalk
Chapter 220	Probation department: general administrative fee
Chapter 225	Probation department: administrative fee
Chapter 230	Probation department: family court custodial investigations fee
Chapters 230- 250	Reserved
Chapter 250	Real property: cover page requirement
Chapter 250A	Written Notice of Conveyance Of Residential Real Property
Chapter 255	Reimbursement for the cost of medical, hospital and dental care provided to inmates
Chapter 260	Reserved
Chapter 265	Salaries
Chapter 270	Repealed and reserved
Chapter 275	MS IV Stormwater
Chapter 280	Tattooing and body piercing
Chapter 285	Calories content values
Chapter 290	Tax: collection of delinquent village taxes
Chapter 295	Tax: hotel/motel room occupancy tax
Chapter 300	Tax: mortgage recording tax
Chapter 305	Tax: real property—agricultural exemptions for commercial horse boarding operations
Chapter 310	Tax: real property—interest added to real property taxes
Chapter 315	Tax: real property—tax exemption for capital improvements residential buildings

Schenectady County Codified Local Laws

Table of Contents

Chapter 320	Tax: real property—maximum tax exemptions for veterans
Chapter 325	Tax: real property—proportional tax exemptions for veterans
Chapter 330	Tax: real property—cold war veterans
Chapter 335	Tax: real property—tax exemptions for Gold Star Parents
Chapter 340	Tax: real property—tax exemption for historic properties
Chapter 345	Tax: real property—tax exemptions for members of volunteer fire companies or volunteer ambulance services
Chapter 350	Tax: real property—tax exemptions for persons over 65 with limited income
Chapter 355	Tax: real property—tax exemptions for persons with disabilities and limited income
Chapter 360	Tax: real property—tax exemptions for physically disabled and blind
Chapter 365	Tax: real property—tax lien redemption period
Chapter 370	Telephone access lines surcharge
Chapter 375	Tobacco: penalties for sales to minors
Chapter 376	Tobacco: 21
Chapter 380	Tobacco: vending machine sales
Chapter 385	Traffic safety board
Chapter 390	Wireless communications surcharge
Chapter 400	Repealed and reserved
Chapter 405	Sparkling Devices
Chapters 400- 500	Reserved
Chapter 500	Repealed and reserved

Chapter 1. ADOPTION AND CODIFICATION OF LOCAL LAWS

[HISTORY: Adopted 4-14-2015 by Local Law 2-2015.]

Section 1.01. Legislative intent.

The codification of the Schenectady County charter, administrative code and local laws of a general and permanent nature will enhance the efficient daily operation of the county by providing convenient access to the county's current enforceable laws. When these codified laws are combined with the small group of local laws not deemed appropriate for codification, county residents, legislators and employees will be able to easily access the provisions of all current local laws.

Section 1.02. Adoption of Schenectady County codification.

- A. In accordance with subdivision 3 of section 20 of the New York State Municipal Home Rule Law, the Schenectady County codification shall include amendments, deletions, repeals, alterations and new provisions of law.
- B. The attached amended Schenectady County charter, administrative code, and codified local laws and the attached uncoded local laws are adopted as the official local laws of Schenectady County.

Section 1.03. Divisions between the Schenectady County local laws.

The various divisions between the local laws adopted by the Schenectady County legislature shall be known as:

- A. The Schenectady County charter,
- B. The Schenectady County administrative code,
- C. The Schenectady County codified local laws, and
- D. The Schenectady County uncoded local laws.

Section 1.04. Divisions within the Schenectady County local laws.

- A. The charter and the administrative code are divided, in ascending order of application, by article, section, subdivision, paragraph and subparagraph.
- B. The codified local laws are divided, in ascending order of application, by chapter, section, subdivision, paragraph and subparagraph.
- C. The uncoded local laws are divided, in ascending chronological order by the date of the adoption of such local law.

Section 1.05. References to Schenectady County local laws.

Whenever in one section of the Schenectady County codified local laws or uncoded local laws, reference is made to a provision of the Schenectady County charter, administrative code, codified local laws or uncoded local laws, that reference shall extend and apply to the section referred to as it is subsequently amended, revised, re-codified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

Section 1.06. Reference to offices or officers.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of Schenectady County exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

Section 1.07. Continuation of existing provisions.

The provisions of the codified local laws and uncoded local laws, insofar as they are substantially the same as the provisions of existing laws relating to the same subject, shall be construed as restatements and continuations thereof and not as new enactments and the effective date of such provisions shall date from the effective date of the prior local law.

Section 1.08. Repeal of local laws not included.

- A. All Schenectady County local laws in force on the date of adoption of this local law and not included in the attached amended charter, administrative code, and codified local laws and the attached uncoded local laws are hereby repealed on the effective date of this local law unless such local laws are saved from repeal by the provisions of section 1.09 below.
- B. When any law repealing a former law, section or other provision shall be itself repealed, the repeal shall not be construed to revive the former law, section, or provision, unless it is expressly provided.

Section 1.09. Local laws saved from repeal; matters not affected.

The repeal of local laws provided for in section 1.08 of this local law shall not affect the following rights, privileges, licenses or classes of local laws which are hereby expressly preserved and saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of Schenectady County prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.

Chapter 1. ADOPTION AND CODIFICATION OF LOCAL LAWS

- B. An offense or act committed or done before the effective date of this local law in violation of any legislative provisions of Schenectady County or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law, brought pursuant to any legislative provision of Schenectady County.
- D. Any franchise, license, right, easement or privilege heretofore granted or conferred by Schenectady County unless specifically abrogated by a local law or the charter or a subsequent act of the Schenectady County legislature.
- E. Any local law of Schenectady County providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within Schenectady County or any portion thereof.
- F. Any local law of Schenectady County appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of Schenectady County or other instruments or evidence of the county's indebtedness.
- G. Any local law authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The dedication of property.
- J. Any local laws relating to salaries.
- K. Any local law adopted subsequent to the date of adoption of this law.

Section 1.10. Limitation on abridgement of powers.

Nothing contained herein shall abridge any existing legal authority of any board, commission or agency of Schenectady County to make, publish, adopt, repeal, change or amend its rules, regulations or bylaws in accordance with law.

Section 1.11. Headings, captions, footnotes and editorial notes.

Headings, captions, footnotes and editorial notes used in the Schenectady County codified local laws other than the article, chapter, and section numbers are employed for reference purposes only and shall not be deemed to be a part of the text of any section.

Section 1.12. Amendments and new local laws.

- A. Any new local laws and all additions, deletions, amendments or supplements to any of the local laws known as the Schenectady County codified local laws and uncoded local laws, when enacted or adopted in such form as to indicate the intention of the county legislature that they be a part of the Schenectady County codified local laws and uncoded local laws, shall be deemed to be incorporated into such enactments so that reference to the Schenectady County codified local laws and uncoded local laws shall be understood and intended to include such additions, deletions, amendments, supplements and new laws.
- B. Whenever such new local laws or additions, deletions, amendments or supplements to the Schenectady County codified local laws and uncoded local laws shall be enacted or adopted, they shall be printed and inserted into the appropriate division of law as amendments and supplements thereto.

Section 1.13. Local laws which amend, repeal or add to existing codified local laws.

- A. If the Schenectady County legislature shall desire to amend or repeal any existing chapter, section or subdivision of the Schenectady County codified local laws, it shall indicate the chapter, section or subdivision to be amended or repealed and the new desired language, if any.
- B. Any proposed local law of a general and permanent nature which adds to the existing Schenectady County codified local laws a new chapter, section or subdivision shall indicate, with reference to the arrangement of these laws, the proper number of the chapter, section or subdivision. For new chapters, a caption or title shall be shown in concise form above the law.
- C. The formatting of the proposed local laws governed by this section shall be consistent with the formatting of the codified laws.

Section 1.14. Local laws which amend, repeal or add to existing uncoded local laws.

- A. If the Schenectady County legislature shall desire to amend or repeal any existing Schenectady County uncoded local law or a section or subdivision thereof, it shall indicate the local law, section or subdivision to be amended or repealed and the new desired language, if any.
- B. Any proposed local law deemed to not be of a general and permanent nature, and which is to be added to the existing Schenectady County uncoded local laws shall state in the law that it is to be included in the division of uncoded local laws.

Section 1.15. Adoption of laws and rules by reference.

It is the intention of the legislature that, when adopting the Schenectady County codified local laws and uncoded local laws, all future amendments to any state or federal rules and statutes adopted by reference or referenced in these enactments are hereby adopted by reference or referenced as if they had been in existence at the time the Schenectady County codified local laws and uncoded local laws were adopted, unless there is clear intention to the contrary expressed in the local laws.

Section 1.16. Manifest errors and omissions.

- A. If a manifest error is discovered by the clerk of the legislature consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published.
- B. No alteration shall be made or permitted if any questions exist regarding the nature or extent of such error.
- C. Any alterations shall be filed by the clerk of the legislature with the department of state.

Section 1.17. Requirement of publication.

The publication of this local law, coupled with the availability of copies of the Schenectady County charter, administrative code, codified local laws and uncoded local laws, as proposed by this law, for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of local laws for all purposes.

Section 1.18. Copy of local laws on file.

The clerk of the legislature shall keep a copy of the Schenectady County charter, administrative code, codified local laws and uncoded local laws on display in his or her office and update all these divisions of local law by inserting new laws and amendments adopted by the legislature and removing repealed laws.

Section 1.19. Severability.

If any article, chapter, section, subdivision, paragraph, subparagraph or part of this local law or any local law included in the codified laws or uncoded laws, now or as later amended, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof that can be given effect without the invalid provision, but shall be confined in its operation to the

Chapter 1. ADOPTION AND CODIFICATION OF LOCAL LAWS

article, chapter, section, subdivision, paragraph, subparagraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 1.20. Effective date.

This local law shall take effect 45 days after its final adoption, publication and filing, subject to permissive referendum in accordance with section 24 of the Municipal Home Rule Law.

Chapter 5. AIRPORT LANDING FEES

[HISTORY: Adopted 12-22-2004 by Local Law 10-2004.]

Section 5.01. Landing fees.

The operator of any aircraft, except military aircraft, aircraft used for pleasure related flights and aircraft based at the Schenectady County airport, shall be charged a landing fee for use of the Schenectady County airport. The landing fee shall be three dollars (\$3) for each single-engine aircraft; and one dollar (\$1) per 1,000 pounds of maximum gross landing weight for multi-engine or jet aircraft. Payment of the applicable landing fee shall be made by the operator of the aircraft to the airport fixed base operator who shall remit such total collections to the county, less 10% for administrative purposes.

Section 5.02. Superseding earlier resolution.

The landing fees established by this local law shall supersede any landing fees created by resolution 3-79, which was adopted on March 13, 1979 by this governing body.

**Chapter 10. ALCOHOL: PROHIBITING THE SALE, PURCHASE,
POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID DEVICES**

[HISTORY: Adopted 1-11-2005 by Local Law 1-2005]

Section 10.01. Legislative intent.

This legislature hereby finds and determines that:

- A. "AWOL," an acronym for Alcohol WithOut Liquid, is a device that mixes alcoholic beverages with pure oxygen. A cloudy alcoholic vapor is created by this device when an alcoholic beverage is poured into a "diffuser capsule" that is connected to an oxygen pipe. The resultant vapor can then be inhaled.
- B. An AWOL device enables people to inhale vaporized alcoholic drinks such as vodka or gin through the mouth or nasal passages by using a tube.
- C. By bypassing the stomach and the liver, the alcoholic vapor is absorbed through blood vessels in the nasal passages or lungs, creating a quicker and more intense effect on the brain.
- D. Experts have claimed that the practice of inhaling alcoholic vapor can be harmful to one's health, safety and physical well-being.
- E. These AWOL devices are being marketed as a simpler and quicker way to become intoxicated, and as a "dieter's dream" because one can consume alcoholic beverages in a manner that does not involve calories.
- F. Providing devices that can promote alternative methods of inducing intoxication to young adults can create additional circumstances whereby the health, safety and physical well-being of the public may be jeopardized.
- G. The purpose of this local law is to ban the sale, purchase, possession and use of AWOL devices in Schenectady County.

Section 10.02. Definitions.

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

- A. "AWOL device" shall mean a device that mixes alcoholic beverages with pure oxygen, or any other gaseous substance, to produce an alcoholic vapor that can be inhaled through the mouth or nose. This definition shall not include any device prescribed by a person who is a licensed medical professional admitted to practice medicine pursuant to the provisions of title 8 of the New York State Education Law.

Chapter 10. ALCOHOL: PROHIBITING THE SALE, PURCHASE, POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID DEVICES

- B. "Person" shall mean any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association, or other entity or business organization of any kind.

Section 10.03. Prohibitions.

Pursuant to article 9, section 2(c)(10) of the New York State Constitution, governing protection, health, safety, and well-being of persons, no person shall purchase, offer for sale, use, or possess with intent to use an AWOL device within the County of Schenectady.

Section 10.04. Penalty.

Any person who intentionally violates any provision of section 10.03 of this law shall be guilty of an unclassified misdemeanor punishable by a fine of up to one thousand dollars (\$1,000). Each such violation shall constitute a separate and distinct offense.

Section 10.05. Applicability.

This law shall apply to any action or actions occurring on or after the effective date of this law.

LAWS OF SCHENECTADY COUNTY, NEW YORK
PART III CODIFIED LOCAL LAWS
CHAPTER 30. CIVIL SERVICE: CIVIL ENFORCEMENT OFFICERS IN THE SHERIFF'S
DEPARTMENT

Chapter 30. CIVIL SERVICE: CIVIL ENFORCEMENT OFFICERS IN THE
SHERIFF'S DEPARTMENT

[HISTORY: Adopted 9-8-1987 by Local Law 4-1987.]

Section 30.01. Placement in classified service.

The civil enforcement officers in the Schenectady County sheriff's office and department are hereby placed in the classified service pursuant to the Civil Service Law of the State of New York.

Section 30.02. Subject to Civil Service Law, rules and regulations.

Such offices and positions shall be held and filled according to the provisions of the civil service law and the rules and regulations of the department of civil service and the civil service commission, and shall be governed and controlled and shall be subject to such New York State Civil Service Law and such rules and regulations.

Section 30.03. Exceptions.

Notwithstanding the foregoing provisions, all civil enforcement officers in the sheriff's office or department who have been so employed as civil enforcement officers for a period of 1 year or longer in their respective positions prior to the effective date of this local law shall continue to hold such positions on a permanent basis, without examination, and shall have all the rights and privileges of the civil service jurisdictional classification to which such positions may be allocated.

**Chapter 35. CIVIL SERVICE: EMPLOYEES IN THE SHERIFF'S
DEPARTMENT**

[HISTORY: Adopted 4-10-1979 by Local Law 2-1979.]

Section 35.01. Placement in classified service.

All officers and positions of employment in the Schenectady County sheriff's office and department, except the sheriff, undersheriff and civil deputies, are hereby placed in the classified service pursuant to the Civil Service Law of the State of New York.

Section 35.02. Subject to Civil Service Law, rules and regulations.

Such officers and positions shall be held and filled according to the provisions of the New York State Civil Service Law and the rules and regulations of the department of civil service and the civil service commission, and shall be governed and controlled and shall be subject to such Civil Service Law and such rules and regulations.

Section 35.03. Exception.

Notwithstanding the foregoing provisions, all employees in the sheriff's office or department who have been so employed for a period of 1 year or longer in their respective positions prior to the effective date of this local law shall be covered in their respective positions without an examination.

Chapter 40. CONSUMER PROTECTION: DECEPTIVE TRADING PRACTICES

[HISTORY: Adopted 6-10-1997 by Local Law 7-1997.]

Section 40.01. Deceptive trade practices prohibited.

No person shall engage in any deceptive or unconscionable trade practices in the sale, lease, rental or loan of any consumer goods or services.

Section 40.02. Definitions.

- A. "Consumer" means a purchaser, lessee or recipient or prospective purchaser, lessee or recipient of consumer goods or services.
- B. "Consumer goods and services" means goods and services which are primarily for personal, household or family purposes or for legally owned commercial establishments where in the opinion of the enforcement officer the provisions of this local law are the appropriate remedy.
- C. "Deceptive trade practice" means any false, falsely disparaging or misleading oral or written statement, visual description or other representation of any kind, which has the capacity, tendency or effect of deceiving or misleading consumers and is made in connection with the sale, lease or rental of consumer goods or services. "Deceptive trade practices" include, but are not limited to:
 - 1. Representations that:
 - a. Goods or services have sponsorship, approval, accessories, characteristics, ingredients, uses, benefits or quantities that they do not have.
 - b. The merchant has a sponsorship, approval status, affiliation or connection that he or she does not have.
 - c. Goods are original or new if they are deteriorated, altered, reconditioned, reclaimed or secondhand.
 - d. Goods or services are of particular standard, quality, grade, style or model, if they are of another.
 - 2. The use, in any oral or written representation, of exaggeration, innuendo or ambiguity as to a material fact.
 - 3. Failure to state a material fact if such use or failure deceives or tends to deceive.
 - 4. Disparaging the goods, services or business of another by false or misleading representation of material facts.

5. Offering goods or services without the intent to sell them.
 6. Offering goods or services within the intent to supply reasonably expectable public demand, unless the offer discloses the limitation.
 7. Making false or misleading representations of fact concerning the reason for, existence of or amounts of price reductions, or the price in comparison to prices of competitors or one's own price at a past or future time.
 8. Falsely stating that a consumer transaction involves consumer rights, remedies or obligations.
 9. Falsely stating that services, replacements or repairs are needed.
 10. Falsely stating the reasons for offering or supplying goods or services at sale or discount prices.
 11. Any deception, fraud, false pretense, false premise, misrepresentation or the knowing concealment, suppression or omission of any material fact with the intent that consumers rely upon such concealment, suppression or omission in connection with the sale or advertisement of any merchandise or with the subsequent performance of person aforesaid, whether or not any person has, in fact been misled, deceived or damaged hereby.
 12. Failure to issue a rain check as hereinafter provided.
 13. A violation of any of the provisions of the Agriculture and Markets Law and General Business Law of the State of New York.
- D. "Enforcement officer" means the director of consumer affairs/weights and measures.
- E. "Merchant" means a manufacturer, supplier, seller, lessor or other person, firm or corporation who makes available to consumers, either directly or indirectly, goods or services.
- F. "Person" means an individual, merchant, partnership, firm or corporation.
- G. "Rain check" means a coupon or token issued to a consumer by a merchant for the future redemption of an item advertised by the merchant, not available for sale at the time specified in the advertisement.
- H. "Unconscionable trade practice" means any act or practice is unconscionable if it takes unfair advantage of the lack of knowledge, ability, experience or capacity of a consumer, which results in a gross disparity in the rights of a consumer as against the merchant or results in a gross disparity between the value received by a consumer and the price paid by the consumer.

Section 40.03. Exceptions.

Nothing in this local law shall apply to any television or radio broadcasting station or to any publisher or printer of a newspaper, magazine or other form of printed advertising, who broadcasts, publishes, or prints the advertisement.

Section 40.04. Rain checks.

- A. Any person advertising for sale, at retail and/or at wholesale, an article not available for sale during any day of an advertised period shall, on the demand of a purchaser unable to buy the advertised article during the offered period, issue a rain check, which shall be so redeemable as to permit the holder thereof to purchase the advertised article at the advertised price within 20 days of the last original offering date.
- B. The 20 day redeemable period may be modified with the consent of both the purchaser and the vendor.
- C. The article advertised has to be conspicuously and readily available to consumers in all of the advertiser's stores throughout the circulation or coverage area of the medium which disseminates the advertising. If not readily available, clear and adequate notice shall be provided that the items are in stock and may be obtained upon request.

Section 40.05. Investigations and hearings.

- A. The practice on all investigations and hearings conducted or instituted as provided in this local law shall be governed by the rules of the office of consumer affairs/weights and measures, and in all such hearings or investigations where testimony is taken, the enforcement officer, or other officer conducting the same, shall not be bound by the technical rules of evidence.
- B. All subpoenas shall be signed and issued by the enforcement officer or counsel for any party to the proceeding. Whenever a subpoena is issued at the instance of a complainant, respondent or other party to the proceeding, the cost of the service thereof and the fees of the witness shall be borne by the party at whose instance the witness is subpoenaed.
- C. If a person subpoenaed to attend before the hearing officer, fails to obey the command of such subpoena, without reasonable cause, or if a person in attendance upon an investigation or hearing shall, without reasonable cause, refuse to be sworn or to be examined or to answer a question or to produce book or paper, when ordered so to do by the officer or officers conducting such an investigation or hearing, or to subscribe and swear to his or her deposition after it has been correctly reduced to writing, if required so to do, he or she may be prosecuted therefore in any court of competent jurisdiction.
- D. A subpoena issued under this section shall be regulated by the New York State Civil Practice Law and Rules.
- E. Any person who shall willfully testify falsely as to any material matter pending in an investigation or proceeding under this chapter shall be guilty of perjury.

Section 40.06. Enforcement; penalties for offenses.

- A. The office of consumer affairs/weights and measures is hereby empowered and directed to enforce the provision of this local law.
- B. The violation of any provision of this local law shall render the violator liable for the payment to the county of a civil penalty recoverable in a civil action in the sum of not more than five hundred dollars (\$500) for each such violation.
- C. Whenever any person has engaged in any acts or practices which constitute repeated, persistent or multiple violations of any provisions of this local law, the county attorney, upon the information and request of the enforcement officer, may make application to the Supreme Court for a temporary or permanent injunction, restraining order or other equitable relief.

Chapter 45. CONSUMER PROTECTION: ITEM PRICING LAW

[HISTORY: Adopted 12-8-1992 by Local Law 7-1992. Amendments noted where applicable.]

Section 45.01. Title.

This law shall be known as the "Schenectady County item pricing law."

Section 45.02. Declaration of legislative findings and 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 Schenectady are clearly, accurately and adequately marked as to their selling price. This legislature does, at the same time, recognize the numerous efficiencies and economies available to the retail food industry by utilization of laser scanning devices as the sole method of pricing consumer goods. However, this legislature finds that item price marking is necessary to protect the interests of the consumer and is an indispensable element of any individual's right to make an informed purchase choice.

Section 45.03. 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 or 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. "Inspector" shall mean the authorized government official and his or her agents or employees having jurisdiction to enforce the provisions of this local law. For the purpose of this local law, the inspector shall be the Schenectady County director of consumer affairs/weights and measures.
- H. "Retail store" shall mean a store selling stock keeping units at retail. 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 2 full-time employees; or
 - 2. Had county-wide annual gross sales of stock keeping units in a previous calendar year of less than three million dollars (\$3,000,000); or (Amended 9-14-2000 by L.L. 8-2000)
 - 3. Engages primarily in the sale of food for consumption on the premises or in a specialty trade which the director of consumer affairs/weights and measures determines, by regulation, would be inappropriate for item pricing.
- I. "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 areas, maintenance areas, or other locations which are not intended to be accessible to consumers.

Section 45.04. Item pricing required.

Except as expressly provided in this Chapter, every 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.

Section 45.05. Certain items exempted.

The following stock keeping items need not be item priced as provided in section 45.04 of this law provided that a shelf price and a price look-up function are maintained for such stock keeping items:

- A. Snack foods such as cakes, gum, candies, chips and nuts offered for sale in single packages and weighing 5 ounces or less;
- B. Stock keeping items which are under 3 cubic inches of size, and weigh less than 3 ounces, and are priced under one dollar (\$1);
- C. Items sold through a vending machine;
- D. Fresh milk, cream, half and half and other similarly packaged liquid dairy products and orange juice;
- E. Fresh eggs;
- F. Fresh produce; (Amended 9-14-2000 by L.L. 8-2000)
- G. Food offered for sale in bulk;
- H. Frozen foods;
- I. Stock keeping items offered for a period of 21 days or less at a sale price, provided that the sale price and the beginning and ending dates of the sale are clearly indicated to the consumer by conspicuous sign otherwise located at or near the display of such stock keeping items. On special promotions offered, the period may be extended provided the store has available for inspection written documentation of the promotion.
- J. Individual jars of strained and junior size baby food;
- K. Individual boxes of dry gelatin and pudding;
- L. Ice cream and frozen yogurt; and
- M. Stock keeping items within a multi-package that is properly item priced.
- N. Cigarettes, cigars, tobacco and tobacco products.

Section 45.06. Pricing accuracy.

- A. No retail store 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 of a stock keeping unit, the store will be subject to a penalty as described in section 45.07, subdivision 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 advertised price of any stock keeping item sold in the store with the programmed computer price.

Section 45.07. Enforcement.

A. Item pricing inspection procedures.

For the purpose of determining a store's compliance with the requirements of section 45.04, an inspection shall be conducted of a sample of no fewer than 50 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 sections 45.06, 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 to the retail price information contained in a price look-up function. In the event the inspector has received a specific written complaint, the inspector may, in his or her 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 45.04 or 45.06. Any such order shall be in writing and direct 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.

Subject to an 85% stock keeping unit compliance rate as hereinafter provided for, a penalty shall be imposed for a violation of section 45.04 if the enforcing inspector determines that less than 75% of the stock keeping items inspected in a stock keeping unit at an individual point of sale contain clearly readable and correct item prices. The retail store shall not be found to have failed an inspection nor shall a penalty be imposed for a violation of section 45.04 if the enforcing inspector determines that more than 85% of all stock keeping units inspected comply with the provisions of this local law. Any retail store found in violation of section 45.04 of this local law shall be subject to the following penalties; for the first failed inspection, the store shall pay a penalty of two hundred and fifty dollars (\$250); five hundred dollars (\$500) for the second failed inspection; seven hundred and fifty dollars (\$750) for the third failed inspection and one-thousand dollars (\$1,000) for the fourth and each subsequent failed inspection. No store shall be inspected more frequently than every 7 days. Any store deemed to be in compliance with the provisions of this local law for a period of at least 6 months after a failed inspection shall be subject to a two hundred and fifty dollar (\$250) penalty for the next violation of this local law and the additional penalties for subsequent violations as hereinbefore provided for.

E. Penalties for scanner accuracy violations.

In the event that the programmed computer prices exceed the item, shelf, sale or advertised price of any stock keeping item, the store will be subject to the following penalties; for a violation of the provisions of section 45.06 of this local law in any 12 month period, no penalty shall be imposed for the first 2 violations of the stock keeping items compared; fifty dollars (\$50) per violation shall be imposed for the next 2 violations; one hundred dollars (\$100) per violation for the next 3 violations; two hundred dollars (\$200) per violation for the next 3 violations; and fifty dollars (\$50) for each additional violation, but in no event shall the total penalty therefore exceed two thousand dollars (\$2,000). For a second or subsequent violation in any 12 month period, the above penalties shall be doubled. The sampling requirements of subdivision A of section 45.07 of this local law shall not apply to this subdivision.

Section 45.08. Waiver from item pricing based upon pricing accuracy.

- A. Every retail store which uses a computer-assisted checkout system and which ~~otherwise~~ would be required to item price as provided herein may make application in writing to the enforcing agent for a waiver of said item pricing requirement. A ~~separate~~ application shall be required for each store. (Amended 9-14-2000 by L.L. 8-2000)
- B. Every retail store subject to this local law may apply in writing to the county enforcing agent for a waiver from the item pricing requirements as contained herein. All written requests for an item pricing waiver shall include an annual waiver fee, as set forth below, payable to the county enforcing agent. Failure to pay the yearly inspection fee shall result in the retail store being immediately subject to the item pricing provisions as contained herein. (Amended 12-22-2004 by L.L. 8-2004; Amended by L.L. 10-2007; Amended 12-8-2020 by L.L. 10-2020)

<u>Retail Area</u>	<u>Waiver Fee</u>
Less than 5,000 sq. ft.	\$ 750.00
5,000 sq. ft. or more	\$ 3,000.00

- C. Upon receipt of an application and fee as provided in subdivisions A and B of this section, the enforcing agent shall annually or semi-annually conduct, in accordance with NIST Guidelines, scanner accuracy inspections of the store for which the application has been submitted. These inspections shall consist of comparing the shelf, sale or advertised price of any stock keeping unit with the computer-assisted checkout system price in accordance with NIST Guidelines. In the event that any violations are detected, penalties shall be assessed as provided in chapter 50, section 50.05 of the Schenectady County codified local laws. If, considering both inspections together, the number of stock keeping units found to be in violation does not exceed 2% of all stock keeping units inspected, the enforcing agent shall grant to the applicant a revocable waiver from item pricing requirement. Any store with a current waiver shall not be subject to the item pricing provisions of chapter 45 of the Schenectady County codified local laws. (Amended 9-14-2000 by L.L. 8-2000; Amended 12-8-2020 by L.L. 10-2020)
- D. An annual waiver from item pricing shall be valid until such time as a store falls below 98% accuracy on 2 consecutive pricing accuracy inspections. Failure to meet the scanning accuracy requirement shall subject the retail store to the item pricing provision

of this local law within 10 days from the last inspection. (Amended 9-14-2000 by L.L. 8-2000)

- E. In the event the total violations in excess of 2% are discovered in the inspections provided for in subdivisions C or D herein, the enforcing agent shall not grant a waiver to the applicant. Such a store must promptly reapply for a waiver and pay the required fee to the enforcing agent within 5 business days after being notified of the failure. (Amended 9-14-2000 by L.L. 8-2000)
- F. In the event that the enforcing agent is unable to conduct inspections pursuant to the subdivision C of this section within 30 days of receipt of a completed written waiver application, the enforcing agent shall grant a temporary waiver pending completion of the inspections. If, upon completion, the item pricing inspections detect a violation rate of 2% or less, the enforcing agent shall issue an annual waiver. If the inspections detect a violation rate in excess of 2%, the temporary waiver shall be immediately revoked and the item pricing provisions of chapter 45 of the Schenectady County codified local laws shall apply. Stores subject to the item pricing provisions of this local law which qualify for a waiver shall be subject to the provisions of chapter 50 of the Schenectady County codified local laws. (Amended 9-14-2000 by L.L. 8-2000)

Section 45.09. Jurisdiction.

The provisions of this local law and any regulations promulgated hereunder shall be enforced by the director of consumer affairs/weights and measures for the County of Schenectady. The director of consumer affairs/weights and measures shall refer cases of unpaid penalties to the Schenectady County attorney for appropriate legal action.

Section 45.10. Pre-emption.

This local law shall be pre-empted by a New York law relating to item pricing of consumer commodities.

Chapter 50. CONSUMER PROTECTION: PRICING ACCURACY

[HISTORY: Adopted 8-8-2000 by Local Law 9-2000. Amendments noted where applicable]

Section 50.01. Title.

This law shall be known as the "Schenectady County pricing accuracy law."

Section 50.02. Legislative intent.

The Schenectady County legislature finds that whereas supermarkets were the first retailers to utilize computer-assisted pricing systems, that the use of such computer-assisted pricing systems is now commonplace throughout other retail formats. This legislature further recognizes that New York State does not monitor the pricing accuracy in these formats to ensure that consumers are not overcharged at the point-of-sale. The Schenectady County legislature further recognizes that substantial computer technology in the field of pricing systems has developed over the past decade, which assists the customer in making an informed purchase choice. It is the purpose of this law to monitor the accuracy of such sales to provide consumers protection from inaccurate retail pricing systems which can result in overcharging.

Section 50.03. Definitions.

- A. "Retail store" shall mean a store selling stock keeping units at retail and which charges sales tax. It shall include premises which impose a membership fee on customers. It shall not include premises engaged primarily in the sale of food for consumption on the premises or stores subject to the provisions of chapter 45 of the Schenectady County Codified Local Laws commonly known as "The Schenectady County item pricing law."
- B. "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 an in-house product code, or by use of its price look-up function.
- C. "Pricing accuracy inspection" shall mean an inspection of a retail store for purposes of determining if programmed computer prices are consistent with item, shelf, sale or advertised price. A pricing accuracy inspection shall consist of not fewer than 100 and no more than 300 stock keeping units, or 25 stock keeping units in retail stores, which offer for sale fewer than 100 stock keeping units. The inspection shall represent a cross-section of all stock keeping units offered for sale.
- D. "Stock keeping item" shall mean each item within a stock keeping unit being offered or exposed for sale.
- E. "Stock keeping unit" shall mean each group of items offered for sale of the same brand name, quantity of contents, retail price, and having present differing colors, flavors or varieties.

- F. "Shelf price" shall mean the tag or sign placed by an authorized person at each point of display of a stock keeping unit which clearly sets forth the retail price of the stock price of the stock keeping items within the unit, in type size no smaller than that required under section 214-h of the New York State Agricultural and Markets Law, 1 NYCRR section 345.1 et seq. of the New York State Agricultural and Market Law, and any and all other relevant statutes.
- G. "Retail price" shall mean the lowest price of a stock keeping item as determined by item, shelf, sale or advertised price of such stock keeping item.
- H. "Enforcing agent" shall mean the authorized county government official and his or her agents or employees having jurisdiction to enforce the provisions of this local law.
- I. "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 areas, maintenance areas, or other locations which are not intended to be accessible to consumers. (Amended 12-8-2020 by L.L. 10-2020)

Section 50.04. Use of scanning equipment, shelf tags and penalties.

- A. In retail stores equipped with a "computer assisted checkout system", the county enforcing agent shall have the authority to conduct pricing accuracy inspections. Retail stores, with computer assisted checkout systems, as defined herein, which do not place price stickers on individual stock keeping units, shall be required to:
 - 1. Display shelf prices on 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. A retail store failing to comply with this section shall be subject to a penalty in the sum of three hundred dollars (\$300) for the first violation, and six hundred dollars (\$600) for the second and each subsequent violation in a 7-day period.
 - 2. Designate and make available a price check scanner in retail stores that offer for sale more than 100 stock keeping units to enable consumers to confirm the price of a stock keeping unit. The store may utilize this scanner to meet unanticipated customer checkout needs. Retail Stores whose retail area contains less than 5,000 sq. ft. of space shall not be required to install a separate scanner in the retail area. Such Retail Stores shall (1) comply with all other pricing requirements, including those contained in section 214-h of the New York State Agriculture and Markets Law; (2) have a Uniform Pricing Code System; and (3) shall maintain registers with a scanner system that clearly displays to the consumer the price of each product that is scanned. (Amended 12-8-2020 by L.L. 10-2020)
 - 3. Notify the county enforcing agent in writing of the use or initial installation of scanning equipment within 60 days of installation and operation. A retail store failing

to comply with this provision shall be assessed a penalty of no greater than three hundred dollars (\$300) per establishment.

- B. The county enforcing agent shall also have the authority to respond to consumer complaints of overcharges. In the event the programmed computer price exceeds the retail price, a penalty in the amount of one hundred dollars (\$100) per inspection found shall be assessed. Inspections conducted in response to a consumer complaint shall not be considered a pricing accuracy inspection.
- C. In the event the programmed computer price exceeds the retail price, the retail store shall be required to correct the pricing error before the county enforcing agent leaves the store.

Section 50.05. Pricing accuracy inspection and penalties.

- A. The following penalties are established for pricing accuracy inspection violations, based on a sample of not fewer than 100, nor more than 300 stock keeping units, or 25 stock keeping units in retail stores, which offer for sale fewer than 100 stock keeping units. The pricing accuracy inspection shall represent a cross section of all stock keeping units for sale to ascertain that the retail price is the same as the computer assisted checkout price. A violation exists when the programmed computer price exceeds the retail price:
1. 98% or better pricing accuracy, pricing corrected;
 2. 97% pricing accuracy, a penalty of five hundred dollars (\$500);
 3. 96% pricing accuracy, a penalty of seven hundred fifty dollars (\$750);
 4. 95% pricing accuracy, a penalty of one thousand dollars (\$1,000); and
 5. Below 95% pricing accuracy, a penalty of one thousand five hundred dollars (\$1,500)
- B. If a retail store fails to achieve a pricing accuracy level of 95% on 2 consecutive pricing accuracy inspections, a penalty in the amount of two thousand dollars (\$2,000) shall be assessed.

Section 50.06. Frequency of inspections.

The county enforcing agent may reinspect retail stores no fewer than 7 days from the previous inspection.

Section 50.07. Consumer complaints.

In addition to a pricing accuracy inspection, the enforcing agent may respond to a consumer complaint at any time to verify the pricing accuracy on one or more stock keeping units.

Chapter 51. CONSUMER PROTECTION: FOOD DELIVERY SERVICES

[HISTORY: Adopted 1-12-2021 by Local Law 1-2021.]

Section 51.01. Title.

This law shall be known as the "Schenectady County Food Delivery Services" Law.

Section 51.02. Declaration of legislative findings and intent.

This Legislature finds that food service establishments provide essential services to the public, including providing the public access to meals and employing numerous residents of this County. While certain states of emergency may limit or modify the ability of such establishments to ordinarily operate, food service establishments remain essential. During the time of a state of emergency, in which restaurants are prohibited from operating at full capacity, residents' access to delivery and take-out services are more essential than ever. Additionally, food service establishments increasingly depend on delivery and take-out orders to remain in existence.

This Legislature finds that it is in the public interest for the County to regulate the fees charged by Third-Party Food Delivery Services during these emergencies, in order to ensure that food service establishments retain the profits necessary to ensure their continued existence in order to provide the essential service of providing food the residents of this County.

This Legislature further finds that it is imperative to protect the income of the individuals actually delivering the food orders to customers. During the period of time, determined by the Governor, that on-premise dining is deemed a threat to public health and safety, food delivery drivers, placing themselves in harm's way to deliver food, should not fear the reduction of income.

This Legislature further finds that during the period of time that on-premise dining is deemed a threat to public health and safety, it is appropriate to ensure the public has access to delivery and take-out food delivery services, without fear of price gouging.

Section 51.03. Definitions.

- A. "Declared Emergency" shall mean the period of time during which a State Disaster Emergency has been declared by the Governor of the State of New York; and
 - 1. The State of Emergency is in effect in the County of Schenectady; and
 - 2. The State of Emergency expressly limits on-premise dining at food services establishments located within the County of Schenectady
- B. "Delivery Fee" shall mean a fee charged on a per-order-basis by a third-party food delivery service for providing a food service establishment with a service that delivers food from such establishment to customers, including but not limited to commission, delivery fees, and processing fees. The term does not include any other fee that may be charged, on a basis other than per-order-basis by a third-party food delivery service to a

food service establishment, such as fees for listing or advertising the food service establishment on the third-party food delivery service platform or fees related to processing the online order. This fee shall constitute the exclusive fee that may be charged on a per-order-basis on orders submitted for delivery.

- C. "Non-Delivery Fee" shall mean any fee charged by a third-party food service provider that is not included within the definition of a Delivery Fee. Credit Card Fees, as defined in this section, are hereby excluded from the calculation of "Non-Delivery Fee".
- D. "Pickup Fee" shall mean a fee charged on a per-order-basis by a third-party food delivery service for providing a food service establishment with a service that allows a customer to order food for pickup from such establishment, including but not limited to commission, and processing fees. The term does not include any other fee that may be charged, on a basis other than per-order-basis by a third-party food delivery service to a food service establishment, such as fees for listing or advertising the food service establishment on the third-party food delivery service platform or fees related to processing the online order. This fee shall only apply to orders submitted for pickup and shall not be charged on a delivery order.
- E. "Credit Card Fee" shall mean any fees charged by a credit card company, or other financial institution to the Third-Party Food Delivery Service and subsequently charged in the same amount by the Third-Party Food Delivery Service to such Food Service Establishment
- F. "Food Service Establishment" shall mean an establishment operating pursuant to 10 NYCRR 14-1.20.
- G. "Online Order" shall mean any order placed by a customer through, or with the assistance of, a platform provided by a third-party food delivery service, including but not limited to webpage, mobile application, or telephone order.
- H. "Purchase Price" shall mean the total price of the items contained in an Online Order that are listed on the menu of the food service establishment where such order is placed. Such term, does not include taxes, gratuities, and any other fees that may make up the total cost to the customer of an Online Order.
- I. "Customer Fee" shall mean any fee charged by Third-Party Food Delivery Service to a customer submitting an Online Order.
- J. "Third-Party Food Delivery Service" shall mean any website, mobile application, or other service that offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, food service establishments located within the County of Schenectady that are owned and operated by an entity other than the food service establishment.
- K. "Delivery Service Driver" shall mean any individual performing the service of actually delivering the Online Order from the restaurant to the customer, regardless of whether the individual is an employee or an independent contractor.

- L. “Delivery Service Driver Compensation” shall mean the amount paid by the Third-Party Food Delivery Service to a Delivery Service Driver, whether by salary, wage, per diem, flat fee, together with any gratuities paid by the customer.
- M. “Emergency Period” shall mean the period of time commencing on the later of the effective date of this Chapter, or the effective date of a Declared Emergency and shall expire on the ninetieth (90th) Day after the termination of the Declared Emergency.

Section 51.04. Fee Limits During Certain Declared Emergencies.

- (A) During the Emergency Period it shall be unlawful for a Third-Party Food Delivery Service to charge a Food Service Establishment a delivery fee exceeding fifteen (15%) percent of the Purchase Price of each Online Order.
- (B) During the Emergency Period it shall be unlawful for a Third-Party Food Delivery Service to charge a Food Service Establishment a pickup fee exceeding five (5%) percent of the Purchase Price of each online order.
- (C) During the Emergency Period shall be unlawful for a Third-Party Food Delivery Service to increase the Non-Delivery Fee in effect on the later of the effective date of this Chapter, or the effective date of a Declared Emergency.
- (D) During the Emergency Period It shall be unlawful for a Third-Party Food Delivery Service to reduce the Delivery Service Compensation in effect at the later of the effective date of this Chapter, or the effective date of a Declared Emergency.
- (E) During the Emergency Period it shall be unlawful for a Third-Party Delivery Service to increase the Customer Fee in effect on the later of the effective date of this Chapter, or the effective date of a Declared Emergency, by an amount greater than two (\$2.00) Dollars.

**Chapter 55. COUNSEL FOR INDIGENT LITIGANTS AND
REPRESENTATION OF PERSONS ACCUSED OF A CRIME OR PARTIES
BEFORE THE FAMILY COURT, SURROGATE’S COURT, OR IN CERTAIN
OTHER ACTIONS OR IN APPEALS THEREFROM**

[HISTORY: Adopted 3-8-1966 by Local Law 2-1966. Amendments noted where applicable.]

Section 55.01. Short title. [Amended 12-20-2012 by L.L. 7-2012]

This Law shall be known as the Schenectady County Plan for Representation of Indigent Litigants.

Section 55.02 Authority. [Amended 12-20-2012 by L.L. 7-2012]

This Plan is adopted pursuant to the requirements and authority contained in Section 722 of the County Law.

Section 55.03. Purpose. [Amended 12-20-2012 by L.L. 7-2012]

The purpose of this local law is to provide a procedure for the providing of counsel to “eligible persons” as hereinafter defined, free from political and other influences, in all Schenectady County courts and appeals therefrom as required by the Constitutions of the United States and the State of New York and the laws of the State of New York, and to provide for the investigative, expert and other services necessary for adequate representation, pursuant to Article 18-B of the County Law as the same may from time to time be amended.

Section 55.04. Eligible persons defined. [Amended 12-20-2012 by L.L. 7-2012]

- A. Eligible persons are persons who are indigent or otherwise financially unable to retain counsel without substantial hardship, and meet one of the following criteria:
1. A person charged with a crime or crimes in Schenectady County punishable by imprisonment.
 2. A person who is entitled to or is afforded representation under Section 249, Section 262 or Section 1120 of the Family Court Act, Judiciary Law, Section 35 including child custody and habeas corpus cases, Article 6-C of the Correction Law, Section 407 of the Surrogate’s Court Procedure Act, Section 259-1 of the Executive Law or Section 717 of the County Law; or otherwise entitled to counsel pursuant to constitutional, statutory or other authority.
 3. For the purposes of this chapter, the following standards of indigence shall apply:

- i. Income test -- 125% of the federal poverty guidelines, with no deductions of any kind, except FICA expense and Child Support payments. Any children not residing in the household shall not be counted as members of the household for determining federal poverty guidelines.
 - ii. Asset test -- In the event that the client has liquid assets readily available as cash in excess of \$2,500, said client shall not be eligible for assigned counsel representation.
- B. In all cases the assigned client shall have a continuing obligation to disclose any change in financial circumstance.
- C. All clients shall be re-evaluated for indigence at least annually.
- D. Judges and Magistrates retain their statutory and constitutional authority to appoint counsel regardless of the eligibility standards if the Court determines, based upon the facts of the case, that the client cannot afford to retain counsel without substantial hardship.

Section 55.05. Assignment of counsel. [Amended 12-20-2012 by L.L. 7-2012]

Whenever an eligible person states that he or she is financially unable to obtain counsel, the judge, justice or magistrate, if he or she is satisfied that such assertions of indigency may be true, will forthwith assign counsel to represent such person.

Section 55.06. Office of Public Defender/Office of Conflict Defender Continued.
[Amended 12-20-2012 by L.L. 7-2012]

- A. There is hereby continued the Office of Public Defender and his/her staff as provided in Local Law No. 6 of 1986, together with all appropriations heretofore made therefore.
- B. There is hereby continued the Office of Conflict Defender and his/her staff as provided in Local Law No. 3 of 2004, together with all appropriations heretofore made therefore.
- C. The selection of the Public Defender and Conflict Defender and his or her staff shall be made solely on the basis of merit.
- D. The Offices of Public Defender and Conflict Defender shall maintain manageable workloads that insure the capacity to provide quality representation, by practices that include the ability to decline or withdraw from cases.

- E. The Offices of the Public Defender and Conflict Defender shall be located such that the clients of one cannot be overheard or reasonably seen by the clients of the other.
- E. The Public Defender and Conflict Defender shall have access to and use investigative services as needed to provide quality representation for all cases undertaken by their offices.

Section 55.07. Method of Providing Representation. [Amended 12-20-2012 by L.L. 7-2012]

Counsel shall be provided to eligible persons in the order listed:

- A. By a public defender appointed pursuant to Article 18-A of the County Law and this local law.
- B. If a conflict is determined to exist or if the Public Defender must decline or withdraw to maintain the capacity to provide quality representation, or a public defender is otherwise unavailable, by a conflict defender appointed pursuant to Article 18-B of the County Law and as otherwise provided by this chapter.
- C. If a conflict is determined to exist or if the Conflict Defender must decline or withdraw to maintain the capacity to provide quality representation or a conflict defender is otherwise unavailable, by assigned counsel appointed pursuant to the Schenectady County Bar Association Assigned Counsel Plan.

Section 55.08. Duties of Public/Conflict Defender. [Amended 12-20-2012 by L.L. 7-2012]

- A. The Office of Public Defender and Conflict Defender shall not accept any assignments unless it has the resources to spend sufficient time with the client to establish a meaningful client/attorney relationship; to communicate with family or friends of the client and with professionals and service providers; to inform the client regularly as to the progress of the case; to provide copies of documents prepare or received by the attorney; and to provide the client with the opportunity to make an intelligent and informed decision where a decision is to be made by the client.
- B. The Office of Public Defender and Conflict Defender shall operate under quality control procedures that:
 - 1. Require meaningful attorney qualifications for representing public defense clients, and match attorneys' ability, training, and experience to the complexity of clients' cases;
 - 2. provide for meaningful, periodic and ongoing evaluation of the work of attorneys and others according to objective criteria;

3. include mechanisms for obtaining, evaluating, and responding to comments and complaints from clients and the client community to improve the quality of services; and
 4. require entry-level and continuing training relevant to the types of cases in which mandated representation is offered.
- C. At least annually, and more often as needed, the Public Defender and Conflict Defender shall report to the County Manager the resources needed to operate their respective offices in accordance with the New York State Bar Association Revised Standards for Providing Mandated Representation (2000).
- D. It shall be the duty of the assigned Public Defender or Conflict Defender to represent the Eligible Person to the best of his or her ability until the latter has been terminated in accordance with the standards of the New York Rules of Professional Conduct.
- E. The Public Defender or Conflict Defender assigned will immediately determine if the client is incarcerated.
1. If the client is incarcerated or otherwise deprived of liberty the assigned attorney should meet with that client in person within two business days from the time of notification of appointment. At that meeting the assigned attorney should discuss the issue of bail with the client.
 2. If the client is not incarcerated the assigned attorney should contact the client within two business days, but such contact may be by phone or by letter.
- F. The Public Defender or Conflict Defender assigned shall make an independent investigation to determine whether the person to whom he or she has been assigned is actually without sufficient funds to retain counsel. Whenever it appears that the person is financially able to obtain counsel or, to make partial payment for the representation or other services, counsel will report this fact to the court. The court may terminate the assignment of counsel or, upon a finding that the person is financially unable to retain counsel, continue representation as the interests of justice may dictate.
- G. The Public Defender or Conflict Defender assigned shall:
1. Interview the client as soon as possible, and in a setting in which client confidentiality can be maintained and a client/attorney relationship can be established;
 2. Review initial charging documents or petitions as soon as possible, and challenge inadequacies in documents and proceedings unless doing so would harm the client;

3. Zealously advocate for pretrial release and/or diversion and for dismissal of proceedings whenever warranted;
 4. Aggressively pursue discovery in individual cases and seek to secure improved policies for the timely disclosure of information to which their clients are entitled;
 5. Investigate potential consequences that can arise from cases, advise each client about those consequences, and advocate for case dispositions that limit negative consequences as much as possible;
 6. Provide well-prepared sentencing advocacy in criminal cases, including cases in which a plea bargain exists, and well-prepared dispositional advocacy in parent representation cases; and
 7. Immediately begin preparations for trial and sentencing/disposition.
- H. After the matter has been adjudicated, it shall be counsel's duty, promptly and in writing, to fully advise the defendant as to his or her right of appeal, if any, the time limitations involved and the manner of instituting an appeal and of obtaining a transcript of the testimony. Counsel shall ascertain whether his or her client desires to appeal, and if he or she so desires, counsel shall serve and file the necessary notices of appeal, after which his or her duties as assigned trial counsel shall have been completed.

Section 55.09. Services other than counsel. [Amended 12-20-2012 by L.L. 7-2012]

Upon a finding in an ex parte or other proceeding that investigative, expert or other services are necessary and that the eligible person is financially unable to obtain them, the court shall authorize counsel to obtain the services on behalf of that person. The court, upon a finding that timely procurement of necessary services could not await prior authorization, may authorize the services nunc pro tunc.

Section 55.10. Administrator. [Amended 12-20-2012 by L.L. 7-2012]

There is hereby continued the Office of Administrator of the 18-B Plan who shall be appointed by the County Manager from among the County staff. He or she shall be admitted to practice law in the State of New York, be a member of the Schenectady County Bar Association, be a resident of the County of Schenectady and, shall not at any time represent the County in any matter as described in Section 4, subdivisions A or B.

Section 55.11. Powers and duties; administrator. [Amended 12-20-2012 by L.L. 7-2012]

The Administrator shall be in active charge of the administration and supervision of the 18-B Plan. He or she shall conduct all correspondence and keep all records. In furtherance of his or her duties, he or she shall:

- A. Require meaningful attorney qualifications for representing public defense clients.
- B. In conjunction with the courts, provide for meaningful, periodic and ongoing evaluation of the work of assigned counsel.
- C. Provide mechanisms for obtaining, evaluating, and responding to comments and complaints from clients and the client community to improve the quality of services.
- D. Provide a method of registration of all eligible members of the bar who indicate willingness to accept assignments under the 18-B Plan.
- E..Provide a method of assigning counsel for Eligible Persons by distributing to every court in Schenectady County the list of counsel available for assignment in particular courts of the county, with the requirement that assignments be made in rotation, from such lists, to the end that assignments are distributed fairly and equitably and in compliance with the statutes of the State of New York applicable thereto. The justice, judge or magistrate shall not be compelled to assign in rotation where the interests of justice would require a different method of assignment.
- F. Establish rules for the operation of the 18-B Plan and develop the forms necessary for operation of the Plan.
- G. Furnish both the courts and the attorneys participating in the 18-B plan with the forms and information necessary for the operation of the 18-B plan.
- H. Establish procedures and maintain records necessary for the proper administration of the 18-B plan.
- I. Approve all vouchers submitted by assigned counsel for payment for services rendered under the 18-B Plan, assuring that all necessary documentation has been submitted and complied with 18-B Plan requirements.
- J. Make an annual report with the assistance and cooperation of the Schenectady County Finance Department, pursuant to article 18-B of the County Law as the same may be from time to time amended.

Section 55.12. Participation. [Repealed 12-20-2012 by L.L. 7-2012]

Section 55.13. Services other than counsel. [Amended 12-20-2012 by L.L. 7-2012]

Upon a finding in an ex parte proceeding that investigative, expert or other services are necessary and that the eligible person is financially unable to obtain them, the court shall authorize counsel to obtain the services on behalf of that person. The court, upon a finding that timely procurement of necessary services could not await prior authorization, may authorize the services nunc pro tunc.

Section 55.14. Compensation for other services. [Amended 12-20-2012 by L.L. 7-2012]

The court shall determine the reasonable compensation for investigative, expert or other services and direct payment to the person who rendered them or to the person entitled to reimbursement as provided in section 722-c of the New York State County Law as from time to time amended.

Section 55.15. Method of assignment. [Repealed 12-20-2012 by L.L. 7-2012]

Section 55.16. Assigned counsel. [Amended 12-20-2012 by L.L. 7-2012]

The assignment of counsel, to an eligible person, other than by the Public Defender or Conflict Defender shall be governed by Chapter 55-A.

**Chapter 55-A. SCHENECTADY COUNTY BAR ASSOCIATION ASSIGNED
COUNSEL PLAN**

[HISTORY: Adopted 12-20-2012 by Local Law 7-2012; Amended by Local Law 6-2019.]

Section 55-A.01. Short title.

This Plan shall be known as the Schenectady County Bar Association Plan for Representation of Indigent Litigants (the “Plan”).

Section 55-A.02 Authority. [Amended 4-14-2015 by Local Law 2-2015]

This Plan is adopted pursuant to the requirements and authority contained in Section 722 of the County Law. The Schenectady County Bar Association Assigned Counsel Plan was submitted to the New York State Office of Court Administration for review and approval upon the adoption of Local Law 7-2012.¹

Section 55-A.03. Purpose.

The purpose of this Plan is to establish a procedure for the provision of counsel to Eligible Persons as hereinafter defined in all Schenectady County courts and appeals therefrom as required by the Constitutions of the United States and the State of New York and the laws of the State of New York and to provide for the investigative, expert and other services necessary for adequate representation, pursuant to Article 18-B of the County Law as the same may from time to time be amended.

Section 55-A.04. Primary coverage for legal services to be provided by the Schenectady county public defender-conflict defender system.

- A. The Schenectady County Public Defender and Conflict Defender have primary responsibility for providing legal services to Eligible Persons as hereinafter defined, or other persons unable to afford legal services for those matters in which such attorney services are required to be provided.
- B. The County of Schenectady has retained the right to assign matters not able to be undertaken by the Public/Conflict Defender to a contracted attorney or other attorney of its choosing. It has not currently exercised such option.

¹ Though the Plan was submitted to the New York State Office of Court Administration upon the adoption of Local Law 7-2012, neither the Schenectady County Attorney’s Office, nor the Clerk of the Schenectady County Legislature, has received a formal approval or rejection of the Plan as of the adoption of Local Law 2-2015 despite numerous inquiries to OCA regarding the same.

Section 55-A.05. Eligible persons defined.

- A. Eligible persons are persons who are indigent or otherwise financially unable to retain counsel without substantial hardship, and meet one of the following criteria:
1. A person charged with a crime or crimes in Schenectady County punishable by imprisonment.
 2. A person who is entitled to or is afforded representation under Section 249, Section 262 or Section 1120 of the Family Court Act, Judiciary Law, Section 35 including child custody and habeas corpus cases, Article 6-C of the Correction Law, Section 407 of the Surrogate's Court Procedure Act, Section 259-1 of the Executive Law or Section 717 of the County Law; or otherwise entitled to counsel pursuant to constitutional, statutory or other authority.
 3. For the purposes of the Plan, the following standards of indigence shall apply:
 - i. Income test—125% of the federal poverty guidelines, with no deductions of any kind, except FICA expense and Child Support payments. Any children not residing in the household shall NOT be counted as members of the household for determining federal poverty guidelines.
 - ii. Asset test -- In the event that the client has liquid assets readily available as cash in excess of \$2,500, said client shall not be eligible for assigned counsel representation.
- B. In all cases the assigned client shall have a continuing obligation to disclose any change in financial circumstance.
- C. All clients shall be re-evaluated for indigence at least annually.
- D. Judges and Magistrates retain their statutory and constitutional authority to appoint counsel regardless of the eligibility standards if the Court determines, based upon the facts of the case, that the client cannot afford to retain counsel without substantial hardship.

Section 55-A.06. Role of the Schenectady county bar in providing legal services for indigent persons.

- A. To provide for cases not served by the Public/Conflict Defender and for which no other provision has been made by Schenectady County, the Schenectady County Bar shall assist the Administrator to maintain a panel of qualified attorneys ready, willing and able to accept assignment (the "Panel") to represent Eligible Persons.

- B. In the event that the Panel is unable to provide suitable representation, then a member of the Schenectady County Bar Association with his or her consent shall be assigned by the Administrator to provide such representation.
- C. Such attorneys shall qualify, serve and be compensated pursuant to the terms and conditions of this plan and all applicable statutes.

Section 55-A.07. Method of Providing Representation.

Counsel shall be provided to eligible persons in the order listed:

- A. By a public defender appointed pursuant to Article 18-A of the County Law and Chapter 55 of the Consolidated Local Laws of Schenectady County.
- B. If a conflict is determined to exist or if the Public Defender must decline or withdraw to maintain the capacity to provide quality representation, or a public defender is otherwise unavailable, by a conflict defender appointed pursuant to Article 18-B of the County Law and as otherwise provided by this chapter.
- C. If a conflict is determined to exist or if the Conflict Defender must decline or withdraw to maintain the capacity to provide quality representation or a conflict defender is otherwise unavailable, by assigned counsel pursuant to this Chapter.

Section 55-A.08. Administrator.

The Administrator of the Plan shall be appointed pursuant to Article XXIX of the Schenectady County Charter. He or she shall be admitted to practice law in the State of New York, be a member of the Schenectady County Bar Association, be a resident of the County of Schenectady and, shall not at any time represent the County in any matter as described in Section 55-A.05 (A) or (B). Additionally, the Administrator shall not be permitted to represent a client under this plan, or appear as an attorney representing any in an action, matter, or proceeding in which an attorney representing any other party is assigned under this plan.

Section 55-A.09. Powers and duties of administrator.

The Administrator shall be in active charge of the administration and supervision of the Plan. He or she shall conduct all correspondence and keep all records. In furtherance of his or her duties, he or she shall:

- A. Require meaningful attorney qualifications for representing public defense clients.
- B. In conjunction with the courts, provide for meaningful, periodic and ongoing evaluation of the work of assigned counsel.
- C. Provide mechanisms for obtaining, evaluating, and responding to comments and complaints from clients and the client community to improve the quality of services.

- D. Provide a method of registration of all eligible members of the bar who indicate willingness to accept assignments under the 18-B Plan.
- E. Provide a method of assigning counsel for Eligible Persons by distributing to every court in Schenectady County the list of counsel available for assignment in particular courts of the county, with the requirement that assignments be made in rotation, from such lists, to the end that assignments are distributed fairly and equitably and in compliance with the statutes of the State of New York applicable thereto. The justice, judge or magistrate shall not be compelled to assign in rotation where the interests of justice would require a different method of assignment.
- F. Establish rules for the operation of the 18-B Plan and develop the forms necessary for operation of the Plan.
- G. Furnish both the courts and the attorneys participating in the plan with the forms and information necessary for the operation of the plan.
- H. Establish procedures and maintain records necessary for the proper administration of the plan.
- I. Approve all vouchers submitted by assigned counsel for payment for services rendered under the Plan, assuring that all necessary documentation has been submitted and complied with Plan requirements.
- J. Make an annual report with the assistance and cooperation of the Schenectady County Finance Department, pursuant to article 18-B of the County Law as the same may be from time to time amended.

Section 55-A.10. Qualification of Attorney for Assignment.

General Qualifications of Attorney:

- A. A Panel member and any other assigned attorney must be duly admitted to practice of the State of New York.
- B. Each attorney's Continuing Legal Education requirements must be current.
- C. Each attorney must either live or maintain an office for the practice of law in Schenectady County, NY, except in the case of extraordinary circumstances requiring additional or special counsel.
- D. Every member of the Bar seeking to be placed on the Assigned Counsel List shall provide such information as is reasonably requested by the Administrator from time to time in order to determine any such person's qualification and suitability for assignment.

- E. The Administrator may disapprove the participation of any particular attorney.

Section 55-A.11. Application for appointment to assigned counsel plan.

- A. The Administrator is hereby designated and authorized to maintain a list of attorneys qualified and available to be appointed to represent indigent persons for all classes of matters in which such representation is required in Schenectady County and to furnish copies of such list to each court within the County and to the Appellate Division, Third Department.
- B. Membership on the Panel is voluntary. Members must apply using an application form provided by the Administrator.

Section 55-A.12. Assignment of Counsel.

Whenever an eligible person states that he or she is financially unable to obtain counsel, the judge, justice or magistrate, if he or she is satisfied that such assertions of indigency may be true, will forthwith assign counsel to represent such person.

Section 55-A.13. Services Other Than Counsel.

Upon a finding in an ex parte or other proceeding that investigative, expert or other services are necessary and that the Eligible Person is financially unable to obtain them, the court shall authorize counsel to obtain the services on behalf of that person. The court, upon a finding that timely procurement of necessary services could not await prior authorization, may authorize the services nunc pro tunc.

Section 55-A.14. Duties of Assigned Counsel.

- A. By acceptance of the assignment, assigned counsel represents he/she has the ability to spend sufficient time with the client to establish a meaningful client/attorney relationship; to communicate with family or friends of the client and with professionals and service providers; to inform the client regularly as to the progress of the case; to provide copies of documents prepare or received by the attorney; and to provide the client with the opportunity to make an intelligent and informed decision where a decision is to be made by the client.
- B. It shall be the duty of assigned counsel to represent the Eligible Person to the best of his or her ability until the matter has been terminated in accordance with the standards of the New York Rules of Professional Conduct.
- C. An Assigned Attorney must immediately determine if the client is incarcerated.
 - 1. If the client is incarcerated or otherwise deprived of liberty the assigned attorney should meet with that client in person within two business days from the time of notification of appointment. At that meeting the assigned attorney should discuss the issue of bail with the client.

2. If the client is not incarcerated the attorney should contact the client within two business days, but such contact may be by phone or by letter.
- D. Assigned counsel shall make an independent investigation to determine whether the person to whom he or she has been assigned is actually without sufficient funds to retain counsel, unless a Family Court litigant has been certified indigent by a representative of the Administrator. Whenever it appears that the person is financially able to obtain counsel or, to make partial payment for the representation or other services, counsel will report this fact to the court. The court may terminate the assignment of counsel or, upon a finding that the person is financially unable to retain counsel, authorize payment to such assigned counsel, as the interests of justice may dictate.
- E. When undertaking representation assigned counsel shall:
1. Interview the client as soon as possible, and in a setting in which client confidentiality can be maintained and a client/attorney relationship can be established;
 2. Review initial charging documents or petitions as soon as possible, and challenge inadequacies in documents and proceedings unless doing so would harm the client;
 3. Zealously advocate for pretrial release and/or diversion and for dismissal of proceedings whenever warranted;
 4. Aggressively pursue discovery in individual cases and seek to secure improved policies for the timely disclosure of information to which their clients are entitled; and
 5. Immediately begin preparations for trial and sentencing/disposition.
 6. After the matter has been adjudicated, it shall be assigned counsel's duty, promptly and in writing, to fully advise the defendant as to his or her right of appeal, if any, the time limitations involved and the manner of instituting an appeal and of obtaining a transcript of the testimony. Assigned counsel shall ascertain whether his or her client desires to appeal, and if he or she so desires, counsel shall serve and file the necessary notices of appeal, after which his or her duties as assigned trial counsel shall have been completed.

Section 55-A.15. Compensation and Reimbursement for Representation.

- A. The rate of compensation and reimbursement as set by section 722-b of the County Law, as from time to time amended, shall be paid by the county to the assigned counsel upon submission of the required voucher and other supporting documents as required by the Administrator.

- B. No counsel assigned hereunder shall seek or accept any fee for representing the eligible person for whom he or she is assigned without approval of the court as herein provided.
- C. No counsel assigned hereunder shall charge for any time expended reimbursed or paid for from any other source.
- D. Intentional submission of materially incorrect information on applications, vouchers or other submissions to the Administrator shall cause an attorney to be dismissed from the Assigned Counsel Panel. Said determination shall be made by the Administrator after giving the panel member a reasonable opportunity to be heard with respect to said misinformation.

Section 55-A.16. Compensation for other services.

The court shall determine the reasonable compensation for investigative, expert or other services and direct payment to the person who rendered them or to the person entitled to reimbursement as provided in section 722-c of the New York State County Law as from time to time amended.

Section 55-A.17. Method of Compensation.

- A. All claims for services and disbursements of assigned counsel, or for investigative, expert or other services as herein authorized, shall be a county charge of the County of Schenectady and shall be submitted by use of the Schenectady County voucher.
- B. Each claim for compensation and reimbursement shall be supported by a sworn statement specifying the length of time and, if required by the Administrator, the time and day expended both in and out of court, services rendered, disposition of the matter, expenses incurred and reimbursement or compensation applied for or received in the same case from any other source.
- C. The voucher and supporting statements shall be submitted to the Administrator, whom shall:
 - 1. If the voucher and supporting statements are in order, forward the same to the appropriate judge for approval; or
 - 2. If required information or supporting documentation is not present, the Administrator shall contact the attorney in order to obtain necessary information. If such information is provided by the attorney, the Administrator shall forward the voucher and supporting statements to the appropriate judge;
 - 3. If the Administrator believes there to be an issue with the voucher, either because the attorney seeks inappropriate fees or reimbursements, or the attorney failed to provide the necessary documentation after being given

sufficient time to remedy the issue, the Administrator shall forward the voucher and supporting statements, together with the Administrator's recommendation as to how the court shall proceed. The court shall consider, but shall not be bound by, the recommendations of the Administrator.

- D. Upon approving a voucher, the court shall forward the same, together with any supporting documentation provided by the attorney, to the County Department of Finance. Such approved vouchers shall be a lawful county charge, exempt from review or audit by the Department of Finance, pursuant to County Law 722-b.²
- E. Where the representation was on an appeal, the assigned counsel shall submit the claim to the appellate court which shall fix the compensation, following which assigned counsel shall submit the claim with the order fixing compensation, to the administrator.
- F. The Schenectady County Treasurer shall pay the county charge set forth in paragraph (D) as soon as reasonably possible upon receipt of the voucher and supporting documentation from the court.

Section 55-A.18. Indemnification.

By adoption of this Plan, the County of Schenectady agrees to indemnify and hold the Schenectady County Bar Association harmless from any liability from the operation of the Plan and the designation of attorneys hereunder. This indemnification shall extend to the Schenectady County Bar Association only and shall not create any benefit in any third party.

Section 55.15. Method of assignment. [Repealed 12-20-2012 by L.L. 7-2012]

Section 55.16. Assigned counsel. [Amended x-xx-2015 by L.L. 2-2015]

The assignment of counsel, to an eligible person, by the Public Defender or Conflict Defender shall be governed by Chapter 55.

² As held in People v. Ward, 199 A.D.2d 683 (3D DEP'T 1993).

Chapter 75. EMERGENCY PROTOCOL: CONTINUITY OF GOVERNMENT

[HISTORY: Adopted 8-9-1966 by Local Law 4-1966. Amendments noted where applicable.]

Section 75.01. Intent.

Section 27 of the New York State Executive Law authorizes every county to provide for the continuity of its government in the event of a disaster, as defined in section 20 of the New York State Executive Law, and the emergency conditions caused thereby. Based upon the authority contained in this law, this local law is adopted so that on such occasions, the government of the County of Schenectady, New York may continue to function properly and efficiently under emergency circumstances.

Section 75.02. Quorum and vote requirements.

- A. In the event of a disaster, the chairperson of the legislature may suspend quorum requirements for the legislature.
- B. If the chairperson of the legislature is unable, due to death, absence from the county, or other physical, mental or legal reasons, to perform the powers and duties of the office, then the vice chairperson may act to suspend quorum requirements.
- C. If quorum requirements are suspended, any local law, resolution, or other action requiring enactment, adoption or approval by an affirmative vote of a specified proportion of members may be enacted, adopted, or approved by the affirmative vote of the specified proportion of those voting thereon.

Chapter 80. ENVIRONMENT: ENVIRONMENTAL ADVISORY COUNCIL

[HISTORY: Adopted 5-11-1971 by Local Law 2-1971. Amendments noted where applicable.]

Section 80.01. Legislative intent. [Amended 6-8-2021 by L.L. 3-2021]

Preservation and improvement of the quality of the natural and man-made environment within the County of Schenectady in the face of population growth, urbanization, and technological change, with their accompanying demands on natural resources, are of increasing and vital importance to the health, welfare, and economic well-being of the present and future inhabitants of the County. It is recognized that the integrity of the natural environment on which man is dependent for survival, and the natural and functional beauty of our surroundings which condition the quality of our life experience, cannot be protected without the full cooperation and participation of local governments in the state working in concert with federal, state, and local governments, and with private, public, and not-for-profit institutions, agencies, and organizations. Establishment by the County of Schenectady of an environmental advisory council is a necessary step in fostering unified action on environmental problems as well as on issues relating to energy, transportation, and infrastructure, hereinafter referred to collectively as environmental problems or, as appropriate, environmental quality or environmental impact, among local municipal governments and among public and private agencies and

Section 80.02. Establishment of the council. [Amended 6-8-2021 by L.L. 3-2021]

The Legislature of the County of Schenectady hereby creates and establishes a council whose mission and activities shall be consistent with the Legislative intent set forth in Section 80.01 and which shall be called the Schenectady County environmental advisory council, hereinafter referred to as the council.

Section 80.03. Membership and term. [Amended 6-8-2021 by L.L. 3-2021; 5-10-2005 by L.L. 3-2005; 11-9-1988 by L.L. 6-1988; 1-8-1974 by L.L. 1-1974]

- A. The council shall consist of the members appointed by the County manager and approved by the Legislature in addition to representatives from each municipality and ex-officio members as provided in this section. The council shall consist of 14 total members as follows:
1. 12 members selected at large from the County, who shall be representative of a broad range of interests and disciplines related to the quality of our environment and sensitive to the environmental needs and concerns of our present and future generations. They should be competent to effectively analyze and interpret such matters and should further have the dedication to work hard and consistently toward carrying out the council's functions and making the council a viable, active, and constructive body. Membership of the council should include both persons of (1) diverse age, racial, ethnic, gender, sexual orientation, and disability backgrounds and (2) socio-economic

backgrounds to help insure a broad input of local environmental perspectives. Members of the council, excluding ex-officio members, may not be officers or employees of any County department or agency. Any member that is a municipal employee will serve in his or her capacity as a private citizen and, as such, will not be accountable to or be considered to be a representative of their municipality.

2. 2 student members selected, one from each of the two (2) major colleges in Schenectady County, Union College and Schenectady County Community College, respectively. Such student member shall be recommended by the respective college, appointed by the County Manager, and approved by the Legislature. Student representatives shall have full rights, responsibilities, and privileges as provided to at-large members. However, the terms of the student representatives shall be for one year, from July 1 to June 30.
- B. In addition to the at-large members, the council shall also include 1 member from each commission for conservation of the environment that has been established by the governing bodies of the city, towns, and villages within the County of Schenectady as these commissions become established.
- C. The Chair of the Environmental Conservation and Parks Committee of the Schenectady County Legislature, the County Commissioner of the Department of Economic Development and Planning, the County Attorney, the County Director of Engineering, the County Director of Public Works, the Executive Director of the Cornell Cooperative Extension of Schenectady County, and the Director of the Schenectady County Soil and Water Conservation District shall serve as ex-officio members.
- D. Of the 7 members of the council appointed by the County manager and approved by the Legislature, 3 shall be appointed for a term of 1 year and 4 for a term of 2 years beginning on July 1, 1971. Thereafter, all appointments, including for additional seats created after 1971, shall be made for terms of 3 years beginning on July 1 of the year in which the appointment is made. Each of such appointed members of the council shall hold office for the term for which he or she was appointed and until his or her successor shall have been appointed and taken office in his or her stead or until he or she shall resign. No such appointed member of the council shall serve beyond 2 consecutive 3 year terms. If an appointed member's first term is a partial term, he/she shall be permitted to serve two three-year terms in addition to the partial term.
- E. In the case of any vacancy, other than one arising by expiration of term, an appointment to fill the vacancy shall be made for the remainder of the unexpired term.
- F. The terms of members appointed from city or town commissions for conservation of the environment shall be concurrent with their terms on such city or town commissions.

Section 80.04. Officers, meetings and committees. [Amended 6-8-2021 by L.L. 3-2021; 11-9-1988 by L.L. 6-1988]

The presiding officer or chairman shall be appointed by the County manager and approved by the Legislature from among the members of the council. Officers shall be appointed for a 2 year term. Officers shall not serve beyond 2 consecutive 2 year terms or their council membership, whichever is shorter. The council shall adopt rules and procedures for its meetings and shall also establish standing or temporary sub-committees not necessarily consisting exclusively of council members from time to time as the council deems appropriate. It shall keep accurate records of its meetings and activities and shall file an annual report as provided in section 80.07 of this local law.

Section 80.05. Powers and duties of the council. [Amended 6-8-2021 by L.L. 3-2021]

The powers and duties of the council shall be to:

A. Advise County Legislature.

Advise the Legislature on matters affecting the preservation, development, and use of the natural and man-made features and conditions of the County insofar as they have a bearing on environmental quality.

B. Study environmental problems.

Study activities, projects and operations which affect the County environment to determine where major threats to environmental quality exist and recommend remedial policies and procedures with a view toward enhancing the long-range value of the environment to the people of the County.

C. Inform public.

Develop and conduct a program of public information in the County which shall be designed to foster an increased understanding of the nature of environmental problems on the part of the County residents, and an increased appreciation of the considerable efforts which are required to solve them. Toward this end, conduct such activities as, prepare and distribute written materials; conduct seminars, courses, special meetings; sponsor public projects, workshops, symposia; prepare public displays; prepare regular newspaper columns; and engage in such other activities deemed appropriate by the council in accord with the purposes of this local law.

D. Promote coordination.

Develop and administer a program to improve the coordination and effectiveness of public and private projects and activities in the County centering on environmental quality. Promote efficient intergovernmental action among municipal, County, state, and federal agencies involving themselves with environmental matters as they pertain to the County. Also promote close

communication and cooperation not only among various private groups concerned with the quality of the local environment but also between governmental and private organizations. In the event that municipalities within the County elect to establish conservation commissions of their own, consistent with state law, advise and assist them in developing their own programs, and foster an effective interchange between the council and such commissions.

E. Liaison.

Maintain liaison with County, regional, and state agencies which involve themselves with aspects of environmental quality and which are able to lend guidance and assistance to the council. Maintain especially close communication with the state department of environmental conservation which is authorized by state law to supply local environmental advisory councils, at their request, with research and consulting assistance.

F. Inventory.

Maintain an inventory of those open spaces, natural areas, marshlands, swamps, wetlands, water resources and other natural or scenic features which are of a County or regional significance. The council shall make recommendations to the County Legislature for the appropriate use of such areas and features in this inventory.

G. County comprehensive plan.

Recommend from time to time to the County economic and planning department plans and programs for environmental improvement for inclusion in the County comprehensive plan, including but not limited to the recommendations in the report and plan required in section 80.07 of this local law.

H. Public hearings.

Call and conduct public hearings on public issues having significant environmental impact, and prepare a public brief documenting the council's observations and recommendations concerning the matter.

I. Services of ex-officio members.

The council may request, through the County manager, the services of its ex-officio members who, when authorized, shall provide technical, legal, or other professional assistance.

J. Contract for outside services.

Contract with consulting firms, other government agencies, universities or other organizations for studies, reports, projects or other services, as authorized by the County Legislature, in accord with the purposes of this local law.

K. Annual budget.

A budget shall be prepared and submitted to the County Legislature annually covering all services and expenses incurred by the council in the manner prescribed by the County charter.

L. Record of expenses.

A record of all operational expenses, including those of ex-officio members, shall be maintained by the council and submitted to the County manager for reimbursement to the County by the State of New York, as provided by article 47 of the New York State Environmental Conservation Law.

Section 80.06. County nature and historical preserve. [Amended 6-8-2021 by L.L. 3-2021]

Recommend to the Legislature on a priority basis, areas from the inventory provided for in section 80.05, subdivision F, which because of their outstanding wilderness character, scenic beauty, or ecological, geological, or historical significance, should be acquired and retained in their natural state for conservation as well as for the education and recreation of the people. Recommendations shall include, where appropriate, the estimated value or cost of the real property, justification for acquisition, and provision for management, care, custody and control of the real property. At its discretion, the Legislature may acquire areas recommended by the council for inclusion in the County nature and historical preserve, in accordance with provisions of existing law as applicable to the County. The interest in land may be fee title or any lesser interest permitted by law.

Section 80.07. Annual reports. [Amended 6-8-2021 by L.L. 3-2021]

- A. The council shall submit an annual report to the County Legislature no later than the first day of March of each year, concerning the activities and work of the council, and from time to time shall submit such other reports and recommendations as are necessary to fulfill the purposes of this local law.
- B. The council shall prepare a report on the state of the natural and man-made environment in the County, to include those areas within the Council's mission and activities consistent with the Legislative intent set forth in Section 80.01 emphasizing current problem areas and outlining priorities for future action. Such report shall include a plan for preservation of the County's natural and man-made environment and for management of its natural resources. The report and the action plan contained therein shall be prepared in cooperation with the County economic and planning department and with full consideration of related local and regional plans and reports and shall be submitted by the council to both the County manager and the Legislature not later than July 15, 1972. Thereafter this report and the plan shall be revised annually by the council and resubmitted to the County manager and Legislature no later than July 15th of each year.

Section 80.08. Compensation and expenses. [Amended 6-8-2021 by L.L. 3-2021]

- A. Voting members of the council shall receive no compensation for their services as members thereof but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties within appropriations made available therefore.
- B. The Legislature may make such appropriations as it may see fit for the first year's operating expenses. Thereafter, estimates of revenues and expenditures for each fiscal year will be submitted to the County manager in accordance with section 80.05, subdivision L of this local law.

Section 80.09. Construction. [Amended 6-8-2021 by L.L. 3-2021]

This local law shall be deemed an exercise of the powers of the County to preserve and improve the quality of the natural and man-made environment on behalf of the present and future citizens thereof. This local law is not intended and shall not be deemed to impair the powers of the city or any of the towns or villages within the County of Schenectady.

SECTION 2. Effective date. This local law shall become effective after its final adoption, filing and publication, in accordance with Section 27 of the Municipal Home Rule Law and Section 2.09 of the Charter of the County of Schenectady. [Amended 6-8-2021 by L.L. 3-2021]

LAWS OF SCHENECTADY COUNTY, NEW YORK
PART III LOCAL LAWS
Chapter 85. ENVIRONMENT: FRESHWATER WETLANDS' PROTECTION,
PRESERVATION, AND CONSERVATION

Chapter 85. ENVIRONMENT: FRESHWATER WETLANDS' PROTECTION,
PRESERVATION AND CONSERVATION

[HISTORY: Adopted 11-9-1976 by Local Law 1-1976; Amended 4-14-2015 by L.L. 2-2015]

Section 85.01. Regulation of freshwater wetlands.

- A. Pursuant to section 24-0901 of the New York State Environmental Conservation Law, the County of Schenectady is authorized to enter into a cooperative agreement with the commissioner of the New York State department of environmental conservation for the purpose of preserving and maintaining those freshwater wetlands which are within the boundaries of the county.
- B. The cooperative agreement shall provide that the freshwater wetlands be preserved and maintained in their natural state and may provide for access thereto to be retained by such owner for purposes compatible with the purposes of article 24 of the New York State Environmental Conservation Law.
- C. The cooperative agreement may provide for use of personnel and facilities of the New York State department of environmental conservation, or the payment out of funds appropriated therefore, for the purpose of preserving, maintaining, or enhancing such wetlands, and for the furnishing of such personnel, facilities or funds as may be agreed upon by the parties to the cooperative agreement.

LAWS OF SCHENECTADY COUNTY, NEW YORK
PART III CODIFIED LOCAL LAWS
Chapter 90. ENVIRONMENT: NATURE AND HISTORIC PRESERVE

Chapter 90. ENVIRONMENT: NATURE AND HISTORIC PRESERVE

[HISTORY: Adopted 12-10-1974 by Local Law 5-1974.]

Section 90.01. Legislative intent.

Population growth and urban expansion often encroach upon or eliminate open areas, spaces, and structures of varied size and character, including many of significant scenic, aesthetic or historic value. These latter areas, spaces and structures, if preserved and maintained in their present state, would constitute important physical, social, aesthetic or economic assets to the people of Schenectady County. It is the intent of this law to create a Schenectady County nature and historic preserve which shall serve to ensure the preservation and maintenance of those open lands, spaces and structures deemed appropriate for inclusion therein by the county legislature.

Section 90.02. Establishment of the preserve.

The legislature of Schenectady County hereby creates and establishes a preserve which shall be known as the Schenectady County nature and historic preserve, hereinafter referred to as the preserve, which shall be administered as stipulated below.

Section 90.03. Administration of the preserve.

Open areas, spaces and structures placed under the aegis of the county nature and historic preserve shall be administered and maintained by the director of public works, or by the director of the division of parks should that position be created by the legislature. County nature and historic preserve properties shall be administered and maintained in strict accordance with the predetermined use plan for each area, as specified in sections 90.04 and 90.06 of this law.

Section 90.04. Acquisition and development of county nature and historic preserve areas, spaces and structures.

A. Open space inventory.

Pursuant to chapter 80 of the Schenectady County codified local laws and section 247 of the New York State General Municipal Law, the Schenectady County environmental advisory council shall recommend to the legislature, on a priority basis, acquisition of areas and structures thereon listed in the council's inventory of open spaces within the county.

B. Recommendations to the legislature.

Recommendations by the council to the legislature shall include, where appropriate, the estimated cost of any acquisition and development, the proposed method or methods of acquisition, a preliminary plan of the use or uses foreseen

Chapter 90. ENVIRONMENT: NATURE AND HISTORIC PRESERVE

for the area or property to be acquired and projected operation and maintenance expenses. Such recommendations shall be forwarded to the county manager by July 15th of each year, for his or her consideration in the preparation of the county's capital improvement program as provided for in article VII of the charter of the County of Schenectady.

- C. Development of use plans for county nature and historic preserve areas, spaces and structures.
1. Upon acquisition or designation by the county legislature of interests or rights to any open spaces, areas or structures to be included in the county nature and historic preserve, the Schenectady County environmental advisory council, in conjunction with the county planning department, shall, within 90 days of such acquisition or designation publish a detailed use plan for such areas.
 2. Preservation or improvement of the existing environment of such areas shall be the foremost consideration in use classification.
 3. The use plan shall make specific recommendations regarding the environmental impact of any proposed usages and physical development, such as footpaths, trail markings, signs, picnic facilities, pedestrian or non-pedestrian traffic, camp fires, toilet facilities and all such other activities and facilities as may bear upon preserving the ecological integrity of an area.
 4. Open areas or spaces may be recommended for multiple use classification by sub-areas, thereby permitting certain public uses, unacceptable to an area as a whole yet permissible within specific sub-area geographic confines, to be conducted in an environmentally sound fashion.
 5. Such a multiple use classified area could typically permit the construction, in an appropriate sub-area, of field classroom facilities for educational purposes, marked foot trails through portions of sub-areas which could tolerate foot traffic, and other areas posted against even occasional traffic, pedestrian or otherwise.
 6. Simultaneously with publication of the detailed use plan, the Schenectady County environmental advisory council shall publish its intention to conduct a public hearing on the detailed plan; such a public hearing shall be conducted by the council within 60 days of publication of any detailed use plan.
 7. At such public hearings all interested county residents shall be given the opportunity to voice their opinions regarding any and all proposed uses of the open spaces, areas and structures in question.
 8. Following such a public hearing, the Schenectady County environmental advisory council and the planning department shall, within 30 days, jointly publish final use recommendations, which shall be made public and shall be provided to the county legislature for adoption.

Chapter 90. ENVIRONMENT: NATURE AND HISTORIC PRESERVE

Section 90.05. Sale or change of use from county nature and historic preserve purposes of established preserve areas, spaces or structures.

- A. Should it be preliminarily determined by the county legislature that the sale or disposal by any means, or change of use from open space purposes of a portion or the whole of any established preserve, protected open space, area or structure is wise, appropriate and necessary for the public good, it shall be the responsibility of the Schenectady County environmental advisory council to conduct one or more public hearings at which all information pertaining to such sale or change shall be heard.
- B. Thereupon, after due deliberation, the council shall publish its preliminary determination on the matter.
- C. The council shall then conduct one or more additional public hearings, the final one of which shall fall not less than 90 days after publication of its preliminary determination, at which hearings the public shall again be given voice on the proposed disposition.
- D. The council shall then, within 30 days of the last hearing, render its final opinion to be submitted to the physical and environmental planning committee of the county legislature, urging the county legislature either to permit or deny the proposed sale, disposal or change of use from open space purposes of the preserve land in question.
- E. Should proposals to sell or change the use of more than one distinct open area, space or structure arise simultaneously, recommendations to the county legislature on the disposition of such proposals shall be developed through separate proceedings conducted by the council as prescribed above.

Section 90.06. Maintenance of preserve areas, spaces and facilities.

- A. Any and all maintenance required to preserve, protect and enhance the ecological integrity, and to foster environmentally compatible public use of preserve areas, spaces and structures, as determined by procedures described in section 90.04, subdivision C of this law, shall be monitored closely by the Schenectady County environmental advisory council.
- B. Should maintenance and/or use discrepancies be discovered by the council, a formal report of such discrepancies shall be filed immediately with the department of engineering and public works, which department shall take prompt remedial actions to prevent degradation of any area or areas involved, within appropriations provided by the legislature.

|

**Chapter 95. ETHICS: SCHENECTADY COUNTY ETHICS AND
DISCLOSURE LAW**

[HISTORY: Adopted 4-14-2015 by Local Law 2-2015.]

Section 95.01. Purpose.

The purpose of this local law is to create the Schenectady County ethics and disclosure law in compliance with article 18 of the New York State General Municipal Law and to create the Schenectady County board of ethics as authorized by article 18 of the New York State General Municipal Law. The citizens of Schenectady County are entitled to the expectation of exemplary ethical behavior from their county officers, employees and appointed officials, and this law is intended to create the minimum standards which constitute that behavior. This legislation recognizes that varying degrees of professional and governmental responsibility warrant equitable requirements of disclosure in pursuit of official integrity, which must be balanced against individual constitutional rights. Any particulars not determined in this law shall be construed within the provisions of article 18 of the New York State General Municipal Law, as it may be from time to time amended.

Section 95.02. Definitions.

Unless otherwise indicated, the following terms shall be defined as follows for the purpose of the Schenectady County ethics and disclosure law:

- A. "Agency" means any of the divisions of county government, referred to in subdivision D of this section.
- B. "Appropriate body" means the board of ethics as herein established.
- C. "Child" means any son, daughter, step-son or step-daughter of a county officer, employee or appointed official if such child is under 18 or is a dependent of the officer, employee or appointed official as defined in the Internal Revenue Code section 152(a)(1) and (2) and any amendments thereto.
- D. "County" means the County of Schenectady or any department, board, executive division, institution, office, branch, bureau, commission, agency, legislature or other division or part thereof.
- E. "Interest" means a direct or indirect pecuniary or material benefit accruing to a county officer, employee or appointed official, his or her spouse, or child whether as the result of a contract with the county or otherwise. For the purpose of this law, a county officer, employee or appointed official shall be deemed to have an interest in the contract of:
 - 1. His or her spouse and children, except a contract of employment with the county;

2. A firm, partnership or association of which such officer, employee or appointed official or his or her spouse or child is a member or employee;
 3. A corporation of which such officer, employee or appointed official, or his or her spouse or child is an officer or director; and
 4. The outstanding capital stock of a corporation which is owned by an officer, employee or appointed official, or his or her spouse or child.
- F. "Legislation" means a matter which appears upon the calendar or agenda of the county legislature of Schenectady County or upon a committee thereof upon which any official action has been taken and shall include adopted acts, local laws or resolutions.
- G. "Officer" or "employee" means any officer or employee of the County of Schenectady and any elected officials, appointed officials and heads of any agency, institution, department, office, branch, division, council, commission, board or bureau of the County of Schenectady whether paid or unpaid.
- H. "County elected official" means a county legislator, the county clerk, the district attorney or the sheriff.
- I. "Appointed official" means any individual who is appointed by the county manager or the county legislature to any agency, institution, department, office, branch, division, council, commission, board or bureau, whether paid or unpaid.
- J. "Relative" means a spouse or child of a county officer, employee or appointed official.
- K. "Reporting officer, employee or appointed official" means an officer, employee or appointed official or a candidate for county elected office who is required to complete and file an annual statement of financial disclosure pursuant to this local law.
- L. "Spouse" means the husband or wife of an officer, employee or appointed official subject to the provisions of this local law unless legally separated from such officer, employee or appointed official.
- M. "Jurisdiction" means having the authority, capacity, power or right to act with regard to the management and administration of policy and supervision of personnel of the county agency (as defined above in section 95.02, subdivision A) in which he or she is an officer, employee or appointed official (as defined above in section 95.02, subdivision G).
- N. "Annual statement of financial disclosure" means a statement in the form as set forth, from time to time, by resolution of the county legislature in accordance with section 811 of the New York State General Municipal Law.

- O. "Chief elected official" means the chair of the county legislature or his or her designee.

Section 95.03. Code of Ethics.

A. Prohibited Activities.

It is the policy of the county legislature that all officers and employees must avoid conflicts or potential conflicts of interest. A conflict or a potential conflict exists whenever an officer, employee or their relative as defined in this local law has an interest, direct or indirect, which conflicts with their duty to the county or which could adversely affect an individual's judgment in the discharge of his or her responsibilities.

B. No officer, employee or their relatives shall:

1. Take action or participate in any manner whatsoever in his or her official capacity in the discussion, negotiation or the awarding of any contract or in any business or professional dealings with the County of Schenectady or any agency thereof in which the official or employee has or will have an interest, direct or indirect, in such contract or professional dealings.
2. Engage in, solicit, negotiate for or promise to accept private employment or render services for his or her personal benefit when such employment or service creates a conflict or impairs the proper discharge of his or her official duties.
3. Solicit, directly or indirectly, any gifts, or receive or accept any gift having the value of seventy-five dollars (\$75), or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or in any other form under circumstances in which it could be reasonably inferred that the gift was intended to influence him or her, or could reasonably be expected to influence him or her, in the performance of his or her official duties or was intended as a reward for any official action on his or her part.¹
4. Disclose confidential financial information acquired in the course of his or her official duties or use such information to further his or her personal interest.
5. Take action on a matter before the county or any department, board, executive division, institution, office, branch, bureau, commission, agency, legislature or other division or part thereof when, to his or her knowledge, the performance of that action would provide a pecuniary or material benefit to himself or herself.

Section 95.04. Board of Ethics.

A. Establishment.

Pursuant to article 18 of the General Municipal Law, the Schenectady County board of ethics is hereby established. It shall be responsible for ensuring full compliance with the Schenectady County ethics and disclosure law.

B. Membership.

The board of ethics shall consist of 5 members.

1. Members shall be appointed by the county manager subject to confirmation by the county legislature.
2. No more than 2 members shall be of the same enrolled party affiliation.
3. No more than one member shall presently be a county officer or employee, and none shall presently hold elected office. The first meeting of the board of ethics in each calendar year shall be the organizational meeting; at such meeting the members shall elect a Chair who shall be a member thereof.
4. Members of the board of ethics shall serve without compensation, but shall be entitled to reimbursement of reasonable expenses in accordance with rules established by the county legislature.
5. The members of the board of ethics shall serve staggered 3 year terms.
6. In the event a vacancy occurs prior to the expiration of the 3 year term, such vacancy shall be filled for the balance of such term in the same manner as members are appointed to full terms.
7. All members shall reside within the County of Schenectady.

C. Removal.

In addition to penalties defined herein specifically for violation of the Schenectady county ethics and disclosure law, and other pertinent sections of local, state and federal law, members of the board of ethics may be removed for cause by the county manager with the concurrence of two-thirds of the county legislature. Prior to removal, the board of ethics member shall be given written notice of the grounds for removal and an opportunity to reply.

D. Powers and Duties.

1. The board of ethics shall possess all powers and duties authorized by section 808 of the New York State General Municipal Law.
2. The board of ethics shall, on or before March 1 of each year, distribute the annual statement of financial disclosure to affected individuals with notice of

the date upon which the completed form is required to be filed with the board of ethics.

3. The board of ethics shall receive and decide appeals as provided by section 95.06 herein from persons required to provide financial disclosure.
4. The board of ethics shall be the repository for completed annual statements of financial disclosure, pursuant to section 808(5) of the New York State General Municipal Law and such written instruments, affidavits, and disclosures as required thereunder.
5. The board of ethics shall possess, exercise and enjoy all the rights, powers and privileges necessary and proper to the enforcement of the Schenectady County ethics and disclosure law and completion and filing by reporting officers, employees and appointed officials of the county of annual statements of financial disclosure required thereunder.
6. The board of ethics shall promulgate rules and regulations in furtherance of its powers and duties enumerated herein. Said rules and regulations shall include rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of the civil penalties as authorized in the Schenectady County ethics and disclosure law.
7. The county legislature may empower the board of ethics to subpoena any individual, whether or not a county officer, employee or appointed official, and any document or thing which the board of ethics deems necessary to the resolution of any pending adjudicatory proceeding or matter.
8. The board of ethics shall render advisory opinions in writing regarding specific matters pertaining to filings and reporting categories, to officers, employees and appointed officials of the county with respect to the Schenectady County ethics and disclosure law and article 18 of the New York State General Municipal Law. Such opinions shall be rendered only upon written request by the officer, employee or appointed official concerning only the subject of the inquiry as it pertains to the requesting individual's own filing requirements.
9. Such opinions shall not be made public or disclosed unless required by the Freedom of Information Law (article 6 of the New York State Public Officers Law) or required for use in a disciplinary proceeding or proceeding under the Schenectady County ethics and disclosure law involving the officer, employee or appointed official who requested the advisory opinion. Whenever a request for access to an advisory opinion herein is received, the officer, employee or appointed official who requested the opinion shall be notified of the request within 48 hours of the receipt of the request. Under no circumstances shall the reporting categories shown on the annual statement of financial disclosure filed by an individual be disclosed to the public.

10. The county manager shall designate an attorney admitted to practice in the State of New York or may designate the office of the county attorney to serve as counsel to the board of ethics.
11. The board of ethics shall be empowered to request support staff assistance from the county legislature or the county manager in furtherance of its duties and responsibilities.

Section 95.05. Disclosure of Interest.

- A. Any officer or their relative who has, will have or intends to acquire a direct or indirect interest in any matter being considered by the legislature of the County of Schenectady or by any other official, board, agency, officer or employee of the County of Schenectady, and who participates in the discussion before or who gives an opinion or gives advice to any board, agency or individual considering the same, shall publicly disclose on the official record the nature and the extent of such interest.
- B. Any officer or employee of the County of Schenectady, or their relative, who has knowledge of any matter being considered by any board, agency, officer or employee of the County of Schenectady in which matter he or she has or will have or intends to acquire any direct or indirect interest, shall be required immediately to disclose, in writing, his or her interest to such board, agency, officer or employee, and the nature and the extent thereof, to the degree that such disclosure gives substantial notice of any potential conflict of interest.
 1. On or before January 31 of each year for which the employment is in effect, the chief elected official shall promulgate a list of all positions required to provide financial disclosure. Said list shall be determined by reference to article 18 of the New York State General Municipal Law.
 2. Financial disclosure shall be accomplished by completion of an annual statement of financial disclosure.
 3. A person who is subject to the filing requirements of this local law from more than one county, or of an equivalent provision under New York State Law, may satisfy the requirements by filing only one annual statement of financial disclosure, and filing with the County Ethics Board a notice that such filing has been made, inclusive of the date and place of the filing.
 4. Any person who is subject to the reporting requirements of this local law and who has or shall timely file with the Internal Revenue Service an application for automatic extension of time in which to file his or her individual income tax return for the immediately preceding calendar or fiscal year which would extend filing with the IRS beyond May 15 of that year shall be required to submit notice of said application on or before March 31 of the year in which the employment is in effect. Such person shall file a completed disclosure form, absent only the portions stated within the application for automatic

extension, on or before May 15 of the year for which the employment is in effect, and a supplementary statement for any item as so noted on the annual statement of financial disclosure, without liability under section 95.07 of this local law, if said supplementary statement is filed within 15 days of the expiration of the automatic extension.

5. Any person who is required to file an annual statement of financial disclosure may request, prior to May 1, of the year for which the employment is in effect, an extension of filing for an additional specific period of time. Such request shall be made in writing to the appropriate body, with approval based upon substantiation of justifiable cause or undue hardship. The appropriate body may grant or deny the request, by vote of the membership, and extensions shall be for the specific period of additional time requested.
6. Any person required to file an annual statement of financial disclosure who becomes so required, or experiences a change in reporting levels, or becomes a candidate for county elected office, after March 15 of the year for which the employment is in effect, shall file the appropriate annual statement within 30 days.

Section 95.06. Appeal of Designation of Policy Making Position.

Appeal may be taken by the filing of a written petition to the appropriate body in opposition to such designation within 30 days from the date that the designation was made by the chief elected official. Upon receipt of the petition, the appropriate body shall make a determination upon the merits of the application within 30 days. Such determination shall be a final agency determination.

Section 95.07. Penalties.

- A. A reporting individual who knowingly and willfully fails to file an annual statement of financial disclosure or who knowingly or willfully with intent to deceive makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to this section shall be assessed a civil penalty in an amount not to exceed ten thousand dollars (\$10,000).
- B. Assessment of a civil penalty hereunder shall be made by the appropriate body. For a violation of this section, the appropriate body may, in lieu of a civil penalty, refer a violation to the appropriate prosecutor and upon such conviction, but only after such referral, such violation shall be punishable as a Class A misdemeanor.
- C. A civil penalty for false filing may not be imposed hereunder in the event a category of "value" or "amount" reported hereunder is incorrect unless such reported information is falsely understated.
- D. Upon an appropriate determination and vote, the appropriate body may file a written recommendation with the chief elected official or other disciplinary body,

- establishing grounds for removal for cause, in accordance with other provisions of state and county law and contractual obligations of the county pertaining to officers, officials and employees and rules governing conduct.
- E. Notwithstanding any other provision of law to the contrary, no other penalty, civil or criminal, may be imposed for a failure to file, or for a false filing, of such statement, except that the county manager may impose disciplinary action as otherwise provided by law.
 - F. The appropriate body shall adopt rules governing the conduct of adjudicatory proceedings and appeals relating to the assessment of the civil penalties herein authorized. Such rules shall provide for due process procedural mechanisms substantially similar to those set forth in article 3 of the New York State Administrative Procedure Act but such mechanisms need not be identical in terms or scope.
 - G. Assessment of a civil penalty shall be final unless modified, suspended or vacated within thirty days of imposition and upon becoming final shall be subject to review at the instance of the affected reporting individual in a proceeding commenced against the appropriate body pursuant to article 78 of the New York State Civil Practice Law and Rules.

Section 95.08. Statutory construction.

Except where the Schenectady county legislature exercised its Home Rule Authority pursuant to Article IX of the New York State Constitution, the Municipal Home Rule Law, and the County law, the various elements of the Schenectady County ethics and disclosure law are explicitly intended to be construed within the application of article 18 of the New York State General Municipal Law.

Chapter 125. HEALTH: SCHENECTADY COUNTY SANITARY CODE

[HISTORY: Adopted 4-14-2015 by Local Law 2-2015 except section 125.02, subdivision B which was adopted 6-13-2000 by Local Law 5-2000. Amended by Local Law 5-2021]

Section 125.01. Definitions and general provisions.

A. Title.

The rules and regulations herein contained together with any duly enacted amendments in addition thereto shall be known as the sanitary code of the Schenectady County department of public health services district.

B. Definitions.

When used herein, unless otherwise expressly stated;

1. "Health district" shall mean the Schenectady County health district established pursuant to the provisions of section 340 of the New York State Public Health Law.
2. "Department or health department" shall mean the Schenectady County department of public health services of the Schenectady County health district.
3. "Health services advisory board" shall mean a group of no more than 9 members nominated from the community to advise and recommend actions in regard to public health matters. The county legislature shall constitute the board of health with all the powers and duties of a board of health or part county health district as enacted in section 14.00 of the charter of the County of Schenectady.
4. "Commissioner" shall mean the commissioner of public health of the Schenectady County department of public health services or duly authorized representative.
5. "Public health director" shall mean any person qualified under sections 11.180 through 11.182 of the New York State sanitary code who, with appropriate medical consultation, is appointed to administer and manage the public health programs within Schenectady County as head of the county's department of public health services.
6. "Sanitary code" shall mean and comprise the rules and regulations now or hereafter formulated, promulgated and recommended by the health services advisory board and/or the public health director and adopted by the

Schenectady County legislature pursuant to section 347 of the New York State Public Health Law.

7. "State sanitary code" shall mean the codes, rules and regulations established by the public health council of the State of New York being the same as Chapter I of title 10 of the Official Compilation of Codes, Rules, and Regulations of the State of New York (NYCRR).
8. "State Administrative Regulations" shall mean the Administrative Rules and Regulations established by the Public Health Council of the State of New York being the same as Chapter II of Title 10, Official Compilation of Codes, Rules, and Regulations of the State of New York (NYCRR).
9. "Person" shall mean any individual, public and private corporation, political subdivision, agency, board, municipality, partnership, association, firm, trust, or estate which is recognized by law as the subject of rights and duties.
10. "Approved" shall mean acceptable under conditions of use to the commissioner or public health director based on the determination of conformance to appropriate standards and good public health practices.
11. "Permit" shall mean the issuance of a document by the commissioner or public health director having jurisdiction, after inspection, which was found to be in compliance with the applicable provisions of this code and the New York State sanitary code.
12. "Permittee" shall mean a person to whom a permit is issued.
13. "Temporary Food Service Establishment" shall mean a food service establishment which operates at a fixed location for a period of time not to exceed 14 days.

C. Sanitary code: where in force.

The provisions of the sanitary code shall be in full force throughout the Schenectady County department of public health services district.

D. Special provisions.

The regulations of the sanitary code shall be supplemental to the regulations, rules and orders of the New York State sanitary code, Public Health Law, Penal Law and other New York State laws relating to public health and shall, as to matters to which it refers, and in the territory prescribed therefore by law, supersede all local ordinances heretofore or hereafter enacted inconsistent therewith.

E. Enforcement.

It shall be the duty of the commissioner or public health director of the Schenectady County department of public health services district, existing pursuant to law, to enforce any and every regulation of the sanitary code as the duly designated representative of the county legislature which is the local board of health.

F. Interference with notices.

No persons shall remove, mutilate, or conceal any authorized notice or placard of the department of health posted in or on any premises or public place except by permission of the commissioner/public health director or an authorized representative thereof.

G. Issuance of licenses.

Nothing herein contained shall be construed to restrict or abrogate the authority of any city or village or any town in the health district to adopt and enforce additional regulation, control and/or issuance of any license and/or renewal and/or revocation therefore and to charge and collect a fee therefore, provided, however, that whenever inspection as to health and sanitation is required, no such city or such village or such town shall issue or renew such license without first having obtained approval from the commissioner or director of public health of the compliance with the rules and regulations now or hereafter formulated, promulgated and recommended by the health services advisory board and/or the public health director and adopted by the county legislature.

H. Local ordinances.

Nothing herein contained shall be construed to restrict or abrogate the authority of any city or any village or any town in the health district to adopt and enforce additional ordinances or to enforce existing ordinances relating to health and sanitation if such ordinances are not inconsistent with the provisions of the New York State Public Health Law, and/or the State sanitary code, and/or sanitary code.

I. Fees

1. Each and every fee authorized pursuant to this Chapter and charged as of the effective date of Local Law x-2015 shall remain in full force and affect.
2. Notwithstanding any provision of law to the contrary, including paragraph 1, above, each and every fee contemplated by this Chapter shall be amended from time to time by the county legislature by resolution.
3. Notwithstanding paragraph 2, above, insofar as this Chapter contemplates fines, such fines shall only be amended by local law, in accordance with the New

York State Constitution, the New York State Municipal Home Rule Law, and the General Municipal Law.

Section 125.02. Food service program. [Adopted 6-13-2000 by Local Law 5-2000.])

A. Adoption of State sanitary code.

The Schenectady County legislature officially adopts part 14 of the New York State sanitary code, as may be amended from time to time, as being applicable within Schenectady County.

B. Permits.

1. It shall be unlawful for any person to operate a food service establishment, catering establishment or temporary food service establishment within Schenectady County unless such person possesses a valid permit issued by the county public health services commissioner or public health director pursuant to this code, the New York State sanitary code and the New York State Public Health Law.
2. Prior to obtaining a permit or no later than 6 months after, at least 1 person who is an owner, operator or responsible employee of the food service establishment, must attend food service training acceptable to the permit issuing official.
3. Failure to attend the required training will result in the revocation of the food service permit.

C. Sanitary Facilities.

1. Disinfection of water supply.

All food service establishments opening after January 1, 1995 is required to disinfect their private water supply. Existing food service establishments with private water supplies will be required to disinfect their water supply after 1 unsatisfactory sample with a total coliform and/or E. coli positive result taken after the adoption of this code. Plans for disinfection of the water supply must be submitted to the department for review before it is put into use.

2. Plans for a sewage disposal system.

Plans for a sewage disposal system at a food service establishment must be prepared by a licensed New York State professional engineer or exempted land surveyor (section 7208 (n) of the New York State Education Law). Said plans must be submitted to the department for review before they are put into use.

3. Handwashing facilities.

Adequate handwashing facilities must be provided in all distinct and/or separate food preparation areas of a food service establishment.

4. Indirect drains.

Drains from food preparations sinks must be indirect drains in all food service establishments where food must be washed or rinsed.

5. Equipment used for food storage or preparation.

All equipment used for food storage or preparation in food service establishments will be evaluated as to its affect on public health and be installed in conformance to appropriate standards and good public health practices. If installed in a food service establishment, equipment which may adversely affect public health can be required to be removed or its use discontinued.

D. Enforcement.

1. The permit-issuing official may waive, in writing, any of the requirements of subpart 14-1 of the New York State sanitary code, and the waiver included as a condition of the permit to operate, when it reasonably appears that the public health will not be endangered by such waiver. All such waivers are to be only for the same period as the term of the permit.
2. The commissioner or public health director of Schenectady County department of public health services shall have the power to suspend or revoke the permit of any permittee for any violation of this sanitary code or part 14 of the New York State sanitary code.

Section 125.03. Lead poisoning prevention and control.

A. General.

The Schenectady County legislature officially adopts subpart 67-2 of the New York State sanitary code, as may be amended from time to time, as being applicable within the County of Schenectady.

B. Occupancy.

Prior to re-occupancy of the abatement area the director or his or her agent shall ensure through re-inspection that the lead abatement plan has been followed and the following criteria are met:

1. Every component upon which removal of lead-based surfaces has been performed must be examined in the stripped condition. Failure to provide the

inspector with this opportunity will result in the removal of the new surface regardless of the lead content of the new surface.

2. When abatement methods of replacement or encapsulation are used, a visual inspection must be made by the commissioner or public health director or his or her agent to ensure compliance.

Section 125.04. Temporary residences, mass gathering and children's camps.

- A. Adoption of State sanitary code.

The Schenectady County legislature officially adopts part 7, subparts 7-1 and 7-2 of the New York State sanitary code, as may be amended from time to time, as being applicable within Schenectady County.

Section 125.05. Swimming pools and bathing beaches.

- A. Adoption of State sanitary code.

The Schenectady County legislature officially adopts part 6 of the New York State sanitary code, as may be amended from time to time, as being applicable within the County of Schenectady.

Section 125.06. Rabies.

- A. Definitions.

The following words and phrases as used in this section of the county sanitary code shall have the indicated meanings.

1. "Actively Vaccinated" shall mean possessing an unexpired USDA approved immunization against the rabies virus administered under the direction of a licensed veterinarian. An animal shall not be considered actively vaccinated until 14 days following the initial injection and only for the duration of time as stated on the rabies vaccination certificate.
2. "County" shall mean Schenectady County, New York.
3. "Owner" shall mean any individual, group of individuals or organization that harbors, boards, tends or otherwise keeps or has in his or her custody any domesticated, feral or exotic mammalian specie.
4. "Local health Authority" shall mean the commissioner or public health director of the Schenectady County department of public health services or his or her designee.

- B. General Provisions.

1. Purpose.

The purpose of these provisions is to prevent any human death due to the rabies virus.

2. Application.

The provisions of this law shall apply to rabies control within Schenectady County.

C. Adoption.

1. The department hereby adopts and shall act in accordance with article 21, title IV, sections 2140 to 2145 inclusive, of the New York State Public Health Law.
2. The department hereby adopts and shall act in accordance with part 2, section 2.14 of the New York State sanitary code.
3. All dog owners shall comply with the provisions of section 109 of the New York State Agriculture and Markets Law.

D. Compulsory Vaccination.

All dogs, cats and domesticated ferrets, as defined in the New York State Public Health Law, New York State Agriculture and Markets Law and or the New York State sanitary code shall be actively vaccinated and their owners shall possess a current certificate of such vaccination.

E. Human post-exposure prophylaxis.

The need to administer post-exposure prophylaxis in any human being shall be determined by a licensed medical professional qualified to make diagnoses.

F. Rabies specimen submission.

1. All submission requests for rabies testing must first receive approval from the department of public health services.
2. Approval for the submission of rabies suspect animals shall be in accordance with the policies and regulations of the New York State Department of Health Wadsworth Center for Laboratories and Research, Griffin Laboratory as such policies and regulations may from time to time be amended.

G. Enforcement.

The local animal control officer shall be advised of any owner found in violation.

Section 125.07. Body art.

A. Declaration of policy. [Adopted 04-13-1999]

This legislature finds that the practice of tattooing and/or body piercing involves the alteration or penetration of the skin or mucous membrane surfaces, which if done improperly, can lead to serious health problems and the possibility of transmission of fatal diseases. This legislature further finds and determines that a significant and possibly growing number of minors are engaging in the practice of tattooing and/or body piercing. Therefore, the purpose of this law is to regulate tattooing and body piercing, within the County of Schenectady, in order to protect the public health, safety and general welfare of its citizens.

B. Definitions.

The following words and phrases, as used in this section of the county sanitary code, shall have the indicated meanings:

1. "Adequate light" shall mean that the body art establishment be so illuminated as to permit all methods of body art to be clearly visible without obstruction by shadow or darkness.
2. "Adequate ventilation" shall mean a free and unrestricted circulation of fresh air throughout the body art establishment and the expulsion of foul or stagnant air.
3. "Aftercare" shall mean written instructions given to the client, specific to the body art procedure(s) rendered, regarding caring for the body art and surrounding area, including information about when to seek medical treatment, if necessary.
4. "Applicant" shall mean any person who applies to the Schenectady County department of health for either a body art establishment permit, body art practitioner permit or transient body art practitioner permit.
5. "Apprentice" shall mean an individual who does not have a permit to practice body art and holds her/himself out as one who wishes to receive instruction and training from a permitted body art practitioner at a permitted body art establishment in an effort to learn how to perform body art procedures.
6. "Apprenticeship" shall mean instruction of or concerning body art procedures and practices given by a permitted body art practitioner at a permitted body art establishment to an individual who is not a permitted body art practitioner, which involves any actual performance of body art procedures on any individual, including but not limited to clients, family and friends, whether or not in exchange for monetary or any other compensation provided by the individual, apprentice and/or client.

7. "Autoclave" shall mean an apparatus for sterilization utilizing steam pressure at a specific temperature over a period of time.
8. "Autoclaving" shall mean a process, which results in the destruction of all forms of microbial life, including highly resistant spores, by the use of an autoclave for a minimum of thirty-five (35) minutes at twenty (20) pounds of pressure (psi) at a temperature of 270 degrees Fahrenheit.
9. "Bloodborne pathogens standard" shall mean U.S. Department of Labor Occupational Safety and Health Administration (OSHA) standards contained in 29 CFR 1910.1030, entitled "Regulations (Standards) Bloodborne Pathogens".
10. "Body art" shall mean the practice of physical body adornment by permitted establishments, practitioners and transient practitioners using techniques, including but not limited to tattooing, cosmetic tattooing, branding, scarification, body piercing, including but not limited to piercing the ear, other than the earlobe, with a presterilized single-use stud-and-clasp ear-piercing system. This definition shall not include procedures that constitute the practice of medicine as defined by the New York State education department, such as tongue-splitting or implants, which are prohibited.
11. "Body art establishment" or "establishment" shall mean a location, place, or business that has been granted a permit by the commissioner/public health director where the practices of body art are performed, whether or not for profit.
12. "Body art practitioner" or "practitioner" shall mean a specifically identified individual who has been granted a permit by the commissioner/public health director to perform body art in an establishment that has been granted a body art establishment permit by the commissioner/public health director. This term includes, but is not limited to, tattoo artists and body piercers.
13. "Body art work station" shall mean the area within a body art establishment in which body art is performed.
14. "Body piercing" shall mean puncturing or penetrating the skin of a client with presterilized single-use needles and the insertion of presterilized jewelry or other adornment into the opening. Such term shall not include tongue-splitting.
15. "Branding" shall mean inducing a pattern of scar tissue by any means, including but not limited to the use of heat, a heated material (usually metal), freezing, electricity or propane applied to the skin, making a serious burn, skinning or the infliction of any damage to the skin which eventually becomes a scar.

16. "Client" shall mean a member of the public who requests a body art procedure at a body art establishment.
17. "Commissioner" shall mean the commissioner of public health services or a duly authorized representative thereof.
18. "Compensation" shall mean payment given in return for services rendered. If body piercing is offered in conjunction with the sale of an item of jewelry actually being used in connection with the body piercing, then that service or act of body piercing shall be deemed to have been provided in conjunction therewith for compensation.
19. "Cosmetic tattooing" shall mean a method of tattooing, which involves placing ink or other pigment into or under the skin or mucosa, including but not limited to the eyelids, eyebrow area and lips, by the aid of needles or any other instrument used to puncture the skin or mucosa, resulting in permanent coloration, which may or may not be referred to as permanent make-up.
20. "Department" shall mean the Schenectady County department of public health services of the Schenectady County health district.
21. "Director" shall mean the director of public health services or a duly authorized representative thereof.
22. "Disinfectant" shall mean a product registered as a disinfectant by the U.S. Environmental Protection Agency (EPA).
23. "Disinfection" shall mean the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.
24. "Ear piercing" shall mean the puncturing of the ear, other than the lobe of the ear, with a presterilized single-use stud-and-clasp ear piercing system following the manufacturer's instructions. Such ear piercing shall be subject to regulation under this Chapter.
25. "Equipment" shall mean all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of a body art establishment.
26. "Experience" shall mean knowledge, skill, understanding and at least one year of body art practice at a body art establishment.
27. "Hand sink" shall mean a lavatory equipped with hot and cold running potable water under pressure, used solely for washing hands, arms or other portions of the body.

28. "Hot water" shall mean water that attains and maintains a temperature of 110 degrees to 130 degrees Fahrenheit.
29. "Implant" shall mean the insertion of objects, including but not limited to jewelry, under the skin, including but not limited to transdermal, subdermal or microdermal insertions, whether fully or partially submerged under the skin.
30. "Instruments used for body art" shall mean hand pieces, needles, needle bars and other instruments that may come in contact with a client's body or may be exposed to bodily fluids during any body art procedure.
31. "Invasive" shall mean entry into the client's body either by incision or insertion of any instruments into or through the skin or mucosa, or by any other means intended to puncture, break or otherwise compromise the skin or mucosa.
32. "Jewelry" shall mean any object inserted into a newly pierced area, which must be made of surgical implant-grade stainless steel, solid 14k or 18k white or yellow gold, niobium, titanium or platinum, or a dense, low-porosity plastic, which is free of nicks, scratches or irregular surfaces, is internally threaded and has been properly sterilized prior to use.
33. "Minor" shall mean any person under the age of eighteen (18) years.
34. "Mentor/Teacher" shall mean a permitted body artist with at least five (5) years of body art experience, education, and training who is permitted to train one apprentice per year.
35. "Nurse Practitioner" shall mean a registered professional nurse holding a certificate as a nurse practitioner pursuant to provisions of the New York State Education Law
36. "Operator" shall mean any person who individually, jointly or severally with others, owns, controls, operates, conducts or manages, directly or indirectly, any body art establishment, whether or not actually performing the work of a body art practitioner.
37. "Permit" shall mean the:
 - a. "Artist permit or license" shall mean the issuance of a document by the director to a tattooist/ body piercer certifying that said person is found to be in compliance with the applicable provisions of this local law, and the regulations promulgated thereunder.
 - b. "Shop permit or license" shall mean the issuance of document by the director certifying that a tattoo/piercing shop, after inspection, is found to be in compliance with the applicable provisions of this local law, and the regulations promulgated thereunder.

38. "Person" shall mean an individual or any form of business or social organization, including but not limited to, corporations, partnerships, limited liability companies, associations, estates, trusts or unincorporated organizations.
39. "Physician" shall mean an individual licensed as a doctor of medicine or doctor of osteopathy or equivalent licensed under the provisions of the New York State Education Law.
40. "Procedure surface" shall mean any surface of an inanimate object that contacts the client's unclothed body during a body art procedure, skin preparation of the area adjacent to and including the body art procedure or any associated work area, which may require sanitizing.
41. "Regulated medical waste" shall mean waste as defined in part 70-1.2 of the State sanitary code.
42. "Sanitary" shall mean clean and free of agents of infection or disease.
43. "Sanitize" shall mean the application of a U.S. Environmental Protection Agency (EPA) registered sterilizer (contained on List A: EPA's Registered Antimicrobial Products Registered with the EPA as Sterilizers) on a cleaned surface in accordance with the label instructions.
44. "Scarification" shall mean altering skin texture by any means, including but not limited to, cutting the skin and controlling the body's healing process in order to produce wounds, which result in permanently raised wheals or bumps known as keloids.
45. "Sharp" shall mean any item capable of causing percutaneous injury as defined in part 70-1.2 of the State sanitary code.
46. "Sharps container" shall mean a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation and disposal and that is labeled with the International Biohazard Symbol.
47. "Single-use items" shall mean products or items that are intended for one (1) time, one (1) person use and are disposed of after use on each client, including but not limited to, pre-sterilized tattoo needles, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups and protective gloves.
48. "Sterilize" shall mean the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

49. "Tattoo" shall mean the indelible mark, figure, scroll, symbol or decorative design introduced by insertion of dyes or pigments into or under the subcutaneous portion of the skin.
50. "Tattooing" shall mean any method, which involves placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing.
51. "Tongue-splitting" shall mean the cutting of a person's tongue into two (2) or more parts.
52. "Training" shall mean education or schooling obtained at an institution other than the body art establishment or by an individual or individuals at a body art establishment, which education is approved by the commissioner/public health director.
53. "Transient body art practitioner" or "transient practitioner" shall mean a specifically identified individual who has been granted a temporary permit by the commissioner/public health director to perform body art in an establishment that has been granted a body art establishment permit by the commissioner/public health director. Such individual may perform a single body art procedure or multiple body art procedures during a time period not to exceed 14 consecutive days. This term includes, but is not limited to, transient practitioners performing tattoos and body piercings.
54. "Ultrasonic cleaning unit" shall mean a unit approved by the commissioner/public health director, physically large enough to fully submerge instruments in liquid, which removes all foreign matter from the instruments by means of high frequency oscillations transmitted through the contained liquid.
55. "Universal precautions" shall mean a set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC), as "Guidelines for Prevention of Transmission of Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV) to Health-Care and Public-Safety Workers" in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol 38, No S-6, and as "Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures" in MMWR, July 12, 1991, Vol 40, No RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV and other blood pathogens. Precautions include hand-washing, gloving, personal protective equipment, injury prevention and proper handling and disposal of needles, other sharp instruments and blood and body fluid contaminated products.

C. Inspections.

The commissioner/public health director shall have access to the body art establishment when open to the public, for the purpose of determining compliance with the sanitary code.

D. Exemptions. [Adopted 04-13-1999 by L.L. 3-1999]

The provisions of this section shall not apply to body piercing performed by a duly licensed physician or nurse practitioner or persons acting under the supervision of a physician or nurse practitioner.

E. Restrictions.

1. No tattooing, piercing of nipples, genitalia, branding or scarification shall be performed on a minor.
2. Body piercing, other than piercing the nipples or genitalia, may be performed on a minor, provided that the person is accompanied by a properly identified parent, legal custodial parent or legal guardian who has signed a form consenting to such procedure.
3. The performance of laser removal of tattoos shall be prohibited by any body art practitioner in any body art establishment consistent with licensing requirements of the New York State department of education.
4. The performance of any kind of implant shall be prohibited by any body art practitioner in any body art establishment consistent with licensing requirements of the New York State department of education.
5. The performance of tongue-splitting shall be prohibited by any body art practitioner in any body art establishment consistent with licensing requirements of the New York State department of education.

F. Operation of body art establishments.

1. General Physical Facility

The building and equipment shall be maintained in a state of good repair at all times. The body art establishment premises shall be kept clean, neat and free of litter and rubbish.

- i. Walls, floors and ceilings of the body art work stations and procedure surfaces shall be smooth, free of open holes or cracks, light-colored, washable and in good repair. Walls, floors and ceilings shall be maintained in a clean condition. All procedure surfaces, including but not limited to client chairs and benches, shall be of such construction as to be non-porous and easily cleaned and sanitized after each client. No

cleaning of any portion of the work station shall be undertaken while actual body art is being performed.

- ii. The floor of the body art establishment shall be of impervious material.
- iii. The body art establishment shall have adequate light and adequate ventilation.
- iv. The body art establishment shall be separate from any other room used for human habitation, any food establishment or room where food is prepared, any hair salon, any retail sales or any other such activity that may cause potential contamination of work surfaces.
- v. All body art establishments shall be supplied with potable water and no other source of water shall be permitted.
- vi. There shall be a minimum of one (1) toilet facility containing a toilet and sink for clients. The toilet facility shall be provided with toilet paper, liquid hand soap and paper towels stored in a fixed dispenser. At least one (1) covered, foot operated waste receptacle shall be provided in each toilet facility. Such facilities shall be in compliance with the Sanitary Code.
- vii. The premises shall have adequate facilities for handwashing and separate facilities for washing equipment and instruments. All washing facilities, whether for handwashing or equipment cleaning, shall have hot and cold running water.
- viii. All instruments and supplies, including but not limited to, needles, dyes and pigments shall be stored in clean, dry and covered containers. Containers shall be kept in a secure area specifically dedicated to the storage of all instruments and supplies.
- ix. The body art establishment shall have a cleaning area. Every cleaning area shall have an area for the placement of an autoclave or other sterilization unit located or positioned a minimum of thirty-six (36) inches from the required ultrasonic cleaning unit.
- x. The body art establishment operator shall provide for the disposal of all types of waste products in compliance with part 70 of the State sanitary code and the Sanitary Code. Solid waste shall be stored in covered, leak-proof, rodent-resistant containers and shall be removed from the premises at least weekly.
- xi. The body art establishment shall take all measures necessary to ensure against the presence or breeding of insects, vermin and rodents within the body art establishment.

- xii. The body art establishment shall have a customer waiting area, exclusive and separate from any body art work station, instrument storage area, cleaning area or any other area in the body art establishment used for body art activity.
 - xiii. No animals of any kind shall be allowed in a body art establishment, except service animals used by persons with disabilities (e.g., seeing-eye dogs). Fish aquariums shall be allowed in waiting rooms and nonprocedural areas.
 - xiv. Smoking shall be prohibited in all areas of the body art establishment.
2. Body art work station.
- i. Each body art establishment shall have one (1) or more body art work stations separated by a wall, such wall shall not be required to be permanent, from the waiting room or any room or rooms used as such. No work station shall be used as a corridor for access to other rooms. Body art shall be performed on clients only in said work station.
 - ii. Each body art work station shall be used by one (1) body art practitioner for the purpose of performing body art on one (1) client at any given time.
 - iii. Each body art work station shall have sufficient floor space for each practitioner to perform body art work. Each establishment shall have an area that may be screened from public view for clients requesting privacy. Multiple body art work stations shall be separated by partitions at a minimum.
 - iv. The surface of all work tables shall be constructed of metal or other material which is smooth, light-colored, non-absorbent, corrosive-resistant and easily sanitized.
 - v. At least one (1) covered, foot-operated waste receptacle shall be provided in each body art work station. Receptacles in the work stations shall be emptied daily.
 - vi. Eating or drinking shall be prohibited in the body art work station, with the exception of fluids being offered to a client during or after a body art procedure.
- C. Requirements for Single-Use Items Including Inks, Dyes and Pigments.
- i. Single-use items shall not be used on more than one (1) client for any reason. After use, all single-use sharps shall be immediately disposed of in approved sharps containers pursuant to part 70-2 of the State sanitary

code. There shall be a sharps container at each body art work station properly affixed so as to facilitate safe and sanitary disposal.

- ii. All products applied to the skin, including but not limited to body art stencils, applicators, gauze and razors, shall be single-use and disposable.
- iii. Hollow bore needles or needles with a cannula shall not be reused.
- iv. All inks, dyes, pigments, solid core needles and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions. Only non-toxic dyes and pigments shall be used for tattooing.
- v. Inks, dyes or pigments may be mixed and may only be diluted with water from an approved potable source. Immediately before a tattoo is applied, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single-use paper cups or plastic caps. Upon completion of the tattoo, these single-use cups or caps and their contents shall be discarded.

D. Sanitation and sterilization measures and procedures.

- i. All non-disposable instruments used for body art, including all reusable solid core needles, pins and stylets, shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water, to remove blood and tissue residue, and shall be placed in an ultrasonic unit operated in accordance with manufacturer's instructions.
- ii. After being cleaned, all non-disposable instruments used for body art shall be packed individually in sterilizer packs and subsequently sterilized in a steam autoclave. Sterilization shall be accomplished by placing in an autoclave for a minimum of thirty-five (35) minutes at twenty (20) pounds of pressure (psi) at a temperature of 270 degrees Fahrenheit. All sterilizer packs shall contain either a sterilizer indicator or internal temperature indicator. Sterilizer packs must be dated with an expiration date not to exceed six (6) months. Sterilization methods must meet the requirements of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Disinfection and Sterilization of Patient-Care Equipment, 1985.
- iii. The autoclave shall be used, cleaned and maintained according to manufacturer's instructions. A copy of the manufacturer's recommended procedures for the operation of the autoclave must be available for inspection by the commissioner/public health director. Autoclaves shall be located away from work stations or areas frequented by the public.

- iv. Each holder of a permit to operate a body art establishment shall demonstrate that the autoclave used is capable of attaining sterilization by quarterly spore destruction tests. These tests shall be verified through an independent laboratory. The permit shall not be issued or renewed until documentation of the autoclave's ability to destroy spores is received by the commissioner/public health director. These test records shall be retained by the operator for a period of five (5) years and made available to the commissioner/public health director upon request.
- v. All instruments used for body art procedures shall remain stored in sterile packages until just prior to the performance of a body art procedure. After sterilization, the instruments used in body art procedures shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.
- vi. Following sterilization, instruments shall be handled and stored in such a manner as to prevent contamination. Sterile instruments may not be used if the package has been breached or after the expiration date without first repackaging and resterilizing.
- vii. If the body art establishment uses only sterile single-use, disposable instruments and products, and uses sterile supplies, an autoclave shall not be required.
- viii. When assembling instruments used for body art procedures, the practitioner shall wear disposable medical gloves and use medically recognized standards to ensure that the instruments and gloves are not contaminated.
- ix. Reusable cloth items shall be mechanically washed with detergent and dried after each use. The cloth items shall be stored in a dry, clean environment until used.

E. Posting requirements.

The following shall be prominently and conspicuously displayed in the body art establishment, clearly visible to the client:

- a. A disclosure statement, as approved by the commissioner/public health director. A disclosure statement shall also be given to each client, advising him/her of the risks and possible consequences of body art procedures.
- b. Printed instructions, as approved by the commissioner/public health director, on the care of the skin after the performance of body art as a precaution to prevent infection. A copy of such instructions shall also be given to each client.

- c. The address and telephone number of the Schenectady County department of public health services, Environmental Division, Body Art Program, which has jurisdiction and the procedure for filing a complaint.
 - d. An emergency plan, including:
 - i. a plan for the purpose of contacting police, fire or emergency medical services in the event of an emergency;
 - ii. a telephone in good working order shall be easily available and accessible to all employees and clients during all hours of operation; and
 - iii. sign at or adjacent to the telephone indicating the correct emergency telephone numbers.
 - e. An occupancy and use permit as issued by the local building official.
 - f. A current body art establishment permit as issued by the commissioner/public health director.
 - g. Each body art practitioner's permit as issued by the commissioner/public health director.
- F. Body art establishment recordkeeping.

The body art establishment shall maintain the following records in a secure place for a minimum of five (5) years, and such records shall be made available to the commissioner/public health director upon request:

- a. Body art establishment information, which shall include:
 - a. name, address and telephone number of the establishment;
 - b. hours of operation of the establishment;
 - c. name, address and telephone number of the owner or operator;
 - d. a complete list and description of all body art procedures performed;
 - e. an inventory of all instruments and body jewelry, all sharps, and all inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if applicable. Invoices or packing slips shall satisfy this requirement;
 - f. a Material Safety Data Sheet, when available, for each ink and dye used by the establishment;

- g. a copy of the U.S. OSHA standards contained in 29 CFR 1910.1030, entitled “Regulations (Standards) Bloodborne Pathogens”;
 - h. a Bloodborne Pathogens Exposure Control Plan as mandated by U.S. OSHA;
 - i. a copy of these regulations.
 - b. Employee information, which shall include:
 - a. full name of the employee;
 - b. exact duties of the employee;
 - c. date of birth of the employee;
 - d. residence address of the employee;
 - c. Client Information, which shall be prepared prior to any procedure being performed, and include:
 - i. name and signature of the client;
 - ii. date of birth and age of the client;
 - iii. residence address and telephone number of the client;
 - iv. date of the procedure;
 - v. name of the practitioner who performed the procedure(s);
 - vi. description of procedure(s) performed and the location on the body;
 - vii. a signed consent form as specified by section 6(h)4)ii; and
 - viii. if the client is a person under the age of eighteen (18), proof of parental or guardian identification, presence and consent including a copy of the photographic identification of the parent or guardian as specified by section 5(b).
- d. Records of body art performed shall be entered in ink or indelible pencil and kept on file. Additionally, all fully completed and signed client consent forms shall be kept in a binder in reverse chronological order of the date of the procedure(s). Body art records and the consent form binder shall be available for examination by the Commissioner/Public

Health Director and shall be preserved for at least five (5) years from the date of the last entry therein.

- e. Before any body art procedure is performed, the body art practitioner or transient body art practitioner shall inform the client of the risks involved in the body art requested, and any possible complications, proof of which shall be entered in the record.
- f. Client information shall be kept confidential at all times.

G. Hepatitis B vaccination series.

The body art establishment shall require that all body art practitioners and transient body art practitioners have either completed, or were offered and declined, in writing, the Hepatitis B vaccination series. Records documenting compliance with this requirement shall be provided to the commissioner/public health director upon request.

H. Standards of practice.

Body art practitioners and transient body art practitioners are required to comply with the following minimum health standards:

- a. A practitioner or transient practitioner shall perform all body art procedures in accordance with Universal Precautions set forth by the U.S Centers for Disease Control and Prevention.
- b. A practitioner or transient practitioner shall refuse service to any person who may be under the influence of alcohol, drugs or any intoxicant, or any person with skin lesions or any communicable disease.
- c. Practitioners or transient practitioner who use ear piercing systems must conform to the manufacturer's directions for use and to applicable U.S. Food and Drug Administration requirements. No practitioner shall use an ear piercing system on any part of the client's body other than the ear.
- d. Health History and Client Informed Consent

Prior to performing a body art procedure on a client, the practitioner or transient practitioner shall:

- a. Inform the client, verbally and in writing, that the following health conditions may increase health risks associated with receiving a body art procedure:
 - 1. history of diabetes;
 - 2. history of hemophilia (bleeding);

3. history of skin diseases, skin lesions or skin sensitivities to soaps, disinfectants, etc.;
 4. history of allergies or adverse reactions to pigments, dyes, or other sensitivities;
 5. history of epilepsy, seizures, fainting or narcolepsy;
 6. use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting; and
 7. Hepatitis, HIV or any other communicable disease.
- ii. Require that the client sign a form confirming that the above information was provided, that the client does not have a condition that prevents him/her from receiving body art, that the client consents to the performance of the body art procedure and that the client has been given the aftercare instructions as required by section 6(e)2).
- e. A practitioner or transient practitioner shall maintain the highest degree of personal cleanliness, conform to best standard hygienic practices and wear clean clothes; specifically a clean outer garment when performing body art procedures. Before performing body art procedures, the practitioner must thoroughly wash his/her hands in hot running potable water with liquid soap and individual hand brush, then rinse hands and dry with disposable paper towels or by mechanical means. This shall be done as often as necessary to remove contaminants.
 - f. In performing body art procedures, a practitioner or transient practitioner shall wear disposable single-use gloves. Gloves shall be changed if they become pierced, torn or otherwise contaminated by contact with any unclean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed in accordance with section 6(h)5) before the next set of gloves is put on. Under no circumstances shall a single pair of gloves be used on more than one (1) person. The use of disposable single-use gloves does not preclude or substitute for hand-washing procedures as part of a good personal hygiene program.
 - g. The skin of the practitioner or transient practitioner shall be free of rash or infection. No practitioner or transient practitioner experiencing symptoms such as diarrhea, vomiting, fever, rash, productive cough, jaundice or affected with draining or open skin infections such as boils, impetigo, scabies, infected wounds, open sores, abrasions or weeping dermatological lesions or acute respiratory infection shall work in any

area of a body art establishment in any capacity in which there is a likelihood that that person could contaminate body art equipment, supplies or working surfaces with body substances or pathogenic organisms.

- h. The commissioner/public health director may require any practitioner or transient practitioner found to have any communicable disease or suspected of having such a disease, as designated in part 2 of the State sanitary code, to obtain a certificate signed by a duly licensed physician stating that the person has recovered from and is no longer infectious or is free from a communicable disease before permission to resume operation as a practitioner is granted. Said certificate shall be available for inspection by the commissioner/public health director.
- i. Any item or instrument used for body art that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.
- j. Preparation and care of a client's skin area must comply with the following:
 - i. Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.
 - ii. Before a body art procedure is performed, the immediate skin area and the areas of skin surrounding where body art procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation. If shaving is necessary, single-use disposable razors or safety razors with single-service blades shall be used. Blades shall be discarded after each use in a sharps container, and reusable holders shall be cleaned and autoclaved after use. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.
 - iii. In the event of bleeding, all products used to stop the bleeding or to absorb blood shall be single-use, and discarded immediately after use in appropriate covered containers and disposed of in accordance with part 70-2 of the State sanitary code.
 - iv. Before placing the design on the client's skin, the practitioner or transient practitioner shall treat the skin area with an EPA approved or hospital grade germicidal solution, which shall be applied with sterile cotton or sterile gauze. Only sterile petroleum jelly (petrolatum) shall be applied to the area to be tattooed and only from single-use, collapsible metal or plastic tubes. The application may be spread by the use of sterile gauze or other sterile applicator but not directly with the fingers.

- v. Petroleum jellies, soaps and other products used in the application of stencils shall be dispensed and applied on the area to receive a body art procedure with sterile gauze or other sterile applicator to prevent contamination of the original container and its contents. The applicator or gauze shall be used once and then discarded.
- k. The practitioner or transient practitioner shall provide each client with verbal and written instructions on the aftercare of the body art site. Said aftercare instructions shall be approved by the Commissioner/Public Health Director. A copy of the aftercare instructions shall be provided to the client. The written instructions shall advise the client:
 - i. of the proper cleansing of the area, which received the body art;
 - ii. that a completed tattoo shall be washed with a piece of sterile gauze or sterile cotton saturated with an EPA approved or hospital grade germicidal solution from a single-use container. It shall be allowed to air dry. After drying, an anti-bacterial ointment shall be applied to the tattoo and the entire area covered with material appropriate to prevent contamination;
 - iii. to consult a health care provider for:
 - 1. unexpected redness, tenderness or swelling at the site of the body art procedure;
 - 2. any rash;
 - 3. unexpected drainage at or from the site of the body art procedure; or
 - 4. a fever within two (2) hours of the body art procedure; and
 - iv. of the name, address and telephone number of the body art establishment.
 - v. contaminated waste shall be stored, treated, transferred and disposed in accordance with parts 70-2.3 and 70-2.4 of the State sanitary code.¹
- I. Body art establishment permit.
 - i. It shall be unlawful for any person to operate a body art establishment in Schenectady County unless such person possesses a valid Permit to

¹ This had read 70-1.3 and 70-1.4. Kayleigh had left a note stating she could not find those citations. It appears the citations I used are the actual sections and there are no 70-1.3 and 70-1.4.

Operate a Body Art Establishment issued by the Commissioner/Public Health Director, pursuant to this Chapter.

- ii. An establishment permit shall be valid from the date of issuance and shall automatically expire no longer than one (1) year from the date of issuance unless revoked sooner by the Commissioner/Public Health Director.
- iii. Application for a Body Art Establishment Permit shall be made, at least thirty (30) days before the first day of intended operation, on a form prescribed by and available from the Commissioner/Public Health Director. An applicant shall submit all information required by the form and accompanying instructions. The term “application” as used herein shall include the original and renewal applications.
- iv. The Commissioner/Public Health Director shall require that the applicant provide, at a minimum, the following information in order to be issued a body art establishment permit:
 - a. name, address and telephone number of:
 - 1. the establishment;
 - 2. the operator of the establishment; and
 - 3. the practitioner(s) working at the establishment;
 - b. the manufacturer, model number, model year and serial number, where applicable, of the autoclave used in the establishment;
 - c. a signed and dated acknowledgement that the applicant has received, read and understood the requirements of the Sanitary Code, Chapter VII, Body Art; a drawing of the floor plan of the proposed establishment to scale for a plan review by the Commissioner/Public Health Director, as part of the permit application process; and
 - d. such additional information as the Commissioner/Public Health Director may reasonably require.
- v. A permit for a body art establishment shall not be transferable from one place or person to another.

J. Body art practitioner permit.

- a. It shall be unlawful for any person to practice body art or perform any body art procedure in Schenectady County unless such person possesses a valid Permit to Practice Body Art issued by the Commissioner/Public Health Director, pursuant to this Chapter.

- b. A practitioner shall be a minimum of eighteen (18) years of age.
- c. A Body Art Practitioner Permit shall be valid from the date of issuance and shall automatically expire no longer than one (1) year from the date of issuance unless revoked sooner by the Commissioner/Public Health Director and shall not be transferable from one place or person to another.
- d. Application for a Body Art Practitioner Permit shall be made, at least thirty (30) days before the first day of intended operation, on a form prescribed by and available from the Commissioner/Public Health Director. An applicant shall submit all information required by the form and accompanying instructions. The term “application” as used herein shall include the original and renewal applications.
- e. Application for a practitioner permit shall include:
 - i. photographs identifying the practitioner. Two (2) 2” x 3” passport photos or two (2) copies of a driver’s license photos taken within three (3) years shall accompany the submission of the practitioner application. One (1) photo (or copy) submitted with the application shall be maintained as a permanent record in the Department’s file. The second photo shall be affixed to the practitioner’s permit and kept on file and available for inspection at the establishment;
 - ii. name of the practitioner, which includes legal name as well as any trade name, nickname, name also known as (aka) and alias associated with the individual in the body art profession;
 - iii. date of birth of the practitioner;
 - iv. residence address of the practitioner;
 - v. residence telephone number of the practitioner;
 - vi. mailing address of the practitioner;
 - vii. place(s) of employment as a practitioner; and
 - viii. Practitioner training, education and/or experience: training, education and experience may include certifications, courses and/or seminars provided by professional body art organizations or associations, equipment manufacturers, hospitals or other health care or educational institutions, which shall be submitted to the Commissioner/Public Health Director for approval. All courses shall be attended in person or on-line.

- ix. Required practitioner training, education and/or experience shall be as follows:
 - 1. Documentation of bloodborne pathogen training program (or equivalent), which includes infectious disease control; waste disposal; hand-washing techniques; sterilization equipment operation and methods; and sanitization, disinfection and sterilization methods and techniques as set forth by U.S. OSHA. Examples of courses approved by the Commissioner/Public Health Director include "Preventing Disease Transmission" (American Red Cross) and "Bloodborne Pathogen Training" (U.S. OSHA); and
 - 2. Documentation of first aid certification.
 - 3. Documentation of cardiopulmonary resuscitation (CPR) certification.
 - 4. Documentation of successful completion of a course in skin diseases, skin anatomy, disorders and conditions, including diabetes, or possesses a combination of training and experience deemed acceptable to the Commissioner/Public Health Director.
 - 5. Documentation of experience, in lieu of the requirements set forth in sections 6(j)5)(viii) d and e acquired in other states that regulate body art as deemed acceptable to the Commissioner/Public Health Director.
 - 6. Apprenticeship shall be allowed when the apprentice is under the direct supervision of the Mentor/Teacher.
- x. A practitioner's permit shall be conditioned upon continued compliance with all applicable provisions of Chapter VII.
- xi. Any transient practitioner at any body art establishment shall be required to obtain a transient practitioner permit, which shall be subject to all of the aforementioned requirements and the following:
 - 1. A transient practitioner permit shall be valid from the date of issuance and shall automatically expire no longer than thirty (30) days from the date of issuance unless revoked sooner by the Commissioner/Public Health Director and shall not be transferable from one place or person to another.
 - 2. A transient practitioner application shall be completed by the Transient practitioner, submitted and signed by the owner or operator of the permitted body art establishment where the

transient practitioner intends to practice and be accompanied by a copy of the body art establishment's valid permit.

3. Notwithstanding any requirement set forth in this Chapter, a transient practitioner permit may be issued to any person holding a license or similar certification or registration to engage in the practice of tattooing or body art issued under the jurisdiction of another political subdivision, state, or nation. Such temporary permit will allow a person to apply body art within the County of Schenectady under the direct supervision of a body art practitioner holding a permit issued by the Schenectady County Department of Public Health. Should an applicant for such a transient permit practice body art in a jurisdiction that does not license or otherwise register body art practitioners, the Commissioner/Director may issue such transient permit to such person upon the presentation of proof satisfactory to the Commissioner/Director that the applicant has received training equivalent to that necessary to satisfy the educational requirements contained in this Chapter.

G. Injury reports.

A written report of any injury, infection, complication or disease suffered by a client, as a result of a body art procedure or complaint thereof, shall be forwarded by the Operator to the Schenectady County department of public health services with a copy to the injured client within five (5) days of its occurrence or knowledge thereof. The report shall include:

1. the name of the affected client;
2. the name and location of the body art establishment involved;
3. the nature of the injury, infection, complication or disease;
4. any other information considered relevant to the situation.

H. Complaints.

1. The Commissioner/Public Health Director shall review complaints and conduct any necessary investigations received about a body art establishment and/or body art practitioner's, transient body art practitioner's practices or acts, which may violate any provision of the Sanitary Code.
2. If such investigation reveals a finding that said act(s) or practice(s) is in violation of the Sanitary Code, then the Commissioner/Public Health Director shall take any and all enforcement action is necessary to remedy the situation.

I. Denial, revocation or refusal to renew permit.

1. The Commissioner/Public Health Director may deny a permit, revoke a permit or refuse to renew a permit on the following grounds, each of which, in and of itself, shall constitute full and adequate grounds for denial, revocation or refusal to renew:
 - i. any actions that pose a risk to the health or safety of the public;
 - ii. fraud, deceit or misrepresentation in obtaining a permit, or its renewal;
 - iii. practicing body art while impaired by alcohol, drugs, any intoxicant, physical disability, or mental instability;
 - iv. being habitually drunk or being dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens or other drugs or intoxicants having similar effects;
 - v. knowingly encouraging, permitting, aiding or abetting an unauthorized person to perform body art activities requiring a permit herein;
 - vi. continuing to practice while his/her body art permit is denied, lapsed, suspended or revoked;
 - vii. having been disciplined in another jurisdiction, in any way, by the proper permitting authority for reasons substantially the same as the regulations set forth herein those set forth in the Commissioner/Public Health Director's regulations; and
 - viii. other just and sufficient cause that would render the establishment, practitioner, transient practitioner or applicant unfit to practice body art as deemed by the Commissioner/Public Health Director.
2. A permit may be denied, revoked or renewal refused after notice and an opportunity for a hearing has been provided by the Commissioner/Public Health Director.
3. Applicants denied a permit may reapply at any time after denial.

J. Suspension of permit.

A permit may be suspended by the Commissioner/Public Health Director, without notice upon violation by the permit holder of the requirements set forth herein this Chapter, when in his/her opinion there exists an imminent threat to public health, safety or welfare. If the Permit is not reinstated within 5 days of suspension, the permit holder shall be entitled to notice and an opportunity for a hearing on the violation.

K. Fees.

A fee shall be charged for each body art establishment, body art practitioner and transient body art practitioner permit issued in accordance with Article I of the Sanitary Code. This fee shall be paid either by certified check or money order made payable to the Commissioner/Public Health Director of Finance of Schenectady County. Payment shall accompany the application for permit. Such fee shall be set from time to time by the County Legislature by resolution.

L. Severability.

If any provision contained in Chapter VII is deemed invalid for any reason, it shall be severed and shall not affect the validity of the remaining provisions.

Section 125.08. Public water supplies.

A. Adoption of the State sanitary code.

The Schenectady County legislature officially adopts part 5 of the State Sanitary Code, as may be amended from time to time, as being applicable within the County of Schenectady.

B. Definitions.

1. "Public Water System" shall mean a community, noncommunity or nontransient noncommunity system which provides piped water to the public for human consumption, if such system has at least 5 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. Such terms include:
 - i. Collection, treatment, storage and distribution facilities under control of the supplier of water of such system and used with such system; and
 - ii. Collection or pretreatment storage facilities not under such control which are used with such system.
2. "Community Water System" (CWS) shall mean a public water system which serves at least 5 service connections used by year-round residents or regularly serves at least 25 year-round residents.
3. "Noncommunity Water System" (NCWS) shall mean a public water system that is not a community water system.
4. "Nontransient Noncommunity Water System" (NTNC) shall mean a public water system that is not a community water system but a subset of a noncommunity water system that regularly serves at least 25 of the same persons, 4 hours or more a day, for 4 or more days per week, for 26 or more weeks per year.

5. "Bottle Water Vending Machine" shall mean any device which is connected to an approved public water system which may or may not provide treatment and which dispenses water into containers provided by and by means of the purchaser.
6. All bottled water vending machines shall comply with the bottled and bulk water standards as outlined in part 5, subpart 5-6, of the State sanitary code.
7. Bottled water vending machines shall also comply with the following Schenectady County requirements:
 - i. Monthly bacteriological samples are to be taken by the water supplier and analyzed by a New York State certified laboratory. When a sample is submitted, the operator shall request an analysis for coliform and standard plate counts. Copies of the reports shall be submitted to the county public health services.
 - ii. In order to ensure customers do not receive untreated water, if ultraviolet (UV) disinfection is used, there shall be an automatic shut-off or some type of alarm on the water line in the event of a breakdown of the UV unit.²
 - iii. The UV bulb shall be replaced annually.³
 - iv. First-draw water is to be run to waste for a minimum of one minute prior to the commencement of business each day to ensure the first customer receives treated water.⁴
 - v. To keep the water-dispensing area clean and sanitary, the water dispensers, countertops and sinks shall be wiped frequently with a mild chlorine bleach solution.
 - vi. Because the operator cannot guarantee the cleanliness and sterility of the containers that customers present to be filled, such operator shall post a disclaimer stating that such operator is not responsible for the condition of such containers, and a recommendation that such containers be cleaned prior to being presented to such operator for filling.

² This will prevent customers from receiving untreated water."

³ These have a tendency to wear out gradually, thereby losing their effectiveness over a period of time."

⁴ UV bulbs require a short period of time to warm up to their full effectiveness."

- vii. The county department of public health services shall take quarterly surveillance samples to serve as a check against the monthly samples being taken by the operator.
- viii. The supplier of water (operator) shall have operational responsibility for the water dispensing facility.
- ix. The New York State health department, bureau of public water supply protection, shall maintain jurisdiction to inspect bulk water facilities and issue operational permits to document owners or operators.
 - a. Such jurisdiction shall continue unless or until such jurisdiction for inspections and licensing are turned over to the county department of public health services.
- 8. All permitted facilities, such as a temporary residence, children's camp, swimming pool, bathing beach, or other non-community water system, which commences operation after the effective date of this code shall disinfect their private water supply. Existing facilities with private water supplies shall be required to disinfect their water supply after 1 unsatisfactory sample with a total coliform and/or E Coli positive result taken after the adoption of this code. Plans for disinfection of the water supply shall be submitted to the County Department of Health Services for review before it is put into use.

Section 125.09. Mobile home parks.

- a. Adoption of State sanitary code.

The Schenectady County legislature officially adopts part 17 of the New York State Sanitary Code, as may be amended from time to time, as being applicable within the County of Schenectady.

- b. Definitions.

- 1. "Mobile Home Park" shall mean a property consisting of a tract of land maintained by an operator for mobile homes and/or manufactured homes, and buildings or other structures that may be pertinent to their use, and part of which may be occupied by persons for residential purposes other than recreation, traveling, or vacationing, and who are provided services or facilities necessary for their use of the property.

- c. Permits.

It shall be unlawful for any person to operate a mobile home park within the County of Schenectady unless such person possesses a valid permit issued by the county department of public health services, pursuant to this code, the New York State Sanitary Code, and the New York State Public Health Law to do so.

Section 125.10. Wastewater treatment and disposal.

A. Definitions.

1. "Dwelling" shall mean any building structure which is wholly or partly used or intended to be used for living or sleeping or working by human occupants.
2. "Offensive material" shall mean any sewage, refuse, fecal matter, manure, offal, dead animals, tankage or any putrescible organic matter, including the contents of privies, cesspools, septic tanks, holding tanks, or any other substance injurious to health or well-being.
3. "Public health Nuisance" shall mean any condition which exists which affects, may affect, or has the potential to affect the health and/or well-being of the public.
4. "Sewage" shall mean human excreta or liquid or waterborne wastes, including flush toilet wastewater, laundry wastewater, sink wastewater, bathing wastewater, dishwater wastewater and the like from a residence, business, industry or any other establishment from which such wastes may discharge.
5. "Wastewater" shall mean any water discharged from a dwelling through a plumbing fixture to include, but not limited to sewage and any water or waste from a device which is produced in the dwelling or property.
6. "Adequate" shall mean sufficient to accomplish the purpose intended and to such a degree that no unreasonable risk is presented to health or safety. Within the meaning of this paragraph, an item installed, maintained, designed and assembled, an activity conducted, or act performed, in accordance with recognized generally accepted standards, principles or practices applicable to a particular trade, business, occupation or profession shall be considered adequate.
7. "Generally accepted standards" shall mean those referenced in the New York State Public Health Law, section 201(1)(I) appendix 75-A entitled "Wastewater Treatment Standards - Individual Household Systems"; and/or New York State department of health Individual Residential Wastewater Treatment Systems Handbook; Individual Household Systems, and/or EPA 25/1-80-012 Design Manual - Onsite Wastewater Treatment and Disposal Systems - October 1980, and/or those standards referenced in the New York State Building & Construction codes and Fire Prevention code (9NYCRR), or their successor(s), or any other standards filed with the secretary of state, or recognized principles or practices applicable to a particular trade, business, occupation, or profession.
8. "Fill Material" shall mean sandy soil with a percolation rate of 5 to 30 minutes per inch which has been approved for use of specific types of alternative systems.

9. "Top soil" shall mean organic soils containing humus, silt and a small amount of clay for the use of turf surface establishment. Neither "sand" nor "fill material" as described above constitutes "top soil".
10. "Realty subdivision" shall remain as defined in article 9-A of the New York State Real Property Law, article 11 of the New York State title II Public Health Law; and article 17, title 15 of the New York State Environmental Conservation Law.
11. "Alternative sewage disposal system" shall be defined as stated in appendix 75-A of the Administrative Rules and Regulations contained in chapter 11 of title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York, to pertain to "raised systems", "mound systems", "sand filter with downstream mound". Additionally, "Amsterdam fill systems" as described in attachment "A" Rev-1-DLW-3/94 shall be considered as an alternative sewage disposal system.

B. Applicability: residential and commercial.

This Chapter shall apply to the site evaluation, plan review, county fee, construction and use of a new or modified on-site alternative wastewater treatment system serving residential properties. Additionally, site evaluation, plan review, county fee, construction monitoring, and use of a new or modified on-site conventional or alternative sewage disposal system for commercial properties receiving quantities of less than 1,000 gallons per day without the admixture of industrial wastes or other wastes as defined in the New York State Environmental Conservation Law, section 17-0701, shall be regulated using the 1988 department of environmental conservation design standards for intermediate sized sewerage facilities.

C. Treatment standards.

1. Appendix 75-A and part 75 of the Administrative Rules and Regulations contained in chapter 11 of title 10 (health) of the Official Compilation of Codes, Rules and Regulations of the State of New York, as may be amended from time to time, shall serve as the official standard for wastewater treatment for individual households in Schenectady County where public sewers are not available for usage.
2. The New York State department of health Individual Residential Waste Water Treatment Systems Handbook; Individual Household Systems, as may be amended from time to time, shall serve as a reference standard to be used in conjunction with appendix 75-A described in subdivision C, paragraph 1 of this section for wastewater treatment for sewage disposal systems in Schenectady County where public sewers are not available for usage.

3. The EPA Design Manual, Onsite Wastewater Treatment and Disposal Systems (EPA 625/1-80-012), as may be amended from time to time, shall serve as a reference standard in conjunction with appendix 75-A described in subdivision C, paragraph 1 of this section and where applicable for wastewater treatment for institutional, commercial, and multi-home development in Schenectady County where public sewers are not available for usage.
4. The New York State department of environmental conservation publication entitled "Design Standards for Wastewater Treatment Works - Intermediate Sized Sewerage Facilities", as may be amended from time to time, shall serve as a required standard where applicable for higher volume systems for wastewater treatment for institutional, commercial, and multi-home development in Schenectady County where public sewers are not available for usage.
5. The New York State Real Property Law; article 11, title II of the New York State Public Health Law; article 17, title 15 of the New York State Environmental Conservation Law, as may be amended from time to time, shall serve as the official standard for wastewater treatment for realty subdivision development in conjunction with appendix 75A as described in subdivision C, paragraph 1 of this section within Schenectady County where public sewers are not available for usage.

D. Disposal requirements.

1. No person shall discharge, or allow or cause to be discharged untreated or partially treated sewage or other putrescible or offensive material on the surface of the ground or into any street, road, alley, open excavation, stormwater sewer, surface water drainage ditch, adjoining property, water course, or body of water or ground water except under such circumstances as prescribed by and with the written approval of the public health commissioner.
2. No person shall discharge, or allow to be discharged treated, partially treated, or untreated sewage or other offensive material in an abandoned water supply well, spring, or cistern or into a natural or artificial well, sink hole, crevice or opening extending into limestone, sandstone, shale, other rock or shell formation.
3. Each dwelling provided with plumbing fixtures or provided with receptacles to create a wastewater flow, where no approved public sewerage system is available, shall be provided with a sewage treatment system of approved design.
4. Each sewage treatment system shall serve a single piece of property and shall be properly maintained by the owner. Any failure to provide a properly maintained system may result in a declaration of a public health nuisance by

the Schenectady County department of public health services' commissioner or public health director or his or her designee.

5. No sewage treatment system shall be installed, maintained or operated on property reasonably accessible to a public sewerage system.
6. Whenever an approved public sewerage system is reasonably accessible to a piece of property, any sewage treatment system located thereon shall be properly abandoned and the property directly connected to the public sewerage system in accordance with local regulations governing sewer connection.
7. Where a public sanitary sewer is available and accessible, the Schenectady County department of public health services' commissioner or public health director or his or her designee may issue an order upon the owner of any property wherein any other method of sewage treatment was located requiring said owner to properly abandon the use of such other method of sewage treatment within a period of not more than 90 days, and to connect to the public sanitary sewer in accordance with local regulations governing such connection.

E. Plan Review: residential and commercial facilities

Plans for a sewage treatment system, as designated in section 125.10, shall be submitted to the county environmental health unit which have been prepared by a licensed New York State professional engineer, registered architect, or exempted land surveyor (section 7208(n) of the New York State Education Law). The plans shall be accurate, indicate property line boundaries, well locations, topographic/contour lines, proposed house location, sewage system components, design calculations, perc test data, native soil data, fill material requirements, construction notes and exclusions, and shall contain any other information as required by the Schenectady County department of public health services' commissioner or public health director or his or her designee.

F. Installation approval: residential and commercial facilities.

1. The property owner or designated agent shall make application for approval from the Schenectady County department of public health services' commissioner or public health director or his or her designee for construction, installation, alteration, or extension of a sewage treatment system prior to the initiation of any work on said system.
2. The application shall be made in writing on forms prescribed by the Schenectady County department of public health services, shall contain all pertinent information relative to the project, shall be prepared by a licensed New York State professional engineer, registered architect, or exempted land surveyor (section 7208(n) of the New York State Education Law), and shall contain any other information as required by the Schenectady County

department of public health services' commissioner or public health director or his or her designee.

3. Each application to the Schenectady County public health services shall be accompanied by a fee.
4. No person shall construct, install, connect, alter, or extend any sewage disposal system within the Schenectady County health district without having filed for and received written approval from the Schenectady County department of public health services' commissioner or public health director or his or her designee. The permit for construction shall expire 2 years from the date of issuance.
5. If the sewage treatment system has not been completely constructed, installed, altered, or extended within the 2 year permit allowance, the permit shall automatically expire and the owner or designated agent shall make written application to the Schenectady County department of public health services for extension or approval in accordance with this section. An extension of 1 year may be granted with the requirement that any changes to the treatment standards references be added to the plans and re-approved prior to construction. There shall be no charge for the 1 year permit extension. If a permit extension has been granted for an additional year and construction has not been completed within the granted time frame, the permit shall be void and a new permit shall be required and appropriate fee charged. Where no extension has been requested and the sewage system has not been installed, the permit shall be void.
6. A sewage treatment system permit shall be transferable within its 2 year installation allowance to a new owner provided the location of the sewage system and/or size and/or daily flow is not changed. The property owner or designated agent shall make written application to the Schenectady County department of public health services for transfer approval.
7. The Schenectady County department of public health services' commissioner or public health director or his or her designee shall deny approval if the information on the application is incomplete, inaccurate, false, or indicates that the provisions of section 125.10 cannot be met.
8. A person who constructs or provides or utilizes, or undertakes to construct, provide or utilize a sewage treatment system without first having obtained all required approvals of such a system from the Schenectady County department of public health services as required, or does not construct or install or maintain and operate such system or facility in accordance with the conditions of the approval or amendments thereto is in violation of the sanitary code. A person who constructs or provides or undertakes to construct or provide a sewage treatment system after being denied approval therefore is in violation of the sanitary code.

G. Installation and design requirements: residential and commercial facilities.

1. Construction of an approved sewage treatment system is to be under the supervision of a licensed New York State professional engineer, registered architect, or exempted land surveyor and a county department of public health services' representative. Each system is to be installed in strict accordance with the engineered plans and approval requirements issued by the Schenectady County department of public health services for the project. Written construction certification is to be provided to the Schenectady County department of public health services within 15 days of completion of construction by the supervising professional. The system shall not be placed in use until the Schenectady County department of public health services has issued a certificate of compliance.
2. An "as built" sketch depicting the distance of components of the sewage treatment system to two fixed points on the parcel shall be completed by the design professional and submitted to the Schenectady County department of public health services within 15 days upon installation completion. A copy will be forwarded to the property owner and the local code enforcement officer with the county compliance certificate for future reference.
3. A subsurface sewage treatment system shall be not installed in areas where the soil and groundwater conditions are unable to adequately support a subsurface sewage treatment system for its normal life expectancy of 20 to 25 years. percolation tests accompanied by soil evaluation of deep test pits shall be performed by a licensed New York State professional engineer, registered architect, or exempted land surveyor and witnessed by a representative of the county department of public health services. The Schenectady County department of public health services' commissioner or public health director or his or her designee may require as many percolation tests and soil evaluations as deemed necessary to determine acceptability of a site for the subsurface disposal of sewage. The percolation tests shall be conducted in the proposed absorption system area according to the following directions:

A minimum of two percolation holes, 1 foot in diameter, 50 feet apart shall be presoaked at least 4 hours prior to the test and as prescribed by the system table below. Holes not prepared as described will not be accepted for testing. Additionally, at least one 4 to 6 foot deep observation hole shall be provided at all sites being considered for sewage disposal construction, regardless of anticipated system design type.

System Type	Conventional	Shallow Absorption	Raised	Sand Filter	Mound
Hole Depth	24-30"	24"	12"	12"	24"
Test Depth	18-24"	16-18"	6-7"	6"	16"

4. If it has been determined by the Schenectady County department of public health services' commissioner or public health director or his or her designee that subsurface sewage treatment for existing construction is impractical

due to site conditions, the effluent from a subsurface sand filter may be permitted to discharge into an area watercourse only if approved by the New York State department of environmental conservation, the Schenectady County department of public health services' commissioner or public health director or his or her designee and the local municipality and if a SPDES permit is issued by New York State department of environmental conservation. All New York State department of environmental conservation forms must be submitted to the proper authorities and applicant shall receive appropriate approvals prior to any construction.

5. Downstream mounds following sand filters shall be located at least 50 feet from any property line, 100 feet from a property line is preferred where room permits.
6. Sand filters shall be located at least 10 feet from the fill material of the downstream mound.
7. Maximum mound and downstream mound widths (stone bed or area from first trench to last trench) shall not exceed 20 feet including the required 50% expansion area.

H. Abandoned sewage treatment equipment facilities.

An abandoned septic tank or other device or equipment utilized for the treatment or disposal of sewage shall be cleaned by a licensed New York State waste scavenger and either removed from the round or filled to the ground surface in a manner and with an inert material such as aggregate, in accordance with generally accepted standards.

I. Lot dimension and area.

There shall be available sufficient area to provide for the complete replacement of a subsurface sewage treatment system on any property intended for development and serviced by a subsurface sewage disposal system. The minimum parcel size shall comply with lot dimensions within each town's jurisdiction.

J. Individual lots in an approved New York State realty subdivision.

1. The property owner, developer or designated agent shall make application and fee for the plan review and approval from the Schenectady County department of public health services' commissioner or public health director or his or her designee for construction and installation of realty subdivision as defined by article 11, title II of the New York State Public Health Law.
2. No person shall install an individual sewage treatment system in a realty subdivision, unless adequate written documentation is provided to the Schenectady County department of public health services that installation of a community sewage system with required treatment or installation of a proper

connection to the municipal sewerage system available in the area is not feasible based upon generally accepted standards.

3. All subdivision plans shall be accurate, detailed and provide proper boundary lines and all other related survey details by a licensed surveyor. Sewage treatment systems in subdivisions shall be designed, inspected and certified by a licensed New York State professional engineer, registered architect, or exempted land surveyor. Inspections may also be conducted by a Schenectady County representative as designated on the approved subdivision plans as ordered by the Schenectady County department of public health services' commissioner or public health director.
4. Individual sewage treatment systems in approved subdivisions shall follow the provision of this article and the approval requirements contained on the plans approved by the department and on file in the office of the Schenectady County clerk.
5. Only conventional sewage disposal systems shall be approved in a realty subdivision where municipal sewers are not feasible. No alternative sewage disposal systems as described in appendix 75-A in subdivision C, paragraph 1 of this section shall be constructed in a realty subdivision. Alternative sewage disposal systems shall be considered in non-realty subdivisions where appropriate, or as replacement of failed sewage treatment systems.
6. Realty subdivisions shall consist of fewer than 50 lots where served by individual on-site conventional sewage treatment systems.

K. Engineering: standard practices and certifications.

1. The design, construction, installation, location, maintenance, and operation of sewage treatment systems including all components and types of systems shall follow engineering and standard practices in accordance with generally accepted standards and reference standards.
2. Fill materials for alternative sewage treatment systems (raised, mound, sand filters, other) shall be approved by the design engineer prior to placement and shall have been perc tested by a design professional in their natural states at the borrow site for adequacy. Where required, sieve analyses of the soils must be provided to the county department of public health services at least annually for re-certification, or whenever borrow site material changes. The county department of public health services may ask for additional tests as necessary.
3. Certifications issued by the county department of public health services pursuant to the provision of this regulation shall not be construed as guarantee by the county department of public health services' commissioner or public health director or his or her designee or by department agents that the sewage treatment system will function satisfactorily, nor shall it in any way restrict

the action of the county department of public health services' commissioner or public health director or his or her designee or department agents in enforcement of any law or regulation.

L. Inspections.

1. The owner or designated agent shall request an inspection of the sewage treatment system by the design professional and the county department of public health services at least 24 hours in advance of the expected time of the component to be inspected.
2. The sewage treatment system shall not be covered or placed into operation until such time as the system has been inspected at the appointed inspection schedule by the appropriate parties and an approval issued by the Schenectady County department of public health services' commissioner or public health director or his or her designee.
3. The Schenectady County department of public health services' commissioner or public health director or designee shall make inspections during the course of construction of the sewage treatment system as noted on the approval to ensure compliance with this regulation.
4. Any sewage treatment system which is installed, backfilled, and/or placed in use prior to department inspection and approval is in violation of this code and shall not be certified by the county department of public health services.
5. Any installed and in use sewage treatment system which has been permitted by the county department of public health services may, where deemed appropriate by the commissioner or public health director, be inspected by a Schenectady County department of public health services' designee for the purposes of study, reference, survey information, or failure observance.

M. Sewage treatment system investigation, property transfers.

1. Whenever the ownership of a piece of residential (or commercial property) which is served by a subsurface sewage treatment system changes, and where a sanitary survey of the property is required for transfer purposes, the county public health services can and may provide the service for the fee., or it may be provided by a licensed New York State professional engineer, registered architect, or exempted land surveyor in accordance with department guidelines. A written report on said investigation shall be prepared and issued to the department within 5 days of the completion of the investigation by the licensed New York State professional engineer, exempted land surveyor, or department representative.
2. Whenever the sewage treatment system investigation reveals that sewage is being discharged onto the surface of the ground or into the surface waters of

New York State, the county department of public health services' environmental health unit shall be immediately advised of the situation.

3. Certification pursuant to the provisions of this section shall not be construed as a guarantee by the county department of public health services' commissioner or public health director or designee or by his or her agents that the sewage treatment system will continue to function satisfactorily, nor shall it in any way restrict the action of the county department of public health services' commissioner or public health director or his or her designee in enforcement of any law or regulation.

N. Percolation testing.

Any licensed New York State professional engineer, registered architect, or exempted land surveyor who conducts a percolation test on any property in the County of Schenectady is required to report the results of the test to the department of public health services on the form prescribed by the department regardless of whether the results are determined as suitable or unsuitable for any type of sewage treatment system. Acceptable results are required to be submitted and may be accompanied by complete design packages. Unacceptable results are to be submitted for recording purposes. A current parcel tax map number shall be provided for all percolation test results to identify the site. The department of public health services shall be contacted to witness percolation tests where construction of a sewage treatment system is anticipated.

O. Waivers.

The Schenectady County department of public health services may, upon written application, grant a specific waiver from a provision of section 125.10, where such waiver is consistent with the general purpose and intent of section 125.10. The applicant receiving such waiver must be advised in writing if the design or conditions approved does not meet state or county standards and the potential consequences of such deviations.

Section 125.11. Nuisances.

A. Nuisances: commissioner's duty to investigate.

The commissioner or public health director or his or her duly authorized designee shall receive and examine into all reasonable complaints made by any inhabitant of the health district concerning nuisances, or causes of danger or injury to life and health in the health district and may request such complaints to be made in writing.

B. Nuisances: investigation and reports.

1. The commissioner or public health director or his or her designee may enter upon or within any place or premises where nuisances or conditions

dangerous to life and health, or which are the cause of nuisances existing elsewhere, are known or believed to exist to inspect or examine same.

2. The owners, agents and occupants of any premises shall permit sanitary examinations and inspections to be made pursuant to the provisions of this law and title 1, article 13 of the New York State Public Health Law.
3. The commissioner or public health director shall furnish the owners, agents and occupants of the premises on which such condition exists with a written statement of the results and conclusions of an examination or inspection conducted pursuant to this article.

C. Nuisances: abatement and suppression.

1. The commissioner or public health director shall order the suppression and removal of all nuisances and conditions detrimental to life and health found to exist within the health district.
2. The commissioner or public health director or his or her designee(s) may, if the owner, agent or occupant of any premises whereon and nuisances or conditions deemed to be detrimental to public health exists or causes the existence of such nuisance or the premises to remove or suppress such nuisance, condition, or matter to which said order relates.
3. The expenses of such removal and abatement shall be paid and may be collected in the manner prescribed in sections 1306, 1307, and 1308 of the New York State Public Health Law.

Section 125.12. Enforcement.

A. Adoption of State sanitary code.

The provisions of the Sanitary Code shall have the force and effect of law and it shall be the duty of the Commissioner/Public Health Director to enforce the Sanitary Code and he/she shall have all the powers, rights and duties of a Health District as provided or imposed by Section 309 of the Public Health Law, or any successor statute.

B. Noncompliance or nonconformance penalties.

Any noncompliance or nonconformance with any provision of the Sanitary Code or of any rule or regulation duly made thereunder, shall constitute a violation.

1. Violations—criminal penalties.

Any violation of the Sanitary Code or of a rule or regulation duly made thereunder, shall be subject to the enforcement procedure as set forth in Section 4 below and shall be punishable on a finding of a first offense by a

fine of not more than two hundred fifty (\$250.00) dollars, or by imprisonment of not more than fifteen (15) days, or by both such fine and imprisonment; and for a second or subsequent offense, by a fine not exceeding five hundred (\$500.00) dollars, or by imprisonment not exceeding fifteen (15) days, or both.

C. Enforcement procedure—persons holding permits—civil penalties.

1. Noncompliance with the Sanitary Code by a Permittee will result in the service of a “Notice of Violation and Order to Abate” upon the Permittee.
2. Noncompliance by the Permittee twice within a twelve month period will result in an order for an appearance at a preliminary departmental hearing (“PDH”).
3. At the PDH, opportunity will be given to the permittee to review the findings of violation and to propose an adequate abatement schedule.
4. Fines levied for violations cited on re-inspection shall be directly related to the gravity of the violations charged in accordance with the following schedule:
 - i. Fine guidelines:
 - a. Minimum fine shall be one hundred dollars (\$100).
 - b. Maximum fine for a single violation shall not exceed one thousand dollars (\$1000).
 - c. Fines will be based upon the violations cited after re-inspection pursuant to serving a “Notice of Violation” on the permittee.
 - d. Minimum fines for violations which are cited on re-inspection shall be:
 1. each critical (red) violation or any violation deemed to be an imminent public health hazard shall be two hundred dollars (\$200).
 2. each maintenance (blue) violation or any violation which is not an imminent public health hazard shall be one hundred and fifty dollars (\$150).
 3. if no violations are found upon re-inspection, a minimum fine of one hundred dollars (\$100) shall be imposed.
 4. violations of the same number and/or letter shall only be counted as 1 item in determination of the fine amount.
 5. Each day or a part of a day on which violation(s), or failure continues, shall constitute separate violations.

- e. Past history of the permittee may also be considered when fines are levied.
 - f. Fines may be levied, according to the above procedure, against any permittee for violations of the same number and/or letter which are repeatedly cited on routine inspections.
 - ii. Related punitive requirements.
 - a. The department may require the owner or operator of any permitted facility to attend training which is acceptable to the permit issuing official.
 - b. Failure by the facility operator and/or owner to attend the mandated training session(s) may result in increase of the fine to a maximum fine not to exceed one thousand dollars (\$1000).
 - c. Monthly inspection checks of the permittee in question may be required by the commissioner/ public health director.
 - d. Any structural repairs or procedural deficiencies may be addressed and corrective actions required as a result of the hearing.
 - iii. Non-compliance penalty.
 - a. Failure to appear on the scheduled hearing date may result in increased fines and/or revocation of the operating permit.
 - b. If, at the conclusion of the hearing, the commissioner or public health director determines that the violations continue to present an imminent public health hazard, the permittee shall be subject to a maximum fine, not to exceed two thousand dollars (\$2,000) per single violation and/or immediate revocation of the operating permit.
- D. Enforcement procedure – all violations.
 - 1. Except as provided in Section 3 above, no civil penalties shall be imposed for violation of the Sanitary Code except after a formal hearing before the Commissioner/ Public Health Director.
 - 2. Prior to requiring a formal hearing, a violation may be investigated by use of a preliminary informal hearing as set forth herein.
- E. Powers of commissioner as related to hearings.

As provided by the public health law, the Commissioner/Public Health Director may:

1. issue subpoenas and/or subpoenas duces tecum;
 2. compel the attendance of witnesses;
 3. administer oaths to witnesses and compel them to testify;
 4. issue warrants to any peace officer of any municipality in the Health District to apprehend and remove such person or persons as cannot otherwise be subjected to its orders or regulations, and to the sheriff of the county to bring to its aid the power of the county whenever it shall be necessary to do so; and
 5. prescribe and impose penalties for the violation of or failure to comply with any of its orders or regulations, or any of the regulations of the State sanitary code. Said penalties shall comply with state law and this Sanitary Code to be sued for and recovered by it in any court of competent jurisdiction;
 6. appoint one or more hearing officers as shall be necessary to carry out its functions and duties. The hearing officer shall have the same powers possessed by the Commissioner/Public Health Director to hold and conduct hearings.
 7. make, without publication thereof, such orders and regulations for the suppression of nuisances and concerning all other matters in its judgment detrimental to the public health in special or individual cases, not of general application and serve copies thereof upon the owner or occupant of any premises whereon such nuisances or other matters may exist, or upon which may exist the cause of other nuisances to other premises, or causing the same to be conspicuously posted thereon;
- F. maintain actions in any court of competent jurisdiction to restrain by injunction violators of his orders and the orders, rules and regulations of the Sanitary Code or otherwise to enforce such orders and regulations.
- G. Preliminary informal hearings.

The Commissioner/Public Health Director may investigate any application, complaint, circumstances or alleged violation of the health laws and regulations by conducting a preliminary informal hearing.

1. such hearing shall be scheduled for a day certain and shall be on due and adequate notice to the person or persons believed to be in violation of the Sanitary Code.
2. the notice of hearing shall set forth the time and place of the hearing; the purpose of the hearing, general specifications with reference to the particular

provisions of the public health law, State sanitary code, the Sanitary Code or other health law or rule or regulation believed to be violated.

3. On the day of the hearing, the Commissioner/Director of Public Health shall note the names and addresses of the persons appearing at such hearing and shall thereafter proceed with the business of the hearing.
4. Notwithstanding the provisions set forth in subdivision (a) of this section, nothing shall preclude the Department from taking any action which it may deem appropriate or advisable in the circumstances.
5. The person who conducts the preliminary informal hearing shall make and file a written report thereof.
6. Subsequent to the preliminary informal hearing, the Commissioner/Public Health Director conducting such hearing may:
 - i. make a preliminary determination and/or preliminary order and if the affected parties enter into stipulation the Commissioner/Public Health Director may make a final order;
 - ii. set the matter down for a formal hearing;
 - iii. direct that any other action shall be taken as authorized by law or this Sanitary Code.

H. Formal hearings.

1. The Commissioner/Public Health Director may cause to be held a formal hearing on any application, complaint, circumstance, or alleged violation of the public health laws and regulations.
2. Notice of such formal hearing shall be served at least fifteen days prior to the date of the hearing.
3. The notice of the hearing shall set forth:
 - i. the time and place of the hearing;
 - ii. the purpose of the hearing;
 - iii. charges and violations complained of, if any, with specific reference to the provisions and sections of the public health law, state and local Sanitary Codes.
 - iv. the right to present evidence;
 - v. the right to examine and cross-examine witnesses; and

- vi. the right to be represented by counsel.
- 4. On the day of the hearing the hearing officer shall:
 - i. note the appearances of the persons attending the hearing.
 - ii. administer oaths to all witnesses and whose testimony shall be recorded.
 - iii. record all testimony taken which shall be recorded within a reasonable time after the conclusion of the hearing.
 - iv. not be bound by the rules of evidence in the conduct of a hearing, but the determination shall be founded upon sufficient legal evidence to sustain it.
- 5. The hearing officer shall, thereafter prepare findings of fact and conclusions thereof, upon which the Commissioner/Director of Public Health shall make a final written order setting forth the terms and conditions to be complied with and the assessment of penalties if deemed appropriate, and if applicable, and order of suspension or revocation of any permit or license.
- 6. The order provided for in section (e) of this section shall be filed in the department and a copy thereof shall be provided to all respondents.
- 7. Nothing contained herein shall preclude the Department from taking any action other than the formal hearing herein provided for, as may be prescribed by law; nor shall the department be precluded from taking such other action by virtue of the order made pursuant to this section.
- I. Service of notice.

Unless otherwise expressly provided by law, or by any other provision of this code, service of notice of hearings shall be made pursuant to Section 6 (b).
- J. Investigations; hearings; adjournments.
 - 1. The hearing officer may grant adjournments upon request of any party to the proceedings, provided that an adjournment shall not be for an indefinite period of time, but shall be set down for a day certain.
 - 2. If an adjournment is requested in advance of the hearing date, such request shall be submitted to the hearing officer in writing, and shall specify the reason for such request.
 - 3. In considering an application for adjournment of a hearing, the hearing officer shall consider whether the purpose of the hearing will be affected or defeated by the granting of such adjournment.

- K. The penalties provided by this Chapter XII may be sued for and recovered by the Department through the County Attorney in the name of the County of Schenectady in any court of competent jurisdiction.

Chapter 150. SUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE)

[HISTORY: Adopted 6-8-2021 by Local Law 2-2021.]

Section 150.01. Legislative findings, intent and purpose, authority.

- A. It is the policy of both the County of Schenectady (hereinafter “Municipality”) and the State of New York (hereinafter “State”) to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The Municipality finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, “EIC”), a local development corporation, acting on behalf of the Municipality pursuant to the municipal agreement (the “Municipal Agreement”) to be entered into between the Municipality and EIC, to make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the “Enabling Act”).
- B. The Municipality is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.
- C. This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the “Energize NY Open C-PACE Local Law”.

Section 150.02. Definitions

- A. Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.
- B. For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

Annual Installment Amount – shall have the meaning assigned in Section 150.08, paragraph B of this local law.

Annual Installment Lien – shall have the meaning assigned in Section 150.08 paragraph B of this local law.

Authority – the New York State Energy Research and Development Authority.

Benefit Assessment Lien – shall have the meaning assigned in Section 150.03, paragraph A of this local law.

Benefited Property – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

Benefited Property Owner – the owner of record of a Benefited Property.

EIC – the Energy Improvement Corporation, a local development corporation, duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of the Municipality to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of the Municipality as a charge to be levied on the real property.

Eligible Costs – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC's Program administration fee, closing costs and fees, title and appraisal fees, professionals' fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement

Enabling Act – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

Finance Agreement – the finance agreement described in Section 150.06 paragraph A of this local law.

Financing Charges – all charges, fees and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys' fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

Financing Parties – Third party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in the Municipality.

Municipality – the County of Schenectady, a municipality of the State constituting a tax district as defined in Section 1102 of the RPTL of the State.

Municipal Lien – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.

Non-Municipal Lien – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

Program – the Energize NY Open C-PACE Financing Program authorized hereby.

Qualified Project – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

Qualified Property – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of the Municipality that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.

Qualified Property Owner – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

RPTL – the Real Property Tax Law of the State, as amended from time to time.

Secured Amount – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 150.08, paragraph C of this local law.

State – the State of New York.

Section 150.03. Establishment of an Energize NY Open C-PACE Financing Program

- A. An Energize NY Open C-PACE Financing Program is hereby established by the Municipality, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of the Municipality, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the “Benefit Assessment Lien”) on the land records for the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality.
- B. Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a Benefit Assessment Lien, a written consent from each existing mortgage holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

Section 150.04. Procedures for eligibility

- A. Any property owner in the Municipality may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the Municipality’s offices.
- B. Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of the Municipality, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and §150.05 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC, acting on behalf of the Municipality, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with §150.06 of this local law.

Section 150.05 Application criteria

Upon the submission of an application, EIC, acting on behalf of the Municipality, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

Chapter 150. SUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE)

- A. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
- B. The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;
- C. Sufficient funds are available from Financing Parties to provide financing to the property owner;
- D. The property owner is current in payments on any existing mortgage on the Qualified Property;
- E. The property owner is current in payments on any real property taxes on the Qualified Property; and
- F. Such additional criteria, not inconsistent with the criteria set forth above, as the State, the Municipality, or EIC acting on its behalf, or other Financing Parties may set from time to time.

Section 150.06 Energize NY Finance Agreement

- A. A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of the Municipality, shall be a third-party beneficiary (the “Finance Agreement”). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a “Benefited Property”).
- B. Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.
- C. The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.
- D. EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

Section 150.07. Terms and conditions of repayment

The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records on which liens are recorded for properties within the Municipality. The special benefit assessment shall constitute a “charge” within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed and collected by EIC, on behalf of the Municipality, and shall be paid to the Financing Party as provided in the Finance Agreement.
- B. The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of the Municipality.
- C. The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of the Municipality, as provided in the Finance Agreement.

Section 150.08. Levy of Annual Installment Amount and Creation of Annual Installment Lien

- A. Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of the Municipality. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of the Municipality, in the land records for properties in the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by the Municipality.
- B. The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the “Annual Installment Amount”). The Annual Installment Amount shall be levied by EIC, on behalf of the Municipality, on the Benefited Property in the same manner as levies for municipal charges, shall become a lien on the Benefited Property as of the first day of January of the fiscal year for which levied (the “Annual Installment Lien”) and shall remain a lien until paid. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by

the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.

C. The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created by Section 902 of the RPTL or by any other State or local law. No portion of a Secured Amount shall be recovered by the Municipality, EIC, or an assignee upon foreclosure, sale or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.

D. Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of the Municipality, at the same time and in the same manner as real property taxes or municipal charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of the Municipality, or the Financing Party, as may be provided in the Finance Agreement.

E. EIC shall act as the Municipality's agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.

F. EIC, on behalf of the Municipality, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the Municipality, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as the Municipality would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection.

Section 150.09. Verification and report

EIC, on behalf of the Municipality, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency

Improvements financed by the Program in such form and manner as the Authority may establish.

Section 150.10. Separability.

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof involved in the controversy in which such judgment shall have been rendered.

Section 2. This law shall take effect after its final adoption, filing and publication in accordance with section 27 of the Municipal Home Rule Law and section 2.12 of the Charter of the County of Schenectady.

LAWS OF SCHENECTADY COUNTY, NEW YORK
PART III CODIFIED LOCAL LAWS
Chapter 175. MASS TRANSPORTATION: AUTHORIZING CONTRACTS AND
SPONSORSHIP OF FUNDING

Chapter 175. MASS TRANSPORTATION: AUTHORIZING CONTRACTS AND
SPONSORSHIP OF FUNDING

[HISTORY: Adopted 2-14-1984 by Local Law 1-1984.]

Section 175.01. Authorization for contract.

Pursuant to the statutory authority of article 5-I of the New York State General Municipal Law, the county manager of the County of Schenectady is authorized to execute contracts subject to the approval of the county attorney as to form and content for the providing of mass transportation services under section 18-b of the Transportation Law of the State of New York.

Section 175.02. Sponsorship for funding.

The county manager is authorized to apply on behalf of the County of Schenectady for carrier assistant funds under section 18-b of the New York State Transportation Law as well as other New York State operating assistance programs that may be enacted.

Chapter 175. MASS TRANSPORTATION: AUTHORIZING CONTRACTS AND SPONSORSHIP OF FUNDING

LAWS OF SCHENECTADY COUNTY, NEW YORK
PART III CODIFIED LOCAL LAWS
Chapter 180. MASS TRANSPORTATION: PROVISIONS FOR SYSTEM

Chapter 180. MASS TRANSPORTATION: PROVISIONS FOR SYSTEM

[HISTORY: Adopted 11-12-1969 by Local Law 1-1969.]

Section 180.01. Recognition of local government function.

Establishment of a mass transportation system, including ownership, operation and maintenance of facilities therefore at public expense, is recognized as a proper function of municipal corporations on an individual, cooperative, joint or contract basis, under article VIII of the constitution of the State of New York, implemented by section 10 of article 2 of the New York State Municipal Home Rule Law and articles 5-G and 5-I of the New York State General Municipal Law, with supplementary authority in the instance of the County of Schenectady existing by virtue of sections 2.11 and 20.01 of the charter of the County of Schenectady. This local governmental power is exercisable by adoption of a local law which may authorize an agreement for intermunicipal cooperation for joint service at joint expense.

Section 180.02. Declaration of public policy.

Continuance of a mass transportation service, in Schenectady County and nearby areas outside the county's limits, now facing possible discontinuance by imminent abandonment of service by the existing privately owned operating company is hereby recognized and declared to be a matter of public convenience and necessity for the benefit of residents of the County of Schenectady and accordingly is declared part of the county's public policy.

Section 180.03. Authorization for mass transportation service on joint basis at joint expense of the County of Schenectady and the city of Schenectady.

Pursuant to authority granted under provisions of the constitution and statutes of the State of New York, and the charter of the County of Schenectady, and to perform a local governmental function to assure mass transportation service to the public on routes in the city of Schenectady and other parts of the County of Schenectady and its environs, including interurban routes from points within the County of Schenectady to nearby cities, towns and villages, the legislature, as the governing body of the County of Schenectady, hereby authorizes an agreement for the County of Schenectady with the city of Schenectady to be executed by the county manager in behalf of the County of Schenectady subject to the approval of the county attorney, and subject to approval by a three-fourths vote of the voting strength of this legislature, providing for establishment of a mass transportation system with expense of government ownership, operation and maintenance as a joint service to the public, including but not limited to acquisition by lease or purchase, or both, of capital equipment such as buses, and including the lease, purchase or construction of a garage with storage and repair facilities, to be financed as may be necessary, apart from state and federal aid, on a joint basis equally by said county and city.

LAWS OF SCHENECTADY COUNTY, NEW YORK
PART III CODIFIED LOCAL LAWS
Chapter 180. MASS TRANSPORTATION: PROVISIONS FOR SYSTEM

**Chapter 210. PARKING AND OPERATING MOTOR VEHICLES ON CERTAIN
COUNTY PROPERTY**

[HISTORY: Adopted 5-11-2004 by Local Law 4-2004.]

Section 210.01. Definitions.

As used herein, unless otherwise expressly stated or unless the context or subject matter otherwise requires:

- A. "County" shall mean the County of Schenectady;
- B. "County manager" shall mean the county manager of the County of Schenectady;
- C. "Director of facilities" shall mean the director of facilities of the County of Schenectady;
- D. "County property" shall mean and include all property owned by the County of Schenectady or leased by the County of Schenectady or all properties under the jurisdiction and control of the County of Schenectady, except county roads identified on the county road map prepared and recorded pursuant to section 115 of the New York State Highway Law, and certain state highways and town bridges that the County of Schenectady has limited jurisdiction and control over, pursuant to New York State Highway Law section 114, that may or may not be part of the county road system;
- E. "Parking area" shall mean any portion or portions of county property set aside for the parking of vehicles;
- F. "Person" shall mean any person, firm, partnership, association, corporation or organization
- G. "Vehicle" shall have the same meaning as defined in the Vehicle and Traffic Law of the State of New York;
- H. "Park", "parking" or "parked" shall mean the stopping of a vehicle and leaving such vehicle unattended by a person capable of operating it;
- I. "Stop", "stopped" or "stopping" shall mean the bringing or coming from motion to rest or halting or causing the same to cease from motion,
- J. "Schenectady County reserved parking permit sticker" is hereby defined as the permit officially designated and registered for the purpose; being appropriately numbered; bearing a facsimile of the official seal of Schenectady County and approved by the county manager or his or her designee as to form and design.

Chapter 210. PARKING AND OPERATING MOTOR VEHICLES ON CERTAIN COUNTY PROPERTY

Section 210.02. Speed limit.

No person shall operate any vehicle within any county property at a speed in excess of 15 miles per hour, or in excess of the speed posted on said property by the facilities director.

Section 210.03. Parking, standing and stopping.

- A. No person shall park, stand or stop a vehicle at any place within county property except those places where parking, standing or stopping shall be permitted by order of the director of facilities, or his or her designee.
- B. The director of facilities may by order designate areas where parking, standing or stopping shall be restricted to vehicles operated by county officials or personnel or others having official business or performing special services at any of the county or library buildings or court house.

Section 210.04. Movement of traffic.

The director of facilities may, by order, prescribe the direction in which vehicles shall proceed and the place where vehicles shall stop, turn or otherwise maneuver within county property.

Section 210.05. Signs and markings.

The director of facilities shall cause such appropriate signs to be erected and pavement markings to be made or other devices installed as he or she shall deem necessary for the enforcement of these rules and regulations or any order authorized herein.

Section 210.06. Observance of signs, markings and orders.

- A. Persons operating vehicles within county property shall at all times observe and obey the directions, orders and instructions appearing upon or conveyed by signs, pavement markings or other devices relating to the parking, standing or stopping of vehicles or the direction in which vehicles shall be stopped, turned or otherwise maneuvered.
- B. Persons operating vehicles within county property shall at all times comply with the orders of any peace officer, director of facilities, or his or her duly authorized designee, engaged in the direction of traffic or the parking of vehicles whether the same be given orally or by hand signal.

Section 210.07. Identification of vehicles parked in reserved parking areas.

- A. A Schenectady County registered reserved parking permit sticker shall be properly displayed on all vehicles parked in reserved parking areas.

Chapter 210. PARKING AND OPERATING MOTOR VEHICLES ON CERTAIN COUNTY PROPERTY

- B. Any vehicle improperly parked in a reserved parking area shall be deemed to be in violation of these rules and regulations.

Section 210.08. Traffic regulations.

The director of facilities is authorized to promulgate rules and regulations that supplement, correspond to and elaborate upon the rules and regulations contained in this local law and the rules and regulations promulgated by the director of facilities and the orders issued by the director of facilities, pursuant to his or her rules and regulations, shall become effective when the approved signs and markings have been erected and installed giving notice thereof.

Section 210.09. Authority to remove vehicles.

- A. When any vehicle is parked or abandoned on any Schenectady County property during a snowstorm, flood, fire or public emergency which affects that portion of the Schenectady County property upon which said vehicle is parked or abandoned, said vehicle may be removed by the director of facilities or his or her duly authorized designee, or the sheriff and his or her duly authorized designee.
- B. When any vehicle is found unattended within the confines of Schenectady County property, where said vehicle constitutes an obstruction to traffic, said vehicle may be removed by the director of facilities or his or her duly authorized designee, or the sheriff and his or her duly authorized designee.
- C. When any vehicle is found unattended within the confines of Schenectady County property parked in such a manner as to be in violation of these rules and regulations, said vehicle may be removed by the director of facilities or his or her duly authorized designee, or the sheriff and his or her duly authorized designee.

Section 210.10. Storage and charges after removal of any vehicle.

After the removal of any vehicle as provided in this local law, the director of facilities or his or her duly authorized designee, or the sheriff and his or her duly authorized designee, may store such vehicle in a suitable place at the expense of the owner. Such owner, or the person in charge of such vehicle, may recover the same upon payment to the County of Schenectady, or contracted designee, of the amount of all expenses and charges actually and necessarily incurred in effecting such removal and storage.

Section 210.11. Notice of removal.

The director of facilities or the sheriff shall without delay, report the removal and disposition of any vehicle removed as provided in this local law and rules and regulations to the sheriff of Schenectady County and ascertain the owner or the person having charge thereof and notify him or her in writing of the removal and disposition of such vehicle and the amount which shall be required to redeem the same.

Chapter 210. PARKING AND OPERATING MOTOR VEHICLES ON CERTAIN COUNTY PROPERTY

Section 210.12. Authority to contract and hire.

The sheriff is hereby given the power and authority to engage, hire and contract with any person or corporation to tow away and to store motor vehicles and to otherwise carry out the purposes of sections 210.08 and 210.09 of this law.

Section 210.13. Soliciting not permitted.

No county property or parking areas shall be used for soliciting or for business purposes unless such use is specifically granted by license or permit.

Section 210.14. Unauthorized parking.

No vehicle shall be parked on county property between the hours of 11:00 PM and 8:00 AM, except vehicles of authorized county personnel and vehicles of persons attending public functions unless specifically authorized by the director of facilities.

Section 210.15. Issuance of identification stickers or tags.

- A. The director of facilities is authorized to issue suitable stickers, or other tags or devices to county officers and such county employees as may be certified to him or her by a department head as entitled thereto, the judges of the courts and such other persons as come within the intent of these rules and regulations indicating entitlement of the user to park or use certain designated parking areas.
- B. Such privileges shall be revocable at the will of the director of facilities upon violation of any of these rules, regulations or orders by the holder thereof, subject to the limitations contained upon this authority as set forth in the rules and regulations promulgated hereunder.

Section 210.16. Penalties.

- A. The violation of any provision of this local law or the rules and regulations prescribed herein or refusal to comply with any instructions or directions used thereunder shall be a traffic infraction and shall be punishable by a fine not exceeding one hundred dollars (\$100) and/or imprisonment of not more than 30 days, or in the alternative, a civil penalty may be imposed in an amount not to exceed one hundred dollars (\$100) to be recovered in a civil action.
- B. Fines not paid by the due date on the ticket notice shall be doubled.
- C. All fines and civil penalties are to be paid to the County of Schenectady and shall be deposited into its general fund account.
- D. Fines incurred in the city may be shared with the city of Schenectady if their parking violations bureau and city court is engaged in the process of enforcing this local law, and by this local law, they are empowered to do so if determined by the facilities director to be in the best interest of the county.

Section 210.17. Jurisdiction and enforcement of violations and regulations.

- A. The county court of the County of Schenectady, or the city court of the city of Schenectady, and the town courts and the village courts of the towns and villages, shall have jurisdiction over the enforcement of any violations of this law, and the county attorney or his or her assistants and deputies, shall prosecute.
- B. Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by this local law, the duly designated county employee finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its owner and user, and shall conspicuously affix to such vehicle a ticket notice in writing, on a form provided by the sheriff for the driver to pay a fine or plead not guilty by mail or in person, by a due date provided on the ticket, during the hours and at a place specified in the notice.
- C. Receipt of a not guilty plea shall result in a trial notice being sent to the person or entity pleading not guilty and if not the owner, the registered owner shall also receive notice of trial.
- D. If a violator of the restrictions on stopping, standing, parking or speeding under this local law does not pay the fine or plead not guilty by the due date provided for on the ticket notice, or fails to appear for trial, the director of facilities shall cause to be sent to the owner of the motor vehicle to which the notice was affixed, a letter or a citation informing the owner of the violation and warning of its responsibility for the fine that has been doubled for failure to respond by the due date, in an amount up to two hundred dollars (\$200); and that if they do not pay the fine within 30 days by mail or in person during the hours and at a place specified in the letter or citation, the owner may be subject to a warrant and arrest, his or her vehicle may be towed, stored and or immobilized under the direction of the director of facilities or his or her designee, or the sheriff or his or her designee, and the owner's registration may be subject to suspension or non-renewal.
- E. The facilities director or the sheriff shall have the option in the first instance to secure the issuance of a warrant for the owner's arrest, if a trial date is not kept, or if the fine is not paid or if a guilty plea is not received by the due date indicated on the notice during the hours and at a place specified on the notice left on the vehicle.
- F. Any vehicle removed, immobilized or stored as herein provided shall be promptly released to its owner upon the payment of outstanding parking fines, the satisfaction of outstanding traffic warrants, and the payment of any impound fine or storage fees due thereon.
- G. If the owner or violator does not respond to such letter or citation of warning within 30 days, the facilities director or the sheriff shall have the option of having

Chapter 210. PARKING AND OPERATING MOTOR VEHICLES ON CERTAIN COUNTY PROPERTY

a complaint entered against the owner and secure the issuance of a warrant for the owner's arrest; and the facilities director or the sheriff shall not, if a warrant is issued, accept fines or bails from any such owner, but the owner shall be entirely under the jurisdiction of the court.

- H. In any prosecution charging a violation of this local law governing the standing, parking, or speeding of a vehicle, proof that the particular vehicle described in the complaint was in violation of any such local law, together with proof that the defendant named in the complaint was at the time of such violation the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.
- I. The sheriff or any peace officer assigned by the sheriff, the director of facilities and his or her authorized designees, are authorized to enforce these rules and regulations and prevent violations thereof.

Section 210.19. Filing orders, rules and regulations.

The director of facilities shall file with the county manager and the clerk of the legislature all orders, rules and regulations promulgated by him or her pursuant to the authority granted him or her under this law.

LAWS OF SCHENECTADY COUNTY, NEW YORK
PART III CODIFIED LOCAL LAWS
Chapter 215. PRIOR WRITTEN NOTICE: DEFECTIVE OR DANGEROUS CONDITION OF
ANY STREET, HIGHWAY, BRIDGE, CULVERT, SIDEWALK OR CROSSWALK

Chapter 215. PRIOR WRITTEN NOTICE: DEFECTIVE OR DANGEROUS
CONDITION OF ANY STREET, HIGHWAY, BRIDGE, CULVERT,
SIDEWALK OR CROSSWALK

[HISTORY: Adopted 1-11-1983 by Local Law 1-1983. Amendments noted where applicable.]

Section 215.01. Written notice required. (Amended 4-14-2015 by L.L. 2-2015)

- A. No civil action shall be maintained against the County of Schenectady for damages or injuries to person or property alleged to have been sustained by reason of any highway, bridge, or culvert being defective, out of repair, unsafe, dangerous or obstructed, unless written notice of such defective, unsafe, dangerous or obstructed condition, was actually given to the clerk of the legislature or the director of public works; and that there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of, or, in the absence of such notice, unless such defective, unsafe, dangerous or obstructed condition existed for so long a period that the same should have been discovered and remedied in the exercise of reasonable care and diligence; but no such action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any street, highway, bridge, culvert, sidewalk or crosswalk unless written notice thereof, specifying the particular place, was actually given to the clerk of the legislature or the director of public works and there was a failure or neglect to cause such snow or ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.
- B. No civil action shall be maintained against the County of Schenectady for damages or injuries to person or property alleged to have been sustained by reason of any street, sidewalk, or crosswalk being defective, out of repair, unsafe, dangerous or obstructed, unless written notice of such defective, unsafe, dangerous or obstructed condition, was actually given to the clerk of the legislature or the director of public works; and that there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of; but no such action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any street, highway, bridge, culvert, sidewalk or crosswalk unless written notice thereof, specifying the particular place, was actually given to the clerk of the legislature or the director of public works and there was a failure or neglect to cause such snow or ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

Chapter 215. PRIOR WRITTEN NOTICE: DEFECTIVE OR DANGEROUS CONDITION OF ANY STREET, HIGHWAY, BRIDGE, CULVERT, SIDEWALK OR CROSSWALK

- C. The director of public works shall transmit in writing to the clerk of the legislature within 10 days after the receipt thereof all written notices received by him or her.
- D. The clerk of the legislature shall keep an indexed record, in a separate book, of all written notices, which he or she shall receive of the existence of a defective, unsafe, dangerous or obstructed condition in or upon, or of an accumulation of ice or snow upon any county street, highway, bridge, culvert, sidewalk or crosswalk which record shall state the date of receipt of the notice, the nature and location of the condition stated to exist, and the name and address of the person from whom the notice is received. The record of each notice shall be preserved for a period of 5 years after the date it is received.

Section 215.02. Notice of claim.

Nothing herein contained shall be construed to relieve a claimant of the obligation to make and serve a notice of claim as provided in section 50-e of the New York State General Municipal Law.

**Chapter 220. PROBATION DEPARTMENT: GENERAL ADMINISTRATIVE
FEE**

[HISTORY: Adopted 1-14-2003 by Local Law 1-2003.]

Section 220.01. Administrative fee.

- A. Notwithstanding any other provision of law, any person currently serving or who shall be sentenced to a period of probation upon conviction of any crime and who is being supervised by the Schenectady County probation department shall pay to said department an administrative fee of thirty dollars (\$30) per month, except as provided in subdivision B of this section.
- B. The Schenectady County department of probation shall waive all or part of the fee imposed by subdivision A of this section where, because of the indigence of the offender, the payment of said fee would work an unreasonable hardship on the person convicted, on his or her immediate family, or on any other person who is dependent upon such person for financial support.
- C. The fee authorized by this local law shall not constitute nor be imposed as a condition of probation.
- D. Monies collected pursuant to this local law shall be utilized for probation services by the Schenectady County probation department, and shall not be considered in determining state aid reimbursement nor used to replace federal funds otherwise utilized for probation services.
- E. In the event of non-payment of any fees which have not been waived by the Schenectady County probation department, the provisions of subdivision 6 of section 420.10 of the New York State Criminal Procedure Law shall govern for purposes of collection of such fees, and in addition thereto the county may seek to enforce payment in any other manner permitted by law for enforcement of a debt.

LAWS OF SCHENECTADY COUNTY, NEW YORK
PART III CODIFIED LOCAL LAWS
Chapter 220. PROBATION DEPARTMENT: GENERAL ADMINISTRATIVE FEE

Chapter 225. PROBATION DEPARTMENT: ADMINISTRATIVE FEE

[HISTORY: Adopted 10-13-1992 by Local Law 5-1992.]

Section 225.01. Administrative fee.

- A. Notwithstanding any other provision of law, any person currently serving or who shall be sentenced to a period of probation upon conviction of any crime under article 31 of the New York State Vehicle and Traffic Law and who is being supervised by the Schenectady County probation department shall pay to said department an administrative fee of thirty dollars (\$30) per month, except as provided in subdivision B of this section.
- B. The Schenectady County department of probation shall waive all or part of the fee imposed by subdivision A of this section where, because of the indigence of the offender, the payment of said fee would work an unreasonable hardship on the person convicted, on his or her immediate family, or on any other person who is dependent upon such person for financial support.
- C. The fee authorized by this local law shall not constitute nor be imposed as a condition of probation.
- D. Monies collected pursuant to this local law shall be utilized for probation services by the Schenectady County probation department, and shall not be considered in determining state aid reimbursement nor used to replace federal funds otherwise utilized for probation services.
- E. In the event of non-payment of any fees which have not been waived by the Schenectady County probation department, the provisions of subdivision 6 of section 420.10 of the New York State Criminal Procedure Law shall govern for purposes of collection of such fees, and in addition thereto the county may seek to enforce payment in any other manner permitted by law for enforcement of a debt.

LAWS OF SCHENECTADY COUNTY, NEW YORK
PART III CODIFIED LOCAL LAWS
Chapter 230. PROBATION DEPARTMENT: FAMILY COURT CUSTODIAL
INVESTIGATIONS FEE

Chapter 230. PROBATION DEPARTMENT: FAMILY COURT CUSTODIAL
INVESTIGATIONS FEE

[HISTORY: Adopted 10-13-1992 by Local Law 6-1992.]

Section 230.01. Investigation fee.

- A. Notwithstanding any other provision of law, whenever the Schenectady County probation department is ordered to conduct an investigation pursuant to provisions of the family court act, said department shall be entitled to a fee of not less than fifty dollars (\$50) and not more than five hundred dollars (\$500) from the parties in such proceeding for performing such investigation.
- B. The fee imposed by this section shall be based upon the party's ability to pay the fee and the schedule for payment shall be fixed by the court issuing the order for investigation, pursuant to the guidelines issued by the director of the New York State division for probation and correctional alternatives or by resolution of the Schenectady County legislature and may in the discretion of the court be waived when the parties lack sufficient means to pay the fees.
- C. The court shall apportion the fee between the parties based upon the respective financial circumstances of the parties and the equities of the case.
- D. All fees imposed pursuant to this section shall be paid directly to the Schenectady County probation department to be retained and utilized for local probation services, and the same shall not be considered by the New York State division of probation when determining state aid reimbursement pursuant to section 246 of the New York State Executive Law.

LAWS OF SCHENECTADY COUNTY, NEW YORK
PART III CODIFIED LOCAL LAWS
Chapter 230. PROBATION DEPARTMENT: FAMILY COURT CUSTODIAL
INVESTIGATIONS FEE

Chapter 250. REAL PROPERTY: COVER PAGE REQUIREMENT

[HISTORY: Adopted 8-13-1996 by Local Law 7-1996. Amendments noted where applicable.]

Section 250.01. Legislative intent.

This legislature finds that the addition of a cover or endorsement page to real property instruments filed and recorded in the office of the county clerk will provide standardization and a more efficient and quicker manner of processing said documents.

Section 250.02. Cover page requirement.

Any paper, document or other instrument relating to real property presented for filing and recording in the office of the Schenectady County clerk shall have attached a separate cover page.

Section 250.03. Fee. (As amended 12-21-2009 by L.L. 4-2009; 12-22-04 by L.L. 9-2004)

- A. For recording, entering, indexing and endorsing a certificate on any instrument, twenty dollars
- B. Five dollars for each page or portion of a page.
- C. For the purpose of determining the appropriate recording fee, the fee for any cover page shall be deemed an additional page of the instrument.

LAWS OF SCHENECTADY COUNTY, NEW YORK
PART III CODIFIED LOCAL LAWS
Chapter 250-A. REAL PROPERTY: WRITTEN NOTICE OF CONVEYANCE OF RESIDENTIAL REAL PROPERTY

**Chapter 250-A. REAL PROPERTY: WRITTEN NOTICE OF CONVEYANCE OF
RESIDENTIAL REAL PROPERTY**

[HISTORY: Adopted 03-03-2020 by Local Law 4-2020.]

Section 250-A.01. Legislative Intent.

The Legislature finds that Chapter 641 of the Laws of 2019 of the State of New York requires the Schenectady County Clerk to provide written notice of a conveyance of residential real property to the owner of record of such property. The Legislature further finds that this new responsibility of the County Clerk necessitates additional data entry and compilation by staff for the recording of the document and mailing of the notice. This Legislature further finds that the charging of a reasonable fee is warranted in this instance.

Section 250-A.02. Written Notice Requirement.

When a conveyance of residential real property is recorded, the Schenectady County Clerk shall mail a written notice of such conveyance to the owner of record. The notice shall have the heading printed in twenty (20) point bold type, and it shall read as follows:

“NOTICE OF SALE OR TRANSFER OF OWNERSHIP OF YOUR RESIDENTIAL
PROPERTY.

To: _____
Name of Owner of Record

Our records show that you are listed as the current owner of record for residential property:

Section #: _____ Block #: _____ Lot #: _____

Located At: _____
Street address

In the county of _____, New York

On _____, documents were filed at this office to change
date

ownership and transfer title of your property.

To: _____
Name of new owner

LAWS OF SCHENECTADY COUNTY, NEW YORK
PART III CODIFIED LOCAL LAWS
Chapter 250-A. REAL PROPERTY: WRITTEN NOTICE OF CONVEYANCE OF RESIDENTIAL REAL
PROPERTY

If you have questions regarding the validity of the documents, and wish to dispute the recording of the transfer, you should obtain legal counsel. If you believe you are a victim of a crime related to this recording, contact your local law enforcement agency or, if in the City of New York, the office of the sheriff.”

Section 250-A.03. Fee.

The party seeking to record a conveyance of residential real property, shall pay an additional fee of ten dollars (\$10) for the written notice.

Section 250-A.04. Effective Date.

This law shall take effect on March 11, 2020, and after its final adoption, filing and publication in accordance with section 27 of the Municipal Home Rule Law and section 2.12 of the Charter of the County of Schenectady.

LAWS OF SCHENECTADY COUNTY, NEW YORK
PART III CODIFIED LOCAL LAWS (Chapters 1- 400)
Chapter 255. REIMBURSEMENT FOR THE COST OF MEDICAL, HOSPITAL AND DENTAL
CARE PROVIDED TO INMATES

Chapter 255. REIMBURSEMENT FOR THE COST OF MEDICAL, HOSPITAL
AND DENTAL CARE PROVIDED TO INMATES

[HISTORY: Adopted 6-9-1992 by Local Law 3-1992.]

Section 255.01. Legislative intent.

- A. Chapter 481 of the Laws of 1991 of the State of New York amended the New York State Correction Law adding section 500-h to authorize counties to enact a local law which would allow such counties to be reimbursed for costs paid for medical, hospital or dental services provided to inmates of such counties' correctional facility from any third party coverage or indemnification carried by such inmates.
- B. This legislature does hereby find that it is appropriate for the County of Schenectady to seek whatever reimbursement is legally available for medical, hospital and dental care delivered to inmates of the county jail.
- C. It is the intention of this legislature in enacting this local law to enact the provisions of section 500-h(2) of the New York State Correction Law and thereby enable the county to be reimbursed for medical, hospital and dental care for those inmates of the Schenectady County jail having third party coverage or indemnification.

Section 255.02. Reimbursement.

The County of Schenectady, pursuant to section 500-h(2) of the New York State Correction Law as the same may be amended from time to time, is hereby authorized to obtain reimbursement for costs paid for medical, hospital and dental services delivered to inmates of the Schenectady County jail from any third party coverage or indemnification carried by an inmate.

LAWS OF SCHENECTADY COUNTY, NEW YORK
PART III CODIFIED LOCAL LAWS (Chapters 1- 400)
Chapter 255. REIMBURSEMENT FOR THE COST OF MEDICAL, HOSPITAL AND DENTAL
CARE PROVIDED TO INMATES

LAWS OF SCHENECTADY COUNTY, NEW YORK
PART III CODIFIED LOCAL LAWS
Chapter 265. SALARIES

Chapter 265. SALARIES

[Note: The local laws that periodically set the annual salaries of certain Schenectady County officials are included in Part IV Uncodified Local Laws. Salaries of other county officers and employees are set forth in the budget. Copies of the current budget and copies of local laws setting salary are on file in the office of the clerk of the Schenectady County legislature.]

LAWS OF SCHENECTADY COUNTY, NEW YORK
PART III CODIFIED LOCAL LAWS
Chapter 265. SALARIES

Chapter 270. Sex Offender Residency Restrictions

[HISTORY: Declared preempted by New York State Law by Doe v. County of Schenectady, Index Number 2009-1596, dated March 26, 2010; Adopted June 12, 2007 by Local Law 3-2007. Amended August 23, 2007 by Local Law 7 of 2007.]

**Chapter 275. STORM SEWER SYSTEMS: PROHIBITING ILLICIT
DISCHARGES, ACTIVITIES AND CONNECTIONS TO SEPARATE STORM
SEWER SYSTEMS**

[HISTORY: Adopted 12-11-2007 by Local Law 9-2007]

Section 275.01. Legislative intent.

The purpose of this law is to provide for the health, safety, and general welfare of the citizens of Schenectady County through the regulation of non-stormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This law establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems. The objectives of this law are:

- A. To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit no. GP-02-02 or as amended or revised;
- B. To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge non-stormwater wastes;
- C. To prohibit illicit connections, activities and discharges to the MS4;
- D. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this law; and
- E. To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.

SECTION 275.02. Definitions.

Whenever used in this law, unless a different meaning is stated in a definition applicable to only a portion of this law, the following terms will have the meanings set forth below:

- A. “Best Management Practices (BMPs)” shall mean schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

**Chapter 275. ENVIRONMENT: PROHIBITING PROHIBIT ILLICIT DISCHARGES,
ACTIVITIES AND CONNECTIONS TO SEPARATE STORM SEWER SYSTEMS**

- B. “Clean Water Act” shall mean the Federal Water Pollution Control Act (33 U.S.C. § 1251, *et seq.*), and any subsequent amendments thereto.
- C. “Construction activity” shall mean activities requiring authorization under the SPDES permit for stormwater discharges from construction activity, GP-02-01, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
- D. “Department” shall mean the New York State department of environmental conservation.
- E. “Design professional” shall mean a New York State licensed professional engineer or licensed architect.
- F. “Hazardous materials” shall mean any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- G. “Illicit connections” shall mean any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to:
 - 1. Any conveyances which allow any non-stormwater discharge including treated or untreated sewage, process wastewater, and wash water to enter the MS4 and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
 - 2. Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.
- H. “Illicit discharge” shall mean any direct or indirect non-stormwater discharge to the MS4, except as exempted in Section 6 of this law.
- I. “Individual sewage treatment system” shall mean a facility serving one or more parcels of land or residential households, or a private, commercial or institutional facility, that treats sewage or other liquid wastes for discharge into the groundwaters of New York State, except where a permit for such a facility is required under the applicable provisions of Article 17 of the Environmental Conservation Law.

**Chapter 275. ENVIRONMENT: PROHIBITING PROHIBIT ILLICIT DISCHARGES,
ACTIVITIES AND CONNECTIONS TO SEPARATE STORM SEWER SYSTEMS**

- J. “Industrial activity” shall mean activities requiring the SPDES permit for discharges from industrial activities except construction, GP-98-03, as amended or revised.
- K. “MS4” shall mean a municipal separate storm sewer system, as defined herein.
- L. “Municipal separate storm sewer system (MS4)” shall mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
 - 1. Owned or operated by the County of Schenectady
 - 2. Designed or used for collecting or conveying stormwater;
 - 3. Which is not a combined sewer; and
 - 4. Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2
- M. “Municipality” shall mean the County of Schenectady
- N. “Non-stormwater discharge” shall mean any discharge to the MS4 that is not composed entirely of stormwater.
- O. “Person” shall mean any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner’s agent.
- P. “Pollutant” shall mean dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards.
- Q. “Premises” shall mean any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- R. “Special conditions” shall include:
 - 1. “Discharge compliance with water quality standards” shall mean the condition that applies where a municipality has been notified that the discharge of stormwater authorized under their MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.

2. “303(d) Listed Waters” shall mean the condition in the municipality’s MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.
 3. “Total Maximum Daily Load (TMDL) Strategy” shall mean the condition in the municipality’s MS4 permit where a TMDL including requirements for control of stormwater discharges has been approved by EPA for a waterbody or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.
 4. The condition in the municipality’s MS4 permit that applies if a TMDL is approved in the future by EPA for any waterbody or watershed into which an MS4 discharges. Under this condition the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six (6) months of the TMDL’s approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.
- S. “State pollutant discharge elimination system (SPDES) stormwater discharge permit” shall mean a permit issued by the department that authorizes the discharge of pollutants to waters of the state.
- T. “Stormwater” shall mean rainwater, surface runoff, snowmelt and drainage.
- U. “Stormwater management officer for IDDE (SMO)” shall mean the director of environmental health is, designated by the County of Schenectady to enforce this local law.
- V. “303(d) List” shall mean a list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by the department as required by Section 303(d) of the Clean Water Act. 303(d) listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.
- W. “TMDL” shall mean the Total Maximum Daily Load, as defined herein.
- X. “Total maximum daily load” shall mean the maximum amount of a pollutant to be allowed to be released into a waterbody so as not to impair uses of the water, allocated among the sources of that pollutant.

**Chapter 275. ENVIRONMENT: PROHIBITING PROHIBIT ILLICIT DISCHARGES,
ACTIVITIES AND CONNECTIONS TO SEPARATE STORM SEWER SYSTEMS**

- Y. “Wastewater” shall mean the water that is not stormwater, is contaminated with pollutants and is or will be discarded.

SECTION 275.03. APPLICABILITY.

This law shall apply to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

SECTION 275.04. RESPONSIBILITY FOR ADMINISTRATION.

The Stormwater Management Officer(s) (SMO(s)) shall administer, implement, and enforce the provisions of this law. Such powers granted or duties imposed upon the authorized enforcement official may be delegated in writing by the SMO as may be authorized by the County Legislature or County Manager.

SECTION 275.05. SEVERABILITY.

The provisions of this law are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this law.

SECTION 275.06. DISCHARGE PROHIBITIONS.

A. Prohibition of Illegal Discharges.

No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in Section 6.1.1. The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

1. The following discharges are exempt from discharge prohibitions established by this local law, unless the Department or the municipality has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising ground water, uncontaminated ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains, crawl space or basement sump pumps, air conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.
2. Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that, such approval shall not be construed

**Chapter 275. ENVIRONMENT: PROHIBITING PROHIBIT ILLICIT DISCHARGES,
ACTIVITIES AND CONNECTIONS TO SEPARATE STORM SEWER SYSTEMS**

to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this local law.

3. Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.
4. The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

B. Prohibition of Illicit Connections.

1. The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.
2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
3. A person is considered to be in violation of this local law if the person connects a line conveying sewage to the municipality's MS4, or allows such a connection to continue.

SECTION 275.07. PROHIBITION AGAINST FAILING INDIVIDUAL SEWAGE TREATMENT SYSTEMS

No persons shall operate a failing individual sewage treatment system in areas tributary to the municipality's MS4. A failing individual sewage treatment system is one which has one or more of the following conditions:

- A. The backup of sewage into a structure.
- B. Discharges of treated or untreated sewage onto the ground surface.
- C. A connection or connections to a separate stormwater sewer system.
- D. Structural failure of any component of the individual sewage treatment system that could lead to any of the other failure conditions as noted in this section.

- E. Contamination of off-site groundwater.

**SECTION 275.08. PROHIBITION AGAINST ACTIVITIES CONTAMINATING
STORMWATER**

- A. Activities that are subject to the requirements of this section are those types of activities that:
1. Cause or contribute to a violation of the municipality's MS4 SPDES permit.
 2. Cause or contribute to the municipality being subject to the Special Conditions as defined in Section 2 (Definitions) of this local law.
- B. Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the municipality's MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

**SECTION 275.09. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE
STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT
PRACTICES.**

- A. Best Management Practices

Where the SMO has identified illicit discharges as defined in Section 2 or activities contaminating stormwater as defined in Section 8 the municipality may require implementation of Best Management Practices (BMPs) to control those illicit discharges and activities.

1. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and non-structural BMPs.
2. Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge as defined in Section 2 or an activity contaminating stormwater as defined in Section 8, may be required to implement, at said person's expense, additional structural and non-structural BMPs to reduce or eliminate the source of pollutant(s) to the MS4.
3. Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

**Chapter 275. ENVIRONMENT: PROHIBITING PROHIBIT ILLICIT DISCHARGES,
ACTIVITIES AND CONNECTIONS TO SEPARATE STORM SEWER SYSTEMS**

C. Repair or replace individual sewage treatment systems as follows:

1. In accordance with 10NYCRR Appendix 75A to the maximum extent practicable.
2. A design professional licensed to practice in New York State shall prepare design plans for any type of absorption field that involves:
3.
 - i. Relocating or extending an absorption area to a location not previously approved for such.
 - ii. Installation of a new subsurface treatment system at the same location.
 - iii. Use of alternate system or innovative system design or technology.
4. A written certificate of compliance shall be submitted by the design professional to the municipality at the completion of construction of the repair or replacement system.

SECTION 275.10. SUSPENSION OF ACCESS TO MS4. Illicit Discharges in Emergency Situations.

- A. The SMO may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.
- B. Suspension due to the detection of illicit discharge. Any person discharging to the municipality's MS4 in violation of this law may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMO will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefore. The violator may petition the SMO for a reconsideration and hearing. Access may be granted by the SMO if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the SMO.

**SECTION 275.11. INDUSTRIAL OR CONSTRUCTION ACTIVITY
DISCHARGES.**

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

SECTION 275.12. ACCESS AND MONITORING OF DISCHARGES.

- A. Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this Law, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Law.
- B. Access to Facilities.
1. The SMO shall be permitted to enter and inspect facilities subject to regulation under this law as often as may be necessary to determine compliance with this Law. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO.
 2. Facility operators shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this law.
 3. The municipality shall have the right to set up on any facility subject to this law such devices as are necessary in the opinion of the SMO to conduct monitoring and/or sampling of the facility's stormwater discharge.
 4. The municipality has the right to require the facilities subject to this law to install monitoring equipment as is reasonably necessary to determine compliance with this law. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
 5. Unreasonable delays in allowing the municipality access to a facility subject to this law is a violation of this law. A person who is the operator of a facility subject to this law commits an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized or required by this law.
 6. If the SMO has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this law, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this law or any order issued hereunder,

then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

SECTION 275.13. NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the municipality in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

SECTION 275.14. ENFORCEMENT.

A. Notice of violation.

When the municipality's SMO finds that a person has violated a prohibition or failed to meet a requirement of this law, he/she may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

1. The elimination of illicit connections or discharges;
2. That violating discharges, practices, or operations shall cease and desist;
3. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
4. The performance of monitoring, analyses, and reporting;
5. Payment of a fine; and
6. The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by

**Chapter 275. ENVIRONMENT: PROHIBITING PROHIBIT ILLICIT DISCHARGES,
ACTIVITIES AND CONNECTIONS TO SEPARATE STORM SEWER SYSTEMS**

a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

B. Penalties

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this local law shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

SECTION 275.15. APPEAL OF NOTICE OF VIOLATION.

Any person receiving a Notice of Violation may appeal the determination of the SMO to the **SMO for a preliminary informal hearing in accordance with the procedures set forth in Section 125.01 G of the Schenectady County Sanitary Code** within 15 days of its issuance, which shall hear the appeal within 30 days after the filing of the appeal, and within five days of making its decision the SMO shall file its decision in the office of the county clerk and mail a copy of its decision by certified mail to the discharger.

SECTION 275.16. CORRECTIVE MEASURES AFTER APPEAL.

- A. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 5 business days of the decision of the municipal authority upholding the decision of the SMO, then the SMO shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.
- B. If refused access to the subject private property, the SMO may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost

**Chapter 275. ENVIRONMENT: PROHIBITING PROHIBIT ILLICIT DISCHARGES,
ACTIVITIES AND CONNECTIONS TO SEPARATE STORM SEWER SYSTEMS**

of implementing and maintaining such measures shall be the sole responsibility of the discharger.

SECTION 275.17. INJUNCTIVE RELIEF.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this law. If a person has violated or continues to violate the provisions of this law, the SMO may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

SECTION 275.18. ALTERNATIVE REMEDIES.

A. Where a person has violated a provision of this Law, he/she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the County Attorney and concurrence of the Stormwater Management Officer, where:

1. The violation was unintentional
2. The violator has no history of previous violations of this Law.
3. Environmental damage was minimal.
4. Violator acted quickly to remedy violation.
5. Violator cooperated in investigation and resolution.

B. Alternative remedies may consist of one or more of the following:

1. Attendance at compliance workshops
2. Storm drain stenciling or storm drain marking
3. River, stream or creek cleanup activities

SECTION 275.19. VIOLATIONS DEEMED A PUBLIC NUISANCE.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this law is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

SECTION 275.20. REMEDIES NOT EXCLUSIVE.

***Chapter 275. ENVIRONMENT: PROHIBITING PROHIBIT ILLICIT DISCHARGES,
ACTIVITIES AND CONNECTIONS TO SEPARATE STORM SEWER SYSTEMS***

The remedies listed in this law are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

Chapter 280. TATTOOING AND BODY PIERCING

[HISTORY: Adopted 4-13-1999 by Local Law 3-1999. Amendments noted where applicable; Prior Chapter 275 renumbered 04-14-2015 by Local Law 2-2015.]

Section 280.01. Legislative intent.

This legislature finds that the practice of tattooing and/or body piercing involves the alteration or penetration of the skin or mucous membrane surfaces, which if done improperly, can lead to serious health problems and the possibility of transmission of fatal diseases. This legislature further finds and determines that a significant and possibly growing number of minors are engaging in the practice of tattooing and/or body piercing. Therefore, the purpose of this law is to regulate tattooing and body piercing, within the County of Schenectady, in order to protect the public health, safety and general welfare of its citizens.

Section 280.02. Definitions. (Amended 2-15-2012 by L.L. 1-2012)

The following words and phrases, as used in this local law shall have the indicated meaning:

- A. "Director" shall mean the director of Schenectady County public health services or his or her designee.
- B. "Public health services" shall mean Schenectady County public health services.
- C. "Artist permit or license" shall mean the issuance of a document by the director to a tattooist/ body piercer certifying that said person is found to be in compliance with the applicable provisions of this local law, and the regulations promulgated thereunder.
- D. "Shop permit or license" shall mean the issuance of document by the director certifying that a tattoo/piercing shop, after inspection, is found to be in compliance with the applicable provisions of this local law, and the regulations promulgated thereunder.
- E. "Body piercer" shall mean any person who actually performs the work of body piercing.
- F. "Tattoo" shall mean to mark or color the skin by pricking in coloring matter so as to form indelible marks or figures or by the production of scars.
- G. "Tattooist" shall mean any person who actually performs the work of tattooing.
- H. "Tattoo/piercing shop" shall mean any room or space where tattooing/body piercing is practiced or where the business of tattooing/body piercing, including

ear piercing by means of a pre-sterilized single use stud piercing system, is conducted.

- I. "Transient tattooist/body piercer" shall mean any tattooist/body piercer who performs the work of tattooing/body piercing on a temporary basis of not more than 14 consecutive days duration, usually at a special event or show.
- J. "Body piercing" shall mean to cut or pass through with a sharp instrument, or to penetrate the skin or mucous membrane surfaces of the body for the purpose of applying jewelry to various parts of the body by means of a piercing device.
- K. "Piercing device" shall mean any device used for the piercing of the skin or mucous membrane surfaces for the purpose of applying jewelry.
- L. "Nurse practitioner" shall mean a registered professional nurse holding a certificate as a nurse practitioner pursuant to provisions of the New York State Education Law.
- M. "Physician" shall mean a doctor of medicine or doctor of osteopathy or equivalent licensed under the provision of the New York State Education Law.
- N. "Compensation" shall mean payment given in return for services rendered. If body piercing is offered in conjunction with the sale of an item of jewelry actually being used in connection with the body piercing, then that service or act of body piercing shall be deemed to have been provided in conjunction therewith for compensation.
- O. "Artist" shall mean either a tattooist or body piercer or both.

Section 280.03. Prohibitions. (Amended 2-15-2012 by L.L. 1-2012)

- A. No person shall knowingly tattoo, or offer to tattoo, for compensation, any part of the body of any individual, who is 18 years of age or older, with indelible ink or pigments by means of tattooing without a valid artist permit or in violation of the regulations issued by the director.
- B. No person shall knowingly perform body piercing, or offer to perform body piercing, for compensation, on any part of the body of an individual, by means of a piercing device without a valid artist permit or in violation of the regulations issued by the director except a body piercer whose practice is limited exclusively to ear piercing by using a pre-sterilized single use stud piercing system shall not be required to have an artist permit.
- C. Notwithstanding any provision herein to the contrary, no person shall knowingly perform body piercing, or offer to perform body piercing, for compensation, on any part of the body of an individual under the age of 18 years, by means of a piercing device except as provided pursuant to this local law.

- D. No person shall operate a tattoo/piercing shop without a valid shop permit or in violation of the regulations issued by the director.

Section 280.04. Exceptions.

- A. The provisions of this local law shall not apply to body piercing performed by a duly licensed physician or nurse practitioner or persons acting under the supervision of a physician or nurse practitioner.
- B. The prohibition contained in section 280.03, subdivision C of this local law shall not apply in those instances in which at least one parent or legal guardian of such individual under the age of 18 years consents, in writing, to such body piercing.

Section 280.05. Suspension or revocation of license. (Amended 2-15-2012 by L.L. 1-2012)

The county director of public health services shall have the power to suspend or revoke the license of any licensee for any violation of this local law.

Section 280.06. Penalty.

Any person who knowingly and willfully violates any provision of section 280.03 of this local law shall be subject to a civil penalty of up to one thousand dollars (\$1,000).

Section 280.07. Regulations. (Amended 2-15-2012 by L.L. 2-2012; Amended 1-14-2003 by L.L. 2-2003; Amended 2-15-2012 by L.L. 1-2012)

The director shall recommend regulations to the county board of health providing for the licensing and regulation of any person engaged in tattooing and/or body piercing. Such regulations shall require among other things:

- A. The issuance of an annual artist permit with a permit fee of one hundred fifty dollars (\$150.00) to be paid by any tattooist/body piercer and a seventy-five dollar (\$75) fee to be paid by any transient tattooist/body piercer for a temporary artist permit;
- B. The issuance of an annual shop permit with a permit fee of one hundred seventy-five dollars (\$175);
- C. Record keeping requirements, which shall include keeping a register of the name, address and age of each customer together with the manner of proof of identity and age of the customer. In any action under the provisions of this local law, a licensee shall have the burden of proof in establishing that the customer was 18 years of age or older. Such register shall also contain a consent form to be signed by each customer and, if applicable, a parent or legal guardian;
- D. Hygienic requirements for the sterilization of piercing or tattooing devices and other equipment and the general cleanliness of the tattoo/piercing shop.

- E. No exemptions from the provisions of this local law based upon prior operation of any tattoo business.

LAWS OF SCHENECTADY COUNTY, NEW YORK
PART III CODIFIED CHAPTERS
Chapter 285. ESTABLISHING REQUIREMENTS UPON CHAIN FOOD SERVICE ESTABLISHMENTS
IN SCHENECTADY COUNTY TO DISPLAY CALORIE CONTENT VALUES FOR MENU ITEMS

Chapter 285. ESTABLISHING REQUIREMENTS UPON CHAIN FOOD SERVICE
ESTABLISHMENTS IN SCHENECTADY COUNTY TO DISPLAY CALORIE
CONTENT VALUES FOR MENU ITEMS

[HISTORY: Adopted 3-9-2010 by Local Law 2-2010.]

Section 285.01. Legislative intent.

This Legislature finds that Americans are eating meals away from home at an increasing rate. On average, Americans consume about one-third of their calories from restaurants. This Legislature further finds that since the enactment of the Federal Nutrition Labeling and Education Act, adults have widely used available nutrition information in order to change or alter their diet and eating habits. This Legislature further finds that very few restaurants and food establishments conspicuously post nutrition information such as calories for menu items. This Legislature further finds that without calorie information, consumers lack crucial information to compare food options and make informed decisions that will impact their health.

A key recommendation of a recent Food and Drug Administration-sponsored expert group report was that: “Away-from-home food establishments should provide consumers with calorie information in a standard format that is easily accessible and easy to use. Participants believe that information should be provided in a manner that is easy for consumers to see and use as part of their purchasing and eating decisions. Information should be provided for any standard menu item offered on a regular and ongoing basis that is prepared from a standardized recipe, whether the item is an entire meal or a meal component.”

This Chapter will require chain food service establishments in Schenectady County to list the calorie content values of menu items on menus and menu boards. Such information, clearly displayed at the point of decision, would allow consumers in Schenectady County to exercise personal responsibility and make informed choices for a growing part of their diets.

Section 285.02. Definitions.

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

- A. “Chain food service establishment” means a food service establishment or food service establishments operating in Schenectady County that is or are part of a group of fifteen or more food service establishment locations nationally, doing business under the same trade name, in which the primary business is the sale of menu items to consumers, offering predominantly the same types of meals, foods or menus in servings that are standardized for portion size and content, regardless of the type of ownership of the individual food service establishment locations.
- B. “Department” shall mean the Schenectady County Department of Public Health.

- C. “Menu” shall mean a printed list or pictorial display of a food item or items, and their price(s), that are available for sale from a chain food service establishment and shall include menus distributed or provided outside of the establishment.
- D. “Menu Board” shall mean any list or pictorial display of a food item or items and their price(s) posted in and visible within a chain food service establishment or outside of a chain food service establishment for the purpose of ordering from a drive-through window.
- E. “Menu Item” shall mean any individual food item, or combination of food items, listed or displayed on a menu board or menu that is/are sold by a chain food service establishment.
- F. “Food Item Tag” shall mean a label or tag that identifies any food item displayed for sale at a chain food service establishment.

Section 285.03. Scope and applicability.

This Chapter shall apply to menu items that are served in portions the size and content of which are standardized at a chain food service establishment. This Chapter shall not apply to menu items that are listed on a menu or menu board for less than 30 days in a calendar year.

- A. Posting calorie information for menu items. All menu boards and menus in any chain food service establishment shall bear the total number of calories derived from any source for each menu item they list. Such information shall be listed as “calories” or “cal” clearly and conspicuously, adjacent or in close proximity such as to be clearly associated with the menu item, using a font and format that is at least as prominent in size and appearance, as that used to post either the name or price of the menu item.
- B. Calculating calories. Calorie content values (in kcal) required by this Chapter shall be based upon a verifiable analysis of the menu item, which may include the use of nutrient databases, laboratory testing, or other reliable methods of analysis, and shall be rounded to the nearest ten (10) calories for calorie content values above fifty (50) calories, and to the nearest five (5) calories for calorie content values fifty (50) calories and below.
- C. Food item tags. When a food item is displayed for sale with a food item tag, such food item tag shall include the calorie content value for that food item in a font size and format at least as prominent as the font size of the name of the food item.
- D. Drive-through windows. Calorie content values at drive-through windows shall be displayed on either the drive through menu board, or on an adjacent stanchion visible at or prior to the point of ordering, so long as the calorie content values are as clearly and conspicuously posted on the stanchion adjacent to their respective menu item names, as the price or menu item is on the drive through menu board.
- E. This chapter does not preclude any establishment, including chain food service establishments, from voluntarily providing additional nutritional information, nor from providing a disclaimer stating that there may be variations in calorie content values

across service based on slight variations in serving size, quantity of ingredients, or special ordering.

Section 285.04. Calorie Labeling.

- A. For menu items offered in different flavors and varieties, including, but not limited to, beverages, ice cream, pizza, and doughnuts, the range of calorie content values showing the minimum to maximum numbers of calories for all flavors and varieties of that item shall be listed on menu boards and menus for each size offered for sale, provided however, that the range need not be displayed if calorie content information is included on the food item tag identifying each flavor or variety of the food item displayed for sale. If a menu item is not on display, nutrition information for each individual flavor or variety shall be provided by means of an in-store brochure, booklet, kiosk, or other device that is easily accessible to customers. Signage shall alert customers to the availability of such information.
- B. Combinations. For combinations of different food items listed or pictured as a single menu item, the range of calorie content values showing the minimum to maximum numbers of calories for all combinations of that menu item shall be listed on menu boards and menus. If there is only one possible calorie total for the combinations, then that total shall be listed on menu boards and menus.
- C. Chain food service establishment owners or operators shall provide to the Department, if requested, information documenting the accuracy of the calorie labeling required by this Chapter. A calorie label shall be deemed out of compliance with this Chapter, if it bears, for calories for which labeling is required under this Chapter, a total number value that is more than twenty percent lower or higher than nutrient analysis shows as the content of the menu item.

Section 285.05. Enforcement and penalties.

Any person who violates a provision of this Chapter shall be subject to the imposition of a civil penalty by the Department, which shall have sole jurisdiction to enforce the provisions of this Chapter. Every person that violates the provisions of this Chapter shall be liable for a civil penalty as prescribed by the Schenectady County Sanitary Code. The penalty provided for by this Chapter may be sued for and recovered by the Department of Public Health through the County Attorney in the name of the County of Schenectady in any court of competent jurisdiction. The penalties imposed herein are the sole penalties to be imposed for a violation of this Chapter. No civil penalty shall be imposed as provided for herein unless the alleged violator has received notice of the charge against him and has had an opportunity to be heard as provided for in the Schenectady County Sanitary Code.

Section 285.06. Reverse preemption.

This Chapter shall be null and void on the day that federal or statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this Chapter, or in the event that a pertinent state or federal administrative agency issues and

Chapter 285. ESTABLISHING REQUIREMENTS UPON CHAIN FOOD SERVICE ESTABLISHMENTS IN SCHENECTADY COUNTY TO DISPLAY CALORIE CONTENT VALUES FOR MENU ITEMS

promulgates regulations preempting such action by the County of Schenectady. This County Legislature may determine via mere resolution whether or not identical or substantially similar federal or statewide legislation, or pertinent preempting state or federal regulations have been enacted for the purposes of triggering the provisions of this section.

Section 285.07. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this Chapter 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 judgment 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 Chapter, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall have been rendered.

Chapter 290. TAX: COLLECTION OF DELINQUENT VILLAGE TAXES

[HISTORY: Adopted 3-14-1978 by Local Law 1-1978.]

Section 290.01. Collection of delinquent village taxes.

Pursuant to authority of paragraph 1 of section 1442 of the New York State Real Property Tax Law entitled “Alternative method for collection of delinquent village taxes,” the County of Schenectady may collect delinquent village taxes, if such collection is requested by resolution of the board of trustees of any village within the county.

Chapter 295. TAX: HOTEL/MOTEL ROOM OCCUPANCY TAX

[HISTORY: Adopted 7-9-1985 by Local Law 4-1985. Amendments noted where applicable.]

Section 295.01. Short title.

This local law shall be known as the Schenectady County hotel/motel room occupancy tax law.

Section 295.02. Intent.

The intent of this local law shall be to promote and develop the performing and visual arts in Schenectady County as the cornerstone of the local visitor and tourism industry.

Section 295.03. Definitions. (Amended by L.L. 5-2018.)

- A. "Person." An individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.
- B. "Operator." Any person operating a motel or hotel in the County of Schenectady including but not limited to the owner or proprietor of such premises, lessee, sublessee, mortgagee in possession, licensee or anyother person otherwise operating such hotel or motel.
- C. "Hotel or motel." The term "hotel" or "motel" includes an apartment hotel, holiday cottage, homestay, hostel bed, tourism home, tourism apartment, boarding house or club, [motel,] motor court or inn, which has available for occupancy [four] one or more rooms, whether or not meals are served.
- D. "Occupancy." The use or possession, or the right to the use or possession of any room in a hotel or motel.
- E. "Occupant." A person who, for a consideration, uses, possesses, or has the right to use or possess, any room in a hotel or motel under any lease concession, permit, right of access, license to use or other agreement, or otherwise.
- F. "Permanent resident." Any occupancy of any room or rooms in a hotel or motel for at least 90 consecutive days shall be considered a permanent resident with regard to the period of such occupancy.
- G. "Rent." The consideration received for occupancy valued in money, whether received in money or otherwise.

- H. "Return." Any return filed or required to be filed as herein provided.
- I. "Commissioner of finance." The commissioner of finance of Schenectady County.
- J. "Legislature." The legislature of the County of Schenectady.
- K. "County." The County of Schenectady, New York.

Section 295.04. Imposition of tax. (Amended 5-13-2003 by L.L. 6-2003; Amended by L.L. 1-2020.)

There is hereby imposed and there shall be paid a tax upon the rent for every occupancy of a room or rooms in a hotel or motel in Schenectady County except that the tax shall not be imposed upon a permanent resident. Commencing on the first day of June, 2003 and continuing through the 31st day of January, 2020, the rate of such tax shall be 4%. Commencing on the 1st day of February, 2020, and continuing thereafter, the rate of such tax shall be 5%.

Section 295.05. Transitional provisions.

The tax imposed by this local law shall be paid upon any occupancy on and after the September 1, 1985 although such occupancy is pursuant to a prior contract, lease, or other arrangement. Where rent is paid on a weekly, monthly or other term basis, the rent shall be subject to the tax imposed by this local law to the extent that it covers any period on and after the first September 1, 1985.

Section 295.06. Exempt organizations. (Amended by L.L. 5-2018.)

- A. Except as otherwise provided in this section, any use or occupancy by any of the following shall not be subject to the tax imposed by this local law:
 - 1. The State of New York, or any of its agencies, instrumentalities, public corporations, including a public corporation created pursuant to agreement or compact with another state or Canada, improvement districts or political subdivisions of the state;
 - 2. The United States of America, or any of its agencies and instrumentalities, insofar as it is immune from taxation;
 - 3. Any corporation, association, trust, or community chest, fund or foundation, organized and operated exclusively for religious, charitable or education purposes, or for the prevention of cruelty to children or animals and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this subdivision shall include an organization

operated for the primary purpose of carrying on a trade, or business for profit, whether or not all of its profits are payable to one or more organizations described in this subdivision.

4. A hotel or motel having fewer than four (4) rentable units.
- B. Where any organization described in paragraph 3 of subdivision A of this section carries on its activities in furtherance of the purposes for which it was organized, in premises in which, as part of said activities, it operates a hotel or motel, occupancy of rooms in the premises and rents therefrom received by such corporation or association shall not be subject to tax hereunder.

Section 295.07. Territorial limitations.

The tax imposed by this local law shall apply only within the territorial limits of the County of Schenectady.

Section 295.08. Registration.

- A. Within 10 days after the effective date of this local law, or in the case of operators commencing business after such effective date, within 3 days after such commencement or opening, every operator shall file with the commissioner of finance a certificate of registration in a form prescribed by the commissioner of finance.
- B. The commissioner of finance shall within 5 days after such registration issue without charge to each operator a certificate of authority empowering such operator to collect the tax from the occupant and duplicate thereof, for each additional hotel or motel of such operator.
- C. Each certificate or duplicate shall state the hotel or motel to which it is applicable.
- D. Such certificates of authority shall be prominently displayed by the operator in such manner that it may be seen and come to the notice of all occupants and persons seeking occupancy.
- E. Such certificates shall be non-assignable and non-transferable and shall be surrendered immediately to the commissioner of finance upon the cessation of business at the hotel or motel named or upon its sale or transfer.

Section 295.09. Administration and collection.

- A. The tax imposed by this local law shall be administered and collected by the commissioner of finance of the County of Schenectady or other employees of the county as he or she may designate by such means and in such manner as are other taxes which are now collected and administered or as otherwise are provided by this local law.

- B. The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for and upon every evidence of occupancy or any bill or statement or charge made for said occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the county, and the operator shall be liable for the collection thereof and for the tax. The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this local law, and the operator shall have the same right in respect to collecting the tax from the occupant or in respect to nonpayment of the tax by the occupant, as if the tax were part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights of eviction, dispossession, and enforcement of any innkeeper's lien that he or she may have in the event of nonpayment of rent by the occupant; provided, however, that the commissioner of finance or employees or agents duly designated by him or her shall be joined as a party in any action or proceeding brought by the operator to collect or enforce collection of the tax.
- C. The commissioner of finance may, wherever he or she deems it necessary for the proper enforcement of this local law, provide by regulation that the occupant shall file returns and pay directly to the commissioner of finance the tax herein imposed, at such times as returns are required to be filed and payment over made by the operator.
- D. The tax imposed by this local law shall be paid upon any occupancy on and after September 1, 1985, although such occupancy is had pursuant to contract, lease or other arrangement made prior to such date. Where rent is paid or charged or billed, or falls due on either a weekly, monthly or other term basis, the rent so paid, charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period on and after September 1, 1985. Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the commissioner of finance may by regulation provide for credit and/or refund of the amount of such tax upon application therefore as provided in section 295.15 of this local law.
- E. For the purpose of the proper administration of this local law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator, except that where by regulation pursuant to section 295.09, subdivision C, an occupant is required to file returns and pay directly to the commissioner of finance the tax herein imposed, the burden of proving that a rent for occupancy is not taxable shall be upon the occupant. Where an occupant claims exemption from the tax under the provisions of section 295.06, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a certificate duly executed by an exempt corporation or association certifying that the occupant is its agent, representative or employee, together with a certificate executed by the occupant that his or her occupancy is paid or to be paid by such

exempt corporation or association, and it is necessary or required in the course of or in connection with the occupant's duties as a representative of such corporation or association. Where deemed necessary by the operator, he or she may further require that any occupant claiming exemption from the tax furnish a copy of a certificate issued by the commissioner of finance certifying that the corporation or association therein named is exempt from the tax under section 295.06.

Section 295.10. Records to be kept.

- A. Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the commissioner of finance may by regulation require.
- B. Such records shall be available for inspection and examination at any time upon demand by the commissioner of finance or his or her duly authorized agent or employee and shall be preserved for a period of 3 years, except that the commissioner of finance may consent to their destruction within that period or may require that they be kept longer.

Section 295.11. Returns.

- A. Every operator shall file with the commissioner of finance a return of occupancy and of rents, and of the taxes payable thereon for the periods ending March 31, June 30, September 30 and December 31 of each year, on and after January 1, 1986, except that for the period commencing September 1, 1985 through December 31, 1985, only one report need be made and that report shall be filed for the period ending December 31, 1985. Such returns shall be filed within 20 days from the expiration of the period covered thereby. The commissioner of finance may permit or require returns to be made by other periods and upon such dates as he or she may specify. If the commissioner of finance deems it necessary in order to insure the payment of tax imposed by this local law, he or she may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as he or she may specify.
- B. The form of returns shall be prescribed by the commissioner of finance and shall contain such information as he or she may deem necessary for the proper administration of this local law. The commissioner of finance may require amended returns to be filed within 20 days after notice and to contain the information specified in the notice.
- C. If a return required by this local law is not filed, or a return when filed is incorrect or insufficient on its face, the commissioner of finance shall take the necessary steps to enforce the filing of such a return or of a corrected return.

Section 295.12. Payment of tax.

- A. At the time of filing a return of occupancy and of rents each operator shall pay to the commissioner of finance the taxes imposed by this local law upon the rents required to be included in such return, as well as all other monies collected by the operator acting or purporting to act under the provisions of this local law.
- B. Where the commissioner of finance in his or her discretion deems it necessary to protect revenues to be obtained under this local law he or she may require any operator required to collect the tax imposed by this local law to file with him or her a bond, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as the commissioner of finance may fix to secure the payment of any tax and or penalties and interest due or which may become due from such operator.
- C. In the event that the commissioner of finance determines that an operator is to file such bond he or she shall give notice to such operator to that effect specifying the amount of the bond required.
- D. The operator shall file such bond within 5 days.
- E. The operator shall request in writing a hearing before the commissioner of finance at which the necessity, propriety and amount of the bond shall be determined by the commissioner of finance.
- F. Such determination shall be final and shall be completed within 15 days after the giving of notices thereof.
- G. In lieu of such bond, securities, approved by the commissioner of finance, or cash, in such amount as he or she may prescribe, may be deposited which shall be kept in the custody of the commissioner of finance who may at any time without notice to the depositor apply them to any tax and/or interest or penalties due, and for that purpose the securities may be sold by him or her at public or private sale without notice to the depositor thereof.

Section 295.13. Determination of tax.

- A. If a return required by this local law is not filed, or if a return when filed is incorrect or insufficient, the amount of tax due shall be determined by the commissioner of finance from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors.
- B. Notice of such determination shall be given to the person liable for the collection and/or payment of the tax.
- C. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within 30 days giving of notice of such

determination, shall apply to the commissioner of finance for a hearing, or unless the commissioner of finance of his or her own motion shall re-determine the same.

- D. After such hearing, the commissioner of finance shall give notice of his or her determination to the person against whom the tax is assessed.
- E. The determination of the commissioner of finance shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by proceeding under article 78 of the New York State Civil Practice Law and Rules if application therefore is made to the Supreme Court within 30 days after the giving of notice of such determination.
- F. A proceeding under article 78 of the New York State Civil Practice Law and Rules shall not be instituted unless the amount of tax sought to be reviewed, with penalties and interest thereon, if any, shall be first deposited with the commissioner of finance and there shall be filed with the commissioner of finance an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of the proceeding or at the option of the applicant such undertaking filed with the commissioner of finance may be in a sum sufficient to cover the taxes, penalties and interest thereon stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the applicant shall not be required to deposit such taxes, penalties and interest as a condition precedent to the application.

Section 295.14. Disposition of revenues. (Amended 5-13-2003 by L.L. 6-2003 and Amended 9-25-2007 by L.L. 8 of 2007)

- A. All revenues resulting from the imposition of the tax under this local law shall be paid into the treasury of the County of Schenectady and shall be credited to and deposited in the general fund of the county; the net collections therefrom shall thereafter be allocated by the legislature of Schenectady County only for direct tourism promotional activities, and for the promotion and development of the performing and visual arts in the County of Schenectady.
- B. The county is authorized to retain up to a maximum of 5% of such revenue to defer the necessary expenses of the county in administering such tax.
- C. The percentage shall be determined by adoption of the annual operating budget as a revenue item or by separate resolution of the Legislature in its discretion to promote and develop the performing and visual arts subject to the terms and conditions contained in contracts which are entered into pursuant to Section 224 of the County Law or other applicable law.

- D. The allocations shall be made by resolution of the legislature.
- E. The Arts Center and Theatre of Schenectady, Inc. shall receive no less than 60% of the net revenue derived from the tax for the year ending December 31, 2007. Commencing January 1, 2008 and each year thereafter, the Arts Center and Theatre of Schenectady, Inc. shall receive two hundred thousand (\$200,000) of the net revenue derived from the tax during the year.

Section 295.15. Refunds.

- A. In the manner provided in this section, the commissioner of finance shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the commissioner of finance for such refund shall be made within 1 year from the payment thereof. Whenever, a refund is made by the commissioner of finance, he or she shall state his or her reason therefore in writing. Such application may be made by the occupant, operator, or other person who has actually paid the tax. Such application may also be made by an operator who has collected and paid over such tax to the commissioner of finance provided that the application is made within 1 year of the payment by the occupant to the operator, but no actual refund of monies shall be made to such operator until he or she shall first establish to the satisfaction of the commissioner of finance, under such regulations as the commissioner of finance may prescribe, that he or she has repaid to the occupant the amount for which the application for refund is made. The commissioner of finance may in lieu of any refund required to be made, allow credit therefore on payments due from the applicant.
- B. An application for a refund or credit made as herein provided shall be deemed an application for a revision of any tax, penalty or interest complained of and the commissioner of finance may receive evidence with respect thereto. After making his or her determination the commissioner of finance shall give notice thereof to the applicant who shall be entitled to review such determination by a proceeding pursuant to article 78 of the New York State Civil Practice Law and Rules, provided such proceeding is instituted within 30 days after the giving of the notice of such determination, and provided that a final determination of tax due was not previously made. Such a proceeding shall not be instituted unless an undertaking is filed with the commissioner of finance in such amount and with such sureties as a justice of the Supreme Court shall approve to the effect that if such proceedings be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.
- C. A person shall not be entitled to a revision, refund or credit under this section of a tax, interest or penalty which had been determined to be due pursuant to the provisions of section 295.15 of this local law where he or she has had a hearing or an opportunity for a hearing as provided in said section, or has failed to avail himself or herself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination by the commissioner of finance made pursuant to section 295.13 of this local law unless it be found that such determination was erroneous, illegal or unconstitutional or otherwise

improper by the commissioner of finance after a hearing or of his or her own motion or in a proceeding under article 78 of the New York State Civil Practice Law and Rules, pursuant to the provisions of said section in which event refund or credit with interest shall be made of the tax, interest or penalty found to have been overpaid.

Section 295.16. Reserves.

In cases where the occupant or operator has applied for a refund and had instituted a proceeding under article 78 of the New York State Civil Practice Law and Rules to review a determination adverse to him or her on his or her application for refund, the commissioner of finance shall set up appropriate reserves to meet any decision adverse to the county.

Section 295.17. Remedies Exclusive.

The remedies provided by sections 295.13 and 295.15 of this local law shall be exclusive remedies available to any person for the review of tax liability imposed by this local law; and no determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received or by any action or proceeding other than a proceeding in a nature of a certiorari proceeding under article 78 of the New York State Civil Practice Law and Rules; provided, however, that a taxpayer may proceed by declaratory judgment if he or she institutes suit within 30 days after a deficiency assessment is made and pays the amount of the deficiency assessment to the commissioner of finance prior to the institution of such suit and posts a bond for costs as provided in section 295.13 of this local law.

Section 295.18. Proceedings to recover tax.

- A. Whenever any operator or any officer of a corporate operator or any occupant or other person shall fail to collect and pay over any tax and/or to pay any tax, penalty or interest imposed by this local law as therein provided, the county attorney shall, upon the request of the commissioner of finance, bring or cause to be brought an action to enforce the payment of the same on behalf of the County of Schenectady in any court of the State of New York or of any other state of the United States. If, however, the commissioner of finance in his or her discretion believes that any such operator, officer, occupant or other person is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, he or she may declare such tax or penalty to be immediately due and payable and may issue a warrant immediately.
- B. As an additional alternate remedy, the commissioner of finance may issue a warrant, directed to the sheriff commanding him or her to levy upon and sell the real and personal property of the operator or officer of a corporate operator or other person liable for the tax, which may be found within the county for the payment of the amount thereof, with any penalties and interest, and the cost of executing the warrant, and to return such warrant to the commissioner of finance and to pay him or her the money collected by virtue thereof within 60 days after the receipt of such warrant. The sheriff shall within 5 days after the receipt of the warrant file with the county clerk a copy thereof, and thereupon such clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax penalties and interest for which the warrant is issued and the

date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon the interest in real and personal property of the person against whom the warrant is issued. The sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by law in respect to executions issued against property upon judgments of a court of record and for services in executing the warrant he or she shall be entitled to the same fees, which he or she may collect in the same manner. In the discretion of the commissioner of finance, a warrant of like terms, force and effect may be issued and directed to any officer or employee of the commissioner of finance and in the execution thereof, such officer or employee shall have all the powers conferred by law upon sheriffs, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the commissioner of finance may from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the county had recovered judgment therefore and execution thereon has been returned unsatisfied.

- C. Whenever an operator shall make a sale, transfer, or assignment in bulk of any part or the whole of his or her hotel or motel or his or her lease, license or other agreement or right to possess or operate such facility or of the equipment, furnishings, fixtures, supplies or stock of merchandise, or the said premises or lease, license or other agreement or right to possess or operate such hotel or motel and the equipment, furnishings, fixtures, supplies and stock or merchandise pertaining to the conduct or operation of said hotel or motel otherwise than in the ordinary and regular prosecution of business, the purchaser, transferee or assignee shall at least 10 days before taking possession of the subject of said sale, transfer or assignment, or paying therefor, notify the commissioner of finance by registered mail of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferor or assignor, has represented to or informed the purchaser, transferee or assignee that it owes any tax pursuant to this local law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing. Whenever the purchaser, transferee or assignee shall fail to give notice to the commissioner of finance as required by the preceding paragraph or whenever the commissioner of finance shall inform the purchaser, transferee or assignee that a possible claim for such tax or taxes exists, any sums of money, property or choses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferor or assignor shall be subject to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the seller, transferor or assignor to the county, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferor or assignor any such sums of money, property or choses in action to the extent of the amount of the county's claim. For failure to comply with the provisions of this subdivision, the purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of article 6 of the Uniform Commercial Code, shall be personally liable for the payment to the county of any such taxes theretofore or thereafter determined to be due to the county from the seller, transferor, or

assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this local law.

Section 295.19. General powers of the commissioner of finance.

In addition to the powers granted to the commissioner of finance in this local law, he or she is hereby authorized and empowered:

- A. To make, adopt and amend rules and regulations appropriate to the carrying out of this local law and the purposes thereof;
- B. To extend for cause shown, the time of filing any return for a period not exceeding 30 days; and for cause shown, to remit penalties but not interest computed at the rate of 9% per annum; and to compromise disputed claims in connection with the taxes hereby imposed;
- C. To request information from the tax commission of the State of New York or the treasury department of the United States relative to any person; and to afford information to such tax commission or such treasury department relative to any person, any other provision of this local law to the contrary notwithstanding;
- D. To delegate his or her functions hereunder to any employee or employees of the commissioner of finance;
- E. To prescribe methods for determining the rents for occupancy and to determine the taxable and non-taxable rents;
- F. To require any operator within the county to keep detailed records of the nature and type of hotel or motel maintained, nature and type of service rendered, the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the occupants, whether or not any occupancy is claimed to be subject to the tax imposed by this local law, and to furnish such information upon request to the commissioner of finance;
- G. To assess, determine, revise and readjust the taxes imposed under this local law.

Section 295.20. Administration of oaths and compelling testimony.

- A. The commissioner of finance or his or her employees or agents duly designated and authorized by him or her shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this local law. The commissioner of finance shall have power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of his or her duties hereunder and of the enforcement of this local law and to examine them in relation thereto and to issue commissions for the examination of witnesses who

are out of the state or unable to attend before him or her or excused from attendance.

- B. A justice of the Supreme Court either in court or at chambers shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the commissioner of finance under this local law.
- C. Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the commissioner of finance under this local law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than 1 year, or both such fine and imprisonment.
- D. The officers who serve the summons or subpoena of the commissioner of finance and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided. Such officers shall be the county sheriff and his or her duly appointed deputies or any officers or employees of the commissioner of finance, designated to serve such process.

Section 295.21. Reference to tax.

Wherever reference is made in placards or advertisements or in any other publications to this tax such reference shall be substantially in the following form: "Tax on occupancy of hotel or motel rooms," except that in any bill, receipt, statement or other evidence or memorandum of occupancy or rent charge issued or employed by the operator, the word "tax" will suffice.

Section 295.22. Penalties and interest.

- A. Any person failing to file a return or to pay or pay over any tax to the commissioner of finance within the time required by this local law shall be subject to a penalty of 5% of the amount of tax due; plus interest at the rate of 1% of such tax for each month of delay excepting the first month after such return was required to be filed or such tax became due; but the commissioner of finance, if satisfied that the delay was excusable, may remit all or any part of such penalty, but not interest at the rate of 9% per year. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this local law. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this local law.
- B. Any operator or occupant and any officer of a corporate operator or occupant failing to file a return required by this local law, or filing or causing to be filed, or making or causing to be made, or giving or causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this local law which is wilfully false, and any operator and any officer of a corporate operator wilfully failing to file a bond required to be filed

pursuant to section 295295.13 of this local law, or failing to file a registration certificate and such data in connection therewith as the commissioner of finance may by regulation or otherwise require or to display or surrender the certificate of authority as required by this local law, or assigning or transferring such certificate of authority and any operator and any officer of a corporate operator wilfully failing to charge separately from the rent the tax herein imposed, or wilfully failing to state such tax separately on any evidence of occupancy and on any bill or statement or receipt of rent issue or employed by the operator, or wilfully failing or refusing to collect such tax from the occupant, and any operator and any officer of a corporate operator who shall refer or cause reference to be made to this tax in a form or manner other than that required by this local law, and any operator failing to keep the records required by section 295295.10 of this local law, shall, in addition to the penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than 1 year, or both such fine and imprisonment. Officers of a corporate operator shall be personally liable for the tax collected or required to be collected by such corporation under this local law, and subject to the penalties hereinabove imposed.

- C. The certificate of the commissioner of finance to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed, or that information has not been supplied pursuant to the provisions of this local law, shall be presumptive evidence thereof.

Section 295.23. Returns to be secret.

- A. Except in accordance with proper judicial order, or as otherwise provided by law, it shall be unlawful for the commissioner of finance or any officer or employee of the commissioner of finance to divulge or make known in any manner the rents or other information relating to the business of a taxpayer contained in any return required under this local law. The employees charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the commissioner of finance in an action or proceeding under the provisions of this local law, or on behalf of any party to any action or proceeding under the provisions of this local law when the returns or facts shown thereby are directly involved in such action or proceeding in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his or her duly authorized representative of a certified copy of any return filed in connection with his or her tax nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and items thereof, or the inspection by the county attorney or other legal representatives of the county of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for 3 years and thereafter until the commissioner of finance permits them to be destroyed.

- B. Any violation of subdivision A of this section shall be punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment not exceeding 1 year, or both, in the discretion of the court, and if the offender be an officer or employee of the county he or she shall be dismissed from office and be incapable of holding any public office for a period of 5 years thereafter.

Section 295.24. Notices and limitation of time.

- A. Any notice authorized or required under the provisions of this local law may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by him or her pursuant to the provisions of this local law, or in any application made by him or her or if no return has been filed or application made, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this local law by the giving of notice shall commence to run from the date of mailing of such notice.
- B. The provisions of the New York State Civil Practice Law and rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the county to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this local law. However, except in the case of wilfully false or fraudulent return to evade the tax, no assessment of additional tax shall be made after the expiration of more than 3 years from the date of the filing of a return; provided, however, that where no return has been filed as provided by law the tax may be assessed at anytime.
- C. Where, before expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

Chapter 300. TAX: MORTGAGE RECORDING TAX

[HISTORY: Adopted 12-10-2013 by Local Law 2-2013. Adopted by Local Law 2-2016. Adopted by Local Law 7-2019. Adopted by Local Law 3-2022.]

Section 300.01.

Local Law No. 7 of 2019, entitled a local law to repeal local law no. 02-2016 and to renew the mortgage recording tax in Schenectady County, is hereby repealed.

Section 300.02.

This local law hereby continues without interruption the imposition of the Schenectady County Mortgage Recording Tax as authorized by Schenectady County Local Law No. 7 of 2019.

Section 300.03. Legislative intent.

Pursuant to the authority of section 253-r of the Tax Law, there is hereby imposed and there shall be paid a tax of twenty-five cents for each one hundred dollars and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within Schenectady County and recorded on or after the date upon which such tax takes effect and a tax of twenty-five cents on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than one hundred dollars.

Section 300.04. Administration and collection of taxes.

The taxes imposed under the authority of section 253-r of the Tax Law shall be administered and collected in the same manner as the taxes imposed under subdivision one of section two hundred fifty-three of the Tax Law and paragraph (B) of subdivision one of section two hundred fifty-five of the Tax Law. Except as otherwise provided in section 253-r of the Tax Law, all the provisions of Article 11 of the Tax Law relating to or applicable to the administration and collection of the taxes imposed by such subdivision shall apply to the taxes imposed under the authority of section 253-r of the Tax Law with such modifications as may be necessary to adapt such language to the tax so authorized. Such provisions shall apply with the same force and effect as if those provisions had been set forth in full in section 253-r of the Tax Law except to the extent that any provision is either inconsistent with a provision of section 253-r of the Tax Law or not relevant to the tax authorized by section 253-r of the Tax Law. For purposes of section 253-r of the Tax Law, any reference in article 11 of the Tax Law to the tax or taxes imposed by such article shall be deemed to refer to a tax imposed pursuant to section 253-r of the Tax Law, and any reference to the phrase “within this State” shall be read as “within Schenectady County”, unless a different meaning is clearly required.

Section 300.05. Determination of tax.

Where the real property covered by the mortgage subject to the tax imposed pursuant to the authority of section 253-r of the Tax Law is situated in this State but within and without the county imposing such tax, the amount of such tax due and payable to such county shall be determined in a manner similar to that prescribed in the opening paragraph of section two hundred sixty of the Tax Law which concerns real property situated in two or more counties. Where such property is situated both within such county and without the State, the amount due and payable to such county shall be determined in the manner prescribed in the second undesignated paragraph of such section two hundred sixty which concerns property situated within and without the State. Where real property is situated within and without the county imposing such tax, the recording officer of the jurisdiction in which the mortgage is first recorded shall be required to collect the taxes imposed pursuant to section 253-r of the Tax Law.

Section 300.06. Tax in addition to other taxes.

A tax imposed pursuant to the authority of section 253-r of the Tax Law shall be in addition to the taxes imposed by section two hundred fifty-three of the Tax Law.

Section 300.07. Payment of tax.

Notwithstanding any provision of article 11 of the Tax Law to the contrary, the balance of all moneys paid to the recording officer of the county of Schenectady during each month upon account of the tax imposed pursuant to the authority of section 253-r of the Tax Law, after deducting the necessary expenses of his or her office as provided in section two hundred sixty-two of the Tax Law, except taxes paid upon mortgages which under the provisions of section 253-r of the Tax Law or section two hundred sixty of the Tax Law are first to be apportioned by the commissioner, shall be paid over by such officer on or before the tenth day of each succeeding month to the Schenectady county treasurer and, after the deduction by the Schenectady county treasurer of the necessary expenses of his or her office provided in section two hundred sixty-two of the Tax Law shall be deposited in the general fund of the county of Schenectady for expenditure on any county purpose. Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property situated in two or more counties, which under the provisions of section 253-r of the Tax Law or section two hundred sixty of the Tax Law are first to be apportioned by the commissioner, shall be paid over by the recording officer receiving the same as provided by the determination of said commissioner.

Section 300.08. Effective date; repealed.

This local law shall take effect on August 1, 2022, and shall be deemed repealed, and of no force and effect, on or after a date that is three years from the date of enactment of this local law.

LAWS OF SCHENECTADY COUNTY, NEW YORK
PART III CODIFIED LOCAL LAWS
Chapter 305. TAX: REAL PROPERTY—AGRICULTURAL EXEMPTIONS FOR
COMMERCIAL HORSE BOARDING OPERATIONS

Chapter 305. TAX: REAL PROPERTY—AGRICULTURAL EXEMPTIONS
FOR COMMERCIAL HORSE BOARDING OPERATIONS

[HISTORY: Adopted 4-10-2001 by Local Law 6-2001]

Section 305.01. Legislative intent.

- A. Pursuant to section 301 of the New York State Agriculture and Market Law, land within the county used to support a commercial horse boarding operation, as defined in section 301 et seq., is entitled to an agricultural assessment which results in a tax benefit/exemption; and
- B. Section 301, et seq., and relevant opinions from the state board of real property services further requires a county to affirmatively grant the agricultural assessment to commercial horse boarding operations.

Section 305.02. Agricultural assessment.

The County of Schenectady by this local law hereby affirmatively approves the granting of the agricultural assessment to commercial horse boarding operations, as defined by all relevant New York State statutes and opinions, within Schenectady County. This exemption shall not be construed to include operations whose primary on-site function is horse racing.

LAWS OF SCHENECTADY COUNTY, NEW YORK
PART III CODIFIED LOCAL LAWS
Chapter 305. TAX: REAL PROPERTY—AGRICULTURAL EXEMPTIONS FOR
COMMERCIAL HORSE BOARDING OPERATIONS

**Chapter 310. TAX: REAL PROPERTY—INTEREST ADDED TO REAL
PROPERTY TAXES**

[HISTORY: Adopted 5-13-2003 by Local Law 5-2003.]

Section 310.01. Legislative intent.

Chapter 26 of the laws of 2003 amended section 924-a of the New York State Real Property Tax Law in order to permit this legislature to prescribe the rate of interest at 15% per annum for unpaid and/or delinquent real property taxes.

Section 310.02. Interest to be added.

The amount of interest to be added on all taxes received after the interest-free period and all delinquent taxes collected by the County of Schenectady shall be one-twelfth of 15% rounded to the nearest one-hundredth of a percentage point. Such interest shall be added for each month or fraction thereof until such taxes are paid.

**Chapter 315. TAX: REAL PROPERTY - TAX EXEMPTION FOR CAPITAL
IMPROVEMENTS OF RESIDENTIAL BUILDINGS**

[HISTORY: Adopted 10-11-2011 by Local Law 8-2011.]

Section 315.01. Exemption of capital improvements to residential buildings.

Pursuant to authority granted in section 421-f of the Real property tax law, residential buildings reconstructed, altered or improved subsequent to the effective date of this local law shall be exempt from taxation and special ad valorem levies to the extent provided hereinafter.

Section 315.02.

- A. Residential buildings shall be exempt from taxation and special ad valorem levies for a period of one year to the extent of one hundred per centum of the increase in assessed value thereof attributable to such reconstruction, alteration or improvement and for an additional period of seven years subject to the following:
1. The extent of such exemption shall be decreased by twelve and one-half per centum of the "exemption base" each year during such additional period. The "exemption base" shall be the increase in assessed value as determined in the initial year of the term of the exemption, except as provided in paragraph 2 of this section.
 2. In any year in which a change in level of assessment of fifteen percent or more is certified for a final assessment roll, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical or quantity changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base. The exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the assessor receives certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll. The assessor shall give written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by title three of article five of this chapter for the correction of clerical errors.
 3. Such exemption shall be limited to eighty thousand dollars in increased market value of the property attributable to such reconstruction, alteration or improvement and any increase in market value greater than such amount shall not be eligible for the

Chapter 315. TAX: REAL PROPERTY – TAX EXEMPTION FOR CAPITAL IMPROVEMENT OF RESIDENTIAL BUILDINGS

exemption pursuant to this section. For the purposes of this section, the market value of the reconstruction, alteration or improvement shall be equal to the increased assessed value attributable to such reconstruction, alteration or improvement divided by the class I ratio in a special assessing unit or the most recently established state equalization rate or special equalization rate in the remainder of the state, except where the state equalization rate or special equalization rate equals or exceeds ninety-five percent, in which case the increase in assessed value attributable to such reconstruction, alteration or improvement shall be deemed to equal the market value of such reconstruction, alteration or improvement.

B. No such exemption shall be granted for reconstruction, alterations or improvements unless:

1. Such reconstruction, alteration or improvement was commenced subsequent to the effective date of this local law; and
2. The value of such reconstruction, alteration or improvement exceeds three thousand dollars; and
3. The greater portion, as so determined by square footage, of the building reconstructed, altered or improved is at least five years old.

C. For purposes of this section, the terms reconstruction, alteration and improvement shall not include ordinary maintenance and repairs.

Section 315.03.

An exemption shall be granted only upon written application by the owner of such building on a form approved by the appropriate assessor. The application shall be filed with the assessor of the city, town, or village having the power to assess property for taxation on or before the appropriate taxable status date of such city, town, or village.

Section 315.04.

If satisfied that the applicant is entitled to an exemption pursuant to this local law, the assessor shall approve the application and such building shall hereafter be exempt from taxation and special ad valorem levies as herein provided commencing with the assessment roll prepared on the basis of the taxable status date referred to in section three of this local law. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

Section 315.05.

For the purposes of this local law, a residential building shall mean any building or structure designed and occupied exclusively for residential purposes by not more than two families.

Chapter 315. TAX: REAL PROPERTY – TAX EXEMPTION FOR CAPITAL IMPROVEMENT OF RESIDENTIAL BUILDINGS

Section 315.06.

In the event that a building granted an exemption pursuant to this section ceases to be used primarily for residential purposes or title thereto is transferred to other than the heirs or distributees of the owner, the exemption granted pursuant to this section shall cease.

Section 315.07.

No other local law or resolution shall reduce or repeal an exemption granted pursuant to this local law until the expiration of the period for which such exemption was granted.

Section 315.08.

This Local Law shall become effective after its final adoption, filing and publication in accordance with section 27 of the Municipal Home Rule Law and section 2.12 of the Charter of the County of Schenectady, and shall apply to assessment rolls based on taxable status dates occurring on or January 1, 2012.

Chapter 320. TAX: REAL PROPERTY—MAXIMUM TAX EXEMPTIONS FOR VETERANS

[HISTORY: Adopted 2-11-1997 by Local Law 5-1997. Amendments noted where applicable.]

Section 320.01. Legislative intent and purpose. [Amended 2-14-2006 by L.L. 1-2006]

- A. This legislature finds and determines that the sacrifices and services provided by veterans in protecting this county should be acknowledged by providing certain tax exemptions.
- B. By chapter 256 of the Laws of New York for 2005 the New York State legislature amended subparagraph ii of paragraph d of subdivision 2 of Section 458-a of the New York State Real Property Tax Law authorizing the adoption of a local law to increase the maximum tax exemptions for veterans.
- C. The purpose of this local law is to adopt maximum tax exemptions for veterans as authorized by chapter 256 of the Laws of New York for 2005. [Amended 2-14-2006 by L.L. 1-2006]

Section 320.02. Exemption. [Amended 2-14-2006 by L.L. 1-2006]

Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not exceed thirty-six thousand dollars (\$36,000) or the product of thirty-six thousand dollars (\$36,000) multiplied by the latest state equalization rate for the assessing unit, or in the case of a special assessing unit, the latest class ratio, whichever is less.

Section 320.03. Combat exemption. [Amended 2-14-2006 by L.L. 1-2006]

In addition to the exemption provided by section 320.02 of this local law, where the veteran served in a combat theatre or combat zone of operation, as documented by the award of a United States campaign ribbon or service medal, qualifying residential real property also shall be exempt from taxation to the extent of 10% of the assessed value of such property; provided, however, that such exemption shall not exceed twenty-four thousand dollars (\$24,000) or the product of twenty-four thousand dollars (\$24,000) multiplied by the latest state equalization rate for the assessing unit, or in the case of a special assessing unit, the class ratio, whichever is less.

Section 320.04. Service connected disability. [Amended 2-14-2006 by L.L. 1-2006]

In addition to the exemptions provided by sections 320.02 and 320.03 of this local law, where the veteran received a compensation rating from the United States veteran's administration or from the United States department of defense because of a service

connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by 50% of the veteran's disability rating; provided, however, that such exemption shall not exceed one hundred twenty thousand dollars (\$120,000) or the product of one hundred twenty thousand dollars (\$120,000) multiplied by the latest state equalization rate for the assessing unit or in the case of a special assessing unit, the latest class ratio, whichever is less. For the purposes of this local law, where a person who served in the active military, naval or air service during a period of war died in service of a service connected disability, such person shall be deemed to have been assigned a compensation rating of 100%.

Section 320.05. Application beginning in 2006. [Amended 2-14-2006 by L.L. 1-2006]

This local law shall apply to assessment rolls based on taxable status dates occurring on or after January 2, 2006.

LAWS OF SCHENECTADY COUNTY, NEW YORK
PART III CODIFIED LOCAL LAWS
Chapter 325. TAX: REAL PROPERTY—PROPORTIONAL TAX EXEMPTIONS FOR
VETERANS

Chapter 325. TAX: REAL PROPERTY—PROPORTIONAL TAX EXEMPTIONS
FOR VETERANS

[HISTORY: Adopted 10-8-1985 by Local Law 6-1985.]

Section 325.01. Proportional requirement.

The veterans exemption provided by section 458 of the New York State Real Property Tax Law for apportioning of County of Schenectady taxes only shall be increased or decreased in proportion that the assessed valuation of real property on which the exemption has been granted is increased or decreased due to full value assessments in the towns of Duanesburg, Glenville, Princetown and in any other municipality of the County of Schenectady that may adopt full value assessments.

LAWS OF SCHENECTADY COUNTY, NEW YORK
PART III CODIFIED LOCAL LAWS
Chapter 325. TAX: REAL PROPERTY—PROPORTIONAL TAX EXEMPTIONS FOR
VETERANS

**Chapter 330. TAX: REAL PROPERTY - TAX EXEMPTION FOR “COLD WAR”
VETERANS**

[HISTORY: Adopted 5-13-2008 by Local Law 4-2008]

Section 330.01. Definitions.

As used in this local law:

- A. "Cold War veteran" shall mean a person, male or female, who served on active duty in the United States armed forces, during the time period from September second, nineteen hundred forty-five to December twenty-sixth, nineteen hundred ninety-one, and was discharged or released therefrom under honorable conditions.
- B. "Armed forces" shall mean the United States army, navy, Marine Corps, Air Force, and Coast Guard.
- C. "Active duty" shall mean full-time duty in the United States armed forces, other than active duty for training.
- D. "Service connected" shall mean, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty on active military, naval or air service.
- E. "Qualified owner" shall mean a Cold War veteran, the spouse of a Cold War veteran, or the unremarried surviving spouse of a deceased Cold War veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a veteran is also the unremarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.
- F. "Qualified residential real property" shall mean property owned by a qualified owner which is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to taxation and only the remaining portion used exclusively for residential purposes shall be subject to the exemption provided by this section. Such property shall be the primary residence of the Cold War veteran or the unremarried surviving spouse of a Cold War veteran, unless the Cold War veteran or unremarried surviving spouse is absent from the property due to medical reasons or institutionalization.
- G. "Latest state equalization rate" shall mean the latest final equalization rate established by the state board pursuant to article twelve of this chapter.
- H. "Latest class ratio" shall mean the latest final class ratio established by the state board pursuant to title one of article twelve of this chapter for use in a special assessing unit as defined in section eighteen hundred one of this chapter.

Section 330.02. Exemptions.

- A. Qualifying residential real property shall be exempt from taxation to the extent of fifteen percent of the assessed value of such property; provided however, that such exemption shall not exceed twelve thousand dollars or the product of twelve thousand dollars multiplied by the latest state equalization rate of the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.
- B. In addition to the exemption provided by paragraph (1) of this subdivision, where the Cold War veteran received a compensation rating from the United States Veterans Affairs or from the United States Department of Defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed forty thousand dollars, or the product of forty thousand dollars multiplied by the latest state equalization rate for the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.
- C. Application for exemption shall be made by the owner, or all of the owners, of the property on a form prescribed by the state board. The owner or owners shall file the completed form in the assessor's office on or before the first appropriate taxable status date. This exemption shall continue in full force and effect for all appropriate subsequent tax years and the owner or owners of the property shall not be required to refile each year. Applicants shall be required to refile on or before the appropriate taxable status date if the percentage of disability percentage increases or decreases or may refile if other changes have occurred which affect qualification for an increased or decreased amount of exemption. Any applicant convicted of willfully making any false statement in the application for such exemption shall be subject to the penalties prescribed in the penal law.

Section 330.03. Limitations. (Amended 2-13-2018 by L.L. 2-2018.)

The exemption provided by section two shall be granted for a period of ten years. The commencement of such ten year period shall be governed pursuant to this section. Where a qualified owner owns qualifying residential real property on the effective date of this local law, such ten year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring on or after the effective date of this local law providing for such exemption. Where a qualified owner does not own qualifying residential real property on the effective date of this local law providing for such exemption, such ten year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring at least sixty days after the date of purchase of qualifying residential real property; provided, however, that should the veteran apply for and be granted an exemption on the assessment roll prepared pursuant to a taxable status date occurring within sixty days after the date of purchase of residential real property, such ten year period shall be measured from the first assessment roll in which the exemption occurs. If, before the expiration of such ten year period, such exempt property is sold and replaced with other residential real property, such exemption may be granted for the unexpired portion of the ten year exemption period. The exemption shall be granted to a qualified owner owning residential real property as of the date of the assessment roll prepared

Chapter 330. TAX: REAL PROPERTY – TAX EXEMPTION FOR COLD WAR VETERANS

pursuant to the first taxable status date occurring on or after the effective date of the local law as approved in 2008, and any time thereafter.

Chapter 335. TAX: REAL PROPERTY—TAX EXEMPTIONS FOR GOLD STAR PARENTS

[HISTORY: Adopted 2-13-2001 by Local Law 4-2001.]

Section 335.01. Legislative intent.

- A. Pursuant to Section 458-a of the New York State Real Property Tax Law, a municipality can elect to grant a real property tax veteran's exemption to qualifying residential real property owners who are veterans of the military service, discharged under honorable conditions.
- B. Pursuant to subdivision (7)(b) of the aforesaid state statute, a municipality can define a qualified owner to include a parent or parents of a child who died in the line of duty while serving in the United States armed forces during a period of war, commonly known as Gold Star Parents.

Section 335.02. Exemption.

The Schenectady County legislature hereby authorizes the County of Schenectady to grant real property tax veteran's exemptions to Gold Star Parents to the extent allowable by state statute.

Chapter 340. TAX: REAL PROPERTY—TAX EXEMPTION FOR HISTORIC PROPERTIES

[HISTORY: Adopted 12-14-1999 by Local Law 8-1999.]

Section 340.01. Legislative findings, purpose and intent.

The purpose and intent of this local law is to provide a property tax incentive to encourage investment in and rehabilitation of historic properties.

Section 340.02. Exemption.

- A. Historic property shall be exempt from taxation to the extent of any increase in value attributable to the alteration or rehabilitation of such property pursuant to the following schedule:

<u>Year of Exemption</u>	<u>Percent of Exemption</u>
1 through 5	100
6	80
7	60
8	40
9	20
10	0

- B. No such exemption shall be granted for such alterations or rehabilitation unless:
1. Such property has been designated as a landmark, or is a property that contributes to the character of an historic district, created by a local law passed pursuant to section 96-a or 119-dd of the New York State General Municipal Law;
 2. Alterations or rehabilitation must be made for means of historic preservation;
 3. Such alterations or rehabilitation of historic property meet guidelines and review standards in the local preservation law;
 4. Such alterations or rehabilitation of historic property are approved by the local preservation commission prior to commencement of work;
 5. Alterations or rehabilitation are commenced subsequent to the effective date of this local law.

Section 340.03. Application.

Such exemption shall be granted only by application of the owner or owners of such historic real property on a form prescribed by the New York State board of equalization

and assessment. The application shall be filed with the assessor of the county, city, town or village before having the power to assess property for taxation on or before the appropriate taxable date of such county, city, town or village.

Section 340.04. Procedure.

- A. Such exemption shall be granted where the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section.
- B. The assessor shall approve such application and such property shall thereafter be exempt from taxation and special ad valorem levies as herein provided commencing with the assessment roll prepared on the basis of the taxable status date referred to above.
- C. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

**Chapter 345. TAX: REAL PROPERTY—TAX EXEMPTIONS FOR MEMBERS
OF VOLUNTEER FIRE COMPANIES OR VOLUNTEER AMBULANCE
SERVICES**

[HISTORY: Adopted 1-11-2005 by Local Law 2-2005. Amended 7-12-2005 by L.L. 4-2005]

Section 345.01. Exemption.

- A. Pursuant to section 466-e of the New York State Real Property Tax Law, real property owned by a person, or owned by such person and his or her spouse, who is an enrolled member of an incorporated volunteer fire company, fire department or incorporated volunteer ambulance service or who is an enrolled member of an incorporated volunteer fire company or fire department serving in the auxiliary of such company or department shall be exempt from taxation by the County of Schenectady to the extent of 10% of the assessed value of such property for county purposes, exclusive of special assessments, provided, however, that such exemption shall in no event exceed three thousand dollars (\$3,000) multiplied by the latest state equalization rate for the assessing unit in which such real property is located.
- B. Such exemption shall not be granted unless:
1. The person applying for the exemption resides in the city, town or village which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance services;
 2. The property is the primary residence of the person applying for the exemption;
 3. The property is used exclusively for residential purposes, provided, however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this local law; and
 4. The person applying for the exemption has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least 5 years or has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member serving in the auxiliary of such incorporated volunteer fire company or fire department for at least 5 years, or has been certified by the authority having jurisdiction for the incorporated

**CHAPTER 345. TAX: REAL PROPERTY—TAX EXEMPTIONS FOR MEMBERS OF
VOLUNTEER FIRE COMPANIES OR VOLUNTEER AMBULANCE SERVICES**

voluntary ambulance service as an enrolled member of such incorporated
voluntary ambulance service for at least 5 years;

- i. For county purposes, the procedure for certification by the appropriate authority shall be determined by the assessors designated by the respective municipalities, school districts or fire districts.
- C. On or after the effective date of this local law, any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or any enrolled member of an incorporated volunteer fire company or fire department serving in the auxiliary of such company or department who accrues more than 20 years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the 10% exemption as authorized by this local law for the remainder of his or her life as long as his or her primary residence is located within Schenectady County.
- D. Application for such exemption shall be filed with the assessor designated by the municipality, school district and/or fire district on or before the exemption filing deadline date on a form as prescribed by the state board.
- E. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of article 4 of the New York State Real Property Tax Law on January 1, 2005 shall suffer any diminution of such benefit because of the provisions of this local law.

Chapter 350. TAX: REAL PROPERTY—TAX EXEMPTIONS FOR PERSONS OVER 65 WITH LIMITED INCOME

[HISTORY: Adopted 11-14-1966 by Local Law 5-1966. Amendments noted where applicable.]

[Editor's Note: section 350.01 below is effective through June 30, 2007 and shall be deemed repealed and of no further force and effect after that date.]

Section 350.01. Exemptions. [Amended 12-12-2006 by L.L. 4-2006]

- A. Pursuant to section 467 of the New York State Real Property Tax Law, real property owned by one or more persons, each of whom is 65 years of age or over, or real property owned by husband and wife or by siblings, one of whom is 65 years of age or over, shall be exempt from taxation by the County of Schenectady to the extent as provided in the following schedule:

ANNUAL INCOME	PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION
Less than \$26,000	50%
More than \$26,001 but less than \$26,999.99	45%
More than \$27,000 but less than \$27,999.99	40%
More than \$28,000 but less than \$28,999.99	35%
More than \$29,000 but less than \$29,899.99	30%
More than \$29,900 but less than \$30,799.99	25%
More than \$30,800 but less than \$31,699.99	20%
More than \$31,700 but less than \$32,599.99	15%
More than \$32,600 but less than \$33,499.99	10%
More than \$33,500 but less than \$34,399.99	5%

- B. No exemption shall be granted:

1. If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of thirty four thousand three hundred ninety-nine dollars and ninety-nine cents (\$34,399.99). Income tax year shall mean the 12 month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife, or ex-husband or ex-wife is absent from the property as provided in subparagraph b of paragraph 4 of this subdivision, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum. Such income shall include social security and retirement benefits,

interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances, payments made to individuals because of their status as victims of Nazi persecution, as defined in P.L. 103-286 or monies earned through employment in the federal foster grandparent program. In computing net rental income and net income from self employment no depreciation deduction shall be allowed for the exhaustion, wear and tear and real or personal property held for the production of income;

[Editor's Note: Reference to P.L. 103-286 above refers to 108 Stat. 1450, 42 U.S.C.A. 1437a, note, as amended, concerning payments made to victims of Nazi persecution.]

2. Unless the owner shall have held an exemption under this section for his or her previous residence or unless the title of the property shall have been vested in the owner or one of the owners of the property for at least 12 consecutive months prior to the date of making application for exemption, provided, however, that in the event of the death of either a husband or wife in whose name title of the property shall have been vested at the time of death and then becomes vested solely in the survivor by virtue of devise by or descent from the deceased husband or wife, the time of ownership of the property of the deceased husband or wife shall be deemed also a time of ownership by the survivor and such ownership shall be deemed continuous for the purposes of computing such period of 12 consecutive months. In the event of a transfer by either a husband or wife to the other spouse of all or part of the title to the property, the time of ownership of the property by the transferor spouse shall be deemed also a time or ownership by the transferee spouse and such ownership shall be deemed continuous for the purposes of computing such period of 12 consecutive months. Where property of the owner or owners has been acquired to replace property formerly owned by such owner or owners and taken by eminent domain or other involuntary proceeding, except a tax sale, the period of ownership of the former property shall be combined with the period of ownership of the property for which application is made for exemption and such periods of ownership shall be deemed to be consecutive for purposes of this section. Where a residence is sold and replaced with another within 1 year and both residences are within the state, the period of ownership of both properties shall be deemed consecutive for purposes of the exemption from taxation by a municipality within the state granting such exemption. Where the owner or owners transfer title to property which as of the date of transfer was exempt from taxation under the provisions of this section, the reacquisition of title by such owner or owners within 9 months of the date of transfer shall be deemed to satisfy the requirement of this paragraph that the title of the property shall have vested in the owner or one of the owners for such period of 12 consecutive months. Where, upon or subsequent to the death of an owner or owners, title to property which as of the date of such death was exempt from taxation under such provisions,

becomes vested by virtue of devise or descent from the deceased owner or owners, or by transfer by any other means within 9 months after such death, solely in a person or persons who, at the time of such death, maintained such property as a primary residence, the requirement of this paragraph that the title of the property shall have been vested in the owner or one of the owners for such period of 12 consecutive months shall be deemed satisfied;

3. Unless the property is used exclusively for residential purposes, provided, however, that in the event any portion of such property is not so used exclusively for residential purposes but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section;
4. Unless the real property is the legal residence of and is occupied in the whole or in part by the owner or by all of the owners of the property except where:
 - a. An owner is absent from the residence while receiving health-related care as an inpatient of a residential health care facility, as defined in section 2801 of the New York State Public Health Law, provided that any income accruing to the person shall only be income only to the extent that it exceeds the amount paid by such owner, spouse, or co-owner for care in the facility, and provided further, that during such confinement such property is not occupied by other than the spouse or co-owner of such owner; or,
 - b. The real property is owned by a husband and/or wife, or an ex-husband and/or ex-wife, and either is absent from the residence due to divorce, legal separation or abandonment and all other provisions of this section are met provided that where an exemption was previously granted when both resided on the property, then the person remaining on the real property shall be 62 years of age or over.

[Editor's Note: section 350.01 below was adopted by L.L. 4-2006, becomes effective on July 1, 2007 and shall be deemed repealed and of no further force and effect after June 30, 2008.]

Section 350.01. Exemptions. [Amended 12-12-2006 by L.L. 4-2006]

- A. Pursuant to section 467 of the New York State Real Property Tax Law, real property owned by one or more persons, each of whom is 65 years of age or over, or real property owned by husband and wife or by siblings, one of whom is 65 years of age or over, shall be exempt from taxation by the County of Schenectady to the extent as provided in the following schedule:

ANNUAL INCOME	PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION
Less than \$27,000	50%
More than \$27,001 but less than \$27,999.99	45%
More than \$28,000 but less than \$28,999.99	40%
More than \$29,000 but less than \$29,999.99	35%
More than \$30,000 but less than \$30,899.99	30%
More than \$30,900 but less than \$31,799.99	25%
More than \$31,800 but less than \$32,699.99	20%
More than \$32,700 but less than \$33,599.99	15%
More than \$33,600 but less than \$34,499.99	10%
More than \$34,500 but less than \$35,399.99	5%

B. No exemption shall be granted:

1. If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of thirty five thousand three hundred ninety-nine dollars and ninety-nine cents (\$35,399.99). Income tax year shall mean the 12 month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife, or ex-husband or ex-wife is absent from the property as provided in subparagraph b of paragraph 4 of this subdivision, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances, payments made to individuals because of their status as victims of Nazi persecution, as defined in P.L. 103-286 or monies earned through employment in the federal foster grandparent program. In computing net rental income and net income from self employment no depreciation deduction shall be allowed for the exhaustion, wear and tear and real or personal property held for the production of income;

[Editor's Note: Reference to P.L. 103-286 above refers to 108 Stat. 1450, 42 U.S.C.A. 1437a, note, as amended, concerning payments made to victims of Nazi persecution.]

2. Unless the owner shall have held an exemption under this section for his or her previous residence or unless the title of the property shall have been vested in the owner or one of the owners of the property for at least 12 consecutive months prior to the date of making application for exemption, provided, however, that in the event of the death of either a husband or wife in

whose name title of the property shall have been vested at the time of death and then becomes vested solely in the survivor by virtue of devise by or descent from the deceased husband or wife, the time of ownership of the property of the deceased husband or wife shall be deemed also a time of ownership by the survivor and such ownership shall be deemed continuous for the purposes of computing such period of 12 consecutive months. In the event of a transfer by either a husband or wife to the other spouse of all or part of the title to the property, the time of ownership of the property by the transferor spouse shall be deemed also a time or ownership by the transferee spouse and such ownership shall be deemed continuous for the purposes of computing such period of 12 consecutive months. Where property of the owner or owners has been acquired to replace property formerly owned by such owner or owners and taken by eminent domain or other involuntary proceeding, except a tax sale, the period of ownership of the former property shall be combined with the period of ownership of the property for which application is made for exemption and such periods of ownership shall be deemed to be consecutive for purposes of this section. Where a residence is sold and replaced with another within 1 year and both residences are within the state, the period of ownership of both properties shall be deemed consecutive for purposes of the exemption from taxation by a municipality within the state granting such exemption. Where the owner or owners transfer title to property which as of the date of transfer was exempt from taxation under the provisions of this section, the reacquisition of title by such owner or owners within 9 months of the date of transfer shall be deemed to satisfy the requirement of this paragraph that the title of the property shall have vested in the owner or one of the owners for such period of 12 consecutive months. Where, upon or subsequent to the death of an owner or owners, title to property which as of the date of such death was exempt from taxation under such provisions, becomes vested by virtue of devise or descent from the deceased owner or owners, or by transfer by any other means within 9 months after such death, solely in a person or persons who, at the time of such death, maintained such property as a primary residence, the requirement of this paragraph that the title of the property shall have been vested in the owner or one of the owners for such period of 12 consecutive months shall be deemed satisfied;

3. Unless the property is used exclusively for residential purposes, provided, however, that in the event any portion of such property is not so used exclusively for residential purposes but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section;
4. Unless the real property is the legal residence of and is occupied in the whole or in part by the owner or by all of the owners of the property except where:
 - a. An owner is absent from the residence while receiving health-related care as an inpatient of a residential health care facility, as defined in section 2801 of the New York State Public Health Law, provided that any income accruing to the person shall only be income only to the extent that it

Chapter 350. TAX: REAL PROPERTY—TAX EXEMPTIONS FOR PERSONS OVER 65 WITH LIMITED INCOME

exceeds the amount paid by such owner, spouse, or co-owner for care in the facility, and provided further, that during such confinement such property is not occupied by other than the spouse or co-owner of such owner; or,

- b. The real property is owned by a husband and/or wife, or an ex-husband and/or ex-wife, and either is absent from the residence due to divorce, legal separation or abandonment and all other provisions of this section are met provided that where an exemption was previously granted when both resided on the property, then the person remaining on the real property shall be 62 years of age or over.

[Editor's Note: section 350.01 below was adopted by L.L. 4-2006, becomes effective on July 1, 2008 and shall be deemed repealed and of no further force and effect after June 30, 2009.]

Section 350.01. Exemptions. [Amended 12-12-2006 by L.L. 4-2006]

- A. Pursuant to section 467 of the New York State Real Property Tax Law, real property owned by one or more persons, each of whom is 65 years of age or over, or real property owned by husband and wife or by siblings, one of whom is 65 years of age or over, shall be exempt from taxation by the County of Schenectady to the extent as provided in the following schedule:

ANNUAL INCOME	PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION
Less than \$28,000	50%
More than \$28,001 but less than \$28,999.99	45%
More than \$29,000 but less than \$29,999.99	40%
More than \$30,000 but less than \$30,999.99	35%
More than \$31,000 but less than \$31,899.99	30%
More than \$31,900 but less than \$32,799.99	25%
More than \$32,800 but less than \$33,699.99	20%
More than \$33,700 but less than \$34,599.99	15%
More than \$34,600 but less than \$35,499.99	10%
More than \$35,500 but less than \$36,399.99	5%

- B. No exemption shall be granted:

1. If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of thirty six thousand three hundred ninety-nine dollars and ninety-nine cents (\$36,399.99). Income tax year shall mean the 12 month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife, or ex-

husband or ex-wife is absent from the property as provided in subparagraph b of paragraph 4 of this subdivision, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances, payments made to individuals because of their status as victims of Nazi persecution, as defined in P.L. 103-286 or monies earned through employment in the federal foster grandparent program. In computing net rental income and net income from self employment no depreciation deduction shall be allowed for the exhaustion, wear and tear and real or personal property held for the production of income;

[Editor's Note: Reference to P.L. 103-286 above refers to 108 Stat. 1450, 42 U.S.C.A. 1437a, note, as amended, concerning payments made to victims of Nazi persecution.]

2. Unless the owner shall have held an exemption under this section for his or her previous residence or unless the title of the property shall have been vested in the owner or one of the owners of the property for at least 12 consecutive months prior to the date of making application for exemption, provided, however, that in the event of the death of either a husband or wife in whose name title of the property shall have been vested at the time of death and then becomes vested solely in the survivor by virtue of devise by or descent from the deceased husband or wife, the time of ownership of the property of the deceased husband or wife shall be deemed also a time of ownership by the survivor and such ownership shall be deemed continuous for the purposes of computing such period of 12 consecutive months. In the event of a transfer by either a husband or wife to the other spouse of all or part of the title to the property, the time of ownership of the property by the transferor spouse shall be deemed also a time or ownership by the transferee spouse and such ownership shall be deemed continuous for the purposes of computing such period of 12 consecutive months. Where property of the owner or owners has been acquired to replace property formerly owned by such owner or owners and taken by eminent domain or other involuntary proceeding, except a tax sale, the period of ownership of the former property shall be combined with the period of ownership of the property for which application is made for exemption and such periods of ownership shall be deemed to be consecutive for purposes of this section. Where a residence is sold and replaced with another within 1 year and both residences are within the state, the period of ownership of both properties shall be deemed consecutive for purposes of the exemption from taxation by a municipality within the state granting such exemption. Where the owner or owners transfer title to property which as of the date of transfer was exempt from taxation under the provisions of this section, the reacquisition of title by such owner or owners within 9 months of the date of transfer shall be deemed to satisfy the

requirement of this paragraph that the title of the property shall have vested in the owner or one of the owners for such period of 12 consecutive months. Where, upon or subsequent to the death of an owner or owners, title to property which as of the date of such death was exempt from taxation under such provisions, becomes vested by virtue of devise or descent from the deceased owner or owners, or by transfer by any other means within 9 months after such death, solely in a person or persons who, at the time of such death, maintained such property as a primary residence, the requirement of this paragraph that the title of the property shall have been vested in the owner or one of the owners for such period of 12 consecutive months shall be deemed satisfied;

3. Unless the property is used exclusively for residential purposes, provided, however, that in the event any portion of such property is not so used exclusively for residential purposes but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section;
4. Unless the real property is the legal residence of and is occupied in the whole or in part by the owner or by all of the owners of the property except where
 - a. An owner is absent from the residence while receiving health-related care as an inpatient of a residential health care facility, as defined in section 2801 of the New York State Public Health Law, provided that any income accruing to the person shall only be income only to the extent that it exceeds the amount paid by such owner, spouse, or co-owner for care in the facility, and provided further, that during such confinement such property is not occupied by other than the spouse or co-owner of such owner; or,
 - b. The real property is owned by a husband and/or wife, or an ex-husband and/or ex-wife, and either is absent from the residence due to divorce, legal separation or abandonment and all other provisions of this section are met provided that where an exemption was previously granted when both resided on the property, then the person remaining on the real property shall be 62 years of age or over.

[Editor's Note: section 350.01 below was adopted by L.L. 4-2006 and becomes effective on July 1, 2009.]

Section 350.01. Exemptions. [Amended 12-12-2006 by L.L. 4-2006]

- A. Pursuant to section 467 of the New York State Real Property Tax Law, real property owned by one or more persons, each of whom is 65 years of age or over, or real property owned by husband and wife or by siblings, one of whom is 65 years of age or over, shall be exempt from taxation by the County of Schenectady to the extent as provided in the following schedule:

ANNUAL INCOME	PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION
----------------------	---

Less than \$29,000	50%
More than \$29,001 but less than \$29,999.99	45%
More than \$30,000 but less than \$30,999.99	40%
More than \$31,000 but less than \$31,999.99	35%
More than \$32,000 but less than \$32,899.99	30%
More than \$32,900 but less than \$33,799.99	25%
More than \$33,800 but less than \$34,699.99	20%
More than \$34,700 but less than \$35,599.99	15%
More than \$35,600 but less than \$36,499.99	10%
More than \$36,500 but less than \$37,399.99	5%

B. No exemption shall be granted:

1. If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of thirty seven thousand three hundred ninety-nine dollars and ninety-nine cents (\$37,399.99). Income tax year shall mean the 12 month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife, or ex-husband or ex-wife is absent from the property as provided in subparagraph b of paragraph 4 of this subdivision, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances, payments made to individuals because of their status as victims of Nazi persecution, as defined in P.L. 103-286 or monies earned through employment in the federal foster grandparent program. In computing net rental income and net income from self employment no depreciation deduction shall be allowed for the exhaustion, wear and tear and real or personal property held for the production of income;

[Editor's Note: Reference to P.L. 103-286 above refers to 108 Stat. 1450, 42 U.S.C.A. 1437a, note, as amended, concerning payments made to victims of Nazi persecution.]

2. Unless the owner shall have held an exemption under this section for his or her previous residence or unless the title of the property shall have been vested in the owner or one of the owners of the property for at least 12 consecutive months prior to the date of making application for exemption, provided, however, that in the event of the death of either a husband or wife in

whose name title of the property shall have been vested at the time of death and then becomes vested solely in the survivor by virtue of devise by or descent from the deceased husband or wife, the time of ownership of the property of the deceased husband or wife shall be deemed also a time of ownership by the survivor and such ownership shall be deemed continuous for the purposes of computing such period of 12 consecutive months. In the event of a transfer by either a husband or wife to the other spouse of all or part of the title to the property, the time of ownership of the property by the transferor spouse shall be deemed also a time of ownership by the transferee spouse and such ownership shall be deemed continuous for the purposes of computing such period of 12 consecutive months. Where property of the owner or owners has been acquired to replace property formerly owned by such owner or owners and taken by eminent domain or other involuntary proceeding, except a tax sale, the period of ownership of the former property shall be combined with the period of ownership of the property for which application is made for exemption and such periods of ownership shall be deemed to be consecutive for purposes of this section. Where a residence is sold and replaced with another within 1 year and both residences are within the state, the period of ownership of both properties shall be deemed consecutive for purposes of the exemption from taxation by a municipality within the state granting such exemption. Where the owner or owners transfer title to property which as of the date of transfer was exempt from taxation under the provisions of this section, the reacquisition of title by such owner or owners within 9 months of the date of transfer shall be deemed to satisfy the requirement of this paragraph that the title of the property shall have vested in the owner or one of the owners for such period of 12 consecutive months. Where, upon or subsequent to the death of an owner or owners, title to property which as of the date of such death was exempt from taxation under such provisions, becomes vested by virtue of devise or descent from the deceased owner or owners, or by transfer by any other means within 9 months after such death, solely in a person or persons who, at the time of such death, maintained such property as a primary residence, the requirement of this paragraph that the title of the property shall have been vested in the owner or one of the owners for such period of 12 consecutive months shall be deemed satisfied;

3. Unless the property is used exclusively for residential purposes, provided, however, that in the event any portion of such property is not so used exclusively for residential purposes but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section;
4. Unless the real property is the legal residence of and is occupied in the whole or in part by the owner or by all of the owners of the property except where
 - a. An owner is absent from the residence while receiving health-related care as an inpatient of a residential health care facility, as defined in section 2801 of the New York State Public Health Law, provided that any income accruing to the person shall only be income only to the extent that it

Chapter 350. TAX: REAL PROPERTY—TAX EXEMPTIONS FOR PERSONS OVER 65 WITH LIMITED INCOME

exceeds the amount paid by such owner, spouse, or co-owner for care in the facility, and provided further, that during such confinement such property is not occupied by other than the spouse or co-owner of such owner; or,

- b. The real property is owned by a husband and/or wife, or an ex-husband and/or ex-wife, and either is absent from the residence due to divorce, legal separation or abandonment and all other provisions of this section are met provided that where an exemption was previously granted when both resided on the property, then the person remaining on the real property shall be 62 years of age or over.

Section 350.02. Application. [Amended 2-9-2010 by L.L. 1 – 2010]

- A. Application for such exemption must be made by the owner or all of the owners of the property on forms prescribed by the state board to be furnished by the appropriate assessing authority and shall furnish the information and be executed in the manner required or prescribed in such forms, and shall be filed in such assessor's office on or before the appropriate taxable status date. Any person otherwise qualifying for the exemption shall not be denied the exemption under this local law if he or she becomes sixty-five years of age after the appropriate taxable status date and on or before December thirty-first of the same year.
- B. Application for such exemption shall be filed in the office of the aforesaid assessor on or before the day fixed by the assessor's office of the city, town or village in which the property is located for filing the final assessment roll.
- C. The assessor may require any applicant to furnish such other and further information as may be reasonably necessary for him to establish the qualification for exemption of said applicant. He or she may establish such rules and procedures and take such other steps as may be necessary to implement the provisions of this local law.
- D. The applicant must verify as to the truth of the statements contained in such application. Any conviction of having made any willful false statement in such application shall be punishable by a fine of not more than one hundred dollars (\$100) and shall disqualify the applicant or applicants from further exemption for a period of 5 years.

Section 350.03. Applicable state law. [Amended 11-9-1983 by L.L. 5-1983]

Notwithstanding any inconsistent provision of chapter 350 of the Schenectady County codified laws, all of the provisions of section 467 of the New York State Real Property Tax Law and section 467-d of the New York State Real Property Tax Law shall be applicable to the granting of exemptions for general county tax purposes and the effectuating of the exemptions provided for herein.

Section 350.04. Taxable status dates. [Added 12-12-2006 by L.L. 4-2006]

**Chapter 350. TAX: REAL PROPERTY—TAX EXEMPTIONS FOR PERSONS OVER 65
WITH LIMITED INCOME**

This local law shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 2007.

LAWS OF SCHENECTADY COUNTY, NEW YORK
PART III CODIFIED LOCAL LAWS
Chapter 355. TAX: REAL PROPERTY—TAX EXEMPTIONS FOR PERSONS WITH
DISABILITIES AND LIMITED INCOME

Chapter 355. TAX: REAL PROPERTY—TAX EXEMPTIONS FOR PERSONS
WITH DISABILITIES AND LIMITED INCOME

[HISTORY: Adopted 2-10-1998 by Local Law 3-1998. Amendments noted where applicable.]

[Editor's Note: Section 355.01 below is effective through June 30, 2007 and shall be deemed repealed and of no further force and effect after that date.]

Section 355.01. Exemption schedule. [Amended 12-12-2006 by L.L. 3-2006]

- A. Pursuant to section 459-C of the New York State Real Property Tax Law, real property owned by one or more persons with disabilities, or real property owned by husband, wife, or both or by siblings, at least one of whom has a disability, and whose income, as hereafter defined, is limited by reason of such disability, shall be exempt from taxation by the County of Schenectady to the extent as provided in the following schedule:

<u>ANNUAL INCOME</u>	<u>PERCENTAGE ASSESSED VALUATION</u> <u>EXEMPT FROM TAXATION</u>
Less than \$26,000	50%
More than \$26,001 but less than \$26,999.99	45%
More than \$27,000 but less than \$27,999.99	40%
More than \$28,000 but less than \$28,999.99	35%
More than \$29,000 but less than \$29,899.99	30%
More than \$29,900 but less than \$30,799.99	25%
More than \$30,800 but less than \$31,699.99	20%
More than \$31,700 but less than \$32,599.99	15%
More than \$32,600 but less than \$33,499.99	10%
More than \$33,500 but less than \$34,399.99	5%

- B. The aforesaid exemption may be subject to the following conditions, to wit. No exemption shall be granted:

1. If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of thirty four thousand three hundred ninety-nine dollars and ninety-nine cents (\$34,399.99). Income tax year shall mean the 12 month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife, or ex-husband or ex-wife is absent from the property due to divorce, legal separation or abandonment, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum.

Chapter 355. TAX: REAL PROPERTY—TAX EXEMPTIONS FOR PERSONS WITH DISABILITIES AND LIMITED INCOME

Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances, or monies earned through employment in the federal foster grandparent program and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance. In computing net rental income and net income from self-employment no depreciation deduction shall be allowed for the exhaustion, wear and tear and real or personal property held for the production of income;

2. Unless the property is used exclusively for residential purposes, provided, however, that in the event any portion of such property is not so used exclusively for residential purposes but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section;
3. Unless the real property is the legal residence of and is occupied in the whole or in part by the disabled person, except where the disabled person is absent from the residence while receiving health-related care as an inpatient of a residential health care facility, as defined in section 2801 of the New York State Public Health Law, provided that any income accruing to the person shall be considered income for purposes of this section only to the extent that it exceeds the amount paid by such person or spouse or sibling of such person for care in the facility

[Editor's Note: Section 355.01 below becomes effective on July 1, 2007 and shall be deemed repealed and of no further force and effect after June 30, 2008.]

Section 355.01. Exemption schedule. [Amended 12-12-2006 by L.L. 3-2006]

- A. Pursuant to section 459-C of the New York State Real Property Tax Law, real property owned by one or more persons with disabilities, or real property owned by husband, wife, or both or by siblings, at least one of whom has a disability, and whose income, as hereafter defined, is limited by reason of such disability, shall be exempt from taxation by the County of Schenectady to the extent as provided in the following schedule:

<u>ANNUAL INCOME</u>	<u>PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION</u>
Less than \$27,000	50%
More than \$27,001 but less than \$27,999.99	45%
More than \$28,000 but less than \$28,999.99	40%
More than \$29,000 but less than \$29,999.99	35%
More than \$30,000 but less than \$30,899.99	30%
More than \$30,900 but less than \$31,799.99	25%
More than \$31,800 but less than \$32,699.99	20%
More than \$32,700 but less than \$33,599.99	15%
More than \$33,600 but less than \$34,499.99	10%
More than \$34,500 but less than \$35,399.99	5%

B. The aforesaid exemption may be subject to the following conditions, to wit. No exemption shall be granted:

1. If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of thirty five thousand three hundred ninety-nine dollars and ninety-nine cents (\$35,399.99). Income tax year shall mean the 12 month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife, or ex-husband or ex-wife is absent from the property due to divorce, legal separation or abandonment, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances, or monies earned through employment in the federal foster grandparent program and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance. In computing net rental income and net income from self-employment no depreciation deduction shall be allowed for the exhaustion, wear and tear and real or personal property held for the production of income;
2. Unless the property is used exclusively for residential purposes, provided, however, that in the event any portion of such property is not so used exclusively for residential purposes but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section;

Chapter 355. TAX: REAL PROPERTY—TAX EXEMPTIONS FOR PERSONS WITH DISABILITIES AND LIMITED INCOME

3. Unless the real property is the legal residence of and is occupied in the whole or in part by the disabled person, except where the disabled person is absent from the residence while receiving health-related care as an inpatient of a residential health care facility, as defined in section 2801 of the New York State Public Health Law, provided that any income accruing to the person shall be considered income for purposes of this section only to the extent that it exceeds the amount paid by such person or spouse or sibling of such person for care in the facility

[Editor's Note: Section 355.01 below becomes effective on July 1, 2008 and shall be deemed repealed and of no further force and effect after June 30, 2009.]

Section 355.01. Exemption schedule. (Amended 12-12-2006 by L.L. 3-2006)

- A. Pursuant to section 459-C of the New York State Real Property Tax Law, real property owned by one or more persons with disabilities, or real property owned by husband, wife, or both or by siblings, at least one of whom has a disability, and whose income, as hereafter defined, is limited by reason of such disability, shall be exempt from taxation by the County of Schenectady to the extent as provided in the following schedule:

<u>ANNUAL INCOME</u>	<u>PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION</u>
Less than \$28,000	50%
More than \$28,001 but less than \$28,999.99	45%
More than \$29,000 but less than \$29,999.99	40%
More than \$30,000 but less than \$30,999.99	35%
More than \$31,000 but less than \$31,899.99	30%
More than \$31,900 but less than \$32,799.99	25%
More than \$32,800 but less than \$33,699.99	20%
More than \$33,700 but less than \$34,599.99	15%
More than \$34,600 but less than \$35,499.99	10%
More than \$35,500 but less than \$36,399.99	5%

- B. The aforesaid exemption may be subject to the following conditions, to wit. No exemption shall be granted:
 1. If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of thirty six thousand three hundred ninety-nine dollars and ninety-nine cents (\$36,399.99). Income tax year shall mean the 12 month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife, or ex-husband or ex-wife is absent from the

Chapter 355. TAX: REAL PROPERTY—TAX EXEMPTIONS FOR PERSONS WITH DISABILITIES AND LIMITED INCOME

- property due to divorce, legal separation or abandonment, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances, or monies earned through employment in the federal foster grandparent program and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance. In computing net rental income and net income from self-employment no depreciation deduction shall be allowed for the exhaustion, wear and tear and real or personal property held for the production of income;
2. Unless the property is used exclusively for residential purposes, provided, however, that in the event any portion of such property is not so used exclusively for residential purposes but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section;
 3. Unless the real property is the legal residence of and is occupied in the whole or in part by the disabled person, except where the disabled person is absent from the residence while receiving health-related care as an inpatient of a residential health care facility, as defined in section 2801 of the New York State Public Health Law, provided that any income accruing to the person shall be considered income for purposes of this section only to the extent that it exceeds the amount paid by such person or spouse or sibling of such person for care in the facility

[Editor's Note: Section 355.01 below becomes effective on July 1, 2009.]

Section 355.01. Exemption schedule. (Amended 12-12-2006 by L.L. 3-2006)

- A. Pursuant to section 459-C of the New York Real State Property Tax Law, real property owned by one or more persons with disabilities, or real property owned by husband, wife, or both or by siblings, at least one of whom has a disability, and whose income, as hereafter defined, is limited by reason of such disability, shall be exempt from taxation by the County of Schenectady to the extent as provided in the following schedule:

<u>ANNUAL INCOME</u>	<u>PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION</u>
Less than \$29,000	50%
More than \$29,001 but less than \$29,999.99	45%
More than \$30,000 but less than \$30,999.99	40%
More than \$31,000 but less than \$31,999.99	35%
More than \$32,000 but less than \$32,899.99	30%

Chapter 355. TAX: REAL PROPERTY—TAX EXEMPTIONS FOR PERSONS WITH DISABILITIES AND LIMITED INCOME

More than \$32,900 but less than \$33,799.99	25%
More than \$33,800 but less than \$34,699.99	20%
More than \$34,700 but less than \$35,599.99	15%
More than \$35,600 but less than \$36,499.99	10%
More than \$36,500 but less than \$37,399.99	5%

B. The aforesaid exemption may be subject to the following conditions, to wit. No exemption shall be granted:

1. If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the sum of thirty seven thousand three hundred ninety-nine dollars and ninety-nine cents (\$37,399.99). Income tax year shall mean the 12 month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife, or ex-husband or ex-wife is absent from the property due to divorce, legal separation or abandonment, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances, or monies earned through employment in the federal foster grandparent program and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance. In computing net rental income and net income from self-employment no depreciation deduction shall be allowed for the exhaustion, wear and tear and real or personal property held for the production of income;
2. Unless the property is used exclusively for residential purposes, provided, however, that in the event any portion of such property is not so used exclusively for residential purposes but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section;
3. Unless the real property is the legal residence of and is occupied in the whole or in part by the disabled person, except where the disabled person is absent from the residence while receiving health-related care as an inpatient of a residential health care facility, as defined in section 2801 of the New York State Public Health Law, provided that any income accruing to the person shall be considered income for purposes of this section only to the extent that it exceeds the amount paid by such person or spouse or sibling of such person for care in the facility

Section 355.02. Ownership in a cooperative apartment corporation.

For purposes of this exemption, ownership in a cooperative apartment corporation, shall be exempt as follows:

- A. Title to that portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides, and which is represented by his or her share or shares of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant stockholder.
- B. That proportion of the assessment of such real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such entire parcel and the buildings thereon owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation pursuant to this section and any exemption so granted shall be credited by the appropriate taxing authority against the assessed valuation of such real property; the reduction in real property taxes realized thereby shall be credited by the cooperative apartment corporation against the amount of such taxes otherwise payable by or chargeable to such tenant-stockholder.

**Chapter 360. TAX: REAL PROPERTY—TAX EXEMPTIONS FOR
PHYSICALLY DISABLED AND BLIND**

[HISTORY: Adopted 10-12-1993 by Local Law 5-1993.]

Section 360.01.Exemption.

Pursuant to section 459 of the New York State Real Property Tax Law, real property used solely as a one, two or three family residence of a physically disabled resident owner or a member of a resident owner's household who is physically disabled and resides in the property is exempt from taxation to the extent of any increase in value attributable to improvements to facilitate and accommodate the use and accessibility of the property by physically disabled or blind persons.

Section 360.02. Statement if physically disabled.

A physically disabled individual must submit to the assessor a certified statement from a physician which states that the individual has a permanent physical impairment which substantially limits one or more of the major life activities.

Section 360.03. Statement if legally blind.

If the individual is legally blind, he or she may submit a certificate from the state commission for the blind and visually handicapped in lieu of the physician's statement. The owner of the property must file this certificate together with an application form prescribed by the state board with the assessor by taxable status date.

Section 360.04. Improvements covered by the exemption.

The exemption shall apply to improvements constructed before or after the effective date hereof and shall be first available in connection with assessment rolls prepared after such effective date.

Section 360.05. Continuation of exemption.

The exemption continues until the improvement ceases to be necessary to facilitate and accommodate the use and accessibility of the property by the physically disabled resident.

LAWS OF SCHENECTADY COUNTY, NEW YORK
PART III CODIFIED LOCAL LAWS
Chapter 360. TAX: REAL PROPERTY—TAX EXEMPTIONS FOR PHYSICALLY DISABLED
AND BLIND

Chapter 365. TAX: REAL PROPERTY—TAX LIEN REDEMPTION PERIOD

[HISTORY: Adopted 1-9-1996 by Local Law 1-1996. Amendments noted where applicable.]

Section 365.01. Effective date.

The provisions of this local law shall only be applicable to the enforcement of collection of delinquent taxes by Schenectady County of all taxes which shall have become liens on or after January 1, 1995.

Section 365.02. Redemption.

Real property subject to a delinquent tax lien may be redeemed by payment to the enforcement officer on or before the expiration date of the redemption period of the amount of the delinquent tax lien or liens including all charges authorized by law.

Section 365.03. Redemption period for residential and farm property.

The redemption period for all residential and farm property shall expire 4 years after the lien date for liens arising on or after January 1, 1995.

Section 365.04. Redemption period for all other properties. [Amended 12-1-1996 by L.L. 9-1996]

The redemption period for all other properties shall expire 2 years after the lien date for liens arising on or after January 1, 1996.

Chapter 370. TELEPHONE ACCESS LINES SURCHARGE

[HISTORY: Adopted 1-8-1991 by Local Law 1-1991.]

Section 370.01. Surcharge.

Pursuant to the provisions of article 6 of the New York State County Law, a surcharge of thirty-five cents (35¢) per telephone access line per month shall be imposed and collected on all bills rendered for local exchange access service within the County of Schenectady and shall be administered as provided for by law.

Chapter 375. TOBACCO: PENALTIES FOR SALES TO MINORS

[HISTORY: Adopted 2-11-1997 by Local Law 6-1997. Amendments noted where applicable.]

Section 375.01. Legislative intent. [Amended 1-23-2001 by L.L. 1-2001]

This legislature finds that the obtaining and use of tobacco products by minors less than 18 years of age is a public health threat and should not be tolerated in this county. This legislature further finds that the adolescent tobacco-use prevention act (article 13-F of the New York State Public Health Law, chapter 700 of the laws of 1992, as amended by the laws of 2000) does not preempt the imposition of more severe or additional penalties for violation of such law. Therefore, it is the purpose of this local law to provide such penalties as a way of ensuring and promoting compliance and providing for education as to the harmful effects of smoking in order to protect the health, welfare and safety of the citizens of Schenectady County, especially adolescents.

Section 375.02. Definitions.

- A. "Enforcement officer" shall mean the board of health of Schenectady County or its designee, the commissioner of public health services.
- B. "Registration" shall mean the filing with the enforcement officer at least once in every 2 year calendar period a registration form and certificate of compliance for each location where tobacco products are offered for sale.
- C. "Retail dealer" shall mean any person other than a wholesale dealer engaged in selling tobacco products.
- D. "Retail sale" or "sale at retail" shall mean either a direct or vending machine sale to a consumer or to any other person for any purpose.
- E. "Sale" shall mean any transfer of title or possession or both, exchange or barter, conditional or otherwise, in any manner or by any means whatever or any agreement therefore.
- F. "Tobacco product" shall mean one or more cigarettes, cigars, chewing tobacco, powdered tobacco, or any other tobacco products.
- G. "Vending machine" shall mean any mechanical, electronic or other similar device which dispenses tobacco products.

Section 375.03. Penalties. [Amended 1-23-2001 by L.L. 1-2001]

Notwithstanding any other provision of law to the contrary providing for a civil penalty for violating the adolescent tobacco use prevention act, if the enforcement officer

determines after a hearing that a violation of article 13-F of the New York State Public Health Law has occurred, he or she shall impose a civil penalty of a minimum of three hundred dollars (\$300), or a minimum of four hundred dollars (\$400) if the civil penalty abatement provisions of section 375.04 of this local law do not apply, but not to exceed a maximum of one thousand dollars (\$1,000) for a first violation; and a civil penalty of a minimum of five hundred dollars (\$500), but not to exceed a maximum of two thousand five hundred dollars (\$2,500) for each subsequent violation. This local law shall supersede the civil penalty provisions set forth in section 1399-ee (2) of the New York State Public Health Law in the County of Schenectady.

Section 375.04. Penalty abatement.

- A. Except as hereinafter provided, upon a finding of a violation at a retail sale location, the civil penalty imposed herein shall not exceed one hundred dollars (\$100) for a first violation and shall not exceed one thousand dollars (\$1,000) for a second or subsequent violation, if the retail dealer or vending machine operator, prior to the commencement of an enforcement action or the filing of a complaint with the enforcement officer and within 2 years thereof, has either:
 - 1. Registered or re-registered as a retail dealer with the enforcement officer, each location where tobacco products are sold and, in addition, filed a certification stating that such person has for such location:
 - a. Adopted a written policy designed to ensure compliance with article 13-F of the New York State Public Health Law, and
 - b. Communicated said policy to each agent or employee making such retail sales of tobacco products, and
 - c. Conducted or arranged tobacco product training sessions for each agent or employee making such retail sales of tobacco products.
 - 2. Registered or re-registered as a vending machine operator with the enforcement officer each location where tobacco products are sold and, in addition, filed a certification stating that each location complies with the provisions of §1399-dd of the New York State Public Health Law.
- B. Every such registration and certification shall be made upon a form prescribed and prepared by the enforcement officer. The provision for registration herein shall be in addition to any other registration requirement imposed by any other provision of law or regulation thereunder.
- C. The abatement provisions of this section shall not apply if the enforcement officer determines that there has been a violation of article 13-F of the New York State Public Health Law 3 times within a 2 year period, or 4 or more times cumulatively or there has been a conviction in a criminal proceeding of a violation of section 260.21(3) of the New York State Penal Law.

Section 375.05. Additional penalty.

If a retail dealer or vending machine operator is not registered with the New York State department of taxation and finance, as required pursuant to article 20 of the New York State Tax Law in order to sell tobacco products at retail at the time of the violation, the civil penalty abatement provisions of section 375.04 of this local law shall not apply and, the enforcement officer shall, after a hearing and a determination that a violation of article 13-F of the New York State Public Health Law has occurred, impose an additional civil penalty of five hundred dollars (\$500) for such violation.

Section 375.06 . Use of penalty funds. [Amended 1-23-2001 by L.L. 1-2001]

- A. Any penalty collected herein shall be used to ensure and promote enforcement of this local law and article 13-F of the New York State Public Health Law and promote anti-tobacco activities.
- B. The enforcement officer shall cooperate with law enforcement of every city, town and village of the County of Schenectady, to provide effective enforcement of this local law and article 13-F of the New York State Public Health Law.
- C. The county manager shall be empowered, upon resolution and approval of the county legislature, to make disbursements of any surplus funds received from collection of penalties herein to local law enforcement agencies in order to facilitate the purposes of this local law.

Section 375.07. Reward.

The enforcement officer shall offer and the county legislature may authorize by resolution the payment of a reward of one hundred dollars (\$100) to any person, not employed by local or county government and not a member of a state or local police department, for information which shall lead to the arrest and conviction of a person or persons in a criminal proceeding of selling or causing to be sold tobacco products to a child less than 18 years of age in the County of Schenectady in violation of section 260.21(3) of the New York State Penal Law.

Chapter 376. TOBACCO: PROHIBITING SALE TO PERSONS UNDER 21 YEARS OF AGE

[HISTORY: Adopted 8-9-2016 by Local Law 1-2016.]

Section 376.01. Legislative intent. [Amended 1-23-2001 by L.L. 1-2001)

Any person operating a place of business in the County of Schenectady wherein cigarettes, tobacco products, liquid nicotine, shisha or electronic cigarettes are sold or offered for sale is prohibited from selling such cigarettes, tobacco products, liquid nicotine, shisha or electronic cigarettes to persons under twenty-one years of age. Sale of cigarettes, tobacco products, liquid nicotine, shisha or electronic cigarettes in such places shall be made only to a person who demonstrates, through a photographic identification card issued by a governmental entity or educational institution, that the person is over twenty-one years of age. Such photographic identification card need not be required of any person who reasonably appears to be at least thirty years of age, provided, however, that such appearance shall not constitute a defense in any proceeding alleging the sale of cigarettes, tobacco products, liquid nicotine, shisha or electronic cigarettes to a person under twenty-one years of age.

Section 376.02. Definitions.

As used in this local law:

- A. "Tobacco products" means one or more cigarettes or cigars, bidis, chewing tobacco, powdered tobacco, nicotine water or any other tobacco products.
- B. "Bidis" means a product containing tobacco that is wrapped in Temburni leaf (*diospyros melanoxylon*) or tendra leaf (*diospyros exculpra*), or any other product offered to consumers as "beedies" or "bidis".
- C. "Electronic cigarette" means an electronic device that delivers vapor which is inhaled by an individual user, and shall include any refill, cartridge and any other component of such a device.
- D. "Liquid nicotine" means a liquid composed of nicotine and other chemicals, and which is sold as a product that may be used in an electronic cigarette.
- E. Shisha" means any product made primarily of tobacco or other leaf, or any combination thereof, smoked or intended to be smoked in a hookah or water pipe.

Section 376.03. NOTICE.

Any person operating a place of business wherein cigarettes, tobacco products, liquid nicotine, shisha or electronic cigarettes are sold or offered for sale shall post in a conspicuous place a sign, in accordance with the rules of the Office of Public Health

Chapter 376. TOBACCO: PROHIBITING SALE TO PERSONS UNDER 21 YEARS OF AGE

Services, advising persons about the minimum age requirements for the sale of such items.

Section 376.04. Penalty.

Any person found to be in violation of any provision of this local law shall be subject to the imposition of a civil penalty by the Director of the Office of Public Health Services of a minimum of three hundred dollars (\$300), but not to exceed one thousand dollars (\$1,000) for a first violation, and a minimum of five hundred dollars (\$500), but not to exceed one thousand five hundred dollars (\$1,500) for each subsequent violation.

Section 375.05. Effective Date.

This law shall take effect on September 1, 2016.

Chapter 380. TOBACCO: VENDING MACHINE SALES

[HISTORY: Adopted 6-13-2000 by Local Law 6-2000. \]

Section 380.01. Legislative findings.

Cigarette smoking has been proven to be harmful to the public health. It is further found that the great majority of all smokers begin smoking in their teenage years, and that the most frequent ages for beginning smoking are under the age of 18. Access through self-service tobacco displays is a contributing factor to this problem whereby tobacco products are more easily obtained by young people. To help alleviate the current problem and to prevent tobacco use, all tobacco products should be secured behind monitored service counters and placed only in areas not accessible to minors.

Section 380.02. Purpose.

It is the purpose of this local law to aid enforcement of laws prohibiting the sale of tobacco to minors, and to reduce minors' access to tobacco by requiring tobacco sales to be made by personal transactions except for those specified herein.

Section 380.03. Definitions.

For the purpose of this local law, the following terms shall have the following meanings:

- A. "Person" includes one or more individuals, partnerships, associations, corporations, or any combination of individuals and corporations, by whatever means organized.
- B. "Retailer" is to mean any person who operates a store, shop, booth, stand, concession, or any other place where tobacco is sold to purchasers for consumption or use.
- C. "Tobacco" is to mean any cigarette, pipe tobacco, chewing tobacco, smokeless tobacco, snuff, or any other form of tobacco which may be smoked, inhaled, chewed, or in any other manner ingested.

Section 380.04. Self-service sale restrictions.

It shall be unlawful for any person to display or store a tobacco product for sale, storage, or distribution without charge, in a manner which permits the purchaser or recipient of the tobacco product direct access or self-service to the tobacco product.

Section 380.05. Exemption.

The provisions of section 380.04 of this local law shall not be applicable to the sale of tobacco products otherwise permissible pursuant to the provisions of section 1399-dd of the New York State Public Health Law; in a bar or bar area of a food service establishment licensed pursuant to the provisions of the Alcohol Beverage Control Law of the State of New York; in an establishment which sells tobacco products exclusively in a place of employment which has an insignificant portion of its regular workforce comprised of people under the age of 18; or in a private club, provided that in such locations where a vending machine is utilized for the sale of the tobacco product, such machine is under the direct supervision and control of the sales clerk or a designated management person and such vending machine is not accessible to the general public.

Section 380.06. Enforcement.

The Schenectady County director of the department of public health services is hereby authorized to recommend to the county board of health such rules and regulations necessary to ensure compliance with this local law. If after a hearing conducted pursuant to the provisions of chapter 125 of the Schenectady County codified local laws (the Schenectady County sanitary code) that a violation of this local law has occurred, a civil penalty shall be imposed.

Section 380.07. Penalties.

Any person found to be in violation of this local law shall be liable for a civil penalty of not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500) for the first violation, not less than two hundred dollars (\$200) and not more than one thousand dollars (\$1,000) for each subsequent violation committed within a 2 year period of the last prior violation.

Any penalty imposed and collected pursuant to this local law shall be remitted to the Schenectady County department of public health services.

Chapter 385. TRAFFIC SAFETY BOARD

[HISTORY: Adopted 3-10-1964 by Local Law 1-1964. Amendments noted where applicable.]

Section 385.01. Short title.

This local law shall be known as "The Schenectady County traffic safety board law."

Section 385.02. Membership of board. [Amended 4-9-1974 by L.L. 3-1974]

The board shall be composed of 20 members, appointed by the county manager subject to confirmation by the county legislature, who shall be selected by the county manager from a list of qualified electors of the county, as follows:

- A. At least 1, but no more than 3, of such members shall be a resident, or residents, of and be appointed from the city of Schenectady, and the balance of such members shall be appointed from the county at large.
- B. The term of office of such members shall be 3 years, except that the members first appointed to such board shall be appointed as follows: 5 shall be appointed for a term of 1 year; 5 for a term of 2 years and 5 for a term of 3 years. Upon the expiration of the term of office of any member, his or her successor shall be appointed by the county manager to membership on such board for a term of 3 years.
- C. New members of such board comprising the additional 5 members provided for by this 1974 amendment to the 1964 local law shall be appointed for terms of office as follows: 1 for a term of 1 year; 2 for a term of 2 years and 2 for a term of 3 years. Upon the expiration of the term of office of any member, his successor shall be appointed by the county manager to membership on such board for a term of 3 years.
- D. The members of such board shall receive no compensation for services but shall be entitled to their reasonable and necessary expenses, incurred in the performance of their duties, within any appropriation made for such purposes.

Section 385.03. Organization and reports by the board.

The Schenectady County traffic board shall:

- A. Meet and organize within 15 days after its members are appointed.
- B. Elect annually a chairperson, vice-chairperson and a secretary from its members.
- C. Adopt rules for the conduct of its business.

- D. Within the limits of the appropriations made therefore by the legislature or other governing body of the county, authorize the employment of such personnel as may be necessary to properly perform the functions and carry out the objectives of this law.
- E. Appoint an executive secretary who shall be the executive and administrative officer of the board.
- F. Render annually to the legislature or other governing body of the county, and from time to time as required, a verified account of all moneys received and expended by it or under its direction and an account of its proceedings and of other pertinent matters in such form and manner as may be required by such legislature or body.
- G. Submit annually to the proper fiscal authorities of the county, at such time and in such manner as may be required by the law applicable thereto, an estimate of the funds required to carry out the purposes of this law.

Section 385.04. Functions of the board.

The Schenectady County traffic board is authorized:

- A. To promote and encourage street and highway traffic safety.
- B. To formulate countywide highway safety programs and coordinate efforts of interested parties and agencies engaged in traffic safety education.
- C. To cooperate with local officials within the county in the formulation and execution of traffic safety programs and activities.
- D. To study traffic conditions on streets and highways within the county, study and analyze reports of accidents and causes thereof, and recommend to the appropriate legislative bodies, departments, or commissions, such changes in rules, orders, regulations and existing law as the board may deem advisable.
- E. To conduct meetings within the county whenever and wherever the board shall deem it advisable and to invite to such meetings parties and agencies, public and private, interested in traffic regulation, control and safety education.
- F. To promote safety education for drivers and pedestrians.
- G. To obtain and assemble motor vehicle accident data, and to analyze, study and consolidate such data for educational and informational purposes.

Section 385.05. Executive secretary of the board.

The executive secretary of the Schenectady County traffic board shall:

- A. Subject to the supervision and control of the board, perform the functions necessary to properly and efficiently carry out the provisions and purposes of this law.
- B. Be a citizen of the United States.
- C. Receive such salary and expenses as the legislature, or other governing body of the county, may fix and properly account for such expenses.
- D. Furnish an official undertaking in an amount and in such form and with such sureties as shall be approved by the legislature or other governing body of the county.

Section 385.06. County purpose and charges.

The provisions of this law and expenditures made hereunder shall be deemed a county purpose and charge.

Chapter 390. WIRELESS COMMUNICATIONS SURCHARGE

[HISTORY: Adopted 12-21-2006 by Local Law 05-2006. Repealed by Local Law 02-2017.]

Section 390.01.

Local Law No. 5-2006, entitled “Wireless Communications Surcharge,” that imposed the wireless surcharge currently authorized by the County Law is hereby repealed.

Section 390.02. Imposition of wireless communications surcharges.

- A. Pursuant to the authority of section 186-g of the NYS Tax Law there are hereby imposed and there shall be paid surcharges within the territorial limits of Schenectady County on:
 - I. wireless communications service provided to a wireless communications customer with a place of primary use within such county, at the rate of thirty cents per month on each wireless communications device in service during any part of the month; and
 - II. the retail sale of prepaid wireless communications service sold within such county, at the rate of thirty cents per retail sale, whether or not any tangible personal property is sold therewith.
- B. Wireless communications service suppliers shall begin to add such surcharge to the billings of its customers and prepaid wireless communications sellers shall begin to collect such surcharge from its customers commencing December 1, 2017.
- C. Each wireless communications service supplier and prepaid wireless communications seller is entitled to retain, as an administrative fee, an amount equal to three percent of its collections of the surcharges imposed by this local law, provided that the supplier or seller files any required return and remits the surcharges due to the New York State Commissioner of Taxation and Finance on or before its due date:

Section 390.03. Administration of Surcharges.

The surcharges imposed by this local law shall be administered and collected by the New York State Commissioner of Taxation and Finance as provided in paragraph (8) of section 186-g of the NYS Tax Law, and in a like manner as the taxes imposed by Articles twenty-eight and twenty-nine of the NYS Tax Law.

Section 390.04. Applicability of State Law to Surcharges Imposed by this Local Law.

All the provisions of section 186-g of the NYS Tax Law shall apply to the surcharges imposed by this local law with the same force and effect as if those provisions had been set forth in full in this local law, except to the extent that any of those provisions is either inconsistent with or not relevant to the surcharges imposed by this local law.

Section 390.05.

Net collections received by this county from the surcharges imposed by this local law shall be expended only upon authorization of the Legislature of Schenectady County and only for payment of system costs, eligible wireless 911 service costs, or other costs associated with the administration, design, installation, construction, operation, or maintenance of public safety communications networks or a system to provide enhanced wireless 911 service serving such county, as provided in paragraph (9) of section 186-g of the NYS Tax Law, including, but not limited to, hardware, software, consultants, financing and other acquisition costs. The county shall separately account for and keep adequate books and records of the amount and object or purpose of all expenditures of all such monies. If, at the end of any fiscal year, the total amount of all such monies exceeds the amount necessary for payment of the above mentioned costs in such fiscal year, such excess shall be reserved and carried over for the payment of those costs in the following fiscal year.

Section 390.06. Effective Date.

This local law shall take effect December 1, 2017.

LAWS OF SCHENECTADY COUNTY, NEW YORK
PART III CODIFIED CHAPTERS
Chapter 400. ESTABLISHING A PROHIBITION FROM TEXT MESSAGING WHILE DRIVING

**Chapter 400. ESTABLISHING A PROHIBITION FROM TEXT MESSAGING WHILE
DRIVING**

[HISTORY: Repealed 4-14-2015 by Local Law 2-2015 based on a finding that this Chapter is preempted by New York State Vehicle and Traffic Law § 1225-d. Adopted 3-9-2010 by Chapter 2-2010.]

***Chapter 400.* ESTABLISHING A PROHIBITION FROM TEXT MESSAGING WHILE
DRIVING**

**Chapter 405. ALLOWING FOR CERTAIN ITEMS TO BE EXCLUDED FROM THE
DANGEROUS FIREWORKS DEFINITION AS PERMITTED BY SECTION 405.00 OF
THE NEW YORK STATE PENAL LAW**

[HISTORY: Adopted 5-12-2015 by Local Law 3-2015. REPEALED 5-9-17 by Local Law 1-2017. Amended by Local Law 3-2018.]

Section 405.01. Legislative Intent.

1. On October 23, 2017 Governor Andrew Cuomo signed into law Chapter 371 of the Laws of 2017, entitled An Act to amend the penal law, in relation to authorizing the sale and possession of sparkling devices outside of cities with a population of one million or more;
2. This law amended the Penal Law to authorize the sale and possession of sparkling devices outside of cities with a population of one million or more
3. This law allows a county to enact a local law to prohibit the sale and use sparkling devices within its jurisdiction.

Section 405.02. Definitions.

“Sparkling Devices” as used in this local law, include:

1. “Sparkling Devices” which are ground-based or hand-held devices that produce a shower of white, gold, or colored sparks as their primary pyrotechnic effect. Additional effects may include a colored flame, an audible crackling effect, an audible whistle effect, and smoke. These devices do not rise into the air, do not fire inserts or projectiles into the air, and do not explode or produce a report (an audible crackling-type effect is not considered to be a report). Ground-based or hand-held devices that produce a cloud of smoke as their sole pyrotechnic effect are also included in this category. Types of devices in this category include:
 - (a) cylindrical fountain: cylindrical tube containing not more than seventy-five grams of pyrotechnic composition that may be contained in a different shaped exterior such as a square, rectangle, cylinder or other shape but the interior tubes are cylindrical in shape. Upon ignition, a shower of colored sparks, and sometimes a whistling effect or smoke, is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle to be hand held (handle fountain). When more than one tube is mounted on a common base, total pyrotechnic composition may not exceed two hundred grams, and when tubes are securely attached to a base and the tubes are separated from each other on the base by a distance of at least half an inch (12.7 millimeters), a maximum total weight of five hundred grams of pyrotechnic composition shall be allowed.
 - (b) cone fountain: cardboard or heavy paper cone containing not more than fifty grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain.

When more than one cone is mounted on a common base, total pyrotechnic composition may not exceed two hundred grams, as is outlined in this subparagraph.

(c) wooden sparkler/dipped stick: these devices consist of a wood dowel that has been coated with pyrotechnic composition. Upon ignition of the tip of the device, a shower of sparks is produced. Sparklers may contain up to one hundred grams of pyrotechnic composition per item.

2. Novelties which do not require approval from the United States Department of Transportation and are not regulated as explosives, provided that they are manufactured and packaged as described below:

(a) party popper: small devices with paper or plastic exteriors that are actuated by means of friction (a string or trigger is typically pulled to actuate the device). They frequently resemble champagne bottles or toy pistols in shape. Upon activation, the device expels flame-resistant paper streamers, confetti, or other novelties and produces a small report. Devices may contain not more than sixteen milligrams (0.25 grains) of explosive composition, which is limited to potassium chlorate and red phosphorus. These devices must be packaged in an inner packaging which contains a maximum of seventy-two devices.

(b) snapper: small, paper-wrapped devices containing not more than one milligram of silver fulminate coated on small bits of sand or gravel. When dropped, the device explodes, producing a small report. Snappers must be in inner packages not to exceed fifty devices each, and the inner packages must contain sawdust or a similar, impact-absorbing material.

Section 405.03. Prohibition.

1. This Governing Body finds that the sale, possession, exploding or causing to explode, or use of “sparkler devices” is not permitted in the County of Schenectady.
2. Except where a permit is obtained from a permit authority, any person who shall possess, use, explode or cause to explode any “sparkler devices” shall be guilty of a violation, as such term is defined in the Penal Law, and the court shall impose sentence upon a person convicted of such offense as prescribed in the Penal Law, provided, however, a sentence to pay a fine shall be an amount not to exceed one hundred dollars.
3. Except where a permit is obtained from a permit authority, any person who shall offer or expose for sale, sell or furnish, any “sparkler devices” shall be guilty of a class B misdemeanor, as such term is defined in the Penal Law, and the court shall impose sentence upon a person convicted of such offense as prescribed in the Penal Law, provided, however, a sentence to pay a fine shall be an amount not to exceed three hundred fifty dollars.

4. Except where a permit is obtained from a permit authority, any person who shall offer or expose for sale, sell or furnish, any “sparkler devices” valued at five hundred dollars or more shall be guilty of a class A misdemeanor, as such term is defined in the Penal Law, and the court shall impose sentence upon a person convicted of such offense as prescribed in the Penal Law, provided, however, a sentence to pay a fine shall be an amount not to exceed seven hundred fifty dollars.
5. Except where a permit is obtained from a permit authority, any person who shall offer or expose for sale, sell or furnish, any “sparkler devices” to any person who is under the age of eighteen shall be guilty of a class A misdemeanor, as such term is defined in the Penal Law, and the court shall impose sentence upon a person convicted of such offense as prescribed in the Penal Law, provided, however, a sentence to pay a fine shall be an amount not to exceed seven hundred fifty dollars.

Section 405.04. Exceptions.

The provisions of this local law shall not apply to:

1. “Sparkling devices” while in possession of railroads, common or contract carriers, retailers, wholesalers, distributors, jobbers and transportation companies or transportation agencies for the purpose of transportation to points without the state, the shipment of which is not prohibited by interstate commerce commission regulations as formulated and published from time to time, unless they be held voluntarily by such railroads, common or contract carriers, retailers, wholesalers, distributors, jobbers and transportation agencies or transporting companies as warehouseman for delivery to points within the state.
2. Signaling devices used by railroad companies or motor vehicles referred to in subdivision seventeen of section three hundred seventy-five of the vehicle and traffic law.
3. “Sparkling devices” for the use thereof by the United States military, and departments of the state and federal government.
4. The use, transportation, storage or sale or transfer for use of “sparkling devices” in the preparation for or in connection with motion pictures, television programs, commercials, and all entertainment media recorded in any current or to be designed format when such use, transportation and storage has been appropriately permitted by Schenectady County.
5. The manufacture, possession, or sale at wholesale of a “sparkling device” to a municipality, religious or civic organization, fair association, amusement park or other organizations authorized by the state to store, transport, possess and use “sparkling devices.”

6. The manufacture or sale of “sparkling devices” provided they are to be shipped directly out of the county.

Section 405.05. Separability.

If any clause, sentence, paragraph, subdivision, section or part of this 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 judgment shall not affect, impair, effect 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 judgment shall be rendered.

Section 405.06. Effective Date.

This law shall take effect immediately after its final adoption, filing and publication in accordance with section 27 of the Municipal Home Rule Law and section 2.12 of the Charter of the County of Schenectady.

**Chapter 500. ESTABLISHING THE TOXIN FREE TODDLER
AND BABIES ACT**

[HISTORY: Repealed 4-14-2015 by Local Law 2-2015, based on a finding that this Chapter is preempted by Laws of 2010, Ch. 280, § 2; Adopted 8-11-2009 by Local Law 2-2009.]

2022

Part IV. Uncodified Local Laws



TABLE OF CONTENTS
SCHENECTADY COUNTY LOCAL LAWS
Part IV.
Schenectady County
Uncodified Local Laws

L.L. #	Year	Subject of Uncodified Local Law
3	1966	Leasing of county owned real property within the existing boundaries of the Schenectady County Airport
2	1969	Contract re: operation of mass transportation system
4	1981	Authorize leasing of Glenridge Hospital Complex without advertising or competitive bidding
5	1981	Authorize sale of Glenridge Hospital Complex
1	1982	Authorize lease of real property in county office building without public advertisement or competitive bidding
3	1982	Authorize contract with DUBB Bus Transportation to provide rural and small urban area mass transportation services
2	1983	Authorize sale of personal property at Glenridge Hospital without public advertising or competitive bidding
3	1984	Longevity payment plan for administrative, supervisory and management personnel
2	1988	Provide longevity increase for administrative, supervisory and management personnel
2	1992	Authorize leasing of real property to not-for-profit for up to 40 years without public advertisement or competitive bidding
2	1993	Authorize sale of certain real property along Route 50 without public advertisement or competitive bidding
4	1993	Authorize sale of certain real property along Route 50 without public advertisement or competitive bidding
4	1995	Authorize sale of certain real property without public advertisement or competitive bidding to Schenectady County IDA
5	1995	Authorize lease of real property at Glendale Nursing Home for up to 75 years

TABLE OF CONTENTS
SCHENECTADY COUNTY LOCAL LAWS
Part IV.
Schenectady County
Uncodified Local Laws

L.L. #	Year	Subject of Uncodified Local Law
6	1995	Authorize sale of real property within Glendale Nursing Home boundaries without public advertisement or competitive bidding
5	1996	Authorize leasing of real property for county purposes for initial lease term of up to 25 years
4	1999	Authorizing conveyance to the Schenectady Metroplex Development Authority of certain real property
1	2000	Authorizing conveyance to Union College of 487 Nott Street
1	2002	Granting a utility easement to provide underground utility service at the Schenectady County Airport
3	2002	Authorizing sale of 821 Union Street without public advertisement or competitive bidding
1	2007	Salaries for officers appointed for a fixed term (not yet in effect)
1	2008	Repealing Local Law 1 of 2000 regarding conveyance of 487 Nott St. in the City of Schenectady to Union College
2	2008	Authorizing the conveyance of 487 Nott St. to the Schenectady County IDA for economic development purposes
3	2008	Authorizing conveyance of land from Schenectady County Airport to the Schenectady County IDA for economic development purposes
1	2009	Dedication of parkland to property owned by Schenectady county and conveyance of certain parcels to Town of Niskayuna
1	2011	Designating property owned by Schenectady county and conveying such property to the Town of Duansburg
6	2011	Authorizing a multi-year sign location lease agreement with Lamar Companies
7	2011	Authorizing lease agreement with Schenectady County Industrial Development Agency for property owned by the county that is located on Washington Avenue in the city of Schenectady
2	2012	Salaries of officers appointed for a fixed term

TABLE OF CONTENTS
SCHENECTADY COUNTY LOCAL LAWS
Part IV.
Schenectady County
Uncodified Local Laws

L.L. #	Year	Subject of Uncodified Local Law
3	2012	Salaries for elected officers
4	2012	Authorizes the transfer certain real property located in the Town of Princetown to Richard Peterson
5	2012	Designation of certain property owned by Schenectady County as parkland and the conveyance of such property to the Town of Rotterdam.
1	2013	Regarding purchase contracts awarded on the basis of best value
1	2014	Salaries for elected officers
4	2018	TO ENACT MEASURES REGARDING EVICTION PROCEEDINGS AND DISPOSITION OF PERSONAL PROPERTY
1	2019	Salaries for Elected Officers
5	2020	HighBridge Erie A Local Law Authorizing The Conveyance Of Real Property Owned By The County Of Schenectady
6	2020	A Local Law Authorizing The Conveyance Of Real Property in the Town of Glenville Owned By The County Of Schenectady
7	2020	A Local Law Authorizing The Conveyance Of Real Property in The Town of Duanesburg Owned By The County Of Schenectady
8	2020	A Local Law Authorizing The Conveyance Of Real Property to C2 Design Owned By The County Of Schenectady in the Town of Glenville
9	2020	A Local Law Authorizing The Lease Of Real Property Owned By The County Of Schenectady
4	2021	A Local Law Authorizing Hunting License Holders Who are Twelve or Thirteen Years of Age to Hunt Deer During Hunting Season in the County of Schenectady
2	2022	A Local Law To Provide For The Payment Of Increased Salaries To Elected Officers Of The County Of Schenectady
4	2022	A Local Law Authorizing The Conveyance Of Real Property Owned By The County Of Schenectady

TABLE OF CONTENTS
SCHENECTADY COUNTY LOCAL LAWS
Part IV.
Schenectady County
Uncodified Local Laws

[illegible]

assessment roll as 254 Spring Road, Scotia, N. Y., the sum of ----- \$ 8.39

To Peter and Greta Van Haste on property described on the 1965 assessment roll as 464 Swaggertown Road, Scotia, N. Y., the sum of ----- \$ 4.24

and be it further

RESOLVED, that the commissioner of finance be and he hereby is authorized to charge the foregoing sums on his books as follows:

Town of Glenville — \$208.75

Ayes—16; noes—0.

Adopted.

Resolution—127

Contract Authorized with Rist-Frost Associates

Nott Street Extension

Representative Lavin offered and moved the adoption of the following resolution; seconded by Representative Fritz:

RESOLVED, that the county manager be and he hereby is authorized to enter into a contract for engineering and surveying services in connection with the construction of the Nott Street extension, pursuant to a proposal submitted by Rist-Frost Associates, of Glens Falls, New York, in accordance with the following:

Part I — Surveys and mapping — \$6,000.00

Parts II and III — Preliminary and detailed design - 3½% of the estimated construction cost as accepted by the Department of Public Works

Part IV — Property acquisition maps — \$1,250.00
said contract to be in a form and content approved by the County Attorney.

Ayes—16; noes—0.

Adopted.

LOCAL LAW No. 3 — YEAR 1966

COUNTY OF SCHENECTADY

Introduced by Representatives White and Fritz:

A LOCAL LAW SUPERSEDING AND ENLARGING THE PROVISIONS OF SECTION 215, SUBDIVISIONS 4 AND 6, OF THE COUNTY LAW, RELATING TO THE LEASING OF COUNTY OWNED REAL PROPERTY.

BE IT ENACTED BY THE BOARD OF REPRESENTATIVES OF THE COUNTY OF SCHENECTADY, AS FOLLOWS:

Section 1. Notwithstanding the provisions of subdivisions 4 and 6 of Section 215 of the County Law of the State of New York, or any other special or local law or resolution, the board of representatives of the County of Schenectady and State of New York may by resolution lease all that real property now contained within the existing boundaries of the Schenectady County Airport which from time to time may be declared by the Board of Representatives as being no longer required for general public use or no longer required for or necessary to the efficient and proper operation of the said airport and its landing field for a term not to exceed ninety-nine (99) years.

Section 2. This local law shall take effect immediately.

Enacted by a roll call vote of 16 ayes.

A copy of a proposed local law to provide for the continuity of government of the County of Schenectady, in the event of an attack or public disaster, was placed on the desk of each representative.

Motion

Moved by Representative Cinquino, seconded by Representative White, that a public hearing be held on July 12, 1966 at 7:30 p. m. in the Chambers of the Board for the purpose of hearing all interested persons on the proposed adoption of this local law.

Vote on the motion was as follows: ayes—16; noes—0.

Adopted.

Representative Lavin commended Sidney Frissell, Director of the Bureau of Municipal Research, for providing members of the Board with a compilation of tax rates for the city, state and county and the 1966 real estate tax guide. He further commended the county attorney's office and the special counsel for the splendid defense of the county in the matter of Michl versus the County.

Moved by Representative Fritz, seconded by Representative Lasak, that the board adjourn.

Adopted.

MARIO A. PACELLI

Clerk, Board of Representatives.

REGULAR MEETING

July 12, 1966

Board called to order by the chairman.

Chairman Torra requested the Clerk of the Board of Representatives to explain the content of proposed Local Law; providing for the

ARTICLE IV EFFECTIVE DATE

This Local Law shall become effective after its final adoption, filing and publication, in accordance with Section 27 of the Municipal Home Rule Law and Section 2.09 of the Charter of the County of Schenectady.

Motion

Moved by Representative Riemer, seconded by Representative DeBlasio, that Local Law No. 1 (1969) be placed on table.

Adopted.

LOCAL LAW No. 2—1969 COUNTY OF SCHENECTADY

Introduced by Representatives Shanklin and Lewis:

A LOCAL LAW PROVIDING FOR CONTRACT WITH PRIVATE MANAGEMENT COMPANY FOR OPERATION OF MASS TRANSPORTATION SYSTEM

BE IT ENACTED by the Board of Representatives of the County of Schenectady, as follows:

Section 1. Authorization for contract. Pursuant to the statutory authority of Article 5-1 of the General Municipal Law, a contract for the County of Schenectady is hereby authorized with City Line Management Corp., a private company, organized and existing by virtue of the laws of the State of New York, whose principal office and place of business is at 1372 E. Main Street, Rochester, New York to, be executed by the County Manager in behalf of the County of Schenectady, subject to the approval of the County Attorney, for management and operation of a Mass Transportation System providing service to the public on routes in the City of Schenectady and other parts of the County of Schenectady, including interurban routes within the County of Schenectady to nearby cities, towns and villages, for the County of Schenectady and the City of Schenectady jointly, or either of such municipal corporations, at the joint expense of the two aforesaid municipal corporations as may be provided in an agreement between such municipal corporations.

Section 2. General provisions of contract. The contract with such private company shall include provisions relating to the responsibilities and limitations on the power of the private company concerning supervision of service, fixation of rates of fare and custody and control of the revenues of bus operation.

Section 3. Specific provisions. The contract with such private company shall include the following specific provisions:

(a) That it is engaged and agrees to render its services to the respective local governments as an independent contractor and not as a government employee.

(b) That personnel furnished by the private company in management

and operation of a mass transportation service are to be company employees and not government employees.

(c) That the compensation to be paid to such private company shall not exceed \$50,000.00 annually for the first two years of a prescribed five year contract, with 5% annual increases in succeeding years, and that such contract shall be subject to automatic renewal on the same terms and conditions for an additional five year period in the absence of advance notice by either party of termination of said contract, and that said specified compensation shall be in addition to the cost to be borne by local government for the expense of capital equipment, repairs, fuel and other supplies, insurance, and other expenses required for the operation of the Mass Transportation System, including reimbursement to the company for wages and other costs in connection with employees furnished for conduct of the operation.

Section 4. Effective date. This Local Law shall become effective after its final adoption, filing and publication, in accordance with Section 27 of the Municipal Home Rule Law and Section 2.09 of the Charter of the County of Schenectady.

Motion

Moved by Representative Riemer, seconded by Representative Bradt, that Local Law No. 2 (1969) be placed on table.

Adopted.

Resolution—169 Calling Public Hearing on Proposed Local Law No. 1—1969

Representative Fritz offered and moved the adoption of the following resolution; seconded by Representative Lewis:

RESOLVED, that pursuant to Section 20 of the Municipal Home Rule Law a public hearing is hereby called upon proposed Local Law No. 1—1969, to be held before the Board of Representatives of the County of Schenectady in the County Board Chambers in the County Office Building, 620 State Street, Schenectady, New York, on the 12th day of November, 1969, at 8:00 P. M., for the purpose of hearing all interested persons on the question of adoption of the proposed local law providing for a Mass Transportation System as joint service of the County of Schenectady and the City of Schenectady; and be it further

RESOLVED, that the Clerk of the Board of Representatives be and he hereby is directed to publish a notice of such public hearing once in both the Schenectady Gazette and Schenectady Union Star on or before the 5th day of November, 1969, such notice to contain the title of the local law and an abstract of the text.

Ayes—14; noes—0.

Adopted.

meeting of the Board of Directors of the Schenectady Community Action Program, Inc. on Thursday, November 13, 1969 at 7:30 p. m. at the First Methodist Church: filed.

A communication was received November 6, 1969 from the Members of the Taxation Committee of the Schenectady County Board of Representatives submitting a report pursuant to Section 804 of the Real Property Tax Law noting the assessed valuations and the tax levy of the various taxing districts in Schenectady County for the 1970 taxable year: referred to Commissioner of Finance.

A communication was received November 7, 1969 from the Supervisor, Town of Duaneburg noting the bonded or other indebtedness of the Town as of November 1, 1969: filed.

A communication was received November 7, 1969 from Thomas G. Stapleton, Scotia, New York noting his concern that people on strike may become eligible for welfare payments and noting also that the library budget was reduced this past budget time and feels that a miscarriage of justice will be had if strikers receive welfare payments from savings in library funds: referred to Finance Committee.

A communication was received November 7, 1969 from the Town Clerk, Town of Niskayuna enclosing a copy of the Annual Budget of the Town of Niskayuna for the year 1970: filed.

A communication was received November 10, 1969 from the Supervisor of the Town of Niskayuna noting the bonded or other indebtedness of the Town as of November 3, 1969: filed.

A communication was received November 12, 1969 from the Town Clerk of the Town of Glenville with a copy of the 1970 budget: filed.

A communication was received November 12, 1969 from Keith L. Williams, Executive Director, Community Welfare Council noting a meeting on November 20, 1969 at 3:45 p. m. at the Social Science Auditorium, Union College regarding An Exploratory Review of the Social Welfare System of Schenectady, New York prepared by the Institute of Community Studies of New York City: filed.

Motion

Representative Lewis moved and Representative Fritz seconded the motion that proposed Local Law No. 1 — 1969, entitled:

"A LOCAL LAW PROVIDING FOR ESTABLISHMENT OF MASS TRANSPORTATION SYSTEM AS JOINT SERVICE OF THE COUNTY OF SCHENECTADY AND THE CITY OF SCHENECTADY"

be and hereby is lifted from the table.

Adopted.

Resolution—174

Adoption of Local Law No. 1—1969

Representative Lewis offered and moved the adoption of the following

resolution; seconded by Representative Fritz:

WHEREAS, proposed Local Law No. 1 — 1969 entitled:

"A LOCAL LAW PROVIDING FOR ESTABLISHMENT OF MASS TRANSPORTATION SYSTEM AS JOINT SERVICE OF THE COUNTY OF SCHENECTADY AND THE CITY OF SCHENECTADY"

was heretofore introduced and tabled on the 30th day of October, 1969, and

WHEREAS, in accordance with the law, a public hearing upon said proposed Local Law No. 1 — 1969 before this County Board of Representatives was duly held on the 12th day of November, 1969, before the commencement of this meeting, and

WHEREAS, said proposed Local Law in final form has been on the desks of the members of this County Board of Representatives since the 30th day of October, 1969, constituting a period of over seven days, exclusive of Sundays, and

WHEREAS, the aforesaid proposed Local Law No. 1 — 1969 has been lifted from the table and action can now be taken thereon by this County Board; now, therefore, be it

RESOLVED, that Local Law No. 1 — 1969 entitled:

"A LOCAL LAW PROVIDING FOR ESTABLISHMENT OF MASS TRANSPORTATION SYSTEM AS JOINT SERVICE OF THE COUNTY OF SCHENECTADY AND THE CITY OF SCHENECTADY"

introduced on the 30th day of October, 1969 be and the same is hereby approved and adopted.

Ayes—12; noes—0.

Adopted.

Motion

Representative Lewis moved and Representative Fritz seconded the motion that proposed Local Law No. 2 — 1969, entitled:

"A LOCAL LAW PROVIDING FOR CONTRACT WITH PRIVATE MANAGEMENT COMPANY FOR OPERATION OF MASS TRANSPORTATION SYSTEM."

be and hereby is lifted from the table.

Adopted.

Resolution—175

Adoption of Local Law No. 2 — 1969

Representative Lewis offered and moved the adoption of the following resolution; seconded by Representative Fritz:

WHEREAS, proposed Local Law No. 2 — 1969 entitled:

"A LOCAL LAW PROVIDING FOR CONTRACT WITH PRIVATE MANAGEMENT COMPANY FOR OPERATION OF MASS TRANSPORTATION SYSTEM."

was heretofore introduced and tabled on the 30th day of October, 1969, and

WHEREAS, in accordance with the law, a public hearing upon said proposed Local Law No. 2 — 1969 before this County Board of Representatives was duly held on the 12th day of November, 1969, before the commencement of this meeting, and

WHEREAS, said proposed Local Law in final form has been on the desks of the members of this County Board of Representatives since the 30th day of October, 1969, constituting a period of over seven days, exclusive of Sundays, and

WHEREAS, the aforesaid proposed Local Law No. 2 — 1969 has been lifted from the table and action can now be taken thereon by this County Board; now, therefore, be it

RESOLVED, that Local Law No. 2 — 1969 entitled:

"A LOCAL LAW PROVIDING FOR CONTRACT WITH PRIVATE MANAGEMENT COMPANY FOR OPERATION OF MASS TRANSPORTATION SYSTEM."

introduced on the 30th day of October, 1969 be and the same is hereby approved and adopted.

Ayes—12; noes—0.

Adopted.

Resolution—176

Amending Resolution 202—Proceedings of 1968

Representative Fritz offered and moved the adoption of the following resolution; seconded by Representative Duci:

WHEREAS, by Resolution 202, proceedings of 1968, the County Board of Representatives authorized the making of a contract with the architectural firm of Cataldo & Vikre for certain work to be performed at the Schenectady County Community College, and

WHEREAS, the firm of Cataldo & Vikre has been dissolved, and

WHEREAS, the Board of Trustees of said college has recommended the employment of the architectural firm of Cataldo & Associates; now, therefore, be it

RESOLVED, that the County Manager be and he hereby is authorized to enter into a contract for the services of Cataldo & Associates in the place and stead of Cataldo & Vikre on the same terms and conditions as set forth in Resolution 202, proceedings of 1968, subject to the limitation that this employment shall relate only to Phase IV of the renovations of

the former Hotel Van Curler building and subject to the right of the County to withhold an appropriate amount of the compensation from Cataldo & Associates until release or waiver from George Vikre is secured, or other satisfactory indemnification provided.

Ayes—12; noes—0.

Adopted.

Resolution—177

Authorization to Submit Application for State Aid for

Capital Costs for New Community Mental Retardation Facility

Representative White offered and moved the adoption of the following resolution; seconded by Representative Duci:

WHEREAS, the Schenectady Community Mental Health Board recommends that the County of Schenectady submit an application for State Aid for capital costs for a new community mental retardation facility to be constructed by the Schenectady Community Mental Retardation Services Company, Inc., and

WHEREAS, the County of Schenectady desires to submit to the State of New York, Department of Mental Hygiene, such application for the granting of State Aid for the construction of new mental retardation facilities to be operated by the Schenectady Community Mental Retardation Services Company, Inc., which is now in the process of being organized for such purpose, now, therefore, be it

RESOLVED, that this Board of Representatives does hereby approve the making and submission to the State of New York, Department of Mental Hygiene, an application for State Aid for capital costs for the construction of a community mental retardation facility, and be it further

RESOLVED, that the Chairman of the Board of Representatives is hereby authorized and directed to duly execute, on behalf of the County of Schenectady, the said application and the contracts relating thereto with the aforesaid Schenectady Community Mental Retardation Services Company, and be it further

RESOLVED, that the \$600,000.00 proposed expenditure be reimbursed by the Federal Government or agency thereof at the rate of 33 1/3 %, the New York State Government or agency thereof at the rate of 28 1/3 % and the Schenectady Community Mental Retardation Services Company at the rate of 38 1/3 %, and be it further

RESOLVED, that the Schenectady County Capital Improvement program be amended accordingly.

Ayes—12; noes—0.

Adopted.

Resolution—178

Mortgage Tax Distribution

Representative Fessenden offered and moved the adoption of the fol-

Motion

Moved by Representative Chase, seconded by Representative Lasak, that Proposed Local Law No. 3—1981 be placed on the table.

Motion carried.

Resolution—41—81**Calling Public Hearing on Proposed Local Law No. 3—1981**

Representative Chase offered and moved the adoption of the following resolution; seconded by Representative Lasak:

RESOLVED, that pursuant to Section 20 of the Municipal Home Rule Law, a public hearing is hereby called upon proposed Local Law No. 3—1981, to be held before the Board of Representatives of the County of Schenectady in the County Board Chambers in the County Office Building, 620 State Street, Schenectady, New York on the 10th day of March, 1981, at 7:25 p. m. for the purpose of hearing all interested persons on the question of adoption of a proposed local law amending the administrative code of the County of Schenectady by adding a new section 13.02 to Article XIII entitled Economic Development Advisory Board; and be it further

RESOLVED, that the Clerk of the Board of Representatives be and he is hereby directed to publish a notice of such public hearing once in both the Schenectady Gazette and the Knickerbocker News on or before the 27th day of February, 1981, such notice to contain the title of the local law and an abstract of the text.

Representative Murphy asked for a reading by the Clerk for the benefit of the public.

Ayes—14; noes—0.

Adopted.

A copy of Proposed Local Law No. 4—1981 was placed on the desk of each Representative.

PROPOSED LOCAL LAW NO. 4—1981**COUNTY OF SCHENECTADY**

Introduced by Representative Bean:

A LOCAL LAW AUTHORIZING THE LEASING OF REAL PROPERTY OF THE COUNTY OF SCHENECTADY KNOWN AS THE GLENRIDGE HOSPITAL COMPLEX WITHOUT PUBLIC ADVERTISEMENT OR COMPETITIVE BIDDING.

BE IT ENACTED by the Board of Representatives of the County of Schenectady, as follows:

Section 1. Notwithstanding the provisions of Section Two Hundred Fifteen of the County Law or of any other law, upon the determination of the Board of Representatives that county real property now

contained within the existing boundaries of the Glenridge Hospital Complex is not required for public use, such property may be leased to individuals and/or corporations without public advertisement or competitive bidding for a term not to exceed forty years upon such terms and conditions as may be prescribed by the board of representatives.

Section 2. This Local Law shall take effect immediately, subject to the provisions of the Municipal Home Rule Law of the State of New York.

Representative Buhrmaster read the Glenridge Sub-committee report she had circulated and stated it contained basically the same theme that was suggested by Representative Keating. She said the Manager has assured her that county staff will be available to help the Board in any way they asked.

Representative Macejka said the special committee was formed to look into the problem thoroughly and avoid mistakes made in the past. He asked that the Board take their advice. He said the committee would direct itself to establishing correct procedures that would enable the County to make correct decisions in its behalf. Stating that the committee would need the full cooperation of the Board when a final goal is realized he urged members not to be prematurely critical at this stage.

Ayes—14; noes—0.

Adopted.

Resolution—42—81**Calling Public Hearing on Proposed Local Law No. 4—1981**

Representative Bean offered and moved the adoption of the following resolution; seconded by Representative Buhrmaster:

RESOLVED, that pursuant to Section 20 of the Municipal Home Rule Law, a public hearing is hereby called upon proposed Local Law No. 4—1981, to be held before the Board of Representatives of the County of Schenectady in the County Board Chambers in the County Office Building, 620 State Street, Schenectady, New York, on the 10th day of March, 1981, at 7:35 p. m. for the purpose of hearing all interested persons on the question of adoption of a proposed local law authorizing the lease of real property of the County of Schenectady known as the Glenridge Hospital Complex without public advertisement or competitive bidding; and be it further

RESOLVED, that the Clerk of the Board of Representatives be and he is hereby directed to publish a notice of such public hearing once in both the Schenectady Gazette and the Knickerbocker News on or before the 27th day of February, 1981, such notice to contain the title of the local law and an abstract of the text.

In answer to Representative Murphy who called for an explanation for the purpose of Resolution Nos. 42 and 43, County Attorney Hayner said he believed the intent was self-explanatory. He explained that at present the County must sell after public advertising but following

CODE OF THE COUNTY OF SCHENECTADY BY DE-
LETING THEREFROM ARTICLE XIII SECTION 13.02
ENTITLED PLANNING ADVISORY BOARD

was heretofore introduced and tabled on the 10th day of February, 1981, and

WHEREAS, in accordance with the law, a public hearing upon said proposed Local Law No. 2—1981 before this County Board of Representatives was duly held on the 10th day of March, and

WHEREAS, said proposed Local Law in final form has been on the desks of the members of this County Board of Representatives since the 10th day of February, constituting a period of over seven days, exclusive of Sundays, and

WHEREAS, the aforesaid proposed Local Law No. 2—1981 has been lifted from the table and action can now be taken thereon by this County Board; now, therefore, be it

RESOLVED, that Local Law No. 2—1981, entitled:

A LOCAL LAW AMENDING THE ADMINISTRATIVE
CODE OF THE COUNTY OF SCHENECTADY BY DE-
LETING THEREFROM ARTICLE XIII SECTION 13.02
ENTITLED PLANNING ADVISORY BOARD

introduced on the 10th day of February, 1981, and the same is hereby approved and adopted.

Ayes—15; noes—0.

Adopted.

Motion

Moved by Representative Buhrmaster, seconded by Representative Bean, that proposed Local Law No. 3—1981, be lifted from the table.

Motion carried.

Resolution—60—81

Adoption of Local Law No. 3—1981

Representative Buhrmaster offered and moved the adoption of the following resolution; seconded by Representative Bean:

WHEREAS, proposed Local Law No. 3—1981, entitled:

A LOCAL LAW AMENDING THE ADMINISTRATIVE
CODE OF THE COUNTY OF SCHENECTADY BY ADDING
A NEW SECTION 13.02 TO ARTICLE XIII ENTITLED
ECONOMIC DEVELOPMENT ADVISORY BOARD

was heretofore introduced and tabled on the 10th day of February, 1981, and

WHEREAS, in accordance with the law, a public hearing upon said

proposed Local Law No. 3—1981 before this County Board of Representatives was duly held on the 10th day of March, and

WHEREAS, said proposed Local Law in final form has been on the desks of the members of this County Board of Representatives since the 10th day of February, constituting a period of over seven days, exclusive of Sundays, and

WHEREAS, the aforesaid proposed Local Law No. 3—1981 has been lifted from the table and action can now be taken thereon by this County Board; now, therefore, be it

RESOLVED, that Local Law No. 3—1981, entitled:

A LOCAL LAW AMENDING THE ADMINISTRATIVE
CODE OF THE COUNTY OF SCHENECTADY BY ADDING
A NEW SECTION 13.02 TO ARTICLE XIII ENTITLED
ECONOMIC DEVELOPMENT ADVISORY BOARD

introduced on the 10th day of February, 1981, be and the same is hereby approved and adopted.

Ayes—15; noes—0.

Adopted.

Motion

Moved by Representative Macejka, seconded by Representative Wright that proposed Local Law No. 4—1981 be lifted from the table.

Motion carried.

Resolution—61—81

Adoption of Local Law No. 4—1981

Representative Macejka offered and moved the adoption of the following resolution; seconded by Representative Wright:

WHEREAS, proposed Local Law No. 4—1981, entitled:

A LOCAL LAW AUTHORIZING THE LEASING OF
REAL PROPERTY OF THE COUNTY OF SCHENEC-
TADY KNOWN AS THE GLENRIDGE HOSPITAL
COMPLEX WITHOUT PUBLIC ADVERTISEMENT OR
COMPETITIVE BIDDING

was heretofore introduced and tabled on the 10th day of February, 1981, and

WHEREAS, in accordance with the law, a public hearing upon said proposed Local Law No. 4—1981 before this County Board of Representatives was duly held on the 10th day of March, and

WHEREAS, said proposed Local Law in final form has been on the desks of the members of this County Board of Representatives since the 10th day of February, constituting a period of over seven days, exclusive of Sundays, and

WHEREAS, the aforesaid proposed Local Law No. 4—1981 has been lifted from the table and action can now be taken thereon by this County Board; now, therefore, be it

RESOLVED, that Local Law No. 4—1981, entitled:

A LOCAL LAW AUTHORIZING THE LEASING OF REAL PROPERTY OF THE COUNTY OF SCHENECTADY KNOWN AS THE GLENRIDGE HOSPITAL COMPLEX WITHOUT PUBLIC ADVERTISEMENT OR COMPETITIVE BIDDING

introduced on the 10th day of February, 1981, be and the same is hereby approved and adopted.

Representative Bean stated that she wanted to make clear that this step was being taken to gain as much as possible for the taxpayers of the county and should not be considered as an attempt to circumvent knowledge from the public. She said the Board would make every effort to keep residents informed.

Explaining his negative vote, Representative O'Malley said he was in favor of selling the complex and he did not want this resolution to be interpreted in any way as meaning that the Board might not sell it.

Ayes—14; noes 1—Representative O'Malley.

Adopted.

Motion

Moved by Representative Macejka, seconded by Representative Wright, that Proposed Local Law No. 5—1981, be lifted from the table.

Motion carried.

Resolution—62—81

Adoption of Local Law No. 5—1981

Representative Macejka offered and moved the adoption of the following resolution; seconded by Representative Wright:

WHEREAS, proposed Local Law No. 5—1981, entitled:

A LOCAL LAW AUTHORIZING THE SALE OF REAL PROPERTY OF THE COUNTY OF SCHENECTADY KNOWN AS THE GLENRIDGE HOSPITAL COMPLEX WITHOUT PUBLIC ADVERTISEMENT OF COMPETITIVE BIDDING

was heretofore introduced and tabled on the 10th day of February, 1981, and

WHEREAS, in accordance with the law, a public hearing upon said proposed Local Law No. 5—1981 before this County Board of Representatives was duly held on the 10th day of March, and

WHEREAS, said proposed Local Law in final form has been on the desks of the members of this County Board of Representatives since

the 10th day of February, constituting a period of over seven days, exclusive of Sundays, and

WHEREAS, the aforesaid proposed Local Law No. 5—1981 has been lifted from the table and action can now be taken thereon by this County Board; now, therefore, be it

RESOLVED, that Local Law No. 5—1981, entitled:

A LOCAL LAW AUTHORIZING THE SALE OF REAL PROPERTY OF THE COUNTY OF SCHENECTADY KNOWN AS THE GLENRIDGE HOSPITAL COMPLEX WITHOUT PUBLIC ADVERTISEMENT OR COMPETITIVE BIDDING

introduced on the 10th day of February, 1981, and the same is hereby approved and adopted.

Ayes—15; noes—0.

Adopted.

Resolution—63—81

Authorizing License Agreements for Continuing Occupancy of House #1 and House #2 on Glenridge Property at Previous Rentals of \$320.00 and \$280.00 Respectively Until Such Time as the County May Enter into a Lease Agreement as provided by Law

Representative Buhrmaster offered and moved the adoption of the following resolution; seconded by Representative Vincent:

WHEREAS, Resolution 62—80 adopted March 11, 1980 authorized execution of one year leases on House #1 and House #2 located on the Glenridge Property; and

WHEREAS, these leases will expire during the month of March, 1981 and each of the occupants has expressed in writing their desire to remain tenants of the County of Schenectady; now, therefore, be it

RESOLVED, that the County Manager be and he hereby is authorized to execute a revocable permit (license) agreement with each occupant at the current rental until such time as the County is legally able, pursuant to local law, to lease without having to go through a public advertising bid procedure; and, be it further

RESOLVED, that in the alternative, if this County Board of Representatives should not enact a Local Law regarding the rental of Glenridge property, the County Purchasing Agent be and he hereby is authorized to seek bids for rental and, upon receipt of such bids, to report back his findings to this County Board of Representatives for their approval of such bids at the April 14, 1981 meeting.

Representative Buhrmaster said that empty houses deteriorate at a more rapid rate and suggested that it would be more feasible to have the property occupied until the future of the complex is determined. She added that it would also ward off vandalism.

adoption of these resolutions it would give the County the opportunity to consider private negotiations rather than public bidding and still be procedurally legal.

Representative Bean said there was no intent to limit public access but the Board has experienced frustration in having to rigidly comply with the law regarding leasing of property. She noted that it was very difficult to cope with a facility of this kind and felt these resolutions would enhance the Board's ability to do a constructive thing by gaining the greatest return for the taxpayers. She suggested that perhaps a special hearing would allow public input which the Board would use in the most practical way.

Representative Keating stated many meetings have been held concerning Glenridge and it has come to be viewed as an eternal problem. He said the complex is under utilized and is a financial problem. He pointed out that a Board committee is investigating all alternatives but he believed the Manager should take full charge of the problem. He suggested a Task Force be formed to present the Board with the necessary information to enable them to make a qualified legislative decision.

A Copy of Proposed Local Law No. 5—1981 was placed on the desk of each representative.

PROPOSED LOCAL LAW NO. 5—1981

COUNTY OF SCHENECTADY

Introduced by Representative Bean:

A LOCAL LAW AUTHORIZING THE SALE OF REAL PROPERTY OF THE COUNTY OF SCHENECTADY KNOWN AS THE GLENRIDGE HOSPITAL COMPLEX WITHOUT PUBLIC ADVERTISEMENT OR COMPETITIVE BIDDING.

BE IT ENACTED by the Board of Representatives of the County of Schenectady, as follows:

Section 1. Notwithstanding the provisions of Section Two Hundred Fifteen of the County Law or any other law, upon the determination of the Board of Representatives that county real property now contained within the existing boundaries of the Glenridge Hospital Complex is no longer necessary for public use, all the right, title and interest of the county in such real property may be sold and conveyed to individuals and/or corporations without public advertisement or competitive bidding.

Section 2. This Local Law shall take effect immediately subject to the provisions of the Municipal Home Rule Law of the State of New York.

Motion

Moved by Representative Bean, seconded by Representative Buhrmaster, that Proposed Local Law No. 5—1981 be placed on the table.

Motion carried.

Resolution—43—81

Calling Public Hearing on Proposed Local Law No. 5—1981

Representative Bean offered and moved the adoption of the following resolution; seconded by Representative Buhrmaster:

RESOLVED, that pursuant to Section 20 of the Municipal Home Rule Law, a public hearing is hereby called upon proposed Local Law No. 5—1981, to be held before the Board of Representatives of the County of Schenectady in the County Board Chambers in the County Office Building, 620 State Street, Schenectady, New York, on the 10th day of March, 1981 at 7:45 p. m. for the purpose of hearing all interested persons on the question of adoption of a proposed local law authorizing the sale of real property of the County of Schenectady known as the Glenridge Hospital Complex without public advertisement or competitive bidding; and be it further

RESOLVED, that the Clerk of the Board of Representatives be and he hereby is directed to publish a notice of such public hearing once in both the Schenectady Gazette and the Knickerbocker News on or before the 27th day of February, 1981, such notice to contain the title of the local law and an abstract of the text.

Ayes—14; noes—0.

Adopted.

Resolution—44—81

Authorizing the County Manager to Execute an Agreement with the New York State Department of Transportation for Snow and Ice Control on State Highways for the Period July 1, 1982 - June 30, 1983

Representative Zanta offered and moved the adoption of the following resolution; seconded by Representative Wood:

WHEREAS, the Commissioner of Engineering and Public Works has by memorandum dated January 20, 1981 recommended that a new snow and ice agreement be entered into with the New York State Department of Transportation; now, therefore, be it

RESOLVED, that the County Manager be and he is hereby authorized to execute on behalf of the County of Schenectady a contract with the New York State Department of Transportation for snow and ice control on State highways for the period July 1, 1982 to June 30, 1983 subject to approval of the County Attorney as to form and content.

Ayes—14; noes—0.

Adopted.

WHEREAS, the aforesaid proposed Local Law No. 4—1981 has been lifted from the table and action can now be taken thereon by this County Board; now, therefore, be it

RESOLVED, that Local Law No. 4—1981, entitled:

A LOCAL LAW AUTHORIZING THE LEASING OF REAL PROPERTY OF THE COUNTY OF SCHENECTADY KNOWN AS THE GLENRIDGE HOSPITAL COMPLEX WITHOUT PUBLIC ADVERTISEMENT OR COMPETITIVE BIDDING

introduced on the 10th day of February, 1981, be and the same is hereby approved and adopted.

Representative Bean stated that she wanted to make clear that this step was being taken to gain as much as possible for the taxpayers of the county and should not be considered as an attempt to circumvent knowledge from the public. She said the Board would make every effort to keep residents informed.

Explaining his negative vote, Representative O'Malley said he was in favor of selling the complex and he did not want this resolution to be interpreted in any way as meaning that the Board might not sell it.

Ayes—14; noes 1—Representative O'Malley.

Adopted.

Motion

Moved by Representative Macejka, seconded by Representative Wright, that Proposed Local Law No. 5—1981, be lifted from the table.

Motion carried.

Resolution—62—81

Adoption of Local Law No. 5—1981

Representative Macejka offered and moved the adoption of the following resolution; seconded by Representative Wright:

WHEREAS, proposed Local Law No. 5—1981, entitled:

A LOCAL LAW AUTHORIZING THE SALE OF REAL PROPERTY OF THE COUNTY OF SCHENECTADY KNOWN AS THE GLENRIDGE HOSPITAL COMPLEX WITHOUT PUBLIC ADVERTISEMENT OR COMPETITIVE BIDDING

was heretofore introduced and tabled on the 10th day of February, 1981, and

WHEREAS, in accordance with the law, a public hearing upon said proposed Local Law No. 5—1981 before this County Board of Representatives was duly held on the 10th day of March, and

WHEREAS, said proposed Local Law in final form has been on the desks of the members of this County Board of Representatives since

the 10th day of February, constituting a period of over seven days, exclusive of Sundays, and

WHEREAS, the aforesaid proposed Local Law No. 5—1981 has been lifted from the table and action can now be taken thereon by this County Board; now, therefore, be it

RESOLVED, that Local Law No. 5—1981, entitled:

A LOCAL LAW AUTHORIZING THE SALE OF REAL PROPERTY OF THE COUNTY OF SCHENECTADY KNOWN AS THE GLENRIDGE HOSPITAL COMPLEX WITHOUT PUBLIC ADVERTISEMENT OR COMPETITIVE BIDDING

introduced on the 10th day of February, 1981, and the same is hereby approved and adopted.

Ayes—15; noes—0.

Adopted.

Resolution—63—81

Authorizing License Agreements for Continuing Occupancy of House #1 and House #2 on Glenridge Property at Previous Rentals of \$320.00 and \$280.00 Respectively Until Such Time as the County May Enter into a Lease Agreement as provided by Law

Representative Buhrmaster offered and moved the adoption of the following resolution; seconded by Representative Vincent:

WHEREAS, Resolution 62—80 adopted March 11, 1980 authorized execution of one year leases on House #1 and House #2 located on the Glenridge Property; and

WHEREAS, these leases will expire during the month of March, 1981 and each of the occupants has expressed in writing their desire to remain tenants of the County of Schenectady; now, therefore, be it

RESOLVED, that the County Manager be and he hereby is authorized to execute a revocable permit (license) agreement with each occupant at the current rental until such time as the County is legally able, pursuant to local law, to lease without having to go through a public advertising bid procedure; and, be it further

RESOLVED, that in the alternative, if this County Board of Representatives should not enact a Local Law regarding the rental of Glenridge property, the County Purchasing Agent be and he hereby is authorized to seek bids for rental and, upon receipt of such bids, to report back his findings to this County Board of Representatives for their approval of such bids at the April 14, 1981 meeting.

Representative Buhrmaster said that empty houses deteriorate at a more rapid rate and suggested that it would be more feasible to have the property occupied until the future of the complex is determined. She added that it would also ward off vandalism.

Resolution—217—81

Adoption of Local Law No. 9—1981

Representative Buhrmaster offered and moved the adoption of the following resolution; seconded by Representative Zanta:

WHEREAS, proposed Local Law No. 9—1981, entitled:

A LOCAL LAW AMENDING SECTION 1 OF LOCAL LAW No. 8—1981 OF THE COUNTY OF SCHENECTADY TO PROVIDE FOR THE PAYMENT OF SALARY OF CIVIL SERVICE COMMISSIONER AT \$2,061.00 PER ANNUM

was heretofore introduced and tabled on the 13th day of October 1981, and

WHEREAS, in accordance with the Law, a public hearing upon said proposed Local Law No. 9—1981, before this County Board of Representatives was duly held on the 10th day of November, 1981; and

WHEREAS, said proposed Local Law No. 9—1981 in final form has been on the desks of the members of this County Board of Representatives since the 13th day of October, 1981, constituting a period of over seven days, exclusive of Sundays, and

WHEREAS, the aforesaid proposed Local Law No. 9—1981 has been lifted from the table and action can now be taken thereon by this County Board; now, therefore, be it

RESOLVED, that proposed Local Law No. 9—1981, introduced on the 13th day of October, 1981, be and the same is hereby approved and adopted.

Ayes—14; noes—0.

Adopted.

A copy of Proposed Local Law No. 10—1981 was placed on the desk of each Representative.

PROPOSED LOCAL LAW NO. 10—1981

COUNTY OF SCHENECTADY

Introduced by Representative Zanta:

A LOCAL LAW AUTHORIZING THE LEASING OF REAL PROPERTY OF THE COUNTY OF SCHENECTADY LOCATED IN THE COUNTY OFFICE BUILDING 620 STATE STREET WITHOUT PUBLIC ADVERTISEMENT OR COMPETITIVE BIDDING

BE IT ENACTED by the Board of Representatives of the County of Schenectady, as follows:

Section 1. Notwithstanding the provisions of Section Two Hundred Fifteen of the County Law or of any other law, upon the determination of the Board of Representatives that county real property located

in the County Office Building 620 State Street is not required for public use, such property may be leased to individuals and/or corporations without public advertisement or competitive bidding upon such terms and conditions as may be prescribed by the board of representatives,—

Section 2. This Local Law shall take effect forty-five days after its final adoption, publication and filing, subject to permissive referendum in accordance with Section 24 of the Municipal Home Rule Law and Section 2.09 of the Charter of the County of Schenectady.

Resolution—218—81

Calling Public Hearing on Proposed Local Law No. 10—1981

Representative Buhrmaster offered and moved the adoption of the following resolution; seconded by Representative Zanta:

RESOLVED, that pursuant to Section 20 of the Municipal Home Rule Law a public hearing is hereby called upon proposed Local Law No. 10—1981, to be held before the Board of Representatives of the County of Schenectady in the County Board Chambers in the County Office Building, 620 State Street, Schenectady, New York on the 8th day of December, 1981 at 7:50 p. m. for the purpose of hearing all interested persons on the question of adoption of the proposed local law authorizing the leasing of real property of the County of Schenectady located in the County Office Building, 620 State Street without public advertisement or competitive bidding; and be it further

RESOLVED, that the Clerk of the Board of Representatives be and he hereby is directed to publish a notice of such public hearing once in both the Schenectady Gazette and the Knickerbocker News on or before the 1st day of December 1981, such notice to contain the title of the local law and an abstract of the text.

Ayes—14; noes—0.

Adopted.

Motion

Moved by Representative Buhrmaster, seconded by Representative Zanta, that Proposed Local Law No. 10—1981 be placed on the table.

Motion carried.

Moved by Representative Vincent, seconded by Representative Zanta, that the Board adjourn.

Adopted.

FRANK R. SIMBOLI,

Clerk, Board of Representatives.

Filed as
1-1982

Town of Princetown ----- 367.00

TOTAL ----- \$34,076.00

Ayes—14; noes—0.

Adopted.

Motion

Moved by Representative Wood, seconded by Representative Murphy, that Proposed Local Law No. 10—1981 be lifted from the table.

Motion carried.

Resolution—229—81

Filed as
1-1982

Adoption of Local Law No. 10—1981

Representative Wood offered and moved the adoption of the following resolution; seconded by Representative Murphy:

WHEREAS, proposed Local Law No. 10—1981, entitled:

A LOCAL LAW AUTHORIZING THE LEASING OF REAL PROPERTY OF THE COUNTY OF SCHENECTADY LOCATED IN THE COUNTY OFFICE BUILDING, 620 STATE STREET WITHOUT PUBLIC ADVERTISEMENT OR COMPETITIVE BIDDING

was heretofore introduced and tabled on the 10th day of November, 1981, and

WHEREAS, in accordance with the Law, a public hearing upon said proposed Local Law No. 10—1981 before this County Board of Representatives was duly held on the 8th day of December, 1981, and

WHEREAS, said proposed Local Law No. 10—1981 in final form has been on the desks of the members of this County Board of Representatives since the 10th day of November, 1981, constituting a period of over seven days, exclusive of Sundays, and

WHEREAS, the aforesaid proposed Local Law No. 10—1981, has been lifted from the table and action can now be taken thereon by this County Board; now, therefore, be it

RESOLVED, that proposed Local Law No. 10—1981, introduced on the 10th day of November, 1981, be and the same is hereby approved and adopted.

Ayes—14; noes—0.

Adopted.

A copy of Proposed Local Law No. 11—1981 was placed on the desk of each representative.

PROPOSED LOCAL LAW NO. 11—1981

COUNTY OF SCHENECTADY

Introduced by Representative Buhrmaster:

A LOCAL LAW TO PROVIDE FOR THE PAYMENT OF INCREASED SALARIES TO ELECTED OFFICERS OF SAID COUNTY

BE IT ENACTED by the Board of Representatives of the County of Schenectady, as follows:

Section 1. Effective as hereinafter provided, the annual base salary which shall be paid to the Sheriff for the calendar year 1982 is hereby fixed at the increased sum of \$28,080.00.

Section 2. This Local Law shall take effect forty-five days after its final adoption, publication and filing, subject to permissive referendum in accordance with Section 24 of the Municipal Home Rule Law and Section 2.09 of the Charter of the County of Schenectady and its provisions shall be retroactive to and shall be deemed to have been in full force and effect from and after January 1, 1982.

Motion

Moved by Representative Buhrmaster, seconded by Representative Vincent, that Proposed Local Law No. 11—1981, be placed on the table.

Motion carried.

Resolution—230—81

Calling Public Hearing on Proposed Local Law No. 11—1981

Representative Buhrmaster offered and moved the adoption of the following resolution; seconded by Representative Vincent:

RESOLVED, that pursuant to Section 20 of the Municipal Home Rule Law, a public hearing is hereby called upon the proposed Local Law No. 11—1981, to be held before the Board of Representatives of the County of Schenectady in the County Board Chambers in the County Office Building, 620 State Street, Schenectady, New York on the 21st day of December, 1981 at 7:40 p. m. for the purpose of hearing all interested persons on the question of adoption of the proposed local law providing for the payment of increased salaries to elected officers of said county; and be it further

RESOLVED, that the Clerk of the Board of Representatives be and he is hereby directed to publish a notice of such public hearing once in both the Schenectady Gazette and the Knickerbocker News on or before the 11th of December, 1981, such notice to contain the title of the local law and an abstract of the text.

Ayes—14; noes—0.

Adopted.

A copy of Proposed Local Law No. 12—1981 was placed on the desk of each representative.

Representative Stone offered and moved the adoption of the following resolution; seconded by Representative Murphy:

WHEREAS, Resolution 63—82 adopted March 9, 1982, authorized the County Purchasing Agent to seek bids for lease of a parcel of approximately 10 acres, more or less, of land located on the County Farm property and approximately 5.4 acres, more or less, of land located east of Route 50 near Lincoln Drive on the property of the Schenectady County Airport; and

WHEREAS, the following bids were received:

Raymond Schultz	10 acres plus or minus	\$300.00
Donald L. Buhrmaster	5.4 acres plus or minus	\$175.55

now, therefore, be it

RESOLVED, that the County Manager be and he is hereby authorized on behalf of the County of Schenectady to execute a lease to the said Raymond Schultz for the 10 acres plus or minus at the County Farm and to the said Donald L. Buhrmaster for the 5.4 plus or minus acres at the County Airport upon certain terms and conditions as previously set forth in Resolution 63—82 adopted March 9, 1982 which said terms and conditions are herein incorporated by reference and made part hereof.

Ayes—12; noes—0.

Adopted.

Resolution—79—82

Renumbering Local Law No. 10 of 1981, Local Law No. 11 of 1981,
Local Law No. 1 of 1982 and Local Law No. 2 of 1982
To Reflect Effective Dates in 1982.

Representative Macejka offered and moved the adoption of the following resolution; seconded by Representative Buhrmaster:

WHEREAS, Local Law No. 10 adopted by Resolution 229—81 on December 8, 1981 did not become effective until January 22, 1982 since it was subject to a permissive referendum; and

WHEREAS, Local Law No. 11 adopted by Resolution 249—81 on December 21, 1981 likewise did not become effective until February 4, 1982; and

WHEREAS, the Department of State has advised the Clerk of the Board of

Representatives that these Local Laws should be renumbered as Local Laws of 1982 since the effective dates are not until 1982; now, therefore, be it

RESOLVED, that the following Resolutions and Local Laws pertaining thereto be and they are hereby amended in order to renumber these Local Laws as follows:

Local Law No. 10 of 1981 adopted by Resolution 229—81 on December 8, 1981 shall be renumbered Local Law No. 1 of 1982.

Local Law No. 11 of 1981 adopted by Resolution 249—81 on December 21, 1981 shall be renumbered Local Law No. 2 of 1982.

Local Law No. 1 of 1982 adopted by Resolution 18—82 on February 9, 1982 shall be renumbered Local Law No. 3 of 1982.

Local Law No. 2 of 1982 adopted by Resolution 17—82 on February 9, 1982 shall be renumbered Local Law No. 4 of 1982.

and, be it further

RESOLVED, that the Clerk of the Board be and he hereby is authorized to change his records accordingly and process these Local Laws as renumbered with the Department of State.

Ayes—12; noes—0.

Adopted.

Resolution—80—82

Memorial Resolution For Joseph G. Bologna

Representative Barber offered and moved the adoption of the following resolution; seconded by Representative Drago:

WHEREAS, Joseph G. Bologna, was a local businessman and community leader having founded the J. Bologna Construction Corporation, P.A.C. Metal Building & Supply Company, B.F.C. Realty Corporation and Purr Realty Corporation; and

WHEREAS, he was devoted to the improvement of this community and the advancement of universal brotherhood; and

WHEREAS, his pride in his Italian heritage was evidenced by his active

Resolution—13—82

Calling Public Hearing on Proposed Local Law No. 1—1982

Representative Buhrmaster offered and moved the adoption of the following resolution; seconded by Representative Barber:

RESOLVED, that pursuant to Section 20 of the Municipal Home Rule Law, a public hearing is hereby called upon the proposed Local Law No. 1—1982, to be held before the Board of Representatives of the County of Schenectady in the County Board Chambers in the County Office Building, 620 State Street, Schenectady, New York on the 9th day of February 1982, at 7:45 p.m. for the purpose of hearing all interested persons on the question of adoption of the proposed local law providing for the payment of increased salaries to officers of said County appointed for a fixed term; and be it further

RESOLVED, that the Clerk of the Board of Representatives be and he is hereby directed to publish a notice of such public hearing once in both the Schenectady Gazette and the Knickerbocker News on or before the 29th day of January 1982, such notice to contain the title of the local law and an abstract of the text.

Ayes—13; noes—0.

Adopted.

A copy of Proposed Local Law No. 2—1982 was placed on the desk of each Representative.

Filed as L.L. 3-1982

PROPOSED LOCAL LAW NO. 2—1982

COUNTY OF SCHENECTADY

Introduced by Representative Vincent:

A LOCAL LAW AUTHORIZING CONTRACTS WITH DUBB BUS TRANSPORTATION IN ORDER TO PROVIDE RURAL AND SMALL URBAN AREA MASS TRANSPORTATION SERVICES

BE IT ENACTED by the Board of Representatives of the County of Schenectady, as follows:

Section 1. Authorization for contract. Pursuant to the statutory authority of Article 5-1 of the General Municipal Law, the County Manager of the

County of Schenectady be and he hereby is authorized to execute contracts with Harvey Dubb d/b/a Dubb Bus Transportation, subject to the approval of the County Attorney as to form and content, for the providing of rural and small urban area mass transportation services to the Towns of Duanesburg and Princetown and Village of Delanson from the urban areas of the County under Section 18 of the Urban Mass Transportation Act of 1964 and Section 18-b of the Transportation Law of the State of New York.

Section 2. Sponsorship for funding. The County Manager be and he hereby is authorized to apply on behalf of the County of Schenectady for carrier assistant funds under Section 18-b of the Transportation Law as well as other New York State operating assistance programs that may be enacted.

Section 3. Provisions of contracts. The contracts with Dubb Bus Transportation shall include provisions relating to the responsibilities of this private bus carrier and shall include the following specific provisions:

- (a) Indemnification and independent contractor status.
- (b) The provision for three round trip per week services to the Towns of Duanesburg and Princetown and Village of Delanson from urban areas of the County.
- (c) Participation by this private bus carrier in the New York State Department of Transportation Transit Operating Assistance Program.
- (d) The maximum County annual cost shall not exceed \$4,000.00 for these rural transportation services.
- (e) Full compliance by this private bus carrier with federal, state and local statutes, rules and regulations pertaining to mass transportation services.

Section 4. Effective date. This Local Law shall become effective after its final adoption, filing and publication, in accordance with Section 27 of the Municipal Home Rule Law and Section 2.09 of the Charter of the County of Schenectady.

Motion

Moved by Representative Maciejka, seconded by Representative Vincent, that Proposed Local Law No. 2—1982 be lifted from the table.

Motion Carried

natives for funding existing services and for a way of saving money through consolidation of services.

Motion

Moved by Representative Wood, seconded by Representative Buhrmaster, that proposed Local Law No. 1—1982, be lifted from the table.

Motion carried.

Resolution—17—82 *Filed as LL 3-1982*

Adoption of Local Law No. 1—1982
(Introduced as Proposed Local Law No. 2—1982)

Representative Wood, offered and moved the adoption of the following resolution; seconded by Representative Buhrmaster:

WHEREAS, proposed Local Law No. 2—1982, entitled:

A LOCAL LAW AUTHORIZING CONTRACTS WITH DUBB
BUS TRANSPORTATION IN ORDER TO PROVIDE RURAL
AND SMALL URBAN AREA MASS TRANSPORTATION SER-
VICES

was heretofore introduced and tabled on the 12th day of January 1982, and

WHEREAS, in accordance with the Law, a public hearing upon said proposed Local Law No. 2—1982 before this County Board of Representatives was duly held on the 9th day of February, 1982 and

WHEREAS, said proposed Local Law No. 2—1982 in final form has been on the desks of the members of this County Board of Representatives since the 12th day of January, 1982, constituting a period of over seven days, exclusive of Sundays, and

WHEREAS, the aforesaid proposed Local Law No. 2—1982 has been lifted from the table and action can now be taken thereon by this County Board; now, therefore, be it

RESOLVED, that proposed Local Law No. 2—1982, introduced on the 12th day of January, 1982, be and the same is hereby approved and adopted.

Ayes—12; Noes—0

Adopted.

Motion

Moved by Representative Murphy, seconded by Representative Macejka, that proposed Local Law No. 2—1982, be lifted from the table.

Motion carried.

Resolution—18—82

Adoption of Local Law No. 2—1982
(Introduced as Proposed Local Law No. 1—1982)

Representative Murphy, offered and moved the adoption of the following resolution; seconded by Representative Macejka:

WHEREAS, proposed Local Law No. 1—1982, entitled:

A LOCAL LAW TO PROVIDE FOR THE PAYMENT OF IN-
CREASED SALARIES TO OFFICERS OF SAID COUNTY
APPOINTED FOR A FIXED TERM

was heretofore introduced and tabled on the 8th day of December, 1981, and

WHEREAS, in accordance with the Law, a public hearing upon said proposed Local Law No. 1—1982 before this County Board of Representatives was duly held on the 9th day of February, 1982 and

WHEREAS, said proposed Local Law No. 1—1982 in final form has been on the desks of the members of this County Board of Representatives since the 12th day of January, 1982, constituting a period of over seven days, exclusive of Sundays, and

WHEREAS, the aforesaid proposed Local Law No. 1—1982 has been lifted from the table and action can now be taken thereon by this County Board; now, therefore, be it

RESOLVED, that proposed Local Law No. 1—1982, introduced on the 12th day of January, 1982, be and the same is hereby approved and adopted.

Ayes—12; Noes—0

Adopted.

Resolution—19—82

Authorizing the Water Council, Planning and Legal Departments of the County of Schenectady to Assist upon Request in the Formulating of an Intermunicipal Agreement for the Acquisition of Critical Aquifer Areas.

Representative Stone offered and moved the adoption of the following resolution; seconded by Representative Murphy:

WHEREAS, Resolution 63—82 adopted March 9, 1982, authorized the County Purchasing Agent to seek bids for lease of a parcel of approximately 10 acres, more or less, of land located on the County Farm property and approximately 5.4 acres, more or less, of land located east of Route 50 near Lincoln Drive on the property of the Schenectady County Airport; and

WHEREAS, the following bids were received:

Raymond Schultz	10 acres plus or minus	\$300.00
Donald L. Buhrmaster	5.4 acres plus or minus	\$175.55

now, therefore, be it

RESOLVED, that the County Manager be and he is hereby authorized on behalf of the County of Schenectady to execute a lease to the said Raymond Schultz for the 10 acres plus or minus at the County Farm and to the said Donald L. Buhrmaster for the 5.4 plus or minus acres at the County Airport upon certain terms and conditions as previously set forth in Resolution 63—82 adopted March 9, 1982 which said terms and conditions are herein incorporated by reference and made part hereof.

Ayes—12; noes—0.

Adopted.

Resolution—78—82

Renumbering Local Law No. 10 of 1981, Local Law No. 11 of 1981,
Local Law No. 1 of 1982 and Local Law No. 2 of 1982
To Reflect Effective Dates in 1982.

Representative Macejka offered and moved the adoption of the following resolution; seconded by Representative Buhrmaster:

WHEREAS, Local Law No. 10 adopted by Resolution 229—81 on December 8, 1981 did not become effective until January 22, 1982 since it was subject to a permissive referendum; and

WHEREAS, Local Law No. 11 adopted by Resolution 249—81 on December 21, 1981 likewise did not become effective until February 4, 1982; and

WHEREAS, the Department of State has advised the Clerk of the Board of

Representatives that these Local Laws should be renumbered as Local Laws of 1982 since the effective dates are not until 1982; now, therefore, be it

RESOLVED, that the following Resolutions and Local Laws pertaining thereto be and they are hereby amended in order to renumber these Local Laws as follows:

Local Law No. 10 of 1981 adopted by Resolution 229—81 on December 8, 1981 shall be renumbered Local Law No. 1 of 1982.

Local Law No. 11 of 1981 adopted by Resolution 249—81 on December 21, 1981 shall be renumbered Local Law No. 2 of 1982.

Local Law No. 1 of 1982 adopted by Resolution 18—82 on February 9, 1982 shall be renumbered Local Law No. 3 of 1982.

Local Law No. 2 of 1982 adopted by Resolution 17—82 on February 9, 1982 shall be renumbered Local Law No. 4 of 1982.

and, be it further

RESOLVED, that the Clerk of the Board be and he hereby is authorized to change his records accordingly and process these Local Laws as renumbered with the Department of State.

Ayes—12; noes—0.

Adopted.

Resolution—80—82

Memorial Resolution For Joseph G. Bologna

Representative Barber offered and moved the adoption of the following resolution; seconded by Representative Drago:

WHEREAS, Joseph G. Bologna, was a local businessman and community leader having founded the J. Bologna Construction Corporation, P.A.C. Metal Building & Supply Company, B.F.C. Realty Corporation and Purr Realty Corporation; and

WHEREAS, he was devoted to the improvement of this community and the advancement of universal brotherhood; and

WHEREAS, his pride in his Italian heritage was evidenced by his active

reimbursable program with the NYS Department of Environmental Conservation was discussed. The County Attorney will study the operation of our own power authority. Appointment to the SCCC Board of Trustees will be determined through a screening procedure.

As Chairman of the Rules, Judiciary and Public Safety Committee, Representative Buhrmaster reported her committee met on January 24th and discussed the following items: A report from the Jury Board re parking space for jurors, carpeting for Surrogate's Court, repair of chairs in Jury Room, increased compensation of jurors to district levels, update on jail—discussion of drains and showers, elimination of inside cooking, laundry and new elevator, Charter review to update it to present Board operations.

Representative Murphy, Chairman of the Human Resources Committee, reported a meeting of February 2. The Youth Bureau gave a good presentation, LIVCO was involved. Appointments to Boards affiliated with this committee were also reviewed.

Representative Wood, Chairman of the Public Works Committee reported a meeting of February 3rd. SCAP gave a presentation on the solar greenhouse. Commissioner Mason spoke on Highway and Bridge projects 1982-83. Planning Commissioner Atkins gave an update of the Airport Master Plan, Blue Angels Airshow date was changed and the Airport Lighting Bid was approved.

Ways & Means Committee Chairman Bean reported a meeting of February 1st. All financial items on the agenda were approved. She attended a meeting in Albany to find what impact their budgeting would have on the County. The picture is poor and we must lobby in order to keep the sound financial base we now have. She and Representative Buhrmaster attended a NYSAC conference on the 12th-13th and she will have copies of items acted upon. She will see that items of interest to board members are forwarded to them. She noted that the Board must go forward themselves beyond coming forth with resolutions.

A copy of the introduction to Proposed Local Law No. 2-1983 was placed on the desk of each representative.

**Proposed Local Law No. 2-1983
County of Schenectady**

Introduced by Representative Murphy:

A LOCAL LAW AUTHORIZING THE SALE OF PERSONAL
PROPERTY OWNED BY THE COUNTY OF SCHENECTADY AT
THE GLENRIDGE HOSPITAL COMPLEX WITHOUT PUBLIC
ADVERTISEMENT OR COMPETITIVE BIDDING.

BE IT ENACTED by the Board of Representatives of the County of Schenectady, as follows:

Section 1. Notwithstanding the provisions of Local Law No. 6 of 1981 or any other law, upon the determination of the Board of Representatives that county personal property now located at the Glenridge Hospital Complex is no longer necessary for public use, all the right, title and interest of the county in such personal property may be sold and conveyed to individuals and/or corporations without public advertisement or competitive bidding.

Section 2. This Local Law shall become effective after its adoption, filing and publication, in accordance with Section 27 of the Municipal Home Rule Law and Section 2.09 of the Charter of the County of Schenectady, New York.

Resolution—12—83

Calling Public Hearing on Proposed Local Law No. 2-1983

Representative Murphy offered and moved the adoption of the following resolution; seconded by Representative Buhrmaster.:

RESOLVED, that pursuant to Section 20 of the Municipal Home Rule Law, a public hearing is hereby called upon proposed Local Law No. 2-1983, to be held before the Board of Representatives of the County of Schenectady in the County Board Chambers in the County Office Building, 620 State Street, Schenectady, New York, on the 8th day of March, 1983 at 7:50 P.M. for the purpose of hearing all interested persons on the question of adoption of a proposed local law authorizing the sale of personal property owned by the County of Schenectady at the Glenridge Hospital Complex without public advertisement or competitive bidding; and, be it further

RESOLVED, that the Clerk of the Board of Representatives be and he hereby is directed to publish a notice of such public hearing once in both the Schenectady Gazette and the Knickerbocker News on or before the 25th of February, 1983, such notice to contain the title of the local law and an abstract of the text.

Ayes—13; noes—0.

Adopted.

Motion

Moved by Representative Murphy, seconded by Representative Buhrmaster that Proposed Local Law No. 2-1983 be placed upon the table.

Motion carried.

March 4 from New York Statewide Health Coordinating Council, meeting re: NYS Health Plan, March 15, 1983, Albany, New York: Filed.

March 4 from Workers' Compensation Board, copy of letter to City of Schenectady Budget Officer, seeking available space for compensation hearings: Filed.

March 4 from NYS Legislative Forum, forum report #5: Filed.

March 4 from County Planning Department, Stop-DWI Steering Committee, 1983 program year, final draft: Filed.

March 7 from NYS Department of Health, Office of Health Systems Management, Glendale Home & Infirmary post-certification revisit report: Referred to Human Resources Committee.

March 7 from State of New York, Facilities Development Corporation, brochure describing services provided for local government construction projects and reprint of article in regard to FDC's assistance to local government: Referred to Commissioner of Planning.

March 7 from Niagara County Legislature, copy of resolution calling for an immediate natural gas price freeze, a roll back of the price to a fair, reasonable and affordable rate, a NYS resident to serve on the Federal Energy Regulation Commission and an investigation of gas producers' prices in excess of the legally allowed ceiling price: Referred to Education & Planning Committee.

March 7 from Capital District Regional Planning Commission, copy of the Commission's annual financial report for the period ending December 31, 1982: Filed.

March 8 from Federal Energy Regulatory Commission, Power Authority of the State of New York to be granted 6-month extension as requested for the proposed Canal Project No. 3621: Referred to Education & Planning Committee.

Public Works Committee Chairman Wood reported on the March 1, 1983 meeting. There was continued discussion of the solar greenhouse. The Soil & Water Conservation people are preparing a tentative plan for its use. Also, SCAP people will be coming up with some ideas for retaining the solar greenhouse. The committee considered the resolution on the agenda for the Highbridge Road reconstruction project. They discussed an alternate jail plan that will require further study and the resolution was withdrawn.

Representative Vincent, Education & Planning Committee Chairman, reported on the February 28, 1983 meeting. There was a slide presentation by Wayne Hazard from the Chamber of Commerce which will be used to

promote economic development within the County. Secondly, there was a presentation by Dr. Lassiter, Dean Zipf and Dr. Erma Ruth Chestnut from the Community College. This was on the assessment done showing that the college is taking the direction that has been determined to be the needs in the community. Following that there was a presentation by the Duaneburg Library Committee. The committee also discussed the Community College trustee appointment.

Representative Buhrmaster reporting on the Rules, Judiciary and Public Safety Committee meeting of February 22, 1983 stated they discussed the possibility of adding a third floor to the jail plan. Harry Mason reported the total cost would be \$226,000 for the addition and \$200,000 for farming out inmates during the period of renovation. Other alternatives were discussed and it was decided to amend the contract to have the architect design a third floor but that resolution was withdrawn for further study at the Public Works Committee meeting. The committee also discussed the jail overcrowding on weekends. They approved the concept of the DWI program for 1983.

Ways & Means Committee Chairman Bean reported that all items on the agenda having to do with money were approved at the March 1, 1983 committee meeting. Representative Bean commented on the NYSAC meeting stating that legislative leaders spoke on the Medicaid takeover question and on the proposed budget cuts. With regard to consolidation of services, the finance people from the City met with County personnel and they went over what services might be shared or consolidated and they did find some areas where they thought they could save money. Representative Bean reported that several committee studies have shown consolidation as costing more money.

Representative Murphy, Chairman of the Human Resources Committee, reported on the February 22 meeting at which time the committee discussed amending the operational budget of the Gateway Residence program at no additional cost to the County. Chairman Murphy announced that at the March committee meeting they will be discussing residential treatment of offenders and the recent study done of 16-20 year old youths in the Capital District County jails.

Motion

Moved by Representative Murphy, seconded by Representative Keating that Local Law No. 2-1983 be lifted from the table.

Adopted.

Resolution — 48 — 83

Adoption of Local Law No. 2-1983

Representative Murphy offered and moved the adoption of the following resolution, seconded by Representative Keating:

WHEREAS, proposed Local Law No. 2-1983, entitled

A LOCAL LAW AUTHORIZING THE SALE OF PERSONAL PROPERTY OWNED BY THE COUNTY OF SCHENECTADY AT THE GLENRIDGE HOSPITAL COMPLEX WITHOUT PUBLIC ADVERTISEMENT OR COMPETITIVE BIDDING

was heretofore introduced and tabled on the 8th day of February, 1983; and

WHEREAS, in accordance with the Law, a public hearing upon said proposed Local Law No. 2-1983 before this County Board of Representatives was duly held on the 8th day of March, 1983; and

WHEREAS, said proposed Local Law No. 2-1983 in final form has been on the desks of the members of this County Board of Representatives since the 8th day of February, 1983, constituting a period of over seven days, exclusive of Sundays; and

WHEREAS, the aforesaid proposed Local Law No. 2-1983 has been lifted from the table and action can now be taken thereon by this County Board; now, therefore, be it

RESOLVED, that proposed Local Law No. 2-1983, introduced on the 8th day of February, 1983 be and the same is hereby approved and adopted.

Ayes—11; noes—0.

Adopted.

Resolution—49—83

Cancellation of Void Taxes and Authorization for Chargeback to Certain School Districts

Representative Drago offered and moved the adoption of the following resolution; seconded by Representative Murphy:

WHEREAS, Section 558 of the Real Property Tax Law provides that this County Board shall direct the cancellation of any unpaid school tax relieved by Schenectady County pursuant to law when the lien of such tax is rendered permanently unenforceable by operation of the provisions of any statute; and

WHEREAS, pursuant to law or specific orders of New York State Courts the following amounts are to be cancelled as they apply to the indicated school districts:

Scotia-Glenville Central School District	\$ 26.45
Schalmont Central School District	\$1,256.76
Duanesburg Central School District	\$ 690.75

now, therefore, be it

RESOLVED, that the aforesaid taxes are cancelled and the Schenectady County Treasurer shall withhold those amounts from any moneys which shall become payable by him to the respective school district as provided by law.

Ayes—11; noes—0.

Adopted.

Resolution—50-83

Cancellation and Chargeback of Taxes in the Amount of \$16,908.98 Assessed Against Amtrak Property in the Town of Glenville

Representative Chase offered and moved the adoption of the following resolution; seconded by Representative Wood.

WHEREAS, the Congress of the United States adopted Public Law 97-257 declaring that property owned by Amtrak was not subject to taxation of local municipalities; and

WHEREAS, the Town of Glenville recently placed upon the tax rolls Amtrak parcels resulting in tax assessments in the total amount of \$16,908.98; and

WHEREAS, by operation of a federal statute the lien of such tax which the County of Schenectady may have had is rendered permanently unenforceable; now, therefore, be it

RESOLVED, that taxes against the following parcels be and they hereby are cancelled:

Parcel No.	Assessment	Amount Due
999.1-400-1.2	\$426,334.00	\$9,189.99
999.1-700-3	\$425,779.00	\$7,332.49
999.1-700-4	\$ 32,048.00	\$ 386.50

and, be it further

RESOLVED, that the Commissioner of Finance be and he hereby is authorized to chargeback the following amounts to each taxing authority:

County of Schenectady	\$ 3,605.96
Town of Glenville	\$ 4,714.25
Scotia-Glenville School District	\$ 8,588.77
	<u>\$16,908.98</u>

Ayes—4, Representatives Murphy, Ackerman, Vincent, Macejka; Noes—8.

Amendment defeated.

Vote on Resolution 62A—84:

Ayes—10; Noes—2, Representatives Ackerman, Macejka.

Adopted

Representative Buhrmaster left the chambers at 8:45 p.m. after the vote was taken on Resolution 62A—84.

Resolution—69—84

Authorizing the Chairman of the Schenectady County Board of Representatives to Proclaim April 18, 1984 as County Government for a Day in Schenectady County

Representative deAprix offered and moved the adoption of the following resolution; seconded by Representative Macejka:

WHEREAS, the Schenectady Jaycees are sponsoring a nineteenth annual "County Government For A Day" project to be observed April 18, 1984; and

WHEREAS, such project offers an opportunity to students attending high schools in the County of Schenectady to become familiar with and to actively participate in the daily functions and responsibilities of county government; and

WHEREAS, the goal of the project "County Government For A Day" is to help our young men and women become informed and active citizens in the affairs of local government; now, therefore, be it

RESOLVED, that the Chairman of this County Board of Representatives is authorized to proclaim April 18, 1984 as "County Government For A Day" in Schenectady County.

Ayes—11; Noes—0.

Adopted.

Resolution—70—84

Authorizing the Chairman of the Schenectady County Board of Representatives to Proclaim the Month of April 1984 as Child Abuse Awareness Month

Representative Longo offered and moved the adoption of the following resolution; seconded by Representative Bean:

WHEREAS, child abuse and neglect is a growing problem in our society; and

WHEREAS, the problem of child abuse and neglect is found in all social and economic levels and has long-range ramifications for its victims; and

WHEREAS, the Schenectady Citizen's Task Force on Child Abuse and Neglect and other groups are working to increase community awareness and ameliorate the problems of child maltreatment; now, therefore, be it

RESOLVED, that the Chairman of this County Board of Representatives be and he hereby is authorized to proclaim the month of April, 1984 as Child Abuse Awareness Month in the County of Schenectady.

Ayes—11; Noes—0

Adopted.

A copy of Proposed Local Law No. 3—1984 was placed on the desk of each Representative.

Proposed Local Law No. 3—1984

County of Schenectady

Introduced by Representative Barber:

A LOCAL LAW TO PROVIDE A LONGEVITY PAYMENT PLAN FOR ADMINISTRATIVE, SUPERVISORY AND MANAGEMENT PERSONNEL OF THE COUNTY OF SCHENECTADY

BE IT ENACTED by the Board of Representatives of the County of Schenectady, as follows:

Section 1. Legislative Intent. This Board of Representatives has considered for some time the implementation of a longevity payment plan for career management employees of the County of Schenectady, who are neither elected nor part-time. Such payment plan would be in recognition of the contributions of management personnel and the desire to afford them longevity compensation similar to that enjoyed by county employees who are the subjects of collective bargaining agreements. The plan would commence upon the completion of the tenth year of total county employment which shall include non-management service, when a cash payment

of \$500, representing \$250, for each five year segment of employment, would be paid. Such payments would be increased by an additional \$250 increment added at the completion of the fifteenth and twentieth year of time service. From the twentieth year of employment on, the cash payment would remain constant for each year of service thereafter. This longevity cash payment shall not be part of an employee's annual compensation for purposes of computation of any percentage salary increase.

Section 2. Longevity Increases. Each of the appointed, full-time administrative, supervisory and management personnel of the County of Schenectady, as set forth in Resolution 181-79, as amended shall receive, commencing at the completion of the tenth year of time service with the County of Schenectady, a longevity cash payment as listed below, which shall be paid, subject to legal deductions, on the employee's anniversary date of employment and shall be in addition to the annual base salary as set by the Board of Representatives for said year and not part thereof, based upon the following schedule of time service and longevity cash payments, to wit:

At the Completion of Years of Time Service	Longevity Cash Payment
10th, 11th, 12th, 13th, 14th year of employment	\$ 500
15th, 16th, 17th, 18th and 19th year of employment	\$ 750
20th year of employment, et seq.	\$1,000.

Section 3. Effective Date. This Local Law shall take effect forty-five days after its final adoption, publication and filing, subject to permissive referendum in accordance with Section 24 of the Municipal Home Rule Law and Section 2.09 of the Charter of the County of Schenectady and, in addition, its provisions shall be deemed to have been in full force and effect for each employee who qualifies at any time during 1984 for a longevity cash payment based upon time service.

Resolution—71—84

Calling Public Hearing on Proposed Local Law No. 3—1984

Representative Barber offered and moved the adoption of the following resolution; seconded by Representative Keating:

RESOLVED, that pursuant to Section 20 of the Municipal Home Rule Law, a public hearing is hereby called upon the proposed Local Law No. 3—1984, to be held before the Board of Representatives of the County of Schenectady in the County Board Chambers in the County Office Building, 620 State Street, Schenectady, New York on the 8th day of May, 1984 at 7:55 p.m. for the purpose of hearing all interested persons on the question of adoption of the proposed local law providing for a longevity payment plan for administrative, supervisory and management personnel of the County of Schenectady, and, be it further

RESOLVED, that the Clerk of the Board of Representatives be and he is hereby directed to publish a notice of such public hearing once in both the Schenectady Gazette and the Knickerbocker News on or before the 27th of April, 1984, such notice to contain the title of the local law and an abstract of the text.

Ayes—11; Noes—0.

Adopted

MOTION

Moved by Representative Barber, seconded by Representative Keating, that Proposed Local Law No. 3—1984 be placed on the table.

Motion Carried.

Resolution—72—84

Amendment of 1984 Operational Budget to Provide for a 100% Reimbursed Position of Part-Time Probation Officer

Representative Longo offered and moved the adoption of the following resolution; seconded by Representative Ackerman:

WHEREAS, the STOP-DWI Steering Committee has recommended creation of a part-time Probation Officer position due to the increased caseload generated by the STOP-DWI program, and

WHEREAS, total funding for this position, as well as the existing Senior Probation Officer, are received through the STOP-DWI program and New York State aid reimbursement; now, therefore, be it

RESOLVED, that the 1984 Operational Budget be amended as follows:

WHEREAS, Resolution 219-83, adopted December 13, 1983, authorized the County Purchasing Agent to solicit bids for the printing of the 1984 minutes of the Schenectady County Board of Representatives; and

WHEREAS, the following one year bids were submitted and opened on December 29, 1983:

Vincy's Printing	\$16.90 per page
Schenectady Herald Printing Co., Inc.	\$17.10 per page

and

WHEREAS, Vincy's Printing has by letter dated April 12, 1984 withdrawn its bid as provided for by Section 105 of the General Municipal Law; now, therefore, be it

RESOLVED, that the County Purchasing Agent be and hereby is authorized to accept the bid of Schenectady Herald Printing Co., Inc. and the County Manager, on behalf of the County of Schenectady, is hereby authorized to execute a contract with Schenectady Herald Printing Co., Inc. at the rate of \$17.10 per page for the aforesaid printing after approval of the contract by the County Attorney as to form and content.

Ayes—10; Noes—0.

Adopted.

MOTION

Moved by Representative Barber, seconded by Representative Keating, that Proposed Local Law No. 3—1984 be lifted from the table.

Motion Adopted.

Representative Bean arrived at 8:30 p.m. before the vote was taken on Resolution 94—84.

Resolution—94—84

Adoption of Local Law No. 3—1984

Representative Barber, offered and moved the adoption of the following resolution; seconded by Representative Keating:

WHEREAS, proposed Local Law No. 3—1984, entitled

A LOCAL LAW TO PROVIDE FOR A LONGEVITY PLAN FOR ADMINISTRATIVE, SUPERVISORY AND MANAGEMENT PERSONNEL OF THE COUNTY OF SCHENECTADY

was heretofore introduced and tabled on the 10th day of April, 1984; and

WHEREAS, in accordance with the Law, a public hearing upon said proposed Local Law No. 3—1984 before this County Board of Representatives was duly held on the 8th day of May, 1984; and

WHEREAS, said proposed Local Law No. 3—1984 in final form has been on the desks of the members of this County Board of Representatives since the 10th day of April, 1984, constituting a period of over seven days, exclusive of Sundays; and

WHEREAS, the aforesaid proposed Local Law No. 3—1984 has been lifted from the table and action can now be taken thereon by this County Board; now, therefore, be it

RESOLVED, that proposed Local Law No. 3—1984, introduced on the 10th day of April, 1984, be and the same is hereby approved and adopted

Ayes—11; Noes—0.

Adopted.

Resolution—95—84

Mortgage Tax Distribution of \$247,137.89 to the Various Municipalities of Schenectady County for the Period October 1983 through March 1984

Representative Barber offered and moved the adoption of the following resolution; seconded by Representative Longo:

WHEREAS, a joint report of the Recording Officer and Commissioner of Finance, dated April 30, 1984, was filed with the Clerk of the Board of Representatives, showing the amount of mortgage tax monies collected during the preceding period ended March 1984 and credited to each tax district of the county; and

WHEREAS, the Board of Representatives is required to issue its warrant to the Commissioner of Finance, directing payment be made to the proper officer in each city, village and town of the county, of the proportionate share to which each city, village and town is entitled by law; now, therefore, be it

REGULAR MEETING

7A	Rehab Lettering with Gold Paint	0
7B	Rehab Lettering with Gold Leaf	2,900.00
8	Operable Basement Security Screens	4,775.34
	Total Cost of Recommended C.O.'s	\$ 31,377.45
	Original Ganem Contract Price	343,550.00
	New Ganem Contract Price	<u>\$374,927.45</u>

and,

WHEREAS, these Change Orders have been approved and recommended by the Schenectady County Department of Engineering and Public Works; now, therefore, be it

RESOLVED, that the County Manager be and he hereby is authorized to execute the aforesaid Change Orders and to pay Ganem Contracting Corporation \$31,377.45 arising out of the aforesaid Change Orders.

Ayes - 13; noes - 0.

Adopted.

Filed as L.L. 2-1988

PROPOSED LOCAL LAW NO. 1 - 1988

COUNTY OF SCHENECTADY

Introduced by Legislator Coon:

**A Local Law Amending the Longevity Plan for
Administrative, Supervisory and Management
Personnel of the County of Schenectady**

BE IT ENACTED by the Legislature of the County of Schenectady, as follows:

Section 1. Section 2 of Local Law No. 3 of 1984 is hereby amended to read as follows:

Section 2. Longevity Increases. Each of the appointed, full-time administrative, supervisory and management personnel of the County of Schenectady, as set forth in Resolution 181-79, as amended shall receive, commencing at the completion of the tenth year of time service with the County of Schenectady, a longevity cash payment as listed below, which shall be paid, subject to legal deductions, on the employee's anniversary date of employment and shall be in addition to the annual base salary as set by the [Board of Representatives] County Legislature for said year and not part thereof, based upon the following schedule of time service and longevity cash payments, to wit:

May 10, 1988

At the Completion of Years of Time Service	Longevity	Cash Payment
10th, 11th, 12th, 13th, 14th year of employment	[\$ 500.]	<u>\$1,000.</u>
15th, 16th, 17th, 18th and 19th year of employment	[\$ 750.]	<u>\$1,500.</u>
20th year of employment, et seq.	[\$1,000.]	<u>\$2,000.</u>

Explanation -- Matter underlined is new, matter in brackets [] is old law to be deleted.

Section 2. Pursuant to the authority granted by Resolution 180-87 of this Schenectady County Board of Representatives adopted December 8, 1987, the increased longevity payments set forth herein shall be retroactive to January First, Nineteen Hundred Eighty-Eight.

RESOLUTION — 87-88

Calling Public Hearing on Proposed Local Law No. 1-1988

Legislator Coon offered and moved the adoption of the following resolution; seconded by Legislator Macejka:

RESOLVED, that pursuant to Section 20 of the Municipal Home Rule Law, a public hearing is hereby called upon proposed Local Law No. 1-1988, to be held before the Legislature of the County of Schenectady in the County Legislative Chambers in the County Office Building, 620 State Street, Schenectady, New York on the 14th day of June, 1988 at 7:00 p.m. for the purpose of hearing all interested persons on the question of adoption of a proposed local law to provide for an amendment to the management longevity plan of the County of Schenectady; and, be it further

RESOLVED, that the Clerk of the Legislature be and he hereby is directed to publish a notice of such public hearing once in both the Schenectady Gazette and the Times Union as provided for by law, such notice to contain the title of the local law and an abstract of the text.

Ayes - 13; noes - 0.

Adopted.

June 8 from George Davidson, Dep. Commissioner of Finance, copy of the December 31, 1987 financial report for Glendale Home as prepared by C. L. Marvin & Company, P.C.: Filed.

June 9 from Community Services Board, minutes of April 27, 1988 meeting, director's report for May 1988, subcommittee meeting minutes of May 3, 1988: Filed.

June 9 from Capital District Transportation Committee, minutes of February 18, 1988 meeting: Filed.

June 10 from Office of County Attorney, copy of Notice of Claim in the matter of Peter Madigan, as natural parent and legal guardian of Pia Madigan, an infant vs the City of Schenectady and County of Schenectady: Filed.

June 13 a public benefit services agreement between County and Octavo Singers of Schenectady, Inc.: Filed.

Legislator Barber, Chairman of the Human Resources Committee, reported on the May 19 meeting. The Health Systems Agency Subarea Council members were invited to this meeting. Six of the members attended. Mr. Barber stated they were pleased with the preliminary decision to have a cardiac unit at Ellis Hospital. However, there was a turn about and Ellis Hospital was bypassed by some of the other committees. He stated he would like to encourage others to join in support to regenerate interest in selecting Ellis Hospital. Mr. Barber further reported the RPI Consultants presented the Phase I report, commissioned by the County, in regard to Countywide health care. They will have some recommendations on what health care needs Schenectady County must address.

Legislator deApris reported the Ways & Means Committee met on June 7. The committee recommended items on the agenda dealing with finances. The committee also resolved questions on the Glenville Branch Library and that item appears on the agenda.

MOTION

Moved by Legislator Coon, seconded by Legislator Macejka that Proposed Local Law No. 1 - 1988 be lifted from the table.

Motion carried.

RESOLUTION — 91-88

Adoption of Local Law No. 1 - 1988 (Introduced as Proposed Local Law No. 4 - 1988)

Legislator Coon offered and moved the adoption of the following resolution; seconded by Legislator Macejka:

WHEREAS, proposed Local Law No. 4 - 1988 entitled

A Local Law Amending the Charter of the County of Schenectady to Provide for Only One Official Newspaper

was heretofore introduced and tabled on the 10th day of May, 1988; and

WHEREAS, in accordance with the Law, a public hearing upon said proposed Local Law No. 4 - 1988 before this County Legislature was duly held on the 14th day of June, 1988; and

WHEREAS, said proposed Local Law No. 4 - 1988 in final form has been on the desks of the members of this County Legislature since the 10th day of May, 1988, constituting a period of over seven days, exclusive of Sundays; and

WHEREAS, the aforesaid proposed Local Law No. 4 - 1988 has been lifted from the table and action can now be taken thereon by this County Legislature; now, therefore, be it

RESOLVED, that proposed Local Law No. 4 - 1988, introduced on the 10th day of May, 1988, be and the same is hereby approved and adopted.

Ayes - 13; noes - 0.

Adopted.

MOTION

Moved by Legislator Coon, seconded by Legislator Macejka that proposed Local Law No. 2 - 1988 be lifted from the table.

Motion carried.

RESOLUTION — 92-88

Adoption of Local Law No. 2 - 1988 (Introduced as Proposed Local Law No. 1 - 1988)

Legislator Coon offered and moved the adoption of the following resolution; seconded by Legislator Macejka:

WHEREAS, proposed Local Law No. 1 - 1988 entitled

A Local Law Amending the Longevity Plan for Administrative, Supervisory and Management Personnel of the County of Schenectady

was heretofore introduced and tabled on the 10th day of May, 1988; and

WHEREAS, in accordance with the Law, a public hearing upon said proposed Local Law No. 1 - 1988 before this County Legislature was duly held on the 14th day of June, 1988; and

WHEREAS, said proposed Local Law No. 1 - 1988 in final form has been on the desks of the members of this County Legislature since the 10th day of May, 1988, constituting a period of over seven days, exclusive of Sundays; and

WHEREAS, the aforesaid proposed Local Law No. 1 - 1988 has been lifted from the table and action can now be taken thereon by this County Legislature; now, therefore, be it

RESOLVED, that proposed Local Law No. 1 - 1988, introduced on the 10th day of May, 1988, be and the same is hereby approved and adopted.

Ayes - 13; noes - 0.

Adopted.

MOTION

Moved by Legislator Coon, seconded by Legislator Macejka that proposed Local Law No. 3 - 1988 be lifted from the table.

Motion carried.

RESOLUTION — 93-88

Adoption of Local Law No. 3 - 1988

Legislator Coon offered and moved the adoption of the following resolution; seconded by Legislator Macejka:

WHEREAS, proposed Local Law No. 3 - 1988 entitled

A Local Law to Provide for the Payment of Increased Salaries to Elected Officers of the County of Schenectady

was heretofore introduced and tabled on the 10th day of May, 1988; and

WHEREAS, in accordance with the Law, a public hearing upon said proposed Local Law No. 3 - 1988 before this County Legislature was duly held on the 14th day of June, 1988; and

WHEREAS, said proposed Local Law No. 3 - 1988 in final form has been on the desks of the members of this County Legislature since the 10th day of May, 1988, constituting a period of over seven days, exclusive of Sundays; and

WHEREAS, the aforesaid proposed Local Law No. 3 - 1988 has been lifted from the table and action can now be taken thereon by this County Legislature; now, therefore, be it

RESOLVED, that proposed Local Law No. 3 - 1988, introduced on the 10th day of May, 1988, be and the same is hereby approved and adopted.

Ayes - 13; noes - 0.

Adopted.

MOTION

Moved by Legislator Coon, seconded by Legislator Macejka that Proposed Local Law No. 4 - 1988 be lifted from the table.

Motion Carried.

RESOLUTION — 94-88

**Adoption of Local Law No. 4 - 1988
(Introduced as Proposed Local Law No. 2 - 1988)**

Legislator Coon offered and moved the adoption of the following resolution; seconded by Legislator Macejka:

WHEREAS, proposed Local Law No. 2 - 1988 entitled:

A Local Law to Provide for the Payment of Increased Salaries to Officers of the County of Schenectady Appointed for a Fixed Term

was heretofore introduced and tabled on the 10th day of May, 1988; and

Speed Cyclists permitting the use of portions of Schenectady County Roads as determined by the Commissioner of Engineering and Public Works for the said bicycle race upon said terms, conditions, regulations and agreements for such use including but not limited to insurance protection to the County, as may be required by the County Risk Manager for the proper protection of the County, and execution of a hold harmless clause indemnifying the County of Schenectady, its officers, officials, agents, servants and employees from and against any and all claims, demands, suits, proceedings, liabilities, judgments, losses, damages, costs and expenses, including attorney's fees arising out of the said use; and, be it further

RESOLVED, that this resolution shall not be effective until receipt of express written approvals by the Towns of Duanesburg and Princetown consenting to this proposed bicycle race; and, be it further

RESOLVED, that the aforesaid written approvals and receipt of insurance protection as required by the County must be submitted to the Commissioner of Engineering and Public Works no later than 5 days prior to the scheduled bicycle race and, if such approvals and insurance protection are not received, then the approval granted hereunder may be withdrawn by the County Manager and the use of the Schenectady County roads by the High Speed Cyclists shall be denied.

Ayes - 13; noes - 0.

Adopted.

A copy of Proposed Local Law No. 2-1992 was placed on the desk of each Legislator.

PROPOSED LOCAL LAW NO. 2-1992 COUNTY OF SCHENECTADY

Introduced by Legislator Comanzo:

A LOCAL LAW AUTHORIZING THE LEASING OF REAL PROPERTY OWNED BY THE COUNTY OF SCHENECTADY TO NOT-FOR-PROFIT CHARITABLE ORGANIZATIONS WITHOUT PUBLIC ADVERTISEMENT OR COMPETITIVE BIDDING AND FOR LEASE TERMS UP TO FORTY YEARS

BE IT ENACTED by the Legislature of the County of Schenectady, as follows:

Section 1. Notwithstanding the provisions of section two hundred fifteen of the county law or of any other law, upon the determination of this legislature that real property owned by the County of Schenectady is not required for public use, such property may be leased to a not-for-profit charitable organization without public advertisement or competitive bidding for a term not to exceed forty years and upon such other terms and conditions as may be prescribed by this legislature as long as such organization provides services that will benefit the citizens of the County of Schenectady.

Section 2. This Local Law shall become effective after its final adoption, filing and publication and in accordance with Section 24 of the Municipal Home Rule Law and Section 2.09 of the Charter of the County of Schenectady.

RESOLUTION — 36-92

Calling Public Hearing on Proposed Local Law No. 2-1992

Legislator Comanzo offered and moved the adoption of the following resolution; seconded by Legislator Ackerman:

RESOLVED, that pursuant to Section 20 of the Municipal Home Rule Law, a public hearing is hereby called upon proposed Local Law No. 2-1992, to be held before the Legislature of the County of Schenectady in the County Legislative Chambers in the County Office Building, 620 State Street, Schenectady, New York on the 14th day of April, 1992 at 7:00 p.m. on the question of adoption of a proposed local law which would authorize the leasing of real property of the County of Schenectady no longer needed for public purposes to not-for-profit charitable organizations for terms up to forty years and without public advertisement or competitive bidding; and, be it further

RESOLVED, that the Clerk of the Legislature be and he hereby is directed to publish a notice of such public hearing once in The Daily Gazette as provided by law, such notice to contain the title of the local law and an abstract of the text.

Ayes - 13; noes - 0.

Adopted.

REGULAR MEETING
RESOLUTION — 52-92

Adoption of Local Law No. 2 - 1992

Legislator Comanzo offered and moved the adoption of the following resolution; seconded by Legislator Ackerman:

WHEREAS, proposed Local Law No. 2 - 1992, entitled

A LOCAL LAW AUTHORIZING THE LEASING OF REAL PROPERTY OWNED BY THE COUNTY OF SCHENECTADY TO NOT-FOR-PROFIT CHARITABLE ORGANIZATIONS WITHOUT PUBLIC ADVERTISEMENT OR COMPETITIVE BIDDING AND FOR LEASE TERMS UP TO FORTY YEARS

was heretofore introduced and tabled on the 10th day of March, 1992; and

WHEREAS, in accordance with the law, a public hearing upon said proposed Local Law No. 2 - 1992, before this County Legislature was duly held on the 14th day of April, 1992 and

WHEREAS, said proposed Local Law in final form has been on the desks of the members of this County Legislature since the 10th day of March, 1992, constituting a period of over seven (7) days, exclusive of Sundays; and

WHEREAS, the aforesaid proposed Local Law No. 2 - 1992 has been lifted from the table and action can now be taken thereon by this County Legislature; now, therefore, be it

RESOLVED, that the aforesaid proposed Local Law No. 2 - 1992 entitled:

A LOCAL LAW AUTHORIZING THE LEASING OF REAL PROPERTY OWNED BY THE COUNTY OF SCHENECTADY TO NOT-FOR-PROFIT CHARITABLE ORGANIZATIONS WITHOUT PUBLIC ADVERTISEMENT OR COMPETITIVE BIDDING AND FOR LEASE TERMS UP TO FORTY YEARS

introduced on the 10th day of March, 1992, be and the same is hereby approved and adopted as Local Law No. 2 of 1992.

Ayes - 12; noes - 0; absent - 1.

Adopted.

RESOLUTION — 53-92

Authorization for a Lease Agreement With Capital District Hospice, Inc. Which Would Provide for the Use of a Portion of the Glendale Home Property for Construction of a Residential and Office Facility

Legislator Zanta offered and moved the adoption of the following resolution; seconded by Legislator Fabian:

WHEREAS, Local Law No. 2 of 1992 authorizes the lease of County land to charitable not-for-profit organizations provided that there is a benefit to the citizens of the County of Schenectady; and

WHEREAS, Capital District Hospice, Inc. has requested authority to lease a portion of the Glendale Home property in order to construct an approximately 7,000 square foot adult home and a 3,000 square foot office building for staff; and

WHEREAS, the aforesaid project will be done at no expense to the County of Schenectady and will provide a benefit to the public by providing a facility for the treatment of terminally ill patients; now, therefore, be it

RESOLVED, that the County Manager be and he is hereby authorized to negotiate and to execute an appropriate lease agreement with Capital District Hospice, Inc. which would provide for the use of land at the Glendale Home complex after approval of the Deputy County Attorney as to form and content; and be it further

RESOLVED, that the extent of the leasehold interest herein shall be subject to the discretion of the County Manager, who is authorized by virtue of this resolution to negotiate the exact location and size of the demised area.

Legislator deApris commented on the benefits to Glendale Home and to the County with regard to the Hospice facility. He also stated that in the long run, we would be saving money.

Ayes - 12; noes - 0; absent - 1.

Adopted.

RESOLVED, that the 1993 Operational Budget be and it hereby is amended, as follows:

Establish Appropriation Codes

A6011.111	DDS Multidisciplinary Team Grant — Personnel Services	\$34,969.00.
A6011.404	DDS Multidisciplinary Team Grant — Travel	2,500.00.
A6011.445	DDS Multidisciplinary Team Grant — Educational	2,500.00.
A6011.430	DDS Multidisciplinary Team Grant — Supplies	1,000.00.
A6011.403	DDS Multidisciplinary Team Grant — Telephone	50.00.
A6011.409	DDS Multidisciplinary Team Grant — Postage	710.00.
A6011.800	DDS Multidisciplinary Team Grant — Fringe Benefits	8,271.00.

Establish Revenue Code

A4610.01	Federal Aid — Multidisciplinary Grant	\$50,000.00.
----------	---------------------------------------	--------------

Ayes — 11; Noes — 0.

Adopted.

**PROPOSED LOCAL LAW NO. 2-1993
COUNTY OF SCHENECTADY**

Introduced by Legislator Zanta:

**A LOCAL LAW AUTHORIZING THE SALE OF CERTAIN REAL
PROPERTY OF THE COUNTY OF SCHENECTADY CONSISTING
OF 9.672 ACRES ALONG ROUTE 50 IN THE
TOWN OF GLENVILLE WITHOUT PUBLIC ADVERTISEMENT OR
COMPETITIVE BIDDING.**

BE IT ENACTED by the Legislature of the County of Schenectady, as follows:

Section 1. Notwithstanding the provisions of Section Two Hundred Fifteen of the County Law or any other law, upon the determination of this

Legislature that County real property consisting of 9.672 acres along Route 50 in the Town of Glenville as hereinafter described is no longer necessary for public use, all the right, title and interest of the County in such real property may be sold and conveyed to individuals and/or corporations without public advertisement or competitive bidding.

Section 2. The real property subject to this local law is described as follows:

All that tract or parcel of land situate in the Town of Glenville, County of Schenectady, State of New York and further described as follows:

Beginning at a point on the northwesterly boundary of New York State Route 50, where said northwesterly boundary is intersected by the division line between the lands now or formerly of Joseph J. Carazza and Myra D. Carazza, on the south and the land now or formerly of the County of Schenectady, on the north, thence North 56 degrees 6 minutes 25 seconds West, 323.09 feet along the aforesaid division line to an iron pipe set, thence South 41 degrees 58 minutes 38 seconds West 111.27 feet along the lands now or formerly of the following two (2) owners: Joseph J. Carazza and Myra D. Carazza, and Joseph Felso and Bertha Felso, on the northeast, to an iron rod, thence North 42 degrees 34 minutes 39 seconds West, 410.01 feet, along the lands now or formerly of the following three (3) owners: Bernard C. Lacross and Florence J. Lacross, and, the Town of Glenville, and, Frederick R. Glaser and Carolyn A. Glaser, on the South, to an iron pipe set, thence North 47 degrees 40 minutes 51 seconds East, 541.44 feet along the lands now or formerly of George W. Rehak and Virginia J. Rehak, on the northwest, to an iron pipe set, thence North 50 degrees 48 minutes 1 second East, 163.50 feet, along the lands of W.S. Plaza, Inc., on the northwest, to an iron rod set, thence South 41 degrees 59 minutes 39 seconds 581.81 feet, along the lands now or formerly of W.S. Plaza, Inc., on the north to an iron rod set, thence South 34 degrees 30 minutes 43 seconds West, 425.40 feet, along the aforesaid northwesterly boundary of New York State Route 50 to a point, thence South 33 degrees 15 minutes 21 seconds West, 100.80 feet along the aforesaid highway boundary, to the point of beginning, containing 9.672 acres of land, more or less.

Section 3. The Schenectady County Industrial Development Agency shall have the use of said real property and said property shall be under its jurisdiction, control and supervision for the purpose of economic development and sale.

Section 4. Said real property may be sold or optioned for sale, by the Schenectady County Industrial Development Agency under the payment or agreement to pay fair market consideration to the County of Schenectady subject to development costs, if any, and upon approval of the terms of such sale, or option for sale by a duly adopted resolution of this Legislature.

Section 5. This Local Law shall take effect immediately subject to the provisions of the Municipal Home Rule Law of the State of New York.

RESOLUTION — 19-93

CALLING PUBLIC HEARING ON PROPOSED LOCAL LAW NO. 2 — 1993

Legislator Zanta offered and moved the adoption of the following resolution, seconded by Legislator Chase:

RESOLVED, that pursuant to Section 20 of the Municipal Home Rule Law, a public hearing is hereby called upon proposed Local Law No. 2 — 1993, to be held before the Legislature of the County of Schenectady in the County Legislative Chambers in the County Office Building, 620 State Street, Schenectady, New York on the 9th day of March, 1993 at 7:00 p.m. on the question of adoption of a proposed local law authorizing the sale of certain real property of the County of Schenectady consisting of 9.672 acres along Route 50 in the Town of Glenville; and, be it further

RESOLVED, that the Clerk of the Legislature be and he hereby is directed to publish a notice of such public hearing once in The Daily Gazette as provided by law, such notice to contain the title of the local law and an abstract of the text.

Ayes — 11; Noes — 0.

Adopted.

MOTION

Moved by Legislator Zanta, seconded by Legislator Chase that Proposed Local Law No. 2 — 1993 be placed on the table.

Motion Carried.

RESOLUTION — 20-93

CREATION OF A CONSOLIDATION COMMISSION AND AUTHORIZATION FOR A MUNICIPAL COOPERATIVE AGREEMENT RELATING TO SAME

Legislator Comanzo offered and moved the adoption of the following resolution, seconded by Legislator Ackerman:

WHEREAS, the Chairman of the Schenectady County Legislature has proposed the creation of a Commission consisting of the chairman, majority and minority leaders of the Schenectady County Legislature, the mayor and council majority and minority representatives of the City of Schenectady, the supervisors of the Towns of Glenville, Niskayuna, Rotterdam, Duanesburg and Princetown, and the mayors of the Villages of Scotia and Delanson in order to study and advise on appropriate ways to reduce duplication in local government, to find more efficient and cost effective methods of providing services, and to maximize the benefits of property tax investment in local government; and

WHEREAS, the creation of such an advisory body is authorized under §2.08(9) of the Charter of the County of Schenectady; now, therefore, be it

RESOLVED, that the aforesaid Commission be and it hereby is created for the purposes herein expressed; and, be it further

RESOLVED, that the Chairman of this Legislature be and she hereby is authorized to execute a contract providing for municipal cooperation in consolidation activities.

Legislator deAprix stated for the record that he was not opposed to examining any aspects of consolidation, but he wanted to state that he believed any final consolidation efforts that we undertake should be equitable to all parties involved. We should have reasonably equal benefits to all.

Legislator Comanzo stated that this Agreement was a product of many months of working with the City, Towns and Villages. He also stated that this Agreement would permit municipalities to come to the table to discuss consolidation which would save taxpayers money.

Legislator Gardner stated that he agreed with Legislator deAprix's comments, and he is in support of this Resolution.

Legislator Ranucci stated that he felt that a contract should not be necessary to bring elected officials together to discuss consolidation. He

MOTION

Moved by Legislator Zanta, seconded by Legislator Chase that Proposed Local Law No. 2 — 1993 be lifted from the table.

Motion Carried.

RESOLUTION — 24-93

ADOPTION OF LOCAL LAW NO. 2 — 1993

Legislator Zanta offered and moved the adoption of the following resolution; seconded by Legislator Chase:

WHEREAS, proposed Local Law No. 2 — 1993, entitled

A LOCAL LAW AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY OF THE COUNTY OF SCHENECTADY CONSISTING OF 9.672 ACRES ALONG ROUTE 50 IN THE TOWN OF GLENVILLE WITHOUT PUBLIC ADVERTISEMENT OR COMPETITIVE BIDDING

was heretofore introduced and tabled on the 9th day of February, 1993; and

WHEREAS, in accordance with the law, a public hearing upon said proposed Local Law No. 2 — 1993, before this County Legislature was duly held on the 9th day of March, 1993; and

WHEREAS, said proposed Local Law in final form has been on the desks of the members of this County Legislature since the 9th day of February, 1993, constituting a period of over seven (7) days, exclusive of Sundays; and

WHEREAS, the aforesaid proposed Local Law No. 2 — 1993 has been lifted from the table and action can now be taken thereon by this County Legislature; now, therefore, be it

RESOLVED, that the aforesaid proposed Local Law No. 2 — 1993 entitled:

A LOCAL LAW AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY OF THE COUNTY OF SCHENECTADY CONSISTING OF 9.672 ACRES ALONG ROUTE 50 IN THE TOWN OF GLENVILLE WITHOUT PUBLIC ADVERTISEMENT OR COMPETITIVE BIDDING

Introduced on the 9th day of February, 1993, be and the same is hereby approved and adopted as Local Law No. 2 — 1993.

Ayes — 13; Noes — 0.

Adopted.

RESOLUTION — 25-93

AMENDING THE 1993 OPERATIONAL BUDGET IN THE AMOUNT OF \$700 IN ORDER TO PROVIDE FOR THE "EARTH MONTH" EVENTS SPONSORED BY THE SCHENECTADY COUNTY ENVIRONMENTAL ADVISORY COUNCIL

Legislator Pangione offered and moved the adoption of the following resolution; seconded by Legislator Zanta:

WHEREAS, the Commissioner of Planning has advised by memorandum dated February 24, 1993 of the Schenectady County Environmental Advisory Council's proposed "Earth Month" events; and

WHEREAS, one of the planned activities will be an event at the Indian Kill Nature Preserve which will cost approximately \$700 to be underwritten by environmental groups, sport clubs and sporting goods stores; and

WHEREAS, it is necessary to amend the Operating Budget in order to authorize this event as well as the other "Earth Month" activities; now, therefore, be it

RESOLVED, that the 1993 Operational Budget be and it hereby is amended as follows:

Establish Appropriation Code		
A8090.415	SCEAC — Earth Month Events	\$700.00

Establish Revenue Code		
A2705.03	Gifts & Donations — Earth Month Events	\$700.00

Ayes — 13; Noes — 0.

Adopted.

Legislator Chase interpreted from the information he got from the State Criminal Justice System that telephones are not mandated in the jail. He stated that he is not going to support this resolution.

Legislator deApris pointed out that the telephones are of no cost to the County. Calls can only be made on a collect call basis. He further pointed out that access to the phones should be limited in order to control any illegal activities. He will oppose this resolution.

Legislator Gardner commented that he thought that reasonable limitations could be put on the phones and he believed that the Sheriff should do this. He felt that New York Telephone has provided an excellent service in the past, and that this is a good program overall. He will support this.

Legislator Potter said that if this resolution is not passed, the County will lose revenues and again, the burden would be passed on to the taxpayers. He will support the resolution.

Legislator Pangione asked where the phones be placed.

Mr. Stoodley explained that there are six inmates to a tier and one phone per tier. The total number of phones will be 45 to 50.

Legislator Ranucci pointed out that there are valid points on both sides of this issue. He knows that technology is available to have the phones working at certain hours of the day and that there is a way to block out 900 calls. He also felt that it was important to have the phones located in the living quarters as to eliminate tying up correction officers escorting inmates to use the telephones. He will support this with the understanding that we have some management control in how this system is going to be operated.

Legislator Ackerman stated that he agreed with both Legislators Potter and Ranucci. Correction officers should not have to escort inmates to use the phones. He pointed out that it would cost the taxpayers money for recreational services for inmates if the County did not receive the commissions from the phone system. He also stated that a number of inmates have not been convicted of a crime yet, and should be allowed to have access to a phone.

Legislator Zanta asked what the balance was in the inmate fund. He also felt that a study should be done as to where this money should go. Commissioner of Finance Davidson stated that there is \$50,000 in the inmate fund. \$35,000 is committed for recreational equipment and phone lines. The agreement would have to be modified if the money was to be used for something else.

Legislator Comanzo stated that everyone has brought up valid points. He referred to Resolution 36-89, and thought it was interesting to note that the comments made then were similar to tonight. He also said that the new contract will bring in more revenue than in 1989, and would alleviate the necessity of the taxpayer having to pay for recreational equipment. He agreed with Legislator Gardner that rules and limitations should be put on the phone system.

Legislator Chase stated that abuse of the phone system has happened in the past, and will continue to happen in the future. Past history should be investigated.

County Attorney Hayner replied that an investigation was conducted four years ago and the result of that investigation was that they could not identify who was accessing the phone.

Legislator Fabian stated that he would be voting no on this resolution this evening. He believes that the program should be rewritten and as far as recreation was concerned, inmates should be put on work detail to fill pot holes and various other jobs that need to be done throughout the County.

Mr. Stoodley pointed out again that the system is on a collect call basis. Any calls made to the Public Defender's office or to the Probation Department would be free calls.

Ayes - 8; Noes - 5; Legislators Drago, Zanta, Chase, deApris, Fabian.

Adopted.

PROPOSED LOCAL LAW NO. 4 - 1993

COUNTY OF SCHENECTADY

Introduced by Legislator Comanzo:

A LOCAL LAW AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY OF THE COUNTY OF SCHENECTADY CONSISTING OF APPROXIMATELY 8 ACRES ALONG ROUTE 50 IN THE TOWN OF GLENVILLE WITHOUT PUBLIC ADVERTISEMENT OR COMPETITIVE BIDDING.

BE IT ENACTED by the Legislature of the County of Schenectady, as follows:

Section 1. Notwithstanding the provisions of Section Two Hundred Fifteen of the

County Law or any other law, upon the determination of this Legislature that county real property consisting of 8 acres more or less along Route 50 in the Town of Glenville as hereinafter described is no longer necessary for public use, all the right, title and interest of the county in such real property may be sold and conveyed to individuals and/or corporations without public advertisement or competitive bidding.

Section 2. The real property subject to this local law is generally described as 8± acres commencing at the northeast corner of Airport Road and Route 50 and bounded by Route 50 on the west, lands of the County of Schenectady on the north and east and Airport Road on the south.

Section 3 The Schenectady County Industrial Development Agency shall have the use of said real property and said property shall be under its jurisdiction, control and supervision for the purpose of economic development and sale.

Section 4. Said real property may be sold or optioned for sale, by the Schenectady County Industrial Development Agency under the payment or agreement to pay fair market consideration to the County of Schenectady subject to development costs, if any, and upon approval of the terms of such sale, or option for sale by a duly adopted resolution of this Legislature.

Section 5. This Local Law shall take effect immediately subject to the provisions of the Municipal Home Rule Law of the State of New York.

RESOLUTION - 83-93

CALLING PUBLIC HEARING ON PROPOSED LOCAL LAW NO. 4-1993

Legislator Comanzo offered and moved the adoption of the following resolution; seconded by Legislator Ackerman:

RESOLVED, that pursuant to Section 20 of the Municipal Home Rule Law, a public hearing is hereby called upon proposed Local Law No. 4-1993, to be held before the Legislature of the County of Schenectady in the County Legislative Chambers in the County Office Building, 620 State Street, Schenectady, New York on the 13th day of July, 1993 at 7:00 P.M. on the question of adoption of a proposed local law authorizing the sale of certain real property of the County of Schenectady consisting of approximately 8 acres along Route 50 in the Town of Glenville; and, be it further

RESOLVED, that the Clerk of the Legislature be and he hereby is directed to

publish a notice of such public hearing once in The Daily Gazette as provided by law, such notice to contain the title of the local law and an abstract of the text.

Ayes - 13; Noes - 0.

Adopted.

MOTION

Moved by Legislator Comanzo, seconded by Legislator Ackerman that Proposed Local Law No. 4-1993 be placed on the table.

Motion carried.

Under the heading of Miscellaneous, Legislator Drago commented on Mr. Wilson's concern with regard to posting the Bill of Rights at the Library. He stated that as a veteran, he shared the same concerns as Mr. Wilson.

Legislator Potter replied that as Chairman of the Education and Planning Committee, he and Vice-Chairman Pangione would meet with Mr. Lagasse to try to solve this problem.

Moved by Legislator Fabian, seconded by Legislator Potter, that the meeting be adjourned at 9:25 p.m.

Motion carried.

JOSEPH PARILLO, JR.
Clerk, Schenectady County Legislature

PUBLIC HEARING

July 13, 1993

The Public Hearing was called to order by Chairman Buhrmaster at 7:00 p.m.

Present: Legislators Drago, Pangione, Tessitore, Zanta, Chase, deAprix, Gardner, Fabian, Potter, Ranucci, Ackerman, Buhrmaster - 12.

Legislator Comanzo entered Chambers at 7:03 p.m.

Absent: 0.

MOTION

Moved by Legislator Comanzo, seconded by Legislator Ackerman that Proposed Local Law No. 4 - 1993 be lifted from the table.

Motion Carried.

RESOLUTION - 85-93

ADOPTION OF LOCAL LAW NO. 4 - 1993

Legislator Comanzo offered and moved the adoption of the following resolution; seconded by Legislator Ackerman:

WHEREAS, proposed Local Law No. 4 - 1993 entitled:

A LOCAL LAW AUTHORIZING THE SALE OF CERTAIN REAL
PROPERTY OF THE COUNTY OF SCHENECTADY CONSISTING
OF APPROXIMATELY 8 ACRES ALONG ROUTE 50 IN THE
TOWN OF GLENVILLE WITHOUT PUBLIC ADVERTISEMENT
OR COMPETITIVE BIDDING

was heretofore introduced and tabled on the 8th day of June, 1993; and

WHEREAS, in accordance with the law, a public hearing upon said proposed Local Law No. 4 - 1993, before this County Legislature was duly held on the 13th day of July, 1993; and

WHEREAS, said proposed Local Law in final form has been on the desks of the members of this County Legislature since the 8th day of June, 1993, constituting a period of over seven (7) days exclusive of Sundays; and

WHEREAS, the aforesaid proposed Local Law No. 4 - 1993 has been lifted from the table and action can now be taken thereon by this County Legislature; now, therefore, be it

RESOLVED, that the aforesaid proposed Local Law No. 4 - 1993 entitled:

A LOCAL LAW AUTHORIZING THE SALE OF CERTAIN REAL
PROPERTY OF THE COUNTY OF SCHENECTADY CONSISTING
OF APPROXIMATELY 8 ACRES ALONG ROUTE 50 IN THE
TOWN OF GLENVILLE WITHOUT PUBLIC ADVERTISEMENT
OR COMPETITIVE BIDDING

introduced on the 8th day of June, 1993 be and the same is hereby approved and adopted as Local Law No. 4 of 1993.

Legislator Chase expressed several concerns over this property. He also questioned what the County Industrial Development Agency was doing. He also felt that he could not support this Local Law until some questions were answered such as if a survey of the property was done.

County Attorney Hayner replied that to date, no accurate survey of the property has been done. He also stated that the IDA is acting as the County's agent with regard to the sale of this property and the Legislators must give their final approval to the sale.

Legislator Ackerman stated that the sale of this property will keep a business that wanted to move out of the City in the County.

Legislator Comanzo stated that he agreed to some of the concerns that Legislator Chase had. He also felt that the sale of this property will give a tremendous sales tax increase to the County, and an economic boost to the Glenville area.

Ayes - 13; Noes - 0.

Adopted.

RESOLUTION - 86-93

AUTHORIZATION FOR AIRPORT PROJECT CONTRACT PARTICIPATION
IN ORDER TO OBTAIN NEW YORK STATE DEPARTMENT OF
TRANSPORTATION FINANCIAL ASSISTANCE

Legislator Comanzo offered and moved the adoption of the following resolution; seconded by Legislator Ackerman:

WHEREAS, application for available Federal funding for the Engineering Design R/W 4-22 Rehab, Perimeter Funding Design and Transformer Vault Design Project at the Schenectady County Airport has been approved; and

WHEREAS, the project has been deemed consistent with sound transportation development policy and planning concepts for New York State participation; and

WHEREAS, the Federal share of the grant amounts to \$324,000, the State share amounts to \$27,000, the local share amounts to \$9,000 for a total amount of \$360,000; now, therefore, be it

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
~~CITY~~ of Schenectady
~~TOWN~~
~~VILLAGE~~

Local Law No. 4 of the year 1995

A local law authorizing the conveyance to the Schenectady County Industrial
(Insert Title)
Development Agency of certain real property of the County of
Schenectady without public advertisement or competitive bidding

Be it enacted by the Legislature of the
(Name of Legislative Body)

County
~~CITY~~ of Schenectady as follows:
~~TOWN~~
~~VILLAGE~~

Section 1: Intent and Purpose. It is declared to be the intent and purpose of this law to enable the County of Schenectady, as one of its public or municipal purposes, to promote, create, develop, or expand business, commerce, industry or job opportunities within the corporate limits of the County of Schenectady in order to benefit the inhabitants thereof.

Section 2: Notwithstanding the provisions of section two hundred fifteen of the County Law or any other provision of law to the contrary, upon the determination of this Legislature that County real property in the City of Schenectady as hereinafter described is no longer necessary for use by the County, all the right, title and interest of the County in such real property shall be conveyed to the Schenectady County Industrial Development Agency without public advertisement or competitive bidding.

Section 3: The parcels of real property situate in the City and County of Schenectady, State of New York, subject to this Local Law are commonly known and described as follows:

<u>Street Address</u>	<u>Tax Identification Number</u>
618 Chapel Street	39.80-1-13
202 Nott Terrace	39.80-1-16
220-26 Nott Terrace	39.80-1-17.2
228 Nott Terrace and	
633-639 State Street	39.80-1-18.1
631 State Street	39.80-1-20
629 State Street	39.80-1-21

(continued)

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

~~City~~

of Schenectady

~~Town~~

~~Village~~

Local Law No. 5 of the year 1995

A local law authorizing the leasing of real property owned by the County of
(Insert Title)
Schenectady at the Glendale Nursing Home Complex to Not-For-Profit
charitable organizations without public advertisement or competitive
bidding and for lease terms up to seventy-five (75) years

Be it enacted by the Legislature of the
(Name of Legislative Body)

County

~~City~~

of Schenectady

~~Town~~

~~Village~~

as follows:

Section 1. Notwithstanding the provisions of section two hundred fifteen of the county law or of any other law, upon the determination of this legislature that real property owned by the County of Schenectady now contained within the existing boundaries of the Glendale Nursing Home Complex in the Town of Glenville is no longer necessary for public use, such property may be leased to a not-for-profit charitable organization without public advertisement or competitive bidding for a term not to exceed seventy-five (75) years and upon such other terms and conditions as may be prescribed by this legislature as long as such organization provides services that will benefit the citizens of the County of Schenectady.

Section 2. This Local Law shall become effective after its final adoption, filing and publication and in accordance with Section 24 of the Municipal Home Rule Law and Section 2.09 of the Charter of the County of Schenectady.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

~~City~~

of SCHENECTADY

~~Town~~

~~Village~~

Local Law No. 6 of the year 1995

A local law authorizing the sale of real property of the County of Schenectady
(Insert Title)
at the Glendale Nursing Home Complex in the Town of Glenville without
public advertisement or competitive bidding

Be it enacted by the Legislature of the
(Name of Legislative Body)

County

~~City~~

of Schenectady

as follows:

~~Town~~

~~Village~~

Section 1. Notwithstanding the provisions of section two hundred fifteen of the county law or any other law, upon the determination of this legislature that county real property now contained within the existing boundaries of the Glendale Nursing Home Complex in the Town of Glenville is no longer necessary for public use, all the right, title and interest of the county in such real property may be sold and conveyed to individuals and/or corporations without public advertisement or competitive bidding.

Section 2. Said real property, or a portion thereof, may be sold or optioned for sale, under the payment or agreement to pay fair market consideration to the County of Schenectady and upon approval of the terms of such sale, or option for sale by a duly adopted resolution of this legislature.

Section 3. This Local Law shall take effect immediately subject to the provisions of the Municipal Home Rule Law of the State of New York.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

~~City~~ of Schenectady

~~Town~~

~~Village~~

Local Law No. 5 of the year 1996

A local law authorizing the leasing of real property for county purposes for
(Insert Title)
an initial lease term of up to twenty-five (25) years with a
twenty-five (25) year renewal thereof

Be It enacted by the Legislature of the
(Name of Legislative Body)

County

~~City~~ of Schenectady

~~Town~~

~~Village~~

as follows:

Section 1. Notwithstanding the provisions of section two hundred fifteen of the county law or of any other law, upon determination of this legislature, the County of Schenectady is hereby authorized to enter into a lease agreement in connection with the use of real property necessary for county purposes for a term not to exceed twenty-five (25) years. Any such lease agreement may provide for the renewal thereof, provided that the term of each such renewal shall not exceed twenty-five (25) years.

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 portion hereof.

Section 3. Effective Date. This Local Law shall become effective after its final adoption, filing and publication and in accordance with Section 24 of the Municipal Home Rule Law and Section 2.09 of the Charter of the County of Schenectady.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and use italics or underlining to indicate new matter.

County
~~City~~ of Schenectady
~~Town~~
~~Village~~

Local Law No. 4 of the year 1999

A local law of the County of Schenectady, New York authorizing the conveyance
(Insert Title)
to the Schenectady Metroplex Development Authority of certain
real property owned by the County of Schenectady without public
advertisement or competitive bidding

Be it enacted by the Legislature of the
(Name of Legislative Body)

County
~~City~~ of Schenectady as follows:
~~Town~~
~~Village~~

Section 1: Intent and Purpose. It is declared to be the intent and purpose of this law to enable the County of Schenectady, as one of its public or municipal purposes, to promote, create, develop, or expand business, commerce, industry or job opportunities within the corporate limits of the County of Schenectady in order to benefit the inhabitants thereof.

Section 2: Notwithstanding the provisions of section two hundred fifteen of the County Law or any other provision of law to the contrary, upon the determination of this Legislature that County real property in the City of Schenectady as hereinafter described is no longer necessary for use by the County, all the right, title and interest of the County in such real property shall be conveyed to the Schenectady Metroplex Development Authority without public advertisement or competitive bidding.

Section 3: The parcels of real property situate in the City and County of Schenectady, State of New York, subject to this Local Law are commonly known and described as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)



<u>Street Address</u>	<u>Tax Identification Number</u>
618 State Street	39.80-1-13
220-26 Nott Terrace	39.80-1-17.2
228 Nott Terrace and 633-639 State Street	39.80-1-18.1
631 State Street	39.80-1-20
629 State Street	39.80-1-21
615 State Street	39.80-1-22
613 State Street	39.80-1-23
611 State Street	39.80-1-24
609 State Street	39.80-1-25

Section 4: This Legislature shall, by duly adopted resolution and by contract or by instruments authorized by such resolution, convey, without consideration, to the Schenectady Metroplex Development Authority the real property, or a portion thereof, hereinbefore described for use by the authority in furtherance of any of its corporate purposes or in furtherance of a public or municipal purpose of the County of Schenectady.

Section 5: For purposes of this Local Law, the definition of public purpose shall specifically include the construction of buildings, parks, structures, and other facilities as defined by section 2655 of the Public Authorities Law of the State of New York, in order to assist in the stabilization and growth of the central business district of the City of Schenectady and in order to, by its existence, promote, create, develop, or expend business, commerce, industry or job opportunities within the County of Schenectady.

Section 6: This Local Law shall effect forty-five (45) days after its final adoption, publication and filing, subject to permissive referendum in accordance with Section twenty-four of the Municipal Home Rule Law and Section 2.09 of the Charter of the County of Schenectady, unless within such forty-five (45) day period there be filed with the Clerk of the Legislature of the County of Schenectady a petition protesting against such Local Law, signed and authenticated as herein required by qualified electors of the County of Schenectady, registered to vote therein at least ten (10) per centum of the total number of votes cast for governor at the last gubernatorial election in the County of Schenectady.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

2000
4

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated by deletion, italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
MAR 08 2000
Alfred E. F. F. F.
Secretary of State

County
~~City~~ of Schenectady
~~Town~~
~~Village~~

Local Law No. 1 of the year 2000

A local law of the County of Schenectady, New York authorizing the conveyance
(Insert Title)
to Union College of real property owned by the County of Schenectady,
commonly known as 487 Nott Street, City and County of Schenectady,
without public advertisement or competitive bidding

Be it enacted by the Legislature of the
(Name of Legislative Body)

County
~~City~~ of Schenectady
~~Town~~ as follows:
~~Village~~

Section 1: Intent and Purpose. It is declared to be the intent and purpose of this law to enable the County of Schenectady, as one of its public municipal purposes, to promote, create, develop, or expand business, commerce, industry or job opportunities within the corporate limits of the County of Schenectady in order to benefit the inhabitants thereof in accordance with Section 21.13 of the Schenectady County Charter.

Section 2: Notwithstanding the provisions of section two hundred fifteen of the County Law or any other provision of law to the contrary, upon the determination of this Legislature that County real property in the City of Schenectady as hereinafter described is no longer necessary for use by the County, all the right, title and interest of the County in such real property shall be conveyed to Union College without public advertisement or competitive bidding.

Section 3: The parcel of real property situate in the City and County of Schenectady, State of New York, subject to this Local Law is commonly known and described as follows:

<u>Street Address</u>	<u>Tax Identification Number</u>
487 Nott Street	39.50-2-44.00

Section 4: The Legislature shall, by duly adopted resolution and by contract or by instruments authorized by such resolution, convey, for consideration to Union College, the real property, or a portion thereof, hereinbefore described for use by Union College, in furtherance of a public or municipal purpose of the County of Schenectady.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 5: For purposes of this Local Law, the definition of public purpose shall specifically include the construction and operation of buildings, structures and other facilities as an economic development incubator, in order to assist in the stabilization and growth of the City of Schenectady in order to, by its existence, promote, create, develop, or expand business, commerce, industry or job opportunities within the County of Schenectady.

Section 6: This Local Law shall become effective forty-five (45) days after its final adoption, publication and filing, subject to permissive referendum in accordance with Section twenty-four of the Municipal Home Rule Law and Section 2.09 of the Charter of the County of Schenectady, unless within such forty-five (45) day period there be filed with the Clerk of the Legislature of the County of Schenectady a petition protesting against such Local Law, signed and authenticated as herein required by qualified electors of the County of Schenectady, registered to vote therein at least ten (10) per centum of the total number of votes cast for governor at the last gubernatorial election in the County of Schenectady.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

3

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE

FILED

JAN 15 2002

MISCELLANEOUS
& STATE RECORDS

County

~~Chenango~~

Town

Village

of Schenectady

Local Law No. 01 of the year 2002

A local law granting a utility easement to Niagara Mohawk Power Corporation and

(Name Title)

Verizon Telephone to provide underground utility service at the

Schenectady County Airport

Be it enacted by the Legislature of the

(Name of Legislature Body)

County

~~Chenango~~

Town

Village

of Schenectady

as follows:

Section 1. Schenectady County has continued maintaining and upgrading the Schenectady County Airport, including but not limited to, construction of new airport hangars previously authorized by this Body.

Section 2. The continued upgrade and reconstruction of the County Airport is vital for the safety and welfare at the County facility, and necessary to meet all Federal aviation standards and serves a public purpose.

Section 3. In order to provide appropriate utility service, it is necessary to grant an easement to Niagara Mohawk Power Corporation and Verizon Telephone to provide underground utility services and related apparatus at a portion of the Schenectady County Airport. Said easement for utility service to the Airport Hangar and Airport Control Tower.

Section 4. Pursuant to Section 20 of the Municipal Home Rule Law a Public Hearing is hereby called upon Proposed Local Law No. 01-2002, to be held before the Legislature of the County of Schenectady, in the Legislative Chambers in the County Office Building, 620 State Street, 6th Floor, Schenectady, New York 12305, on the 8th day of January, 2002 at 7:00 P.M., for the purpose of hearing all interested persons on the question of granting a utility easement to Niagara Mohawk Power Corporation and Verizon Telephone to provide underground utility service at the Schenectady County Airport.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

3

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE

FILED

JUL 10 2002

MISCELLANEOUS
& STATE RECORDS

County
~~City~~ of Schenectady
~~Town~~
~~Village~~

Local Law No. 03 of the year 2002.

A local law authorizing the sale of real property of the County of Schenectady
(Insert Title)
commonly known as 821 Union Street, City and County of Schenectady
and state of New York without public advertisement or competitive
bidding

Be it enacted by the Legislature of the
(Name of Legislative Body)

County
~~City~~ of Schenectady as follows:
~~Town~~
~~Village~~

Section 1. Notwithstanding the provisions of Section Two Hundred Fifteen of the County Law or any other law, upon the determination of the Legislature that County real property commonly known as 821 Union Street, City and County of Schenectady and State of New York, is no longer necessary for public use, all the right, title and interest of the County in such real property may be sold and conveyed to individuals, corporations, and/or other legal entities without public advertisement or competitive bidding.

Section 2. This Local Law shall take effect forty-five (45) days after its final adoption, publication and filing, subject to permissive referendum in accordance with Section twenty-four of the Municipal Home Rule Law and Section 2.09 of the Charter of the County of Schenectady, unless within such forty-five (45) day period there be filed with the Clerk of the Legislature of the County of Schenectady a petition protesting against such Local Law, signed and authenticated as herein required by qualified electors of the County of Schenectady, registered to vote therein in number equal to at least ten (10) per centum of the total number of votes cast for governor at the last gubernatorial election in the County of Schenectady.

(If additional space is needed, attach pages the same size as this sheet, and number each.)



NOTICE OF ADOPTION OF LOCAL LAW No. 1 of 2007

COUNTY OF SCHENECTADY

NOTICE IS HEREBY GIVEN that Local Law No. 1 of 2007, introduced as Proposed Law No. 6 of 2006, was adopted by the Schenectady County Legislature at a meeting held on January 9, 2007.

NOTICE IS FURTHER GIVEN that Local Law No. 1 of 2007 is entitled:

A LOCAL LAW TO PROVIDE FOR THE PAYMENT OF INCREASED SALARIES TO OFFICERS OF THE COUNTY OF SCHENECTADY APPOINTED FOR A FIXED TERM

BE IT ENACTED by the Legislature of the County of Schenectady, as follows:

Section 1. Effective as hereinafter provided, the annual base salaries of the hereinafter designated County officers appointed for a fixed term are hereby fixed, during their respective terms, at the increased amount set forth opposite each such office or position as follows, to wit:

Annual Salary Base

<u>Appointed Officials</u>	<u>2006</u>
Commissioner of Public Health	\$117,606.
Civil Service Commissioner (3) Salary for Each	\$ 6,482.
Commissioner of Elections (2) Salary for Each	\$ 75,000.
Commissioner of Social Services	\$ 131,122.
Director of Real Property	\$ 77,761.
Commissioner of Finance	\$ 133,317.

Section 2. That, in addition to the annual salary base hereinbefore set forth, qualified officers appointed for a fixed term shall receive management longevity payments as established by resolution of this Legislature.

Section 3. This Local Law shall take effect forty-five days after its final adoption, publication and filing, subject to permissive referendum in accordance with section 24 of the Municipal Home Rule Law, and its provisions shall be deemed to have been in full force and effect from and after January 1, 2006 as herein provided.

Dated: January 17, 2006

S/GEOFFREY T. HALL
Clerk of the Schenectady County Legislature

Approved as to form:
S/CHRISTOPHER H. GARDNER, ESQ.
County Attorney



NOTICE OF ADOPTION OF LOCAL LAW No. 1 of 2008

COUNTY OF SCHENECTADY

NOTICE IS HEREBY GIVEN that Local Law No. 1 of 2008, introduced as Proposed Law No. 1 of 2008, was adopted by the Schenectady County Legislature at a meeting held on March 11, 2008.

NOTICE IS FURTHER GIVEN that Local Law No. 1 of 2008 is entitled:

**A LOCAL LAW REPEALING LOCAL LAW NUMBER 1 OF 2000 THAT
AUTHORIZED THE CONVEYANCE OF 487 NOTT STREET IN THE CITY OF
SCHENECTADY TO UNION COLLEGE**

BE IT ENACTED by the Legislature of the County of Schenectady, as follows:

Section 1. Local Law No. 01 of 2000 is hereby repealed.

Section 2. Effective date.

This law shall take effect immediately after its final adoption, filing and publication in accordance with Section 27 of the Municipal Home Rule Law and Section 2.12 of the Charter of the County of Schenectady.

Dated at Schenectady, New York this 20 day of March, 2008

Geoffrey T. Hall
Clerk
Schenectady County Legislature

Approved as to form:
/s/ Christopher H. Gardner
Schenectady County Attorney
620 State Street
Schenectady, New York 12305



NOTICE OF ADOPTION OF LOCAL LAW No. 2 of 2008

COUNTY OF SCHENECTADY

NOTICE IS HEREBY GIVEN that Local Law No. 2 of 2008, introduced as Proposed Law No. 2 of 2008, was adopted by the Schenectady County Legislature at a meeting held on March 11, 2008.

NOTICE IS FURTHER GIVEN that Local Law No. 2 of 2008 is entitled:

**A LOCAL LAW AUTHORIZING THE CONVEYANCE TO THE
SCHENECTADY COUNTY INDUSTRIAL DEVELOPMENT AGENCY OF
REAL PROPERTY OWNED BY THE COUNTY OF SCHENECTADY FOR
ECONOMIC DEVELOPMENT PURPOSES FOR THE SUM OF TWO
HUNDRED THOUSAND (\$200,000.00) DOLLARS.**

BE IT ENACTED by the Legislature of the County of Schenectady, as follows:

Section 1: Intent and Purpose.

It is declared to be the intent and purpose of this law to enable the County of Schenectady, as one of its public municipal purposes, to promote, create, develop, or expand business, commerce, industry or job opportunities within the corporate limits of the County of Schenectady in order to benefit the inhabitants thereof in accordance with Section 21.13 of the Schenectady County Charter.

Section 2: Notwithstanding the provisions of section two hundred fifteen of the County Law or any other provision of law to the contrary, this Legislature hereby determines that County real property in the City of Schenectady as hereinafter described is no longer necessary for use by the County and that all the right, title and interest of the County in such real property shall be conveyed to the Schenectady County Industrial Development Agency without public advertisement or competitive bidding.

Section 3: The parcel of real property situate in the City and County of Schenectady, State of New York, subject to this Local Law is commonly known and described as follows:

<u>Street Address</u>	<u>Tax Identification Number</u>
487 Nott Street	39.50-2-44.00
Adjacent parking lot	39.50-2-46.00

Section 4: The Legislature shall, by duly adopted resolution and by contract or by instruments authorized by such resolution, convey, for the consideration of two hundred thousand (\$200,000.00) dollars, the real property, or a portion thereof, hereinbefore described for use by Schenectady County Industrial Development Agency, in furtherance of a public or municipal purpose of the County of Schenectady.

Section 5: For purposes of this Local Law, the definition of public purpose shall specifically include the construction and operation of buildings, structures and other facilities for economic development purposes to be determined by the Schenectady County Industrial Development Agency, in order to assist in the stabilization and growth of the City of Schenectady in order to, by its existence, promote, create, develop, or expand business, commerce, industry or job opportunities within the County of Schenectady.

Section 6: This Local Law shall become effective forty-five (45) days after its final adoption, publication and filing, subject to permissive referendum in accordance with Section twenty-four of the Municipal Home Rule Law, unless within such forty-five (45) day period there be filed with the Clerk of the Legislature of the County of Schenectady a petition protesting against such Local Law, signed and authenticated as herein required by qualified electors of the County of Schenectady, registered to vote therein at least ten (10) per centum of the total number of votes cast for governor as the last gubernatorial election in the County of Schenectady.

Dated at Schenectady, New York this 5 day of May, 2008

Geoffrey T. Hall
Clerk
Schenectady County Legislature

Approved as to form:
/s/ Christopher H. Gardner
Schenectady County Attorney
620 State Street
Schenectady, New York 12305



NOTICE OF ADOPTION OF LOCAL LAW No. 3 of 2008

COUNTY OF SCHENECTADY

NOTICE IS HEREBY GIVEN that Local Law No. 3 of 2008, introduced as Proposed Law No. 3 of 2008, was adopted by the Schenectady County Legislature at a meeting held on March 11, 2008.

NOTICE IS FURTHER GIVEN that Local Law No. 3 of 2008 is entitled:

**A LOCAL LAW AUTHORIZING THE CONVEYANCE TO THE
SCHENECTADY COUNTY INDUSTRIAL DEVELOPMENT
AGENCY OF 23.87± ACRES OWNED BY THE COUNTY OF
SCHENECTADY AT THE SCHENECTADY COUNTY AIRPORT
FOR ECONOMIC DEVELOPMENT PURPOSES FOR THE SUM OF
ONE MILLION FIFTY THOUSAND (\$1,050,000.00) DOLLARS.**

BE IT ENACTED by the Legislature of the County of Schenectady, as follows:

Section 1: Intent and Purpose.

It is declared to be the intent and purpose of this law to enable the County of Schenectady, as one of its public municipal purposes, to promote, create, develop, or expand business, commerce, industry or job opportunities within the corporate limits of the County of Schenectady in order to benefit the inhabitants thereof in accordance with Section 21.13 of the Schenectady County Charter.

Section 2: Notwithstanding the provisions of section two hundred fifteen of the County Law or any other provision of law to the contrary, this Legislature hereby determines that County-owned real property in the Town of Glenville as hereinafter described is no longer necessary for use by the County, and that all the right, title and interest of the County in such real property shall be conveyed to the Schenectady County Industrial Development Agency without public advertisement or competitive bidding.

Section 3: The parcel of real property situate in the Town of Glenville and County of Schenectady, State of New York, subject to this Local Law is commonly known and described as follows:

ALL THOSE CERTAIN TRACTS, PIECES OR PARCELS OF LAND SITUATE in the Town of Glenville, County of Schenectady, State of New York lying along the southeasterly line of N.Y.S. Route 50, State Highway No. 5314, Saratoga Road and approximately 0.75 miles southerly of Glenridge Road and being further bounded and described as follows:

21.898± Acre Parcel:

Beginning at the point of intersection of the southeasterly line of N.Y.S Route 50 with the common division line of lands now or formerly of Michael Brienza as conveyed in Book 1599 of Deeds at Page 223 to the southwest and the parcel of land herein being described to the northeast;

Thence from said *Point of Beginning* continuing along said southeasterly line of N.Y.S. Route 50 the following two (2) courses and distances:

- 1) North 33 deg. 15 min. 21 sec. East, 318.20 feet to a point;
- 2) North 34 deg. 30 min. 43 sec. East, 400.95 feet to the point of intersection of said southeasterly line with the common division line of lands now or formerly of Thomas J. Naccarato and Pamela Naccarato as conveyed in Book 1386 of Deeds at Page 249 to the northeast and the parcel of land herein being described to the southwest;

Thence along said common division line, South 49 deg. 44 min. 08 sec. East, 300.00 feet the point of intersection of said common division line with the northwesterly line of lands of The County of Schenectady;

Thence through said lands of The County of Schenectady the following eight (8) courses and distances:

- 1) South 49 deg. 44 min. 08 sec. East, 14.58 feet to a point of cusp;
- 2) Along a curve to the left and arc length of 429.92 feet to a point of tangency, said curve having a radius of 330.00 feet and a chord bearing of South 10 deg. 08 min. 20 sec. East, 400.15 feet;
- 3) South 47 deg. 27 min. 32 sec. East, 840.24 feet to a point of curvature;
- 4) Along a curve to the right an arc length of 108.32 feet to a point of tangency, said curve having a radius of 65.00 feet and a chord length of South 00 deg. 16 min. 50 sec. West, 96.21 feet;
- 5) South 48 deg. 01 min. 10 sec. West, 652.46 feet to a point;
- 6) North 46 deg. 36 min. 20 sec. West, 631.23 feet to a point;
- 7) North 49 deg. 22 min. 00 sec. East, 150.04 feet to a point;
- 8) North 36 deg. 08 min. 19 sec. West, 121.19 feet to a point being an angle point in the easterly line of lands now or formerly of Amy S. Mott as conveyed in Book 1773 of Deeds at Page 342;

Thence along the common division line of said lands of Mott and lands now or formerly of Michael Brienza as conveyed in Book 1599 of Deeds at Page 223 to the southwest and the parcel of land herein being described to the northeast the following two (2) courses and distances:

- 1) North 36 deg. 08 min. 19 sec. West, 268.99 feet to a point marked with a capped iron rod found;
- 2) North 46 deg. 43 min. 32 sec. West, 371.98 feet to the point or place of beginning containing 21.898± acres of land.

1.974± Acre Parcel:

Commencing at the point of intersection of the southeasterly line of N.Y.S Route 50 with the common division line of lands now or formerly of Thomas J. Naccarato and Pamela Naccarato as conveyed in Book 1386 of Deeds at Page 249 to the northeast and the parcel of land above described to the southwest;

Thence from said *Point of Commencement* along said common division line, South 49 deg. 44 min. 08 sec. East, 300.00 feet the point of intersection of said common division line with the northwesterly line of lands of The County of Schenectady;

Thence through said lands of The County of Schenectady, South 49 deg. 44 min. 08 sec. East, 76.55 feet to the **Point of Beginning** of the hereinafter described parcel of land;

Thence from said *Point of Beginning* continuing through said lands of The County of Schenectady the following four (4) courses and distances:

- 1) South 49 deg. 44 min. 08 sec. East, 506.44 feet to a point in the northwesterly line of a parcel of land *Leased* to The Department of The Navy;
- 2) Along said *Lease* parcel, South 42 deg. 36 min. 36 sec. West, 205.19 feet to a point being the westerly corner of said *Lease* parcel;
- 3) North 47 deg. 27 min. 32 sec. West, 249.49 feet to a point of curvature;
- 4) Along a curve to the right having a radius of 270.00 feet and a chord bearing of North 11 deg. 37 min. 30 sec. West, 316.13 feet and an arc length of 337.72 feet to the point or place of beginning containing 1.974± acres of land.

Section 4: The Legislature shall, by duly adopted resolution and by contract or by instruments authorized by such resolution, convey, for the consideration of one million fifty thousand (\$1,050,000.00) dollars, the real property, or a portion thereof, hereinbefore described for use by Schenectady County Industrial Development Agency, in furtherance of a public or municipal purpose of the County of Schenectady.

Section 5: For purposes of this Local Law, the definition of public purpose shall specifically include the construction and operation of buildings, structures and other facilities for economic development purposes to be determined by the Schenectady County Industrial Development Agency, in order to assist in the stabilization and growth of the Town of Glenville in order to, by its existence, promote, create, develop, or expand business, commerce, industry or job opportunities within the County of Schenectady.

Section 6: This Local Law shall become effective forty-five (45) days after its final adoption, publication and filing, subject to permissive referendum in accordance with Section twenty-four of the Municipal Home Rule Law, unless within such forty-five (45) day period there be filed with the Clerk of the Legislature of the County of Schenectady a petition protesting against such Local Law, signed and authenticated as herein required by qualified electors of the County of Schenectady, registered to vote therein at least ten (10) per centum of the total number of votes cast for governor at the last gubernatorial election in the County of Schenectady.

Dated at Schenectady, New York this 5 day of May, 2008

Geoffrey T. Hall
Clerk
Schenectady County Legislature

Approved as to form:
/s/ Christopher H. Gardner
Schenectady County Attorney
620 State Street
Schenectady, New York 12305



NOTICE OF ADOPTION OF LOCAL LAW No. 1 of 2009

COUNTY OF SCHENECTADY

NOTICE IS HEREBY GIVEN that Local Law No. 1 of 2009, introduced as Proposed Law No. 1 of 2009, was adopted by the Schenectady County Legislature at a meeting held on May 12, 2009.

NOTICE IS FURTHER GIVEN that Local Law No. 1 of 2009 is entitled:

"A LOCAL LAW REGARDING THE DEDICATION AS PARKLAND OF CERTAIN PROPERTY OWNED BY SCHENECTADY COUNTY, AND FOR THE CONVEYANCE OF CERTAIN PARCELS TO THE TOWN OF NISKAYUNA".

BE IT ENACTED by the Legislature of the County of Schenectady, as follows:

Section 1: Intent and Purpose.

This Governing Body finds that the creation and dedication of certain public property as parkland and open space preserves the natural condition of the land, and enhances the conservation of the County's natural and scenic resources. This local law would designate certain property owned by Schenectady County as open space to be used as park lands, and it would authorize the conveyance of this property and other properties to the Town of Niskayuna.

Section 2: Care, management and use of County Property

The parcels listed below are County property located in the Town of Niskayuna, and are hereby dedicated as open space to be used for park purposes, park lands and recreational facilities, and the future use of such property is hereby so restricted and limited:

Section/Block/Lot

60.18-2-23.1	418 Stanford Avenue
60.18-2-30	425 Midland Avenue
60.18-2-48.1	438 Midland Avenue
60.18-3-7.1	570 Fillmore Avenue
60.18-3-31.1	Stanford Avenue
60.18-3-60.1	Midland Avenue
60.19-1-55.1	446 Overland Avenue
60.19-1-61.1	530 Overland Avenue
72.06-1-15.1	638 Fillmore Avenue
72.06-1-22.1	630 Stanford Avenue
72.6-1-31	Midland Avenue
60.8-1-2	St. Davids Lane

Section 3: Notwithstanding the provisions of section two hundred fifteen of the County Law or any other provision of law to the contrary, this Legislature hereby determines that the aforesaid County real property in the Town of Niskayuna is no longer necessary for use by the County and that all the right, title and interest of the County in such real property shall be conveyed to the Town of Niskayuna without public advertisement or competitive bidding.

Section 4: The Legislature shall, by duly adopted resolution adopting the local law and by contract or by instruments authorized by such resolution, convey the real property, hereinbefore described for use by the Town of Niskayuna as open space, restricted to use for park purposes, park lands and recreational facilities.

Section 5: Notwithstanding the provisions of section two hundred fifteen of the County Law or any other provision of law to the contrary, this Legislature hereby determines that County real property in the Town of Niskayuna described as 60.16-2-49 (130 Stafford Lane) is no longer necessary for use by the County and that all the right, title and interest of the County in such real property shall be conveyed to the Town of Niskayuna without public advertisement or competitive bidding.

Section 6: The Legislature shall, by duly adopted resolution adopting the local law and by contract or by instruments authorized by such resolution, convey real property described as 60.16-2-49 (130 Stafford Lane) for use by the Town of Niskayuna for public purposes.

Section 7: Effective Date.

This Local Law shall become effective forty-five (45) days after its final adoption, publication and filing, subject to permissive referendum in accordance with Section twenty-four of the Municipal Home Rule Law, unless within such forty-five (45) day period there be filed with the Clerk of the Legislature of the County of Schenectady a petition protesting against such Local Law, signed and authenticated as herein required by qualified electors of the County of Schenectady, registered to vote therein at least ten (10) per centum of the total number of votes cast for governor as the last gubernatorial election in the County of Schenectady.

Dated at Schenectady, New York this 15th day of May , 2009

Geoffrey T. Hall
Clerk
Schenectady County Legislature

Approved as to form:
/s/ Christopher H. Gardner
Schenectady County Attorney
620 State Street
Schenectady, New York 12305

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☒ **County**

☐ **City of** Schenectady

☐ **Town**

☐ **Village**

Local Law No. 1 of the year 20 11

A local law A LOCAL LAW REGARDING THE DESIGNATION OF CERTAIN PROPERTY OWNED

(Insert Title)

BY SCHENECTADY COUNTY AND THE CONVEYANCE OF SUCH PROPERTY TO

THE TOWN OF DUANESBURG

Be it enacted by the County Legislature of the
(Name of Legislative Body)

☒ **County**

☐ **City of** Schenectady

as follows:

☐ **Town**

☐ **Village**

Section 1: Intent and Purpose.

This Governing Body finds that the creation and dedication of certain public property as parkland and open space preserves the natural condition of the land, and enhances the conservation of the County's natural and scenic resources. This local law would designate certain property owned by Schenectady County as open space to be used as park lands, and it would authorize the conveyance of this property to the Town of Duanesburg.

Section 2: Care, management and use of County Property

The parcel listed below is County property located in the Town of Duanesburg, and is hereby designated as open space to be used for parks purposes, park lands and recreational facilities, and the future use of such property is hereby restricted and limited:

All that tract, piece or parcel of land situate lying and being in the Town of Duanesburg, County of Schenectady, State of New York at the intersection of the Northerly side of New York Sate Route No. 7 and the southerly side of U. S. Route 20, and being .155 acres more or less and shown on the Real Property Tax Service Tax Map of the County of Schenectady as Section 67.05, Block 2 and Lot 13.2, more particularly bounded and described as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Beginning at a point being the intersection of the Northerly side of Route No. 7 with the division line between the lands herein described on the West and lands of the State of New York as shown on appropriation map No. 0.5 on the East; Thence running South 73° 59' 33" W a distance of 139.45 feet along the Northerly side of Route No. 7 to a point; Thence running North 14° 27' 22" W a distance of 74.74 feet along the division line between the lands herein described on the East and other lands of the parties of the first part herein, presently being conveyed to Thomas J. Reali and John J. Malek III on the West, said line being parallel to and four feet Westerly from the Westerly side of the building on the Stephen Marks parcel to a point on the Southerly side of Route No. 20 ; Thence running South 84° 21' 41" E a distance of 82.77 feet along the Southerly side of Route No. 20 as shown on appropriation Map No. 2.5 of Highway No. 1454 to a point; Thence running North 89° 59' 10" East a distance of 62.38 feet along the Southerly side of Route No. 20 as shown on appropriation Map No. 1.5 of Highway No. 1454 to a point; Thence running South 17° 07' 10" East a distance of 27.0 feet along the intersection of Route No. 20 and Route No. 7 on the East and the lands herein described on the West as shown on Appropriation Map No. 0.5 of Highway No. 1454 to the point or place of beginning; Containing 6,790 square feet, or 0.155 acres, more or less.

Being the same premises as conveyed to Glen Marks by Stephen Marks, by deed dated June 29, 1982 and recorded in the Schenectady County Clerk's Office in Book 1063 at page 835 on January 23, 1983.

Also, being the same premises as conveyed from George A. Davidson, Commissioner of Finance of the County of Schenectady, on behalf of the Estate of Glen Marks to the County of Schenectady by deed dated September 18, 2009 and recorded in the Schenectady County Clerk's Office in Book 1807 of Deeds at Page 824 on September 21, 2009.

Section 3:

Notwithstanding the provisions of section two hundred fifteen of the County Law or any other provision of law to the contrary, this Legislature hereby determines that the aforesaid County real property in the Town of Duanesburg is no longer necessary for use by the County and that all the right, title and interest of the County in such real property shall be conveyed to the Town of Duanesburg without public advertisement or competitive bidding.

Section 4

The Legislature shall, by duly adopted resolution adopting the local law and by contract or by instruments authorized by such resolution, convey the real property, hereinbefore described for use by the Town of Duanesburg as open space, restricted to use for parks purposes, park lands and recreational facilities.

Section 5: Effective Date.

This Local Law shall become effective forty-five (45) days after its final adoption, publication and filing, subject to permissive referendum in accordance with Section twenty-four of the Municipal Home Rule Law, unless within such forty-five (45) day period there be filed with the Clerk of the Legislature of the County of Schenectady a petition protesting against such Local Law, signed and authenticated as herein required by qualified electors of the County of Schenectady, registered to vote therein at least ten (10) per centum of the total number of votes cast for governor at the last gubernatorial election in the County of Schenectady.

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☒ County

☐ City of Schenectady

☐ Town

☐ Village

Local Law No.

7

of the year 20

11

A local law

AUTHORIZING A LEASE WITH THE SCHENECTADY COUNTY INDUSTRIAL

(Insert Title)

DEVELOPMENT AGENCY FOR PROPERTY OWNED BY THE COUNTY THAT IS

LOCATED IN THE CITY OF SCHENECTADY

Be it enacted by the County Legislature
(Name of Legislative Body)

of the

☒ County

☐ City of Schenectady

☐ Town

☐ Village

as follows:

Section 1: Intent and Purpose.

It is declared to be the intent and purpose of this law to enable the County of Schenectady, as one of its public municipal purposes, to promote, create, develop, or expand business, commerce, industry or job opportunities within the corporate limits of the County of Schenectady in order to benefit the inhabitants thereof.

Section 2: Notwithstanding the provisions of section two hundred fifteen of the County Law or any other provision of law to the contrary, this Legislature hereby determines that County-owned real property in the City of Schenectady, known as 101-103 and 117 Washington Avenue (more fully described in section 3), is no longer necessary for use by the County, and that the County shall lease such real property to the Schenectady County Industrial Development Agency for a period exceeding five years without public advertisement or competitive bidding.

Section 3: The parcel of real property situate in the City of Schenectady and County of Schenectady, State of New York, subject to this Local Law is commonly known and described as follows:

ALL that parcel of land situate in the City of Schenectady, County of Schenectady, State of New York being more particularly bounded and described as follows:

-Continued-

(If additional space is needed, attach pages the same size as this sheet, and number each.)

BEGINNING at a point located in the southeasterly bounds of Washington Avenue at its intersection with the division line between lands now or formerly of Peter Caruso as described in Liber 1592 at Page 167 to the northeast and the herein described parcel to the southwest; thence along the aforementioned division line and the division line between lands now or formerly of Northway Auto Club Inc. and lands now or formerly of Schenectady Auto Club Inc. all to the northeast and the herein described parcel to the southwest the following four courses and distances:

1. S.30°-11'-20"E., a distance of 80.14 feet to a point;
2. S.39°-36'-50"E., a distance of 18.32 feet to a point
3. S.52°-24'-50"W., a distance of 4.85 feet to a point;
4. S.38°-27'-00"E., a distance of 165.75 feet to a point located in the northwesterly bounds of Railroad Avenue; thence along the northwesterly bounds of Railroad Avenue the following five courses and distances:

1. S.46°-30'-50"W., a distance of 44.08 feet to a point;
2. S.46°-30'-50"W., a distance of 53.71 feet to a point;
3. S.45°-41'-20"W., a distance of 18.0 feet to a point;
4. S.45°-45'-50"W., a distance of 47.92 feet to a point;
5. S.37°-20'-50" W., a distance of 54.87 feet to a point;

Thence along the division line between lands now or formerly of the State of New York (aka 125 Washington Avenue) to the southwest and the herein described parcel to the northeast the following fifteen courses and distances:

1. N.37°-44'-10"W., a distance of 84.77 feet to a point;
2. S.49°-49'-20"W., a distance of 0.94 feet to a point;
3. N.36°-55'-05"W., a distance of 60.08 feet to a point;
4. N.53°-48'-15"E., a distance of 35.14 feet to a point;
5. N.37°-06'-30"W., a distance of 1.88 feet to a point;
6. N.50°-48'-28"E., a distance of 1.00 feet to a point;
7. N.36°-58'-30"W., a distance of 41.95 feet to a point;
8. S.49°-06'-20"W., a distance of 0.95 feet to a point;
9. N.37°-35'-40"W., a distance of 12.52 feet to a point;
10. S.51°-56'-40 "W., a distance of 24.53 feet to a point;
- 11 N.37°-39'-00W., a distance of 28.82 feet to a point;
12. N39°-11'-40"W., a distance of 20.48 feet to a point;
13. N.48°-46'-00"E., a distance of 29.22 feet to a point;
14. N.41°-01'-00"W., a distance of 44.98 feet to a point;
15. N.30°-30'-40"W., a distance of 24.11 feet to a point located in the southeasterly bounds of Washington Avenue; thence along the southeasterly bounds of Washington Avenue the following two courses and distances:

1. N.59°-48'-50"E., a distance of 75.11 feet to a point;
2. N.59°-52'-00"E., a distance of 114.76 to the point and place of beginning.

Containing 1.33 acres of land more or less.

ALSO ALL that plot piece or parcel of land situate and being in the City of Schenectady, County of Schenectady and State of New York, bounded and described as follows:

BEGINNING at a chiseled "x" mark In the southwesterly line of Water Street, said point being the northeasterly corner of the herein described parcel and the northwesterly corner of lands now or formerly of Northway Automobile Club; Inc., per Book 1245 of Deeds at Page 111 and filed in the Schenectady County Clerk's office; thence south $08^{\circ}14'40''$ West, 48.53 feet and South $50^{\circ}28'00''$ West, 109.84 feet to a capped iron rod found in the northeasterly line of lands now or formerly of County of Schenectady per Book 1714 of Deeds at Page 165 and filed in the Schenectady County Clerk's office; said point also being the southwesterly corner of the herein described parcel; thence along said northeasterly line of lands of County of Schenectady, North $30^{\circ}11'20''$ West, 80.14 feet to a point in the southeasterly assumed road line of Washington Avenue; thence along said southerly line, North $59^{\circ}52'00''$ East, 111.45 feet to a point at the intersection of the southeasterly line of Washington Avenue and the aforesaid southwesterly line of Water Street; thence along said southwesterly line of Water Street, South $78^{\circ}26'50''$ West 36.32 feet to the point or place of beginning.

CONTAINING APPROX. 8.689 SQUARE FEET OF LAND

Section 4: This Legislature hereby authorizes the County Manager, after approval of the County Attorney as to form and content, to negotiate and enter into a ground lease agreement for the real property hereinbefore described for use by Schenectady County Industrial Development Agency, in furtherance of a public or municipal purpose of the County of Schenectady. The lease shall include at least the following provisions:

1. The term shall be more than five years but less than forty years (can include a renewal of up to forty years); and
2. The tenant shall be the Schenectady County Industrial Agency, and the lease shall not be assigned without approval of the County;

Section 5: For purposes of this Local Law, the definition of public purpose shall specifically include the construction and operation of buildings, structures and other facilities, including student housing facilities, to be determined by the Schenectady County Industrial Development Agency, in order to assist in the stabilization and growth of the City of Schenectady in order to, by its existence, promote, create, develop, or expand business, educational institutions, commerce, industry or job opportunities within the County of Schenectady.

Section 6: This Local Law shall become effective forty-five (45) days after its final adoption, publication and filing, subject to permissive referendum in accordance with Section twenty-four of the Municipal Home Rule Law, unless within such forty-five (45) day period there be filed with the Clerk of the Legislature of the County of Schenectady a

petition protesting against such Local Law, signed and authenticated as herein required by qualified electors of the County of Schenectady, registered to vote therein at least ten (10) per centum of the total number of votes cast for governor at the last gubernatorial election in the County of Schenectady.



NOTICE OF ADOPTION OF LOCAL LAW No. 2 of 2012

COUNTY OF SCHENECTADY

NOTICE IS HEREBY GIVEN that Local Law No. 2 of 2012, introduced as Proposed Local Law B of 2012, was adopted by the Schenectady County Legislature at a meeting held on February 14, 2012.

NOTICE IS FURTHER GIVEN that Local Law 2 of 2012 is entitled:

A LOCAL LAW TO PROVIDE FOR THE PAYMENT OF INCREASED SALARIES TO OFFICERS OF THE COUNTY OF SCHENECTADY APPOINTED FOR A FIXED TERM

Section 1. Effective as hereinafter provided, the annual base salaries of the hereinafter designated County officers appointed for a fixed term are hereby fixed, during their respective terms, at the increased amount set forth opposite each such office or position as follows, to wit:

Annual Salary Base

<u>Appointed Officials</u>	<u>2011</u>
Commissioner of Public Health	\$ 135,281.
Civil Service Commissioner (3)	\$ 7,188.
Salary for Each	
Commissioner of Elections (2)	\$ 83,184.
Salary for Each	
Commissioner of Finance	\$ 116,725.
Director of Real Property	\$ 66,990.

Section 2. That, in addition to the annual salary base hereinbefore set forth, qualified officers appointed for a fixed term shall receive management longevity payments as established by resolution of this Legislature.

Section 3. This Local Law shall take effect forty-five days after its final adoption, publication and filing, subject to permissive referendum in accordance with section 24 of the Municipal Home Rule Law and its provisions shall be deemed to have been in full force and effect from and after January 1, 2011 as herein provided.

Dated at Schenectady, New York this 15th day of February, 2012

Geoffrey T. Hall
Clerk
Schenectady County Legislature

Approved as to form:
/s/ Christopher H. Gardner
Schenectady County Attorney
620 State Street
Schenectady, New York 12305



NOTICE OF ADOPTION OF LOCAL LAW No. 3 of 2012

COUNTY OF SCHENECTADY

NOTICE IS HEREBY GIVEN that Local Law No. 3 of 2012, introduced as Proposed Local Law C of 2012, was adopted by the Schenectady County Legislature at a meeting held on February 14, 2012.

NOTICE IS FURTHER GIVEN that Local Law 3 of 2012 is entitled:

A LOCAL LAW TO PROVIDE FOR THE PAYMENT OF INCREASED SALARIES TO ELECTED OFFICERS OF THE COUNTY OF SCHENECTADY

BE IT ENACTED by the Legislature of the County of Schenectady, as follows:

Section 1. Effective as hereinafter provided, the annual base salaries of the hereinafter designated County officers elected for a fixed term are hereby fixed, during their respective terms, at the increase amount set forth opposite each such office or position as follows, to wit:

Annual Salary Base

<u>Elected Official</u>	<u>2011</u>
County Clerk	\$ 85,750.
Sheriff	\$ 90,668.
District Attorney	\$ 125,245.

Section 2. That, in addition to the annual salary base hereinbefore set forth, qualified officers elected for a fixed term shall be eligible to receive management longevity payments as established by resolution of this Legislature.

Section 3. This Local Law shall take effect forty-five days after its final adoption, publication and filing, subject to permissive referendum in accordance with Section 24 of the Municipal Home Rule Law and its provisions shall be deemed to have been in full force and effect from and after January 1, 2011 as herein provided.

Dated at Schenectady, New York this 15th day of February, 2012

Geoffrey T. Hall
Clerk
Schenectady County Legislature

Approved as to form:
/s/ Christopher H. Gardner
Schenectady County Attorney
620 State Street
Schenectady, New York 12305



NOTICE OF ADOPTION OF LOCAL LAW No. 4 of 2012

COUNTY OF SCHENECTADY

NOTICE IS HEREBY GIVEN that Local Law No. 4 of 2012, introduced as Proposed Local Law D of 2012, was adopted by the Schenectady County Legislature at a meeting held on May 8, 2012.

NOTICE IS FURTHER GIVEN that Local Law 4 of 2012 is entitled:

A LOCAL LAW AUTHORIZING THE CONVEYANCE OF REAL PROPERTY OWNED BY THE COUNTY OF SCHENECTADY

The text of the proposed local law is as follows:

Section 1: Intent and Purpose.

It is declared to be the intent and purpose of this law to enable the County of Schenectady to have the general care and control of the corporate real and personal property of the County in order to benefit the inhabitants thereof in accordance with the New York State County Law.

Section 2: Notwithstanding the provisions of section two hundred fifteen of the County Law or any other provision of law to the contrary, this Legislature hereby determines that County real property in the Town of Princetown as hereinafter described is no longer necessary for use by the County and that all the right, title and interest of the County in such real property shall be conveyed to the adjacent property owner, Richard Peterson, without public advertisement or competitive bidding.

Section 3: The parcel of real property situate in the Town of Princetown and County of Schenectady, State of New York, subject to this Local Law is commonly known and described as follows: Old Pangburn Rd which is found to be a redundant road, replaced by Pangburn Rd.

Section 4: The Legislature shall, by duly adopted resolution or by contract or by instruments authorized by such resolution, convey, for the consideration of six thousand (\$6,000.00) dollars, the real property, or a portion thereof, hereinbefore described for use by the adjacent property owner, Richard Peterson.

Section 5: In compliance with the provisions of section 115 of the Highway Law, the Director of Public Works is directed to amend the map of county roads of Schenectady County to delete Old Pangburn Road, as described in section three of this local law.

Section 7: This Local Law shall become effective forty-five (45) days after its final adoption, publication and filing, subject to permissive referendum in accordance with Section twenty-four of the Municipal Home Rule Law, unless within such forty-five (45) day period there be filed with the Clerk of the Legislature of the County of Schenectady a petition protesting against such Local Law, signed and authenticated as herein required by qualified electors of the County of Schenectady, registered to vote therein at least ten (10) per centum of the total number of votes cast for governor as the last gubernatorial election in the County of Schenectady.

Dated at Schenectady, New York this 9th day of May, 2012

Geoffrey T. Hall
Clerk
Schenectady County Legislature

Approved as to form:
/s/ Christopher H. Gardner
Schenectady County Attorney
620 State Street
Schenectady, New York 12305



NOTICE OF ADOPTION OF LOCAL LAW No. 5 of 2012

COUNTY OF SCHENECTADY

NOTICE IS HEREBY GIVEN that Local Law No. 5 of 2012, introduced as Proposed Local Law E of 2012, was adopted by the Schenectady County Legislature at a meeting held on May 8, 2012.

NOTICE IS FURTHER GIVEN that Local Law 5 of 2012 is entitled:

**A LOCAL LAW REGARDING THE DESIGNATION OF CERTAIN PROPERTY OWNED BY
SCHENECTADY COUNTY AND THE CONVEYANCE OF SUCH PROPERTY TO THE TOWN OF
ROTTERDAM**

Section 1: Intent and Purpose.

This Governing Body finds that the creation and dedication of certain public property as parkland and open space preserves the natural condition of the land, and enhances the conservation of the County's natural and scenic resources. This local law would designate certain property owned by Schenectady County, which is located within the Great Flats Aquifer Primary Recharge Zone, as open space to be used as park lands, and it would authorize the conveyance of this property to the Town of Rotterdam.

Section 2: Care, management and use of County Property

The parcel listed below is County property located in the Town of Rotterdam, and is hereby designated as open space to be used for parks purposes, park lands and recreational facilities, and the future use of such property is hereby restricted and limited:

Section/Block/Lot 38.-2-2 — 146 West Campbell Road (approximately .58 acres).

Section 3: Notwithstanding the provisions of section two hundred fifteen of the County Law or any other provision of law to the contrary, this Legislature hereby determines that the aforesaid County real property in the Town of Rotterdam is no longer necessary for use by the County and that all the right, title and interest of the County in such real property shall be conveyed to the Town of Rotterdam without public advertisement or competitive bidding.

Section 5. This Local Law shall become effective forty-five (45) days after its final adoption, publication and filing, subject to permissive referendum in accordance with section twenty-four of the Municipal Home Rule Law, unless within such forty-five (45) day period there be filed with the Clerk of the Legislature of the County of Schenectady a petition protesting against such Local Law, signed and authenticated as herein required by qualified electors of the County of Schenectady, registered to vote therein at least ten (10) per centum of the total number of votes cast for governor as the last gubernatorial election in the County of Schenectady.

Dated at Schenectady, New York this 9th day of May, 2012

Geoffrey T. Hall
Clerk
Schenectady County Legislature

Approved as to form:
/s/ Christopher H. Gardner
Schenectady County Attorney
620 State Street
Schenectady, New York 12305

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☒ County ☐ City ☐ Town ☐ Village
(Select one:)

of Schenectady

Local Law No. 1 of the year 20¹³

A local law REGARDING PURCHASE CONTRACTS AWARDED ON THE BASIS OF BEST VALUE
(Insert Title)

Be it enacted by the County Legislature of the
(Name of Legislative Body)

☒ County ☐ City ☐ Town ☐ Village
(Select one:)

of Schenectady as follows:

Section 1: Name.

This law shall be known as the "Schenectady County Best Value Contract Award Law."

Section 2: Intent and Purpose.

The state legislature and the governor approved legislation that amended section one hundred three of the NYS general municipal law to provide municipalities with greater flexibility in awarding contracts by authorizing the award of purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to article eight of the labor law) on the basis of best value. The state legislation requires counties with a population of less than one million to pass a local law authorizing the use of the best value award process.

Enactment of this legislation provides additional procurement options to localities in ways that may expedite the procurement process and result in cost savings. The "best value" standard for selecting goods and services vendors, including janitorial and security contracts, is critical to efforts to use strategic sourcing principles to modernize the supply chain and ensure that taxpayers obtain the highest quality goods and services at the lowest potential cost, while also ensuring fairness to all competitors. The federal government, approximately half of the states and many localities have added best value selection processes to their procurement options, in recognition of these advantages. With the increased complexity of the goods and services that municipalities must obtain in order to serve taxpayers, it is critical to consider selection and evaluation criteria that measure factors other than cost.

-CONTINUED-

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Taxpayers are not well served when a public procurement results in low unit costs at the outset, but ultimately engenders cost escalations due to factors such as inferior quality, poor reliability and difficulty of maintenance. Best value procurement links the procurement process directly to the municipality's performance requirements, incorporating selection factors such as useful lifespan, quality and options and incentives for more timely performance and/or additional services. Even if the initial expenditure is higher, considering the total value over the life of the procurement may result in a better value and long-term investment of public funds.

Best value procurement also encourages competition and, in turn, often results in better pricing, quality and customer service. Fostering healthy competition ensures that bidders will continue to strive for excellence in identifying and meeting the needs of municipalities, including such important goals as the participation of small, minority and women-owned businesses, and the development of environmentally-preferable goods and service delivery methods. Best value procurement will provide much-needed flexibility in obtaining important goods and services at favorable prices, and will reduce the time to procure such goods and services.

Section 3. Award Based on Lowest Bidder or Best Value

Schenectady County may award purchase contracts and service contracts that have been procured pursuant to competitive bidding under section 103 of the NYS General Municipal Law by either lowest responsible bidder or best value.

Section 4. Definitions.

"Best value" means the basis for awarding contracts for services to the offerer which optimizes quality, cost and efficiency, among responsive and responsible offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for offerers that are small businesses or certified minority- or women-owned business enterprises as defined in subdivisions one, seven, fifteen and twenty of section three hundred ten of the executive law to be used in evaluation of offers for awarding of contracts for services.

Section 5. Requirements

Goods and services procured and awarded on the basis of best value are those that are determined to be of the highest quality while being the most cost efficient. The determination of quality and cost efficiency shall be based on objectively quantified and clearly described and documented criteria, which may include, but shall not be limited to, any or all of the following: cost of maintenance, proximity to the end user if distance or response time is a significant term, durability, availability of replacement parts or maintenance contractors, longer product life, product performance criteria, and quality of craftsmanship.

Whenever any contract is awarded on the basis of best value instead of lowest responsible bidder, the basis for determining best value shall be thoroughly and accurately documented.

Section 6. Severability

If any clause, sentence, paragraph, subdivision, section or part of this 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 judgment shall not affect, impair, effect 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 judgment shall be rendered.

Section 7. Effective Date

This law shall take effect immediately after its final adoption, filing and publication in accordance with section 27 of the Municipal Home Rule Law and section 2.12 of the Charter of the County of Schenectady.



NOTICE OF ADOPTION OF LOCAL LAW No. 1 of 2014

COUNTY OF SCHENECTADY

NOTICE IS HEREBY GIVEN that Local Law No. 1 of 2014, introduced as Proposed Local Law A of 2014, was adopted by the Schenectady County Legislature at a meeting held on December 17, 2014.

NOTICE IS FURTHER GIVEN that Local Law 1 of 2014 is entitled:

A LOCAL LAW TO PROVIDE FOR THE PAYMENT OF INCREASED SALARIES TO ELECTED OFFICERS OF THE COUNTY OF SCHENECTADY

BE IT ENACTED by the Legislature of the County of Schenectady, as follows:

Section 1. Effective as hereinafter provided, the annual base salaries of the hereinafter designated County officers elected for a fixed term are hereby fixed, during their respective terms, at the increase amount set forth opposite each such office or position as follows, to wit:

	Annual Salary	
Elected Official	2014	2015
County Clerk	\$ 86,825.	\$ 87,689.
Sheriff	\$ 91,805.	\$ 92,718.

Section 2. That, in addition to the annual salary base hereinbefore set forth, qualified officers elected for a fixed term shall be eligible to receive management longevity payments as established by resolution of this Legislature.

Section 3. This Local Law shall take effect forty-five days after its final adoption, publication and filing, subject to permissive referendum in accordance with Section 24 of the Municipal Home Rule Law and its provisions shall be deemed to have been in full force and effect from and after January 1, 2014 as herein provided.

Dated at Schenectady, New York this 19th day of December, 2014

Geoffrey T. Hall
Clerk
Schenectady County Legislature

Approved as to form:
/s/ Christopher H. Gardner
Schenectady County Attorney
620 State Street
Schenectady, New York 12305

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☒ County ☐ City ☐ Town ☐ Village
(Select one:)

of Schenectady

Local Law No. 3 of the year 20¹⁷

A local law AUTHORIZING THE CONVEYANCE OF REAL PROPERTY OWNED BY THE COUNTY

(Insert Title)

OF SCHENECTADY

Be it enacted by the Legislature of the
(Name of Legislative Body)

☒ County ☐ City ☐ Town ☐ Village
(Select one:)

of Schenectady as follows:

Section 1: Intent and Purpose.

It is declared to be the intent and purpose of this law to enable the County of Schenectady to have the general care and control of the corporate real and personal property of the County in order to benefit the inhabitants thereof in accordance with the New York State County Law.

Section 2: Notwithstanding the provisions of section two hundred fifteen of the County Law or any other provision of law to the contrary, this Legislature hereby determines that County real property in the Town of Glenville as hereinafter described is no longer necessary for use by the County and that all the right, title and interest of the County in such real property shall be conveyed to Bruno Associates, without public advertisement or competitive bidding.

Section 3: The parcel of real property situate in the Town of Glenville and County of Schenectady, State of New York, subject to this Local Law is described as follows:

A two (2) acre parcel along Tower Road adjacent to the Schenectady County Recreational Facility and the property owned by DSM/Fortitech, which is shown on the attached sketch plan prepared by ABD Engineers, LLP and made a part of this local law.

-Continued-

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 4: The Legislature shall, by duly adopted resolution or by contract or by instruments authorized by such resolution, convey, for the consideration of one hundred eighty thousand (\$180,000.00) dollars, the real property, or a portion thereof, hereinbefore described for use by Bruno Associates.

Section 5: This Local Law shall become effective forty-five (45) days after its final adoption, publication and filing, subject to permissive referendum in accordance with Section twenty-four of the Municipal Home Rule Law, unless within such forty-five (45) day period there be filed with the Clerk of the Legislature of the County of Schenectady a petition protesting against such Local Law, signed and authenticated as herein required by qualified electors of the County of Schenectady, registered to vote therein at least ten (10) per centum of the total number of votes cast for governor as the last gubernatorial election in the County of Schenectady.

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☒ County ☐ City ☐ Town ☐ Village

(Select one:)

of Schenectady

Local Law No. 4 of the year 2017

A local law AUTHORIZING THE CONVEYANCE OF REAL PROPERTY OWNED BY THE COUNTY

(Insert Title)

OF SCHENECTADY

Be it enacted by the Legislature of the
(Name of Legislative Body)

☒ County ☐ City ☐ Town ☐ Village

(Select one:)

of Schenectady as follows:

Section 1: Intent and Purpose.

It is declared to be the intent and purpose of this law to enable the County of Schenectady to have the general care and control of the corporate real and personal property of the County in order to benefit the inhabitants thereof in accordance with the New York State County Law.

Section 2: Notwithstanding the provisions of section two hundred fifteen of the County Law or any other provision of law to the contrary, this Legislature hereby determines that County real property in the Town of Glenville as hereinafter described is no longer necessary for use by the County and that all the right, title and interest of the County in such real property shall be conveyed to C2 Design Group and/or Euro Tile & Stone, without public advertisement or competitive bidding.

Section 3: The parcel of real property situate in the Town of Glenville and County of Schenectady, State of New York, subject to this Local Law is described as follows:

-Continued-

(If additional space is needed, attach pages the same size as this sheet, and number each.)

A three (3) acre parcel bounded by Route 50, Airport Road and an existing tree line at the rear of the site, which is shown on the attached concept site plan prepared by Schenectady County Department of Economic Development and made a part of this local law.

Section 4: The Legislature shall, by duly adopted resolution or by contract or by instruments authorized by such resolution, convey, for the consideration of two hundred seventy thousand (\$270,000.00) dollars, the real property, or a portion thereof, hereinbefore described for use by C2 Design Group and/or Euro Tile & Stone.

Section 5: This Local Law shall become effective forty-five (45) days after its final adoption, publication and filing, subject to permissive referendum in accordance with Section twenty-four of the Municipal Home Rule Law, unless within such forty-five (45) day period there be filed with the Clerk of the Legislature of the County of Schenectady a petition protesting against such Local Law, signed and authenticated as herein required by qualified electors of the County of Schenectady, registered to vote therein at least ten (10) per centum of the total number of votes cast for governor as the last gubernatorial election in the County of Schenectady.

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☒ County ☐ City ☐ Town ☐ Village
(Select one:)

of Schenectady

Local Law No. 4 of the year 20¹⁸

A local law TO ENACT MEASURES REGARDING EVICTION PROCEEDINGS AND DISPOSITION

(Insert Title)

OF PERSONAL PROPERTY

Be it enacted by the Legislature of the
(Name of Legislative Body)

☒ County ☐ City ☐ Town ☐ Village
(Select one:)

of Schenectady as follows:

Section 1. Legislative Intent

The Schenectady County Sheriff has instituted a "Legal Possession" procedure as an alternative to the removal of a tenant's property in a "Full Possession" eviction.

This "Legal Possession" option provides for the changing of the locks and the turning over of possession of the premises to the landlord. There is the potential for the landlord to become the custodian of items of personal property of a tenant in a "Legal Possession" proceeding, and as a result, the landlord can be faced with potential liability for securing and properly disposing of said personal property.

This Governing Body is cognizant of the property rights of an evicted tenant and the plight of the landlord in an eviction process when there is the aforesaid liability concerns and a financial burden associated with personal property left on the premises.

Section 2. Definitions

The term "property" as used in this local law shall mean goods, chattels, and tangible property having a value of twenty (20) dollars or more no longer in the possession of a tenant or a former tenant, and remaining in a premises after the execution of a lawful warrant of eviction.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 3. Legal Possession

The “Legal Possession” option established by the Schenectady County Sheriff is hereby confirmed by this Governing Body.

In those instances where there is not a legal alternative provided by express language in the contractual agreement or a waiver or release between the landlord and tenant, a landlord may dispose of property as provided herein:

1. A landlord is authorized to store said property for a period of time after “Legal Possession” is granted for a period not exceeding thirty days; provided, however, for buildings located in the City of Schenectady which contain two or more rental units, except rental units inspected and leased under contract with the Schenectady Municipal Housing Authority and the United States Department of Housing and Urban Development, that do not have a valid and current rental certificate or temporary rental certificate for the rental unit of the evicted tenant, a landlord is authorized to store said property for a period of time after “Legal Possession” is granted for a period not exceeding six months.
2. Storage of said property shall be either on the premises that was the subject of the eviction, or at another area in the building where the premises are located, or at an off-site facility. Any such storage site selected by the landlord shall be secured.
3. If a tenant or lawful owner of the property shall claim said property within the period of time held by the landlord, said property shall be released subject to the full payment of the reasonable costs for storage, transportation and securing of all of said property.
4. A landlord shall, if said property is not claimed and at any time after the aforesaid thirty-day or six-month period provided for herein, dispose of said property in any reasonable manner.

Section 4. Separability.

If any clause, sentence, paragraph, subdivision, section or part of this 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 judgment shall not affect, impair, effect 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 judgment shall be rendered.

Section 7. Effective Date

This law shall take effect immediately after its final adoption, filing and publication in accordance with section 27 of the Municipal Home Rule Law and section 2.12 of the Charter of the County of Schenectady.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2018 of the (County)(City)(Town)(Village) of Schenectady was duly passed by the County Legislature on April 10 2018, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*)
on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local (Elective Chief Executive Officer*)
law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph ¹_____ above.

Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

(Seal)

Date: _____

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☒ County ☐ City ☐ Town ☐ Village
(Select one:)

of Schenectady

02/05/2019 3:24:04 PM
County Clerk
Carol H. Ackerman
SCHENECTADY COUNTY, NY

Local Law No. 1 of the year 2019

A local law TO PROVIDE FOR THE PAYMENT OF INCREASED SALARIES TO ELECTED
(Insert Title)
OFFICERS OF THE COUNTY OF SCHENECTADY

Be it enacted by the County Legislature of the
(Name of Legislative Body)

☒ County ☐ City ☐ Town ☐ Village
(Select one:)

of Schenectady as follows:

Section 1. Effective as hereinafter provided, the annual salaries of the hereinafter designated County officers elected for a fixed term are hereby fixed, during their respective terms, at the amount set forth opposite each such office or position as follows, to wit:

Elected Official	Annual Salary		
	2017	2018	2019
County Clerk	\$ 90,784.	\$ 92,146.	\$ 93,989.
Sheriff	\$ 95,991.	\$ 97,431.	\$ 99,379.

Section 2. That, in addition to the annual salary hereinbefore set forth, qualified officers elected for a fixed term shall be eligible to receive management longevity payments as established by resolution of this Legislature.

Section 3. This Local Law shall take effect forty-five days after its final adoption, publication and filing, subject to permissive referendum in accordance with Section 24 of the Municipal Home Rule Law and its provisions shall be deemed to have been in full force and effect from and after January 1, 2017 as herein provided.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.

(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 _____ of 20¹⁹ of the (County)(City)(Town)(Village) of Schenectady was duly passed by the County Legislature on December 19 2018, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of February 4 20¹⁹, in accordance with the applicable provisions of law.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

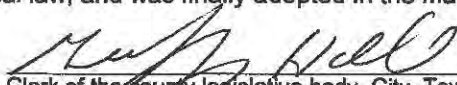
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 4 _____ above.


Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date:

2-5-19

(Seal)



LOCAL LAW NO. 3-19

COUNTY OF SCHENECTADY

Introduced by Legislator Hughes:

A LOCAL LAW AUTHORIZING THE CONVEYANCE OF REAL PROPERTY OWNED BY THE COUNTY OF SCHENECTADY

BE IT ENACTED by the Legislature of the County of Schenectady, as follows:

Section 1: Intent and Purpose.

It is declared to be the intent and purpose of this law to enable the County of Schenectady to have the general care and control of the corporate real and personal property of the County in order to benefit the inhabitants thereof in accordance with the New York State County Law.

Section 2: Notwithstanding the provisions of section two hundred fifteen of the County Law or any other provision of law to the contrary, this Legislature hereby determines that County real property in the Town of Glenville as hereinafter described is no longer necessary for use by the County and that all the right, title and interest of the County in such real property shall be conveyed to Highbridge Development Airport SP, LLC without public advertisement or competitive bidding.

Section 3: The parcel of real property situate in the Town of Glenville and County of Schenectady, State of New York, subject to this Local Law is described as follows:

All that tract, piece or parcel of land, situated in the Town of Glenville, County of Schenectady, State of New York, being a portion of lands now or formerly of County of Schenectady, and being more particularly bounded and described as follows:

Beginning at a point on the northwesterly line of Airport Rd at its intersection with the northerly line of the lands now or formerly of Service Experts Heating & Air Conditioning – New York LLC; thence along said lands now or formerly of Service Experts Heating & Air Conditioning – New York LLC the following three (3) courses and distances:

1. North 71° 46' 42" West a distance of 302.10 feet to a point;

2. South $56^{\circ} 53' 39''$ West a distance of 6.73 feet to a point; and
3. North $00^{\circ} 36' 50''$ East a distance of 212.22 feet to a point;

Thence North $02^{\circ} 24' 28''$ East along the easterly bounds of lands now or formerly of Antonio, Paolo, Innocenzio, Mario Jr. and Angelo Montesano a distance of 139.00 feet to a point; thence North $36^{\circ} 04' 35''$ East through the lands now or formerly of County of Schenectady a distance of 389.86 feet to a point in the southwesterly line of Airport Rd; thence continuing through the lands now or formerly of County of Schenectady along the line of Airport Road the following four (4) courses and distances:

1. South $46^{\circ} 54' 25''$ East a distance of 270.71 feet to a point;
2. Along a curve to the right having a radius of 657.41 feet and an arc length of 266.00 feet, with a chord bearing South $35^{\circ} 18' 56''$ East a distance of 264.19 feet to a point;
3. Along a curve to the right having a radius of 129.63 feet and an arc length of 143.72 feet, with a chord bearing South $16^{\circ} 49' 27''$ West a distance of 136.47 feet to a point; and
4. South $48^{\circ} 35' 05''$ West a distance of 341.37 feet to the point or place of beginning, containing $6.71 \pm$ acres more or less.

Bearing based on true north at the $74^{\circ} 30'$ meridian of the west longitude.

Section 4: The Legislature shall, by duly adopted resolution or by contract or by instruments authorized by such resolution, convey, for the consideration of five hundred ten thousand dollars (\$510,000.00), the real property, or a portion thereof, hereinbefore described for use by Highbridge Development Airport SP, LLC. This conveyance shall be conducted subsequent to receiving all necessary approvals from the Federal Aviation Administration.

Section 5: This Local Law shall become effective forty-five (45) days after its final adoption, publication and filing, subject to permissive referendum in accordance with Section twenty-four of the Municipal Home Rule Law, unless within such forty-five (45) day period there be filed with the Clerk of the Legislature of the County of Schenectady a petition protesting against such Local Law, signed and authenticated as herein required by qualified electors of the County of Schenectady, registered to vote therein at least ten (10) per centum of the total number of votes cast for governor as the last gubernatorial election in the County of Schenectady.

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☒ County ☐ City ☐ Town ☐ Village
(Select one:)

of Schenectady

Local Law No. 2 of the year 20²⁰

A local law PROVIDE FOR THE PAYMENT OF INCREASED SALARIES TO ELECTED OFFICERS

(Insert Title)

OF THE COUNTY OF SCHENECTADY

Be it enacted by the County Legislature of the
(Name of Legislative Body)

☒ County ☐ City ☐ Town ☐ Village
(Select one:)

of Schenectady as follows:

Section 1. Effective as hereinafter provided, the annual salaries of the hereinafter designated County officers elected for a fixed term are hereby fixed, during their respective terms, at the amount set forth opposite each such office or position as follows, to wit:

Annual Salary

Elected Official 2020

County Clerk \$ 98,000.

Sheriff \$112,500.

Section 2. That, in addition to the annual salary hereinbefore set forth, the County Clerk elected for a fixed term shall be eligible to receive management longevity payments as established by resolution of this Legislature.

- continued -

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 3. That, in addition to the annual salary hereinbefore set forth, the Sheriff elected for a fixed term shall be eligible to receive the longevity rates and supervisor differential as established in article 5, the special rates of pay as established in article 6, and holiday payment as established in article 8 of the collective bargaining agreement between the County of Schenectady and the Schenectady County Sheriff's Correction Administrators Association, Local 9920, Council 82, AFSCME, AFL-CIO.

Section 4. This Local Law shall take effect forty-five days after its final adoption, publication and filing, subject to permissive referendum in accordance with Section 24 of the Municipal Home Rule Law and its provisions shall be deemed to have been in full force and effect from and after January 1, 2020 as herein provided.

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☒ County ☐ City ☐ Town ☐ Village
(Select one:)

of Schenectady

Local Law No. 3 of the year 20²⁰

A local law TO PROVIDE FOR THE PAYMENT OF INCREASED SALARIES TO ELECTED
(Insert Title)
OFFICERS OF THE COUNTY OF SCHENECTADY

Be it enacted by the County Legislature of the
(Name of Legislative Body)

☒ County ☐ City ☐ Town ☐ Village
(Select one:)

of Schenectady as follows:

Section 1. Effective as hereinafter provided, the annual salaries of the hereinafter designated County officers elected for a fixed term are hereby fixed, during their respective terms, at the amount set forth opposite each such office or position as follows, to wit:

Elected Official	Annual Salary
Member of County Legislature	\$ 19,000.

Section 2. This Local Law shall take effect forty-five days after its final adoption, publication and filing, subject to permissive referendum in accordance with Section 24 of the Municipal Home Rule Law and its provisions shall be deemed to be in full force and effect from and after January 1, 2021.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☒ County ☐ City ☐ Town ☐ Village
(Select one:)

of Schenectady

FILED
07/01/2020 9:31:24 AM
County Clerk
Cara M. Ackeries
SCHENECTADY COUNTY, NY

Local Law No. 5 of the year 2020

A local law AUTHORIZING THE CONVEYANCE OF REAL PROPERTY OWNED BY THE COUNTY

(Insert Title)
OF SCHENECTADY

Be it enacted by the County Legislature of the
(Name of Legislative Body)

☒ County ☐ City ☐ Town ☐ Village
(Select one:)

of Schenectady

as follows:

Section 1: Intent and Purpose.

It is declared to be the intent and purpose of this law to enable the County of Schenectady to have the general care and control of the corporate real and personal property of the County in order to benefit the inhabitants thereof in accordance with the New York State County Law.

Section 2: Notwithstanding the provisions of section two hundred fifteen of the County Law or any other provision of law to the contrary, this Legislature hereby determines that County real property in the City of Schenectady as hereinafter described is no longer necessary for use by the County and that all the right, title and interest of the County in such real property shall be conveyed to Highbridge Erie, LLC without public advertisement or competitive bidding.

Section 3: The parcel of real property situate in the City of Schenectady (170 Erie Blvd.) and County of Schenectady, State of New York, subject to this Local Law are described as follows:

S/B/L: 39.71-3-25.2

Section 4: The Legislature shall, by duly adopted resolution or by contract or by instruments authorized by such resolution, convey, for the consideration of fifty thousand (\$50,000.00) dollars, the real property, or a portion thereof, hereinbefore described for use by Highbridge Erie, LLC.

-continued-

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 5: This Local Law shall become effective forty-five (45) days after its final adoption, publication and filing, subject to permissive referendum in accordance with Section twenty-four of the Municipal Home Rule Law, unless within such forty-five (45) day period there be filed with the Clerk of the Legislature of the County of Schenectady a petition protesting against such Local Law, signed and authenticated as herein required by qualified electors of the County of Schenectady, registered to vote therein at least ten (10) per centum of the total number of votes cast for governor as the last gubernatorial election in the County of Schenectady.

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☒ County ☐ City ☐ Town ☐ Village
(Select one:)

of Schenectady

FILED
07/01/2020 9:31:24 AM
County Clerk
Cara M. Ackert
SCHENECTADY COUNTY, NY

Local Law No. 6 of the year 2020

A local law AUTHORIZING THE CONVEYANCE OF REAL PROPERTY OWNED BY THE COUNTY
(Insert Title)
OF SCHENECTADY

Be it enacted by the County Legislature of the
(Name of Legislative Body)

☒ County ☐ City ☐ Town ☐ Village
(Select one:)

of Schenectady as follows:

Section 1: Intent and Purpose.

It is declared to be the intent and purpose of this law to enable the County of Schenectady to have the general care and control of the corporate real and personal property of the County in order to benefit the inhabitants thereof in accordance with the New York State County Law.

Section 2: Notwithstanding the provisions of section two hundred fifteen of the County Law or any other provision of law to the contrary, this Legislature hereby determines that County real property in the Town of Glenville as hereinafter described is no longer necessary for use by the County and that all the right, title and interest of the County in such real property shall be conveyed to Bruno Associates without public advertisement or competitive bidding.

Section 3: The parcels of real property situate in the Town of Glenville and County of Schenectady, State of New York, subject to this Local Law are described as follows:

Parcel Area #1

ALL THAT TRACT, PIECE OR PARCEL OF LAND, situate, lying and being in the Town of Glenville, County of

-continued-

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Schenectady and State of New York, being along the northwesterly side of Tower Road and being more particularly bounded and described as follows:

BEGINNING at a point on the northwesterly side of Tower Road, said point being S 48 degrees 01'10" W 622.44', measured along the northwesterly side of Tower Road, from the southwesterly corner of lands N/F Fortitech Holding Corp. (1788/944);

THENCE South 48 degrees 01'10" West a distance of 150.00 feet along the northwesterly side of Tower Road, to a point;

THENCE North 41 degrees 58'50" West a distance of 238.04 feet through lands N/F County of Schenectady, to a point;

THENCE North 48 degrees 01'10" East a distance of 150.00 feet through lands N/F County of Schenectady, to a point;

THENCE South 41 degrees 58'50" East a distance 238.04 feet through lands N/F County of Schenectady, to a point on the northwesterly side of Tower Road, being the point or place of beginning.

Contains: 35,706 +/- square feet or 0.82 +/- acre.

Parcel Area #2

ALL THAT TRACT, PIECE OR PARCEL OF LAND, situate, lying and being in the Town of Glenville, County of Schenectady and State of New York, being along the northwesterly side of Tower Road and being more particularly bounded and described as follows:

BEGINNING, at a point on the northwesterly side of Tower Road, said point being S48 degrees 01'10" W 142.22", measured along the northwesterly side of Tower Road, from the southwesterly corner of lands N/F Fortitech Holding Corp. (1788/944);

THENCE South 48 degrees 01'10" West a distance of 80.00 feet along the northwesterly side of Tower Road, to a point;

THENCE North 41 degrees 58'50" West a distance of 238.04 feet through lands N/F County of Schenectady, to a point;

THENCE North 48 degrees 01'10" East a distance of 80.00 feet through lands N/F County of Schenectady, to a point;

THENCE South 41 degrees 58'50" East a distance 238.04 feet through lands N/F County of Schenectady, to a point on the northwesterly side of Tower Road, being the point or place of beginning.

Contains: 19,043 +/- square feet or 0.44 +/- acre.

Section 4: The Legislature shall, by duly adopted resolution or by contract or by instruments authorized by such resolution, convey, for the consideration of one hundred seven thousand five hundred (\$107,500.00) dollars, the real property, or a portion thereof, hereinbefore described for use by Bruno Associates.

Section 5: This Local Law shall become effective forty-five (45) days after its final adoption, publication and filing, subject to permissive referendum in accordance with Section twenty-four of the Municipal Home Rule Law, unless within such forty-five (45) day period there be filed with the Clerk of the Legislature of the County of Schenectady a petition protesting against such Local Law, signed and authenticated as herein required by qualified electors of the County of Schenectady, registered to vote therein at least ten (10) per centum of the total number of votes cast for governor as the last gubernatorial election in the County of Schenectady.

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☒ County ☐ City ☐ Town ☐ Village
(Select one:)

of Schenectady

FILED
07/01/2020 9:31:24 AM
County Clerk
Cara M. Ackerley
SCHENECTADY COUNTY, NY

Local Law No. 7 of the year 2020

A local law AUTHORIZING THE CONVEYANCE OF REAL PROPERTY OWNED BY THE COUNTY
(Insert Title)
OF SCHENECTADY

Be it enacted by the County Legislature of the
(Name of Legislative Body)

☒ County ☐ City ☐ Town ☐ Village
(Select one:)

of Schenectady

as follows:

Section 1: Intent and Purpose.

It is declared to be the intent and purpose of this law to enable the County of Schenectady to have the general care and control of the corporate real and personal property of the County in order to benefit the inhabitants thereof in accordance with the New York State County Law.

Section 2: Notwithstanding the provisions of section two hundred fifteen of the County Law or any other provision of law to the contrary, this Legislature hereby determines that County real property in the Town of Duanesburg as hereinafter described is no longer necessary for use by the County and that all the right, title and interest of the County in such real property shall be conveyed to Robert Frost without public advertisement or competitive bidding.

Section 3: The parcels of real property situate in the Town of Duanesburg and County of Schenectady, State of New York, subject to this Local Law are described as follows:

ALL THAT TRACT, PIECE OR PARCEL OF LAND, situate, lying and being in the Town of Duanesburg, County of Schenectady and State of New York, being along the northerly side of Skyline Drive and being more particularly bounded and described as follows:

BEGINNING at the intersection of the division line between lands N/F Russell C. Harrington (2018/195), on the east

-continued-

(If additional space is needed, attach pages the same size as this sheet, and number each.)

with the northerly side of Skyline Drive;

THENCE North 71 degrees 13'34" West a distance of 308.17 feet along the southerly bounds of land N/F Robert J. & Anne L. Frost (1517/789), to a point;

THENCE South 84 degrees 14'28" East a distance of 308.17 feet along the southerly bounds of land N/F Robert J. & Anne L. Frost (1517/789), to a point;

THENCE, South 06 degrees 28'48" West a distance of 71.03 feet along the westerly bounds of land N/F Russell C. Harrington (2018/195), to a point on the northerly side of Skyline Drive, being the point of beginning.

Contains: 10,944 +/- square feet or 0.25 +/- acre.

Section 4: The Legislature shall, by duly adopted resolution or by contract or by instruments authorized by such resolution, convey, for the consideration of two hundred (\$200.00) dollars, the real property, or a portion thereof, hereinbefore described for use by Robert Frost.

Section 5: This Local Law shall become effective forty-five (45) days after its final adoption, publication and filing, subject to permissive referendum in accordance with Section twenty-four of the Municipal Home Rule Law, unless within such forty-five (45) day period there be filed with the Clerk of the Legislature of the County of Schenectady a petition protesting against such Local Law, signed and authenticated as herein required by qualified electors of the County of Schenectady, registered to vote therein at least ten (10) per centum of the total number of votes cast for governor as the last gubernatorial election in the County of Schenectady.

Local Law Filing

07/27/2020 1:01:38 PM
County Clerk
Cara M. Ackerley
SCHENECTADY COUNTY, NY

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☒ County ☐ City ☐ Town ☐ Village

(Select one:)

of Schenectady

Local Law No. 8 of the year 2020

A local law AUTHORIZING THE CONVEYANCE OF REAL PROPERTY OWNED BY THE COUNTY

(Insert Title)

OF SCHENECTADY

Be it enacted by the County Legislature of the
(Name of Legislative Body)

☒ County ☐ City ☐ Town ☐ Village

(Select one:)

of Schenectady

as follows:

Section 1: Intent and Purpose.

It is declared to be the intent and purpose of this law to enable the County of Schenectady to have the general care and control of the corporate real and personal property of the County in order to benefit the inhabitants thereof in accordance with the New York State County Law.

Section 2: Notwithstanding the provisions of section two hundred fifteen of the County Law or any other provision of law to the contrary, this Legislature hereby determines that County real property in the Town of Glenville as hereinafter described is no longer necessary for use by the County and that all the right, title and interest of the County in such real property shall be conveyed to C2 Design Group without public advertisement or competitive bidding.

Section 3: The parcel of real property situated in the Town of Glenville and County of Schenectady, State of New York, subject to this Local Law are described as follows:

-continued-

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Commencing at a capped iron rod at the intersection formed by the westerly line of New York State Route 50 and the northerly line of Airport Road, said point of commencing having a New York State Plane Coordinate of (N: 1465103.287, E: 642132.907); thence from said point of commencement and along the aforesaid Airport Road, South 48°05'03" East, 379.64 feet to the point or place of beginning, being the southeasterly corner of the lands of Alfano Roman Group, LLC (Book 1981, Page 16); thence from said point of beginning and along said lands of the Alfano Roman Group, LLC, North 41°54'57" East, 323.72 feet to a point; thence through the lands of the County of Schenectady, South 40°13'49" East, 629.92 feet to a point; thence along Tower Road and continuing along Airport Road (being 30 feet from the existing centerline of pavement), the following seven courses: 1) South 47°37'22" West, 231.19 feet to a point; 2) along a curve to the right having a radius of 25.00 feet, an arc length of 40.87 and bearing a chord of North 85°32'55" West, 36.47 feet to a point; 3) North 38°43'13" West, 16.68 feet to a point; 4) North 42°13'37" West, 41.40 feet to a point; 5) North 45°35'05" West, 92.66 feet to a point; 6) North 47°14'46" West, 224.45 feet to a point and 7) North 47°59'29" West, 197.44 feet to the point or place of beginning.

Containing in all 4.00 acres of land being more or less.

Section 4: The Legislature shall, by duly adopted resolution or by contract or by instruments authorized by such resolution, convey, for the consideration of three hundred forty-four thousand (\$344,000.00) dollars, the real property, or a portion thereof, hereinbefore described for use by C2 Design Group.

Section 5: This Local Law shall become effective forty-five (45) days after its final adoption, publication and filing, subject to permissive referendum in accordance with Section twenty-four of the Municipal Home Rule Law, unless within such forty-five (45) day period there be filed with the Clerk of the Legislature of the County of Schenectady a petition protesting against such Local Law, signed and authenticated as herein required by qualified electors of the County of Schenectady, registered to vote therein at least ten (10) per centum of the total number of votes cast for governor as the last gubernatorial election in the County of Schenectady.



**NOTICE OF ADOPTION
LOCAL LAW 9 OF 2020
COUNTY OF SCHENECTADY, NEW YORK**

NOTICE IS HEREBY GIVEN that Local Law No. 9 of 2020, introduced as Proposed Local Law G of 2020, was adopted by the Schenectady County Legislature at a meeting held on October 13, 2020.

NOTICE IS FURTHER GIVEN that Local Law 9 of 2020 is entitled: "A LOCAL LAW AUTHORIZING THE LEASE OF REAL PROPERTY OWNED BY THE COUNTY OF SCHENECTADY."

The text of the proposed Local Law is as follows:

BE IT ENACTED by the Legislature of the County of Schenectady, as follows:

Section 1: Intent and Purpose.

It is declared to be the intent and purpose of this law to enable the County of Schenectady to have the general care and control of the corporate real and personal property of the County, and to promote, create, develop, or expand business, commerce, industry or job opportunities within the corporate limits of the County in order to benefit the inhabitants thereof in accordance with the New York State County Law.

Section 2: Notwithstanding the provisions of section two hundred fifteen of the County Law or any other provision of law to the contrary, this Legislature hereby determines that County real property in the City of Schenectady as hereinafter described is no longer necessary for public use by the County and that all the rights and privileges of the County in such real property shall be leased to Black Watch Soccer Club, Inc. for a period exceeding five years, without public advertisement or competitive bidding.

Section 3: The parcel of real property situated in the Town of Rotterdam and County of Schenectady, State of New York, subject to this Local Law is described as follows:

All that certain track of land situate in the Town of Rotterdam, County of Schenectady, State of New York, being a portion of tax map parcel 38.00-4-2 and lying 25 feet West of the edge of the Schenectady County Community College athletic fields parking lot and being more particularly bounded and described as follows:

Beginning at the point located 25 feet Westerly and 29.64' Northerly from the Northwest corner of the Schenectady County Community College athletic fields parking lot near the existing running track off New York State Route 5. Thence through the lands now or formerly of Schenectady County as shown on the Town of Rotterdam tax map 38.00-4-2 the following thirteen courses: 1) South 25 deg 59 min. 40 sec. West a distance of 347.45 feet on a line parallel to said parking lot edge to a point; 2) North 77 deg. 21 min. 30 sec. West a distance of 176.88 feet to a point and 3) North 82 deg. 44 min. 58 sec. West a distance 204.39 feet to a point; 4) South 85 deg. 09 min 21 sec West a distance of 515.05 feet to a point; 5) North 30 deg. 05 min.59 sec. West a distance of 530.14 feet to a point; 6) on a curve to the right with a 397.24 foot radius and a chord bearing and distance of South 86 deg. 51 min. 43 sec. East a distance of 155.77 feet to a point; 7) South 79 deg. 15 min. 57 sec. East a distance of 242.22 feet to a point; 8) on a curve to the left with a 320.09 foot radius and a chord bearing and distance of North 78 deg. 48 min. 59 sec. East a distance of 250.85 feet to a point; 9) North 55 deg. 37 min. 05 sec. East a distance of 87.90 feet to a point; 10) on a curve to the right with a 274.31 foot radius and a chord bearing and distance of North 67 deg. 13 min. 09 sec. East a distance of 126.47 feet to a point; 11) North 73 deg. 11 min.39 sec. East a distance of 117.77 feet to a point; 12) on a curve to the right with a 744.97foot radius and a chord

bearing and distance of North 85 deg. 42 min. 57 sec. East a distance of 212.00 feet to a point and 13) on a curve to the left with a 384.44 foot radius and a chord bearing and distance of South 26 deg. 19 min. 27 sec. East a distance of 346.84 feet to the point of beginning, containing 12.00 +/- acres of land.

Section 4: The Legislature hereby authorizes the County Manager, after approval of the County Attorney as to form and content, to negotiate and enter into a ground lease agreement for the real property hereinbefore described for use by the Black Watch Soccer Club, Inc., in furtherance of a public or municipal purpose of the County of Schenectady. The lease shall include at least the following provisions:

1. The term shall be more than five years but less than forty years (can include a renewal of up to forty years); and
2. The tenant shall be Black Watch Soccer Club, Inc., and the lease shall not be assigned without approval of the County;

Section 5: For purposes of this Local Law, the definition of public purpose shall specifically include the construction and operation of buildings, structures and other facilities, including indoor and outdoor recreational facilities, to be determined by Black Watch Soccer Club, Inc., in order to assist in the stabilization and growth of the City of Schenectady in order to, by its existence, promote, create, develop, or expand business, educational institutions, commerce, industry or job opportunities within the County of Schenectady.

Section 6: This Local Law shall become effective forty-five (45) days after its final adoption, publication and filing, subject to permissive referendum in accordance with Section twenty-four of the Municipal Home Rule Law, unless within such forty-five (45) day period there be filed with the Clerk of the Legislature of the County of Schenectady a petition protesting against such Local Law, signed and authenticated as herein required by qualified electors of the County of Schenectady, registered to vote therein at least ten (10) per centum of the total number of votes cast for governor as the last gubernatorial election in the County of Schenectady.

Geoffrey T. Hall
Clerk
Schenectady County Legislature

Approved as to form:
/s/ Christopher H. Gardner
Schenectady County Attorney
620 State Street
Schenectady, New York 12305



**NOTICE OF ADOPTION
LOCAL LAW 4 OF 2021
COUNTY OF SCHENECTADY, NEW YORK**

NOTICE IS HEREBY GIVEN that Local Law No. 4 of 2021, introduced as Proposed Local Law C of 2021, was adopted by the Schenectady County Legislature at a meeting held on July 13, 2021.

NOTICE IS FURTHER GIVEN that Local Law 4 of 2021 is entitled: "A LOCAL LAW AUTHORIZING HUNTING LICENSE HOLDERS WHO ARE TWELVE OR THIRTEEN YEARS OF AGE TO HUNT DEER DURING HUNTING SEASON IN THE COUNTY OF SCHENECTADY."

The summary of the adopted Local Law is as follows:

The intent of this Local Law is to authorize hunting license holders who are twelve or thirteen years of age to participate in deer hunting opportunities in Schenectady County in accordance with NYS Environmental Conservation Law, § 11-0935. The aforesaid section of law creates a deer hunting pilot program that allows twelve- or thirteen-year-old individuals to hunt deer with firearms or crossbows in counties that authorize such action.

Pursuant to the authority provided in section 11-0935 of the NYS Environmental Conservation Law, Schenectady County elects to participate in the deer hunting pilot program to allow hunting license holders who are twelve or thirteen years of age to hunt deer with a crossbow, rifle, shotgun, or muzzle loading firearm in Schenectady County from June 1, 2021 to December 31, 2023, provided that:

- (a) Such minor is accompanied by their parent or legal guardian, or by a person designated in writing by such parent or legal guardian on a form prescribed by the NYS Department of Environmental Conservation who is twenty-one years of age or older; and
- (b) Such parent, guardian or person has had at least three years' experience in hunting deer; and
- (i) Such parent, guardian or person holds a hunting license; and
- (ii) Such parent, guardian or person maintains physical control over the minor at all times while hunting. For the purposes of this paragraph "physical control" shall mean that the physical proximity of such minor to the parent, guardian, or person is such that the parent, guardian or person is reasonably able to issue verbal directions and instructions, maintain constant visual contact, and otherwise provide guidance and supervision to the minor; and
- (iii) Such parent, guardian or person and the minor shall remain at ground level at all times while hunting; and
- (c) Such parent, guardian or person and the minor shall each display either a minimum total of two hundred fifty square inches of solid fluorescent orange or pink or patterned fluorescent orange or pink consisting of no less than fifty percent fluorescent orange or pink material worn above the waist and visible from all directions, or a hat or cap with no less than fifty percent of the exterior consisting of solid fluorescent orange or pink material and visible from all directions.

A complete copy of the proposed local law may be obtained by contacting the Clerk of the Legislature at 620 State Street, Floor 6, Schenectady, New York 12305, or by calling the Clerk's Office at (518)388-4280.

Geoffrey T. Hall
Clerk
Schenectady County Legislature

Approved as to form:
/s/ Christopher H. Gardner
Schenectady County Attorney
620 State Street
Schenectady, New York 12305



**NOTICE OF ADOPTION
LOCAL LAW 7 OF 2021
COUNTY OF SCHENECTADY, NEW YORK**

NOTICE IS HEREBY GIVEN that Local Law No. 7 of 2021, introduced as Proposed Local Law F of 2021, was adopted by the Schenectady County Legislature at a meeting held on December 20, 2021.

NOTICE IS FURTHER GIVEN that Local Law 7 of 2021 is entitled: “A LOCAL LAW TO PROVIDE FOR THE PAYMENT OF INCREASED SALARIES TO ELECTED OFFICERS OF THE COUNTY OF SCHENECTADY.”

The text of the proposed Local Law is as follows:

BE IT ENACTED by the Legislature of the County of Schenectady, as follows:

Section 1. Effective as hereinafter provided, the annual salaries of the hereinafter designated County officers elected for a fixed term are hereby fixed, at the amount set forth opposite each such office or position as follows, to wit:

	Annual Salary				
<u>Elected Official</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>
County Clerk	\$99,960.	\$102,210.	\$104,510.	\$106,862.	\$109,267.
Sheriff	\$114,750.	\$117,332.	\$119,972.	\$122,672.	\$125,433.

Section 2. That, in addition to the annual salary hereinbefore set forth, the County Clerk elected for a fixed term shall be eligible to receive management longevity payments as established by resolution of this Legislature, and the \$1,000 bonus and \$200 COVID-19 bonus as established in the collective bargaining agreement between the County of Schenectady and the Civil Service Employees Association, Local 1000, AFSCME, AFL-CIO.

Section 3. That, in addition to the annual salary hereinbefore set forth, the Sheriff elected for a fixed term shall be eligible to receive the longevity rates and supervisor differential as established in article 5, the special rates of pay as established in article 6, the holiday payment as established in article 8, the \$200 COVID-19 bonus, and the \$2,000 bonus established in the collective bargaining agreement between the County of Schenectady and the Schenectady County Sheriff’s Correction Administrators Association, Local 9920, Council 82, AFSCME, AFL-CIO.

Section 3. This Local Law shall take effect forty-five days after its final adoption, publication and filing, subject to permissive referendum in accordance with Section 24 of the Municipal Home Rule Law and its provisions shall be deemed to have been in full force and effect from and after January 1, 2022 as herein provided.

A complete copy of the proposed local law may be obtained by contacting the Clerk of the Legislature at 620 State Street, Floor 6, Schenectady, New York 12305, or by calling the Clerk's Office at (518)388-4280.

Geoffrey T. Hall
Clerk
Schenectady County Legislature

Approved as to form:
/s/ Christopher H. Gardner
Schenectady County Attorney
620 State Street
Schenectady, New York 12305

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☒ County ☐ City ☐ Town ☐ Village
(Select one:)

of Schenectady

Local Law No. 4 of the year 2022

A local law AUTHORIZING THE CONVEYANCE OF REAL PROPERTY OWNED BY THE COUNTY
(Insert Title)
OF SCHENECTADY

Be it enacted by the County Legislature of the
(Name of Legislative Body)

☒ County ☐ City ☐ Town ☐ Village
(Select one:)

of Schenectady as follows:

Section 1: Intent and Purpose.

It is declared to be the intent and purpose of this law to enable the County of Schenectady to have the general care and control of the corporate real and personal property of the County in order to benefit the inhabitants thereof in accordance with the New York State County Law.

Section 2: Notwithstanding the provisions of section two hundred fifteen of the County Law or any other provision of law to the contrary, this Legislature hereby determines that County real property in the Town of Glenville as hereinafter described is no longer necessary for use by the County and that all the right, title and interest of the County in such real property shall be conveyed to Luco Associates, LLC. without public advertisement or competitive bidding.

Section 3: The parcels of real property situate in the Town of Glenville and County of Schenectady, State of New York, subject to this Local Law are described as follows:

-continued-

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Parcel 1: Section 30.-1-44 (2.68 acres); and

Parcel 2:

All that piece or parcel of land situate in the Town of Glenville, County of Schenectady and the State of New York, bounded and described as follows:

Commencing at a capped iron rod at the intersection formed by the westerly line of New York State Route 50 and the northerly line of Airport Road, said point of commencing having a New York State Plane Coordinate of (N: 1465103.287, E: 642132.907); thence from said point of commencement and along the aforesaid Airport Road, the following three courses: 1) South 48°05'03" East, 379.64 feet to the point; 2) South 47°59'29" East, 197.44 feet to a point and 3) South 47°14'46" East, 101.32 feet to the place of beginning; thence from said point of beginning and along through the lands now or formerly of C2 Marketing, LLC (Book 2053, Page 525), North 42°45'17" East, 283.77 feet to a point; thence along the lands now or formerly of C2 Marketing, LLC, North 40°13'49" West, 305.77 feet to a point; thence through the lands of the County of Schenectady the following three courses: 1) North 42°47'07" East 338.93 feet to a point; 2) South 44°46'53" East, 397.63 feet to a point and 3) South 46°16'08" West, 368.66 feet to a point; thence along the aforesaid lands of C2 Marketing, LLC North 40°13'49" West, 21.52 feet to a point; thence through the aforesaid lands of C2 Marketing, LLC, South 42°45'17" West, 277.61 feet to a point; thence along the aforesaid northerly line of Airport Road, North 47°14'46" West, 50.00 feet to the point or place of beginning.

Containing in all 3.46 acres of land being more or less

Section 4: The Legislature shall, by duly adopted resolution or by contract or by instruments authorized by such resolution, convey, for the consideration of six hundred fourteen thousand (\$614,000.00) dollars, the real property, or a portion thereof, hereinbefore described for use by Luco Associates, LLC.

Section 5: This Local Law shall become effective forty-five (45) days after its final adoption, publication and filing, subject to permissive referendum in accordance with Section twenty-four of the Municipal Home Rule Law, unless within such forty-five (45) day period there be filed with the Clerk of the Legislature of the County of Schenectady a petition protesting against such Local Law, signed and authenticated as herein required by qualified electors of the County of Schenectady, registered to vote therein at least ten (10) per centum of the total number of votes cast for governor as the last gubernatorial election in the County of Schenectady.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.

(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 _____ of 20²² of the (County)(City)(Town)(Village) of Schenectady _____ was duly passed by the County Legislature _____ on July 12 20²², and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of August 29 20²², in accordance with the applicable provisions of law.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 4 above.


Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date:

8-29-2022

(Seal)

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☒ County ☐ City ☐ Town ☐ Village
(Select one:)

of Schenectady

Local Law No. 5 of the year 20²²

A local law AUTHORIZING THE LEASE OF REAL PROPERTY OWNED BY THE COUNTY OF

(Insert Title)

SCHENECTADY

Be it enacted by the County Legislature of the
(Name of Legislative Body)

☒ County ☐ City ☐ Town ☐ Village
(Select one:)

of Schenectady as follows:

Section 1: Intent and Purpose.

It is declared to be the intent and purpose of this law to enable the County of Schenectady to have the general care and control of the corporate real and personal property of the County, and to promote, create, develop, or expand business, commerce, industry or job opportunities within the corporate limits of the County in order to benefit the inhabitants thereof in accordance with the New York State County Law.

Section 2: Local Law 9 of 2020 is hereby repealed.

Section 3: Notwithstanding the provisions of section two hundred fifteen of the County Law or any other provision of law to the contrary, this Legislature hereby determines that County real property in the Town of Rotterdam as hereinafter described is no longer necessary for public use by the County and that all the rights and privileges of the County in such real property shall be leased to Northeast Rush, LLC. for a period exceeding five years, without public advertisement or competitive bidding.

-continued-

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 4: The parcel of real property situated in the Town of Rotterdam and County of Schenectady, State of New York, subject to this Local Law is described as follows:

All that certain track of land situate in the Town of Rotterdam, County of Schenectady, State of New York, being a portion of tax map parcel 38.00-4-2 and lying 25 feet West of the edge of the Schenectady County Community College athletic fields parking lot and being more particularly bounded and described as follows:

Beginning at the point located 25 feet Westerly and 29.64' Northerly from the Northwest corner of the Schenectady County Community College athletic fields parking lot near the existing running track off New York State Route 5. Thence through the lands now or formerly of Schenectady County as shown on the Town of Rotterdam tax map 38.00-4-2 the following thirteen courses: 1) South 25 deg 59 min. 40 sec. West a distance of 347.45 feet on a line parallel to said parking lot edge to a point; 2) North 77 deg. 21 min. 30 sec. West a distance of 176.88 feet to a point and 3) North 82 deg. 44 min. 58 sec. West a distance 204.39 feet to a point; 4) South 85 deg. 09 min 21 sec West a distance of 515.05 feet to a point; 5) North 30 deg. 05 min.59 sec. West a distance of 530.14 feet to a point; 6) on a curve to the right with a 397.24 foot radius and a chord bearing and distance of South 86 deg. 51 min. 43 sec. East a distance of 155.77 feet to a point; 7) South 79 deg. 15 min. 57 sec. East a distance of 242.22 feet to a point; 8) on a curve to the left with a 320.09 foot radius and a chord bearing and distance of North 78 deg. 48 min. 59 sec. East a distance of 250.85 feet to a point; 9) North 55 deg. 37 min. 05 sec. East a distance of 87.90 feet to a point; 10) on a curve to the right with a 274.31 foot radius and a chord bearing and distance of North 67 deg. 13 min. 09 sec. East a distance of 126.47 feet to a point; 11) North 73 deg. 11 min.39 sec. East a distance of 117.77 feet to a point; 12) on a curve to the right with a 744.97foot radius and a chord bearing and distance of North 85 deg. 42 min. 57 sec. East a distance of 212.00 feet to a point and 13) on a curve to the left with a 384.44 foot radius and a chord bearing and distance of South 26 deg. 19 min. 27 sec. East a distance of 346.84 feet to the point of beginning, containing 12.00 +/- acres of land.

Section 5: The Legislature hereby authorizes the County Manager, after approval of the County Attorney as to form and content, to negotiate and enter into a ground lease agreement for the real property hereinbefore described for use by Northeast Rush, LLC., in furtherance of a public or municipal purpose of the County of Schenectady. The lease shall include at least the following provisions:

1. The term shall be more than five years but less than forty years (can include a renewal of up to forty years); and

2. The tenant shall be Northeast Rush, LLC., or its affiliated entity, and the lease shall not be otherwise assigned without approval of the County;

Section 6: For purposes of this Local Law, the definition of public purpose shall specifically include the construction and operation of buildings, structures and other facilities, including indoor and outdoor recreational facilities, to be determined by Northeast Rush, LLC., in order to assist in the stabilization and growth of the City of Schenectady in order to, by its existence, promote, create, develop, or expand business, educational institutions, commerce, industry or job opportunities within the County of Schenectady.

Section 7: This Local Law shall become effective forty-five (45) days after its final adoption, publication and filing, subject to permissive referendum in accordance with Section twenty-four of the Municipal Home Rule Law, unless within such forty-five (45) day period there be filed with the Clerk of the Legislature of the County of Schenectady a petition protesting against such Local Law, signed and authenticated as herein required by qualified electors of the County of Schenectady, registered to vote therein at least ten (10) per centum of the total number of votes cast for governor as the last gubernatorial election in the County of Schenectady.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*)
on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 _____ of 20²² of the (County)(City)(Town)(Village) of Schenectady _____ was duly passed by the _____ County Legislature on October 11 20²², and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local (Elective Chief Executive Officer*)
law was subject to permissive referendum and no valid petition requesting such referendum was filed as of November 28 20²², in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 4 _____ above.

Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

(Seal)

Date: _____