
STATE OF NEW YORK
COUNTY OF SCHENECTADY

THE MINUTES

of a Regular Meeting of the Schenectady County Legislature held August 13, 2024, 7:00 p.m. at Legislative Chambers Schenectady County Office Building, 620 State Street, Schenectady, New York

August 13, 2024

The invocation was given by Pastor Moore.

Pledge of Allegiance

The Pledge of Allegiance was led by Legislator Pratt.

Ceremonial Resolutions

There were no ceremonial resolutions presented.

Chairman Hughes paused deliberations to acknowledge a loss within our community briefly. Harold Sadler Jr. dedicated 42 years of service to the Rotterdam District #2 Volunteer Fire Company and Rescue Squad. He served as both a fire chief and a Rotterdam Fire Chiefs Association charter member. The Chairman concluded by asking everyone to join him in a moment of silence in Honor of Harold F. Sadler Jr.

LEGISLATIVE CONFERENCE

Chairman Hughes called the Legislative Conference of the Schenectady County Legislature to order and instructed the Clerk to call the roll.

The Clerk called the roll.

Present:	13	(Constantine, Cuomo, Fields, McGill, Hess, Hughes, Jasenski, Ostrelich, Frisoni, Ruzzo, Patierne, Pratt, Vellano),
Absent:	1	(Gatta)
Excused:	1	(Samuel)
Vacant:	0	

Meeting of Committee on Rules

Legislator Fields called the meeting of the Committee on Rules to order.

Legislator Vellano moved to report Rules Initiative 41-24. Legislator Frisoni seconded the motion. The motion passed unanimously.

County Director of Consumer Affairs James Caputo explained Rules Initiative 42-24.

Chairman Hughes spoke in favor of Rules Initiative 42-24.

Legislator Patierne moved to report Rules Initiative 42-24. Legislator Vellano seconded the motion. The motion passed unanimously.

First Deputy County Attorney Frank Salamone explained Rules Initiative 43-24

Legislator Patierne moved to report Rules Initiative 43-24. Legislator Frisoni seconded the motion. The motion passed unanimously.

Privilege of the Floor

Marc Gronich of Delmar spoke about the Rotterdam Cemetery Desecration.

Rachael Conn of the Hamilton Hill Drop Arts Center spoke about the Cultural Campus Project.

Angelic Williams Director of Strong O.W.L. S. Inc. spoke in support of the Hamilton Hill Arts Center.

Jessica Hunter of Schenectady spoke in support of the Hamilton Hill Arts Center's new Cultural Camus Project.

Fabayo Egunbunmi of Montgomery County spoke about the rich history of the Hamilton Arts Center and its community involvement.

Shavon Sanders of Schenectady spoke about the importance of helping the Hamilton Hill Arts Center and the community impact.

Darlene Ashby of Schenectady spoke in favor of the Hamilton Hill Arts Center.

Chairman Hughes acknowledged and addressed both topics of the Hamilton Hill Cultural Campus and the Cemetery Desecration. The Chairman provided updates on both subjects and thanked all who spoke.

REGULAR MEETING

Chairman Hughes called the Legislative Conference of the Schenectady County Legislature to order and instructed the Clerk to call the roll.

The Clerk called the roll.

Present:	13	(Constantine, Cuomo, Fields, Frisoni, Hess, Hughes, Jasenski, McGill, Ostrelich, Patierne, Pratt, Ruzzo, Vellano),
Absent:	1	(Gatta)
Excused:	1	(Samuel)
Vacant:	0	

Approval Minutes

Legislator Patierne made a motion to approve the minutes from the July 9th meeting. Legislator Frisoni seconded the motion. The motion was carried without objection.

Reports

We have received reports from: The Commissioner of Finance, the Department of Weights and Measures, and the County Clerk.

Committee Reports

Legislator Frisoni reported the Committee on Codes, Judiciary, and Consumer Affairs met on August 5, 2024 and reported to the agenda Resolutions 138 and 139.

Legislator Jasenski reported the Committee on Economic and Planning met on August 5, 2024 and reported to the agenda Resolution 140.

Legislator Ostrelich reported the Committee on Education and Libraries met on August 5, 2024 and reported to the agenda Resolution 141.

Legislator Ostrelich reported the Committee on Health, Housing, and Human Services met on August 5, 2024, and reported to the agenda Resolutions 142, 143, 144, and 145.

Legislator Frisoni reported the Committee on Labor and Civil Services met on August 5, 2024 and reported to the agenda Resolutions 146, 147, and 148.

Legislator Patierne reported the Committee on Public Facilities, Transportation and Infrastructure met on August 5, 2024, and reported to the agenda Resolution 149.

Legislator Constantine reported the Committee on Public Safety met on August 5, 2024 and reported to the agenda Resolutions 150 and 151.

Legislator Fields reported the Committee on Rules met earlier this evening and reported to the agenda Resolutions 136, 137, and 152.

Legislator Fields reported the Committee on Ways and Means met on August 5, 2024 and reported to the agenda Resolutions 138, 139, 140, 141, 142, 143, 144, 145, 147, 148, 149, 150, and 151.

Resolution

RESOLUTION 136-24

Sponsored by the Committee on Rules:

A RESOLUTION ESTABLISHING A STANDARD WORKDAY AND REPORTING

WHEREAS, the New York State Comptroller is authorized by sections 34 and 334 of the NYS Retirement and Social Security Law to adopt rules and regulations for reporting the service and salary information for all employees of participating employers in the New York State and Local Employees' Retirement System, hereinafter referred to as "the Retirement System"; and

WHEREAS, Schenectady County is a participating employer in the Retirement System; and

WHEREAS, the Comptroller has promulgated a regulation published at 2 NYCRR §315.4 which imposes certain reporting requirements on elected and appointed officials of participating employers who are members of the Retirement System and requires the governing body of each participating employer to adopt a resolution establishing a standard work day for each such elective or appointive office or position; now therefore be it

RESOLVED, that the County of Schenectady hereby establishes, on the sheet attached hereto, the standard work days for elected and appointed officials and will report such days worked to the New York State and Local Employees' Retirement System based on the time-keeping system records or the record of activities maintained and submitted by these members to the clerk of this body.

Name		NYSLRSID	Title	Current Tern Begin and End Dates	Standard Work Day	Record of Activity Result	Not Submitted	Pay Frequency	Tier 1
Elected Officials:									
Richard Patierne			County Legislator	1-1-2024 through 12-31-2027	6	8.03	NA	Weekly	No
Richard Ruzzo			County Legislator	1-1-2024 through 12-31-2027	6	9.73	NA	Weekly	No
Michelle Ostrelieh			County Legislator	1-1-2024 through 12-31-2027	6	5.73	NA	Weekly	No
Appointed Officials:									
Stephen Yusko			Chaplain	1-1-2024 through 12-31-2025	6	3.13	NA	Weekly	No

8/13/2024:
8/13/2024:

Reported from the Committee on Rules (R41)
Adopted by the County Legislature

Ayes: 12.9351 (Constantine, Cuomo, Fields, Frisoni, Hess, Hughes, Jasenski, McGill, Ostrelieh, Patierne, Pratt, Ruzzo, Vellano)

Nays: 0.0000

Absent: 0.9985 (Gatta)

Abstain: 0.0000

Excused: 1.0664 (Samuel)

RESOLUTION 137-24

Sponsored by the Committee on Rules:

A RESOLUTION REGARDING THE ACCEPTANCE OF MONIES FROM THE NYS DEPARTMENT OF AGRICULTURE AND MARKETS FOR CERTAIN TESTS AND INSPECTIONS OF PETROLEUM PRODUCTS

BE IT ENACTED, by the Legislature of the County of Schenectady, as follows:

WHEREAS, the Schenectady County Director of Weights and Measures by memorandum dated August 13, 2024 advises that Schenectady County was

recently awarded a multi-year grant (4/1/24 to 3/31/29) from the NYS Department of Agriculture and Markets; and

WHEREAS, the Schenectady County Director of Weights and Measures further advises that Schenectady County is projected to receive \$45,240.00 in funding; and

WHEREAS, the Schenectady County Director of Weights and Measures further advises that the grant monies will be used to conduct inspections, perform screening tests, and sample petroleum products at certain retail fuel outlets; and

WHEREAS, the Schenectady County Manager by memorandum dated August 9, 2024 recommends the acceptance of the aforesaid grant monies from the New York State Department of Agriculture and Markets; and

WHEREAS, acceptance of these monies and utilization of these funds needs to be reflected in a resolution of this Legislature; now, therefore, be it

RESOLVED, that the Legislature of the County of Schenectady hereby accepts the aforesaid grant monies from the NYS Department of Agriculture and Markets, and authorizes the utilization of such monies for the aforesaid purposes; and, be it further

RESOLVED, that the County Manager be and he hereby is authorized, after approval of the County Attorney as to form and content, to enter into any necessary agreements, certifications, or reimbursement requests for the acceptance of such grant monies from the NYS Department of Agriculture and Markets.

8/13/2024: Reported from the Committee on Rules (R42)

8/13/2024: Adopted by the County Legislature

Ayes: 12.9351 (Constantine, Cuomo, Fields, Frisoni, Hess, Hughes, Jasenski, McGill, Ostrelich, Patierne, Pratt, Ruzzo, Vellano)

Nays: 0.0000

Absent: 0.9985 (Gatta)

Abstain: 0.0000

Excused: 1.0664 (Samuel)

RESOLUTION 138-24

Sponsored by Legislator Frisoni:

A RESOLUTION REGARDING THE ACCEPTANCE OF MONIES FROM THE NYS DIVISION OF CRIMINAL JUSTICE SERVICES FOR THE AID TO PROSECUTION PROGRAM

BE IT ENACTED, by the Legislature of the County of Schenectady, as follows:

WHEREAS, the Schenectady County District Attorney advises by memorandum dated July 30, 2024 that Schenectady County was recently awarded funds from the NYS Division of Criminal Justice Services for expenses associated with certain clerical and prosecutorial positions and salary increases in the District Attorney's Office; and

WHEREAS, the Schenectady County District Attorney further advises that Schenectady County is projected to receive \$610,948.00 in funding; and

WHEREAS, the Schenectady County Manager by memorandum dated August 2, 2024 recommends the acceptance of \$610,948.00 in grant monies from the New York State Division of Criminal Justice Services, and that appropriate budgetary amendments be approved; and

WHEREAS, acceptance of these monies and utilization of these funds needs to be reflected in a resolution of this Legislature; now, therefore, be it

RESOLVED, that the Legislature of the County of Schenectady hereby accepts the aforesaid grant monies from the NYS Division of Criminal Justice Services, and authorizes the utilization of such monies for the aforesaid purposes; and, be it further

RESOLVED, that the County Manager be and he hereby is authorized, after approval of the County Attorney as to form and content, to enter into any necessary agreements, certifications, or reimbursement requests for the acceptance of such grant monies from the NYS Division of Criminal Justice Services; and, be it further

RESOLVED, that the 2024 Operating Budget be and it hereby is amended as follows:

Increase Expense Codes by:

A511165._01417 – ADA, Chief	\$ 8,808.
A511165._01423 – ADA, Deputy Chief	\$ 6,293.
A511165._01415 – Counsel TT District Attorney	\$ 6,293.
A511165._01036 – Chief Prosecuting Trial Attny	\$ 6,293.
A511165._01326 – ADA, Sr Bureau Chief	\$ 5,030.
A511165._01325 – ADA, Bureau Chief	\$ 47,832.
A511165._01405 – Assistant District Attorney VI	\$ 2,380.
A511165._01713 – Assistant District Attorney V	\$ 7,899.
A511165._01714 – Assistant District Attorney IV	\$ 13,569.
A511165._01408 – Assistant District Attorney III	\$ 19,910.
A511165._01354 – Assistant District Attorney II	\$ 11,323.

A511165.01715 – Assistant District Attorney I	\$ 6,891.
A589010.80019 – State Retirement	\$ 21,478.
A589030.80016 – Social Security	\$ 10,561.
A589040.80020 – Workers’ Compensation	\$ 2,010.
A589050.80017 – Unemployment Insurance	\$ 143.
A589060.80080 – Hospital & Medical	\$ 31,839.

Increase Revenue Code by:

A31165.338901 – Aid to Prosecution	\$ 380,664.
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Decrease Use of Fund Balance:

A.599 – Appropriated Fund Balance	\$ 172,112.
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8/13/2024: *Reported from the Committee on Codes, Judiciary and Consumer Affairs (CJCA3)*

8/13/2024: *Reported from the Committee on Ways and Means Adopted by the County Legislature*

Ayes:	12.9351	(Constantine, Cuomo, Fields, Frisoni, Hess, Hughes, Jasenski, McGill, Ostreich, Patierne, Pratt, Ruzzo, Vellano)
Nays:	0.0000	
Absent:	0.9985	(Gatta)
Abstain:	0.0000	
Excused:	1.0664	(Samuel)

RESOLUTION 139-24

Sponsored by Legislator Frisoni:

A RESOLUTION REGARDING THE ACCEPTANCE OF MONIES FROM THE NYS DIVISION OF CRIMINAL JUSTICE SERVICES FROM THE AID TO DEFENSE GRANT PROGRAM

BE IT ENACTED, by the Legislature of the County of Schenectady, as follows:

WHEREAS, the Schenectady County Manager advises by memorandum dated August 2, 2024 that Schenectady County was recently awarded funds from the NYS Division of Criminal Justice Services from the Aid to Defense Grant Program; and

WHEREAS, the Schenectady County Manager further advises that Schenectady County was awarded two separate multi-year grants from the NYS Division of Criminal Justice Services; and

WHEREAS, the Schenectady County Manager further advises that Schenectady County is projected to receive \$427,621.00 in funding for defense expenses related to discovery reform, and \$427,621.00 in supplemental funding; and

WHEREAS, the Schenectady County Manager further advises that the aforesaid grant monies for Schenectady County are to be divided proportionately among the Public Defender’s Office, the Conflict Defender’s Office, and the Assigned Counsel Program; and

WHEREAS, the Schenectady County Manager recommends the acceptance of \$855,242.00 in grant monies from the New York State Division of Criminal Justice Services, and that appropriate budgetary amendments be approved; and

WHEREAS, acceptance of these monies and utilization of these funds needs to be reflected in a resolution of this Legislature; now, therefore, be it

RESOLVED, that the Legislature of the County of Schenectady hereby accepts the aforesaid grant monies from the NYS Division of Criminal Justice Services, and authorizes the utilization of such monies for the aforesaid purposes; and, be it further

RESOLVED, that the County Manager be and he hereby is authorized, after approval of the County Attorney as to form and content, to enter into any necessary agreements, certifications, or reimbursement requests for the acceptance of such grant monies from the NYS Division of Criminal Justice Services; and, be it further

RESOLVED, that the 2024 Operating Budget be and it hereby is amended as follows:

Increase Expense Codes by:

A541170.415282 – ATD - Discovery Reform	\$ 355,252.
A541173.415282 – ATD - Discovery Reform	\$ 43,844.
A541174.415282 – ATD - Discovery Reform	\$ 28,525.
A541170.415283 – ATD – Supplemental	\$ 355,252.
A541173.415283 – ATD – Supplemental	\$ 43,844.
A541174.415283 – ATD – Supplemental	\$ 28,525.

Create/Increase Revenue Codes by:

A31170.338902 – ATD Discovery Reform	\$ 355,252.
A31173.338902 – ATD Discovery Reform	\$ 43,844.
A31174.338902 – ATD Discovery Reform	\$ 28,525.
A31170.338912 – ATD Supplemental	\$ 355,252.
A31173.338912 – ATD Supplemental	\$ 43,844.
A31174.338912 – ATD Supplemental	\$ 28,525.

8/13/2024: *Reported from the Committee on Codes, Judiciary and Consumer Affairs (CJCA4)*

8/13/2024: *Reported from the Committee on Ways and Means Adopted by the County Legislature*

Ayes: 12.9351 (Constantine, Cuomo, Fields, Frisoni, Hess, Hughes, Jasenski, McGill, Ostreich, Patierne, Pratt, Ruzzo, Vellano)

Nays: 0.0000

Absent: 0.9985 (Gatta)

Abstain: 0.0000

Excused: 1.0664 (Samuel)

On behalf of Legislator Samuel Legislator Jasenski introduced the proposed Local Law B of 2024 which has been included in each member's packet. Local Law B pertains to the sale of County-owned property at the Schenectady County Airport Business Park. The proposed purchaser of this 1.06-acre parcel is a manufacturing technology company that is currently developing another parcel at the Airport Business Park and would purchase the property for \$10,000.00. Our action this evening would be to schedule a public hearing on Monday, September 3 at 7:00 pm.

RESOLUTION 140-24

Sponsored by Legislator Samuel:

A RESOLUTION CALLING A PUBLIC HEARING ON PROPOSED LOCAL LAW NO. B-2024

BE IT ENACTED by the Legislature of the County of Schenectady, as follows:

RESOLVED, that pursuant to section 20 of the Municipal Home Rule Law, a public hearing is hereby called upon proposed Local Law No. B-2024 to be held before the Legislature of the County of Schenectady in the legislative chambers in the County Office Building, 620 State Street, Schenectady, New York on the 3rd day of September, 2024 at 7:00 pm for the purpose of hearing all interested persons on the question of Proposed Local Law B-2024 entitled "A LOCAL LAW AUTHORIZING THE CONVEYANCE OF REAL PROPERTY OWNED BY 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 the Daily Gazette as provided for by law, such notice to contain the title of the proposed Local Law and an abstract of the text.

8/13/2024: *Reported from the Committee on Economic Development and Planning (EDP9)*

8/13/2024: *Reported from the Committee on Ways and Means Adopted by the County Legislature*

Ayes: 12.9351 (Constantine, Cuomo, Fields, Frisoni, Hess, Hughes, Jasenski, McGill, Ostrelich, Patierne, Pratt, Ruzzo, Vellano)

Nays: 0.0000

Absent: 0.9985 (Gatta)

Abstain: 0.0000

Excused: 1.0664 (Samuel)

Legislator Jasenski motioned that Proposed Local Law B of 2024 be laid on the table. The motion was seconded by Legislator Patierne The proposed local law was laid on the table.

RESOLUTION 141-24

Sponsored by Legislator Samuel:

A RESOLUTION ADOPTING THE OPERATIONAL BUDGET FOR SUNY SCHENECTADY TO SERVE THE OPERATIONAL NEEDS FOR THE PERIOD SEPTEMBER 1, 2024 TO AUGUST 31, 2025

BE IT ENACTED by the Legislature of the County of Schenectady, as follows:

WHEREAS, a public hearing, pursuant to the Education Law and Section 7.04 of the Schenectady County Charter has been duly called and held on the 5th day of August, 2024 at which time all interested persons were given an opportunity to be heard on the question of adoption of an Operating Budget to serve the operational needs of the SUNY Schenectady, for the period commencing September 1, 2024 and ending August 31, 2025, in a gross amount not to exceed \$28,072,403.00; now, therefore, be it

RESOLVED, that the County Legislature, as the local legislative body of Schenectady County, which is the local sponsor of said Community College, hereby approves and adopts an operational budget for the Board of Trustees of SUNY Schenectady in the amount of \$28,072,403.00, which includes the sponsoring community contribution from the County of Schenectady of \$3,083,378.00 to serve the operational needs of said Community College for the period commencing September 1, 2024 and ending August 31, 2025; and, be it further

RESOLVED, that this Legislature hereby authorizes and directs the Commissioner of Finance to make payment of necessary County funds to the

Board of Trustees of SUNY Schenectady for the aforesaid purposes; and, be it further

RESOLVED, that this Legislature hereby requests reimbursement from the State of New York to the County of Schenectady of the State’s share of the aforesaid operating costs for SUNY Schenectady for said College fiscal year pursuant to the Education Law.

8/13/2024: Reported from the Committee on Education and Libraries (EL2)

Reported from the Committee on Ways and Means Adopted by the County Legislature

8/13/2024:

Ayes:	12.9351	(Constantine, Cuomo, Fields, Frisoni, Hess, Hughes, Jasenski, McGill, Ostrelich, Patierne, Pratt, Ruzzo, Vellano)
Nays:	0.0000	
Absent:	0.9985	(Gatta)
Abstain:	0.0000	
Excused:	1.0664	(Samuel)

RESOLUTION 142-24

Sponsored by Legislator Ostrelich:

A RESOLUTION TO ACCEPT MONIES FROM THE NYS OFFICE OF ADDICTION SERVICES AND SUPPORTS

BE IT ENACTED, by the Legislature of the County of Schenectady, as follows:

WHEREAS, the Public Health Director by memorandum dated July 31, 2024 advises that Schenectady County has been approved for a grant from the New York State Office of Addiction Services and Supports; and

WHEREAS, the Public Health Director further advises that Schenectady County has been approved for an additional \$56,104.00 in grant monies; and

WHEREAS, the Public Health Director further advises that the funding would be used to support cost-of-living adjustments for certain addiction treatment, prevention, and recovery programs; and

WHEREAS, the County Manager by memorandum dated August 2, 2024 recommends the acceptance of grant monies from the NYS Office of Addiction Services and Supports, and that appropriate budgetary amendments be approved; and

WHEREAS, acceptance of these grant monies and utilization of these funds needs to be reflected in a resolution of this Legislature accepting the same; now, therefore, be it

RESOLVED, that the Legislature of the County of Schenectady does hereby accept the aforesaid grant monies for the aforesaid purposes; and be it further

RESOLVED, that the County Manager be and he hereby is authorized, after approval of the County Attorney as to form and content, to enter into agreements with the New York State Office of Addiction Services and Supports regarding the aforesaid grant monies; and be it further

RESOLVED, that the 2024 Operating Budget be and it hereby is amended as follows:

Increase Expense Code by:

A544230.400602 – Treatment Services \$ 53,059.

Increase Revenue Codes by:

A34230.348601 – State Aid OASAS \$ 53,059.

A34310.348603 – Narcotic Addiction Control Admin \$ 3,045.

Decrease Use of Fund Balance:

A.599 – Appropriated Fund Balance \$ 3,045.

8/13/2024: *Reported from the Committee on Health, Housing and Human Services (HHHS18)*

8/13/2024: *Reported from the Committee on Ways and Means Adopted by the County Legislature*

Ayes: 12.9351 (Constantine, Cuomo, Fields, Frisoni, Hess, Hughes, Jasenski, McGill, Ostrelich, Patierne, Pratt, Ruzzo, Vellano)

Nays: 0.0000

Absent: 0.9985 (Gatta)

Abstain: 0.0000

Excused: 1.0664 (Samuel)

RESOLUTION 143-24

Sponsored by Legislator Ostrelich:

A RESOLUTION REGARDING BUDGETARY AMENDMENTS FOR THE OFFICE OF PUBLIC HEALTH SERVICES

BE IT ENACTED, by the Legislature of the County of Schenectady, as follows:

WHEREAS, the Director of the Office of Public Health Services by a memorandum dated July 24, 2024 requests that the salary for the position of Director of Family Health in the Office of Public Health Services be increased; and

WHEREAS, the Director of Public Health Services recommends that the salary for the position of Director of Family Health be increased from \$83,003.00 to \$85,000.00; and

WHEREAS, the County Manager by memorandum dated August 2, 2024 recommends that the salary for the position of Director of Family Health in the Office of Public Health Services be increased to \$85,000.00, and that appropriate budgetary amendments be approved; now, therefore, be it

RESOLVED, that the 2024 annual salary for the position of Director of Family Health in the Office of Public Health Services be increased from \$83,003.00 to \$85,000.00; and be it further

RESOLVED, that the 2024 Operating Budget be and it hereby is amended as follows:

Increase Expense Code by:

A514012._01720 – Director of Family Health \$ 1,997.

Increase Use of Fund Balance:

A.599 – Appropriated Fund Balance \$ 1,997.

8/13/2024: *Reported from the Committee on Health, Housing and Human Services (HHHS19)*

8/13/2024: *Reported from the Committee on Ways and Means Adopted by the County Legislature*

Ayes: 12.9351 (Constantine, Cuomo, Fields, Frisoni, Hess, Hughes, Jasenski, McGill, Ostrelich, Patierne, Pratt, Ruzzo, Vellano)

Nays: 0.0000

Absent: 0.9985 (Gatta)

Abstain: 0.0000

Excused: 1.0664 (Samuel)

RESOLUTION 144-24

Sponsored by Legislator Ostrelich:

A RESOLUTION REGARDING THE ACCEPTANCE OF MONIES FROM THE NYS DEPARTMENT OF HEALTH FROM THE LEAD RENTAL REGISTRY GRANT PROGRAM AND TO CREATE A CERTAIN POSITION IN THE OFFICE OF PUBLIC HEALTH SERVICES

BE IT ENACTED, by the Legislature of the County of Schenectady, as follows:

WHEREAS, the Public Health Director by memorandum dated July 23, 2024 advises that Schenectady County was recently awarded a multi-year grant (4/1/24 to 3/31/29) from the NYS Department of Health to be used for services and expenses related to the Lead Rental Registry Grant Program; and

WHEREAS, the Public Health Director further advises that Schenectady County is projected to receive \$652,700.00 in annual funding; and

WHEREAS, the Public Health Director requests that a position of Program Support Specialist be created in the Office of Schenectady County Public Health Services; and

WHEREAS, the Public Health Director further advises that the person in the new position will oversee the software systems used to manage the Lead Rental Registry, will support the identification and notification of applicable property owners, will assist property owners in navigating the software system, will support coordination of inspection services, and will support reporting on performance indicators; and

WHEREAS, the Director of Human Resources by memorandum dated August 1, 2024 recommends the creation of a position of Program Support Specialist at a CSEA grade of 14 within the Office of Public Health Services; and

WHEREAS, the Director of Human Resources anticipates that all necessary action by the Schenectady County Civil Service Commission will occur at its August 2024 meeting; and

WHEREAS, the Schenectady County Manager by memorandum dated August 2, 2024 recommends the acceptance of the grant monies from the New York State Department of Health, the creation of the new position of Program Support Specialist in the Office of Public Health Services, and the approval of appropriate budgetary amendments; and

WHEREAS, acceptance of these monies and utilization of these funds needs to be reflected in a resolution of this Legislature; now, therefore, be it

RESOLVED, that the Legislature of the County of Schenectady hereby accepts the aforesaid grant monies from the NYS Department of Health, and authorizes the utilization of such monies for the aforesaid purposes; and, be it further

RESOLVED, that the County Manager be and he hereby is authorized, after approval of the County Attorney as to form and content, to enter into any necessary agreements, certifications, or reimbursement requests for the acceptance of such grant monies from the NYS Department of Health; and, be it further

RESOLVED, that the following position in the Office of Public Health Services be and it hereby is created as follows:

<u>Position</u>	<u>Grade</u>
Program Support Specialist	14

; and, be it further

RESOLVED, that the 2024 Operating Budget be and it hereby is amended as follows:

Create and Increase Expense Code by:

A544090.01822 – Program Support Specialist	\$ 21,155.
A544090.415036 – NYS Rental Registry	\$ 50,000.

Increase Expense Codes by:

A589010.80019 – State Retirement	\$ 3,188.
A589030.80016 – Social Security	\$ 1,568.
A589040.80020 – Workers' Compensation	\$ 299.
A589050.80017 – Unemployment Insurance	\$ 29.
A589060.80080 – Hospital & Medical	\$ 6,084.

Create and Increase Revenue Code by:

A34090.340136 – NYS Rental Registry	\$ 99,827.
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Decrease Use of Fund Balance:

A.599 – Appropriated Fund Balance	\$ 17,504.
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8/13/2024: *Reported from the Committee on Health, Housing and Human Services (HHHS20)*

8/13/2024: *Reported from the Committee on Ways and Means
Adopted by the County Legislature*

Ayes:	12.9351	(Constantine, Cuomo, Fields, Frisoni, Hess, Hughes, Jasenski, McGill, Ostrellich, Patierne, Pratt, Ruzzo, Vellano)
Nays:	0.0000	
Absent:	0.9985	(Gatta)
Abstain:	0.0000	
Excused:	1.0664	(Samuel)

RESOLUTION 145-24

Sponsored by Legislator Ostrellich:

A RESOLUTION REGARDING BUDGETARY AMENDMENTS FOR CERTAIN CONTRACT AND COURT-ORDERED SERVICES FOR THE OFFICE OF COMMUNITY SERVICES

BE IT ENACTED, by the Legislature of the County of Schenectady, as follows:

WHEREAS, the Public Health Director by memorandum dated August 1, 2024 recommends that the operating budget of the Office of Community Services be amended to provide funding for increases in certain exams and court-ordered placements for criminal defendants that are paid for by Schenectady County; and

WHEREAS, the Schenectady County Manager by memorandum dated August 2, 2024 recommends that the operating budget of the Office of Community Services be amended to provide funding for increases in certain exams and court-ordered placements for criminal defendants; now, therefore, be it

RESOLVED, that the 2024 Operating Budget be and it hereby is amended as follows:

Increase Expense Code by:

A544390.400499 – Contract & Court Ordered Svcs \$ 500,000.

Increase Use of Fund Balance:

A.599 – Appropriated Fund Balance \$ 500,000.

8/13/2024: *Reported from the Committee on Health, Housing and Human Services (HHHS21)*

8/13/2024: *Reported from the Committee on Ways and Means
Adopted by the County Legislature*

Ayes:	12.9351	(Constantine, Cuomo, Fields, Frisoni, Hess, Hughes, Jasenski, McGill, Ostrelch, Patierne, Pratt, Ruzzo, Vellano)
Nays:	0.0000	
Absent:	0.9985	(Gatta)
Abstain:	0.0000	
Excused:	1.0664	(Samuel)

RESOLUTION 146-24

Sponsored Legislator Frisoni:

A RESOLUTION AUTHORIZING THE COUNTY MANAGER TO ENTER INTO AN AMENDMENT TO A COLLECTIVE BARGAINING AGREEMENT WITH 1199 SEIU REPRESENTING THE EMPLOYEES IN THE GLENDALE BARGAINING UNIT

BE IT ENACTED by the Legislature of the County of Schenectady, as follows:

WHEREAS, the Schenectady County Attorney by memorandum dated July 25, 2024 recommends that the current two-tier holiday system for 1199 SEIU employees at the Glendale Nursing Home be eliminated; and

WHEREAS, the Schenectady County Attorney advises that the two-tier holiday system is counterproductive to the recruitment and retention of critical staff at the Glendale Nursing Home, and it has a negative impact upon staffing on holidays, particularly major holidays; and

WHEREAS, after negotiations between representatives of the County of Schenectady and 1199 SEIU, agreement has been reached upon the terms of an amendment to an agreement between the County and the aforesaid union relating to terms and conditions of employment, and which eliminates the existing two-tier holiday system; and

WHEREAS, the Schenectady County Manager by memorandum dated August 2, 2024 recommends the approval of an amendment to the existing collective bargaining agreement with 1199 SEIU employees at the Glendale Nursing Home to eliminate the existing two-tier holiday system; now, therefore be it

RESOLVED, that the County Manager, on behalf of the County of Schenectady, be and he hereby is authorized to enter into an amendment to an agreement, subject to the approval of the County Attorney, and consistent with the provisions of this resolution for all affected county employees in the 1199 SEIU Glendale bargaining unit represented by the aforesaid union.

8/13/2024:
Service (LCS18)

Reported from the Committee on Labor and Civil

8/13/2024:

Adopted by the County Legislature

Ayes:	12.9351	(Constantine, Cuomo, Fields, Frisoni, Hess, Hughes, Jasenski, McGill, Ostrellich, Patierne, Pratt, Ruzzo, Vellano)
Nays:	0.0000	
Absent:	0.9985	(Gatta)
Abstain:	0.0000	
Excused:	1.0664	(Samuel)

RESOLUTION 147-24

Sponsored by Legislator Frisoni:

**A RESOLUTION TO CREATE AND ELIMINATE CERTAIN POSITIONS
IN THE DEPARTMENT OF FINANCE**

BE IT ENACTED, by the Legislature of the County of Schenectady, as follows:

WHEREAS, the Commissioner of Finance by memorandum dated July 30, 2024 requests that the position of Accounting Supervisor be abolished, and that the position of Junior Accounting Supervisor be created; and

WHEREAS, the Commissioner of Finance further states that the proposed changes will better meet the current operational needs of the Department of Finance; and

WHEREAS, the Director of Human Resources by memorandum dated August 1, 2024 recommends the creation of the position of Junior Accounting Supervisor at a job classification of JC-6, and anticipates that all necessary action by the Schenectady County Civil Service Commission will occur at its next meeting in August of 2024; and

WHEREAS, the County Manager by memorandum dated August 2, 2024 recommends that the aforesaid positions in the Department of Finance be eliminated and created, and that appropriate budgetary amendments be approved; now, therefore, be it

RESOLVED, that the following position in the Department of Finance be and it hereby is created as follows:

Position

Job Classification

Junior Accounting Supervisor

JC-6

; and, be it further

RESOLVED, that the position of Accounting Supervisor in the Department of Finance be and it hereby is eliminated; and, be it further

RESOLVED, that the 2024 Operating Budget be and it hereby is amended as follows:

Create and Increase Expense Code by:

A511310._01821 – Junior Accounting Supervisor \$ 26,743.

Decrease Expense Code by:

A511310._01758 – Accounting Supervisor \$ 26,743.

8/13/2024: Reported from the Committee on Labor and Civil Service (LCS19)

8/13/2024: Reported from the Committee on Ways and Means Adopted by the County Legislature

Ayes:	12.9351	(Constantine, Cuomo, Fields, Frisoni, Hess, Hughes, Jasenski, McGill, Ostrelich, Patierne, Pratt, Ruzzo, Vellano)
Nays:	0.0000	
Absent:	0.9985	(Gatta)
Abstain:	0.0000	
Excused:	1.0664	(Samuel)

RESOLUTION 148-24

Sponsored by Legislator Frisoni:

A RESOLUTION REGARDING AN AMENDMENT TO AN AGREEMENT BETWEEN SCHENECTADY COUNTY AND SUNY SCHENECTADY FOR THE TRAINING OF STUDENTS TO BECOME AIR TRAFFIC CONTROLLERS

BE IT ENACTED, by the Legislature of the County of Schenectady, as follows:

WHEREAS, the Schenectady County Attorney by memorandum dated July 25, 2024 requests that Schenectady County enter into an amendment to an agreement with SUNY Schenectady for the training of students to become air traffic controllers; and

WHEREAS, the Schenectady County Attorney advises that the proposed amendments to the existing agreement would be as follows:

1. The current agreement, which expires on August 31, 2024, would be extended for two years until August 31, 2026;
2. The amount that SUNY Schenectady pays Schenectady County for each hour of training provided by County Air Traffic Controllers would increase from \$42.50 per hour to \$52.96 per hour;
3. The amount of the cost of the Aviation Internship Program would increase from \$6,000 to \$6,400, and the hourly rate would increase from \$22.50 to \$24.00; and
4. Payment to the County for student withdrawals from the Aviation Internship Program within thirty days shall be at the new rate of \$24.00 per hour for all hours completed by the student; and

WHEREAS, the County Manager by memorandum dated August 2, 2024 recommends that Schenectady County approve the aforesaid amendments to the existing agreement between Schenectady County and SUNY Schenectady for the training of students to become air traffic controllers; now, therefore be it

RESOLVED, that the County Manager be and he hereby is authorized, after approval of the County Attorney as to form and content, to negotiate and to execute an amendment to the existing agreement between Schenectady County and SUNY Schenectady for the training of students to become air traffic controllers consistent with the provisions of this Resolution.

8/13/2024: Reported from the Committee on Labor and Civil Service (LCS20)

8/13/2024: Reported from the Committee on Ways and Means Adopted by the County Legislature

<p>Ayes: 12.9351</p> <p>Nays: 0.0000</p> <p>Absent: 0.9985</p> <p>Abstain: 0.0000</p> <p>Excused: 1.0664</p>	<p>(Constantine, Cuomo, Fields, Frisoni, Hess, Hughes, Jasenski, McGill, Ostrellich, Patierne, Pratt, Ruzzo, Vellano)</p> <p>(Gatta)</p> <p>(Samuel)</p>
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RESOLUTION 149-24

Sponsored by Legislator Patierne:

A RESOLUTION APPROVING CAPITAL BUDGET AMENDMENTS REGARDING THE COUNTY CORRECTIONAL FACILITY DRYER EXHAUST CONSTRUCTION PROJECT

BE IT ENACTED, by the Legislature of the County of Schenectady, as follows:

WHEREAS, the Director of Facilities by memorandum dated July 31, 2024 requests that Schenectady County’s 2024 Capital Improvement Program be amended to provide additional funding of \$252,000.00 for the replacement and reconfiguration of the County Correctional Facility laundry room dryers and exhaust piping; and

WHEREAS, the County Manager by memorandum dated August 2, 2024 recommends that the 2024 Capital Improvement Program be amended to provide additional funding of \$252,000.00 for the aforesaid replacement and reconfiguration of the County Correctional Facility laundry room dryers and exhaust piping; now, therefore, be it

RESOLVED, that the 2024 Capital Improvement Program be and it hereby is amended as follows:

Create/Increase Expense Code by:

H543150.401000 – Jail Dryer Exhaust Construction \$ 252,000.
(3150240081-0001-0401)

Create/Increase Revenue Code by:

H93333.5710 – Serial Bonds \$ 252,000.
(3150240081-5710-0000)

8/13/2024: *Reported from the Committee on Public Facilities, Transportation and Infrastructure (PFTI17)*

8/13/2024: *Reported from the Committee on Ways and Means Adopted by the County Legislature*

Ayes: 12.9351 (Constantine, Cuomo, Fields, Frisoni, Hess, Hughes, Jasenski, McGill, Ostrellich, Patierne, Pratt, Ruzzo, Vellano)

Nays: 0.0000

Absent: 0.9985 (Gatta)

Abstain: 0.0000

Excused: 1.0664 (Samuel)

RESOLUTION 150-24

Sponsored by Legislator Constantine:

A RESOLUTION TO ACCEPT A MOTOR VEHICLE FROM MPM SILICONES, LLC FOR USE BY THE OFFICE OF THE SCHENECTADY COUNTY SHERIFF

BE IT ENACTED by the Legislature of the County of Schenectady, as follows:

WHEREAS, the Schenectady County Sheriff by an undated memorandum recommends that the County of Schenectady accept ownership of a 1996 medium sized fire vehicle equipped with apparatus for hazmat and chemical response emergencies that is being donated to the County by MPM Silicones, LLC

WHEREAS, the Schenectady County Sheriff requests the approval of an operating budgetary amendment of \$25,000.00 for the costs of proper upfitting and repairs to the aforesaid 1996 medium sized fire vehicle; and

WHEREAS, the Schenectady County Sheriff advises that the aforesaid vehicle will be deployed within the Sheriff’s Department in an official capacity as a mobile command center when conducting various operations such as crime scene investigations, search and rescue missions, and drone deployments; and

WHEREAS, the Schenectady County Manager by memorandum dated August 2, 2024 recommends that the aforesaid vehicle be accepted by the Sheriff’s Department and used for law enforcement purposes, and that appropriate budgetary amendments be approved; now, therefore be it

RESOLVED, that Schenectady County hereby accepts title and ownership of the aforesaid vehicle as property of the County, and authorizes the County Manager, with the consent of the County Attorney, to execute and file any necessary title or ownership documents with the appropriate public entities; and, be it further

RESOLVED, that the 2024 Operating Budget be and it hereby is amended as follows:

Increase Expense Code by:

A543110.420002 – Vehicle Repair/Maintenance \$ 25,000.

Increase Use of Fund Balance:

A.599 – Appropriated Fund Balance \$ 25,000.

8/13/2024: *Reported from the Committee on Public Safety (PS9)*

8/13/2024: *Reported from the Committee on Ways and Means Adopted by the County Legislature*

Ayes: 12.9351 (Constantine, Cuomo, Fields, Frisoni, Hess, Hughes, Jasenski, McGill, Ostrelch, Patierne, Pratt, Ruzzo, Vellano)

Nays: 0.0000

Absent: 0.9985 (Gatta)

Abstain: 0.0000

Excused: 1.0664 (Samuel)

RESOLUTION 151-24

Sponsored by Legislator Constantine:

A RESOLUTION TO ACCEPT MONIES FROM THE ESTATE OF MARY BEJIAN FOR THE K-9 UNIT OF THE OFFICE OF THE SCHENECTADY COUNTY SHERIFF

BE IT ENACTED by the Legislature of the County of Schenectady, as follows:

WHEREAS, the Schenectady County Sheriff by an undated memorandum recommends that the County of Schenectady accept a gift of \$1,000 from the Estate of Mary Bejian; and

WHEREAS, the Schenectady County Sheriff advises that consistent with the last will and testament of Mary Bejian the aforesaid gift will be used for veterinary services for the police dogs in the K-9 unit of the Office of the Schenectady County Sheriff; and

WHEREAS, the Schenectady County Manager by memorandum dated August 2, 2024 recommends that the aforesaid gift of \$1,000 to be received from the Estate of Mary Bejian be accepted by the Sheriff’s Department and used for the aforesaid veterinary services, and that appropriate budgetary amendments be approved; now, therefore be it

RESOLVED, that Schenectady County hereby accepts the gift of \$1,000 from the Estate of Mary Bejian, and authorizes the use of the monies for veterinary services for the police dogs in the K-9 unit of the Office of the Schenectady County Sheriff; and, be it further

RESOLVED, that the County Manager is authorized to execute any documents necessary to accept the aforesaid gift from the Estate of Mary Bejian; and, be it further

RESOLVED, that the 2024 Operating Budget be and it hereby is amended as follows:

Increase Expense Code by:

A543110.415758 – Veterinary Care – K-9 \$ 1,000.

Increase Revenue Code by:

A23110.270530 – Gifts & Donations -- Misc \$ 1,000.

8/13/2024: *Reported from the Committee on Public Safety
(PS10)*

8/13/2024: *Reported from the Committee on Ways and Means
Adopted by the County Legislature*

Ayes: 12.9351 (Constantine, Cuomo, Fields, Frisoni, Hess,
Hughes, Jasenski, McGill, Ostreich, Patierne, Pratt,
Ruzzo, Vellano)

Nays: 0.0000

Absent: 0.9985 (Gatta)

Abstain: 0.0000

Excused: 1.0664 (Samuel)

RESOLUTION 152-24

Sponsored by the Committee on Rules:

A RESOLUTION WAIVING INTEREST AND PENALTIES ON CERTAIN TAX PARCELS

WHEREAS, Lecce Senior Living, LLC. (the Developer) owns certain parcels of land in the Town of Rotterdam identified by Section, Block, and Lots of 71.5-1-5.111, 71.5-1-8.111, 71.5-1-8.112, 71.5-1-9, 71.9-2-21.11, 71.5-1-5.3, 71.5-1-5.13, 71.5-1-36, 71.9-2-22, 71.5-1-11.12, respectively, the site of a multi-phase development for graduated senior living facilities ranging from single family cottages to a future memory care/assisted living facility; and

WHEREAS, the project will benefit Schenectady County residents by providing Schenectady County residents access to necessary housing options as they age here at home; and

WHEREAS, the County commenced a property tax foreclosure proceeding against the aforementioned parcels and the Developer has defended his failure to pay the taxes owed based on disputes with the Town of Rotterdam regarding sewer charges; and

WHEREAS, the County has granted adjournments in the foreclosure action in order to provide the Town and Developer an opportunity to resolve the dispute; and

WHEREAS, the County has been provided a draft of an Agreement between the Town and Developer that will be presented to the Rotterdam Town Board on August 14, 2024 that would fully resolve the dispute between the Town of Rotterdam and the Developer by which the Town will repay the County the entire amount billed for 2022-2024 sewer charges, constituting the entirety of the Developer's dispute; and

WHEREAS, the Developer acknowledges that it is required to pay the remaining taxes in question to the County but has requested that the County waive the accrued interest and penalties pursuant to § 1182 of the NYS Real Property Tax Law based on the fact that the Town has agreed to repay the entire amount disputed by the Developer and that the interest and penalties would not have accrued but for the amounts in dispute; and

WHEREAS, pursuant to § 1182 of the NYS Real Property Tax Law, the County is permitted to waive interest and penalties on property taxes that have been turned over to the County if it is in the best interest of the County; and

WHEREAS, it would not be just for the County to force a taxpayer to pay interest and penalties incurred when the taxpayer successfully disputes the bill; now therefore be it

RESOLVED, that the County of Schenectady hereby determines that it is in the best interest of the County of Schenectady to waive interest and penalties on certain parcels of land in the Town of Rotterdam identified by Section, Block, and Lots of 71.5-1-5.111, 71.5-1-8.111, 71.5-1-8.112, 71.5-1-9, 71.9-2-21.11, 71.5-1-5.3, 71.5-1-5.13, 71.5-1-36, 71.9-2-22, 71.5-1-11.12, currently owed, for the reasons stated in this resolution contingent upon the Developer and the Town of Rotterdam entering into an Agreement in substantial conformance to the one attached to this Resolution.

**SECOND AMENDMENT TO DEVELOPER'S
AGREEMENT DATED NOVEMBER 14, 2020**

This SECOND AMENDMENT TO DEVELOPER'S AGREEMENT dated August __, 2024 (hereinafter the "Second Amendment") is made by and between Lecce Senior Living, LLC, a New York Limited liability company having a mailing address of 1209 Troy Schenectady Road Latham New York 12110, (hereinafter the "Developer") and the Town Board of the Town of Rotterdam, having offices at 1100 Sunrise Boulevard, Rotterdam, New York 12306 (hereinafter the "Town") for itself and on behalf of Sewer District No. 7 (hereinafter the "District").

WHEREAS, the Developer and the Town are parties to that certain Developer's Agreement dated November 14, 2020, as amended by that certain First Amendment to Developer's Agreement dated March 3, 2022 (hereinafter, collectively, the "Developer's Agreement"); and

WHEREAS, the Developer and the Town have a dispute concerning the sewer fees charged to the tax map parcels comprising the Village at Whispering Pines consisting of +/- 96.6 acres all owned by the Developer; and

WHEREAS, based upon the Certificate of Substantial Completion executed on June 28, 2023, by the Town Supervisor, the Town completed the work necessary for the Hamburg Sewer District no. 7, extension no. 2 (hereinafter "Extension no. 2"); and

WHEREAS, the Developer has worked diligently to construct the sewer improvements necessary for the Hamburg Sewer District no. 7, extension no. 1

(hereinafter “Extension no. 1”), a Developer-funded sewer district extension, for the benefit of the eventual occupants of the Village(s) at Whispering Pines and the above parcels. Construction of the sewer improvements was reviewed in the Town approved EIS and SEQRA Findings Statement and is a condition of approval of the Site Plan Review for Phase 1b of the Villages at Whispering Pines imposed by the Town Planning Board. These improvements included an equalization tank which was required to be installed at Developer’s expense and dedicated to the Town to ensure that sufficient capacity existed in the proposed improvements being undertaken by the Town in Extension no. 2, a Town- funded extension of the Hamburg Sewer District no. 7; and

WHEREAS, the Developer received site plan approval and obtained a building permit for phase 1a, which involved the reconstruction of the existing golf course with a new club house that has a temporary septic system and such septic system will be abandoned when phase 1b is completed and the club house can connect to the Town sewer system;

WHEREAS, the Developer was granted waivers of some of the conditions to site plan review of phase 1b of the Village(s) at Whispering Pines and obtained Building Permits commencing in 2023 for 15 cottages and subsequently in 2024 for an additional 5 cottages for a total of 20 building permits. No certificates of occupancy can be granted until all of the conditions to the approval of site plan review of phase 1a and 1b have been met; and

WHEREAS, the Developer has an application pending for site plan review of phase 2 of the Villages at Whispering Pines but site plan approval has not been granted to date; and

WHEREAS, to date the Developer (has not connected) to the Town sewer system and has not discharged any sewage to the Town sewer;

WHEREAS, the Town has been incorrectly charging the Developer for sewer fees as if the Developer had constructed 566 units in 2020, 2021 and 2022 and 564 units in 2023 on the Property, or indeed had the right to construct such units. As stated above the Developer has only been able to obtain a total of 20 Building Permits for cottages and a building permit for the clubhouse from the Town and the connections to the sewer system are as yet incomplete but are anticipated to be complete before the end of this calendar year, depending upon the performance of the Developer and Developer’s contractor and the associated inspection and acceptance of the constructed facilities by the Town Designated Engineer LaBella Associates LP (hereinafter, the “TDE”);

WHEREAS, the Town, on behalf of Sewer District no. 7, including Extension no. 1 and Extension no. 2, represents that it has and will preserve the necessary capacity in the Town’s sewer pump station located at the traffic circle in Carman Road and in the force main pipe installed at the Developer’s expense leading from Sewer District no. 1 to Sewer District no. 2; into the City of Schenectady’s Sewage Treatment System, all as described in the NYSDEC and NYEFC approved design plans certified by the Town’s TDE, for the 566 EDUs that may eventually be approved by the Planning Board in the case of phase 2 and in the case of phase 1b after the satisfaction of the conditions to site plan approval

and issuance of building permits for the units in phase 1b, and in the case of phase 1a as approved and as defined by the issuance of the permit;

WHEREAS, the Developer has paid \$446,000 to the Town for the construction of the sewer collection pipe within Extension no. 2 and is responsible for funding an escrow for the TDE to review design work and inspect the work undertaken by the Developer for Extension no. 1, all provided pursuant to the terms of the Developer Agreement as well as the conditions of approval;

WHEREAS, the Town has also charged the Developer and Developer has paid \$154,405.44 in sewer fees for the year 2020 and \$119,383.84 in sewer fees for the year 2021 (hereinafter referenced as "Paid Sewer Fees");

WHEREAS, for the years 2022, 2023 and 2024, the Town has charged the Developer for sewer fees in the total amount of \$279,789.91 (\$119,358.89 for 2022; \$173,458.87 for 2023; and \$106,331.04 for 2024) and in the case of year 2022, the Developer has paid 2022 sewer charge in the amount of \$27,231.34 on June 16, 2022 for SBL 71.5-1-5.111;

WHEREAS, as a result of non-payment of the sewer fees which were disputed to the Town informally and then formally in a letter dated October 30, 2023, the County of Schenectady has commenced a foreclosure action against the Developer;

WHEREAS, it is our understanding that the County has paid the Town for the unpaid sewer fee charges for 2022 and 2023, however, for 2024 the sewer fee charges were grieved by the Developer, the warrant for which remains with the Town;

WHEREAS, the Developer has challenged the foreclosure action and has proactively engaged in settlement discussions with the Town and the County in an attempt to fairly resolve this dispute as to the appropriate amount of the sewer fees that should have been charged;

NOW, THEREFORE, in consideration of the mutual covenants expressed herein, and to set in writing the terms of their agreement, the parties do mutually covenant and agree as follows:

1. The Developer will not seek to recover the Paid Sewer Fees in the total amount of Two Hundred Seventy Four Thousand and 56/100 (\$274,000.56) Dollars and will be recognized as sufficient to secure the wastewater collection and treatment capacity for the Whispering Pines Project in the Town Sewer System;
2. However, such reserved capacity shall only be reserved for a period of five (5) years from the date of this Agreement. If after five (5) years phase 2 of the project has not received a building permit, such capacity may only be continually reserved upon further amendment to this agreement;
3. The Town agrees to pay to Schenectady County the sum of the unpaid sewer fees for which the County has reimbursed the Town. It is our understanding that for 2022 and 2023 the Town would be

paying the County One Hundred Nineteen Thousand Three Hundred Fifty-eight and 89/100 (\$119,358.89) Dollars for 2022, One Hundred Seventy-Three Thousand Four Hundred Fifty-eight and 87/100 (\$173,458.87) Dollars for 2023 and One Hundred Two Thousand Eight Hundred and 28/100 (\$102,800.28) for 2024. The Town will also reimburse the Developer for the sewer fee paid by the Developer for 2022 in the amount of Twenty Seventy Thousand Two Hundred Thirty-One and 34/100 (\$27,231.34) Dollars. For the sewer fees charged for the year 2024, the Town will agree not to collect the fees in settlement of the Grievance brought by the Developer, except for those fees that are related to EDUs based upon issued building permits as herein agreed;

4. The Developer will not be charged any sewer fees for the years 2022 and 2023 and the Town agrees to waive the O&M fees totaling One Hundred Six Thousand (\$106,000) Dollars charged in 2024. Except that the Town shall still charge EDUs for the parcels that have obtained building permits for units prior to and following this agreement; and
5. For purposes of this Agreement and calculating EDU's on a yearly basis, the date when building permits for residential units shall be totaled for purposes of assessing EDU's will be on or before October 15 of the prior year.
6. Except as may be otherwise expressly provided for in this Second Amendment, the terms, provisions, covenants, stipulations, conditions, rights, obligations, and remedies set forth in the Developers Agreement are hereby ratified, accepted, agreed to, assumed by and imposed upon the parties hereto. In the event there is a conflict between the terms of this Amendment and the terms of the Developers Agreement and the First Amendment, the terms of this Second Amendment shall control.
7. This Second Amendment may be executed in separate counterparts by each of the parties and the total of the executed counterparts shall be deemed one agreement.
8. Per the original developer's agreement and Town Board Resolution 162-2020, sewer connection fees were waived for a period of five years including sewer district seven and its extensions. Such a waiver sunsets on June 1, 2025. The Town Board has no intention of extending that waiver. The Developer is hereby advised that

on June 1, 2025 sewer connection fees will be reestablished for the district. The Town does not have the authority to waive any fees to be collected by the City of Schenectady. Please be advised that the Town’s waiver does not include a waiver of the City of Schenectady’s fees for sewer connections. Sewer connection fees are charged at the same time as building permit fees.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Town Board has duly approved this Second Amendment on behalf of the Town of Rotterdam and Hamburg Sewer District no. 7, including Extension no. 1 & 2 and the parties have hereunto executed this Second Amendment this [] day of August 2024.

Town of ROTTERDAM

By: Mollie A. Collins, Town Supervisor

LECCE SENIOR LIVING, LLC

By: Lou Lecce, Member

8/13/2024: *Reported from the Committee on Rules (R43)*

8/13/2024: *Adopted by the County Legislature*

Ayes: 10.9694 (Constantine, Cuomo, Fields, Frisoni, Hess, Hughes, McGill, Ostrelich, Patierne, Pratt, Vellano)

Nays: 0.0000

Absent: 0.9985 (Gatta)

Abstain: 1.9657 (Jasenski, Ruzzo)

Excused: 1.0664 (Samuel)

Adjournment

On the motion of Legislator Patierne seconded by Legislator Ostrelich without objection, the regular meeting was adjourned.