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COUNTY OF RENSSELAER

LOCAL LAW NO. 2 OF THE YEAR 1981

A LOCAL LAW RELATING TO: REGULATING AND LICENSING OUTDOOR PUBLIC MUSICAL ENTERTAINMENTS, AMUSEMENTS AND ASSEMBLIES IN EXCESS OF 1,000 PERSONS; ESTABLISHING LICENSING PROCEDURES AND FEES THEREFORE; AND PRESCRIBING OFFENSES AND PENALTIES

By: Messrs. Walsh and Minbiole.

Be it enacted by the County Legislature of the County of Rensselaer as follows:

SECTION 1: PURPOSE

Outdoor public musical entertainments, amusements and assemblies have occurred throughout the State of New York including areas in the vicinity of Rensselaer County, attended by assemblies in excess of 1,000 persons. The mass assembly of persons in Rensselaer County for such events in numbers of 1,000 or more would temporarily substantially increase the number of persons within the County of Rensselaer beyond its normal population, thereby causing problems and demands considerably beyond the capability of existing municipal services and facilities now available in Rensselaer County. In order to prepare for such an event, it would be necessary to provide a temporary community with all the services required for the health, welfare and safety of the persons in attendance. Adequate provision must be assured for sanitation and sanitary facilities and services; water supply; food service; garbage and refuse collection and disposal; hospital medical, nursing and ambulance service; policing and traffic control; parking facilities and control; and communications and power systems, all of which are normally subject to governmental regulation and licensing. The temporary furnishing of such services and facilities for outdoor public musical entertainment, amusement or assembly intended to be attended by 1,000 or more persons similarly requires municipal approval, and regulation.

Also, the conduct of such events would create a mass movement of people through the County of Rensselaer, principally upon its public streets

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and highways, of a magnitude not normally experienced by the County of Rensselaer with the likelihood of damage and injury to persons and property within the County of Rensselaer. It is believed necessary that persons, corporations, organizations, landowners and lessees conducting such events must provide adequate financial assurance to protect persons and public and private property within the County.

The Legislature of Rensselaer County, therefore, finds and declares that it is necessary for the government, protection, order, conduct, safety, health and well being of persons and property within the County of Rensselaer in regard to outdoor public musical entertainments, amusements and assemblies catering to the general public, that certain rules and regulations be established, and, further, that there is danger to the people attending or taking part in such events if proper sanitary, police and other health and safety measures are not adequately provided for, and, if further, that it is necessary to adopt under the police power of the County a local law to regulate and license the holding of such outdoor public musical entertainments, amusements, and assemblies.

SECTION 2: BASIC CLAUSE

It shall be unlawful for any person, persons, corporation, organization, land owner, or lessee to organize, promote conduct, or cause to be conducted an outdoor public musical entertainment, amusement, or assembly of persons within the County of Rensselaer, catering to the general public for which said person, persons, corporation, organization, land owner or lessee believes or has reason to believe will attract 1,000 or more persons unless a permit has first been obtained under this local law for the operation of said outdoor public musical entertainment, amusement or assembly as provided by this local law. Such permit shall be required for each such outdoor public musical entertainment, amusement or assembly. The fee for such permit to meet the cost of administering the same shall be \$500.00 which shall be submitted with the application.

SECTION 3: FILING OF APPLICATION

Written application for a permit for such outdoor public musical entertainment, amusement or assembly shall be made to the Rensselaer County Executive or his designee, submitted in 10 copies, 60 or more days prior to the first day upon which such outdoor public musical entertainment, amusement or assembly is to be held. In addition, the applicant shall forward one copy of the application to the clerk of the town or city in which such outdoor public musical entertainment, amusement or assembly is to be held, and, if such event is held within a village, the applicant shall forward one copy of the application to the clerk of such village. Determination granting or denying permits as herein provided for shall be made within 30 days after application therefor. No permits shall be granted unless the applicant complies with all requirements of this local law. Denial of the permit by the Rensselaer County Executive, or his designee, shall be in writing.

SECTION 4: CONTENTS OF APPLICATION

Application for such permit shall be by verified petition addressed to the County Executive and shall be filed in compliance with the provisions

of Section 3 of this local law. Such application shall include the following material:

(a) A statement of the name, age, and residence address of the applicant; if applicant is a corporation, the name of the corporation, the names and addresses of directors, officers, and stockholders owning 5% or more of the number of shares outstanding of each class of stock; if the applicant is a partnership or other organized group of individuals, the names, addresses and ages of each and every individual associated with the partnership or other entity.

(b) A statement containing the name and address of the record owner of the property upon which the event is to occur and the nature and interest of the applicant therein; the names and addresses of all adjoining property owners; the proposed dates and hours of such event; the expected maximum number of persons intended to use the property at one time and collectively; the expected number of automobiles and other vehicles intended to use the property at one time and collectively; the purpose of the function, including the nature of the activities to be carried on and the admission fees to be charged, if any; and the names and addresses of all concessionaires and other persons providing any services or facilities under contract, lease or other arrangement for the event.

(c) An occupational survey map prepared by a professional engineer licensed by the State of New York showing the size of the property, the names of the record owners of the adjoining properties; the streets or highways abutting said property; the size and location of any existing building, buildings or structures or other facilities to be erected thereon for the purpose of the assembly; the placement of the proposed distribution system of water; the location of any parking areas for automobiles and other vehicles and the means of ingress and egress to such parking area; all service and other roads serving the camping area, food services, toilet facilities, garbage and refuse collection facilities, and entertainment and performance areas.

(d) A detailed plan and statement with drawings showing the methods to be used for the disposal of sanitary sewage.

(e) A detailed plan and statement with drawings showing the distribution and supply system for supply, storage, treatment and distribution of drinking water.

(f) A detailed plan and statement with drawings showing the layout of any parking area for automobiles and other vehicles and the methods of traffic control to be used thereon. Such parking area shall provide parking space of acceptable size for one motor vehicle for every four persons in attendance.

(g) A detailed plan and statement with drawings showing the facilities for the preparation, storage, sale and distribution of food and the means of servicing such area. Such plan shall also detail the method and means of disposing of any garbage, trash, rubbish or other refuse.

(h) A detailed plan and statement fully describing any private security personnel who will be engaged by the applicant to serve on or about the site during the event and the qualifications and source of such personnel.

(i) A detailed plan and statement providing for fire protection, specifying the location of fire lanes, water supply, and equipment or apparatus to be available for such purposes.

(j) A detailed plan and statement specifying the facilities to be available for medical, surgical, nursing and ambulance service. Applicant shall furnish to the County Executive, or his designee the names and addresses of all doctors, nurses, pharmacists, and ambulance services applicant will provide for the event, prior to issuance of a permit.

(k) A detailed description of all insurance policies and surety bonds to be provided by the applicant for the protection of the general public, the County of Rensselaer and its various public bodies, and the Town and Village within which such event is to be held. Certificates of such insurance and bonds shall be submitted to the County Executive or his designee at least 15 days prior to the commencement date of the event.

(l) A subscribed authorization from the land owner and the applicant to the Town and Village within which the event is held and the County of Rensselaer to permit the city, town, village and County and their lawful agents to go upon the property for the purpose of inspecting the same to determine if there is compliance with the requirement of this local law and the permit, if granted, providing adequate police and fire protection; and protecting persons and property from danger.

(m) A statement subscribed by the applicant that the applicant will specify in all advertising and promotional endeavors the limitation on the number of tickets to be sold or otherwise issued as specified in the permit and that the applicant will neither sell nor otherwise issue tickets at the site while the event is in progress.

SECTION 5.

No permit shall be issued unless the applicant shall furnish the town in which the event is to occur and the County of Rensselaer with a comprehensive liability insurance policy insuring the city, town, village and county against liability for damage to persons or property with limits of not less than \$500,000 — One Million Dollars for bodily injury or death and limits of not less than \$500,000 for property damage, sufficient in form to save the town, village and county harmless from any liability or causes of action which might arise by reason of granting of the permit and non-cancellable without 10 days prior written notice to the county.

Provided further, that should the licensed event necessitate the employment of additional county or municipal personnel and equipment such added expense shall be recoverable from the principal and/or its surety. The deposit or its balance is to be returned when the County Executive or his designee has determined that no such damage has been done and that the County did not incur such additional expense due to said event or that the cost of the above have been paid by the applicant.

If the applicant has provided in his application that any services or facilities are to be supplied by contract, lease or other arrangement with third parties; then no permit shall be issued unless the applicant shall ob-

tain and submit to the County cash or good surety company bond approved by the County of Rensselaer at least equal in amount to the consideration to be paid to or by such third parties for services and/or facilities to be furnished and conditioned that each such third party will fully perform its contract, lease or other arrangement with the applicant for the provision of such services and/or facilities as set forth in the application.

SECTION 6: LIMITATION ON ATTENDANCE

If a permit is granted by the County Executive or his designee, such permit shall set forth the maximum number of persons to be permitted to attend the event. The County Executive or his designee in determining such maximum limit, shall take into consideration the capacity of the site and of available public highways, and other means of transportation to and from the site. The applicant shall limit all ticket sales to such maximum number and shall include such limitation in all advertising. No tickets shall be sold at or near the site of the event during the term of the event. Applicant shall specify in all advertising and promotional endeavors the limitation on number of tickets to be sold or otherwise issued and the unavailability of tickets at the site while the event is in progress.

SECTION 7: DENIAL OF PERMIT

The permit shall not be granted if any of the items set forth in said application are determined by the County Executive or his designee to be insufficient to properly safeguard the safety, health, welfare and well being of persons or property or do not comply with any of the requirements of this local law.

SECTION 8: NON-COMPLIANCE WITH PERMIT

If after a permit is issued, the County Executive, his designee, or their agents, determines that any of the items required as a condition of the permit is not adhered to and accomplished within the required time limits or if any of the contracts, leases or other arrangements for provision of services and facilities or any insurance or surety bond shall become terminated by action of the County Executive or his designee, unless breach or failure is promptly remedied within such time limit as may be reasonably imposed by the County Executive or his designee. Notice of termination of the permit shall be in writing addressed to the applicant at the address set forth in the application.

SECTION 9: ENFORCEMENT AND PENALTIES

Any person, persons, corporation, organization, land owner or lessee who shall organize, promote, conduct, or cause to be conducted an outdoor public musical entertainment, amusement or assembly of persons within the County of Rensselaer catering to the general public for which said person, persons, corporation, organization, land owner or lessee believes or has reason to believe will attract 1,500 or more persons without having a written permit in accordance with the provisions of this local law shall be deemed to have violated this local law. Any person who commits or permits any act in violation of any of the provisions of this local law shall be deemed to have committed a misdemeanor against such local law, and shall be

liable for the penalties provided. A separate offense against this local law shall be deemed committed on each day during or which the violation occurs or continues. A separate penalty may be imposed for each separate offense.

Each violation of a provision of this local law shall be a Class A misdemeanor and the person violating the same shall be subject to a fine of not more than \$1,000.00 or imprisonment not to exceed one year or to both such fine and imprisonment.

Any person violating this local law shall be subject to a civil penalty enforceable and collectible by the County of Rensselaer in the amount of \$1,000.00 for each offense.

In addition to the above provided penalties, the Rensselaer County Attorney may also maintain an action or proceeding in the name of the County in a Court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of such local law.

SECTION 10: EXEMPTIONS

(a) This local law shall not apply to the area of any city, village or town within the County of Rensselaer during such time as such municipality is regulating or licensing the conduct of outdoor public musical entertainments, amusements and assemblies.

(b) This local law shall not apply to any agricultural fair or exposition governed by the Agriculture and Market Law.

(c) This local law shall not apply to musical entertainments, amusements and assemblies promoted, organized, sponsored, or operated by any corporation, association, organization, person or persons enjoying tax exempt status under the laws of the State of New York.

(d) Notwithstanding the provision of paragraph (c) of this section, any outdoor musical entertainment, amusement or assembly which is expected or could reasonably be expected to attract 1,000 or more persons shall be subject to the provisions of this local law.

SECTION 11: 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 directly involved in the controversy in which such judgment shall have been rendered.

SECTION 12:

This local law shall become effective immediately after filing in the office of the Secretary of State, New York.

Local Law No. 2 (Introductory) for the year 1981 is being introduced and laid on the legislators' desks, to be acted upon at a later date.

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COUNTY OF RENSSELAER

LOCAL LAW NO. 3 OF THE YEAR 1981

A LOCAL LAW REPEALING LOCAL LAW NO. 1 FOR THE YEAR 1969

By: Mr. Walsh.

Be it enacted by the County Legislature of the County of Rensselaer, New York, as follows:

SECTION 1. Local Law No. 1 for the year 1969, entitled "A LOCAL LAW TO PROVIDE FOR THE ELIBIBILITY OF CERTAIN CITY, VILLAGE AND TOWN OFFICERS FOR ELECTION AS MEMBERS OF THE COUNTY LEGISLATURE BODY" is hereby repealed.

SECTION 2. This Local Law shall take effect immediately.

Local Law No. 3 of the year 1981 is being introduced and laid on the legislators' desks, to be acted upon at a later date.

COUNTY OF RENSSELAER

LOCAL LAW NO. 2 OF THE YEAR 1981

A LOCAL LAW RELATING TO REGULATING AND LICENSING OUTDOOR PUBLIC MUSICAL ENTERTAINMENTS, AMUSEMENTS AND ASSEMBLIES IN EXCESS OF 1,000 PERSONS; ESTABLISHING LICENSING PROCEDURES AND FEES THEREFOR, AND PRESCRIBING OFFENSES AND PENALTIES

By: Messrs. Walsh and Minbiolo.

Be it enacted by the County Legislature of the County of Rensselaer as follows:

SECTION 1. PURPOSE

Outdoor public musical entertainments, amusements and assemblies have occurred throughout the State of New York including areas in the vicinity of Rensselaer County, attended by assemblies in excess of 1,000 persons. The mass assembly of persons in Rensselaer County for such events in numbers of 1,000 or more would temporarily substantially increase the number of persons within the County of Rensselaer beyond its normal population, thereby causing problems and demands considerably beyond the capability of existing municipal services and facilities now available in Rensselaer County. In order to prepare for such an event, it would be necessary to provide a temporary community with all the services required for the health, welfare and safety of the persons in attendance. Adequate provision must be assured for sanitation and sanitary facilities and services; water supply; food service; garbage and refuse collection and disposal; hospital medical, nursing and ambulance service; policing and traffic control; parking facilities and control; and communications and power systems, all of which are normally subject to governmental regulation and licensing. The temporary furnishing of such services and facilities for outdoor public musical entertainment, amusement or assembly intended to be attended by 1,000 or more persons similarly requires municipal approval, and regulation.

Also, the conduct of such events would create a mass movement of people through the County of Rensselaer, principally upon its public streets and highways, of a magnitude not normally experienced by the County of Rensselaer with the likelihood of damage and injury to persons and property within the County of Rensselaer. It is believed necessary that persons, corporations, organizations, landowners and lessees conducting such events must provide adequate financial assurance to protect persons and public and private property within the County.

The Legislature of Rensselaer County, therefore, finds and declares that it is necessary for the government, protection, order, conduct, safety, health and well being of persons and property within the County of Rensselaer in regard to outdoor public musical entertainments, amusements and assemblies catering to the general public, that certain rules and regulations be established, and, further, that there is danger to the people attending or taking part in such events if proper sanitary, police and other health and safety measures are not adequately provided for, and, if further, that it is

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necessary to adopt under the police power of the County a local law to regulate and license the holding of such outdoor public musical entertainments, amusements, and assemblies.

SECTION 2. BASIC CLAUSE

It shall be unlawful for any person, persons, corporation, organization, land owner, or lessee to organize, promote, conduct, or cause to be conducted an outdoor public musical entertainment, amusement, or assembly of persons within the County of Rensselaer, catering to the general public for which said person, persons, corporation, organization, land owner or lessee believes or has reason to believe will attract 1,000 or more persons unless a permit has first been obtained under this local law for the operation of said outdoor public musical entertainment, amusement or assembly as provided by this local law. Such permit shall be required for each such outdoor public musical entertainment, amusement or assembly. The fee for such permit to meet the cost of administering the same shall be \$500.00 which shall be submitted with the application.

SECTION 3. FILING OF APPLICATION

Written application for a permit for such outdoor public musical entertainment, amusement or assembly shall be made to the Rensselaer County Executive or his designee, submitted in 10 copies, 60 or more days prior to the first day upon which such outdoor public musical entertainment, amusement or assembly is to be held. In addition, the applicant shall forward one copy of the application to the clerk of the town or city in which such outdoor public musical entertainment, amusement or assembly is to be held, and, if such event is held within a village, the applicant shall forward one copy of the application to the clerk of such village. Determination granting or denying permits as herein provided for shall be made within 30 days after application therefor. No permits shall be granted unless the applicant complies with all requirements of this local law. Denial of the permit by the Rensselaer County Executive, or his designee, shall be in writing.

SECTION 4. CONTENTS OF APPLICATION

Application for such permit shall be by verified petition addressed to the County Executive and shall be filed in compliance with the provisions of Section 3 of this local law. Such application shall include the following material:

(a) A statement of the name, age, and residence address of the applicant; if applicant is a corporation, the name of the corporation, the names and addresses of directors, officers, and stockholders owning 5% or more of the number of shares outstanding of each class of stock; if the applicant is a partnership or other organized group of individuals, the names, addresses and ages of each and every individual associated with the partnership or other entity.

(b) A statement containing the name and address of the record owner of the property upon which the event is to occur and the nature and interest of the applicant therein; the names and addresses of all adjoining property owners; the proposed dates and hours of such event; the expected

maximum number of persons intended to use the property at one time and collectively; the expected number of automobiles and other vehicles intended to use the property at one time and collectively; the purpose of the function, including the nature of the activities to be carried on and the admission fees to be charged, if any; and the names and addresses of all concessionaires and other persons providing any services or facilities under contract, lease or other arrangement for the event.

(c) An occupational survey map prepared by a professional engineer licensed by the State of New York showing the size of the property, the names of the record owners of the adjoining properties; the streets or highways abutting said property; the size and location of any existing building, buildings or structures or other facilities to be erected thereon for the purpose of the assembly; the placement of the proposed distribution system of water; the location of any parking areas for automobiles and other vehicles and the means of ingress and egress to such parking area; all service and other roads serving the camping area, food services, toilet facilities, garbage and refuse collection facilities, and entertainment and performance areas.

(d) A detailed plan and statement with drawings showing the methods to be used for the disposal of sanitary sewage.

(e) A detailed plan and statement with drawings showing the distribution and supply system for supply, storage, treatment and distribution of drinking water.

(f) A detailed plan and statement with drawings showing the layout of any parking area for automobiles and other vehicles and the methods of traffic control to be used thereon. Such parking area shall provide parking space of acceptable size for one motor vehicle for every four persons in attendance.

(g) A detailed plan and statement with drawings showing the facilities for the preparation, storage, sale and distribution of food and the means of servicing such area. Such plan shall also detail the method and means of disposing of any garbage, trash, rubbish or other refuse.

(h) A detailed plan and statement fully describing any private security personnel who will be engaged by the applicant to serve on or about the site during the event and the qualifications and source of such personnel.

(i) A detailed plan and statement providing for fire protection, specifying the location of fire lanes, water supply, and equipment or apparatus to be available for such purposes.

(j) A detailed plan and statement specifying the facilities to be available for medical, surgical, nursing and ambulance service. Applicant shall furnish to the County Executive, or his designee the names and addresses of all doctors, nurses, pharmacists, and ambulance services applicant will provide for the event, prior to issuance of a permit.

(k) A detailed description of all insurance policies and surety bonds to be provided by the applicant for the protection of the general public, the County of Rensselaer and its various public bodies, and the Town and Village within which such event is to be held. Certificates of such insurance and bonds shall be submitted to the County Executive or his designee at least 15 days prior to the commencement date of the event.

(l) A subscribed authorization from the land owner and the applicant to the Town and Village within which the event is held and the County of Rensselaer to permit the city, town, village and County and their lawful agents to go upon the property for the purpose of inspecting the same to determine if there is compliance with the requirement of this local law and the permit, if granted, providing adequate police and fire protection; and protecting persons and property from danger.

(m) A statement subscribed by the applicant that the applicant will specify in all advertising and promotional endeavors the limitation on the number of tickets to be sold or otherwise issued as specified in the permit and that the applicant will neither sell nor otherwise issue tickets at the site while the event is in progress.

SECTION 5.

No permit shall be issued unless the applicant shall furnish the town in which the event is to occur and the County of Rensselaer with a comprehensive liability insurance policy insuring the city, town, village and county against liability for damage to persons or property with limits of not less than \$500,000 - One Million Dollars for bodily injury or death and limits of not less than \$500,000 for property damage, sufficient in form to save the town, village and county harmless from any liability or causes of action which might arise by reason of granting of the permit and non-cancellable without 10 days prior written notice to the county.

Provided further, that should the licensed event necessitate the employment of additional county or municipal personnel and equipment such added expense shall be recoverable from the principal and/or its surety. The deposit or its balance is to be returned when the County Executive or his designee has determined that no such damage has been done and that the County did not incur such additional expense due to said event or that the cost of the above have been paid by the applicant.

If the applicant has provided in his application that any services or facilities are to be supplied by contract, lease or other arrangement with third parties; then no permit shall be issued unless the applicant shall obtain and submit to the County cash or good surety company bond approved by the County of Rensselaer at least equal in amount to the consideration to be paid to or by such third parties for services and/or facilities to be furnished and conditioned that each such third party will fully perform its contract, lease or other arrangement with the applicant for the provision of such services and/or facilities as set forth in the application.

SECTION 6. LIMITATION ON ATTENDANCE

If a permit is granted by the County Executive or his designee, such permit shall set forth the maximum number of persons to be permitted to

attend the event. The County Executive or his designee in determining such maximum limit, shall take into consideration the capacity of the site and of available public highways, and other means of transportation to and from the site. The applicant shall limit all ticket sales to such maximum number and shall include such limitation in all advertising. No tickets shall be sold at or near the site of the event during the term of the event. Applicant shall specify in all advertising and promotional endeavors the limitation on number of tickets to be sold or otherwise issued and the unavailability of tickets at the site while the event is in progress.

SECTION 7. DENIAL OF PERMIT

The permit shall not be granted if any of the items set forth in said application are determined by the County Executive or his designee to be insufficient to properly safeguard the safety, health, welfare and well being of persons or property or do not comply with any of the requirements of this local law.

SECTION 8. NON-COMPLIANCE WITH PERMIT

If after a permit is issued, the County Executive, his designee, or their agents, determines that any of the items required as a condition of the permit is not adhered to and accomplished within the required time limits or if any of the contracts, leases or other arrangements for provision of services and facilities or any insurance or surety bond shall become terminated by action of the County Executive or his designee, unless breach or failure is promptly remedied within such time limit as may be reasonably imposed by the County Executive or his designee. Notice of termination of the permit shall be in writing addressed to the applicant at the address set forth in the application.

SECTION 9. ENFORCEMENT AND PENALTIES

Any person, persons, corporation, organization, land owner or lessee who shall organize, promote, conduct, or cause to be conducted an outdoor public musical entertainment, amusement or assembly of persons within the County of Rensselaer catering to the general public for which said person, persons, corporation, organization, land owner or lessee believes or has reason to believe will attract 1,500 or more persons without having a written permit in accordance with the provisions of this local law shall be deemed to have violated this local law. Any person who commits or permits any act in violation of any of the provisions of this local law shall be deemed to have committed a misdemeanor against such local law, and shall be liable for the penalties provided. A separate offense against this local law shall be deemed committed on each day during or which the violation occurs or continues. A separate penalty may be imposed for each separate offense.

Each violation of a provision of this local law shall be a Class A misdemeanor and the person violating the same shall be subject to a fine of not more than \$1,000.00 or imprisonment not to exceed one year or to both such fine and imprisonment.

Any person violating this local law shall be subject to a civil penalty enforceable and collectible by the County of Rensselaer in the amount of \$1,000.00 for each offense.

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In addition to the above provided penalties, the Rensselaer County Attorney may also maintain an action or proceeding in the name of the County in a Court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of such local law.

SECTION 10. EXEMPTIONS

(a) This local law shall not apply to the area of any city, village or town within the County of Rensselaer during such time as such municipality is regulating or licensing the conduct of outdoor public musical entertainments, amusements and assemblies.

(b) This local law shall not apply to any agricultural fair or exposition governed by the Agriculture and Market Law.

(c) This local law shall not apply to musical entertainments, amusements and assemblies promoted, organized, sponsored, or operated by any corporation, association, organization, person or persons enjoying tax exempt status under the laws of the State of New York.

(d) Notwithstanding the provision of paragraph (c) of this section, any outdoor musical entertainment, amusement or assembly which is expected or could reasonably be expected to attract 1,000 or more persons shall be subject to the provisions of this local law.

SECTION 11. 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 directly involved in the controversy in which such judgment shall have been rendered.

SECTION 12.

This local law shall become effective immediately after filing in the office of the Secretary of State, New York.

Local Law defeated by the following vote:

Ayes: 5

Noes: 11 (Messrs. Harrigan, Ashley, Carrier, Conway, Denlo, Fleming, O'Brien, Rock, Spain, Witkowski and Manupella)

COUNTY OF RENSSELAER

LOCAL LAW NO. 3 OF THE YEAR 1981

A LOCAL LAW REPEALING LOCAL LAW NO. 1 FOR THE YEAR 1969

By: Mr. Walsh.

Be it enacted by the County Legislature of the County of Rensselaer, New York, as follows:

7/7/81

SECTION 1. Local Law No. 1 for the year 1969, entitled "A LOCAL LAW TO PROVIDE FOR THE ELIBIBILITY OF CERTAIN CITY, VILLAGE AND TOWN OFFICERS FOR ELECTION AS MEMBERS OF THE COUNTY LEGISLATURE BODY" is hereby repealed.

SECTION 2. This Local Law shall take effect immediately.

Local Law defeated by the following vote:

Ayes: 6

Noes: 10 (Messrs. Harrigan, Ashley, Carrier, Conway, Denio, Fleming, Rock, Spain, Witkowski and Manupella)

COUNTY OF RENSSELAER

LOCAL LAW NO. 4 (INTRODUCTORY) OF THE YEAR 1981

A LOCAL LAW ADOPTING A PLAN OF REAPPORTIONMENT OF THE RENSSELAER COUNTY LEGISLATURE BASED UPON THE 1980 FEDERAL CENSUS

By: Messrs. Manupella, Harrigan, Fleming, Quinn, Markell and Walsh.

Be it enacted by the County Legislature of the County of Rensselaer as follows:

WHEREAS, the Rensselaer County Charter approved by the voters of Rensselaer County effective January 1, 1974 provides under Article 2, Section 2.01 that the County Legislature, "shall be comprised of not more than twenty-one members, elected from the various legislative districts of the County in accordance with the provisions set forth in Article 17 of this Charter entitled 'Legislative Apportionment'", and

WHEREAS, the Commission on Legislative Apportionment and Reapportionment for 1981 has determined it will be necessary to present a Reapportionment Plan for the 1981 Rensselaer County Legislative Election; and

WHEREAS, the Commission on Legislative Apportionment and Reapportionment for 1981 has approved the following plan of reapportionment of the Rensselaer County Legislature, to wit:

RENSSELAER COUNTY LEGISLATURE TO CONSIST OF FIVE DISTRICTS AND TWENTY LEGISLATORS, AS FOLLOWS:

District	Cities & Towns	Total District Population	Number of Legislators Per District	Numerical Rep. of each Legislator
1	Troy	56,638	8	7,080
2	See attached legal description attached hereto as Exhibit A	32,700	4	8,175

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THE RENSSELAER COUNTY LEGISLATURE

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3	Brunswick Pittstown Schaghticoke			
4	See attached legal description attached hereto as Exhibit B	22,969	3	7,656
5	Berlin Grafton Hoosick Petersburg Poestenkill	24,535	3	8,178
		16,126	2	8,063

NOW, THEREFORE, BE IT ENACTED by the County Legislature of the County of Rensselaer as follows:

SECTION 1. That the Rensselaer County Legislature hereby approves and adopts the aforesaid plan.

SECTION 2. If any provision 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 particular provision directly involved in the controversy.

SECTION 3. This local law shall take effect immediately upon its filing and its provisions shall govern the election of the members of the Rensselaer County Legislature to be elected at the 1981 General Election.

Local Law No. 4 (Introductory) of the year 1981 is being introduced and laid on the legislators' desk to be acted upon at a later date.

EXHIBIT A

COUNTY LEGISLATIVE DISTRICT II (4 Legislators)

County Legislative District II shall consist of the City of Rensselaer, the Town of North Greenbush and East Greenbush as well as that part of the Town of Schodack within the boundries described as follows:

Beginning at a point in the main channel of the Hudson River, which is the west County Line, where it is intersected by the north Village Line of the Village of Castleton-on-Hudson, thence northerly along the County Line to its intersection with the northern Town Line of the Town of Schodack; thence easterly along the Town Line of Schodack, crossing River Road (Rte 9J) to the intersection of the Schodack Town Line with the center line of the Penn Central Railroad tracks; thence southerly along the center line of the said railroad tracks to its intersection with the center line of Brookview Road; then south-westerly along the center line of Brookview Road to its intersection with the Village Line of the Village of Castleton-on-Hudson; thence continuing westerly along the said Village Line to its intersection with the main channel of the Hudson River which is the Rensselaer County Line, and the place and point of the beginning.

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EXHIBIT B**COUNTY LEGISLATIVE DISTRICT IV (3 Legislators)**

County Legislative District IV shall consist of the Towns of Nassau, Sand Lake, Stephentown and Schodack excepting that part of the Town of Schodack contained in District II and described as follows:

Beginning at a point in the main channel of the Hudson River, which is the west County Line, where it is intersected by the north Village Line of the Village of Castleton-on-Hudson, thence northerly along the County Line to its intersection with the northern Town Line of the Town of Schodack; thence easterly along the Town Line of Schodack, crossing River Road (Rte 9J) to the intersection of the Schodack Town Line with the center line of the Penn Central Railroad tracks; thence southerly along the center line of the said railroad tracks to its intersection with the center line of Brookview Road; thence south westerly along the center line of Brookview Road to its intersection with the Village Line of the Village of Castleton-on-Hudson; thence continuing westerly along the said Village Line to its intersection with the main channel of the Hudson River, which is the Rensselaer County Line, and the place and point of the beginning.

COUNTY OF RENSSELAER**LOCAL LAW NO. 5 (INTRODUCTORY) OF THE YEAR 1981****A LOCAL LAW PROVIDING FOR THE APPORTIONMENT OF THE RENSSELAER COUNTY LEGISLATURE BASED UPON THE 1980 FEDERAL CENSUS**

By: Mr. Walsh.

Be it enacted by the County Legislature of the County of Rensselaer as follows:

- §1 Legislative Intent
- §2 Membership of the Rensselaer County Legislature
- §3 County Legislative Districts Continued
- §4 Referendum
- §5 Separability
- §6 Effective Date

§1 LEGISLATIVE INTENT. The intent of this local law is to reapportion the Rensselaer County Legislature in accordance with the provisions of the Rensselaer County Charter and the Municipal Home Rule Law of the State of New York to provide substantially equal representation of the County's residents based upon the 1980 Federal Census, required by the constitutions of the United States and the State of New York, while preserving existing legislative districts.

§2 MEMBERSHIP OF THE RENSSELAER COUNTY LEGISLATURE Commencing January 1, 1982, the Rensselaer County Legislature shall be com-

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posed of nineteen (19) members elected from the five (5) existing legislative districts hereinafter described.

§3 COUNTY LEGISLATIVE DISTRICTS CONTINUED. The present five multi-member legislative districts are continued, with representation as set forth:

DISTRICT #1, represented by seven (7) county legislators, consisting of the City of Troy.

DISTRICT #2, represented by four (4) county legislators, consisting of the Towns of East Greenbush, North Greenbush, and the City of Rensselaer.

DISTRICT #3, represented by three (3) county legislators, consisting of the Towns of Brunswick, Pittstown, and Schaghticoke.

DISTRICT #4, represented by three (3) county legislators, consisting of the Towns of Nassau, Sand Lake, and Schodack.

DISTRICT #5, represented by two (2) county legislators, consisting of the Towns of Berlin, Grafton, Hoosick, Petersburg and Poestenkill.

§4 REFERENDUM. This local law shall be subject to the referendum provisions of subparagraph thirteen of paragraph a of subdivision one of section ten of the Municipal Home Rule Law.

§5 SEPARABILITY. If any provision 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 particular provision directly involved in the controversy.

§6 EFFECTIVE DATE. This local law shall take effect immediately upon its filing and its provisions shall govern the election of the members of the Rensselaer County Legislature to be elected at the 1981 general election.

Local Law No. 5 (Introductory) of the year 1981 is being introduced and laid on the legislators' desk to be acted upon at a later date.

INFORMATION APPENDIX TO LOCAL LAW NO. 5 FOR THE YEAR 1981

DISTRICT	1980 Dist. Pop.	No. of Leg.	Population per Legis.	Variance from Norm (pop.)	Variance from Norm (%)
District #1	56,638	7	8,091	— 93	—1.15%
District #2	32,356	4	8,089	— 91	—1.13%

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District #3	-----	22,969	3	7,656	+342	+4.27%
District #4	-----	24,877	3	8,292	—294	—3.68%*
District #5	-----	15,126	2	7,563	+435	+5.43%*

IF THE LEGISLATURE DOES NOT REAPPORTION, BUT REMAINS WITH ITS PRESENT 20 LEGISLATORS, THE STATISTICS ARE AS FOLLOWS (DIFFERENCES ONLY)

District #1	-----	8	7,079	+519	+6.83%*
District #2	-----			—491	—6.46%
District #3	-----			— 58	—0.76%
District #4	-----			—694	—9.13%*
District #5	-----			+ 35	+0.46%

COUNTY OF RENSSELAER

LOCAL LAW NO. 4 OF THE YEAR 1981

A LOCAL LAW ADOPTING A PLAN OF REAPPORTIONMENT OF
THE RENSSELAER COUNTY LEGISLATURE BASED UPON THE 1980 FED-
ERAL CENSUS

By: Messrs. Manupella, Harrigan, Fleming, Quinn, Markell and Walsh.

Be it enacted by the County Legislature of the County of Rensselaer
as follows:

WHEREAS, the Rensselaer County Charter approved by the voters of
Rensselaer County effective January 1, 1974 provides under Article 2, Section
2.01 that the County Legislature, "shall be comprised of not more than
twenty-one members, elected from the various legislative districts of the

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County in accordance with the provisions set forth in Article 17 of this Charter entitled 'Legislative Apportionment' ", and

WHEREAS, the Commission on Legislative Apportionment and Reapportionment for 1981 has determined it will be necessary to present a Reapportionment Plan for the 1981 Rensselaer County Legislative Election; and

WHEREAS, the Commission on Legislative Apportionment and Reapportionment for 1981 has approved the following plan of reapportionment of the Rensselaer County Legislature, to wit:

RENSSELAER COUNTY LEGISLATURE
TO CONSIST OF FIVE DISTRICTS AND
TWENTY LEGISLATORS, AS FOLLOWS:

DISTRICT	Cities & Towns	Total District Population	Number of Legislators per District	Numerical Rep. of Each Legislator
1	Troy	56,638	8	7,080
2	See attached legal description attached hereto as Exhibit A	32,700	4	8,175
3	Brunswick Pittstown Schaghticoke	22,969	3	7,656
4	See attached legal description attached hereto as Exhibit B	24,535	3	8,178
5	Berlin Grafton Hoosick Petersburg Poestenkill	15,126	2	7,563

NOW, THEREFORE, BE IT ENACTED by the County Legislature of the County of Rensselaer as follows:

SECTION 1. That the Rensselaer County Legislature hereby approves and adopts the aforesaid plan.

SECTION 2. If any provision 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 particular provision directly involved in the controversy.

SECTION 3. This local law shall take effect immediately upon its filing and its provisions shall govern the election of the members of the Rensselaer County Legislature to be elected at the 1981 General Election.

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LOCAL LAW ADOPTED BY THE FOLLOWING VOTE:

Ayes: 11

Noes: 6 (Messrs. Walsh, Brearton, Colloton, Markell, Restino and Wittman)

"Disapproved by the County Executive — Date 7-27-81"

July 27, 1981

The Honorable Leo W. Hope
 Clerk of the Legislature
 Rensselaer County Legislature
 County Office Building
 Troy, NY 12180

RE: Veto #2 — Local Law #4

Dear Leo:

Please find attached the alleged Local Law #4, complete with my action denoting disapproval.

Please be advised that the County Attorney has indicated that the Legislature did not follow the proper procedure in the passage of this law and it is, therefore, being returned to you for further action. I have attached a copy of Section 10, Subdivision 1 (a) 13(d) of the Municipal Home Rule Law which clearly states that the Legislature should have conducted a Public Hearing prior to passage. Since the hearing was not conducted, the Law is being returned to you as defective.

I will consider the merits of the proposed Reapportionment Plan when the proper procedure has been followed.

Sincerely,

WILLIAM J. MURPHY
 County Executive

WJM/sfp
 attachment

COUNTY OF RENSSELAER

LOCAL LAW NO. 5 OF THE YEAR 1981

A LOCAL LAW PROVIDING FOR THE APPORTIONMENT OF THE
 RENSSELAER COUNTY LEGISLATURE BASED UPON THE 1980 FEDER-
 AL CENSUS

By: Mr. Walsh.

Be it enacted by the County Legislature of the County of Rensselaer
 as follows:

- §1 Legislative Intent
- §2 Membership of the Rensselaer County Legislature
- §3 County Legislative Districts Continued

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- §4 Referendum
- §5 Separability
- §6 Effective Date

§1 LEGISLATIVE INTENT. The intent of this local law is to reapportion the Rensselaer County Legislature in accordance with the provisions of the Rensselaer County Charter and the Municipal Home Rule Law of the State of New York to provide substantially equal representation of the County's residents based upon the 1980 Federal Census, required by the constitutions of the United States and the State of New York, while preserving existing legislative districts.

§2 MEMBERSHIP OF THE RENSSELAER COUNTY LEGISLATURE. Commencing January 1, 1982, the Rensselaer County Legislature shall be composed of nineteen (19) members elected from the five (5) existing legislative districts hereinafter described.

§3 COUNTY LEGISLATIVE DISTRICTS CONTINUED. The present five multi-member legislative districts are continued, with representation as set forth:

DISTRICT #1, represented by seven (7) county legislators, consisting of the City of Troy.

DISTRICT #2, represented by four (4) county legislators, consisting of the Towns of East Greenbush, North Greenbush, and the City of Rensselaer.

DISTRICT #3, represented by three (3) county legislators, consisting of the Towns of Brunswick, Pittstown, and Schaghticoke.

DISTRICT #4, represented by three (3) county legislators, consisting of the Towns of Nassau, Sand Lake, and Schodack.

DISTRICT #5, represented by two (2) county legislators, consisting of the Towns of Berlin, Grafton, Hoosick, Petersburg and Poestenkill.

§4 REFERENDUM. This local law shall be subject to the referendum provisions of subparagraph thirteen of paragraph a of subdivision one of section ten of the Municipal Home Rule Law.

§5 SEPARABILITY. If any provision 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 particular provision directly involved in the controversy.

§6 EFFECTIVE DATE. This local law shall take effect immediately upon its filing and its provisions shall govern the election of the members of the Rensselaer County Legislature to be elected at the 1981 general election.

LOCAL LAW DEFEATED BY THE FOLLOWING VOTE:

Ayes: 3

Noes: 14 (Messrs. Harrigan, Ashley, Brearton, Carrier, Conway, Denio, Fleming, Markell, O'Brien, Quinn, Restino, Spain, Witkowski and Manupella)

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**INFORMATION APPENDIX TO
LOCAL LAW NO. 5 FOR THE YEAR 1981**

DISTRICT	1980 Dist. Pop.	No. of Leg.	Population per Legis.	Variance from Norm (pop.)	Variance from Norm (%)
151,966 population = 7,998/Legislator					
District #1	56,638	7	8,091	— 93	—1.15%
District #2	32,356	4	8,089	— 91	—1.13%
District #3	22,969	3	7,656	+342	+4.27%
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District #5	15,126	2	7,563	+435	+5.43%*

IF THE LEGISLATURE DOES NOT REAPPORTION, BUT REMAINS WITH ITS PRESENT 20 LEGISLATORS, THE STATISTICS ARE AS FOLLOWS (DIFFERENCES ONLY)

151,966 population = 7,598/Legislator					
District #1		8	7,079	+519	+6.83%*
District #2				—491	—6.46%
District #3				— 58	—0.76%
District #4				—694	—9.13%*
District #5				+ 35	+0.46%

RESOLUTION NO. G—143—81

RESOLUTION AMENDING THE OPERATING BUDGET OF HUDSON VALLEY COMMUNITY COLLEGE FOR THE 1981 FISCAL YEAR, SEPTEMBER 1, 1981 THROUGH AUGUST 31, 1982

By: Messrs. Harrigan, Conway, Spain, Markell and Walsh.

WITHDRAWN

RESOLUTION NO. P—144—81

RESOLUTION SETTING DATE FOR PUBLIC HEARING ON EIGHT YEAR REVIEW OF THE AGRICULTURAL DISTRICT #1 (HOOSICK AND PETERSBURG)

By: Mr. O'Brien.

WHEREAS, pursuant to Section 3.03 (8) of the Agricultural and Markets Law the County is required to review an Agricultural District eight years after its creation and;

WHEREAS, Agricultural District #1 (Hoosick - Petersburg) was established on January 8, 1974 and it is necessary to commence the review at this time, now therefore be it,

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1981 JOURNAL OF PROCEEDINGS OF

Local Law No. 5 (Introductory) of the year 1981. A local law providing for the apportionment of the Rensselaer County Legislature based upon the 1980 federal census.

INDEX OF RESOLUTIONS:

- P-147-81 Resolution setting the date for public hearing on Local Laws No. 4 and 5 for the year 1981 (Introductory)
 G-148-81 (formerly G-146-81) Resolution to amend the 1981 Adopted Rensselaer County Budget (Department of Mental Health)
 G-149-81 Resolution to amend the 1981 Adopted Rensselaer County Budget (Rape Crisis Center)
 G-150-81 Resolution to amend the 1981 Adopted Rensselaer County Budget

COUNTY OF RENSSELAER

LOCAL LAW NO. 4 (INTRODUCTORY) OF THE YEAR 1981

A LOCAL LAW ADOPTING A PLAN OF REAPPORTIONMENT OF THE RENSSELAER COUNTY LEGISLATURE BASED UPON THE 1980 FEDERAL CENSUS

By: Messrs. Manupella, Harrigan, Fleming and Quinn.

Be it enacted by the County Legislature of the County of Rensselaer as follows:

WHEREAS, the Rensselaer County Charter approved by the voters of Rensselaer County effective January 1, 1974 provides under Article 2, Section 2.01 that the County Legislature, "shall be comprised of not more than twenty-one members, elected from the various legislative districts of the County in accordance with the provisions set forth in Article 17 of this Charter entitled 'Legislative Apportionment' ", and

WHEREAS, the Commission on Legislative Apportionment and Reapportionment for 1981 has determined it will be necessary to present a Reapportionment Plan for the 1981 Rensselaer County Legislative Election; and

WHEREAS, the Commission on Legislative Apportionment and Reapportionment for 1981 has approved the following plan of reapportionment of the Rensselaer County Legislature, to wit:

RENSSELAER COUNTY LEGISLATURE
 TO CONSIST OF FIVE DISTRICTS AND
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DISTRICT	Cities & Towns	Total District Population	Number of Legislators per District	Numerical Rep. of each Legislator
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2	See attached legal description attached hereto as Exhibit A	32,700	4	8,175

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3	Brunswick			
	Pittstown			
	Schaghticoke	22,969	3	7,656
4	See attached legal description attached hereto as Exhibit B	24,535	3	8,178
5	Berlin			
	Grafton			
	Hoosick			
	Petersburg			
	Poestenkill	15,126	2	7,563

NOW, THEREFORE, BE IT ENACTED, by the County Legislature of the County of Rensselaer as follows:

SECTION 1. That the Rensselaer County Legislature hereby approves and adopts the aforesaid plan.

SECTION 2. If any provision 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 particular provision directly involved in the controversy.

SECTION 3. This local law shall be subject to the referendum provisions of subparagraph thirteen of paragraph a of subdivision one of section ten of the Municipal Home Rule Law.

SECTION 4. This local law shall take effect immediately upon its filing and its provisions shall govern the election of the members of the Rensselaer County Legislature to be elected at the 1981 General Election.

Local Law No. 4 (Introductory) of the year 1981 is being introduced and laid on the legislators' desks, to be acted upon at a later date.

COUNTY OF RENSSELAER

LOCAL LAW NO. 5 (INTRODUCTORY) OF THE YEAR 1981

A LOCAL LAW PROVIDING FOR THE APPORTIONMENT OF THE RENSSELAER COUNTY LEGISLATURE BASED UPON THE 1980 FEDERAL CENSUS

By: Mr. Walsh.

Be it enacted by the County Legislature of the County of Rensselaer as follows:

- §1 Legislative Intent
- §2 Membership of the Rensselaer County Legislature
- §3 County Legislative Districts Continued
- §4 Referendum
- §5 Separability
- §6 Effective Date

§1 LEGISLATIVE INTENT The intent of this local law is to reapportion the Rensselaer County Legislature in accordance with the provisions of the Rensselaer County Charter and the Municipal Home Rule Law of the State of New York to provide substantially equal representation of the Coun-

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ty's residents based upon the 1980 Federal Census, required by the constitutions of the United States and the State of New York, while preserving existing legislative districts.

§2 MEMBERSHIP OF THE RENSSELAER COUNTY LEGISLATURE. Commencing January 1, 1982, the Rensselaer County Legislature shall be composed of nineteen (19) members elected from five (5) existing legislative districts hereinafter described.

§3 COUNTY LEGISLATIVE DISTRICTS CONTINUED. The present five multi-member legislative districts are continued, with representation as set forth:

DISTRICT #1, represented by seven (7) county legislators, consisting of the City of Troy.

DISTRICT #2, represented by four (4) county legislators, consisting of the Towns of East Greenbush, North Greenbush and City of Rensselaer.

DISTRICT #3, represented by three (3) county legislators, consisting of the Towns of Brunswick, Pittstown, and Schaghticoke.

DISTRICT #4, represented by three (3) county legislators, consisting of the Towns of Nassau, Sand Lake and Schodack.

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§4 REFERENDUM. This local law shall be subject to the referendum provisions of subparagraph thirteen of paragraph a of subdivision one of section ten of the Municipal Home Rule Law.

§5 SEPARABILITY. If any provision 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 particular provision directly involved in the controversy.

§6 EFFECTIVE DATE. This local law shall take effect immediately upon its filing and its provisions shall govern the election of the members of the Rensselaer County Legislature to be elected at the 1981 general election.

Local Law No. 5 (Introductory) of the year 1981 is being introduced and laid on the legislators' desks, to be acted upon at a later date.

INFORMATION APPENDIX TO
LOCAL LAW NO. 5 FOR THE YEAR 1981

DISTRICT	1980 Dist. Pop.	No. of Leg.	Population per Legis.	Variance from Norm (pop.)	Variance from Norm (%)
151,966 population = 7,998/Legislator					
District #1	56,638	7	8,091	— 93	—1.15%
District #2	32,356	4	8,089	— 91	—1.13%

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THE RENSSELAER COUNTY LEGISLATURE

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District #3	-----	22,969	3	7,656	+342	+4.27%
District #4	-----	24,877	3	8,292	-294	-3.68%*
District #5	-----	15,126	2	7,563	+435	+5.43%*

IF THE LEGISLATURE DOES NOT REAPPORTION, BUT REMAINS WITH ITS PRESENT 20 LEGISLATORS, THE STATISTICS ARE AS FOLLOWS (DIFFERENCES ONLY)

151,966 population = 7,598/Legislator

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District #2	-----			-491	-6.46%
District #3	-----			-58	-0.76%
District #4	-----			-694	-9.13%*
District #5	-----			+35	+0.46%

RESOLUTION NO. P-147-81

RESOLUTION SETTING THE DATE FOR PUBLIC HEARING ON LOCAL LAWS NO. 4 AND 5 FOR THE YEAR 1981 (INTRODUCTORY)

By: Messrs. Manupella and Harrigan.

WHEREAS, two local laws to adopt redistricting plans have been introduced in this Legislature; and

WHEREAS, Local Law No. 4 calls for a twenty-member County Legislature with a portion of the Town of Schodack, currently in District No. 4 becoming part of District No. 2; and

WHEREAS, Local Law No. 5 calls for a nineteen-member County Legislature with the elimination of a representative from District No. 1; and

WHEREAS, in accordance with Section 10 of the Municipal Home Rule Law a public hearing on said local laws is required; now, therefore, be it

RESOLVED, that a public hearing on proposed Local Laws No. 4 and 5 be and hereby is set for Friday, August 7, 1981 at 4:00 p.m. in the Legislative Chambers of the County Legislature, County Office Building, Troy, New York, and the Clerk of the Rensselaer County Legislature is hereby directed to publish a notice of said public hearing as required by law.

Resolution adopted by the following vote:

Ayes: 11

Noes: 0

RESOLUTION NO. G-148-81 (formerly G-146-81)

RESOLUTION TO AMEND THE 1981 ADOPTED RENSSELAER COUNTY BUDGET (DEPARTMENT OF MENTAL HEALTH)

By: Messrs. Manupella, Harrigan, Quinn, Walsh and Wittman.

WHEREAS, the County of Rensselaer has received notification from the State Division of Substance Abuse Services that it intends to fund a model prevention program within the county for the remainder of 1981, and

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COUNTY OF RENSSELAER

LOCAL LAW NO. 4 OF THE YEAR 1981

A LOCAL LAW ADOPTING A PLAN OF REAPPORTIONMENT OF THE RENSSELAER COUNTY LEGISLATURE BASED UPON THE 1980 FEDERAL CENSUS

By: Messrs. Manupella, Harrigan, Fleming and Quinn.

Be it enacted by the County Legislature of the County of Rensselaer as follows:

WHEREAS, the Rensselaer County Charter approved by the voters of Rensselaer County effective January 1, 1974 provides under Article 2, Section 2.01 that the County Legislature, "shall be comprised of not more

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than twenty-one members, elected from the various legislative districts of the County in accordance with the provisions set forth in Article 17 of this Charter entitled 'Legislative Apportionment', and

WHEREAS, the Commission on Legislative Apportionment and Reapportionment for 1981 has determined it will be necessary to present a Reapportionment Plan for the 1981 Rensselaer County Legislative Election; and

WHEREAS, the Commission on Legislative Apportionment and Reapportionment for 1981 has approved the following plan of reapportionment of the Rensselaer County Legislature, to wit:

**RENSSELAER COUNTY LEGISLATURE
TO CONSIST OF FIVE DISTRICTS AND
TWENTY LEGISLATORS, AS FOLLOWS:**

DISTRICT	Cities & Towns	Total District Population	Number of Legislators Per District	Numerical Rep. of Each Legislator
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4	See attached legal description attached hereto as Exhibit B	24,535	3	8,178
5	Berlin Grafton Hoosick Petersburg Poestenkill	15,126	2	7,563

NOW, THEREFORE, BE IT ENACTED, by the County Legislature of the County of Rensselaer as follows:

SECTION 1. That the Rensselaer County Legislature hereby approves and adopts the aforesaid plan.

SECTION 2. If any provision 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 particular provision directly involved in the controversy.

SECTION 3. This local law shall be subject to the referendum provisions of subparagraph thirteen of paragraph a of subdivision one of section ten of the Municipal Home Rule Law.

SECTION 4. This local law shall take effect immediately upon its filing and its provisions shall govern the election of the members of the Rensselaer County Legislature to be elected at the 1981 General Election.

8/7/81

LOCAL LAW ADOPTED BY THE FOLLOWING VOTE:

Ayes: 11

Noes: 6 (Messrs. Walsh, Brearton, Colloton, Markell, Restino and Wittman)

"Disapproved by the County Executive — Date 8-19-81"

August 19, 1981

The Honorable Susan Steele
Clerk of the Legislature
Rensselaer County Legislature
County Office Building
Troy, NY 12180

VETO MESSAGE #4 — Local Law #4 for the Year 1981

Dear Ms. Steele:

Please find attached Local Law #4 complete with my action noting disapproval.

This law was vetoed because it fails to address the constitutional requirement for an adequate reapportionment plan. A detailed statement from the County Attorney is attached regarding its legal deficiencies.

The need to reapportion is not a dictate of the County Executive, but a requirement of the County Charter and a demand of the United States Constitution. That the Majority has acted so irresponsibly in their approach is lamentable. In the Spring of this year, they ignored the pleas of the Minority to begin the reapportionment process. In fact, they denied reapportionment was even necessary. In July of this year, they failed to recognize that a public hearing had to be held by the Legislature and not the Executive before passage of any reapportionment plan. Finally, with the passage of this law, they are ignoring both the informed opinion of the County Attorney and case law by their votes for a clearly illegal plan which would split the Town of Schodack into two districts. The brief history of the Majority's approach to the reapportionment process is filled with ineptness and blatant partisanship. It is regrettable that the Majority has chosen to pursue this matter in the courts instead of acting responsibly in the legislative process.

I urge the Majority members to seek consultation from the County Attorney and a compromise from the Minority to fashion a reapportionment plan that is both legal and in the best interests of the people of this county.

Sincerely,

WILLIAM J. MURPHY
County Executive

8/7/81

OFFICE OF THE COUNTY ATTORNEY
RENSSELAER COUNTY OFFICE BUILDING
TROY, NEW YORK 12180

August 14, 1981

Hon. William J. Murphy
Rensselaer County Executive
Rensselaer County Office Building
Troy, NY 12180

Re: Legislative Reapportionment

Dear Bill:

I know you must act shortly on proposed Local Law No. 4 which was adopted by a narrow margin last Friday. I am writing to restate my legal position on this proposed law, having had the benefits of attending the public hearing held immediately prior to the vote.

It was interesting but quite disappointing to note that there was no opinions expressed by the general public. In fact, the only person in attendance who is not a county officer or employee was a sole representative of the League of Women Voters and she expressed no opinion on either of the two proposed local laws. Thus, in acting upon the two proposed local laws, the legislative body had absolutely no public input and had to rely solely upon sentiment of its members.

I am firmly convinced that proposed Local Law No. 4 cannot pass the constitutional muster. The legal arguments made by Mr. Hanft during the public hearing demonstrated his inexperience in this particular field, and the nonlegal comments of Mr. Hanft and the legislators, while interesting, had nothing to do with the central issue: the adoption of a constitutionally acceptable plan of legislative apportionment.

Rensselaer County is attempting reapportionment not because choice tells us it would be a good idea; it is being done because the courts have told us that the constitution requires that the legislative body of each representative government must be elected on a one man - one vote basis, and each time that the official census tells us that population shifts have upset the balance of representation, the balance must be restored within acceptable limits. At the present time, based upon the 1980 census, Rensselaer County is now malapportioned, and the total deviation from population equality is 15.96%. The question that logically follows is "What is an acceptable variance or total deviation from population equality?"

To answer the question we must look to the decisions of the United States Supreme Court. In the landmark case of *Reynolds v Sims*, 377 U.S. 533, the Supreme Court interpreted the constitution as requiring that elected representatives represent equal numbers of persons. The court determined that only insignificant variances would be permitted. Following that decision in 1964, there were many cases at both the state and federal levels which attempted to determine the extent of permissible deviations from perfect equality. The courts have never flatly stated the outer limits of permissible

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deviation, but on ruling on cases originating within the State of New York, the United States Supreme Court held that a 12.1% variance was too great and would not permit it to stand even though the plan attempted to maintain existing municipal lines (*Wells v Rockefeller*, 394 U.S. 542 (1969)). However, the United States Supreme Court did permit a variance of 11.9% to stand in Rockland County because of a strong and reasoned desire to maintain existing town lines. It is interesting to note that the record in that case discloses that other plans were offered and rejected because the proposed legislative districts crossed and divided town lines. (*Abate v Mundt*, 25 NY 2d 309 aff'd 403 U.S., 182, 1971).

Local Law No. 4 provides for a population variance of 14.45%. This is substantially out of the parameters set forth in the Supreme Court ruling and not too different than the present variance under the existing legislative apportionment. Proposed Local Law No. 5, it should be noted, had a total deviation of only 9.11%, well within the permissible guide lines. Additionally, it should be noted that Local Law No. 4 violates the principle of maintaining existing district lines and municipal boundaries to avoid voter confusion. Local Law No. 4, by excising a portion of the Town of Schodack and grafting it onto the legislative district which presently includes the City of Rensselaer and the Towns of East Greenbush and North Greenbush, does precisely what the courts have said not to do. In a prior reapportionment of Rensselaer County, Supreme Court Justice T. Paul Kane during 1968 considered a proposed plan of reapportionment adopted by the former Rensselaer County Board of Supervisors because district boundaries cut through or across existing election districts. Judge Kane, in rejecting that plan, stated:

"This not only tends to confuse and at times discourage the electorate from voting at all, but creates an unnecessary administrative and technical burden upon the Board of Elections. Such burden should be avoided if other plans are available and acceptable."

Again in 1971, the Rensselaer County Legislature acted favorably upon a plan introduced by Chairman Manupella. The plan removed one election district from the Town of Brunswick and added it to another legislative district. In throwing out this plan, Supreme Court Justice Kane stated:

"While there is a strong presumption in favor of the constitutionality of legislative enactments this presumption is rebuttable and the Court will not hesitate to reject any plan that violates established constitutional principle in the apportionment of legislative districts. The plan submitted by the Rensselaer County Legislature cannot be accepted by the court because it is in direct conflict with those established principles. First, it violates the integrity of the historic town boundary of the Town of Brunswick by removing from it one election district and grafting it onto four other towns on the northern and eastern periphery of the county. This is an unnecessary emasculation of its town boundary and could never be justified to obtain numerical equality."

In conclusion, it is my legal opinion that for the reasons hereinbefore set forth, Local Law No. 4 fails to enact a constitutionally acceptable plan of reapportionment and should be vetoed.

Very truly yours,

MARVIN I. HONIG
County Attorney

MIH:jl

COUNTY OF RENSSELAER

LOCAL LAW NO. 5 OF THE YEAR 1981

A LOCAL LAW PROVIDING FOR THE APPORTIONMENT OF THE RENSSELAER COUNTY LEGISLATURE BASED UPON THE 1980 FEDERAL CENSUS

By: Mr. Walsh.

Be it enacted by the County Legislature of the County of Rensselaer as follows:

- §1 Legislative Intent
- §2 Membership of the Rensselaer County Legislature
- §3 County Legislative Districts Continued
- §4 Referendum
- §5 Separability
- §6 Effective Date

§1 LEGISLATIVE INTENT. The intent of this local law is to reapportion the Rensselaer County Legislature in accordance with the provisions of the Rensselaer County Charter and the Municipal Home Rule Law of the State of New York to provide substantially equal representation of the County's residents based upon the 1980 Federal Census, required by the constitutions of the United States and the State of New York, while preserving existing legislative districts.

§2 MEMBERSHIP OF THE RENSSELAER COUNTY LEGISLATURE. Commencing January 1, 1982, the Rensselaer County Legislature shall be composed of nineteen (19) members elected from five (5) existing legislative districts hereinafter described.

§3 COUNTY LEGISLATIVE DISTRICTS CONTINUED. The present five multi-member legislative districts are continued, with representation as set forth:

DISTRICT #1, represented by seven (7) county legislators, consisting of the City of Troy.

DISTRICT #2, represented by four (4) county legislators, consisting of the Towns of East Greenbush, North Greenbush and City of Rensselaer.

DISTRICT #3, represented by three (3) county legislators, consisting of the Towns of Brunswick, Pittstown, and Schaghticoke.

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DISTRICT #4, represented by three (3) county legislators, consisting of the Towns of Nassau, Sand Lake and Schodack.

DISTRICT #5, represented by two (2) county legislators, consisting of the Towns of Berlin, Grafton, Hoosick, Petersburg and Poestenkill.

§4 REFERENDUM. This local law shall be subject to the referendum provisions of subparagraph thirteen of paragraph a of subdivision one of section ten of the Municipal Home Rule Law.

§5 SEPARABILITY. If any provision 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 particular provision directly involved in the controversy.

§6 EFFECTIVE DATE. This local law shall take effect immediately upon its filing and its provisions shall govern the election of the members of the Rensselaer County Legislature to be elected at the 1981 general election.

LOCAL LAW DEFEATED BY THE FOLLOWING VOTE:

Ayes: 5

Noes: 12 (Messrs. Harrigan, Ashley, Brearton, Carrier, Conway, Denio, Fleming, O'Brien, Quinn, Rock, Witkowski and Manupella)

INFORMATION APPENDIX TO LOCAL LAW NO. 5 FOR THE YEAR 1981

DISTRICT	1980 Dist. Pop.	No. of Leg.	Population per Legis.	Variance from Norm (pop.)	Variance from Norm (%)
151,966 population = 7,998/Legislator					
District #1	56,638	7	8,091	- 93	-1.15%
District #2	32,356	4	8,089	- 91	-1.13%
District #3	22,969	3	7,656	+342	+4.27%
District #4	24,877	3	8,292	-294	-3.68%*
District #5	15,126	2	7,563	+435	+5.43%*

IF THE LEGISLATURE DOES NOT REAPPORTION, BUT REMAINS WITH ITS PRESENT 20 LEGISLATORS, THE STATISTICS ARE AS FOLLOWS (DIFFERENCES ONLY)

151,966 population = 7,598/Legislator					
District #1	8	7,079	+519	+6.83%*	
District #2			-491	-6.46%	
District #3			- 58	-0.76%	
District #4			-694	-9.13%*	
District #5			+ 35	+0.46%	
8/7/81					

- G-232-81 Resolution to amend the 1981 Adopted Rensselaer County Budget (Social Services)
- G-233-81 Resolution to amend Rensselaer County 1981 Budget for Dyken Pond YACC Project
- G-234-81 Resolution to amend the 1981 Adopted Rensselaer County Budget (Mental Health)
- G-235-81 Resolution authorizing maintenance responsibilities for certain county and town roads (Town of Berlin)
- G-236-81 Resolution to amend the 1981 Adopted Rensselaer County Budget (Capital Projects)
- G-237-81 Resolution to amend the 1981 Adopted Rensselaer County Budget (Mental Health)

COUNTY OF RENSSELAER

LOCAL LAW NO. 6 OF THE YEAR 1981

A LOCAL LAW PROVIDING ANNUAL INCREMENTS FOR CERTAIN ELECTED OFFICERS OF THE COUNTY OF RENSSELAER

By: Messrs. Harrigan, Conway, Spain, Markell and Walsh.

Be it enacted by the County Legislature of the County of Rensselaer as follows:

SECTION 1. Commencing January 1, 1983, the salaries of the following elected officers of the County of Rensselaer shall be increased at an annual rate of seven per centum (7%) per year over the amount of the previous yearly salary for the years One Thousand Nine Hundred Eighty Three, (1983), One Thousand Nine Hundred Eighty Four, (1984), and One Thousand Nine Hundred Eighty Five, (1985)

OFFICE

1. Chairman of the County Legislature
2. Majority Leader of the County Legislature
3. Minority Leader of the County Legislature
4. County Legislators exclusive of the Chairman, Majority Leader and Minority Leader
5. County Executive

SECTION 2. Commencing January 1, 1983, the salaries of the following elected officers of the County of Rensselaer shall be increased at an annual rate of seven per centum (7%) per year over the amount of the previous yearly salary for the years One Thousand Nine Hundred Eighty Three, (1983), and One Thousand Nine Hundred Eighty Four, (1984).

OFFICE

1. County Clerk
2. County Sheriff

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SECTION 3. This Local Law shall be effective immediately.

Local Law Adopted by the following vote:

Ayes: 13

Noes: 6 (Messrs. Conway, Denio, Minbiolo, O'Brien, Rock and Witkowski)

COUNTY OF RENSSELAER

LOCAL LAW NO. 7 OF THE YEAR 1981 TABLED

A LOCAL LAW PROVIDING FOR THE APPORTIONMENT OF THE
RENSSELAER COUNTY LEGISLATURE BASED UPON THE 1980 FEDERAL
CENSUS

By: Mr. Manupella.

Be it enacted by the County Legislature of the County of Rensselaer
as follows:

- §1 Legislative Intent
- §2 Membership of the Rensselaer County Legislature
- §3 County Legislative Districts Continued
- §4 Referendum
- §5 Separability
- §6 Effective Date

§1 **LEGISLATIVE INTENT** The intent of this local law is to re-apportion the Rensselaer County Legislature in accordance with the provisions of the Rensselaer County Charter and the Municipal Home Rule Law of the State of New York to provide substantially equal representation of the County's residents based upon the 1980 Federal Census, required by the constitutions of the United States and the State of New York, while preserving existing legislative districts.

§2 **MEMBERSHIP OF THE RENSSELAER COUNTY LEGISLATURE.** Commencing January 1, 1986 the Rensselaer County Legislature shall be composed of nineteen (19) members elected from five (5) existing legislative districts hereinafter described.

§3 **COUNTY LEGISLATIVE DISTRICTS CONTINUED.** The present five multi-member legislative districts are continued, with representation as set forth:

DISTRICT #1, represented by seven (7) county legislators, consisting of the City of Troy.

DISTRICT #2, represented by four (4) county legislators, consisting of the Towns of East Greenbush, North Greenbush and City of Rensselaer.

DISTRICT #3, represented by three (3) county legislators, consisting of the Towns of Brunswick, Pittstown and Schaghticoke.

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DISTRICT #4, represented by three (3) county legislators, consisting of the Towns of Nassau, Sand Lake, Schodack and Stephentown.

DISTRICT #5, represented by two (2) county legislators, consisting of the Towns of Berlin, Grafton, Hoosick, Petersburg and Poestenkill.

§4 **REFERENDUM** This local law shall be subject to the referendum provisions of the subparagraph thirteen of paragraph a of subdivision one of section ten of the Municipal Home Rule Law.

§5 **SEPARABILITY** If any provision 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 particular provision directly involved in the controversy.

§6 **EFFECTIVE DATE** This local law shall take effect immediately upon its filing and its provisions shall govern the election of the members of the Rensselaer County Legislature to be elected at the 1985 general election.

INFORMATION APPENDIX TO
LOCAL LAW NO. 7 FOR THE YEAR 1981

	1980 Dist Pop.	No. of Leg.	Population per Legis.	Variance from Norm (pop)	Variance from Norm (%)
151,966 population = 7,998/Legislator					
DISTRICT					
District #1	56,638	7	8,091	- 93	-1.15%
District #2	32,356	4	8,089	- 91	-1.13%
District #3	22,969	3	7,656	+342	+4.27%
District #4	24,877	3	8,292	-294	-3.68%*
District #5	15,126	2	7,563	+435	+5.43%*

IF THE LEGISLATURE DOES NOT REAPPORTION, BUT REMAINS WITH ITS PRESENT 20 LEGISLATORS, THE STATISTICS ARE AS FOLLOWS (DIFFERENCES ONLY)

151,966 population = 7,598/Legislator					
District #1		8	7,079	+519	+6.83%*
District #2				-491	-6.46%
District #3				- 58	-0.76%
District #4				-694	-9.13%*
District #5				+ 35	+0.46%

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COUNTY OF RENSSELAER

LOCAL LAW NO. 8 OF THE YEAR 1981 (WITHDRAWN)

A LOCAL LAW PROVIDING FOR THE APPORTIONMENT OF THE RENSSELAER COUNTY LEGISLATURE BY MODIFIED WEIGHTED VOTING BASED UPON THE 1980 FEDERAL CENSUS.

By: Messrs. Walsh, Brearton, Cholakis, Colloton, Markell, Minbiolo, Restino and Wittman.

Be it enacted by the County Legislature of the County of Rensselaer, New York as follows:

§1 Legislative Intent

§2 Membership of the Rensselaer County Legislature

§3 County Legislative Districts Continued

§4 Referendum

§5 Separability

§6 Effective Date

§1 **LEGISLATIVE INTENT** The intent of this local law is to reapportion the Rensselaer County Legislature in accordance with the provisions of the Rensselaer County Charter and the Municipal Home Rule Law of the State of New York, to provide by Modified Weighted Voting substantially equal representation of the County's residents based upon the 1980 Federal Census, as required by the Constitutions of the United States and of the State of New York.

§2 **MEMBERSHIP OF THE RENSSELAER COUNTY LEGISLATURE.** The Rensselaer County Legislature shall continue to be composed of twenty (20) members elected from the five (5) existing legislative districts hereinafter described.

§3 **COUNTY LEGISLATIVE DISTRICT CONTINUED.** The present five (5) multi-member legislative districts are continued, with representation and voting power as hereinbelow set forth:

DISTRICT #1, consisting of the City of Troy, shall be represented by eight (8) county legislators, each of whom shall be entitled to cast Seven Thousand Seventy-Nine (7,079) votes.

DISTRICT #2, consisting of the Towns of East Greenbush, North Greenbush and the City of Rensselaer, shall be represented by four (4) county legislators, each of whom shall be entitled to cast Eight Thousand Eighty-Nine (8,089) votes.

DISTRICT #3, consisting of the Towns of Brunswick, Pittstown, and Schaghticoke, shall be represented by three (3) county legislators, each of whom shall be entitled to cast Seven Thousand Six Hundred Fifty-Six (7,656) votes.

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DISTRICT #4, consisting of the Towns of Nassau, Sand Lake, Schodack and Stephentown, shall be represented by three (3) county legislators, each of whom shall be entitled to cast Eight Thousand Two Hundred Ninety-Two (8,292) votes.

DISTRICT #5, consisting of the Towns of Berlin, Grafton, Hoosick, Petersburg and Poestenkill, shall be represented by two (2) county legislators, each of whom shall be entitled to cast Seven Thousand Five Hundred Sixty-Three (7,563) votes.

§4 REFERENDUM. This local law shall be subject to the referendum provisions of Sub-Section (j) of Sub-paragraph 2 of Section 24 of the Municipal Home Rule Law.

§5 SEPARABILITY. If any provision 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 particular provision directly involved in the matter adjudicated.

§6 EFFECTIVE DATE. This local law shall take effect immediately upon its filing with the Secretary of State of the State of New York.

RESOLUTION NO. G-222-81

RESOLUTION AMENDING THE STATE ASSISTANCE PORTION OF THE OPERATING BUDGET OF HUDSON VALLEY COMMUNITY COLLEGE THE 1980-81 FISCAL YEAR, SEPTEMBER 1, 1980 THROUGH AUGUST 31, 1981

By: Messrs. Harrigan, Conway, Spain, Markell and Walsh.

WHEREAS, the Rensselaer County Legislature, at its June, 1980 meeting, approved an operating budget for the 1980-81 fiscal year, September 1, 1980 through August 31, 1981 for Hudson Valley Community College in the amount of \$17,655,117; and,

WHEREAS, the budget, as approved by the Rensselaer County Legislature was predicated on full state support for 5430 full time equivalent students and partial state support for full time equivalent students in excess of that number; and,

WHEREAS, the Office of Community Colleges of the State University of New York has recently advised the college that full state support for the 1980-81 fiscal year will now be predicated on 5440.5 full time equivalent students and partial state support for full time students in excess of that number; and,

WHEREAS, the amended enrollment figures on which state aid will be predicated will provide an increase of \$67,589.73 in state aid and increase the state aid appropriation from the 1980-81 fiscal year to \$5,432,797.73; and,

WHEREAS, in order for Hudson Valley Community College to receive the additional state aid (\$67,589.73) from the State of New York, the college's Board of Trustees and the Rensselaer County Legislature must first

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adopt an amended 1980-81 college budget incorporating the additional state aid; and,

WHEREAS, on November 19, 1981, the college's Board of Trustees adopted such a budget; now, therefore, be it

RESOLVED, that the amended budget for the Hudson Valley Community College for the 1980-81 fiscal year, September 1, 1980 through August 31, 1981 be, and the same hereby is adopted; and, be it further

RESOLVED, that said amended budget will contain a total state assistance appropriation of \$5,432,797.73, with the appropriation of the County of Rensselaer being unchanged at \$625,815 and the total budget remaining unchanged at \$17,655,117.

Motion adopted by the following vote:

Ayes: 19

Noes: 0

"Approved by the County Executive — Date 12-9-81"

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COUNTY OF RENSSELAER

LOCAL LAW NO 7 OF THE YEAR 1981

A LOCAL LAW PROVIDING FOR THE APPORTIONMENT OF THE
RENSSELAER COUNTY LEGISLATURE BASED UPON THE 1980 FED-
ERAL CENSUS

By: Mr. Manupella.

Be it enacted by the County Legislature of the County of Rensselaer
as follows:

- §1 Legislative Intent
- §2 Membership of the Rensselaer County Legislature
- §3 County Legislative Districts Continued
- §4 Referendum
- §5 Separability
- §6 Effective Date

§1 LEGISLATIVE INTENT The intent of this local law is to reapportion the Rensselaer County Legislature in accordance with the provisions of the Rensselaer County Charter and the Municipal Home Rule Law of the State of New York to provide substantially equal representation of the County's residents based upon the 1980 Federal Census, required by the constitutions of the United States and the State of New York, while preserving existing legislative districts.

§2 MEMBERSHIP OF THE RENSSELAER COUNTY LEGISLATURE. Commencing January 1, 1986 the Rensselaer County Legislature shall be composed of nineteen (19) members elected from five (5) existing legislative districts hereinafter described.

§3 COUNTY LEGISLATIVE DISTRICTS CONTINUED. The present five multi-member legislative districts are continued, with representation as set forth:

DISTRICT #1, represented by seven (7) county legislators, consisting of the City of Troy.

DISTRICT #2, represented by four (4) county legislators, consisting of the Towns of East Greenbush, North Greenbush and City of Rensselaer.

DISTRICT #3, represented by three (3) county legislators, consisting of the Towns of Brunswick, Pittstown and Schaghticoke.

DISTRICT #4, represented by three (3) county legislators, consisting of the Towns of Nassau, Sand Lake, Schodack and Stephentown.

DISTRICT #5, represented by two (2) county legislators, consisting of the Towns of Berlin, Grafton, Hoosick, Petersburg and Poestenkill.

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THE RENSSELAER COUNTY LEGISLATURE

§4 REFERENDUM This local law shall be subject to the referendum provisions of the subparagraph thirteen of paragraph a of subdivision one of section ten of the Municipal Home Rule Law. 489

§5 SEPARABILITY If any provision 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 particular provision directly involved in the controversy.

§6 EFFECTIVE DATE This local law shall take effect immediately upon its filing and its provisions shall govern the election of the members of the Rensselaer County Legislature to be elected at the 1985 general election.

Local Law adopted by the following vote:

Ayes: 13

Noes: 6 (Messrs. Walsh, Brearton, Cholakis, Colloton, Minbiolo, O'Brien).

INFORMATION APPENDIX TO LOCAL LAW NO. 7 FOR THE YEAR 1981

	1980 Dist Pop.	No. of Leg.	Population per Legis.	Variance from Norm (pop)	Variance from Norm (%)
151,966 population = 7,998/Legislator					
DISTRICT					
District #1	56,638	7	8,091	-93	-1.15%
District #2	32,356	4	8,089	-91	-1.13%
District #3	22,969	3	7,656	+342	+4.27%
District #4	24,877	3	8,292	-294	-3.68%*
District #5	15,126	2	7,563	+435	+5.43%*

IF THE LEGISLATURE DOES NOT REAPPORTION, BUT REMAINS WITH ITS PRESENT 20 LEGISLATORS, THE STATISTICS ARE AS FOLLOWS (DIFFERENCES ONLY)

151,966 population = 7,598/Legislator					
	8	7,079	+519	+6.83%*	
District #1			-491	-6.46%	
District #2			-58	-0.76%	
District #3			-694	-9.13%*	
District #4			+35	+0.46%	
District #5					12/22/81

Prior to approval of the Local Law, Mr. Minbiolo moved to table the legislation. Motion seconded by Mr. Restino.

Motion to table defeated.

Ayes: 2

Noes: 17 (Messrs. Harrigan, Walsh, Brearton, Carrier, Cholakis, Colloton, Conway, Denio, Fleming, Markell, O'Brien, Quinn, Rock, Spain, Witkowski, Wittman and Manupella).

December 23, 1981

The Honorable Susan J.W. Steele
Clerk of the Legislature
Rensselaer County Legislature
County Office Building
Troy, NY 12180

Dear Susan:

Please find attached the General Resolutions which were passed at the Special Meeting of the Rensselaer County Legislature on December 22, 1981, complete with my action noting approval.

I am withholding Local Law No. 7 until a Public Hearing has been held. I am also retaining Resolution G-238-81 for further deliberation.

Sincerely,

WILLIAM J. MURPHY
County Executive

WJM/sfp
attachments

December 30, 1981

The Honorable Susan J.W. Steele
Clerk of the Legislature
Rensselaer County Legislature
County Office Building
Troy, NY 12180

Veto Message #6 — Resolution G-238-81

Dear Susan:

Please find attached Resolution G-238-81 complete with my action noting disapproval.

No backup material has been presented with this resolution to justify the preported claim of savings. I urge the Legislature to further consider this matter and demonstrate conclusively how the savings will be realized and present the same material to me before any further considration is given.

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THE RENSSELAER COUNTY LEGISLATURE

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I urge the Legislature to consider this material again at the first regularly scheduled meeting in January when the necessary information has been presented. Then the matter will be considered again either in whole or in part

Sincerely,

WILLIAM J. MURPHY
County Executive

WJM/sfp
attachment