

## LOCAL LAWS

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County of Rensselaer  
Local Law No. Introductory of the year 1992  
By Mr. Swartz

A Local Law Requiring the Annual Rensselaer County Budget to Include  
Itemization of Library Expenditures

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

Section 1. The Annual Rensselaer County Tentative Budget submitted to the  
Rensselaer County Legislature pursuant to Section 5.03 of the Rensselaer County  
Charter shall itemize, by line item, the amounts to be allocated to any public library  
within the county, setting forth the name of such library and the amount to be  
allocated to such library.

Section 2. The Annual Rensselaer County Budget adopted by the Rensselaer  
County Legislature shall itemize, by line item, the amounts to be allocated to any  
public library within the county, setting forth the name of such library, and the  
amount to be allocated to such library.

Section 3. This local law shall take effect immediately upon its adoption.

Local Law adopted by the following vote:

Ayes:

Nays:

County of Rensselaer  
Local Law No. Introductory of the year 1992  
By Messrs. Manupella, Doran, Kilgallon

A Local Law To Provide That The County Of Rensselaer Shall Become The Tax  
Collection Agency For The Purpose Of Collecting School Taxes In Installments



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

BE IT ENACTED by the County Legislature of the County of Rensselaer in accordance with Section 972 of the Real Property Tax Law as follows:

Section 1. The County Legislature shall be the tax collection agency for the purpose of collecting school taxes in installments as prescribed by Article 9, Title 4-A and Article 13 of the Real Property Tax Law.

Section 2. School taxes paid in installments pursuant to this Local Law will be paid in two installments. The first installment will be due and payable not later than the fifteenth day of the month in which the school taxes would be paid without interest without regard to this Local Law and the second installment will be due and payable on the fifteenth day of the sixth month thereafter to the Chief Fiscal Officer of the County of Rensselaer. School taxes paid in installments pursuant to this local law will be subject to a service charge of two percent of the total school tax bill levied which it is estimated will reimburse the County for the expense incurred in the administration of the installment collection of taxes as prescribed by this Local Law, including the cost or contracting any necessary indebtedness for advancing the money as provided in Section 1342 of the Real Property Tax Law. If in any year the estimated service charge shall not be sufficient to reimburse the County for administering and financing the collection of school taxes in installments as provided in this Local Law, the amount of such insufficiency shall be included in determining the service charge to be assessed in the next succeeding year. The amount of such service charge shall be deemed part of such taxes and shall belong to the County when collected.

Section 3. This Local Law shall become effective for school taxes levied against the 1992 assessment roll and assessment rolls prepared in succeeding years and may be used by any School District in the County of Rensselaer which has adopted a resolution pursuant to Sub-division 2 of Section 1336 of the Real Property Tax Law and by County residents in a School District lying in an adjacent County provided such adjacent County has enacted a Local Law providing for installment payment of school taxes.

Section 4. This Local Law shall take effect pursuant to the applicable provisions of the Municipal Home Rule Law.

Local Law adopted by the following vote:

Ayes:

Nays:

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JLB:blc

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County of Rensselaer  
Local Law No. Introductory of the year 1992  
By Mr. Manupella

A Local Law Amending The Rensselaer County Charter To Provide For The  
Establishment Of The Bureau Of Planning And Development

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

SECTION 1. Section 6.02 as enacted by Local Law #3 for the year 1983 is hereby  
deleted in its entirety, and is replaced with the following new section.

Section 6.02 Bureau of Budget and Research. The Bureau of Budget and  
Research shall be administered by a Director of Budget and Research, appointed by  
the County Executive and to serve at the pleasure of same. The Director shall be  
chosen on the basis of training and experience in the field of budget, finance and  
accounting.



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A. The Director shall be responsible to the County Executive, as County Budget Officer, for the preparation, submission and administration of the financial plans known as the annual operating and capital budgets of the county.

B. The Director shall make surveys, analysis and/or reports of the county departments as requested by the County Executive.

C. The Director shall perform research of county programs to obtain all financial assistance available through local, state or federal revenue sources.

D. The Budget Director is authorized to require from any county department, regular or special statistical information required in performance of his/her duties.

Section 6.08 Bureau of Planning and Development. The Bureau of Planning and Development shall be administered by a Planning Director chosen on the basis of his training and experience in the field of municipal, regional or county planning. He/She shall be appointed by the County Executive and shall serve at the pleasure of the same.

A. The Director shall have the capacity to utilize all powers and perform such duties as are prescribed by law. He/She shall have the capacity to assist and advise all municipalities of the county, within resources available, on matters related to the planning and zoning development function.

B. The Director shall perform such other duties as may be assigned by the County Executive or the County Legislature or by revision of law.

C. There shall be a County Planning Advisory Board consisting of six members, three of whom shall be appointed by the County Executive and three of whom shall be appointed by the Chairman of the Legislature, with terms to run concurrent with the terms of the Legislature and Executive. The County Planning Advisory Board shall serve in an advisory capacity to the Director of Planning in all matters pertaining to comprehensive county planning.

SECTION 2. This local law shall take effect immediately.

Local Law adopted by the following vote:

Ayes:

Nays:

County of Rensselaer  
Local Law No. .... of the year 1992

By Mr. Swartz

A Local Law Requiring the Annual Rensselaer County Budget to Include Itemization of Library Expenditures

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

Section 1. The Annual Rensselaer County Tentative Budget submitted to the Rensselaer County Legislature pursuant to Section 5.03 of the Rensselaer County Charter shall itemize, by line item, the amounts to be allocated to any public library



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within the county, setting forth the name of such library and the amount to be allocated to such library.

Section 2. The Annual Rensselaer County Budget adopted by the Rensselaer County Legislature shall itemize, by line item, the amounts to be allocated to any public library within the county, setting forth the name of such library and the amount to be allocated to such library.

Section 3. This local law shall take effect immediately upon its adoption.

**Local Law DEFEATED by the following vote:**

**Ayes: 4**

**Nays: 13,** Messrs. McGraw, Amadon, Ashley, Dedrick, Doran, Flynn, Kilgallon, Manupella, Webster, Rock, Ms. Connolly, Ms. Doughney, Mrs. Douglas

**3/10/92**

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County of Rensselaer  
Local Law No. .... of the year 1992

By Messrs. Manupella, Doran, Kilgallon

A Local Law To Provide That The County Of Rensselaer Shall Become The Tax Collection Agency For The Purpose Of Collecting School Taxes In Installments

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

BE IT ENACTED by the County Legislature of the County of Rensselaer in accordance with Section 972 of the Real Property Tax Law as follows:

Section 1. The County Legislature shall be the tax collection agency for the purpose of collecting school taxes in installments as prescribed by Article 9, Title 4-A and Article 13 of the Real Property Tax Law.

Section 2. School taxes paid in installments pursuant to this Local Law will be paid in two installments. The first installment will be due and payable not later than the fifteenth day of the month in which the school taxes would be paid without interest without regard to this Local Law and the second installment will be due and payable on the fifteenth day of the sixth month thereafter to the Chief Fiscal Officer of the County of Rensselaer. School taxes paid in installments pursuant to this local law will be subject to a service charge of two percent of the total school tax bill levied which it is estimated will reimburse the County for the expense incurred in the administration of the installment collection of taxes as prescribed by this Local Law, including the cost or contracting any necessary indebtedness for advancing the



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money as provided in Section 1342 of the Real Property Tax Law. If in any year the estimated service charge shall not be sufficient to reimburse the County for administering and financing the collection of school taxes in installments as provided in this Local Law, the amount of such insufficiency shall be included in determining the service charge to be assessed in the next succeeding year. The amount of such service charge shall be deemed part of such taxes and shall belong to the County when collected.

Section 3. This Local Law shall become effective for school taxes levied against the 1992 assessment roll and assessment rolls prepared in succeeding years and may be used by any School District in the County of Rensselaer which has adopted a resolution pursuant to Sub-division 2 of Section 1336 of the Real Property Tax Law and by County residents in a School District lying in an adjacent County provided such adjacent County has enacted a Local Law providing for installment payment of school taxes.

Section 4. This Local Law shall take effect pursuant to the applicable provisions of the Municipal Home Rule Law.

**Local Law ADOPTED by the following vote:**

**Ayes: 11**

**Nays:** 5, Messrs. Amadon, Minbirole, Vartigian, Zwack, Kelleher

**Abstained:** 1, Mrs. Douglas

3/10/92

**"Vetoed by County Executive - April 2, 1992"**

Rensselaer County  
Office of the Executive  
County Office Building  
Troy, New York 12180

John L. Buono  
Executive

April 2, 1992

Larry Quinn, Clerk  
Rensselaer County Legislature  
County Office Building  
1600 7th Avenue  
Troy, New York 12180

Dear Larry,

I am returning the proposed local law, to provide that the County of Rensselaer shall become the Tax Collection Agency for the purpose of collecting School Taxes in installments, complete with my action noting disapproval.

The intent of this legislation appears laudable. Affording the opportunity to our local school districts to offer installment payment of school taxes may prove beneficial for some taxpayers. However, this local law raises many more questions and concerns than it answers.



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Among the concerns are:

-It does not appear that any School District was consulted in drafting this legislation. The Rensselaer Columbia Greene BOCES Superintendent appeared at the public hearing and indicated that BOCES is not supportive of this legislation, and was not consulted prior to drafting or passage. Surely legislation of this magnitude should be discussed with the School Districts.

-It requires the County to duplicate the tax collection process which already exists and operates at the school district level.

-It will reduce cash flow for either the school district or the county or both. While I understand that it is not the sponsor's intent that the County "front" the second installment, Real Property Tax Law may require that the County do so. Obviously, the County's cash flow can not withstand any such additional payments beyond those that the County already advances to School Districts. If the County does not "front" the second installment, then the School District will experience the lost cash flow. BOCES indicates that our schools are not able to withstand such a delay.

-For most school districts, the installment payments would have to be made by September 15 and March 15 during each school year. Therefore, the second half payment would be due within 45 days of when the January property tax bill is due. Under these circumstances, the difficulty in meeting payments will not be alleviated but merely shifted to a different time period.

For all of these reasons I must veto this local law.

Sincerely,  
/S/John L. Buono  
County Executive

County of Rensselaer Local Law No. of the year 1992  
**(VETOED) (FOR RECONSIDERATION)**

By Mr. Manupella

A Local Law Amending The Rensselaer County Charter To Provide For The Establishment Of The Bureau Of Planning And Development

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

SECTION 1. Section 6.02 as enacted by Local Law #3 for the year 1983 is hereby deleted in its entirety, and is replaced with the following new section.



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Section 6.02 Bureau of Budget and Research. The Bureau of Budget and Research shall be administered by a Director of Budget and Research, appointed by the County Executive and to serve at the pleasure of same. The Director shall be chosen on the basis of training and experience in the field of budget, finance and accounting.

A. The Director shall be responsible to the County Executive, as County Budget Officer, for the preparation, submission and administration of the financial plans known as the annual operating and capital budgets of the county.

B. The Director shall make surveys, analysis and/or reports of the county departments as requested by the County Executive.

C. The Director shall perform research of county programs to obtain all financial assistance available through local, state or federal revenue sources.

D. The Budget Director is authorized to require from any county department, regular or special statistical information required in performance of his/her duties.

Section 6.08 Bureau of Planning and Development. The Bureau of Planning and Development shall be administered by a Planning Director chosen on the basis of his training and experience in the field of municipal, regional or county planning. He/She shall be appointed by the County Executive and shall serve at the pleasure of the same.

A. The Director shall have the capacity to utilize all powers and perform such duties as are prescribed by law. He/She shall have the capacity to assist and advise all municipalities of the county, within resources available, on matters related to the planning and zoning development function.

B. The Director shall perform such other duties as may be assigned by the County Executive or the County Legislature or by revision of law.

C. There shall be a County Planning Advisory Board consisting of six members, three of whom shall be appointed by the County Executive and three of whom shall be appointed by the Chairman of the Legislature, with terms to run concurrent with the terms of the Legislature and Executive. The County Planning Advisory Board shall serve in an advisory capacity to the Director of Planning in all matters pertaining to comprehensive county planning.

SECTION 2. This local law shall take effect immediately.

**Local Law adopted by the following vote:**

**Ayes: 13**

**Nays: 6, Messrs. Minbiole, Kelleher, Lang, Swartz, Vartigian,  
Zwack**

**4/12/92**

**Vetoed May 4, 1992 /S/**

John L. Buono  
Rensselaer County Executive



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(Seal)

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

JOHN L. BUONO  
Executive

May 4, 1992

Mr. Lawrence Quinn, Clerk  
Rensselaer County Legislature  
County Office Building  
Troy, New York

Dear Larry:

Enclosed is the local law entitled "A Local Law Amending the Rensselaer County Charter to Provide for the Establishment of the Bureau of Planning," with my action noting disapproval of the measure.

Planning is an administrative function, not a legislative function, and as such it belongs in the office of the county executive. The portion of the local law that I have doubts about is Section 6.08 which reads "The Director shall perform such other duties as may be assigned by the County Executive of the County Legislature or by revision of law." It is my belief that the planning director should not have to answer to or take directions from two bosses. That is essentially what would occur under this law. All of my department heads share information with the Legislature. The deputy director of planning meets monthly with the Legislature's Planning and Public Works Committee. He and his staff always make themselves available to legislative members.

The county's planning department, the only entity in the county cultivating economic development projects, has been responsible for the creation of thousands of new jobs since the mid-1980's. In addition to providing a livelihood for those people, these projects generate sales tax, income tax, and property taxes for local governments and schools. It is the most successful economic development office in the area. I could understand your concern if this office operated in a lax manner. Given it's performance, however, I see this local law as nothing but an attempt by the Democratic majority to strip the executive's office of administrative power.

Furthermore, it appears the local law is legally defective. Section 34 of the Municipal Home Rule Law, in relevant part, provides that no charter law which "abolishes, curtails or transfers to another county officer or agency any power of an elective county officer," shall become effective in such county until at least 60 days after its final enactment.

Since section 2 of the local law provides that it shall take effect immediately, and for the other reasons enumerated within, I exercise my veto rights.

Sincerely,

/S/ John L. Buono



4/14/92

(WITHDRAWN BY SPONSOR)

County of Rensselaer  
Local Law No.....of the year 1992

By Mrs. Douglas

A Local Law Authorizing The Execution Of A Lease Agreement By The County Of Rensselaer, New York With ROUSE, Inc., For The Purpose Of The Construction Of Senior Citizens Housing In The Town Of North Greenbush, County Of Rensselaer.

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

SECTION 1. Legislative Findings. The County Legislature of the County of Rensselaer, New York hereby finds that subdivision 4 of Section 215 of the County Law of the State of New York limits the lease of the county real property for a maximum term of five (5) years, predicated upon a determination that such real property is not required for public use. The Legislature further finds that subdivision 6 of Section 215 of the County Law of the State of New York provides that any such lease can only be entered into with the highest responsible bidder after public advertisement. In addition, this Legislature also finds that subparagraph (b) of Section 2 of the County Law of the State of New York provides that any provision of the County Law of the State of New York which is in conflict with or in limitation of any local law adopted by a county operating under a charter form of government shall not be applicable to such county, unless a contrary intent is expressly stated in the County Law. In conjunction with such findings, the County Legislature of the County of Rensselaer, New York hereby determines that, from time to time, it may be in the best interests of the citizens of the County of Rensselaer that the County have as a legal option the ability to enter into lease agreements with respect to County owned real property, whether or not the same may be deemed surplus, for terms in excess of five (5) years, and without the requirement of competitive bidding.

In addition to the foregoing, the County Legislature of the County of Rensselaer, New York, also finds that there is a shortage of adequate housing for senior citizens within the County of Rensselaer, which shortage is not presently being addressed or met by the private sector.

SECTION 2. Legislative Intent. By reason of the findings hereinabove set forth, the County Legislature of the County of Rensselaer, New York hereby declares its intent, by the adoption of this local law, to authorize the execution of a certain lease agreement by the County of Rensselaer, New York with the Rensselaer Organization for United Senior Endeavors, Inc. (ROUSE, Inc.) with respect to 2.5+ acres of land owned by the County of Rensselaer, New York and situated on the easterly side of Blooming Grove Road in the Town of North Greenbush. Such lease agreement shall be for the sole and exclusive purpose of permitting and facilitating the construction of senior citizens apartments upon said premises. No part of the cost of construction of such housing shall be borne by the County of Rensselaer, New York.

SECTION 3. Authority to Execute Certain Lease Agreement. The County of Rensselaer, New York, shall be and hereby is authorized and empowered to enter into a lease agreement with Rensselaer Organization for United Senior Endeavors, Inc., (ROUSE, Inc.) with respect to a parcel of land owned by the County of Rensselaer, New York, consisting of approximately 2.5+ acres of land located on the easterly side

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of Blooming Grove Road in the Town of North Greenbush, New York, more particularly bounded and described in a proposed description of such parcel by Hershberg & Hershberg, Engineers, dated January 23, 1992. Such lease agreement shall be for a term not to exceed fifty (50) years and shall provide for an easement or access to such parcel over the existing driveway of the Van Rensselaer Manor. Such lease shall also provide for a total rental of EIGHTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$82,500.00) to be paid by or on behalf of ROUSE, Inc. to the County of Rensselaer in one lump sum payment at the time of the execution of the lease agreement between the parties. Such lease agreement, together with any related documents of instruments, shall be in a form approved by the Rensselaer County Attorney.

SECTION 4. Effective Date. This local law shall take effect pursuant to the provisions of the Municipal Home Rule Law of the State of New York.

Local Law adopted by the following vote:

Ayes:

Nays:

4/14/92

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County of Rensselaer  
Local Law No.....of the year 1992

By Mrs. Douglas

A Local Law Authorizing The Execution Of A Lease Agreement By The County Of Rensselaer, New York With ROUSE, Inc., For The Purpose Of The Construction Of Senior Citizens Housing In The Town Of North Greenbush, County Of Rensselaer.

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

**SECTION 1. Legislative Findings.** The County Legislature of the County of Rensselaer, New York hereby finds that subdivision 4 of Section 215 of the County Law of the State of New York limits the lease of the county real property for a maximum term of five (5) years, predicated upon a determination that such real property is not required for public use. The Legislature further finds that subdivision 6 of Section 215 of the County Law of the State of New York provides that any such lease can only be entered into with the highest responsible bidder after public advertisement. In addition, this Legislature also finds that subparagraph (b) of Section 2 of the County Law of the State of New York provides that any provision of the County Law of the State of New York which is in conflict with or in limitation of any local law adopted by a county operating under a charter form of government shall not be applicable to such county, unless a contrary intent is expressly stated in the County Law. In conjunction with such findings, the County Legislature of the County of Rensselaer, New York hereby determines that, from time to time, it may be in the best interests of the citizens of the County of Rensselaer that the County have as a legal option the ability to enter into lease agreements with respect to County owned real property, whether or not the same may be deemed surplus, for terms in excess of five (5) years, and without the requirement of competitive bidding.

In addition to the foregoing, the County Legislature of the County of Rensselaer, New York, also finds that there is a shortage of adequate housing for senior citizens within the County of Rensselaer, which shortage is not presently being addressed or met by the private sector.



# THE RENSSELAER COUNTY LEGISLATURE

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**SECTION 2. Legislative Intent.** By reason of the findings hereinabove set forth, the county Legislature of the County of Rensselaer, New York hereby declares its intent, by the adoption of this local law, to authorize the execution of a certain lease agreement by the County of Rensselaer, New York with the Rensselaer Organization for United Senior Endeavors, Inc. (ROUSE, Inc.) with respect to 2.5+ acres of land owned by the County of Rensselaer, New York and situated on the easterly side of Blooming Grove Road in the Town of North Greenbush. Such lease agreement shall be for the sole and exclusive purpose of permitting and facilitating the construction of senior citizens apartments upon said premises. No part of the cost of construction of such housing shall be borne by the County of Rensselaer, New York.

**SECTION 3. Authority to Execute Certain Lease Agreement.** The County of Rensselaer, New York, shall be and hereby is authorized and empowered to enter into a lease agreement with Rensselaer Organization for United Senior Endeavors, Inc., (ROUSE, Inc.) with respect to a parcel of land owned by the County of Rensselaer, New York, consisting of approximately 2.5+ acres of land located on the easterly side of Blooming Grove Road in the Town of North Greenbush, New York, more particularly bounded and described in a proposed description of such parcel by Hershberg & Hershberg, Engineers, dated January 23, 1992. Such lease agreement shall be for a term not to exceed fifty (50) years and shall provide for an easement or access to such parcel over the existing driveway of the Van Rensselaer Manor. Such lease shall also provide for a total rental of EIGHTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$82,500.00) to be paid by or on behalf of ROUSE, Inc. to the County of Rensselaer in one lump sum payment at the time of the execution of the lease agreement between the parties. Such lease agreement, together with any related documents of instruments, shall be in a form approved by the Rensselaer County Attorney.

**SECTION 4. Effective Date.** This local law shall take effect pursuant to the provisions of the Municipal Home Rule Law of the State of New York.

**Local Law ADOPTED by the following vote:**

**Ayes: 14**

**Nays: 1, Mr. Rock**

**4/29/92**

**Approved by County Executive - May 11, 1992**

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\*Resolution 114 was introduced

County of Rensselaer  
Local Law No. 2 of the Year 1992  
A Local Law Amending Local Law No. 2 of the Year 1989

By Douglas, Connolly, Doughney, Ashley, Doran, Manupella, McGraw, Flynn,  
Kilgallon, Dedrick, Rock, Webster, and Amadon

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

### **Section 1.**

Sections 2(1), (3), (6), (7), (10) Local Law No. 2 of the year 1989 is hereby  
amended as follows:

### **Section 2. Definitions**

1. "Business dealing" means (a) having or providing any contract, service, or  
work to Rensselaer County; (b) buying, selling, renting, leasing, or otherwise  
acquiring from or dispensing to Rensselaer County any goods, services, or property;  
or (c) applying for, petitioning, requesting, or obtaining any approval, grant, loan,  
license, permit, or other privilege from Rensselaer County.

3. "Family member" means a spouse, child, step-child, brother, sister,  
parent, or a dependent of a Rensselaer County officer, employee, public officials and  
party officers.

6. "Rensselaer County officer or employee" means any officer or employee of  
Rensselaer County, whether paid or unpaid, including public officials and all other  
members of any agency of a municipality, but does not include a judge, justice,  
officer, or employee of the unified court system.

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7. "Paid Rensselaer County officer or employee" and "paid public official" means any officer or employee or public official who receives a salary from Rensselaer County or who is compensated by Rensselaer County on a per diem or hourly basis, but does not include an officer or employee or public official who is solely reimbursed by Rensselaer County for expenses incurred in the course of his or her duties or a Special District Attorney appointed pursuant to Section 701 of the County Law.

10. "Public official" means any official who has the authority, either alone or as a member of an agency, to perform discretionary acts on behalf of Rensselaer County with respect to any business dealing, and shall include but not be limited to: The Rensselaer County Executive, Rensselaer County Legislator, or other Chief Fiscal Officer of Rensselaer County; medical examiner, the District Attorney; the Rensselaer County Sheriff. Public official shall not include: (a) a judge, justice, officer, or employee of the unified court system, (b) any municipal employee who performs only ministerial acts.

## **Section 2.**

Section 2 of Local Law No. 2 of the year 1989 is hereby amended as follows:

### **Section 2. Definitions**

12. "Party officer" means the Chairmen, secretaries, Vice Chairmen, 1st Vice Chairmen and Treasurer, or the equivalent officers by whatever name known, of the Rensselaer County Democratic Committee, Republican Committee, Conservative Committee, Liberal Committee and Right-To-Life Committee.

13. "Rensselaer County" shall include the Rensselaer County government and all its boards, agencies, commissions, authorities, districts and Hudson Valley Community College.

## **Section 3.**

Section 3 of Local Law No. 2 of the year 1989 is hereby amended as follows:

### **Section 3. Conflicts of Officers, Employees, Public Officials, Party Officers and Family Members Thereof**

9. No party officer or family member thereof, nor any partnership, unincorporated association in which he or she is a member or employee or in which he or she has a proprietary interest, nor any business or professional corporation of which he or she is an officer, director or legally or beneficially owns or controls more than five percent of the outstanding stock shall have business dealings with Rensselaer County, directly or indirectly, or any of its boards, agencies, commissions, authorities, districts and Hudson Valley Community College. No party officer shall be employed by and earn in excess of \$10,000 annually. For the purposes of this subdivision, business dealings shall include contracts with Rensselaer County, its boards, agencies, commissions, authorities, districts and Hudson Valley Community College, gained through competitive bidding. No party officer, nor any partnership, unincorporated association in which he or she is a member or employee or in which he or she has a proprietary interest, director or legally or beneficially owns or controls with or employment with, or gain any pecuniary or material benefit, directly or indirectly, in excess of \$10,000 annually from Rensselaer County or any of its boards, agencies, commissions, authorities, districts and Hudson Valley Community College, within three years after leaving his or her party office.



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10. No elected public official or family member hereof, nor any partnership unincorporated association in which he or she is a member or employee or in which he or she has a proprietary interest, nor any business or professional corporation of which he or she is an officer, director or legally or beneficially owns or controls more than five percent of the outstanding stock, shall have business dealings with Rensselaer County or any of its boards, agencies, commissions, authorities, districts and Hudson Valley Community College. For purposes of this subdivision, business dealings shall include contracts with Rensselaer County, its boards, agencies, commissions, authorities, districts, and Hudson Valley Community College, gained through competitive bidding.

**Section 4.**

Section 21 of Local Law No. 2 of the year 1989 is hereby amended as follows:

21. repealed

**Section 5.**

Sections 22, 23, 24, 25, 26, 27, 28 and 29 of Local Law No. 2 of the year 1989 are hereby amended to be renumbered 21, 22, 23, 24, 25, 26, 27 and 28, respectfully.

**Section 6.**

Section 26(1) of Local Law No. 2 of the year 1989 is hereby amended as follows:

**Section 26. Applicability; Other Remedies; Severability**

1. No existing right or remedy shall be lost, impaired or affected by reason of this act; provided, however, the provisions of this local law shall impair and affect existing rights and remedies.

**Section 7. Effective Date**

This act shall take effect on September 1, 1992.

**Resolution ADOPTED by the following vote:**

**Ayes: 15**

**Nays: 0**

**Abstained: 2, Messrs. Ashley, Doran**

**5/28/92**

**"Approved by County Executive - June 11, 1992"**



County of Rensselaer Local Law No. Introductory of the Year 1992  
By Messrs. Manupella, Doran, Kilgallon

A Local Law To Provide That The County Of Rensselaer Shall Become The Tax Collection Agency For The Purpose Of Collecting School Taxes In Installments

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

BE IT ENACTED by the County Legislature of the County of Rensselaer in accordance with Section 972 of the Real Property Tax Law as follows:

**Section 1.** The County Legislature shall be the tax collection agency for the purpose of collecting school taxes in installments as prescribed by Article 9, Title 4-A and Article 13 of the Real Property Tax Law.

**Section 2.** School taxes paid in installments pursuant to this Local Law will be paid in two installments. The first installment will be due and payable not later than the fifteenth day of the month in which the school taxes would be paid without interest without regard to this Local Law and the second installment will be due and payable on the fifteenth day of the sixth month thereafter to the Chief Fiscal Officer of the County of Rensselaer. School taxes paid in installments pursuant to this Local Law will be subject to a service charge of two percent of the total school tax bill levied which it is estimated will reimburse the County for the expense incurred in the administration of the installment collection of taxes as prescribed by this Local Law, including the cost or contracting any necessary indebtedness for advancing the money as provided in Section 1342 of the Real Property Tax Law. If in any year the estimated service charge shall not be sufficient to reimburse the County for administering and financing the collection of school taxes in installments as provided in this Local Law, the amount of such insufficiency shall be included in determining the service charge to be assessed in the next succeeding year. The amount of such service charge shall be deemed part of such taxes and shall belong to the County when collected.

**Section 3.** This Local Law shall become effective for school taxes levied against the 1992 assessment roll and assessment rolls prepared in succeeding years and may be used by the Lansingburgh Central School District at Troy only provided said school district has adopted a resolution pursuant to Sub-division 2 of Section 1336 of the Real Property Tax Law.



THE RENSSELAER COUNTY LEGISLATURE

7/14/92

**Section 4.** This Local Law shall take effect pursuant to the applicable provisions of the Municipal Home Rule Law.

Local Law adopted by the following vote:

Ayes:

Nays:

-----

Local Law **(VETOED)**

A Local Law To Provide That The County Of Rensselaer Shall Become The Tax Collection Agency For The Purpose Of Collecting School Taxes In Installments

By: Messrs Manupella, Doran, Kilgallon, Ashley

Be it enacted by the County Legislature of the County of Rensselaer in accordance with Section 972 of the Real Property Tax law as follows:

**Section 1.** The County of Rensselaer shall be the tax collection agency for the purpose of collecting school taxes in installments as prescribed by Article 9, Title 4-A and Article 13 of the Real Property Tax Law.

**Section 2.** School taxes paid in installments pursuant to this Local Law will be paid in two installments. The first installment will be due and payable not later than



THE RENSSELAER COUNTY LEGISLATURE

8/11/92

the fifteenth day of the month in which the school taxes would be paid without interest without regard to this Local Law and the second installment will be due and payable on the fifteenth day of the sixth month thereafter to the Chief Fiscal Officer of the County of Rensselaer. School taxes paid in installments pursuant to this local law will be subject to a service charge to two percent of the total school tax bill levied which it is estimated will reimburse the County for the expense incurred in the administration of the installment collection of taxes as prescribed by this Local Law, including the cost for contracting any necessary indebtedness for advancing the money as provided in Section 1342 of the Real Property Tax Law. If in any year the estimated service charge shall not be sufficient to reimburse the County for administering and financing the collection of school taxes in installments as provided in this Local Law, the amount of such insufficiency shall be included in determining the service charge to be assessed in the next succeeding year. The amount of such service charge shall be deemed part of such taxes and shall belong to the County when collected.

**Section 3.** This Local Law shall become effective for school taxes levied against the 1992 assessment roll and assessment rolls prepared in succeeding years and may be used by the Lansingburgh Central School district at Troy only provided said school district has adopted a resolution pursuant to subdivision 2 of Section 1336 of the Real Property Tax Law.

**Section 4.** This Local Law shall take effect pursuant to the applicable provisions of the Municipal Home Rule Law.

**Local Law ADOPTED by the following vote:**

**Ayes: 17**

**Nays: 1 Mr. Zwack**

**8/11/92**

**"Vetoed by the County Executive - September 10, 1992"**

Rensselaer County  
Office Of The Executive  
County Office Building  
Troy, New York 12180

September 10, 1992

Mr. Lawrence Quinn  
Clerk of the Legislature  
Ned Pattison Rensselaer County  
Government Center  
1600 Seventh Avenue  
Troy, New York 12180

Dear Larry:

I am returning the proposed Local Law, "To Provide that the County of Rensselaer Shall Become the Tax Collection Agency for the Purpose of Collecting School Taxes in Installments", with my action noting disapproval.



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1992 JOURNAL OF PROCEEDING

Unfortunately, as well intentioned as this legislation is, there are still too many questions and concerns regarding this legislation to allow me to place it into law.

While the sponsors attempted to remedy my concerns when similar legislation was passed last March, I fear that this legislation may not function as intended.

My specific concerns and objections to this legislation are as follows:

1. Both the Board of Education of the Lansingburgh School District and a number of residents within the district, have requested that I veto this legislation to allow them more time to investigate its ramifications. I concur that the impact of this local law could be more far reaching than previously indicated and I must, therefore, honor the request of the local officials and the public.

2. While this local law identifies only the Lansingburgh Central School District as being eligible for installment payments, the County Attorney indicates that Section 972 of the Real Property Tax law does not appear to give the County the legal authority to limit the application of the local law to one particular school district. Should other school districts come forward and request the county become the tax collection agency, the County Attorney believes we would be obliged to treat their school tax collections in the same manner as Lansingburgh. If this were to become the case, the impact on the County would be considerably more serious and at this time, the County is not in a position to assume this responsibility.

3. While the sponsors have indicated that the County will not have to advance the money to the School District for any second installments, Real Property Tax law seems to indicate otherwise. It is an acknowledged fact that the County's cash position is very poor. If the County must advance monies to any school district in advance of the current April 1st date, it would have a devastating impact on the County's cash position. It would certainly require the County to borrow monies for school district purposes. Given our current financial condition, I could not support such an advance.

While these concerns and the concerns of the public and Lansingburgh School District remain, I am compelled to veto this Local Law.

Sincerely,  
/S/John L. Buono  
County Executive



9/8/92

1992 JOURNAL OF PROCEEDING

**LOCAL LAW:**

County of Rensselaer, New York

Local Law No. 3 of the year 1992

A Local Law Electing A Retirement Incentive Program As Authorized By Chapter 643 Of The Laws Of 1992 For Eligible Employees Of The County Of Rensselaer And Hudson Valley Community College

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

By: Mr. Manupella

Section 1. The County of Rensselaer, hereby elects to provide all eligible employees of the County of Rensselaer and Hudson Valley Community College with a Retirement Incentive Program authorized by Chapter 643 of the Laws of 1992.

Section 2. The commencement date of the retirement incentive program shall be October 3, 1992.

Section 3. The open period during which eligible employees may retire and receive the additional retirement benefit shall be ninety days in length.

Section 4. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be funded over a five year period. The amount of the annual payment in each of the five years shall be determined by the actuary of the New York State and Local Employees' Retirement System and shall be paid by the County of Rensselaer or Hudson Valley Community College for each of their respective employees who receives the retirement benefits payable under this local law.

Section 5. This local law shall take effect immediately.

**Local Law ADOPTED by the following vote:**

**Ayes: 16**

**Nays: 0**

**Abstained: 3 (Ashley, Doran, Kelleher)**

**"Approved by the County Executive - September 18, 1992"**

Local Law Filing

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New York State Department of State  
162 Washington Avenue, Albany, NY 12231

County of Rensselaer, New York

Local Law No. \_\_\_\_\_ of the year 1992

THE RENSSELAER COUNTY LEGISLATURE

9/8/92

A Local Law Electing A Retirement Incentive Program As For The Eligible Employees  
Of Rensselaer County

By Mr. Manupella

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

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

Section 1. The County of Rensselaer hereby elects to provide all its eligible employees with a retirement incentive program authorized by Chapter 643 of the laws of 1992.

Section 2. The commencement date of the retirement incentive program shall be October 1, 1992.

Section 3. The open period during which eligible employees may retire and receive the additional retirement benefit, shall be ninety days in length.

Section 4. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be funded over a five year period. The amount of the annual payment in each of the five years shall be determined by the Actuary of the New York State and Local Employees' Retirement System and it shall be paid by the County of Rensselaer for each employee who receives the retirement benefits payable under this local law.

Section 5. This local law shall take effect immediately.

**WITHDRAWN BY SPONSOR**  
**9/8/92**



**Local Law:**

Local Law Filing

New York State Department of State  
162 Washington Avenue, Albany, NY 12231

County of Rensselaer, New York

Local Law No. Introductory of the year 1992

A Local Law Providing For Imposition Of An Administrative Fee By The Rensselaer  
County Probation Department

Be it enacted by the County Legislature of the

By: Mrs. Douglas

County of Rensselaer, New York as follows:

**SECTION 1. Administrative Fee**

a. Notwithstanding any other provision of the law, any person currently serving or who shall be sentenced to a period of probation upon conviction of any crime under Article Thirty-One of the Vehicle and traffic law and who is being supervised by the Rensselaer County Probation Department shall pay to said department an administrative fee of \$30.00 per month, except as provided in subdivision (b) of this section.

b. The Rensselaer County Department of Probation shall waive all or part of the fee imposed by subdivision (2) of this section where, because of the indigence of the offender, the payment of said fee would work an unreasonable hardship on the person convicted, on his or her immediate family, or on any other person who is dependent upon such person for financial support.

c. The fee authorized by this local law shall not constitute nor be imposed as a condition of probation.

d. Monies collected pursuant to this local law shall be utilized for probation services by the Rensselaer county Probation Department, and shall not be considered in determining state aid reimbursement nor used to replace federal funds otherwise utilized for probation services.

e. In the event of non-payment of any fees which have not been waived by the Rensselaer County probation Department, the provisions of subdivision 6 of Section

11/10/92

1992 JOURNAL OF PROCEEDING

420.10 of the Criminal Procedure law shall govern for purposes of collection of such fees, and in addition thereto the County may seek to enforce payment in any other manner permitted by law for enforcement of a debt.

SECTION 2. SEVERABILITY

If any clause, sentence or paragraph of this local law shall be adjudged in any Court of competent jurisdiction to be invalid such adjudication shall not affect, impair or invalidate the remainder of this local law which shall as to such remainder remain in effect.

SECTION 3.

This local law shall take effect immediately upon adoption and filing in accordance with the terms and provisions of the Municipal Home Rule Law of the State of New York.

**Local Law ADOPTED by the following vote:**

**Ayes:**

**Nays:**

**11/10/92**

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**Local Law Filing**

**New York State Department of State  
162 Washington Avenue, Albany, NY 12231**

County of Rensselaer, New York

Local Law No. Introductory of the year 1992

A Local Law Providing For The Imposition Of A Fee For Rensselaer County Probation Department Family Court Custodial Investigations

By: Mrs. Douglas

Be it enacted by the County Legislature of the

County of Rensselaer, New York as follows:

SECTION 1. Investigation Fee

a. Notwithstanding any other provision of law, whenever the Rensselaer County Probation Department is ordered to conduct an investigation pursuant to provisions of the Family Court Act, said department shall be entitled to a fee of not less than \$50.00 and not more than \$500.00 from the parties in such proceeding for performing such investigation.

b. The fee imposed by this Section shall be based upon the party's ability to pay the fee and the schedule for payment shall be fixed by the Court issuing the Order for investigation, pursuant to the guidelines issued by the Director of the New York



## THE RENSSELAER COUNTY LEGISLATURE

11/10/92

State Division for Probation and Correctional Alternatives or by resolution of the Rensselaer County Legislature and may in the discretion of the Court be waived when the parties lack sufficient means to pay the fees.

c. The Court shall apportion the fee between the parties based upon the respective financial circumstances of the parties and the equities of the case.

d. All fees imposed pursuant to this Section shall be paid directly to the Rensselaer County Probation Department to be retained and utilized for local probation services, and the same shall both be considered by the New York State Division of Probation when determining state aid reimbursement pursuant to Section 246 of the Executive Law.

### SECTION 2. Severability

If any clause, sentence or paragraph of this local law shall be adjudged in any Court of competent jurisdiction to be invalid such adjudication shall not affect, impair or invalidate the remainder of this local law which shall as to such remainder remain in effect.

### SECTION 3.

This local law shall take effect immediately upon adoption and filing in accordance with the terms and provisions of the Municipal Home Rule Law of the State of New York.

**Local Law ADOPTED by the following vote:**

**Ayes:**

**Nays:**

**11/10/92**

11/23/92

**(INTRODUCTORY)** Local Law Providing For Imposition Of An Administrative Fee  
By The Rensselaer County Probation Department

**LOCAL LAW:**

Local Law Filing

New York State Department of State  
162 Washington Avenue, Albany, NY 12231

County of Rensselaer, New York

Local Law No. Introductory of the year 1992

A Local Law Providing For Imposition Of An Administrative Fee By The Rensselaer  
County Probation Department

Be it enacted by the County Legislature of the

By: Mrs. Douglas

County of Rensselaer, New York as follows:

**SECTION 1. ADMINISTRATIVE FEE**

a. Notwithstanding any other provision of the law, any person currently serving or who shall be sentenced to a period of probation upon conviction of any crime under Article Thirty-One of the Vehicle and traffic law and who is being supervised by the Rensselaer County Probation Department shall pay to said department an administrative fee of \$30.00 per month, except as provided in subdivision (b) of this section.

b. The Rensselaer County Department of Probation shall waive all or part of the fee imposed by subdivision (2) of this section where, because of the indigence of the offender, the payment of said fee would work an unreasonable hardship on the person convicted, on his or her immediate family, or on any other person who is dependent upon such person for financial support.

c. The fee authorized by this local law shall not constitute nor be imposed as a condition of probation.

d. Monies collected pursuant to this local law shall be utilized for probation services by the Rensselaer county Probation Department, and shall not be considered in determining state aid reimbursement nor used to replace federal funds otherwise utilized for probation services.

e. In the event of non-payment of any fees which have not been waived by the Rensselaer County probation Department, the provisions of subdivision 6 of Section 420.10 of the Criminal Procedure law shall govern for purposes of collection of such fees, and in addition thereto the County may seek to enforce payment in any other manner permitted by law for enforcement of a debt.



11/23/92

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## SECTION 2. SEVERABILITY

If any clause, sentence or paragraph of this local law shall be adjudged in any Court of competent jurisdiction to be invalid such adjudication shall not affect, impair or invalidate the remainder of this local law which shall as to such remainder remain in effect.

## SECTION 3.

This local law shall take effect immediately upon adoption and filing in accordance with the terms and provisions of the Municipal Home Rule Law of the State of New York.

**Local Law ADOPTED by the following vote:**

**Ayes:**

**Nays:**

**11/10/92**

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**Local Law Filing**

**New York State Department of State  
162 Washington Avenue, Albany, NY 12231**

County of Rensselaer, New York

Local Law No. Introductory of the year 1992

A Local Law Providing For The Imposition Of A Fee For Rensselaer County Probation Department Family Court Custodial Investigations

By: Mrs. Douglas

Be it enacted by the County Legislature of the

County of Rensselaer, New York as follows:

## SECTION 1. INVESTIGATION FEE

a. Notwithstanding any other provision of law, whenever the Rensselaer County Probation Department is ordered to conduct an investigation pursuant to provisions of the Family Court Act, said department shall be entitled to a fee of not less than \$50.00 and not more than \$500.00 from the parties in such proceeding for performing such investigation.

b. The fee imposed by this Section shall be based upon the party's ability to pay the fee and the schedule for payment shall be fixed by the Court issuing the Order for investigation, pursuant to the guidelines issued by the Director of the New York State Division for Probation and Correctional Alternatives or by resolution of the Rensselaer County Legislature and may in the discretion of the Court be waived when the parties lack sufficient means to pay the fees.

THE RENSSELAER COUNTY LEGISLATURE

11/23/92

c. The Court shall apportion the fee between the parties based upon the respective financial circumstances of the parties and the equities of the case.

d. All fees imposed pursuant to this Section shall be paid directly to the Rensselaer County Probation Department to be retained and utilized for local probation services, and the same shall both be considered by the New York State Division of Probation when determining state aid reimbursement pursuant to Section 246 of the Executive Law.

SECTION 2. SEVERABILITY

If any clause, sentence or paragraph of this local law shall be adjudged in any Court of competent jurisdiction to be invalid such adjudication shall not affect, impair or invalidate the remainder of this local law which shall as to such remainder remain in effect.

SECTION 3.

This local law shall take effect immediately upon adoption and filing in accordance with the terms and provisions of the Municipal Home Rule Law of the State of New York.

**Local Law ADOPTED by the following vote:**

**Ayes:**

**Nays:**

**11/10/92**



**LOCAL LAWS:**

Local Law Filing

New York State Department of State  
162 Washington Avenue, Albany, NY 12231

County of Rensselaer

Local Law No. Introductory of the year 1992

A Local Law Amending Section 5.03 Of The Rensselaer County Charter

By: Mr. Manupella

Be it enacted by the County Legislature of the

County of Rensselaer, New York as follows:

**SECTION 1.**

Section 5.03 (b) of the Rensselaer County Charter is hereby amended as follows:

To Wit:

1. The Clerk of the Legislature, upon receipt of the tentative budget from the budget officer, shall transmit a copy of the said tentative budget to each Legislator, forthwith. On or before October 30, the Rensselaer County Executive will meet with the full Legislature to explain the tentative budget and explain the implementation of said budget. The Budget and Finance Committee for the County Legislaure shall conduct a public hearing on the tentaive budget as submitted by the budget officer on the second Thursday of November.

**SECTION 2.**

This local law shall take effect immediately upon following with the Secretary of State of the State of New York.

**Local Law ADOPTED by the following vote:**

**Ayes:**

**Nays:**

**12/8/92**

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Local Law Filing

New York State Department of State  
162 Washington Avenue, Albany, NY 12231

County of Rensselaer, New York

Local Law No. 4 of the year 1992

12/8/92

1992 JOURNAL OF PROCEEDING

A Local Law Providing For Imposition Of An Administrative Fee By The Rensselaer County Probation Department

Be it enacted by the \_\_\_\_\_ County Legislature \_\_\_\_\_ of the

By: Mrs. Douglas

County of \_\_\_\_\_ Rensselaer, New York \_\_\_\_\_ as follows:

SECTION 1. ADMINISTRATIVE FEE

a. Notwithstanding any other provision of the law, any person currently serving or who shall be sentenced to a period of probation upon conviction of any crime under Article Thirty-One of the Vehicle and traffic law and who is being supervised by the Rensselaer County Probation Department shall pay to said department an administrative fee of \$30.00 per month, except as provided in subdivision (b) of this section.

b. The Rensselaer County Department of Probation shall waive all or part of the fee imposed by subdivision (2) of this section where, because of the indigence of the offender, the payment of said fee would work an unreasonable hardship on the person convicted, on his or her immediate family, or on any other person who is dependent upon such person for financial support.

c. The fee authorized by this local law shall not constitute nor be imposed as a condition of probation.

d. Monies collected pursuant to this local law shall be utilized for probation services by the Rensselaer county Probation Department, and shall not be considered in determining state aid reimbursement nor used to replace federal funds otherwise utilized for probation services.

e. In the event of non-payment of any fees which have not been waived by the Rensselaer County probation Department, the provisions of subdivision 6 of Section 420.10 of the Criminal Procedure law shall govern for purposes of collection of such fees, and in addition thereto the County may seek to enforce payment in any other manner permitted by law for enforcement of a debt.

SECTION 2. SEVERABILITY

If any clause, sentence or paragraph of this local law shall be adjudged in any Court of competent jurisdiction to be invalid such adjudication shall not affect, impair or invalidate the remainder of this local law which shall as to such remainder remain in effect.

SECTION 3.

This local law shall take effect immediately upon adoption and filing in accordance with the terms and provisions of the Municipal Home Rule Law of the State of New York.



THE RENSSELAER COUNTY LEGISLATURE

Local Law ADOPTED by the following vote:

12/8/92

Ayes: 16  
Nays: 1 (Zwack)  
12/8/92

"Local Law Approved by County Executive - December 22, 1992"

Local Law Filing

New York State Department of State  
162 Washington Avenue, Albany, NY 12231

County of Rensselaer, New York

Local Law No. \_\_\_\_\_ of the year 1992

A Local Law Providing For The Imposition Of A Fee For Rensselaer County Probation  
Department Family Court Custodial Investigations

By: Mrs. Douglas

Be it enacted by the \_\_\_\_\_ County Legislature \_\_\_\_\_ of the

County of Rensselaer, New York as follows:

SECTION 1. INVESTIGATION FEE

a. Notwithstanding any other provision of law, whenever the Rensselaer County Probation Department is ordered to conduct an investigation pursuant to provisions of the Family Court Act, said department shall be entitled to a fee of not less than \$50.00 and not more than \$500.00 from the parties in such proceeding for performing such investigation.

b. The fee imposed by this Section shall be based upon the party's ability to pay the fee and the schedule for payment shall be fixed by the Court issuing the Order for investigation, pursuant to the guidelines issued by the Director of the New York State Division for Probation and Correctional Alternatives or by resolution of the Rensselaer County Legislature and may in the discretion of the Court be waived when the parties lack sufficient means to pay the fees.

c. The Court shall apportion the fee between the parties based upon the respective financial circumstances of the parties and the equities of the case.

d. All fees imposed pursuant to this Section shall be paid directly to the Rensselaer County Probation Department to be retained and utilized for local probation services, and the same shall both be considered by the New York State Division of Probation when determining state aid reimbursement pursuant to Section 246 of the Executive Law.

12/8/92

1992 JOURNAL OF PROCEEDING

## SECTION 2. SEVERABILITY

If any clause, sentence or paragraph of this local law shall be adjudged in any Court of competent jurisdiction to be invalid such adjudication shall not affect, impair or invalidate the remainder of this local law which shall as to such remainder remain in effect.

## SECTION 3.

This local law shall take effect immediately upon adoption and filing in accordance with the terms and provisions of the Municipal Home Rule Law of the State of New York.

**WITHDRAWN BY SPONSOR**

**12/8/92**



**LOCAL LAWS:**

Local Law Filing

New York State Department of State  
162 Washington Avenue, Albany, NY 12231

County of Rensselaer, New York

Local Law No. \_\_\_\_\_ of the year 199\_

A local law Providing For Clearly Displayed Pricing Of Goods Offered For Sale In  
Rensselaer County

Be it enacted by the County Legislature of the

County of Rensselaer as follows:

**SECTION 1. LEGISLATIVE INTENT**

The Rensselaer County Legislature recognized that clear, accurate item pricing

is a basic consumer right that is not protected under current State law. It is the intent of this local law to ensure that consumer goods offered for sale in Rensselaer County are clearly, accurately and adequately marked as to their selling prices.

SECTION 2. DEFINITIONS

A. "Stock Keeping Unit" shall mean each group of items offered for sale of the same brand name, quantity of contents, retail price, and variety within the following categories:

(i) food, including all material, solid, liquid or mixed, whether simple or compound, used or intended for consumption by human beings or domestic animals normally kept as household pets and all substances or ingredients to be added thereto for any purpose, and

(ii) napkins, facial tissues, toilet tissues, and any disposable wrapping or container for the storage, handling or serving of food, and

(iii) detergents, soaps, other cleansing items, and cleaning implements, and

(iv) non-prescription drugs, feminine hygiene products and health and beauty aids.

B. "Stock Keeping Item" shall mean each item of a stock keeping unit offered for sale.

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

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

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

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

G. "Inspector" shall mean an authorized county government official having jurisdiction to enforce the provisions of this section.

H. "retail store" shall mean a store selling stock keeping units at retail. A store which is not open to the general public but is reserved for use by its members must pay a direct fee to the store, to qualify for membership, and the store is not required to collect sales tax on transactions with members. Pursuant to this section, a retail store shall not include any store which:

(i) has as its only full-time employee the owner thereof, or the parent, or the



12/30/92

spouse or the child of the owner, or in addition thereto, not more than two full time employees, or

(ii) has annual gross sales in the previous calendar year of less than three million dollars, unless the retail store is part of a network of subsidiaries, affiliates or other member stores, under direct or indirect common control, which, as a group, had annual gross sales in the previous calendar year of three million dollars or more, exclusive of the sale of motor fuel, or

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

### SECTION 3. ITEM PRICING REQUIRED

A. Every person, firm, partnership, corporation or association which sells, offers for sale or exposes for sale in a retail store a stock keeping unit that bears a Universal Product Code shall disclose to the consumer the item price of each stock keeping item, by causing such to be conspicuously, clearly and plainly marked, stamped, tagged or affixed thereto in arabic numerals.

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

(i) Snack foods such as cakes, gum, candies, chops and nuts offered for sale in single packages and weighing five ounces or less.

(ii) Stock keeping items which are under three cubic inches in size, and weigh less than three ounces, and are priced under one dollar.

(iii) Items sold through a vending machine.

(iv) Items that are on store special/sale. "Sale price" shall mean the price of stock keeping items offered on sale in good faith at a price below the price for which such stock keeping items are usually sold in the store, for a stated period of time not to exceed twenty one days. On special regional month-long promotions offered by manufacturers or distributors the period may be extended to 30 days, provided the store has available for inspection written documentation of the promotion.

(v) Fresh milk, cream, half-and-half, and other similarly packaged liquid dairy products, fresh eggs and orange juice.

(vi) Fresh produce displayed for sale in bulk and not packaged prior to sale and is either packaged for or by the consumer at the time of sale.

(vii) Consumer goods displayed for sale in bulk and not packaged prior to sale and is either packaged for or by the consumer at the time of sale.

(viii) Foods sold for consumption on premises.

(ix) Cigarettes and cigars sold by the pack or carton.



- (x) Frozen Foods in poly-plastic bags.
- (xi) Baby food in jars.
- (xii) Gelatin and pudding.
- (xiii) Pet food weighing six ounces or less.
- (xiv) Envelope-type packaged products weighing five ounces or less.

#### SECTION 4. PRICING ACCURACY

A. No retail store shall charge a retail price for any exempt or non-exempt stock keeping item which exceeds the lower of any item, shelf, sale or advertised price of such stock keeping item. In the event that the programmed computer price exceeds the lowest of any item, shelf, sale or advertised price for a stock keeping item, the store will be subject to penalty as described in section five, subsection E.

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

#### SECTION 5. ENFORCEMENT

A. Item pricing inspection procedures. For the purposes of determining a store's compliance with the requirements of Section 3, an inspection shall be conducted of a sample of no less than fifty (50), and no more than two hundred (200) stock keeping units.

B. Laser scanning accuracy inspection procedures. For any inspection under Section 4, the store representative shall afford the inspector access to the test mode of the checkout system in use at the store or to a comparable function of said system and to the retail price information contained in a price look-up function.

(C. Stop-removal order. An inspector shall have the authority to issue a stop-removal order with respect to any stock keeping item, devise or system being used, handled, sold, offered for sale or exposed for sale in violation of this local law.

1. Any stop-removal order issued with respect to any stock keeping item shall be in writing, shall list the violations, and shall direct that any stock keeping item in violation shall not be sold, offered for sale or exposed for sale until the violations are corrected.

2. Any stop-removal order issued with respect to any devise or system shall be in writing and shall list the violations. Such stop-removal order shall be stayed for up to two hours after the inspector provides the written stop-removal order to the retail store provided that, until the violations are corrected, wither: the stock keeping items which are affected by the violations are not sold, offered for sale or exposed for sale, or signs are posted conspicuously at or near each cash register which clearly disclose to the store employees and consumers which stock keeping items are affected by the violations and their correct prices, and the retail store ensures that consumers are charged the correct prices.)



(D. Any retail store found in violation of Section Three of this local law shall be subject to the following penalties; upon a first inspection at which violations occur in any twelve month period the store shall pay a penalty of up to twenty-five dollars for each of the first four violations; up to fifty dollars for each of the next twelve violations; and up to seventy-five dollars for each for of the next four violations, but in no event shall the total penalty therefor exceed one thousand dollars. Where violations occur upon a second or subsequent inspection in any twelve month period a penalty of up to fifty dollars shall be imposed for each violation, but in no event shall the total penalty therefor exceed twenty-five hundred dollars per inspection. No store shall be inspected more frequently than once every thirty days unless a violation has been found, where a violation has been found then a second inspection may occur after forty-eight hours. For purposes of this local law, failure to have an item price indicated on twelve identical stock keeping items of the same commodity shall be considered a violation of this local law. Each additional group of twelve identical stock keeping items not item priced or improperly item priced group of twelve identical stock keeping items not item priced or improperly item priced shall constitute a violation. Each group of less than twelve identical stock keeping items not item priced or improperly item priced shall constitute a violation if such a group is displayed alone. Each say a violation is continued shall constitute a separate violation.)

(E. SCANNER PENALTIES. In the vent that the programmed computer price exceeds the item, shelf, sale or advertised price of any stock keeping item, the store will be subject to the following penalties; the retail store shall correct the pricing contained in the computer-assisted checkout system prior to the inspector leaving the store for the first two percent of violations, thereafter the store shall be assessed a penalty up to two hundred dollars where the accuracy level is ninety-seven percent, a penalty up to five hundred where the accuracy level is ninety-five percent and up to one thousand dollars where the accuracy level falls below ninety-five percent. The above penalties shall be doubled where the inspector determines a continued violation upon a second or subsequent inspection.)

F. Jurisdiction. The provisions of this section and the regulations promulgated hereunder shall be enforced by the Rensselaer County Sealer of Weights and Measures.

#### SECTION 6. LOCAL LAW REVIEW.

At the end of the first six months this local law shall have been in effect, review of this local law shall be conducted by the County Legislature. The Chairperson of the County Legislature shall name and ad hoc Item Pricing Review Committee which shall include representatives of consumer interest and of the food industry, and at least four members of the County Legislature. Such review shall consider the effectiveness of this local law and the need for changes to its provisions. A report of the findings of the ad hoc Item Pricing Review Committee shall be made to the full Legislature within ninety (90) days of the appointment of the committee.

#### SECTION 7. SAVING CLAUSE

If any clause, sentence or paragraph of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder of the local law which shall as to such remainder remain in effect.

THE RENSSELAER COUNTY LEGISLATURE

12/30/92

SECTION 8. EFFECTIVE DATE.

This local law shall take effect February 1, 1993 and when all filing requirements have been met.

**Local Law ADOPTED by the following vote:**

**Ayes: 11**

**Nays: 7** (McGraw, Amadon, Ashley, Flynn, Vartigian, Webster, Zwack)

**12/30/92**

**"Approved by the County Executive - January 27, 1993"**

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