

LOCAL LAW NO.

TITLE

1 of 2002	REQUIRING THE AVAILABILITY OF AUTOMATED EXTERNAL DEFIBRILLATORS IN CERTAIN COUNTY BUILDINGS
2 of 2002	AMENDING LOCAL LAW NO. 5 OF THE YEAR 1983 PROVIDING FOR THE DEFENSE INDEMNIFICATION OF COUNTY OFFICERS AND EMPLOYEES
3 of 2002	ELECTING A RETIREMENT INCENTIVE PROGRAM AS AUTHORIZED BY CHAPTER 69, LAWS OF 2002 FOR THE ELIGIBLE EMPLOYEES OF THE COUNTY OF RENSSELAER, NEW YORK
4 of 2002	AUTHORIZING THE RENSSELAER COUNTY EXECUTIVE TO MAKE APPLICATION FOR DESIGNATION AS AN EMPIRE ZONE AREAS WITHIN THE COUNTY OF RENSSELAER
5 of 2002	A LOCAL LAW AUTHORIZING THE SALE OF A PARCEL OF LAND OWNED BY THE COUNTY OF RENSSELAER CONSISTING OF 1.00 ACRES OF LAND LOCATED IN THE TOWN OF NORTH GREENBUSH, NEW YORK TO R.O.U.S.E., RPC
6 of 2002	IMPOSING A SURCHARGE ON WIRELESS COMMUNICATIONS SERVICE IN THE COUNTY OF RENSSELAER
7 of 2002	AMENDING THE RENSSELAER COUNTY CHARTER IN RELATION TO THE BUREAU OF PUBLIC SAFETY
8 of 2002	ESTABLISHING A RENSSELAER COUNTY MOTOR VEHICLE USE TAX
9 of 2002	CREATING A BUREAU OF HUMAN RESOURCES FOR THE COUNTY OF RENSSELAER

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231-0001

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County of Rensselaer

Local Law No. 1 of the year 2002

A local law Requiring The Availability Of Automated External Defibrillators In Certain

County Buildings

(Insert Title)

By: Kelleher

Be it enacted by the County Legislature of the
(Name of Legislative Body)

County of Rensselaer as follows:

Section 1. Legislative Intent. This legislature has, by Resolution P/88/02, previously recognized the benefits attendant with the availability and use of automated external defibrillators in emergency situations. Further, such resolution also recognizes the duty of this legislature to protect the safety and well being of the citizens of Rensselaer County and urges the placement of such emergency equipment in all county owned buildings. Accordingly and in pursuance of such objective, this legislative body intends by this local law to require the placement and availability of automated external defibrillators in certain County buildings.

Section 2. Location of Automated External Defibrillators. The County of Rensselaer shall forthwith acquire and make available at the following locations at least one (1) automated external defibrillator per location: Ned Pattison Rensselaer County Government Center; Rensselaer County Public Safety Building; all substations operated by the Rensselaer County Sheriff's Department, provided further, however, that all such equipment located at such substations may, at the discretion of the Sheriff or his designee, be placed in highway patrol vehicles operated from such substations; all Senior Centers operated by the Rensselaer County Department for the Aging; the Raddock Building; the Department of Social Services Administration Building and Van Rensselaer Manor.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 3. Liability. For the purposes of liability, this local law shall be deemed adopted pursuant to and in satisfaction of the provisions of Section 3000-a, Subdivision 2, of the Public Health Law of the State of New York, subject to such other statutory requirements or rules or regulations of the New York State Department of Health as may be applicable thereto.

Section 4. Effective Date. This local law shall take effect upon the filing of a certified copy hereof with the Office of the Secretary of State of the State of New York.

Local Law ADOPTED by the following vote:

Ayes: 19

Nays: 0

Abstain: 0

May 14, 2002

Approved by the County Executive:

Dated: 5/30/02

Kathleen M. Jimino
Kathleen M. Jimino, County Executive

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County of Rensselaer

Local Law No. 2 of the year 2002

A local law amending Local Law No. 5 of the Year 1983 providing for the Defense and

Indemnification of County Officers and Employees

(Insert Title)

By: Walsh, Salisbury

Be it enacted by the County Legislature of the
(Name of Legislative Body)

County of Rensselaer as follows:

SECTION 1. The County Legislature of the County of Rensselaer hereby finds and determines that the intent of Local Law No. 5 of the year 1983 was and is to provide for the defense and indemnification of County officers and employees in any civil action or proceeding in which such officers and employees are named as defendants or respondents and in which a claim for damages has been asserted against them and for which they may be held personally liable. Accordingly, the County Legislature of the County of Rensselaer further finds and determines that the provisions of such Local Law, specifically including but not limited to those provisions authorizing the retention of private legal counsel at County expense by such officers and employees in circumstances in which the County Attorney or a court of competent jurisdiction has determined that a conflict of interests exists, should not and do not apply to actions or proceedings brought by or against the Rensselaer County Board of Elections and/or the individual Commissioners thereof in which no claim for damages has been asserted against such Commissioners for which they may be subjected to personal liability, it being the consensus of this legislative body that public funds should not be expended to finance litigation in which the real parties in interest to such litigation are acknowledged to be the candidates, county committees and/or political parties.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(1)

SECTION 2.

Based upon the foregoing findings, Section 3, Subsection (b), of Local Law No. 5 of the Year 1983 is amended as follows:

- (b) Subject to the conditions set forth in paragraph (2) of this subdivision, the employee shall be entitled to be represented by private counsel of his or her choice in any civil action or proceeding whenever the County Attorney determines that a conflict of interest exists, or whenever a court, upon appropriate motion or otherwise by a special proceeding, determines that a conflict of interest exists and that the employee is entitled to be represented by counsel of his or her choice; provided, however, that the County Attorney may require, as a condition to payment of the fees and expenses for such representation, that appropriate groups of such employees be represented by the same counsel. Reasonable attorneys' fees and litigation expenses shall be paid by the county to such private counsel from time to time during the pendency of the civil action or proceeding with the approval of the County Legislature. The provisions of this subsection (b) shall not apply to any action or proceeding brought by or against the Rensselaer County Board of Elections and/or the individual Commissioners thereof in which no claim for damages has been asserted against such Commissioners for which they may be subjected to personal liability included within the scope of indemnification otherwise provided for by this Local Law.

SECTION 3.

This Local Law shall take effect upon its filing with the Office of the Secretary of the State of the State of New York.

Ms. O'Brien left Chambers prior to vote on Local Law.

A motion was made by Mr. Monahan and seconded by Mr. Dedrick to Table the Local Law:

Motion DEFEATED by the following vote:

Ayes: 2

Nays: 16 (Kelleher, Reid, VanDeusen, Mirch, Bauer, Brearton, Brownell
Durkee, Herrington, McHugh, Salisbury, Seward, Stammel, Swartz,
Walsh, Wright)

Abstain: 0

Local Law ADOPTED by the following vote:

Ayes: 16


Nays: 2 (Dedrick, Monahan)

Abstain: 0

June 11, 2002

Approved by the County Executive:

Dated: 7/1/02


Kathleen M. Jimino, County Executive
(2)

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County of Rensselaer

Local Law No. 3 of the year 2002

A Local Law Electing A Retirement Incentive Program As Authorized By Chapter 69, Laws

Of 2002 For The Eligible Employees Of The County Of Rensselaer, New York

(Insert Title)

By: Walsh, Salisbury

Be it enacted by the County Legislature of the
(Name of Legislative Body)

County of Rensselaer as follows:

Section 1. The County of Rensselaer, New York, hereby elects to provide all of its eligible employees with a retirement incentive program authorized by Chapter 69, Laws of 2002.

Section 2. The commencement date of the retirement incentive program shall be October 3, 2002.

Section 3. The open period during which eligible employees may retire and receive the additional retirement benefit, shall be ninety (90) 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 paid as one lump sum, or in five annual installments. The amount of the annual payment 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, New York, for each employee who receives the retirement benefits payable under this local law.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 5. This act shall take effect September 3, 2002.

Local Law ADOPTED by the following vote:

Ayes: 16

Nays: 0

Abstain: 0

August 13, 2002

Approved by the County Executive:

Dated: Aug. 27, 2002

Kathleen M. Jimino
Kathleen M. Jimino, County Executive

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County of Rensselaer

Local Law No. 4 of the year 2002

A local law authorizing the Rensselaer County Executive to make application for
(Insert Title)
designation as an Empire Zone areas within the County of Rensselaer

By: Kelleher

Be it enacted by the County Legislature of the
(Name of Legislative Body)

County of _____ as follows:

WHEREAS, Section 961 of Article 18-B of the General Municipal Law has authorized application by the County of Rensselaer for designation as an Empire Zone within the meaning of said statute; and

WHEREAS, Such designation could greatly benefit the County of Rensselaer in that new businesses would be encouraged to locate in the zone area, existing businesses would be encouraged to expand in the zone area, and new expanded businesses would generate new jobs for Rensselaer County residents.

NOW, THEREFORE, BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF RENSSELAER, AS FOLLOWS:

Section 1. Legislative Intent. Section 961 of Article 18-B of the General Municipal Law has authorized application by the County of Rensselaer for designation as a Empire Zone within the meaning of said statute. The County Legislature of the County of Rensselaer hereby finds and determines that such designation could greatly benefit the County in that new businesses would be encouraged to locate in the zone area, existing businesses would be encouraged to expand in the zone area and new and expanded businesses would generate new jobs for Rensselaer County residents.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 2. The County Executive is hereby authorized and empowered to submit an application for designation of certain areas within the County as an Empire Zone; provided, however, that such authorization and empowerment shall be conditioned upon the prior concurrence with respect to such application of the governing bodies of any and all cities, towns and villages in which such zone is located.

Section 3. The boundaries of said areas to be included in said Empire Zone shall be as set forth in Schedule A, which is attached hereto and made a part hereof.

Section 4. Pursuant to the requirements of Section 963 of the General Municipal Law, the County Executive shall serve as the Local Empire Zone Certification Officer of the Rensselaer County Empire Zone, and shall perform the following duty, to wit: certify, jointly with the New York State Commissioner of Economic Development and the New York State Commissioner of Labor, those businesses enterprises that are eligible to receive benefits referred to in Section 966 of the General Municipal Law, and any applicable statutes.

Section 5. Pursuant to Article 18-B of the General Municipal Law, a Local Empire Zone Administrative Board is hereby established to consist of not less than six (6) members. All appointments to the Board shall be made by the County Executive subject to approval by the County Legislature. The members shall not include the Local Empire Zone Certification Officer, and shall include a representative of local business, organized labor, financial institutions, local educational institutions, community organizations, and at least one resident of the Empire Zone. The Chairperson of the Board shall be the Rensselaer County Economic Development & Planning Director. The Local Empire Zone Administrative Board shall perform all duties required of it pursuant to Section 963(b) of the General Municipal Law.

Section 6. This local law shall take effect upon filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

Local Law ADOPTED by the following vote:

Ayes: 16

Nays: 0

Abstain: 0

August 13, 2002

Approved by the County Executive:

Dated: Aug. 27, 2002

Kathleen M. Jimino
Kathleen M. Jimino, County Executive

SCHEDULE A

Town of East Greenbush

Empire Zone Area #1 - Town of East Greenbush - ±572 acres

ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND SITUATE in the Town of East Greenbush, County of Rensselaer, State of New York along the west side of Thompson Hill Road and New York State Route 4 (a.k.a. Troy Road) from Third Avenue on the north to an irregular north/south line along the Mill Creek to the west, then along County Route 151 (a.k.a. Red Mill Road) on the south and further known as the Mill Creek Commerce Park being more particularly described as follows:

Being an irregular shaped parcel identified on the 2002 tax maps of the Town of East Greenbush as and containing the following Tax Map Parcels: 155.-2-5, 155.-3-10.11, 155.-3-9, 155.-3-2-1, 155.-3-2.1, 155.-2-3.2, 144.-3-5.1, 144.-3-6, 144.-3-4, 144.-4-59.1, 144.-4-41.32, 144.-42/1, 144.-4-41.31, 144.-4-41-1, 144.-4-41.2, 144.-4-40, 155.-5-1.11 and consisting of ±572 acres.

Town of North Greenbush

Empire Zone Area #2 - Town of North Greenbush - ±200 acres

ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND SITUATE in the Town of North Greenbush, County of Rensselaer, State of New York along the west side of New York State Route 4 (a.k.a. North Greenbush Road) and is inclusive of Jordan Road, Defreest Drive, Willowbrook Court and global View further known as the Rensselaer Technology Park being more particularly described as follows:

Being an irregular shaped parcel identified on the 2002 tax maps of the Town of North Greenbush as and containing the following Tax Map Parcels: 122.-1-4.23, 122.-1-4.221, 122.-1-4.222, 122.-1-4.28, 122.-1-4.13, 122.-1-4.12, 133.-1-1, 122.-1-4.92, 122.-1-4.91, 122.-1-4.6, 122.-1-4.4, 133.-1-1, 134.-5-2, 134.-5-6, 134.-5-8, 134.-5-5, 134.-5-3, 134.-5-1, 133.-1-1, 122.-1-4.27, 122.-1-4.7, 122.-1-4.8, 122.-1-4.11, 122.-1-4.10, 122.-1-4.93, 122.-1-4.18, 122.-1-4.17, 122.-1-4.14, 122.-1-4.26, 122.-1-4.20, 122.-1-4.32, 122.-1-4.31, 122.-1-4.2, 122.-1-4.19, 122.-1-4.16, 122.-1-4.25 and consisting of ±200 acres.

City of Rensselaer / Town of East Greenbush

Empire Zone Area #3 - City of Rensselaer / Town of East Greenbush - ±
188 acres

ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND SITUATE partially in the City of Rensselaer and the Town of East Greenbush, County of Rensselaer, State of New York along the east side of the Hudson River from Rensselaer Avenue and Red Mill Road to the north, Carpinello Road and New York State Route 9J (a.k.a. South Street) to the east, and extending south along American Oil Road being more particularly described as follows:

Being an irregular shaped parcel identified on the 2002 tax maps of the City of Rensselaer and the Town of East Greenbush as and containing the following Tax Map Parcels: 154.-1-1, 155.-1-4.11, 154.-1-2, 155.-1-4.13, 154.-5-2.1, 154.-5-2.3, 154.-5-3.11 and consisting of ±188 acres.

Land Bank

Reserving ± 320.00 acres to be allocated for future projects in the non-contiguous areas outside of the Towns of East Greenbush, North Greenbush, and the City of Rensselaer.

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County Rensselaer

Local Law No. 5 of the year 2002

A local law A Local Law Authorizing the Sale of a Parcel of Land owned by the County
(Insert Title)
of Rensselaer Consisting of 1.00 Acres of Land Located in the Town of North
Greenbush, New York to R.O.U.S.E., RPC

BY: Seward, Brownell

Be it enacted by the County Legislature of the
(Name of Legislative Body)
County Rensselaer as follows:


Section 1. Legislative Intent. R.O.U.S.E., RPC was founded in 1987 to provide decent, affordable housing for low income seniors in Rensselaer County. It has sponsored, developed and currently manages over 188 units of senior rental housing in Rensselaer County, including Blooming Grove Senior Housing in the Town of North Greenbush, Brookside Senior Housing in the Town of Sand Lake, R.O.U.S.E. at Brunswick in the Town of Brunswick, and Nassau Senior Housing in the Town of Nassau. R.O.U.S.E., RPC has proposed to the County of Rensselaer the purchase of a 1.00 acre parcel of land owned by the County and located on the easterly side of Bloomingrove Drive in the Town of North Greenbush for the construction of administrative and management offices necessary for such organization to continue to fulfill its mission. In consideration of such conveyance, R.O.U.S.E., RPC has proposed to pay to the County of Rensselaer the sum of Fifty Thousand Dollars (\$50,000.00). After review of such proposal by the Commissioner of Social Services and the County Engineer, this legislative body has by resolution heretofore determined such parcel to be no longer necessary for public use. Further, this legislative body hereby finds that the consideration proposed to be paid for such conveyance is fair and reasonable and that such conveyance will be in the best interests of the citizens of Rensselaer County.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 3. Effective Date. This local law shall take effect pursuant to the provisions of Section 24 of the Municipal Home Rule Law of the State of New York.

October 8, 2002

16/28/02


 Kathleen M. Simino, County Executive
 John R. Beaudoin, Deputy County Executive

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County of Rensselaer

Local Law No. 6 of the year 2002

A local law Imposing a Surcharge on Wireless Communications Service In the County
(Insert Title)
of Rensselaer

BY: KELLEHER

Be it enacted by the County Legislature of the
(Name of Legislative Body)
County of Rensselaer as follows:

Section 1. Pursuant to the authority of Chapter 400 of the Laws of 2002, the County of Rensselaer hereby imposes a surcharge of thirty cents per month on wireless communications service in the County of Rensselaer. The surcharge shall be imposed on each wireless communications device and shall be reflected and made payable on bills rendered for wireless communications service that is provided to a customer whose place of primary use is within the county. For purposes of this local law, the term "place of primary use" shall mean the street address that is representative of where the customer's use of the wireless communications service primarily occurs, which address must be (a) the residential street address or the primary business street address of the customer and (b) within the licensed service area of the wireless communications service supplier. A wireless communications service supplier may treat the address used by such supplier for any wireless communications customer under a service contract or agreement in effect on July 28, 2002 as that customer's place of primary use for the remaining term of such service contract or agreement, excluding any extension or renewal of such service contract or agreement, for purposes of determining the taxing jurisdiction with respect to taxes on wireless communications service. Such surcharge shall be added by such wireless communications service suppliers to the billings of their customers as of January 1, 2003.

Section 2. Each wireless communications service supplier serving the County of Rensselaer shall act as collection agent for the county and shall remit the funds collected pursuant to the surcharge imposed by

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(1)

this local law to the Chief Fiscal Officer of the County of Rensselaer. Such funds shall be remitted no later than thirty (30) days after the last business day of the month. Each wireless communications service supplier shall be entitled to retain, as an administrative fee, an amount equal to two percent (2%) of its collections of the surcharge imposed by this local law. The surcharge required to be collected by such wireless communications service suppliers shall be added to and separately stated in their billings to customers.

Section 3. Each wireless communications service customer who is subject to the provisions of this local law shall be liable to the County of Rensselaer for such surcharge until it has been paid to the county, except that payment to a wireless communications service supplier is sufficient to relieve such customer from further liability for such surcharge.

Section 4. No wireless communications service supplier shall have a legal obligation to enforce the collection of the surcharge imposed by this local law; provided, however, that whenever the wireless communications service supplier remits the funds collected to the County of Rensselaer, it shall also provide the county with the name and address of any customer refusing or failing to pay the surcharge imposed by this local law and shall state the amount of such surcharge remaining unpaid.

Section 5. Each wireless communications service supplier shall annually provide to the County of Rensselaer an accounting of the surcharge amounts billed and collected.

Section 6. This local law shall take effect upon filing with the office of the Secretary of State of the State of New York.

A motion was made by Mr. Dedrick and seconded by Mrs. O'Brien to Table the Local Law Imposing a Surcharge on Wireless Communications Service In the County of Rensselaer.

Motion DEFEATED by the following vote:

Ayes: 3 (Dedrick, Monahan, O'Brien)
Nays: 16
Abstain: 0

Local Law ADOPTED by the following vote:

Ayes: 13
Nays: 6 (Dedrick, Monahan, O'Brien, Salisbury, Stammel, Swartz)
Abstain: 0
November 12, 2002

Approved by the County Executive:

Dated: 11/26/02 Kathleen M. Jimino
Kathleen M. Jimino, County Executive

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County Rensselaer

Local Law No. 7 of the year 2002

A local law Amending the Rensselaer County Charter in Relation to the Bureau of
(Insert Title)
Public Safety

By: KELLEHER

Be it enacted by the County Legislature of the
(Name of Legislative Body)
County of Rensselaer as follows:

Section 1. Section 6.08 of the Rensselaer County Charter, as created by Local Law No. 6 of the year 1995 and thereafter amended by Local Law No. 2 of the year 1996 and Local Law No. 2 of the year 1999, is hereby deleted in its entirety.

Section 2. Article 8 of the Rensselaer County Charter is hereby amended to provide a new Section 8.09 to read as follows:

Section 8.09 Bureau of Public Safety

A. Within the Department of Health, there shall be a Bureau of Public Safety administered by a Director of Public Safety. The Director of Public Safety shall be appointed by the County Executive. The Director of Public Safety shall be under the supervision of the Public Health Director and shall be responsible for the planning, organization and implementation of (1) the disaster preparedness program pursuant to Article 2-B of the Executive Law; (2) emergency call taking and dispatching for police, fire, ambulance and other similar emergency services, including enhanced 911; (3) comprehensive emergency management, including coordination of emergency communications, training of emergency personnel, preparation of emergency plans and administration of funding to volunteer emergency services; and (4) such other duties as may be assigned by the Public Health Director, County Executive or by revision of law.

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(1)

B. There shall be a Public Safety Advisory Board consisting of seventeen members, each appointed by the County Legislature, which shall serve in an advisory capacity to the Public Health Director and the Director of Public Safety. One member shall be appointed upon the recommendation of the Chairperson of the County Legislature, one member upon the recommendation of the Minority Leader of the Legislature, two members upon the recommendation of the County Executive, one member shall be a volunteer firefighter, one member shall be a professional firefighter, one member shall be a police officer, one member shall be an emergency medical technician, one member shall be the Deputy Director of Public Safety E-911, one member shall be appointed upon the recommendation of the New York State Division of State Police, one member shall be appointed upon the recommendation of the Rensselaer County Sheriff, one member shall be appointed upon the recommendation of the Rensselaer County District Attorney, one member shall be appointed upon the recommendation of the Rensselaer County Fire Chiefs' Association, one member shall be appointed upon the recommendation of the Rensselaer County Ambulance Association, one member shall be appointed upon the recommendation of the Rensselaer Organization United for Senior Endeavors, one member shall be appointed upon the recommendation of the Rensselaer County Fire Advisory Board, and one member shall be appointed upon the recommendation of the Rensselaer County Traffic Safety Board.

Section 3. This local law shall take effect January 1, 2003.

Local Law ADOPTED by the following vote:

Ayes: 19

Nays: 0

Abstain: 0

November 12, 2002

Approved by the County Executive:

Dated: 11/26/02 Kathleen M. Jimino
Kathleen M. Jimino, County Executive

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County Rensselaer

Local Law No. 8 of the year 2002

A local law Establishing a Rensselaer County Motor Vehicle Use Tax
(Insert Title)

By: KELLEHER

Be it enacted by the County Legislature of the
(Name of Legislative Body)
County Rensselaer as follows:

Section 1. Definitions.

(a) When used in this local law, the following terms shall have the following meanings:

Buses. The term "buses" shall have the same meaning as defined in § 104 of the Vehicle and Traffic Law, as amended.

Chief Fiscal Officer. The Chief Fiscal Officer of the County of Rensselaer.

County Attorney. The Rensselaer County Attorney.

Passenger motor vehicle. Any motor vehicle subject to the registration fee as provided for in 401, Subdivision 6 of the Vehicle and Traffic Law.

Sheriff. The Rensselaer County Sheriff or his or her successor in office.

Truck. The term "truck" shall have the same meaning as defined in § 158 of the Vehicle and Traffic Law, as amended.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(1)

Section 2. **Imposition of Tax.**

A motor vehicle use tax pursuant to §§ 1202(a) and (c) and 1201(e) of the Tax Law is hereby imposed in the following manner:

(1) A tax of \$5.00 per annum for the use of passenger motor vehicles of a type commonly used for noncommercial purposes owned by residents of the County for each such vehicle weighing 3,500 pounds or less and a tax of \$10.00 per annum for such vehicles in excess of 3,500 pounds;

(2) A tax of \$10.00 per annum for the use of trucks, buses and other such commercial vehicles used principally in connection with a business carried on within the County, except when owned and used in connection with the operation of a farm by the owner or tenant thereof.

Section 3. **Exemptions.**

The tax imposed by this local law shall not be imposed upon any vehicle exempt from the registration fee pursuant to the Vehicle and Traffic Law.

Section 4. **Payment of Tax and Evidence of Tax Payment.**

(a) Every owner of a motor vehicle subject to tax hereunder shall pay the tax thereon to the Commissioner of Motor Vehicles of the State of New York on or before the date upon which he or she registers or renews his or her registration thereof or is required to register or renew his or her registration thereof pursuant to § 401 of the Vehicle and Traffic Law.

(b) Notwithstanding the provisions of § 400 of the Vehicle and Traffic Law to the contrary, the payment of such tax shall be a condition precedent to the registration or renewal thereof of such motor vehicle and to the issuance of any certificate of registration and plates or removable tag specified in Subdivision 3 of § 401 and §§ 403 and 404 of the Vehicle and Traffic Law, and no such certificate of registration, plates or tag shall be issued unless such tax has been paid. The Commissioner of Motor Vehicles shall not issue a registration certificate for any motor vehicle for which the registrant's address is within the County except upon proof in a form approved by the Commissioner of Motor Vehicles that such tax has been paid or is not due with respect to such motor vehicle. The Commissioner of Motor Vehicles, upon the application of any person exempt therefrom, shall furnish to each taxpayer paying the tax a receipt for such tax and to each such taxpayer or exempt person a statement, document or other form approved by the Commissioner of Motor Vehicles, pursuant to the last sentence, showing that such tax has been paid or is not due with respect to such motor vehicle.

Section 5. **Returns.**

(a) At the time the payment of the tax imposed by this local law becomes due, every person subject to tax hereunder shall file a return with the Commissioner of Motor Vehicles in such form and containing such information as may be prescribed by such Commissioner of Motor Vehicles. The taxpayer's application for registration or the renewal of registration shall constitute the return required under this local law, unless the Commissioner of Motor Vehicles, by regulation, shall otherwise provide.

(b) Returns shall be preserved for three years and thereafter until the Commissioner of Motor Vehicles permits them to be destroyed.

(c) The Commissioner of Motor Vehicles may require amended returns or certificates of facts to be filed within 20 days after notice and to contain the information specified in the notice. Any such certificate shall be deemed to be part of the return required to be filed.

(d) If a return required by this local law is not filed or if a return when filed is incorrect or insufficient on its face, the Commissioner of Motor Vehicles or the Chief Fiscal Officer, if designated as his or her agent, shall take the necessary steps to enforce the filing of such a return or of a corrected return.

Section 6. **Determination of Tax.**

If a return required by this local law is not filed or if a return when filed is incorrect or insufficient or if a tax or any part thereof due hereunder be not paid when required, the amount of tax due shall be determined by the Commissioner of Motor Vehicles or by the Chief Fiscal Officer, if designated as his or her agent, from such information as may be obtainable, including motor vehicle registration with the Department of Motor Vehicles of the State of New York and/or other factors. Notice of such determination shall be given to the person liable for the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within 30 days after the giving of notice of such determination, shall apply to the Commissioner of Motor Vehicles or to the Chief Fiscal Officer, if designated as his or her agent, for a hearing or unless such commissioner or agent, as the case may be, on his or her own motion shall re-determine the same. After such hearing, the Commissioner of Motor Vehicles, if he or she holds the hearing, or the Chief Fiscal Officer, if the Chief Fiscal Officer holds the hearing, shall give notice of the determination of such application to the person against whom the tax is assessed. Such determination shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under Article 78 of the Civil Practice Law and Rules

if application therefore is made to the Supreme Court within four months after the giving of the notice of such determination. A proceeding under Article 78 of the Civil Practice Law and Rules shall not be instituted unless the amount of any tax sought to be reviewed, with penalties and interest thereon, if any, shall be first deposited with the Commissioner of Motor Vehicles and there shall be filed with the Commissioner of Motor Vehicles an undertaking, issued by a surety company authorized to transact business in this state and approved by the Superintendent of Insurance of this state as to solvency and responsibility, in such amount as a Justice of the Supreme Court shall approve, to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of the proceeding; or at the option of the applicant, such undertaking filed with the Commissioner of Motor Vehicles may be in a sum sufficient to cover the taxes, penalties and interest thereon stated in such determination, plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the applicant shall not be required to deposit such taxes, penalties and interest as a condition precedent to the application.

Section 7. **Refund of Certain Unused Registrations.**

Whenever any fee or portion of a fee paid for the registration of a motor vehicle under the provisions of the Vehicle and Traffic Law is refunded pursuant to the provisions of Subdivision 1 of § 428 thereof, the amount of any tax paid pursuant to this local law upon such registration shall also be refunded by the Commissioner of Motor Vehicles.

Section 8. **Refunds.**

(a) In the manner provided in this section, the Commissioner of Motor Vehicles shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application for such refund shall be made within one year from the payment thereof to the Commissioner of Motor Vehicles or to the Chief Fiscal Officer, if designated as his or her agent. Whenever a refund is made, the reasons therefor shall be stated, in writing, by the Commissioner of Motor Vehicles or by the Chief Fiscal Officer, as the case may be, who, in lieu of any refund, may allow credit therefor on payments due from the applicant.

(b) An application for a refund or credit made as herein provided shall be deemed an application for a revision of any tax, penalty or interest complained of and the Commissioner of Motor Vehicles or the Chief Fiscal Officer, if designated as his or her agent, shall hold a hearing and receive evidence with respect thereto.

After such hearing, the Commissioner of Motor Vehicles, if he or she holds the hearing, or the Chief Fiscal Officer, if the Chief Fiscal Officer holds the hearing, shall give notice of the determination of such application to the applicant who shall be entitled to review of such determination by a proceeding pursuant to Article 78 of the Civil Practice Law and Rules, provided that such proceeding is instituted within four months after the giving of notice in such determination, and further provided that a final determination of tax due was not previously made. Such a proceeding shall not be instituted unless an undertaking is filed with the Commissioner of Motor Vehicles in such amount and with such sureties as a Justice of the Supreme Court shall approve, to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

(c) A person shall not be entitled to a revision, refund or credit under this section of a tax, interest or penalty which has been determined to be due pursuant to the provisions of Section 6 of this local law where he or she has had a hearing or an opportunity for a hearing, as provided in said section, or has failed to avail himself or herself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination made pursuant to Section 6 of this local law, unless it be found that such determination was erroneous, illegal or unconstitutional or otherwise improper after a hearing or, on his or her own motion, by the Commissioner of Motor Vehicles or by the Chief Fiscal Officer, as the case may be, or in a proceeding under Article 78 of the Civil Practice Law and Rules, pursuant to the provisions of said section, in which event refund or credit without interest shall be made of the tax, interest or penalty found to have been overpaid.

Section 9. Reserves.

In cases where a taxpayer has applied for a refund and has instituted a proceeding under Article 78 of the Civil Practice Law and Rules to review a determination adverse to such taxpayer on his or her application for refund, the Chief Fiscal Officer shall set up appropriate reserves to meet any decision adverse to the County.

Section 10. Remedies Exclusive.

The remedies provided by Sections 6 and 8 of this local law shall be exclusive remedies available to any person for the review of tax liability imposed by this local law, and no determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by an

action for declaratory judgment, an action for money had and received or by any action or proceeding other than a proceeding in the nature of a certiorari proceeding under Article 78 of the Civil Practice Law and Rules; provided, however, that a taxpayer may proceed by declaratory judgment if he or she institutes suit within 30 days after a deficiency assessment is made and pays the amount of the deficiency assessment to the Commissioner of Motor Vehicles prior to the institution of such suit and posts a bond for costs as provided in Section 6 of this local law.

Section 11. Proceeding to Recover Tax.

(a) Whenever any person shall fail to pay any tax, penalty or interest imposed by this local law as herein provided, the County Attorney, upon the request of the Commissioner of Motor Vehicles or of the Chief Fiscal Officer, if designated as his or her agent, shall bring or cause to be brought an action to enforce the payment of the same on behalf of the County of Rensselaer in any court of the State of New York or of any other state of the United States. However, if in his or her discretion the, Commissioner of Motor Vehicles or the Chief Fiscal Officer, if designated as his or her agent, believes that any such person subject to the provisions of this local law is about to cease business, leave the state or remove or dissipate the assets out of which the tax or penalty might be satisfied and that any such tax or penalty will not be paid when due, he or she may declare such tax or penalty to be immediately due and payable and may issue a warrant immediately.

(b) As an additional or alternate remedy, the Commissioner of Motor Vehicles or the Chief Fiscal Officer, if designated as his or her agent, may issue a warrant directed to the Sheriff commanding him or her to levy upon and sell the real and personal property of the person liable for the tax which may be found within the County for the payment of the amount thereof, with any penalty and interest and the cost of executing the warrant, and to return such warrant to the person who issued it and to pay to him or her the money collected by virtue thereof within 60 days after the receipt of such warrant. The Sheriff shall within five days after the receipt of the warrant, file with the Rensselaer County Clerk a copy thereof, and thereupon such clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalty and interest for which the warrant is issued and the date when such copy is filed. Thereupon, the amount of such warrant so docketed shall become a lien upon the title to and the interest in real and personal property of the person against whom the warrant is issued. The Sheriff shall then proceed upon the warrant in the same manner, and with like effect as that provided by law in respect to executions issued against property upon judgments of a court of

record, and for services in executing the warrant the Sheriff shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the Commissioner of Motor Vehicles or the Chief Fiscal Officer, as the case may be, may from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if he or she had recovered judgment therefor and execution thereon had been returned unsatisfied.

Section 12. General Powers of the Commissioner of Motor Vehicles.

In addition to the powers granted to the Commissioner of Motor Vehicles in this local law, he or she is hereby authorized and empowered:

(1) To make, adopt and amend rules and regulations appropriate to the carrying out of this local law;

(2) For cause shown, to remit penalties, and to compromise disputed claims in connection with the taxes hereby imposed;

(3) To request information concerning motor vehicles and persons subject to the provisions of this local law from the Department of Motor Vehicles of any other state or the Treasury Department of the United States or any city or county of the State of New York, and to afford such information to such other state, Treasury Department, city or county any provision of this local law to the contrary notwithstanding;

(4) To delegate his or her functions hereunder to a deputy commissioner in the Department of Motor Vehicles or any employee or employees of his or her department;

(5) To prescribe methods for determining the tax to keep such records as he or she may prescribe and to furnish such information upon his or her request;

(6) To require all persons owning motor vehicles subject to tax to keep such records as he or she may prescribe and to furnish such information upon his or her request; and

(7) To request the Rensselaer County Sheriff to assist in the enforcement of the provisions of this local law.

Section 13. **Administration of Oaths and Compelling Testimony.**

(a) The Commissioner of Motor Vehicles, or his or her employees or agents duly designated and authorized by such commissioner, shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of the powers and duties under this local law. The Commissioner of Motor Vehicles or the Chief Fiscal Officer, if designated as his or her agent, shall have the power to subpoena and require the attendance of witnesses and the production of books, papers and documents to secure information pertinent to the performance of his or her duties hereunder and of the enforcement of this local law and to examine them in relation thereto and to issue commissions for the examination of witnesses who are out of the state or unable to attend before him or her or excused from attendance.

(b) A Justice of the Supreme Court, either in court or at chambers, shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and production and examination of books, papers and documents called for by the subpoena of the Commissioner of Motor Vehicles or the Chief Fiscal Officer, if designated as his or her agent under this local law.

(c) The officers who serve the summons or subpoena of the Commissioner of Motor Vehicles or the Chief Fiscal Officer, if designated as his or her agent, and witnesses attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein otherwise provided. Such officers shall be the Chief Fiscal Officer and his or her duly appointed deputies, or any officers or employees of the Department of Motor Vehicles designated by the Commissioner of Motor Vehicles to serve such process, or any officers or employees of the Rensselaer County Bureau of Finance designated by the Chief Fiscal Officer to serve such process.

Section 14. **Penalties and Interest.**

(a) Any person failing to file a return or to pay any tax or any portion thereof within the time required by this local law shall be subject to a penalty of five times the amount of the tax due, plus interest of five percent of such tax for each month of delay or fraction thereof, but the Commissioner of Motor Vehicles or the Chief Fiscal Officer, if designated as his or her agent, if satisfied that the delay is excusable, may remit all or any part of such penalty, but not interest. Penalties and interest shall be paid and disposed of in the same manner as other revenues under this local law. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this local law.

(b) The certificate of the Commissioner of Motor Vehicles or of the Chief Fiscal Officer, if designated as his or her agent, to the effect that a tax has not been paid or that a return required by this local law has not been filed or that information has not been supplied pursuant to the provisions of this local law shall be presumptive evidence thereof.

Section 15. Returns to be Secret.

Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for the Commissioner of Motor Vehicles, any officer or employee of the Department of Motor Vehicles, the Chief Fiscal Officer, any officer or employee of the Rensselaer County Bureau of Finance, any agent of the Commissioner of Motor Vehicles or any person who, pursuant to this section, is permitted to inspect any return or to whom a copy, an abstract or portion of any return is furnished or to whom any information contained in any return is furnished to divulge or make known in any manner any information contained in or relating to any return provided for by this chapter. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Commissioner of Motor Vehicles or the Chief Fiscal Officer in an action or proceeding under the provisions of this local law or on behalf of any party to an action or proceeding under the provisions of this local law when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of and may admit in evidence so much of said returns or of the facts shown thereby as are pertinent to the action or proceeding and no more. The Commissioner of Motor Vehicles or the Chief Fiscal Officer, if designated as his or her agent, may nevertheless publish a copy or a summary of any determination or decision rendered after a formal hearing held pursuant to Section 6 or 8 of this local law. Nothing herein shall be construed to prohibit the delivery to a person or his or her duly authorized representative of a certified copy of any return filed by him or her pursuant to this chapter or of the receipt, document or other form issued pursuant to Section 4 of this local law or a duplicate copy thereof, nor to prohibit the delivery of such a certified copy of such return or any information contained in or relating thereto to the United States of America or any department thereof, the State of New York or any department thereof or the County of Rensselaer or any department thereof, provided that the same is required for official business, nor to prohibit the inspection for official business of such returns by the County Attorney or other legal representatives of the County or by the Rensselaer County District Attorney, nor to exhibit the publication of statistics so classified as to prevent the identification of particular returns or items thereof.

Section 16. Notices and Limitations of Time.

(a) Any notice authorized or required under the provisions of this local law may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by him or her pursuant to the provisions of this local law, in any application made by him or her pursuant or in any application for registration made by him or her pursuant to § 401 of the Vehicle and Traffic Law or, if no return has been filed or application made, then to such address as may be reasonably obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time, which is determined according to the provisions of this local law by the giving of notice shall commence to run from the date of mailing of such notice.

(b) The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the Commissioner of Motor Vehicles or the Chief Fiscal Officer, if designated as his or her agent, to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this local law. However, except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return; provided, however, that where no return has been filed as provided by law, the tax may be assessed at any time.

(c) Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

(d) If any return, claim, statement, notice, application or other document required to be filed or any payment required to be made within a prescribed period or on or before a prescribed date under authority of any provision of this title is, after such period or such date, delivered by United States Mail to the Commissioner of Motor Vehicles, Chief Fiscal Officer, bureau, office, officer or person with which or with whom such document is required to be filed or payment made, the date of the United States postmark stamped on the envelope shall be deemed to be the date of such delivery or payment. This subsection shall apply only if the postmark date falls within the prescribed period or on or before the prescribed date for the filing of such document or for making such payment, including any extension granted for

such filing or payment, and only if such document or payment was deposited in the mail, postage prepaid, properly addressed to the Commissioner of Motor Vehicles, Chief Fiscal Officer, bureau, office, officer or person with which or with whom such payment is required to be made or document filed. If any document is sent by United States registered mail, such registration shall be prima facie evidence that such document was delivered to the Commissioner of Motor Vehicles, Chief Fiscal Officer, bureau, office, officer, or person to which or to whom addressed, and the date of registration shall be deemed the postmark date. The Commissioner of Motor Vehicles is authorized to provide by regulation the extent to which the provisions of the preceding sentence with respect to prima facie evidence of delivery and the postmark date shall apply to certified mail. This subsection shall apply in the case of postmarks not made by the United States Postal Service only if and to the extent provided by regulation of the Commissioner of Motor Vehicles.

(e) When the last day prescribed under authority of this title (including any extension of time) for performing any act falls on a Saturday, Sunday or legal holiday in the state of New York, the performance of such act shall be considered timely if it is performed on the next succeeding day which is not a Saturday, Sunday or legal holiday.

Section 17. Chief Fiscal Officer as Agent.

The Commissioner of Motor Vehicles is hereby authorized to designate the Chief Fiscal Officer of the County of Rensselaer as his or her agent to exercise any or all of his or her functions and powers specified or provided for in subsection (d) of Section 5 and in Sections 6, 8, 11, 13, 14 and 16 of this local law. Where the Chief Fiscal Officer has been so designated as agent, the Chief Fiscal Officer, in addition to the powers elsewhere granted to him or her in this local law, is hereby authorized and empowered:

- (1) To delegate such functions and powers to any employee or employees of the Rensselaer County Bureau of Finance;
- (2) For cause shown, to remit penalties and to compromise disputed claims in connection with the taxes hereby imposed;
- (3) To request information concerning motor vehicles and persons subject to the provisions of this local law from the Department of Transportation of the United States or any city or county of the State of New York, and to afford such information to such other state, treasury department, city or county any provision of this local law to the contrary notwithstanding;

(4) To request the Rensselaer County Sheriff to assist in the enforcement of the provisions of this local law.

Section 18. **Agreement between Chief Fiscal Officer and Commissioner of Motor Vehicles.**

The Chief Fiscal Officer is hereby authorized and empowered to enter into an agreement with the Commissioner of Motor Vehicles to govern the administration and collection of the taxes imposed by this local law, which agreement shall provide for the exclusive method of collection of such taxes, custody and remittal of the proceeds of such tax; for the payment by the County of the reasonable expenses incurred by the Department of Motor Vehicles in collecting and administering such tax; and for the audit, upon request of the Chief Fiscal Officer or his or her delegate, of the accuracy of the payment distributions and remittances to the Chief Fiscal Officer pursuant to the provisions of this local law, to be conducted at a time agreed upon by the State Comptroller and to be allowed not more frequently than once in each calendar year. Such agreement shall have the force and effect of a rule or regulation of the Commissioner of Motor Vehicles and shall be filed and published in accordance with any statutory requirements relating thereto.

Section 19. **Notification to County Attorney.**

The Commissioner of Motor Vehicles shall promptly notify the County Attorney of any litigation instituted against him or her which challenges the constitutionality or validity of any provision of this local law or which attempts to limit or question the applicability of such law, and such notification shall include a copy of the papers served upon him.

Section 20. **Disposition of Revenues.**

All revenues resulting from the imposition of the tax under this local law shall be paid into the treasury of the County and shall be credited to and deposited in the general fund of the County. Such funds shall be used to offset costs associated with the operation of county government.

Section 21. **Severability.**

If any provision of this local law or the application thereof to any person or circumstances is held invalid, the remainder of this local law and the application of such provisions to other persons and circumstances shall not be affected thereby.

Section 22.

Effective Date.

This local law shall take effect upon filing with the office of the Secretary of State of the State of New York.

A motion was made by Mr. Dedrick and seconded by Mr. Monahan to Table the Local Law Establishing a Rensselaer County Motor Vehicle Use Tax.

Motion DEFEATED by the following vote:

Ayes: 3 (Dedrick, Monahan, O'Brien)

Nays: 16

Abstain: 0

Local Law ADOPTED by the following vote:

Ayes: 15

Nays: 4 (Dedrick, Monahan, O'Brien, Salisbury)

Abstain: 0

November 12, 2002

Approved by the County Executive:

Dated: _____

11/26/02

Kathleen M. Jimino

Kathleen M. Jimino, County Executive

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231-0001

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County Rensselaer

Local Law No. 9 of the year 2002

A local law Creating a Bureau of Human Resources for the County of Rensselaer
(Insert Title)

BY: Kelleher

Be it enacted by the County Legislature of the
(Name of Legislative Body)
County Rensselaer as follows:

Section 1. Legislative intent. It is the intent of this legislative body to create a Bureau of Human Resources to work cooperatively with the County Civil Service Commission created by Local Law No. 7 for the year 2001 in the administration and implementation of all personnel and human resource functions in county government.

Section 2. The Rensselaer County Charter shall be and hereby is amended to provide a new Section 6.10 to read as follows:

Section 6.10 Bureau of Human Resources. There shall be as part of the Executive Department a Bureau of Human Resources administered by a Director of Human Resources appointed by the County Executive. The Director of Human Resources shall be chosen on the basis of training and experience in the areas of personnel and human resource functions. The Director of Human Resources shall be directly responsible to and shall serve at the pleasure of the County Executive. The Director of Human Resources may appoint a Deputy Director of Human Resources to perform the duties and responsibilities of the Director in the absence thereof. The Bureau of Human Resources shall be responsible for the administration and implementation of all personnel and human resource functions in county government, including but not limited to personnel matters, labor relations; employee benefits and Workers Compensation matters.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 3. Effective Date. This local law shall take effect upon filing with the Office of the Secretary of State of the State of New York or on December 19, 2002, whichever date shall last occur.

Local Law ADOPTED by the following vote:

Ayes: 19

Nays: 0

Abstain: 0

December 2, 2002

Approved by the County Executive:

Dated: 12/11/02

Kathleen M. Jimino
Kathleen M. Jimino, County Executive