

# 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 of Rensselaer

Local Law No. 1 of the year 2001

A local law amending Local Law No. 1 of the year 1993 as amended by Local Law No. 7  
of the year 1993; amending Local Law No. 6 of the year 1999 as amended by Local  
(Insert Title)  
Law No. 5 of the year 2000; and amending Local Law No. 4 of the year 2000.

By: Kelleher

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

County of Rensselaer as follows:

## Section 1.

Section 2.H (iii) and Section 5.F of Local Law No. 1 of the year 1993 as amended by Local Law No. 7 of the year 1993 is deleted and replaced as follows:

2.H (iii) engages primarily in the sale of food for consumption on the premises or in a specialty trade which the Rensselaer County Legislative Enforcement Officer determines, by regulation, is inappropriate for item pricing.

### 5.F Jurisdiction

The Provisions of this section and the regulations promulgated hereunder shall be enforced by the Rensselaer County Legislative Enforcement Officer except that in the City of Troy and the City of Rensselaer their respective Sealer of Weights and Measures shall enforce the provisions herein. The fines collected by the Rensselaer County Legislative Enforcement Officer shall remain the property of the County of Rensselaer. The fines collected by the Sealer of Weights and Measures of the Cities of Troy and Rensselaer shall remain the property of those cities.

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

(1)

**Section 2 .**

Section 6 of Local Law No. 6 of the year 1999 as amended by Local Law No. 6 of 2000 is deleted and replaced as follows:

**Section 6. Enforcement**

The Rensselaer County Legislative Enforcement Officer, the Rensselaer County Sheriff, any other law enforcement agency whose jurisdictional area includes all or part of Rensselaer County and any person designated by the Rensselaer County Director of Health is authorized to issue any person found in violation of this local law a notice of violation to appear before a hearing officer designated by the Rensselaer County Director of Health. The Rensselaer County Director of Health is authorized to enforce the provisions of this local law by administrative proceedings held in accordance with the provisions of Article 1 of the Rensselaer County Sanitary Code.

**Section 3.**

Section 4 of Local Law No. 4 of 2000 is deleted and replaced as follows:

**Section 4.**

The Rensselaer County Legislative Enforcement Officer, the Rensselaer County Sheriff, any other law enforcement agency whose jurisdictional area includes all or part of Rensselaer County, and any person designated by the Rensselaer County Director of Health is authorized to issue any person found in violation of this local law a notice of violation to appear before a hearing officer designated by the Rensselaer County Director of Health. The Rensselaer County Director of Health is authorized to enforce the provisions of this local law by administrative proceedings held in accordance with the provisions of Article 1 of the Rensselaer County Sanitary Code.

**Section 4. Effective Date**

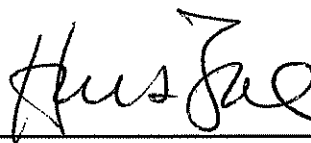
This Local Law shall take effect upon filing with the Office of the Secretary of the Department of State of the State of New York.

Local Law ADOPTED by the following vote:

Ayes: 17  
Nays: 2 (Hammond, McGreevy)  
Abstain: 0  
January 9, 2001

Approved by the County Executive:

Dated: 1-23-01

  
\_\_\_\_\_  
Henry F. Zwack  
County Executive

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County of Rensselaer

Local Law No. 2 of the year 2001

A local law amending the Rensselaer County Charter by amending section 18.03 and  
(Insert Title)  
adding section 7.03.

By: Kelleher

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

County of Rensselaer as follows:

## SECTION 1.

Section 18.03 of The Rensselaer County Charter is amended by deleting it in its entirety and replacing it with the following:

Section 18.03 Other County Boards, Agencies, Bureaus, Offices, Institutions and Functions; Appointment

All other county Boards, Agencies, Bureaus, Offices, Institutions and Functions, including, but not limited to, the County Fire Advisory Board, the District Fish and Wildlife Management Board, the Soil Conservation District Board, the Traffic Safety Board, shall continue as provided by law, except that the members thereof required to be appointed by County Government shall be appointed by the County Legislature.

## SECTION 2.

The Rensselaer County Charter is amended by adding the following new section 7.03:

7.03 Director of Weights and Measures

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

(1)

There is established in the Department of Engineering the office of Director of Weights and Measures. The Director of Weights and Measures shall administer, supervise and enforce the provisions of Agriculture and Markets Law, rules and regulations as they relate to weights and measures. The director performs other duties as directed by local law which may include services designed to aid and protect the consumers in jurisdiction of both the County of Rensselaer and the City of Troy.

**SECTION 3.**

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

Local Law ADOPTED by the following vote:

Ayes: 17

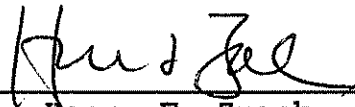
Nays: 2 (Hammond, McGreevy)

Abstain: 0

January 9, 2001

Approved by the County Executive:

Dated: 1-23-01



Henry F. Zwack  
County Executive

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County of Rensselaer

Local Law No. 3 of the year 2001

A local law providing for the apportionment of the Rensselaer County Legislature based  
(Insert Title)  
upon the 2000 Federal Census

By: Kelleher

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

County of Rensselaer as follows:

## Section 1. Legislative Intent and Findings

The intent of this local law is to reapportion the Rensselaer County Legislature in accordance with the provisions of the Rensselaer County Charter and the Municipal Home Rule Law of the State of New York to provide substantially equal representation of the County's residents based upon the 2000 Federal Census, required by the constitutions of the United States and the State of New York, while preserving existing legislative districts when possible.

The legislature finds that although a series of hearings were held throughout the county by its committee on reapportionment, a public hearing pursuant to Section 10 of the Municipal Home Rule Law should be held before the legislative body.

## Section 2. Membership of the Rensselaer County Legislature

Commencing January 1, 2002, the Rensselaer County Legislature shall be composed of nineteen (19) members elected from the six (6) legislative districts hereinafter described.

## Section 3. County Legislative Districts

There shall be ~~six~~ legislative districts as set forth:

District #1, represented by 6 county legislators, consisting of City of ~~Troy~~

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

District #2, represented by 4 county legislators, consisting of East Greenbush, North Greenbush, Poestenkill

District #3, represented by 3 county legislators, consisting of Brunswick, Pittstown, Schaghticoke

District #4, represented by 3 county legislators, consisting of Nassau, Sand Lake, Schodack

District #5, represented by 2 county legislators, consisting of Hoosick, Grafton, Stephentown, Berlin, Petersburg

District #6, represented by 1 county legislator, consisting of City of Rensselaer

**Section 4. Referendum**

This local law shall be subject to the referendum provisions of the Municipal Home Rule Law.

**Section 5. Separability**

If any provision of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the particular provision directly involved in the controversy.

**Section 6. Effective Date**

This local law shall take effect immediately upon its filing and its provisions shall govern the election of the members of the Rensselaer County Legislature to be elected at the 2001 general election.

Local Law ADOPTED by the following vote:

Ayes: 12 (Bauer, Brearton, Brownell, Durkee, Herrington, Jimino, Mirch, Reid, Swartz, Vartigian, Walsh, Kelleher)

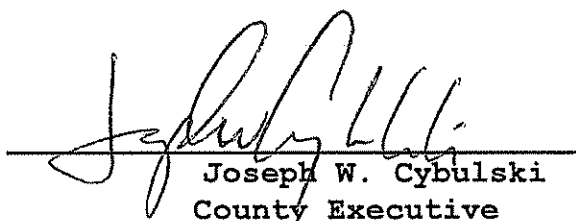
Nays: 4 (Hammond, Mahoney, McGreevy, Polsinello)

Abstain: 0

May 18, 2001

Approved by the County Executive:

Dated: 5/18/01

  
Joseph W. Cybulski  
County Executive

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County of Rensselaer

Local Law No. 4 of the year 2001

A local law to require that young persons under fourteen years of age who operate or ride  
(Insert Title)  
foot powered scooters or skateboards wear protective safety helmets.

By: Bauer

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

County of Rensselaer as follows:

## Section 1. Legislative Intent

The Legislature of Rensselaer County hereby finds that young persons riding or operating foot powered scooters or skateboards on public and private roads, on sidewalks, and in other places are at risk of sustaining serious injury due to falls occurring while the operator is riding at high speed and that incidence of serious injuries are reduced by the wearing of safety helmets and other safety equipment. This law recognizes the danger of head injury associated with scooter and skateboard related accidents and hereby establishes protection for children under the age of fourteen years.

## Section 2. Helmet requirements.

No person under age fourteen years shall operate a foot powered scooter or skateboard or ride as a passenger on a foot powered scooter unless such operator or passenger is wearing a bicycle helmet meeting the standards of the American National Standards Institute (Anzi Z 90.4 bicycle helmet standards), of the Snell Memorial Foundation's Standards for Protective Headgear for Use in Bicycling or the American Society of Testing and Materials (ASTM) bike helmet standards as last revised by said organizations. For the purposes of this law, "wearing a helmet," means having a helmet of good fit fastened securely upon the head with the helmet straps.

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

(1)

### **Section 3. Enforcement**

The Rensselaer County Sheriff's Department, New York State Police and all local police authorities with jurisdiction within Rensselaer County shall take any and all actions to enforce this law in any court of competent jurisdiction. A police officer shall issue an appearance ticket or summons and local criminal court accusatory instrument, as those terms are defined in the Criminal Procedure Law, for a violation of section 3 of this Law by a person less than fourteen years of age to the parent or guardian of such person if the violation by such person occurs in the presence of such person's parent or guardian and where such parent or guardian is eighteen years of age or more. Such appearance ticket or summons and local criminal court accusatory instrument shall only be issued to such parent or guardian, and shall not be issued to the person less than fourteen years of age.

### **Section 4. Penalty**

- (a) Any person who receives an appearance ticket or summons and local criminal court accusatory instrument under Section 3 (b) of this Act shall pay a fine not to exceed \$50.00
- (b) Waiver of Fine

The court may waive any fine for which a person who violates the provisions of section 2 of this law if such person supplies the court with proof that between the date of violation and the appearance date for such violation such person purchased or rented a helmet. Such waiver of said fine shall not apply to a second subsequent conviction under Section 3 of this law. The court may waive any fine for which a person who violates the provisions of section 2 of this law if the court finds that due to reasons of economic hardship such person was unable to purchase a helmet or due to such economic hardship such person was unable to obtain a helmet from any statewide helmet distribution program, as established in section two hundred six of the public health law, or a local distribution program.

### **Section 5. No effect upon personal injury or wrongful death lawsuit**

The failure of any person to comply with the provisions of this law shall not constitute contributory negligence or assumption of risk, and shall not in any way bar, preclude or foreclose an action for personal injury or wrongful death by or on behalf of such person, nor in any way diminish or reduce the damages recoverable in any such action.

### **Section 6. Severability.**

If any part or provision of this local law or the application thereof to any person, entity, or circumstances be adjudged invalid by any court of competent jurisdiction, such judgement shall be confined in its operation to the part of or provision of or the application directly involved in the controversy in which such judgement shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons, entities or circumstances.



Section 7. Effective date.

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

Local Law ADOPTED by the following vote:

Ayes: 16

Nays: 0

Abstain: 0

August 14, 2001

Approved by the County Executive:

Dated: 8/28/01

Kathleen M. Jimino  
Kathleen M. Jimino  
County Executive

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County of Rensselaer

Local Law No. 5 of the year 2001

A local law in relation to the sale by Rensselaer County of its rights to receive payments  
(Insert Title)  
expected to become due under the master settlement agreement and the  
related consent decree and final judgement with various tobacco companies

By: Kelleher

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

County of Rensselaer as follows:

Section 1: Legislative Intent

The County Legislature of the County of Rensselaer, New York (the "County") hereby finds that:

A. The County of Rensselaer is entitled to receive payments under the Master Settlement Agreement (hereinafter, the "MSA") and the Consent Decree and Final Judgment of the Supreme Court of the State of New York, County of New York, dated December 23, 1998, (hereinafter, as the same may be amended or modified, the "Decree") in the class action entitled State of New York et al. v. Phillip Morris Incorporated et al, (index no. 400361/97); and

B. In order to secure to present generations a portion of the benefits intended to be conferred by the MSA and the Decree it is necessary or desirable for the County to sell all or a portion of its rights, title and interest in, to and under the Decree and in and to the monies payable to the County under the MSA and the Decree (all such rights, title and interest hereinafter collectively referred to as the "Tobacco Settlement Revenues") to a local development corporation to be created by the County pursuant to the Not-for-Profit Corporation Law of the State of New York (hereinafter, the "Local Development Corporation").

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

(1)

Section 2: Authorization to take all actions necessary to effect sales and to benefit from the consideration to be received from such sales.

The County is hereby authorized to sell to the Local Development Corporation, and to take any and all actions necessary or desirable to effect one or more sales to the Local Development Corporation of, the County's rights, title and interest in and to all or a portion of the Tobacco Settlement Revenues and to take any and all actions necessary or desirable to enable the County to benefit from the consideration to be received from any such sale. The County Chief Fiscal Officer or his designee(s) may approve the terms and conditions of any such transaction and the form and substance of any agreement of sale or other document necessary or desirable to effect any such transaction including the power to execute and deliver any such agreement or other document as may be approved by the person executing the same and to take any and all other actions necessary or desirable to enter into, facilitate or consummate such transaction, including agreeing to pay certain fees and expenses which will be payable regardless of whether or not such transaction is consummated. The County shall use approximately \$3,000,000.00 of the initial proceeds to be received from the Local Development Corporation from such sale to finance certain capital projects identified in the County's capital program and the remaining initial proceeds to finance the defeasance of County obligations. It is the intent of this local law that a sale by the County of Tobacco Settlement Revenues to the Local Development Corporation is, and it is hereby deemed to be, a true sale and not a borrowing.

Section 3: Local Development Corporation.

The County Chief Fiscal Officer or his designee(s) is hereby authorized to take all actions necessary to create the Local Development Corporation pursuant to the New York Not-for-Profit Corporation Law Section 1411. The Local Development Corporation shall be granted all powers as may be deemed necessary by the County Chief Fiscal Officer or his designee(s) which power shall include, but not be limited to, the power to purchase from the County its right, title and interest in and to all or a portion of the Tobacco Settlement Revenues, to issue bonds, notes and other evidence of indebtedness and other securities and to incur other obligations, to create and transfer assets of the Local Development Corporation to a trust or other entity, and to take all other actions as may be necessary in connection therewith.

It is the specific intention of the County Legislature that the purpose and scope of the Local Development Corporation be limited to the transactions contemplated by this local law including the purchase of Tobacco Settlement Revenues from the County, the financing of any such purchase and related transactions.

Section 4: Covenant and Agreement.

The County is hereby authorized to covenant and agree with the Local Development Corporation in a transaction contemplated by this local law for the benefit of the Corporation and the holders from time to time of any bonds, notes or other obligations or other securities (hereinafter collectively, the "Securities") issued by the Local Development Corporation that the County will not limit or alter the rights of the Local Development Corporation to fulfill the terms of its agreement with the holders of the Securities or in any way impair the rights and remedies of such holders or the security for the Securities until the securities, together with the interest due thereon or payable in respect thereof and all costs and expenses in connection with any action or proceedings by or on behalf of such holders, are fully met and discharged. The Chief Fiscal Officer or his designee(s) is granted the power to make such a covenant to and an agreement with the Local Development Corporation and to take any and all actions necessary or desirable to cause such covenant and agreement to be made or enforced. The Local Development Corporation is hereby authorized to assign to or for the benefit of the holders of the Securities any covenant or agreement made by the County pursuant to this Section.

Section 5: Effective Date.

This local law takes effect upon filing in the office of the Secretary of State as provided by Section 27 of the New York Municipal Home Rule Law.

Local Law ADOPTED by the following vote:

Ayes: 16  
Nays: 1 (Hammond)  
Abstain: 0  
September 10, 2001

Approved by the County Executive:

Dated: 9/25/01

Kathleen M. Jimino  
Kathleen M. Jimino  
County Executive

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County of Rensselaer

Local Law No. 6 of the year 2001

A local law prohibiting the removal of any ornament, shrubbery, or flower  
(Insert Title)  
placed upon any cemetery grave or lot in Rensselaer County.

By: Brearton

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

County of Rensselaer as follows:

## Section 1.

This law recognizes the need to protect memorials and flowers that families often place on the graves of relatives from vandals and hereby prohibits such acts of vandalism.

## Section 2.

In addition to the provisions of New York State Penal Law making it a crime to commit cemetery desecration, a person is guilty of violating graves when he intentionally digs into or plows over, destroys or removes any ornament, shrubbery, or flower placed upon any grave or lot.

## Section 3.

The provisions of this law shall not apply to ordinary maintenance and care of a cemetery.

## Section 4.

A violation of this law shall be a misdemeanor, punishable by 30 days in jail, or a fine not to exceed \$1,000.00.

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

(1)

Section 5.

This Law shall take effect immediately upon filing with the Secretary of State.

Local Law ADOPTED by the following vote:

Ayes: 17  
Nays: 0  
Abstain: 0  
October 9, 2001

Approved by the County Executive:

Dated: 10/25/01

Kathleen M. Jimino  
Kathleen M. Jimino  
County Executive

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County of Rensselaer

Local Law No. 7 of the year 2001

A local law amending Section 6.03 of the Rensselaer County Charter  
(Insert Title)

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 provisions of Section 16, Subdivision 1, of the Civil Service Law of the State of New York, the County of Rensselaer hereby elects to withdraw from its current form of administration of such law.

**Section 2.** Section 6.03 of the Rensselaer County Charter, as constituted by Local Law No. 6 of the year 1995, is hereby deleted in its entirety and replaced by the following:

Section 6.03 County Civil Service Commission. There shall be a County Civil Service Commission for the purpose of administering the provisions of the Civil Service Law of the State of New York. Such Commission shall consist of three persons, not more than two of whom shall be adherents of the same political party. The members of the County Civil Service Commission shall be appointed by the County Executive, subject to confirmation by the County Legislature. Of the members first appointed to the Commission pursuant to this section, the term of one member shall expire on May thirty-first of the first even numbered year following the date of his or her appointment, the term of one member shall expire on May thirty-first of the second even numbered year following the date of his or her appointment and the term of one member shall expire on May thirty-first of the third even numbered year following the date of his or her appointment. Upon the

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(1)

expiration of each of such terms, the term of office of each commissioner thereafter appointed shall be six years from the first day of June in the year in which the term of his or her predecessor expired. If the office of any such Commissioner shall become vacant by death, resignation or otherwise, his or her successor shall be appointed as herein provided for the unexpired term.

**Section 3.** The effective date of this local law shall be one year from the date of its filing with the Secretary of State of the State of New York.

Local Law ADOPTED by the following vote:

Ayes: 12

Nays: 5 (Polsinello, Hammond, Dedrick, Mahoney, McGreevy)

Abstain: 0

December 11, 2001

Approved by the County Executive:

Dated: 12/18/01

Kathleen M. Jimino  
Kathleen M. Jimino  
County Executive