



# Schenectady County Legislature

## Committee on Rules

Hon. Philip Fields, Chair

6th Floor County Office Building 620 State Street, Schenectady, New York 12305

Phone: (518) 388-4280 Fax: (518) 388-4591

DATE: January 8, 2021  
TO: Honorable Schenectady County Legislators  
FROM: Geoffrey T. Hall, Clerk of the Legislature  
SUBJECT: COMMITTEE AGENDA  
Committee on Rules  
Honorable Philip Fields, Chair  
Tuesday, January 12, 2021 at 7:00p.m.  
Schenectady County Office Building,  
Legislative Chambers, Sixth Floor

Item	Title	Sponsor	Co-Sponsor
R	1 A RESOLUTION REGARDING THE ACCEPTANCE OF MONIES FROM THE CITY OF SCHENECTADY FOR A LEAD HAZARD DEMONSTRATION PROGRAM	The Committee on Rules	
R	2 A RESOLUTION TO ACCEPT MONIES FROM CDPHP AND TO APPROVE BUDGETARY AMENDMENTS	The Committee on Rules	
R	3 A RESOLUTION TO CREATE AND ELIMINATE CERTAIN POSITIONS AT THE OFFICE OF THE SCHENECTADY COUNTY DISTRICT ATTORNEY	The Committee on Rules	
R	4 A RESOLUTION ADOPTING LOCAL LAW NO. 1-2021	The Committee on Rules	

LEGISLATIVE INITIATIVE FORM

**Date:** 1/8/2021  
**Reference:** Rules  
**Dual Reference:**  
**Initiative:** R 1

**Title of Proposed Resolution:**

A RESOLUTION REGARDING THE ACCEPTANCE OF MONIES FROM THE CITY OF SCHENECTADY FOR A LEAD HAZARD DEMONSTRATION PROGRAM

**Purpose and General Idea:**

Provides authorization for Schenectady County Public Health Services (SCPHS) to accept funding from HUD's Lead Hazard Reduction Demonstration Grant

**Summary of Specific Provisions:**

Provides authorization for Schenectady County Public Health Services (SCPHS) to accept \$624,157 in funding from HUD's Lead Hazard Reduction Demonstration Grant. SCPHS will receive this funding by entering into a contract with the City of Schenectady to provide property owners with lead-safe housing for units occupied by low income families with children. The County will administer this grant from January 4, 2021 to July 3, 2023.

**Effects Upon Present Law:**

The United States Department of Housing and Urban Development has awarded the City of Schenectady \$624,157 in funding associated with the Lead Hazard Reduction Demonstration Program for the period of January 2021-July 2024. As in past years, Schenectady County Public Health will work in collaboration with the City in meeting the programmatic goals of the Lead Hazard Reduction Demonstration Program.

The allocation of grant dollars to the County for calendar year 2021 is slightly different than what was anticipated during the 2021 budget process. The County of Schenectady's Department of Finance provides the following amendment to the County's 2021 Operating Budget to accommodate those changes. A recently enacted contractual agreement between Schenectady County Public Health and the Schenectady County Action Plan, Inc. will provide the necessary funding to balance the changes associated with the Lead Hazard Reduction Demonstration Program.

Increase Appropriation Code By:

A4012.415131 Public Health Preventive Svcs	Lead Hazard Reduction Demo Grant	\$11,069
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Decrease Revenue Code By:

A2307 Intergovernmental Charges	City HUD Grant	\$7,116
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Establish and Increase Revenue Code By:

A1600.17 Departmental Income	Emergency Solutions Grant - SCAP	\$18,185
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I recommend that the Schenectady County Legislature consider authorizing the agreement between the County and the City and effectuating the budget amendment above.

**Justification:**

This grant will help to provide property owners with lead-safe housing for units occupied by low income families with children in Schenectady County.

**Sponsor: The Committee on Rules**

**Co-Sponsor:**

# COUNTY OF SCHENECTADY




RORY FLUMAN  
COUNTY MANAGER

OFFICE OF THE COUNTY MANAGER  
620 STATE STREET  
SCHENECTADY, NEW YORK 12305

TELEPHONE: (518) 388-4355  
FAX: (518) 388-4590

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**To:** Honorable Chairperson and Members of the Legislature

**From:** Rory Fluman, County Manager 

**CC:** Geoffrey T. Hall, Clerk of the Legislature  
Jesse McGuire, Deputy Clerk of the Legislature  
Keith Brown, Interim Public Health Director  
John McPhillips, Commissioner of Finance

**Date:** January 5, 2021

**Re:** Authorization to Accept HUD Lead Hazard Reduction Demonstration Funding

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Attached is a memorandum from Keith Brown, Interim Public Health Director, requesting authorization for the Schenectady County Public Health Services (SCPHS) to accept \$624,157 from HUD's Lead Hazard Reduction Demonstration Grant. SCPHS will receive this funding by entering into a contract with the City of Schenectady to provide property owners with lead-safe housing for units occupied by low income families with children. The County will administer this grant from January 4, 2021 to July 3, 2023.

The attached memorandum from John McPhillips, Commissioner of Finance, details the necessary budget amendment.

I recommend your approval.

**SCHENECTADY COUNTY PUBLIC HEALTH SERVICES**  
**INTER-OFFICE MEMO**  
2020

*TO: Rory Fluman, County Manager*  
*From: Keith Brown, Interim Public Health Director*  
*RE: Legislative Action – September Legislative Meeting*  
*Requesting Legislative approval to accept funds from the contract with City of Schenectady for the Housing and Urban Development Lead Hazard Reduction Demonstration Grant 2021-2024*  
*Copies: John P. McPhillips, Commissioner of Finance*  
*Jaclyn Falotico, Deputy County Manager*  
*Date: 12/31/2020*

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Dear Rory,

The City of Schenectady has been awarded funds from the Office of Lead Hazard Control and Healthy Homes of the US Department of Housing and Urban Development (HUD) for the Lead Hazard Reduction Demonstration Grant for 2021-2024.

As in years past, Schenectady County Public Health Services (SCPHS) plans to enter into a contract with the City of Schenectady to administer this grant to help provide property owners with lead-safe housing for units occupied by low income families with children.

Schenectady County will receive funding in the amount of \$624,157.00 for the contract with the City to administer this grant for the period of performance from January 4, 2021-July 3, 2024.

I am asking for Legislature approval to accept these funds to be used to continue to support services related to providing lead-safe housing for Schenectady residents.

Thank you for your assistance with this request.

Sincerely,


Keith Brown, MPH  
Interim Public Health Director

County of Schenectady  
620 State Street, 3<sup>rd</sup> Floor,  
Schenectady, N. Y. 12305  
(518) 388-4260  
(518) 388-4248 Fax

County Finance

# Memo

**TO:** Rory Fluman, County Manager

**FROM:** John P. McPhillips, Jr., Commissioner of Finance 

**DATE:** January 6, 2021

**SUBJECT:** 2021 Operating Budget Amendment – Schenectady County Public Health – Lead Hazard Reduction Demonstration Program

The United States Department of Housing and Urban Development has awarded the City of Schenectady \$624,157 in funding associated with the Lead Hazard Reduction Demonstration Program for the period of January 2021-July 2024. As in past years, Schenectady County Public Health will work in collaboration with the City in meeting the programmatic goals of the Lead Hazard Reduction Demonstration Program.

The allocation of grant dollars to the County for calendar year 2021 is slightly different than what was anticipated during the 2021 budget process. The County of Schenectady's Department of Finance provides the following amendment to the County's 2021 Operating Budget to accommodate those changes. A recently enacted contractual agreement between Schenectady County Public Health and the Schenectady County Action Plan, Inc. will provide the necessary funding to balance the changes associated with the Lead Hazard Reduction Demonstration Program.

Increase Appropriation Code By:

A4012.415131 Public Health Preventive Svcs	Lead Hazard Reduction Demo Grant	<u>\$11,069</u>
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Decrease Revenue Code By:

A2307	Intergovernmental Charges	City HUD Grant	<u>\$7,116</u>
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Establish and Increase Revenue Code By:

A1600.17	Departmental Income	Emergency Solutions Grant - SCAP	<u>\$18,185</u>
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I recommend that the Schenectady County Legislature consider authorizing the agreement between the County and the City and effectuating the budget amendment above.

## LEGISLATIVE INITIATIVE FORM

**Date:** 1/8/2021  
**Reference:** Rules  
**Dual Reference:**  
**Initiative:** R 2

**Title of Proposed Resolution:**

A RESOLUTION TO ACCEPT MONIES FROM CDPHP AND TO APPROVE BUDGETARY AMENDMENTS

**Purpose and General Idea:**

Provides authorization for Glendale Home to accept a donation from CDPHP in recognition of Glendale's work during the COVID-19 Pandemic.

**Summary of Specific Provisions:**

Provides authorization for Glendale Home to accept a donation in the amount of \$35,000 from CDPHP in recognition of Glendale's work during the COVID-19 Pandemic.

**Effects Upon Present Law:**

The Department of Finance proposes an amendment to Schenectady County's 2021 Operating Budget for the Glendale Home to accommodate a donation from CDPHP.

In recognition and appreciation of the hard work and dedication of the Glendale Home and its staff for residents during the pandemic, CDPHP has generously extended an offer of a donation in the amount of \$35,000. If the Legislature authorizes the acceptance of the donation, Glendale plans on using the funding to acquire technological equipment which will allow residents to virtually interact with family and friends during the pandemic. Specifically, Glendale will acquire I-Pads, smart tablets, large screen laptops, communicative picture frames, etc. These devices are important tools in maintaining social and emotional interaction and wellbeing by those who call Glendale home.

Increase Appropriation Code By:

C6030.204	Glendale Home	Office and Service Equipment	\$35,000
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Increase Revenue Code By:

C2705	Miscellaneous	Gifts and Donations	\$35,000
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I recommend that the acceptance of the donation and corresponding budget amendment be presented to the Schenectady County Legislature for consideration.

**Justification:**

This donation would allow Glendale to purchase technology and equipment such as I-Pads, laptops, and communicative picture frames. These purchases are crucial in facilitating virtual contact with families and friends during times when Glendale cannot receive visitors, such as during this time due to the Pandemic.

**Sponsor: The Committee on Rules**  
**Co-Sponsor:**

# COUNTY OF SCHENECTADY



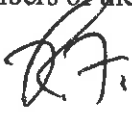
RORY FLUMAN  
COUNTY MANAGER

OFFICE OF THE COUNTY MANAGER  
620 STATE STREET  
SCHENECTADY, NEW YORK 12305

TELEPHONE: (518) 388-4355  
FAX: (518) 388-4590

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**To:** Honorable Chairperson and Members of the Legislature

**From:** Rory Fluman, County Manager 

**CC:** Geoffrey T. Hall, Clerk of the Legislature  
Jesse McGuire, Deputy Clerk of the Legislature  
Lori Tambasco, Glendale Home Administrator  
John McPhillips, Commissioner of Finance

**Date:** January 5, 2021

**Re:** Authorization to Accept CDPHP Donation

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Attached is a memorandum from Lori Tambasco, Glendale Home Administrator, requesting authorization for Glendale to accept a \$35,000 donation from CDPHP in recognition of Glendale's work during the COVID-19 Pandemic. This donation would allow Glendale to purchase technology and equipment like I-Pads, laptops, and communicative picture frames. These purchases are crucial in facilitating virtual contact with families and friends as Glendale cannot receive visitors due to the pandemic.

The attached memorandum from John McPhillips, Commissioner of Finance, details the necessary budget amendment.

I recommend your approval.



# County of Schenectady

NEW YORK

Lori Tambasco  
Administrator

Glendale Home  
59 Hetcheltown Road  
Scotia New York 12302  
Tel: (518) 384-3600 Fax: (518) 384-1615  
Website: [www.schenectadycounty.com](http://www.schenectadycounty.com)

January 4, 2021

To: Rory Fluman

From: Lori Tambasco

Subject: CDPHP 2020 Donation

County Manager Fluman,

Attached is an email recently received, informing Glendale Home that as a valued provider of essential services during this challenging time, CDPHP has recognized and appreciated the work that Glendale has done and continues to do and would like to offer a donation in the amount of \$35,000. CDPHP is committed to supporting the health of our communities across the Capital Region and North County, now more than ever during the current pandemic and would like to ensure that those most impacted by this pandemic receive what they need and therefore wish to assist in meeting those needs by providing a donation.

Glendale Home would like to accept this donation to used towards the technology and equipment needs. This technology will help to fill the void of not being able to receive visitors due to the pandemic. We would like to use the generous donation to purchase technology based products such as I-Pads, smart tablets, Google Homes, large screen laptops, communicative picture frames, smart TVS, etc., which will increase and enhance communication needs for our residents and their families. This will allow the residents to have virtual contact with the outside world and communication with their loved ones.

Sincerely,


Lori Tambasco  
Glendale Home Administrator



County of Schenectady  
620 State Street, 3<sup>rd</sup> Floor,  
Schenectady, N. Y. 12305  
(518) 388-4260  
(518) 388-4248 Fax

County Finance

# Memo

**To:** Rory Fluman, County Manager  
**From:** John P. McPhillips, Jr., Commissioner of Finance   
**Date:** January 6, 2021  
**Re:** 2021 Operating Budget Amendment – Glendale Home – Acceptance of a Donation from CDPHP

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The Department of Finance proposes an amendment to Schenectady County's 2021 Operating Budget for the Glendale Home to accommodate a donation from CDPHP.

In recognition and appreciation of the hard work and dedication of the Glendale Home and its staff for residents during the pandemic, CDPHP has generously extended an offer of a donation in the amount of \$35,000. If the Legislature authorizes the acceptance of the donation, Glendale plans on using the funding to acquire technological equipment which will allow residents to virtually interact with family and friends during the pandemic. Specifically, Glendale will acquire I-Pads, smart tablets, large screen laptops, communicative picture frames, etc. These devices are important tools in maintaining social and emotional interaction and wellbeing by those who call Glendale home.

Increase Appropriation Code By:

C6030.204	Glendale Home	Office and Service Equipment	<u>\$35,000</u>
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Increase Revenue Code By:

C2705	Miscellaneous	Gifts and Donations	<u>\$35,000</u>
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I recommend that the acceptance of the donation and corresponding budget amendment be presented to the Schenectady County Legislature for consideration.

## LEGISLATIVE INITIATIVE FORM

**Date:** 1/8/2021  
**Reference:** Rules  
**Dual Reference:**  
**Initiative:** R 3

**Title of Proposed Resolution:**

A RESOLUTION TO CREATE AND ELIMINATE CERTAIN POSITIONS AT THE OFFICE OF THE SCHENECTADY COUNTY DISTRICT ATTORNEY

**Purpose and General Idea:**

Provides authorization to eliminate and create positions in the Office of the District Attorney

**Summary of Specific Provisions:**

Provides authorization to eliminate one Senior Bureau Chief Assistant District Attorney position and create a Bureau Chief Assistant District Attorney position in the Office of the District Attorney.

**Effects Upon Present Law:**

The County of Schenectady's Department of Finance recommends legislative authorization to eliminate one Senior Bureau Chief Assistant District Attorney (JC-10) position at an annual salary of \$112,200 to be replaced with the creation of one Bureau Chief Assistant District Attorney (JC-10) position at an annual salary of \$100,627 within the District Attorney's 2021 Operating Budget.

The District Attorney's request, if approved, will result in \$11,573 in annualized salary savings. The position change will allow the District Attorney to promote an individual into a senior management position which was recently vacated in December 2020. The individual being considered for promotion does not have the years of service to be eligible for the Senior Bureau Chief title but does have the requisite years of experience to be considered for the Bureau Chief title.

The following budget amendment to the 2021 Operating Budget effectuates this recommended change:

Increase Appropriation Codes By:

A1165.111	District Attorney's Office Bureau Chief Assistant District Attorney	\$ 96,772
A1165.406	District Attorney's Office Equipment Repair and Maintenance	\$ 10,717
		\$107,489

Decrease Appropriation Code By:

A1165.111	District Attorney's Office Senior Bureau Chief Assistant District Attorney	\$107,489
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I recommend that this budget amendment be presented to the Schenectady County Legislature for consideration.

**Justification:**

In taking this action, there would be a cost savings of \$11,573.

**Sponsor:** The Committee on Rules  
**Co-Sponsor:**

# COUNTY OF SCHENECTADY




RORY FLUMAN  
COUNTY MANAGER

OFFICE OF THE COUNTY MANAGER  
620 STATE STREET  
SCHENECTADY, NEW YORK 12305

TELEPHONE: (518) 388-4355  
FAX: (518) 388-4590

---

**To:** Honorable Chairperson and Members of the Legislature

**From:** Rory Fluman, County Manager 

**CC:** Geoffrey T. Hall, Clerk of the Legislature  
Jesse McGuire, Deputy Clerk of the Legislature  
Robert M. Carney, District Attorney  
Joe McQueen, Director of Human Resources  
John McPhillips, Commissioner of Finance

**Date:** January 5, 2021

**Re:** Authorization to Eliminate and Create Positions in the Office of the District Attorney

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Attached is a memorandum from District Attorney Robert Carney requesting authorization to eliminate one Senior Bureau Chief Assistant District Attorney position and create a Bureau Chief Assistant District Attorney position. In taking this action, there would be a cost-savings of \$11,573.

The attached memoranda from John McPhillips, Commissioner of Finance, and Joe McQueen, Director of Human Resources, detail the actions necessary to create the position.

I recommend your approval.

**County of Schenectady**  
***Office of the District Attorney***  
MEMORANDUM

TO: Rory Fluman, County Manager  
Anthony Jasenski, Chair, County Legislature  
John McPhillips, Commissioner of Finance

FROM: Robert M. Carney, District Attorney

DATE: January 4, 2021

SUBJECT: Conversion of Senior Bureau Chief ADA position to  
Bureau Chief ADA position in 2021 Budget

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This memorandum is submitted to seek an amendment of the 2021 District Attorney Operating Budget to eliminate one position of Senior Bureau Chief Assistant District Attorney to be replaced by the title of Bureau Chief Assistant District Attorney. This amendment is necessitated by the resignation of Tracey Brunecz as of December 18, 2020, our Special Victims Unit Bureau Chief after a tenure of almost 10 years with this county as a Bureau Chief. Tracey left to accept the position of Chief Assistant District Attorney in her home county of Chautauqua. I am promoting Senior Assistant District Attorney John Carson into the position of Bureau Chief of the Special Victims Unit. John has been a prosecutor with this office for almost 7 years but has no seniority as a Bureau Chief so does not qualify to become a Senior Bureau Chief. The salary line for a Senior Bureau Chief Assistant District Attorney position is \$112,200 and the salary for a Bureau Chief ADA is \$100,627. By approving this budgetary amendment, the county saves \$11,573 from this year's budget. There are further savings to the budget consisting of Tracey's longevity pay of \$2,752, and the likelihood that John's budget position of Senior Assistant District Attorney II as of 3/17/2021 of \$88,687 will be filled by an attorney with less experience at a lower budget line (possibly as low as that of Deputy Assistant District Attorney at a salary of \$57,522.)

# Memo

To: Rory Fluman, County Manager

From: Joe McQueen, Director of Human Resources

Date: January 7, 2021

Re: Elimination and Creation of Positions in the District Attorney's Office

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The Schenectady County District Attorney has requested the elimination of the position Sr. Bureau Chief Assistant District Attorney (JC-15) and the creation of the position Bureau Chief District Attorney (JC-10).

I recommend the creation of the positions of Bureau Chief District Attorney at JC-10.

There is no additional action necessary on behalf of the Civil Service Commission.


Thank you.

County of Schenectady  
620 State Street, 3<sup>rd</sup> Floor,  
Schenectady, N. Y. 12305  
(518) 388-4260  
(518) 388-4248 Fax

County Finance

# Memo

**TO:** Rory Fluman, County Manager

**FROM:** John P. McPhillips, Jr., Commissioner of Finance 

**DATE:** January 6, 2021

**SUBJECT:** Budget Amendment – District Attorney’s Office – Position and Title Changes

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The County of Schenectady’s Department of Finance recommends legislative authorization to eliminate one Senior Bureau Chief Assistant District Attorney (JC-10) position at an annual salary of \$112,200 to be replaced with the creation of one Bureau Chief Assistant District Attorney (JC-10) position at an annual salary of \$100,627 within the District Attorney’s 2021 Operating Budget.

The District Attorney’s request, if approved, will result in \$11,573 in annualized salary savings. The position change will allow the District Attorney to promote an individual into a senior management position which was recently vacated in December 2020. The individual being considered for promotion does not have the years of service to be eligible for the Senior Bureau Chief title but does have the requisite years of experience to be considered for the Bureau Chief title.

The following budget amendment to the 2021 Operating Budget effectuates this recommended change:

Increase Appropriation Codes By:

A1165.111	District Attorney’s Office	Bureau Chief Assistant District Attorney	\$ 96,772
A1165.406	District Attorney’s Office	Equipment Repair and Maintenance	<u>\$ 10,717</u>
			\$107,489

Decrease Appropriation Code By:

A1165.111	District Attorney’s Office	Senior Bureau Chief Assistant District Attorney	<u>\$107,489</u>
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I recommend that this budget amendment be presented to the Schenectady County Legislature for consideration.

## LEGISLATIVE INITIATIVE FORM

**Date:** 1/8/2021  
**Reference:** Rules  
**Dual Reference:**  
**Initiative:** R 4

**Title of Proposed Resolution:**

A RESOLUTION ADOPTING LOCAL LAW NO. 1-2021

**Purpose and General Idea:**

To adopt proposed Local Law 1 of 2021 entitled "A LOCAL LAW CREATING CHAPTER 51 (FOOD DELIVERY SERVICES) OF THE SCHENECTADY COUNTY CODIFIED LAWS TO REGULATE THIRD-PARTY FOOD DELIVERY SERVICE FEES DURING CERTAIN EMERGENCIES"

**Summary of Specific Provisions:**

Adopts proposed Local Law 1 of 2021 entitled "A LOCAL LAW CREATING CHAPTER 51 (FOOD DELIVERY SERVICES) OF THE SCHENECTADY COUNTY CODIFIED LAWS TO REGULATE THIRD-PARTY FOOD DELIVERY SERVICE FEES DURING CERTAIN EMERGENCIES"

**Effects Upon Present Law:**

None.

**Justification:**

Creates Chapter 51 (Food Delivery Services) of the Schenectady County Codified Laws in order to regulate third-party food delivery service fees during certain emergencies.

**Sponsor: The Committee on Rules**

**Co-Sponsor:**



## PROPOSED LOCAL LAW I- 2020

### COUNTY OF SCHENECTADY

*Introduced by Legislators Pratt, Gatta and McDonald:*

#### **A LOCAL LAW CREATING CHAPTER 51 (FOOD DELIVERY SERVICES) OF THE SCHENECTADY COUNTY CODIFIED LAWS TO REGULATE THIRD-PARTY FOOD DELIVERY SERVICE FEES DURING CERTAIN EMERGENCIES**

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

**SECTION 1.** Chapter 51 of the Codified Local Laws is created in order to regulate the fees charged by third-party food service delivery services during certain states of emergency:

#### **Chapter 51. FOOD DELIVERY SERVICES**

##### **Section 51.01. Title.**

This law shall be known as the "Schenectady County Food Delivery Services" Law.

##### **Section 51.02. Declaration of legislative findings and intent.**

This Legislature finds that food service establishments provide essential services to the public, including providing the public access to meals and employing numerous residents of this County. While certain states of emergency may limit or modify the ability of such establishments to ordinarily operate, food service establishments remain essential. During the time of a state of emergency, in which restaurants are prohibited from operating at full capacity, residents' access to delivery and take-out services are more essential than ever. Additionally, food service establishments increasingly depend on delivery and take-out orders to remain in existence.

This Legislature finds that it is in the public interest for the County to regulate the fees charged by Third-Party Food Delivery Services during these emergencies, in order to ensure that food service establishments retain the profits necessary to ensure their continued existence in order to provide the essential service of providing food the residents of this County.



This Legislature further finds that it is imperative to protect the income of the individuals actually delivering the food orders to customers. During the period of time, determined by the Governor, that on-premise dining is deemed a threat to public health and safety, food delivery drivers, placing themselves in harm's way to deliver food, should not fear the reduction of income.

This Legislature further finds that during the period of time that on-premise dining is deemed a threat to public health and safety, it is appropriate to ensure the public has access to delivery and take-out food delivery services, without fear of price gouging.

### **Section 51.03. Definitions.**

- A. "Declared Emergency" shall mean the period of time during which a State Disaster Emergency has been declared by the Governor of the State of New York; and
  - 1. The State of Emergency is in effect in the County of Schenectady; and
  - 2. The State of Emergency expressly limits on-premise dining at food services establishments located within the County of Schenectady
- B. "Delivery Fee" shall mean a fee charged on a per-order-basis by a third-party food delivery service for providing a food service establishment with a service that delivers food from such establishment to customers, including but not limited to commission, delivery fees, and processing fees. The term does not include any other fee that may be charged, on a basis other than per-order-basis by a third-party food delivery service to a food service establishment, such as fees for listing or advertising the food service establishment on the third-party food delivery service platform or fees related to processing the online order. This fee shall constitute the exclusive fee that may be charged on a per-order-basis on orders submitted for delivery.
- C. "Non-Delivery Fee" shall mean any fee charged by a third-party food service provider that is not included within the definition of a Delivery Fee. Credit Card Fees, as defined in this section, are hereby excluded from the calculation of "Non-Delivery Fee".
- D. "Pickup Fee" shall mean a fee charged on a per-order-basis by a third-party food delivery service for providing a food service establishment with a service that allows a customer to order food for pickup from such establishment, including but not limited to commission, and processing fees. The term does not include any other fee that may be charged, on a basis other than per-order-basis by a third-party food delivery service to a food service establishment, such as fees for listing or advertising the food service establishment on the third-party food delivery service platform or fees related to processing the online order. This fee shall only apply to orders submitted for pickup and shall not be charged on a delivery order.
- E. "Credit Card Fee" shall mean any fees charged by a credit card company, or other financial institution to the Third-Party Food Delivery Service and subsequently charged in the same amount by the Third-Party Food Delivery Service to such Food Service Establishment

- F. "Food Service Establishment" shall mean an establishment operating pursuant to 10 NYCRR 14-1.20.
- G. "Online Order" shall mean any order placed by a customer through, or with the assistance of, a platform provided by a third-party food delivery service, including but not limited to webpage, mobile application, or telephone order.
- H. "Purchase Price" shall mean the total price of the items contained in an Online Order that are listed on the menu of the food service establishment where such order is placed. Such term, does not include taxes, gratuities, and any other fees that may make up the total cost to the customer of an Online Order.
- I. "Customer Fee" shall mean any fee charged by Third-Party Food Delivery Service to a customer submitting an Online Order.
- J. "Third-Party Food Delivery Service" shall mean any website, mobile application, or other service that offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, food service establishments located within the County of Schenectady that are owned and operated by an entity other than the food service establishment.
- K. "Delivery Service Driver" shall mean any individual performing the service of actually delivering the Online Order from the restaurant to the customer, regardless of whether the individual is an employee or an independent contractor.
- L. "Delivery Service Driver Compensation" shall mean the amount paid by the Third-Party Food Delivery Service to a Delivery Service Driver, whether by salary, wage, per diem, flat fee, together with any gratuities paid by the customer.
- M. "Emergency Period" shall mean the period of time commencing on the later of the effective date of this Chapter, or the effective date of a Declared Emergency and shall expire on the ninetieth (90<sup>th</sup>) Day after the termination of the Declared Emergency.

**Section 51.04. Fee Limits During Certain Declared Emergencies.**

- (A) During the Emergency Period it shall be unlawful for a Third-Party Food Delivery Service to charge a Food Service Establishment a delivery fee exceeding fifteen (15%) percent of the Purchase Price of each Online Order.
- (B) During the Emergency Period it shall be unlawful for a Third-Party Food Delivery Service to charge a Food Service Establishment a pickup fee exceeding five (5%) percent of the Purchase Price of each online order.
- (C) During the Emergency Period shall be unlawful for a Third-Party Food Delivery Service to increase the Non-Delivery Fee in effect on the later of the effective date of this Chapter, or the effective date of a Declared Emergency.

(D) During the Emergency Period It shall be unlawful for a Third-Party Food Delivery Service to reduce the Delivery Service Compensation in effect at the later of the effective date of this Chapter, or the effective date of a Declared Emergency.

(E) During the Emergency Period it shall be unlawful for a Third-Party Delivery Service to increase the Customer Fee in effect on the later of the effective date of this Chapter, or the effective date of a Declared Emergency, by an amount greater than two (\$2.00) Dollars.

**Section 51.05. Enforcement.**

In the event that a Third-Party Food Delivery Service violates Section 51.04, the aggrieved party shall provide the Third-Party Food Delivery Service written notice of the violation, together with a demand for refund within seven (7) days of such notice. If the Third-Party Food Delivery Service fails to provide the refund within seven (7) days, or the Third-Party Food Delivery Service continues to act in violation of this Chapter, an aggrieved party may enforce this Chapter by means of a civil action seeking damages and injunctive relief. The prevailing party in any such action shall be entitled to an award of reasonable attorney fees.

**Section 51.06. Severability.**

If any article, section, subdivision, paragraph, subparagraph or part of this charter 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 article, section, subdivision, paragraph, subparagraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**Section 51.07. Reverse Preemption.**

This Chapter shall be null and void on the day that federal or statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this Chapter, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Schenectady, unless such federal or statewide action specifically excepts from preemption earlier enacted local laws in this area. This County Legislature may determine via mere resolution whether or not identical or substantially similar federal or statewide legislation, or pertinent preempting state or federal regulations have been enacted for the purposes of triggering the provisions of this section.

**SECTION 2.** This Local Law shall take effect immediately.