



The State University
of New York

Office of the
Chief Financial Officer

State University Plaza
Albany, New York 12246

www.suny.edu

June 6, 2016

President Steady H. Moono
Schenectady County Community College
78 Washington Avenue
Schenectady, NY 12305

Re: START-UP NY

Dear President Moono:

Congratulations. Attached is the approved application for Schenectady County Community College's Amended Campus Plan for Designation of Tax-Free Area(s).

After completion of the required 30-day comment period, please submit evidence of stakeholder notification, along with your complete campus plan, to Empire State Development at designations@esd.ny.gov.

Best of luck to you and Schenectady County Community College in launching the START-UP NY program.

Best Regards,

A handwritten signature in black ink, appearing to read "Eileen McLoughlin".

Eileen McLoughlin
Senior Vice Chancellor for
Finance and Chief Financial
Officer

Attachment

Copy: SUNY START-UP NY Proposal Review Team

To Learn
To Search
To Serve

the Power of SUNY



The State University of New York

SUNY START-UP NY
Campus Plan for Designation of Tax-Free Area(s) Memorandum (CPM)

To: SUNY Chancellor
From: Steady H. Moono, Ph.D. President
Re: Schenectady County Community College Campus Plan for Designation of Tax-Free Area(s) ("Campus Plan")
Date: May 23, 2016

For campus Office of the President:

The arrangement documented in the attached Campus Plan is aligned to the academic mission of Schenectady County Community College and in accordance with all SUNY policies, procedures, and guidelines.

Signature of Campus President

[Handwritten signature]

Dr. Steady H. Moono
Print Name

FOR SUNY SYSTEM ADMINISTRATION USE ONLY

For SUNY's START-UP NY Proposal Review Team Co-Chair: It is recommended by the SUNY START-UP NY Proposal Review Team that SUNY [approve/reject] the attached Campus Plan:

[Handwritten signature: Jeffrey A. Boyce]
Proposal Review Team Co-Chair

6-1-16
Date

Jeffrey A. Boyce
Print Name

For SUNY Office of the Chancellor:

The attached Campus Plan is hereby [approved/rejected] for campus submission to the NYS Commissioner of Economic Development.

[Handwritten signature: Eileen McLoughlin]
Signature of the Chancellor or designee

6/6/16
Date

Eileen McLoughlin
Print Name



To: Howard Zemsky, President & CEO, Empire State Development and Commissioner, NYS
Department of Economic Development
From: President Steady H. Moono, PhD of Schenectady County Community College (SCCC)
Re: SCCC's Campus Plan for Designation of Tax-Free Area(s)
Date: April 19, 2016

I, President Moono of Schenectady County Community College hereby certify the following:

- a.) we have provided a copy of the enclosed Campus Plan for Designation of Tax-Free NY Area, to the municipality or municipalities in which the proposed Tax-Free NY Area is located, local economic development entities, the applicable faculty senate, union representatives, and student government at least 30 days prior to submitting the plan to you and attached evidence of submission herewith; and
- b.) we comply with Public Officers Law Section 74; Article 18 of the General Municipal Law (§ 800 et seq.) (article 18); and the SCCC Ethics and Conflict Of Interest Policy (7.9.6) and attached copies of the policies and/or guidelines herewith; and
- c.) we comply with the Commissioner's rules and guidelines on anticompetitive behavior (NY EDL, art. 21, sect. 440); and
- d.) we are aware of the non-governmental use limitations associated with state issued tax exempt bonds and if our proposed Tax-Free NY Area was financed with tax exempt bonds, we will: 1.) make potential businesses aware of these limitations when marketing property; and 2.) take appropriate steps to ensure that non-governmental use of property funded with tax-exempt bonds will not jeopardize the tax exempt status of state issued bonds; and
- e.) we consulted with the municipality or municipalities in which such land or space is located prior to including such space or land in the proposed Tax-Free NY Area and we have given preference to underutilized properties; and
- f.) we have not relocated or eliminated any academic programs, any administrative programs, offices, housing facilities, dining facilities, athletic facilities, parking, or any other facility, space or program that actively serves students, faculty or staff in order to created vacant land or space to be designated as a Tax-Free NY Area; and
- g.) the information contained in the enclosed application is accurate and complete.

PRESIDENT'S SIGNATURE

May 23, 2016
DATE

May 23, 2016

Attachments/Enclosures:

- 1.) Tax-Free Area Plan with Polygon shapefile of campus area (if available) and/or point data of vacant space (if available), OR outline and shaded delineation of proposed tax-free area on a campus aerial photo and/or campus map shaded to indicate land or building containing proposed tax-free space, and floor plans of building space with designated space clearly labeled and shaded.
- 2.) Excel spreadsheet of property to be designated
- 3.) Applicable conflict of interest policies
- 4.) Evidence of submission of Tax-Free Area Plan to interested parties

May 23, 2016



START-UP NY CAMPUS PLAN FOR DESIGNATION OF TAX-FREE AREA(S)

Campus Name: Schenectady County Community College (SCCC)
Campus Contact Name: Denise Zieske / Dr. Penny Haynes
Campus Contact Title: VP Workforce Development & Continuing Education / VP of Academic Affairs
Campus Contact E-mail: ziesked@sunysccc.edu / haynespa@sunysccc.edu
Campus Contact Phone: 518-595-1101 x 6 / 518-381-1382

THE TAX-FREE NY AREA PLAN SHALL BE DEVELOPED BY THE CAMPUS TEAM AND PROVIDE THE FOLLOWING REQUIRED INFORMATION:

- 1) Specification or identification of space or land proposed for designation as a Tax-Free NY Area identifying the following:
 - i. Provide the name and address of the SUNY, CUNY or community college seeking approval as a Sponsor, the address of the space or land proposed for designation as a Tax-Free NY Area, and a written description of the physical characteristics of the area for designation.

Name: Schenectady County Community College
Campus Address: 78 Washington Avenue, Schenectady, NY 12305
Address(es) of Proposed Tax-Free NY Area(s) : <ol style="list-style-type: none">1. 201 State Street, Schenectady, NY 123052. 251 State Street, Schenectady, NY 123053. 433 State Street, Schenectady, NY 123054. 13 State Street, Schenectady, NY 12305
Description of Physical Characteristics of Proposed Tax-Free NY Area(s): <ol style="list-style-type: none">1. 201 State Street, Schenectady, NY 12305 -- Floors two and three in entirety will be allocated for an SCCC Tax-Free NY Area and are currently vacant. These floors consist of office space, intake/common area, conference room and library/research room. There is a total of 6,311 square feet at this location being designated. This property is owned by SCCC and is considered on campus space.2. 251 State Street, Schenectady, NY 12305 -- This building is owned by Civco Realty and consists of office and conference room space. One suite is designated on the first floor, three suites are designated on the second floor and three suites are designated on the third floor. This space is mostly vacant with the exception of the portion of the first floor currently occupied by a First Niagara Bank branch. Space is underutilized as 70% of the entire building is currently vacant and has been vacant for roughly 2 years. Building sits on a corridor of Lower State Street that has a

substantial amount of vacant commercial space. There is a total of 13,755 square feet at this location being designated. Space will be allocated towards the SCCC allotted 200K square feet of off-campus space.

3. 433 State Street, Schenectady, NY 12305 – This property is owned by the Galesi Group and consists of office and conference room space. Three suites are designated on the third floor and several suites are designated on the fourth floor. The third floor space has been vacant for one and a half years. The fourth floor is also vacant. Prior to the Galesi ownership in 2009, the building was severely neglected and needed substantial renovations to make it marketable. There is a total of 24,575 square feet at this location being designated. Space will be allocated towards the SCCC allotted 200K square feet of off-campus space.
4. 13 State Street, Schenectady, NY 12305 -- This building is an old YMCA facility that was used to provide residence for men in the program. The Capital Region YMCA relocated the residence facility in the spring of 2014 to another part of the City and the space is currently vacant and has been for almost a year. A portion of the first floor is designated which served as the old gymnasium and could be used as technology open space for office or light research and development. There is a total of 8,796 square feet at this location being designated. Space will be allocated towards the SCCC allotted 200K square feet of off-campus space.

- ii. Complete the Excel spreadsheet template provided with this document, noting the instructions on page 2. Include the official SUNY Physical Space Inventory (PSI) building number and a clear description of the spaces in the building or floor (when the entire floor is under consideration), or floor/wing (with outer rooms defining the space specifically listed). Include only properties sought to be designated now and exclude potential sites that may be considered in the future (see 2a below). Attach the completed spreadsheet to this plan.
 - iii. Provide also a representation of each proposed site drawn in AutoCAD on a scaled campus map with boundaries drawn clearly. Two versions should be created; one including an imbedded layer from Google Earth or other aerial photograph of the property. The second version should exclude the photographic imagery. Each parcel under consideration must have a unique alpha numeric identifier, clearly labeled on each plan which ties to identifiers in the Excel spreadsheet. If digital files containing Polygon shapefile that delineates area for designation are available, provide these as well. Attach these materials to this plan.
 - iv. Provide a campus map with each proposed building shaded. Label each building with the official building number as listed in the SUNY Physical Space Inventory (PSI) along with the building name. For each building shaded and labeled, include floor plans of all areas under consideration with the specific spaces clearly shaded and labeled with official PSI room numbers. If digital files containing Point shapefiles that provide locations of area for designation are available, provide these as well. Attach these materials to this plan.
- 2) The total square footage of the space and/or acreage of land proposed for designation as a Tax-Free NY Area is:

Total square footage is 6,311 of on campus and 47,126 square feet of off campus space.

2a) *If applicable:* You may include here a description of any potential space or acreage of land that you may seek to designate as a Tax-Free NY Area under the START-UP NY Program in the future. This may include campus property that may become vacant, or other properties in your community that are not currently part of your campus but may be desirable for a company partner and with which you may consider an affiliation if an appropriate partner is identified. Do not include these properties in the Excel spreadsheet.

2b) *If applicable:* The total square footage of the space or acreage of land that you may propose to designate as a Tax-Free Area as identified in 2a, if known.

3) Provide a description of the type of business or businesses that may locate in the area identified in #1.

As the focus of the StartUp NY program is on technology and innovation focused businesses, the college would look to attract or expand businesses in the following sectors that align with existing academic programs.

Business Type	SCCC Existing Academic Program Alignment
Nanoscale Materials	Nanoscale Materials Technology A.A.S.
Semi-conductor	Nanoscale Materials Technology A.A.S.
Alternative Energy (ie: solar, photovoltaic, geothermal, wind, storage battery)	Alternative Energy Technology A.A.S. or Storage Battery Technology Certificate
Supply Chain/Distribution or Warehousing	Supply Chain Management A.A.S.
Aviation Science/Air Traffic Control	Aviation Science A.S. or Air Traffic Control A.A.S.
Computer Science/Information Systems	Computer Science A.S., Computer Information Systems A.A.S.,
Computer Networking & Cyber security	Computer Networking Systems/Cyber Security A.A.S. or Computer Repair/Networking Certificate
Fire Protection Technology/Science	Fire Protection Technology A.A.S. or Fire Science Certificate
Casino and Gaming Technology/Surveillance	Casino & Gaming Mgmt A.A.S.
Management, Marketing & Sales	Business Administration A.A.S. & A.S. or Entrepreneurship Certificate

In all areas, particularly Management, Marketing & Sales, prohibited business types as defined in the StartUp NY regulations will be excluded from participation in the program.

- 4) Provide a description of the campus academic mission, and explain how the businesses identified in #3 will align or further the academic mission of the university or college.

a) College Mission Statement

We are an inclusive, collaborative community built on a foundation of excellence in teaching and learning, quality support services, and a personalized approach to education, which empowers our students and engages our communities.

b) College Vision Statement

We will be the regional leader in supporting and expanding innovative and collaborative educational programs that transform our students and communities.

c) Business Alignment with Mission

The business types identified above are compatible with and align with the College Mission Statement in that SCCC continually updates programs and provides opportunities to align training and education to current workforce and career demands. SCCC demonstrates a willingness to innovate in order to maintain its relevance with industry. By developing these partnerships with businesses, students will be able to reach their potential and SCCC will fulfill its commitment and demonstrate responsiveness to community.

- 5) Provide a description of how participation by these types of businesses in the START-UP NY Program will generate positive community and economic benefits, including but not limited to:

- Increased employment opportunities;
- Increased opportunities for internships, vocational training and experiential learning for undergraduate and graduate study;
- Diversification of the local economy;
- Environmental sustainability;
- Increased entrepreneurship opportunities;
- Positive, non-competitive and/or synergistic links to existing businesses;
- Effect on the local economy; and
- Opportunities as a magnet for economic and social growth.

a. New businesses locating in the SCCC START UP NY tax free zones would provide the infusion of new job development for students and prospective students of SCCC to become employed. They will also offer an opportunity for these students to have an enhanced educational experience through the potential of internships and co-ops which lead to higher placement and retention rates with these businesses. The college, the student and the business will all benefit from a well-trained workforce with lower turnover potential and increased completion and graduation rates.

b. Many of these new businesses will bring burgeoning entrepreneurial models that will provide further opportunities for students to understand and study the unique aspects of business ownership. This will in turn produce more well-rounded student/graduates from our programs and provide stronger

opportunities for them to secure employment post-graduation or start their own business with continued assistance from SCCC.

- c. These businesses may be able to provide a lower cost of operation for existing Schenectady County and Tech Valley regional businesses by locating as suppliers closer to their base of operation. With the advent of the college's new Supply Chain Management A.A.S. and non-credit Certified Logistics Technician training, SCCC is well positioned to help create more efficient and productive supply chains and technology clusters, enabling larger companies to invest additional capital in equipment and staff development.
- d. With proposed or pending new program areas in Mechatronics, Biotechnology, and Biological Technician, this will help to provide a diversification of the local employment base and continue to recognize the synergistic relationship between the STEM related fields and the arts. The diversified economy will enable our region to be less vulnerable to tech-focused economic volatility and establish Schenectady's desire to add the "A" for "Arts" to transform *STEM* into *STEAM*.

- 6) Provide a description of the process the Sponsor (campus) will follow to select participating businesses. The description should identify the membership of any group or committee that may make recommendations, the final decision-maker, and the criteria that will be used to make decisions. This group or committee must include representation from faculty governance. The following key identifies if the associated criteria listed below are **R= Required, D= Desired or N= Not Required:**

A. Academic and Research Alignment

1. Is the business in an industry aligned with current and/or developing University research, scholarly, and creative activity? **R**
2. Does the business provide experiential learning and workforce opportunities (e.g., internships, fellowships, full-time jobs) for students and graduates? **R**
3. Does the business provide areas for partnership and advancement for faculty and students? **R**
4. Will the business provide access to research instrumentation, tools, and/or equipment necessary to advance the academic and research mission? **D**
5. Will the business fund scholarships, campus facilities or other academic services or amenities? **D**
6. Will the business and/or its employees contribute to instruction or provide student mentoring? **D**
7. Does the business offer the use of company resources, intellectual property or expertise to support the academic mission? **D**

B. Economic Benefit

1. How many net new jobs will be created? **R**
2. Is the business viable in both the short- and long-term? **R**
3. Will the business attract private financial investment? **R**
4. Does the business plan to make capital investments (e.g., renovation, new construction)? **D**
5. Are the new jobs in critical areas of the economy? **R**
6. How will the University financially benefit from the terms of the lease? **D**

C. Community Benefits

1. Does the business have the support of one or more municipal or community entities? **R**
2. Is the business recruiting employees from the local workforce? **R**
3. Does the business invest in underserved, economically distressed regions? **D**
4. Will the business rely on suppliers within the local and regional economy? **D**

- a. Initial business applications and inquiries will be fielded and reviewed by the Division of Workforce Development in conjunction with the Division of Academic Affairs for adherence to minimal program requirements (ie: allowable industry alignment and perceived alignment with, or potential to enhance the college's academic mission). The Workforce Development and Academic Affairs Divisions will be able to leverage existing partnerships with local and regional economic development organizations. These include the Metroplex Development Authority, the Center for Economic Growth, area chambers of commerce and a technology incubation/acceleration project called the NY BizLab. These partnerships will help cultivate and review a robust portfolio of business proposals for initial alignment with the Capital District Regional Economic Development Council's Strategic Plan.
- b. Upon review and determination of minimal program requirements, the prospective business will present to the Academic Leadership Council all of whom are members of the SCCC faculty governance Academic Senate (membership titles included in Appendix A). The presentation will serve to confirm alignment with academic goals and mission. Additionally the Academic Leadership Council will confirm potential for new or enhanced program and course development based on content within the business application or provided by business applicant during a site visit, and after discussing it with the appropriate division faculty. During optional site visit, business applicant would also have the opportunity to review and tour available tax free locations and/or land which is included in the SCCC Campus Plan. If the academic alignment is confirmed by the Academic Leadership Councils, then the START UP NY Business Application will be officially considered for sponsorship and advanced to President's Council leadership.
- c. Upon successful verification of alignment or enhancement potential by the academic division(s), the final documentation will be compiled and reviewed by the SCCC President's Council Leadership Team (membership titles included in Appendix A). Upon successful final review and selection, the application will be forwarded to Empire State Development for final review prior to formalization of a contractual relationship. At any point in this process, either party (SCCC or business applicant) may notify the other of their intent to no longer pursue the business application as a viable START UP NY project.

PUBLIC OFFICERS LAW

§ 74. Code of ethics.

1. **Definition.** As used in this section: The term "*state agency*" shall mean any state department, or division, board, commission, or bureau of any state department or any public benefit corporation or public authority at least one of whose members is appointed by the governor or corporations closely affiliated with specific state agencies as defined by paragraph (d) of subdivision five of section fifty-three-a of the finance law or their successors.

The term "*legislative employee*" shall mean any officer or employee of the legislature but it shall not include members of the legislature.

2. **Rule with respect to conflicts of interest.** No officer or employee of a state agency, member of the legislature or legislative employee should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest.

3. **Standards.**

- a. No officer or employee of a state agency, member of the legislature or legislative employee should accept other employment which will impair his independence of judgment in the exercise of his official duties.
- b. No officer or employee of a state agency, member of the legislature or legislative employee should accept employment or engage in any business or professional activity which will require him to disclose confidential information which he by reason of his official position or authority.
- c. No officer or employee of a state agency, member of the legislature or legislative employee should disclose confidential information acquired by him in the course of his official duties nor use such information to further his personal interests.
- d. No officer or employee of a state agency, member of the legislature or legislative employee should use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself or herself or others, including but not limited to, the misappropriation to himself, herself or to others of the property, services or other resources of the state for private business or other compensated non-governmental purposes.
- e. No officer or employee of a state agency, member of the legislature or legislative employee should engage in any transaction as representative or agent of the state with any business entity in which he has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his official duties.
- f. An officer or employee of a state agency, member of the legislature or legislative employee should not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties, or that he is affected by the kinship, rank, position or influence of any party or person.

- g. An officer or employee of a state agency should abstain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty in the public interest and his private interest.
 - h. An officer or employee of a state agency, member of the legislature or legislative employee should endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.
 - i. No officer or employee of a state agency employed on a full-time basis nor any firm or association of which such an officer or employee is a member nor corporation a substantial portion of the stock of which is owned or controlled directly or indirectly by such officer or employee, should sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the state agency in which such officer or employee serves or is employed.
- 4. Violations.** In addition to any penalty contained in any other provision of law any such officer, member or employee who shall knowingly and intentionally violate any of the provisions of this section may be fined, suspended or removed from office or employment in the manner provided by law. Any such individual who knowingly and intentionally violates the provisions of paragraph b, c, d or i of subdivision three of this section shall be subject to a civil penalty in an amount not to exceed ten thousand dollars and the value of any gift, compensation or benefit received as a result of such violation. Any such individual who knowingly and intentionally violates the provisions of paragraph a, e or g of subdivision three of this section shall be subject to a civil penalty in an amount not to exceed the value of any gift, compensation or benefit received as a result of such violation.

ITEMS TO INSERT:

1.) DEPARTMENT OF ECONOMIC DEVELOPMENT
EXCEL SPREADSHEET TEMPLATE LISTING ALL
DESIGNATED PROPERTIES

2.) COPY OF ANY OTHER APPLICABLE CONFLICT OF
INTEREST POLICIES OR GUIDELINES

3.) EVIDENCE OF SUBMISSION OF TAX-FREE AREA
PLAN TO INTERESTED PARTIES, I.E., COPIES OF
CORRESPONDENCE SENT AND RECEIVED

Note that program regulations require 30-day notice to potential stakeholders, including the chief executive officers of the municipality or municipalities in which the subject properties are located, a local economic development entity, faculty senate, campus student government, and union representatives, and require "evidence" of the campus' communications to these local stakeholders. Please note that you **MUST** include copies of all correspondence in your formal submissions to SUNY and ESDC. It is important that the plan be mailed **via first class mail** to each of the unions representing state employees, including the local (or statewide if no local exists) leadership for UUP, CSEA, PEF, PBA, GSEU and NYSCOPBA. Community colleges must also notify the unions representing their employees. If you are unsure whom to contact, please let us know and we can assist you in making this notification.

 <p>Category: Academic Affairs Community Colleges Legal and Compliance Research Responsible Office: Academic Affairs</p>	<p>Policy Title: START-UP NY Program Participation Policy Document Number: 6800 Effective Date: February 10, 2014 This policy item applies to: Community Colleges State-Operated Campuses</p>
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Summary

START-UP NY is a state economic development program that positions SUNY campuses as magnets for entrepreneurs and businesses from around the globe. START-UP NY aligns with SUNY's mission of teaching, research and public service; enabling engagement with industry, knowledge acceleration, translation of research into practical applications, and delivering the 21st century workforce businesses need to grow and thrive.

START-UP NY will transform university communities to deliver unprecedented economic benefits to New York. To participate in the program, all campuses must comply with this policy and any applicable rules and regulations issued by the NYS Commissioner of Economic Development. This policy governs the review process that all participating campuses must follow to secure SUNY's approval of the plans, applications, and other documents required by the NYS Commissioner of Economic Development to participate in the START-UP NY program. It also prescribes special requirements for the disclosure and management of actual or potential conflicts of interest in matters pertaining to the campus' START-UP NY program. Any conflict between this policy and any other applicable Conflict of Interest policy shall be resolved in favor of disclosure of any potential, actual, or perceived conflict of interest relating to the campus' START-UP NY program to the President or Chief Executive Officer of the sponsoring campus.

Policy

A. Campus Plans for Designation of Tax-Free Area(s): Any campus intending to submit a Campus Plan for Designation of Tax-Free Area(s) ("Campus Plan") to the NYS Commissioner of Economic Development must first have it reviewed and approved by the Chancellor or designee. The Chancellor or designee shall approve or reject all Campus Plans within fifteen (15) business days of receipt. Any rejected Campus Plan shall be accompanied by an explanation of the basis for rejection. Once approved by the Chancellor or designee a campus may submit its Campus Plan to the NYS Commissioner of Economic Development in accordance with the Commissioner's rules and regulations. Any Campus Plan that is rejected can be resubmitted for Chancellor or designee approval and will be reviewed in accordance with this policy and related procedures. Any amendments to approved Campus Plans must be submitted for Chancellor or designee approval and will be reviewed in accordance with this policy and related procedures.

B. Sponsoring University or College Applications for Business Participation:

Any campus intending to submit a Sponsoring University or College Application for Business Participation ("Sponsor Application") to the NYS Commissioner of Economic Development must first have it reviewed and approved by the Chancellor or designee. The Chancellor or designee shall approve or reject all Sponsor Applications within thirty (30) business days of receipt. Any rejected Sponsor Application shall be accompanied by an explanation of the basis for rejection. Once approved the campus may submit the Sponsor Application to the NYS Commissioner of Economic Development in accordance with the Commissioner's rules and regulations. Any Sponsor Application that is rejected can be resubmitted for Chancellor or designee approval and will be reviewed in accordance with this policy and related procedures. Any amendments to approved Sponsor Applications must be submitted for Chancellor or designee approval and will be reviewed in accordance with this policy and related procedures.

C. Delegations: The Chancellor or designee may charge a group of individuals, collectively called the SUNY START-UP NY Proposal Review Team, to evaluate all submitted Campus Plans and Sponsor Applications prior to accepting or rejecting them.

D. Conflicts of Interest: Service as an Official shall not be used as a means for private benefit or inurement for any Official, a Relative thereof, or any entity in which the Official or Relative thereof has a Business Interest. A conflict of interest exists whenever an Official has a Business Interest or other interest or activity outside of the university that has the possibility, whether potential, actual, or perceived, of (a) compromising the Official's judgment, (b) influencing the Official's decision or behavior with respect to the START-UP NY Program, or (c) resulting in personal or a Relative's gain or advancement. Any Official who is an owner or employee of an entity that is the subject of any matter pertaining to the university's START-UP NY Program, or who has a Business Interest in any entity that is the subject of any matter pertaining to the university's START-UP NY Program, or whose Relative has such a Business Interest, shall not vote on or otherwise participate in the administration by the university of any START-UP NY matter involving such entity. Any Official or other campus representative who becomes aware of a potential, actual or apparent conflict of interest, either their own or that of another Official, related to a sponsoring university or college's START-UP NY program must disclose that interest to the President or Chief Executive Officer of the sponsoring college or university. Each such President or Chief Executive Officer shall maintain a written record of all disclosures of actual or potential conflicts of interest made pursuant to this policy, and shall report such disclosures on a calendar year basis, by January 31st of each year, to the University Auditor or to the Chancellor's designee, in which case the University Auditor shall be copied on the correspondence to such designee. SUNY shall then forward such reports to the Commissioner of Economic Development for the State of New York, who shall make public such reports.

E. Exceptions: There are no exceptions to this policy.

Definitions

Business Interest means that an individual (1) owns or controls 10% or more of the stock of an entity (or 1% in the case of an entity the stock of which is regularly traded on an established securities exchange); or (2) serves as an officer, director or partner of an entity.

Official means an employee at the level of dean and above as well as any other person with decision-making authority over a campus' START-UP NY Program, including any member of any panel or committee that recommends businesses for acceptance into the START-UP NY program.

Relative means any person living in the same household as another individual and any person who is a direct descendant of that individual's grandparents or the spouse of such descendant.

Sponsoring College or University means any entity defined or described in NYS Education Law Sec. 352 and Article 126.

Effective: February 10, 2014 Page 2 of 3
6800 - START-UP NY Program Participation Policy

May 23, 2016

START-UP NY Program means the SUNY Tax-free Areas to Revitalize and Transform Upstate New York Program established by Article 21 of the Economic Development Law.
Tax-Free NY Area means vacant land or space designated by the Commissioner of Economic Development Article 21 of the Economic Development Law that is eligible to receive benefits under the START-UP NY program.

Other Related Information

[Start-Up NY Regulations](#); available at the [Start-Up NY Website](#).

At least thirty days before submitting the Campus Plan to the Commissioner of Economic Development the campus must provide a copy of the Plan to the chief executive officer of the municipality or municipalities in which the proposed Tax-free NY Area is located, local economic development entities, the applicable university or college faculty senate, union representatives and the campus student government. The campus shall include in their submission to the Commissioner of Economic Development certification of such notification, as well as a copy of any written response from chief executive officer of the municipality or municipalities in which the proposed Tax-free NY Area is located, local economic development entities, the applicable campus or college faculty senate, union representatives and the campus student government.

[StartUp-NY.gov](#) website and program information.

Procedures

[START-UP NY Program Participation, Procedures for](#)

Forms

[SUNY START-UP NY Campus Plan for Designation of Tax-Free Area\(s\) Memorandum](#)
[SUNY START-UP NY Campus Plan for Designation of Tax-Free Area\(s\) Template](#)
[START-UP NY Sponsoring University or College Application for Business Participation Memorandum](#)
[ESD START-UP NY Sponsoring University or College Application for Business Participation](#)
[ESD START-UP NY Business Application Instructions](#)
[ESD START-UP Business Application](#)

Authority

[State University of New York Board of Trustees Resolution 14-\(\)](#), [START-UP New York Program Administration](#),
adopted January 14, 2014
[Law, New York Economic Development Law Article 21 \(Start-Up NY Program\)](#)
[Start-Up NY Regulations](#)

History

Enacted into law in June 2013, START-UP NY is a groundbreaking new initiative from Governor Andrew M. Cuomo that provides major incentives for businesses to relocate, start up or significantly expand in New York State through affiliations with public and private universities, colleges and community colleges. Businesses will have the opportunity to operate state and local tax-free on or near academic campuses, and their employees will pay no state or local personal income taxes.

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6800 - START-UP NY Program Participation Policy

Appendices

There are no appendices relevant to this policy.

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6800 - START-UP NY Program Participation Policy



SCHENECTADY COUNTY COMMUNITY COLLEGE CODE OF ETHICS

The President and the Board of Trustees of Schenectady County Community College (the "College") recognize that the College's Board of Trustees, President's Council, Administrators, and Faculty Department Deans (collectively, the "Officers or Administrators"), must observe standards of ethical conduct to fulfill the College's mission with integrity and assure public confidence in the institution.

In order to provide a framework for guiding ethical conduct, the President and the Board of Trustees of Schenectady County Community College adopt the following rules of ethical conduct and procedures for disclosing potential conflicts of interest for the Officers or Administrators to uphold. In the event of a conflict between the terms of this policy and the Schenectady County Ethics and Disclosure Law (the "County Ethics Law"), the County Ethics Law shall control. If a topic has also been addressed in other policy statements or manuals, the procedures and statements contained therein are hereby affirmed and made a part hereof for all purposes.

I. Standards of Conduct

The President and the Board of Trustees hereby adopt these standards of conduct for all Officers or Administrators.

Officers or Administrators should not:

1. Accept or solicit any gift, favor, or service that might reasonably tend to influence the individual in the discharge of official duties or that the individual knows or should know is being offered with the intent to influence the individual's official conduct.
2. Accept employment or engage in a business or professional activity that the individual might reasonably expect would require or induce him or her to disclose confidential information acquired by reason of his or her position with the College.
3. Accept other appointments or any employment or compensation that could reasonably be expected to impair the individual's independence of judgment in the performance of official duties.

4. Intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised his or her official powers or performed official duties in favor of another.

Officers and Administrators must:

Complete the Annual Statement of Financial Disclosure promulgated by the Schenectady County Board of Ethics, in the form substantially similar that annexed hereto as Exhibit "A". A reporting individual who knowingly and willfully fails to file a this annual statement of financial disclosure or who knowingly and willfully with intent to deceive makes a false statement or gives information which such individual knows to be false on such statement of financial disclosure filed pursuant to this provision shall be referred to the Schenectady County Community College Ethics Advisory Committee as established in Article V below.

II. Conflicts of Interest

It is the policy of the College that Officers or Administrators may not have direct or indirect interests, including financial and other interests, engage in business transactions or professional activities, or incur any obligation of any nature that is in substantial conflict with the proper discharge of the individual's duties to the College. In order to implement this policy, the President and the Board of Trustees adopt the policies set forth in this section.

The following definitions shall apply to this section:

"Interest" shall mean a monetary benefit, personal benefit, or material benefit.

"Conflict of Interest" shall mean the opportunity to advance one's own interest, or the interests of others with whom one has a relationship, in a way harmful, potentially harmful, or appearing to be harmful, to the interest of the College. The existence of a relationship or interest that inhibits a member of the College community from exercising independent judgment in the best interest of the College.

1. Individual Disclosure of Personal or Private Interest. An Officer or Administrator who has a personal or private interest in a measure, proposal, or decision pending before the Board of Trustees, other than a contract in which such an individual has a pecuniary interest, shall disclose such interest in a public meeting of the Board of Trustees, and such disclosure shall be entered in the minutes of the Board of Trustees. The Board of Trustees may consider such measure, proposal or decision, but any member having such an interest shall not vote or otherwise participate in such deliberation or action of the Board of Trustees. This procedure may not be utilized for contracts in which a member has a pecuniary interest.

2. Potential Conflict of Interest of Officers or Administrators. (a) As soon as possible after becoming aware of any potential conflict of interest, the Officer or

Administrator shall disclose such fact and any other relevant information to the Board of Trustees.

(b) In the event another Officer or Administrator becomes aware that another Officer or Administrator may have a potential conflict of interest, that individual must report said potential conflict of information to the Board of Trustees, which shall refer the matter to the Board of Ethics as established in Article VI below.

3. Contracts Prohibited. Excluding employment contracts and any contract in an amount less than Fifty Thousand Dollars (\$50,000.00), the College may not enter into a contract in which an Officer or Administrator has a direct or indirect interest. An interest owned by an Officer or Administrator's spouse is considered to be an "indirect pecuniary interest."

4. Recusal Permitted Only for Certain Types of Contracts Having Interests. If an Officer or Administrator is a stockholder or director of a corporation, or a member of any other business entity, seeking to enter into a contract with the College in an amount of \$50,000.00 or higher, and the Officer or Administrator owns or has an interest in no more than Ten (10%) percent of the business entity, the contract may be executed so long as it is awarded by competitive bidding or competitive sealed proposals. An interest owned by an Officer or Administrator's spouse is considered to be a "beneficial interest." The affected individual must disclose such interest in a public meeting of the Board of Trustees and refrain from voting on the contract or transaction. Any such contract or transaction requiring Board of Trustees approval must be approved by an affirmative majority of the Board of Trustee members voting on the contract or transaction.

5. Contracts with Non-profit Corporations. The College is not precluded from entering into contracts or other transactions with nonprofit corporations merely because an Officer or Administrator also serves on the board of or is a member of the nonprofit corporation, provided such membership is disclosed in a public meeting of the Board of Trustees, and such disclosure shall be entered in the minutes of the Board of Trustees. Other factors and interest, such as pecuniary or personal interests, may require disclosure and recusal, as described above.

6. Disclosure of Interest in Property to be Acquired. Officers or Administrators are required to disclose any legal or equitable interest in property that is to be acquired or leased by the College and such disclosure shall be made in a public meeting of the Board of Trustees, and such disclosure shall be entered in the minutes of the Board of Trustees.

7. Examples of Potential Conflicts of Interest. The following examples illustrate situations that may constitute a conflict of interest. This list is not comprehensive and does not limit the scope of this policy.

(i) Favoring of Outside Interests for Personal Gain:

Exerting influence on the decision to purchase, lease or terms of lease of property, equipment or materials for the College to the advantage of the individual or person with a relationship to that Officer or Administrator.

Engaging in a College agreement or service contract with a third party in which either the individual or a person with a relationship to that Officer or Administrator has a financial interest.

Managing (or supervising or controlling) and/or directing (or guiding or conducting) a College program to serve the needs of a third party in which either the individual or a person with a relationship to that individual has a financial or other interest.

Accepting special favors for personal gain from private organizations or individuals with whom the College does business, or from students or colleagues, without complete disclosure to and approval from the Board of Trustees.

(ii) Inappropriate Use of College Personnel, Resources, or Assets:

Using College students or staff on College time to carry out work for an enterprise in which the Officer or Administrator has a financial or other interest.

Using College resources or facilities to benefit a private concern in which the Officer or Administrator has a financial or other interest.

(iii) Inappropriate Use of Information:

Using for personal gain or other unauthorized purposes, information acquired as a result of the Officer's or Administrator's College activities.

Unreasonably delaying publication of information or premature release of information to secure personal gain or to secure gain for a person with whom an Officer or Administrator has a relationship.

III. Benefits, Gifts, and Honoraria

A "benefit" is anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare the Officer or Administrator has a direct or substantial interest.

1. Bribery. No Officer or Administrator may solicit, offer, or accept any benefit in exchange for his or her decision, opinion, recommendation, vote, or other exercise of official power or discretion.

2. Prohibited Benefits. As an individual who exercise discretion in connection with contracts, purchases, payments, claims, and other pecuniary transactions, an Officer or Administrator may not solicit, accept, or agree to accept any benefit from any person the individual knows is interested in or is likely to become interested in any contract, purchase, payment, claim, or transaction involving the Officer's or Administrator's discretion. This prohibition does not apply to:

(i) Gifts or other benefits conferred on account of kinship or a personal, professional, or business relationship independent of an individual's status as an Officer or Administrator;

(ii) Items having a value of less than \$75, not including cash or negotiable instruments.

3. Food, Lodging, Transportation, and Entertainment Received as a Guest. An Officer or Administrator may not accept food, lodging, transportation, or entertainment from persons or entities he or she knows or reasonably should know are interested in or likely to become interested in a contract, purchase, payment, claim, decision, or transaction involving the exercise of the Officer's or Administrator's discretion; provided, however, Officers or Administrators may accept benefits from personal friends, relatives, or business associates with whom they have a relationships independent of their official status, so long as the benefit is not offered in exchange for official action or decision.

IV. Nepotism

1. Officers or Administrators are prohibited from appointing, voting for, or confirming the appointment of any person related to such individual within the "Third Degree by Consanguinity" (blood) or within the "Second Degree by Affinity" (marriage).

Relatives within the "Third Degree by Consanguinity" include a parent, child, grandparent, sibling, grandchild, great-grandparent, uncle, aunt, nephew, niece, and great-grandchild.

Relatives within the Second Degree by Affinity include a spouse; the spouse's parent, grandparents, and siblings; a son-or-daughter-in-law; and a grandchild's spouse.

2. These prohibitions do not apply if the person who is related to the Officer or Administrator: (i) has been employed in the office or position prior to the enactment of this Code of Ethics, including those employees who are appointed annually; or (ii) has been employed in the office or position for at least thirty (30) days prior to the appointment or employment of the Officer or Administrator. If the related person continues in such a position, the Officer or Administrator may not participate in any

deliberation or vote on the appointment, reappointment, confirmation of the appointment or reappointment, employment, re-employment, change in status, compensation, or dismissal of the related individual.

V. Schenectady County Community College Ethics Advisory Committee

1. The Schenectady County Community College Ethics Advisory Committee (the "Ethics Advisory Committee") is hereby established. It shall be responsible for serving as an initial clearinghouse for ensuring compliance with this Code of Ethics.

2. Membership. The Ethics Advisory Committee shall have 5 members appointed by the Board of Trustees and shall consist of the following: (i) the President; (ii) one member selected from among the President's Council; (iii) one member selected from among the Faculty Department Deans; and (iv) two members of the Board of Trustees.

3. Powers and Duties. The Ethics Advisory Committee shall receive and review any and all alleged violations, complaints, and questions regarding this Code of Ethics. Upon a majority vote, the Ethics Advisory Committee, in its sole and absolute discretion, may either: (i) issue its own determination or opinion in the matter, or (ii) refer the matter to the Schenectady County Board of Ethics or to the appropriate State agency or entity for an advisory opinion or ruling.

Approved by the Board of Trustees May 20, 2013 per Resolution # 13-74



STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER
Division of Legal Services
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**Conflicts of Interest: Municipal Officers and Employees
The Fundamentals of Article 18 of the General Municipal Law**

Introduction

Article 18 of the General Municipal Law (§ 800 *et seq.*) (article 18) is the principal State statute governing conflicts of interest on the part of municipal officers and employees. An understanding of article 18 is important because violations of the statute can result in civil and criminal sanctions, undermine public confidence in local government administration and damage reputations. Thus, the purpose of this document is to describe and explain the provisions of article 18.

History of Article 18

Article 18 was enacted in 1964,¹ in what can be described fairly as nothing less than an effort to bring order out of chaos. Prior to the enactment of article 18, conflicts of interest on the part of local government officials were governed by the common law, at least a dozen state statutes and several dozen city charter provisions (which to one degree or another codified the common law), and by a large number of administrative and judicial decisions interpreting both the common law and these various statutes and charter provisions.² Indeed, when enacting article 18, the Legislature found that “[e]xisting law is too complex, too inconsistent, too overgrown with exceptions . . .,” and that “[b]asic concepts must be retained, but something more than recodification is needed.”³ The Legislature further noted that “[r]eal conflict must be rooted out, without condemning the inconsequential.”⁴

Thus, the legislation enacting article 18 was an effort to clarify, harmonize and rationalize the law relating to conflicts of interest on the part of municipal officers and employees, but only as means of achieving a “trinity” of larger purposes: “to protect the public from municipal contracts influenced by avaricious officers, to protect innocent public officers from unwarranted assaults on their integrity and to encourage each community to adopt an appropriate code of ethics to supplement this chapter.”⁵ Consistent with these goals, the legislation was intended to be “the

¹ L 1964, ch 946.

² See Municipal Officials and Conflicts of Interest: An Analysis of the State of the Law and a Proposed Statute, Department of Audit and Control, December 1, 1957.

³ L 1964, ch 946, § 1.

⁴ Id.

⁵ Id.

generic law in relation to conflicts of interest in municipal transactions, not to be superseded by local law of any municipality subject to its provisions.”⁶

Scope and Structure

The phrase “conflict of interest” refers to a concept that has very broad application. It comes into play virtually any time an individual confronts some form of divided loyalty. Article 18, however, does not address every circumstance that might be characterized as a “conflict of interest.” For example, article 18 does not address the issue of whether, or under what circumstances, a person may simultaneously hold more than one public position, commonly referred to as “incompatibility.”⁷

In general, article 18 approaches conflicts of interest in two ways. It establishes state-wide rules dealing with a number of issues. It also provides broad authority, and in many cases a mandate, for the state-wide rules to be supplemented through the adoption of local codes of ethics.

The most important of the state-wide rules relate to the question of whether, and under what circumstances, a municipal officer or employee can do business with the municipality for which he or she serves.⁸ The state-wide rules also address the solicitation and receipt of gifts, disclosure and use of confidential information, receipt of compensation for services in relation to matters before municipal agencies, disclosure in certain land use matters, and annual financial disclosure.⁹

Local codes of ethics are intended to provide standards of conduct with respect to matters that are not covered by the state-wide rules in article 18.¹⁰ Every municipality is authorized or required to adopt its own code of ethics because the “diversity in size of and situations faced by different municipalities in the State, [makes it] inadvisable to formulate a comprehensive set of rules to apply to all municipalities which would be appropriate and workable in all cases.”¹¹ Further, “[s]ufficient flexibility is provided so that each municipality can adapt its Code to its particular needs or circumstances.”¹²

Application of Article 18

Article 18 applies to municipalities. The term “municipality” is defined very broadly to include most of the State’s local government entities.¹³ The term encompasses counties, cities (except

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Id.

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See General Municipal Law § 801, referring to “any municipal officer or employee in one or more positions of public employment, the holding of which is not prohibited by law” (emphasis supplied); cf. e.g. People ex rel. Ryan v Green, 58 NY 295 (1874); 2006 Ops Atty Gen No. 2006-3, at 1015; compare Village Law § 3-300 (3); Town Law §§ 20 (4), 23 (1), 174 (4); County Law § 411.

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See General Municipal Law §§ 801-805.

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See General Municipal Law §§ 805-a, 809, 810-812.

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See General Municipal Law § 806 (1).

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Report of the Governor’s Special Commission on Ethical Standards in Public Service, December 12, 1969, at 2.

12

Id. at 5.

13

See General Municipal Law § 800 (4).

the City of New York), towns and villages.¹⁴ In addition to these general purpose units of local government, the definition also includes a wide array of other local government entities such as school districts, boards of cooperative educational services (BOCES), district corporations (e.g. fire districts),¹⁵ industrial development agencies, urban renewal agencies, public libraries, town or county improvement districts, consolidated health districts, county vocational education and extension boards, certain joint water works systems, and other districts and joint services established for the purpose of carrying on, performing or financing one or more improvements or services intended to benefit the health, welfare, safety or convenience of the inhabitants of such governmental units or to benefit the real property within such units.¹⁶ The State Comptroller's Office has also concluded that article 18 applies to a community college because the college is an agency of its local sponsor.¹⁷

Although the term "municipality" is defined to include industrial development agencies, the definition does not include other types of "public benefit corporations,"¹⁸ many of which are commonly known as "public authorities." Consequently, except in the case of industrial development agencies, article 18 does not apply to a public benefit corporation or a public authority unless another statute renders it applicable.¹⁹ In fact, most public benefit corporations and public authorities are not subject to article 18, but may be subject to separate conflict of interest provisions set forth in their enabling legislation.²⁰ For example, article 18 does not apply to public housing authorities,²¹ but housing authorities are subject to a conflict of interest provision in the Public Housing Law.²²

Article 18 also applies to municipal officers and employees. The term "municipal officer or employee" is defined as a paid or unpaid officer or employee of a municipality, including members of any administrative board, commission or other agency of the municipality.²³ In the case of a county, the definition includes any officer or employee paid from county funds.²⁴ A fire chief or assistant fire chief is also a "municipal officer or employee," but the definition does not include a person solely by reason of being a volunteer firefighter or civil defense volunteer.²⁵

Prohibition on Interests in Contracts

Under certain circumstances, article 18 prohibits municipal officers and employees from having interests in contracts with the municipality for which they serve. More specifically, unless a statutory exception applies, a municipal officer or employee is prohibited from having an interest in a contract with the municipality for which he or she serves when the person has the power or

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Id.

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Town Law § 174 (7); cf. General Construction Law §§ 65 (b), 66 (1), (3).

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See General Municipal Law § 800 (4); see also General Municipal Law § 883.

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See e.g. 1987 Ops St Comp No. 87-75, at 111; cf. People v Wendel, 116 Misc 2d 91 (1982).

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See General Municipal Law § 856 (2); compare General Construction Law §§ 65 (b), 66 (1), (4).

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See e.g. Public Authorities Law §§ 1954-a, 2309.

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See e.g. Public Authorities Law §§ 1120-q, 2046-p, 2658.

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See e.g. 1997 Ops St Comp No. 97-11, at 20.

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See Public Housing Law § 36; 1994 Ops St Comp No. 94-6, at 9.

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See General Municipal Law § 800 (5).

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Id.

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Id.

duty – either individually or as a member of a board – to negotiate, prepare, authorize, or approve the contract; to authorize or approve payment under the contract; to audit bills or claims under the contract; or to appoint an officer or employee with any of those powers or duties.²⁶

Therefore, in order for a municipal officer or employee to have a prohibited interest in a contract, four factors must be present. First, there must be a “contract” with the municipality. Second, the individual must have an “interest” in the contract. Third, the individual, in his or her official capacity, must have one or more of the powers or duties that can give rise to a prohibited interest. Finally, the situation must not fit within any of the statutory exceptions. If a municipal officer or employee has an interest in a contract, and does not have any of the powers or duties that could cause the interest to be prohibited, or if any of the statutory exceptions applies, then the interest is not prohibited, but in most cases must be disclosed.²⁷

What is a “Contract”?

Article 18 defines a “contract” as including any “claim, account or demand against or agreement with a municipality, express or implied....”²⁸ Thus, almost any business relationship with a municipality will result in a contract. Examples of contracts include purchase agreements,²⁹ sale agreements,³⁰ leases,³¹ construction agreements,³² and service contracts.³³ Even a voucher can be a contract because it is a “claim, account or demand” against a municipality.³⁴ Under article 18, the definition of a “contract” also includes the designation of a depository of public funds, as well as the designation of an official newspaper or a newspaper for the publication of any notice, resolution, ordinance or other proceeding required or authorized by law.³⁵

In some cases, the existence of a “contract” may not be obvious. The Court of Appeals has held that a town supervisor had a prohibited interest in a contract with his town when he acquired real property located in the town at a county tax sale.³⁶ In reaching this conclusion, the Court rejected the argument that there was no contract between the supervisor and his town noting that “[a]lthough on the surface this argument appears dispositive, there is much more to the matter.”³⁷ The Court then went on to analyze the roles of both the town and county in the imposition and collection of the property taxes leading up to the tax sale. Based on that analysis, the Court concluded that “[i]n the greater scheme of things, the two municipalities have an overlap, if not identity, of interest” and “[t]he contract of sale, though in form concerning only the county, by implication also involves the town, and as such is within the statutory contemplation.”³⁸

²⁶ General Municipal Law § 801 (1).

²⁷ General Municipal Law § 803, discussed *infra*.

²⁸ General Municipal Law § 800 (2).

²⁹ *See e.g.* 1996 Ops St Comp No. 96-14, at 31.

³⁰ *See e.g.* 1984 Ops St Comp No. 84-12, at 14.

³¹ *See e.g.* 1989 Ops St Comp No. 89-32, at 74.

³² *See e.g.* 1988 Ops St Comp No. 88-23, at 41.

³³ *See e.g.* 1988 Ops St Comp No. 88-44, at 86.

³⁴ *See e.g.* 1998 Ops St Comp No. 98-5, at 12.

³⁵ General Municipal Law § 800 (2).

³⁶ *Rose v Eichhorst*, 42 NY2d 92 (1977).

³⁷ *Id.* at 94.

³⁸ *Id.* at 97, *see also* 1988 Ops St Comp No. 88-29, at 54, concerning the purchase of property by the village mayor from the village industrial development agency, the members of which are appointed by the village

Another issue is whether issuance or granting of building permits, licenses, zoning changes, variances, site plan or subdivision approvals, and the like constitute “contracts” under article 18. The State Comptroller’s Office has long expressed the view that these types of land use actions do not give rise to a “contract” within the meaning of article 18.³⁹ The most recent court case to consider the issue similarly concluded that the grant of a variance does not result in a “contract.”⁴⁰ Moreover, at least one court apparently assumed, without expressly addressing the question, that subdivision approval was not a “contract.”⁴¹ Nonetheless, it should be noted that there is some precedent to the contrary. The first case to consider the issue held that issuance of a building permit resulted in a “contract.”⁴² Moreover, another court, without discussion, treated site plan and subdivision approvals as “contracts” and applied article 18.⁴³

The State Comptroller’s Office has also considered whether a variety of other types of transactions result in a “contract” within the meaning of article 18. The State Comptroller’s Office has concluded that an agreement between two or more municipalities does not constitute a contract because, notwithstanding the literal language of the statute, the Legislature did not intend to include inter-municipal agreements within the definition of that term.⁴⁴ The State Comptroller’s Office has also expressed the view that gifts to a municipality generally do not fall within the statutory definition of a contract because a gift is a voluntary transfer of property from one party to another without consideration.⁴⁵ In addition, the State Comptroller’s Office has concluded that an appointment to a municipal office, by itself, does not give rise to a contract within the meaning of article 18.⁴⁶

What is an “Interest” in a Contract?

The second factor that must be present in order for a municipal officer or employee to have a prohibited interest in a contract is that the individual must have an “interest” in the contract. Article 18 defines the term “interest” as “a direct or indirect pecuniary or material benefit accruing to a municipal officer or employee as the result of a contract with the municipality which such officer or employee serves.”⁴⁷

Whether a municipal officer or employee receives a benefit “as a result of” a municipal contract is a factual determination. For example, ordinarily, a municipal officer or employee who receives payment under a contract with his or her municipality would have an interest in the contract because the payment is a direct financial benefit resulting from the contract.⁴⁸ A municipal officer or employee, however, does not have to be a party to a contract in order to

board of trustees.

³⁹ See e.g. 1991 Ops St Comp No. 91-48, at 132; 1988 Ops St Comp No. 88-68, at 135; 1985 Ops St Comp No. 85-60, at 84; 1983 Ops St Comp No. 83-108, at 252.

⁴⁰ Friedhaber v Town Bd. of Town of Sheldon, 16 Misc 3d 1140[A], 2007 NY Slip Op 51772[U] (2007), affd 59 AD3d 1006 (4th Dept 2009).

⁴¹ Matter of Cahn v Planning Bd. of Town of Gardiner, 157 AD2d 252 (3rd Dept 1990).

⁴² People v Pinto, 88 Misc 2d 303 (1976).

⁴³ Matter of DePaolo v Town of Ithaca, 258 AD2d 68 (3rd Dept 1999), lv denied 94 NY2d 751 (1999).

⁴⁴ See e.g. 2001 Ops St Comp No. 2001-14, at 28.

⁴⁵ 2008 Ops St Comp No. 2008-1.

⁴⁶ 1998 Ops St Comp No. 1998-3, at 6.

⁴⁷ General Municipal Law § 800 (3).

⁴⁸ See e.g. 2008 Ops St Comp No. 2008-2.

have an interest in the contract.⁴⁹ To illustrate, when a municipality contracts with a person who resides with a municipal officer or employee, and the proceeds from the contract are used to defray common household expenses, the municipal officer or employee would have an interest in the contract because he or she receives an indirect financial benefit as a result of the municipal contract.⁵⁰

Under article 18, a municipal officer or employee is also “deemed” to have an interest in the contracts of certain individuals and business entities with which he or she has a relationship.⁵¹ In these instances, the law presumes that a municipal officer or employee receives a benefit as a result of the contract. In other words, once it is established that there is a municipal contract with one of these individuals or business entities, the municipal officer or employee is considered to have an interest in the contract, without any separate or additional factual showing that the municipal officer or employee receives a benefit as a result of the contract.

A municipal officer or employee is deemed to have an interest in the contracts of his or her spouse, minor children and dependents, except their contracts of employment with the municipality.⁵² Thus, for example, if the spouse of a municipal officer or employee is retained by the municipality as an independent contractor, the municipal officer or employee is deemed to have an interest in the contract.⁵³ On the other hand, if the spouse is hired by the municipality as a municipal employee, the municipal officer or employee is not deemed to have an interest in the spouse’s employment contract with the municipality.⁵⁴

A municipal officer or employee is not deemed to have an interest in the contracts of any person other than his or her spouse, minor children and dependents.⁵⁵ Thus, for example, a municipal officer or employee is not deemed to have an interest in the contracts of his or her parents,⁵⁶ siblings,⁵⁷ emancipated children⁵⁸ or other relatives.⁵⁹ Nonetheless, a municipal officer or employee would still have an interest in such a contract if, as a factual matter, he or she were to receive a direct or indirect pecuniary or material benefit as a result of the contract.⁶⁰

Article 18 also deems a municipal officer or employee to have an interest in the contracts of certain business entities with which he or she is affiliated. In this regard, a municipal officer or employee is deemed to have an interest in the contracts of a firm, partnership or association of which he or she is a member or employee.⁶¹ Thus, for example, a municipal attorney is deemed to have an interest in a contract between the municipality and the attorney’s firm or

⁴⁹ See e.g. 2004 Ops St Comp No. 2004-2, at 4.

⁵⁰ See e.g. 1991 Ops St Comp No. 91-63, at 167.

⁵¹ General Municipal Law § 800 (3) (a)-(d).

⁵² General Municipal Law § 800 (3) (a).

⁵³ See e.g. 1998 Ops St Comp No. 98-6, at 14.

⁵⁴ See e.g. 1991 Ops St Comp No. 91-18, at 61; 1986 Ops St Comp No. 86-5, at 6.

⁵⁵ See General Municipal Law § 800 (3) (a).

⁵⁶ See e.g. 30 Ops St Comp No. 74-20 (1974).

⁵⁷ See e.g. 1982 Ops St Comp No. 82-365, at 461.

⁵⁸ See e.g. 1983 Ops St Comp No. 83-40, at 46.

⁵⁹ See e.g. 1987 Ops St Comp No. 87-23, at 37 (father-in-law); 31 Ops St Comp No. 75-648 (1975) (brother-in-law).

⁶⁰ See e.g. 1983 Ops St Comp No. 83-40, at 46, *supra*; see also 1991 Ops St Comp No. 91-63, at 167, *supra*.

⁶¹ General Municipal Law § 800 (3) (b).

partnership.⁶² A municipal officer or employee is also deemed to have an interest in the contracts of a corporation of which he or she is an officer, director or employee, or directly or indirectly owns or controls any stock.⁶³ For this purpose, “indirect” ownership of stock includes beneficial ownership of stock held in a blind trust.⁶⁴

Just because a municipal officer or employee has an interest in a contract does not necessarily mean that the interest is prohibited. In order for the interest to be prohibited, the municipal officer or employee must have certain powers or duties with respect to the contract, and the interest must not be covered by any other statutory exceptions.

What Powers and Duties Can Give Rise to a Prohibited Interest?

If a municipal officer or employee has an interest in a contract, the interest is not prohibited under article 18 unless a third factor is present – the individual must have certain official powers or duties with respect to the contract. Under article 18, an interest in a contract is prohibited only if the municipal officer or employee, either individually or as a member of a board, has the power or duty to: (1) negotiate, prepare, authorize or approve the contract; (2) authorize or approve payment under the contract; (3) audit bills or claims under the contract; or (4) appoint an officer or employee who has any of these powers or duties.⁶⁵ The enumeration of these powers and duties makes clear that the basic purpose of the statute is to prevent an individual from being able to influence the municipal procurement and payment processes from both sides of a transaction. Thus, in general, the powers and duties that can give rise to a prohibited interest in a contract do not include purely ministerial functions, such as executing a properly authorized contract or issuing a check to pay a properly audited and lawful claim.⁶⁶

In most instances, a member of the governing board of a municipality will have at least one of the powers or duties that can give rise to a prohibited interest in a contract.⁶⁷ To confirm the existence of these powers and duties, or to determine whether any other municipal officer or employee has them, the State statute or local enactment which establishes the position should be reviewed. More often than not, the powers and duties of the position will be set forth in that statute or enactment. Other sources of relevant information may include written job descriptions and employment contracts, as well as an examination of the actual functions of the position.

It is also important to understand that if a municipal officer or employee has one or more of the powers or duties that can give rise to a prohibited interest in a contract, it is the existence of these powers and duties, not whether they are exercised, that causes an interest in a contract to be prohibited.⁶⁸ As a result, recusal or abstention does not cure a prohibited interest in a contract.⁶⁹

⁶² See e.g. 2000 Ops St Comp No. 2000-22, at 56.

⁶³ General Municipal Law § 800 (3) (c), (d).

⁶⁴ 1980 Ops St Comp No. 80-151, at 38.

⁶⁵ General Municipal Law § 801 (1) (a)-(c).

⁶⁶ See 1991 Ops St Comp No. 91-8, at 18; compare 1986 Ops St Comp No. 86-7, at 11.

⁶⁷ See e.g. County Law §§ 215 (3), 224, 369 (2), 625; Education Law §§ 1604 (31), 1709 (20-a), 1724, 2523 (2), 2525; Town Law §§ 20 (3) (b), (e), 64 (1)-(4), (6), 118, 176 (4-a), (9); Village Law §§ 4-412 (1), 5-524 (2).

⁶⁸ See e.g. 1988 Ops St Comp No. 88-8, at 13.

⁶⁹ See e.g. 2000 Ops St Comp No. 2000-7, at 20.

In summary, it is permissible for a municipal officer or employee to have an interest in a contract, if he or she does not possess any of the powers or duties that can cause the interest to be prohibited; however, in most cases that interest must be disclosed.⁷⁰ On the other hand, if the municipal officer or employee has any of these powers or duties, the interest in the contract is prohibited unless a statutory exception applies to the interest.

Statutory Exceptions

If a municipal officer or employee has an interest in a contract, and the municipal officer or employee has one or more powers or duties which can give rise to a prohibited interest, the interest will not be prohibited unless a fourth factor is present – none of the statutory exceptions apply to the interest. There are seventeen statutory exceptions.⁷¹ In general, the exceptions apply when a municipal officer or employee does not have a material financial stake in the transaction, or an opportunity to exert improper influence, or when the transaction is otherwise in the public interest; however, there are no statutory exceptions for contracts that are competitively bid,⁷² contracts entered in emergency situations,⁷³ or for abstention and recusal.⁷⁴ The following is a discussion of the more frequently encountered statutory exceptions.⁷⁵

Compensation and expenses

Article 18 provides in what is in effect a statutory exception for the payment of lawful compensation and necessary expenses of any municipal officer or employee in one or more positions of public employment, the holding of which is not prohibited by law.⁷⁶ Therefore, to the extent that an individual's compensation from municipal employment results in an interest in a contract, the interest is permissible.⁷⁷ Similarly, to the extent that an interest in a contract results from a municipal officer or employee submitting a voucher for reimbursement of actual and necessary expenses, the interest is permissible.

Duties and remuneration exception

Another commonly encountered statutory exception, sometimes referred to as the “duties and remuneration” exception, applies to contracts with a person, firm, corporation or association in which a municipal officer or employee has an interest which is prohibited solely by reason of employment as an officer or employee thereof, if the remuneration of the employment will not be directly affected as a result of the contract, and the duties of the employment do not directly

⁷⁰ See General Municipal Law § 803, discussed *infra*.

⁷¹ General Municipal Law §§ 801 (last sentence), 802.

⁷² See e.g. 2000 Ops St Comp No. 2000-7, at 20, *supra*.

⁷³ See e.g. 1988 Ops St Comp No. 88-23, at 41, *supra*.

⁷⁴ See e.g. 2000 Ops St Comp No. 2000-7, at 20, *supra*.

⁷⁵ The exceptions not discussed relate to designation of a newspaper for official publications, certain private sales of bonds and notes, employment of a school physician, certain contracts for public utility service, certain contracts for use of private rooms or employees and certain contracts in connection with a private industry council. See General Municipal Law §§ 802 (1) (c), (g), (i), (2) (b)-(d), (f).

⁷⁶ General Municipal Law § 801.

⁷⁷ See e.g. 2001 Ops St Comp. No. 2001-14, at 28, *supra*; compare 1998 Ops St Comp No. 1998-3, at 6, *supra*.

involve the procurement, preparation or performance of any part of the contract.⁷⁸ Thus, this exception applies only if three conditions are met. First, the interest in the contract must be prohibited solely because of the individual's status as an officer or employee of the non-municipal employer.⁷⁹ Second, the individual's compensation from the non-municipal employer must not be directly affected as the result of the municipal contract. Third, the individual's duties for the non-municipal employer must not directly involve the procurement, preparation or performance of the municipal contract.

The duties and remuneration exception will not apply to an interest in a contract arising from any circumstance other than the individual's status as an "officer or employee" of the non-municipal employer. Therefore, the exception does not apply to interests arising from an individual's status as a corporate director⁸⁰ or stockholder.⁸¹ Whether the individual's compensation from the non-municipal employer is directly affected as a result of the municipal contract is a question of fact.⁸² For example, if a municipal officer or employee receives a commission on sales made to his or her municipality, the individual's compensation would be directly affected as a result of the municipal contract and the exception would not apply.⁸³ Similarly, whether the individual's duties for the non-municipal employer directly involve the procurement, preparation or performance of any part of the municipal contract is also a question of fact.⁸⁴

Pre-existing contracts

There is also a statutory exception applicable to a contract in which a municipal officer or employee has an interest if the contract was entered prior to the time that the individual was elected or appointed to his or her municipal position.⁸⁵ The exception, however, does not apply to renewal contracts.⁸⁶ Thus, for example, the exception applies to a contract for the delivery of road salt between a town and a town board member entered into prior to the individual's election to office, but not to any renewal or subsequent contracts.⁸⁷ The exception also applies to a month-to-month tenancy commencing prior to a municipal officer's election because the tenancy is regarded as a continuing contract pre-dating the election.⁸⁸

Minimal stockholdings

Another important statutory exception applies to contracts with a corporation in which a municipal officer or employee has an interest by reason of owning or controlling, either directly or indirectly, less than 5% of the corporation's outstanding stock.⁸⁹ The exception, however,

⁷⁸ General Municipal Law § 802 (1) (b).

⁷⁹ Compare General Municipal Law § 800 (3) (b), (c).

⁸⁰ See e.g. 1985 Ops St Comp No. 85-34, at 47.

⁸¹ See e.g. 2000 Ops St Comp No. 2000-7, at 20, *supra*.

⁸² See e.g. 1989 Ops St Comp No. 89-39, at 91.

⁸³ See e.g. 2006 Ops St Comp No. 2006-11, at 29.

⁸⁴ *Id.*

⁸⁵ General Municipal Law § 802 (1) (h).

⁸⁶ *Id.*

⁸⁷ See 2008 Ops St Comp No. 2008-2, *supra*.

⁸⁸ 1980 Ops St Comp No. 80-250, at 68.

⁸⁹ General Municipal Law § 802 (2) (a); compare General Municipal Law § 800 (3) (d).

does not apply to interests in such contracts arising from circumstances other than ownership or control of corporate stock, such as interests arising from an individual's status as a corporate officer, director or employee.⁹⁰

Contracts with not-for-profits

There is also a frequently encountered statutory exception that applies to contracts with a membership corporation or other voluntary non-profit corporation or association including, but not limited to, a "rural electric cooperative."⁹¹ For example, the Court of Appeals has held that the exception applies to a collective bargaining agreement between a municipality and a voluntary non-profit association representing the employees of the municipality.⁹² The State Comptroller's Office has concluded that the exception applies to a contract for fire protection between a municipality and a volunteer fire company.⁹³

Small value contracts

Another statutory exception applies to a contract in which a municipal officer or employee has an interest if the total consideration payable under the contract, when added to the total amount of all consideration payable under contracts in which the individual had an interest during the fiscal year, does not exceed \$750.⁹⁴ One example of when this exception might apply is when a municipality makes small purchases from a local hardware store owned by a municipal officer or employee.⁹⁵

Rural municipality exception

There is also a statutory exception, sometimes referred to as the "rural municipalities" exception, which applies only to purchase and public work contracts of municipalities (other than counties) that are located wholly or partly within a county with a population of two hundred thousand or less.⁹⁶ The exception only applies when a member of the governing body or board has a prohibited interest and when the following other conditions are met: (1) the individual must be elected; (2) the individual must serve without salary; (3) the contracts, in the aggregate, must be less than \$5,000 during the fiscal year; (4) the governing body or board must follow its procurement policies and procedures adopted pursuant to section 104-b of the General Municipal Law; (5) the procurement process must indicate that the contract is with the lowest dollar offeror; and (6) the contract must be approved by resolution of the governing body or board by the affirmative vote of each member of the body or board except the interested member who must abstain.⁹⁷

⁹⁰ 1988 Ops St Comp No. 88-75, at 143.

⁹¹ General Municipal Law § 802 (1) (f), as amended by L 2009, ch 249.

⁹² Stettine v County of Suffolk, 66 NY2d 354 (1985).

⁹³ See e.g. 1986 Ops St Comp No. 86-78, at 124.

⁹⁴ General Municipal Law § 802 (2) (e).

⁹⁵ See 1996 Ops St Comp No. 96-14, at 31, supra.

⁹⁶ General Municipal Law § 802 (1) (j).

⁹⁷ Id.

Real property

There are two statutory exceptions relating to the purchase and acquisition of real property by a municipality. Both involve judicial proceedings.

One of these statutory exceptions applies to the acquisition of real property through condemnation proceedings.⁹⁸ The other applies to the purchase by a municipality of real property or an interest therein, but only if the purchase and the consideration provided by the municipality are approved by order of the Supreme Court upon petition of the municipality's governing board.⁹⁹ Thus, for example, if a town negotiates a contract to purchase a leasehold interest from the town supervisor, the exception would apply, and the town supervisor would not have a prohibited interest in the contract, if the purchase and the purchase price are approved by a State Supreme Court Justice.¹⁰⁰ The exception, however, does not apply to sales of municipal real property.

Designation of a bank or trust company

There is also a statutory exception that applies specifically to the designation of a bank or trust company as a depository, paying agent, registration agent or for the investment of funds.¹⁰¹ This exception would apply, for example, where a school district designates as a depository a bank for which a member of the board of education serves as an officer and employee.¹⁰² The exception, discussed below, however, does not always apply when the chief fiscal officer, treasurer, or his or her staff has an interest in a bank or trust company so designated.

To recapitulate, if (1) there is a "contract" with the municipality, (2) the municipal officer or employee has an "interest" in the contract, (3) the individual has one or more of the powers and duties that can cause the interest to be prohibited, and (4) none of the statutory exceptions apply, then the interest is prohibited. Alternatively, if any of the statutory exceptions apply to the interest, then the interest is not prohibited, but in most cases must be disclosed.¹⁰³

Additional Prohibition for Chief Fiscal Officers, Treasurers and their Staff

Article 18 contains an additional prohibition applicable only to municipal chief fiscal officers, treasurers and their deputies and employees.¹⁰⁴ For this purpose, the term "chief fiscal officer" is defined as a comptroller, commissioner of finance, director of finance or other officer possessing similar powers and duties, but does not include a member of a board of education or trustee in a school district.¹⁰⁵ The term "treasurer" means the treasurer of a county, city, village, school district, fire district, BOCES, county vocational and extension board and public general hospital,

⁹⁸ General Municipal Law § 802 (1) (e).
⁹⁹ General Municipal Law § 802 (1) (d).
¹⁰⁰ See e.g. 1989 Ops St Comp No. 89-32, at 74, *supra*.
¹⁰¹ General Municipal Law § 802 (1) (a).
¹⁰² See 33 Ops St Comp No. 77-504, at 106 (1977).
¹⁰³ See General Municipal Law § 803, discussed *infra*.
¹⁰⁴ General Municipal Law § 801 (2).
¹⁰⁵ General Municipal Law § 800 (1).

a town supervisor, the president of a board of health of a consolidated health district, and any other officer possessing similar powers and duties.¹⁰⁶

Unless a statutory exception applies, no chief fiscal officer, treasurer, or his deputy or employee may have an interest in a bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the municipality of which he is an officer or employee.¹⁰⁷ Therefore, for example, when a town supervisor is a director and stockholder of a bank designated as a depository of town funds, the supervisor's interests in the bank are prohibited, unless a statutory exception applies to each of the interests.¹⁰⁸

As previously discussed, article 18 contains a statutory exception that applies specifically to the designation of a bank or trust company as a depository, paying agent, registration agent or for the investment of funds.¹⁰⁹ This exception, however, does not apply to a chief fiscal officer, treasurer or their deputies or employees unless the municipality would otherwise be required to designate a bank or trust company located outside the municipality.¹¹⁰ For example, in the event there is only one bank or trust company within the municipality, the exception would apply.¹¹¹ In that case, any interest in the bank or trust company on the part of the chief fiscal officer, treasurer or their deputies or employees would not be prohibited. If, however, there is more than one bank or trust company located within the municipality, this exception would not apply.¹¹² In such case, any interest in the bank on the part of the chief fiscal officer, treasurer or his or her staff would be prohibited unless some other exception applied to the interest.¹¹³

Disclosure of Interests in Contracts

With certain limited exceptions, article 18 requires municipal officers and employees to disclose interests in contracts with the municipality for which they serve.¹¹⁴ As a rule, if a municipal officer or employee, or his or her spouse, has, will have, or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement (including oral agreements), the municipal officer or employee must disclose the nature and extent of the interest in writing.¹¹⁵ The disclosure must be made as soon as the municipal officer or employee becomes aware of the actual or prospective interest.¹¹⁶ The disclosure must be made publicly to the individual's immediate supervisor, and to the governing body of the municipality, which must include the disclosure in the official record of its proceedings.¹¹⁷

¹⁰⁶ General Municipal Law § 800 (6).
¹⁰⁷ General Municipal Law § 801 (2).
¹⁰⁸ See 1989 Ops St Comp No. 89-4, at 10.
¹⁰⁹ General Municipal Law § 802 (1) (a).
¹¹⁰ Id.
¹¹¹ Cf. 1992 Ops St Comp No. 92-54, at 129.
¹¹² See e.g. 1989 Ops St Comp No. 89-4, at 10, supra.
¹¹³ Id.
¹¹⁴ General Municipal Law § 803.
¹¹⁵ General Municipal Law § 803 (1).
¹¹⁶ Id.
¹¹⁷ Id.

Disclosure, however, is not required with respect to an interest in a contract described in section 802 (2) of the General Municipal Law.¹¹⁸ For example, disclosure is not required where a municipal officer's or employee's interest in a contract results from ownership of less than 5% of the outstanding stock of a corporation which contracts with the municipality,¹¹⁹ or where a municipal officer or employee has an interest in a contract, but the total amount paid under the contract(s) during the course of a fiscal year does not exceed \$750.¹²⁰

The Court of Appeals has held that a knowing failure to disclose a contractual interest in violation of article 18 is grounds for a municipality to refuse to perform the contract.¹²¹ On the other hand, in several instances, courts have excused a failure to disclose when a municipal officer or employee's interest in a contract was otherwise a matter of public knowledge.¹²²

Violations

Article 18 provides that any contract willfully entered into by or with a municipality in which there is an interest prohibited by article 18 is null, void and wholly unenforceable.¹²³ The Court of Appeals has referred to this provision as “[working] a statutory nullification, thereby providing for municipal taxpayers the protection of a bar to any waiver of the prohibited conflicts of interest through consent of the governing body or authority of the municipality.”¹²⁴

Article 18 also provides that any municipal officer or employee who willfully and knowingly violates the previously discussed provisions of article 18 is guilty of a misdemeanor.¹²⁵ A conviction can serve as a basis for removal from office.¹²⁶

Other Prohibited Conduct

In addition to prohibiting interests in contracts under certain circumstances, article 18 prohibits municipal officers and employees from engaging in several other types of conduct. The other types of conduct prohibited by article 18 relate to soliciting and receiving gifts, the disclosure and use of confidential information, and the performance of compensated services for private clients in relation to matters before municipal agencies.¹²⁷ Knowing and intentional violations of these provisions are punishable by fine, suspension or removal from office or employment in the manner provided by law.¹²⁸

¹¹⁸ General Municipal Law § 803 (2).

¹¹⁹ See e.g. 1994 Ops St Comp No. 94-16, at 28.

¹²⁰ See e.g. 1998 Ops St Comp No. 98-6, at 14, *supra*.

¹²¹ See *Landau v Percacciolo*, 50 NY2d 430 (1980).

¹²² See *Stettine v County of Suffolk*, 105 AD2d 109 (2nd Dept 1984); *affd* 66 NY2d 354 (1985); cf. *D.E.P. Resources v Village of Monroe*, 131 AD2d 719 (2nd Dept 1987).

¹²³ General Municipal Law § 804.

¹²⁴ *Landau v Percacciolo*, 50 NY2d 430, 434 (1980), *supra*; but see *Rose v Eichhorst*, 42 NY2d 92, 98 (1977), *supra*.

¹²⁵ General Municipal Law § 805.

¹²⁶ See *Matter of West v Grant*, 243 AD2d 815 (3rd Dept 1997).

¹²⁷ General Municipal Law § 805-a (1).

¹²⁸ General Municipal Law § 805-a (2).

Gifts

Article 18 flatly prohibits a municipal officer or employee from, directly or indirectly, soliciting a gift.¹²⁹ The statute also prohibits a municipal officer or employee, either directly or indirectly, from accepting or receiving any gift having a value of \$75 or more under circumstances in which it can be reasonably inferred that the gift was intended to, or can be reasonably be expected to, influence him or her in the performance of official duties, or that the gift is intended as a reward for official action.¹³⁰

Under article 18, a gift can take virtually any form -- money, service, loan, travel, entertainment, hospitality, or any other thing or promise.¹³¹ To illustrate, donations to pay a municipal officer's legal fees constitute gifts when the donations are made to defray the costs of litigation brought by the municipal officer in his or her individual capacity, rather than in his or her official capacity, even when the litigation is brought against another municipal official.¹³²

In order for a municipal officer or employee to violate the statute, he or she must accept or receive a gift having a value of at least \$75 "under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties"¹³³ The quoted language was held by a county court to be unconstitutionally vague for purposes of a criminal prosecution.¹³⁴ Several years later, however, an Appellate Division decision sustained the imposition of criminal sanctions on a State employee on the basis of identical language in section 73 (5) of the Public Officers Law, but the court in that case did not specifically consider the constitutionality of the statute there at issue.¹³⁵ More recently, another Appellate Division decision sustained civil sanctions imposed under section 73 (5) of the Public Officers Law, although the court in that case did not specifically address the constitutionality of the statute.¹³⁶

Notwithstanding any statute, law or rule to the contrary, article 18 expressly permits a public officer to accept a gift or benefit having a value of \$100 or less for solemnizing a marriage at a time or place other than the public officer's normal public place of business, during normal hours of business.¹³⁷ For this purpose, a town or village justice's normal hours of business are the hours officially scheduled by the court for the performance of the judicial function.¹³⁸

¹²⁹ General Municipal Law § 805-a (1) (a).

¹³⁰ Id.

¹³¹ Id.

¹³² 2005 Ops Atty Gen No. 2005-10, at 1036.

¹³³ General Municipal Law § 805-a (1) (a).

¹³⁴ People v Moore, 85 Misc 2d 4 (Fulton County Ct 1975).

¹³⁵ People v Zambuto, 73 AD2d 828 (4th Dept 1979).

¹³⁶ Matter of Rubinfeld v New York State Ethics Commn., 43 AD3d 1195 (3rd Dept 2007).

¹³⁷ General Municipal Law § 805-b.

¹³⁸ Id.

Confidential information

Article 18 prohibits a municipal officer or employee from disclosing confidential information acquired in the course of his or her official duties.¹³⁹ The statute also prohibits a municipal officer or employee from using confidential information to further his or her personal interests.¹⁴⁰

Compensated services before municipal agencies

Article 18 prohibits a municipal officer or employee from receiving, or entering into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he or she is an officer, member or employee, or of any municipal agency over which he or she has jurisdiction, or to which he or she has the power to appoint any member, officer or employee.¹⁴¹ Thus, for example, the statute prohibits a town attorney from performing compensated services for private clients in relation to any matter before any town agency for which he or she serves as attorney.¹⁴² Article 18 may also prohibit a town attorney's law firm from performing such services, depending on whether the attorney would share in the compensation earned by the firm from the rendition of the services.¹⁴³

The primary purpose of this provision is to prohibit municipal officers and employees from being paid to represent private clients before municipal agencies on which they serve, or over which they exercise jurisdiction or appointment power.¹⁴⁴ The statute, however, bars a municipal officer or employee from performing compensated services for private clients in connection with a matter pending before such an agency, even if the services do not involve a personal appearance before the agency.¹⁴⁵ Moreover, although it is clear that the statute applies to compensated services for private clients rendered in connection with applications and other matters actually pending before a municipal agency, the statute also prohibits compensated services rendered with respect to matters which must be reviewed, passed upon or otherwise brought to the attention of a municipal agency, even if the services are rendered before the matter is formally submitted to the agency.¹⁴⁶

Article 18 also prohibits a municipal officer or employee from receiving, or entering into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his or her municipality, whereby his or her compensation is to be dependent or contingent upon any action by the agency with respect to the matter.¹⁴⁷ This

¹³⁹ General Municipal Law § 805-a (1) (b).

¹⁴⁰ Id.

¹⁴¹ General Municipal Law § 805-a (1) (c).

¹⁴² 2000 Ops St Comp No. 2000-22, at 56, supra; see also Matter of Lake Anne Realty Corp. v Planning Bd. of Town of Blooming Grove, 172 Misc 2d 972 (Sup Ct, Orange County 1997).

¹⁴³ Id.

¹⁴⁴ See e.g. 1990 Ops St Comp No. 90-28, at 65.

¹⁴⁵ Id.

¹⁴⁶ Id.

¹⁴⁷ General Municipal Law § 805-a (1) (d).

provision, however, does not bar fees based upon the reasonable value of the services rendered.¹⁴⁸

Disclosure of Interests in Certain Land Use Matters

Article 18 imposes a disclosure requirement in connection with every application, petition or request for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit submitted pursuant to any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality.¹⁴⁹ Every such application, petition or request must state the name, residence, and nature and extent of any interest in the applicant held by any state officer, or any officer or employee of the municipality, or any officer or employee of a municipality of which such municipality is a part, to the extent known by the applicant.¹⁵⁰

Unlike the previously mentioned provisions of article 18 which require municipal officers and employees to disclose interests in contracts, the obligation to disclose interests in land use matters is imposed on the applicant seeking official action.¹⁵¹ Moreover, the circumstances under which a municipal officer or employee is deemed to have an interest in an applicant are broader than the circumstances under which a municipal officer or employee is deemed to have an interest in a contract.¹⁵² For example, a municipal officer or employee is deemed to have an interest in an applicant when the applicant is a parent, sibling or grandchild, but is not deemed to have an interest in the contracts of a parent, sibling or grandchild.¹⁵³ A knowing and intentional failure to comply with the statute is a misdemeanor.¹⁵⁴

Local Codes of Ethics

In addition to providing state-wide rules relating to conflicts of interest on the part of municipal officers and employees, article 18 also provides for supplementation of the state-wide rules through the adoption of local codes of ethics. The statute requires the governing body of each county, city, town, village, school district and fire district to adopt a code of ethics setting forth standards of conduct reasonably expected of their officers and employees and, in the case of a fire district, the volunteer members of its fire department.¹⁵⁵ Article 18 authorizes other municipalities to adopt a code of ethics, but does not require them to do so.¹⁵⁶ The State Comptroller's Office has prepared a model code of ethics for municipalities, other than fire districts, and a separate model code for fire districts, both of which are available on the State Comptroller's website.¹⁵⁷

¹⁴⁸

Id.

¹⁴⁹

General Municipal Law § 809.

¹⁵⁰

General Municipal Law § 809 (1).

¹⁵¹

See General Municipal Law § 809 (1); compare General Municipal Law § 803 (1).

¹⁵²

See General Municipal Law § 809 (2), (3); compare General Municipal Law § 800 (3).

¹⁵³

Id.

¹⁵⁴

General Municipal Law § 809 (5).

¹⁵⁵

General Municipal Law § 806 (1) (a).

¹⁵⁶

Id.

¹⁵⁷

See Office of State Comptroller, Model Code of Ethics for Local Governments, available at <http://www.osc.state.ny.us/localgov/pubs/codeofethics.pdf>; Model Code of Ethics for Fire Districts,

Article 18 requires a code of ethics to address certain issues: disclosure of interests in legislation before the local governing body; holding of investments in conflict with official duties; private employment in conflict with official duties; and future employment.¹⁵⁸ A code of ethics may also include such other standards relating to the conduct of officers and employees as may be deemed advisable.¹⁵⁹ A code of ethics may regulate or prescribe conduct which is not expressly prohibited by article 18, and may also provide for the prohibition of conduct or disclosure of information and the classification of employees or officers.¹⁶⁰ Thus, for example, a code of ethics may require town board members to abstain from voting on resolutions fixing the salaries of relatives,¹⁶¹ and may prohibit town officers, employees and board members from holding office in a political party.¹⁶²

A code of ethics, however, may not authorize conduct otherwise prohibited by article 18.¹⁶³ Thus, a code of ethics, for example, can not render permissible an interest in a contract that is prohibited by article 18. Moreover, because a code of ethics may not be inconsistent with article 18, a code of ethics may not prohibit conduct expressly permitted by article 18.¹⁶⁴ To illustrate, a code of ethics may not negate a statutory exception that renders an interest in a contract permissible.¹⁶⁵

Article 18 requires the chief executive officer of a municipality adopting a code of ethics to cause a copy of the code to be distributed to every officer and employee of his or her municipality.¹⁶⁶ A failure to distribute a code of ethics, or the failure of a municipal officer or employee to receive a copy of the code, however, does not affect the duty to comply with the code or the code's enforceability.¹⁶⁷

Boards of Ethics

Article 18 authorizes counties and other municipalities to establish a board of ethics and to fund the operations of the board.¹⁶⁸ The functions of a board of ethics are to provide advisory opinions to municipal officers and employees with respect to the provisions of article 18 and local codes of ethics,¹⁶⁹ to provide recommendations with respect to the drafting and adoption of codes of ethics and amendments thereto,¹⁷⁰ and to administer a municipality's system of annual

available at <http://www.osc.state.ny.us/localgov/firedist/modelcoe.pdf>.

¹⁵⁸ General Municipal Law § 806 (1) (a).

¹⁵⁹ *Id.*

¹⁶⁰ *Id.*

¹⁶¹ 2000 Ops St Comp No. 2000-12, at 33; *but see Appeal of Behuniak*, 30 Ed Dept Rep 236 (Decision No. 12,447).

¹⁶² *Belle v Town Bd. of Town of Onondaga*, 61 AD2d 352 (4th Dept 1978).

¹⁶³ General Municipal Law § 806 (1) (a).

¹⁶⁴ 1992 Ops St Comp No. 92-30, at 78.

¹⁶⁵ *Id.*

¹⁶⁶ General Municipal Law § 806 (2).

¹⁶⁷ *Id.*

¹⁶⁸ General Municipal Law § 808 (1), (3).

¹⁶⁹ *See* General Municipal Law § 808 (2).

¹⁷⁰ *Id.*

financial disclosure.¹⁷¹ The State Comptroller's Office has concluded that these functions may not be supplemented by local law.¹⁷²

Under article 18, the power to establish a county board of ethics is vested in the governing body of the county.¹⁷³ The county governing body also appoints the members of the board of ethics, unless the county operates under an optional or alternative form of county government or county charter, in which case the members are appointed by the county executive or county manager, as the case may be, subject to confirmation by the governing body.¹⁷⁴ A county board of ethics must consist of at least three members, the majority of whom may not be officers or employees of the county or any municipality within the county, but at least one member must be an officer or employee of the county or a municipality within the county.¹⁷⁵ Members of a board of ethics receive no salary or compensation for their service on the board, and serve at the pleasure of the appointing authority.¹⁷⁶

A county board of ethics may render advisory opinions to the officers and employees of any municipality wholly or partly within the county, but only upon the written request of a municipal officer or employee under such rules and regulations as the board may prescribe.¹⁷⁷ In performing this function the board may obtain advice from counsel employed by the board, or if none, from the county attorney.¹⁷⁸ A county board of ethics may make recommendations with respect to codes of ethics, but only upon the request of the governing body of a municipality in the county.¹⁷⁹

The governing body of a municipality other than a county may also establish a local board of ethics.¹⁸⁰ In such case, the local board of ethics has the same powers and duties, and is governed by the same conditions as a county board of ethics, except that the local board may act only with respect to the officers and employees of the municipality that established the local board.¹⁸¹ Where a municipality has established a local board of ethics, the county board of ethics may not act with respect to the officers and employees of that municipality, unless the local board has referred a matter to the county board.¹⁸²

Annual Financial Disclosure

Article 18 requires "political subdivisions," defined as counties, cities, towns and villages with a population of 50,000 or more, to impose on certain individuals an obligation to file an annual

¹⁷¹ See General Municipal Law §§ 810 (9) (a), 811 (d), 812 (1) (c), (3) (a); L 1987, ch 813, § 26 (b).

¹⁷² See e.g. 30 Ops St Comp No. 74-1119 (1974); but see 1991 Ops Atty Gen No. 91-68, at 1135.

¹⁷³ General Municipal Law § 808 (1).

¹⁷⁴ Id.

¹⁷⁵ Id., see also 1981 Ops St Comp No. 81-216, at 230; but see 1986 Ops Atty Gen No. 86-44, at 1065.

¹⁷⁶ General Municipal Law § 808 (1).

¹⁷⁷ General Municipal Law § 808 (2), (4); but see 1991 Ops Atty Gen No. 91-68, at 1135, supra.

¹⁷⁸ General Municipal Law § 808 (2).

¹⁷⁹ Id.

¹⁸⁰ General Municipal Law § 808 (3).

¹⁸¹ Id.

¹⁸² General Municipal Law § 808 (4).

financial disclosure statement.¹⁸³ Other municipalities are authorized to adopt an annual financial disclosure system, but are not required to do so.¹⁸⁴

Under article 18, political subdivisions have broad discretion to design their own annual financial disclosure form and filing system.¹⁸⁵ If a political subdivision fails to promulgate its own form, it must utilize a form and filing system prescribed by article 18.¹⁸⁶ Other municipalities may either design their own form and filing system or use the statutorily prescribed form and filing system.¹⁸⁷

Article 18 also requires political subdivisions and other municipalities that promulgate their own annual financial disclosure form to identify by name of office, or by title or classification, those individuals who must file the disclosure form.¹⁸⁸ The former Temporary State Commission on Local Government Ethics,¹⁸⁹ which had various functions with respect to annual financial disclosure, concluded that these jurisdictions, as minimum, must require the disclosure form to be filed by “local elected officials,” “local officers and employees,” and those officers and employees whose duties involve the negotiation, authorization or approval of certain matters (e.g. negotiation of contracts).¹⁹⁰ Counties, cities, towns and villages also have the option of requiring annual financial disclosure from “local political party officials.”¹⁹¹ Political subdivisions and other municipalities that utilize the statutorily prescribed disclosure form and filing system must require the form to be filed by “local elected officials,” “local officers and employees,” each “local political party official,” and each candidate for “local elected official.”¹⁹²

Currently, annual financial disclosure forms must be filed with a political subdivision’s or other municipality’s board of ethics or, if the jurisdiction does not have a board of ethics, with the governing body of the jurisdiction.¹⁹³ Where a political subdivision or other municipality promulgates its own annual disclosure form and requires the form to be filed with its board of ethics, the jurisdiction, by local enactment, must provide the board of ethics with appropriate authority to enforce the filing requirement.¹⁹⁴ In all other cases, the power to enforce the filing requirement is provided by State statute.¹⁹⁵

¹⁸³ See General Municipal Law §§ 810 (1), 811 (1) (a), (2), 812 (1) (a), (2).

¹⁸⁴ General Municipal Law §§ 811 (1) (a), 812 (2).

¹⁸⁵ General Municipal Law § 811 (1) (a).

¹⁸⁶ General Municipal Law §§ 811 (2), 812.

¹⁸⁷ General Municipal Law §§ 811 (1) (a), (e), 812 (2).

¹⁸⁸ General Municipal Law § 811 (1) (a).

¹⁸⁹ See General Municipal Law § 813; L 1987, ch 813, § 26 (b).

¹⁹⁰ 1987 Ethics in Government Act: Financial Disclosure Provisions for Local Government Officials, Temporary State Commission on Local Government Ethics, at 9 (September 1990); see also General Municipal Law §§ 810 (2), (3), 813 (9) (k) (i)-(iv).

¹⁹¹ General Municipal Law § 811 (1) (b); see also General Municipal Law § 810 (6).

¹⁹² General Municipal Law § 812 (1) (a); see also General Municipal Law § 810 (2), (3), (6).

¹⁹³ General Municipal Law §§ 811 (1) (d), 812 (1) (c); L 1987, ch 813, § 26 (b).

¹⁹⁴ General Municipal Law § 811 (1) (d).

¹⁹⁵ See General Municipal Law §§ 811 (1) (d), 812 (6); L 1987, ch 813, § 26 (b); see also General Municipal Law § 813 (10), (11), (13).

Posting of Statute

Article 18 requires the chief executive officer of every municipality to cause a copy of sections eight hundred through eight hundred nine of the General Municipal Law to be kept posted in each public building under the jurisdiction of his or her municipality, in a place conspicuous to its officers and employees.¹⁹⁶ This posting requirement encompasses all of the provisions of article 18 except those relating to annual financial disclosure and the former temporary state commission on local government ethics. To facilitate compliance with the posting requirement, the State Comptroller's Office has prepared a poster of these sections and is available on the State Comptroller's website.¹⁹⁷ A failure to comply with this posting requirement, however, does not affect the duty to comply with article 18 or the statute's enforceability.¹⁹⁸

Please feel free to contact the Division of Legal Services at (518) 474-5586 should you have legal questions.

April 1, 2010

¹⁹⁶ General Municipal Law § 807.

¹⁹⁷ See Office of State Comptroller, New York State General Municipal Law, Sections 800-809: Conflicts of Interest of Municipal Officers and Employees (Part 1 and 2), available at <http://www.osc.state.ny.us/localgov/pubs/gmlposter.pdf>.

¹⁹⁸ General Municipal Law § 807.

SCCC Start Up NY Campus Plan
Appendix A – Selection Process

Academic Leadership Council

Academic Dean's Council

VP of Academic Affairs*
Assistant VP of Academic Affairs*
Registrar*
Director of Library Services*
Director of TRIO*
Director of Academic Services*
Director of College and High School Partnerships*

Academic Deans

Dean of the School of Hotel, Culinary Arts & Tourism*
Dean of Liberal Arts*
Dean of the School of Music*
Acting Dean of Math, Science, Technology and Health*
Dean of Business, Criminal Justice and Law*

President's Council

President*
Chief of Staff
Vice President of Administration*
Vice President of Academic Affairs*
Vice President of Student Affairs*
Vice President of Workforce Development and Continuing Education
Vice President of Development and External Affairs
Chief Information Officer
Executive Director of SUNYCCCC
Dean of Enrollment Management and Student Success

* Members of SCCC Academic Senate

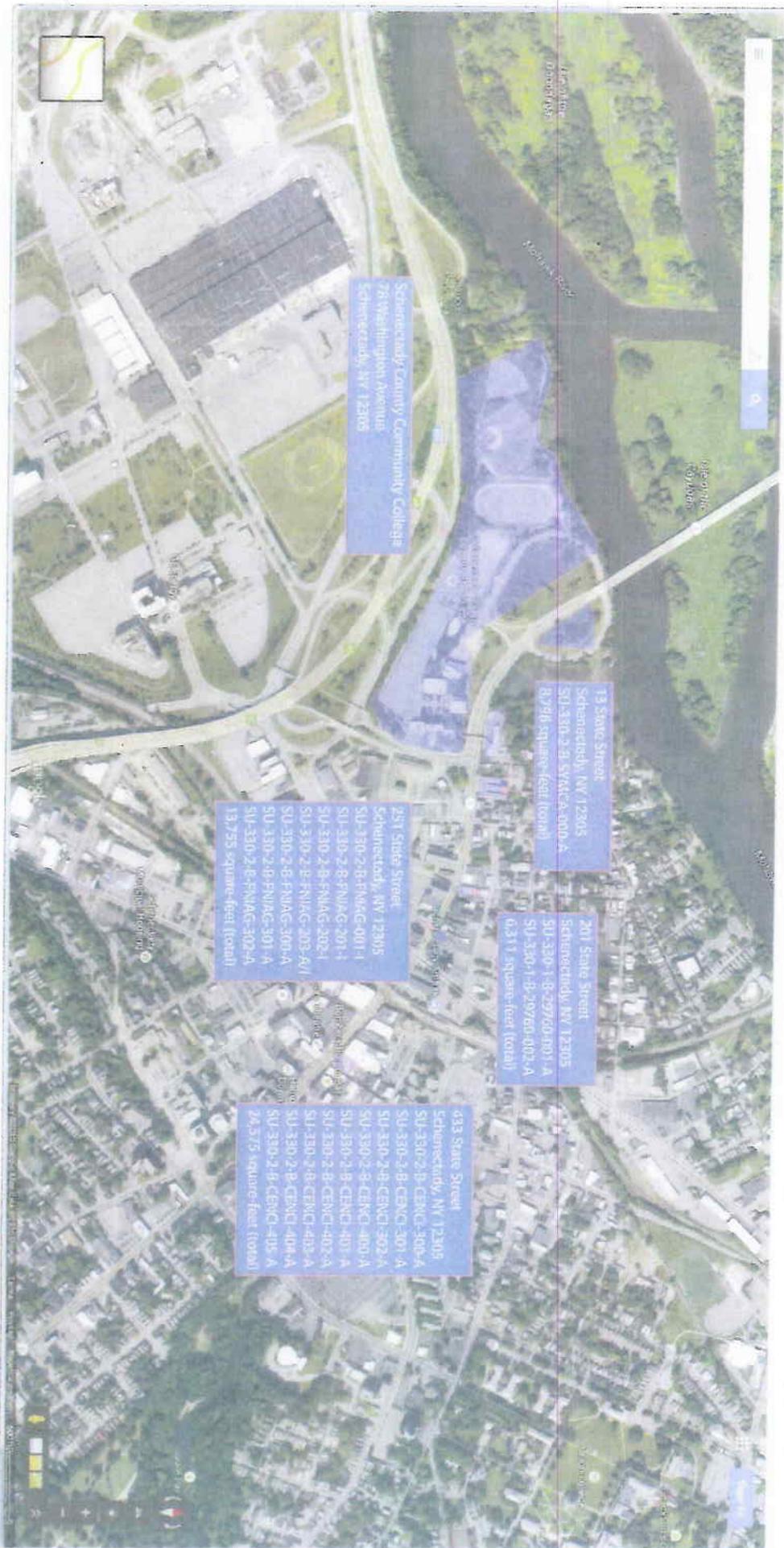
Schenectady County Community College Start Up NY Properties

Location	UniqueID	Owner	Property Type*	Street/Address	City	ZipCode	ParcelID	Building	SpaceType**	Sqft	Acres	Description	onCampus	Within 1 mile	Latitude	Longitude	Note
City of Schenectady	SU-330-1-B-29760-001-A	SCCC	1	201 State Street	Schenectady	12305	N/A	0011	B	4,717	N/A	Office Space	Yes	Yes	42.8150750	-73.9459012	Entire 2nd Floor
City of Schenectady	SU-330-1-B-29760-002-A	SCCC	1	201 State Street	Schenectady	12305	N/A	0011	B	1,594	N/A	Office Space	Yes	Yes	42.8150750	-73.9459012	Entire 3rd Floor
TOTAL ON CAMPUS										6,311							
City of Schenectady	SU-330-2-B-FNAG-001-H	Circo Realty	2	251 State Street	Schenectady	12305	N/A	First Niagara	C	2,550	N/A	Office Space	No	Yes	42.8146420	-73.9446390	Partial 1st Floor
City of Schenectady	SU-330-2-B-FNAG-201-I	Circo Realty	2	251 State Street	Schenectady	12305	N/A	First Niagara	C	901	N/A	Office Space	No	Yes	42.8146420	-73.9446390	Partial 2nd Floor
City of Schenectady	SU-330-2-B-FNAG-202-J	Circo Realty	2	251 State Street	Schenectady	12305	N/A	First Niagara	C	1,520	N/A	Office Space	No	Yes	42.8146420	-73.9446390	Partial 2nd Floor
City of Schenectady	SU-330-2-B-FNAG-203-A/I	Circo Realty	2	251 State Street	Schenectady	12305	N/A	First Niagara	C	584	N/A	Office Space	No	Yes	42.8146420	-73.9446390	Partial 2nd Floor
City of Schenectady	SU-330-2-B-FNAG-300-A	Circo Realty	2	251 State Street	Schenectady	12305	N/A	First Niagara	C	3,700	N/A	Office Space	No	Yes	42.8146420	-73.9446390	Partial 2nd Floor
City of Schenectady	SU-330-2-B-FNAG-301-A	Circo Realty	2	251 State Street	Schenectady	12305	N/A	First Niagara	C	2,000	N/A	Office Space	No	Yes	42.8146420	-73.9446390	Partial 3rd Floor
City of Schenectady	SU-330-2-B-FNAG-302-A	Circo Realty	2	251 State Street	Schenectady	12305	N/A	First Niagara	C	2,500	N/A	Office Space	No	Yes	42.8146420	-73.9446390	Partial 3rd Floor
City of Schenectady	SU-330-2-B-CENCI-300-A	Galeit Group	2	433 State Street	Schenectady	12305	N/A	Center City	C	2,100	N/A	Office Space	No	Yes	42.8131680	-73.9417460	Partial 3rd Floor
City of Schenectady	SU-330-2-B-CENCI-301-A	Galeit Group	2	433 State Street	Schenectady	12305	N/A	Center City	C	3,000	N/A	Office Space	No	Yes	42.8131680	-73.9417460	Partial 3rd Floor
City of Schenectady	SU-330-2-B-CENCI-302-A	Galeit Group	2	433 State Street	Schenectady	12305	N/A	Center City	C	8,750	N/A	Office Space	No	Yes	42.8131680	-73.9417460	Partial 3rd Floor
City of Schenectady	SU-330-2-B-CENCI-400-A	Galeit Group	2	433 State Street	Schenectady	12305	N/A	Innovation Ctr	C	687	N/A	Office Space	No	Yes	42.8131680	-73.9417460	Partial 4th Floor
City of Schenectady	SU-330-2-B-CENCI-401-A	Galeit Group	2	433 State Street	Schenectady	12305	N/A	Innovation Ctr	C	685	N/A	Office Space	No	Yes	42.8131680	-73.9417460	Partial 4th Floor
City of Schenectady	SU-330-2-B-CENCI-402-A	Galeit Group	2	433 State Street	Schenectady	12305	N/A	Innovation Ctr	C	307	N/A	Office Space	No	Yes	42.8131680	-73.9417460	Partial 4th Floor
City of Schenectady	SU-330-2-B-CENCI-403-A	Galeit Group	2	433 State Street	Schenectady	12305	N/A	Innovation Ctr	C	2,120	N/A	Office Space	No	Yes	42.8131680	-73.9417460	Partial 4th Floor
City of Schenectady	SU-330-2-B-CENCI-404-A	Galeit Group	2	433 State Street	Schenectady	12305	N/A	Innovation Ctr	C	4,580	N/A	Office Space	No	Yes	42.8131680	-73.9417460	Partial 4th Floor
City of Schenectady	SU-330-2-B-CENCI-405-A	Galeit Group	2	433 State Street	Schenectady	12305	N/A	Innovation Ctr	C	346	N/A	Office Space	No	Yes	42.8131680	-73.9417460	Partial 4th Floor
City of Schenectady	SU-330-2-B-SVMCA-000-A	Metroplex Dev. Auth.	2	113 State Street	Schenectady	12305	N/A	Innovation Ctr	C	8,796	N/A	Office Space/Light R&D	No	Yes	42.8159690	-73.9485050	Partial 1st Floor
TOTAL OFF CAMPUS										47,126							

- 1= on campus
- 2= 1 mile off campus
- 3= State Asset

- A=entire building
- B=floor within building
- C=room within building
- D=land off campus
- E=land on campus
- F=entire building off campus
- G=partial building off campus
- H=state asset

Designated Land or Buildings Unique ID Standard
See Sheet 2: SWW Unique ID Codes



Schenectady County Community College
76 Washington Avenue
Schenectady, NY 12305

13 State Street
Schenectady, NY 12305
SU-330-2-B-SVMA-C-000-A
87,916 square feet (total)

201 State Street
Schenectady, NY 12305
SU-330-1-B-29760-001-A
SU-330-1-B-29760-002-A
6,311 square feet (total)

291 State Street
Schenectady, NY 12305
SU-330-2-B-FNMG-001-I
SU-330-2-B-FNMG-201-I
SU-330-2-B-FNMG-202-I
SU-330-2-B-FNMG-203-6/I
SU-330-2-B-FNMG-300-A
SU-330-2-B-FNMG-301-A
SU-330-2-B-FNMG-302-5A
13,735 square feet (total)

433 State Street
Schenectady, NY 12305
SU-330-2-B-CEN-C-300-A
SU-330-2-B-CEN-C-301-A
SU-330-2-B-CEN-C-302-A
SU-330-2-B-CEN-C-400-A
SU-330-2-B-CEN-C-401-A
SU-330-2-B-CEN-C-402-A
SU-330-2-B-CEN-C-403-A
SU-330-2-B-CEN-C-404-A
SU-330-2-B-CEN-C-405-A
24,575 square feet (total)

Schematic Design	
NO.	
DATE	
BY	
CHECKED	
DATE	

Second Floor Plan
 Schenectady County Community College
 201 State Street
 Schenectady, NY 12305

A102	
NO.	
DATE	
BY	
CHECKED	
DATE	



1 Second Floor Plan
 SCALE: 1/8" = 1'-0"
 A102

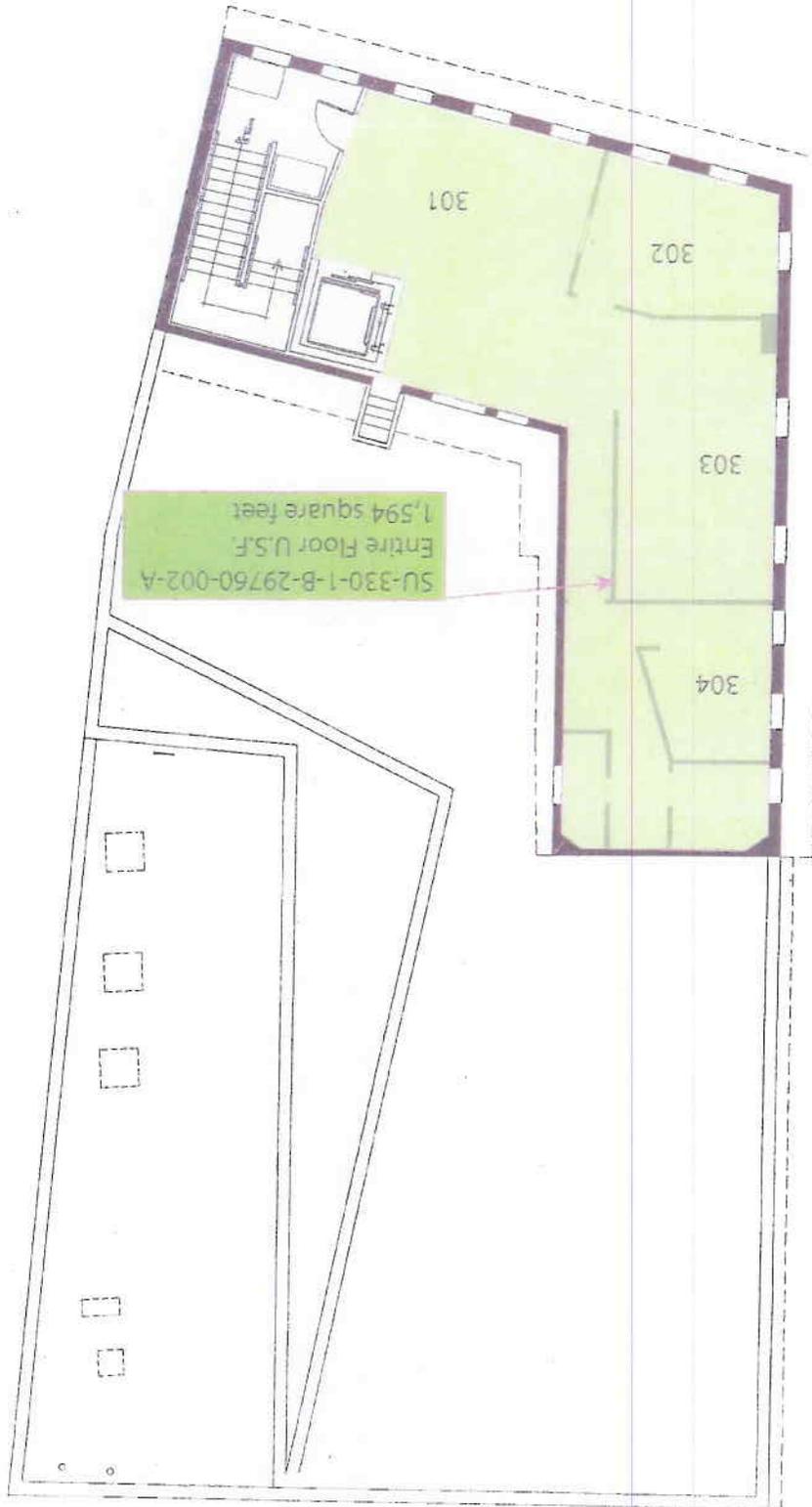
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 DRAWN: J. B. [unreadable]



Schematic Design	
NO.	
DATE	
BY	
CHECKED	
APPROVED	

Third Floor Plan
 Schenck County Community College
 201 State Street
 Schenck County, TN

A103	
DATE	
BY	
CHECKED	
APPROVED	



1. Third Floor Plan
 A103 Scale: 1/4" = 1'-0"

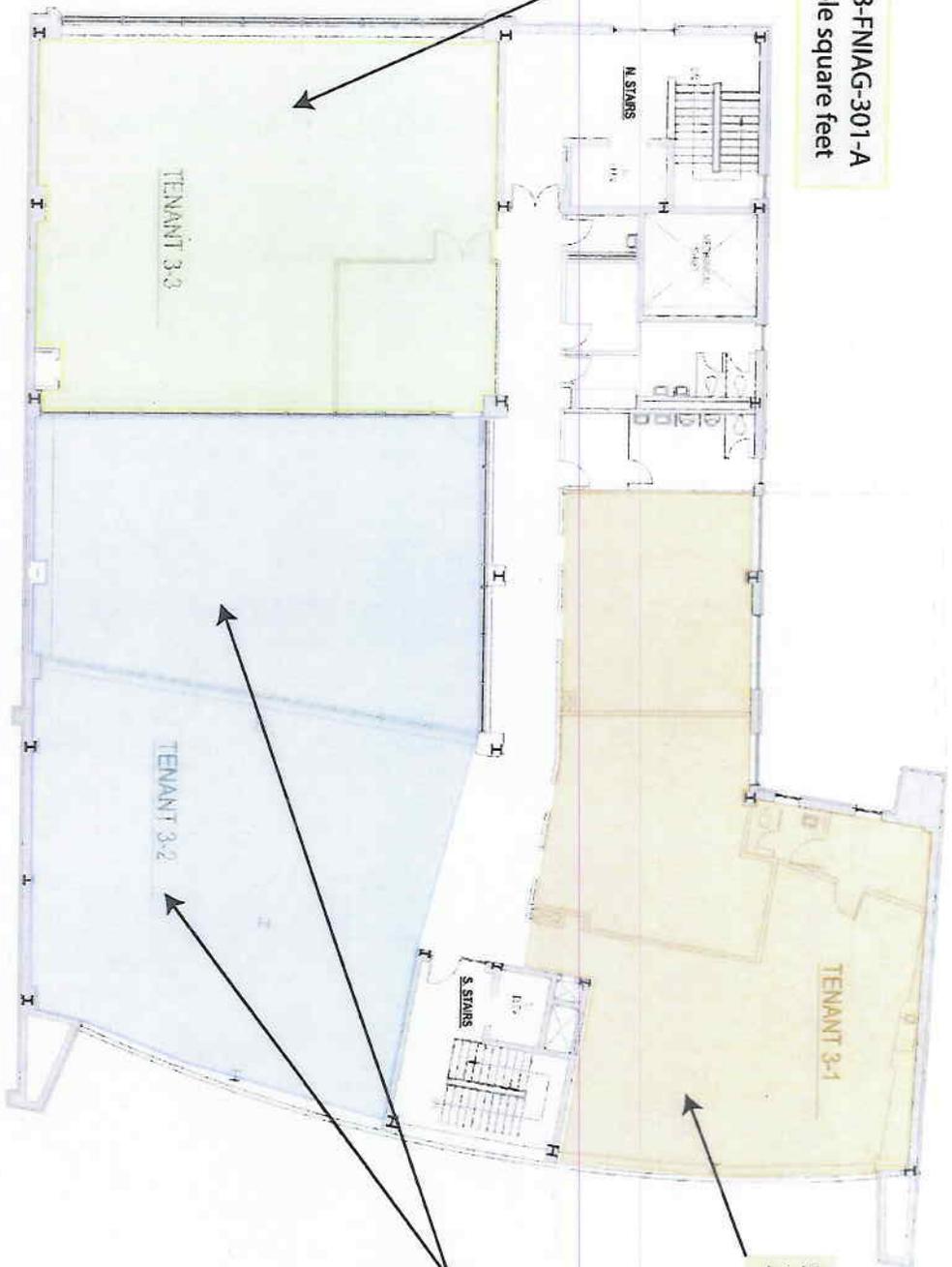
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SU-330-2-B-FNIAG-203-A/1
584 usable square feet

SU-330-2-B-FNIAG-201-I
901 usable square feet

SU-330-2-B-FNIAG-202-I
1520 usable square feet



SU-330-2-B-FNIAG-301-A
2,000 usable square feet

SU-330-2-B-FNIAG-302-A
2,500 usable square feet

SU-330-2-B-FNIAG-300-A
3,700 usable square feet

251 State Street Schenectady NY 12305 3rd Floor Plan

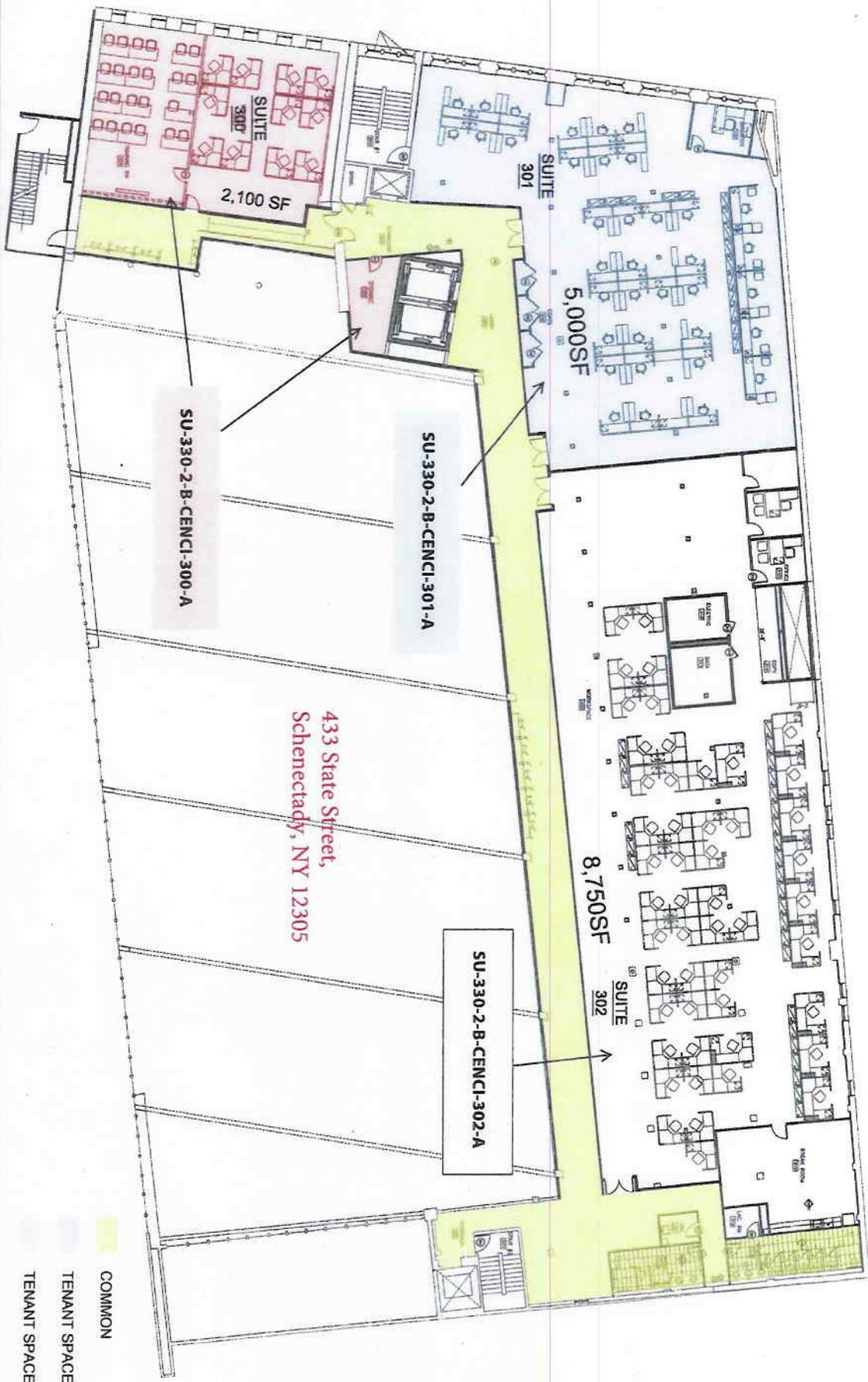


REFORM ARCHITECTURE

SCHENECTADY, NY

CENTER CITY

THIRD FLOOR



SU-330-2-B-CENCI-401-A
685 square feet

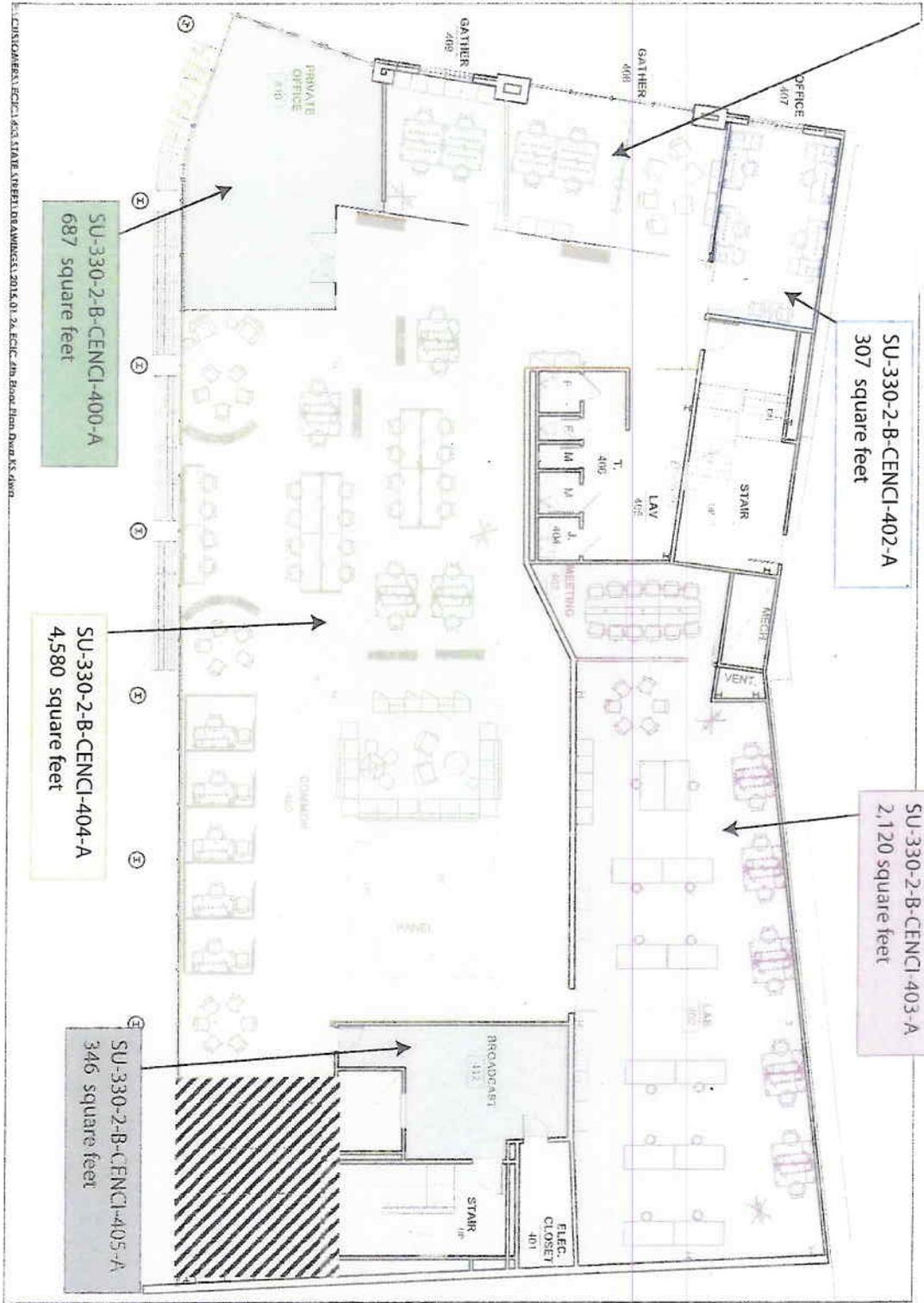
SU-330-2-B-CENCI-402-A
307 square feet

SU-330-2-B-CENCI-403-A
2,120 square feet

SU-330-2-B-CENCI-400-A
687 square feet

SU-330-2-B-CENCI-404-A
4,580 square feet

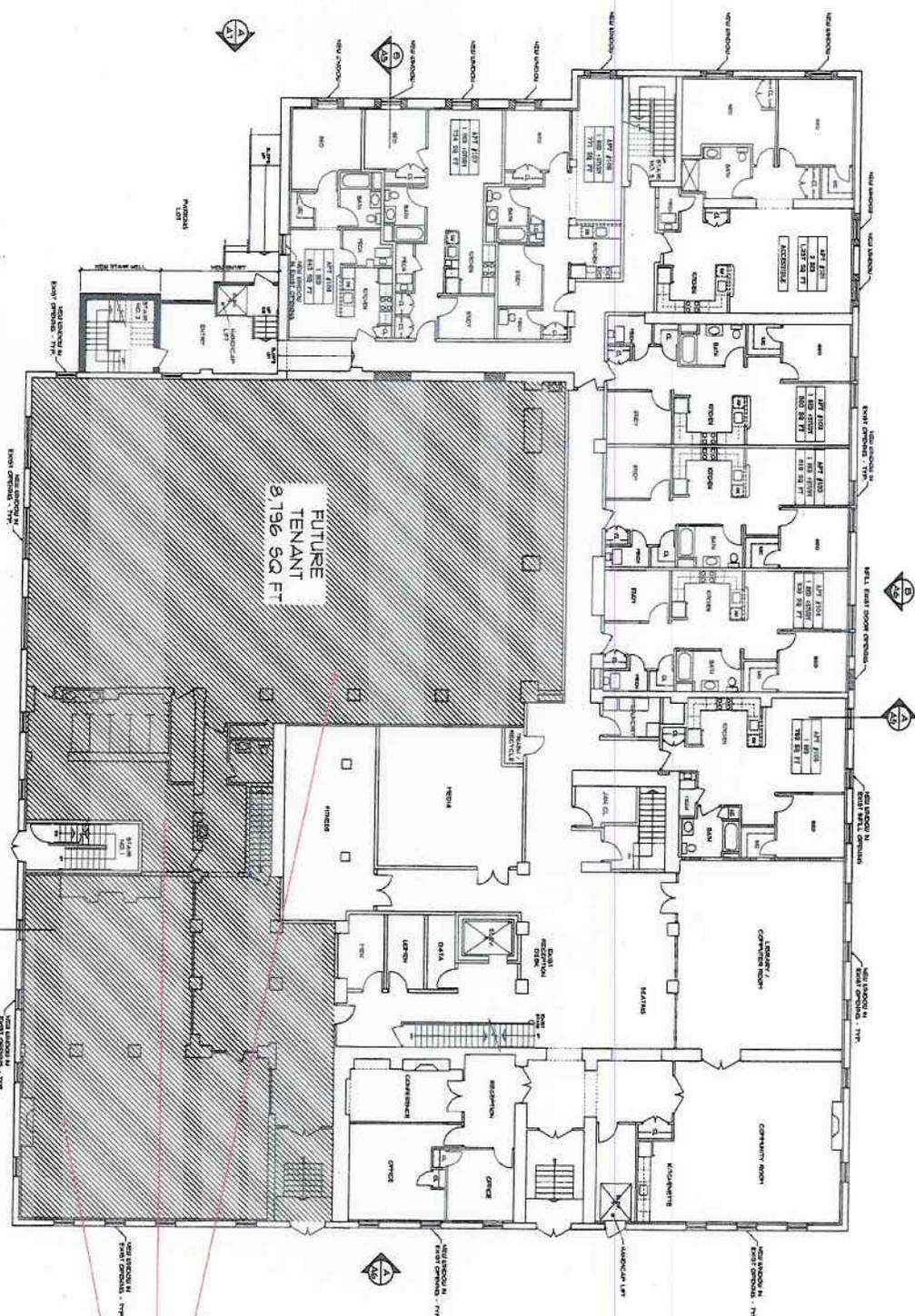
SU-330-2-B-CENCI-405-A
346 square feet



ACCENT		ECIC 4th Floor	
433 State St, Schenectady, NY 518.537.0524 accent.com		433 State St, Schenectady, NY 518.537.0524 accent.com	
Project No. 330-2-B-CENCI-401-A Date: 01.26.2016 Sheet: 01	Scale: 3/4" = 1'-0" Title: ECIC 4th Floor	Architect: ACCENT Designer: ACCENT Checker: ACCENT Date: 01.26.2016	Project No. 330-2-B-CENCI-401-A Date: 01.26.2016 Sheet: 01



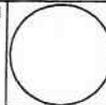
PROPOSED FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"



STATE STREET

SU-330-2-B-SYMCA-000-A
13 State Street, Schenectady, NY 12305

A1



HARRIS A. SANDERS
ARCHITECTS, P.C.
252 WASHINGTON AVENUE, ALBANY, NEW YORK 12210
RENOVATIONS FOR:
13 STATE STREET APARTMENTS
13 STATE STREET
SCHENECTADY, NEW YORK

PROPOSED FIRST
FLOOR PLAN

DATE	11/20/01
SCALE	1/8" = 1'-0"
PROJECT	SU-330-2-B-SYMCA-000-A
CLIENT	13 STATE STREET
ARCHITECT	HARRIS A. SANDERS ARCHITECTS, P.C.
DESIGNED BY	H.A.S.
DRAWN BY	H.A.S.
CHECKED BY	H.A.S.
APPROVED BY	H.A.S.