

# Local Law Filing

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

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

- County
- City of Saratoga
- Town
- Village

**FILED  
STATE RECORDS**

**MAY 05 2011**

**DEPARTMENT OF STATE**

Local Law No. 2 of the year 20 11

A local law Authorizing the Leasing of Real Property  
(Insert Title)  
of the County of Saratoga to Gateway  
House of Peace, Inc.

Be it enacted by the Board of Supervisors of the  
(Name of Legislative Body)

- County
- City of Saratoga as follows:
- Town
- Village

(Delete this line of text and enter text of local law here)

*(Please see attached)*

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

03/15/11

RESOLUTION 63 - 11

Introduced by Supervisors Rowland, Hargrave, Jenkins, M. Johnson, Raymond, Thompson and Wright

ADOPTING A LOCAL LAW IDENTIFIED AS INTRODUCTORY  
NO. 1, PRINT NO. 1 OF 2011 AUTHORIZING THE LEASING OF  
REAL PROPERTY OF THE COUNTY OF SARATOGA  
TO GATEWAY HOUSE OF PEACE, INC

WHEREAS, Resolution 30 -11 introduced and presented proposed Local Law identified as Introductory No. 1, Print No. 1 of 2011 to this Board of Supervisors and scheduled a public hearing thereon for March 9, 2011 at 4:45 P.M. in the Meeting Room of the Saratoga County Board of Supervisors, 40 McMaster Street, Ballston Spa, New York; and

WHEREAS, notice of that public hearing was duly published and posted as required by law; and

WHEREAS, the scheduled public hearing was held and all persons appearing or desiring to be heard have been heard by this Board; now, therefore, be it

RESOLVED, that this Board of Supervisors, on this 15<sup>th</sup> day of March, 2011 hereby adopts a Local Law identified as Introductory No. 1, Print No. 1 of 2011, as set forth in annexed Schedule A.

BUDGET IMPACT STATEMENT: No budget impact.

INTRODUCTORY NO. 1

PRINT NO. 1

INTRODUCED BY: Supervisors Rowland, Hargrave, Jenkins, M. Johnson, Raymond,  
Thompson and Wright

COUNTY OF SARATOGA  
LOCAL LAW 2 - 2011

A LOCAL LAW AUTHORIZING THE LEASING OF REAL PROPERTY  
OF THE COUNTY OF SARATOGA TO GATEWAY HOUSE OF PEACE, INC.

BE IT ENACTED by the Saratoga County Board of Supervisors as follows:

SECTION 1. The County of Saratoga is the owner of real property located in Town of Milton which is identified on the Tax Maps of the Town of Milton as Section 177.14, Block 2, Parcel 21.1, which was conveyed to the County of Saratoga by Warranty Deed from Henry P. Witthohn and Judith Witthohn, recorded in the Saratoga County Clerk's Office in Book 1247 of Deeds at Page 520 on November 7, 1988. There is an existing brick building on the premises which Gateway House of Peace, Inc., a not-for-profit corporation, has requested be leased to it for the purposes of operating a hospice home for terminally ill people and their families and providing related services. The term of such lease is for an initial five (5) years, with the tenant to have the option of renewal for an additional five (5) years. The rent to be paid to the County of Saratoga shall be One (\$1.00) Dollar per year with the tenant agreeing to repair, refurbish and upgrade the property and to use it solely for the quasi-public purpose of operating a hospice home for terminally ill people and their families and providing related services. The tenant's actions in repairing, refurbishing and upgrading the premises will serve the municipal purposes of maintaining the County's property in a structurally sound and usable condition. The lease shall be a net lease with the tenant assuming all costs relative to the operation and maintenance of the property. The form and content of the lease agreement shall be subject to the approval of the County Attorney.

SECTION 2. Notwithstanding the provisions of Section two hundred fifteen of the County Law, or any other law of the State of New York, authorization is hereby given to the Chairman of the Saratoga County Board of Supervisors to execute a lease of the real property identified on the Tax Maps of the Town of Milton, Saratoga County New York as Section 177.14, Block 2, Parcel 21.1 to Gateway House of Peace, Inc. for its quasi-public purposes of operating a hospice house and providing related services, and for the municipal purposes of maintaining the County's property in a structurally sound and usable condition, with such lease to be subject to the approval of the County Attorney.

**SECTION 3.** This Local Law is subject to a permissive referendum as provided in Section 24 of the Municipal Home Rule Law.

**SECTION 4.** This Local law shall take effect after it is filed as provided in Section 27 of the Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 20 11 of the (County)(City)(Town)(Village) of Saratoga was duly passed by the Board of Supervisors on March 15 20 11, in accordance with the applicable provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20 \_\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20 \_\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_, above.

*Patricia A. Margulies*

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: *May 2, 2011*

(Seal)

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF *Saratoga*

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*Stephen M. Dong*  
Signature  
*County Attorney*  
Title

County  
City of  
Town  
Village  
*Saratoga*

Date: *May 2, 2011*