



P. DAVID SOARES
DISTRICT ATTORNEY

CHERYL K. FOWLER
CHIEF ASSISTANT DISTRICT ATTORNEY

CHRISTOPHER D. HORN
DEPUTY CHIEF ASSISTANT
DISTRICT ATTORNEY

COUNTY OF ALBANY
OFFICE OF THE DISTRICT ATTORNEY
ALBANY COUNTY JUDICIAL CENTER
6 LODGE STREET
ALBANY, NEW YORK 12207
(518) 487-5460 - FAX: (518) 487-5093

April 14, 2023

Andrew Joyce
Albany County Legislature
112 State St, Room 700
Albany, NY 12207

Dear Mr. Joyce,

I am requesting legislative action to further the mission on the Office of the Albany County District Attorney. Approval is sought to:

- Retroactively reaffirm the prior extension of the SUB-LEASE of premises at 155 Clinton Avenue between Albany Housing Authority and Albany County on Behalf of the Albany County District Attorney from March 1, 2019 to the last day of February 2024.

Attached is a copy of the Agreement to Re-Affirm and Extend Sub-Lease. If you have any questions, please feel free to contact me at 518-487-5460.

Thank you for your assistance.

Sincerely,

P. David Soares
Albany County District Attorney
Cc: Rebekah Kennedy, Majority Counsel
Cc: Arnis Zilgme, Minority Counsel

REQUEST FOR LEGISLATIVE ACTION

Retroactively reaffirming the prior extension of the SUB-LEASE of premises at 155 Clinton Avenue between Albany Housing Authority and Albany County on Behalf of the Albany County District Attorney from March 1, 2019 to the last day of February 2024.

Date:	04/14/2023
Submitted By:	David Soares
Department:	1165- District Attorney
Title:	District Attorney
Phone:	518-275-4701
Department Rep.	
Attending Meeting:	David Soares, Christopher Horn

Purpose of Request:

- ☐ Adopting of Local Law
- ☐ Amendment of Prior Legislation
- ☐ Approval/Adoption of Plan/Procedure
- ☐ Bond Approval
- ☐ Budget Amendment
- ☐ Contract Authorization
- ☐ Countywide Services
- ☐ Environmental Impact/SEQR
- ☐ Home Rule Request
- ☐ Property Conveyance

☒ Other: (state if not listed) Retroactively reaffirming the prior extension of the SUB-LEASE of premises at 155 Clinton Avenue between Albany Housing Authority and Albany County on Behalf of the Albany County District Attorney from March 1, 2019 to the last day of February 2024. 155 Clinton Avenue houses the Community Justice Outreach Center (CJOC) the purpose of which is to empower our community through outreach efforts, re-entry services, and community justice practice. The CJOC's community justice efforts are a collaboration between local law enforcement offices, public officials, community-based organizations, and community members. The Center is strategically placed in Arbor Hill in order to provide outreach directly in the community where help is needed most. Outreach and Program Efforts include: - Criminal and community justice programs - Hosting a variety of workshops - Providing outreach/referrals for community members - Computers for job and education assistance - Offering re-entry support for formerly incarcerated persons - Services for youth and seniors - Crime prevention tools - Neighborhood resources - The Community Accountability Board - Community Service - Re-entry Outreach - All of the District Attorney Community Initiatives.

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):

- ☐ Contractual
- ☐ Equipment
- ☐ Fringe
- ☐ Personnel
- ☐ Personnel Non-Individual
- ☐ Revenue

Increase Account/Line No.:

Click or tap here to enter text.

Source of Funds:

Click or tap here to enter text.

Title Change:

Click or tap here to enter text.

CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:

- ☐ Change Order/Contract Amendment
- ☐ Purchase (Equipment/Supplies)
- ☐ Lease (Equipment/Supplies)
- ☐ Requirements
- ☐ Professional Services
- ☐ Education/Training
- ☐ Grant

Choose an item.

Submission Date Deadline Click or tap to enter a date.

- ☐ Settlement of a Claim
- ☐ Release of Liability
- ☐ Other: (state if not listed) _____

Contract Terms/Conditions:

Party (Name/address):

Additional Parties (Names/addresses):

Click or tap here to enter text.

Amount/Raise Schedule/Fee:

Click or tap here to enter text.

Scope of Services:

Click or tap here to enter text.

Bond Res. No.:

Click or tap here to enter text.

Date of Adoption:

Click or tap here to enter text.

CONCERNING ALL REQUESTS

Mandated Program/Service: Yes ☐ No ☒
If Mandated Cite Authority: Click or tap here to enter text.

Is there a Fiscal Impact: Yes ☒ No ☐
Anticipated in Current Budget: Yes ☒ No ☐

County Budget Accounts:
Revenue Account and Line: Click or tap here to enter text.
Revenue Amount: Click or tap here to enter text.

Appropriation Account and Line: A91165 44046
Appropriation Amount: \$10,824

Source of Funding – (Percentages)

Federal: Click or tap here to enter text.
State: Click or tap here to enter text.
County: 100%
Local: Click or tap here to enter text.

Term

Term: (Start and end date) March 1, 2019 to last day of February 2024.
Length of Contract: 5 years with an option to renew for another 5 years.

Impact on Pending Litigation Yes ☐ No ☒
If yes, explain: Click or tap here to enter text.

Previous requests for Identical or Similar Action:

Resolution/Law Number: 22-495
Date of Adoption: 12/5/22

Justification: (state briefly why legislative action is requested)

Retroactively reaffirming the prior extension of the SUB-LEASE of premises at 155 Clinton Avenue between Albany Housing Authority and Albany County on Behalf of the Albany County District Attorney from March 1, 2019 to the last day of February 2024.

155 Clinton Avenue houses the Community Justice Outreach Center (CJOC) the purpose of which is to empower our community through outreach efforts, re-entry services, and community justice practice. The CJOC's community justice efforts are a collaboration between local law enforcement offices, public officials, community-based organizations, and community members. The Center is strategically placed in Arbor Hill in order to provide outreach directly in the community where help is needed most.

Outreach and Program Efforts include: - Criminal and community justice programs - Hosting a variety of workshops - Providing outreach/referrals for community members - Computers for job and education assistance - Offering re-entry support for formerly incarcerated persons - Services for youth and seniors - Crime prevention tools - Neighborhood resources - The Community Accountability Board - Community Service - Re-entry Outreach - All of the District Attorney Community Initiatives.

AGREEMENT TO RE-AFFIRM AND EXTEND SUB-LEASE
OF PREMISES AT
155 CLINTON AVENUE, ALBANY, NY

BETWEEN

ALBANY HOUSING AUTHORITY
AND
ALBANY COUNTY ON BEHALF OF THE ALBANY COUNTY DISTRICT
ATTORNEY

WHEREAS, the parties heretofore on or about February 1, 2014 entered into a SUB-LEASE of certain premises located at 155 Clinton Avenue, Albany, New York for an initial term of five years expiring on February 28, 2019 with an option allowing the SUB-LESSEE to, upon approval of the Albany County Legislature, extend said SUB-LEASE for one additional Renewal Term of five years; and;

WHEREAS, the SUB-LESSEE, due to the legal confusion resulting from the COVID-19 pandemic laws and regulations, failed to obtain approval of the Albany County Legislature to extend said SUB-LEASE for one additional Renewal Term of five years continued in possession of the premises with the consent of the SUB-LESSOR from March 1, 2019 to the date of this Agreement; and

WHEREAS, the parties have expressed the desire and willingness to, subject to approval of the Albany County Legislature, retroactively reaffirm said SUB-LEASE and allow the SUB-LESSEE to exercise the option to renew and extend said SUB-LEASE for an additional term of five years to expire on the last day of February, 2024; and

WHEREAS, said SUB-LEASE provides that the rent during said Renewal term shall reflect market value and be negotiated between the parties; and

WHEREAS, the parties have agreed that the rent during said Renewal Term shall be Ten Thousand (\$10,000.00) dollars for the first year with an escalation of 2% for each successive year;

NOW, THEREFORE, by reason of and in consideration of the foregoing, it is mutually agreed by and between the parties hereto as follows:


1. SUB-LESSOR Albany Housing Authority and SUB-LESSEE County of Albany on behalf of the Albany County District Attorney hereby agree to retroactively reaffirm said SUB-LEASE and allow the SUB-LESSEE to exercise said option to renew and extend said SUB-LEASE, a copy of which is attached hereto and incorporated herein.
2. The Renewal Term of the said SUB-LEASE shall be deemed to have commenced as of March 1, 2019 and continue through and including the last day of February, 2024.

3. The SUB-LESSEE shall pay to the SUB-LESSOR during the first year of said renewal term of said SUB-LEASE the sum of Ten Thousand (\$10,000.00) dollars which may, at the option of the SUB-LESSEE, be paid in equal monthly installments of \$833.33 payable, in advance, on the first day of each month; which annual rent shall increase at the rate of 2% each successive year, so that the annual rent for the period of March 1, 2023 through February 28, 2024 shall be Ten Thousand Eight Hundred Twenty-Four dollars (\$10,824.00) to be paid in equal monthly installments of \$902.00 payable, in advance, on the first day of each month.
4. All other terms of the said retroactively reaffirmed and renewed SUB-LEASE shall continue in effect through and including the last day of February, 2024.
5. SUB-LESSOR acknowledges receipt of all rent due under this reaffirmed and renewed SUB-LEASE through February 28, 2023.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on the day set forth below.

PREMISES SUB-LESSOR:
ALBANY HOUSING AUTHORITY

Dated: _____

By: 
CHIKUITA D'ARBEAU
Executive Director


PREMISES SUB-LESSEE:
COUNTY OF ALBANY ON BEHALF OF
ALBANY COUNTY DISTRICT ATTORNEY

Dated: _____

By: _____
DANIEL P. MCCOY
Albany County Executive

Above Agreement acknowledged and consented to this _____ day of _____, 2023, by the undersigned Premises Owner and Lessor

PREMISES OWNER AND LESSOR:
SWAN STREET MIXED USE LLC

By: 
CHIKUITA D'ARBEAU
Secretary

ACKNOWLEDGEMENTS

STATE OF NEW YORK)
) SS:
COUNTY OF ALBANY)

On the 2nd day of March, 2023, before me, the undersigned, personally appeared CHIQUITA D'ARBEAU personally known to me, or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her stated capacity, and that by her signature on the instrument, the individual or the person on behalf of which the person acted, executed the instrument.

CHRISTINA NOGUERA
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01NO6226049
Qualified in Albany County
Commission Expires AUGUST 02, 2026

Christina Noguera
NOTARY PUBLIC

STATE OF NEW YORK)
) SS:
COUNTY OF ALBANY)

On the _____ day of _____, 2023, before me, the undersigned, personally appeared DANIEL P. MCCOY personally known to me, or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his stated capacity, and that by his signature on the instrument, the individual or the person on behalf of which the person acted, executed the instrument.

NOTARY PUBLIC