

January 8, 2020

**JANUARY MEETING**

**Held on Wednesday, January 8, 2020 at 2:00 P.M.**

The Board met pursuant to statute and was called to order by the Chairman. Below is a Roster of the members of the Board of Legislators listing their respective Legislative Districts.

- R-1 Keith Schiebel (Vermon, District 1, 2, 3, 4, 5; Verona, District 5)
- R-2 Colin Idzi (Augusta District 1, 2; Kirkland District 3, 8; Marshall District 1, 2; Sangerfield District 1, 2)
- R-3 Norman Leach (Rome 3<sup>rd</sup> Ward, District 3; Verona Districts 3, 4, 6; Vienna District 1, 2, 3, 4)
- R-4 Cynthia Rogers-Witt (Rome Ward 1, District 2; Ward 2 District 2, 3, 4, 5; Ward 3 District 1, 4, 5; Ward 7 District 2; Verona District 1, 2)
- R-5 Michael B. Waterman (Annsville, District 1, 2, 3; Camden District 1, 2, 3; Florence District 1; Lee District 3)
- R-6 Steve Boucher (Ava District 1; Boonville District 1, 2, 3, 4; Forestport District 1, 2; Remsen District 1; Steuben District 1)
- R-7 Gerald J. Fiorini (Lee District 5; Rome Ward 1 district 1, Ward 6 District 1, 2, 3, 4, Ward 7 District 3, 4, 5)
- R-8 Richard A. Flisnik (Floyd District 2, 3; Marcy District 1, 2, 3, 4; Whitestown District 5)
- D-9 Philip M. Sacco (Deerfield District 1, 2, 3; Floyd District 1; Trenton District 1, 2, 3, 4)
- R-10 George Joseph (Kirkland District 1, 10; Rome Ward 2, District 1; Westmoreland District 1, 2, 3, 4)
- R-11 Robert Koenig (Whitestown District 1, 2, 4, 6, 7, 8, 9, 13, 15)
- R-12 Brenda McMonagle (Rome Ward 3 District 2; Ward 4 District 1, 2, 3, 4; Ward 5 District 1, 2, 3, 4)
- R-13 Christopher Newton (New Hartford Ward 2 District 1, 2; Whitestown District 3, 10, 11, 12, 14, 16)
- D-14 Chad Davis (Kirkland District 2, 4, 5, 6, 7, 9; New Hartford Ward 4 District 1, 2, 3, 4)
- R-15 James M. D'Onofrio (New Hartford Ward 1 District 3, 5; Ward 2 District 3, 4; Ward 3 District 1, 2, 3, 4)
- R-16 Mary Pratt (Bridgewater District 1; New Hartford Ward 1 District 1, 2, 4; Paris District 1, 2, 3)
- R-17 Brian P. Mandryck (Lee District 1, 2, 4; Rome Ward 1 District 3, 4; Ward 7 District 1; Western District 1, 2, 3)
- R-18 Jeff Daniels (Utica Ward 4 District 1, 2, 3, 4, 5, 6, 7, 8, 9)
- I-19 Timothy Julian (Utica Ward 3 District 1, 2, 3, 4, 5, 6, 7, 8, 9; Ward 5 District 2)
- D-20 Evon M. Ervin (Utica Ward 1 District 8; Ward 5 District 1, 3, 4, 5, 6)
- D-21 Lori Washburn (Utica Ward 2 District 1, 3, 4, 5, 6, 7; Ward 3 District 10; Ward 5 District 7)
- D-22 Rose Ann Convertino (Utica Ward 1 District 1, 2, 3, 4, 5, 6, 7; Ward 2 District 2, 8)
- D-23 Anthony Leone Jr. (Utica Ward 6, District 1, 2, 3, 4, 5, 6, 7, 8, 9)

ROLL CALL: 21

MEMBERS PRESENT: Schiebel, Idzi, Leach, Rogers-Witt, Waterman, Boucher, Fiorini, Flisnik, Sacco, Koenig, McMonagle, Newton, Davis, D'Onofrio, Pratt, Daniels, Julian, Ervin, Washburn, Convertino, Leone

MEMBERS ABSENT: Joseph, Mandryck

PUBLIC HEARING TO HEAR PUBLIC COMMENTS REGARDING THE PROGRAM ACCOMPLISHMENTS OF ONEIDA COUNTY'S NEW YORK STATE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FUNDING FROM THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL FOR THE FOLLOWING PROJECT: HOUSING REHABILITATION/MANUFACTURED HOME REPLACEMENT PROGRAM - \$600,000, ONEIDA COUNTY. NO SPEAKERS, CLOSED AT 2:15

**PETITIONS AND COMMUNICATIONS**

- FN2020-025 - New Salt Shed Storage Building – Water pollution
- FN 2020-026 – Proposed Local Law amending the Oneida County Hotel Occupancy Tax
- FN 2020-027 – Capital project H-617 – UMVAA – NEXUS Construction 2
- FN 2020-028 – Request for two new full time Building Maintenance Mechanic positions
- FN 2020-005 – Oneida County Board of Legislators 2020-2021 Term of Office George Joseph as Majority Leader
- FN 2020-006 – Oneida County Board of Legislators 2020-2021 Term of Office Philip M Sacco as Minority Leader
- FN 2020-029 – A Memorializing Petition to increase State Support for Cornell Cooperative Extension County Association in the State of New York
- FN 2020-030 – A Memorializing Petition urging the Governor and Legislature to renew their commitment to fully fund the state share of community college costs and to fully fund the costs of Fashion institute of Technology chargebacks for students working toward bachelor's and masters degrees
- FN 2020-031 – Oneida County Board of Legislators 2020-2021 Term of Office Daniel Guzewish as Majority Legislative Analyst
- FN 2020-032 – Oneida County Board of Legislators 2020-2021 Term of Office Kelly Heffernan as Minority Legislative Analyst
- FN 2020-033 – Crimes Against Revenue Program Grant
- FN 2020-034 – Transfers of surplus Vehicles to Local Municipalities
- FN 2020-035 – Fifth contract extension for printing of election materials
- FN 2020-036 – Contract Recommendation- Confidential Secure Document organized Cabral Enterprises, LLC
- FN 2020-037 - Change Order #2 to Professional Consulting Services Agreement for Middle Settlement Road Reconstruction

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- FN 2020-038 – Jug Sports Lease of Murnane Field/Donovan Stadium
- FN 2020-039 – Fiscal Intermediary Services
- FN 2020-040 – Amendment for Unmet Needs State Funding
- FN 2020-041 – Amendment to add Unmet Needs Funding
- FN 2020-042 – Social Model Adult Day Services
- FN 2020-043 – Amendment to add Unmet Needs Funding
- FN 2020-044 – Social Adult Day Care
- FN 2020-045 – Appointment of Mary Pratt to the position of Vice-Chair to the Board of Legislators
- FN 2020-046 – Appointment of Jennifer Scoones to the position of Secretary to the Board of Legislators
- FN 2020-026 – Local Law introductory “A” of 2020 Amending the Hotel Motel Occupancy Tax
- FN 2020-047 – Oneida County revised Sexual Harassment Prevention policy
- FN 2020-048 – ESD grant providing \$9,000,000 of incentives towards construction of SkyDome
- FN 2020-049 – Capital Project H- 597 – Griffiss Airfield/ SkyDome
- FN 2020-050 – Professional Consulting Services/MARCH Assoc.
- FN 2020-051 – DWI selective Enforcement Patrols and related Activities
- FN 2020-052 – Insurance claim US Specialty insurance Company \$9,912.35 for repairs to 2019 Ford Explorer
- FN 2020- 053 – Proposed Local Law Implementing a Demonstration program imposing owner Liability for failure of an operator to stop for a school bus displaying a red visual signal and stop-arm
- FN 2020-054 – Griffiss Airfield Bldg. Ph-1
- FN 2020-055 – County-Wide Computerization Ph-3
- FN 2020-056 – Enterprise Content Mgmt Project
- FN 2020-057 – Emergency Svcs – 4 Add’l Trunked Sites
- FN 2020-058 – County Office Building Parking Garage Rehab
- FN 2020-059 – Comprehensive Building Improvements – Phase 5
- FN 2020-060 – Consolidated County Road – Ph 5
- FN 2020-061 – County Highway Bridge Program – Ph 5
- FN 2020-062 – Const’n Maint & Snow Removal Equipment – Phase 5
- FN 2020-063 – MVCC academic Classrooms Renovations
- FN 2020-064 – MVCC Payne Hall renovations

**MOTIONS AND RESOLUTIONS**

**NO. 005 – 2020-008 – Messrs Waterman and D’Onofrio offered the following resolution and moved its adoption**

**RE: APPROVAL TO TRANSFER THE CONTRACT ADMINISTRATOR FUNCTION OF THE LAW DEPARTMENT TO THE DEPARTMENT OF PUBLIC WORKS**

**WHEREAS,** This Board is in receipt of correspondence from Oneida County Attorney, Peter M. Rayhill, requesting approval to transfer the Contract Administrator function of the Law Department to the Department of Public Works as a result of a need expressed by the Department of Public Works for a Contract Administrator to be responsible for both the numerous contracts that come through the Department of Public Works, and also to assist in administration and accounting in capital projects, and

**WHEREAS,** The transfer would result in the Commissioner of Public Works becoming the appointing authority for the Contract Administrator for purposes of Civil Service Law, and

**WHEREAS,** The Oneida County Attorney also requests that this Board make any and all necessary budget transfers to effectuate said transfer, and

**WHEREAS,** In accordance with Civil Service Law § 70(2), said transfer of function must be approved by the Oneida County Board of Legislators, now, therefore, be it hereby

**RESOLVED,** That the Oneida County Board of Legislators hereby authorizes and approves the transfer of the function of the Contract Administrator from the Law Department to the Department of Public Works, and it is further

**RESOLVED,** That the Oneida County Board of Legislators hereby authorizes and approves any and all necessary budget transfers necessary to effectuate said consolidation.

**APPROVED:** Public Works Committee January 7, 2020  
Ways and Means Committee January 8, 2020

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**Held on Wednesday, January 8, 2020 at 2:00 P.M.**

DATED: January 8, 2020

Seconded by Mr. Idzi and adopted by the following vote:  
AYES 21 NAYS 0 ABSENT 2 (Messrs. Joseph, Mandryck)

**NO. 006 – 2020-009** – Messrs. Schiebel and D’Onfrio offered the following resolution and moved its adoption

**RE: APPROVAL TO SET THE SALARY FOR THE POSITION TITLE OF GRAPHIC DESIGN ARTIST, GRADE 27W, STEP 2, \$40,697**

**WHEREAS,** This Board is in receipt of correspondence from Commissioner of Personnel, John P. Talerico, requesting approval to establish the salary for the position title of Graphic Design Artist, and

**WHEREAS,** The Commissioner of Personnel recommends that the starting salary for the position be set at Grade 27W, Step 2, \$40,697, and

**WHEREAS,** Said salary must be approved by the Oneida County Board of Legislators, now, therefore, be it hereby

**RESOLVED,** That the Oneida County Board of Legislators establishes the salary for the position title of Graphic Design Artist, at Grade 27W, Step 2, \$40,697, effective immediately.

**APPROVED:** Economic Development & Tourism Committee (January 7, 2020)  
Ways and Means Committee (January 8, 2020)

DATED: January 8, 2020

Seconded by Mr. Schiebel and adopted by the following vote:  
AYES 21 NAYS 0 ABSENT 2 (Messrs. Joseph, Mandryck)

**NO. 007 – 2020-011** – Mr. D’Onfrio and Mrs. Pratt offered the following resolution and moved its adoption

**RE: APPROVAL OF GRANT AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF HEALTH, AND HEALTH RESEARCH, INC.**

**WHEREAS,** This Board is in receipt of a Grant Agreement between Oneida County, through its Department of Health, and Health Research, Inc., in the sum of \$172,000.00, to expand Oneida County’s current data utilization to fight the opioid epidemic and reduce overdose deaths associated with opioids, and

**WHEREAS,** In accordance with Oneida County Charter Section 2202, said Grant Agreement must be approved by the Oneida County Board of Legislators, now, therefore, be it hereby

**RESOLVED,** That Oneida County Executive, Anthony J. Picente, Jr., is hereby authorized to execute any and all documents related to a Grant Agreement between Oneida County, through its Department of Health, and Health Research, Inc., for a term commencing September 1, 2019 and ending August 31, 2020.

**APPROVED:** Health and Human Services Committee (January 7, 2020)  
Ways and Means Committee (January 8, 2020)

DATED: January 8, 2020

Seconded by Mrs. Pratt and adopted by the following vote:  
AYES 21 NAYS 0 ABSENT 2 (Messrs. Joseph, Mandryck)

**NO.008 – 2020-012** – Messrs. Flisnik and D’Onofrio offered the following resolution and moved its adoption

**RE: SUPPLEMENTAL APPROPRIATION OF \$3,490.51 TO A3110.4522 – AUTOMOTIVE REPAIRS (SHERIFF)**

**WHEREAS,** In accordance with Section 609 of the Administrative Code, the County Executive has requested a supplemental appropriation be made in the amount of \$3,490.51 to A3110.4522 – Automotive Repairs (Sheriff), and

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**WHEREAS,** Said supplemental appropriation will be supported by unanticipated revenue in the following account in the following amount:

A2681 Insurance Recoveries Sheriff \$3,490.51

now, therefore, be it hereby

**RESOLVED,** That a supplemental appropriation, from 2019 funds, as hereinafter set forth, is hereby approved:

TO:

A3110.4522 Automotive Repairs (Sheriff) \$3,490.51

APPROVED: Public Safety Committee (January 7, 2020)  
Ways and Means Committee (January 8, 2020)

DATED: January 8, 2020

Seconded by Mr. Schiebel and adopted by the following vote:

AYES 21 NAYS 0 ABSENT 2 (Messrs. Joseph, Mandryck)

**NO. 009 – FN 2020-013** – Messrs. Flisnik and D’Onofrio offered the following resolution and moved its adoption

**RE:** SUPPLEMENTAL APPROPRIATION OF \$13,824.00 TO A3152.492 – COMPUTER SOFTWARE & LICENSES (SHERIFF – INMATE COMMISSARY)

**WHEREAS,** In accordance with Section 609 of the Administrative Code, the County Executive has requested a supplemental appropriation be made in the amount of \$13,824.00 to A3152.492 – Computer Software & Licenses (Sheriff – Inmate Commissary)

**WHEREAS,** Said supplemental appropriation will be supported by unanticipated revenue in the following account in the following amount:

A4250 Federal Aid – Alien Assistance Program (Sheriff – Admin.) \$13,824.00

now, therefore, be it hereby

**RESOLVED,** That a supplemental appropriation, from 2020 funds, as hereinafter set forth, is hereby approved:

TO:

A3152.492 Computer Software & Licenses (Sheriff-Inmate Commissary) \$13,824.00

APPROVED: Public Safety Committee (January 7, 2020)  
Ways and Means Committee (January 8, 2020)

DATED: January 8, 2020

Seconded by Mr. Schiebel and Adopted by the following vote:

AYES 21 NAYS 0 ABSENT 2 (Messrs. Joseph, Mandryck)

**NO. 010 – FN 2020-014** – Messrs. Flisnik and D’Onofrio offered the following resolution and moved its adoption.

**RE: APPROVAL OF AN AMENDMENT TO A GRANT AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS PUBLIC DEFENDER’S OFFICE (CRIMINAL DIVISION), AND NEW YORK STATE THROUGH ITS OFFICE OF INDIGENT LEGAL SERVICES (OILS)**

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**Held on Wednesday, January 8, 2020 at 2:00 P.M.**

- WHEREAS,** This Board is in receipt of an Amendment to a Grant Agreement between Oneida County, through its Public Defender's Office (Criminal Division), and New York State, through its Office of Indigent Legal Services (OILS), to extend the term of the Grant Agreement for one (1) additional year, and
- WHEREAS,** The original Grant Agreement was for a term commencing November 1, 2015 and ending October 31, 2018. The term was later amended to extend the Grant Agreement by one (1) year, ending October 31, 2019, and
- WHEREAS,** The parties wish to extend the Grant Agreement by an additional one (1) year period ending October 31, 2020, and
- WHEREAS,** In accordance with Oneida County Charter Section 2202, said Amendment must be approved by the Oneida County Board of Legislators, now, therefore, be it hereby
- RESOLVED,** That Oneida County Executive, Anthony J. Picente, Jr., is hereby authorized to execute any and all documents related to an Amendment to a Grant Agreement between Oneida County, through its Public Defender's Office (Criminal Division), and New York State, through its Office of Indigent Legal Services (OILS), for a term commencing November 1, 2019 and ending October 31, 2020.

APPROVED: Public Safety Committee (January 7, 2020)  
Ways and Means Committee (January 8, 2020)

DATED: January 8, 2020

Seconded by Mr. Idzi and adopted by the following vote:  
AYES 21 NAYS 0 ABSENT 2 (Messrs. Joseph, Mandryck)

**NO. 011 – FN 2020-015** – Messrs. Flisnik and D'Onofro offered the following resolution and moved its adoption.

**RE: APPROVAL OF A GRANT AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DISTRICT ATTORNEY'S OFFICE, AND NEW YORK STATE, THROUGH ITS DIVISION OF CRIMINAL JUSTICE SERVICES**

- WHEREAS,** This Board is in receipt of a Grant Agreement between Oneida County, through its District Attorney's Office, and New York State, through its Division of Criminal Justice Services – Crimes Against Revenue Program, in the sum of \$160,878.00, State funded, for the continuation of the Crimes Against Revenue Program (CARP) which assists the District Attorney's Office with effective investigation and prosecution of crimes that have adverse effects on government revenues, including state revenues and qualifying local revenues, and
- WHEREAS,** In accordance with Oneida County Charter Section 2202, said Grant Agreement must be approved by the Oneida County Board of Legislators, now, therefore, be it hereby
- RESOLVED,** That Oneida County Executive, Anthony J. Picente, Jr., is hereby authorized to execute any and all documents related to a Grant Agreement between Oneida County, through its District Attorney's Office, and New York State, through its Division of Criminal Justice Services – Crimes Against Revenue Program, for a term commencing January 1, 2020 and ending December 31, 2020.

APPROVED: Public Safety Committee (January 7, 2020)  
Ways and Means Committee (January 8, 2020)

DATED: January 8, 2020

Seconded by Mr. Davis and adopted by the following vote:  
AYES 20 NAYS 0 ABSENT 2 (Messrs. Joseph, Mandryck)

**NO. 012 – FN 2020-016** – Messrs. Flisnik and D'Onofrio offered the following resolution and moved its adoption.

**RE: APPROVAL TO SET THE SALARIES FOR THE POSITION TITLES OF CHIEF ASSISTANT DISTRICT ATTORNEY AND EXECUTIVE ADMINISTRATIVE ASSISTANT DISTRICT ATTORNEY AT GRADE 48M, STEP 2, \$88,113**

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**Held on Wednesday, January 8, 2020 at 2:00 P.M.**

**WHEREAS,** This Board is in receipt of correspondence from Commissioner of Personnel, John P. Talerico, requesting approval to establish the salaries for the position titles of Chief Assistant District Attorney and Executive Administrative Assistant District Attorney, and

**WHEREAS,** The Commissioner of Personnel recommends that the starting salary for both positions of Chief Assistant District Attorney and Executive Administrative Assistant District Attorney be set at Grade 48M, Step 2, \$88,113, and

**WHEREAS,** Said salaries must be approved by the Oneida County Board of Legislators, now, therefore, be it hereby

**RESOLVED,** That the Oneida County Board of Legislators establishes the salaries for both positions of Chief Assistant District Attorney and Executive Administrative Assistant District Attorney at Grade 48M, Step 2, \$88,113, effective immediately.

**APPROVED:** Public Safety Committee (January 7, 2020)  
Ways and Means Committee (January 8, 2020)

**DATED:** January 8, 2020

Seconded by Mr. Schiebel and adopted by the following vote:  
AYES 21 NAYS 0 ABSENT 2 (Messrs. Joseph, Mandryck)

**NO. 013 – FN 2020-017-Messrs. Flisnik and D’Onofrio offered the following resolution and moved its adoption.**

**RE: APPROVAL OF AN ONEIDA COUNTY PUBLIC SAFETY COMMUNICATIONS EQUIPMENT AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS OFFICE OF EMERGENCY SERVICES, AND VARIOUS POLICE AGENCIES**

**WHEREAS,** This Board is in receipt of correspondence from Kevin W. Revere, Director of Emergency Services, requesting approval of an Oneida County Public Safety Communications Equipment Agreement between Oneida county, through its Office of Emergency Services, and the Town of Whitestown, through its Police Department, for the assignment and use of county-owned public safety communications equipment including radios, tablets, and computers, and

**WHEREAS,** Mr. Revere has requested that this Agreement be approved as a template for similar arrangements with other police agencies, which are of the same content, with the exception of agency name, locality and equipment list, and

**WHEREAS,** There are no funds associated with the Agreements, and

**WHEREAS,** In accordance with Oneida County Charter Section 2202, said Agreements must be approved by the Oneida County Board of Legislators, now, therefore, be it hereby

**RESOLVED,** That the Oneida County Board of Legislators approves an Oneida County Public Safety Communications Equipment Agreement between Oneida County, through its Office of Emergency Services, and the Town of Whitestown, for a five (5) year term commencing upon execution of the Agreement, and it is further

**RESOLVED,** That the Oneida County Board of Legislators hereby approves the Agreement to be used as a template to be used between Oneida County, through its Office of Emergency Services, and various police agencies, and it is further

**RESOLVED,** That Oneida County Executive, Anthony J. Picente, Jr., is hereby authorized to execute Agreements between Oneida County, through its Office of Emergency Services, and various police agencies for the assignment and use of county-owned public safety communications equipment.

**APPROVED:** Public Safety Committee (January 7, 2020)  
Ways and Means Committee (January 8, 2020)

**DATED:** January 8, 2020

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**Held on Wednesday, January 8, 2020 at 2:00 P.M.**

Seconded by Mr. Davis and adopted by the following vote:

AYES 21 NAYS 0 ABSENT 2 (Messrs. Joseph, Mandryck)

**No. 014 – FN 2020-018** – Messrs. Flkisknik and D’Onofrio offered the following resolutions and moved its adoption.

**RE: APPROVAL OF AMENDMENT #4 TO A CONSULTING AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS OFFICE OF EMERGENCY SERVICES, AND C&S ENGINEERS, INC.**

**WHEREAS,** This Board is in receipt of Amendment #4 to a Consulting Agreement between Oneida County, through its Office of Emergency Services, and C & S Engineers, Inc., and

**WHEREAS,** Pursuant to a Consulting Agreement entered into between Oneida County and C & S Engineers, Inc. on February 1, 2016, C & S Engineers, Inc. agreed to provide program/project management and engineering services for an Oneida County emergency communications systems project, with a term commencing upon execution and ending December 31, 2017 (the “Agreement”), and

**WHEREAS,** The parties later entered into Amendment #1, Amendment #2 and Amendment #3 to extend the term of the Agreement by one (1) year for each Amendment, and

**WHEREAS,** As a result of the continued expansion of the project, including building two additional towers in Annsville and Floyd, Oneida County and C & S Engineers, Inc. need to enter into Amendment #4 to reflect an increase in the cost of the Agreement of \$176,300.00, resulting in a new Agreement amount of \$794,044.00 and to extend the term of the Agreement by one (1) additional year, ending December 31, 2020, and

**WHEREAS,** In accordance with Oneida County Charter Section 2202, said Amendment must be approved by the Oneida County Board of Legislators, now, therefore, be it hereby

**RESOLVED,** That the Oneida County Board of Legislators hereby authorizes and accepts Amendment #4 to a Consulting Agreement between Oneida County, through its Office of Emergency Services, and C & S Engineers, Inc., with a term commencing upon execution and ending December 31, 2020.

**APPROVED:** Public Safety Committee (January 7, 2020)  
Ways and Means Committee (January 8, 2020)

**DATED:** January 8, 2020

Seconded by Ms. Washburn and adopted by the following vote:

AYES 21 NAYS 0 ABSENT 2 (Messrs. Joseph, Mandryck)

**NO. 015-FN 2020-019** – Messrs. Waterman and D’Onofrio offered the following resolution and moved its adoption.

**RE: APPROVAL OF WORK ORDER #29, AMENDMENT #7 - PRIVATE PROPERTY I/I REDUCTION PROGRAM IMPLEMENTATION - PHASE 8 WITH GHD CONSULTING SERVICES, INC.**

**WHEREAS,** On March 29, 2013, the Master Agreement to provide engineering services in compliance with a Consent Order issued by the NYS Department of Environmental Conservation and to resolve permit issues affecting the Oneida County Water Pollution Control Facility was assigned to GHD Consulting Services, Inc., and

**WHEREAS,** County Executive Anthony J. Picente, Jr., is in receipt of correspondence from Steven P. Devan, P.E., Commissioner of Water Quality and Water Pollution Control, requesting approval of Work Order #29, Amendment #7 - Private Property I/I Reduction Program Implementation Phase 8 for the implementation of Phase 8 of a district-wide Private Inflow and Infiltration Reduction Program for the Oneida County Sewer District for FY2020, with an estimated cost of \$136,000.00, and

**WHEREAS,** Funding for this Work Order is provided by the Department’s 2020 operating budget, and

**WHEREAS,** Said request must be approved by the Oneida County Board of Legislators, now therefore be it hereby

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**RESOLVED,** That the Oneida County Board of Legislators authorizes and approves acceptance of Work Order #29, Amendment #7 - Private Property I/I Reduction Program Implementation Phase 8 with GHD Consulting Services, Inc., for an estimated cost of \$136,000.00.

**APPROVED:** Public Works Committee (January 7, 2020)  
Ways and Means Committee (January 8, 2020)

**DATED:** January 8, 2020

Seconded by Mr. Flisnik and adopted by the following vote:  
AYES 21 NAYS 0 ABSENT 2 (Messrs. Joseph, Mandryck)

**NO. 016 – FN 2020-020** – Messrs. Waterman and D’Onofrio offered the following resolution and moved its adoption.

**RE: APPROVAL OF WORK ORDER #38.1 – OPERATIONS SUPPORT AND TRAINING SERVICES FY2020 - WITH GHD CONSULTING SERVICES, INC.**

**WHEREAS,** On March 29, 2013, the Master Agreement to provide engineering services in compliance with a Consent Order issued by the NYS Department of Environmental Conservation and to resolve permit issues affecting the Oneida County Water Pollution Control Facility was assigned to GHD Consulting Services Inc., and

**WHEREAS,** County Executive Anthony J. Picente, Jr., is in receipt of correspondence from Steven P. Devan, P.E., Commissioner of Water Quality and Water Pollution Control, requesting approval of Work Order #38.1 – Operations Support and Training Services FY2020 - with GHD Consulting Services, Inc. to provide continued wastewater operator training, technical operator support, and process control assistance for employees at the facility so they can understand and operate new equipment by providing actual classroom style training, hands-on operations training, technical assistance, and remote SCADA monitoring support, at an estimated cost of \$257,300.00, and

**WHEREAS,** Funding for this Work Order is provided by the Department’s 2020 operating budget, and

**WHEREAS,** Said request must be approved by the Oneida County Board of Legislators, now therefore be it hereby

**RESOLVED,** That the Oneida County Board of Legislators authorizes and approves acceptance of Work Order #38.1 – Operations Support and Training Services FY2020 - with GHD Consulting Services, Inc., at an estimated cost of \$257,300.00.

**APPROVED:** Public Works Committee (January 7, 2020)  
Ways and Means Committee (January 8, 2020)

**DATED:** January 8, 2020

Seconded by Mr. Idzi and adopted by the following vote:  
AYES 21 NAYS 0 ABSENT 2 (Messrs. Joseph, Mandryck)

**NO. 017 – FN 2020-021-** Messrs. Waterman and D’Onofrio offered the following resolution and moved its adoption

**RE: APPROVAL OF WORK ORDER # 27, AMENDMENT #7, CAPACITY MANAGEMENT, OPERATIONS AND MAINTENANCE (CMOM) PROGRAM IMPLEMENTATION - PHASE 8 WITH GHD CONSULTING SERVICES INC.**

**WHEREAS,** On March 29, 2013, the Master Agreement to provide engineering services in compliance with a Consent Order issued by the NYS Department of Environmental Conservation and to resolve permit issues affecting the Oneida County Water Pollution Control Facility was assigned to GHD Consulting Services Inc., and

**WHEREAS,** County Executive Anthony J. Picente, Jr., is in receipt of correspondence from the Commissioner of Water Quality & Water Pollution Control, Steven P. Devan, P.E., requesting approval of Work Order #27, Amendment #7, Capacity Management, Operations and Maintenance (CMOM) Program Implementation - Phase 8 for the implementation of the program throughout the District for FY2020, with an estimated cost of \$206,000.00, and



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**WHEREAS,** Funding for this Work Order is provided by the 2020 Department operating budget, and

**WHEREAS,** Said request must be approved by the Oneida County Board of Legislators, now therefore be it hereby

**RESOLVED,** That the Oneida County Board of Legislators authorizes and approves acceptance of Work Order #27, Amendment #7, Capacity Management, Operations and Maintenance (CMOM) Program Implementation - Phase 8 with GHD Consulting Services Inc. for an estimated amount of \$206,000.00.

**APPROVED:** Public Works Committee (January 7, 2020)  
Ways and Means Committee (January 8, 2020)

DATED: January 8, 2020

Seconded by Mr. Davis and adopted by the following vote:

AYES 21 NAYS 0 ABSENT 2 (Messrs. Joseph, Mandryck)

**NO. 018 – FN 2020-022** – Messrs. Waterman and D’Onofrio offered the following resolution and moved its adoption.

**RE: APPROVAL OF WORK ORDER # 35, AMENDMENT #2, FLOW MONITORING PROGRAM SUPPORT SERVICES WITH GHD CONSULTING SERVICES INC.**

**WHEREAS,** On March 29, 2013, the Master Agreement to provide engineering services in compliance with a Consent Order issued by the NYS Department of Environmental Conservation and to resolve permit issues affecting the Oneida County Water Pollution Control Facility was assigned to GHD Consulting Services Inc., and

**WHEREAS,** County Executive Anthony J. Picente, Jr., is in receipt of correspondence from the Commissioner of Water Quality & Water Pollution Control, Steven P. Devan, P.E., requesting approval of Work Order #35, Amendment #2 – Flow Monitoring Program Support Services to provide continued engineering and related technical services in support of the established Flow Monitoring Program for FY2020, with an estimated cost of \$50,000.00, and

**WHEREAS,** Funding for this Work Order is provided by the 2020 Department operating budget, and

**WHEREAS,** Said request must be approved by the Oneida County Board of Legislators, now therefore be it hereby

**RESOLVED,** That the Oneida County Board of Legislators authorizes and approves acceptance of Work Order #35, Amendment #2 – Flow Monitoring Program Support Services with GHD Consulting Services Inc., with an estimated cost of \$50,000.00.

**APPROVED:** Public Works Committee (January 7, 2020)  
Ways and Means Committee (January 8, 2020)

DATED: January 8, 2020

Seconded by Mr. Idzi and adopted by the following vote:

AYES 21 NAYS 0 ABSENT 2 (Messrs. Joseph, Mandryck)

**NO. 019 – FN 2020-023** – Messrs. Waterman and D’Onofrio offered the following resolution and moved its adoption

**RE: APPROVAL OF WORK ORDER #30, AMENDMENT #7 - PROGRAM ADMINISTRATION FY2020 WITH GHD CONSULTING SERVICES INC.**

**WHEREAS,** On March 29, 2013, the Master Agreement to provide engineering services in compliance with a Consent Order issued by the NYS Department of Environmental Conservation and to resolve permit issues affecting the Oneida County Water Pollution Control Facility was assigned to GHD Consulting Services Inc., and

**WHEREAS,** County Executive Anthony J. Picente, Jr., is in receipt of correspondence from Steven P. Devan, P.E., Commissioner of Water Quality and Water Pollution Control, requesting approval of Work Order #30, Amendment #7 – Program Administration FY2020 to cover program administration costs resulting from NYSDEC Consent Order # R620060823-67 for FY2020, with an estimated cost of \$98,600.00, and

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**Held on Wednesday, January 8, 2020 at 2:00 P.M.**

**WHEREAS,** Funding for this Work Order will come from borrowed money from the New York State Environmental Facilities Corporation and tracked through Capital Project HG-482, and

**WHEREAS,** Said request must be approved by the Oneida County Board of Legislators, now therefore be it hereby

**RESOLVED,** That the Oneida County Board of Legislators authorizes and approves acceptance of Work Order #30, Amendment #7 - Program Administration FY2020 with GHD Consulting Services Inc., with an estimated cost of \$98,600.00.

**APPROVED:** Public Works Committee (January 7, 2020)  
Ways and Means Committee (January 8, 2020)

**DATED:** January 8, 2020  
Seconded by Mr. Boucher and adopted by the following vote:  
AYES 21 NAYS 0 ABSENT 2 (Messrs. Joseph, Mandryck)

**NO. 020 – FN 2020-024 –** Messrs. Waterman and D’Onofrio offered the following resolution and moved its adoption

**RE: APPROVAL OF WORK ORDER #28, AMENDMENT #7 - COMMUNITY OUTREACH WITH GHD CONSULTING SERVICES INC.**

**WHEREAS,** On March 29, 2013, the Master Agreement to provide engineering services in compliance with a Consent Order issued by the NYS Department of Environmental Conservation and to resolve permit issues affecting the Oneida County Water Pollution Control Facility was assigned to GHD Consulting Services, Inc., and

**WHEREAS,** County Executive Anthony J. Picente, Jr., is in receipt of correspondence from Steven P. Devan, P.E., Commissioner of Water Quality and Water Pollution Control, requesting approval of Work Order #28, Amendment #7 - Community Outreach to provide steering committee facilitation, public education and intercommunity collaboration in support of compliance with increasingly stringent state and federal wastewater standards, as well as maintaining the Sewer District website for FY2020, with an estimated cost of \$51,500.00, and

**WHEREAS,** Funding for this Work Order is provided by the Department’s 2020 operating budget, and

**WHEREAS,** Said request must be approved by the Oneida County Board of Legislators, now therefore be it hereby

**RESOLVED,** That the Oneida County Board of Legislators authorizes and approves acceptance of Work Order #28, Amendment #7 - Community Outreach with GHD Consulting Services Inc., for an estimated cost of \$51,500.00.

**APPROVED:** Public Works Committee (January 7, 2020)  
Ways and Means Committee (January 8, 2020)

**DATED:** January 8, 2020

Seconded by Mr. Davis and adopted by the following vote:  
AYES 21 NAYS 0 ABSENT 2 (Messrs. Joseph, Mandryck)

**NO. 021 – FN 2020-025 –** Messrs. Waterman and D’Onofrio offered the following resolution and moved its adoption

**RE: SUPPLEMENTAL APPROPRIATION OF \$336,200.00 TO AG#G8110.295 – WATER POLLUTION CONTROL – ADMIN. – OTHER EQUIPMENT**

**WHEREAS,** In accordance with Section 609 of the Administrative Code, the County Executive has requested a supplemental appropriation be made in the amount of \$336,200.00 to AG#G8110.295 – Water Pollution Control – Admin. – Other Equipment, and

**WHEREAS,** Said supplemental appropriation will be supported by unanticipated revenue in the following account in the following amount:

RA#G599	Water Pollution Control - Appropriated Fund Balance	\$336,200.00
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now, therefore, be it hereby

**RESOLVED,** That a supplemental appropriation, from 2020 funds, as hereinafter set forth, is hereby approved:

TO:

AG#G8110.295 Water Pollution Control – Admin. – Other Equipment \$336,200.00

APPROVED: Public Works Committee (January 7, 2020)  
Ways and Means Committee (January 8, 2020)

DATED: January 8, 2020

Seconded by Mr. Davis and adopted by the following vote:  
AYES 21 NAYS 0 ABSENT 2 (Messrs. Joseph, Mandryck)

**NO. 022 – FN 2020-027-** Messrs. Schiebel and D’Onofrio offered the following resolution and moved its adoption.

**RE: ESTABLISHMENT OF CAPITAL PROJECT H-617 – UMVMAA – NEXUS CONSTRUCTION 2**

**WHEREAS,** This Board is in receipt of a request to establish “Capital Project H-617 – UMVMAA – NEXUS CONSTRUCTION 2,” with approval of funding for such project, now, therefore, it is hereby

**RESOLVED,** That the Oneida County Board of Legislators authorizes the establishment of “Capital Project H-617 – UMVMAA – NEXUS CONSTRUCTION 2”, with approval of funding for such project as follows:

H-617-3597 State Aid – ESD \$22,000,000.00  
H-617-2770 Other – UMVMAA – Bonds \$27,000,000.00  
\$49,000,000.00

APPROVED: Economic Development & Tourism Committee (January 7, 2020)  
Ways and Means Committee (January 8, 2020)

DATED: January 8, 2020

Seconded by Mr. Davis and adopted by the following roll call vote:  
AYES 21 NAYS 0 ABSENT 2 (Messrs. Joseph, Mandryck)

**ROLL CALL SHEET**

DATE: January 8, 2020

SESSION: Regular

MEMBERS PRESENT: 21

MEMBERS ABSENT: 2 (Messrs. Joseph, Mandryck, )

DIST	MEMBERS	AYES	NAYS
R-1	SCHIEBEL	x	
R-2	IDZI	x	
R-3	LEACH	x	
D-4	CLANCY	x	
R-5	WATERMAN	x	
R-6	BOUCHER	x	
R-7	FIORINI	x	
R-8	FLISNIK	x	
D-9	SACCO	x	
R-10	JOSEPH	absent	

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**Held on Wednesday, January 8, 2020 at 2:00 P.M.**

**AYES: 21 NAYS: 0 ABSENT: 2**

**INTRODUCTORY NO. 027**

**RESOLUTION NO. 027**

R-11	KOENIG	x	
D-12	BROWN	x	
D-13	GOODMAN	x	
D-14	DAVIS	x	
R-15	D'ONOFRIO	x	
R-16	PRATT	x	
R-17	MANDRYCK	absent	
R-18	FURGOL	x	
R-19	WELSH	x	
D-20	HENDRICKS	x	
D-21	WASHBURN	x	
D-22	CONVERTINO	x	
R-23	PAPARELLA	x	

**NO. 023 – FN 2020-028** – Messrs. Waterman and D’Onofrio offered the following resolution and moved its adoption.

**RE: APROVAL TO CREATE TWO (2) FULL-TIME BUILDING MAINTENANCE MECHANIC POSITIONS (GRADE 19B, STEP 2, \$32,753)**

**WHEREAS,** This Board is in receipt of correspondence from Commissioner of Personnel, John P. Talerico, and Commissioner of Public Works, Dennis S. Davis, requesting authorization to create two (2) full-time Building Maintenance Mechanic positions, and

**WHEREAS,** Said request must be approved by the Oneida County Board of Legislators, now, therefore, be it hereby

**RESOLVED,** That the Oneida County Board of Legislators hereby authorizes and approves creating two (2) full-time Building Maintenance Mechanic positions (Grade 19B, Step 2, \$32,753) – effective immediately.

**APPROVED:** Public Works Committee (January 7, 2020)  
Ways and Means Committee (January 8, 2020)

**DATED:** January 8, 2020

Seconded by Mr. Davis and adopted by the following vote:  
AYES 21 NAYS 0 ABSENT 2 (Messrs. Joseph, Mandryck)

**NO. 024 – FN 2020-026** – Messrs. Schiebel and D’Onofrio offered the following resolution and moved its adoption.

**LOCAL LAW INTRO. “A” OF 2020**  
**LOCAL LAW NO. \_\_\_\_ OF 2020**

**A LOCAL LAW AMENDING THE HOTEL OCCUPANCY TAX CURRENTLY IMPOSED BY LOCAL LAW NO. 6 OF 2019 PURSUANT TO CHAPTER 644 OF THE LAWS OF 1984, AS AMENDED.**

**BE IT ENACTED BY THE BOARD OF COUNTY LEGISLATORS OF THE COUNTY OF ONEIDA AS FOLLOWS:**

January 8, 2020

**JANUARY MEETING**

**Held on Wednesday, January 8, 2020 at 2:00 P.M.**

**SECTION A. TITLE**

This Local Law shall be known as the "Local Law Amending the Hotel Occupancy Tax Currently Imposed by Local Law No. 6 of 2019 Pursuant to Chapter 644 of the Laws of 1984, as Amended."

**SECTION B. LEGISLATIVE INTENT**

The intent of this Local Law is to amend the Oneida County Hotel Occupancy Tax, the purpose of such tax being to promote Oneida County, along with its cities, towns and villages, in order to increase convention, trade show and tourist business and promote overall economic development in the County, to concur with recent changes in Section 1202-d of the New York State Tax Law.

**SECTION C. AMENDMENT OF THE HOTEL OCCUPANCY TAX**

Section 2 of Local Law No. 3 of 1993 is hereby amended to read as follows:

"On and after February 1, 2020, there is imposed and there shall be paid, a tax of five percent upon the rent for every occupancy of a room or rooms in a hotel in this county, except that the tax shall not be imposed upon a permanent resident of any such hotel."

Section 12 of Local Law No. 3 of 1993 is hereby amended to read as follows:

"Revenues resulting from the imposition of tax authorized by this section shall be paid into the treasury of the County of Oneida and shall be credited to and deposited in the trust and agency fund of the County; the net collections therefrom shall thereafter be allocated by the County Board of Legislators of Oneida County and shall be used for the promotion of tourism development, economic development, and other directly related and supporting activities by a not-for-profit and/or a public benefit corporation under contract with the County."

**SECTION D. EFFECTIVE DATE**

This Local Law shall take effect upon on February 1, 2020.

APPROVED: Economic Development (January 7, 2020)  
Ways and Means Committee (January 9, 2020)

DATED: January 8, 2020 (Message of Necessity from Chairman Fiorini)

Seconded by Mr. Davis and adopted by the following vote:  
AYES 21 NAYS 0 ABSENT 2 (Messrs. Joseph, Mandryck)

**LEFT ON LEGISLATORS DESKS FOR FUTURE CONSIDERATION**

**INTRODUCED BY: Mr. Fiorini, Mr. D'Onofrio,**  
**2ND BY: Mr. Goodman**

LOCAL LAW INTRO. \_\_\_\_ OF 2020  
LOCAL LAW NO. \_\_\_\_ OF 2020

**A LOCAL LAW IMPLEMENTING A DEMONSTRATION PROGRAM IMPOSING OWNER LIABILITY FOR FAILURE OF AN OPERATOR TO STOP FOR A SCHOOL BUS DISPLAYING A RED VISUAL SIGNAL AND STOP-ARM.**

**BE IT ENACTED BY THE BOARD OF COUNTY LEGISLATORS OF THE COUNTY OF ONEIDA AS FOLLOWS:**

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**Held on Wednesday, January 8, 2020 at 2:00 P.M.**

**SECTION 1. PURPOSE AND INTENT.**

The Oneida County Legislature hereby finds and determines that New York State has authorized counties to implement a demonstration program or monitoring program which will allow Oneida County to install cameras on the exterior of school buses in participating school districts, and impose monetary liability on vehicles that fail to stop behind or in front of a school bus while the school bus stop signs are extended, including traffic travelling in both directions on divided highways.

The Oneida County Legislature also finds and determines that cars that fail to stop when a school bus operator engages the bus stop signs pose a threat to the safety of the children entering and exiting the bus.

The Oneida County Legislature further finds and determines that it is difficult to ticket drivers who disregard school bus stop signs without video evidence of the violation, as there are usually no members of law enforcement witnessing the violation.

The Oneida County Legislature determines that this school bus photo violation monitoring program will not only help to keep children safe when entering and exiting the school bus, but will also act as a deterrent to those who debate passing a school bus while the stop signs are engaged.

Therefore, the purpose of this law is to implement a demonstration program to impose monetary liability on the owner of a vehicle for failure of the operator to stop when a school bus has its stop signs extended in Oneida County through the installation and monitoring of external school bus cameras.

**SECTION 2. DEFINITIONS.**

For the purposes of this local law, the following terms shall have the following meanings:

- A. "County" shall mean the County of Oneida.
- B. "Manual on uniform traffic control devices" or "MUTCD" shall mean the manual and specifications for a uniform system of traffic control devices maintained by the Commissioner of the Department of Transportation pursuant to Section 1680 of the New York Vehicle Traffic Law.
- C. "Owner" shall have the meaning provided in Section 239 of the New York Vehicle and Traffic Law.
- D. "School bus photo violation monitoring system" shall mean a device that is capable of operating independently of an enforcement officer which is installed to work in conjunction with a school bus stop-arm and which automatically produces two or more photographs, two or more microphotographs, a videotape or other recorded images of a vehicle at the time it is used or operated in violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law.

**SECTION 3. PROGRAM ESTABLISHED.**

- A. There is hereby established, pursuant to Section 1174-a of the New York State Vehicle and Traffic Law, a demonstration program imposing monetary liability on Owners of vehicles for failure of the operators thereof to comply with Section 1174 of the New York State Vehicle and Traffic Law when meeting a school bus marked and equipped as provided in subdivisions 20 and 21-c of Section 375 of the New York State Vehicle and Traffic Law in Oneida County.
- B. Under such demonstration program the County is hereby authorized to install and operate school bus photo violation monitoring systems which may be stationary or mobile, and which may be installed, pursuant to an agreement with a school district within the County on school buses owned and/or operated by such school district. Provided, however, that:
  - i. No stationary school bus photo violation monitoring system shall be installed or operated by the County, except on roadways under the jurisdiction of the County; and
  - ii. No mobile school bus photo violation monitoring system shall be installed or operated on any such school buses unless the County and such school district enter into an agreement for such installation and operation.
- C. To carry out the demonstration program, the County, acting by and through the County Executive, is authorized to enter into agreements with school districts for the installation, maintenance and use of school bus photo violation monitoring systems, for the proper handling and custody of photographs, microphotographs, videotapes, other recorded images and

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data produced by such systems, and for the forwarding of such photographs, microphotographs, videotapes, other recorded images and data to the County, subject to the provisions of this section and Section 1174-a of the New York Vehicle and Traffic Law and approval of the Board of County Legislators.

- D. Nothing in this local law shall be construed to prevent the County or school district at any time from withdrawing from or terminating an agreement for the installation, maintenance and use of school bus photo violation monitoring systems, provided however, that the County or the school district shall provide no less than thirty days' required notice to the other for such withdrawal, if any, prior to such withdrawal.
- E. Cost of Program and Reports Relating Thereto.
- i. The total cost to the school district of the installation, maintenance and use of school bus photo violation monitoring systems pursuant to an agreement authorized by this local law shall be borne entirely by the County.
  - ii. Any participating school district, acting by and through the Superintendent of Schools of such district, or his or her designee shall provide any report required of the district, pursuant to Section 1174-a of the Vehicle and Traffic Law, to the State or any official thereof.
  - iii. To the extent that the County shall be required to issue any report to the State or any official thereof as a result of the adoption of this Local Law and/or Section 1174-a of the Vehicle and Traffic Law, the Oneida County Sheriff's Office shall cause the same to be prepared pursuant to this Local or applicable State law.
- F. Pursuant to Section 1174-a (a)(3)(i) of the Vehicle and Traffic Law, any school district participating in the demonstration program shall be prohibited from accessing any photographs, microphotographs, videotapes, other recorded images and data from school bus photo violation monitoring systems but shall provide, pursuant to the agreement with the County, as provided in this Local Law, for the proper handling and custody of such photographs, microphotographs, videotapes, other recorded images and data produced by such systems, and for the forwarding of such photographs, microphotographs, videotapes, other recorded images and data to the County for the purpose of determining whether a motor vehicle was operated in violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law and imposing monetary liability on the Owner of such motor vehicle therefor.
- G. The agreements between the County and the school district shall provide that photographs, microphotographs, videotapes other recorded images and data produced by school bus photo violation monitoring systems shall be destroyed (i) ninety days after the date of the alleged imposition of liability if a notice of liability is not issued for such alleged imposition of liability pursuant to this Local Law; or (ii) upon final disposition of a notice of liability issued pursuant to this Local Law.
- H. The County shall adopt and enforce measures to protect the privacy of drivers, passengers, pedestrians and cyclists whose identity and identifying information may be captured by a school bus photo monitoring device. Such measures shall include:
- i. Utilization of necessary technologies to ensure, to the extent practicable, that photographs produced by such school photo violation monitoring systems shall not include images that identify the driver, the passengers, the contents of the vehicle, pedestrians and cyclists, provided, however, that no notice of liability issued pursuant to this section shall be dismissed solely because a photograph or photographs allow for the identification of the contents of a vehicle, provided that the County has made a reasonable effort to comply with the provisions of this paragraph; and
  - ii. A prohibition of the use or dissemination of vehicles' license plate information and other information and images captured by school bus photo violation monitoring systems except: (a) as required to establish liability under this section or collect payment of penalties; (b) as required by court order; or (c) as otherwise required by law; and
  - iii. Oversight procedures to ensure compliance with the privacy protection measures required herein.
- I. The County, acting by and through the Commissioner of the Department of Public Works (DPW) shall also undertake the installation of signage in conformance with standards established in the Manual of Uniform Traffic Control Devices. Such signage shall be installed at each roadway entrance of the jurisdictional boundaries of the County giving notice that school bus photo violation monitoring systems are used to enforce restrictions on vehicles violating Section 1174 of the New York Vehicle and Traffic Law. For the purposes of this paragraph, the term "roadway" shall not include state expressway routes or state interstate routes but shall include controlled-access highway exit ramps that enter the boundaries of the County.

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**SECTION 4. PENALTIES.**

An Owner liable for a violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law pursuant to this Local Law shall be liable for monetary penalties in accordance with the following schedule of fines and penalties:

- A. Two hundred fifty dollars (\$250.00) for a first violation;
- B. Two hundred seventy-five dollars (\$275.00) for a second violation committed within eighteen (18) months of the first violation;
- C. Three hundred dollars (\$300.00) for a third violation or subsequent violation all of which were committed within eighteen (18) months from the first violation; and
- D. An additional penalty of twenty-five dollars (\$25.00) for each violation for the failure to respond to a notice of liability within the prescribed time period.

**SECTION 5. NOTICE OF LIABILITY.**

- A. A notice of liability shall be sent as provided by State Law by first class mail to each person alleged to be liable as an Owner for a violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law. Personal delivery on the Owner shall not be required. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein. To the extent that State Law does not preclude the County from causing such mailing to be made, the County shall undertake or cause to be undertaken such mailing.
- B. A notice of liability shall contain the name and address of the person alleged to be liable as an Owner for a violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law, the registration number of the vehicle involved in such violation, the location where such violation took place, the date and time of such violation and the identification number of the camera which recorded the violation or other document locator number.
- C. A notice of liability shall contain information advising the person charged of the manner and the time in which he or she may contest the liability alleged in the notice. Such notice of liability shall also contain a warning to advise the persons charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.
- D. The notice of liability may contain such other information as the entity causing such notice of liability to be mailed deems appropriate to communicate the law, the adjudicatory process if the addressee of the notice wishes to contest the notice of liability.

**SECTION 6. OWNER LIABILITY.**

- A. The Owner of a vehicle shall be liable for a penalty imposed pursuant to this Local Law if such vehicle was used or operated with the permission of the Owner, express or implied, in violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law and such violation is evidenced by information obtained from a school bus photo violation monitoring system; provided however that no Owner of a vehicle shall be liable for a penalty imposed pursuant to this Local Law where the operator of such vehicle has been convicted of the underlying violation of subdivision (a) of Section 1174 of the New York State Vehicle and Traffic Law. For purpose of this Section and this Local Law, there shall be a presumption that such vehicle was used and operated with the consent of the Owner at the time it was used and operated in violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law.
- B. If the Owner receives a notice of liability pursuant to this Local Law for any time period during which the vehicle was reported to the police as having been stolen, it shall be a valid defense to an allegation of liability for a violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law pursuant to this Local Law that the vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. For purposes of asserting the defense provided by this subdivision, it shall be sufficient that a certified copy of the police report on the stolen vehicle be sent or delivered to a court of competent jurisdiction or parking violations bureau having jurisdiction where any contested notice of liability would otherwise be determined.



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- C. An Owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to this Local Law shall not be liable for the violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law, provided that he or she complies with the provisions of Section 1174-a of the New York Vehicle and Traffic Law and otherwise sends to the Court of competent jurisdiction or other adjudicatory bureau or agency of competent jurisdiction, a copy of the rental, lease or other such contract document covering such vehicle on the date of the violation, with the name and address of the lessee clearly legible, within thirty-seven (37) days after receiving notice from the agency or entity which caused such notice of liability to be issued, together with the information contained in the original notice of liability. Failure to send such information within thirty-seven (37) day time period shall render the Owner liable for the penalty prescribed by this Local Law. Where the lessor complies with the provisions of this paragraph, the lessee of such vehicle for purposes of this Section, shall be deemed to be the Owner of such vehicle on the date of such violation for the purposes of this Section, shall be subject to liability for the violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law pursuant to this Local Law and shall be sent a notice of liability pursuant to Section 4 of this Local Law.
- D. A certificate, sworn to or affirmed by a technician employed by the County, or a facsimile thereof, upon inspection of photographs, microphotographs, videotapes, other recorded images produced by a school bus photo violation monitoring system, shall be *prima facie* evidence of the facts contained therein. Any photographs, microphotographs, videotapes, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation.
- E. It shall be a defense to any prosecution for or allegation of a violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law pursuant to this Local Law that such school bus stop-arms were malfunctioning at the time of the alleged violation.
- F. An imposition of liability under this Local Law shall not be deemed a conviction and shall not be made part of the operating record of the person upon whom such liability is imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.
- G. All fines and penalties collected pursuant to this law shall be deposited with the County Comptroller.
- H. For the purpose of informing and educating Owners for motor vehicles in this County during the first thirty-day (30) period in which a school bus photo violation monitoring system is in operation pursuant to the provisions of this Local Law, all Owners of motor vehicles who would otherwise be held liable for failure of operators thereof to comply with Section 1174 of the New York Vehicle and Traffic Law when meeting a school bus marked and equipped as provided in subdivisions 20-21-c of Section 375 of such Law, shall be issued a written warning in lieu of a notice of liability.

**SECTION 7. ADJUDICATION OF LIABILITY.**

Liability pursuant to the demonstration program established hereunder shall be imposed upon Owners by the Court of competent jurisdiction in Oneida County or in another other manner pursuant to the New York State General Municipal or Vehicle and Traffic Law(s).

**SECTION 8. ACTION FOR INDEMNIFICATION.**

If the Owner held liable for a violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law pursuant to this Local Law was not the operator of the vehicle at the time of the violation, the Owner may maintain an action for indemnification against the operator.

**SECTION 9. REPORTING REQUIREMENTS.**

- A. The County, acting by and through the Oneida County Sheriff's Office, shall develop and cause to be submitted an annual report on the results of the use of a school bus photo violation monitoring system to the Governor, the temporary president of the Senate and the speaker of the Assembly on or before June 1 of each year in which the demonstration program is operable. Such report shall include any information required by Section 1174-a (m) of the New York Vehicle and Traffic Law to be included as a result of the enactment of this Local Law.
- B. Pursuant to the requirements of Section 1174-a of the New York State Vehicle and Traffic Law, courts, bureaus, and agencies conducting adjudications as a result of this Local Law shall report at least annually to the County on the quality of the adjudication process and its results including the total number of hearings scheduled, re-scheduled, and held; the

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total number of persons scheduled for such hearings; the total number of cases where fines were paid on or before the hearing date; and the total number of default judgments entered.

- C. The County, acting by and through the Oneida County Sheriff's Office shall annually provide a copy of the annual report submitted pursuant to subsections A and B of this Section, to each Local Law enforcement agency having jurisdiction to enforce violations of the vehicle and traffic law or any ordinance, rule or regulation relating to traffic adopted pursuant to such law on roadways within the County.

**SECTION 10. APPLICABILITY.**

This Local Law shall apply to all actions in school districts that have agreements with the County for any school year commencing on or after September 1st, 2020.

**SECTION 11. SEVERABILITY.**

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**SECTION 12. EFFECTIVE DATE**

This Local Law shall take effect on June 1, 2020.

APPROVED:     Public Safety Committee  
                  Ways and Means Committee

DATED:

Adopted by the following vote:  
AYES   NAYS   ABSENT

**CERTIFICATION OF THE CLERK**

STATE OF NEW YORK, County of Oneida, ss:

I hereby certify that the foregoing is a true report of the proceedings of the Board of Legislators of the County of Oneida on Wednesday, January 8, 2020 at 2:00 P.M., typographical errors excepted.

**MIKALE BILLARD**