

# ONEIDA COUNTY BOARD OF LEGISLATORS

ONEIDA COUNTY OFFICE BUILDING ♦ 800 PARK AVENUE ♦ UTICA, N.Y. 13501-2977

Gerald J. Fiorini  
Chairman  
(315) 798-5900

Mikale Billard  
Clerk  
(315) 798-5404

George Joseph  
Majority Leader

Philip M. Sacco  
Minority Leader

## EXPEDITED COMMUNICATIONS FOR DISTRIBUTION October 11, 2017

(Correspondence relating to upcoming legislation, appointments, petitions, etc.)

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JOSEPH J. TIMPANO  
Comptroller



SHERYL A. BROWN  
Deputy Comptroller

DEBORAH S. JOANIS  
Deputy Comptroller - Administration

**ONEIDA COUNTY DEPARTMENT OF AUDIT & CONTROL**

County Office Building ♦ 800 Park Avenue ♦ Utica, New York 13501  
(315) 798-5780 ♦ Fax: (315) 798-6415  
E-Mail: jtimpano@ocgov.net

Reviewed and Approved for submittal to the  
Oneida County Board of Legislators by

FN 20 17-317

Anthony J. Picente, Jr.  
County Executive

Date 9/26/17

# Memo

PUBLIC SAFETY

WAYS & MEANS

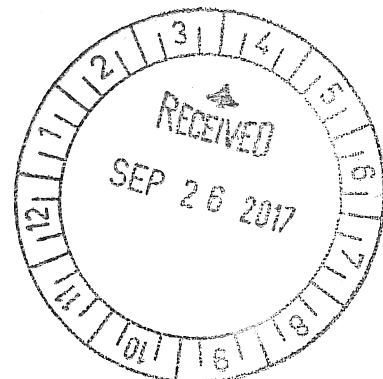
**To:** Anthony J. Picente Jr., County Executive  
Board of Legislators  
**From:** Joseph J. Timpano, Comptroller *Jae*  
**Date:** September 26, 2017  
**Re:** Bond Resolution – H533

Please find attached a bond resolution for \$1,187,129 to fund the budgeted increase to the Emergency Services Radio Interoperability Project approved by the Board of Legislators at their September 13, 2017 meeting.

If you approve, please forward this resolution to the Board of Legislators for adoption at their October 11, 2017 meeting.

As always, thanks for your help and support in this matter.

**Cc:** Mike Billard, Clerk of the Board  
Sheryl Brown, Deputy Comptroller  
Peter Rayhill, County Attorney  
Morgan Polise, Paralegal Assistant



2.

*INTRODUCTORY*  
NO. \_\_\_\_\_

*F.N. 2017-*

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

*RESOLUTION NO.* \_\_\_\_\_

*INTRODUCED BY:* \_\_\_\_\_

*2ND BY:* \_\_\_\_\_

BOND RESOLUTION DATED OCTOBER 11, 2017.

A RESOLUTION AUTHORIZING COSTS RELATED TO THE PURCHASE OF EMERGENCY SERVICES RADIO COMMUNICATIONS EQUIPMENT BY THE COUNTY OF ONEIDA, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$8,687,129 AND AUTHORIZING ISSUANCE OF AN ADDITIONAL \$1,187,129 BONDS OF THE COUNTY TO PAY PART OF THE COSTS THEREOF. (H533)

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the County Legislature of the County of Oneida, New York, as follows:

Section 1. For the object or purpose of paying additional costs related to the purchase of emergency services radio communication equipment by the County, including incidental costs, there are hereby authorized to be issued an additional \$1,187,129 bonds of said County pursuant to the provisions of the Local Finance Law.

Section 2. The plan for the financing of the \$8,687,129 maximum estimated cost thereof shall be as follows:

- (i) by the issuance of \$4,000,000 bonds of said County authorized by a bond resolution dated February 10, 2016;
- (ii) by the expenditure of \$3,500,000 grants; and
- (iii) by the issuance of the \$1,187,129 bonds of said County herein authorized.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is ten years, pursuant to subdivision 25 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said County of Oneida, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. All the taxable real property within said County shall be subject to the levy of ad valorem taxes sufficient to pay the principal of and interest on said bonds.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the County Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said County Comptroller, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the County Comptroller, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the County Comptroller shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution shall take effect upon the approval of the Oneida County Executive and the Clerk of the County Legislature is hereby authorized and directed to publish the foregoing resolution, in summary, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law, in the *Observer Dispatch* and *The Rome Sentinel*, two newspapers each having a general circulation in the County and hereby designated as the official newspapers of the County for such publication.

APPROVED:

DATED:

Adopted by the following roll call vote:

AYES \_\_\_\_\_ NAYS \_\_\_\_\_ ABSENT \_\_\_\_\_

\* \* \* \* \*

Anthony J. Picente Jr.  
County Executive



John P. Talerico  
Commissioner

**ONEIDA COUNTY DEPARTMENT OF PERSONNEL  
OFFICE OF THE COMMISSIONER**

County Office Building ♦ 800 Park Avenue ♦ Utica, New York 13501-2986  
Phone: (315) 798-5725 ♦ Fax: (315) 798-6490  
E-Mail: labor@ocgov.net

September 28, 2017

FN 20 17-318

Anthony J. Picente Jr.  
Oneida County Executive  
800 Park Avenue  
Utica New York 13501

**WAYS & MEANS**

Reviewed and Approved for submittal to the  
Oneida County Board of Legislators by

Anthony J. Picente, Jr.  
County Executive

Date 9/28/17

Dear County Executive Picente:

I am pleased to report that the County of Oneida, the Oneida County Sheriff, and the Police Benevolent Association have reached a tentative agreement for a new five (5) year collective bargaining agreement covering the period of January 1, 2016-December 31, 2020. The tentative agreement was ratified by the PBA membership on September 26, 2017 by a vote of 92-6. The agreement covers Deputy Sheriff Road Patrol members and Public Safety Telecommunicators in the Department of Emergency Services. I have attached an Executive Summary of this agreement.

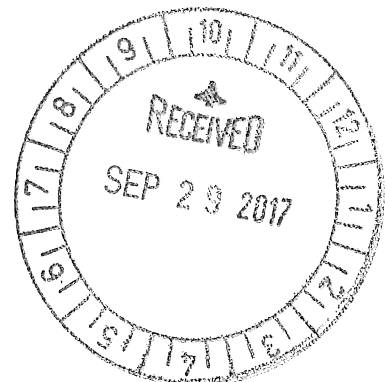
I am recommending approval of this agreement in that it is in line with negotiated settlements in the public sector and provides management with the tools necessary to provide service to the public efficiently and effectively. If you concur, please forward to the Board of Legislators for their approval.

I respectfully request that the Board of Legislators act at the **October 11, 2017** meeting. The civil service examination for Public Safety Telecommunicator is scheduled to be announced in October for a January holding. Approval of this agreement at the October board meeting will allow us to advertise the examination at the new salary level assisting us in attracting qualified applicants for this important function.

Lastly, I would like to thank John Corcoran, County Chief Negotiator for this agreement, the county negotiating team, PBA President Mike Simmons, PBA Chief Negotiator Erin Parker and the PBA negotiating team for their efforts in reaching a final agreement.

Sincerely,

John P Talerico  
Commissioner



**EXECUTIVE SUMMARY OF TENTATIVE AGREEMENT  
FOR 2016-2020 COLLECTIVE BARGAINING AGREEMENT  
BETWEEN THE COUNTY OF ONEIDA/SHERIFF  
AND THE  
ONEIDA COUNTY POLICE BENEVOLENT ASSOCIATION, INC.**

**I. Bargaining History:** The negotiations commenced on June 21, 2017 and a final complete tentative agreement was reached on September 19, 2017 after three additional bargaining sessions.

**II. Key Provisions of New Contract:**

**A. Duration:** 5 years; January 1, 2016 – December 31, 2020.

**B. Base Salaries**

Effective 1/1/16, salary schedules increased 1.5%

Effective 1/1/17, salary schedules increased 1.5%

Effective 1/1/18, salary schedules increased 1.5%

Effective 1/1/19, salary schedules increased 1.5%

Effective 1/1/20, salary schedules increased 1.5%

Step movement for “on-schedule” employees each 1/1.

Furthermore, as a special equity adjustment, each step of the salary schedules shall be increased by an additional \$500 across-the-board effective 1/1/18 and after application of the 1.5% increase referenced above.

Each “off schedule” employee shall receive an increase of 2.75% to his/her base salary effective each 1/1 of the Agreement.

Furthermore, as a special equity adjustment, each “off the schedule” employee shall receive an additional \$500 base salary increase effective 1/1/18 and after application of the 2.75% for 2018 increase referenced above.

All increases for “off schedule” employees shall be sunsetted on 12/31/20.

Furthermore, step 3 of each salary grade on the civilian “D” salary schedule shall be eliminated effective 1/1/18 for recruitment and retention purposes.

Retroactivity limited to employees still on the active payroll of the County as of the beginning of the first full payroll period following ratification of the Agreement by the Board of Legislators, or who retired on or after 1/1/16, or who died in active service to the County on or after 1/1/16.

**C. Longevity Pay:** No change (N/C)

**D. Cell Phone Coverage Pay:**

2016: \$300 (N/C)  
2017: \$300 (N/C)  
2018: \$400 (+\$100)  
2019: \$500 (+\$100)  
2010: \$500 (N/C)

This was in lieu of agreeing to a PBA proposal to implement an on-call pay system.

**E. Field Training Officer Compensation (New):**

Effective first full payroll period following ratification, for each hour that an employee is designated by the Sheriff, or his/her designee, to function as a Field Training Officer (“FTO”) for one or more other employees, he/she shall receive a premium payment of \$.60 per hour in addition to base pay. Under no circumstances shall FTO compensation be paid for time spent with interns, volunteers, ride-alongs, or any other non-employee of the County.

**F. SWAT Team Compensation (New):**

Effective 1/1/18, each member of the Sheriff’s Office assigned to the SWAT Team shall receive additional compensation of \$150 per year, paid prorata each pay period. The Sheriff shall retain the authority to determine both the number of employees on the SWAT Team and which employees shall be assigned to the SWAT Team.

**G. Shift Bidding (Emergency Services):**

During first 3 years of employment, the Director of Emergency Services has the sole discretion to set the tour of duty for the employee and the employee is ineligible to bid for available tours. However, effective upon ratification, the bidding eligibility requirement shall be reduced prospectively from 3 years of employment to 2 years.

**H. Annual Clothing Allowance (Plain Clothes Deputies):**

2016: \$600 (N/C)



2017: \$600 (N/C)  
2018: \$700 (+\$100)  
2019: \$700 (N/C)  
2010: \$700 (N/C)

**I. Dental Insurance**

Effective 1/1/18, the County's contribution shall be increased from \$20 per month to up to \$25 per month for a single dental program selected by the County (currently the GHI Plan 4).

**J. College Degree Stipends**

Effective 1/1/18, increase the annual dollar amounts by \$100 as follows:

Master's Degree - \$500; Bachelor's Degree - \$400; Associate's Degree - \$300.  
Non-cumulative.

**K. Discipline**

Expand the Sheriff's or department head's authority to suspend an employee without pay in contemplation of dismissal to include where employee's continued presence would seriously impact efficiency, reputation, or morale of the Sheriff's Office or department.

**L. Drug and Alcohol Testing Reopener Language**

**M. Shift Differential**

2016 and 2017 - "C"/"A" lines - \$.60/hour; \$.65/hour

2018 - \$.70/hour; \$.75/hour (+\$.10)

2019 and 2020 - \$.075/hour; \$.80/hour (+\$.05)

**N. Meal Allowances**

Current:

	<u>Breakfast</u>	<u>Lunch</u>	<u>Dinner</u>
In-County	\$5.00	\$5.00	\$12.50
Out-of-County	\$10.00	\$10.00	\$20.00

Effective 1/1/18:

	<u>Breakfast</u>	<u>Lunch</u>	<u>Dinner</u>
In-County	\$8.00	\$8.00	\$15.00
Out-of-County	\$12.00	\$12.00	\$25.00

**O. Health Insurance**

The traditional style plan shall not be made available to any new member of the bargaining unit hired on or after the date of the ratification of the Agreement. Furthermore, and regardless of date of hire, if an employee switches from the traditional style plan to one of the other offered County health plans, the employee shall not be permitted to return to the traditional style plan (if said plan is still offered) unless the switch is made during an open enrollment period and in contemplation of retirement within 12 months immediately following the switch.

**ONEIDA COUNTY BOARD OF LEGISLATORS**

RESOLUTION NO.

FN 20 17-319

INTRODUCED BY: Mr. Porter

2ND BY:

WAYS & MEANS

RE: RESOLUTION SCHEDULING PUBLIC HEARINGS ON PROPOSED 2018 ONEIDA COUNTY BUDGET AND CAPITAL PROGRAM

WHEREAS, Pursuant to Section 359 of the County Law, it is necessary to have a public hearing with regard to the proposed County Budget for the year 2018, and

WHEREAS, Pursuant to Section 606 of the Oneida County Charter and Section 606 of the Oneida County Administrative Code, this Board shall hold two public hearings on the County Budget after the Ways and Means Committee submits its report on the proposed County Budget and that such two public hearings shall be held on the Monday and Tuesday immediately preceding the first Board meeting in November, and

WHEREAS, The Tuesday immediately preceding the first Board meeting in November of 2017 is Election Day, and

WHEREAS, The purpose of the public hearings is to provide a forum for County residents to appear and convey their opinions on the proposed County Budget, and

WHEREAS, It is the opinion of this Board that scheduling a public hearing on Election Day will inhibit the ability of County residents to appear and voice their opinions on the proposed County Budget, now therefore, be it hereby

RESOLVED, That this Board shall hold two public hearings with regard to the County Budget for 2018, and be it further

RESOLVED, That the Clerk of this Board be, and hereby is, authorized and directed to cause notices to be published in the Utica Observer Dispatch and the Rome Sentinel in which will be stated the time, place, and purpose of such hearings, and be it further

RESOLVED, That the time and place of the first public hearing shall be Thursday, November 2, 2017 at 7:00 P.M. in the Rome County Court House, Rome, New York, and be it further

RESOLVED, That the time and place of the second public hearing shall be Monday, November 6, 2016 at 7:00 P.M. in the Legislative Chamber, Oneida County Office Building, Utica, New York.

APPROVED: Ways & Means Committee ( )

DATED: October 11, 2017

Adopted by the following vote:

AYES: NAYS: ABSENT:



**ONEIDA COUNTY DEPARTMENT OF LAW**

Oneida County Office Building  
800 Park Avenue ♦ Utica, New York 13501-2975  
(315) 798-5910 ♦ Fax (315) 798-5603

**ANTHONY J. PICENTE JR.**  
COUNTY EXECUTIVE

**PETER M. RAYHILL**  
COUNTY ATTORNEY

FN 20 17-320

September 29, 2017

Anthony J. Picente, Jr.  
Oneida County Executive  
800 Park Avenue  
Utica, New York 13501

**WAYS & MEANS**

Reviewed and Approved for submittal to the  
Oneida County Board of Legislators by

Anthony J. Picente, Jr.  
County Executive

Date 10/4/17

RE: Claimant: James E. Brown v. Oneida County, et al.  
Claim No.: 2015-38

Dear County Executive Picente:

This matter involves various claims brought by James E. Brown, including false arrest, malicious prosecution, unlawful strip search, excessive force and failure to intervene following the dismissal of all charges brought against James E. Brown stemming from a May 10, 2013 arrest and subsequent prosecution.

A Court mandated mediation was held on September 26, 2017. During said mediation, the parties arrived at a settlement figure of \$130,000.00, contingent upon obtaining the consent of the Oneida County Board of Legislators. I am requesting authority to settle the above matter for the sum of \$130,000.00.

I ask that you forward this request to the Board of Legislators for their October 11, 2017 meeting.

Thank you.

Very truly yours,

Peter M. Rayhill





Anthony J. Picente, Jr., County Executive

Robin E. O'Brien, Commissioner



120 Airline Street  
Suite 200  
Oriskany, New York 13424

Phone: (315) 768-3660  
Fax: (315) 768-3670  
Website: www.ocgov.net  
Email: mentalhealth@ocgov.net

FN 20 17-321

HEALTH & HUMAN SERVICES

August 24, 2017

Honorable Anthony J. Picente, Jr.  
Oneida County Executive  
800 Park Avenue  
Utica, NY 13501

WAYS & MEANS

Reviewed and Approved for submittal to the  
Oneida County Board of Legislators by

Anthony J. Picente, Jr.  
County Executive  
Date 9/12/17

Dear Mr. Picente:

I am forwarding four (4) copies of the 2017 Purchase of Service Agreement between the Oneida County Department of Mental Health and **Syracuse Brick House, Inc., D/B/A/ Syracuse Behavioral Healthcare** for your review. If this meets with your approval, please forward this to the Board of Legislators upon completing your review.

The Agreement begins **September 1, 2017 and ends August 31, 2018**. The funding amount for this agreement will be **\$450,000.00**. This amount reflects **100%** of OASAS State Aid Funding for 2017.

Thank you very much for your time and consideration of this request. I would be pleased to respond to any questions or concerns you might have with regard to this Agreement.

Respectfully,

Robin E. O'Brien  
Commissioner

REO/ts  
Encs.



B.

Oneida Co. Department: Mental Health

Competing Proposal \_\_\_\_\_  
Only Respondent \_\_\_\_\_  
Sole Source RFP \_\_\_\_\_  
Other   X  

**ONEIDA COUNTY BOARD  
OF LEGISLATORS**

**Name & Address of Vendor:** Syracuse Brick House, Inc., D/B/A/Syracuse Behavioral  
Healthcare  
329 North Salina Street  
Syracuse, NY 13203

**Title of Activity or Service:** 24/7 Regional Crisis Center of Addiction in the Central  
New York Region

**Proposed Dates of Operation:** September 1, 2017 through August 31, 2018

**Client Population/Number to be Served:** Outpatient substance use services to community  
members of the Central New York Region

**Summary Statements**

**1) Narrative Description of Proposed Services:**

- a. The Regional Crisis Center for Addition (RCCA) will provide certain services directly to RCCA service recipients, and will collaborate with providers and other supporters in the six-county region to provide other related services.
- b. RCCA staff will present individuals with treatment options within the level of care recommendation as well as community recovery services options available to them in their home county. If assessed medical/psychiatric needs require hospital care, 911 will be contacted and individual will be transported. Contractor will have letters of collaboration with area hospitals to assure appropriate continuity of care in the least restrictive setting medically/psychiatrically determined safe for the individual.

**2) Program/Service Objectives and Outcomes:**

The primary objective of services provided will be to ensure essential addiction crisis services are available to reduce hospital admissions and provide a comprehensive screening assessment and provide treatment options within the level of care and community recovery service options within their home county.

**3) Program Design and Staffing**

The RCCA will provide services directly to RCCA recipients and will collaborate with providers and other supporters in the six-county region to provide other related services. RCCA staffing will include at least one Team Leader, two QHP Counselors, two Registered Nurses, two Counselor Aides, two Peer Specialists, and one Security Guard. The RCCA will also utilize physician support from collaborating partners, including but

not limited to Upstate University Hospital, on an on-call basis. The Contractor will increase staffing on demand.

**Total Funding Requested:** \$450,000.00

**Account #**A4310.49540

**Oneida County Dept. Funding Recommendation:** \$450,000.00

It is recommended that the full amounts of \$450,000.00 be paid as follows; \$225,000.00 be approved for 2017; and \$225,000.00 be approved for 2018.

**Proposed Funding Sources (Federal \$/ State \$/County \$):**

State (2017-2018) - \$450,000.00

**Cost Per Client Served:** (N/A)

**Past Performance Data:** (N/A)

**O.C. Department Staff Comments:** (N/A)



**ONEIDA COUNTY DEPARTMENT OF  
WATER QUALITY & WATER POLLUTION CONTROL**  
51 Leland Ave, PO Box 442, Utica, NY 13503-0442  
(315) 798-5656 wpc@ocgov.net FAX 724-9812

Anthony J. Picente, Jr.  
County Executive

Steven P. Devan, P.E.  
Commissioner

September 20, 2017

FN 20 17-322

The Honorable Anthony J. Picente, Jr.  
Oneida County Executive  
800 Park Ave.  
Utica, NY 13501

**PUBLIC WORKS**

Reviewed and Approved for submittal to the  
Oneida County Board of Legislators by

**WAYS & MEANS**

Re: Easement  
City of Utica  
Sauquoit Creek Force Main

*[Signature]*  
\_\_\_\_\_  
Anthony J. Picente, Jr.  
County Executive  
Date 10/5/17

Dear County Executive Picente:

The Oneida County Department of Law in conjunction with this Department and its consultants are in the process of obtaining permission from property owners to run the new Sauquoit Creek Force Main through their property. These permissions will be in the form of easements, permits or license agreements.

An easement between the City of Utica and Oneida County for property near the Barnes Ave. Pumping Station is now ready for execution. It must be approved by the Oneida County Board of Legislators.

I am available to meet with you at your convenience to discuss this request and explain it in more detail. I respectfully request that this item be considered by the Board of Legislators at their **October 11<sup>th</sup>** meeting. Thank you for your consideration in this matter.

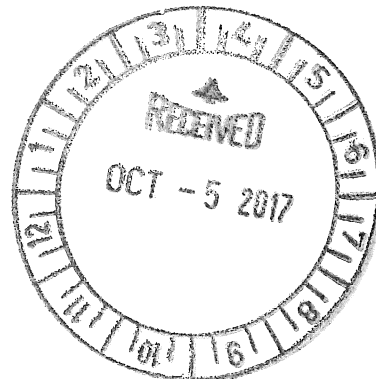
Sincerely,  
**THE ONEIDA COUNTY DEPARTMENT OF  
WATER QUALITY AND WATER POLLUTION CONTROL**

*[Signature]*

Steven P. Devan, P.E.  
Commissioner

Cc: Peter M. Rayhill, Esq. – Oneida County Attorney  
Karl E. Schrantz, P.E. – O'Brien and Gere Engineering  
John Waters - WQ&WPC

Attachments: Proposed Easement  
Contract Summary Sheet





**Oneida Co. Department: Water Quality & Water Pollution Control**

**Competing Proposal** \_\_\_\_\_  
**Only Respondent** \_\_\_\_\_  
**Sole Source RFP** \_\_\_\_\_  
**Other**   X  

**ONEIDA COUNTY BOARD  
OF LEGISLATORS**

**Name & Address of Vendor:** City of Utica  
1 Kennedy Plaza  
Utica, New York 13502

**Title of Activity or Service:** Easement

**Proposed Dates of Operation:** Upon execution then forever

**Client Population/Number to be Served:** 110,000 people

**Summary Statements**

- 1) **Narrative Description of Proposed Services:** This is an easement for several parcels of land owned by the City of Utica. The easement is required so that the Sauquoit Creek Pumping Station force main can be constructed through it.
- 2) **Program/Service Objectives and Outcomes:** Construct the force main through several parcels of land owned by the City of Utica.
- 3) **Program Design and Staffing:** Department staff will oversee this easement.

**Total Funding Requested:** \$1.00                      **Account #** G8110.495

**Oneida County Dept. Funding Recommendation:** G8110.495

**Proposed Funding Sources (Federal \$/ State \$/County \$):** Funding for this easement will be provided by the Department operating budget, G8110.495.

**Cost Per Client Served:** N/A

**Past Performance Data:** The County currently has an existing easement with this property owner for the existing force main.

**O.C. Department Staff Comments:** The easement must be obtained as soon as possible so that construction can be bid on the Sauquoit Creek Pumping Station force main project.

*17*

## EASEMENT

This Indenture, made by The City of Utica, with offices at 1 Kennedy Plaza, Utica, New York 13502, hereinafter referred to as the Grantor, for and in consideration of the sum of One Dollar, and other good and valuable consideration paid to Grantor by the County of Oneida, a municipal corporation, with offices located at 800 Park Avenue, Utica, New York 13501, hereinafter referred to as the Grantee, receipt of which is hereby acknowledged, does hereby grant and release to Grantee, its successors and assigns, the right, privilege and authority to construct, install, maintain, operate, inspect, repair, protect, replace, relocate, reconstruct, change the size of and remove one or more County owned sewer pipelines, and other fixtures or appurtenances, used or associated therewith upon, across and under the parcels and property more particularly described on Schedule A attached hereto and incorporated herein and as shown on maps to be filed in the Oneida County Clerk's Office concurrently herewith and which maps are entitled "Permanent & Temporary Easements to be Granted to Oneida County on Lands Belonging to City of Utica."

Together with free ingress and egress to and from said parcels for all of the above purposes and any other purposes reasonably incidental thereto.

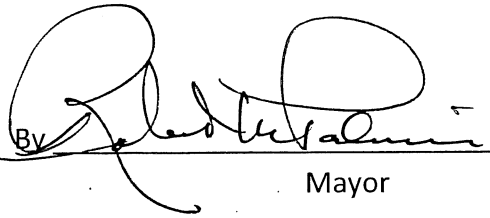
Together with the appurtenances and all the estate and rights of the party of the first part in and to the said premises.

Grantor hereby warrants that it owns in fee simple the land and property described above and that said premises is free and clear of all liens and encumbrances of any nature and if not, the Grantor shall arrange or procure any documents necessary to grant clear title to said premises.

When this document is duly signed and acknowledged, this instrument shall be binding and inure to the benefit of the respective heirs, executors, administrators, successors and assigns of each of the parties hereto.

The County further covenants and agrees to hold the Grantor harmless for and indemnify said Grantor against any claims, damages or lawsuits that may arise from the construction, reconstruction, installation, maintenance, inspection or repair of the subject underground pipes, lines, laterals and accessories as performed by the County, its employees, agents or assigns.

In witness whereof, the City of Utica has set its Hand this 30<sup>th</sup> day of August, 2017.

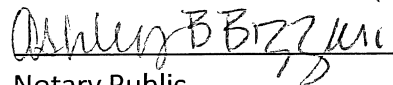
By   
\_\_\_\_\_  
Mayor

State of New York }

} ss.:

County of Oneida }

On the 30<sup>th</sup> day of August in the year 2017, before me, the undersigned, a notary public in and for said state, personally appeared, 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 Robert U Palmieri executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
\_\_\_\_\_  
Notary Public

ASHLEY B. BIZZARI  
Notary Public, State of New York  
Registration No. 01B16236877  
Qualified in Oneida County  
My Comm. Expires August 27, 2019

June 15, 2017

DLM No. 14-010

PROPOSED DESCRIPTION

**CITY OF UTICA**  
**Tax Parcel 306.018-1-4**  
**Instrument No.2012-2004**

Parcel 11

**ALL THAT TRACT, PIECE OR PARCEL OF LAND** situate within the City of Utica, County of Oneida and State of New York, as shown on sheets 1 of 2 & 2 of 2 entitled "Permanent & Temporary Easements to be granted to Oneida County on lands belonging to City of Utica", designated as Parcel 11 and Parcel 11A, dated June 15, 2017, prepared by D. L. Mowers Land Surveyors & Associates; said Permanent Easement for the operation, maintenance, relocation, replacement, repair and improvement of the 48-inch force main and more particularly described as follows:

**BEGINNING** at a point located at North 1,135,986.13, East 1,177,244.22 of the New York State Plane Coordinate System, Central Zone; said point being 87'± distant, measured northerly at right angles from station 12606+58± of the monumented railroad centerline of CSX Transportation, Inc. (reputed owner); said point being on the easterly street boundary of Barnes Avenue; said point being also on the proposed southerly line of the herein described 40-foot permanent easement;

Thence North 18° 52' 55" East, along said street boundary, a distance of 46.02 feet to a point; said point being 133'± distant, measured northerly at right angles from station 12606+53± of said monumented railroad centerline of CSX Transportation, Inc. (reputed owner);

Thence North 79° 14' 50" East, through the property City of Utica (reputed owner) a distance of 43.57 feet to a point of curvature;

Thence easterly, continuing through the property of the City of Utica (reputed owner) on a curve having a radius of 130.00 feet, curving to the right, a distance of 56.22 feet to a point of tangency;

Thence continuing through the property of the City of Utica (reputed owner) the following two (2) bearings and distances:

- 1) South 75° 58' 30" East, a distance of 376.41 feet to a point;
- 2) South 76° 46' 20" East, passing through a portion of Schuyler Street, that has been abandoned, a distance of 174.82 feet to a point located on the easterly boundary of said abandoned Schuyler Street;

Thence South 21° 41' 05" East, along said easterly boundary of abandoned Schuyler Street, a distance of 22.53 feet; said point being 134'± distant, measured northerly at right angles from station 12599+95± of said monumented railroad centerline of CSX Transportation, Inc. (reputed owner); said point being at the intersection of the division line between the property of the City of Utica (reputed owner) as described in Instrument No. 2012-2004, on the northwest and the property of City of Utica (reputed owner) as described in Liber 2774 at page 255, on the southeast;

Thence South 70° 32' 45" West, along the last mentioned division line, a distance of 39.86 feet to a point on the aforesaid proposed southerly line of the herein described 40-foot permanent easement;

Thence continuing through the property of the City of Utica (reputed owner) as described in Book of Deeds 2012-2004, the following four (4) bearings and distances:

- 1) North 76° 46' 20" West, a distance of 154.58 feet to a point;
- 2) North 75° 58' 30" West, a distance of 376.55 feet to a point of curvature;
- 3) Westerly, on a curve having a radius of 90.00 feet, curving to the left, a distance of 38.92 feet to a point of tangency;
- 4) South 79° 14' 50" West, a distance of 66.33 feet to the point of beginning, containing 26,197± square feet or 0.601 acre, more or less.

**TOGETHER WITH:** A Temporary Easement, having a maximum width of 40.0 feet being northeasterly of, adjacent to and parallel with the aforesaid permanent easement and shall be used for the purpose of ingress and egress, construction, erecting, installing, stock piling of material and maintaining the 48-inch force main during its construction and shall be exercised in, on and over said parcel of land and to be terminated upon completion of sewer installations and approval by Oneida County.

**PARCEL 11A**

**Part of Tax Parcel 306.019-1-3  
Liber 2774, Page 255**

**Commencing** at a point located at North 1,135,884.05, East 1,177,901.39 of the New York State Plane Coordinate System, Central Zone, located at the intersection of the division line between the property of the City of Utica (reputed owner) as described in Book of Deeds 2774 at page 255, on the southeast and the property of the City of Utica (reputed owner) as described in Book 2774 at page 253, on the northwest; said point being 134'± distant, measured northerly from station 12599+95± of the monumented railroad centerline of CSX Transportation, Inc. (reputed owner); Thence North 70° 32' 45" East, along the last mentioned division line, a distance of 34.21 feet to the **POINT OF BEGINNING** located on the northerly line of the proposed 40-foot permanent easement;

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Thence North 77° 31' 35" East, through the property of the City of Utica (reputed owner) and being along the northwesterly line of said proposed 40-foot permanent easement, a distance of 92.23 feet to a point;

Thence South 76° 46' 20" East, continuing through the property of the City of Utica (reputed owner) and along the northerly line of said proposed 40-foot permanent easement, a distance of 30.45 feet to a point;

Thence South 76° 48' 25" East, continuing through the property of the City of Utica (reputed owner) and along the northerly line of said proposed 40-foot permanent easement, a distance of 61.86 feet to a point;

Thence South 77° 31' 35" West, continuing through the property of the City of Utica (reputed owner) being along the southeasterly line of said proposed 40-foot permanent easement, a distance of 92.32 feet to a point located on the aforesaid northerly line of the proposed 40-foot permanent easement;

Thence North 76° 46' 20" West, continuing through the property of the City of Utica (reputed owner) a distance of 92.23 feet to the point of beginning, containing 3,691 ± square feet or 0.085 acre, more or less.

**Parcel 11B**

**Part of Tax Parcel 306.019-1-3  
Liber 2774, Page 255**

**ALL THAT TRACT, PIECE OR PARCEL OF LAND** situate within the City of Utica, County of Oneida and State of New York, as shown on sheets 1 of 2 & 2 of 2 entitled "Permanent & Temporary Easements to be granted to Oneida County on lands belonging to City of Utica", designated as Parcel 11B and Parcel 11C, dated January 23, 2017, prepared by D. L. Mowers Land Surveyors & Associates; said Permanent Easement for the operation, maintenance, relocation, replacement, repair and improvement of the 48-inch force main and more particularly described as follows:

**BEGINNING** at a point located at North 1,135,884.05, East 1,177,901.39 of the New York State Plane Coordinate System, Central Zone, located at the intersection of the /division line between the property of the City of Utica (reputed owner) as described in Book of Deeds 2774 at page 255, on the southeast and the property of the City of Utica (reputed owner) as described in Book 2774 at page 253, on the northwest; said point being 134'± distant, measured northerly from station 12599+95± of the monumented railroad centerline of CSX Transportation, Inc. (reputed owner);

Thence North 70° 32' 45" East, along the last mentioned division line, a distance of 34.21 feet to a point located on the northerly line of the proposed 40-foot permanent easement;

Thence continuing through the property of the City of Utica (reputed owner) and along said northerly line of the proposed 40-foot permanent easement, the following three (3) bearings and distances:

- 1) South 76° 46' 20 'East, a distance of 113.56 feet to a point;
- 2) South 76° 48' 25 'East, a distance of 112.12 feet to a point;
- 3) South 76° 48' 25 'East, a distance of 445.71 feet to a point; said point located at the intersection of the last mentioned course with the division line between the herein described property on the northwest and the property of National Grid (reputed owner) ailda Niagara Mohawk Power Corporation, on the southeast; said point being 149'± distant, measured northerly at right angles from station 12592+94± of said monumented railroad centerline of CSX Transportation, Inc. (reputed owner);

Thence South 30° 15' 55" West, along the last mentioned division line, a distance of 41.84 feet to a point: said point being 109'± distant, measured northerly at right angles from station 12593+06± of said monumented railroad centerline of CSX Transportation, Inc. (reputed owner); said point also being on the southerly line of said proposed 40-foot permanent easement;

Thence continuing through the property of the City of Utica (reputed owner) and along said southerly line of the proposed 40-foot permanent easement, the following four (4) bearings and distances:

- 1) North 76° 48' 25" West, a distance of 424.05 feet to a point;
- 2) North 76° 48' 25" West, a distance of 121.50 feet to a point;
- 3) North 76° 46' 20" West, a distance of 182.67 feet to a point within the abandoned portion of former Schuyler Street;
- 4) North 70° 32' 45" East, a distance of 39.86 feet to the point of beginning, containing 27,857± square feet or 0.640 acre, more or less.

TOGETHER WITH: A Temporary Easement, having a maximum width of 40.0 feet being northeasterly of, adjacent to and parallel with the aforesaid permanent easement and shall be used for the purpose of ingress and egress, construction, erecting, installing, stock piling of material and maintaining the 48-inch force main during its construction and shall be exercised in, on and over said parcel of land and to be terminated upon completion of sewer installations and approval by Oneida County.

**Parcel 11C**

**Part of Tax Parcel 306.0184-5**

**Liber 2774, Page 253**

**BEGINNING** at a point located at North 1,135,884.05, East 1,177,901.39 of the New York State Plane Coordinate System, Central Zone, located at the intersection of the division line between the property of the City of Utica (reputed owner) as described in Book of Deeds 2774 at page 253, on the northwest and the property of the City of Utica (reputed owner) as described in Book 2774 at page 255, on the southeast; said point being 134'± distant, measured northerly from station 12599+95± of the monumented railroad centerline of CSX Transportation, Inc. (reputed owner);

Thence North 21° 41' 05" West, along the last mentioned division line, a distance of 22.53 feet to a point located on the proposed northerly line of the 40 foot permanent easement;

Thence South 76° 46' 20" East, through the property of City of Utica (reputed owner) as described in Liber 2774 at page 253, being along the proposed northerly line of the 40 foot permanent easement, a distance of 41.69 feet to a point on the aforesaid division line between the property of the City of Utica (reputed owner) as described in Book of Deeds 2774 at page 253, on the northwest and the property of the City of Utica (reputed owner) as described in Book 2774 at page 255, on the southeast; said point being 152'± distant, measured northerly at right angles from station 12599+29± of said monumented centerline of CSX Transportation, Inc. (reputed owner);

Thence South 70° 32' 45" West, along the last mentioned division line, a distance of 34.21 feet to the point of beginning, containing 385± square feet, more or less.