

May 8, 2019

MAY MEETING

Held on Wednesday, May 8, 2019 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 (Vernon, 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 3rd Ward, District 3; Verona Districts 3, 4, 6; Vienna District 1, 2, 3, 4)
- D-4 Michael J. Clancy (Rome Ward 1, District 1, 2; Ward 2 District 2, 3, Ward 3 District 1, 4, 5; Ward 4 District 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 Michael 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 6 District 1, 2, 3, 4, Ward 7 District 1, 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)
- D-12 Michael Brown (Rome Ward 3 District 2; Ward 4 District 1, 2, 3, 4; Ward 5 District 1, 2, 3, 4)
- D-13 William B. Goodman (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 A. 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 6 District 5; Western District 1, 2, 3)
- R-18 Joseph Furgol (Utica Ward 4 District 1, 2, 3, 4, 5, 6, 7, 8, 9)
- R-19 Edward P. Welsh (Utica Ward 3 District 1, 2, 3, 4, 5, 6, 7, 8, 9; Ward 5 District 2)
- D-20 William R. Hendricks (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)
- R-23 Emil R. Paparella (Utica Ward 6, District 1, 2, 3, 4, 5, 6, 7, 8, 9)

ROLL CALL: 20 PRESENT

MEMBERS PRESENT: Schiebel, Idzi, Leach, Clancy, Waterman, Fiorini, Flisnik, Joseph, Koenig, Brown, Davis, D'Onofrio, Pratt, Mandryck, Furgol, Welsh, Convertino, Paparella.

ABSENT MEMBERS: Ms. Washburn, Messrs. Hendricks, Sacco

During the Public Comment Section Chairman Fiorini called to the Podium Legislator Mary Pratt and Chris Mangini from Cornell Cooperative 4H Group. The ladies presented the 4H Government students' certificates for completing their Government class.

PETITIONS AND COMMUNICATIONS

FN 2019-168 – RE: LOCAL LAW INTRODUCTORY “B” OF 2019 REPEALING LOCAL LAW NO. 6 OF 2018 AND ESTABLISHING A SUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE) IN THE COUNTY OF ONEIDA.

FN 2019-169 – A MEMORIALIZING PETITION OPPOSING the Farmworker Fair Labor Practices Act in New York State Legislature.

MOTIONS AND RESOLUTIONS

NO. 143 – FN 2019-147- Messrs. Waterman and D'Onofrio offered the following resolution and moved its adoption.

RE: APPROVAL OF AMENDMENT NO. 1 TO AN AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF PUBLIC WORKS, AND MARCH ASSOCIATES, ARCHITECTS AND PLANNERS, P.C.

WHEREAS, This Board is in receipt of Amendment No. 1 to the Agreement between Oneida County, through its Department of Public Works, and MARCH Associates, Architects and Planners, P.C. in relation to the reconstruction of the Family Court facility at 301 W. Dominick Street in Rome, and

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WHEREAS, MARCH Associates, Architects and Planners, P.C. will provide additional professional consulting services due to the level of effort required to finalize plans and specifications, the project schedule, work phasing, and asbestos abatement monitoring efforts, and

WHEREAS, The amount of the Agreement needs to be increased as a result of the additional professional consulting services. The amount of the original Agreement was \$202,000.00. The costs associated with Amendment No. 1 total \$183,000.00, resulting in a new proposed Contract amount of \$385,000.00, and

WHEREAS, In accordance with Oneida County Charter section 2202, said Amendment to the agreement 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 Amendment No. 1 to the Agreement between Oneida County, through its Department of Public Works, and MARCH, Associates and Planners, P.C. commencing upon execution and ending at the completion of the project, anticipated to be no later than December 31, 2019.

APPROVED: Public Works Committee (May 1, 2019)
Ways and Means Committee (May 8, 2019)

DATED: May 8, 2019

Seconded by Mr. Joseph and adoption by the following vote:
AYES 20 NAYS 0 ABSENT 3 (Ms. Washburn Messrs. Sacco, Hendricks)

NO. 144 – FN 2019-148 – Messrs. Waterman and D’Onofrio offered the following resolution and moved its adoption.

RE: APPROVAL OF AMENDMENT NO. 1 TO AN AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF PUBLIC WORKS, AND MARCH ASSOCIATES, ARCHITECTS AND PLANNERS, P.C.

WHEREAS, This Board is in receipt of Amendment No. 1 to the Agreement between Oneida County, through its Department of Public Works, and MARCH Associates, Architects and Planners, P.C. in relation to Capital Project H-305, County Office Building Asbestos Abatement, and

WHEREAS, Several significant work items beyond the original scope of work were required including significantly increased asbestos abatement, two reconstruction phases with separate bid packages, and dedicated HVAC systems for large conference rooms and the Board of Legislators Chamber, which required expenditure of more time by MARCH Associates, Architects and Planners, P.C. than originally estimated and contracted for, and

WHEREAS, The amount of the Agreement needs to be increased as a result of the additional time expended. The amount of the original Agreement was \$179,000.00. The costs associated with Amendment No. 1 total \$138,000.00, resulting in a new proposed Contract amount of \$317,000.00, and

WHEREAS, In accordance with Oneida County Charter section 2202, said Amendment to the agreement 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 Amendment No. 1 to the Agreement between Oneida County through its Department of Public Works and MARCH, Associates and Planners, P.C. commencing upon execution and ending at the completion of the project, anticipated to be no later than December 31, 2019.

APPROVED: Public Works Committee (May 1, 2019)
Ways and Means Committee (May 8, 2019)

DATED: May 8, 2019

Seconded by Mr. Idzi and adopted by the following vote:
AYES 20 NAYS 0 ABSENT 3 (Ms. Washburn, Messrs. Sacco, Hendricks)

May 8, 2019

MAY MEETING

Held on Wednesday, May 8, 2019 at 2:00 P.M.

NO. 145 – FN 2019-149 – Messrs. Waterman and D’Onofrio offered the following resolution and moved its adoption.

RE: APPROVAL OF AMENDMENT NO. 1 TO AN AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF PUBLIC WORKS, AND BONACCI ARCHITECTS, PLLC

WHEREAS, This Board is in receipt of Amendment No. 1 to the Agreement between Oneida County, through its Department of Public Works, and Bonacci Architects, PLLC in relation to the 2017 Facility Improvement projects at various County facilities, and

WHEREAS, Bonacci Architects, PLLC will need to provide additional construction administration services due to scheduling complications and additional design considerations for several projects, which have been rescheduled to begin in Spring 2019, and

WHEREAS, The amount of the Agreement needs to be increased as a result of the additional construction administration services. The amount of the original Agreement was \$110,100.00. The costs associated with Amendment No. 1 total \$5,700.00, resulting in a new proposed Contract amount of \$115,800.00, and

WHEREAS, In accordance with Oneida County Charter section 2202, said Amendment to the agreement 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 Amendment No. 1 to the Agreement between Oneida County, through its Department of Public Works, and Bonacci Architects, PLLC commencing upon execution and ending at the completion of the project, anticipated to be no later than December 31, 2019.

APPROVED: Public Works Committee (May 1, 2019)
Ways and Means Committee (May 8, 2019)

DATED: May 8, 2019

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

AYES 20 NAYS 0 ABSENT 3 (Ms. Washburn Messrs. Sacco, Hendricks)

NO. 146 – FN 2019-150 – Messrs. Paparella and D’Onofrio offered the following resolution and moved its adoption.

RE: APPROVAL OF A GRANT AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF PUBLIC WORKS, AND THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK (DASNY)

WHEREAS, This Board is in receipt of a Grant Agreement between Oneida County, through its Department of Public Works, and the Dormitory Authority of the State of New York (DASNY), in the sum of \$365,500.00, to fund the reconstruction of five structures on Holman City Road and one structure on Church Road in the Town of Paris, 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 Public Works, and the Dormitory Authority of the State of New York (DASNY), for a term commencing January 31, 2019 and ending January 31, 2022.

APPROVED: Public Works Committee (May 1, 2019)
Ways and Means Committee (May 8, 2019)

DATED: May 8, 2019

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Held on Wednesday, May 8, 2019 at 2:00 P.M.

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

AYES 20 NAYS 0 ABSENT 3 (Ms. Washburn Messrs. Sacco, Hendricks)

NO. 147 - FN 2019-151 – Messrs. Waterman and D’Onofrio offered the following resolution and moved its adoption.

RE: APPROVAL OF A SUBLEASE AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF PUBLIC WORKS, AND WORKFORCE DEVELOPMENT BOARD OF HERKIMER, MADISON AND ONEIDA COUNTIES, INC.

WHEREAS, This Board is in receipt of correspondence from Dennis Davis, Commissioner of Public Works, requesting approval of a Sublease Agreement between Oneida County, through its Department of Public Works, and Workforce Development Board of Herkimer, Madison and Oneida Counties, Inc. for approximately 4,676 square feet of office space located in the premises rented by Workforce Development Board of Herkimer, Madison and Oneida Counties, Inc. at 209 Elizabeth Street in Utica, and

WHEREAS, In accordance with terms set forth therein, Oneida County will sublease the aforementioned office space in the sum of \$1.00 per year, for a five (5) year term commencing March 1, 2019 and ending February 29, 2024, and

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

RESOLVED, That the Oneida County Board of Legislators approves and authorizes County Executive, Anthony J. Picente, Jr., to execute a Sublease Agreement on behalf of the County of Oneida, through its Department of Public Works, and Workforce Development Board of Herkimer, Madison and Oneida Counties, Inc. for approximately 4,676 square feet of office space located in the premises rented by Workforce Development Board of Herkimer, Madison and Oneida Counties, Inc. at 209 Elizabeth Street, for a five (5) year term commencing March 1, 2019 and ending February 29, 2024, and it is further

RESOLVED, That the terms and conditions of said Sublease Agreement shall be as more fully set forth in the document on file with the Clerk of this Board.

APPROVED: Public Works Committee (May 1, 2019)
Ways and Means Committee (May 8, 2019)

DATED: May 8, 2019

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

AYES 20 NAYS 0 ABSENT 3 (Ms. Washburn Messrs. Hendricks, Sacco)

NO. 148 – FN 2019-152 – Messrs. Waterman and D’Onofrio offered the following resolution and moved its adoption.

RE: APPROVAL OF WORK ORDER #29, AMENDMENT #6 - PRIVATE PROPERTY I/I REDUCTION PROGRAM IMPLEMENTATION - PHASE 7 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 #6 - Private Property I/I Reduction Program Implementation Phase 7 for the implementation of Phase 7 of a district-wide Private Inflow and Infiltration Reduction Program for the Oneida County Sewer District for FY2019, with an estimated cost of \$102,000.00, and

WHEREAS, Funding for this Work Order is provided by the Department’s 2019 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 #6 - Private Property I/I Reduction Program Implementation Phase 7 with GHD Consulting Services, Inc., for an estimated cost of \$102,000.00.

APPROVED: Public Works Committee (May 1, 2019)
Ways and Means Committee (May 8, 2019)

DATED: May 8, 2019

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

AYES 20 NAYS 0 ABSENT 3 (Ms. Washburn Messrs. Hendricks, Sacco)

NO. 149 – FN 2019-153 – Messrs. Idzi and D’Onofrio offered the following resolution and moved its adoption.

RE: APPROVAL OF AN AMENDMENT TO A PURCHASE OF SERVICES AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF INFORMATION TECHNOLOGY, AND INTEGRATED STRATEGIC SYSTEMS, INC.

WHEREAS, This Board is in receipt of an Amendment to a Purchase of Services Agreement between Oneida County, through its Department of Information Technology, and Integrated Strategic Systems, Inc., and

WHEREAS, Pursuant to a Purchase of Services Agreement entered into between Oneida County and Integrated Strategic Systems, Inc. on October 12, 2018, Integrated Strategic Systems, Inc. agreed to provide records scanning services to enter documents into Laserfiche for permanent storage, with a term commencing August 1, 2018 and ending July 31, 2019 (the “Agreement”), and

WHEREAS, Oneida County and Integrated Strategic Systems, Inc. need to amend the Agreement as a result of the commencement of scanning documents in support of the pending Opioid Litigation, which will increase the cost of the Agreement by a minimum of \$150,000.00, and

WHEREAS, The Agreement needs to be further amended to include the County’s standard Department of Social Services Addendum, along with certain terms required by New York State, which will act in concert to help protect the confidentiality and integrity of the records being scanned, and

WHEREAS, The Agreement will also need to be further amended to provide for separate billing of Integrated Strategic Systems, Inc.’s time relative to the Opioid Litigation in order to accurately track the costs of the litigation and apply the costs to the correct account, 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 an Amendment to a Purchase of Services Agreement between Oneida County, through its Department of Information Technology, and Integrated Strategic Systems, Inc., with a term commencing August 1, 2018 and ending July 31, 2019.

APPROVED: Government Operations Committee (May 1, 2019)
Ways and Means Committee (May 8, 2019)

DATED: May 8, 2019

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

AYES 20 NAYS 0 ABSENT 3 (Ms. Washburn Messrs. Hendricks, Sacco)

NO. 150 – FN 2019-154 – Messrs. Idzi and D’Onofrio offered the following resolution and moved its adoption.

RE: PURCHASE OF SERVICES AGREEMENT BETWEEN THE ONEIDA COUNTY BOARD OF ELECTIONS AND SOE SOFTWARE CORPORATION (d/b/a SCYTL)

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Held on Wednesday, May 8, 2019 at 2:00 P.M.

WHEREAS, This Board is in receipt of a Purchase of Services Agreement between the Oneida County Board of Elections and SOE Software Corporation (d/b/a SCYTL), in the sum of \$34,047.00, for the provision of Election Night Reporting and a Voter Education Portal (website), and

WHEREAS, The Agreement shall be for a term commencing upon execution and ending three (3) years after execution, with an option to extend the agreement for two one year extensions, and with either party having the right to terminate the Agreement upon thirty (30) days prior written notice to the other party, and

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

RESOLVED, That this Board authorizes and approves a Purchase of Services Agreement between the Oneida County Board of Elections and SOE Software Corporation (d/b/a SCYTL), for a term commencing upon execution and terminating three (3) years after execution.

APPROVED: Government Operations Committee (May 1, 2019)
Ways and Means Committee (May 8, 2019)

DATED: May 8, 2019

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

AYES 20 NAYS 0 ABSENT 3 (Ms. Washburn Messrs. Hendricks, Sacco)

NO. 151 – FN 2019-155 – Messrs. Koenig and D’Onofrio offered the following resolution and moved its adoption.

RE: CONVEYANCE OF FEE TITLE TO BUILDING 101 AT GRIFFISS INTERNATIONAL AIRPORT FROM 394 HANGARD ROAD CORPORATION

WHEREAS, On September 4, 2003, Oneida County entered into a Primary Runway Access Agreement with Griffiss Local Development Corporation and 394 Hangar Road Corporation, and

WHEREAS, Pursuant to paragraph 9 of said Agreement, Oneida County has requested that 394 Hangar Road Corporation convey fee title to Building 101 to Oneida County for the sum of \$1.00, and

WHEREAS, In accordance with Oneida County Charter Section 2202, said conveyance of real property 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 the acceptance of the conveyance of Building 101 at Griffiss International Airport from 394 Hangar Road Corporation, and directs the County Attorney to take such actions as are necessary to acquire title to the premises, and it is further

RESOLVED, That the Chairman of the Oneida County Board of Legislators is hereby authorized to execute any and all documents necessary to effectuate the conveyance of said real property.

APPROVED: Airport Committee (May 7, 2019)
Ways and Means Committee (May 8, 2019)

DATED: May 8, 2019

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

AYES 20 NAYS 0 ABSENT 3 (Ms. Washburn Messrs. Hendricks, Sacco)

NO. 152 – FN 2019-156 – Messrs. Paparella and D’Onofrio offered the following resolution and moved its adoption.

RE: APPROVAL OF A MULTI-JURISDICTIONAL CHIEF ELECTED OFFICIALS AGREEMENT BETWEEN ONEIDA COUNTY AND THE WORKFORCE DEVELOPMENT BOARD OF HERKIMER, MADISON AND ONEIDA COUNTIES, INC.

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Held on Wednesday, May 8, 2019 at 2:00 P.M.

WHEREAS, This Board is in receipt of correspondence from Maryangela Scalzo, Assistant County Attorney, requesting approval of a Multi-Jurisdictional Chief Elected Officials Agreement between Oneida County and the Workforce Development Board of Herkimer, Madison and Oneida Counties, Inc., and it is further

WHEREAS, The Multi-Jurisdictional Chief Elected Officials Agreement provides for the organization and implementation of activities pursuant to the Workforce Innovation and Opportunity Act (WIOA), and further designates the Chief Elected Representatives from Oneida, Herkimer and Madison Counties and delineates their duties under the WIOA, and

WHEREAS, Said Multi-Jurisdictional Chief Elected Officials Agreement shall commence upon execution and shall continue until modified or terminated by a duly executed agreement, and

WHEREAS, In accordance with Oneida County Charter Section 2202, said Multi-Jurisdictional Chief Elected Officials Agreement must be approved by this Board, now, therefore, be it hereby

RESOLVED, That the Oneida County Board of Legislators approves and authorizes County Executive, Anthony J. Picente, Jr., to execute a Multi-Jurisdictional Chief Elected Officials Agreement on behalf of the County of Oneida and with the Workforce Development Board of Herkimer, Madison and Oneida Counties, Inc., and it is further

RESOLVED, That the terms and conditions of said Multi-Jurisdictional Chief Elected Officials Agreement shall be as more fully set forth in the document on file with the Clerk of this Board.

APPROVED: Health and Human Services Committee (May 1, 2019)
Ways and Means Committee (May 8, 2019)

DATED: May 8, 2019

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

AYES 20 NAYS 0 ABSENT 3 (Ms. Washburn, Messrs. Hendricks, Sacco)

NO. 153 – FN 2019-157 – Messrs. Paparella and D’Onofrio offered the following resolution and moved its adoption.

RE: PURCHASE OF SERVICES AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF SOCIAL SERVICES, AND THE HERKIMER-ONEIDA COUNTIES COMPREHENSIVE PLANNING PROGRAM

WHEREAS, This Board is in receipt of a Purchase of Services Agreement between Oneida County, through its Department of Social Services, and the Herkimer-Oneida Counties Comprehensive Planning Program, for an amount not to exceed \$45,675.00, to provide preparation and monitoring of the Consolidated Services Plan, data collection and analysis, needs assessment, grant applications, plan preparation and monitoring and other planning services as needed, and

WHEREAS, The Agreement shall be for a term commencing January 1, 2019 and ending December 31, 2019, with either party having the right to terminate the Agreement upon thirty (30) days prior written notice to the other party, and

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

RESOLVED, That this Board authorizes and approves a Purchase of Services Agreement between Oneida County, through its Department of Social Services, and the Herkimer-Oneida Counties Comprehensive Planning Program for a term commencing January 1, 2019 and ending December 31, 2019.

APPROVED: Health and Human Services Committee (May 1, 2019)
Ways and Means Committee (May 8, 2019)

DATED: May 8, 2019

May 8, 2019

MAY MEETING

Held on Wednesday, May 8, 2019 at 2:00 P.M.

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

AYES 20 NAYS 0 ABSENT 3 (Ms. Washburn Messrs. Hendricks, Sacco)

NO. 154 – FN 2019-158 – Messrs. Paparella and D’Onofrio offered the following resolution and moved its adoption.

RE: PURCHASE OF SERVICES AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF SOCIAL SERVICES, AND THE NEIGHBORHOOD CENTER, INC.

WHEREAS, This Board is in receipt of a Purchase of Services Agreement between Oneida County, through its Department of Social Services, and The Neighborhood Center, Inc., for an amount not to exceed \$230,297.00, to provide day care registration, certification and training, inspection and recruitment services for individuals in Oneida County interested in or currently providing child care in a residence, and

WHEREAS, The Agreement shall be for a term commencing January 1, 2019 and ending December 31, 2019, with Oneida County having the right to terminate the Agreement upon thirty (30) days prior written notice to The Neighborhood Center, Inc., and

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

RESOLVED, That this Board authorizes and approves a Purchase of Services Agreement between Oneida County, through its Department of Social Services, and The Neighborhood Center, Inc. for a term commencing January 1, 2019 and ending December 31, 2019.

APPROVED: Health and Human Services Committee (May 1, 2019)
Ways and Means Committee (May 8, 2019)

DATED: May 8, 2019

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

AYES 20 NAYS 0 ABSENT 3 (Ms. Washburn Messrs. Hendricks, Sacco)

NO. 155 – FN 2019 – 159 – Messrs. Paparella and D’Onofrio offered the following resolution and moved its adoption.

RE: PURCHASE OF SERVICES AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF SOCIAL SERVICES, AND ELMCREST CHILDREN’S CENTER, INC.

WHEREAS, This Board is in receipt of a Purchase of Services Agreement between Oneida County, through its Department of Social Services, and Elmcrest Children’s Center, Inc., for a minimum amount of \$200,750.00, to reserve and provide one (1) bed for youth in need of Non-Secure Detention Services to be utilized by Oneida County youth placed by Family Court Remand, Person in Need of Supervision (PINS) warrant, Juvenile Delinquent (JD) warrant or placed by a Peace Officer, and \$767.25 per day per bed for utilization of un-reserved beds on an as needed basis, and

WHEREAS, The Agreement shall be for a term commencing January 1, 2019 and ending December 31, 2019, with Oneida County having the right to terminate the Agreement upon thirty (30) days prior written notice to Elmcrest Children’s Center, Inc., and

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

RESOLVED, That this Board authorizes and approves a Purchase of Services Agreement between Oneida County, through its Department of Social Services, and Elmcrest Children’s Center, Inc. for a term commencing January 1, 2019 and ending December 31, 2019.

APPROVED: Health and Human Services Committee (May 1, 2019)
Ways and Means Committee (May 8, 2019)

DATED: May 8, 2019

May 8, 2019

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Held on Wednesday, May 8, 2019 at 2:00 P.M.

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

AYES 20 NAYS 0 ABSENT 3 (Ms. Washburn Messrs. Hendricks, Sacco)

REPLACEMENT

NO. 156 – 2019-160 – Messrs. Paparella and D’Onofrio offered the following resolution and moved its adoption.

RE: PURCHASE OF SERVICES AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF SOCIAL SERVICES, AND CAPITAL DISTRICT YOUTH CENTER, INC.

WHEREAS, This Board is in receipt of a Purchase of Services Agreement between Oneida County, through its Department of Social Services, and Capital District Youth Center, Inc., for an amount not to exceed \$375,000.00, to reserve and provide one (1) bed for youth in need of Secure and Specialized Secure Detention Services to be utilized by Oneida County youth placed by Family Court Remand, Person in Need of Supervision (PINS) warrant, Juvenile Delinquent (JD) warrant or placed by a Peace Officer, and

WHEREAS, The Agreement shall be for a term commencing January 1, 2019 and ending December 31, 2019, with either party having the right to terminate the Agreement upon thirty (30) days prior written notice to the other party, and

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

RESOLVED, That this Board authorizes and approves a Purchase of Services Agreement between Oneida County, through its Department of Social Services, and Capital District Youth Center, Inc. for a term commencing January 1, 2019 and ending December 31, 2019.

APPROVED: Health and Human Services Committee (May 1, 2019)
Ways and Means Committee (May 8, 2019)

DATED: May 8, 2019

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

AYES 20 NAYS 0 ABSENT 3 (Ms. Washburn Messrs. Hendricks, Sacco)

NO. 157 – FN 2019-163-1 – Mr. D’Onofrio offered the following resolution and moved its adoption.

RE: APPOINTMENTS TO THE ONEIDA COUNTY FIRE ADVISORY BOARD

WHEREAS, Pursuant to County Law Section 225-a and Article XX, Section 2002, of the Oneida County Charter Oneida County Executive, Anthony J. Picente, Jr., has recommended appointments of the following persons to the Oneida County Fire Advisory Board for two (2) year terms that will expire December 31, 2019, and

WHEREAS, Said appointments must be confirmed by the Oneida County Board of Legislators, now, therefore, be it hereby

RESOLVED, That the following appointments to the Oneida County Fire Advisory Board are hereby confirmed pursuant to County Law Section 225-a and Article XX, Section 2002 of the Oneida County Charter, effective immediately, and for a term of two (2) years to expire on December 31, 2019:

Steven Boucher 9812 Twin Rock Road, Remsen, New York 13438
Keith Schiebel 4830 Day Road, Vernon, New York 13476
Richard Flisnik 6669 Fox Road, Marcy, New York 13403
Brian Mandryck 9245 Sly Hill Road, Ava, New York 13303
Robert Koenig 7982 Postal Road, Oriskany, New York 13424
Michael Clancy 4932 Old Oneida Road, Verona, New York 13478
Joseph M. Furgol 1122 Jefferson Avenue, Utica, New York 13501

APPROVED: Ways and Means Committee (May 8, 2019)

DATED: May 8, 2019

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Held on Wednesday, May 8, 2019 at 2:00 P.M.

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

AYES 20 NAYS 0 ABSENT 3 (Ms. Washburn Messrs. Hendricks, Sacco)

NO. 158 – FN 2019-163-2 – Mr. D’Onofrio offered the following resolution and moved its adoption.

RE: APPOINTMENTS TO THE ONEIDA COUNTY FIRE ADVISORY BOARD – VOLUNTEER FIREMEN’S ASSOCIATION

WHEREAS, Pursuant to County Law Section 225-a and Article XX, Section 2002, of the Oneida County Charter Oneida County Executive, Anthony J. Picente, Jr., has recommended appointments of the following persons from the Oneida County Volunteer Firemen’s Association to serve on the Oneida County Fire Advisory Board, and

WHEREAS, Said appointments must be confirmed by the Oneida County Board of Legislators, now, therefore, be it hereby

RESOLVED, That the following appointments to the Oneida County Fire Advisory Board are hereby confirmed pursuant to County Law Section 225-a and Article XX, Section 2002 of the Oneida County Charter, effective immediately:

Tom Dwyer – New York Mills Fire Department	Term Expiring December 31, 2019
Hobart “Phil” Dana – Floyd Fire Department	Term Expiring December 31, 2019
David Glenn – Whitesboro Fire Department	Term Expiring December 31, 2019
Thomas Rothdiener – Oriskany Fire Department	Term Expiring December 31, 2019
Kevin Lansing – Whitesboro Fire Department	Term Expiring December 31, 2020

APPROVED: Ways and Means Committee (May 8, 2019)

DATED: May 8, 2019

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

AYES 20 NAYS 0 ABSENT 3 (Ms. Washburn Messrs. Hendricks, Sacco)

NO. 159 – FN 2019-164 – Mr. D’Onofrio offered the following resolution and moved its adoption.

RE: APPROVAL OF TWENTY (20) WORKING DAYS OF EXTENDED SICK LEAVE FOR LAURA CICIGLINE – DEPARTMENT OF AUDIT & CONTROL

WHEREAS, This Board is in receipt of correspondence from the Commissioner of Personnel, John P. Talerico, and Oneida County Comptroller, Joseph J. Timpano, recommending an extended sick leave of twenty (20) working days, with pay, for Laura Cicigline, Director of Administrative Services, Department of Audit & Control, and

WHEREAS, In accordance with Section E, Paragraph 8, of the Oneida County Personnel Rules, the Administrative Unit Head, the Commissioner of Personnel and the County Executive have approved this request, now, therefore, be it hereby

RESOLVED, That this Board hereby approves an extended sick leave of twenty (20) working days, with pay, to Laura Cicigline, Department of Audit & Control, in accordance with Section E, Paragraph 8, of the Oneida County Personnel Rules.

APPROVED: Ways and Means Committee (May 8, 2019)

DATED: May 8, 2019

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

AYES 20 NAYS 0 ABSENT 3 (Ms. Washburn Messrs. Hendricks, Sacco)

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Held on Wednesday, May 8, 2019 at 2:00 P.M.

NO. 160 – FN 2019-165- Mr. D’Onofrio offered the following resolution and move its adoption.

RE: APPROVAL OF APPOINTMENTS TO THE UPPER MOHAWK VALLEY MEMORIAL AUDITORIUM AUTHORITY

WHEREAS, Pursuant to Section 1942 of the New York State Public Authorities Law, the Oneida County Board of Legislators shall appoint four members to the Board of the Upper Mohawk Valley Memorial Auditorium Authority, and

WHEREAS, The terms of three of the Oneida County Board of Legislators’ appointments are expired, and

WHEREAS, Chairman, Gerald J. Fiorini, has recommended the appointment of Gregory M. Gaeta and the reappointment of Vincent Karl and Paul Romano to serve on the Upper Mohawk Valley Memorial Auditorium Authority Board pursuant to Section 1942 of the New York State Public Authorities Law, and

WHEREAS, Said appointment and reappointments 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 appointment and reappointments to the Upper Mohawk Valley Memorial Auditorium Authority Board as follows:

Gregory M. Gaeta Term Expires: December 31, 2022
Vincent Karl Term Expires: December 31, 2021
Paul Romano Term Expires: December 31, 2021

APPROVED: Ways and Means Committee (May 8, 2019)

DATED: May 8, 2019

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

AYES 20 NAYS 0 ABSENT 3 (Ms. Washburn Messrs. Hendricks, Sacco)

NO. 161 – FN 2019-166 – Messrs. Koenig and D’Onofrio offered the following resolution and moved its adoption.

RE: AWARDING AN ENERGY PERFORMANCE CONTRACT TO C & S ARCHITECTS, ENGINEERS & LANDSCAPE ARCHITECT, PLLC – GRIFFISS INTERNATIONAL AIRPORT

WHEREAS, This Board is in receipt of correspondence from Amanda Lynn Cortese, Special Assistant County Attorney, requesting that C & S Architects, Engineers & Landscape Architect, PLLC be awarded a contract for an energy performance contract provider, and

WHEREAS, Oneida County published a Request for Proposal (RFP) for an energy performance contract provider in an effort to reduce the County’s energy consumption at Griffiss International Airport pursuant to Energy Law § 9-103, and

WHEREAS, C & S Architects, Engineers & Landscape Architect, PLLC submitted the only response to said RFP and Oneida County wishes to move forward with C & S Architects, Engineers & Landscape Architect, PLLC, and

WHEREAS, The award of energy performance contracts is a two-step process wherein following the RFP, the County must first engage C & S Architects, Engineers & Landscape Architect, PLLC to complete an energy audit phase, which will be completed at no cost to the County. After completion of the energy audit phase, a contract will be negotiated that will include all financial terms and completion dates, as well as a guarantee of cost savings to the County, and

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

RESOLVED, That the Oneida County Board of Legislators hereby awards a contract for an energy performance contract provider to C & S Architects, Engineers & Landscape Architect, PLLC for the completion of an energy audit

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phase, at no cost to the County, in an effort to reduce the County's energy consumption at Griffiss International Airport pursuant to Energy Law § 9-103.

APPROVED: Airport Committee (May 7, 2019)
Ways and Means Committee (May 8, 2019)

DATED: May 8, 2019

Seconded by Mr. Davis and adopted by the following vote:
AYES 20 NAYS 0 ABSENT 3 (Ms. Washburn Messrs. Hendricks, Sacco)

NO. 162 – FN 2019-167 – Messrs. Waterman and D’Onofrio offered the following resolution and moved its adoption.

RE: APPROVAL OF AN AMENDMENT TO CAPITAL PROJECT HG-570 – WPC – HEADWORKS CONSTRUCTION AND REHABILITATION

WHEREAS, This Board is in receipt of a request for the amendment to Capital Project HG-570 – WPC – Headworks Construction and Rehabilitation, and

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

RESOLVED, That Capital Project HG-570 – WPC – Headworks Construction and Rehabilitation is amended and approved, as follows:

Table with 4 columns: CURRENT, CHANGE, PROPOSED. Row 1: HG-570 Bonds, \$68,300,000.00, \$2,700,000.00, \$71,000,000.00. Row 2: \$68,300,000.00, \$2,700,000.00, \$71,000,000.00

APPROVED: Public Works Committee (May 1, 2019)
Ways and Means Committee (May 8, 2019)

DATED: May 8, 2019

Seconded by Mr. Schiebel and adopted by the following roll call vote:
AYES 20 NAYS 0 ABSENT 3 (Ms. Washburn Messrs. Hendricks, Sacco)

ROLL CALL SHEET

DATE: May 8, 2019

SESSION: Regular

MEMBERS PRESENT: 20

MEMBERS ABSENT: 3

AYES: 20 NAYS: 0 ABSENT: 3

Roll call sheet table with columns: DIST, MEMBERS, AYES, NAYS. Rows include members: SCHIEBEL, IDZI, LEACH, CLANCY, WATERMAN, BOUCHER, FIORINI, FLISNIK, SACCO, JOSEPH, KOENIG, BROWN.

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INTRODUCTORY NO. 162

RESOLUTION NO. 162

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

FN 2019-162 – WITHDRAWN AND WAS PLACED ON LEGISLATORS DESKS FOR FUTURE CONSIDERATION.

INTRODUCED BY: Messrs. Mandryck, D'Onofrio

2ND BY:

LOCAL LAW INTRO. "A" OF 2019

LOCAL LAW NO. ____ OF 2019

A LOCAL LAW ESTABLISHING AN ANIMAL ABUSER REGISTRY AND PROHIBITING ANIMAL OWNERSHIP BY ANIMAL ABUSE OFFENDERS WITHIN ONEIDA COUNTY

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

SECTION 1. PURPOSE AND INTENT.

The State of New York has criminalized the cruel treatment of animals. However, animal abuse and cruelty continues to occur in Oneida County and throughout New York State.

Requiring animal abusers to register with their law enforcement agency provides members of the community, particularly Animal Shelters and Pet Sellers, as defined below in Section 2, with the identities of convicted animal abusers. It will also warn potential employers that may be looking to hire an individual to work closely with animals in pet shops, shelters, or veterinary offices.

The Oneida County Legislature hereby finds that it is in the best interest of the residents of Oneida County and their animals that an online registry be established identifying individuals residing in Oneida County who have been convicted of animal abuse crimes in order to prevent these individuals from adopting, purchasing or otherwise obtaining animals from any Animal Shelter or Pet Seller.

SECTION 2. DEFINITIONS.

As used in this Local Law, the following terms have the meanings indicated:

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“Animal Abuse Crime” - Any of the following crimes listed in subsections (a) through (e):

- a) A violation of any of the following provisions of the NYS Agriculture Markets Law (AML Article 26):

Section 351 - Prohibition of animal fighting
Section 353 - Overdriving, torturing and injuring animals; failure to provide proper sustenance
Section 353-a - Aggravated cruelty to animals
Section 355 - Abandonment of animals
Section 356 - Failure to provide proper food and drink to impounded animal
Section 359 - Carrying animal in a cruel manner
Section 360 - Poisoning or attempting to poison animals
Section 361 - Interference with or injury to certain domestic animals
Section 362 - Throwing substance injurious to animals in public place
Section 365 - Clipping or cutting the ears of dogs
Section 366 - Companion animal stealing
Section 366-a - Removing, seizing or transporting dogs for research purposes

- b) Sexual misconduct with an animal in violation of NYS Penal Law (PL) § 130.30(a)
c) Harming a service animal in violation of PL §242.10 and PL §242.15
d) Killing or injuring a police animal in violation of PL §195.06
e) Harming an animal trained to aid a person with a disability in violation of PL §195.12

“Animal” - Any living mammal (except a human being), bird, reptile, amphibian or fish.

“Animal Abuse Offender” - Any person eighteen (18) years of age or older, convicted of an Animal Abuse Crime, except youthful offenders with convictions contained within sealed records.

“Animal Abuser Registry” - The online registry established by this Local Law for registering any person residing in Oneida County convicted of an Animal Abuse Crime.

“Animal Shelter” - Any organization including, but not limited to, any duly incorporated humane society, pound, Animal protective association or Animal rescue group which maintains buildings, structures or other property for the purpose of harboring Animals which may be stray, unwanted, lost, abandoned or abused and seeks to find appropriate temporary or permanent homes for such Animals.

“Conviction” - An adjudication of guilt by any court of competent jurisdiction, whether upon a verdict after trial, upon a plea of guilty, or an Alford Plea.

“Pet Seller” - Any individual, person, partnership, firm, corporation, or other entity which routinely offers Animals for sale or is otherwise routinely engaged in the business of selling, exchanging or otherwise transferring ownership of Animals.

SECTION 3. ESTABLISHING AN ANIMAL ABUSER REGISTRY.

The Oneida County Sheriff is hereby directed to create, manage, and maintain an Animal Abuser Registry containing the names and residence information of registered Animal Abuse Offenders living in Oneida County who are hereby prohibited from owning Animals.

- a) The Oneida County Sheriff's Office shall have a link to the Animal Abuser Registry on the Oneida County Sheriff's Office webpage, together with the links to other County Animal Abuser registries that are available in the State of New York. Such other County Animal Abuser registries may be used as informational resources by Animal Shelters and Pet Sellers.
- b) The Animal Abuser Registry shall contain the required information about each Animal Abuse Offender, as outlined in Section 4(c) below, for fifteen (15) years following his or her release from incarceration or, if not incarcerated, from the date of the judgement of conviction.
- c) Any currently or previously registered Animal Abuse Offender convicted of a subsequent Animal Abuse Crime shall be placed on the Animal Abuser Registry for life following the second conviction. These convictions are not limited to convictions within Oneida County, but extend to other counties who also maintain an Animal

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Abuser Registry.

d) Upon notification to the Oneida County Sheriff's Office of a successful appeal of a conviction of an Animal Abuse Crime by an individual that has been required to register pursuant to this Local Law, the registration information for that individual shall be removed from the Oneida County Animal Abuser registry within five (5) business days following the notification.

e) The Animal Abuser Registry shall be used for the limited purpose of determining whether such Animal Abuse Offender is prohibited from owning an Animal under this Local Law.

SECTION 4. REGISTRATION REQUIREMENTS.

a) When a person is convicted of an Animal Abuse Crime in any court within Oneida County, the Court shall forward to the Oneida County Sheriff's Office the name and address of the convicted person along with the specific Animal Abuse Crime of which such person was convicted, thereby notifying the Oneida County Sheriff's Office that the person is an Animal Abuse Offender and required to register with the Animal Abuser Registry.

b) All Animal Abuse Offenders must register with the Animal Abuser Registry within five (5) business days of their release from incarceration or, if not incarcerated, from the date of the conviction.

c) Each person required to register with the Animal Abuser Registry shall submit to the Oneida County Sheriff's Office on a form prepared by the Oneida County Sheriff's Office, the following:

- i. Their name and any aliases by which they may be known;
- ii. Their residence address;
- iii. Their date of birth; and
- iv. A description of the offense for which such person was convicted, the date of conviction, and the sentence imposed.

d) The Oneida County Sheriff's Office shall photograph the front of the Animal Abuse Offender's head and shoulders.

e) The Oneida County Sheriff's Office shall update this information on the Animal Abuser Registry when new convictions are made and forwarded by any court within Oneida County and when updates to the Registry are provided by Animal Abuse Offenders, and may provide a press release regarding the same, and make it available to:

- i. Other law enforcement entities within the State, including Animal control agencies, and
- ii. Animal Shelters, Pet Sellers, animal-welfare organizations, and other groups involved in Animal adoption and the sale of Animals.

f) Every person required to register with the Animal Abuser Registry shall update their Registry information within five (5) days of any change of residence address and/or upon any official change of name. The obligation to provide such updates continues throughout the entire period in which such person is required to be registered.

g) Every person required to register with the Animal Abuser Registry shall pay a fee of one hundred twenty-five dollars (\$125.00) to the Oneida County Sheriff's Office at the time of registration. All such fees shall be used to help pay the administrative and maintenance costs of maintaining the Registry. Updates to the Animal Abuser Registry are made at no additional fee.

SECTION 5. TRANSFERRING ANIMAL OWNERSHIP TO ANIMAL ABUSE OFFENDERS PROHIBITED.

No Animal Shelter, Pet Seller, or other person or entity involved in transferring ownership of Animals located in Oneida County shall sell, exchange or otherwise transfer the ownership of any Animal to any person listed as an Animal Abuse Offender on the Animal Abuser Registry, nor shall such Animal Abuse Offender be allowed to retain possession of any currently owned Animals.

Prior to the sale, exchange or other transfer of ownership of any Animal, the Animal Shelter, Pet Seller or other person or entity involved in transferring ownership of Animals shall examine the Animal Abuser Registry of Oneida County, as well as any other applicable New York County Animal Abuser registry to confirm that the name of the potential owner of the Animal is not listed as an Animal Abuse Offender.

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SECTION 6. PENALTIES.

a) Any Animal Abuse Offender required to register with the Animal Abuser Registry who fails to so register shall be guilty of a misdemeanor punishable by incarceration for a period of not more than one (1) year and/or a fine not to exceed two thousand dollars (\$2,000.00).

b) Any Animal Abuse Offender who violates the prohibition against owning an Animal shall be guilty of a misdemeanor punishable by incarceration for a period of not more than one (1) year and/or a fine not to exceed five thousand dollars (\$5,000.00).

i. It shall not be a violation of this Local Law if an Animal Abuse Offender owns an Animal used as a service animal, either utilized by themselves or by another person residing at the same address as the Animal Abuse Offender. A service animal is to be defined in a manner consistent with Federal or State Law for person with disabilities.

c) Any Animal Shelter or Pet Seller who knowingly violates the prohibition against selling, exchanging, or otherwise transferring the ownership of any Animal to any Animal Abuse Offender shall be guilty of a violation and subject to a fine not to exceed five thousand dollars (\$5,000.00).

i. It shall not be a violation of this Local Law if the Animal Shelter or Pet Seller queried the Animal Abuser Registry and the name of the Animal Abuse Offender did not appear therein.

ii. It shall not be a violation of this Local Law if an Animal Shelter or Pet Seller sells an Animal to an Animal Abuse Offender requiring a service animal. A service animal is to be defined in a manner consistent with Federal of State Law for person with disabilities.

SECTION 7. RULES AND REGULATIONS.

The Oneida County Sheriff, or such officer's designee, is hereby authorized and empowered to promulgate such rules and regulations as may be reasonably necessary to implement this Local Law.

SECTION 8. SEVERABILITY.

If any clause, sentence, paragraph, section, subdivision or other part of this Local Law or its applications shall be adjudged by a court of competent jurisdiction to be invalidated or unconstitutional, such order or judgement shall not affect, impair, or otherwise invalidate the remainder of this Local Law which shall remain in full force and effect.

SECTION 9. EFFECTIVE DATE.

This Local Law shall apply to those Animal Abuse Offenders with convictions occurring on or after the effective date of this Local Law.

This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with Sections 20, 21, and 27 of New York State Municipal Home Rule Law.

APPROVED: Public Safety Committee (May 1, 2019)
Ways and Means Committee

DATED: May 8, 2019

Adopted by the following vote:
AYES NAYS ABSENT

Message of Necessity issued by the County Executive

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MAY MEETING

Held on Wednesday, May 8, 2019 at 2:00 P.M.

NO. 163 – FN 2019-168 – Messrs. Mandryck and D’Onofrio offered the following resolution and moved its adoption

LOCAL LAW INTRO. “B” OF 2019

LOCAL LAW NO. ____ OF 2019

LOCAL LAW INTRODUCTORY “B” OF 2019 REPEALING LOCAL LAW NO. 6 OF 2018 AND ESTABLISHING A SUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE) IN THE COUNTY OF ONEIDA

Be it enacted by the County of Oneida (the “Municipality”) as follows:

This local law shall be known as the “Energize NY Open C-PACE Financing Program” and shall read as follows:

Legislative findings, intent and purpose, authority.

It is the policy of both the Municipality and the State of New York (the “State”) to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The Municipality finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, “EIC”), a local development corporation, acting on behalf of the Municipality pursuant to the municipal agreement (the “Municipal Agreement”) to be entered into between the Municipality and EIC, to make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the “Enabling Act”).

The Municipality is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.

This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the “Energize NY Open C-PACE Local Law”.

Definitions

Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.

For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

Annual Installment Amount – shall have the meaning assigned in Section 8, paragraph B.

Annual Installment Lien – shall have the meaning assigned in Section 8 paragraph B.

Authority – the New York State Energy Research and Development Authority.

Benefit Assessment Lien – shall have the meaning assigned in Section 3, paragraph A.

Benefited Property – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

Benefited Property Owner – the owner of record of a Benefited Property.

EIC – the Energy Improvement Corporation, a local development corporation, duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of the Municipality to implement the Program by providing funds

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to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of the Municipality as a charge to be levied on the real property.

Eligible Costs – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC’s Program administration fee, closing costs and fees, title and appraisal fees, professionals’ fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement

Enabling Act – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

Finance Agreement – the finance agreement described in Section 6A of this local law.

Financing Charges – all charges, fees and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys’ fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

Financing Parties – Third party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in the Municipality.

Municipality – the County of Oneida a municipality of the State constituting a tax district as defined in Section 1102 of the RPTL of the State.

Municipal Lien – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.

Non-Municipal Lien – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

Program – the Energize NY Open C-PACE Financing Program authorized hereby.

Qualified Project – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

Qualified Property – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of the Municipality that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.

Qualified Property Owner – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

RPTL – the Real Property Tax Law of the State, as amended from time to time.

Secured Amount – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 8, paragraph C.

State – the State of New York.

Establishment of an Energize NY Open C-PACE Financing Program

An Energize NY Open C-PACE Financing Program is hereby established by the Municipality, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to

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Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of the Municipality, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the "Benefit Assessment Lien") on the land records for the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality.

Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a Benefit Assessment Lien, a written consent from each existing mortgage holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

Procedures for eligibility

Any property owner in the Municipality may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the Municipality's offices.

Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of the Municipality, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and § 0 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.

If a positive determination on an application is made by EIC, acting on behalf of the Municipality, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with § 0 of this local law.

Application criteria

Upon the submission of an application, EIC, acting on behalf of the Municipality, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;

The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;

Sufficient funds are available from Financing Parties to provide financing to the property owner;

The property owner is current in payments on any existing mortgage on the Qualified Property;

The property owner is current in payments on any real property taxes on the Qualified Property; and

Such additional criteria, not inconsistent with the criteria set forth above, as the State, the Municipality, or EIC acting on its behalf, or other Financing Parties may set from time to time.

Energize NY Finance Agreement

A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of the Municipality, shall be a third-party beneficiary (the "Finance Agreement"). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a "Benefited Property".

Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible

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Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.

The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.

EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

Terms and conditions of repayment

The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records on which liens are recorded for properties within the Municipality. The special benefit assessment shall constitute a "charge" within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed and collected by EIC, on behalf of the Municipality, and shall be paid to the Financing Party as provided in the Finance Agreement.

The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of the Municipality.

The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of the Municipality, as provided in the Finance Agreement.

Levy of Annual Installment Amount and Creation of Annual Installment Lien

Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of the Municipality. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of the Municipality, in the land records for properties in the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by the Municipality.

The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the "Annual Installment Amount"). The Annual Installment Amount shall be levied by EIC, on behalf of the Municipality, on the Benefited Property in the same manner as levies for municipal charges, shall become a lien on the Benefited Property as of the first day of January of the fiscal year for which levied (the "Annual Installment Lien") and shall remain a lien until paid. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.

The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created by Section 902 of the RPTL or by any other State or local law. No portion of a Secured Amount shall be recovered by the Municipality, EIC, or an assignee upon foreclosure, sale or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.

May 8, 2019

MAY MEETING

Held on Wednesday, May 8, 2019 at 2:00 P.M.

Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of the Municipality, at the same time and in the same manner as real property taxes or municipal charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of the Municipality, or the Financing Party, as may be provided in the Finance Agreement.

EIC shall act as the Municipality's agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.

EIC, on behalf of the Municipality, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the Municipality, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as the Municipality would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection.

Verification and report

EIC, on behalf of the Municipality, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.

Separability. If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof involved in the controversy in which such judgment shall have been rendered.

This local law shall take effect upon filing with the Secretary of State.

APPROVED: Ways and Means Committee (May 8, 2019)

DATED: May 8, 2019

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

AYES 20 NAYS 0 ABSENT 3 (Ms. Washburn Messrs. Hendricks, Sacco)

Message of Necessity issued by the Chairman of the Board

NOTE: At this Juncture a motion was made by Legislator Welsh that pursuant to Rule 22 made a motion to suspend Rules 12 and 55 for the purpose of considering this Resolution only. Legislator Schiebel seconded the motion. The motion was duly passed for the following resolution.

NO. 164 – FN 2019-163-3 – Mr. D'Onofrio offered the following resolution and moved its adoption

RE: APPOINTMENTS TO THE ONEIDA COUNTY FIRE ADVISORY BOARD – FIRE CHIEFS ASSOCIATION

WHEREAS, Pursuant to County Law Section 225-a and Article XX, Section 2002, of the Oneida County Charter Oneida County Executive, Anthony J. Picente, Jr., has recommended appointments of the following persons from the Oneida County Fire Chiefs Association to serve on the Oneida County Fire Advisory Board, and

WHEREAS, Said appointments must be confirmed by the Oneida County Board of Legislators, now, therefore, be it hereby

May 8, 2019

MAY MEETING

Held on Wednesday, May 8, 2019 at 2:00 P.M.

RESOLVED, That the following appointments to the Oneida County Fire Advisory Board are hereby confirmed pursuant to County Law Section 225-a and Article XX, Section 2002 of the Oneida County Charter, effective immediately:

Acting Chief Scott Ingersoll – Utica	Term Expiring December 31, 2019
Chief Joe Morosco – Yorkville	Term Expiring December 31, 2019
Chief William DeKing – Bridgewater	Term Expiring December 31, 2019
Past Chief Robert Eaton – Remsen	Term Expiring December 31, 2019
Past Chief Neil Sutherland – Stittville	Term Expiring December 31, 2020
Chief Ronald Brement – Rome	Term Expiring December 31, 2020
Past Chief Gary Schreppel – Clinton	Term Expiring December 31, 2020

APPROVED: Ways and Means Committee (May 8, 2019)

DATED: May 8, 2019

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

AYES 20 NAYS 0 ABSENT 3 (Ms. Washburn, Messrs. Hendricks)

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, May 8, 2019 at 2:00 P.M., typographical errors excepted.

MIKALE BILLARD, Clerk