



ONEIDA COUNTY BOARD OF LEGISLATORS

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**ATTACHED FOR YOUR INFORMATION ARE RESOLUTIONS
NUMBERED 340 THROUGH 360 THAT WERE ACTED UPON BY
THE BOARD OF COUNTY LEGISLATORS AT THEIR
REGULAR SESSION HELD ON DECEMBER 28, 2016.**

**BOARD OF COUNTY LEGISLATORS
ONEIDA COUNTY**

RESOLUTION NO. 340

INTRODUCED BY: Messrs. D'Onofrio, Porter

2ND BY: Mr. Miller

LOCAL LAW INTRODUCTORY "G" OF 2016

LOCAL LAW NO. ____ OF 2016

**A LOCAL LAW AMENDING LOCAL LAW 4 OF 2002, PROVIDING FOR ACCURATE
PRICING OF GOODS OFFERED FOR SALE AT RETAIL IN ONEIDA COUNTY**

Legislative Intent: To require accurate shelf or item price marking on individual items of food and food products offered for retail sale in Oneida County and to permit continued testing and development of the Universal Product Code (UPC) and Quick Response Code (QR) checkout systems without removal of item or shelf prices for consumer protection. In addition, to further encourage pricing accuracy and retail price competition while providing additional potential savings for consumers.

DECLARATION OF LEGISLATIVE FINDINGS

The Board of County Legislators of Oneida County hereby finds and declares that there is technology utilizing a laser scanning device offering numerous efficiencies and economies to the operation of the retail food industry, the use of which may make it economically advantageous for retail stores to remove price markings on individual grocery items. The Board of County Legislators of Oneida County further finds that price marking constitutes an indispensable element to a consumer's right to all reasonable information in order to make an informed purchase choice.

Therefore, the Board of County Legislators of Oneida County declares that requiring accurate shelf or item price marking is necessary to protect the interest of the consuming public, and further declares that it is in the public interest to promote the continued testing and improvement of the Universal Product Code and Quick Response code check-out system while retaining accurate item or shelf prices.

Furthermore, recognizing the consumers' rights to exercise freedom of choice in the marketplace, and wishing to provide consumers with the economies created when the latest

technologies are employed in a competitive marketplace, regular and rigorous testing shall be undertaken to ensure stores are demonstrating the highest degree of accuracy in their computerized equipment; and therefore also in this manner guaranteeing that consumers will be dealt with fairly in the marketplace and not be overcharged.

BE IT ENACTED by the Board of County Legislators, County of Oneida, State of New York, as follows:

Section 1. DEFINITIONS

- a. "Stock-keeping Unit" (SKU) shall mean each group of items offered for sale of the same brand, quantity of contents, retail price, and having different colors, flavors, or varieties within the following categories:
 - i. food, including all material, solid, liquid or mixed, whether simple or compound, used or intended for consumption by human beings or domestic animals normally kept as household pets and all substances or ingredients to be added thereto for any purpose; and
 - ii. napkins, facial tissues, toilet tissues, and any disposable wrapping or container for the storage, handling or serving of food; and
 - iii. detergents, soaps and other cleansing agents; and
 - iv. non-prescription drugs, feminine hygiene products and health and beauty aids.
- b. "Stock-keeping Item" (SKI) shall mean each item of a Stock-keeping Unit offered for sale.
- c. "Retail Store" shall mean shall mean a store that sells stock-keeping units directly to consumers and charges or is liable for the collection of sales tax. For the purposes of this section the term "Retail Store" shall include those stores that use Universal Product Code (UPC) scanners, Quick Response code (QR) scanners or Price Look-up (PLU) codes in checkout systems or use manual pricing of items. A store which is not open to the general public but is reserved for use by its members shall come within the provisions of this definition unless the members must pay a direct fee to the store to qualify for membership and the store is not required to collect sales tax on transactions with members.

- d. Pursuant to this section, a Retail Store shall not include any store which:
- i. has as its only full-time employee the owner thereof, or the parent, spouse or child of the owner, or in addition thereto, not more than two full-time employees; or
 - ii. engages primarily in the sale of food for consumption on the premises or in a specialty trade which the Commissioner of Agriculture and Markets determines by regulation, would be inappropriate for item pricing.
- e. "Item Price" shall mean the tag, stamp or mark affixed by an authorized person to a Stock-keeping Item which sets forth, in Arabic numerals, the retail price thereof.
- f. "Advertised Price" shall mean the price of a Stock-keeping Unit which a retail store has caused to be disseminated by means of promotional methods such as in-store signs, newspapers, circulars, television or radio advertising.
- g. "Shelf Label" shall mean the tag or sign placed by an authorized person at each point of display of a Stock-keeping Unit, which clearly sets forth the retail price of the Stock-keeping Units within that unit.
- h. "Sale Price" shall mean the price of Stock-keeping Units offered on sale in good faith at a price below the price for which such Stock-keeping Items are usually sold in the store, for a period of time not to exceed fourteen days.
- i. "Computer-assisted Checkout System" shall mean any electronic device, UPC scanner, QR code scanner, computer system or machine which determines the selling price of a Stock-keeping Item by interpreting its Universal Product Code, Quick Response code, or its in-house product code, or by use of its Price Look-up Functions.
- j. "Price Look-up Function" shall mean the capability of any checkout system to determine the retail price of a Stock-keeping Item by way of the manual entry into the system of a code number assigned to that particular unit by the Retail Store by way of the checkout operator's consultation of a file maintained at the point of sale.
- k. "Inspector" and "Enforcing Agent" shall mean an authorized government official having the jurisdiction to enforce the provisions of this Local Law. For the purpose of this Local Law, the "Inspector" or "Enforcing Agent" shall be the Oneida County Director of Weights and Measures, or his deputy or designee.

- l. "Overcharge" means a price charged at the point of sale that is higher than the retail price.
- m. "Director" shall mean the Director of the Oneida County Department of Weights and Measures.

Section 2. ITEM OR SHELF PRICING REQUIRED

Except as provided in Sections Three or Four of this Local Law, every person, firm, partnership, corporation, association or other entity which sells, offers for sale or exposes for sale in a Retail Store a Stock-keeping Unit shall:

- a. Display the Item Price of each Stock-keeping Unit offered for sale, either on each unit or on shelf tags or signs located directly above or below or immediately adjacent to every Stock-keeping Unit or group of Stock-keeping Units of the same brand, size and price.
- b. Assure that the price charged after the final total has been determined is equivalent to the Item Price.
- c. If a UPC or QR Code scanner system is used to determine the price charged, any entity covered by this Section shall provide the appropriate inspection official access to the scanner system in use at such Retail Store to verify the price charged for items included in a pricing accuracy inspection. Access shall be provided to the scanner system either in normal operating mode, in training mode, or through a hand-held or other device tied to the store's database.
- d. Post, in a conspicuous place, the refund policy of such retail store in the event of an overcharge.
- e. Post, in a conspicuous place, a notice to be provided by the Commissioner containing the contact information for the Oneida County Department of Weights and Measures, including the phone number, and an outline of the procedures to be followed for making a consumer complaint.

Section 3. CERTAIN ITEMS EXEMPTED

The following Stock-keeping Items need not be item priced as provided in Section Two of this Local Law provided that a Shelf Label and a Price Look-up Function are maintained for such Stock-keeping Items:

- a. Identical items within a multi-item package that is properly priced marked;
- b. Milk, cream, half-and-half, yogurt, and other similarly packaged dairy products, and orange juice;
- c. Stock-keeping items which weigh less than three ounces, and are priced under one dollar;
- d. Eggs;
- e. Unpackaged bulk or fresh produce;
- f. Items sold through a vending machine;
- g. Food sold for consumption on the premises;
- h. Stock-keeping Items offered for a period of fourteen days or less at a Sale Price, provided that the Sale Price and the beginning and ending dates of the sale are clearly indicated to the consumer by conspicuous sign located at or near the display of such Stock-keeping Items. On special regional month-long promotions offered by manufacturers or distributors the sale period may be extended to thirty (30) days, provided the store has available for inspection written documentation of the promotion;
- i. Snack foods such as cakes, gum, candies, chips and nuts;
- j. Cigarettes, cigars, tobacco and tobacco products;
- k. Unpackaged food offered for sale in bulk;
- l. Frozen foods; and
- m. Baby food, dry gelatin and dry pudding.

Section 4. CERTAIN STORES EXEMPTED

The provisions of Section Two of this local law shall not apply to a store that has less than one thousand different Stock-keeping Units, and has fifteen percent (15%) or less of its total merchandise offered for sale which are multiple brands of the same Stock-keeping Unit. Such a store must utilize scanners and must maintain at least ninety-eight percent (98%) scanner accuracy.

Section 5. INSPECTION PROCEDURES

- a. The Director shall, by regulation, adopt test procedures utilizing randomized sampling techniques. Such procedures shall be consistent with the examination procedure for price verification developed by the national conference on weights and measures and published in the National Institute of Standards and Technology Handbook one hundred thirty. For purposes of this section, pricing accuracy inspections shall, to the extent possible, be conducted at a time and in a manner that does not interrupt the normal flow of retail business at the retail store.
- b. A Retail Store inspected under this section shall be deemed in compliance if ninety-eight percent (98%) of the items in the sample selected are accurately priced.
- c. In addition to establishing a standard frequency of inspection consistent with the provisions of paragraph a of this subdivision, the Director or an Oneida County Department of Weights and Measures official may conduct inspections of individual items in response to consumer complaints or as a follow-up on items ordered to be corrected in a previous inspection.

Section 6. VIOLATIONS, PENALTIES & ENFORCEMENT PROCEDURES

- a. The Director or an Oneida County Department of Weights and Measures official shall advise the operator of the Retail Store of any pricing error encountered in an inspection. If the correction cannot be made immediately, the Director or an Oneida County Department of Weights and Measures official shall issue a stop-removal order for items subject to overcharges and such Stock-keeping Units shall be removed from sale until correction is made.
- b. Upon finding a violation of this section, the Director or an Oneida County Department of Weights and Measures official, may impose civil penalties as prescribed in this Local Law. Such penalty shall not exceed two hundred dollars per violation for violations assessed during an initial inspection in a calendar year and shall not exceed four hundred dollars per violation for violations assessed in a second or subsequent inspection during a calendar year. In determining the amount of any civil penalty imposed, the magnitude of the errors, corrective action taken by the retail store, history of such prior conduct, or other relevant information shall be considered. Penalties may only be imposed for:

- i. Overcharges found in a sample selected using the procedures adopted pursuant to Section Five of this Local Law, when overcharges number more than two percent (2%) of the sample. Each such overcharge may be considered a separate violation provided, however, that any overcharge for a single Stock-keeping Unit that includes more than one item in such unit shall count as a single violation and not as separate violations for each item in the Stock-keeping Unit; or
 - ii. An overcharge verified in response to a consumer complaint; or
 - iii. Overcharges found on follow-up inspections of items ordered corrected; or
 - iv. Failure to disclose the item price of a Stock-keeping Unit pursuant to paragraph a of Section 2 of this Local Law; or
 - v. Failure to conspicuously post a refund policy pursuant to paragraph d of Section 2 of this Local Law; or
 - vi. Failure to conspicuously post the notice provided by the Director pursuant to paragraph e of Section 2 of this Local Law.
- c. Stop-removal order. An Inspector shall have the authority to issue a stop-removal order with respect to any Stock-keeping item, or any device or system being used, handled, sold, offered for sale or exposed for sale in violation of this Local Law:
- i. Any stop-removal order issued with respect to a Stock-keeping item shall be in writing, shall list the violations and shall direct that any Stock-keeping item in violation shall not be sold, offered for sale or exposed for sale until the violations are corrected;
 - ii. Any stop-removal order issued with respect to a device or system shall be in writing, and shall list the violations. Such stop-removal order shall be stayed for up to two (2) hours after the Inspector provides the written stop-removal order to the retail store provided that, until the violations are corrected, either the Stock-keeping items which are affected by the violations are not sold, offered for sale or exposed for sale, or signs are posted conspicuously at or near each cash register which clearly disclose to store employees and consumers which Stock-keeping items are affected by the violations and their corrective prices, and the retail store ensures that consumers are charged the correct prices.

- d. For serious, repeated or persistent violations of the provisions of this Section, the Director may, upon consultation with the County Executive, publish notice of the violations in the newspaper of record.
- e. Violations of this Local Law shall not be subject to the penalties specified in Sections 39, 40 or 41 of the New York State Agriculture and Markets Law.

Section 7. ENFORCEMENT BY INSPECTOR

- a. The Inspector shall have the authority to promulgate such regulations as necessary to carry out the purposes of this Local Law. This Local Law and regulations promulgated by the Inspector under this Local Law shall be enforced by the Inspector. Any regulations so promulgated shall be posted for public viewing on the Oneida County website, www.ocgov.net.
- b. The Inspector shall, within available appropriations, cause Retail Stores to be inspected to ensure compliance with this Local Law.
- c. Upon finding a violation of the provisions of this Local Law, or of the rules and regulations promulgated hereunder, the Inspector shall cause the same to be corrected and, if requested, shall cause a hearing to be held to determine whether a violation of this Local Law has occurred. At least ten (10) days written notice of a hearing shall be served either personally upon the person in charge of the store where the alleged violation occurred, or by certified or registered mail addressed to such store. Such notice shall contain a concise statement of the facts constituting the alleged violation and shall set forth the date, time and place that a hearing shall be held. Upon a finding of a violation of the provisions of this Local Law, the Inspector shall be authorized to recover any civil penalty provided for in this Local Law.

Section 8. JURISDICTION

- a. The provisions of this Local Law and any regulations promulgated hereunder may be enforced by the Oneida County Director of Weights and Measures. All moneys collected hereunder by the County of Oneida shall be retained by the County.
- b. The Oneida County Director of Weights and Measures personally, or through his or her authorized agents, shall, upon finding a violation of the provisions of this Local Law or any rules and regulations promulgated pursuant to this Local Law, expeditiously cause the same to be corrected or shall refer the matter to the County Attorney for the County

of Oneida, for commencement of a civil action in the name of the County to recover a civil penalty in the amounts prescribed by this Local Law. A cause of action for recovery of such penalty may be released, settled or compromised by such Inspector before the matter is referred to the County Attorney or thereafter by such attorney.

Section 9. RULES AND REGULATIONS

- a. The Board of County Legislators of Oneida County may promulgate such rules and regulations as they may deem necessary or appropriate to effectuate the purposes of this Local Law. Any regulations so promulgated shall be posted for public viewing on the Oneida County website, www.ocgov.net.

Section 10. AMENDMENT OF PRIOR LEGISLATION.

Local Law Number 4 of 2002 is hereby amended. This Local Law shall be deemed to supersede any and all prior enactments of the County of Oneida with respect to the subject matter contained herein. Wherever any prior Local Law of the County of Oneida is found to be inconsistent or in conflict with the provisions contained herein, such prior Local Law shall be deemed hereby amended. This Local Law shall be construed liberally so as to provide maximum protection to the consumers of Oneida County.

Section 11. EFFECTIVE DATE

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

APPROVED: Ways & Means Committee (December 28, 2016)

DATED: December 28, 2016

Adopted by the following vote:
AYES 22 NAYS 1 (Mr. Joseph) ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 341

INTRODUCED BY: Messrs. Miller, Porter

2ND BY: Mr. Joseph

RE: APPROVAL OF AN AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF PUBLIC WORKS, AND C & S ENGINEERS, INC. IN RELATION TO CAPITAL PROJECT H-498, COUNTY HIGHWAY BRIDGE PROGRAM – PHASE 4

WHEREAS, This Board is in receipt of an Agreement between Oneida County, through its Department of Public Works, and C & S Engineers, Inc. for the preparation of plans and specifications for rehabilitation or replacement of the following projects: Replacement of Structure C1-7, Summit Road over Willis Br., Town of Paris; Replacement of Structure C1-6, Mason Road over Tinker Hollow Br., Town of Sangerfield; Replacement of Structure C1A-67A, Sheehan Road over Christian Br., Town of Annsville; Rehabilitation of Structure C4-75, Buck Hill Road over Cyrus Br., Town of Western; and Rehabilitation of Structure C5-50A, Vienna Road over Vienna Br., Town of Vienna, and

WHEREAS, C & S Engineers, Inc. will provide services to Oneida County for a lump sum fee of \$44,780.00 for Implementation, Design Development, Comments/Revisions/Final Review, Bid Documents, Public Bidding, and Record Drawings. C & S Engineers, Inc. will also provide services to Oneida County for a not-to-exceed lump sum fee of \$15,000.00 for Construction Phase services. All services are relative to Capital Project H-498, County Highway Bridge Program – Phase 4, 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 the Oneida County Board of Legislators hereby authorizes and approves an Agreement between Oneida County, through its Department of Public Works, and C & S Engineers, Inc. in relation to Capital Project H-498, County Highway Bridge Program – Phase 4 commencing upon a written Notice to Proceed and terminating on December 31, 2017.

APPROVED: Public Works Committee (December 21, 2016)
 Ways & Means Committee (December 28, 2016)

DATED: December 28, 2016

Adopted by the following vote:
AYES 23 NAYS 0 ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 342

INTRODUCED BY: Mr. Porter

2ND BY: Mr. Joseph

REFUNDING BOND RESOLUTION DATED DECEMBER 14, 2016.

RE: A RESOLUTION AUTHORIZING THE ISSUANCE PURSUANT TO SECTION 90.10 OF THE LOCAL FINANCE LAW OF REFUNDING BONDS OF THE COUNTY OF ONEIDA, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY “PUBLIC IMPROVEMENT (SERIAL) BONDS”, AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY.

WHEREAS, the County of Oneida, New York (hereinafter, the “County”) heretofore issued an aggregate \$12,930,871 Public Improvement (Serial) Bonds, 2008A, pursuant to various bond resolutions to pay the cost of various County purposes, such Public Improvement (Serial) Bonds, 2008A, being dated September 1, 2008 and maturing or matured on March 1 annually (the “2008A Bonds”); and

WHEREAS, the County heretofore issued an aggregate principal amount of \$7,735,000 Public Improvement (Serial) Bonds, 2008B (Federally Taxable Series), pursuant to various bond resolutions to pay the cost of various County purposes, such Public Improvement (Serial) Bonds, 2008B (Federally Taxable Series), being dated September 1, 2008 and maturing or matured on March 1 annually (the “2008B Bonds”); and

WHEREAS, the County heretofore issued an aggregate principal amount of \$21,370,000 Public Improvement (Serial) Bonds, 2009A, pursuant to various bond resolutions to pay the cost of various County purposes, such Public Improvement (Serial) Bonds, 2009A, being dated April 15, 2009 and maturing or matured on April 15 annually (the “2009A Bonds”); and

WHEREAS, it would be in the public interest to refund all, or one or more, or a portion of one or more, of the \$4,700,000 outstanding principal balance of the 2008A Bonds maturing in 2018 and thereafter (the “2008A Refunded Bonds”), the \$3,540,000 outstanding principal balance of the 2008B Bonds maturing in 2018 and thereafter (the “2008B Refunded Bonds”), and the \$6,450,000 outstanding principal balance of the 2009A

Bonds maturing in 2019 and thereafter (the “2009A Refunded Bonds”, together with the 2008A Refunded Bonds and the 2008B Refunded Bonds, the “Refunded Bonds”), each by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law; and

WHEREAS, each of such refundings will individually result in present value savings in debt service as so required by Section 90.10 of the Local Finance Law; NOW, THEREFORE, BE IT

RESOLVED, by the County Legislature of the County of Oneida, New York, as follows:

Section 1. For the object or purpose of refunding the outstanding aggregate \$14,690,000 principal balance of the Refunded Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, and (iv) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$15,500,000 refunding bonds of the County pursuant to the provisions of Section 90.10 of the Local Finance Law (the “County Refunding Bonds” or the “Refunding Bonds”), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$14,260,000, as provided in Section 4 hereof. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding bond issues. The County Refunding Bonds shall each be designated substantially “PUBLIC IMPROVEMENT (SERIAL) BOND” together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if

necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-17 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the County Comptroller pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law or pursuant to subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the County Comptroller shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the County by lot in any customary manner of selection as determined by the County Comptroller.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York (“DTC”), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the County shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds

shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to The Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the County Comptroller as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the County maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or first business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the County Comptroller providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the County Comptroller as fiscal agent of the County for the Refunding Bonds (collectively the "Fiscal Agent").

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount.

Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The County Comptroller, as chief fiscal officer of the County, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said County, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the County, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided,

however, that the County Comptroller is also hereby authorized to act as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

The County Comptroller is hereby further delegated all powers of this County Legislature with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the County by the manual or facsimile signature of the County Comptroller, and a facsimile of its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law, as applicable, and 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. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the respective Refunded Bonds, for the objects or purposes for which such respective Refunded Bonds were issued is as described in Exhibit A attached hereto and hereby made a part hereof;

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of the objects or purposes for which said respective Refunded Bonds

were issued in accordance with the provisions of subdivision 1 of paragraph c of Section 90.10 of the Local Finance Law;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, if any, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, with regard to each of the respective series of Refunded Bonds, is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the aggregate of the refundings authorized by this resolution (collectively, the “Refunding Financial Plan”), showing the sources and amounts of all moneys required to accomplish such refundings, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit B attached hereto and hereby made a part hereof. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series to refund all of the Refunded Bonds in the principal amount of \$14,260,000, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in said Exhibit B. This County Legislature recognizes that the Refunding Bonds may be issued in one or more series, and for only one or more of the Refunded Bonds, or portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the County will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit B. The County Comptroller is hereby authorized and directed to determine which of the Refunded Bonds will be refunded and at what time, the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 and paragraph f of Section 90.10 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be

provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the County Comptroller; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the applicable requirements of Section 90.10 of the Local Finance Law, as applicable. The County Comptroller shall file a copy of his certificates determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Clerk of the County Legislature not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The County Comptroller is hereby authorized and directed to enter into an escrow contract or contracts (collectively the “Escrow Contract”) with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said County Comptroller shall designate (collectively the “Escrow Holder”) for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said County of Oneida, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall be annually levied on all the taxable real property in said County a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the County to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon

such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the County irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the County shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an “arbitrage bond” as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, in the event such bonds are refunded, the County hereby elects to call in and redeem each respective series of Refunded Bonds which the County Comptroller shall determine to be refunded in accordance with the provisions of Section 4 hereof and with regard to which the right of early redemption exists. The sum to be paid therefor on such redemption date shall be the par value thereof plus the redemption premium, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the County in the manner and within the times provided in the Refunded Bonds. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds may be sold at private sale to an underwriter (the “Underwriter”) for purchase prices to be determined by the County Comptroller, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds. Subject to

the approval of the terms and conditions of such private sale by the State Comptroller as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, the County Comptroller, is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the County providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter. After the Refunding Bonds have been duly executed, they shall be delivered by the County Comptroller to the Underwriter or purchaser in accordance with said purchase contract upon the receipt by the County of said purchase price, including accrued interest.

Section 11. The County Comptroller and all other officers, employees and agents of the County are hereby authorized and directed for and on behalf of the County to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the County Comptroller and all powers in connection thereof are hereby delegated to the County Comptroller.

Section 13. The validity of the Refunding Bonds 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 14. A summary of this resolution, which takes effect immediately, shall be published in the official newspapers of said County, together with a notice of the County Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

APPROVED: Ways and Means Committee (December 28, 2016)

DATED: December 28, 2016

Adopted by the following roll call vote:

AYES 23 NAYS 0 ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 343

INTRODUCED BY: *Messrs. Paparella, Porter*

2ND BY: *Mr. Miller*

RE: RENEWAL OF A PURCHASE OF SERVICES AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF HEALTH, AND J. DONALD SMITH FUNERAL HOME, INC.

WHEREAS, This Board is in receipt of correspondence from Phyllis D. Ellis, Director of the Oneida County Health Department, requesting a renewal of the Purchase of Services Agreement entered into between Oneida County and J. Donald Smith Funeral Home, Inc. entered into on November 15, 2013 to provide transport services to remove and transport decedents to locations designated by the Onondaga County Medical Examiner's Office or its designees in the sum of \$80,000.00 annually, and

WHEREAS, The renewal of the Purchase of Services Agreement shall be for a term commencing January 1, 2017 and ending December 31, 2017 with the option to renew without change or adjustment to the terms of the Purchase of Services Agreement for one (1) additional one-year term, 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 the Oneida County Board of Legislators hereby authorizes and approves a renewal of a Purchase of Services Agreement between Oneida County, through its Department of Health, and J. Donald Smith Funeral Home, Inc. commencing January 1, 2017 and ending December 31, 2017.

APPROVED: Health and Human Services Committee (December 21, 2016)
 Ways & Means Committee (December 28, 2016)

DATED: December 28, 2016

Adopted by the following vote:

AYES 23 NAYS 0 ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 344

INTRODUCED BY: Messrs. Flisnik, Porter

2ND BY: Mr. Davis

**RE: APPROVAL OF AN AGREEMENT BETWEEN ONEIDA COUNTY THROUGH ITS
DEPARTMENT OF PROBATION AND THE CLINTON CENTRAL SCHOOL
DISTRICT**

WHEREAS, This Board is in receipt of an Agreement between Oneida County, through its Department of Probation, and the Clinton Central School District for the provision of early intervention services by Oneida County Probation Department Officers to students to prevent behavioral problems and to divert at risk youth from the Court system, and

WHEREAS, The program inserts one Probation Officer of the Oneida County Probation Department in the Clinton Central School facilities for one day per week of the school year at a total projected cost of \$8,950.00 to be reimbursed by the Clinton Central School District for salaries, fringe benefits and related travel expenses for the full-time Probation Officer, 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 the Oneida County Board of Legislators authorizes and approves an Agreement between Oneida County, through its Department of Probation, and the Clinton Central School District for a term commencing July 1, 2016 and ending June 30, 2017.

APPROVED: Public Safety Committee (December 21, 2016)
 Ways & Means Committee (December 28, 2016)

DATED: December 28, 2016

Adopted by the following vote:

AYES 23 NAYS 0 ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 345

*INTRODUCED BY: Messrs. Flisnik, Porter
2ND BY: Mr. Idzi*

RE: APPROVAL OF AN AGREEMENT BETWEEN ONEIDA COUNTY THROUGH ITS DEPARTMENT OF PROBATION AND THE WATERVILLE CENTRAL SCHOOL DISTRICT

WHEREAS, This Board is in receipt of an Agreement between Oneida County, through its Department of Probation, and the Waterville Central School District for the provision of early intervention services by Oneida county Probation Department Officers to students to prevent behavioral problems and to divert at risk youth from the Court system, and

WHEREAS, The program inserts one Probation Officer of the Oneida County Probation Department in the Waterville Central School facilities for at a total projected cost of \$69,820.80 with \$34,910.40 or 50% to be reimbursed by the Waterville School District for salaries, fringe benefits and travel related expenses for the full-time time Probation Officer, 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 the Oneida County Board of Legislators authorizes and approves an Agreement between Oneida County, through its Department of Probation, and the Waterville Central School District for a term commencing July 1, 2016 and ending June 30, 2017.

APPROVED: Public Safety Committee (December 21, 2016)
 Ways & Means Committee (December 28, 2016)

DATED: December 28, 2016

Adopted by the following vote:
AYES 23 NAYS 0 ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 346

**INTRODUCED BY: Messrs. Flisnik, Porter
2ND BY: Mr. Joseph**

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

WHEREAS, This Board is in receipt of a Grant Agreement between Oneida County through its Public Defender's Office and New York State through its Division of Criminal Justice Services, in the amount of \$17,400.00, fully State funded, to provide better coordination between attorneys in the Public Defender's Office assigned to violent and repeat offenders for more efficient disposition of those cases; 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 the Oneida County Board of Legislators hereby authorizes and approves a Grant Agreement between Oneida County through its Public Defender's Office and New York State through its Division of Criminal Justice Services commencing October 1, 2016 and ending September 30, 2017.

APPROVED: Public Safety Committee (December 21, 2016)
 Ways & Means Committee (December 28, 2016)

DATED: December 28, 2016

Adopted by the following vote:
AYES 23 NAYS 0 ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 347

INTRODUCED BY: *Messrs. Flisnik, Porter*

2ND BY: *Mr. Goodman*

RE: SUPPLEMENTAL APPROPRIATION OF \$23,070.00 TO AA#3110 – VARIOUS SHERIFF ACCOUNTS

WHEREAS, In accordance with Section 609 of the Administrative Code, the County Executive has requested a supplemental appropriation be made in the amount of \$23,070.00 to AA#3110 – Various Sheriff Accounts, and

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

A4250 Federal Aid – Alien Assistance Program \$23,070.00

now, therefore, be it hereby

RESOLVED, That a supplemental appropriation, from 2017 funds, as hereinafter set forth, be and the same is hereby approved:

TO:

A3110.1951	Other Fees and Services	\$ 5,080.00
A3151.212	Computer Hardware	\$12,200.00
A3151.295	Other Equipment	<u>\$ 5,790.00</u>
	TOTAL	\$23,070.00

APPROVED: Public Safety Committee (December 21, 2016)
Ways and Means Committee (December 28, 2016)

DATED: December 28, 2016

Adopted by the following vote:

AYES 23 NAYS 0 ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 348

***INTRODUCED BY: Mr. Porter
2ND BY: Mr. Joseph***

RE: APPROVAL OF HIGHWAY 1, 2, 3 & 4, HEALTH, FIRE PREVENTION, GENERAL WELFARE, AND SPECIFIED DISTRICT TAXES TO BE LEVIED UPON TAXABLE PROPERTY WITHIN TOWNS

WHEREAS, There has been presented to this Board a duly certified copy of the annual budget of each of the several towns in the County of Oneida for the fiscal year beginning January 1, 2017, now therefore, be it hereby

RESOLVED, That there shall be assessed and levied upon, and collected from, the real property liable therefore within the respective fire, fire protection, fire alarm and improvement districts in the towns specified in their respective annual budgets;

RESOLVED, That there be and hereby is assessed and levied upon, and collected from, the taxable real property situate in the named towns outside of any incorporated village, wholly or partially located therein, the amounts indicated therein for Town-Wide General, Town-Wide Highway, Highway Outside and General Outside as specified in the budgets of the respective towns, and be it further

RESOLVED, That the amounts to be raised by tax for all purposes specified in the said several annual budgets as presented to this Board and which are on file within the Office of the Clerk and/or the Commissioner of Finance, shall be and hereby are assessed and levied upon, and collectible from, all taxable property in those towns as enumerated, except as otherwise provided by law.

APPROVED: Ways & Means Committee (December 28, 2016)

DATED: December 28, 2016

Adopted by the following vote:
AYES 23 NAYS 0 ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 349

INTRODUCED BY: Mr. Porter

2ND BY: Mr. Joseph

RE: AMOUNTS TO BE LEVIED AS PART OF COUNTY TAX AND EXTENDED AGAINST PROPERTIES IN VARIOUS TOWNS AND CITIES

WHEREAS, There have been filed with the Clerk of the Oneida County Board of Legislators and the Commissioner of Finance reports by various city, town and other public officials, and

WHEREAS, Said reports show various figures which are to be levied as part of the 2017 County tax, now, therefore, be it hereby

RESOLVED, That the amounts herein, as same may be subject to items returned for insufficient funds or similar adjustments, if any, be, and the same hereby are, levied as part of the 2017 County tax and ordered extended against properties in the various towns and cities according to law, as follows:

School Superintendent's levy	\$ 15,657.00
MVCC (incl. Students in other CC)	\$ 4,163,617.01
Returned School Taxes	\$ 6,365,169.67
Delinquent Charges School	\$ 445,565.11
Returned Village Taxes	\$ 448,575.45
Delinquent Charges Village	\$ 31,400.34
UMVRWB Town Outside Water Charges	\$ 67,236.96
Delinquent Charges - Water	\$ 1,222.59
HAVA	\$ 1,703,466.89
Erroneous Taxes and Misc. Adjustments.	\$ 462.33

APPROVED: Ways and Means (December 28, 2016)

DATED: December 28, 2016

Adopted by the following vote:

AYES 23 NAYS 0 ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 350

***INTRODUCED BY: Mr. Porter
2ND BY: Mr. Joseph***

RE: APPROVAL OF SPECIFIED AMOUNTS TO BE LEVIED AGAINST UTICA AND SPECIFIED TOWNS FOR DELINQUENT SEWER CHARGES

WHEREAS, The Finance Administrator, Oneida County Part County Sewer District, has filed with the Commissioner of Finance itemized statements showing owners and the amounts of arrears of said owners for Sewer Use Charges and SSO Abatement Charges, now, therefore, be it hereby

RESOLVED, That there shall be levied and extended certain amounts of arrears for Sewer Use Charges and SSO Abatement Charges, with such items as may be posted for insufficient funds or similar adjustments if necessary, on the 2017 tax rolls of the towns and cities listed below against the properties owned by the various persons in the amounts set opposite their respective names, as follows:

MUNICIPALITY	AMOUNT	SSO AMOUNT
Utica	\$274,691.70	
Deerfield	\$ 8,766.04	
Marcy	\$ 11,779.44	
New Hartford	\$ 36,310.88	\$12,194.32
Paris	\$ 19,037.70	\$ 4,932.14
Trenton	\$ 1,208.18	
Whitestown	\$ 54,943.05	\$15,322.91
Delinquent Charges	<u>\$ 27,115.16</u>	<u>\$ 2,163.11</u>
TOTAL	\$433,852.15	\$34,612.48

APPROVED: Ways & Means Committee (December 28, 2016)

DATED: December 28, 2016

Adopted by the following vote:
AYES 23 NAYS 0 ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 351

*INTRODUCED BY: Mr. Porter
2ND BY: Mr. Joseph*

**RE: WATER RENTS, SEWER CHARGES, AND OTHER MISCELLANEOUS CHARGES TO BE
LEVIED ON PROPERTIES IN SPECIFIED TOWNS**

WHEREAS, The supervisors of various towns have filed with the Commissioner of Finance itemized statements showing owners, and amounts of arrears of said owners, or water rents and sewer charges, as more particularly on file with the Commissioner of Finance, and

WHEREAS, The Commissioner of Finance may be aware of other pro-rata taxes, DEC Violations, NSF charges or other miscellaneous charges against properties owned by various persons, now, therefore, be it hereby

RESOLVED, That there be levied and extended on the 2017 tax rolls of the aforementioned towns, against properties owned by various persons mentioned in the amounts set forth opposite their respective names.

APPROVED: Ways and Means Committee (December 28, 2016)

DATED: December 28, 2016

Adopted by the following vote:
AYES 23 NAYS 0 ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 352

INTRODUCED BY: Mr. Porter

2ND BY: Mr. Goodman

RE: **AMENDMENT TO THE CAPITAL BUDGET FOR THE YEAR 2017**

WHEREAS, On October 12, 2016, this Board adopted Resolution 300, approving the establishment of Capital Project H-547 – Griffiss Intl. – Snow Removal Equipment Storage Building (SRE) in the amount of \$3,588,000.00, and

WHEREAS, On November 9, 2016, this Board approved the 2017 Capital Budget by Resolution Number 317, as well as the Six Year Capital Program for the years 2017-2022 by Resolution Number 318. The 2017 Capital Projects included Capital Project H-395, which included \$3,588,000.00 for the Snow Equipment Storage Building which constituted a duplication of the funding for the Snow Equipment Storage Building, and

WHEREAS, It is necessary to amend the 2017 Capital Budget and the Six Year Capital Program for the years 2017-2022 to remove the duplicate Capital Project H-395 in the amount of \$3,588,000.00, now, therefore, be it hereby

RESOLVED, That the 2017 Capital Budget is hereby amended to remove the funding for Capital Project H-395 in the amount of \$3,588,000.00, which will result in a new 2017 Capital Budget amount of \$13,622,000.00, and it is further

RESOLVED, That the Six Year Capital Program is hereby amended to remove the funding for Capital Project H-395 in the amount of \$3,588,000.00, which will result in a new Six Year Capital Program amount of \$56,486,643.00.

APPROVED: Ways & Means Committee (December 28, 2016)

DATED: December 28, 2016

Adopted by the following roll call vote:
AYES 23 NAYS 0 ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 353

INTRODUCED BY: Mr. Porter

2ND BY: Mr. Joseph

RE: APPROVAL OF AN AMENDMENT TO THE PERSONNEL RULES OF ONEIDA COUNTY REGARDING OVERTIME PAY

WHEREAS, Oneida County Executive Anthony J. Picente, Jr. is in receipt of correspondence from the Commissioner of Personnel, John P. Talerico, requesting approval of an amendment to the Personnel Rules of Oneida County regarding overtime pay, and

WHEREAS, The proposed amendment reflects the County's obligation under the Fair Labor Standards Act relative to employees who are not in a bargaining unit. The current Personnel Rules do not reflect the County's obligation under the Fair Labor Standards Act. The proposed amendment states, relative to employees not in a bargaining unit, that "overtime will be paid in accordance with the Fair Labor Standards Act", and

WHEREAS, The proposed amendment also reflects how various departments handle overtime and the County's obligations under the various collective bargaining agreements. The proposed amendment states, relative to employees in a bargaining unit, that "[o]vertime will be paid in accordance with the relevant Collective Bargaining Agreement", and

WHEREAS, The proposed amendments to the Personnel Rules allow Oneida County to remain compliant with its legal and contractual obligations, and also obviates the need to continuously amend the Personnel Rules each time there is a change in the Fair Labor Standards Act or a collective bargaining agreement, and

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

RESOLVED, That the Board of Legislators authorizes and adopts an amendment to the Oneida County Personnel Rules regarding overtime pay.

APPROVED: Ways & Means Committee (December 28, 2016)

DATED: December 28, 2016

Adopted by the following vote:

AYES 23 NAYS 0 ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 354

INTRODUCED BY: Messrs. Flisnik, Porter

2ND BY: Mr. Hendricks

RE: APPROVAL OF AN AGREEMENT BETWEEN ONEIDA COUNTY THROUGH ITS DEPARTMENT OF PROBATION AND THE CITY OF UTICA THROUGH ITS POLICE DEPARTMENT - JAG

WHEREAS, This Board is in receipt of an Agreement between Oneida County through its Department of Probation and the City of Utica - JAG for \$5,775.00, 100% reimbursed by the City of Utica, for salaries and fringe benefits for County probation officers performing overtime for the UPD/Probation Juvenile Ride-Along Program, 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 the Oneida County Board of Legislators authorizes and approves an Agreement between Oneida County through its Department of Probation and the City of Utica, through its Police Department - JAG. The term is for the period of July 1, 2016 through June 30, 2017.

APPROVED: Public Safety (December 21, 2016)
 Ways & Means Committee (December 28, 2016)

DATED: December 28, 2016

Adopted by the following vote:

AYES 23 NAYS 0 ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 355

**INTRODUCED BY: Messrs. D’Onofrio, Porter
2ND BY: Mr. Sacco**

**RE: APPROVAL OF AN AMENDMENT TO CAPITAL PROJECT H-488 – GRIFFISS INTL.
– NOSE DOCK 785 & 786 REHAB**

WHEREAS, This Board is in receipt of correspondence from County Executive, Anthony J. Picente, Jr., requesting an amendment of Capital Project H-488 - Griffiss Intl. – Nose Dock 785 & 786 Rehab, and

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

RESOLVED, That Capital Project H-488, is amended and approved, as follows:

H-488 State Aid	\$ 525,000.00
H-488 Oneida County Bonds	<u>\$ 175,000.00</u>
TOTAL:	\$ 700,000.00

APPROVED: Airport Committee (December 21, 2016)
Ways and Means Committee (December 28, 2016)

DATED: December 28, 2016

Adopted by the following roll call vote:
AYES 23 NAYS 0 ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 356

INTRODUCED BY: Mr. Porter

2ND BY: Mr. Sacco

**RE: APPROVAL OF A SETTLEMENT IN THE MATTER OF MARY KALK V.
MIDDAUGH, ET AL.**

WHEREAS, Oneida County Executive Anthony J. Picente, Jr. is in receipt of correspondence from County Attorney Peter M. Rayhill, requesting Board approval of a proposed settlement in the amount of Fifty Thousand Dollars (\$50,000.00) in the matter of Mary Kalk v. Middaugh, et al., and

WHEREAS, Mary Kalk, a former employee of Oneida County, commenced an action in Oneida County Supreme Court against the County of Oneida, New York, as well as various Oneida County employees, relative to a breach of contract claim, and

WHEREAS, The parties have agreed to settle the matter for \$50,000.00, now, therefore, be it

RESOLVED, That the Oneida County Board of Legislators hereby authorizes settlement of the matter of Mary Kalk v. Middaugh, et al. in the amount of Fifty Thousand Dollars (\$50,000.00) in full satisfaction of any and all claims against the County of Oneida.

APPROVED: Ways & Means Committee (December 28, 2016)

DATED: December 28, 2016

Adopted by the following vote:

AYES 23 NAYS 0 ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 357

INTRODUCED BY: Mr. Porter

2ND BY: Mr. Joseph

RE: APPROVAL TO START THE SALARY FOR THE POSITION OF ASSISTANT TO THE COUNTY EXECUTIVE AT 28M, STEP 7, \$47,692.00

WHEREAS, This Board is in receipt of correspondence from Oneida County Executive Anthony J. Picente, Jr., requesting approval to start a new Assistant to the County Executive at Grade 28, Step 7, \$47,692.00, and

WHEREAS, Oneida County has experienced a challenge to compete with the private sector due to the County's salary structure with other positions. The new hire will be a valuable addition to the County Executive Staff with extensive experience in dealing with the media and journalism, and

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

RESOLVED, That the Oneida County Board of Legislators hereby approves the request to start the salary for the Assistant to the County Executive at Grade 28, Step 7, \$47,692.00.

APPROVED: Ways & Means Committee (December 28, 2016)

DATED: December 28, 2016

Adopted by the following vote:

AYES 22 NAYS 1 (Mr. Davis) ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 358

INTRODUCED BY: *Messrs. Paparella, Porter*
2ND BY: *Mr. Joseph*

RE: PURCHASE OF SERVICES AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF SOCIAL SERVICES, AND FOUNDATIONS BEHAVIORAL HEALTH SYSTEM

WHEREAS, This Board is in receipt of a Purchase of Services Agreement between Oneida County, through its Department of Social Services, and Foundations Behavioral Health System in an amount that may not exceed \$9,000,000.00 to provide institutional foster care for those children under the age of 18, or in some cases 21, who have been adjudicated as a Person In Need of Supervision (PINS) or Juvenile Delinquent (JD) and those whose parents or legal guardians have voluntarily transferred custody to the Oneida County Department of Social Services or those children whose custody has been involuntary committed by the Court to an authorized agency or a foster parent in accordance with Section 384-b of the Social Services Law or Article 6 of the Family Court Act, and

WHEREAS, The Agreement shall be for a term commencing upon execution and terminating June 30, 2018, 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 Foundations Behavioral Health System for a term commencing upon execution and terminating June 30, 2018.

APPROVED: Health and Human Services Committee (December 21, 2016)
 Ways & Means Committee (December 28, 2016)

DATED: December 28, 2016

Adopted by the following vote:
AYES 23 NAYS 0 ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 359

*INTRODUCED BY: Messrs. Paparella, Porter
2ND BY: Mr. Joseph*

RE: AUTHORIZATION FOR ONEIDA COUNTY TO MAKE APPLICATION TO THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL (OCR) FOR GRANTS TOTALING \$330,000 TO SUPPORT ECONOMIC DEVELOPMENT EFFORTS IN ONEIDA COUNTY

WHEREAS, Oneida County Executive Anthony J. Picente, Jr., is in receipt of correspondence from John R. Kent, Jr., Commissioner of Planning, requesting submittal of an application by Oneida County to the State of New York Office of Community Renewal (OCR) for Community Development Block Grant (CDBG) direct grant funds totaling \$330,000.00, and

WHEREAS, The Community Development Block Grant funds will provide funding assistance to Delft Blue, LLC in the Village of New York Mills, that will result in the creation of 22 new jobs, and

WHEREAS, The CDBG program requires the holding of two public hearings by the County, a minimum of one prior to the submission of said application to obtain the views of citizens regarding the proposed application, and one following the award to report on project accomplishments, and

WHEREAS, The CDBG program requires that the Community Development Block Grant application must comply with the program requirements set forth in 24 CFR Part 85 and 570, as amended, now, therefore, be it hereby

RESOLVED, That Oneida County Executive Anthony J. Picente, Jr., is authorized to submit the application and amendments thereto and all understandings and assurances contained therein, and is further authorized to act in connection with the application to provide such additional information as may be required to request and implement said funds, and it is further

RESOLVED, That the Oneida County Board of Legislators will hold the first required public hearing on January 11, 2017 and the second on a date to be determined, and it is further

RESOLVED, That the County Executive is hereby authorized to execute all documents and certifications required as part of the submission of the application and to execute such documents as may be required in order to implement the program and enter into agreements as are necessary to accept the award and distribute the funds.

APPROVED: Ways & Means Committee (December 28, 2016)

DATED: December 28, 2016

Adopted by the following vote:
AYES 23 NAYS 0 ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 360

INTRODUCED BY: Chairman Fiorini and Legislator Daniels

2ND BY: All Members

RE: RESOLUTION EXTENDING THE BOARD'S SYMPATHY TO THE FAMILY OF THE LATE STEVEN A. GIGLIOTTI

WHEREAS, In the death of Steven A. Gigliotti on Monday, December 26, 2016, the City of Utica and the County of Oneida have suffered the loss of a valued citizen and great friend who held the respect and esteem of the citizens of the entire County of Oneida and the members of this Board of Legislators; and

WHEREAS, Mr. Gigliotti was very involved in City and County government, serving as Commissioner of Parks and Recreation for the City Of Utica and as a member of the Board of Legislators for 32 years starting in 1974 representing East Utica; and

WHEREAS, Mr. Gigliotti was married to the former Dorothy Perry on July 2, 1960 and together they have three sons: David, Thomas and Robert; and

WHEREAS, Mr. Gigliotti, as a young man, was a talented baseball player and played professionally on the Utica Braves, the Wilmington Blue Rocks and the Wellsville Yankees; and

WHEREAS, Mr. Gigliotti began his working career with New York Central Railroad, working in the accounting department for 20 years. He also worked for the Utica Urban Renewal Agency for 30 years and 20 years for Johnsbury Trucking Company; and

WHEREAS, Mr. Gigliotti was a member and officer of many community clubs and agencies; and

WHEREAS, Mr. Gigliotti will always be remembered for trying to help anybody he could. He was a firm believer in consolidation of services in government. Now, therefore be it hereby

RESOLVED, That the members of this Board, speaking for the citizens of their respective communities extend to the family of the late Steven A. Gigliotti their sincere sympathy, their appreciation of the value of his services to all of Oneida County, and their respect for his worth as a man.

Seconded and adopted viva voce by all members present, standing for a moment of silence in respect to the memory of Steven A. Gigliotti.

DATED: December 28, 2016