



ONEIDA COUNTY BOARD OF LEGISLATORS

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

Gerald J. Fiorini
Chairman
(315) 798-5900

Mikale Billard
Clerk
(315) 798-5404

George Joseph
Majority Leader

Philip M. Sacco
Minority Leader

EXPEDITED COMMUNICATIONS FOR DISTRIBUTION May 4, 2018

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

<u>FILE NO.</u>	<u>COMMITTEE</u>	<u>PAGES</u>
2018-132 . . .	Public Works, Ways & Means.....	2-3
2018-133 . . .	Public Safety, Ways & Means.....	4-5
2018-134 . . .	Health & Human Services, Ways & Means	6-7
2018-135 . . .	Ways & Means	8
2018-136 . . .	Ways & Means	9
2018-137 . . .	Ways & Means	10-36
2018-138 . . .	Ways & Means.....	37-38
2018-139 . . .	Ways & Means.....	39-40
2018-140 . . .	Ways & Means.....	41-51
2018-131 . . .	Ways & Means.....	52-55

AVAILABLE ON WEBSITE ONLY
www.ocgov.net



**ONEIDA COUNTY DEPARTMENT OF
WATER QUALITY & WATER POLLUTION CONTROL**

51 Leland Ave, PO Box 442, Utica, NY 13503-0442
(315) 798-5656 wpc@ocgov.net FAX 724-9812

Anthony J. Picente, Jr.
County Executive

Steven P. Devan, P.E.
Commissioner

April 3, 2018

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

FN 20 18 - 132

Re: Work Order #31, Amendment 3
2018 Source Emissions Testing and Training
GHD Consulting Services, Inc.

PUBLIC WORKS

Dear County Executive Picente:

WAYS & MEANS

On March 29, 2013 the Master Agreement to provide engineering services for compliance with the consent order issued by the New York State Department of Environmental Conservation (NYSDEC) and for resolving permit issues affecting the Oneida County Water Pollution Control Plant between Oneida County and Shumaker Consulting Engineering and Land Surveying, PC was assigned to GHD Consulting Services, Inc. The Master Agreement calls for the submission of work orders with associated pricing for specific tasks that are needed as the project develops.

The United States Environmental Protection Agency (USEPA) promulgated new rules regarding the incineration of sewage sludge that require annual emissions testing and operator training. During past emissions testing, incinerator #1 did not meet Pb and Cd emission standards. Incinerator #3 did not meet SO₂ and HCl emission standards. The Department and the engineering team have been working on a solution to bring both incinerators into compliance since the exceedances became known.

GHD has submitted for consideration Work Order #31, Amendment 3, which would provide the necessary emissions testing and operator training for 2018 required by the regulations. Department staff has reviewed this work order and its scope of work and find it acceptable. It is recommended that this work order be accepted with an estimated cost of \$95,100. Funding for this work order will be funded out of the Department operating budget.

I would appreciate consideration of this work order by you and the Board of Legislators at their **May 9th meeting** as emissions testing is currently scheduled for the first part of May for incinerator #1. I am available to meet with you or the Board at your convenience to discuss this request and explain the work order in more detail. Thank you for your consideration in this matter.

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

Steven P. Devan, P.E.
Commissioner



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

Anthony J. Picente, Jr.
County Executive

Attachments: Contract Summary Sheet
Six (6) copies of Work Order #31, Amendment 3

Date 4-13-18

Competing Proposal	<u> X </u>
Only Respondent	<u> </u>
Sole Source RFP	<u> </u>
Other	<u> </u>

**ONEIDA COUNTY BOARD OF LEGISLATORS
CONTRACT SUMMARY**

Name & Address of Vendor: GHD Consulting Services, Inc.
1 Remington Park Dr.
Cazenovia, NY 13035

Title of Activity or Service: Work Order #31, Amendment 3
2018 Source Emissions Testing and Training

Proposed Dates of Operation: 2018

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

Summary Statements

1) Narrative Description of Proposed Services: This work order covers performing emissions testing on Incinerators #1 and #3 and operator training to comply with the NYSDEC and USEPA air regulations for 2018.

2) Program/Service Objectives and Outcomes: Produce an emissions testing report documenting compliance with new NYSDEC and USEPA air regulations and train operators to comply with EPA regulations.

3) Program Design and Staffing: GHD Consulting Services, Inc. and O'Brien and Gere Engineering will provide the services with over site from WQ&WPC.

Total Funding Requested: \$95,100 **Account #:** G8110.195

Oneida County Dept. Funding Recommendation: \$95,100

Proposed Funding Sources (Federal \$/ State \$/County \$): Funding for this project will be from the Department operating budget.

Cost Per Client Served: \$0.86

Past Performance Data: GHD through O'Brien and Gere Engineers have performed emissions testing previously at the Oneida County Water Pollution Control Plant.

O.C. Department Staff Comments: This work is required to comply with NYSDEC and USEPA annual emissions testing requirements.



ONEIDA COUNTY
DEPARTMENT OF EMERGENCY SERVICES
FIRE COORDINATOR
911 CENTER

ANTHONY J. PICENTE, JR.
County Executive

KEVIN W. REVERE
Director

120 Base Road ♦ Oriskany, New York 13424
Phone: (315) 765-2526 ♦ Fax: (315) 765-2529

April 24, 2018

FN 20 18-133

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

PUBLIC SAFETY

WAYS & MEANS

Dear County Executive Picente,

The Oneida County Department of Emergency Services requests to enter into contract with Aviat, U.S., Inc. for microwave radio equipment and installation services. The County has been utilizing Aviat's technologies to further the County's Emergency Communications System Upgrade Project, and needs additional equipment and installation services to further this upgrade. The Board of Acquisition & Contract approved this procurement at their April 11, 2018 meeting.

I also respectfully request approval from the Board of Legislators at the Board's earliest convenience.

If I can be of further assistance, please feel free to contact me.

Sincerely,

Kevin W. Revere
Director of Emergency Services



kmg

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

Anthony J. Picente, Jr.
County Executive

Date 4-25-18

Oneida Co. Department: Emergency Services

Competing Proposal _____
Only Respondent _____
Sole Source RFP _____
Other X

**ONEIDA COUNTY BOARD
OF LEGISLATORS**

Name & Address of Vendor: Aviat U.S., Inc.
860 N. McCarthy Blvd.
Suite 200
Milpitas, CA 95035

Title of Activity or Service: Microwave radio equipment and installation services

Proposed Dates of Operation: One year upon execution of contract.

Client Population/Number to be Served: Oneida County

Summary Statements

- 1) **Narrative Description of Proposed Services:** Aviat will provide additional equipment and installation services needed to tie into the Motorola P25 core in Onondaga for the County's Emergency Communications System Upgrade Project.
- 2) **Program/Service Objectives and Outcomes:** To further the County's Emergency Communications System Upgrade Project.
- 3) **Program Design and Staffing:** N/A

Total Funding Requested: \$205,615.00

Account # H533

Oneida County Dept. Funding Recommendation: \$205,615.00

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

Cost Per Client Served: N/A

Past Performance Data:

O.C. Department Staff Comments: The County has been utilizing Aviat's proprietary technologies in their Communications System Upgrade. Additional Aviat equipment and installation services are needed due to a change in proposed tower sites. This agreement was approved by the Board of Acquisition & Contract at the April 11, 2018 meeting.



ONEIDA COUNTY
VETERANS' SERVICE AGENCY
125 Brookley Road
Rome, New York 13440
315-336-4270

ANTHONY J. PICENTE, Jr.
County Executive

Joe Perrone
Director

February 7, 2018

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

FN 20 18 - 134
HEALTH & HUMAN SERVICES
WAYS & MEANS

Dear Mr. Picente,

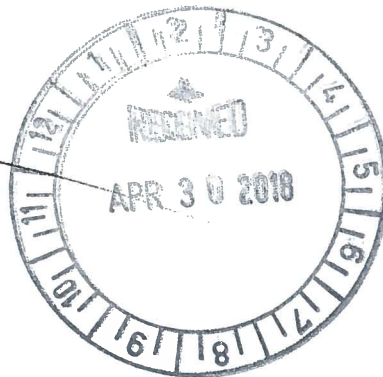
I am submitting the following Memorandum of Understanding (MOU) and Revocable License for Non-federal Use of Real Property (License) between Oneida County, through its Veterans' Service Agency, Syracuse University, through its School of Law, and the Syracuse VA Medical Center for your review and approval.

The MOU and License will provide space in the Syracuse VA Medical Center's Rome Outpatient Clinic for the Syracuse University School of Law's Wohl Family Veterans Legal Clinic to deliver free legal services to Oneida County Veterans. The MOU and License will be effective from the date of execution until December 31, 2020.

If the MOU and License meet with your approval, please forward to the Board of Legislators for action.

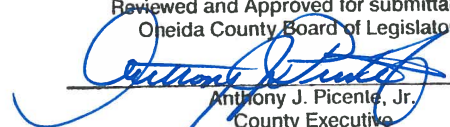
Sincerely,


Joe Perrone, Director



Enclosure

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


Anthony J. Picente, Jr.
County Executive
Date 4-30-18

Oneida Co. Department: County Attorney

Competing Proposal	_____
Only Respondent	_____
Sole Source RFP	_____
Other	_____ X _____

**ONEIDA COUNTY BOARD
OF LEGISLATORS**

Name & Address of Vendor: Department of Veterans Affairs
Rome Community Based Outpatient Clinic
125 Brookley Road #150
Rome, New York 13441

AND

Syracuse University School of Law
Wohl Family Veterans Legal Clinic
950 Irving Avenue, Suite 200
Syracuse, New York 13244

Title of Activity or Service: Memorandum of Understanding for Legal Clinic space

Proposed Dates of Operation: Upon execution – 12/31/2020

Client Population/Number to be Served: Eligible veterans requiring legal assistance

Summary Statements

1) **Narrative Description of Proposed Services:** This MOU will outline the access to pro-bono legal services for veterans located at the Rome Community Based Outpatient Clinic location. Pro-bono legal support will be provided by the Syracuse University School of Law.

2) **Program/Service Objectives and Outcomes:** To improve availability and access to free legal support for veterans.

3) **Program Design and Staffing:** N/A

Total Funding Requested: None

Account # N/A

Oneida County Dept. Funding Recommendation: None

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

Cost Per Client Served: N/A

Past Performance Data: N/A

O.C. Department Staff Comments: None



ONEIDA COUNTY
OFFICE OF THE COUNTY EXECUTIVE

ANTHONY J. PICENTE, JR.
County Executive
ce@ocgov.net

April 18, 2018

Gerald J. Fiorini, Chairman
Oneida County
Board of Legislators
800 Park Avenue
Utica, New York 13501

FN 20 18-135

WAYS & MEANS

Dear Chairman Fiorini:

The Utica Zoo has served the region for over 100 years. The Utica Zoo covers approximately 80 acres of land which was developed by the famous landscape architect Frederick Law Olmstead, Jr., whose father designed Central Park in New York City. This acreage is currently the home to a collection of 99 species of animals. The Utica Zoo has been helping to support itself by various fund raisers such as Wine in the Wilderness. The Utica Zoo has made unprecedented strides to correct its financial situation and put itself on a path of growth that will benefit the entire region.

The next step is for the Utica Zoo to obtain the much strived-for accreditation with the Associations of Zoos and Aquariums. (AZA)The written application was submitted on February 24th and the physical inspection will occur in June or July 2018. In order to make this accreditation possible nearly 20+ years of deferred maintenance to the facilities must be completed this spring before the physical inspection.

Currently, the Utica Zoo has asked for the County's help in supporting this aggressive maintenance and rehabilitation program over the next two years with \$300,000 in supplemental funding.

Fortunately, there is \$300,000 available to fund from the Reserve for Economic Development which will be paid over the next two years to help with the rehabilitation and maintenance projects.

I therefore request your Board's approval of the following 2018 supplemental appropriation for the General Fund:

TO:

AA# A7240.4953 Budget – Utica Zoo – Special Funding..... \$ 150,000.00

This supplemental appropriation will be fully supported by unanticipated revenue in:

RA# A599 - Appropriated Fund Balance \$ 150,000.00

Respectfully submitted,

Anthony J. Picente, Jr.
County Executive

CC: Comptroller
County Attorney
Budget Director
Planning





ONEIDA COUNTY BOARD OF LEGISLATORS

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

Gerald J. Fiorini
Chairman
(315) 798-5900

Mikale Billard
Clerk
(315) 798-5404

George Joseph
Majority Leader

Philip M. Sacco
Minority Leader

FN 20 18-136

May 4, 2018

WAYS & MEANS

Oneida County Board of Legislators
800 Park Ave.
Utica, NY 13501

Re: Change of venue for the Board of Legislators' Meetings

Dear Honorable Legislators,

Due to the impending asbestos abatement and remodeling of the 10th floor, it is necessary to change the venue for the Board of Legislators' meetings.

I ask that you pass a resolution to change the venue to the 5th floor Ceremonial Court Room, located in the Oneida County Court House, 200 Elizabeth Street, Utica, NY 13501, beginning June 13th, 2018 until the project is completed.

Thank you for your consideration.

Sincerely,

Gerald J. Fiorini



ONEIDA COUNTY DEPARTMENT OF LAW

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

ANTHONY J. PICENTE JR.
COUNTY EXECUTIVE

PETER M. RAYHILL
COUNTY ATTORNEY

May 1, 2018

The Honorable Anthony J. Picente, Jr.
Oneida County Executive
Oneida County Office Building
800 Park Avenue, 10th Floor
Utica, New York 13501

FN 20 18 137

WAYS & MEANS

Re: 911 Communications Tower at Griffiss International Airport - SEQR

Dear County Executive Picente:

Enclosed, please find two (2) copies of a Short Environmental Assessment Form for Unlisted Actions pursuant to the New York State Environmental Quality Review Act for construction of a 911 communications tower at Griffiss International Airport. This project includes construction of one (1) 120 foot tall monopole tower to support a new microwave dish adjacent to Building 100 at Griffiss.

If the enclosed meets with your approval, I respectfully request that you forward the same to the Board of County Legislators for their consideration.

Sincerely,

Amanda Lynn Cortese
Special Assistant County Attorney



Enclosures

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

Anthony J. Picente, Jr.
County Executive

Date 5-1-18

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

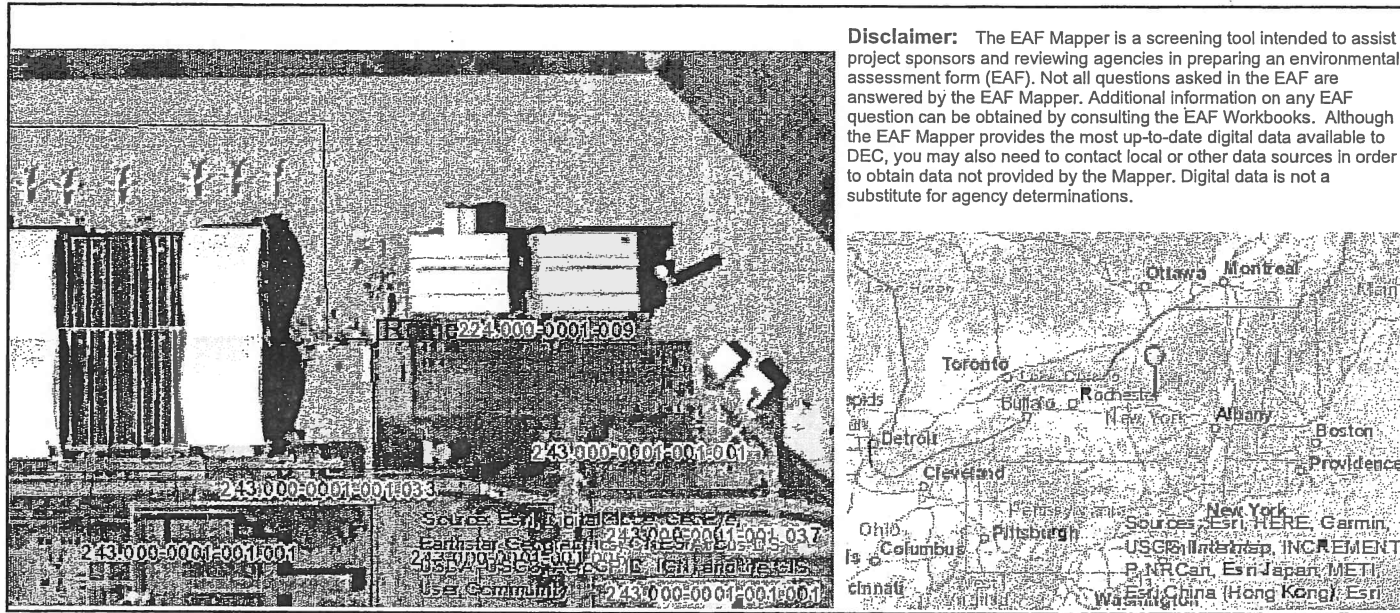
Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: 911 Communications Tower adjacent to Building 100 at Griffiss International Airport (RME)			
Project Location (describe, and attach a location map): Griffiss International Airport, 660 Hangar Road, Suite 223, Rome, Oneida County, New York (see attached Figure 1)			
Brief Description of Proposed Action: Oneida County is proposing construction of a 911 Communication Tower adjacent to Building 100 at Griffiss International Airport (RME). The project includes construction of one 120 ft. tall monopole tower to support a new microwave dish. The monopole tower will be located within a previously disturbed paved area adjacent to the southwest corner of Building 100 (see Figure 1). The tower would be situated upon an approximately 15' x 15' concrete foundation. Also included in the project will be the installation of required electrical connections and restoration of disturbed surfaces.			
Name of Applicant or Sponsor: Oneida County / Kevin Revere		Telephone: 315-765-2526 E-Mail: krevere@ocgov.net	
Address: 120 Base Road			
City/PO: Oriskany		State: NY	Zip Code: 13424
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: FAA - Airport Layout Plan (ALP) approval FCC - Radio Frequency Licensing		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		1,680 acres	
b. Total acreage to be physically disturbed?		<0.5 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1,680 acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): <u>Airport</u> <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ The project does not require a water supply.	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ The project does not require a wastewater treatment facility.	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Upland Sandpiper	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO	YES	
	<input type="checkbox"/> NO <input type="checkbox"/> YES		

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>The USEPA added the Griffiss Air Force Base (a portion of which is Griffiss International Airport) to the Superfund National Priorities List (NPL) on November 1, 1984.</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input checked="" type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: _____ Date: _____</p> <p>Signature: _____</p>		



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Upland Sandpiper
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

SEAF Part 1 – Additional Information

Background Information:

Oneida County Department of Emergency Management / 911 Center has recently installed and commissioned a state of the art P25 VHF Phase 2 trunked radio communications system to support their first responder agencies. One of the radio reception sites is currently located at RME in order to provide reliable communications at the airport, in the surrounding industrial park, and at the nearby Rome Free Academy school building. The radio site is currently connected to the 911 Center via a single, non-redundant microwave data link. The current microwave dish is located on the roof of Building 100. It is necessary to install a second microwave link at the airport radio site to provide the needed data connectivity redundancy required of public safety radio systems. To accomplish this, a new microwave dish needs to be mounted higher than is possible with a roof-mounted dish.

The proposed project is taking place entirely within airport property and will not disrupt a community or planned development. The existing conditions within the footprint of the proposed project area consist of previously disturbed pavement areas. The proposed project does not include tree removal and the project areas does not contain significant ecological resources such as wetlands, floodplains, or habitat for rare plants and animals based on existing available documentation for these areas.

Historic Resources:

Based on a review of the National Park Service's National Register of Historic Places (NRHP) Program: Research website¹, there are no historic properties on or adjacent to the Airport (see Figure 2).

Based on a review of the National Park Service online database², there are no National Historic Landmarks (NHLs) located within the vicinity of the Airport.

Based on review of the New York State Historic Preservation Office Cultural Resource Information System (CRIS) website³ there are no historic properties located within the proposed project area (see Figure 3).

Based on a review of the CRIS website, there are archeologically sensitive areas located within airport property. However, none of the archeologically sensitive areas identified are within the proposed project area (see Figure 3). The proposed project area would have been previously disturbed during past airport development activities and underground utility installation. Based on the information detailed above, the proposed project would have no affect on historic or archeological resources, or national historic landmarks.

Ecological Resources:

The United States Fish and Wildlife Service (USFWS) utilizes the Information, Planning and Conservation (IPaC) system as a tool for streamlining the environmental review process. The IPaC system provides a species list that identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of the study area and/or may be affected by the proposed project. Based on information supplied by the USFWS IPaC system there is currently one federally-listed species that has the potential to occur within or near the Airport - the northern long-eared bat (threatened).

¹ National Park Service. National Register of Historic Places Program, Spreadsheet of NRHP List. Available at: <http://www.nps.gov/nr/research/>

² National Park Service. National Register of Historic Places Program, Spreadsheet of NHLs. Available at: <https://www.nps.gov/nr/research/>

³ New York State Historic Preservation Office, Cultural Resource Information System (CRIS). Available at: <https://cris.parks.ny.gov/>

The IPaC indicates bald and golden eagles occur year round in the vicinity of the airport. Eagles are afforded federal protection under the Bald and Golden Eagle Protection Act (BGEPA). According to the IPaC system, there are no critical habitats located within airport property and no other federally threatened or endangered species, or environmentally sensitive habitat areas were identified.

- The northern long-eared bat (NLEB) winters in caves and mines and migrates seasonally to summer roosts in dead and decadent trees. This species selects day roosts in dead or live trees under loose bark, or in cavities and crevices, and may sometimes use caves as night roosts. They may also roost in buildings or behind shutters. Given that no tree removal or work within other potential NLEB habitats is proposed and that the project is not located within the vicinity of a known hibernacula, no adverse impact to the NLEB is expected.
- Bald eagles are typically found near large bodies of water, such as bays, rivers, and lakes, which support a healthy population of fish and waterfowl, their primary food source. These birds tend to avoid areas with human activities. They will perch in either deciduous or coniferous trees. USFWS provides guidance for tower construction to minimize impacts to migratory birds including bald eagles within the "Tower design, siting, construction, operation, maintenance, and decommissioning" dated August 2016. According to USFWS, towers whose height does not exceed 200 feet, and are not constructed with guy wires are considered the "gold standard" and minimize potential conflicts with avifauna. Towers should also be located away from bird concentration areas (i.e. wetlands, staging areas, rookeries, etc), and flyways, habitat for threatened and endangered species, and areas of breeding concentration. The proposed project does not contain, nor is it immediately adjacent to, significant bird habitat. The tower does not exceed 200 feet in height, nor does it require guy wires. The proposed project does not involve the cutting of any known bald eagle nests, and is not in the vicinity of known nest sites. Given the information included above, the proposed project will not affect the bald eagle or its habitat.
- Golden eagles were extirpated as a breeder in the 1970s due to hunting, loss of habitat, and contamination. Though no current active nest sites are known in New York, this species is observed during migration season. The preferred habitat of this species is remote mountainous areas with open habitat. Prior to the 1970s, nesting pairs occurred in the Adirondacks of New York. According to the NYSDEC golden eagle fact sheet, this species feeds primarily on live mammals found in upland habitats. The project site is not considered preferred nesting habitat for this species. In addition, no golden eagle nests occur within the vicinity of the project. No impacts to this species will occur as a result of this project. As previously mentioned, the tower should not significantly effect this species during migration periods as it is consistent with USFWS guidelines.

C&S conducted a project screening utilizing the NYSDEC Environmental Resource Mapper (see attached Figure 4) to identify the potential of any significant habitats, endangered, threatened, or rare species, or species of special concern within or near the project area. The NYSDEC Environmental Resource Mapper indicated that there is the potential for rare plants and/or rare animals to be located within or near Airport property but did not identify any significant natural communities within the project area. Recent NYSDEC New York Natural Heritage Program (NYNHP) correspondence, related to preparation of an Environmental Assessment currently being prepared for the Terminal Building project at the Airport, identified the Upland Sandpiper (threatened) and the Whorled Mountain-mint (*endangered*) as having the potential to occur at the Airport or its immediate vicinity.

- According to whorled mountain-mint information reviewed on the NYNHP website, this vascular plant species is typically found in fens, inter-dunal swales, and other open, calcareous wetlands, usually on wet sandy substrates (New York Natural Heritage Program 2008). Since no work is taking place within potential whorled mountain-mint habitat (i.e., wetlands, swales), no impact to the whorled mountain-mint is anticipated as a result of the proposed project.
- According to upland sandpiper information reviewed on the NYNHP and the USFWS websites, this bird species typically requires large open grasslands, most commonly in areas interspersed with taller grasses which provide concealment. Typical nesting cover includes idle cropland, pasture, untilled crops such as clover, alfalfa or blueberries, and mowed grass at airports. Given that work is taking place in previously disturbed paved areas; the presence of the upland sandpiper is not expected and no significant impact to this species is anticipated.

Wetlands

Based on a review of the NYSDEC Environmental Resource Mapper (see Figure 5), there are NYSDEC Freshwater Wetlands located within or adjacent to Airport property. However, the proposed project area is not located within a state wetland or the regulated 100-foot buffer surrounding the wetland.

Based on a review of the federal National Wetlands Inventory (NWI) map (see Figure 6), there are mapped wetlands located within or adjacent to Airport property. However, the proposed project area is not located within or immediately adjacent to a wetland.

Floodplains

Based on a review of the Flood Insurance Rate Map for the City of Rome, New York, Oneida County (Community Panels 36065C0556F, 36065C0557F, 36065C0558F, and 36065C0559F dated September 27, 2013), the Airport is not located within a 100-year floodplain (see Figure 7).

Hazardous Materials

The Griffiss Air Force Base (AFB) is a 3,552-acre base that was the site of various Air Force operations from 1943 until its deactivation in September 1995. During its 50 years of operation, hazardous wastes were generated from various activities including: aircraft operation; testing and maintenance; firefighting exercises; discharge of munitions; landfill operations; and research and development activities. Over the years, these wastes were disposed of in landfills and dry wells located across the base. According to the USEPA Superfund Program website⁴, the USEPA added the Griffiss Air Force Base (a portion of which is currently Griffiss International Airport) to the Superfund National Priorities List (NPL) on November 1, 1984 because hazardous chemicals were found in the soil and groundwater. Groundwater beneath portions of the base was found to be contaminated with volatile organic compounds (VOCs), which are potentially harmful substances that easily evaporate in the air. Soils were contaminated with heavy metals and polychlorinated biphenyls (PCBs). PCBs and semi-volatile organic compounds were also found in two nearby bodies of water, Three Mile Creek and Six Mile Creek. Between 1985 and 1989, underground storage tanks and associated soil contamination were removed from the site. The Air Force provided bottled water for residents affected by contaminated well water and provided the community with funds to connect to the municipal water supply. These connections were made by late 1991. In 1997, the Airport performed several removals of soil contaminated with PCBs and petroleum, several drywells and sumps, and one small landfill used to house low level radioactive tubes. The remaining landfills were capped.

⁴ <https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0202438>

According to the USEPA Superfund website, the site is listed as “*under control*” for human exposure status and for contaminated groundwater control status and all known potential risks to public health and the environment have been addressed and are currently under control. Risk from exposure to contamination still remaining at the former Griffiss AFB is very limited. Groundwater at the former base is not used as a drinking water supply and access to sites at the base where cleanup has not yet been fully completed is restricted via fencing, signage, and gates. All other areas of known remaining contamination have been addressed via land use controls / institutional controls (LUC/ICs) contained in Records of Decision (RODs), and various property transfer documents, including property deeds. Restrictions on land use, such as restriction to non-residential uses, and restrictions that address soil vapor intrusion (SVI), have also been incorporated into the applicable RODs and property deeds. All areas of known groundwater contamination undergo periodic sampling and monitoring, and extraction of groundwater at these areas by current landowners is prohibited through the use of LUC/ICs in applicable deeds. Additional cleanups are currently underway at the former base in an effort to allow for the removal of some or all of the restrictions at a number of sites.

In addition to being on the Superfund NPL, the Airport is considered a large quantity generator of hazardous waste as defined by RCRA as *a facility that generates more than 1 kg of acutely hazardous waste during any calendar month; or generates more than 100 kg of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely hazardous waste during any calendar month; or generates 1 kg or less of acutely hazardous waste during any calendar month, and accumulates more than 1 kg of acutely hazardous waste at any time; or generates 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely hazardous waste during any calendar month, and accumulates more than 100 kg of that material at any time.*

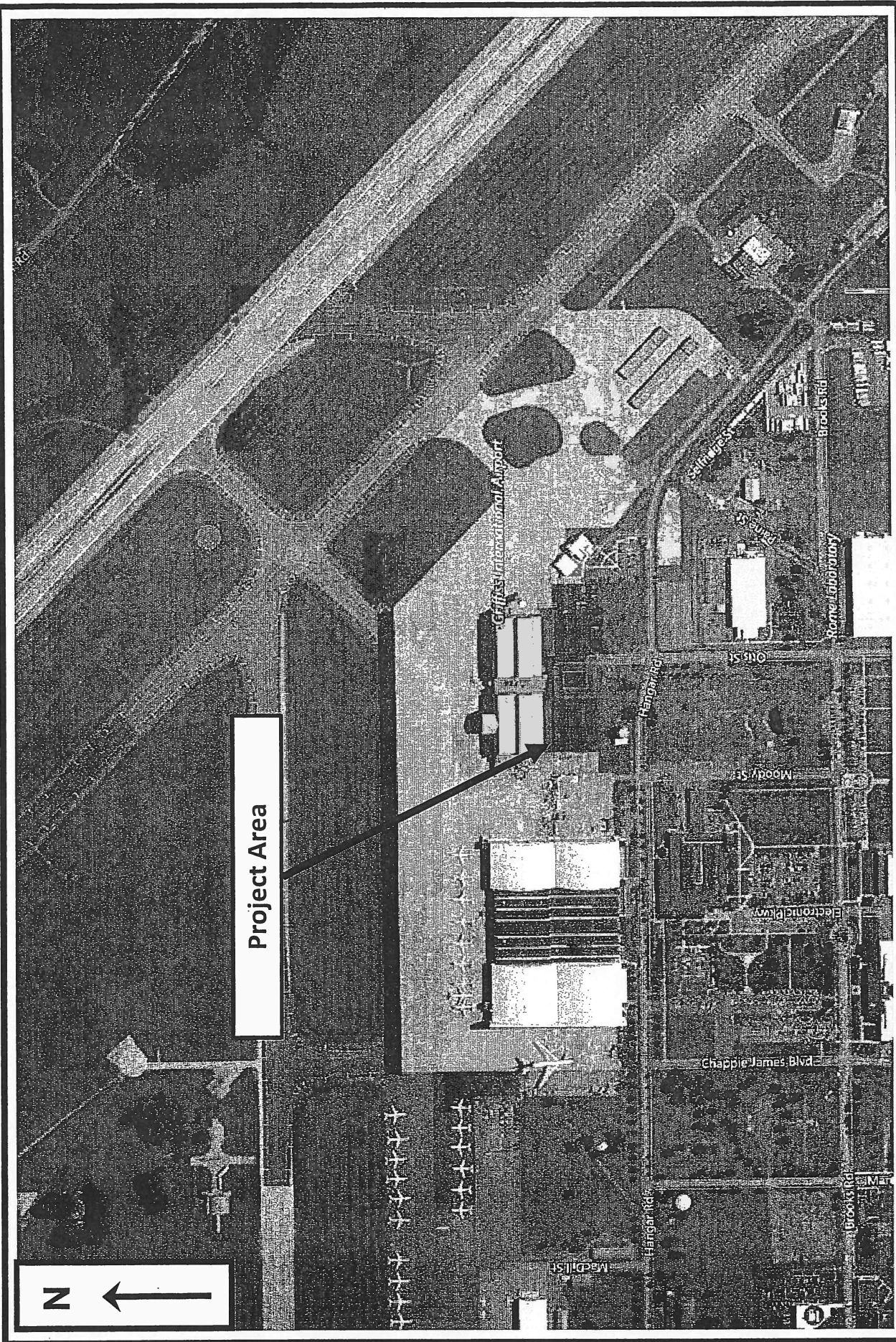
As part of the former Griffiss Air Force Base, the Airport site is part of the Installation Restoration Program (IRP), which is “a comprehensive program designed to address contamination from past activities and restore Army lands to useable conditions”⁵. The purpose of the program is to “identify, investigate and clean up hazardous substances, pollutants and contaminants that pose environmental health and safety risks at active military installations and formerly used defense sites (FUDS)”. The IRP response actions are conducted in accordance with the provisions of CERCLA and the National Oil and Hazardous Substances Pollution Contingency Plan. In 1990, an Interagency Agreement among the EPA, NYSDEC, and Griffiss Air Force base was signed to remediate the site. The IRP sites at Griffiss International Airport are shown on the attached Figure 6-9. As part of the program, the following land restrictions were placed on the sites in order to prevent the public from coming into contact with the contaminants⁶:

- Development and use of the property is restricted to industrial, commercial, and non-residential land uses
- Soil/groundwater intrusive work, groundwater consumption, and groundwater well installation are prohibited without prior approval from the New York State Department of Health (NYSDOH)

The proposed project does not include work within a land use control site:

⁵ <http://aec.army.mil/Services/Restore/InstallationRestorationProgram.aspx>

⁶ <http://www.epa.gov/superfund/sites/fiveyear/f2010020003535.pdf>



Source: Google Maps
Viewed: April 6, 2018
Not to Scale

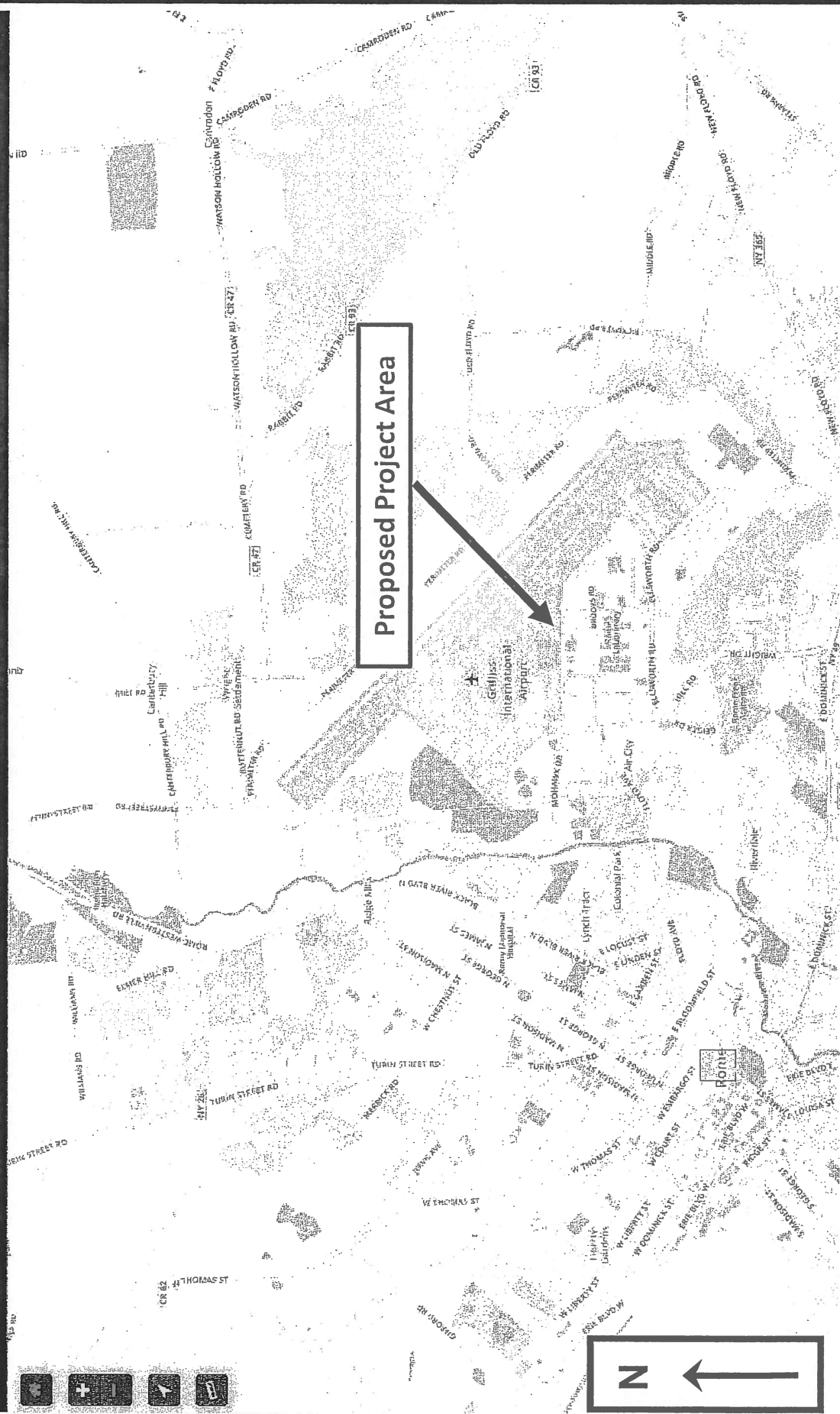


Griffiss International Airport
911 Communication Tower @ Building 100
Rome, Oneida County, New York

Figure 1
Project Location
Map

National Register of Historic Places

Public, non-restricted data depicting National Register spatial data processed by the Cultural Resources GIS facility. Data last updated in April, 2014.



Source: National Park Service

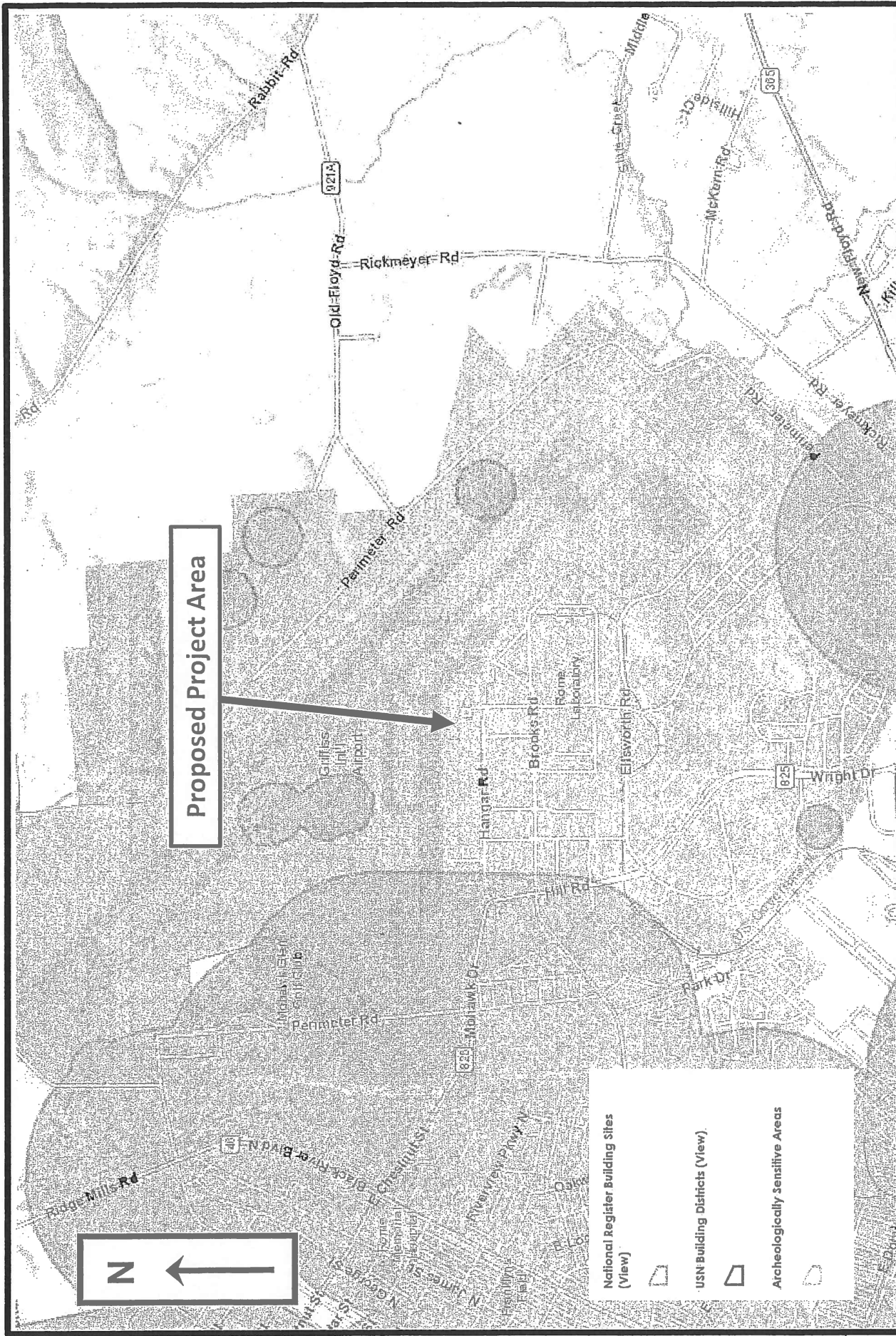
Viewed: April 6, 2018

Not to Scale



Griffiss International Airport
911 Communication Tower @ Building 100
Rome, Oneida County, New York

Figure 2
NPS - National
Register Sites

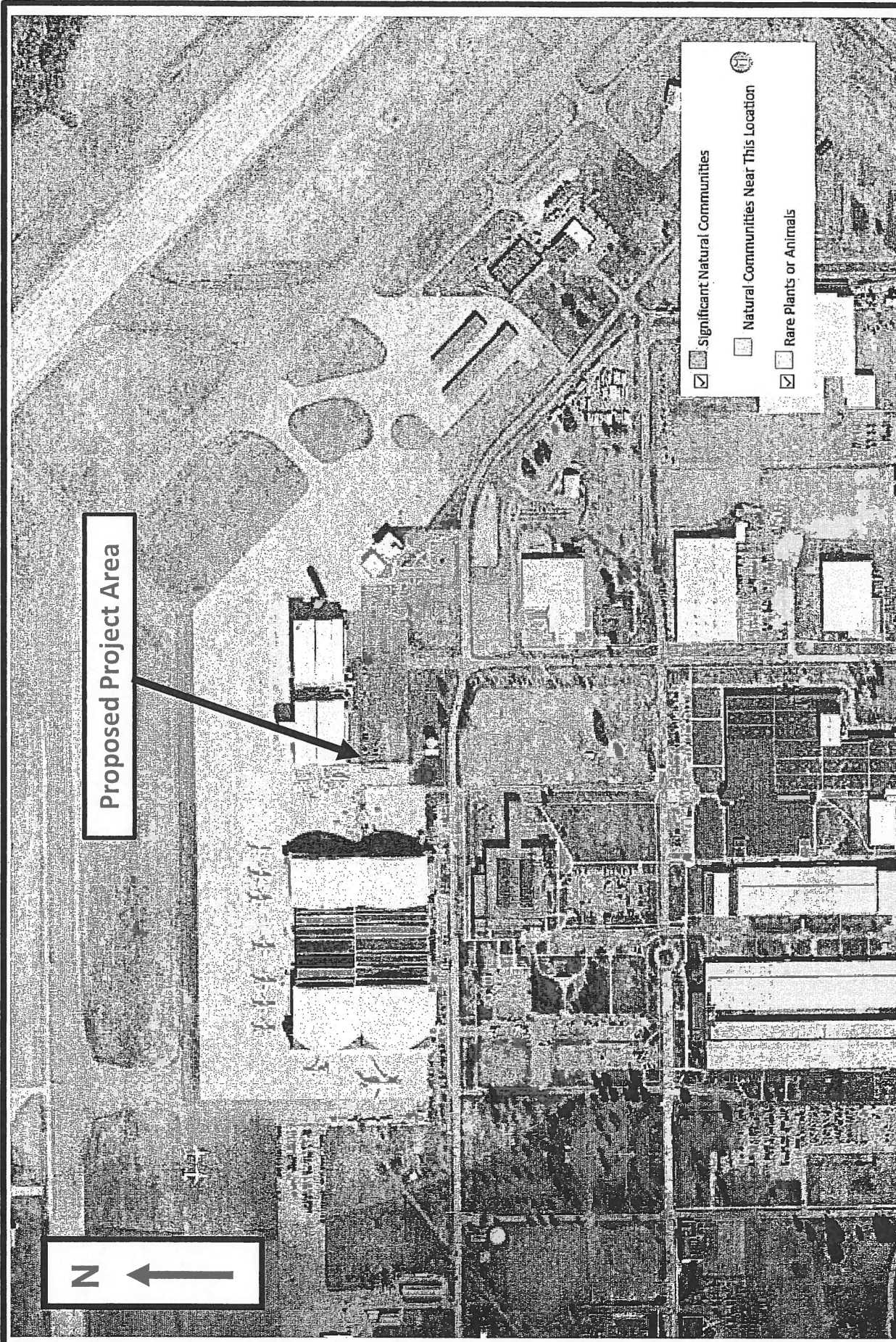


Source: NY SHPO
Viewed: April 6, 2018
Not to Scale



**Griffiss International Airport
911 Communication Tower @ Building 100
Rome, Oneida County, New York**

**Figure 3
CRIS - National
Register Sites**



Source: NYS Environmental Resource Mapper
 Viewed: April 6, 2018
 Not to Scale



Griffiss International Airport
 911 Communication Tower @ Building 100
 Rome, Oneida County, New York

Figure 4
 NYS Mapper

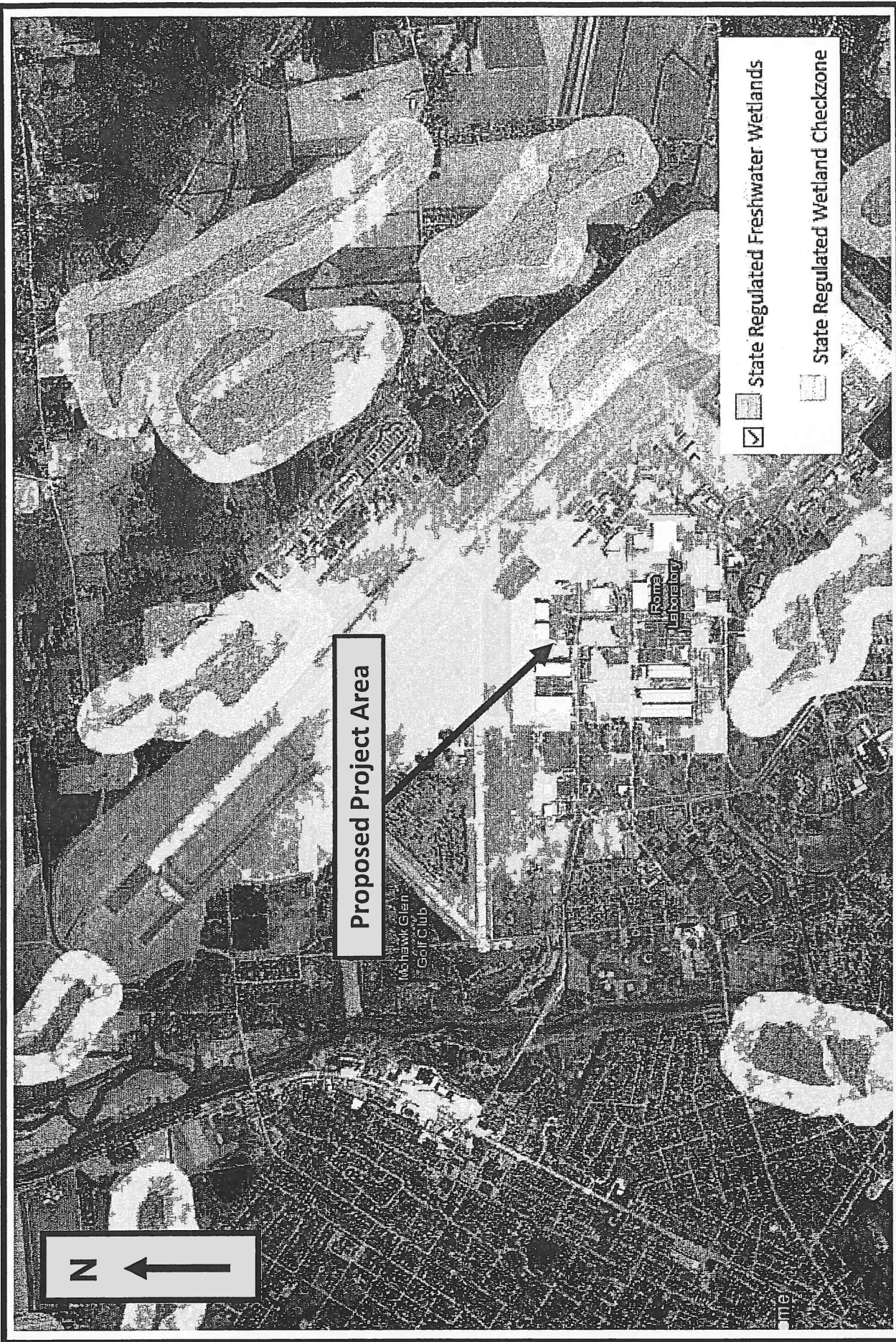
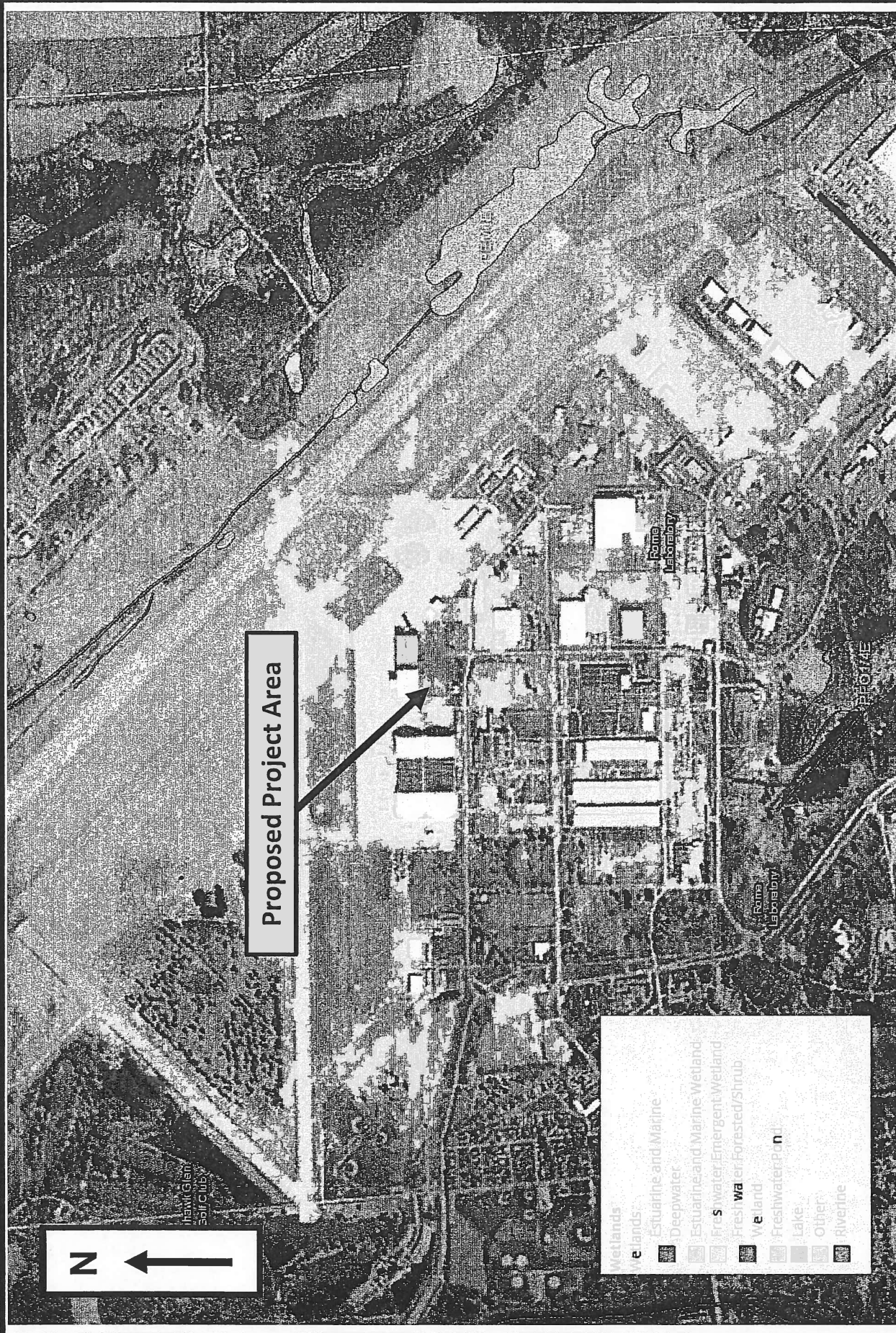


Figure 5
 NYS Wetlands

Griffiss International Airport
911 Communication Tower @ Building 100
 Rome, Oneida County, New York

Source: NYS Environmental Resource
 Mapper
 Viewed: April 6, 2018
 Not to Scale





Source: NYS Environmental Resource Mapper
 Viewed: April 6, 2018
 Not to Scale



Griffiss International Airport
 911 Communication Tower @ Building 100
 Rome, Oneida County, New York

Figure 6
 NWI Wetlands

24

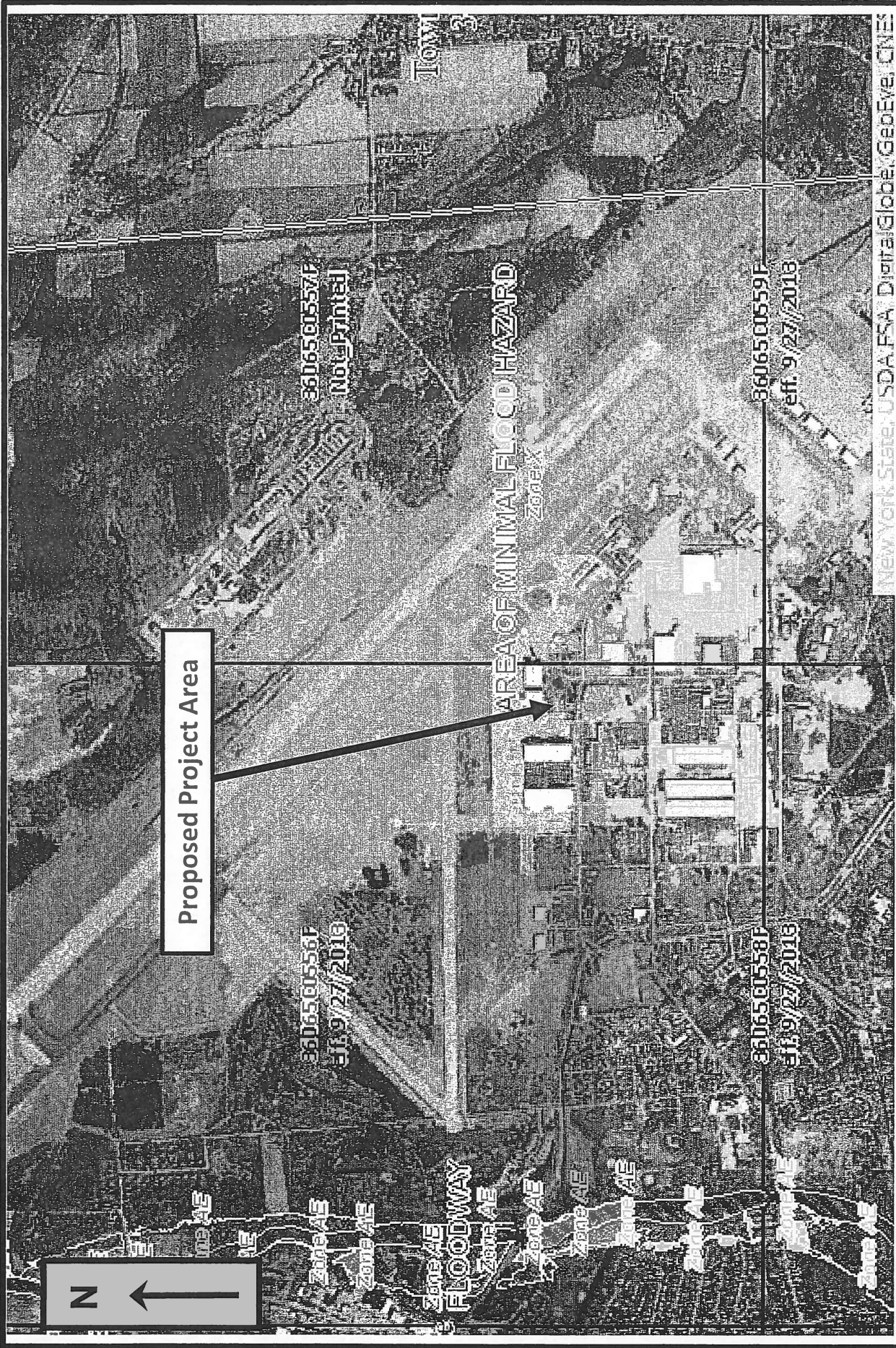


Figure 7
 FEMA 100-year
 Floodplain Map

Griffiss International Airport
 911 Communication Tower @ Building 100
 Rome, Oneida County, New York

Source: FEMA
 Viewed: April 12, 2018
 Not to Scale



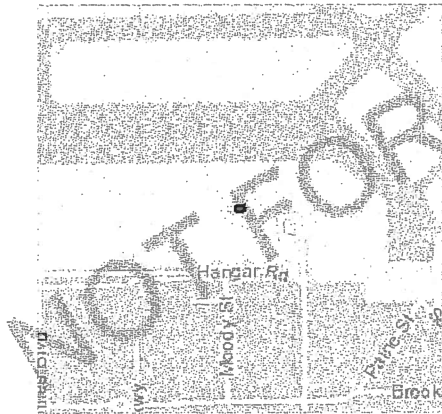
IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Oneida County, New York



Local office

New York Ecological Services Field Office

☎ (607) 753-9334

📠 (607) 753-9699

3817 Luker Road

Cortland, NY 13045-9385

<http://www.fws.gov/northeast/nyfo/es/section7.htm>

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act requires Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can only be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species

¹ and their critical habitats are managed by the Ecological Services Program of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are not shown on this list. Please contact NOAA Fisheries for species under their jurisdiction.

1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the listing status page for more information.
2. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME

STATUS

Northern Long-eared Bat *Myotis septentrionalis*
No critical habitat has been designated for this species.
<https://ecos.fws.gov/ecp/species/9045>

Threatened

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act

¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds

The birds listed below are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see maps of where birders and the general public have sighted birds in and around your project area, visit E-bird tools such as the E-bird data mapping tool (search for the name of a bird on your list to see specific locations where that bird has been reported to occur within your project area over a certain timeframe) and the E-bird Explore Data Tool (perform a query to see a list of all birds sighted in your county or region and within a certain timeframe). For

projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list can be found below.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)
<p>American Golden-plover <i>Pluvialis dominica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds elsewhere
<p>Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626</p>	Breeds Dec 1 to Aug 31
<p>Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399</p>	Breeds May 15 to Oct 10
<p>Bobolink <i>Dolichonyx oryzivorus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 20 to Jul 31
<p>Buff-breasted Sandpiper <i>Calidris subruficollis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9488</p>	Breeds elsewhere

Cerulean Warbler *Dendroica cerulea*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/2974>

Breeds Apr 20 to Jul 20

Eastern Whip-poor-will *Antrostomus vociferus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds May 1 to Aug 20

Golden Eagle *Aquila chrysaetos*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1680>

Breeds Jan 1 to Aug 31

Lesser Yellowlegs *Tringa flavipes*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9679>

Breeds elsewhere

Long-eared Owl *asio otus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/3631>

Breeds Mar 1 to Jul 15

Prairie Warbler *Dendroica discolor*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds May 1 to Jul 31

Red-headed Woodpecker *Melanerpes erythrocephalus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds May 10 to Sep 10

Semipalmated Sandpiper *Calidris pusilla*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds elsewhere

Short-billed Dowitcher *Limnodromus griseus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9480>

Breeds elsewhere

Snowy Owl *Bubo scandiacus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds elsewhere

Wood Thrush *Hylocichla mustelina*

Breeds May 10 to Aug 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the [Probability of Presence Summary](#). [Additional measures](#) and/or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the counties which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [E-bird Explore Data Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the [Probability of Presence Summary](#) and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: The [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird entry on your migratory bird species list indicates a breeding season, it is probable that the bird breeds in your project's counties at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the Diving Bird Study and the nanotag studies or contact Caleb Spiegel or Pam Loring.

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the BGEPA should such impacts occur.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

THERE ARE NO KNOWN WETLANDS AT THIS LOCATION.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

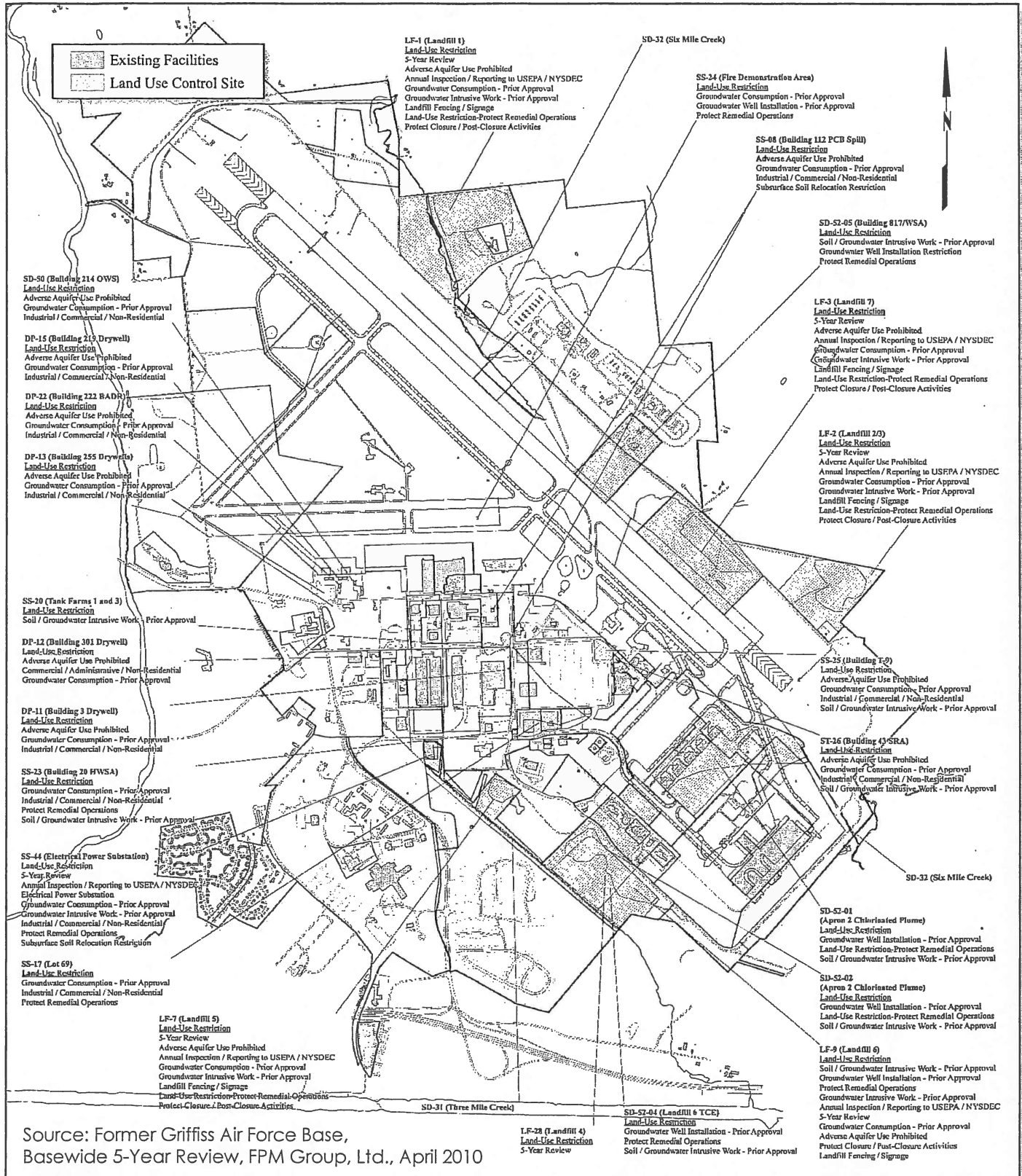
Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.



Griffiss International Airport Installation Restoration Program (IRP) / Land Use Control Sites

Figure 6-9

Project:

Date:

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project:	
Date:	

**Short Environmental Assessment Form
Part 3 Determination of Significance**

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

See SEAF Part 1 - Additional Information

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Oneida County	
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	<i>Christen M. Craig</i>
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM



ONEIDA COUNTY DEPARTMENT OF LAW

Oneida County Office Building

800 Park Avenue ♦ Utica, New York 13501-2975

(315) 798-5910 ♦ fax: (315) 798-5603 ♦ www.ocgov.net

Anthony J. Picente, Jr.
County Executive

Peter M. Rayhill
County Attorney

FN 20 18-138

May 1, 2018

WAYS & MEANS

The Honorable Anthony J. Picente, Jr.
Oneida County Executive
Oneida County Office Building
800 Park Avenue, 10th Floor
Utica, New York 13501

Re: Utica Zoological Society, Inc. Agreement for Supplemental Appropriation

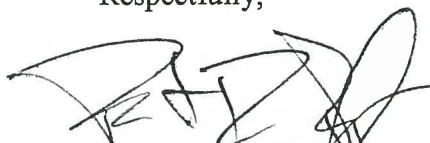
Dear County Executive Picente:

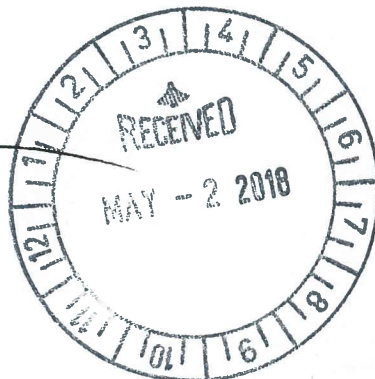
Enclosed for your review and consideration is an agreement for a supplemental 2018 appropriation between Oneida County and the Utica Zoological Society, Inc.

The enclosed agreement proposes to provide \$150,000 in funding to the Utica Zoological Society, Inc. in 2018.

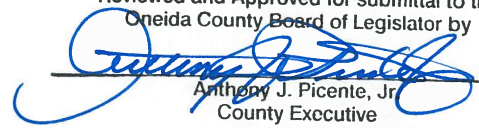
If the enclosed meets with your approval, please forward to the Board of Legislators and upon their approval, kindly execute the same. Should you have any questions or concerns, or should you require additional information, please do not hesitate to contact me.

Respectfully,


Robert E. Pronteau
Assistant County Attorney



Enclosures

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

Anthony J. Picente, Jr.
County Executive
Date 5-2-18

Oneida Co. Department: Budget

Competing Proposal _____
Only Respondent _____
Sole Source RFP _____
Other X

**ONEIDA COUNTY BOARD
OF LEGISLATORS**

Name & Address of Vendor: Utica Zoological Society, Inc.
One Utica Zoo Way
Utica, New York 13501

Title of Activity or Service: Cultural Funding Agreement

Proposed Dates of Operation: May 1, 2018 thru December 31, 2018

Client Population/Number to be Served: Visitors and residents of Oneida County

Summary Statements

- 1) **Narrative Description of Proposed Services:** Contributing to the finance of activities that publicize the advantages of the County and the region, and promote the cultural development of the residents of Oneida County.
- 2) **Program/Service Objectives and Outcomes:** N/A
- 3) **Program Design and Staffing:** N/A

Total Funding Requested: \$150,000 **Account #** A7240.4951, A7240.49597

Oneida County Dept. Funding Recommendation: \$150,000

Proposed Funding Sources (Federal \$/ State \$/County \$): 100% County

Cost Per Client Served: N/A

Past Performance Data: N/A

O.C. Department Staff Comments: None



ONEIDA COUNTY BOARD OF LEGISLATORS

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

Gerald J. Fiorini
Chairman
(315) 798-5900

Mikale Billard
Clerk
(315) 798-5404

George Joseph
Majority Leader

Philip M. Sacco
Minority Leader

FN 20 18-139

May 4, 2018

WAYS & MEANS

Oneida County Board of Legislators
800 Park Ave.
Utica, NY 13501

Re: Public Hearing Request for the Oneida County Sanitary Code

Dear Honorable Legislators,

I am in receipt of a letter from Assistant County Attorney Raymond Bara requesting a Public Hearing for the acceptance of the Oneida County Sanitary Code that was included in the April 11, 2018 Board of Legislators' Communication Packet.

I ask that you approve a resolution calling for a Public Hearing on June 13th, 2018 at 2:00PM in the Oneida County Legislators' Chambers.

Thank you for your consideration.

Sincerely,

Gerald J. Fiorini

ONEIDA COUNTY DEPARTMENT OF LAW

Oneida County Office Building
800 Park Avenue ♦ Utica, New York 13501-2975
(315) 798-5910 ♦ fax: (315) 798-5603
www.ocgov.net

ANTHONY J. PICENTE, JR.
COUNTY EXECUTIVE

PETER M. RAYHILL
COUNTY ATTORNEY

May 3, 2018

FN 20 18-139

Hon. Gerald J. Fiorini
Chairman of the Board
Oneida County Board of Legislators
800 Park Avenue
Utica, New York 13501

WAYS & MEANS

Re: Resolution Scheduling a Public Hearing for
Amendments to the Oneida County Sanitary Code

Dear Chairman Fiorini:

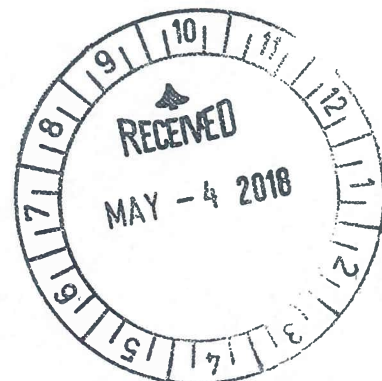
As you are aware, the Oneida County Health Department has submitted proposed amendments to the Oneida County Sanitary Code, which was originally approved by the Board of Legislators in 2000, for the Board's approval. Section 1104 of the Oneida County Administrative Code requires the Board of Legislators to hold a public hearing before it can adopt amendments to the Oneida County Sanitary Code.

I respectfully request that the Board of Legislators, in accord with Section 1104 of the Administrative Code, consider passing a resolution by which the Board will schedule and conduct a public hearing, at which public comment may be heard regarding these proposed amendments to the Oneida County Sanitary Code.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Raymond F. Bara
Raymond F. Bara
Assistant County Attorney





ONEIDA COUNTY
OFFICE OF THE COUNTY EXECUTIVE

ANTHONY J. PICENTE, JR.
County Executive
ce@ocgov.net

May 2, 2018

FN 20 18 - 140

WAYS & MEANS

Honorable Gerald J. Fiorini
Oneida County Board of Legislators
800 Park Avenue
Utica, New York 13501

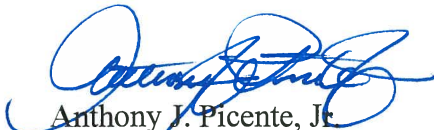
Dear Chairman Fiorini:

Attached please find a proposed Consent Order regarding Case Number R6-20170202-05, pertaining to air emission violations at the Oneida County Waste Water Treatment Plant. Based upon the facts and circumstances of the situation, Oneida County Attorney, Peter Rayhill, has recommended that the County enter into the within order.

If you have no objections, I would respectfully request that you present the proposed Consent Order to the full Board of Legislators for their consent and approval.

Thank you in advance for your consideration in this matter.

Sincerely yours,


Anthony J. Picente, Jr.
Oneida County Executive

AJP/rae

Enclosures

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of Alleged Violations of Article 19 of the
Environmental Conservation Law and permit number
6-3016-00048/00011 by:

Oneida County

Respondent.

Consent Order

Case Number:
R6-20170202-05

WHEREAS:

1. Article 19 of the Environmental Conservation Law provides the New York State Department of Environmental Conservation ("Department") with responsibility to prevent and abate air pollution in the state of New York. Pursuant to that authority, the Department promulgated title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York ("NYCRR") Parts 200 and 201, et seq.

2. Respondent is a municipal government organized and existing pursuant to the laws of the state of New York. Respondent owns and operates a waste water treatment plant located at Leland Avenue Extension, Utica, New York (the facility.) The facility currently operates two (2) incinerators used for disposal of sewage sludge generated at the facility (Incinerators "1" and "3") (a third incinerator, Incinerator "2", was demolished in 2016). Respondent holds permit number 6-3016-00048/00011, issued under authority of title V of the Clean Air Act, authorizing emission of air contaminants to the outdoor atmosphere from the incinerators at the facility ("the permit").

3. Respondent violated the permit by emitting hydrogen chloride (HCl) from Incinerator 3 stack at a rate exceeding 0.51 ppm by volume.

4. Item 71.2 of the permit states:

...The facility owner or operator must ensure that emissions of hydrogen chloride do not exceed 0.51 parts per million by volume (dry corrected to 7% oxygen) as an average of 3 stack test runs.

5. Emissions testing results reported for Incinerator 3 (Emission Unit 2-00000, Emission Source 0003WI) on October 17, 2016, showed that the stack was emitting HCl at a rate of 0.75 ppm by volume (dry corrected to 7% oxygen).

6. Respondent violated the permit by emitting sulfur dioxide (SO₂) from Incinerator 3 stack at the facility at a rate exceeding 15 ppm by volume.

7. Item number 75.2 of the permit states:

The facility owner or operator must ensure that emissions of sulfur dioxide do not exceed 15 parts per million by volume (dry corrected to 7% oxygen) as an average of 3 stack test runs.

8. Emissions testing results reported for Incinerator 3 (Emission Unit 2-00000, Emission Source 0003WI) on October 17, 2016, showed that the stack was emitting SO₂ at a rate of 43.2 ppm by volume (dry corrected to 7% oxygen).

9. Respondent violated the permit by emitting cadmium from Incinerator 1 at the facility at a rate exceeding 0.0016 milligrams per dry standard cubic meter of emission.

10. Condition 66.2 of the permit states:

Monitoring Description:

The facility owner or operator must ensure that emissions of cadmium do not exceed 0.0016 milligrams per dry standard cubic meter (corrected to 7% oxygen) as an average of 3 stack test runs. Each test run must collect a sample with a volume of at least 1 standard cubic meter. In order to demonstrate compliance with this limit, the facility owner or operator shall conduct a stack test, as described in 40 CFR 60.5220, on an annual basis. Annual testing must be conducted at least 11 months but not more than 13 months from the previous test as described in 40 CFR 60.5205(a).

Upper Permit Limit: 0.0016 milligrams per dry standard cubic meter
(corrected to 7% oxygen)

11. Emissions tests results for Incinerator 1 (Emission Unit 2-00000, Emission Source 0003WI) reported on June 21, 2017, showed that the stack was emitting cadmium at a rate of 0.0048 milligrams per dry standard cubic meter (dry corrected to 7% oxygen).

12. Respondent violated the permit by emitting lead from Incinerator 1 at the facility at a rate exceeding 0.0074 milligrams per dry standard cubic meter of emission.

13. Permit Condition 70.2 provides:

Monitoring Description:

The facility owner or operator must ensure that emissions of lead do not exceed 0.0074 milligrams per dry standard cubic meter (corrected to 7% oxygen) as an average of 3 stack test runs. Each test run must collect a minimum sample volume of one dry standard cubic meter. In order to demonstrate compliance with this limit, the facility owner or operator shall conduct a stack test, as described in 40 CFR 60.5220, on an annual basis. Annual testing must be conducted at least 11 months but not more than 13 months from the previous test as described in 40 CFR 60.5205(a).

Upper Permit Limit: 0.0074 milligrams per dry standard cubic meter
(corrected to 7% oxygen)

14. Emissions tests results for incinerator 1 (Emission Unit 2-00000, Emission Source 0003WI) reported on June 21, 2017, showed the stack emitting lead at a rate of 0.0266 milligrams per standard dry cubic meter of emission (corrected to 7% oxygen).

15. Respondent's engineer believes that the results for lead and cadmium are an aberration and believed they might have been the result of a laboratory error. However, the laboratory that processed the samples confirmed their results.

16. ECL §71-2103 states:

Except as provided in section 71-2113, any person who violates any provision of article 19, or any code, rule or regulations which was promulgated pursuant thereto; or any order, except an order directing such person to pay a penalty by a specified date issued by the commissioner pursuant thereto, shall be liable, in the case of a first violation, for a penalty of not less than five hundred dollars nor more than

44

eighteen thousand dollars for said violation and an additional penalty of not to exceed fifteen thousand dollars for each day during which such violation continues....

17. Respondent commenced improvements to the facility in 2015, which improvements include the construction of two (2) anaerobic digesters for the disposal of solids at the facility at a cost to Respondent of \$46 million. Upon the completion of the construction and testing of the digesters (projected for June, 2019), Respondent plans to transition to digestion as the means of biosolids processing.

18. Respondent affirmatively waives its right to a hearing in this matter, consents to the issuance of, and agrees to be bound by the provisions, terms, and conditions of this Consent Order.

NOW, THEREFORE, having considered this matter and being duly advised, it is ordered that:

I. COMPLIANCE

Within ninety (90) days of the effective date of this Order, Respondent must submit an approvable engineering report and implementation schedule for corrective actions to bring emissions at the facility into compliance.

II. PENALTY

a. **Assessed Penalty.** Upon the effective date of this Order, Respondent shall become obligated to pay a civil penalty of Twenty-Five Thousand Five Hundred Dollars (\$25,500). Three Thousand Eight Hundred Twenty-Five Dollars (\$3,825) shall be paid immediately. Payment shall be made to the Department of Environmental Conservation offices, 317 Washington Street, Watertown, New York 13601, attention Regional Attorney. The remaining Twenty-One Thousand Six Hundred Seventy-Five Dollars (\$21,675) shall be suspended and extinguished upon completion of the Environmental Benefit Project ("EBP") described below. Provided however, if Respondent fails to complete the EBP as required, all Twenty-One

45

Thousand Six Hundred Seventy-Five Hundred Dollars (\$21,675) or such portion of it was not contributed for completion of the EBP, shall become due and payable upon written notice from the Department to the Respondent.

b. Default of Payment.

i. Unpaid penalties imposed by this Order, including the value of the EPB, shall bear interest at the rate of 9 percent per annum for each day the penalty, or any portion thereof, remains unpaid. Payments received shall first be applied to accrued interest charges and then to the unpaid balance of the penalty.

ii. The penalty assessed in the Order constitutes a debt owed to the state of New York. Failure to pay the assessed penalty, or any part thereof, in accordance with the schedule contained in the Order, may result in referral to the New York State Attorney General for collection of the entire amount owed (including the assessment of interest, and a charge to cover the cost of collecting the debt), or referral to the New York State Department of Taxation and Finance, which may offset any tax refund or other monies that may be owed to you by the state of New York by the penalty amount. Any suspended and/or stipulated penalty provided for in this Order will constitute a debt owed to the state of New York when and if such penalty becomes due.

c. ENVIRONMENTAL BENEFIT PROJECT

i. Respondent shall provide Twenty-One Thousand Six Hundred Seventy-Five Dollars (\$21,675) for creation of bicycle lanes on highways within and connecting to the city of Utica, New York. The location and design of the bicycle lane(s) shall be determined in conjunction with the New York State Department of Transportation, Utica Office, and/or the city of Utica. Within ninety (90) days of the effective date of this Order, Respondent will provide maps and

design specifications for the bicycle lane(s) to be created under this project. The county shall provide documentation demonstrating the expenditure of \$21,675 towards the completion of the bicycle lanes to the Regional Attorney within eighteen (18) months of the effective date of this Order.

ii. Within thirty (30) days of the expenditure of the \$21,675 in accordance with paragraph II., c., i. above, Respondent must complete and submit to the Department an Affidavit of Completion, as set forth in Attachment A, together with an accounting of items for which the EBP funds were expended.

iii. The Department shall be the sole judge of whether Respondent has complied with the terms of this Order as it relates to satisfactory implementation of any EBP(s).

iv. Any statements, whether oral or written, that Respondent (or a third party at the request of the Respondent) makes with respect to the EBP will include language stating that the project was undertaken as part of the resolution of an enforcement matter brought by the Department for applicable violation(s).

STANDARD PROVISIONS

III. COMMUNICATIONS

Except as otherwise specified in this Order, any reports, submissions, and notices herein required shall be made to the Regional Enforcement Coordinator, NYSDEC Region 6, 317 Washington Street, Watertown, New York 13601.

IV. DURATION

This Order shall take effect when it is signed by the Regional Director, as the authorized representative of the Commissioner of Environmental Conservation, and shall expire when Respondent has fully complied with the requirements of this Order.

V. ACCESS

For the purpose of monitoring or determining compliance with this Order, employees and agents of the Department shall be provided access to any facility, site, or records owned, operated, controlled or maintained by Respondent, in order to inspect and/or perform such tests as the Department may deem appropriate, to copy such records, or to perform any other lawful duty or responsibility.

VI. FORCE MAJEURE

If Respondent cannot comply with a deadline or requirement of this Order, because of an act of God, war, strike, riot, catastrophe, or other condition which was not caused by the negligence or willful misconduct of Respondent and which could not have been avoided by the Respondent through the exercise of due care, Respondent shall apply in writing to the Department within a reasonable time after obtaining knowledge of such fact and request an extension or modification of the deadline or requirement.

VII. INDEMNITY

Respondent shall indemnify and hold the Department, the state of New York, and their representatives and employees harmless for all claims, suits, actions, damages, and costs resulting from the acts and/or omissions of Respondent, intentional, negligent, or otherwise, of every nature and description, arising out of or resulting from the compliance or attempted compliance with the provisions of this Order by Respondent or its employees, servants, agents, successors or assigns.

VIII. MODIFICATION

No change in this Order shall be made or become effective except as specifically set forth by written order of the Commissioner, being made either upon written application of Respondent, or upon the Commissioner's own findings after notice and opportunity to be heard have been given to Respondent. Respondent shall have the burden of proving entitlement to any modification requested

pursuant to this Standard Provision or the "Force Majeure" provision, supra. Respondent's requests for modification shall not be unreasonably denied by the Department, which may impose such additional conditions upon Respondent as the Department deems appropriate.

IX. RESERVATION

Nothing contained in this Order shall be construed as barring, diminishing, adjudicating or in any way affecting (1) any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against anyone other than Respondent; (2) any right of the Department to enforce administratively or at law or in equity, the terms, provisions, and conditions of this Order; (3) any right of the Department to bring any future action or proceeding against Respondent, either administrative or judicial, for any other violations of the ECL, the rules and regulations promulgated thereunder, or conditions contained in orders or permits, if any, issued by the Department to Respondent; (4) any right of the Department to bring any future action or proceeding against Respondent, either administrative or judicial, for liabilities, duties or obligations established under any common law authority or any other state or federal statute or regulation; or, (5) the summary abatement powers of the Department, either at common law or as granted pursuant to statute or regulation.

X. APPROVAL

The Department has the right of approval or disapproval of any plans, reports, diagrams, applications, schedules or other submissions made pursuant to this Order. Such plans shall be approvable when submitted. Approvable means the submissions are complete, accurate, prepared in accordance with applicable professional standards, and either reflect compliance with or when implemented will result in compliance with the terms of the Order, the Environmental Conservation Law, and the regulations and standards promulgated pursuant thereto.

XI. ENTIRE AGREEMENT

This Order shall constitute the entire agreement of the Department and Respondent with respect to settlement of those violations specifically referenced herein.

XII. BINDING EFFECT

The provisions, terms, and conditions of this Order shall be deemed to bind Respondent and Respondent's heirs, legal representatives, receivers, trustees in bankruptcy, successors, and assigns.

Dated: Watertown, New York

_____, 2018

BASIL SEGGOS, COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By: _____
Judy Drabicki
Regional Director
Region 6

CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of this Order, waives its right to a hearing herein as provided by law, and agrees to be bound by the provisions, terms, and conditions contained in this Order.

By: _____
Anthony J. Picente, Jr.
County Executive

Date: _____

STATE OF NEW YORK)
 } ss.
COUNTY OF ONEIDA)

On this _____ day of _____, 2018, before me personally appeared Anthony J. Picente, Jr., to me known, who being by me duly sworn, did depose and say that he resides in Rome, New York, that he is the County Executive, of the County of Oneida, the municipal corporation described and which executed the foregoing instrument; that he knows the seal of said municipal corporation; that the seal affixed to said instrument is such seal; that it was so affixed by order and authority of the _____ of said municipal corporation, and that he signed his name thereby by like order and authority.

State of New York Notary Public



ONEIDA COUNTY BOARD OF LEGISLATORS

Gerald J. Fiorini, Chairman ♦ 800 Park Avenue ♦ Utica, New York 13501
Work Phone: 798-5900 ♦ Home Phone: 337-9045

May 4, 2018

FN 20 18 - 131

Board of Legislators
800 Park Ave.
Utica, NY 13501

WORKERS' COMPENSATION
WAYS & MEANS ✓

Honorable Members:

I am writing in regards to Local Law Introductory "C" of 2018, "A Local Law Amending Local Law No. 1 of 1956, as Previously Amended, Regarding the Procedure for Plan Participants to Withdraw from the Plan, Regarding the Cap of a Member's Liability to the Plan for Claims and Settlements, and Regarding the Reserve for the Plan"

To ensure that this law takes effect prior to the 2019 budget preparation season for the Oneida County Self-Insurance plan, I am attaching a message of necessity to this Local Law pending passage by Ways and Means, and I am requesting that the waiting period be waived for passage by this Board at the May 9, 2018 board meeting.

Thank you in advance.

Sincerely,

Gerald J. Fiorini
Chairman of the Board

**INTRODUCTORY
NO.**

F.N. 2018-131

**BOARD OF COUNTY LEGISLATORS
ONEIDA COUNTY**

RESOLUTION NO.

**INTRODUCED BY: Messrs. Leach, D'Onofrio
2ND BY:**

**LOCAL LAW INTRO. "C" OF 2018
LOCAL LAW NO. ____ OF 2018**

A LOCAL LAW AMENDING LOCAL LAW NUMBER 1 OF 1956, AS PREVIOUSLY AMENDED, REGARDING THE PROCEDURE FOR PLAN PARTICIPANTS TO WITHDRAW FROM THE PLAN, REGARDING THE CAP OF A MEMBER'S LIABILITY TO THE PLAN FOR CLAIMS AND SETTLEMENTS, AND REGARDING THE RESERVE FOR THE PLAN.

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

SECTION 3 (3) SHALL BE AMENDED TO READ:

3. Withdrawal

(a) A participant shall be entitled to withdraw from this plan only as of the beginning of the next ensuing calendar year by filing with the committee on or before the 30th day of January of any year a certified copy of a Resolution of its governing body electing to withdraw from the plan, upon condition that the participant shall pay its full liability to the plan as determined by an actuarial firm hired by the committee.

(b) The participant's liability to the plan shall be set by calculating its net cost to the plan for the years starting in 1996 and ending at the time of withdrawal, if any, and adding to that its expected future costs to the plan. In the event that records are not reasonably available back to 1996, computation will be made based on continuous years' records as far back as are available.

i. Net cost for past years shall be computed by adding the participant's losses, its share of the plan's Workers Compensation Board Assessments, and its share of the plan's administrative expenses for the years included in the computation, and subtracting from that total the total of premiums paid into the plan for those years. In the event no net loss exists for the full period in question, past experience shall not be considered in setting the exit fee; no credit shall be given if the participant's premiums exceeded its cost to the plan for the period of years being calculated.

ii. The Participant's expected future costs to the plan shall consist of its outstanding reserves on all open claims as of its date of withdrawal, and its outstanding "Incurred but not reported" costs as of that date as computed by the plan's actuary.

(c) In the event there is a dispute concerning the amount of the withdrawing participant's liability to the plan, the dispute shall be subject to arbitration. A single arbitrator will be chosen by mutual consent, in arbitration proceedings which may be brought by either party in Utica, New York in accordance with the Commercial Arbitration Rules of the American Arbitration Association. In the event of any arbitration in any way arising out of or relating to this Local Law, each party shall pay their own costs and expenses.

(d) Any participant who has withdrawn or hereafter withdraws from the plan shall also be responsible for administrative costs incurred for payment of claims, until the ongoing claims shall be closed. Billing for administrative costs shall be provided by the Director of Workers Compensation to the withdrawn participants annually, on July 1 of each year. The method for billing the future administrative charge for the departing member will be determined based on local law section 6, subsection 2(a). However, the departing participant's last annual payroll submitted to the plan will be used to determine the administrative fee in each succeeding year, until all the participant's ongoing claims shall be closed, unless the withdrawn participant submits a current payroll, in which case the current payroll may be used, at the option of the withdrawn participant.

(e) A participant who withdraws will not receive any credit for any fund balance the plan may have at the date of withdrawal. Additionally, under no circumstance will a participant who withdraws receive a net payment from the plan arising out of such withdrawal.

(f) The amount of the exit fee shall be determined not later than June 1 of the ensuing year and the withdrawing participant shall remit the exit fee to the county not later than July 31 of that year. In the event that the exit fee shall not be paid in full by July 31, the County shall levy the unpaid amount in the next scheduled tax levy against property taxable by the withdrawing participant.

(g) However, in the event that the participant's withdrawal is due to its legal dissolution, or it legally dissolves on or before the date of its withdrawal, the Board of Legislators may enter into an agreement with the municipality which assumes that liability extending the time to pay such liability for a period of time not to exceed twenty years, upon such terms and conditions as the Board of Legislators shall deem to be advisable.

(h) Generally, the plan shall retain liability for all claims existing on the date of withdrawal, and the actuarially computed cost of those claims shall be included in the exit fee. Withdrawing participants shall not be allowed to retain liability for such claims, or to take any such claims to a new administrator, carrier, captive or any other self-insured program unless the withdrawing participant has its own workers compensation, board "W" number, and subject to the approval of the committee.

(i) On or before October 30 of any year prior to the year in which notice of withdrawal must be given pursuant to paragraph (a) of this subsection, a participant may request an estimate of its expected exit fee, based on the most recent completed calendar year. The Director of Workers Compensation shall provide such an estimate prior to the end of the year when such request is made. Such estimate shall not be binding on the plan; the exit fee will be computed by an actuary and be based on the participant's experience in the plan up until the time of withdrawal.

SECTION 6(2)(B)(ii) SHALL BE AMENDED TO READ:

ii. In computing a participant's loss percentile experience, no more than \$17,000.00 shall be charged against that participant for losses, arising out of a single incident, which was incurred within any one calendar year. In the event that such losses in excess of \$17,000.00 occur, they shall be paid from the plan's reserve funds.

SECTION 6(2)(B)(iii) SHALL BE AMENDED TO READ:

iii. Non-schedule losses resulting from permanent disability as set forth in Section 15 of the Workers' Compensation Law or any settlements under Section 32 of the Worker's Compensation Law shall not be included against the \$17,000.00 limitation set forth above, but shall be charged against the participant's loss-percentile experience regardless of amount.

SECTION 7(1) SHALL BE AMENDED TO READ:

1. A self-insurance reserve for the plan is hereby established. The minimum amount of such reserve shall be one million dollars (\$1,000,000.00). A sum not in excess of ten percent (10%) of said minimum amount shall be included in each year's annual estimate until the full amount of said reserve minimum is reached. Thereafter, if at any time said reserve should fall below the minimum amount, such sum as is necessary shall be included in the next year's annual estimate to bring the reserve fund back to the minimum amount. Said reserve shall be administered in accordance with the provisions of Section 69 of the Workers Compensation Law.

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

APPROVED: Workers' Compensation Committee
Ways and Means Committee

DATED:

Adopted by the following vote:
AYES NAYS ABSENT