



# 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 3, 2019

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

<u>FILE NO.</u>	<u>COMMITTEE</u>	<u>PAGES</u>
2019-162 . . .	Public Safety, Ways & Means.....	2-8
2019-163 . . .	Ways & Means .....	9-10
2019-164 . . .	Ways & Means .....	11-13
2019-165 . . .	Ways & Means .....	14
2019-166 . . .	Airport, Ways & Means .....	15
2019-167 . . .	Public Works, Ways & Means.....	16
2019-168 . . .	Ways & Means .....	17-25

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ONEIDA COUNTY  
OFFICE OF THE COUNTY EXECUTIVE

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

April 12, 2019

FN 20 19-162

Gerald Fiorini  
Chairman  
Oneida County Board of Legislators  
800 Park Ave  
Utica, New York 13501

**PUBLIC SAFETY**

**WAYS & MEANS**

**Re: Local Law Establishing an Animal Abuser Registry**

Dear Chairman,

Oneida County seeks to establish a local law that will create an animal abuser registry and prohibit convicted animal abusers from animal ownership.

This online registry will identify individuals convicted of animal abuse crimes in Oneida County. It will be managed and maintained by the Sheriff's Office and will include a photo of the convicted animal abuser, their name, residence, date of birth, and a description of the offense committed and the sentence imposed. Animal shelters and pet sellers will be able to check the registry to confirm that animals are not being sold to those who have previously mistreated animals.

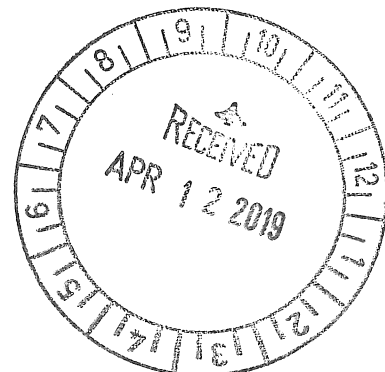
Animal abuse offenders will be placed on the registry for 15 years. Any registered animal abuse offender convicted of a subsequent animal abuse crime will be placed on the registry for life.

I respectfully request that this letter be considered a message of necessity. I ask that this proposed local law be placed into communications to be acted on at the May 8, 2019 Board of Legislators meeting.

Thank you for your attention to this important matter.

Respectfully submitted,

Hon. Anthony J. Picente, Jr.  
Oneida County Executive



**INTRODUCTORY  
NO.**

**F.N. 2019-**

**ONEIDA COUNTY BOARD OF LEGISLATORS**

**RESOLUTION NO.**

**INTRODUCED BY:**

**2ND BY:**

**LOCAL LAW INTRO. \_\_\_\_ OF 2019**

**LOCAL LAW NO. \_\_\_\_ OF 2019**

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

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

**SECTION 1. PURPOSE AND INTENT.**

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

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

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

## SECTION 2. DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

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

### **SECTION 3. ESTABLISHING AN ANIMAL ABUSER REGISTRY.**

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

- a) The Oneida County Sheriff’s Office shall have a link to the Animal Abuser Registry on the Oneida County Sheriff’s Office webpage, together with the links to other County Animal Abuser registries that are available in the State of New York. Such other County Animal Abuser registries may be used as informational resources by Animal Shelters and Pet Sellers.
- b) The Animal Abuser Registry shall contain the required information about each Animal Abuse Offender, as outlined in Section 4(c) below, for fifteen (15) years following his or her release from incarceration or, if not incarcerated, from the date of the judgement of conviction.
- c) Any currently or previously registered Animal Abuse Offender convicted of a subsequent Animal Abuse Crime shall be placed on the Animal Abuser Registry for life following the second conviction. These convictions are not limited to convictions within Oneida County, but extend to other counties who also maintain an Animal Abuser Registry.
- d) Upon notification to the Oneida County Sheriff’s Office of a successful appeal of a conviction of an Animal Abuse Crime by an individual that has been required to register pursuant to this Local Law, the registration information for that individual shall be removed from the Oneida County Animal Abuser registry within five (5) business days following the notification.
- e) The Animal Abuser Registry shall be used for the limited purpose of determining whether such Animal Abuse Offender is prohibited from owning an Animal under this Local Law.

### **SECTION 4. REGISTRATION REQUIREMENTS.**

- a) When a person is convicted of an Animal Abuse Crime in any court within Oneida County, the Court shall forward to the Oneida County Sheriff’s Office the name and address of the convicted person along with the specific Animal Abuse Crime of which such person was convicted, thereby notifying the Oneida County Sheriff’s Office that the person is an Animal Abuse Offender and required to register with the Animal Abuser Registry.
- b) All Animal Abuse Offenders must register with the Animal Abuser Registry within five (5) business days of their release from incarceration or, if not incarcerated, from the date of the conviction.

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

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

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

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

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

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

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

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

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

Prior to the sale, exchange or other transfer of ownership of any Animal, the Animal Shelter, Pet Seller or other person or entity involved in transferring ownership of Animals shall examine the Animal Abuser Registry of Oneida County, as well as any other applicable New York County

Animal Abuser registry to confirm that the name of the potential owner of the Animal is not listed as an Animal Abuse Offender.

## **SECTION 6. PENALTIES.**

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

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

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

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

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

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

## **SECTION 7. RULES AND REGULATIONS.**

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

## **SECTION 8. SEVERABILITY.**

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

## **SECTION 9. EFFECTIVE DATE.**

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

This Local Law shall take effect on \_\_\_\_\_, 2019, immediately upon filing with the Secretary of State in accordance with Sections 20, 21, and 27 of New York State Municipal Home Rule Law.





# 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

March 26, 2019

FN 20 19-163

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

## WAYS & MEANS

Dear Mr. Picente:

According to the Bi-Laws of the Fire Advisory Board, there shall be seven (7) members appointed to serve from the Oneida County Board of Legislators. I am recommending to you for appointment the names of the following legislators to serve on this Board through December 31, 2019:

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

If you concur, I ask that you send your appointment letter to the Board for confirmation at your earliest opportunity.

Respectfully,

Gerald J. Fiorini  
Chairman of the Board



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

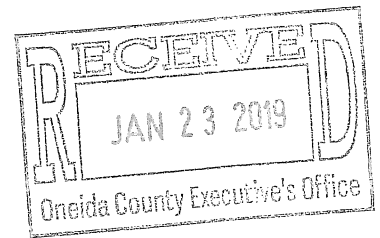
Anthony J. Picente, Jr.  
County Executive

Date 3-27-19

Cc: Appointees  
Kevin Revere, Emergency Services



Oneida County Fire Chiefs Association  
PO Box 47  
Stittville, NY 13469  
315-865-5514/315.525.2670  
William K. Owen III  
Secretary ~ Treasurer



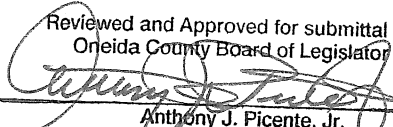
January 15, 2019

Dear County Executive Tony Picente,

As we prepare to appoint the members of the Fire Advisory Board for the current year, we accept the resignation of Chief Thomas Bolanowski. Due to his work schedule and time constraints he will no longer be serving on the board. The board will be working on a new member.

The representatives of the Fire Advisory Board from the Oneida County Chief's Association are divided into two groups. The first group consist of Chief Neil Sutherland, Stittville, Chief Ronald Brement, Rome. The second group is made up of Past Chief Dale Petrie, Oriskany Falls, Chief William Deking, Bridgewater, Chief Joe Morosco, Yorkville and Chief Robert Eaton, Remsen.

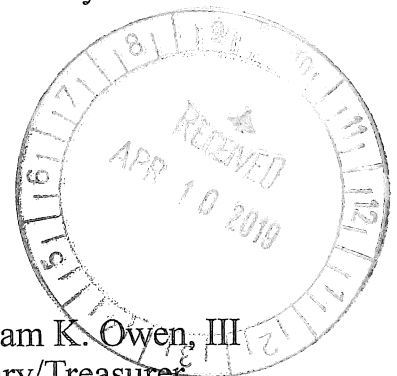
There is an ongoing list that shows which group is up for reappointment that you can refer to. I can be reached at the phone number listed above if you need further information.

Reviewed and Approved for submittal to the  
Oneida County Board of Legislator by  
  
Anthony J. Picente, Jr.  
County Executive  
Date 4-9-19

Sincerely,

*Bill*

Past Chief William K. Owen, III  
OCFCA Secretary/Treasurer





**ONEIDA COUNTY DEPARTMENT OF PERSONNEL**

County Office Building 800 Park Avenue Utica, New York 13501-2986  
Phone: (315) 798-5725 Fax: (315) 798-6490 Email: personnel@ocgov.net  
Web site: www.ocgov.net

April 26, 2019

FN 20 19-164

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

WAYS & MEANS

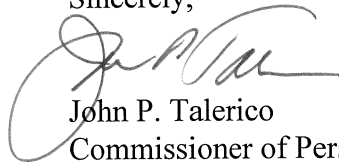
Dear County Executive Picente:

Attached please find correspondence from Oneida County Comptroller Joseph J. Timpano requesting extended sick leave with pay for Laura Cicigline, Director of Administrative Services in Payroll.

Ms. Cicigline began her employment with Oneida County on January 14, 2010 and has more than 9 years of service with Oneida County. According to Oneida County Personnel Rules, she may be granted up to twenty (20) working days of extended sick leave with pay with the understanding that she is obligated to pay back the sick days used upon her return to work. She has also applied for the Leave Donation Program as required by the Oneida County Personnel Rules.

I recommend that this request be forwarded to the Board of Legislators for their consideration at their next meeting.

Sincerely,

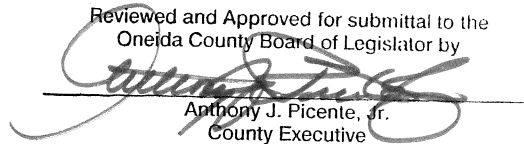
  
John P. Talerico  
Commissioner of Personnel



Attachment

Cc: Joseph J. Timpano, Comptroller  
Laura Cicigline

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

  
Anthony J. Picente, Jr.  
County Executive

Date 4-26-19

JOSEPH J. TIMPANO  
Comptroller



SHERYL A. BROWN  
Deputy Comptroller

DEBORAH S. JOANIS  
Deputy Comptroller - Administration

**ONEIDA COUNTY DEPARTMENT OF AUDIT & CONTROL**

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

April 23, 2019

John Talerico  
Commissioner of Personnel  
800 Park Avenue  
Utica, NY 13501

Re: Extended sick leave

Dear John,

Attached is an email from Laura Cicigline, Director of Administrative Services in the Payroll section of my department. She has been out on medical leave since undergoing surgery on March 6, 2019 and has exhausted all of her time bank. Donated time is currently being used but may be quickly depleted.

Ms. Cicigline has been employed continuously by Oneida County since January 14, 2010. As a long term employee, I feel she is most deserving of an extended sick leave with full pay. If this meets with your approval, please forward my request to the Board of Legislators for their consideration at the next board meeting.

Thank you for your assistance in this matter.

Sincerely,

Joseph J. Timpano  
Comptroller

JJT/dsj  
Enc.

Received  
ONEIDA  
COUNTY  
APR 24 2019  
PERSONNEL  
DEPARTMENT  
Received

12

Good afternoon, Joe.

I would like to request Board Approved Extended Sick Leave. I have exhausted all of my accruals due to being out since my surgery on March 6, 2018.

I'd like you to know how much I appreciate your support and patience during this time. I look forward to when I can come back to work!

Thank you,

Laura Cicigline

Received  
ONEIDA  
COUNTY  
APR 24 2019  
PERSONNEL  
DEPARTMENT  
Received



# 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

April 30, 2019

FN 20 19-165

Board of Legislators  
800 Park Ave.  
Utica, NY 13501

## WAYS & MEANS

Re: Appointment of Board Members

Honorable Members:

In accordance with §1942(1) of New York State Public Authorities Law, the Oneida County Board of Legislators is re-appointing Vincent Karl and Paul Romano to the Upper Mohawk Valley Memorial Auditorium Authority Board. We are also appointing Gregory M. Gaeta to fill the position previously held by Jim Brock.

If you should have any questions, or require anything further, please do not hesitate to contact me.

Very truly yours,

Gerald J. Fiorini  
Chairman

Cc: Vincent Karl  
11 Gilbert Road  
New Hartford, New York 13413

Paul Romano  
9425 Jennifer Lane  
Sauquoit, New York 13456

Gregory M. Gaeta  
2595 Sulphur Springs Road  
Sauquoit, New York 13456



**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

April 30, 2019

FN 20 19-166

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

**AIRPORT  
WAYS & MEANS**

**Re: Energy Performance Contract – Griffiss International Airport**

Dear County Executive Picente:

The County recently published an RFP for an energy performance contract provider in an effort to reduce the County’s energy consumption at Griffiss International Airport. Energy performance contracting is a financing technique that uses cost savings from reduced energy consumption to repay the cost of installing energy savings without up-front capital expenses. The costs of the energy improvements are borne by the performance contractor who is paid back by the county with the energy savings realized from the new equipment. The County is specifically authorized to enter into such contracts pursuant to Energy Law § 9-103.

Award of energy performance contracts is a two-step process wherein following the RFP, the County must first engage the successful proposer to complete an energy audit phase. This phase is done at no cost to the County. Upon completion of the energy audit phase, a contract will be negotiated that includes all financial terms and completion dates, as well as a guarantee of cost savings to the County. Once finalized, the County will be required to approve the contract.

C & S Architects, Engineers & Landscape Architect, PLLC submitted the only response. I am recommending that the County take the first step noted above, and award the contract to C & S Architects, Engineers & Landscape Architect, PLLC. Again, this step is at no cost to the County. If you approve, I respectfully request that you forward this recommendation to the Board of Legislators for action at their May 8, 2019 meeting.

Very truly yours,

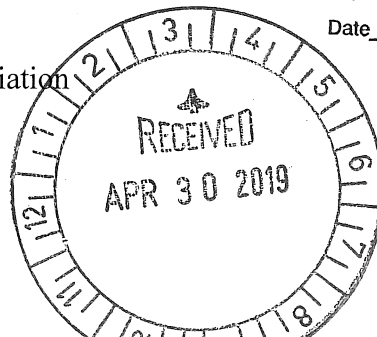
Amanda Lynn Cortese  
Special Assistant County Attorney

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

Anthony J. Picente, Jr.  
County Executive

Date 4-30-19

cc: Chad Lawrence, Commissioner of Aviation





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

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

**Anthony J. Picente, Jr.**  
County Executive

**Steven P. Devan, P.E.**  
Commissioner

April 26, 2019

FN 20 19-167

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

**PUBLIC WORKS  
WAYS & MEANS**

Dear County Executive Picente:

On November 22, 2017, the Oneida County Board of Legislators approved resolution # 390 which established Capital Project HG-570 - Headworks Construction and Rehabilitation for \$68,300,000. This project has been running smoothly but a couple of change orders have had to be approved and will result in cost being higher than originally anticipated. The original budget was a very conservative and had a very tight budget which did not leave any room for changes. As a result, it is necessary to do an amendment to the current budget.

I therefore request approval of amending **Capital Project HG-570 – WPC –Headworks Construction and Rehabilitation** as follows:

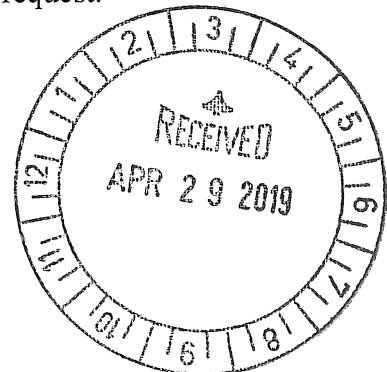
	<u>Current</u>	<u>Change</u>	<u>Proposed</u>
HG-570 Bonds	\$68,300,000.	\$2,700,000	\$71,000,000
Totals	\$68,300,000	\$2,700,000	\$71,000,000

**I respectfully request that you and the Board of Legislators consider this matter at the May 8<sup>th</sup> Board meeting.** Thank you for your and the Board's attention to this request.

Sincerely,

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

Steven P. Devan, P.E.  
Commissioner



CC: Comptroller  
County Attorney  
Budget

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

Anthony J. Picente, Jr.  
County Executive

Date 4-29-19





**ONEIDA COUNTY  
DEPARTMENT OF PLANNING**

Boehlert Center at Union Station  
321 Main St., Utica NY 13501  
Phone: (315) 798-5710 Fax: (315) 798-5852

ANTHONY J. PICENTE, JR.  
County Executive

REGINA A. VENETTOZZI  
Interim Commissioner

April 24, 2019

FN 20 19-168

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

**WAYS & MEANS**

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

Anthony J. Picente, Jr.  
County Executive

Re: Energize NY Finance

Date 4-24-19

Dear County Executive Picente:

Energize NY Finance, also known as Property Assessed Clean Energy (PACE) Financing, is a program adopted by an eligible local government that allows property owners to pay back the cost of clean energy upgrades to commercial or non-profit property through a special charge on their property tax bill. Energize NY Finance enables eligible buildings to secure funds to tackle significant energy upgrades and renewable energy projects. This financing structure is available through the Energy Improvement Corporation (EIC). EIC is a local development corporation and a New York State nonprofit established specifically to assist municipalities and property owners achieve long-term energy savings and/or generate renewable power for use on site.

To participate, Oneida County needs to adopt legislation authorizing the establishment of an Energize NY Finance Program. The Oneida County Board of Legislators did adopt this legislation on August 8, 2018. Since then, there have been changes to the enabling legislation that are beneficial to Oneida County. The Oneida County Board of Legislators needs to repeal the Local Law adopted in 2018 and replace with the new local law. The relaunch of the PACE finance program, now known as Open C-PACE, removes the municipality's administrative and financial obligations from the provision of the public benefit of PACE financing. Oneida County will realize the benefits of designation in the Energize NY Program with cost savings to businesses with energy-saving upgrades, provision of financing to improve the local building stock and generation of new energy efficiency and solar projects.

Therefore, we respectfully request that you submit to the Oneida County Board of Legislators to repeal the Local Law "Energize NY Benefit Financing Program" and replacing with the updated Local Law to adopt legislation authorizing the establishment of an Energize NY Finance Program in Oneida County for building owners to make clean energy improvements. I have attached a copy of the proposed legislation to this letter.



If you are in agreement, please forward this letter and the attached proposed legislation to the Board of Legislators for consideration at their **May 8, 2019** meeting. Should you have any questions regarding this matter please contact me or Kristin E. Campbell, Principal Planner.

Sincerely,

A handwritten signature in cursive script, appearing to read "Regina A. Venettozzi".

Regina A. Venettozzi  
Interim Commissioner

LOCAL LAW NO. – 2019

**A LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE) IN THE COUNTY OF ONEIDA**

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

**Section 1.** This local law shall be known as the “Energize NY Open C-PACE Financing Program” and shall read as follows:

**ARTICLE I**

**§1. Legislative findings, intent and purpose, authority.**

- A. It is the policy of both the Municipality and the State of New York (the “State”) to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The Municipality finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, “EIC”), a local development corporation, acting on behalf of the Municipality pursuant to the municipal agreement (the “Municipal Agreement”) to be entered into between the Municipality and EIC, to make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the “Enabling Act”).
- B. The Municipality is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.
- C. This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the “Energize NY Open C-PACE Local Law”.

**§2. Definitions**

- A. Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.
- B. For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

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

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

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

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

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

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

**EIC** – the Energy Improvement Corporation, a local development corporation, duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of the Municipality to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of the Municipality as a charge to be levied on the real property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**State** – the State of New York.

### **§3. Establishment of an Energize NY Open C-PACE Financing Program**

- A. An Energize NY Open C-PACE Financing Program is hereby established by the Municipality, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of the Municipality, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the “Benefit Assessment Lien”) on the land records for the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality.
- B. Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a Benefit Assessment Lien, a written consent from each existing mortgage

holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

**§4. Procedures for eligibility**

- A. Any property owner in the Municipality may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the Municipality's offices.
- B. Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of the Municipality, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and § 5 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC, acting on behalf of the Municipality, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with § 6 of this local law.

**§5. Application criteria**

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

- A. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
- B. The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;
- C. Sufficient funds are available from Financing Parties to provide financing to the property owner;
- D. The property owner is current in payments on any existing mortgage on the Qualified Property;
- E. The property owner is current in payments on any real property taxes on the Qualified Property; and
- F. Such additional criteria, not inconsistent with the criteria set forth above, as the State, the Municipality, or EIC acting on its behalf, or other Financing Parties may set from time to time.

**§6. Energize NY Finance Agreement**

- A. A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of the Municipality, shall be a third-party beneficiary (the “Finance Agreement”). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a “Benefited Property”).
- B. Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.
- C. The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.
- D. EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

**§7. Terms and conditions of repayment**

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

- A. The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records on which liens are recorded for properties within the Municipality. The special benefit assessment shall constitute a “charge” within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed and collected by EIC, on behalf of the Municipality, and shall be paid to the Financing Party as provided in the Finance Agreement.
- B. The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of the Municipality.
- C. The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of the Municipality, as provided in the Finance Agreement.

**§8. Levy of Annual Installment Amount and Creation of Annual Installment Lien**

- A. Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of the Municipality. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of the Municipality, in the land records for properties in the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by the Municipality.
- B. The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the “Annual Installment Amount”). The Annual Installment Amount shall be levied by EIC, on behalf of the Municipality, on the Benefited Property in the same manner as levies for municipal charges, shall become a lien on the Benefited Property as of the first day of January of the fiscal year for which levied (the “Annual Installment Lien”) and shall remain a lien until paid. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.
- C. The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created by Section 902 of the RPTL or by any other State or local law. No portion of a Secured Amount shall be recovered by the Municipality, EIC, or an assignee upon foreclosure, sale or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.
- D. Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of the Municipality, at the same time and in the same manner as real property taxes or municipal charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of the Municipality, or the Financing Party, as may be provided in the Finance Agreement.



- E. EIC shall act as the Municipality's agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.
- F. EIC, on behalf of the Municipality, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the Municipality, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as the Municipality would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection.

**§9. Verification and report**

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

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

**Section 2.** This local law shall take effect upon filing with the Secretary of State.