

ADOPTED RESOLUTIONS FROM THE APRIL 30TH BOARD OF LEGISLATORS MEETING

***INTRODUCTORY
NO. 188***

F.N. 2008-205

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 188

***INTRODUCED BY: Messrs. Wilcox, Porter
2ND BY: Mr. Puma***

**RE: TRANSFER \$25,000 TO AA#A4310.49525, MENTAL HEALTH ADMINISTRATION,
RESOURCE CENTER FOR INDEPENDENT LIVING**

WHEREAS, Due to the reallocation of NYS Office of Mental Health State Aid for funding Mental Health Programs in Oneida County, it is necessary to match agency appropriations with said allocations and transfer funds accordingly, and

WHEREAS, In accordance with Section 610 of the Administrative Code, the County Executive has requested approval by this Board to transfer funds to support this reallocation, now, therefore, be it hereby

RESOLVED, That a transfer of the total sum of \$25,000, from 2007 funds, as hereinafter set forth, be and the same is hereby approved:

FROM:

AA#A4310.49525, Resource Center for Independent Living \$25,000

TO:

AA#A4310.49517, Upstate Cerebral Palsy \$25,000

APPROVED: Public Health Committee (April 1, 2008)
 Ways & Means Committee (April 16, 2008)

DATED: April 30, 2008

Adopted by the following v.v. vote:
AYES 28 NAYS 0 ABSENT 1 (Mr. Kernan)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 189

**INTRODUCED BY: Messrs. Paparella, Porter
2ND BY: Ms. Convertino**

RE: TRANSFER \$89,000 TO AA#A6012.495139, DSS-TEMPORARY ASSISTANCE, SNAP PROGRAM

WHEREAS, There is a need for additional funds in AA#A6012.495139, DSS-Temporary Assistance, SNAP Program, and

WHEREAS, In accordance with Section 610 of the Administrative Code, the County Executive has requested approval by this Board to transfer funds sufficient to cover the present shortage, now, therefore, be it hereby

RESOLVED, That a transfer of the total sum of \$89,000, from 2008 funds, as hereinafter set forth, be and the same is hereby approved:

FROM:					
AA#A6141.495, Safety Net-Part Co.					\$89,000
TO:					
AA#A6012.495139, SNAP Program					\$89,000

APPROVED: Human Resources Committee (March 26, 2008)
 Ways & Means Committee (April 16, 2008)

DATED: April 30, 2008

Adopted by the following v.v. vote:
AYES 28 NAYS 0 ABSENT 1 (Mr. Kernan)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 190

INTRODUCED BY: Mrs. Mandryck, Mr. Porter

2ND BY: Mr. Davis

RE: APPROVAL OF SIX CORRECTIONS OF ERRONEOUS TAX ASSESSMENTS

WHEREAS, The Commissioner of Finance has forwarded six corrections for erroneous tax assessments in the Towns of Kirkland, Lee, Marshall, New Hartford and Vienna totaling \$11,463.20, and

WHEREAS, Title 3 of Article 5 of the Real Property Tax Law outlines the procedure that must be followed to process the applications for refunds and for correction of taxes, and

WHEREAS, The Commissioner of Finance has transmitted his written report to the Board and this Board has reviewed said applications and claimed errors and made its recommendations, now, therefore, be it hereby

RESOLVED, That this Board hereby concurs with the recommendations of the Oneida County Commissioner of Finance and directs that the Clerk of the Board take such action as required by Title 3 of Article 5 of the Real Property Tax Law, so as to reflect the corrected taxes as determined by said Commissioner, and be it further

RESOLVED, That this Board does hereby order that the taxes be corrected as recommended by the Commissioner of Finance and that the officer having jurisdiction of the tax rolls correct such rolls accordingly.

APPROVED: Internal Affairs Committee (March 26, 2008)
Ways & Means Committee (April 16, 2008)

DATED: April 30, 2008

Adopted by the following v.v. vote:

AYES 28 NAYS 0 ABSENT 1 (Mr. Kernan)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 191

*INTRODUCED BY: Messrs. Wilcox, Porter
2ND BY: Mr. Davis*

**RE: PURCHASE OF SERVICE AGREEMENT BETWEEN THE OFFICE FOR THE AGING AND
HOMEMAKERS OF THE MOHAWK VALLEY, INC.**

WHEREAS, This Board is in receipt of a Purchase of Service Agreement between the Oneida County Office for the Aging/Office of Continuing Care and Homemakers of the Mohawk Valley, Inc., d/b/a Caregivers, Tonawanda, NY, to provide in-home personal care services for frail elderly individuals through the EISEP (Expanded In-Home Services for the Elderly Program), and

WHEREAS, In accordance with Local Law #3 of 2001, said Agreement must be approved by the Oneida County Board of Legislators, now, therefore, be it hereby

RESOLVED, That the Oneida County Board of Legislators authorizes and accepts a Purchase of Service Agreement between the Oneida County Office for the Aging/Office of Continuing Care and Homemakers of the Mohawk Valley, Inc., d/b/a Caregivers, Tonawanda, NY, to provide in-home personal care services for frail elderly individuals through the EISEP (Expanded In-Home Services for the Elderly Program) commencing April 1, 2008 and ending March 31, 2009 at a proposed cost of \$254,000 which requires a County commitment of \$63,500 (25%).

APPROVED: Public Health Committee (April 1, 2008)
Ways & Means Committee (April 16, 2008)

DATED: April 30, 2008

Adopted by the following v.v. vote:
AYES 28 NAYS 0 ABSENT 1 (Mr. Kernan)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 192

INTRODUCED BY: Messrs. Wilcox, Porter

2ND BY: Mr. Flisnik

**RE: PURCHASE OF SERVICE AGREEMENT BETWEEN THE OFFICE FOR THE AGING AND
U.S. CARE SYSTEMS, INC.**

WHEREAS, Oneida County Executive Anthony J. Picente, Jr., is in receipt of correspondence from Linda M. Nelson, Acting Director of the Office for the Aging & Continuing Care, requesting approval of a Purchase of Service Agreement between Oneida County and U.S. Care Systems, Inc., of Utica, NY, to provide personal care services for frail seniors through the EISEP (Expanded In-Home Services for the Elderly Program), and

WHEREAS, In accordance with Local Law #3 of 2001, said Agreement, as amended, must be approved by the Oneida County Board of Legislators, now, therefore, be it hereby

RESOLVED, That the Oneida County Board of Legislators authorizes and approves a Purchase of Service Agreement between the Office for the Aging & Continuing Care and U.S. Care Systems, Inc., to provide personal care services for frail seniors through the EISEP (Expanded In-Home Services for the Elderly Program) during a one year term commencing April 1, 2008 and ending March 31, 2009 at a proposed cost of \$218,000 which requires a County commitment of \$54,500 (25%).

APPROVED: Public Health Committee (April 1, 2008)
Ways & Means Committee (April 16, 2008)

DATED: April 30, 2008

Adopted by the following v.v. vote:

AYES 28 NAYS 0 ABSENT 1 (Mr. Kernan)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 193

***INTRODUCED BY: Messrs. Welsh, Porter
2ND BY: Mrs. Hudak***

RE: PURCHASE OF SERVICE AGREEMENT BETWEEN THE YOUTH BUREAU AND THE NEIGHBORHOOD CENTER

WHEREAS, This Board is in receipt of a Purchase of Service Agreement between the Oneida County Youth Bureau and the Neighborhood Center of Utica, Inc., to provide operational support services through the Project AIM (Achieve-Inspire-Motivate), Outreach and Prevention, Career Development Trainee, and Transitional Life Skills Programs, and

WHEREAS, In accordance with Local Law #3 of 2001, said Agreement must be approved by the Oneida County Board of Legislators, now, therefore, be it hereby

RESOLVED, That the Oneida County Board of Legislators hereby authorizes and accepts a Purchase of Service Agreement between the Oneida County Youth Bureau and the Neighborhood Center of Utica, Inc., to provide operational support services through the Project AIM (Achieve-Inspire-Motivate), Outreach and Prevention, Career Development Trainee, and Transitional Life Skills Programs commencing January 1, 2008 and ending December 31, 2008 at respective costs of \$10,400, \$23,888, \$10,518 and \$22,042 supported by the NYS Office of Children and Family Services (NYSOCFS).

APPROVED: Education & Youth Committee (April 1, 2008)
Ways & Means Committee (April 16, 2008)

DATED: April 30, 2008

Adopted by the following v.v vote:
AYES 28 NAYS 0 ABSENT 1 (Mr. Kernan)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 194

*INTRODUCED BY: Messrs. Wilcox, Porter
2ND BY: Mr. Goodman*

RE: AGREEMENT BETWEEN THE OFFICE FOR THE AGING AND FAMILY HOME CARE, INC.

WHEREAS, This Board is in receipt of an Agreement between the Oneida County Office for the Aging & Continuing Care and Family Home Care, Inc., of Rome, NY, to provide home health care services for frail elderly individuals through the EISEP (Expanded In Home Services for the Elderly Program), and

WHEREAS, In accordance with Local Law #3 of 2001, said Agreement must be approved by the Oneida County Board of Legislators, now, therefore, be it hereby

RESOLVED, That the Oneida County Board of Legislators hereby authorizes and accepts an Agreement between the Oneida County Office for the Aging and Family Home Care, Inc., to provide home health care services for frail elderly individuals through the EISEP (Expanded In Home Services for the Elderly Program) commencing April 1, 2008 and ending March 31, 2009 at a proposed cost of \$75,000 which requires a County share of \$18,750 (25%).

APPROVED: Public Health Committee (April 1, 2008)
 Ways & Means Committee (April 16, 2008)

DATED: April 30, 2008

Adopted by the following v. v vote:
AYES 28 NAYS 0 ABSENT 1 (Mr. Kernan)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 195

**INTRODUCED BY: Messrs. Wilcox, Porter
2ND BY: Mr. Puma**

**RE: AGREEMENT BETWEEN THE OFFICE FOR THE AGING AND WORKFORCE
DEVELOPMENT**

WHEREAS, This Board is in receipt of an Agreement between the Oneida County Office for the Aging and Workforce Development for administration of the Senior Community Service Employment Program (OAA, Title V), and

WHEREAS, In accordance with Local Law #3 of 2001, said Agreement must be approved by the Oneida County Board of Legislators, now, therefore, be it hereby

RESOLVED, That the Oneida County Board of Legislators authorizes and accepts an Agreement between the Office for the Aging and Workforce Development for administration of the Senior Community Service Employment Program (OAA, Title V) commencing upon execution thereof and ending June 30, 2008 at a proposed cost of \$69,286.79 which requires a County commitment of \$6,928.68 (10%).

APPROVED: Public Health Committee (April 1, 2008)
Ways & Means Committee (April 16, 2008)

DATED: April 30, 2008

Adopted by the following v.v. vote:
AYES 28 NAYS 0 ABSENT 1 (Mr. Kernan)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 196

*INTRODUCED BY: Messrs. Wilcox, Porter
2ND BY: Mr. Wood*

RE: AGREEMENT BETWEEN THE HEALTH DEPARTMENT AND CATHERINE BULLWINKLE

WHEREAS, This Board is in receipt of a Purchase of Service Agreement between the Oneida County Department of Health and Catherine Bullwinkle, R.N., B.S.N., to provide Continuous Quality Improvement Program Coordinator services, and

WHEREAS, In accordance with Local Law #3 of 2001, said Agreement must be approved by the Oneida County Board of Legislators, now, therefore, be it hereby

RESOLVED, That this Board authorizes and approves a Purchase of Service Agreement between Oneida County, through its Health Department, and Catherine Bullwinkle, R.N., B.S.N., to provide Continuous Quality Improvement Program Coordinator services during a term commencing January 1, 2008 and ending December 31, 2008 at an hourly reimbursement rate of \$55 not to exceed an average of 25 hours per week.

APPROVED: Public Health Committee (April 1, 2008)
Ways & Mans Committee (April 16, 2008)

DATED: April 30, 2008

Adopted by the following v.v. vote:
AYES 28 NAYS 0 ABSENT 1 (Mr. Kernan)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 197

*INTRODUCED BY: Messrs. Welsh, Porter, Mrs. Hudak
2ND BY: Mr. Clancy*

RE: PURCHASE OF SERVICE AGREEMENT BETWEEN THE YOUTH BUREAU AND MOHAWK VALLEY COMMUNITY ACTION AGENCY, INC.

WHEREAS, This Board is in receipt of an Agreement between the Oneida County Youth Bureau and Mohawk Valley Community Action Agency, Inc., of Rome, NY, to provide assessment, counseling and sheltering services for the Runaway and Homeless Youth Program-Part I, and

WHEREAS, In accordance with Local Law #3 of 2001, said Agreement must be approved by the Oneida County Board of Legislators, now, therefore, be it hereby

RESOLVED, That the Oneida County Board of Legislators authorizes and accepts an Agreement between the Oneida County Youth Bureau and Mohawk Valley Community Action Agency, Inc., of Rome, NY, to provide assessment, counseling and sheltering services for the Runaway and Homeless Youth Program-Part I, commencing January 1, 2008 and ending December 31, 2008 at a proposed cost of \$72,000 which requires a County share of \$9,000.

APPROVED: Education, Youth & Agriculture Committee (April 1, 2008)
Ways & Means Committee (April 16, 2008)

DATED: April 30, 2008

Adopted by the following v.v vote:
AYES 28 NAYS 0 ABSENT 1 (Mr. Kernan)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 198

**INTRODUCED BY: Messrs. Wilcox, Porter
2ND BY: Mr. Puma**

**RE: SUPPLEMENTAL APPROPRIATION OF \$192,470 TO AA#A4091.0, PUBLIC HEALTH-
HEALTHY LIVING PARTNERSHIP ACCOUNTS**

WHEREAS, In accordance with Section 609 of the Administrative Code, the County Executive has requested a supplemental appropriation be made in the amount of \$192,470 to AA#A4091.0, Public Health-Healthy Living Partnership Accounts, and

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

RA#A3451, State Aid-Healthy Women Partnership \$192,470
now, therefore, be it hereby

RESOLVED, That a supplemental appropriation, from 2008 funds, as hereinafter set forth, be and the same is hereby approved:

TO:

AA#A4091.101, Salaries	\$ 54,318
AA#A4091.195, Other Fees & Services	\$ 2,500
AA#A4091.212, Computer Equipment	\$ 1,490
AA#A4091.411, Office Supplies	\$ 843
AA#A4091.455, Travel-Daily Expenses	\$ 3,000
AA#A4091.495, Other Expenses	\$104,684
AA#A4091.810, Retirement	\$ 5,519
AA#A4091.830, Social Security	\$ 4,155
AA#A4091.840, Workers Compensation	\$ 1,575
AA#A4091.850, Unemployment Insurance	\$ 136
AA#A4091.860, Health Insurance	<u>\$ 14,250</u>
TOTAL	\$192,470

APPROVED: Public Health Committee (April 29, 2008)
 Ways & Means Committee (April 30, 2008)

DATED: April 30, 2008

Adopted by the following v.v. vote:
AYES 28 NAYS 0 ABSENT 1 (Mr. Kernan)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 199

INTRODUCED BY: Mr. Porter

2ND BY: Mr. Paparella

RE: RESOLUTION AUTHORIZING THE ISSUANCE OF REFUNDING BONDS AS SPECIFIED

WHEREAS, Oneida County, New York (hereinafter, the "County") heretofore issued \$12,252,000 Public Improvement (Serial) Bonds, 1998 pursuant to a bond determination certificate executed by the County Comptroller (the "1998 Bond Certificate"), to finance the cost of various improvements in and for said County as further described in the 1998 Bond Certificate, such bonds being dated April 15, 1998 with remaining maturities on April 15 in the years 2008 through 2014, both inclusive (the "1998 Refunded Bonds"); and

WHEREAS, the County heretofore issued \$12,510,691.88 Public Improvement (Serial) Bonds, 1999 pursuant to a bond determination certificate executed by the County Comptroller (the "1999 Bond Certificate"), to finance the cost of various improvements in and for said County as further described in the 1999 Bond Certificate, such bonds being dated April 15, 1999 with remaining maturities on April 15 in the years 2008 through 2013, both inclusive (the "1999 Refunded Bonds, and together with the 1998 Refunded Bonds, the "Refunded Bonds"); and

WHEREAS, it would be in the public interest to refund all or a portion of the outstanding principal balance of the Refunded Bonds by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law; and

WHEREAS, such refunding will only be undertaken if it results in present value savings in debt services required by Section 90.10 of the Local Finance Law; NOW, THEREFORE, BE IT

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

Section 1. For the object or purpose of refunding the outstanding principal balance of the Refunded Bonds as more fully set forth in the Refunding Financial Plan (hereinafter defined), including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of such Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on such Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, (iv) the redemption premium to be paid on such Refunded Bonds which are to be called prior to their respective maturities, and (v) the premium

or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$11,300,000 refunding serial bonds of the County pursuant to the provisions of Section 90.10 of the Local Finance Law (the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$10,915,000, as provided in Section 4 hereof. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding serial bond issues. The Refunding Bonds shall each be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-08 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the County Comptroller pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph a of Section 57.00 of the Local Finance Law pursuant to subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the County Comptroller shall prescribe which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the County by lot in any customary manner of selection as determined by the County Comptroller. Notice of such call for redemption shall be given by mailing such notice to the registered owners not less than thirty (30) days prior to such date. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the date for redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the County shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to DTC, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the County Comptroller as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the County maintained by the Fiscal

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

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

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

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

The Refunding Bonds shall be executed in the name of the County by the manual or facsimile signature of the County Comptroller, and its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the County Comptroller shall determine. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that:

- (a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;
- (b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for each object or purpose for which such Refunded Bonds were issued is as specified the Bond Certificates which are incorporated herein by reference;
- (c) the last installment of the Refunding Bonds will mature not later than the expiration of the respective period of probable usefulness of the objects or purposes for which said Refunded Bonds were issued in accordance with the provisions of subdivision 1 of paragraph c of Section 90.10 of the Local Finance Law;
- (d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, with regard to the Refunded Bonds is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit A attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth on Exhibit A attached hereto and made a part of this resolution. This County Legislature recognizes that the Refunding Bonds may be issued in one or more series, and for only portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the County will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit A. The County Comptroller is hereby authorized and directed to determine the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the County Comptroller; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The County Comptroller shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Clerk of the County Legislature not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

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

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

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

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

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

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

Section 10. The Refunding Bonds shall be sold at public or private sale for purchase prices to be determined by the County Comptroller, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds. Subject to the approval of the terms and conditions of such private sale by the State Comptroller as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, the County Comptroller, is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the County providing the terms and conditions for the sale and delivery of the Refunding Bonds.

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

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

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

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

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

APPROVED: Ways & Means Committee (April 16, 2008)

DATED: April 30, 2008

Adopted by the following roll call vote:

AYES 27 NAYS 0 ABSENT 2 (Messrs. Kernan, LaBella)

ROLL CALL**DATE** April 30, 2008**SESSION** Regular**MEMBERS PRESENT** 27**MEMBERS ABSENT** 2**VACANT** 0**AYES** 27 **NAYS** 0**INTRODUCTORY NO.** 199**RESOLUTION NO.** 199

DIST	MEMBERS	AYES	NAYS
D-1	PUMA	X	
D-2	HENNESSY	X	
D-3	STEPHENSON	X	
R-4	LEACH	X	
R-5	WATERMAN	X	
R-6	PORTER	X	
D-7	TALLARINO	X	
R-8	FLISNIK	X	
R-9	WILCOX	X	
R-10	JOSEPH	X	
D-11	KERNAN	ABS	
D-12	CLANCY	X	
D-13	GOODMAN	X	
R-14	DAMSKY	X	
R-15	D'ONOFRIO	X	
R-16	MILLER	X	
R-17	MANDRYCK	X	
D-18	DAVIS	X	
R-19	ROEFARO	X	
R-20	FIORINI	X	
R-21	WELSH	X	
D-22	SCOTT	X	
D-23	CONVERTINO	X	
R-24	PAPARELLA	X	
D-25	TANOURY	X	
D-26	LABELLA	ABS	
D-27	FURGOL	X	
R-28	WOOD	X	
D-29	HUDAK	X	

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 200

*INTRODUCED BY: Messrs. Wilcox, Porter
2ND BY: Mr. Goodman*

**RE: APPROVAL TO CREATE ONE POSITION OF PROGRAM MANAGER, GRADE M30, STEP 1,
AND ONE POSITION OF OUTREACH WORKER, GRADE W16, STEP 1 IN AA#A4091,
HEALTH DEPARTMENT – HEALTHY LIVING PARTNERSHIP PROGRAM**

WHEREAS, Oneida County Executive Anthony J. Picente, Jr., is in receipt of correspondence from Nicholas A. DeRosa, Director of Health, and Paulette Z. Nickerson, Commissioner of Personnel, requesting authorization to create the positions of Program Manager, Grade M30, Step 1 (\$35,644) and Outreach Worker, Grade W16, Step 1 (\$21,017) in Account AA#A4091, Health Department, Healthy Living Partnership Program, to provide outreach, education and cancer screenings and serve uninsured/underinsured individuals in Oneida, Herkimer and Madison Counties, and

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

RESOLVED, That the positions of Program Manager, Grade M30, Step 1 (\$35,644) and Outreach Worker, Grade W16, Step 1 (\$21,017) are hereby created and established in Account #A4091, Health Department, Healthy Living Partnership Program, effective immediately, and it is further

RESOLVED, That said positions shall be supported, in full, by Grant funds from the New York State Department of Health.

APPROVED: Public Health Committee (April 29, 2008)
Ways & Means Committee (April 30, 2008)

DATED: April 30, 2008

Adopted by the following v.v. vote:
AYES 27 NAYS 0 ABSENT 2 (Messrs. Kernan, LaBella)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 201

*INTRODUCED BY: Mr. Porter, Mrs. Mandryck
2ND BY: Mr. Wood*

RE: FINAL APPROVAL OF CONSOLIDATED AGRICULTURAL DISTRICT #7 TO INCLUDE THE TOWNS OF DEERFIELD, FLOYD, MARCY, TRENTON AND THE CITY OF UTICA (PREVIOUSLY OPENED UNDER FN2006-364, DISTRICT #10, DEERFIELD, MARCY, TRENTON, FLOYD AND WHITESTOWN)

WHEREAS, The creation of Agricultural District #7 in the Towns of Deerfield, Floyd, Marcy, Trenton and the City of Utica (formerly District #10, Towns of Deerfield, Marcy, Trenton, Floyd and Whitestown) was established pursuant to Article 25AA of the New York State Agricultural and Markets Law, and

WHEREAS, Under Section 303(7A) of the New York State Agricultural and Markets Law, the County of Oneida is required to review an Agricultural District eight years after its creation and every eight years thereafter, and

WHEREAS, Proposed modifications for the newly consolidated Agricultural District #7, were reviewed by the Oneida County Agricultural & Farmland Protection Board and the Oneida County Department of Planning and a requisite Public Hearing was held on February 25, 2008 for the purpose of considering the recommendations of the Oneida County Agricultural and Farmland Protection Board and the Commissioner of the Oneida County Department of Planning, and

WHEREAS, The Oneida County Board of Legislators has complied with the requirements of the New York State Environmental Quality Review Act, now, therefore, be it hereby

RESOLVED, That this Board authorizes final approval for the consolidation of Agricultural District #7 to include the Towns of Deerfield, Floyd, Marcy, Trenton and the City of Utica (formerly District #10, Towns of Deerfield, Marcy, Trenton, Floyd and Whitestown), and it is further

RESOLVED, That the eight year review of the newly consolidated Agricultural District #7 in the Towns of Deerfield, Floyd, Marcy, Trenton and the City of Utica (formerly District #10, Towns of Deerfield, Marcy, Trenton, Floyd and Whitestown) is hereby completed by the Oneida County Board of Legislators and adopted, with modifications, for an additional eight years.

APPROVED: Ways & Means Committee (April 30, 2008)

DATED: April 30, 2008

Adopted by the following v.v. vote:

AYES 27 NAYS 0 ABSENT 2 (Messrs. Kernan, LaBella)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 202

**INTRODUCED BY: Mr. Porter, Mrs. Mandryck
2ND BY: Mr. Miller**

RE: FINAL APPROVAL OF 20 PARCELS FOR INCLUSION WITHIN AN AGRICULTURAL DISTRICT PURSUANT TO THE OPEN ENROLLMENT PERIOD

WHEREAS, On December 10, 2003, the Oneida County Board of Legislators adopted Resolution #365 wherein a designated "Open Enrollment" period (January 1 through January 31) was established to consider the inclusion of any viable agricultural land in an Agricultural District prior to its sanctioned review period, and

WHEREAS, Following a review of landowner applications under consideration for inclusion in existing Agricultural Districts, and a Public Hearing on February 25, 2008, the Oneida County Agricultural & Farmland Protection Board has determined that 20 parcels, comprised of 11 landowners and 1,031.2 acres, are acceptable and approved same for the January 1 through January 31, 2008 "Open Enrollment" period, and

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

RESOLVED, That the Oneida County Board of Legislators hereby approves and confirms recommendations made by the Oneida County Agricultural & Farmland Protection Board to accept 20 parcels, comprised of 11 landowners and 1,031.2 acres, as represented in documentation filed with the Clerk of this Board, for "Open-Enrollment".

APPROVED: Ways & Means Committee (April 30, 2008)

DATED: April 30, 2008

Adopted by the following v.v. vote:

AYES 27 NAYS 0 ABSENT 2 (Messrs. Kernan, LaBella)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 203

INTRODUCED BY: Messrs. Damsky, Porter

2ND BY: Ms. Convertino

RE: APPROVAL TO AMEND CAPITAL PROJECT H-274, TRANSIT MODERNIZATION, PHASE III

WHEREAS, Oneida County Executive Anthony J. Picente, Jr., is in receipt of correspondence from John R. Kent, Commissioner of Planning, requesting the amendment of Capital Project H-274, Transit Modernization Phase III, to include additional grant funds in the amount of \$300,000 from the Federal Transit Administration, New York State Department of Transportation, and local funds from Birnie Bus Tours to support Oneida County's Rural Transportation Service, and

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

RESOLVED, That Capital Project H-274, Transit Modernization Phase III, is hereby amended and approved as follows:

	<u>CURRENT</u>	<u>CHANGE</u>	<u>PROPOSED</u>
Miscellaneous	\$ 253,740	+ \$30,000	\$ 283,740
State Aid	\$ 253,740	+ \$30,000	\$ 283,740
Federal Aid	<u>\$2,029,915</u>	<u>+\$240,000</u>	<u>\$2,269,915</u>
TOTAL	\$2,537,395	+\$300,000	\$2,837,395

APPROVED: Economic Development & Tourism Committee (April 16, 2008)
Ways & Means Committee (April 30, 2008)

DATED: April 30, 2008

Adopted by the following roll call vote:

AYES 27 NAYS 0 ABSENT 2 (Messrs. Kernan, LaBella)

ROLL CALL**DATE** April 30, 2008**SESSION** Regular**MEMBERS PRESENT** 27**MEMBERS ABSENT** 2**VACANT** 0**AYES** 27 **NAYS** 0**INTRODUCTORY NO.** 203**RESOLUTION NO.** 203**DIST MEMBERS AYES NAYS**

D-1	PUMA	X	
D-2	HENNESSY	X	
D-3	STEPHENSON	X	
R-4	LEACH	X	
R-5	WATERMAN	X	
R-6	PORTER	X	
D-7	TALLARINO	X	
R-8	FLISNIK	X	
R-9	WILCOX	X	
R-10	JOSEPH	X	
D-11	KERNAN	ABS	
D-12	CLANCY	X	
D-13	GOODMAN	X	
R-14	DAMSKY	X	
R-15	D'ONOFRIO	X	
R-16	MILLER	X	
R-17	MANDRYCK	X	
D-18	DAVIS	X	
R-19	ROEFARO	X	
R-20	FIORINI	X	
R-21	WELSH	X	
D-22	SCOTT	X	
D-23	CONVERTINO	X	
R-24	PAPARELLA	X	
D-25	TANOURY	X	
D-26	LABELLA	ABS	
D-27	FURGOL	X	
R-28	WOOD	X	
D-29	HUDAK	X	

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 204

*INTRODUCED BY: Messrs. Damsky, Porter
2ND BY: Mr. Clancy*

RE: RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE TO SIGN A MASS TRANSPORTATION CAPITAL BUDGET AGREEMENT WITH NYSDOT

WHEREAS, A Project for the purchase of four (4) replacement buses for public transportation service in rural and non-urbanized areas of the Oneida County, P.I.N. 2796.06.306 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of such costs at 80% federal funds and 20% non-federal funds, and

WHEREAS, The County of Oneida desires to advance the above project by making a commitment of 100% of the federal and non-federal share of the costs of the project, and

WHEREAS, Any State matching funds to this federally-funded project may be used to fund up to 50% of the non-federal share of federally funded projects, but not to exceed 10% of the project costs, and

WHEREAS, Any Transit State Dedicated Fund aid may not be used to fund the non-federal share of federally-funded projects, now, therefore, be it

RESOLVED, That the Oneida County Board of Legislators, duly convened, hereby approves the above subject project, and it is further

RESOLVED, That the Oneida County Board of Legislators hereby authorizes the Oneida County Executive to pay in the first instance 100% of the federal and non-federal share of the cost of work for the project or portions thereof, and it is further

RESOLVED, That the sum of \$300,000 is hereby appropriated from H-274, Transit Modernization Phase III (Capital Account) and made available to cover the cost of participation in the above phase of the project, and it is further

RESOLVED, That in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Board of Legislators shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Board of Acquisition and Contract thereof, and it is further

RESOLVED, That the Oneida County Executive be and hereby is authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Oneida with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Grantee's first instance funding of Project costs and permanent funding of the local share of

federal-aid-eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, That a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreements in connection with the Project, and it is further

RESOLVED, That this Resolution shall take effect immediately.

APPROVED: Economic Development & Tourism Committee (April 16, 2008)
Ways & Means Committee (April 30, 2008)

DATED: April 30, 2008

Adopted by the following roll call vote:

AYES 27 NAYS 0 ABSENT 2 (Messrs. Kernan, LaBella)

ROLL CALL

DATE April 30, 2008

SESSION Regular

MEMBERS PRESENT 27

MEMBERS ABSENT 2

VACANT 0

AYES 27 **NAYS** 0

INTRODUCTORY NO. 204

RESOLUTION NO. 204

DIST	MEMBERS	AYES	NAYS
D-1	PUMA	X	
D-2	HENNESSY	X	
D-3	STEPHENSON	X	
R-4	LEACH	X	
R-5	WATERMAN	X	
R-6	PORTER	X	
D-7	TALLARINO	X	
R-8	FLISNIK	X	
R-9	WILCOX	X	
R-10	JOSEPH	X	
D-11	KERNAN	ABS	
D-12	CLANCY	X	
D-13	GOODMAN	X	
R-14	DAMSKY	X	
R-15	D'ONOFRIO	X	
R-16	MILLER	X	
R-17	MANDRYCK	X	
D-18	DAVIS	X	
R-19	ROEFARO	X	
R-20	FIORINI	X	
R-21	WELSH	X	
D-22	SCOTT	X	
D-23	CONVERTINO	X	
R-24	PAPARELLA	X	
D-25	TANOURY	X	
D-26	LABELLA	ABS	
D-27	FURGOL	X	
R-28	WOOD	X	
D-29	HUDAK	X	