

# ONEIDA COUNTY BOARD OF LEGISLATORS

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

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(315) 798-5900

Mikale Billard  
Clerk  
(315) 798-5404

George Joseph  
Majority Leader

Frank D. Tallarino  
Minority Leader

## COMMUNICATIONS FOR EXPEDITED ACTION FOR August 8, 2012

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

<u>FILE NO.</u>	<u>COMMITTEE</u>	<u>PAGES</u>
2012-302 . . .	Ways & Means .....	2-4
2012-303 . . .	Human Resources (Passed July 18, 2012), Ways & Means .....	5
2012-304 . . .	Human Resources (Passed July 18, 2012), Ways & Means .....	6
2012-305 . . .	Ways & Means .....	7-13
2012-307 . . .	Ways & Means .....	14-26

JOSEPH J. TIMPANO  
Comptroller

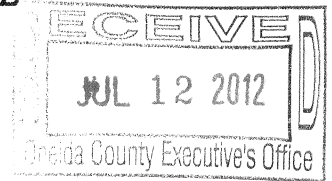


SHERYL A. BROWN  
Deputy Comptroller

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



July 12, 2012

FN 20 12.302

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

**WAYS & MEANS**

Dear Mr. Picente, *Tony*

Recently, my office solicited proposals for the County's independent CPA firm to perform auditing services for the years 2012 through 2014.

The proposal selected for acceptance is from the accounting firm of Drescher & Malecki, LLP in the amount of \$155,400. (Please see my attached June 25, 2012 memorandum to you for full results of all received proposals).

Please submit this letter of recommendation to the appropriate committees so the full board may act on this matter at their August 8, 2012 meeting.

As always, thanks for your help and support in this matter.

Sincerely,

Joseph J. Timpano  
Oneida County Comptroller

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

Anthony J. Picente, Jr.  
County Executive

Date 7/16/12



JOSEPH J. TIMPANO  
Comptroller



SHERYL A. BROWN  
Deputy Comptroller

DEBORAH S. JOANIS  
Deputy Comptroller - Administration

**ONEIDA COUNTY DEPARTMENT OF AUDIT & CONTROL**

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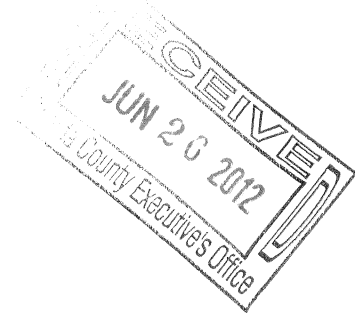
**MEMO**

*Tony*  
**TO: ANTHONY J. PICENTE, JR., CTY EXECUTIVE**

**FROM: JOSEPH J. TIMPANO, COUNTY COMPTROLLER** *Joe*

**RE: RFP FOR AUDIT FIRMS FOR YEARS 2012, 2013 & 2014**

**DATE: JUNE 25, 2012**



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Recently, my office solicited proposals for the County's independent CPA firm to perform auditing services for the years 2012 through 2014.

The results are as follows:

<u>Firm Name</u>	<u>Total 3 Year Fee</u>
Drescher & Malecki, LLP	\$155,400
Toski & Co.	\$156,000
Bollan, Sheedy, Torani & Co.	\$162,000
D'Arcangelo & Co.	\$167,575
The Bonadio Group	\$216,500
Testone, Marshall & Descenza, LLP	\$228,000

Based on discussion with my staff, interviews, and experience with some of the above firms, I have decided to recommend the CPA firm of Drescher & Malecki, LLP, to be our auditor for the fiscal years 2012 through 2014.

Please submit this letter of recommendation to the appropriate committees so the full board may act on this matter at their August 8, 2012 meeting.

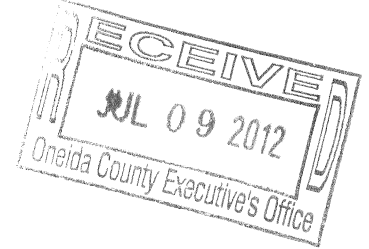
As always, thanks for your help and support in this matter.

Cc: Sheryl Brown, Deputy Comptroller  
Debbie Joanis, Deputy Comptroller-Admin.  
Joe Rella, Prin. Acct. Supervisor  
Mike Billard, Clerk of the Board



Anthony J. Picente, Jr., County Executive

Linda M. Nelson, Commissioner



Phone: (315) 768-3660  
Fax: (315) 768-3670

120 Airline Street  
Oriskany, New York 13424

FN 20 12 - 303

HEALTH & HUMAN SERVICES July 06, 2012

### WAYS & MEANS

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

Dear Mr. Picente:

The Department of Mental Health has been notified by the NY State Office of Mental Health that additional state aid has become available and is intended for 2011 (last year) & more funding for 2012. These additional funds will be used to cover agency programs that were under funded in 2011 and to continue to support ongoing programs in 2012.

**There will be no additional cost to the County required in support of this request.**

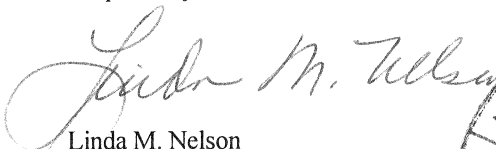
I therefore request approval for the following supplemental appropriations:

Account	Agency	Increase	Original Appropriation	New Appropriation
AA# A4310.49519	CNY Services	\$ 36,384.00	\$1,177,704.00	\$1,214,088.00
AA# A4310.49516	ARC	\$ 43,157.00	\$ 257,020.00	\$ 300,177.00
AA# A4310.49525	RCIL	\$ 6,617.00	\$ 314,220.00	\$ 320,837.00
AA# A4310.49524	CABVI	\$ 388.00	\$ 34,852.00	\$ 35,240.00
AA# A4310.49524	HTC	\$247,337.00	\$ 312,735.00	\$ 560,072.00
Total:		\$333,883.00		

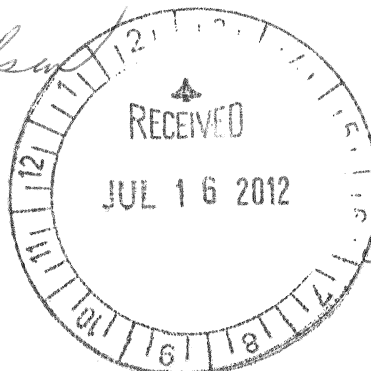
These supplemental appropriations will be fully supported by unanticipated revenue in 2012:

RA# A3490 State Aid – OMH Increase \$ 333,883.00


Respectfully submitted,

  
Linda M. Nelson  
Commissioner of Mental Health

CC: Budget  
Comptroller  
County Attorney



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

  
Anthony J. Picente, Jr.  
County Executive

Date 7/16/12

# ONEIDA COUNTY HEALTH DEPARTMENT

Adirondack Bank Building, 5<sup>th</sup> Floor, 185 Genesee St., Utica, NY 13501

ANTHONY J. PICENTE, JR.  
ONEIDA COUNTY EXECUTIVE

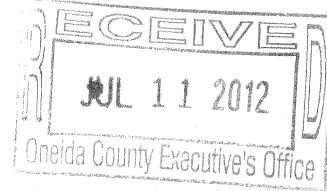
GAYLE D. JONES, PHD, MPH, CHES  
DIRECTOR OF HEALTH

## ADMINISTRATION

Phone: (315) 798-6400 Fax: (315) 266-6138

July 6, 2012

FN 20 12 - 304



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

HEALTH & HUMAN SERVICES

## WAYS & MEANS

Dear Mr. Picente:

While in the process of constructing our 2013 county budget we have also been reviewing and analyzing our current 2012 cost centers. During this review, we discovered an oversight to account for additional funding we received from New York State for the Integrated Cancer Services Program. This additional funding was based on Oneida County exceeding "program performance measure #1 – percent of screening mammograms to clients ages 50 and over".

- The additional funding amount for state clinical services (contract #C023455) amounted to \$27,207.
- The additional funding amount for Health Research Institute (HRI) (contract #3492-04) amounted to \$13,181.

As a result of this supplementary funding, the Health Department is requesting the following supplemental appropriation for the **2012** fiscal year.

To: A4091.495 – Other Expenses..... \$40,388

This appropriation will be supported by revenue in A3451 - State Aid - Healthy Women's Partnership.

Please request the Board to act on the above-mentioned at their earliest convenience.

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

Sincerely,

Gayle D. Jones, PhD., MPH, CHES  
Director of Health

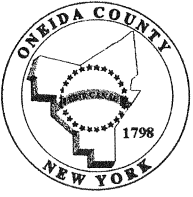


Reviewed and Approved for submittal to the  
Oneida County Board of Legislators by  
  
Anthony J. Picente, Jr.  
County Executive

Date 7/16/12

cc: T. Keeler, Director of Budget  
T. Engle, Fiscal Services Administrator

ry



COUNTY OF ONEIDA  
**OFFICE OF THE COUNTY EXECUTIVE**

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

ONEIDA COUNTY OFFICE BUILDING  
800 PARK AVENUE  
UTICA, NEW YORK 13501  
(315) 798-5800  
FAX: (315) 798-2390  
www.ocgov.net

July 25, 2012

Honorable Gerald Fiorini  
Chairman Board of Legislators  
800 Park Ave  
Utica, NY 13501

FN 20 12-305

**WAYS & MEANS**



Honorable Chairman Fiorini:

The United States Drug Enforcement Administration has noted the serious adverse health effects suffered by the users of synthetic drugs, which includes personal injuries, agitation, nausea, vomiting, tachycardia, elevated blood pressure, tremors, seizures, hallucinations, paranoid behavior, non-responsiveness serious medical issues and death. News reports also demonstrates that the use of synthetic drugs can result in extreme anger, random acts of violence toward others and suicidal thoughts and actions.

Yet, despite the above, the use of synthetic drugs seems to increase daily in Oneida County. This epidemic threatens the health, safety and well being of all the citizens of Oneida County.

I propose the adoption of a Local Law banning not only the sale, but also the purchase and the possession of synthetic drugs in Oneida County. This Local Law would ban all three categories of synthetic drugs: synthetic cannabinoids; synthetic stimulants/cathinones; and synthetic psychedelics/hallucinogens.

The proposed law combines elements of the recently enacted federal Synthetic Drug Abuse Prevention Act of 2012, the newly proposed New York State Senate bill that is being introduced by Senator Joseph Griffo, and recently enacted local ordinances and local laws from cities and other counties. The result is a proposed law that addresses all known chemical and substances, but also addresses the current practice of making minor alterations to chemicals to subvert statutes that prohibit distinct chemicals.

The proposed law would delegate the prosecution of violations to the Oneida County District Attorney's Office, who has both the experience and the proven track record necessary to successfully handle these issues. Violations of the proposed law would be classified as Class A Misdemeanors with penalties of up to one year in jail and up to a one thousand dollar fine for each violation.

I ask for your support in swiftly enacting this critical legislation.

Sincerely



Anthony J. Picente, Jr.  
Oneida County Executive

Cc: Scott McNamara, District Attorney  
Rob Maciol, Oneida County Sherriff



County of Oneida

Local Law No. \_\_\_\_ of the year 2012

A LOCAL LAW PROHIBITING WITHIN ONEIDA COUNTY THE USE, POSSESSION, PURCHASE, ATTEMPTED PURCHASE, SELLING, PUBLIC DISPLAY FOR SALE, ATTEMPTED SALE, OR GIVING OF SYNTHETIC DRUGS AS DEFINED HEREIN

Be it enacted by the Oneida County Legislature of the County of Oneida as follows:

WHEREAS, this Legislature hereby finds and determines that the County has a duty to preserve peace and order and secure freedom from dangerous or noxious activities, and to that end, the Legislature of Oneida County, has determined that certain enterprises and individuals within Oneida County, New York, are engaged in the sale of certain substances, which, when ingested, produce severe and unpredictable adverse effects; and

WHEREAS, the substances, which are more specifically described below, are dangerous to both users and the public, and further, the long term effects are not yet known; and

WHEREAS, it has been determined that the effects of these substances are a health and safety concern to the citizens of Oneida County, New York.

NOW THEREFORE, BE IT ENACTED BY THE LEGISLATURE OF ONEIDA COUNTY, NEW YORK AS FOLLOWS:

Section 1: For purposes of this Local Law, Synthetic Drugs shall be defined as any product, whether described as tobacco, potpourri, herbs, incense, spice, aromatic or other combination thereof, and which contains one or more of the following chemicals and/or substances:

- (A) Any material, compound, mixture, or preparation which contains any quantity of cannabimimetic agents, or which contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation.
- (B) In paragraph (A), the term 'cannabimimetic agents' means any substance that is a cannabinoid receptor type 1 (CB1 receptor) agonist as demonstrated by binding studies and functional assays within any of the following structural classes:
  - (i) 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent.
  - (ii) 3-(1-naphthoyl)indole or 3-(1-naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not

further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent.

(iii) 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent.

(iv) 1-(1-naphthylmethylene)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent.

(v) 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent.

(C) In paragraph (A), the term “cannabimimetic agents” includes, but is not limited to, the following substances:

(i) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497);

(ii) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog);

(iii) 1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678);

(iv) 1-butyl-3-(1-naphthoyl)indole (JWH-073);

(v) 1-hexyl-3-(1-naphthoyl)indole (JWH-019);

(vi) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

(vii) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);

(viii) 1-pentyl-3[1-(4-methoxynaphthoyl)indole (JWH-081);

(ix) 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);

(x) 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);

(xi) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201);

(xii) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694);

- (xiii) 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19 and RCS-4);
- (xiv) 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18 and RCS-8); and
- (xv) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).

(D) The following additional substances:

- (i) 4-methylmethcathinone (Mephedrone).
- (ii) 3,4-methylenedioxypropylvalerone (MDPV).
- (iii) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).
- (iv) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).
- (v) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).
- (vi) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).
- (vii) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).
- (viii) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4).
- (ix) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).
- (x) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N).
- (xi) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).

(E) Any compound, other than bupropion, that is structurally derived from 2-amino-1-phenyl-1-propanone by modification in any of the following ways:

- (i) By substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylendioxy, haloalkyl, or halide substituents, whether or not further substituted in the phenyl ring by one or more univalent substituents;
- (ii) By substitution at the 3-position with an alkyl substituent;
- (iii) By substitution at the nitrogen atom with alkyl or dialkyl groups, or by inclusion of the nitrogen atom in a cyclic structure.

Section 2: It is hereby declared to be unlawful for any person to use, possess, purchase, attempt to purchase, sell, publically display for sale or attempt to sell, give, exchange, barter or otherwise furnish or provide any Synthetic Drugs within the boundaries of Oneida County, New York.

Section 3: This Local Law shall be enforced by any certified law enforcement officer within his/her respective jurisdiction within the geographical boundaries of Oneida County, by either the arrest of or the issuance of a summons to a party violating the provisions of this act and requiring their appearance before a court of competent jurisdiction.

Section 4. Pursuant to Section 1702 of the Oneida County Charter, the Oneida County District Attorney is required and delegated the duty to prosecute any and all violations of this Local Law

Section 5: It is not an offense under Sections 2 above of this Local Law if:

- (A) The person was acting at the direction of an authorized law enforcement agent to enforce or ensure compliance with this law.
- (B) Said substance is expressly prescribed by a physician, psychiatrist or person otherwise duly licensed and authorized to prescribe medication within the State of New York and at the time of the alleged violation, the person in possession of the substance is able to provide written proof to the law enforcement officer (s) that the substance was so prescribed.

Section 5: Any person found to be in violation of this Local Law will be guilty of a Class A Misdemeanor and subject to a term of imprisonment not to exceed one year and a fine not to exceed \$1,000.00. With regards to the sale of Synthetic Drugs, each day that a violation continues shall constitute a separate and distinct offense to which a separate penalty shall apply.

Section 6: This Local Law shall apply to all actions occurring on or after the effective date of this Local Law.

Section 7: This law shall be null and void on the day that statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Oneida. The county legislature may determine by resolution whether or not identical or substantially similar state wide legislation or pertinent preempting state or federal regulations have been enacted for the purposes of triggering the provision of this section.

Section 8: Severability-If any provision of this Local Law is held invalid, such invalidity shall not affect the remaining provisions of the Local Law which shall remain effective absent the invalid provision, and to this end, the provisions of the Local Law are declared to be severable.

Section 9: Emergency Clause-It is hereby declared that an emergency exists and this Local Law, being necessary for the preservation of the health, safety and welfare of citizens of Oneida County, New York, shall be effective immediately upon its passage and approval and filing with the New York State Secretary of State.

**PUBLIC DEFENDER**  
*Frank J. Nebush, Jr., Esq.*

**CHIEF TRIAL COUNSEL**  
*Leland D. McCormac III, Esq.*

**CHIEF APPELLATE COUNSEL**  
*Patrick J. Marthage, Esq.*

**CONFIDENTIAL SECRETARY**  
*Patricia A. Potter*

**SENIOR INVESTIGATOR**  
*James J. Laribee*

**CONFIDENTIAL INVESTIGATOR**  
*Christian M. Nebush*

**SPECIAL INVESTIGATOR**  
*Nicholas J. LaBella*

**PAROLE REVOCATION SECTION**  
*James F. Kehoe, Esq.*  
First Assistant Public Defender

# Oneida County Public Defender Criminal Division

250 Boehlert Center at Union Station  
321 Main Street  
Utica, New York 13501  
Telephone: (315) 798-5870 • Fax: (315) 734-0364  
e-mail: [Pubdef@ocgov.net](mailto:Pubdef@ocgov.net)

## Branch Offices

Utica City Court  
411 Oriskany Street, West  
Utica, New York 13502  
Telephone: (315) 735-6671  
Fax: (315) 724-3407

Rome City Court  
100 West Court Street  
Rome, New York 13440  
Telephone: (315) 334-7012  
Fax: (315) 334-1196

**VIOLENT CRIMES SECTION**  
First Assistant Public Defenders  
*David A. Cooke, Esq.*  
*Luke A. Nebush, Esq.*  
Paralegal, *Jennifer M. Compo*

**MAJOR CRIMES SECTION**  
First Assistant Public Defenders  
*Tina L. Hartwell, Esq.*  
Assistant Public Defenders  
*Adam P. Tyksinski, Esq.*  
*JoAnna R. Feiner, Esq.*  
*Cory A. Zennamo, Esq.*  
*Elizabeth M. Cesari, Esq.*

**CITY COURTS SECTION**  
First Assistant Public Defender  
*David L. Arthur, Esq. – Rome*  
Assistant Public Defenders  
*James P. Godemann, Esq. – Utica*  
*Sarah A. Mietz, Esq. – Utica*  
*Jonathan B. Stroble, Esq. – Utica*  
*Doreen M. St. Thomas, Esq.*

July 25, 2012

FN 20 12-307

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

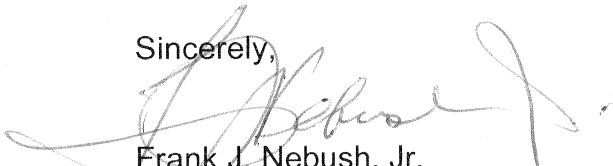
**WAYS & MEANS**

Re: Aid to Defense Contract \$17,400.00  
04/01/2012 – 03/31/2013  
Contract # T128112  
DCJS # AD 121228112

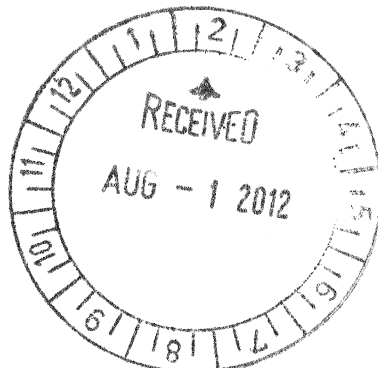
Dear Mr. Picente:

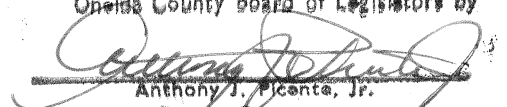
Attached are the documents required for approval of the above contract. The purpose of this grant allocation is to provide better coordination between attorneys assigned to violent and repeat offenders and provide for more efficient disposition of these cases. **No county dollars are involved.**

Sincerely,

  
Frank J. Nebush, Jr.  
Oneida County Public Defender  
Criminal Division

FJN/kl



Reviewed and Approved for submission to the  
Oneida County Board of Legislators by  
  
Anthony J. Picente, Jr.  
County Executive  
Date 8-1-12

Oneida Co. Department: **PD/Criminal Div.**

Completing Proposal \_\_\_\_\_  
Only Respondent \_\_\_\_\_  
Sole Source RFP \_\_\_\_\_

**ONEIDA COUNTY BOARD  
OF LEGISLATORS**

**Name of Proposing Organization:** NYS Division of Criminal Justice Service

**Title of Activity or Service:** Aid to Defense / Grant

**Proposed Dates of Operation:** April 1, 2012 – March 31, 2013

**Client Population/Number:**

**Summary Statements**

**1) Narrative Description of Proposed Services:** Tracks violent and repeat offenders in Utica City Court for coordination with felony attorneys.

**2) Program/Service Objectives and Outcomes:** Increase disposition times for repeat and violent offenders and provide vertical representation.

**3) Program Design and Staffing:** Coordinates repeat and violent offenders with attorneys handling criminal term in Utica City Court. Supports a portion of assistant public defender salary.

**Total Funding Requested:** \$17,400.00

**Account # :** A2202

**Oneida County Dept. Funding Recommendation:** No County Cost

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

**Cost Per Client Served:** No County Cost

**Past Performance Data:** State quarterly reports available for review.

**O.C. Department Staff Comments:** Funds a portion of assistant public defender salary.

## GRANT AWARD INFORMATION

May 24, 2012

**Project ID:** AD12-1015-D00

**DCJS Number:** AD12128112

**Award Recipient:** Oneida County Public Defender

**Mailing Address:** Oneida County Public Defender  
250 Boehlert Center  
321 Main Street  
Utica, NY 13501

**Contact Person:** Mr. Frank Nebush

**Award Amount:** \$17,400

**DCJS Contact:** Larry Signer, Program Specialist  
Division of Criminal Justice Services  
Office of Program Development and Funding  
4 Tower Place  
Albany, NY 12203-3702  
(518) 485-9905  
(518) 485-2728 Fax

**Application Return Date: Within 45 Days of Receipt of this Award Notice**

Technical Assistance to Complete  
Applications Available Upon Request  
at (518) 457-9787






STATE OF NEW YORK  
DIVISION OF CRIMINAL JUSTICE SERVICES  
4 Tower Place  
Albany, New York 12203-3764  
<http://criminaljustice.ny.gov>

ANDREW M. CUOMO  
GOVERNOR

MICHAEL C. GREEN  
EXECUTIVE DEPUTY COMMISSIONER  
(518) 457-1260  
(518) 457-3089 FAX

May 24, 2012

**TO:** Local Aid to Defense Award Recipients

**FROM:** Michael C. Green   
Executive Deputy Commissioner, Division of Criminal Justice Services

**SUBJECT:** 2012 – 2013 Aid to Defense Award

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I am pleased to advise you of your Aid to Defense (ATD) Program award for the contract year beginning 4/01/12 to 3/31/13. Funding will be at the same levels as 2011-12 awards. Award details are found on the attached contract information form.

The Governor requires all grants to have performance measures and demonstrate successful outcomes. You will note that there is a work plan with goals and objectives for the ATD Program in 2012-13. This is a standard plan for all awardees. It is important that you submit your quarterly reports timely. We will be reviewing all outcomes throughout the year.

The SFY 2012-13 grant application **must be submitted within 45 days of receiving this notice, otherwise you will be in jeopardy of losing this year's award.** Please note, all prior year ATD contracts must be currently compliant with contract conditions and submitted to DCJS – up to date progress reports, fiscal cost reports and vouchers – before the 2012 ATD application can be approved.

In order to facilitate the application process, the ATD application must be completed and submitted through the DCJS internet-based automated Grants Management System (GMS). **No other format of application will be accepted.** If you have any questions or need assistance you can submit an e-mail attachment to [funding@dcjs.ny.gov](mailto:funding@dcjs.ny.gov) or call DCJS at (518) 457-9787 for assistance.

DCJS is looking forward to working with you on this important initiative during the coming year. Should you have any questions, please have a member of your staff contact Larry Signer at (518) 485-9905 or email at [Larry.Signer@dcjs.ny.gov](mailto:Larry.Signer@dcjs.ny.gov)

Project No. AD12-1015-D00  
Grantee Name Oneida County

05/29/2012

Project Title: Aid to Defense

**Contacts**

Mr. Frank J. Nebush jr.  
Public Defender - Criminal Division  
250 Boehlert Center  
321 Main Street  
Utica, NY 13501  
Phone:(315) 798-5870, Ext: Fax:(315) 798-6419  
Email:fnebush@ocgov.net

Hon. Anthony J. Picente jr.  
County Executive  
800 Park Avenue  
Utica, NY 13501  
Phone:315-798-2390, Ext: Fax:  
Email:jasmith@ocgov.net

Mr. Joseph J. Timpano  
Comptroller  
800 Park Ave.  
Utica, NY 13501  
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Mr. Joseph J. Timpano  
Comptroller  
800 Park Ave.  
Utica, NY 13501  
Phone:(315) 798-5780, Ext: Fax:(315) 798-6415  
Email:jtimpano@ocgov.net

Project Start: 04/01/2012  
Project End: 03/31/2013  
Project Period: Years 1 Months 0  
Submission Date: 05/29/2012 04:22 PM

EIN:  
156000460  
Municipality No:  
300100000000  
Dun & Bradstreet No:

Charities Registration No:

Not For Profit  
 Sectarian Entity

County:  
Oneida  
Region:  
Mohawk Valley

**BUDGET SUMMARY**

Grant Funds:	\$17,400.00	100.00%
Matching Funds:	\$0.00	0.00%
Total Funds:	\$17,400.00	

Project No. AD12-1015-D00  
Grantee Name Oneida County

05/29/2012

Summary Description of Project

Funds support enhanced defense services designed to expedite the processing of violent and serious cases through the courts. Support is furnished to ensure thorough case processing and effective defense representation.

Federal Program Purpose Area

Program Purpose Code Description

Participants

<u>Participant Name</u>	<u>Type</u>	<u>Comments</u>
Oneida County	Grantee	
<u>Contacts</u>		
	<u>Type</u>	<u>Phone</u>
Mr.Frank J. Nebush jr.	Primary	(315) 798-5870
Hon.Anthony J. Picente jr.	Primary	315-798-2390
Mr.Joseph J. Timpano	Primary	(315) 798-5780
Mr.Joseph J. Timpano	Fiscal	(315) 798-5780
Hon.Anthony J. Picente jr.	Signatory	315-798-2390

<u>Participant Name</u>	<u>Type</u>	<u>Comments</u>
Oneida County Public Defender	Implementing Agency	
<u>Contacts</u>		
	<u>Type</u>	<u>Phone</u>
Ms.Kimberly Flint	Primary	(315) 798-5027
Mr.Frank J. Nebush jr.	Agency Head	(315) 798-5870

Project No.      Grantee Name  
AD12-1015-D00    Oneida County

05/29/2012

Work Plan

Goal

More effectively and efficiently handle serious felony offenses assigned to the office.

Objective #1

Prioritize targeted cases based on the severity of the offense.

Task #1 for Objective #1

Establish and implement a procedure to screen all cases.

#      Performance Measure

1      Provide DCJS with a copy of the procedure to be used to screen and prioritize cases.

Objective #2

To maintain an increased level of experienced defense personnel utilizing funds as outlined in the Appendix.

Task #1 for Objective #2

Utilize only experienced defense attorneys to represent clients charged with targeted crimes.

#      Performance Measure

1      Upon request, provide DCJS with the names and experience of assigned attorneys.

Objective #3

Monitor the progress of targeted cases.

Task #1 for Objective #3

Maintain a system to record and monitor case program data for the purpose of measuring program effectiveness and disposition rates.

#      Performance Measure

1      Determine the number of targeted cases entering the system and the attorneys assigned to these cases.

Objective #4

Provide vertical representation.

Task #1 for Objective #4

Attorneys assigned to targeted cases from the Major and Violent Crimes Sections will remain as counsel throughout the case until final disposition.

#      Performance Measure

1      Amount of time attorneys assigned to targeted cases spend on each case gauged by the number of jail and prison visits, witness interviews, legal research and other case related time.

Objective #5

Improve inter-agency communications to expedite disposition times of targeted cases.

Task #1 for Objective #5

Establish communication protocol between effected agencies to obtain case information, discovery, client contact in timely, expeditious and efficient manner.

#      Performance Measure

1      Data communication systems, policies and procedures established and operable.

Project No.            Grantee Name  
AD12-1015-D00        Oneida County

05/29/2012

Specific Questions

Question #1

ALL APPLICANTS MUST COMPLETE THE FOLLOWING SECTION:

WHAT OTHER RESOURCES, IF ANY, WILL BE UTILIZED TO SUPPORT THE IMPLEMENTATION OF THIS PROJECT? (INCLUDE OTHER GRANT OR AGENCY FUNDS, OR EXISTING AGENCY RESOURCES SUCH AS EQUIPMENT, PERSONNEL, VOLUNTEERS, ETC.)

Provide a brief summary of your proposed project. State the problem to be addressed through this project using appropriate statistical data where applicable.

When completing this section, keep in mind the following issues need to be addressed:

**WHAT IS THE PROJECT?** Describe your project. Is it a mobile patrol, neighborhood watch, equipment purchase, etc.?

**WHY IS THE PROJECT NEEDED?** Describe what services will be provided and how the project will meet the needs of the target population. Describe the physical location(s) of the project.

**WHEN WILL THE PROJECT OPERATE?** State the hours and/or days of operation. Also include the schedule of the project. For example, you may be running different projects throughout the year or you may need to hire personnel or develop project materials. Provide time frames for accomplishing tasks.

Answer

This office handles approximately 8,000 cases annually with over 1,000 of those cases assigned to our Major and Violent Crimes Sections. The APD III position allows us to increase the time attorneys in these Sections spend preparing these cases for preliminary hearings in Utica City Court where the bulk of the targeted cases originate. Section attorneys have more time to discuss possible dispositions with the District Attorney's personnel.

Project No. AD12-1015-D00  
Grantee Name Oneida County  
APPENDIX B - Budget Summary by Participant

05/29/2012

Oneida County  
Oneida County Public Defender  
Version 1

#	Personnel	Number	Unit Cost	Total Cost	Grant Funds	Matching Funds
1	Assistant Public Defender III	1	\$17,400.00	\$17,400.00	\$17,400.00	\$0.00
Total				\$17,400.00	\$17,400.00	\$0.00

Oneida County Public Defender Total Project Costs	Total Cost	Grant Funds	Matching Funds
	\$17,400.00	\$17,400.00	\$0.00

Total Project Costs	Total Cost	Grant Funds	Matching Funds
	\$17,400.00	\$17,400.00	\$0.00

Advance Request  
Advance: \$0.00

Justification

Assurance

NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES  
OFFICE OF PROGRAM DEVELOPMENT AND FUNDING <br>

<br>

Certified Assurances for Federally-supported Projects, Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; Drug Free Workplace Requirements; Standard Assurances <br>

<br>

The applicant hereby assures and certifies compliance with all Federal and State statutes, regulations, policies, guidelines, and requirements, including OMB Circulars No. A-21, A-87, A-102, A-110, A-122, A-133, , E.O. 12372 (intergovernmental review of federal programs) and Uniform Administrative Requirements for Grants and Cooperative Agreements - 28 CFR, Part 66 or 70 (administrative requirements for grants or programs), Common Rule, that govern the application, acceptance, and use of Federal funds for this federally-assisted project. The applicant also assures and certifies that: <br>

<br>

1. LOBBYING<br>

<br>

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR

Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that: <br>

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement; <br>

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, 'Disclosure of Lobbying Activities', in accordance with its instructions; <br>

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly. <br>

<br>

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT) <br>

<br>

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67<br>

<br>

A. The applicant certifies that it and its principals: <br>

<br>

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency; <br>

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; <br>

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and (d) Have not within a three-year period preceding this application had one or more public

transactions (Federal, State, or local) terminated for cause or default; and<br>

<br>

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application. <br>

<br>

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS) <br>

<br>

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620 A. The applicant certifies that it will or will continue to provide a drug-free workplace by: <br>

<br>

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a

controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition; <br>

(b) Establishing an on-going drug-free awareness program to inform employees about<br>

(1) The dangers of drug abuse in the workplace; <br>

(2) The grantee's policy of maintaining a drug-free workplace; <br>

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and <br>

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace; <br>

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a); <br>

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will <br>

(1) Abide by the terms of the statement; and<br>

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction; <br>

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice

under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: <br>

Department of Justice<br>

Office of Justice Programs<br>

ATTN: Control Desk<br>

810 Seventh Street, N.W., <br>

Washington, D.C. 20531<br>

Notice shall include the identification number(s) of each affected grant; <br>

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted<br>

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or<br>

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency; <br>

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f). <br>

<br>

4. It possesses legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application); that a resolution, motion, or similar action, has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein and in directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required. <br>

<br>

5. It will comply with the requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally-assisted programs. <br>

<br>

<br>

6. It will comply with the provisions of Federal law known as the Hatch Act which limit certain political activities of employees of a State or local unit of government whose principal employment is in connection with an activity financed in whole or in part by Federal grants (5 USC, Section 1501, et seq, as amended). <br>

<br>

<br>

7. It will comply with the minimum wage and minimum hours provisions of the Federal Fair Labor Standards Act, if applicable. <br>

<br>

8. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties. <br>

<br>

<br>

9. It will give the U.S. Department of Justice, New York State Division of Criminal Justice Service (DCJS) or the New York State Comptroller's Office, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant. <br>

<br>

10. It will comply with all requirements imposed by the U.S. Department of Justice and New York State concerning special requirements of law, program requirements, and other administrative requirements. <br>

<br>

11. It will ensure that the facilities under its ownership, lease, or supervision which shall be utilized in the accomplishment of the project

24



are not listed in the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify DCJS of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA. <br>

<br>

12. It will comply with the flood insurance requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976, Section 102 (a) requires, on or after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase, "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or other form of direct or indirect Federal assistance. <br>

<br>

13 It will assist DCJS in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593 and the Archeological and Historical Preservation Act of 1966 (16 U.S.C. 496a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, notifying DCJS of the existence of any such properties, and by (b) complying with all requirements established by the Federal Government to avoid or mitigate adverse effects upon such properties. <br>

<br>

14. It will comply with the applicable provisions of the Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Juvenile Justice and Delinquency Prevention Act, or the Victim of Crime Act, as appropriate; the provisions of the current edition of the Office of Justice Programs' Financial Guide; and all other applicable Federal laws, orders, circulars, or regulations. <br>

<br>

15. It will comply with the provisions of 28 CFR applicable to grants and cooperative agreements including Part 18, Administrative Review Procedure, Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Systems Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Nondiscrimination Equal Employment Opportunity Policies and Procedures; Part 61, Procedures for Implementing the National Environment Policy Act; Part 63, Floodplain Management and Wetland Protection Procedures, and Federal laws or regulations applicable to Federal assistance programs. <br>

<br>

16. It will comply, and all its contractors will comply, with the non-discrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789(d), or Victims of Crime Act (as appropriate); Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Subtitle A, Title II of the Americans with Disabilities Act (ADA) (1990); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); see Ex. Order 13279 (equal protection of the laws for faith-based and community organizations); Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C,D,E, and G; and Department of Justice regulations on disability discrimination. CFR Part 35 and Part 39. <br>

<br>

17. It assures that in the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against applicant, the applicant will forward a copy of the finding to DCJS for transmittal to the U.S. Department of Justice, Office of Civil Rights. <br>

<br>

18. It will comply with the provisions of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 USC 3501 et seq.) which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System. <br>

<br>

19. It will be solely responsible and answerable in damages for any and all accidents and/or injuries to persons (including death) or property arising out of or related to the services to be rendered pursuant to this agreement. The applicant will indemnify and hold harmless New York State and its officers and employees from claims, suits, actions, damages, and costs of every nature arising out of the provision of federally-funded services. <br>

<br>

The applicant is potentially an independent contractor and may neither hold itself out nor claim to be an officer, employee or subdivision of New York State nor make any claim, demand or application to or for any right based upon any different status. <br>

<br>

20. It assures that Federal formula grant funds, or the required cash matching funds, will not be used to supplant State or local funds but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement and criminal justice activities. <br>

<br>

21. It assures that matching funds required to pay the non-Federal portion of the cost of each program and project, for which federal funds are made available, shall be in addition to funds that would otherwise be made available for law enforcement and criminal justice activities by recipients of grant funds. <br>

<br>

22. It assures that it shall maintain such data and information and submit such reports in such form at such times and containing such data and information as DCJS may reasonably require to administer the program. <br>

<br>

23. It agrees that, in compliance with Section 623 of Public Law 102-141, no amount of this award shall be used to finance the acquisition of goods or services (including construction services) that have an aggregate value of \$500,000 or more, unless the recipient: <br>

<br>

(a) specifies in any announcement of the awarding of the contract for the procurement of the goods and services involved (including construction services) the amount of Federal funds that will be used to finance the acquisition; and<br>

<br>

(b) expresses the amount announced pursuant to paragraph (a) as a percentage of the total cost of the planned acquisition. <br>

<br>

24. New York State agency applicants assure compliance with Title V of the Anti-Drug Abuse Act of 1988 and regulations promulgated by the Federal Government to maintain a drug-free workplace. <br>

<br>

25. When applicants having 50 or more employees which receive an amount of \$500,000 or more, or \$500,000 in the aggregate, in any fiscal year, are required to formulate and provide an Equal Employment Opportunity Program (EEOP), in accordance with 28 CFR, subpart e. The applicant agrees to maintain a current one on file and to certify to DCJS that it has a current EEOP on file which meets the applicable requirements. The applicant agrees not to obligate or expend any funds under this grant award until it submits to DCJS for transmittal to the respective federal grantor agency for review and approval by the U.S. Department of Justice, Office for Civil Rights, a copy of the prospective subgrantee's Equal Employment Opportunity Plan (EEOP), or the Statistical Update from the previous year, whichever is appropriate. When an Update only is appropriate, the following information should also be submitted: <br>

<br>

(a) The number of complaints of discrimination filed against the subgrant agency within the past year, the final disposition or current status of each complaint, and the nature and issues involved in each active complaint; and<br>

<br>

(b) A statement addressing whether or not the subgrant agency is currently operating under an equal employment conciliation agreement and, if so, a copy of that agreement and the most recent monitoring report. <br>

<br>

26. It agrees that any publication (written, visual, or sound, but excluding press releases, newsletters, and issue analyses) issued by the applicant describing programs or projects funded in whole or in part with Federal funds, shall contain the following statement: <br>

<br>

'This project was supported by Grant # \_\_\_\_\_, awarded by the Office of Justice Programs, U.S. Department of Justice to the State of New York, Division of Criminal Justice Services ( DCJS). Points of view or opinions contained within this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice or DCJS.' <br>

<br>

The applicant also agrees that one copy of any such publication will be submitted to DCJS to be placed on file and distributed as appropriate to other potential grantees or interested parties. DCJS may waive the requirement for submission of any specific publication upon submission of a request providing justification from the applicant. <br>

<br>

27. It will include in its application a signed Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion. <br>

<br>

28. If the grant applied for is awarded, it will be provided by the State of New York from funds appropriated under one of the various titles of the Violent Crime Control and Law enforcement Act of 1994 (PL 103-322). The applicant assures that all information contained in the application is correct and that it will abide by all statutes, rules, and regulations of the United States and of New York State affecting the conduct of grantees, as well as to conform to the terms and conditions stated in the contractual agreement.

Certified by - on