

ONEIDA COUNTY BOARD OF LEGISLATORS

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

Gerald J. Fiorini
Chairman
(315) 798-5900

Mikale Billard
Clerk
(315) 798-5404

George Joseph
Majority Leader

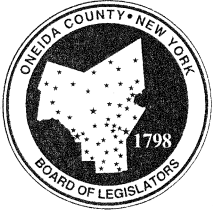
Frank D. Tallarino
Minority Leader

COMMUNICATIONS FOR DISTRIBUTION October 10, 2014

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

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FN 20 14-337

NOTICE OF SPECIAL MEETING

Oneida County Board of Legislators

NOTICE IS HEREBY GIVEN to the members of the Oneida County Board of Legislators that a Special Meeting will be held Wednesday, October 15th, 2014 at 6:30 PM in the Board Chambers, County Office Building, 800 Park Avenue, 10th Floor, Utica, New York.

The purpose of such meeting is to consider Introductory No. 294, “**A Resolution for the Retention of Herbert J. Cully, Esq. as Counsel for the Oneida County Board of Legislators in the Appeal of the Matter of Frank Tallarino vs. the Oneida County Board of Legislators and the County Of Oneida.**”

NOTICE IS FURTHER GIVEN that the Ways and Means Committee will meet immediately preceding the Special Meeting at 6:00 PM on October 15th, 2014 in Room 1040, County Office Building, 800 Park Avenue, 10th Floor, Utica, New York.

Mikale P. Billard 
Clerk of the Board of Legislators
Dated: October 10th, 2014



ONEIDA COUNTY DEPARTMENT OF LAW

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

ANTHONY J. PICENTE JR.
COUNTY EXECUTIVE

PETER M. RAYHILL
COUNTY ATTORNEY

FN 20 14 - 338

October 9, 2014

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

WAYS & MEANS

Re: Notice of Appeal – Tallarino v. Oneida County Board of Legislators
Index No. CA2014-000768

Dear Mr. Fiorini:

Please find attached a copy of correspondence from Attorney Gustave DeTraglia, attorney for Oneida County Legislator Frank Tallarino, as well as a copy of a filed a Notice of Appeal relative to the above referenced matter. The Notice of Appeal was filed on October 1, 2014.

As you are aware, because this litigation is between members of the Oneida County Board of Legislators, my office has a conflict of interest and outside counsel must be retained to defend the Appeal. Herbert Cully, Esq. represented the Board of Legislators in the trial court phase of this litigation. The retention of Attorney Cully was authorized by the Board of Legislators at a special meeting wherein the Board retained Attorney Cully at the rate of \$200.00/hour with a not to exceed limit of \$10,000.00. To date, Mr. Cully has billed the County \$8,550.00 which the County has paid. There is \$1,450.00 available for the defense of the Appeal should the Board of Legislators decide to continue with Mr. Cully.

I recommend that the Board meet and resolve to retain Attorney Cully to defend the Appeal and authorize an additional amount of funds for the defense of the Appeal.

Should you have any questions or require anything further, please advise.

Very truly yours,


Peter M. Rayhill, Esq.
Oneida County Attorney



*Law Offices of
Gustave J. DeTraglia, Jr.
Attorney and Counselor at Law
1425 Genesee Street
Utica, New York 13501*

Gustave J. DeTraglia, Jr., Esq.
Gustave J. DeTraglia, III, Esq.*
Michele E. DeTraglia, Esq. †
(*ALSO ADMITTED IN CT)
(†ALSO ADMITTED IN MA)

Telephone: (315) 738-1133
Fax: (315) 738-1134
ELECTRONIC SERVICE NOT ACCEPTED

October 6, 2014

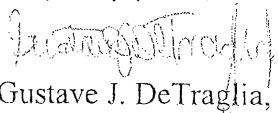
Herbert J. Cully, Esq.
Calli, Calli & Cully
510 Bleecker St.
Utica, NY 13501

Re: Frank Tallarino, Individually and as Minority Leader of
the Oneida County Board of Legislators v. Oneida County Board of
Legislators and The County of Oneida
Index No. CA2014-000768

Dear Mr. Cully:

Enclosed herein please find a filed copy of the Notice of Appeal in connection with the
above entitled matter.

Very truly yours,


Gustave J. DeTraglia, Jr.
Mjd
enc

COPY OF FILING

STATE OF NEW YORK
SUPREME COURT COUNTY OF ONEIDA

Frank Tallarino Individually and as Minority
Leader of the Oneida County Board of Legislators

NOTICE OF APPEAL

Petitioner,

vs.

Index No.: CA2014-000768
RJL No.: 32-14-0331

The Oneida County Board of Legislators
And The County of Oneida,


Respondents.

SIRS:

PLEASE TAKE NOTICE, that the Petitioner, Frank Tallarino hereby appeals the Appellate Division Fourth Department of the Supreme Court of the State of New York from the Decision, Order and Judgment of the Supreme Court, County of Oneida, issued by the Honorable Bernadette T. Clark, entered in the Oneida County Clerk's Office on 18th day of September, 2014 and served with Notice of Entry on the Petitioner dated 18th day of September, 2014 whereby it was Ordered that the Petitioner's Petition was dismissed in its entirety and the Respondent's Cross Motion was granted and Petitioner appeals from each and every part of said Decision, Order and Judgment.

Dated: September 30, 2014
at Utica, New York

YOURS ETC.,


Gustave J. DeTraglia Jr., Esq.
Attorney for the Plaintiffs
Office and P.O. Address
1425 Genesee Street
Utica, New York 13501
Telephone: 315-738-1133

TO: Herbert J. Cully, Esq.
CALLI, CALLI, & CULLY
510 Bleecker Street
Utica, New York 13501

2014 OCT -1 PM 3:15

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