



# ONEIDA COUNTY BOARD OF LEGISLATORS

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

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Chairman  
(315) 798-5900

Mikale Billard  
Clerk  
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Majority Leader

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Minority Leader

## EXPEDITED COMMUNICATIONS FOR DISTRIBUTION September 13, 2017

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

<u>FILE NO.</u>	<u>COMMITTEE</u>	<u>PAGES</u>
2017-290 . . .	Public Works, Ways & Means.....	2
2017-291 . . .	Ways & Means .....	3-13
2017-292 . . .	Public Works, Ways & Means.....	14-19
2017-293 . . .	Ways & Means .....	20-28
2017-294 . . .	Ways & Means .....	29-30

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ANTHONY J. PICENTE JR.  
County Executive

DENNIS S. DAVIS  
Commissioner



DIVISIONS:  
Buildings & Grounds  
Engineering  
Highways, Bridges & Structures  
Reforestation

## Oneida County Department of Public Works

5999 Judd Road Oriskany, New York 13424  
Phone: (315) 793-6213 w Fax: (315) 768-6299

August 14, 2017

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

FN 20 17-290

**PUBLIC WORKS**

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

Anthony J. Picente, Jr.  
County Executive

Date 8/21/17

Dear County Executive Picente, **WAYS & MEANS**

On November 12, 2014, as part of the 2015 budget, the Oneida County Board of Legislators approved Capital Project H-520, Oneida County Health Clinic Renovation, with an initial budget of \$1,500,000.00.

On August 14, 2017, the Department of Public Works received notice of award from the Dormitory Authority of the State of New York for a grant to renovate the Oneida County Health Clinic. The grant will provide 100% reimbursement of eligible project expenses up to a maximum payable amount of \$2,000,000.00.

A renovation of this magnitude will require temporary relocation of clinic operations. Grant funds may not cover temporary relocation expenses such as permitting, design services, lease payments, and moving services. An adequate contingency for these expenses is \$200,000.00.

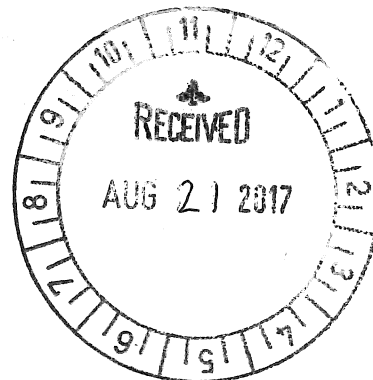
I request amendment of Capital Project H-520 as follows.

Funding Source	Current Budget	Proposed Increase	Total
Transfer From General	\$0.00	\$200,000.00	\$200,000.00
State Aid (DASNY)	\$1,500,000.00	\$500,000.00	\$2,000,000.00
		<b>TOTAL</b>	<b>\$2,200,000.00</b>

Thank you for your continued support.

Sincerely,

Dennis S. Davis  
Commissioner



cc: Mark E. Laramie, PE, Deputy Commissioner

2.



**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 17-291

**WAYS & MEANS**

August 24, 2017

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

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

\_\_\_\_\_  
Anthony J. Picente, Jr.  
County Executive

Date 8/25/17

Dear County Executive Picente:

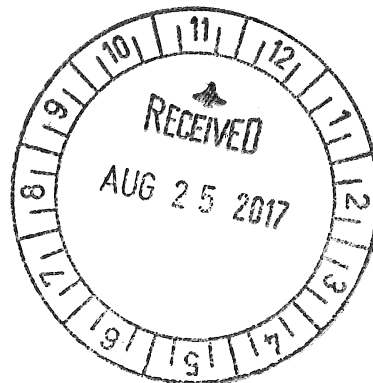
Please find enclosed, for your review and consideration, the Memorandum of Agreement between Mohawk Valley Health System, City of Utica and Oneida County for the development of the parking facility of the consolidated hospital campus in downtown Utica.

If the enclosed meets with your approval, I respectfully request that you forward to the Board of Legislators for approval at their September 13, 2017 meeting. Should you have any questions or concerns, or should you require any additional information, please do not hesitate to contact me.

Sincerely,

Peter M. Rayhill, Esq.

Enclosures



Oneida Co. Department: County Executive

Competing Proposal \_\_\_\_\_  
Only Respondent \_\_\_\_\_  
Sole Source RFP \_\_\_\_\_  
Other   X  

**ONEIDA COUNTY BOARD  
OF LEGISLATORS**

**Name & Address of Vendors:** Mohawk Valley Health System  
1656 Champlin Avenue  
New Hartford, New York 13502

**AND**

City of Utica  
1 Kennedy Plaza  
Utica, New York 13502

**Title of Activity or Service:** Consolidated Hospital Campus Facility MOU

**Proposed Dates of Operation:** 2017 - Perpetual

**Client Population/Number to be Served:** Oneida County residents and visitors

**Summary Statements**

- 1) **Narrative Description of Proposed Services:** the purpose of this MOU is to specify, give definition and agree to ways and means by which the parties can cooperate and contribute to achieve the purpose of a new hospital campus, to include health care and parking facilities.
- 2) **Program/Service Objectives and Outcomes:** To define the respective roles and agreements between the parties to ensure the success of this endeavor and undertaking on behalf of the community and greater regional development.
- 3) **Program Design and Staffing:** N/A

**Total Funding Requested:** \$27,405,853.00

**Account #** N/A

**Oneida County Dept. Funding Recommendation:** \$27,405,853.00

**Proposed Funding Sources (Federal \$/ State \$/County\$):** Multiple sources per this MOU

**Cost Per Client Served:** N/A

**Past Performance Data:** N/A

**O.C. Department Staff Comments:** This is a new undertaking for the region.

## MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (hereafter "MOA") is signed this 22 day of August, 2017 by and between Mohawk Valley Health System, (hereafter "MVHS") a New York Not For Profit Corporation with offices at 1656 Champlin Avenue, New Hartford, New York 13502, the City of Utica, New York, (hereafter "City") a municipal corporation under the laws of the State of New York with offices at 1 Kennedy Plaza, Utica, New York 13502, and the County of Oneida, (hereafter "County") a municipal corporation under the laws of the State of New York with offices at 800 Park Avenue, Utica, New York 13501.

### RECITALS

1. **Purpose:** MVHS is a not for profit corporation and legal affiliation of Faxton-St. Luke Healthcare and St. Elizabeth Medical Center engaged in providing hospital and related medical services to residents in both Oneida County and throughout the general region. MVHS presently operates and provides medical services at St. Elizabeth Medical Center located in the City of Utica, and Faxton-St. Luke's Healthcare composed of the former Faxton Hospital campus in Utica, New York and the St. Luke's Hospital Campus in New Hartford, New York. The 2016-2017 New York State Budget has made available to MVHS funding in the amount of three hundred million dollars (\$300,000,000) for the purpose of developing and constructing a consolidated, up to date hospital facility in downtown Utica to replace existing structures which have become outmoded. ("the new hospital project"). The estimated cost for the project is five hundred twenty three million five hundred seventeen thousand eight hundred seventy five and no/100ths dollars (\$523,517,875), which includes the refurbishment of Kennedy Garage and the development of the proposed parking facility discussed herein, with funding above and in addition to the state grant to be from additional public and private funding to be secured by MVHS with the assistance of City, County, and Mohawk Valley EDGE.

The development of such a consolidated hospital campus will achieve operational efficiencies and create opportunities for greater development of clinical research and medical education programs. Further, it has been determined that locating the new, consolidated hospital campus in downtown Utica would present opportunities for enhanced medical care for the community as well as economic revitalization of the downtown area. The proposed hospital site has generally been identified as the area bounded by Oriskany, Columbia and State Streets, and Broadway. The signatories to this MOA seek to identify and commit to ways in which they can cooperate to fulfill these purposes.

2. **Intent of this MOA:** This MOA is to be signed by Scott H. Perra in his capacity as Chief Executive Officer of MVHS, Robert M. Palmieri in his capacity as Mayor of the City of Utica, and Anthony J. Picente, Jr. in his capacity as County Executive of Oneida County. It is the intent of this MOA to identify, delineate, and agree to a plan for cooperation by and among MVHS, City, and County to further the purpose of a consolidated and new hospital campus in downtown Utica, to work cooperatively toward that purpose, and to contribute financially, through in kind and monetary contributions, and otherwise toward that purpose. All of the signatories to this MOA acknowledge and agree that the primary purpose of this MOA is to specify, give definition, and agree to ways and means by which the parties may cooperate and contribute to achieve the purpose of a new hospital campus. It is understood and agreed that at this time various elements of funding the proposed parking garage hereafter mentioned are dependent upon completion of a process of application, award, and release of funding. Once this information becomes known, the parties will enter into an agreement or agreements (the "Definitive Agreement(s)") more specifically identifying funding sources and amounts, together with further schedules and details with regard to mutual obligations of the parties with regard to contributions towards, and payment of, debt service.

3. **Cooperative Parking Agreement:**

**General Description:** The parties to this MOA recognize that the effective and convenient utilization of a downtown Utica site for the new hospital project will require additional parking. Further, the parties recognize and acknowledge that in addition to the needs of hospital staff, related medical personnel that locate within the medical office facility, patients, visitors, and others conducting business within the hospital, that additional parking in downtown Utica would confer significant public benefits upon City and County to meet the needs of the general public availing themselves of professional, commercial, entertainment, recreational and government services concentrated in the downtown Utica area. Accordingly, the parties recognize that the new hospital project together with existing and projected increased parking needs for the general public would create a need for a municipal parking facility providing approximately 1550 new parking stalls, which would be approximately apportioned between 1150 parking stalls for hospital use and public use for other outpatient services that would be part of the MVHS project, and 400 parking stalls for general public use including persons visiting or doing business with physicians in the facility used for private medical practices.

This is in addition to another 2,000 ± surface parking spaces that will be incorporated into the overall site plan for the MVHS downtown campus and the refurbishment of Kennedy Garage that would support supplemental parking needs for one or more Medical Office Buildings that would be developed by MVHS or by private developers working collaboratively with MVHS and provide additional parking that is proximal to the new MVHS healthcare facility.

The location for the proposed parking facility will be determined by mutual agreement of MVHS, City and County with the primary objective being to situate the parking facility so that it optimizes, in order of priority, the parking needs for MVHS and then the

downtown Utica general public. The location for the parking facility will be incorporated into the Definitive Agreement(s).

4. **Estimated Cost:** The parties understand and agree that the current estimated cost of such a parking facility is forty million five hundred and seventeen thousand eight hundred seventy five dollars (\$40,517,875.00). Additionally, the parties also agree to work cooperatively to repair and restore the Kennedy Parking Garage at an estimated cost of three million dollars (\$3,000,000.00).

5. **Sources of Funding:**

(a.) The parties agree that there will be a debt financing component estimated at thirty seven million five hundred seventeen thousand eight hundred seventy five dollars (\$37,517,875.00), consisting of twenty seven million four hundred five thousand eight hundred fifty three dollars (\$27,405,853.00) in general obligation bonds to be issued by County and ten million one hundred twelve thousand twenty two dollars (\$10,112,022.00) in funding generated from the allocation of New Market Tax Credits (NMTC) or other funds obtained for the project.

County and City will in the Definitive Agreement apportion the annual debt service on the project between them with County paying sixty (60%) per cent and City (40%) forty per cent. The Definitive Agreement(s) shall set forth the time and manner of City's payments to County.

(b.) City shall reprogram an existing one million five hundred thousand dollars (\$1,500,000.00) grant through Empire State Development Program to City to be used for the parking facility project. Additionally, a New York State Assembly sponsored one million dollar (\$1,000,000.00) grant from the State Assistance Municipal Program (SAM) and five hundred thousand dollars (\$500,000.00) from an expected Upstate Revitalization Initiative Grant (URI) shall be used for the parking facility project.

(c.) An additional three million dollars (\$3,000,000.00) will be allocated from the expected URI grant for repair and restoration of Kennedy Parking Garage.

6. **Cooperative Municipal Parking Program:** The parties to this agreement agree to support a cooperative parking program, the designated roles of each party being contemplated as follows:

(a.) County will act as the primary developer to arrange necessary financing for the parking facility and to oversee its construction. County will hold the fee title to the parking facility. Under a lease agreement with County or other suitable arrangement, MVHS will operate the parking facility for its needs and the needs of members of the general public conducting business, recreational or personal pursuits in the downtown Utica area. The facility will be open and available for use on a 365 day per year/twenty four hour per day basis.

(b.) MVHS shall, in consultation with County and City establish a general municipal parking agreement and plan which may include a parking fee structure. MVHS shall receive all revenue generated by the operation of the garage and be responsible for the costs for maintenance and operation of the garage as well as establishing a reasonable repair and capital reserve fund

(c.) MVHS, City, and County agree to negotiate in good faith a plan for the disposition and sharing between City and County of any parking facility generated revenues over and above costs of operation, maintenance and reasonable contributions to a capital reserve fund ("the excess revenues."). Such excess revenues shall be allocated in the same proportion as City and County's respective contributions to debt service for the parking facility (60/40 as discussed in section 5a. above). The parties agree that the method of calculating such revenue and its allocation, the method and frequency of payment, the term of the agreement and any renewal and/or extension provisions and remedies of the parties in the event of any breach of the agreement to share the excess revenues shall be incorporated in the Definitive Agreement(s).

(d.) City is the owner of Kennedy Garage and will act as the developer and oversee the improvements to Kennedy Garage. The parties hereto agree to work together to include Kennedy Garage in the general municipal parking plan mentioned above.

(d.) It is understood that the utilization of New Market Tax Credits and other funding mechanisms may require the establishment of one or more Community Development Corporations or the creation of collaborations between new and existing Community Development Corporations. The parties to this MOA agree to work cooperatively to establish this framework.

7. **Dedication of Existing City-Owned Properties:** City is the owner of certain properties which have been acquired by the foreclosure of tax liens and by other means which are within the potential footprint of the proposed new hospital project.. In recognition of the general public benefit which will be conferred by the establishment of the new facility, City agrees to transfer all of its right title and interest in such properties to MVHS or any designated appropriate entity to be used for the sole purpose of establishing the new hospital facility and ancillary improvements related thereto. A list of these properties is attached hereto as **Exhibit A**. It is understood and agreed that this list (Exhibit A) may need to be modified according to the needs of the new hospital project and the parties agree to negotiate in good faith toward such end.

8. **Cooperation With Regard to Additional Funding:** The parties agree to work cooperatively to identify other public and/or private sources of funding which are or may become available for the new hospital facility project and related ancillary improvements. When such a funding source is or may be identified, the parties to this agreement, to the extent one or more of them may be a qualified applicant, shall agree to serve as such applicant and the parties shall cooperatively work to complete the appropriate application process.



9. **Additional items of Assistance to be Provided by County:** In addition to the other items set forth more specifically above, County shall provide the following assistance to the new hospital project at County's expense:

(a.) Provide a Planner in the Oneida County Planning Department assigned to the new hospital project and tasked with coordinating planning activities among City, County, the State of New York and other government entities; co-support and work with City on Planning of area Master Planning.

(b.) Coordinate and work with New York State Department of Transportation to provide full access at the intersection of Oriskany and Cornelia Streets.

(c.) Waive all applicable County fees or charges associated with construction and installation of improvements including but not limited to plan review, permits, impact fees, mitigation charges and the like.

10. **Additional Items of Assistance to be Provided by City:** In addition to the items set forth more specifically above, City shall provide the following assistance to the new hospital project at City's expense:

(a.) Contribute City-owned land within the boundaries of the new hospital campus as set forth above.

(b.) Provide appraisals for all City-owned land within the new hospital campus boundaries.

(c.) Relocate current parking west of Pine Street which is utilized for police parking and relocate to land to be contributed by MVHS (current Brandeles Property 50+/- spaces and remainder in the new parking garage facility (57+/- parking stalls).

(d.) Discontinue portions of Lafayette, Lee and Cornelia Streets within the new hospital boundaries and transfer to MVHS.

(e.) Enter into discussions to include in the Definitive Agreement plans to reroute existing City-owned utilities within the new hospital project boundaries, remove utilities and terminate use of existing easements and rights of way.

(f.) Consider in the development of the parking plan mentioned above, the dedication of at least 200 of the 450 parking stalls in Kennedy Parking Garage for Hospital use.

(g.) Assist displaced and affected businesses in relocating to other suitable locations within the City of Utica.

(h.) In view of the requirement of the New York State Department of Health and the Dormitory Authority of the State of New York to provide building and construction inspection, review and permitting, waive all fees for any building or zoning permits or any other such fee, at least to the extent such fees do not reflect actual costs necessarily incurred by City.

(i.) To the extent necessary, cooperate to secure necessary approvals for rezoning of MVHS property acquired for the new hospital project and adjacent strategic parcels to a PD-E classification which will meet the needs for current and future development.

(j.) Enter into discussions to provide in the Definitive Agreement(s) necessary improvements to Broadway, State Street, and Columbia Street such as new pavement, curbs, sidewalks, lighting and utilities.

(k.) Engage in conducting Strategic Master Planning study of downtown area adjacent to and surrounding the MVHS site in cooperation and coordination with the assigned County Planner.

(l) Provide a Planner assigned to the new hospital project and coordinate activities with County, State of New York and other governmental entities.

11. **Definitive Agreement(s):** The terms and provisions of this MOA are for the purpose of demonstrating the commitment and agreement of the parties with regard to supporting the proposed hospital project, and most particularly, the financing of the parking garage and the development and implementation of the general municipal parking plan. As available funding, costs, location of the proposed parking facility, and other factors related to the hospital project and the overall parking plan clarify and become known, the parties will enter into one or more Definitive Agreements setting forth those specifics.

12. **Publication and Publicity:** Releases to the news and media and any publicity or other communications shall be coordinated through MVHS and mutually agreed upon.

13. **Confidentiality:** The parties acknowledge and agree that City and County are public entities subject to the New York State Freedom of Information Law (FOIL). The parties agree to work cooperatively to keep as confidential information which may be subject to exceptions under FOIL including but not limited to proprietary information belonging to MVHS, discussions or negotiations concerning the value and acquisition of real property for the new hospital project and the like. The parties each agree to give each other prompt notice of any request for information related to the subject matters contained in this MOA or subsequent definitive agreements and to give all other parties a reasonable opportunity to make any objection which they may have to disclosure of such information.

14. **Governing Law:** This MOA shall be governed and interpreted under the laws of the State of New York.

15. **Notices and Communications:** All communications, notices and disclosures under this MOA shall be mailed or hand delivered as follows:

**To MVHS:**

Scott H. Perra  
President and CEO  
Mohawk Valley Health System  
1656 Champlin Avenue  
New Hartford, New York 13502

With a copy (not constituting notice) to: General Counsel

**To County of Oneida:**

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

With a copy (not constituting notice) to: Office of the County Attorney  
**To City of Utica:**

Robert M. Palmieri  
Mayor  
City of Utica  
One Kennedy Plaza  
Utica, New York 13502

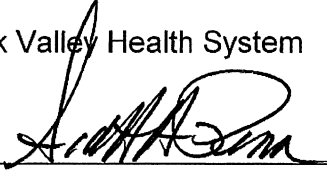
With a copy (not constituting notice): Office of the Corporation Counsel.

**SIGNATURE PAGE FOLLOWS:**

In Witness Whereof, each party has caused this Memorandum of Agreement to be executed on the dates hereafter set forth:

MVHS

Mohawk Valley Health System

By:   
Scott H. Perra  
President and CEO

Date: 8/22/17

County of Oneida

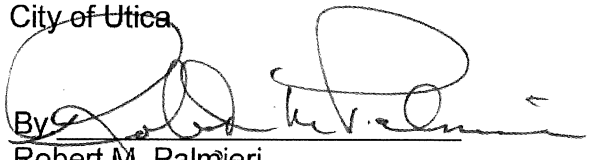
County of Oneida

By: \_\_\_\_\_  
Anthony J. Picente, Jr.  
County Executive

Date: \_\_\_\_\_

City of Utica

City of Utica

By:   
Robert M. Palmieri  
Mayor

Date: 8/21/17

# Exhibit A

Tax Parcel ID No.	Address
318.034-1-37	401 State Street
318.034-1-24	414-416 Lafayette Street
318.041-2-34	509 State Street
318.042-1-30	336 Columbia Street
318.042-1-29	326 334 Columbia Street
318.042-1-2	324 Lafayette Street
318.042-1-13	322 Lafayette Street
318.042-1-14	326 330 Lafayette Street
318.42-1-10	318 Lafayette Street
318.42-1-2./2	417 Oriskany Street West
318.34-1-37	401 State Street

ANTHONY J. PICENTE JR.  
County Executive

DENNIS S. DAVIS  
Commissioner



DIVISIONS:  
Buildings & Grounds  
Engineering  
Highways, Bridges & Structures  
Reforestation

## Oneida County Department of Public Works

5999 Judd Road, Oriskany, New York 13424  
Phone: (315) 793-6213 Fax: (315) 768-6299

August 30, 2017

FN 20 17-292

### PUBLIC WORKS

### WAYS & MEANS

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

\_\_\_\_\_  
Anthony J. Picente Jr.  
County Executive

Date 8/30/17

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

Dear County Executive Picente,

Attached is a copy of an Intermunicipal Agreement for consideration and approval with various Towns/Villages/Cities in Oneida County. These agreements are an effort to assist the municipalities that were affected by the July 1<sup>st</sup> and July 2<sup>nd</sup> storms and help assist in the relief of the financial burden that was created by the storm in which flood waters caused a State of Emergency. The agreement shows that FEMA will reimburse some but not all costs incurred by the Municipality for performance of the Work and Oneida County has allocated funding to contribute up to fifty percent (50%) of the cost of the work that will need approval by the Commissioner of Public Works.

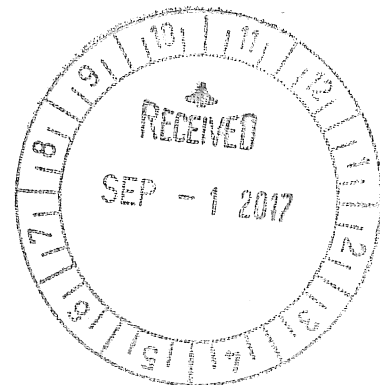
If you concur with this request, kindly forward to the Public Works and Ways and Means Committees to review as their schedules permit, with presentation to the Board of Legislators at their regularly scheduled meeting.

Sincerely,

Dennis S. Davis  
Commissioner

DSD/mp  
Enclosure(s)

cc: Thomas Keeler, Budget Director  
Joseph Timpano, Comptroller



## INTERMUNICIPAL AGREEMENT

THIS AGREEMENT, made this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by and between the Parties, **THE COUNTY OF ONEIDA**, a municipal corporation organized and existing pursuant to the laws of the State of New York, with its principal office located at 800 Park Avenue, Utica, New York, hereinafter called "County," and **\_\_\_\_NAME OF CITY, TOWN OR VILLAGE\_\_\_\_\_**, a municipal corporation organized and existing pursuant to the laws of the State of New York, with its principal office located at \_\_\_\_\_, \_\_\_\_\_, New York, hereinafter called "Municipality."

WHEREAS, the Municipality is located within the jurisdiction of the County; and

WHEREAS, the Municipality has, within its jurisdiction, roads, sidewalks, bridges, buildings, structures, drainage systems and other infrastructure for the public benefit that are owned, operated, maintained and supervised by the Municipality (the "Infrastructure"); and

WHEREAS, the Municipality allows all residents of the County and all other persons present therein to utilize its Infrastructure; and

WHEREAS, on or about July 1 and July 2, 2017, flood waters caused a State of Emergency in the Municipality and throughout the County; and

WHEREAS, during said State of Emergency and immediately thereafter, dangerous conditions occurred which required the Municipality to perform work that ensured public safety and restored Infrastructure (Hereinafter the "Work"); and

WHEREAS, the Work performed by said Municipality was unexpected and created a financial burden; and

WHEREAS, the Federal Emergency Management Agency (hereinafter FEMA) will reimburse some, but not all, costs incurred by the Municipality for performance of the Work; and

WHEREAS, the County recognizes and wishes to support the valuable public purposes the Infrastructure provides to the residents of the County, and to promote the public safety; and

WHEREAS, the County has the authority to finance projects that remedy dangerous conditions during and immediately after a State of Emergency; and

WHEREAS, the County has allocated funding to contribute up to Fifty Percent (50%) of the cost of Work that is approved by the Commissioner of Public Works; and

WHEREAS the Commissioner of Public Works has reviewed the documentation provided by the Municipality, and has approved the costs listed in Exhibit A, Scope of Work.

NOW THEREFORE, it is mutually agreed between the County and the Municipality as follows:

1. The County agrees to pay to the Municipality \_\_\_\_\_dollars (\$\_\_\_\_\_.00) to contribute \_\_\_\_\_ percent (\_\_\_%) of the costs incurred for Work performed, as set forth in the Scope of Work, attached as Exhibit A.
2. The Municipality agrees to provide access to its Infrastructure to any and all residents and other persons present within the County of Oneida.
3. The Municipality shall indemnify and hold harmless the County against any claims, losses, suits or damages arising from death, injuries or property damages resulting in any way from the Work.
4. The Municipality agrees that it is solely responsible for operating, maintaining and supervising the Infrastructure within its jurisdiction, and that this Intermunicipal Agreement shall not alter its duties, obligations, or responsibilities pursuant to any law, precedent, or statute. This Intermunicipal Agreement creates no new duties, obligations, or responsibilities on the part of the County, other than the payment of costs identified in Paragraph 1 and Exhibit A.

16.



5. The obligations of the Parties are conditioned upon the continued availability of County funds for the purposes set forth in this Intermunicipal Agreement. Should funds become unavailable or exhausted, the County shall have the option to immediately terminate this Intermunicipal Agreement, or to modify the percent contained in Paragraph 1 and Exhibit A. The County agrees to provide written notice to the Municipality of termination or modification as soon as practicable. In such an event, the County shall be under no further obligation to the Municipality.
6. The Municipality agrees that it is not entitled to receive funds from both the County and FEMA for the same expenses.
7. The Parties agree not to assign, transfer, convey, sublet or otherwise dispose of this Intermunicipal Agreement or of their right or interest therein.
8. The Parties agree that they have read and understood this Intermunicipal Agreement in its entirety.
9. The Parties agree that they have been provided adequate time to seek legal assistance, and that each is entitled to have the Agreement reviewed by their attorney.
10. The Parties agree that this is their full and complete Agreement.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties herein have hereunto set their hands and seals the day and year first above written.

**COUNTY OF ONEIDA**

**MUNICIPALITY**

By: \_\_\_\_\_  
ANTHONY J. PICENTE, JR.  
Oneida County Executive

By: \_\_\_\_\_  
NAME  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**Approved:**

By: \_\_\_\_\_  
LINDA B. LARK  
Assistant County Attorney

\_\_\_\_\_  
Date

**Exhibit A**

**Scope of Work**

<b>Approved Cost</b>	
Employee Flat Time	\$ -
Employee Over Time	\$ -
Employee Fringe Benefits	\$ -
Debris Disposal	\$ -
Equipment Rental	\$ -
Contract Costs	\$ -
Materials	\$ -
<b>Subtotal</b>	<b>\$ -</b>
<b>Percentage Payable by County</b>	<b>0%</b>
<b>Total Payable by County</b>	<b>\$ -</b>



# ONEIDA COUNTY BOARD OF LEGISLATORS

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

Gerald J. Fiorini  
Chairman  
(315) 798-5900

Mikale Billard  
Clerk  
(315) 798-5404

George Joseph  
Majority Leader

Philip M. Sacco  
Minority Leader

August 31, 2017

FN 20 17 - 293

The Honorable Board of Legislators  
Oneida County Office Building  
800 Park Avenue, Utica, NY 13501

**WAYS & MEANS**

Dear Board of Legislators,

I am forwarding for your approval the Advisory Report to the Shared Services document.

As you know, the 2017-2018 New York State Budget requires counties to come up with new, recurring, property tax savings plans through shared services. The law creates a shared services panel in each county, composed of: city and village mayors, town supervisors, and is chaired by the county's chief executive officer, in our county, this is the County Executive. This panel has been tasked to develop and vote on a County-wide Shared Service Property Tax Savings Plan before September 15.

The Board of Legislators, while not a voting member of the shared services panel, is involved in reviewing the report. We, as the Board of Legislators, may, by a majority vote of our members, issue an advisory report with recommendations to the County Executive before September 15. The following advisory report requires a majority of the Board of Legislators voting in favor of the advisory report.

To date, three panel meetings have been held at MVCC in Rome, and three public hearings were scheduled at various locations throughout the County. On August 1, the draft plan was submitted to the Oneida County Board of Legislators. After the panel has reviewed the advisory plan from the Board, they may accept any feedback into their report and vote on the plan.

If you have any questions about this request, please contact us directly.

Respectfully,

Oneida County Chairman of the Board Gerald J. Fiorini



CC: County Executive Anthony J. Picente

## ONEIDA COUNTY BOARD OF LEGISLATORS



To: Oneida County Executive, Anthony J. Picente  
From: Chairman of the Board, Gerald J. Fiorini  
Date: August 31, 2017  
Re: Advisory Report on Shared Services Document

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### Overview

The Board of Legislators endorses the shared services plan as submitted by the shared services panel to the Board on August 1, 2017. We cannot respond to the updated report as we learned about it on August 31, 2017; the same date we were asked to submit the advisory opinion.

For years, the Board of Legislators has been an advocate for reviewing, enacting and implementing shared services across the county. The Board took an active role in numerous shared services projects including 911 consolidation and regionalization agreements which created the Utica Memorial Auditorium Authority and established payments to the Utica Zoo.

Furthermore, individual municipalities are already sharing services on their own through various formal and informal agreements. For example, the Town of New Hartford has an agreement with the County for roadside ditching services. The Town of New Hartford conducts ditch work along the county roads and right-of-ways per the agreement.

With today's enhanced technology, there is more opportunity than ever to share services; and avoiding the exercise of examining ways to share services only hurts our taxpayers.

We view the August 1 shared services report as a commendable starting framework to deepen and enhance dialogue among the municipalities; but it really is just a start. As evidenced in the report, a great deal of the suggestions need to be studied and properly vetted before they are implemented and before cost savings can be fully realized.

The Board of Legislators has provided input on each individual proposal offered in the August 1 report. Additionally, the Board has added several shared services ideas to be considered for review.

We look forward to continuing dialogue with the shared services panel to ensure our taxpayers investments in government are being utilized to the fullest extent.

### Shared Services Plan is a Mandate from the State

Established in the 2017-2018 New York State Budget, counties are required to come up with new, recurring, property tax savings through shared services plans. The law creates a shared services panel in each county, composed of: city and village mayors, town supervisors, and chaired by the county's chief executive officer, in our county, this is the County Executive. This panel has been tasked to develop and vote on a County-wide Shared Service Property Tax Savings Plan before September 15.

It is important to note that while this particular exercise is a State mandate, Oneida County has always been on the forefront of examining ways to share services. The Board of Legislators, while not a voting member of the shared services panel, is involved in reviewing the report. We, as the Board of Legislators, may, by a majority vote of our members, issue an advisory report with recommendations to the County Executive before September 15.

*JL*

## Timeline

To date, three panel meetings have been held at MVCC in Rome, and three public hearings were scheduled at various locations throughout the County. On August 1, the draft plan was submitted to the Oneida County Board of Legislators. On August 31, 2017, the Board of Legislators submitted an advisory report and the Board will vote on the advisory plan at the next board meeting on September 13. After the panel has reviewed the advisory plan from the Board, they may accept any feedback into their report and vote on the plan. Below is an overview of events taken place to date.

Event	Location	Date
Shared Services panel meeting #1	MVCC Rome	June 12, 2017
Shared Services panel meeting #2	MVCC Rome	June 27, 2017
Shared Services panel meeting #3	MVCC Rome	July 18, 2017
Shared Services Panel submits shared services plan to Board	Email	August 1, 2017
Board submits advisory report on August 1 shared services plan		August 31, 2017
Public Hearing #1	Edward A. Hanna Parkway Recreation Center, 220 Memorial Parkway, Utica	August 28 at 6:30 p.m.
Public Hearing #2	MVCC Rome	August 30 at 6:30 p.m.
Public Hearing #3	Oneida County Board Of Legislators Meeting Chamber, 10 <sup>th</sup> Floor, Oneida County Office Building, 800 Park Avenue, Utica	August 31 at 2:00 p.m.
BOL votes on advisory report	Oneida County Board Of Legislators Meeting Chamber, 10 <sup>th</sup> Floor, Oneida County Office Building, 800 Park Avenue, Utica	September 13, 2017
Panel votes on full plan	TBD	TBD

### **General Observations of Report**

The concept of bringing all municipal leaders together for these shared services session is admirable. During the first shared services session, each municipality was asked to share about their municipal needs and operations. This was very engaging both for newly elected officials and for those that have decades of experience as it allowed all to hear needs from the various regions of our County. Each municipality had a chance to share their initiatives, and a vast majority of the participants were fully engaged in the process.

In developing committee membership, the decision to omit school officials greatly reduced an opportunity to identify additional property tax savings for our communities. Future meetings should include educational entities with local government municipalities to further explore shared services opportunities. For example, towns with robust snow removal equipment may be able to perform snow removal services more efficiently and economically than the current process used by school districts.

It is important to ensure all panel representatives attending panel meetings are included in the shared services document. In the August 1 report received by the Board of Legislators, certain panel members that attended shared services meetings were inadvertently left off the initial shared services report. According to the law, if an official does not participate, he or she forfeits the chance to be entitled to the matching funds that could be earned from the plan. Therefore, we believe an updated report should more accurately reflect all attending panel members.

Shared services actions have the potential for cost savings and/or improved delivery of services. The actions provided in the August 1 report, however, appear to be non-specific. This is likely the result of unrealistic deadlines imposed by the State mandate. Further details and specifics should be included in an updated report. More work needs to be accomplished to enact true real property tax savings and the Board is willing to partner with the panel to effect these initiatives.

**Board's Reaction to Immediate Actions in Shared Services Document**

	<b>Panel's Proposal</b>	<b>Board's Advisory Opinion</b>
1	<i>Boonville Court Consolidation</i>	The Board of Legislators supports this plan so long as the Village Board of Trustees supports the resolution and the Village residents supports a subsequent referendum.
2	<i>Central Services-Shared Printing &amp; Mail Services</i>	The Board of Legislators is in full support of a joint municipal agreement to be offered to all municipalities allowing the use of county print and mail room services.
3	<i>Records Management</i>	The Board of Legislators supports an examination of potential costs savings through digitization. Should this initiative get underway, it is important that a quality assurance plan be devised to ensure that records are properly maintained and not subject to security breaches.
4	<i>County-Wide DPW Equipment Sharing</i>	The Board of Legislators supports the plan for county-wide DPW equipment sharing. When undertaking this task, it is important to ensure enhanced communication among all municipal governments. If a town is seeking to purchase a new snow plow, the shared services equipment inventory sheet should be the first document referenced. This way, the town could save property taxpayers from purchasing a piece of equipment that they may be able to borrow from another municipality.
5	<i>Rome &amp; Verona Shared Services Agreement</i>	The Board of Legislators is in favor of the Rome and Verona shared services agreement.



**Board's Reaction to Additional Actions to be added before September 15**

	<b>Panel's Proposal</b>	<b>Board's Advisory Opinion</b>
1	<i>Purchasing</i>	The Board of Legislators fully supports revisiting shared services agreements and investigating potential costs savings associated with combining purchasing agreements.
2	<i>Codes Enforcement</i>	The Board of Legislators fully supports studying and investigating potential costs savings associated with code enforcement. The \$80,000 cost savings associated with this proposal sounds promising to the Board.
3	<i>DPW Consolidation of Salt Storage &amp; Production Facilities</i>	The Board of Legislators fully supports consolidation of salt storage and production facilities. During the panel meetings, participants expressed missed opportunities for shared services when one municipality builds a salt storage facility and another adjacent municipality builds their own. More discussion should be had prior to building these type of facilities or prior to applying for grants for building these type of facilities until a more regional approach is reviewed. Property taxpayers deserve better. This is the same for equipment storage facilities. During the shared services meetings, it was expressed that some municipalities may use a particular piece of equipment once a year. It may not be necessary to have a separate storage facility to house this one piece of equipment; and an opportunity for shared storage spaces should be examined.
4	<i>Lighting District Consolidation</i>	The Board of Legislators is in support of studying existing lighting districts to ascertain whether consolidation is possible. Regional aspects for service should be examined.
5	<i>Town Court Consolidations</i>	The Board of Legislators supports town court consolidations as long as the towns pass resolutions demonstrating their desire to consolidate. Certain municipalities have extensive operations in both the towns and village courts, and there may be limited opportunity to streamline services as suggested by the plan. Justices should be consulted with local municipal leaders to explore opportunities related to our court systems. As outlined in the plan, this strategy may be beneficial for some regions, but not applicable in others. Certainly, this is an area for careful consideration before recommending any changes.
6	<i>Youth &amp; Recreation Shared Services</i>	The Board of Legislators supports examining ways to share services among youth and recreation programs. There are robust shared youth programs in various municipalities and there may be benefits to consider regional implementing strategies outlined in the plan, especially if State monies can be leveraged to enhance youth services. Summer school initiatives should be explored to combine programming for youth during all segments of the year.

25.

### Additional Recommendations from the Board of Legislators

	<b>Board's Proposal</b>	<b>Additional Detail</b>
1	<i>Carbon Credits</i>	The Board of Legislators supports an examination of the Nature Conservancy's carbon program and how this could have a potential property tax savings impact in Oneida County. The Nature Conservancy's carbon program seeks to protect forests around drinking water sources through the sale of carbon credits (the term "carbon credits" generally refers to a scenario where a business/governmental entity's carbon emissions fall below a set allowance, and then company/governmental entity can sell the difference — in the form of credits — to other companies that exceed their limits). A <i>Times Union</i> article indicated that the City of Albany is expected to earn \$500,000 over the next ten years by dedicating 6,400 acres owned by the City Water Board to the Nature Conservancy for protection. The City will generate revenue through the sale of carbon credits. Through a study, we could determine if water boards in Oneida County could engage in a shared services agreement for this purpose.
2	<i>GIS Studies/Traffic Counts</i>	The Board of Legislators supports a more coordinated effort of GIS data collection for all municipalities. Our County Planning Department has a robust GIS operation and many municipalities could benefit from this data. For example, it would be beneficial to see if traffic count and GIS data could assist municipalities' public works departments with maintenance of their roads; or municipalities' economic development initiatives with better data of road usage.
3	<i>Regional Demolition Plan</i>	The Board of Legislators supports enhancing the Oneida-Herkimer Solid Waste Authority's Regional Demolition Plan. At the shared services meetings, the discussion of demolition of buildings came up a potential shared services opportunity. On August 9, 2017, a memo from the Oneida-Herkimer Solid Waste Authority was distributed to various officials related to the Regional Demolition Plan. This arrangement appears to be a good fit for sharing demolition services. It appears more communication about this program would benefit municipalities and could have potential property tax savings implications.
4	<i>Town Takeover of County Roads and County Takeover of Bridges</i>	The Board of Legislators supports examining the towns taking over County roads. At the shared services panel meetings, this was a theme that came up on multiple occasions. It was noted that the towns are familiar with all of the roads in their jurisdiction and are closer in proximity than the County. Furthermore, bridges are complex structures that could use additional oversight and maintenance support from the County. The Board would like to examine the potential cost savings associated with this project.
5	<i>Tax Collection</i>	The Board of Legislators supports examining whether centralizing tax collections could have property tax savings implications. The study should include the entire process of tax collection from beginning to end. What is the process, how many times does a tax bill touch various governmental

		entities? Is there a way to streamline the process to create efficiencies between various levels of government?
7	<i>Convert to LED Lights</i>	The Board of Legislators supports an examination of LED light conversion for potential cost savings. Not only are LED lights better for the environment, there are significant cost savings associated with LED light use. According to NYSERDA, 73% of all street lights in New York State are owned by utility companies and not by the municipalities. Today, most municipalities are renting lighting fixtures and paying for expensive and less energy/environmentally friendly electricity through using the non-LED lights. Savings for municipalities can be realized in two ways; 1) requesting for the electricity company to convert their lights to LED and 2) actually buying the lighting fixture from the utility company and adding LED lighting. According to NYSERDA, municipalities converting to LED lights and purchasing the lighting fixtures from the utility companies saw <b>up to 90% annual bill reduction</b> (vs. 33% under utility ownership), after the three to four years following their investment costs.
8	<i>Engineering Services</i>	The Board of Legislators supports a study to review how many municipalities have paid engineers. The Board would like to examine whether towns and villages can benefit by utilizing the engineering coordination services of the County for potential cost savings. Cost savings may occur from sharing engineering services and also from savings associated with preventing mistakes.

27.

## **Conclusion**

In conclusion, this exercise has merit and should continue regardless of whether the State imposes mandates on counties. We encourage the County to take the lead in establishing similar meetings for local municipal leaders and set dates for quarterly or bi-annual meetings.

It is no small task to coordinate more than 40 municipalities into a project of this nature. We commend the panel for their efforts and look forward to continuing to work towards enhancing our shared services in Oneida County.

ONEIDA COUNTY



DEPARTMENT OF FINANCE

ANTHONY J. PICENTE JR.  
COUNTY EXECUTIVE

County Office Building ♦ 800 Park Avenue ♦ Utica, New York 13501  
(315) 798-5750 ♦ Fax: (315) 735-8371 ♦ www.ocgov.net

August 28, 2017

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

Anthony J. Picente, Jr.  
County Executive

Mr. Anthony J. Picente, Jr. **WAYS & MEANS**  
Oneida County Executive  
800 Park Avenue  
Utica, New York 13501

Date 8/30/17

Dear Mr. Picente:

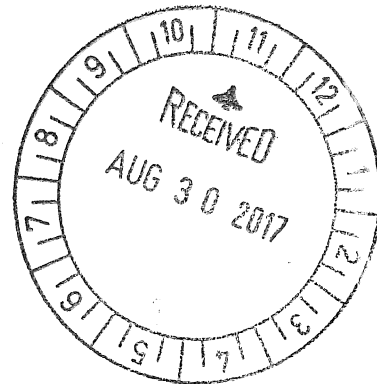
On Thursday, August 17, 2017, the Oneida County Finance Department received bids on various tax delinquent properties. Attached, please find a list of the highest offers received that evening. We started this auction with over 77 properties, and collection efforts have resulted in collecting over \$820,593.91 in delinquent taxes.

We would also like to personally thank the county maintenance staff, the Sheriff's Department for providing security, and County Legislator Les Porter who generously donates his time and talent as auctioneer.

We recommend full Board consideration of the attached bids for approval on September 13, 2017, and respectfully request that you forward same at your earliest opportunity.

Sincerely yours,

Anthony Carvelli  
Commissioner of Finance



AC/bad

cc: Gerald Fiorini, Chairman, Oneida County Board of Legislators  
Peter M. Rayhill, County Attorney  
Mikale Billard, Clerk of the Board

August 17, 2017 Auction Results

Bid #	OWNERS NAME	SWIS	TAX MAP NUMBER	CD	TOWN	Pad#	Bidder	Taxes Owed	Bid Amt
17-2-16	FOWLER, MICHAEL	306800	303.000-1-40.	KC	WESTMORELAND	29	James J. Owens	\$10,357.63	\$3,250
17-2-07	BROWN, MELVIN SR	304089	347.001-2-8-2	TA	KIRKLAND	61	Harold C. Heinz Jr.	\$770.30	\$1,200
1 17-2-25	KOPTYOWSKI, RANDALL S	301389	220.000-1-11	IQ	ROME (OUTSIDE)	11	Dwight A Johnson	\$2,887.55	\$4,500
17-2-38	ROSARIO, CAROL	303800	25.000-1-40	IO	FORESTPORT	27	Limestone Ridge LLC	\$4,531.62	\$12,000
17-2-20	HUMMEL, ROBERT	307005	317.008-3-24.	SH	WHITESTOWN/V YORKVILLE	42	Ballakis Family Properties, LLC	\$5,837.18	\$2,300
17-2-12	CONGDEN, DONNA	304200	187.000-2-41	LX	LEE	23	Joseph Sterling	\$6,375.40	\$8,000
17-2-03	BARTEAU, TINA	304089	327.003-2-21	NX	KIRKLAND	29	James A Owens	\$7,405.25	\$2,900
17-2-17	GRIFFITH, GARY	301600	307.015-1-35	OP	UTICA	39	Donald & Kathleen Broccoli	\$4,335.67	\$3,000
17-2-35	O'HARA, JOAN A	303400	55.001-1-10	HG	FLORENCE	62	Jay Hanes	\$6,483.51	\$700
17-2-41	SUSKIE, ESTATE OF ALFREDA	304089	327.003-1-21	NH	KIRKLAND	2	Sandra & Merfin Ramic	\$6,062.99	\$500
17-2-44	VOGT, FRANK J	306401	236.016-1-32	NR	VIENNA/V SYLVAN BEACH	8	Ryan M. Corn	\$5,650.27	\$1,400
1 17-2-21	HURD, DON P	307005	318.005-10-11	MD	WHITESTOWN/V YORKVILLE	47	Mohammad Mamun	\$36,779.90	\$10,000
17-2-04	BOWEE, ROBERT III	302800	407.015-1-11	KZ	BRIDGEWATER	7	Moises Rodriguez	\$45,433.67	\$1,800
17-2-14	D&S PROFESSIONAL SERVICES, INC / D&C P	301301	242.073-1-6	NW	ROME	49	Floyd R Grant	\$2,052.13	\$4,500
2 17-2-40	SCLW CORPORATION	301600	319.062-4-49	VU	UTICA	16	Motaher Ismail	\$3,346.35	\$14,000
17-2-27	MACDONALD, LLOYD JAMES	303800	50.003-1-72	MR	FORESTPORT	36	Paul Hart	\$8,319.18	\$4,000
17-2-13	COONEY, ROBERT W	304400	278.000-2-23	MP	MARCY	42	Ballakis Family Properties, LLC	\$16,496.85	\$100
17-2-22	INSTITUTO UNIVERSITARIO	301301	243.061-1-2	JY	ROME	42	Ballakis Family Properties, LLC	\$5,335.21	\$10,000
17-2-06	BROWN, JAMES A	301301	242.006-2-57	RC	ROME	58	Ballakis Family Properties, LLC	\$3,036.90	\$1,300
17-2-28	MARVIN, DONALD H	303600	244.004-1-29	QC	FLOYD	43	Steven J. Kotary	\$15,300.80	\$5,000
17-2-31	NASCJ, LOUIS	306489	200.000-1-11	IT	VIENNA	18	Richard Cross	\$1,447.76	\$500
1, 2 17-2-26	KOPTYOWSKI, RANDALL S	301389	220.000-1-11.	PK	ROME (OUTSIDE)	44	David R Boni	\$2,836.10	\$7,000
17-2-34	OC BOARD OF LEGISLATORS	304889	328.006-2-27	VG	NEW HARTFORD	66	Joshua & Robert Luke Lewis	\$1,986.50	\$4,500
	OC BOARD OF LEGISLATORS	304889	328.006-2-28	VZ	NEW HARTFORD			\$1,986.50	
17-2-42	SYPEK, WILLIAM R	307003	305.013-2-18	OW	WHITESTOWN/V WHITESBORO	25	Glenn Fornner	\$26,369.89	\$29,000
2 17-2-45	WEINBERGER, ELIAS	306800	326.000-2-38	PV	WESTMORELAND	24	Gary Spaven	\$18,911.54	\$19,000
1	-Contingent upon service satisfactory to Commissioner, 9-15-17								
	- Board approval 9-13-17 extended to 9-18-17.								
2	-Subject to bid balance receipt on or before 9-1-17.								