

September 8, 2021

SEPTEMBER MEETING

Meeting held on Wednesday, September 8, 2021 at 2:00 P.M

The Board met pursuant to statute and was called to order by the Chairman. Below is a Roster of the members of the Board of Legislators listing their respective Legislative Districts.

- R-1 Keith Schiebel (Vernon, District 1, 2, 3, 4, 5; Verona, District 5)
- R-2 Colin Idzi (Augusta District 1, 2; Kirkland District 3, 8; Marshall District 1, 2; Sangerfield District 1, 2)
- R-3 Norman Leach (Rome 3rd Ward, District 3; Verona Districts 3, 4, 6; Vienna District 1, 2, 3, 4)
- R-4 Cynthia Rogers-Witt (Rome Ward 1, District 2; Ward 2 District 2, 3, 4, 5; Ward 3 District 1, 4, 5; Ward 7 District 2; Verona District 1, 2)
- R-5 Michael B. Waterman (Annsville, District 1, 2, 3; Camden District 1, 2, 3; Florence District 1; Lee District 3)
- R-6 Steve Boucher (Ava District 1; Boonville District 1, 2, 3, 4; Forestport District 1, 2; Remsen District 1; Steuben District 1)
- R-7 Gerald J. Fiorini (Lee District 5; Rome Ward 1 district 1, Ward 6 District 1, 2, 3, 4, Ward 7 District 3, 4, 5)
- R-8 Richard A. Flisnik (Floyd District 2, 3; Marcy District 1, 2, 3, 4; Whitestown District 5)
- D-9 Philip M. Sacco (Deerfield District 1, 2, 3; Floyd District 1; Trenton District 1, 2, 3, 4)
- R-10 George Joseph (Kirkland District 1, 10; Rome Ward 2, District 1; Westmoreland District 1, 2, 3, 4)
- R-11 Robert Koenig (Whitestown District 1, 2, 4, 6, 7, 8, 9, 13, 15)
- R-12 Brenda McMonagle (Rome Ward 3 District 2; Ward 4 District 1, 2, 3, 4; Ward 5 District 1, 2, 3, 4)
- R-13 Christopher Newton (New Hartford Ward 2 District 1, 2; Whitestown District 3, 10, 11, 12, 14, 16)
- D-14 Chad Davis (Kirkland District 2, 4, 5, 6, 7, 9; New Hartford Ward 4 District 1, 2, 3, 4)
- R-15 James M. D’Onofrio (New Hartford Ward 1 District 3, 5; Ward 2 District 3, 4; Ward 3 District 1, 2, 3, 4)
- R-16 Mary Pratt (Bridgewater District 1; New Hartford Ward 1 District 1, 2, 4; Paris District 1, 2, 3)
- R-17 Stephen DiMaggio (Lee District 1, 2, 4; Rome Ward 1 District 3, 4; Ward 7 District 1; Western District 1, 2, 3)
- R-18 Jeffery Daniels (Utica Ward 4 District 1, 2, 3, 4, 5, 6, 7, 8, 9)
- I-19 Timothy Julian (Utica Ward 3 District 1, 2, 3, 4, 5, 6, 7, 8, 9; Ward 5 District 2)
- D-20 Evon M. Ervin (Utica Ward 1 District 8; Ward 5 District 1, 3, 4, 5, 6)
- D-21 Lori Washburn (Utica Ward 2 District 1, 3, 4, 5, 6, 7; Ward 3 District 10; Ward 5 District 7)
- D-22 Rose Ann Convertino (Utica Ward 1 District 1, 2, 3, 4, 5, 6, 7; Ward 2 District 2, 8)
- D-23 Anthony C. Leone Jr. (Utica Ward 6, District 1, 2, 3, 4, 5, 6, 7, 8, 9)

MEMBERS PRESENT: Schiebel, Idzi, Leach, Rogers-Witt, Waterman, Boucher, Fiorini, Flisnik, Sacco, Joseph, Koenig, McMonagle, Newton, Davis, D’Onofrio, Pratt, DiMaggio, Daniels, Julian, Washburn, Convertino, Leone

MEMBERS ABSENT: Ervin

PETITIONS AND COMMUNICATIONS

- FN 2021-224 – Special Committee of Legislators to acknowledge hard work & sacrifices of many county residents throughout the pandemic. Members: Chairperson Mary Austin Pratt, George Joseph, Brenda McMonagle, Philip Sacco, & Anthony Leone
- FN 2021-288 – Regional Demolition Program
- FN 2021-229 – NYS certification of properties added to Oneida County District No. 4 during eight-year review
- FN 2021-230 – NYS certification of properties added to agricultural districts during Oneida County’s designated open Enrollment Period, January 2021
- FN 2021-231 – Homeland Security PSAP Grant FY 2020-2021
- FN 2021-232 – Oneida County Deferred Compensation Plan
- FN 2021-233 – Employee Assistance Program Contract 2021-2023
- FN 2021-234 – Requesting the position of Veterans Service Officer be allocated from a grade 20W Step2 salary of \$31,525 to grade 26W Step 2 salary of 39,716
- FN 2021-235 –Purchase of Services Agreement between Oneida County Office of Family & Community Services & the Neighborhood Center
- FN 2021-236 – Agreement between Oneida County Health Dept. and the VMC Group
- FN 2021-237 – Agreement between Oneida County Health Department & The Bureau for Justice Assistance & Institute for Intergovernmental Research
- FN 2021-238 – Agreement between Oneida County Health Dept. and the Governors Traffic Safety Committee
- FN 2021-239 – Reallocate the title of Contract Administrator 1 from Grade 36M Step 2 to Grade 36W Step 2
- FN 2021-240 – Salary for Mechanical Engineer Grade 38B, Step 2 \$63,587.
- FN 2021-241 – Oneida County Flood Mitigation Grant Program/Town of Marshall
- FN 2021-242 – Oneida County Flood Mitigation Grant Program/Sauquoit Creek Basin Intermunicipal Commission
- FN 2021-243 – Oneida County Flood Mitigation Grant Program/Town of Whitestown
- FN 2021-244 – Oneida County Flood Mitigation Grant Program/ Village of Waterville
- FN 2021-245 – Oneida County Flood Mitigation Grant Program/ Town of Kirkland

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FN 2021-246 – Agreement between Oneida County through its Health Department and Kelberman Center Preschool Program for qualified students with disabilities

FN 2021-247 – Amendment to Local Law#4 Introductory “C” of 2013 Providing for a Temporary Revocable Access Permit System for Public Access to and Use of Land Owned by the County of Oneida

FN 2021-248 – Proposed 2022 Workers Compensation Budget

MOTIONS AND RESOLUTIONS

No. 224 – FN 2021-231 – Messrs. Flisnika and D’Onofrio offered the following resolution and moved its adoption.

RE: APPROVAL OF GRANT AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF EMERGENCY SERVICES, AND NEW YORK STATE, THROUGH ITS DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES

WHEREAS, This Board is in receipt of correspondence from Edward T. Stevens, Director of Emergency Services, requesting approval of a Grant Agreement between Oneida County, through its Department of Emergency Services, and New York State, through its Division of Homeland Security and Emergency Services, through the Public Safety Answering Points (PSAP) Operations Grant for FY2020-2021, in the amount of \$168,751.00, to provide funding for four (4) Public Safety Telecommunicators to aid Oneida County in improving public safety and enhancing emergency preparedness across New York State, and

WHEREAS, In accordance with Oneida County Charter Section 2202, said Grant Agreement must be approved by the Oneida County Board of Legislators, now, therefore, be it hereby

RESOLVED, That Oneida County Executive, Anthony J. Picente, Jr., is hereby authorized to electronically execute any and all documents related to a Grant Agreement between Oneida County, through its Department of Emergency Services, and New York State, through its Division of Homeland Security and Emergency Services, in the amount of \$168,751.00, for a term commencing January 1, 2021 and ending December 31, 2021.

APPROVED: Public Safety Committee (September 7, 2021)
Ways and Means Committee (September 8, 2021)

DATED: September 8, 2021

Seconded by Mr. Joseph and adopted by the following vote:

AYES 22 NAYS 0 ABSENT 1 (Mme. Ervin)

No. 225 – FN 2021-232 – Messrs. Idzi and D’Onofrio offered the following resolution and moved its adoption.

RE: APPROVAL TO EXTEND THE CURRENT ADMINISTRATIVE AGREEMENT WITH NATIONWIDE RETIREMENT SOLUTIONS TO ADMINISTER THE DEFERRED COMPENSATION 457 PLAN

WHEREAS, The New York State Deferred Compensation Board (the “Board”), pursuant to Section 5 of the New York State Finance Law (“Section 5”) and the Regulations of the New York State Deferred Compensation Board (the “Regulations”), has promulgated the Plan Document of the Deferred Compensation Plan for employees of Oneida County (the “Model Plan”) and offers the Model Plan for adoption by local employers, and

WHEREAS, A Request for Proposals was properly advertised for administrative services for the Oneida County Deferred Compensation Plan, and

WHEREAS, Whereas the Oneida County Deferred Compensation Committee adopted a resolution recommending that the administrative services contract be awarded to Nationwide Retirement Solutions, Inc.; now therefore, be it hereby

RESOLVED, That this Board authorizes and approves an administrative services agreement between Oneida County and Nationwide Retirement Solutions, Inc. for a five (5) year term commencing July 14, 2021 and ending July 13, 2026.

APPROVED: Government Operations Committee (September 7, 2021)

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Ways & Means Committee (September 8, 2021)

DATED: September 8, 2021

Seconded by Mr. Joseph and adopted by the following vote:
AYES 22 NAYS 0 ABSENT 1 (Mme. Ervin)

No. 226 – FN 221-233 – Messrs. Idzi and D’Onofrio offered the following resolution and moved its adoption.

RE: PURCHASE OF SERVICES AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF PERSONNEL, AND CENTER FOR FAMILY LIFE & RECOVERY, INC.

WHEREAS, This Board is in receipt of a Purchase of Services Agreement between Oneida County, through its Department of Personnel, and Center for Family Life & Recovery, Inc., for an estimated cost of \$79,200.00, to provide Employee Assistance Program (EAP) services to Oneida county, its employees and their immediate families, including professional assessment and referral counseling for troubled employees and their families, supervisory orientation and training, and critical incident debriefing services, and

WHEREAS, The Agreement shall be for a term commencing January 1, 2021 and ending December 31, 2023, with either party having the right to terminate the Agreement upon thirty (30) days’ prior written notice to the other party, or by mutual agreement of both parties, and

WHEREAS, In accordance with Oneida County Charter Section 2202, said Agreement must be approved by the Oneida County Board of Legislators, now, therefore, be it hereby

RESOLVED, That this Board authorizes and approves a Purchase of Services Agreement between Oneida County, through its Department of Personnel, and Center for Family Life & Recovery, Inc., for a term commencing January 1, 2021 and ending December 31, 2023.

APPROVED: Government Operations Committee (September 7, 2021)
Ways and Means Committee (September 8, 2021)

DATED: September 8, 2021

Seconded by Mr. Joseph and adopted by the following vote:
AYES 22 NAYS 0 ABSENT 1 (Mme. Ervin)

No. 227 – FN 2021-234 – Mme. Pratt and Mr. D’Onofrio offered the following resolution and moved its adoption.

RE: APPROVAL FOR THE REALLOCATION OF GRADE FOR THE TITLE VETERANS SERVICE OFFICER

WHEREAS, This Board is in receipt of correspondence from Oneida County Commissioner of Personnel, Joseph M. Johnson, requesting authorization to reallocate the grade for the title Veterans Service Officer, currently allocated at Grade 20W, Step 2 (\$31,525), and

WHEREAS, It is the recommendation of the Oneida County Commissioner of Personnel that the title Veterans Service Officer be reallocated to Grade 26W, Step 2 (\$39,716), and

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

RESOLVED, That the Oneida County Board of Legislators authorizes and approves a reallocation of grade for the title Veterans Service Officer from Grade 20W, Step 2 (\$31,525) to Grade 26W, Step 2 (\$39,716) – effective immediately.

APPROVED: Health & Human Services Committee (September 7, 2021)
Ways and Means Committee (September 8, 2021)

DATED: September 8, 2021

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Seconded by Mr. Joseph and adopted by the following vote:

AYES 22 NAYS 0 ABSENT 1 (Mme. Ervin)

No. 228 – FN 2021-235 – Meme. Pratt and Mr. D’Onofrio offered the following resolution and moved its adoption.

RE: PURCHASE OF SERVICES AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF FAMILY AND COMMUNITY SERVICES, AND THE NEIGHBORHOOD CENTER, INC.

WHEREAS, This Board is in receipt of a Purchase of Services Agreement between Oneida County, through its Department of Family and Community Services, and The Neighborhood Center, Inc., for an amount not to exceed \$230,297.00, to provide day care registration, certification and training, inspection and recruitment services for individuals in Oneida County interested in or currently providing child care in a residence, and

WHEREAS, The Agreement shall be for a term commencing January 1, 2021 and ending December 31, 2021, with Oneida County having the right to terminate the Agreement upon thirty (30) days prior written notice to The Neighborhood Center, Inc., and

WHEREAS, In accordance with Oneida County Charter Section 2202, said Agreement must be approved by the Oneida County Board of Legislators, now, therefore, be it hereby

RESOLVED, That this Board authorizes and approves a Purchase of Services Agreement between Oneida County, through its Department of Family and Community Services, and The Neighborhood Center, Inc., for a term commencing January 1, 2021 and ending December 31, 2021.

APPROVED: Health and Human Services Committee (September 7, 2021)
Ways and Means Committee (September 8, 2021)

DATED: September 8, 2021

Seconded by Mr. Joseph and adopted by the following vote:

AYES 22 NAYS 0 ABSENT 1 (Mme. Ervin)

No. 229 – FN 2021-236 – Mme. Pratt and Mr. D’Onofrio offered the following resolution and moved its adoption.

RE: APPROVAL OF AN AMENDMENT AND EXTENSION BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF HEALTH, AND THE VMC GROUP, INC.

WHEREAS, This Board is in receipt of an Amendment and Extension of an Agreement between Oneida County, through its Department of Health, and The VMC Group, Inc. for an amount not to exceed \$96,000.00, to provide transportation management and consulting services for the transportation of preschool/early intervention children to and from each child’s childcare location and special services or program. Said Agreement also includes costs for the vendor to prepare and manage the Public Bid process for transportation service providers on behalf of Oneida County, and

WHEREAS, The Amendment and Extension shall be for a term commencing August 1, 2021 and ending January 31, 2022, and

WHEREAS, In accordance with Oneida County Charter Section 2202, said Amendment and Extension must be approved by the Oneida County Board of Legislators, now, therefore, be it hereby

RESOLVED, That the Oneida County Board of Legislators authorizes and approves an Amendment and Extension to an Agreement between Oneida County, through its Health Department, and The VMC Group, Inc. for a term commencing August 1, 2021 and ending January 31, 2022.

APPROVED: Health & Human Services Committee (September 7, 2021)
Ways & Means Committee (September 8, 2021)

DATED: September 8, 2021

Seconded by Mr. Joseph and adopted by the following vote:

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AYES 22 NAYS 0 ABSENT 1 (Mme. Ervin)

No. 230 – FN 2021-237 – Mme. Pratt and Mr. D’Onofrio offered the following resolution and moved its adoption.

RE: APPROVAL OF AN AMENDMENT TO A GRANT AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF HEALTH, THE INSTITUTE FOR INTERGOVERNMENTAL RESEARCH, INC. (IIR) AND THE BUREAU OF JUSTICE ASSISTANCE

WHEREAS, This Board is in receipt of an Amendment to a Grant Agreement between Oneida County, through its Department of Health, The Institute for Intergovernmental Research, Inc. (IIR) and the Bureau of Justice Assistance, and

WHEREAS, The parties entered into a Grant Agreement, in the sum of \$600,000.00, in November 2019 for funding to assist in the reduction of overdose deaths associated with opioids and to advance a shared understanding of the patterns and characteristics of problem drug use in the local community by expanding the work of the Oneida County Overdose Response Team and Overdose Detecting Mapping Application, and

WHEREAS, Oneida County, The Institute for Intergovernmental Research, Inc. (IIR) and the Bureau of Justice Assistance wish to amend the Grant Agreement to extend the term through December 31, 2022, with the grant amount remaining at \$600,000.00, and

WHEREAS, In accordance with Oneida County Charter Section 2202, said Amendment must be approved by the Oneida County Board of Legislators, now, therefore, be it hereby

RESOLVED, That the Oneida County Board of Legislators hereby authorizes and accepts an Amendment to a Grant Agreement between Oneida County, through its Department of Health, The Institute for Intergovernmental Research, Inc. (IIR) and the Bureau of Justice Assistance, extending the term commencing September 1, 2021 and ending December 31, 2022.

APPROVED: Health & Human Services Committee (September 7, 2021)
Ways & Means Committee (September 8, 2021)

DATED: September 8, 2021

Seconded by Mr. Joseph and adopted by the following vote:

AYES 22 NAYS 0 ABSENT 1 (Mme. Ervin)

No. 231 – FN. 2021-238 – Mme. Pratt and Mr. D’Onofrio offered the following resolution and moved its adoption.

RE: APPROVAL OF A MASTER CONTRACT FOR GRANTS BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF HEALTH, AND THE NEW YORK STATE GOVERNOR’S TRAFFIC SAFETY COMMITTEE

WHEREAS, This Board is in receipt of a Master Contract for Grants between Oneida County, through its Department of Health, and The New York State Governor’s Traffic Safety Committee, in the sum of \$12,000.00, to provide funding for child passenger safety seats, as well as training for selection and installation, for a term commencing October 1, 2021 and ending September 30, 2022, and

WHEREAS, In accordance with Oneida County Charter Section 2202, said Master Contract for Grants must be approved by the Oneida County Board of Legislators, now, therefore, be it hereby

RESOLVED, That Oneida County Executive, Anthony J. Picente, Jr., is hereby authorized to execute any and all documents related to a Master Contract for Grants between Oneida County, through its Department of Health, and The New York State Governor’s Traffic Safety Committee, for a term commencing October 1, 2021 and ending September 30, 2022.

APPROVED: Health & Human Services Committee (September 7, 2021)
Ways & Means Committee (September 8, 2021)

DATED: September 8, 2021

Seconded by Mr. Joseph and adopted by the following vote:

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AYES 22 NAYS 0 ABSENT 1 (Mme. Ervin)

No. 232 – FN 2021-239 – Mme. Pratt and Mr. D’Onofrio offered the following resolution and moved its adoption.

RE: APPROVAL FOR THE REALLOCATION OF GRADE FOR THE TITLE CONTRACT ADMINISTRATOR I

WHEREAS, This Board is in receipt of correspondence from Oneida County Commissioner of Personnel, Joseph M. Johnson, requesting authorization to reallocate the grade for the title Contract Administrator I, currently allocated at Grade 36M, Step 2 (\$55,617), and

WHEREAS, It is the recommendation of the Oneida County Commissioner of Personnel that the title Contract Administrator I be reallocated to Grade 36W, Step 2 (\$56,616), and

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

RESOLVED, That the Oneida County Board of Legislators authorizes and approves a reallocation of grade for the title Contract Administrator I from Grade 36M, Step 2 (\$55,617) to Grade 36W, Step 2 (\$56,616) – effective immediately.

APPROVED: Health & Human Services Committee (September 7, 2021)
Ways and Means Committee (September 8, 2021)

DATED: September 8, 2021

Seconded by Mr. Joseph and adopted by the following vote:

AYES 22 NAYS 0 ABSENT 1 (Mme. Ervin)

No. 233 – FN 2021-240 – Messrs. Waterman and D’Onofrio offered the following resolution and moved its adoption.

RE: APPROVAL TO SET THE SALARY FOR THE POSITION TITLE OF MECHANICAL ENGINEER, GRADE 38B, STEP 2, \$63,587

WHEREAS, This Board is in receipt of correspondence from Commissioner of Personnel, Joseph M. Johnson, requesting approval to establish the salary for the position title of Mechanical Engineer, and

WHEREAS, The Commissioner of Personnel recommends that the starting salary for the position be set at Grade 38B, Step 2, \$63,587, and

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

RESOLVED, That the Oneida County Board of Legislators establishes the salary for the position title of Mechanical Engineer, at Grade 38B, Step 2, \$63,587, effective immediately.

APPROVED: Public Works Committee (September 7, 2021)
Ways and Means Committee (September 8, 2021)

DATED: September 8, 2021

Seconded by Mr. Joseph and adopted by the following vote:

AYES 22 NAYS 0 ABSENT 1 (Mme. Ervin)

No. 234 – FN 2021-241 – Messrs. Waterman and D’Onofrio offered the following resolution and moved its adoption.

RE: APPROVAL OF A FLOOD MITIGATION GRANT AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF PLANNING, AND THE TOWN OF MARSHALL

WHEREAS, This Board is in receipt of a Flood Mitigation Grant Agreement between Oneida County, through its Department of Planning, and the Town of Marshall, for an amount not to exceed \$300,000.00, to finance a stream bank stabilization project for the Big Creek in the Town of Marshall, which is repeatedly impacted and vulnerable to flooding, and

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WHEREAS, In accordance with Oneida County Charter Section 2202, said Flood Mitigation Grant Agreement must be approved by the Oneida County Board of Legislators, now, therefore, be it hereby

RESOLVED, That the Oneida County Board of Legislators hereby authorizes and approves a Flood Mitigation Grant Agreement between Oneida County, through its Department of Planning, and the Town of Marshall, for a term commencing upon execution and ending at the completion of the Project, anticipated to be no later than December 31, 2025.

APPROVED: Public Works Committee (September 7, 2021)
Ways and Means Committee (September 8, 2021)

DATED: September 8, 2021

Seconded by Mr. Adopted by the following vote:
AYES 22 NAYS 0 ABSENT 1 (Mme. Ervin)

No. 235 – FN 2021-242 – Messrs. Waterman, D’Onofrio, Newton, Koenig offered the following resolution and moved its adoption.

RE: APPROVAL OF A FLOOD MITIGATION GRANT AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF PLANNING, AND THE SAUQUOIT CREEK BASIN INTERMUNICIPAL COMMISSION

WHEREAS, This Board is in receipt of a Flood Mitigation Grant Agreement between Oneida County, through its Department of Planning, and the Sauquoit Creek Basin Intermunicipal Commission, for an amount not to exceed \$187,500.00, to finance a modeling and conceptual design study for five (5) locations along the Sauquoit Creek impacted by flooding. The studies will be utilized to apply for 2022 Consolidated Funding Application (CFA) construction funds, and

WHEREAS, In accordance with Oneida County Charter Section 2202, said Flood Mitigation Grant Agreement must be approved by the Oneida County Board of Legislators, now, therefore, be it hereby

RESOLVED, That the Oneida County Board of Legislators hereby authorizes and approves a Flood Mitigation Grant Agreement between Oneida County, through its Department of Planning, and the Sauquoit Creek Basin Intermunicipal Commission, for a term commencing upon execution and ending at the completion of the Project, anticipated to be no later than December 31, 2025.

APPROVED: Public Works Committee (September 7, 2021)
Ways and Means Committee (September 8, 2021)

DATED: September 8, 2021

Seconded by Mr. Joseph and adopted by the following vote:
AYES 22 NAYS 0 ABSENT 1 (Mme. Ervin)

No. 236 – FN 2021-243 – Messrs. Waterman and D’Onofrio , Newton, Koenig, Flisnik offered the following resolution and moved its adoption.

RE: APPROVAL OF A FLOOD MITIGATION GRANT AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF PLANNING, AND THE TOWN OF WHITESTOWN

WHEREAS, This Board is in receipt of a Flood Mitigation Grant Agreement between Oneida County, through its Department of Planning, and the Town of Whitestown, for an amount not to exceed \$400,000.00, to finance a Sauquoit Creek stream bank stabilization and floodplain bench project in the Town of Whitestown that has been impacted by flooding, and

WHEREAS, In accordance with Oneida County Charter Section 2202, said Flood Mitigation Grant Agreement must be approved by the Oneida County Board of Legislators, now, therefore, be it hereby

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RESOLVED, That the Oneida County Board of Legislators hereby authorizes and approves a Flood Mitigation Grant Agreement between Oneida County, through its Department of Planning, and the Town of Whitestown, for a term commencing upon execution and ending at the completion of the Project, anticipated to be no later than December 31, 2025.

APPROVED: Public Works Committee (September 7, 2021)
Ways and Means Committee (September 8, 2021)

DATED: September 8, 2021

Seconded by Mr. Joseph and adopted by the following vote:

AYES 22 NAYS 0 ABSENT 1 (Mme. Ervin)

No. 237 – FN 2021-244 - Messrs. Waterman, D’Onofrio, Idzi offered the following resolution and moved its adoption.

RE: APPROVAL OF A FLOOD MITIGATION GRANT AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF PLANNING, AND THE VILLAGE OF WATERVILLE

WHEREAS, This Board is in receipt of a Flood Mitigation Grant Agreement between Oneida County, through its Department of Planning, and the Village of Waterville, for an amount not to exceed \$182,500.00, to finance a debris removal, bank stabilization and engineering project of the Big Creek in the Town of Waterville repeatedly impacted by flooding, and

WHEREAS, In accordance with Oneida County Charter Section 2202, said Flood Mitigation Grant Agreement must be approved by the Oneida County Board of Legislators, now, therefore, be it hereby

RESOLVED, That the Oneida County Board of Legislators hereby authorizes and approves a Flood Mitigation Grant Agreement between Oneida County, through its Department of Planning, and the Village of Waterville, for a term commencing upon execution and ending at the completion of the Project, anticipated to be no later than December 31, 2025.

APPROVED: Public Works Committee (September 7, 2021)
Ways and Means Committee (September 8, 2021)

DATED: September 8, 2021

Seconded by Mr. Joseph and adopted by the following vote:

AYES 22 NAYS 0 ABSENT 1 (Mme, Ervin)

No. 238 – FN 2021-245 – Messrs. Waterman and D’Onofrio offered the following resolution and moved its adoption.

RE: APPROVAL OF A FLOOD MITIGATION GRANT AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF PLANNING, AND THE TOWN OF KIRKLAND

WHEREAS, This Board is in receipt of a Flood Mitigation Grant Agreement between Oneida County, through its Department of Planning, and the Village of Waterville, for an amount not to exceed \$32,161.00, to finance a drainage improvement project for the Arrowhead Way neighborhood in the Town of Kirkland that is repeatedly impacted by flooding, and

WHEREAS, In accordance with Oneida County Charter Section 2202, said Flood Mitigation Grant Agreement must be approved by the Oneida County Board of Legislators, now, therefore, be it hereby

RESOLVED, That the Oneida County Board of Legislators hereby authorizes and approves a Flood Mitigation Grant Agreement between Oneida County, through its Department of Planning, and the Town of Kirkland, for a term commencing upon execution and ending at the completion of the Project, anticipated to be no later than December 31, 2025.

APPROVED: Public Works Committee (September 7, 2021)
Ways and Means Committee (September 8, 2021)

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Seconded by Mr. Joseph and adopted by the following vote:

AYES 22 NAYS 0 ABSENT 1 (Mme. Ervin)

No. 239 – FN 2021-246 - Mme. Pratt and Mr. D’Onofrio offered the following resolution and moved its adoption.

RE: PURCHASE OF SERVICES AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF HEALTH, AND KELBERMAN CENTER, INC.

WHEREAS, This Board is in receipt of a Purchase of Services Agreement between Oneida County, through its Department of Health, and Kelberman Center, Inc., for an amount not to exceed \$4,500,000.00, to provide for the reimbursement of Preschool Program rendered to eligible preschool children with disabilities in accordance with Section 4410 of the New York State Education Law and in compliance with 8 NYCRR Part 200 (Regulations of the Commissioner of Education), and

WHEREAS, The Agreement shall be for a term commencing July 1, 2021 and ending June 30, 2024, with either party having the right to terminate the Agreement upon ninety (90) days written notice to the other party, and

WHEREAS, In accordance with Oneida County Charter Section 2202, said Agreement must be approved by the Oneida County Board of Legislators, now, therefore, be it hereby

RESOLVED, That this Board authorizes and approves a Purchase of Services Agreement between Oneida County, through its Department of Health, and Kelberman Center, Inc., for a term commencing July 1, 2021 and ending June 30, 2024.

APPROVED: Health & Human Services Committee (September 7, 2021)
Ways & Means Committee (September 8, 2021)

DATED: September 8, 2021

Seconded by Mr. Joseph and adopted by the following vote:

AYES 22 NAYS 0 ABSENT 1 (Mme. Ervin)

No. 240 – FN 2021-248 – Messrs. Leach and D’Onofrio offered the following resolution and moved its adoption.

RE: APPROVAL OF THE PROPOSED WORKERS’ COMPENSATION BUDGET FOR 2022

WHEREAS, The Oneida County Workers’ Compensation Committee has filed a budget estimate for the operation of the Oneida County Self-Insured Insurance Plan as hereinafter set forth for the year 2022, and

WHEREAS, It is desirable to authorize the County Comptroller and the Commissioner of Finance to establish in their accounts a budget estimate for the operation of the Oneida County Self-Insurance Plan, now, therefore, be it hereby

RESOLVED, That the following budget estimate for 2022 is hereby ordered to be placed upon the books of the County Comptroller and Commissioner of Finance, and that the County Comptroller be, and hereby is, authorized to make payments from the respective accounts as hereinafter set forth upon inspection and examination by the Workers’ Compensation Committee:

BUDGET APPROPRIATIONS

PROGRAM ADMINISTRATION AND SUPPORT

S1710.109	Salaries & Fringes	\$ 114,730
S1710.195	Other Fees & Services (See attachment)	\$ 519,815
S1710.416	Telephone	\$ 500
S1710.418	Meter Postage	\$ 615
S1710.455	Travel	\$ 3,550
S1710.491	Other Materials & Supplies	\$ 100
S1710.492	Zixmail	\$ 59
S1710.495	Other Expenses	\$ 250

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Meeting held on Wednesday, September 8, 2021 at 2:00 P.M

S1990.9	Contingent Account	\$ 30,000
	Total Administrative Expense	\$ 669,619
S1720.410	Indemnity & Medical	\$4,491,198
S1720.412	Insurance & Bonding	\$ 400
S1720.495	WCB Assessments	\$ 415,000
	Total Claims Expense	\$4,906,598
	TOTAL ADMINISTRATIVE & CLAIMS EXPENSES	<u>\$5,576,217</u>
ESTIMATED REVENUES		
S2222	Participant Assessments	\$4,819,993
S2401	Interest Earnings	\$ 30,000
S2701	Refund of Prior Years – Expenditures	\$ 16,000
S2705	Revenues	\$ 710,224
	TOTAL ESTIMATED REVENUES	<u>\$5,576,217</u>

2022 Budget – “Other Fees and Services” Breakdown

“Other Fees & Services” – Account S1710.195

Estimated cost to place in reserves for Excess	\$300,000
Cost for 3rd Party Administration 2021	\$166,415
Department of Finance annual service charge for 2021	\$ 8,900
Estimated cost for an actuarial analysis fee for 2021	\$ 7,500
Department of Audit & Control accounting fee for 2021	\$ 12,000
Miscellaneous expert attorney fees and other contract fees	<u>\$ 25,000</u>
Total proposed “Other Fees and Services”	<u>\$519,815</u>

RESOLVED, That the Oneida County Board of Legislators hereby approves and accepts the aforementioned Workers’ Compensation Budget for 2022.

APPROVED: Workers’ Compensation Committee (September 7, 2021)
Ways and Means Committee (September 8, 2021)

DATED: September 8, 2021

Seconded by Mr. Davis and adopted by the following vote:
AYES 22 NAYS 0 ABSENT 1 (Mme. Ervin)

LEFT ON LEGISLATORS DESKS FOR FUTURE CONSIDERATION

FN 2021-247
LOCAL LAW INTRO. “C” OF 2021
LOCAL LAW NO. ____ OF 2021

RE: AN AMENDMENT TO LOCAL LAW 4 INTRODUCTORY “C” OF 2013 PROVIDING FOR A TEMPORARY REVOCABLE ACCESS PERMIT SYSTEM FOR PUBLIC ACCESS TO AND USE OF LAND OWNED BY THE COUNTY OF ONEIDA.

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Legislative Intent: To allow for the Commissioner of Aviation to issue Temporary Revocable Access Permits for land and building space at Griffiss International Airport.

BE IT ENACTED by the Board of County Legislators of the County of Oneida, State of New York, as follows:

A. Title

This local law shall be known as “Local Law Amending Local Law No. 4 of 2013 Providing for a Temporary Revocable Access Permit System for Public Access to and Use of Land Owned by the County of Oneida.”

B.

Local Law No. 4 of 2013 shall be amended by the deletion of all matters that are in parenthesis and (~~stricken~~) and the addition of all matters in bold and underlined as set forth below:

Section 1. Definitions.

As used in this Local Law, the following words, phrases, terms and their derivations shall have the meanings set forth below:

Access shall mean the authority to pass over **or temporarily occupy** property without unreasonable obstruction, and does not carry with it any rights of possession or ownership.

Public (h)Land means any property or open space owned, leased or controlled by the County of Oneida, which area is generally accessible and open to the public.

Griffiss International Airport means all Oneida County property associated with the Oneida County Airport.

Section 2. Application for Temporary Revocable Access Permit.

Any person or business that wants to use any (p)Public (h)Land for (a)Access, **other than land located at Griffiss International Airport**, shall apply to the Commissioner of Public Works for a Temporary Revocable Access Permit at least thirty (30) days in advance of the proposed (a)Access. **Any person or business that wants to use any Public Land for Access located at Griffiss International Airport, shall apply to the Commissioner of Aviation for a Temporary Revocable Access Permit at least thirty (30) days in advance of the proposed Access.** The application for such **Temporary Revocable Access Permit** shall be made in writing on a form approved by the County Attorney. The application for a (a) **Temporary Revocable** Access Permit shall include but not necessarily be limited to the following:

- (a) The name, address, telephone number, facsimile number and e-mail address of the Applicant.
- (b) The necessity for the proposed (a)Access, the exact location within the (p)Public (h)Land to be used for the proposed (a)Access including a location map of sufficient detail and accuracy to depict the location and extent of the proposed (a)Access, and the dates, times and duration of the proposed (a)Access.
- (c) A non-refundable application fee, to compensate the County for its time in investigating and processing the application, the amount of said fee to be set by the (~~Commissioner of Public Works~~) **designated Commissioner.**
- (d) A sum of money to be held in escrow by the (~~Commissioner of Public Works~~) **designated Commissioner**, to insure that the (p)Public (h)Land is left in a clean and proper condition without damage and in the same condition as it existed prior to the date of such (a)Access. Said sum of money will be in an amount acceptable to the (~~Commissioner of Public Works~~) **designated Commissioner**. Said sum of money shall be refundable upon certification of the (~~Commissioner of Public Works~~) **designated Commissioner** that the (p)Public (h)Land has been left in proper condition.
- (e) An access fee in an amount set by the (~~Commissioner of Public Works~~) **designated Commissioner**, to compensate the County for any additional costs incurred by the County because of the use of the (p)Public (h)Land for (a)Access, plus a charge of five percent (5%) for administrative costs.
- (f) A proper liability insurance policy, with proof of full premiums paid to date, naming the County of Oneida as an additional insured, or other policy as deemed appropriate at the sole discretion of the County Attorney, holding the County harmless from any and all liability arising out of the use of the (p)Public (h)Land for (a)Access, in an amount acceptable to the (~~Commissioner of Public Works~~) **County Attorney.**

- (g) A written acknowledgement and agreement to the following terms:
- (1) The County does not relinquish the right to control the management of its ~~(P)Public~~ ~~(L)ands~~, and is entitled to enforce all necessary and proper rules for the management and operation of same.
 - (2) The Applicant is responsible for any maintenance or upkeep required for the Applicant's ~~(use)~~ Access of the ~~(P)Public~~ ~~(L)ands~~ ~~(for access)~~, including but not limited to snow plowing, shoveling and routine maintenance, and is solely liable for any damages caused to the property as a result of said routine maintenance performed by the Applicant.
 - (3) The ~~(P)Public~~ ~~(L)and~~ will not be used for any political activity or any unlawful activity, pursuant to local, state and federal laws, rules and regulations or ordinances.
 - (4) If the ~~(P)Public~~ ~~(L)and~~, or any portion thereof, shall be damaged by the act, default, negligence or willful misconduct of the Applicant or of the Applicant's agents, employees, business invitees and guests, the Applicant shall pay to the County such sum as necessary to restore the ~~(P)Public~~ ~~(L)and~~ to its previous condition and to make the County whole.
 - (5) The County is to be exempt from any and all liability for damage, injury or death to person or property of the Applicant, including the Applicant's agents, employees, business invitees and guests.
 - (6) The Applicant shall defend, indemnify and hold the County harmless from and against all liability, damages, expenses, costs, causes of actions, suits, claims or judgments arising from property damage, personal injuries or death to persons arising from or out of the ~~(use)~~ Access and/or maintenance of the public land by the Applicant and the Applicant's agents, employees, business invitees and guests.
 - (7) Any other terms deemed necessary or appropriate by the designated Commissioner.

Section 3. Issuance or denial of permit and revocation.

- (a) The ~~(Commissioner of Public Works)~~ designated Commissioner shall issue a Temporary Revocable Access Permit conditioned on the Applicant providing all the above requested information and materials, and upon the Applicant's written agreement to comply with the above terms of the Temporary Revocable Access Permit, unless the ~~(Commissioner of Public Works)~~ designated Commissioner finds that:
- (1) The proposed ~~(use)~~ Access of the ~~(P)Public~~ ~~(L)and~~ ~~(for access)~~ will interfere with another use of the ~~(P)Public~~ ~~(L)and~~ by the County, or will interfere with another use of the ~~(P)Public~~ ~~(L)and~~ for ~~(a)~~ Access for which a Temporary Revocable Access ~~(P)Permit~~ has already been issued.
 - (2) The proposed ~~(P)Public~~ ~~(L)and~~ is deemed by the ~~(Commissioner of Public Works)~~ designated Commissioner to be legally, physically or functionally unsuitable for the ~~(a)~~ Access, or is not compatible with the purpose for which the ~~(P)Public~~ ~~(L)and~~ was acquired or is managed.
 - (3) The proposed ~~(use)~~ Access could compromise Oneida County's title to the land or change the mandated use of the ~~(P)Public~~ ~~(L)and~~
 - (4) The proposed ~~(use)~~ Access requires construction or installation of permanent facilities such as roads, bridges, trails, structures, towers or utility lines not authorized by law, deeded right or easement.
 - (5) The proposed ~~(use)~~ Access is for motor vehicle access across ~~(P)Public~~ ~~(L)and~~ as a permanent route of ingress and egress, except where an easement or other legal encumbrance to Oneida County's title exists which authorizes such ~~(use)~~ Access.
 - (6) The proposed ~~(use)~~ Access is for use or establishment of trails that lead from private land and extend onto ~~(P)Public~~ ~~(L)and~~ for the sole benefit of the private landowner(s) or their invitee(s).
 - (7) The information contained in the application is found to be false or nonexistent in any material detail.
 - (8) The Applicant refuses to agree by or comply with all conditions of the Temporary Revocable Access Permit.

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- (9) The ~~(a) Access~~ is deemed by the ~~(Commissioner of Public Works)~~ **designated Commissioner** to be of size and nature to unreasonably interfere with the enjoyment of the ~~(p)Public (h)Land~~ by other users.
- (10) The ~~(a) Access~~ is deemed to be in violation of any Federal, State or Local law, rule or regulation.
- (11) A reasonable determination is made by the ~~(Commissioner of Public Works)~~ **designated Commissioner** and/or the County Attorney that the ~~(a) Access~~ is not in the best interest of the County.
- (b) Any denial of a Temporary Revocable Access Permit for any of the above reasons will not occur until the ~~(Commissioner of Public Works)~~ **designated Commissioner** affords the Applicant notice and an opportunity to be heard in regards to the denial.
- (c) A Temporary Revocable Access Permit may be revoked for any of the above reasons set forth in subdivision (a) of this article, after the ~~(Commissioner of Public Works)~~ **designated Commissioner** affords the **Temporary Revocable Access Permit (H)holder** notice and an opportunity to be heard in regards to the revocation. All monies paid to the County, with the exception of the escrowed monies referred to in Section 2(d) above, shall be forfeited by the ~~(Applicant)~~ **Temporary Revocable Access Permit holder** in the event of a revocation of the Temporary Revocable Access Permit.
- (d) The ~~(Commissioner of Public Works)~~ **designated Commissioner** is authorized to place reasonable conditions on the Temporary Revocable Access Permit, in order to ensure the safe ~~(use)~~ **Access** of the ~~(p)Public (h)Land~~.
- (e) Any Temporary Revocable Access Permit issued is invalid and revoked unless the permittee has a valid and current insurance certificate at the time of actual ~~(a) Access~~ onto ~~(p)Public (h)Land~~.

Section 4. Temporary Revocable Access Permit Expiration.

- (a) Upon expiration or completion of activities authorized by a Temporary Revocable Access Permit and as deemed necessary, the ~~(Commissioner of Public Works)~~ **designated Commissioner** or Commissioner's designee shall inspect the ~~(p)Public (h)Land~~ subject to the Permit, in order to ensure that the permittee has complied with all terms of the **Temporary Revocable Access Permit**.
- (b) Temporary Revocable Access Permits shall be issued for a period not to exceed one (1) year, including Temporary Revocable Access Permit renewals.

Section 5. Temporary Revocable Access Permit Renewals.

- (a) Temporary Revocable Access Permits shall be renewed only in the case of extenuating circumstances or if the ~~(Commissioner of Public Works)~~ **designated Commissioner** determines that continuance of the temporary use is in the public interest and is otherwise not legally, physically or functionally unsuitable for the ~~(a) Access~~, or is not compatible with the purpose for which the ~~(p)Public (h)Land~~ was acquired or is managed.
- (b) Any renewal of a Temporary Revocable Access Permit is under the same terms and conditions as the original **Temporary Revocable Access Permit**.
- (c) A non-refundable renewal application fee will be charged to compensate the County for its time in investigating and processing the application in the amount of said fee to be set by the ~~(Commissioner of Public Works)~~ **designated Commissioner**.
- (d) Additional fees as detailed in the original **Temporary Revocable Access Permit** application may also be charged as set by the ~~(Commissioner of Public Works)~~ **designated Commissioner**.
- (e) Applications for renewals must be made no less than sixty (60) days prior to the expiration date of a **Temporary Revocable Access Permit**. Requests made for renewals less than sixty (60) days prior to the expiration date shall be considered as a new application and handled accordingly.

Section 6. Severability.

If any provision of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, then such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its effect to the particular provision directly involved in the controversy in which such judgment shall have been rendered.

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Section 7. Effective Date

This Local Law shall take effect upon filing with the Secretary of State in accordance with Section 20, 21 and 27 of the New York State Municipal Home Rule Law

APPROVED: Public Works Committee
Ways & Means Committee

DATED: Scheduled to sit on Desks September 8, 2021

Adopted by the following vote:

AYES ___ NAYS ___ ABSENT ___

NOTE: At this Juncture a motion was made by Legislator Fiorini that pursuant to Rule 22 made a motion to suspend Rules 12 and 55 for the purpose of considering this Resolution only. Legislator Flisnik seconded the motion. The motion was duly passed for the following resolution

No. 241 – FN 2021-249 – Mr. Sacco offered the following resolution and moved its adoption.

RE: APPOINTMENT OF MAYA MILLER TO THE POSITION OF MINORITY LEGISLATIVE ANALYST FOR THE BOARD OF LEGISLATORS GRADE 25M, STEP 13

WHEREAS, The Rules of the Board of County Legislators of the County of Oneida provide a Minority Legislative Analyst shall be appointed, now, therefore, be it hereby

RESOLVED, That, after duly being so elected by the Minority Party of the Board Maya Miller be and hereby is appointed to serve in the position of Minority Legislative Analyst to the Board of Legislators at Grade 25M, Step 13 (\$56,677) effective September 9, 2021, with a term to expire December 31, 2021.

DATED: September 8, 2021

Seconded by Mr .Davis and adopted by the following vote:

AYES 22 NAYS 0 ABSENT 1 (Mme. Ervin)

CERTIFICATION OF THE CLERK

STATE OF NEW YORK, County of Oneida, ss:

I hereby certify that the foregoing is a true report of the proceedings of the Board of Legislators of the County of Oneida on Wednesday, September 8, 2021 at 2:00 P.M., typographical errors excepted.

MIKALE BILLARD

September 8, 2021

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