



## 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

ATTACHED FOR YOUR INFORMATION ARE RESOLUTIONS  
NUMBERED 235 THROUGH 259 THAT WERE ACTED UPON BY  
THE BOARD OF COUNTY LEGISLATORS AT THEIR  
REGULAR SESSION HELD ON AUGUST 9, 2017.

**ROLL CALL SHEET**

**DATE August 9, 2017**

**SESSION Regular**

**MEMBERS PRESENT: 23**

**MEMBERS ABSENT: 0**

**AYES: 23 NAYS: 0 ABSENT : 0**

**INTRODUCTORY NO.**

**RESOLUTION NO.**

**DIST MEMBERS**

R-1	SCHIEBEL	X	
R-2	IDZI	X	
R-3	LEACH	X	
D-4	CLANCY	X	
R-5	WATERMAN	X	
R-6	PORTER	X	
R-7	FIORINI	X	
R-8	FLISNIK	X	
D-9	SACCO	X	
R-10	JOSEPH	X	
R-11	KOENIG	X	
D-12	CALANDRA	X	
D-13	GOODMAN	X	
D-14	DAVIS	X	
R-15	D'ONOFRIO	X	
R-16	PRATT	X	
R-17	MANDRYCK	X	
R-18	DANIELS	X	
R-19	WELSH	X	
D-20	HENDRICKS	X	
D-21	WASHBURN	X	
D-22	CONVERTINO	X	
R-23	PAPARELLA	X	

**ONEIDA COUNTY BOARD OF LEGISLATORS**

**RESOLUTION NO. 235**

**INTRODUCED BY: Messrs. Waterman, Porter, Schiebel  
2ND BY: Mr. Joseph**

**RE: APPROVAL OF AN AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS  
DEPARTMENT OF PUBLIC WORKS, AND LOCHNER ENGINEERING, P. C.**

**WHEREAS,** This Board is in receipt of an Agreement between Oneida County, through its Department of Public Works, and Lochner Engineering, P.C. to provide construction inspection services for the replacement of BIN 3311180, Houck Road over Sconondoa Creek, Town of Vernon, and

**WHEREAS,** Lochner Engineering, P.C. will provide services to Oneida County for a total amount of \$77,680.00 for construction inspection services for the replacement of BIN 3311180, Houck Road over Sconondoa Creek, Town of Vernon, for a term commencing upon execution and ending December 31, 2018, 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 the Oneida County Board of Legislators hereby authorizes and approves an Agreement between Oneida County, through its Department of Public Works, and Lochner Engineering, P.C., for the replacement of BIN 3311180, Houck Road over Sconondoa Creek, Town of Vernon, for a term commencing upon execution and ending December 31, 2018

APPROVED:           Public Works Committee (July 26, 2017)  
                              Ways and Means Committee (August 9, 2017)

DATED: August 9, 2017

Adopted by the following vote:

AYES 22   NAYS 0   ABSTAINED: 1 (Mandryck)   ABSENT 0

## ONEIDA COUNTY BOARD OF LEGISLATORS

### RESOLUTION NO. 236

**INTRODUCED BY:** *Messrs. Waterman, Porter*

**2ND BY:** *Mr. Joseph*

**RE: APPROVAL OF AN AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF PUBLIC WORKS, AND BONACCI ARCHITECTS, PLLC**

**WHEREAS,** This Board is in receipt of an Agreement between Oneida County, through its Department of Public Works, and Bonacci Architects, PLLC to provide professional consulting services associated with the 2017 Facility Improvement projects at various County facilities, and

**WHEREAS,** Bonacci Architects, PLLC will provide professional consulting services to Oneida County for a total amount of \$110,100.00 for the 2017 Facility Improvement projects at various County facilities, for a term commencing April 12, 2017 and ending December 31, 2018, 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 the Oneida County Board of Legislators hereby authorizes and approves an Agreement between Oneida County, through its Department of Public Works, and Bonacci Architects, PLLC for professional consulting services associated with the 2017 Facility Improvement projects at various County facilities, for a term commencing April 12, 2017 and ending December 31, 2018

APPROVED:           Public Works Committee     (July 26, 2017)  
  Ways and Means Committee (August 9, 2017)

DATED: August 9, 2017

Adopted by the following vote:

AYES 23   NAYS 0   ABSENT 0

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### *RESOLUTION NO. 237*

*INTRODUCED BY: Messrs. Waterman, Porter  
2ND BY: Mr. Joseph*

**RE: APPROVAL OF A PERPETUAL EASEMENT THROUGH COUNTY OWNED  
PROPERTY LOCATED IN THE CITY OF UTICA**

**WHEREAS,** This Board is in receipt of correspondence from the Commissioner of Water Quality and Water Pollution Control, Steven P. Devan, P.E., requesting approval of a perpetual Easement to National Grid a/k/a Niagara Mohawk Power Corporation and Verizon New York, Incorporated through County owned property located at 51 Leland Avenue in the City of Utica in order to move existing power poles to accommodate the construction of a new headworks facility at the Oneida County Water Pollution Control Plant, and

**WHEREAS,** In accordance with the Oneida County Charter Section 2202, said Easement is subject to approval by this Board prior to execution, now, therefore, be it hereby

**RESOLVED,** That the Board of Legislators hereby approves a perpetual Easement to National Grid a/k/a Niagara Mohawk Power Corporation and Verizon New York, Incorporated, through County owned property located at 51 Leland Avenue in the City of Utica, as set forth on the "Easement" document and attached Description on file with the Clerk of the Board of Legislators, and be it further

**RESOLVED,** That the Chairman of the Oneida County Board of Legislators is hereby authorized to execute any and all documents necessary to effectuate the granting of said Easement.

APPROVED:           Public Works Committee (July 26, 2017)  
                              Ways and Means Committee (August 9, 2017)

DATED:            August 9, 2017

Adopted by the following vote:  
AYES 23   NAYS 0   ABSENT 0

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### ***RESOLUTION NO. 238***

***INTRODUCED BY: Messrs. Waterman, Porter  
2ND BY: Mr. Joseph***

**RE: APPROVAL OF A FACILITY ENCROACHMENT AGREEMENT BETWEEN ONEIDA COUNTY AND CSX TRANSPORTATION, INC.**

**WHEREAS,** This Board is in receipt of correspondence from the Commissioner of Water Quality and Water Pollution Control, Steven P. Devan, P.E., requesting approval of a Facility Encroachment Agreement between Oneida County and CSX Transportation, Inc. allowing the County of Oneida to install a 48” force main pipe through CSX Transportation, Inc. property known as NYS Realty & Terminal Property near the Sauquoit Creek Pumping Station, and

**WHEREAS,** Funding for this Facility Encroachment Agreement, which includes an application review fee of \$9,700.00, previously paid, a railroad protective liability fee of \$1,800.00 and a one-time license fee of \$5,100.00, is provided by the 2017 Department operating budget, and

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

**RESOLVED,** That the Board of Legislators hereby approves a Facility Encroachment Agreement between Oneida County and CSX Transportation, Inc. as more fully set forth in the document on file with the Clerk of this Board, and be it further

**RESOLVED,** That the Chairman of the Oneida County Board of Legislators is hereby authorized to execute any and all documents necessary to effectuate the granting of said easement.

**APPROVED:** Public Works Committee (July 26, 2017)  
Ways and Means Committee (August 9, 2017)

**DATED:** August 9, 2017

Adopted by the following vote:  
AYES 23 NAYS 0 ABSENT 0

## ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 239

INTRODUCED BY: Messrs. Leach, Porter

2ND BY: Mr. Joseph

RE: APPROVAL OF THE PROPOSED BUDGET FOR THE OPERATION OF THE ONEIDA COUNTY SELF-INSURANCE PLAN FOR 2018

WHEREAS, The Oneida County Workers' Compensation Committee has filed a budget estimate for the operation of the Oneida County Self-Insurance Plan as hereinafter set forth for the year 2018, 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 2018 is hereby ordered to be placed upon the books of the County Comptroller and the 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, Other	\$ 79,026.00
S1710.195	Other Fees & Services	\$ 616,924.00
S1710.416	Telephone	\$ 405.00
S1710.418	Meter Postage	\$ 325.00
S1710.455	Travel & Subsistence	\$ 1,550.00
S1710.491	Other Materials & Supplies	\$ 80.00
S1710.495	Other Expenses	\$ 250.00
S1990.9	Contingent Account	\$ 30,000.00
	<b>Total Administrative Expense</b>	<b>\$ 728,560.00</b>

S1720.410	Medical/Indemnity Payments	\$4,624,325.00
S1720.412	Insurance & Bonding	\$ 400.00
S1720.495	Other Expenses: Assess to Comp Board	\$ 415,000.00
	<b>Total Claims Expense</b>	<b>\$5,039,725.00</b>

**TOTAL ADMINISTRATIVE & CLAIMS EXPENSES \$5,768,285.00**

#### ESTIMATED REVENUES

S2222	Participants Assessments	\$4,978,713.00
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S2401	Interest Earnings	\$ 19,500.00
S2701	Refund of Prior Years Expenditures	\$ 20,000.00
S2705	Revenues	<u>\$ 750,072.00</u>

**TOTAL ESTIMATED REVENUES** **\$5,768,285.00**

**RESOLVED**, That the Oneida County Board of Legislators hereby approves and accepts the aforementioned budget for the operation of the Oneida County Self-Insurance Plan for 2018.

APPROVED:            Workers' Compensation Committee (July 26, 2017)  
                               Ways & Means Committee

DATED:            August 9, 2017

Adopted by the following roll call vote:

AYES 22 NAYS 0 ABSENT 1 (Mr. D'Onofrio was out of the Chambers)



**ROLL CALL SHEET**

DATE August 9, 2017

SESSION Regular

MEMBERS PRESENT: 23

MEMBERS ABSENT: 0

AYES: 22 NAYS: 0 ABSENT : 1

INTRODUCTORY NO. 240

RESOLUTION NO. 239

**DIST MEMBERS**

R-1	SCHIEBEL	X	
R-2	IDZI	X	
R-3	LEACH	X	
D-4	CLANCY	X	
R-5	WATERMAN	X	
R-6	PORTER	X	
R-7	FIORINI	X	
R-8	FLISNIK	X	
D-9	SACCO	X	
R-10	JOSEPH	X	
R-11	KOENIG	X	
D-12	CALANDRA	X	
D-13	GOODMAN	X	
D-14	DAVIS	X	
R-15	D'ONOFRIO (OUT of CHAMBERS)		
R-16	PRATT	X	
R-17	MANDRYCK	X	
R-18	DANIELS	X	
R-19	WELSH	X	
D-20	HENDRICKS	2	
D-21	WASHBURN	X	
D-22	CONVERTINO	X	
R-23	PAPARELLA	X	

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### ***RESOLUTION NO. 240***

***INTRODUCED BY: Messrs. Idzi, Porter  
2ND BY: Mr. Joseph***

**RE: APPROVAL OF TWENTY-THREE REFUNDS AND THIRTEEN CORRECTIONS TO VARIOUS ERRONEOUS TAX ASSESSMENTS**

**WHEREAS,** The Commissioner of Finance has forwarded twenty-three applications for refunds totaling \$11,374.60 in the Towns of Camden, Floyd, Lee, Marshall, Remsen, Verona, Vienna and the City of Utica, and thirteen corrections for erroneous tax assessments in the Towns of Annsville, Lee, Marcy, Marshall, New Hartford, Vienna, Whitestown and the City of Utica totaling \$33,423.34, and

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

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

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

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

**APPROVED:** Government Operations Committee (July 26, 2017)  
Ways & Means Committee (August 9, 2017)

**DATED:** August 9, 2017

Adopted by the following vote:  
AYES 23 NAYS 0 ABSENT 0

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### *RESOLUTION NO. 241*

*INTRODUCED BY: Messrs. Idzi, Porter*

*2ND BY: Mr. Joseph*

**RE: APPROVAL OF AN AGENT SERVICES AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF FINANCE, AND MANUFACTURERS AND TRADERS TRUST COMPANY**

**WHEREAS,** This Board is in receipt of correspondence from the Commissioner of Finance, Anthony Carvelli, requesting approval of an Agent Services Agreement between Oneida County, through its Department of Finance, and Manufacturers and Traders Trust Company to act as Custodial Agent and provide services in relation to the accounting, safekeeping and processing of securities retained for contracts upon which retained percentages have been released or are to be released pursuant to the provisions of General Municipal Law §106, and

**WHEREAS,** Said Agent Services Agreement shall be for a one (1) year term commencing upon execution, and thereafter automatically renewing from year to year unless terminated by either party, in writing, by certified mail (return receipt requested), at least ninety (90) days prior to the annual expiration date of the Agent Services Agreement, now, therefore, be it hereby

**RESOLVED,** That the Board of Legislators for the County of Oneida (“Client”) hereby authorizes the Commissioner of Finance and the Comptroller (the “Authorized Individuals”), or any one of them, in the name and on behalf of the Client, to complete, execute and deliver to the Trust and Investment Division of M&T Bank agreements in a form acceptable to such Authorized Individual for the provision of custody, escrow, trust, funds transfer, investment management and investment advisory services, including any amendments and agreements or other documents related thereto, as such Authorized Individual deems necessary or appropriate from time to time; and it is further

**RESOLVED,** That Client hereby ratifies and confirms all actions taken by it prior to the date hereof in connection with such agreements executed and delivered to M&T Bank; and it is further

**RESOLVED,** That the Authorized Individuals are, and each of them is, hereby authorized to designate from time to time the accounts subject to such agreements, and designate from time to time the individuals who may execute or effect transactions under and give notices, certifications and instructions with respect to such agreements, such individuals designated as “Authorized Representatives;” and it is further

**RESOLVED,** That M&T Bank be and hereby is authorized to rely on the actual or purported signatures of any of Client’s Authorized Individuals and Authorized Representatives; provided, however, a direction to distribute assets from the Account shall require the signatures of two of the aforementioned Authorized Individuals or Authorized Representatives. Until M&T Bank has actually received and had a reasonable time to act on written notice from Client revoking such authority; M&T Bank shall be entitled to rely on the authority granted herein; and it is further

**RESOLVED**, That Client shall defend, indemnify and hold M&T Bank harmless from and against all liabilities, costs, and expenses (including, but not limited to, attorneys' fees and disbursements) incurred by M&T Bank in connection with the honoring of any signature, instruction or action of any Authorized Individual or Authorized Representative, or the refusal to honor any signature, instruction or action of any person who is not an Authorized Individual or Authorized Representative of Client; and it is further

**RESOLVED**, That these resolutions supersede all prior resolutions on the subject to which they pertain, and shall remain in full force and effect and binding upon Client until M&T Bank has actually received and had a reasonable time to act on any subsequent Certificate of Authority; provided, that these resolutions are limited in application to services provided by the Trust and Investment Division of M&T Bank and do not supersede or affect in any way the continuing validity of other resolutions provided to M&T Bank in regard to accounts that are serviced or services that are provided by any other division or department of M&T Bank, including but not limited to accounts and services provided by Commercial Deposit Services and Treasury Management Services.

APPROVED:                   Government Operations Committee (July 26, 2017)  
  Ways and Means Committee

DATED:           August 9, 2017

Adopted by the following vote:  
AYES 23   NAYS 0   ABSENT 0

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### ***RESOLUTION NO. 242***

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

**RE: APPROVAL OF GRANT AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS SHERIFF'S OFFICE, AND NEW YORK STATE, THROUGH ITS DIVISION OF CRIMINAL JUSTICE SERVICES**

**WHEREAS,** This Board is in receipt of correspondence from Sheriff Robert M. Maciol requesting approval of a Grant Agreement between Oneida County, through its Sheriff's Office, and New York State, through its Division of Criminal Justice Services, through its Gun Involved Violence Elimination (GIVE) Grant Program to assist in the assignment of deputies on an overtime basis to the Gun Violence Strike Team, headed by the Utica Police Department, as well as the multi-agency Emergency Response Team (ERT), 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 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 Sheriff's Office, and New York State, through its Division of Criminal Justice Services, in the amount of \$2,400.00 for a term commencing July 1, 2017 and ending on June 30, 2018.

APPROVED:           Public Safety Committee     (July 26, 2017)  
                              Ways & Means Committee   (August 9, 2017)

DATED:                August 9, 2017

Adopted by the following vote:  
AYES 23   NAYS 0   ABSENT 0

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### *RESOLUTION NO. 243*

*INTRODUCED BY: Messrs. Flisnik, Porter  
2ND BY: Mr. Joseph*

**RE: APPROVAL OF A GRANT AGREEMENT BETWEEN ONEIDA COUNTY,  
THROUGH ITS SHERIFF'S OFFICE, AND THE NEW YORK STATE CANAL  
CORPORATION**

**WHEREAS,** This Board is in receipt of correspondence from Sheriff Robert M. Maciol requesting approval of a Grant Agreement between Oneida County, through its Sheriff's Office, and the New York State Canal Corporation to patrol the New York State Canal and the Canalway Trails in Oneida County, and

**WHEREAS,** Pursuant to 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 County Executive, Anthony J. Picente, Jr., is hereby authorized to execute any and all documents related to a Grant Agreement by and between Oneida County, through its Sheriff's Office, and the New York State Canal Corporation, in the amount of \$40,000.00 (75%), with a County contribution of \$13,334.00 (25%), for a term commencing April 1, 2016 and ending March 31, 2017.

**APPROVED:**           Public Safety Committee (July 26, 2017)  
                              Ways & Means Committee (August 9, 2017)

**DATED:** August 9, 2017

Adopted by the following vote:  
AYES 23   NAYS 0   ABSENT 0

## ONEIDA COUNTY BOARD OF LEGISLATORS

*RESOLUTION NO. 244*

*INTRODUCED BY: Messrs. Flisnik, Porter*  
*2ND BY: Mr. Schiebel*

**RE: APPROVAL OF AGREEMENTS BETWEEN ONEIDA COUNTY, THROUGH ITS SHERIFF'S OFFICE, AND VARIOUS COUNTIES THROUGHOUT NEW YORK STATE**

**WHEREAS,** This Board is in receipt of correspondence from Sheriff Robert M. Maciol requesting approval of an Agreement between Oneida County, through its Sheriff's Office, and Ulster County to provide inmate security services at Central New York Psychiatric Center, located in Marcy, New York, and

**WHEREAS,** Sheriff Robert M. Maciol has requested that this Agreement be approved as a template for similar arrangements with other Counties, which are of the same content, and

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

**RESOLVED,** That the Oneida County Board of Legislators approves Agreements between Oneida County, through its Sheriff's Office, and Albany, Allegany, Bronx, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Erie, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Kings, Lewis, Livingston, Madison, Monroe, Montgomery, Nassau, New York (Manhattan), Niagara, Onondaga, Ontario, Orange, Orleans, Oswego, Otsego, Putnam, Queens, Rensselaer, Richmond (Staten Island), Rockland, Saint Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Steuben, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Westchester, Wyoming and Yates Counties, through their Sheriff's Offices, compensating Oneida County in the amount of \$185.00 per inmate, per day, commencing January 1, 2017 and ending December 31, 2019.

APPROVED:           Public Safety Committee     (July 26, 2017)  
                              Ways & Means Committee   (August 9, 2017)

DATED:            August 9, 2017

Adopted by the following vote:  
AYES 23   NAYS 0   ABSENT 0

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### ***RESOLUTION NO. 245***

***INTRODUCED BY: Messrs. Flisnik, Porter,  
2ND BY: Mr. Joseph***

**RE: APPROVAL OF GRANT AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS SHERIFF'S OFFICE, AND NEW YORK STATE, THROUGH ITS DIVISION OF CRIMINAL JUSTICE SERVICES**

**WHEREAS,** This Board is in receipt of correspondence from Sheriff Robert M. Maciol requesting approval of a Grant Agreement between Oneida County, through its Sheriff's Office, and New York State, through its Division of Criminal Justice Services, through its Police Protective Equipment Program (PPEP) Grant Program to purchase fifty (50) Ballistic Helmets and fifty (50) Ceramic Body Armor response systems to be used in active shooter and similar high-risk incidents to enhance protection of responding officers in high-risk situations, 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 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 Sheriff's Office, and New York State, through its Division of Criminal Justice Services, in the amount of \$29,786.00 for a term commencing January 1, 2017 and ending on December 31, 2017.

**APPROVED:**            Public Safety Committee     (July 26, 2017)  
                              Ways & Means Committee     (August 9, 2017)

**DATED:**             August 9, 2017

Adopted by the following vote:  
AYES 23   NAYS 0   ABSENT 0



## ONEIDA COUNTY BOARD OF LEGISLATORS

### RESOLUTION NO. 246

INTRODUCED BY: Messrs. Flisnik, Porter  
2ND BY: Mr.

RE: SUPPLEMENTAL APPROPRIATION OF \$29,786.00 TO AA#A3120.4365 – BODY ARMOR

WHEREAS, In accordance with Section 609 of the Administrative Code, the County Executive has requested a supplemental appropriation be made in the amount of \$29,786.00 to AA#A3120.4365 – Body Armor, and

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

RA#A3384	State Aid	\$29,786.00
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now, therefore, be it hereby

RESOLVED, That a supplemental appropriation, from 2017 funds, as hereinafter set forth, be and the same is hereby approved:

TO:

AA#A3120.4365	Body Armor	\$29,786.00
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APPROVED: Public Safety Committee (July 26, 2017)  
Ways and Means Committee (August 9, 2017)

DATED: August 9, 2017

Adopted by the following vote:  
AYES 23 NAYS 0 ABSENT 0

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### *RESOLUTION NO. 247*

*INTRODUCED BY: Messrs. Flisnik, Porter*

*2ND BY: Mr. Joseph*

**RE: CERTIFICATION OF SECTION 606 EXPENSES FOR THE ONEIDA COUNTY PUBLIC DEFENDER, CRIMINAL DIVISION**

**WHEREAS,** Certain inmates in the custody of the New York State Department of Correctional Services were charged with crimes while residing in a New York State Correctional Facility located in the County of Oneida, and said inmates having required the services of the Oneida County Public Defender, Criminal Division, to represent them before the various courts in Oneida County while incarcerated herein, and

**WHEREAS,** The Oneida County Public Defender, Criminal Division, duly represented said inmates, and

**WHEREAS,** Section 606 of the Correction Law of the State of New York mandates reimbursement for such services to the County of Oneida for such legal defense, and

**WHEREAS,** The Oneida County Public Defender, Criminal Division, has certified to the Oneida County Board of Legislators that the expenses incurred by the Oneida County Public Defender while undertaking said legal representation amounted to \$11,173.45 for undertaking the legal defense of: Kevin Baptiste, George Coney, Johnathan M. Conorquie, Jonathan Corona, Kenneth Figueroa, Robert A. Gaddy, Sheldon W. Gilbert, Adarryll Hammond, Ismael Heredia, Lloyd R. Hunt, Gerald T. Jackson, Eric Kurts, Randy Manzueta, Louis W. Martin, Peter Martinez, Carlos Morales, Eugene W. Peek, Justo J. Pena, Luis Pinero, Vidal Soriano and Anthony Valentin, being inmates of the State of New York, and

**WHEREAS,** The Oneida County Board of Legislators has examined the documents provided by the Oneida County Public Defender, Criminal Division, and finds them to be a true and accurate account of the expenses concerning these matters, now, therefore, be it

**RESOLVED,** That this resolution and the vouchers, documents, and affidavit of the Oneida County Public Defender, Criminal Division, be forwarded to the Budget and Finance Office of the New York State Department of Correctional Services as required by Section 606 of the Correction Law and Title 7, Part 410 of the New York Code of Rules and Regulations for payment.

APPROVED:           Public Safety Committee     (July 26, 2017)  
                              Ways & Means Committee     (August 9, 2017)

DATED:           August 9, 2017

Adopted by the following vote:

AYES 23 NAYS 0 ABSENT 0

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### *RESOLUTION NO. 248*

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

**RE: APPROVAL OF AN AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DISTRICT ATTORNEY'S OFFICE, AND THE JOHN F. FINN INSTITUTE FOR PUBLIC SAFETY, INC.**

**WHEREAS,** This Board is in receipt of correspondence from District Attorney Scott D. McNamara requesting approval of an Agreement between Oneida County, through its District Attorney's Office, and the John F. Finn Institute for Public Safety, Inc. to operate as a planning group to implement and coordinate strategies to reduce crime throughout Oneida County and will provide a researcher to assist with crime intelligence analysis, and

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

**RESOLVED,** That County Executive Anthony J. Picente, Jr., is authorized to execute any and all documents related to an Agreement between Oneida County, through its District Attorney's Office, and the John F. Finn Institute for Public Safety, Inc., in the amount of \$85,380.00 for a term commencing July 1, 2016 and ending June 30, 2017.

APPROVED:           Public Safety Committee (July 26, 2017)  
                              Ways & Means Committee (August 9, 2017)

DATED: August 9, 2017

Adopted by the following vote:  
AYES 23   NAYS 0   ABSENT 0

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

*RESOLUTION NO. 249*

*INTRODUCED BY: Messrs. Flisnik, Porter  
2ND BY: Mr. Schiebel*

**RE: APPROVAL OF GRANT AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS PROBATION DEPARTMENT, AND NEW YORK STATE, THROUGH ITS DIVISION OF CRIMINAL JUSTICE SERVICES**

**WHEREAS,** This Board is in receipt of correspondence from David Tomidy, Director of the Oneida County Probation Department, requesting approval of a Grant Agreement between Oneida County, through its Probation Department, and New York State, through its Division of Criminal Justice Services, through its Gun Involved Violence Elimination (GIVE) Grant Program to assist with funding the overtime costs for one Probation Officer to make home visits in partnership with the Utica Police Department for the purpose of eliminating shootings and homicides through integrated initiatives, as well as GPS tracking devices to monitor probationers' locations , 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 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 Probation Department, and New York State, through its Division of Criminal Justice Services, in the amount of \$19,000.00 for a term commencing July 1, 2017 and ending on June 30, 2018.

APPROVED:           Public Safety Committee     (July 26, 2017)  
                              Ways & Means Committee   (August 9, 2017)

DATED:                August 9, 2017

Adopted by the following vote:  
AYES 23   NAYS 0   ABSENT 0

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### ***RESOLUTION NO. 250***

***INTRODUCED BY: Messrs. Paparella, Porter  
2ND BY: Mr. Joseph***

**RE: PURCHASE OF SERVICES AGREEMENT BETWEEN ONEIDA COUNTY,  
THROUGH ITS OFFICE FOR THE AGING AND CONTINUING CARE, AND FAMILY  
HOME CARE, INC.**

**WHEREAS,** This Board is in receipt of a Purchase of Services Agreement between Oneida County, through its Office for the Aging and Continuing Care, and Family Home Care, Inc., for an amount not to exceed \$99,000.00, to provide home care services to frail, disabled, or homebound elderly individuals through the Expanded In-Home Services for the Elderly Program (EISEP), and

**WHEREAS,** The Agreement shall be for a term commencing April 1, 2017 and ending March 31, 2018, with either party having the right to terminate the Agreement upon thirty (30) 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 Office for the Aging and Continuing Care, and Family Home Care, Inc. for a term commencing April 1, 2017 and ending March 31, 2018.

**APPROVED:** Health and Human Services Committee (July 26, 2017)  
Ways & Means Committee (August 9, 2017)

**DATED:** August 9, 2017

Adopted by the following vote:

AYES 23 NAYS 0 ABSENT 0



## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### ***RESOLUTION NO. 252***

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

**RE: PURCHASE OF SERVICES AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS OFFICE FOR THE AGING AND CONTINUING CARE, AND RESOURCE CENTER FOR INDEPENDENT LIVING, INC.**

**WHEREAS,** This Board is in receipt of a Purchase of Services Agreement between Oneida County, through its Office for the Aging and Continuing Care, and Resource Center for Independent Living, Inc., for an amount not to exceed \$103,000.00, to provide Social Model Adult Day Services to frail elderly individuals in a supervised group setting in compliance with the New York State Regulations for Social Adult Day Care, and

**WHEREAS,** The Agreement shall be for a term commencing January 1, 2017 and ending December 31, 2017, with either party having the right to terminate the Agreement upon thirty (30) 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 Office for the Aging and Continuing Care, and Resource Center for Independent Living, Inc. for a term commencing January 1, 2017 and ending December 31, 2017.

**APPROVED:** Health and Human Services Committee (July 26, 2017)  
Ways & Means Committee (August 9, 2017)

**DATED:** August 9, 2017

Adopted by the following vote:  
AYES 23 NAYS 0 ABSENT 0





## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### *RESOLUTION NO. 254*

*INTRODUCED BY: Mr. Porter*

*2ND BY: Mr. Joseph*

**RE: AUTHORIZATION FOR ONEIDA COUNTY TO MAKE APPLICATION TO THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL (OCR) FOR GRANTS TOTALING \$600,000.00 TO SUPPORT HOUSING EFFORTS IN ONEIDA COUNTY**

**WHEREAS,** Oneida County Executive, Anthony J. Picente, Jr., is in receipt of correspondence from John R. Kent, Jr., Commissioner of Planning, requesting submittal of an application by Oneida County to the State of New York Office of Community Renewal (OCR) for Community Development Block Grant (CDBG) direct grants totaling \$600,000.00, and

**WHEREAS,** The Community Development Block Grant funds will provide funding assistance to continue the Housing Rehabilitation/Manufactured Home Replacement Program in Oneida County. The program will provide housing rehabilitation/manufactured home replacement services for low income, frail, elderly and/or disabled homeowners, and

**WHEREAS,** The CDBG Program requires the holding of two public hearings by the County, a minimum of one prior to the submission of said application in order to obtain the views of citizens regarding the proposed application, and one following the award to report on project accomplishments, and

**WHEREAS,** The CDBG Program requires that the Community Development Block Grant application must comply with the program requirements set forth in 2 CFR Part 200 and applicable subparts and 24 CFR Part 570, as amended, now, therefore, be it hereby

**RESOLVED,** That the Oneida County Executive, Anthony J. Picente, Jr., is authorized to submit the application and amendments thereto and all understandings and assurances contained therein, and is further authorized to act in connection with the application to provide such additional information as may be required to request and implement said funds, and it is further

**RESOLVED,** That the Oneida County Board of Legislators will hold the first required public hearing on September 13, 2017 at 2:00 p.m. in the Oneida County Board of Legislators Chambers, 800 Park Avenue, 10<sup>th</sup> Floor, Utica, New York and the second on a date to be determined, and it is further

**RESOLVED,** That the County Executive, Anthony J. Picente, Jr., is hereby authorized to execute all documents and certifications required as part of the submission of the application and to execute such documents as may be required in order to implement the program and enter into agreements as are necessary to accept the award and distribute the funds.

APPROVED: Ways and Means Committee (August 9, 2017)

DATED: August 9, 2017

Adopted by the following vote:  
AYES 23 NAYS 0 ABSENT 0

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### ***RESOLUTION NO. 255***

***INTRODUCED BY: Mr. Porter  
2ND BY: Mr. Schiebel***

**RE: AUTHORIZATION FOR ONEIDA COUNTY TO MAKE APPLICATION TO THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL (OCR) FOR GRANTS TOTALING \$250,000.00 TO SUPPORT HOUSING EFFORTS IN ONEIDA COUNTY**

**WHEREAS,** Oneida County Executive, Anthony J. Picente, Jr., is in receipt of correspondence from John R. Kent, Jr., Commissioner of Planning, requesting submittal of an application by Oneida County to the State of New York Office of Community Renewal (OCR) for Community Development Block Grant (CDBG) direct grants totaling \$250,000.00, and

**WHEREAS,** The Community Development Block Grant funds will provide funding assistance to establish an Oneida County Well and Septic Program, that will assist thirteen (13) low- and moderate-income households with repairing or replacing their individual well and septic systems, and

**WHEREAS,** The CDBG Program requires the holding of two public hearings by the County, a minimum of one prior to the submission of said application in order to obtain the views of citizens regarding the proposed application, and one following the award to report on project accomplishments, and

**WHEREAS,** The CDBG Program requires that the Community Development Block Grant application must comply with the program requirements set forth in 2 CFR Part 200 and applicable subparts and 24 CFR Part 570, as amended, now, therefore, be it hereby

**RESOLVED,** That the Oneida County Executive, Anthony J. Picente, Jr., is authorized to submit the application and amendments thereto and all understandings and assurances contained therein, and is further authorized to act in connection with the application to provide such additional information as may be required to request and implement said funds, and it is further

**RESOLVED,** That the Oneida County Board of Legislators will hold the first required public hearing on September 13, 2017 at 2:00 p.m. in the Oneida County Board of Legislators Chambers, 800 Park Avenue, 10<sup>th</sup> Floor, Utica, New York and the second on a date to be determined, and it is further

**RESOLVED,** That the County Executive, Anthony J. Picente, Jr., is hereby authorized to execute all documents and certifications required as part of the submission of the application, and to execute such documents as may be required in order to implement the program, and to enter into agreements as are necessary to accept the award and distribute the funds.

APPROVED:                    Ways and Means Committee (August 9, 2017)

DATED:                    August 9, 2017

Adopted by the following vote:  
AYES 23    NAYS 0    ABSENT 0



## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### ***RESOLUTION NO. 257***

***INTRODUCED BY: Messrs. Porter, Waterman, Leach***  
***2ND BY: Mr. Mandryck***

**RE: FINAL APPROVAL OF CONSOLIDATED AGRICULTURAL DISTRICT #1 TO INCLUDE THE TOWNS OF ANNSVILLE, CAMDEN, FLORENCE AND VIENNA**

**WHEREAS,** Agricultural District #1 was established pursuant to Article 25AA of the New York State Agricultural and Markets Law including lands situate within the Towns of Annsville, Camden, Florence and Vienna, and

**WHEREAS,** Pursuant to the provisions of Section 303-a of the New York State Agricultural and Markets Law, the County of Oneida is required to review an Agricultural District eight years after its creation and every eight years thereafter, and

**WHEREAS,** Proposed modifications for Agricultural District #1, were reviewed by the Oneida County Farmland Protection Board and the Oneida County Department of Planning and a requisite Public Hearing was held on June 27, 2017 for the purpose of considering the recommendations of the Oneida County Farmland Protection Board and the Commissioner of the Oneida County Department of Planning, and

**WHEREAS,** That as a part of the requirements for the modification of the District, the Oneida County Board of Legislators conducted an environmental review and has complied with the requirements of the New York State Environmental Quality Review Act, now, therefore, be it hereby

**RESOLVED,** That this Board hereby authorizes final approval for the modification of Agricultural District #1 to include additional acreage, and it is further

**RESOLVED,** That the eight year review of Agricultural District #1 by the Oneida County Board of Legislators is hereby deemed complete and is adopted, with modifications, and it is further

**RESOLVED,** That the Oneida County Board of Legislators renew Agricultural District #1, as modified, for an additional eight year period, and it is further

**RESOLVED,** That the modification of Agricultural District #1 be submitted to the New York State Commissioner of Agriculture and Markets for approval and certification.

APPROVED:           Ways & Means Committee   (August 9, 2017)

DATED:           August 9, 2017

Adopted by the following vote:

AYES 23 NAYS 0 ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

*RESOLUTION NO. 258*

*INTRODUCED BY: Mr. Porter*

*2ND BY: Mr. Joseph*

**RE: RESOLUTION EXTENDING THE ADDITIONAL RATES OF TAXES ON SALES AND COMPENSATING USE OF TANGIBLE PERSONAL PROPERTY AND CERTAIN SERVICES, ON OCCUPANCY OF HOTEL ROOMS, AND ON AMUSEMENT CHARGES, PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK**

Be it enacted by the Board of Legislators of the County of Oneida, as follows:

SECTION 1. The first sentence of section two of Resolution #202 as enacted in nineteen hundred ninety, as amended, is amended to read as follows:

Section 2. Imposition of sales tax.

On and after December 1, 1990, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing September 1, 1992, and ending November 30, 2020, there is hereby imposed and there shall be paid an additional tax of one percent upon:

SECTION 2. Subdivision (f) of section three of Resolution #202 as enacted in nineteen hundred ninety, as amended, is amended to read as follows:

(f) With respect to the additional tax of one percent imposed for the period commencing September 1, 1992, and ending November 30, 2020, the provisions of subdivisions (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to September 1, 1992, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to May 1, 1992, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to August 31, 1992. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to September 1, 1992, any transaction which may not be subject to the additional tax imposed effective on that date.

SECTION 3. Section four of Resolution #202 as enacted in nineteen hundred ninety, as amended, is amended to read as follows:

Section 4. Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after September 1, 1992, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7) and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering services described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing September 1, 1992, and ending November 30, 2020, the tax shall be at the rate of four percent, and on and after December 1, 2020, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing

September 1, 1992, and ending November 30, 2020, the tax shall be at the rate of four percent, and on and after December 1, 2020, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing September 1, 1992, and ending November 30, 2020, the tax shall be at the rate of four percent, and on and after December 1, 2020, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing September 1, 1992, and ending November 30, 2020, the tax shall be at the rate of four percent, and on and after December 1, 2020, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing September 1, 1992, and ending November 30, 2020, the tax shall be at the rate of four percent, and on and after December 1, 2020, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.

SECTION 4. Section 4-A of Resolution #202 as enacted in nineteen hundred ninety, as amended, is amended to read as follows:

Section 4-A. Imposition of additional rate of sales and compensating use taxes. Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional three-quarters of one percent rate of such sales and compensating use taxes, for the period December 1, 2007, and ending November 30, 2020. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

SECTION 5. Subdivision (k) of section 6 of Resolution #202 as enacted in nineteen hundred ninety, as amended, is amended to read as follows:

(k) Exemption of certain energy sources and related services from additional one percent rate of tax. Notwithstanding any inconsistent provision of this resolution, receipts from the retail sale or use of fuel oil and coal used for residential purposes; the receipts from the retail sale or use of wood used for residential heating purposes; and the receipts from every sale, other than for residential heating purposes; and the receipts from every sale, other



than for resale, or use of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be exempt from the additional one percent rate of sales and compensating use taxes imposed by sections 2 and 4, respectively, of this resolution for the period commencing September 1, 1992, and ending November 30, 2020.

SECTION 6. Paragraphs (B) and (E) of subdivision (1) of section 11 of Resolution #202 as enacted in nineteen hundred ninety, as amended, are amended to read as follows:

(B) With respect to the additional tax at the rate of one percent imposed for the period beginning September 1, 1992, and ending November 30, 2020, in respect to the use of property used by the purchaser in this County prior to September 1, 1992.

(E) With respect to the additional tax at the rate of three-quarters of one percent imposed for the period beginning December 1, 2007, and ending November 30, 2020, in respect to the use of property used by the purchaser in this County prior to December 1, 2007.

SECTION 7. Subdivisions (e) and (g) of section fourteen of Resolution #202 as enacted in nineteen hundred ninety, as amended, are amended to read as follows:

(e) Notwithstanding any contrary provision of law, with respect to the additional one percent rate of sales and compensating use taxes imposed by sections two and four of this resolution for the period September 1, 1992, through November 30, 2020:

(1) where a city in Oneida County imposes tax pursuant to the authority of subdivision (a) of section twelve hundred ten of the Tax Law of the State of New York, the County shall allocate, distribute and pay in cash quarterly to such city one-half of the net collections attributable to such additional one percent rate of the County's taxes collected in such city's boundaries;

(2) where a city in Oneida County does not impose tax pursuant to the authority of such subdivision (a) of such section twelve hundred ten, the County shall allocate, distribute and pay in cash quarterly to such city not so imposing tax a portion of the net collections attributable to one-half of the County's additional one percent rate of tax calculated on the basis of the ratio which such city's population bears to the County's total population, such populations as determined in accordance with the latest decennial federal census or special population census taken

pursuant to section twenty of the general municipal law completed and published prior to the end of the quarter for which the allocation is made, which special census must include the entire area of the County; and

(3) the County hereby dedicates the first one million five hundred thousand dollars of net collections attributable to such additional one percent rate of tax received by the County after the County receives in the aggregate eighteen million five hundred thousand dollars of net collections from such additional one percent rate of tax imposed for any of the periods: September 1, 2017, through August 31, 2018; September 1, 2018, through August 31, 2019; and September 1, 2019 through August 31, 2020 to an allocation on a per capita basis, utilizing figures from the latest decennial federal census or special population census taken pursuant to section twenty of the general municipal law, completed and published prior to the end of the year for which such allocation is made, which special census must include the entire area of the County, to be allocated and distributed among the towns of the County by an appropriation of the County's Board of Legislators; provided, further, that nothing herein shall require the Board of Legislators to make any such appropriation until it has been notified by any town by appropriate resolution and, in any case where there is a village wholly or partially located within a town, a resolution of every such village, embodying the agreement of such town and village or villages upon the amount of such appropriation to be distributed to such village or villages out of the allocation to the town or towns in which it is located.

(g) Net collections from the additional taxes imposed at the rate of three-quarters of one percent for the period December 1, 2007, through November 30, 2020, shall be set aside for county purposes and shall be available for any county purpose, and shall not be subject to any revenue distribution agreement entered into pursuant to the authority of subdivision (c) of section twelve hundred sixty-two of the Tax Law.

SECTION 8. This enactment shall take effect December 1, 2017.

APPROVED: Ways & Means Committee (August 9, 2017)

DATED: August 9, 2017)

Adopted by the following vote:

AYES 23 NAYS 0 ABSENT 0

# ONEIDA COUNTY BOARD OF LEGISLATORS

## RESOLUTION NO. 259

**INTRODUCED BY: Mr. George Joseph, Mr. Chad Davis**

**2<sup>ND</sup> BY: All Members**

**RE: RESOLUTION EXTENDING THE BOARD'S SYMPATHY TO THE FAMILY OF THE LATE BERNARD (BERNIE) O. BURNS**

**WHEREAS,** In the death of Bernard (Bernie) O. Burns on Tuesday, July 25<sup>th</sup>, 2017, the Village of Clinton and the County of Oneida have suffered the loss of a valued citizen and great friend who held the respect and esteem of the citizens of the entire County of Oneida and the members of this Board of Legislators; and

**WHEREAS,** Mr. Burns was very involved in County government, serving as a member of the Board of Legislators from 1985 through 2007 representing the majority of the Town of Kirkland and parts of the Town of New Hartford; and

**WHEREAS,** Mr. Burns grew up in Clinton, graduating from Clinton High School and Hamilton College; and

**WHEREAS,** Mr. Burns excelled in athletics and lettered in four sports in high school; and

**WHEREAS,** Mr. Burns while attending Hamilton College enlisted in the Army Air Corps. He was called to active duty after his first semester. He trained as a bombardier and served in the 15<sup>th</sup> Air Force in Italy where he flew 35 missions over Central Europe as a 1<sup>st</sup> Lt. in a B-24, receiving the Air Medal and three oak leaf clusters; and

**WHEREAS,** Mr. Burns played football and hockey at Hamilton College and later played hockey for the Clinton Comets; and

**WHEREAS,** Mr. Burns married Carol Davies on August 21, 1954, a marriage that lasted 62 years until her passing last fall; and

**WHEREAS,** Mr. Burns leaves two daughters Nancy Burns Pooler and her husband David and Elizabeth Burns; two sons, Stephen J. Burns and his wife Monica and Paul B. Burns and his wife Alyssa, a sister and brother-in-law, grandchildren and great grandchildren. Just days ago he declared that being a father "made life worth living"; and

**WHEREAS,** Mr. Burns was a history teacher at Clinton Central School for 33 years and coached the hockey team for 28 of those years. He was a long time director of the Clinton Arena, a member of the American Legion, VFW, Clinton Fire Department, Clinton Historical Society, St. Mary's Church and an avid supporter of libraries. Now, therefore, be it hereby

**RESOLVED,** That the members of this Board, speaking for the citizens of their respective communities extend to the family of the late Bernard (Bernie) O. Burns their sincere sympathy, their appreciation of the value of his services to all of Oneida County, and their respect for his worth as a man.

*Seconded and adopted viva voce by all members present, standing for a moment of silence in respect to the memory of Bernard (Bernie) O. Burns.*

*DATED: August 9<sup>th</sup>, 2017*



# 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

## Minutes of the August 9, 2017 Executive Session held by the Oneida County Board of Legislators

A motion was made by Mr. Joseph at 2:35 P.M. to Enter into Executive Session for the purpose of discussion on negotiations between the City of Utica and Oneida County regarding MVHS Hospital proposal. The motion was seconded by Mr. Davis. A vote was taken and the motion passed unanimously.

Members in Attendance were all Legislators (See Attached), County Executive Anthony Picente, Al Candido, James Genovese, Phil Vanno, Steve DiMeo, County Comptroller Joseph Timpano, Genny Messa, Cindy Delpiano, Pietra Yozzo, Marques Phillips, Phyllis Ellis, Tom Keeler, Tony Carvelli, Mike Billard, and Peter Rayhill.

A Motion to end Executive Session was made at 3:20 P.M. by Mr. Flisnik, seconded by Mr. Mandryck and passes unanimously.

Respectfully Submitted August 10, 2017

Mikale P. Billard  
Clerk of the Legislature

**ROLL CALL SHEET**

**DATE August 9, 2017**

**SESSION Executive Session**

**MEMBERS PRESENT: 23**

**MEMBERS ABSENT: 0**

**AYES:      NAYS:      ABSENT :**

**INTRODUCTORY NO**

**RESOLUTION NO.**

<b>DIST</b>	<b>MEMBERS</b>		
R-1	SCHIEBEL	X	
R-2	IDZI	X	
R-3	LEACH	X	
D-4	CLANCY	X	
R-5	WATERMAN	X	
R-6	PORTER	X	
R-7	FIORINI	X	
R-8	FLISNIK	X	
D-9	SACCO	X	
R-10	JOSEPH	X	
R-11	KOENIG	X	
D-12	CALANDRA	X	
D-13	GOODMAN	X	
D-14	DAVIS	X	
R-15	D'ONOFRIO	X	
R-16	PRATT	X	
R-17	MANDRYCK	X	
R-18	DANIELS	X	
R-19	WELSH	X	
D-20	HENDRICKS	X	
D-21	WASHBURN	X	
D-22	CONVERTINO	X	
R-23	PAPARELLA	X	