

Meeting held on Wednesday, September 11, 2024, at 2:00 P.M.  
SEPTEMBER MEETING

The Board met pursuant to statute and 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 3, 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 3<sup>rd</sup> Ward, District 3; Verona Districts 2, 4, 6; Vienna District 1, 2, 3, 4)
- R-4 Cynthia Rogers-Witt (Rome Ward 1, District 2; Ward 2 District 1, 2, 3, 4, 5 Ward 3 District, 4 Ward 7 District 2, 4 Verona District 1)
- 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 4, 5; Rome Ward 1 District 1; Ward 6 District 1, 2, 3, 4; Ward 7 District 3, 5)
- R-8 Richard A. Flisnik (Marcy District 1, 2; Utica Ward 6 District 1; Whitestown District 1, 4, 5)
- R-9 David Buck (Deerfield District 1, 2, 3; Floyd District 1; Trenton District 1, 2, 3, 4)
- R-10 George Joseph (Kirkland District 1, 10; New Hartford Ward 4, District 4; Westmoreland District 1, 2, 3, 4)
- R-11 Robert Koenig (Whitestown District 2, 6, 7, 8, 9, 10, 11, 13, 15)
- R-12 Kenneth White (Rome Ward 3 District 1, 2, 5; 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; Utica Ward 2, District 1; Whitestown District 3, 12, 14, 16)
- D-14 Chad Davis (Kirkland District 2, 4, 5, 6, 7, 9; New Hartford Ward 3 District 2 Ward 4 District 1, 2, 3, Utica Ward 3, District 2)
- D-15 Caroline Reale (New Hartford Ward 1 District 3, 5; Ward 2 District 3, 4; Ward 3 District 1, 3, 4 Utica Ward 3 District 5 Ward 4 District 2)
- R-16 Mary Pratt (Bridgewater District 1; New Hartford Ward 1 District 1, 2, 4; Paris District 1, 2, 3)
- R-17 Stephen DiMaggio (Floyd District 2, 3 Lee District 1, 2; Rome Ward 1, District 3, 4; Ward 7 District 1. Western District 1, 2, 3)
- R-18 Jeffery Daniels (Utica Ward 4 District 1, 3, 4, 5, 6, 7, 8, 9)
- D-19 Timothy Julian (Utica Ward 3 District 1, Ward 5 District 2, 3)
- D-20 Evon M. Ervin (Utica Ward 1 District 8; Ward 5 District 1, 4, 5, 6)
- D-21 Lori Washburn (Utica Ward 2 District 2, 3, 4, 5, 6, 7; Ward 3 District 10; Ward 5 District 7)
- D-22 Maria McNiel (Utica Ward 1 District 1, 2, 3, 4, 5, 6, 7; Ward 2 District 8)
- R-23 Michael Gentile. (Utica Ward 6, District 2, 3, 4, 5, 6, 7, 8, 9)

MEMBERS PRESENT: Schiebel, Idzi, Leach, Rogers-Witt, Waterman, Boucher, Fiorini, Flisnik, Buck, Joseph, Koenig, White, Newton, Davis, Reale, Pratt, DiMaggio, Daniels, Julian, Ervin, Washburn, McNiel, Gentile

PETITIONS AND COMMUNICATIONS

- FN 2024-0330 – Approval Of an Amendment to A Purchase of Services Agreement Between Oneida County, Through Its Department of Family and Community Services, And Rescue Mission of Utica, Inc.
- FN 2024-0539 – Approval Of an Agreement Between Oneida County, Through Its Department of Family and Community Services, And Elderlife, Inc. D/B/A 50 Forward Mohawk Valley
- FN 2024-0540 – Approval Of an Agreement Between Oneida County, Through Its Department of Family and Community Services, And Elderlife, Inc. D/B/A 50 Forward Mohawk Valley
- FN 2024-0541 – Approval Of an Agreement Between Oneida County, Through Its Department of Family and Community Services, And Elderlife, INC. D/B/A 50 Forward Mohawk Valley
- FN 2024-542 – Approval of An Agreement Between Oneida County, Through Its Department of Family and Community Services, And Elderlife, Inc. D/B/A 50forward Mohawk Valley
- FN 2024-0543 – Approval Of a Purchase of Services Agreement Between Oneida County, Through Its Department of Family and Community Services, And Senior Citizens Council of Rome, New York D/B/A/ Copper City Community Connection
- FN 2024-0668 – Approval Of an Agreement Between Oneida County and Hope Chapel Ministries, Inc.
- FN 2024-0732 – Approval Of a Transportation Management Services Agreement Between Oneida County, Through Its Department of Health and VMC Consultants, Inc.
- FN 2024-0674 – Approval Of an Agreement Between Oneida County, Through Its Department of Planning, And Cornell Cooperative Extension Association of Oneida County
- FN 2024-0527 – Authorization For Oneida County to Apply to Empire State Developments Connect All Office, Municipal Infrastructure Program Phase 3 Grant of Up To \$2,420,047.
- FN 2024-0394 – Approval Of a Flood Mitigation Grant Agreement Between Oneida County, Through Its Department of Planning, And the Village of Boonville

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**FN 2024-0603** – Approval Of Revenue Agreement Between Oneida County, Through Its Office of Workforce Development, And Mohawk Valley Community College.

**FN 2024-0700** – Advanced Approval of Grant Agreements Between Oneida County, Through Its Department of Aviation, And the United States of America, Through the Federal Aviation Administration and Oneida County, Through Its Department of Aviation, And the State Of New York Through Its Department of Transportation

**FN 2024-0701** – Advanced Approval of Grant Agreements Between Oneida County, Through Its Department of Aviation, And the United States of America, Through the Federal Aviation Administration and Oneida County Through Its Department of Aviation and The State Of New York Through Its Department of Transportation.

**FN 2024-0671** – Approval Of a Template for Special Patrol Officer Services to Be Used Between Oneida County, Through Its Sheriff's Office, And Various School Districts

**FN 2024-0706** – Approval Of an Installment Payment Between Oneida County, Through Its Department Of Emergency Services, And Motorola Solutions Credit Company

**FN 2024-0566** – Approval Of Change Order No.4 To An Agreement Between Oneida County, Through Its Department Of Public Works, And Fisher Associates, P.E.,L.S.,L.A.,D.P.C.

**FN 2024-0748** – Approval Of A Lease Agreement Between Oneida County And Nextera Property Investments

**FN 2024-0604** – Approval Of A Preliminary Engineering Agreement Between Oneida County, Through Its Department Of Water Quality & Water Pollution Control, And CSX Transportation, Inc.

**MOTIONS AND RESOLUTIONS**

**No. 322 – FN 2024-330** – Messrs. Boucher, Flisnik offered the following resolution and moved its adoption

**RE: APPROVAL OF AN AMENDMENT TO A PURCHASE OF SERVICES AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF FAMILY AND COMMUNITY SERVICES, AND RESCUE MISSION OF UTICA, INC.**

**WHEREAS,** This Board is in receipt of an Amendment to a Purchase of Services Agreement between Oneida County, through its Department of Family and Community Services, and Rescue Mission of Utica, Inc., and

**WHEREAS,** Pursuant to a Purchase of Services Agreement entered into between Oneida County and Rescue Mission of Utica, Inc., on November 18, 2022, Rescue Mission of Utica, Inc. agreed to operate a Drop-In Center to provide services for up to 25 individuals, over 18 years of age, who are encountering homelessness and are experiencing difficulty accessing accommodations within the established shelter system, for an amount not to exceed \$3,776,621.00, for a term commencing October 1, 2022 and ending September 30, 2027 (Contract #171884), and

**WHEREAS,** Oneida County and Rescue Mission of Utica, Inc. wish to amend Section II of the Agreement to reflect a new term commencing October 1, 2022 and ending September 30, 2024; to add \$10,876.56 in fees to cover surplus expenses for Security Officers; and to amend Section III of the Agreement to change the Agreement amount from an amount not to exceed \$3,776,621.00 to an amount not to exceed \$1,635,076.56, 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 approves of and authorizes Oneida County Executive, Anthony J. Picente, Jr., to execute an Amendment to a Purchase of Services Agreement between Oneida County, through its Department of Family and Community Services, and Rescue Mission of Utica, Inc., for an amount not to exceed \$1,635,076.56, for a term commencing October 1, 2022 and ending September 30, 2024, including any renewals or non-material amendments.

**APPROVED:** Health & Human Services Committee (September 5, 2024)  
Ways & Means Committee (September 11, 2024)

**DATED:** September 11, 2024

Seconded by Mr. Joseph and adopted by the following vote:  
AYES 23 NAYS 0 ABSENT 0

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No. 323 – FN 2024-0539 – Messrs. Boucher, Flisnik offered the following resolution and moved its adoption.

**RE: APPROVAL OF AN AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF FAMILY AND COMMUNITY SERVICES, AND ELDERLIFE, INC. d/b/a 50 FORWARD MOHAWK VALLEY**

**WHEREAS,** This Board is in receipt of an Agreement between Oneida County, through its Department of Family and Community Services, and ElderLife, Inc. d/b/a 50 Forward Mohawk Valley, for an amount not to exceed \$390,303.01, for the coordination of a Digital Health and Wellness Program (AgeNet) to provide information, assistance and outreach on senior health, aging and long-term care services to senior citizens of Oneida County, and

**WHEREAS,** The Agreement shall be for a term commencing January 1, 2024, and ending December 31, 2028, 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 approves of and authorizes Oneida County Executive Anthony J. Picente, Jr., to execute an Agreement between Oneida County, through its Department of Family and Community Services, and ElderLife, Inc. d/b/a 50 Forward Mohawk Valley, for an amount not to exceed \$390,303.01, and for a term commencing January 1, 2024, and ending December 31, 2028, including any non-material amendments.

**APPROVED:** Health & Human Services Committee (September 5, 2024)  
Ways & Means Committee (September 11, 2024)

**DATED:** September 11, 2024

Seconded by Mr. Joseph and adopted by the following vote:  
AYES 23 NAYS 0 ABSENT 0

No. 324 – FN 2024-540 – Messrs. Boucher, Flisnik offered the following resolution and moved its adoption.

**RE: APPROVAL OF AN AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF FAMILY AND COMMUNITY SERVICES, AND ELDERLIFE, INC. d/b/a 50 FORWARD MOHAWK VALLEY**

**WHEREAS,** This Board is in receipt of an Agreement between Oneida County, through its Department of Family and Community Services, and ElderLife, Inc. d/b/a 50 Forward Mohawk Valley, for an amount not to exceed \$354,317.05, for the coordination with volunteer drivers to provide transportation and escort services for Oneida County adults, ages 60 or above, who are low income, minority, isolated, frail, homebound, disabled or determined to be most in need, to ensure access to the health care system through routine and continuous medical care and treatments, and

**WHEREAS,** The Agreement shall be for a term commencing January 1, 2024, and ending December 31, 2028, 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 approves of and authorizes Oneida County Executive Anthony J. Picente, Jr., to execute an Agreement between Oneida County, through its Department of Family and Community Services, and ElderLife, Inc. d/b/a 50 Forward Mohawk Valley, for an amount not to exceed \$354,317.05, and for a term commencing January 1, 2024, and ending December 31, 2028, including any non-material amendments.

**APPROVED:** Health & Human Services Committee (September 5, 2024)  
Ways & Means Committee (September 11, 2024)

**DATED:** September 11, 2024

Seconded by Mr. Joseph and adopted by the following vote:  
AYES 23 NAYS 0 ABSENT 0

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No. 325 – FN 2024-0541 – Messrs. Boucher, Flisnik offered the following resolution and moved its adoption.

**RE: APPROVAL OF AN AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF FAMILY AND COMMUNITY SERVICES, AND ELDERLIFE, INC. d/b/a 50 FORWARD MOHAWK VALLEY**

**WHEREAS,** This Board is in receipt of an Agreement between Oneida County, through its Department of Family and Community Services, and ElderLife, Inc. d/b/a 50 Forward Mohawk Valley, for an amount not to exceed \$448,645.50, for the administration of the AmeriCorps Seniors Program where senior volunteers perform service activities, including the Bill Payer Program and the AARP Tax Aide Program, for Oneida County residents ages 60 or above, and

**WHEREAS,** The Agreement shall be for a term commencing January 1, 2024, and ending December 31, 2028, 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 approves of and authorizes Oneida County Executive Anthony J. Picente, Jr., to execute an Agreement between Oneida County, through its Department of Family and Community Services, and ElderLife, Inc. d/b/a 50 Forward Mohawk Valley, for an amount not to exceed \$448,645.50, and for a term commencing January 1, 2024, and ending December 31, 2028, including any non-material amendments.

**APPROVED:** Health & Human Services Committee (September 5, 2024)  
Ways & Means Committee (September 11, 2024)

**DATED:** September 11, 2024

Seconded by Mr. Joseph and adopted by the following vote:  
AYES 23 NAYS 0 ABSENT 0

No. 326 – FN 2024-0542 – Messrs. Boucher, Flisnik offered the following resolution and moved its adoption.

**RE: APPROVAL OF AN AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF FAMILY AND COMMUNITY SERVICES, AND ELDERLIFE, INC. d/b/a 50 FORWARD MOHAWK VALLEY**

**WHEREAS,** This Board is in receipt of an Agreement between Oneida County, through its Department of Family and Community Services, and ElderLife, Inc. d/b/a 50 Forward Mohawk Valley, for an amount not to exceed \$281,018.16, for the provision of County-wide health education and preventative services through Evidenced-Based Health Promotion Programs by conducting classes and presentations to older members in various community focal points across Oneida County, and

**WHEREAS,** The Agreement shall be for a term commencing January 1, 2024, and ending December 31, 2028, 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 approves of and authorizes Oneida County Executive Anthony J. Picente, Jr., to execute an Agreement between Oneida County, through its Department of Family and Community Services, and ElderLife, Inc. d/b/a 50 Forward Mohawk Valley, for an amount not to exceed \$281,018.16, and for a term commencing January 1, 2024, and ending December 31, 2028, including any non-material amendments.

**APPROVED:** Health & Human Services Committee (September 5, 2024)  
Ways & Means Committee (September 11, 2024)

**DATED:** September 11, 2024

Seconded by Mr. Joseph and adopted by the following vote:  
AYES 23 NAYS 0 ABSENT 0

No. 327 – FN 2024-0543 – Messrs. Boucher, Flisnik offered the following resolution and moved its adoption.

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**RE: APPROVAL OF A PURCHASE OF SERVICES AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF FAMILY AND COMMUNITY SERVICES, AND SENIOR CITIZENS COUNCIL OF ROME, NEW YORK d/b/a COPPER CITY COMMUNITY CONNECTION**

**WHEREAS,** This Board is in receipt of a Purchase of Services Agreement between Oneida County, through its Department of Family and Community Services, and Senior Citizens Council of Rome, New York d/b/a Copper City Community Connection (CCCC), for an amount not to exceed \$171,782.00, for the administration of Healthy IDEAS program for seniors with depression, consisting of four evidenced-based components, and

**WHEREAS,** The Agreement shall be for a term commencing January 1, 2024 and ending December 31, 2028, 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 approves of and authorizes Oneida County Executive, Anthony J. Picente, Jr., to execute a Purchase of Services between Oneida County, through its Department of Family and Community Services, and Senior Citizens Council of Rome, New York d/b/a Copper City Community Connection (CCCC), for an amount not to exceed \$171,782.00, for a term commencing January 1, 2024 and ending December 31, 2028, including any non-material amendments.

**APPROVED:** Health & Human Services Committee (September 5, 2024)  
Ways & Means Committee (September 11, 2024)

**DATED:** September 11, 2024

Seconded b Mr. Joseph and adopted by the following vote:  
AYES 23 NAYS 0 ABSENT 0

No. 328 – FN 2024-0668 – Mme. Pratt. Ervin, Mr. Flisnik offered the following resolution and moved its adoption.

**RE: APPROVAL OF AN AGREEMENT BETWEEN ONEIDA COUNTY AND HOPE CHAPEL MINISTRIES, INC.**

**WHEREAS,** This Board is in receipt of an agreement between Oneida County and Hope Chapel Ministries, Inc., in the sum of \$30,000.00, for the provision of literacy programs to children and teenagers, as well as for the provision of at least one (1) meal per day, and

**WHEREAS,** The Agreement shall be for a term commencing June 1, 2024 and ending September 30, 2024, and

**WHEREAS,** In accordance with Oneida County Charter Section 2202 and County Law Section 224, 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 approves of and authorizes Oneida County Executive, Anthony J. Picente, Jr., to execute an Agreement between Oneida County and Hope Chapel Ministries, Inc., in the sum of \$30,000.00, for a term commencing on June 1, 2024 and ending September 30, 2024, including any extensions of time or non-material amendments, and be it further

**RESOLVED,** That Hope Chapel Ministries, Inc. shall render a verified account of the disbursements made pursuant to the agreement, with verified or certified vouchers therefor attached, and further, shall refund to the County any amounts paid by the County to Hope Chapel Ministries, Inc. under such agreement but not used in furtherance of such agreement.

**APPROVED:** Health and Human Services Committee (September 5, 2024)  
Ways & Means Committee (September 11, 2024)

**DATED:** September 11, 2024

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

AYES 23 NAYS 0 ABSENT 0

No. 329 – FN 2024-0674 – Messrs. Schiebel, Flisnik, Mme. Reale offered the following resolution and moved its adoption.

- RE: APPROVAL OF AN AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF PLANNING, AND CORNELL COOPERATIVE EXTENSION ASSOCIATION OF ONEIDA COUNTY**
- WHEREAS,** This Board is in receipt of an Agreement between Oneida County, through its Department of Planning, and Cornell Cooperative Extension Association of Oneida County, for an amount not to exceed \$317,500.00, to provide assistance to Oneida County residents in applying for licenses to establish family daycares and to establish a fund to defray the startup costs of the same, or to expand the operations and capacity of existing daycares, and
- WHEREAS,** The Agreement shall be for a one (1) year term commencing upon execution, 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 approves of and authorizes Oneida County Executive Anthony J. Picente, Jr., to execute an Agreement between Oneida County, through its Department of Planning, and Cornell Cooperative Extension Association of Oneida County, for an amount not to exceed \$317,500.00, and for a one (1) year term commencing upon execution, including any non-material amendments.
- APPROVED:** Health and Human Services Committee (September 5, 2024)  
Ways & Means Committee (September 11, 2024)
- DATED:** September 11, 2024

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

AYES 23 NAYS 0 ABSENT 0

No. 330 – FN 2024-0732 – Messrs. Boucher, Flisnik offered the following resolution and moved its adoption.

- RE: APPROVAL OF A TRANSPORTATION MANAGEMENT SERVICES AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF HEALTH, AND VMC CONSULTANTS, INC.**
- WHEREAS,** This Board is in receipt of a Transportation Management Services Agreement between Oneida County, through its Department of Health, and VMC Consultants, Inc., for a maximum amount of \$2,019,062.00, to provide transportation management and consulting services for preschool early intervention children, under the age of five years old, to and from each child's childcare location to such child's special services or program, as is required by law, and
- WHEREAS,** The Agreement shall be for a term commencing August 1, 2024 and ending July 31, 2027 plus options for up to two (2) additional one (1) year terms, 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 a Transportation Management Services Agreement between Oneida County, through its Department of Health, and VMC Consultants, Inc., for a maximum amount of \$2,019,062.00, for a term commencing August 1, 2024 and ending July 31, 2027 plus options for up to two (2) additional one (1) year terms, including any non-material amendments.
- APPROVED:** Health & Human Services Committee (September 5, 2024)  
Ways & Means Committee (September 11, 2024)
- DATED:** September 11, 2024



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**RESOLVED,** That Oneida County Executive, Anthony J. Picente, Jr., is authorized to sign applications to the Empire State Development for the NYS ConnectALL Municipal Infrastructure Program grant in an amount totaling up to \$2,420,047 and is further authorized to act in connection with the applications to provide such additional information as may be required to request and implement said funds, and it is further

**RESOLVED,** That any and all prior applications the Empire State Development for the NYS ConnectALL Municipal Infrastructure Program grant in an amount totaling up to \$2,420,047 executed by the Oneida County Executive, Anthony J. Picente, Jr., are hereby ratified; and it is further

**RESOLVED,** That the County Executive is hereby authorized to execute all documents and certifications required as part of the submission of the applications 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: Economic Development & Tourism Committee (September 5, 2024)  
Ways & Means Committee (September 11, 2024)

DATED: September 11, 2024

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

AYES 23 NAYS 0 ABSENT

No. 333 – FN 2024-0604 – Messrs. Waterman, Flisnik offered the following resolution and moved its adoption.

**RE: APPROVAL OF A PRELIMINARY ENGINEERING AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF WATER QUALITY & WATER POLLUTION CONTROL, AND CSX TRANSPORTATION, INC.**

**WHEREAS,** This Board is in receipt of a Preliminary Engineering Agreement between Oneida County, through its Department of Water Quality & Water Pollution Control, and CSX Transportation, Inc., for approximately \$66,440.00, for the design and construction of improvements to the existing grade crossing on Oriskany Street in Utica, which will provide access to the Barnes Avenue pumping station, and

**WHEREAS,** The Preliminary Engineering Agreement shall be for a term commencing August 1, 2024 and ending December 31, 2025, and

**WHEREAS,** In accordance with Oneida County Charter Section 2202, said Preliminary Engineering 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 approves of and authorizes Oneida County Executive, Anthony J. Picente, Jr., to execute a Preliminary Engineering Agreement between Oneida County, through its Department of Water Quality & Water Pollution Control, and CSX Transportation, Inc. for approximately \$66,440.00, for a term commencing August 1, 2024 and ending December 31, 2025, including any renewals or non-material amendments.

APPROVED: Public Works Committee (September 5, 2024)  
Ways and Means Committee (September 11, 2024)

DATED: September 11, 2024

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

AYES 23 NAYS 0 ABSENT 0



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**No. 334 – FN 2024-0603 – Messrs. Boucher, Flisnik, Mme. Washburn offered the following resolutions and moved its adoption.**

**RE: APPROVAL OF REVENUE AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS OFFICE OF WORKFORCE DEVELOPMENT, AND MOHAWK VALLEY COMMUNITY COLLEGE**

**WHEREAS,** This Board is in receipt of Revenue Agreement between Oneida County, through its Office of Workforce Development, and Mohawk Valley Community College for the provision of grant writer services, and

**WHEREAS,** Pursuant to the Agreement, Oneida County will provide Mohawk Valley Community College with grant writer services to assist in identifying and preparing available state and federal employment and training-related grants, for the sum of \$35,000.00, with a term commencing September 1, 2024 and ending August 31, 2025, and

**WHEREAS,** In accordance with Oneida County Charter Section 2202, said Revenue 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 approves of and authorizes Oneida County Executive, Anthony J. Picente, Jr., to execute a Revenue Agreement between Oneida County, through its Office of Workforce Development, and Mohawk Valley Community College, for a term commencing September 1, 2024 and ending August 31, 2025, including non-material amendments.

**APPROVED:** Economic Development & Tourism Committee (September 5,2024)  
Ways & Means Committee (September 11, 2024)

**DATED:** September 11, 2024

Seconded by Mr. Joseph and adopted by the following roll call vote:  
AYES 23 NAYS 0 ABSENT 0

**ROLL CALL SHEET**

DATE: September 11, 2024

SESSION: Regular

MEMBERS PRESENT: 23

MEMBERS ABSENT: 0

AYES: 23 NAYS: 0 ABSENT: 0

INTRODUCTORY NO. 338

DIST	MEMBERS	AYES	NAYS
R-1	SCHIEBEL	X	
R-2	IDZI	X	
R-3	LEACH	X	
R-4	ROGERS-WITT	X	
R-5	WATERMAN	X	
R-6	BOUCHER	X	
R-7	FIORINI	X	
R-8	FLISNIK	X	
R-9	BUCK	X	
R-10	JOSEPH	X	
R-11	KOENIG	X	
R-12	WHITE	X	
R-13	NEWTON	X	
D-14	DAVIS	X	
D-15	REALE	X	

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RESOLUTION NO. 334

R-16	PRATT	X	
R-17	DIMAGGIO	X	
R-18	DANIELS	X	
D-19	JULIAN	X	
D-20	ERVIN	X	
R-21	GENTILE	X	
D-22	MCNIEL	X	
D-23	WASHBURN	X	

No. 335 – FN 2024-0700 – Messrs. Koenig, Flisnik, Mme. Washburn offered the following resolution and moved its adoption.

**RE:       ADVANCED APPROVAL OF GRANT AGREEMENTS BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF AVIATION, AND THE UNITED STATES OF AMERICA, THROUGH THE FEDERAL AVIATION ADMINISTRATION AND ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF AVIATION, AND THE STATE OF NEW YORK, THROUGH ITS DEPARTMENT OF TRANSPORTATION**

**WHEREAS,**       This Board is in receipt of correspondence from Edward Arcuri, Commissioner of Aviation, requesting authorization to enter into Grant Agreements between Oneida County, through its Department of Aviation, and the United States of America, through the Federal Aviation Administration, if awarded, as well as the associated Grant Agreements between Oneida County, through its Department of Aviation, and the State of New York, through its Department of Transportation, due to the limited notice and short deadlines associated with the execution of such Grant Agreements; and

**WHEREAS,**       If awarded, the Grant Agreements will provide Oneida County with funding from the Federal Aviation Administration totaling ninety percent (90%) of the total project amount and funding from the State of New York, through its Department of Transportation totaling five percent (5%) of the total project amount; and

**WHEREAS,**       If awarded, the associated Oneida County share of each project will be five percent (5%) of the total project amount; and

**WHEREAS,**       The project to be funded by this Grant Agreement is the Obstruction Mitigation Project, with a total project cost of up to \$922,303.00; 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 the Oneida County Board of Legislators hereby grants advanced approval of a Grant Agreement between Oneida County, through its Department of Aviation, and the United States of America, through the Federal Aviation Administration, as well as the associated Grant Agreements between Oneida County, through its Department of Aviation, and the State of New York, through its Department of Transportation, and authorizes Oneida County Executive, Anthony J. Picente, Jr., to execute said Grant Agreement upon Oneida County’s receipt of the same, including future amendments and extensions for the Obstruction Mitigation Project at Griffiss International Airport.

**APPROVED:**       Airport Committee (September 5, 2024)  
                           Ways and Means Committee (September 11, 2024)

**DATED:**           September 11, 2024

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



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number of incidents and to ensure building safety and security measures are in place and are followed by students, staff, parents and visitors, and

**WHEREAS,** The Agreements shall be for a term commencing September 1, 2024 and ending August 31, 2025, with the number of Special Patrol Officers varying depending on each school district, and

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

**RESOLVED,** That the Oneida County Board of Legislators hereby approves the Template to be used between Oneida County, through its Sheriff's Office, and various school districts for Special Patrol Officer services and authorizes Oneida County Executive, Anthony J. Picente, Jr., to execute such Agreements between Oneida County and the various school districts for a term commencing September 1, 2024 and ending August 31, 2025, including any non-material amendments.

**APPROVED:** Public Safety Committee (September 5, 2024)  
Ways and Means Committee (September 11, 2024)

**DATED:** September 13, 2023

Seconded by Mr. Joseph and adopted by the following vote:  
AYES 23 NAYS 0 ABSENT 0

**No. 338 – FN 2024-0706** – Messrs. Idzi, Flisnik offered the following resolution and moved its adoption.

**RE: APPROVAL OF AN INSTALLMENT PURCHASE CONTRACT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF EMERGENCY SERVICES, AND MOTOROLA SOLUTIONS, INC.**

**WHEREAS,** This Board is in receipt of an Installment Purchase Contract between Oneida County, through its Department of Emergency Services, and Motorola Solutions, Inc., in the total sum of \$4,874,352.48, representing principal and interest, for the purchase and financing of Motorola's next generation two-way radios, including related hardware and software, for use by local police, fire and ambulance departments; and

**WHEREAS,** The Installment Purchase Contract shall be for a ninety-nine month term commencing October 1, 2024 and ending January 1, 2033; and

**WHEREAS,** In accordance with Oneida County Charter Section 2202 and General Municipal Law Section 109-b (2)(b), 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 approves of and authorizes Oneida County Executive, Anthony J. Picente, Jr., to execute an Installment Purchase Contract between Oneida County, through its Department of Emergency Services, and Motorola Solutions, Inc., and any other documents required in connection with this transaction, in the sum of \$4,874,353.48, for a term commencing October 1, 2024 and ending January 1, 2033.

**APPROVED:** Public Safety Committee (September 5, 2024)  
Ways & Means Committee (September 11, 2024)

**DATED:** September 11, 2024

Seconded by Mr. Joseph and adopted by the following vote:  
AYES 23 NAYS 0 ABSENT 0

**No. 339 – FN 2024-0566** – Messrs. Waterman, Flisnik offered the following resolution and moved its adoption

**RE: APPROVAL OF CHANGE ORDER NO. 4 TO AN AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF PUBLIC WORKS, AND FISHER ASSOCIATES, P.E., L.S., L.A., D.P.C.**

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**WHEREAS,** Oneida County entered into an Agreement with Fisher Associates, P.E., L.S., L.A., D.P.C., for an amount not to exceed \$127,300.00, on or about February 14, 2022 for the provision of design services for the following projects: Replacement of Structure C2-7, Summit Road over Sauquoit Creek, Town of Paris; Replacement of Structure C2-58, Floyd-Camroden Road over Branch Hurlbut Glen Brook, Town of Floyd; Replacement of Structure C1A-58, Floyd-Camroden Road over Slate Creek, Town of Floyd; Replacement of Structure C6A-32, Valley Road over Niemier Brook, Town of Whitestown; Replacement of Structure C6A-53, Stokes-Westernville Road over Branch Mohawk River, Town of Western; and Slope Stabilization – Blossvale Road, CR66, Town of Annsville (Contract #154113), and

**WHEREAS,** Oneida County and Fisher Associates, P.E., L.S., L.A., D.P.C. entered into Changer Order No. 1 on May 18, 2022 for the provision of mitigation report services for the Replacement of Structure C6A-53, Stokes-Westernville Road over Branch Mohawk River, Town of Western and Slope Stabilization – Blossvale Road, CR66, Town of Annsville in the sum of \$8,980.00, bringing the total of the Agreement to \$136,280.00 (Contract #162900), and

**WHEREAS,** Oneida County and Fisher Associates, P.E., L.S., L.A., D.P.C. entered into Change Order No. 2 on December 29, 2022 for the provision of additional FEMA coordination for the following projects: Slope Stabilization – Blossvale Road, CR66, Town of Annsville and Replacement of Structure C6A-53, Stokes-Westernville Road over Branch Mohawk River, Town of Western, consisting of attending two FEMA meetings an addressing two rounds of FEMA comments in the sum of \$5,000.00, bringing the total of the Agreement to \$141,280.00 (Contract #169899), and

**WHEREAS,** Oneida County and Fisher Associates, P.E., L.S., L.A., D.P.C. entered into Change Order No. 3 on February 8, 2023 to extend the term of the Agreement through December 31, 2023, (Contract # \_\_\_\_\_), and

**WHEREAS,** Oneida County and Fisher Associates, P.E., L.S., L.A., D.P.C. wish to enter into Change Order No. 4 to cover the cost of additional work associated with the anticipated FEMA coordination efforts in the sum of \$2,329.99, bringing the new total of the Agreement to \$143,609.99, and

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

**RESOLVED,** That the Oneida County Board of Legislators hereby approves of and authorizes Oneida County Executive, Anthony J. Picente, Jr., to execute Changer Order No. 4 between Oneida County, through its Department of Public Works, and Fisher Associates, P.E., L.S., L.A., D.P.C., in the sum of \$2,329.99, for a term commencing upon execution and ending December 31, 2023, including any renewals and non-material amendments.

**APPROVED:** Public Works Committee (September 5, 2024)  
Ways & Means Committee (September 11, 2024)

**DATED:** September 11, 2024

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

AYES 23 NAYS 0 ABSENT 0

No. 340 – FN 2024-0748 – Messrs. Waterman, Flisnik offered the following resolution and moved its adoption.

**RE: APPROVAL OF A LEASE AGREEMENT BETWEEN ONEIDA COUNTY AND NEXTERA PROPERTY INVESTMENTS**

**WHEREAS,** By proclamation dated July 16, 2024, the County Executive of the County of Oneida, declared a local state of emergency within the County in response to severe thunderstorms, extreme winds, and a tornado occurring within the County, and

**WHEREAS,** This Board is in receipt of a Lease4Agreement between Oneida County and Nextera Property Investments for lease of the building located at 100-126 West Dominick Street, Rome, New York 13440, and

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**WHEREAS,** Said Lease Agreement is for a term commencing August 8, 2024 through January 31, 2025, and also compensates Nextera Property Investment for the County's use of the building from July 23, 2024 through August 7, 2024, and

**WHEREAS,** The rent to be paid by the County to Nextera Property Investments pursuant to the Lease Agreement is \$30,000.00 per month, and also includes a \$30,000.00 security deposit, and

**WHEREAS,** In accordance with Section 202(j) of the Oneida County Charter, Section 202(j) of the Oneida County Administrative Code, Section 227 of New York County Law, and Section 2202 of the Oneida County Charter, the County Executive has requested ratification and approval by this Board of said Lease Agreement, now, therefore, be it hereby

**RESOLVED,** That the Oneida County Board of Legislators hereby approves of and authorizes Oneida County Executive, Anthony J. Picente, Jr., to execute a Lease Agreement between Oneida County and Nextera Property Investments for lease of the building located at 100-126 West Dominick Street, Rome, New York 13440 is for a term commencing August 8, 2024 and continuing through January 31, 2025, and also compensating Nextera Property Investment for the County's use of the building from July 23, 2024 through August 7, 2024 at a rate of \$30,000.00 per month with a \$30,000.00 security deposit.

**APPROVED:** Public Works Committee ( September 5, 2024)  
Ways & Means Committee ( September 11, 2024)

**DATED:** September 11, 2024

Seconded by Mr. Joseph adopted by the following vote:

AYES 23            NAYS 0            ABSENT 0

**LEFT ON LEGISLATORS DESKS FOR REVIEW**

*No. 345 – FN 2024-774 –*

**LOCAL LAW INTRO. “\_” OF 2024**

**LOCAL LAW NO. \_ OF 2024**

**A LOCAL LAW** \_\_\_\_\_

BE IT ENACED BY THE BOARD OF COUNTY LEGISLATORS OF THE COUNTY OF ONEIDA, STATE OF NEW YORK, AS FOLLOWS:

SECTION 1.        SHORT TITLE.

This Act shall be known and may be cited as the “Smoking Paraphernalia Retail Control Act”.

SECTION 2.        AUTHORITY

The Board of County Legislators adopts this Act pursuant to New York State Constitution Article IX, §§ 1(a), 2(c)(10) and New York Municipal Home Rule Law § 10(1)(ii)(a)(12).

SECTION 3.        LEGISLATIVE FINDINGS AND PURPOSE.

In 1964, the Surgeon General of the United States issued the first of several reports linking cigarette smoking to lung and throat cancer and a dramatic increase in mortality (*see* Report Surgeon General, The Health Consequences of Smoking—50 Years of Progress, at 3 [2014]). In the decades since, smoking has been causally linked to 13 types of cancer and 25 types of chronic disease, including coronary heart disease and diabetes (*see id.* at 4).

Smoking of cigarettes has fallen since then, but the use of cigarette alternatives (waterpipes and electronic cigarettes) has increased dramatically, threatening to undo decades of progress (*see Cobb et al., Waterpipe Tobacco Smoking: An Emerging Health Crisis in the United States*, 34 Am. J. Health Behavior, at 275-285 [2010]; Report Surgeon General, E-Cigarette Use Among Youth and Young Adults, at vii [2016] [“E-cigarette use has increased considerably in recent years, growing an astounding 900% among high

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school students from 2011 to 2015”)). A single waterpipe (hookah) session is equivalent to smoking up to 50 cigarettes (*see id.* at 780; *see also* Cobb *et al.*, Waterpipe Tobacco Smoking: An Emerging Health Crisis in the United States, 34 Am. J. Health Behavior, at 275-285 [2010]). And electronic cigarettes, or “vapes,” often contain nicotine, cancer-causing and disease-causing chemicals, heavy metals, particles, and harmful flavorings (*see* Report Surgeon General, E-Cigarette Use Among Youth and Young Adults, at 100–117 [2016]).

Neighborhoods with smoke and vape shops have higher rates of tobacco use (*see* Kong and Henriksen, Retail Endgame Strategies: Reduce Tobacco Availability, Visibility and Promote Health Equity, at 2 [2022]). And where tobacco retailers are located near high schools, students are more likely to begin smoking (*see* McCarthy, *et al.* Density of Tobacco Retailers Near Schools: Effects on Tobacco Use Among Students, 99 Am. J. Pub. Health, at 12 [2009]). This is especially dangerous because young people are susceptible to unique childhood diseases and are likely to smoke into adulthood (*see generally* Report Surgeon General, Preventing Tobacco Use Among Youth and Young Adults, at 3, 8–9 [2012]).

Federal and state law regulate tobacco heavily but leave a gap. They focus on the sale of tobacco and nicotine but do not regulate the sale of the equipment, such as pipes and waterpipes, used to inhale them (*see generally* Michael Freiberg, Options for State and Local Governments to Regulate Non-Cigarette Tobacco Products, 21 Health Policy & Law Rev. 409, 414–416, 437 [2021]; *see also* 21 U.S.C. §§ 321 [defining tobacco products to mean products made or derived from tobacco or containing nicotine from any source, 387–387v [regulating the sale, labelling, and marketing of tobacco products]; Public Health Law Article 13-E [regulation of smoking and vaping in public areas]; Public Health Law Art. 13-F [preventing adolescent use of tobacco and nicotine]).

Considering the foregoing, the Board of County Legislators finds and determines that the regulation of smoking paraphernalia retailers will promote the health and well-being of Oneida County residents. Moreover, the establishment of rules and standards for the operation of licensed paraphernalia retailers will promote the public health by reducing youth access to smoking paraphernalia (*see* Frieberg, *supra* at 437), reducing tobacco and nicotine dependency and addiction, and reducing the incidence of tobacco-caused cancers and chronic diseases.

Recognizing that it will take time for retailers to comply with this Act, the Board of County Legislators further determines that this Act should take effect 180 days after its filing with the Secretary of State, as set forth in Section 10.

SECTION 4. EXEMPTIONS.

This Act shall not apply to any federally recognized Indian tribe nor to any person or business licensed to sell cannabis or allow the onsite consumption of cannabis, pursuant to the New York State Cannabis Law.

SECTION 5. DEFINITIONS.

- A. “Beneficial Owner” means any person who directly or indirectly exercises substantial control over a non-natural Person or who owns or controls at least 25 percent of the ownership interests of such non-natural Person.
- B. “Department” means the Oneida County Department of Health.
- C. “License Fee” means the fee paid for a Smoking Paraphernalia Retail License.
- D. “Notice of Violation and Order to Cease” means a notice of violation and order to cease Unlawful Activity, along with any penalties for such conduct, as set forth in Section 8(C)(4).
- E. “Order to Seal” means an order to seal a premises of any business engaged in Unlawful Activity, as set forth in Section 8(C)(5).
- F. “Person” means any person, firm, company, corporation, partnership, sole proprietor, limited partnership, or association.
- G. “Retail” means to solicit or receive an order for, to keep or expose for sale, and to keep with the intent to sell Smoking Paraphernalia.
- H. “Retailer” means a Person who engages in the Retail sale of Smoking Paraphernalia.

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- I. "Smoking Paraphernalia" means any pipe, waterpipe, hookah, rolling papers, leaf (such as tendu leaves), electronic pipe, electronic cigarettes, and electronic tank-devices, or any other device, equipment or apparatus designed for the inhalation of tobacco or nicotine.
- J. "Smoking Paraphernalia Retail License" means a license to sell Smoking Paraphernalia at Retail.
- K. "Unlawful Activity" means activity prohibited by Section 6 of this Act.

SECTION 6. PROHIBITIONS AND RESTRICTIONS

- A. No Person shall sell Smoking Paraphernalia at Retail within the County of Oneida unless such Person or the Retailer for whom such person is employed possesses a Smoking Paraphernalia Retail License.
- B. No Person shall sell Smoking Paraphernalia within the County of Oneida to a person under the age of 21 years.
- C. No Person shall allow to work on any premises within the County of Oneida where the Retail sale of Smoking Paraphernalia occurs a person under the age of eighteen years in any capacity where the duties of such person require or permit such person to sell, dispense or handle Smoking Paraphernalia. Any employee eighteen years of age or older and under twenty-one years of age may not have direct interaction with customers inside a Retail store where the sale of Smoking Paraphernalia occurs.
- D. No Person shall engage, participate in, or aid or abet any violation of any provision of this Act.

SECTION 7. PENALTIES

- A. Any Person who engages in Unlawful Activity may be subject to a civil penalty of up to five hundred dollars per each day during which such violation continues.
- B. Any Person who engages in Unlawful Activity, and any of such Person's Beneficial Owners, may be subject to the suspension, revocation, or debarment from holding of a Smoking Paraphernalia Retail License.
- C. Without limiting any other recourse, remedy or relief that may be available, the County Attorney may, in addition to filing requests for hearings as provided in Section 8(C)(5)(b) of this Act, bring an action or proceeding against any person who violates, disobeys or disregards any term or provision of this Act or of any lawful notice, order or regulation pursuant hereto for any relief authorized by law, including equitable and/or injunctive relief and the recovery of civil penalties; provided, however, that the Department shall furnish the County Attorney with such material, evidentiary matter or proof as may be requested by the County Attorney for the conduct of such an action or proceeding. The County Attorney shall be entitled to his or her costs, including reasonable attorneys' fees, of such action or proceeding.

SECTION 8. DEPARTMENT AUTHORITY. The Department shall have the authority to:

- A. Adopt policies and procedures to implement this Act.
- B. Accept applications for, and award or deny Smoking Paraphernalia Retail Licenses, as follows:
  - 1. Any Person above the age of twenty-one years wishing to sell Smoking Paraphernalia at Retail shall apply to the Department for a Smoking Paraphernalia Retail License. Such application shall be in a form prescribed by the Department, and shall include:
    - (a). The name, street address, email address, and direct phone number of the applicant;
    - (b). If the applicant is not a natural person, the type of its corporate form or association, the state of its incorporation or formation, and the address of its principal place of business;
    - (c). The name of the business under which Smoking Paraphernalia will be sold at Retail.



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- (d). The address of the proposed Retail location;
  - (e). The proposed hours of operation of the proposed Retail Location;
  - (f). A description of all Smoking Paraphernalia to be sold at Retail;
  - (g). The identity and addresses of all schools, parks, licensed daycares, and playgrounds within 1,000 feet of the proposed Retail location;
  - (h). The identity and address of any other Smoking Paraphernalia Retailer within a one quarter mile radius of the proposed Retail Location.
  - (i). The names of the Beneficial Owners of the applicant, or Retailer (if different from the applicant); and if such Beneficial Owners are not natural persons, all Beneficial Owners of such Beneficial Owners continuing until all natural person Beneficial Owners, direct and indirect, have been identified;
  - (j). If the applicant is not a natural person, proof that the application is duly authorized by the applicant;
  - (k). A description of the applicant's prior application for, suspension of, revocation of, or debarment from the holding of a Smoking Paraphernalia Retail License;
  - (l). The License Fee in an accompanying cashier's check, bank draft, or money order; and
  - (m). The applicant's signed verification, affirmed under penalties of perjury, that the application is complete, true, and contains no material omissions, including no failure to disclose any Beneficial Owner, direct or indirect.
2. The fee for a Smoking Paraphernalia Retail License shall be two thousand five hundred dollars and zero cents (\$2,500.00) and shall increase by three percent (3%) on January 1<sup>st</sup> of each year following the effective date of this Act, as calculated by the Department and published on its public website. The License Fee shall be returned to the applicant in the event the Department denies the application for a Smoking Paraphernalia Retail License.
3. The Department shall grant or deny a Smoking Paraphernalia Retail License based upon, but not limited to, the following criteria.
- (a). Whether the application is complete, accurate, and accompanied by the License Fee.
  - (b). Whether the Retail location is sufficiently distant from any school, park, licensed daycare, or playground, and specifically, no Smoking Paraphernalia Retail License shall be granted within one thousand feet from any school, park, licensed daycare, or playground.
  - (c). Whether the number of other Smoking Paraphernalia Retail Licenses in proximity to the location creates so significant a density of such Retailers that the purposes of this Act are diminished or frustrated, and specifically, no Smoking Paraphernalia Retail License shall be granted within a one quarter-mile radius of any other Smoking Paraphernalia Retailer.
  - (d). Whether the hours of operation of the Retail business are at such times and dates when children and teenagers are typically in school, thereby minimizing youth access to Smoking Paraphernalia.
  - (e). Whether the granting of a Smoking Paraphernalia Retail License would negatively effect pedestrian or vehicular traffic, and parking, in proximity to the location.

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- (f). Whether the granting of a Smoking Paraphernalia Retail License would generate noise or disturbances at the location sufficient to disrupt the quiet use and enjoyment of adjacent properties.
  - (g). Whether, upon considering the effect of previously issued Smoking Paraphernalia Retail Licenses, the Department determines that there has been an increase, or maintenance, in smoking throughout the County and that the denial of a Smoking Paraphernalia Retail License will militate or reduce such trend within the County.
  - (h). Whether the applicant currently holds a Smoking Paraphernalia Retail License and has complied with this Act.
  - (i). The applicant's and its Beneficial Owners' (if any) history of compliance or non-compliance with this Act.
4. The Department may in granting a Smoking Paraphernalia Retail License impose conditions to mitigate any of the factors described in Section 8(B)(3), and make such Smoking Paraphernalia Retail License contingent upon the licensee's continued compliance with such conditions.
5. If the Department denies the applicant a Smoking Paraphernalia Retail License, the Department shall notify the applicant in writing of the specific reason or reasons for such denial.
6. Any Smoking Paraphernalia Retail License issued pursuant to this Act shall expire after two years from the date of its issuance and shall not be transferrable to any other Person. A separate application and separate Smoking Paraphernalia Retail License shall be required per Retail location. Any Person who holds a Smoking Paraphernalia Retail License who wishes to renew such license shall apply for such renewal according to same procedures as for an initial Smoking Paraphernalia Retail License.
7. The Department may suspend, revoke, or debar a Person or Beneficial Owner from holding, a Smoking Paraphernalia Retail License according to the following procedures:
- (a). Upon a writing issued to such Person or Beneficial Owner and served upon such Person or Beneficial Owner served in accordance with Section 8(C)(4) of this Act, notifying such Person or Beneficial Owner of its violation of any provision of this Act, or conditions of its Smoking Paraphernalia Retail License, and imposing a warning, suspension, revocation, or debarment of a Person or Beneficial Owner from holding, a Smoking Paraphernalia Retail License.
  - (b). In determining the severity of the penalty, whether a warning, suspension, revocation, or debarment from holding a Smoking Paraphernalia Retail License is appropriate, the Department shall consider the following and such other factors as it deems appropriate:
    - i. The nature and severity of the Person or Beneficial Owner's violation of this Act or the terms of its Smoking Paraphernalia Retail License.
    - ii. Whether the violation was intentional or not intentional.
    - iii. The Person or Beneficial Owner's history of compliance with this Act or the conditions of its Smoking Paraphernalia Retail License.
    - iv. Whether the violation poses an imminent threat to the public health, safety, and welfare as set forth in Section 8(C)(5)(a) of this Act.
    - v. Whether warning, suspension, revocation, or debarment of a Person or Beneficial Owner from holding a Smoking Paraphernalia Retail License would deter violations by other Persons and/or promote the public health and safety.

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- (c). Such Person or Beneficial Owner shall have the opportunity to respond to the foregoing notice in writing within ten calendar days, such response setting forth any denial, matter, or evidence in mitigation of Department's notice.
  - (d). Within thirty (30) days, the Department shall issue a final determination, in writing, to the Person or Beneficial Owner setting forth its bases for the determination and penalty and imposing a warning, suspension, revocation, or debarment of the Person or Beneficial Owner from holding a Smoking Paraphernalia Retail License.
- C. Enforce the provisions of this Act, including the Authority to:
- 1. Receive and track complaints of any Unlawful Activity, such complaints in such form and manner as prescribed by the Department.
  - 2. Conduct inspections, including undercover inspections, of any place of business located within Oneida County, including a vehicle used for such business, for Unlawful Activity, provided however, that such business is not exempt as set forth in Section 4 of this Act.
  - 3. Seize any Smoking Paraphernalia found in the possession of a person engaged in Unlawful Activity and in their place of business, including a vehicle used for such business, provided that the Department maintain documentation of the chain of custody of such seized products and ensure that such products are properly stored, catalogued, and safeguarded until such time as they may be returned or properly destroyed by the County.
  - 4. Issue a notice of violation and order to cease Unlawful Activity along with any penalties for such conduct. Any notice of violation and order to cease Unlawful Activity shall be served by delivery thereof to the owner of the business or other person of suitable age or discretion in actual or apparent control of the premises at the time of the inspection and shall be posted at the building or premises. A copy of the notice of violation and order shall also be mailed to any address for the owner of the business at any address provided by the person to whom such order was delivered pursuant to this subparagraph.
  - 5. Issue an order to seal the building or premises of any business engaged in Unlawful Activity, when such activity is conducted, maintained, or permitted in such building or premises, and occupied as a place of business, subject to the procedures and requirements set forth in this paragraph:
    - (a). The Department may issue an order to seal with an immediate effective date if such order is based upon a finding by the Department of an imminent threat to the public health, safety, and welfare. For the purposes of determining whether there is an imminent threat to the public health, safety, and welfare, the Department shall consider:
      - i. Whether upon a second or subsequent inspection of the business, Unlawful Activity is confirmed to be continuing more than ten calendar days after a notice of violation and order to cease Unlawful Activity was previously issued by the Department;
      - ii. Documented sales to minors;
      - iii. Orders issued following an inspection wherein the person engaged in the Unlawful Activity engaged in violent, tumultuous, or other behaviors indicating expressed intent to not comply with the Department's order to cease the Unlawful Activity;
      - iv. Documented presence of unlawful firearms at the building or premises;
      - v. Proximity of the building or premises to schools, houses of worship, or public youth facilities; or

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- vi. Presence of products deemed unsafe based on reports of illness or hospitalization.
  
- (b). The order to seal shall be served by delivery thereof to the owner of the business or other person of suitable age or discretion in actual or apparent control of the premises at the time of the inspection and shall be posted at the building or premises that have been sealed, secured and closed. A copy of the order shall also be mailed to any address for the owner of the business provided by the person to whom such order was delivered pursuant to this subparagraph. The order shall remain in effect pending a hearing and final determination of a court, or until such order is vacated by the officer or agency pursuant to the local law adopted pursuant to this subdivision. An order to seal shall explicitly state that a request for a hearing may be submitted in writing to the County Attorney as applicable within seven days. Upon receiving such a request for a hearing, the County Attorney shall file a copy of the request with the clerk of the city court or county court in the city or county where the building or premises is located.
  
- (c). The court that receives notice of a request for a hearing from the County Attorney shall fix the date of such hearing no later than three business days from the date such notice is received by the court and provide notice to the parties of the date, time, and location of the hearing. Upon such date, or upon such other date to which the proceeding may be adjourned by agreement of the parties, the court shall hear testimony and receive evidence presented by the parties. The County and the person that requested the hearing shall be parties to the proceeding. Within four business days of the conclusion of the hearing, the court shall make a determination as to:
  - i. Whether the person upon which the order to seal was issued was engaged in Unlawful Activity; and
  - ii. If the order to seal was imposed with immediate effect, whether such Unlawful Activity presents an imminent threat to public health, safety and welfare, as set forth in Section 8(C)(5)(a) of this Act; and
  - iii. If the court is satisfied that an order to seal was properly issued, the court may render a judgment affirming the issuance of an order to seal, and direct the closing of the building or premises by any police officer or peace officer with jurisdiction to the extent necessary to abate the Unlawful Activity and shall direct any police officer or peace officer with jurisdiction to post a copy of the judgment and a printed notice of such closing conforming to the requirements of this Act. In the event that the court determines that the Unlawful Activity occurred but did not present an imminent threat to public health, safety, and welfare, the court may modify the order to seal to take effect within a reasonable time, not to exceed thirty (30) days, unless the Unlawful Activity is first abated to the satisfaction of the Court. The closing directed by the judgment shall be for such period as the court may direct but in no event shall the closing be for a period of more than one year from the posting of the judgment provided for in this subparagraph. Failure of a party that requested a hearing to appear at the hearing will result in a default and order of sealing to remain in effect for such period as the court may direct but in no event shall the order be in effect for a period of more than one year from the posting of the judgment unless otherwise vacated.
  
- (d). The Department, or upon the Department's request any police officer or peace officer with jurisdiction, may execute and enforce an order to seal issued by the Department, in accordance with the following procedures.
  - i. The person serving and executing the order to seal shall forthwith make and return to the Department an inventory of personal property situated in and used in conducting, maintaining, or permitting the Unlawful Activity and shall enter upon the building or premises for such purpose. Such inventory shall be taken in any manner which is deemed likely to evidence a true and accurate representation

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of the personal property subject to such inventory including, but not limited to photographing such personal property.

- ii. The person serving and executing the order to seal shall enter the building or premises and, upon service of the order, command all persons present in the building or premises to vacate the premises forthwith. Upon the building or premises being vacated, the premises shall be securely locked and all keys delivered to the officer serving the order who thereafter shall deliver the keys to the fee owner, lessor, or lessee of the building or premises involved. If the fee owner, lessor, or lessee is not at the building or premises when the order is being executed, the officer shall securely padlock the premises and retain the keys until the fee owner, lessor, or lessee of the building is ascertained, in which event, the officer shall deliver the keys to such fee owner, lessor, or lessee.
  - iii. Upon service and execution of the order to seal, the person serving or executing the same shall post a copy thereof in a conspicuous place or upon one or more of the principal doors at entrances of such premises where the unlicensed activity is being conducted, maintained, or permitted. In addition, the officer shall affix, in a conspicuous place or upon one or more of the principal doors at entrances of such premises, a printed notice that the premises have been closed by order of the Department.
  - iv. Mutilation or removal of such a posted order or such a posted notice while it remains in force, in addition to any other punishment prescribed by law, shall be punishable, on conviction, by a fine of not more than five thousand dollars or by a class B misdemeanor, or both, provided such order or notice contains therein a notice of such penalty, and shall be referred to the District Attorney for enforcement.
- (e). The Department shall mail a copy, by certified mail, of any order to seal issued by the Department within five days following issuance of such order to the person in whose name the real estate affected by the order is recorded in the office of the city register or the county clerk, as the case may be, who shall be presumed to be the owner thereof. Such mailing shall constitute notice to the owner and shall be deemed to be complete upon such mailing by the office as provided above.
- (f). If at any time a respondent permanently vacates the building or premises subject to an order to seal issued by the Department, or if the building owner provides sufficient proof thereof, any action or proceeding filed in accordance with these procedures relating to such building or premises shall be withdrawn by the Department without prejudice, and any order to seal shall be vacated.
- (g). Upon a demand by the County Attorney, a respondent or defendant shall provide to the County prior to a hearing pursuant to Section 8(C)(5)(a) of this Act, within five days after a demand or sooner if a hearing is scheduled less than five days from the date of demand, a verified statement setting forth:
- i. If the responding party is a natural person, such party's full legal name; date of birth; current home or business street address; and unique identifying number from an unexpired passport, an unexpired state driver's license, or an unexpired identification card or document issued by a state or local government agency or tribal authority for the purpose of identification of that individual;
  - ii. If the responding party is a partnership, limited liability partnership, limited liability company, or other unincorporated association, including a for profit or not-for-profit membership organization or club, the information required pursuant to Section 8(C)(5)(g)(i) or all of its partners or members, as well as the state or other jurisdiction of its formation;

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- iii. If the responding party is a corporation, its state or other jurisdiction of incorporation, principal place of business, and any state or other jurisdiction of which that party is a citizen; and
- iv. If the responding party is not a natural person, for each Beneficial Owner of the responding party, its: full legal name; date of birth; current home or business street address; and a unique identifying number from an unexpired passport, an unexpired state driver's license, or unexpired identification card or document issued by a state or local government agency or tribal authority for the purpose of identification of that individual.

D. Maintain a registry of all Retailers within the County possessing a Smoking Paraphernalia Retail License.

SECTION 9. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, section, or part of this Act or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not effect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Act, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 10. EFFECTIVE DATE.

This Act shall take effect on the date that is 180 days following its filing with the Secretary of State in accordance with Sections 20, 21 and 27 of the Municipal Home Rule Law.

APPROVED:

DATED:

Adopted by the following vote:

AYES NAYS ABSENT

***LEFT ON LEGISLATORS DESKS FOR REVIEW***

*No. 346 - FN 2024-773 -*

**LOCAL LAW INTRO. \_\_\_\_ OF 2024**  
**LOCAL LAW NO. \_\_\_\_ OF 2024**

**A LOCAL LAW AUTHORIZING ONEIDA COUNTY TO CONDUCT REGULATORY INSPECTIONS AND TAKE ACTIONS TO ENFORCE NEW YORK STATE CANNABIS LAW PURSUANT TO NEW YORK STATE CANNABIS LAW SECTION 131.**

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

**Section 1. Authorization, Title and Purpose.**

This Local Law is hereby enacted pursuant to New York Cannabis Law Section 131 as provided herein.

**Section 2. Legislative Finding.**

The State of New York, through amendments to the New York Cannabis Law, has granted local governments increased powers to inspect properties and to regulate and pursue enforcement remedies against unlicensed cannabis activity. The Board of County

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Legislators of the County of Oneida finds that the County of Oneida has experienced unlicensed cannabis activity that is difficult to police under existing regulations and finds that adopting this Local Law to empower Oneida County authorities to conduct regulatory inspections of properties suspected of unlicensed cannabis activities, and to pursue enforcement remedies against such activities is necessary to protect the public health, safety and welfare and to promote the public good.

**Section 3. Legislative intent.**

The purpose of this Local Law is to prohibit unlicensed cannabis activities, to adopt procedures for conducting regulatory inspections of premises suspected of such activities, and to authorize the commencement of enforcement mechanisms and to seek remedies to halt such activities in order to protect the public health, safety and welfare and to promote the public good.

**Section 4. Definitions.**

For the purposes of this Local Law, the definitions of "person," "unlicensed activity," "indirect retail sale," and "place of business" shall be as those terms are defined in the New York Cannabis Law § 131.

**Section 5. Inspections Permitted.**

- A. The Oneida County Public Health Department is hereby authorized to conduct regulatory inspections of any place of business located within the County of Oneida, including a vehicle used for such business, that is suspected of engaging in unlicensed activity or otherwise not being licensed or registered with the New York State Office of Cannabis Management (OCM) to engage in retail sales of cannabis.
- B. Scope of inspections. Regulatory inspections shall be limited to determining whether the premises is conducting activity for which a license from OCM is required. Any such regulatory inspection shall only occur during the operating hours of a place of business, with or without notice, and shall be conducted for the purpose of civil administrative enforcement with respect to whether the premises has a lawful OCM license. Nothing herein shall limit any enforcement action under law when illegal activity is observed or occurs during such inspection.
- C. The Oneida County Public Health Director, or his/her designee, is designated as Oneida County's liaison to OCM and shall:
  - i. ensure that updates to the OCM directory of licensees are immediately incorporated into the local inspection process, coordinate with OCM on efforts to inspect unlicensed businesses and related local enforcement efforts;
  - ii. send biweekly reports to OCM in a manner and format prescribed by it detailing recent enforcement efforts, including information regarding the number and location of inspections conducted, notices of violation issued, and orders to seal issued and executed, and the amount and nature of the cannabis, cannabis products, or products marketed as such seized; and
  - iii. serve as the primary contact for OCM in connection with its training program and the sharing of materials made available to counties and cities with regard to the inspection and enforcement of unlicensed cannabis businesses.

**Section 6. Complaints.**

The Oneida County Public Health Director, his/her designee, or any person, may file a written complaint with the Oneida County Public Health Department which alleges or asserts the existence of an unlicensed activity. The Oneida County Public Health Department shall review and investigate written complaints. The process for responding to a complaint shall include such of the following steps as the Oneida County Public Health Department may deem to be appropriate:

- A. conduct a regulatory inspection pursuant to § 5 herein and documenting the results of such inspection;
- B. issue a notice of violation and order to cease the unlicensed activity, setting forth the nature of the unlawful conduct along with any fines or penalties for such conduct in amounts not to exceed the fines set forth in § 15 herein, and order any person who is unlawfully selling cannabis, cannabis product, or any product marketed or labeled as such without obtaining the appropriate registration, license, or permit therefor, or engaging in indirect retail sale, to cease such prohibited conduct, provided that any such notice of violation and order to cease unlicensed activity may only be issued against the business that is conducting the unlicensed activity or an individual owner of the business. Any

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notice of violation and order to cease unlicensed activity shall be served by delivery of the order to the owner of the business or other person of suitable age or discretion in actual or apparent control of the premises at the time of the inspection and shall be posted at the building or premises that have been sealed, secured and closed. A copy of the order shall also be mailed to any address for the owner of the business at any address provided by the person to whom such order was delivered pursuant to this paragraph;

- C. seize any cannabis, cannabis product, or any product marketed or labeled as such, found in the possession of a person engaged in unlicensed activity and in their place of business, including a vehicle used for such business, maintain documentation of the chain of custody of such seized products, and ensure that such products are properly stored, catalogued, and safeguarded until such time as they may properly be destroyed by the County;
- D. issue an order to seal the building or premises of any business engaged in unlicensed activity, when such activity is conducted, maintained, or permitted in such building or premises, occupied as a place of business subject to the following procedures:
  - i. Oneida County Public Health Director, or his/her designee, may issue an order to seal with an immediate effective date if such order is based upon a finding by the Oneida County Public Health Director, or his/her designee, of an imminent threat to the public health, safety, and welfare, as defined in § 7 herein.
  - ii. Any order to seal shall be served by delivery of the order to the owner of the business or other person of suitable age or discretion in actual or apparent control of the premises at the time of the inspection and shall be posted at the building or premises that have been sealed, secured and closed. A copy of the order shall also be mailed via first class mail to any address for the owner of the business provided by the person to whom such order was delivered pursuant to this paragraph. The order shall remain in effect pending a hearing and final determination of a court, or until such order is vacated by the Oneida County Public Health Director, or his/her designee. An order to seal shall explicitly state that a request for a hearing may be submitted in writing to Oneida County Attorney within seven (7) days. Upon receiving such a request for a hearing, the Oneida County Attorney shall file a copy of the request with the County Court Clerk in Oneida County.
  - iii. The County Court shall then fix the date of such hearing no later than three (3) business days from the date such notice is received by the Court and provide notice to the parties of the date, time, and location of the hearing. Upon such date, the Court shall hear testimony and receive evidence presented by the parties. Within four (4) business days of the conclusion of the hearing, the Court shall make a determination as to: (i) whether the person upon which the order to seal was issued was engaged in unlicensed activity, (ii) if the person is found to have engaged in unlicensed activity, then whether such unlicensed activity presents an imminent threat to public health, safety and welfare as provided herein, and (iii) whether the unlicensed activity as described in this section is more than a de minimis part of the business activity on the premises or in the building to be sealed pursuant to the order. However, when an order to seal has been issued upon a second or subsequent inspection in which unlicensed activity is confirmed to be continuing more than ten (10) calendar days after a notice of violation and order to cease unlicensed activity was previously issued, the Court need only determine: (i) whether the person upon which the order to seal was issued was engaged in unlicensed activity; (ii) whether a notice of violation and order to cease unlicensed activity had been issued eleven (11) or more days prior to the issuance of the order to seal; and (iii) whether the order to seal was issued in compliance with § 6(D) herein. If the Court determines that an order to seal was not properly issued, the Court shall vacate such order. If the Court is satisfied that an order to seal was properly issued, the Court may render a judgment affirming the issuance of an order to seal, and direct the closing of the building or premises by any police officer or peace officer as defined in New York State Criminal Procedure Law to abate the unlicensed activity and shall direct any police officer or peace officer as defined in New York State Criminal Procedure Law to post a copy of the judgment and a printed notice of such closing conforming to the requirements of this Local Law. The closing directed by the judgment shall be for such period as the Court may direct but in no event shall the closing be for a period of more than one (1) year from the posting of the judgment provided for in this section. Failure of a party that requested a hearing to appear at the hearing will result in a default and order of sealing to remain in effect for such period as the Court may direct but in no event shall the order be in effect for a period of more than one (1) year from the posting of the judgment unless otherwise vacated as provided for herein.
  - iv. Upon a determination by the County Court that a person or place of business has engaged in unlicensed activity, the Oneida County Public Health Director, or his/her designee, pursuant to New York Real Property Actions and Proceedings Law § 715-a, personally serve upon the owner or landlord of the premises, or upon their agent, a written notice requiring the owner or landlord to make an application for the removal of a commercial tenant so using or occupying the same for a violation of Article 6 of the New York State Cannabis Law involving the



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unlicensed sale of cannabis or products marketed or labeled as such. The County of Oneida may thereafter authorize the commencement of further legal proceedings pursuant to New York Real Property Actions and Proceedings Law § 715-a and seek an award of remedies provided thereunder.

**Section 7. Imminent Threat to Public Health, Safety, and Welfare.**

Factors that determine an imminent threat to public health, safety, and welfare shall be limited to:

- A. documented sales to minors;
- B. unlicensed processing of cannabis products at the building or premises;
- C. orders issued following an inspection wherein the person engaged in the unlicensed activity engaged in violent, tumultuous, or other behaviors indicating expressed intent to not comply with the office's order to cease the unlicensed activity;
- D. documented presence of unlawful firearms at the building or premises;
- E. proximity of the building or premises to schools, houses of worship, or public youth facilities;
- F. presence of products deemed unsafe based on reports of illness or hospitalization; or
- G. sales of, or offers to sell, cannabis products not tested or labeled lawfully in accordance with this New York State Cannabis Law.

**Section 8.**

Notwithstanding the factors listed in § 7 herein and the restrictions set forth in § 9(B) herein, the County of Oneida may issue an order to seal with an immediate effective date upon a second or subsequent inspection in which unlicensed activity is confirmed to be continuing more than ten (10) calendar days after a notice of violation and order to cease unlicensed activity was previously issued by the County of Oneida, provided that the County of Oneida has also provided notice that the premises may be subject to an order to seal if upon a subsequent inspection the Oneida County Public Health Director, or his/her designee, finds that the violation has not been abated.

**Section 9.**

An order to seal may be issued by the County of Oneida only if:

- A. no part of the premises to be sealed is used in part as a residence and pursuant to local law or ordinance is zoned and lawfully occupied as a residence; and
- B. the unlicensed activity as described in this section is more than a de minimis part of the business activity on the premises or in the building to be sealed pursuant to the order. In the event that an order to seal may not be issued pursuant to this subdivision, the Oneida County Public Health Director, or his/her designee, shall issue a notice of violation and order to cease the unlicensed conduct, which shall constitute notice that such unlicensed activity must cease immediately.

**Section 10.**

In assessing whether unlicensed activity within a building or premises is more than de minimis, the County of Oneida shall consider factors such as any one or more of the following:

- A. the presence of signs or symbols, indoors or out, advertising the sale of cannabis or otherwise indicating that cannabis is sold on the premises;
- B. information shared in any advertisements or other marketing content in connection with the unlicensed business activity and any direct or indirect sales of cannabis or other conduct in violation of this Local Law or New York State Cannabis Law;
- C. the volume of illicit cannabis products on site; and

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- D. the variety of illicit cannabis products on site.

**Section 11.**

Any police officer or peace officer as defined in New York State Criminal Procedure Law with jurisdiction may assist in the enforcement of an order to seal issued by the Oneida County Public Health Director, or his/her designee, in accordance with the following procedures:

- A. The officer serving and executing the order to seal shall forthwith make and return to the Oneida County Public Health Director, or his/her designee, an inventory of personal property situated in and used in conducting, maintaining, or permitting the unlicensed activity within the scope of this Local Law and shall enter upon the building or premises for such purpose. Such inventory shall be taken in any manner which is deemed likely to evidence a true and accurate representation of the personal property subject to such inventory including, but not limited to photographing such personal property.
- B. The officer serving and executing the order to seal shall enter the building or premises and, upon service of the order, command all persons present in the building or premises to vacate the premises forthwith. Upon the building or premises being vacated, the premises shall be securely locked and all keys delivered to the officer serving the order who thereafter shall deliver the keys to the fee owner, lessor, or lessee of the building or premises involved. If the fee owner, lessor, or lessee is not at the building or premises when the order is being executed, the officer shall securely padlock the premises and retain the keys until the fee owner, lessor, or lessee of the building is ascertained, in which event, the officer shall deliver the keys to such fee owner, lessor, or lessee.
- C. Upon service and execution of the order to seal, the officer shall post a copy thereof in a conspicuous place or upon one or more of the principal doors at entrances of such premises where the unlicensed activity is being conducted, maintained, or permitted. In addition, the officer shall affix, in a conspicuous place or upon one or more of the principal doors at entrances of such premises, a printed notice that the premises have been closed by order of the County of Oneida, and the name of the officer posting the notice.
- D. Mutilation or removal of such a posted order or such a posted notice while it remains in force, in addition to any other punishment prescribed by law, shall be punishable, on conviction, by a fine of five thousand dollars (\$5,000.00) or by a class B misdemeanor, or both, provided such order or notice contains therein a notice of such penalty, and shall be referred to the district attorney for enforcement. The County of Oneida shall also adhere to the procedures in this subdivision when executing an order to seal issued in accordance with this section.

**Section 12.**

Any order to seal issued pursuant to this Local Law shall be effective for one (1) year from the later of the posting of the order or the date of the judgment provided for in this Local Law. An order to seal shall be vacated by the Oneida County Public Health Director, or his/her designee, if the respondent submits sufficient evidence to the Oneida County Public Health Director, or his/her designee, by an affidavit and such other proof as may be submitted by the respondent that the unlicensed activity has been abated. An order vacating an order to seal shall include a provision authorizing the Oneida County Public Health Director, or his/her designee, or any officer assisted with the execution of the order to seal, to inspect the building or premises without notice for the purpose of ascertaining whether or not the unlicensed activity has been abated. Any police officer or peace officer as defined in New York State Criminal Procedure Law with jurisdiction may, upon the request of the Oneida County Public Health Director, or his/her designee, assist in the enforcement of an inspection provision of an order vacating an order to seal.

**Section 13.**

The Oneida County Public Health Director, or his/her designee, shall mail a copy, by certified mail, of any order to seal within five (5) days following issuance of such order to the person in whose name the real estate affected by the order is recorded in the office of the County Clerk, who shall be presumed to be the owner thereof. Such mailing shall constitute notice to the owner and shall be deemed to be complete upon such mailing by the office as provided above.

**Section 14.**

If at any time a respondent vacates the building or premises subject to an order to seal issued by the Oneida County Public Health Director, or his/her designee, or if the building owner provides sufficient proof thereof, any action or proceeding filed in accordance

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with these procedures relating to such building or premises shall be withdrawn by the Oneida County Public Health Director, or his/her designee, and any order to seal shall be vacated.

**Section 15. Penalties.**

Any person who engages in the unlawful sale of cannabis, cannabis product, or any product marketed or labeled as such, or in indirect retail sales, shall be subject to a civil penalty of two thousand five hundred dollars (\$2,500.00) if it be a first unique instance of violation; five thousand dollars (\$5,000.00) if it be a second unique instance of violation; and ten thousand dollars (\$10,000.00) if it be a third or subsequent unique instance of violation and each and every subsequent violation, for each day during which such violation continues, with a maximum penalty of twenty-five thousand dollars (\$25,000.00) per each unique instance of violation. The penalty provided for herein may be recovered by an action or proceeding in a court of competent jurisdiction brought by the County of Oneida to enforce the notice of violation provided for herein.

**Section 16. Other Civil Remedies.**

In addition to, and not in limitation of any other remedies provided herein, the Board of County Legislators of Oneida County and/or the Oneida County Executive may direct the County Attorney to maintain an action or proceeding against any person in the name of the County of Oneida in a court of competent jurisdiction to compel compliance with, or to permanently or preliminarily restrain by injunction the violation of, this Local Law or any other law or ordinance authorizing the use of the procedures of this Local Law, or any rule or regulation adopted pursuant thereto, including but not limited to the relief provided in New York Cannabis Law §16-a and New York Real Property and Proceedings Law § 715-a.

**Section 17. Validity and Severability.**

Should any word, section, clause, paragraph, sentence, part or provision of this Local Law be declared invalid by a court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

**Section 5. Effective Date.**

This Local Law shall take effect the later of ten (10) days after its filing with the OCM, or upon its filing in the office of the Secretary of State.

**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 11, 2024, at 2:00 P.M., typographical errors excepted.

**MIKALE BILLARD**