

ADOPTED RESOLUTIONS FROM THE MARCH 11TH 2009 BOARD OF LEGISLATORS MEETING

*INTRODUCTORY
NO. 94*

F.N. 2009-032

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 91

***INTRODUCED BY: Messrs. Flisnik, Roefaro, Porter, Welsh
2ND BY: Mr. Miller***

LOCAL LAW INTRODUCTORY "A" OF 2009

LOCAL LAW NO. 2 OF 2009

RE: LOCAL LAW INTRODUCTORY "A" OF 2009 PROHIBITING TEXT MESSAGING WHILE DRIVING WITHIN THE COUNTY OF ONEIDA

Legislative Intent: The Board of Legislators finds that the popularity of text messaging has created a distraction for drivers, especially young drivers, and has led to accidents, many of them fatal, nationwide. Text messaging while driving may decrease driver awareness and safety on the roads and affect reaction time and attention to surrounding environments and the roadways. In order to protect the health, safety and well being of persons within the County of Oneida and to ensure that individuals are not distracted while driving, this local law seeks to prohibit text messaging while driving.

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

1. Definitions.

As used in this local law, the following terms shall have the meanings indicated:

- a. "Authorized Emergency Vehicle" shall mean every ambulance, police vehicle or bicycle, correction vehicle, fire vehicle, civil defense emergency vehicle, emergency ambulance service vehicle and environmental emergency response vehicle.
- b. "Text Message", also referred to as "Short Messaging Service" (SMS), shall mean the process by which users send or receive messages on wireless handsets. For the purposes of this local law, an e-mail shall also be considered a "text message".
- c. "Use" or "using" shall mean holding a wireless handset while operating a motor vehicle on any public street or public highway within this county and activating, deactivating or initiating functions or keys on a wireless handset in order to send or receive text messages on a wireless handset.
- d. "Voice recognition" shall mean the capability by which wireless handsets can be activated and controlled by voice commands.

e. "Wireless handset" shall mean a portable computing device, including cellular telephones, handheld mobile telephones and personal digital assistants capable of transmitting data in the form of e-mail or text message.

2. Prohibition.

No person shall use a wireless handset to compose or send a text message while operating a motor vehicle on any public street or public highway within the County of Oneida; provided, however, that the operator of an authorized emergency vehicle, when using such wireless handset in furtherance of his or her sworn duties, shall be exempt from the provisions of this title. This prohibition shall not apply to text messages composed via any voice recognition technology.

3. Enforcement.

This local law shall be enforced by the Oneida County Sheriff's Department and sworn officers, as defined in Section 1,20(34) of the New York State Criminal Procedure Law, of an authorized police department or police force of a city, town or village within the geographic boundaries of Oneida County. This local law may be enforced anywhere within the geographic boundaries of Oneida County.

4. Penalties.

Any violation of section two of this local law shall constitute an offense and shall be punishable by a fine not to exceed one hundred and fifty dollars for each violation. Each such violation shall constitute a separate and distinct offense.

5. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this local law 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 affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence paragraph, subdivision, section or part of this local law or in its application thereof to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

6. This local law shall become effective sixty days after it shall have become a law.

APPROVED: Public Safety Committee (February 3, 2009)
Courts, Laws and Rules Committee (February 3, 2009)
Ways & Means Committee (February 11, 2009)

DATED: March 11, 2009

Adopted by the following roll call vote:
AYES 28 NAYS 0 ABSENT 1 (Mr. Flisnik)

ROLL CALL**DATE: March 11, 2009****SESSION: Regular****MEMBERS PRESENT: 28****MEMBERS ABSENT: 1****AYES: 28 NAYS: 0****INTRODUCTORY NO. 94****RESOLUTION NO. 91**

DIST	MEMBERS	AYES	NAYS
D-1	PUMA	X	
D-2	HENNESSY	X	
D-3	STEPHENSON	X	
R-4	LEACH	X	
R-5	WATERMAN	X	
R-6	PORTER	X	
D-7	TALLARINO	X	
R-8	FLISNIK	ABS	
R-9	WILCOX	X	
R-10	JOSEPH	X	
D-11	KERNAN	X	
D-12	CLANCY	X	
D-13	GOODMAN	X	
R-14	DAMSKY	X	
R-15	D'ONOFRIO	X	
R-16	MILLER	X	
R-17	MANDRYCK	X	
D-18	DAVIS	X	
R-19	ROEFARO	X	
R-20	FIORINI	X	
R-21	WELSH	X	
D-22	SCOTT	X	
D-23	CONVERTINO	X	
R-24	PAPARELLA	X	
D-25	TANOURY	X	
D-26	LABELLA	X	
D-27	FURGOL	X	
R-28	WOOD	X	
D-29	HUDAK	X	

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 92

INTRODUCED BY: Messrs. Wilcox, Porter

2ND BY: Mr. Goodman

RE: APPROVAL OF CONTRACT BETWEEN THE HEALTH DEPARTMENT AND THE OFFICE OF CHILDREN AND FAMILY SERVICES FOR THE HEALTHY FAMILIES NEW YORK PROGRAM

WHEREAS, This Board is in receipt of an Agreement between Oneida County, through its Health Department, and the NYS Office of Children and Family Services to support the prevention of child abuse, child health/development and enhanced parental self-sufficiency under a national home visiting program, and

WHEREAS, 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 approves and authorizes an Agreement between Oneida County, through its Health Department, and the NYS Office of Children and Family Services to support the prevention of child abuse, child health/development, and enhanced parental self-sufficiency under a national home visiting program commencing July 1, 2008 and ending June 30, 2009 at a proposed cost of \$781,520 supported, in full, by a NYS Grant.

APPROVED: Public Health Committee (February 23, 2009)
Ways & Means Committee (February 25, 2009)

DATED: March 11, 2009

Adopted by the following v.v. vote:

AYES 28 NAYS 0 ABSENT 1 (Mr. Flisnik)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 93

**INTRODUCED BY: Messrs. Wilcox, Porter, Ms. Convertino
2ND BY: Mr. Leach**

**RE: SUPPLEMENTAL APPROPRIATION OF \$400,000 TO AA#A6772.495, OFFICE FOR THE
AGING, NURSING HOME DIVERSION**

WHEREAS, In accordance with Section 609 of the Administrative Code, the County Executive has requested a supplemental appropriation be made in the amount of \$400,000 to AA#A6772.495, Office for the Aging, Nursing Home Diversion, and

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

RA#A4778, Federal Aid-AOA-Nursing Home Diversion Grant (OFA) . \$400,000
now, therefore, be it hereby

RESOLVED, That a supplemental appropriation, from 2009 funds, in the amount of \$400,000, as hereinafter set forth, be and the same is hereby approved:

TO:
AA#A6772.495, Nursing Home Diversion \$400,000

APPROVED: Public Health Committee (February 23, 2009)
Ways & Means Committee (February 25, 2009)

DATED: March 11, 2009

Adopted by the following v.v. vote:
AYES 28 NAYS 0 ABSENT 1 (Mr. Flisnik)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 94

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

RE: APPROVAL OF EASEMENT OF COUNTY PROPERTY AT THE REMSEN FIRE TRAINING TOWER SITE IN THE TOWN OF STEUBEN

WHEREAS, Oneida County Executive Anthony J. Picente, Jr., is in receipt of correspondence from Fred VanNamee, Director of Emergency Services, requesting approval of an easement over County owned property adjacent to Pritchard Road in the Town of Steuben which would allow National Grid access to the Remsen Fire Training Tower site for installation of an electrical service entrance, and

WHEREAS, The addition of electrical service to said facility would allow the County to increase its fire training capabilities on an expanded schedule and improve its use, and

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

RESOLVED, That the Oneida County Board of Legislators authorizes and approves granting an easement to National Grid for placement of an electrical service entrance on County-owned property adjacent to Pritchard Road in the Town of Steuben which would allow the County to proceed with improvements to its Fire Training Tower at that location, and it is further

RESOLVED, That County Executive Anthony J. Picente, Jr., is hereby authorized and directed to execute any and all documents related thereto to effect such easement.

APPROVED: Public Safety Committee (February 9, 2009)
Ways & Means Committee (February 25, 2009)

DATED: March 11, 2009

Adopted by the following v.v. vote:
AYES 28 NAYS 0 ABSENT 1 (Mr. Flisnik)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 95

**INTRODUCED BY: Messrs. Miller, Porter
2ND BY: Mr. Miller**

**RE: SUPPLEMENTAL APPROPRIATION OF \$243,346 TO AA#D5144.0, DPW-SNOW REMOVAL
STATE ACCOUNT**

WHEREAS, In accordance with Section 609 of the Administrative Code, the County Executive has requested a supplemental appropriation be made in the amount of \$243,346 to AA#D5144, DPW-Snow Removal, and

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

RA#D2302, Reimburse State Snow Removal	\$243,346
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now, therefore, be it hereby

RESOLVED, That a supplemental appropriation, from 2009 funds, as hereinafter set forth, be and the same is hereby approved:

TO:					
AA#D5144.109, Salaries, Other (State Snow)	.	.	.	.	\$107,942
AA#D5144.413, Rent/Lease-Equipment (State Snow)	.	.	.	.	<u>\$135,404</u>
TOTAL	.	.	.	.	\$243,346

APPROVED: Public Works Committee (February 11, 2009)
 Ways & Means Committee (February 25, 2009)

DATED: March 11, 2009

Adopted by the following v.v. vote:
AYES 28 NAYS 0 ABSENT 1 (Mr. Flisnik)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 96

INTRODUCED BY: Messrs. Joseph, Porter

2ND BY: Mr. D'Onofrio

RE: APPROVAL TO STANDARDIZE THE AVIATION BULK FUEL STORAGE SYSTEM TO BE USED AT THE GRIFFISS INTERNATIONAL AIRPORT

WHEREAS, In 2004 the Oneida County Department of Aviation acquired, through public bid, four aviation bulk fuel storage tanks manufactured by Fuel Tech, Inc., and subsequently created Capital Project H-432 to increase the County's aviation fuel storage capacity, and

WHEREAS, Oneida County Executive Anthony J. Picente, Jr., is in receipt of correspondence from the Commissioner of Aviation, W. Vernon Gray, III, requesting that bidding for additional aviation bulk fuel tanks be standardized to increase the scale of economics by having one type of storage tank to ensure product familiarity thereby resulting in safer, faster, and more efficient maintenance and operational knowledge of the equipment, and

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

RESOLVED, That for reasons of efficiency and economy the Oneida County Board of Legislators authorizes and approves standardization of Aviation Bulk Fuel Storage systems to be used at the Griffiss International Airport pursuant to subdivision 5 of Section 103 of the General Municipal Law,.

APPROVED: Airport Committee (February 24, 2009)
Ways & Means Committee (February 25, 2009)

DATED: March 11, 2009

Adopted by the following v.v. vote:
AYES 28 NAYS 0 ABSENT 1 (Mr. Flisnik)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 97

INTRODUCED BY: Mr. Porter

2ND BY: Mr. Clancy

RE: APPROVAL TO REINSTATE POSITION #16, DEPUTY SHERIFF CIVIL, SERGEANT, GRADE 2J, STEP, 2 IN AA#A3115-SHERIFF-CIVIL

WHEREAS, Oneida County Executive Anthony J. Picente, Jr., is in receipt of correspondence from Sheriff Daniel G. Middaugh, requesting authorization to reinstate Position #16, Deputy Sheriff Civil, Sergeant, which is essential to maintaining the safe and efficient operation of the Sheriff's Civil Division, and

WHEREAS, In accordance with Resolution #27 of 2009, said position cannot be reinstated without prior approval by this Board, now, therefore, be it hereby

RESOLVED, That Position #16, Deputy Sheriff Civil, Sergeant, Grade 2J, Step 2 (\$35,950) is hereby reinstated in Department #3115, Sheriff-Civil, effective immediately.

APPROVED: Public Safety Committee (March 3, 2009)
 Ways & Means Committee (March 11, 2009)

DATED: March 11, 2009

Adopted by the following v.v. vote:
AYES 28 NAYS 0 ABSENT 1 (Mr. Flisnik)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 98

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

RE: APPROVAL TO REINSTATE POSITION #42, DEPUTY SHERIFF PATROL, GRADE 1S, STEP 5 IN AA#A3113 – SHERIFF-SPECIAL INITIATIVES

WHEREAS, Oneida County Executive Anthony J. Picente, Jr., is in receipt of correspondence from Sheriff Daniel G. Middaugh, requesting authorization to reinstate Position #42, Deputy Sheriff Patrol, Law Enforcement Division, to provide services to 3 cities, 19 villages and 26 townships within the county's 2,332 miles of county, state and town roadways, and

WHEREAS, In accordance with Resolution #27 of 2009, said position cannot be reinstated without prior approval by this Board, now, therefore, be it hereby

RESOLVED, That Position #42, Deputy Sheriff Patrol, Grade 1S, Step 5 (\$33,118.58) is hereby reinstated in Department #3113, Sheriff-Law Enforcement, effective immediately.

APPROVED: Public Safety Committee (March 3, 2009)
 Ways & Means Committee (March 11, 2009)

DATED: March 11, 2009

Adopted by the following v.v. vote:

AYES 23 NAYS 5 (Messrs. Tallarino, Roefaro, Davis, Wood, Paparella) ABSENT 1 (Mr. Flisnik)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 99

INTRODUCED BY: Mr. Porter

2ND BY: Mr. Clancy

RE: APPROVAL TO REINSTATE POSITION #22, DEPUTY SHERIFF PATROL, GRADE 1S, STEP 5 IN AA#A3120 – SHERIFF-LAW ENFORCEMENT

WHEREAS, Oneida County Executive Anthony J. Picente, Jr., is in receipt of correspondence from Sheriff Daniel G. Middaugh, requesting authorization to reinstate Position #22, Deputy Sheriff Patrol, Law Enforcement Division, to provide services to 3 cities, 19 villages and 26 townships within the county's 2,332 miles of county, state and town roadways, and

WHEREAS, In accordance with Resolution #27 of 2009, said position cannot be reinstated without prior approval by this Board, now, therefore, be it hereby

RESOLVED, That Position #22, Deputy Sheriff Patrol, Grade 1S, Step 5 (\$33,118.58) is hereby reinstated in Department #3120, Sheriff-Law Enforcement, effective immediately.

APPROVED: Public Safety Committee (March 3, 2009)
 Ways & Means Committee (March 11, 2009)

DATED: March 11, 2009

Adopted by the following v.v. vote:

AYES 23 NAYS 5 (Messrs. Paparella, Roefaro, Tallarino, Davis, Wood ABSENT 1 (Mr. Flisnik)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 100

INTRODUCED BY: Messrs. Paparella, Porter

2ND BY: Mr. Furgol

**RE: APPROVAL OF GRANT AGREEMENT BETWEEN THE SOCIAL SERVICES DEPARTMENT
AND THE NYS OFFICE OF CHILDREN AND FAMILY SERVICES TO BE USED FOR THE
CHILD FATALITY REVIEW TEAM**

WHEREAS, This Board is in receipt of an Agreement between Oneida County and the NYS Office of Children and Family Services for a Grant in the amount of \$61,144 to support investigative services used by the Child Fatality Review Team (CFRT) in the Social Services Department, and

WHEREAS, 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 authorizes and approves acceptance of an Agreement between Oneida County and the NYS Office of Children and Family Services for Grant funds in the amount of \$61,144 to support investigative services used by the Child Fatality Review Team (CFRT) in the Social Services Department.

APPROVED: Human Resources Committee (March 4, 2009)
Ways & Means Committee (March 11, 2009)

DATED: March 11, 2009

Adopted by the following v.v. vote:

AYES 28 NAYS 0 ABSENT 1 (Mr. Flisnik)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 101

INTRODUCED BY: Mr. Porter

2ND BY: Mr. Tanoury

RE: APPROVAL OF SIXTY DAYS EXTENDED SICK LEAVE FOR MARY FLANAGAN, SOCIAL SERVICES DEPARTMENT

WHEREAS, Oneida County Executive Anthony J. Picente, Jr., is in receipt of correspondence from Lucille Soldato, Commissioner of Social Services, and the Commissioner of Personnel, John P. Talerico, requesting approval of an extended sick leave, with pay, for Mary Flanagan, a County employee since 1989, and

WHEREAS, In accordance with Section E, paragraph 8, of the Oneida County Personnel Rules, said request must be approved by this Board, now, therefore, be it hereby

RESOLVED, That the Oneida County Board of Legislators authorizes and approves an extended sick leave of sixty days, with pay, for Mary Flanagan, an employee in the Department of Social Services.

APPROVED: Ways & Means Committee (March 11, 2009)

DATED: March 11, 2009

Adopted by the following v.v. vote:

AYES 28 NAYS 0 ABSENT 1 (Mr. Flisnik)