



ONEIDA COUNTY BOARD OF LEGISLATORS

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

Gerald J. Fiorini
Chairman
(315) 798-5900

Mikale Billard
Clerk
(315) 798-5404

George Joseph
Majority Leader

Frank D. Tallarino
Minority Leader

**ATTACHED FOR YOUR INFORMATION ARE RESOLUTIONS
NUMBERED 438 THROUGH 457 THAT WERE ACTED UPON
BY THE BOARD OF COUNTY LEGISLATORS AT THEIR REGULAR
SESSION HELD ON DECEMBER 26, 2012.**

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 438

INTRODUCED BY: Mr. Porter

2ND BY: Mr. Mandryck

RE: APPROVAL OF APPOINTMENTS TO THE UPPER MOHAWK VALLEY MEMORIAL AUDITORIUM AUTHORITY – PAUL ROMANO, JAMES BROCK AND VIN Karl

WHEREAS, Pursuant to Section 1942 of the New York State Public Authorities Law, Chairman Gerald J. Fiorini has recommended the appointment/reappointment of Paul Romano, James Brock and Karl Vin to serve on the Upper Mohawk Valley Memorial Auditorium Authority Board, and

WHEREAS, Said reappointment 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 the appointment/reappointment of Paul Romano, James Brock and Karl Vin to the Upper Mohawk Valley Memorial Auditorium Authority Board for the following terms and expiration dates:

Paul Romano: January 1, 2013-December 31, 2016 (filling remainder of 5 year term from January 1, 2012-December 31, 2016)

Vin Karl: January 1, 2013-December 31, 2016 (filling remainder of 5 year term from January 1, 2012-December 31, 2016)

James Brock: January 1, 2013-December 31, 2017

APPROVED: Ways & Means Committee (December 26, 2012)

DATED: December 26, 2012

Adopted by the following v.v. vote:

AYES 28 NAYS 0 ABSENT 1 (Mr. Leach)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 439

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

**RE: DESIGNATION OF THE ROME DAILY SENTINEL AND THE UTICA OBSERVER-DISPATCH
AS THE OFFICIAL NEWSPAPERS REPRESENTING THE REPUBLICAN PARTY
FOR 2013**

WHEREAS, A majority of the Republican members of this Board have designated, in writing, the Rome Sentinel and the Utica Observer Dispatch as the newspapers representing the political party to which they belong, and the newspapers to publish all concurrent resolutions, election notices and the official canvass, and

WHEREAS, Such designation has been signed by the members making it and filed with the Clerk of the Board of County Legislators, and

WHEREAS, A majority of the Republican members of this Board also support the designation by the full Board of the Rome Sentinel and the Utica Observer Dispatch as the newspapers to publish the sessions laws, the notices of redemption, tax sales, local laws, notices, and all other matters required by law to be published in the year 2013, therefore, be it hereby

RESOLVED, That the Board of Legislators acknowledges the designation by a majority of the Republican members of this Board of the Rome Sentinel and Utica Observer Dispatch as the newspapers to publish all concurrent resolutions, election notice and the official canvass, and be it further

RESOLVED, That the Board of Legislators hereby designates the Rome Sentinel and Utica Observer Dispatch as the newspapers to publish the sessions laws, the notices of redemption, tax sales, local laws, and all other matters required by law to be published in the year 2013, and hereby designates the Rome Daily Sentinel and the Utica Observer Dispatch as the official newspapers of the County of Oneida for the year 2013.

APPROVED: Ways & Means Committee (December 26, 2012)

DATED: December 26, 2012

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

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 440

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

**RE: DESIGNATION OF THE ROME DAILY SENTINEL AND THE UTICA OBSERVER-DISPATCH
AS THE OFFICIAL NEWSPAPERS REPRESENTING THE DEMOCRATIC PARTY
FOR 2013**

WHEREAS, A majority of the Democratic members of this Board have designated, in writing, the Rome Sentinel and the Utica Observer Dispatch as the newspapers representing the political party to which they belong, and the newspapers to publish all concurrent resolutions, election notices and the official canvass, and

WHEREAS, Such designation has been signed by the members making it and filed with the Clerk of the Board of County Legislators, and

WHEREAS, A majority of the Democratic members of this Board also support the designation by the full Board of the Rome Sentinel and the Utica Observer Dispatch as the newspapers to publish the sessions laws, the notices of redemption, tax sales, local laws, notices, and all other matters required by law to be published in the year 2013, therefore, be it hereby

RESOLVED, That the Board of Legislators acknowledges the designation by a majority of the Democratic members of this Board of the Rome Sentinel and Utica Observer Dispatch as the newspapers to publish all concurrent resolutions, election notice and the official canvass, and be it further

RESOLVED, That the Board of Legislators hereby designates the Rome Sentinel and Utica Observer Dispatch as the newspapers to publish the sessions laws, the notices of redemption, tax sales, local laws, and all other matters required by law to be published in the year 2013, and hereby designates the Rome Daily Sentinel and the Utica Observer Dispatch as the official newspapers of the County of Oneida for the year 2013.

APPROVED: Ways & Means Committee (December 26, 2012)

DATED: December 26, 2012

Adopted by the following v.v. vote:

AYES 28 NAYS 0 ABSENT 1 (Mr. Leach)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 441

INTRODUCED BY: Mr. D'Onofrio
2ND BY: Mr. Joseph

RE: LOCAL LAW INTRODUCTORY "H" AMENDING LOCAL LAW NO. 5 OF 2012 REGULATING DEALERS OF SECONDHAND ARTICLES

Legislative Intent: To exempt the sale of goods at auctions conducted pursuant to relevant New York State law and the sale of goods at coin shows conducted by established New York State coin clubs. The amendments will provide necessary clarification of activities that are properly exempt from the regulations of dealers of secondhand articles.

BE ENACTED BY THE COUNTY LEGISLATURE OF ONEIDA COUNTY AS FOLLOWS:

That sections 1(c) and 1(h) of Local Law No. 5 of 2012 shall be amended by the deletion of all matters that are in italics and *(parenthesis)* and the addition of all matters in bold and **underlined** as set forth below, and the amended law, in its entirety, shall now read as set forth below:

Section 1. Definitions

(A) "Secondhand Dealer"

Means any person, corporation, partnership, unincorporated association and the agents or employees or such entities, engaged in the commercial exchange, purchase and/or sale of secondhand articles for any purpose and of whatever nature, including but not limited to any person dealing in the purchase or sale of any secondhand radios, televisions, household appliances, either electric or mechanical, automobile accessories or parts, including tires, office furniture, business machines and secondhand articles of whatsoever nature, or dealing in the purchase or sale of any secondhand manufactured article composed wholly or in part of gold, silver, platinum or other metal, or in the purchase or sale of old gold, silver or platinum, or dealing in the purchase of articles or things comprised of gold, silver or platinum for the purpose of melting or refining, or engaged in melting precious metals for the purpose of selling, or in the purchase or sale of pawnbrokers' tickets or other evidence of pledged articles or, not being a pawnbroker, who deals in the redemption or sale of pledged articles.

Exemption: This ordinance shall not apply to or include the following:

- (a) The sale of secondhand goods where all of the following are present:
 - (1) The sale is held on property occupied as a dwelling by the seller or owner or rented or leased by a charitable or non-profit organization (i.e. – yard sale, moving sale, garage sale and the like); AND

- (2) The items offered for sale are owned by the occupant or seller; AND
 - (3) That no sale exceeds a period of ninety-six (96) consecutive hours; AND
 - (4) That no more than three (3) sales are held in a any twelve (12) month period; AND
 - (5) That none of the items offered for sale shall have been purchased for resale or received on consignment for purpose of resale.
- (b) The sale of secondhand books or magazines.
- (c) The sale of goods at an auction held by a (*licensed*) auctioneer, **provided the auctioneer complies with all requirements of Article 3 of the New York State General Business Law and any other applicable statutes, rules and regulations pertaining to auctions and auctioneers.**
- (d) Goods sold as bona fide antique, used furniture, used clothing or used baby/children store (i.e. – a business in which at least seventy-five percent (75%) of the business’ revenue is derived through the sale of antiques, used furniture or used clothes or used baby/children’s (under the age of ten (10)) items-, such as rattles, dolls, trucks, playpens, bouncy seats, strollers, toys, etc.). Electronic items and games for electronic items are NOT part of this exemption.
- (e) Any transaction involving secondhand items regulated by state or federal law, or regulated by any city, town or village law.
- (f) Any not-for-profit or charitable organization that receives or sells secondhand articles.
- (g) Any junk dealer licensed pursuant to article 6 and/or article 6-C of the New York General Business Law.
- (h) **Coin Shows, where**
- (1) **the term “coin show” is defined as “a gathering of coin dealers and collectors with the purpose of dealers displaying their merchandise for the general public to view and/or purchase;”**
 - (2) **where the coin show is conducted by a New York State coin club, such as the Mohawk Valley Coin Club or the Empire State Numismatic Association;**
 - (3) **where the coin club holds the coin show for one day and only once per calendar year;**
and
 - (4) **where the coin club conducting the coin show provides the Oneida County Sheriff’s Office with written notice of the time and place of the coin show at least ten (10) business days prior to the coin show.**

(B) “Applicant”

Mean any owner(s) of the secondhand dealer business.

(C) “Identification”

Means an official document issued by the United States government, any state, county, municipality or any public agency of department thereof or any public employer, which contains a photographic image of said person.

Section 2. Legislative Finding and Purpose

The residents of the County of Oneida have a significant interest in discouraging theft and the sale of secondhand stolen articles. There has been an increase in incidents of property theft and with the increase in price of precious metals and gems and the ease with which some secondhand dealers buy and sell precious metals or gems without requiring identification or proof of ownership, there is significant opportunity for persons involved in property theft to dispose of stolen property to these secondhand dealers. Since secondhand dealers, while serving a legitimate function, are often used by persons to dispose of stolen goods, there must be controls and regulations placed on the purchase of such articles in order to protect the property rights for the residents of Oneida County and aid law enforcement in their efforts to recover stolen property and identify suspects. It the intent of this Local Law to regulate these commercial outlets by requiring these individuals to register their businesses and to keep records of transactions relating to the merchandise herein specified. These requirements would assist in the recovery of stolen items, the detection and apprehensions of persons involved in various crimes and discourage secondhand dealers from accepting property they suspect to be stolen; thereby greatly reducing the market for stolen goods and discouraging theft.

Section 3. Written Records

(a) Information required.

Except as otherwise provided in Section 4, no Secondhand Dealer may acquire an item specified herein, whether within the physical place of business or off site, within Oneida County, unless such Secondhand Dealer has requested, obtained and recorded the following information in English:

- (1) The amount paid, advanced or loaned for the article;
- (2) A detailed, complete and accurate description of the article including identifying marks;
- (3) If applicable, the article's serial number, make and model number;
- (4) In the case of precious metals, jewelry, gems or precious stones, a photograph of the article;
- (5) Identification information, as described in Section 3b, of the person offering the article for sale;
- (6) The date, time and place of the transaction;
- (7) A bill of sale and/or receipt MUST be given. Any bill of sale and/or receipt must be numbered in consecutive order and issued in the same order.

(b) Identification Information

Every Secondhand Dealer MUST request identification from the seller and compare the photographic image to the seller to verify the identity when acquiring an item specified herein. The Secondhand Dealer shall record the name, date of birth, address or current address (if different than that on the identification) and the identification number (i.e. – motorist identification number on a driver's license) of the seller. For all acquisitions the Secondhand Dealer, whether on or off premises, MUST make a photocopy of the front of the identification. However; if the acquisition is made from another Secondhand Dealer, then the Secondhand Dealer purchasing the item shall record the date, time, business name and address of the Secondhand Dealer selling the item and the number of days the item was held prior to the acquisition. Purchases between Secondhand Dealers do not require photographic identification as stated above.

(c) Records Retention/Inspections

- (1) Every Secondhand Dealer shall maintain the information required pursuant to this section in a secure location for minimum period of five (5) years. Every Secondhand Dealer shall allow any records kept pursuant to this Local Law and all article of secondhand merchandise therein, to be examined during normal business hours by any member of the Oneida County Sheriff's Office (OCSO) or other police agency. Computerized records can be used to

satisfy the requirements of this Local Law provided that such records include the information herein and are available for inspection in printed format upon request.

- (2) Additionally, every Secondhand Dealer shall electronically report each article purchased using a computer program approved by the OCSO. Such reporting will include the required information described in subsections (a) and (b) of this section of this Local Law. In the absence of an approved real time reporting system, the reporting shall occur every Friday, before the hour of 10:00 AM, on electronic forms provided by the OCSO, forward a correct copy of records as detailed by Section 3, subparagraphs (a) and (b), of all articles purchased within the preceding seven (7) day time period and MUST deliver this form via e-mail to an address designated by the OCSO. Photographs, jewelry, gems and precious stones are NOT to be transmitted with these records. Further, nothing in this section shall be construed as to prevent the OCSO from requesting the form required hereunder to be filed on such other date or at such other times and frequency as exigency or law enforcement need may require. The Sheriff shall establish by rule the format and requirements of the transmission of data and may restrict the scope of the items that are to be electronically reported.

A Secondhand Dealer, when notified by the OCSO or other law enforcement agency that property in his/her possession is stolen or alleged to be stolen, shall take immediate steps to secure that property and such item shall be marked "POLICE STOP". Thereafter, such property shall not be sold or removed from the premises until notification is made to the dealer in writing by the OCSO or other law enforcement agency allowing such removal or sale.

Section 4. Application for Secondhand Dealers License

- (a) Every Secondhand Dealer as defined in Section 1 herein, shall apply for a Secondhand Dealer's license with the Oneida County Sheriff's Office. The fee for this application will be \$75.00 and is renewable on a calendar year basis. The application shall be made on a form supplied by the Sheriff of Oneida County and shall include but not be limited to the following information; the name, address and telephone number of the business owner, the name, address and telephone number of the operator of such business; if different than the owner. The application shall also include the location and telephone number of the business and a statement of the days and hours during which such business shall be customarily open to the public. Any change in such information shall be immediately transmitted to the Sheriff of Oneida County in the same manner as the original application. The applicant shall also provide a certificate from the sealer of weights and measures of the County of Oneida certifying that all weighing and measuring devices have been examined and approved pursuant to law.
- (b) When an application is filed the applicant must submit to fingerprinting by the Oneida County Sheriff's Office for the purpose of obtaining a criminal history record check through the New York State Division of Criminal Justice Services/FBI. The OCSO is hereby authorized to require from such applicants fingerprint identification cards, signed waivers or consents permitting inquiry into the criminal history of applicants and fees required by both the New York State Division of Criminal Justice Services and the OCSO.
- (c) Where such applicant(s) has been convicted of a crime that involves theft, larceny, burglary, robbery, and possession of stolen property or any other fraudulent dealing within the past ten (10) years, said application is subject to denial upon a review consistent with the provisions of article 23-A of the New York Corrections Law.

- (d) Any Secondhand Dealer license holder that is convicted for crimes as described in section 4, subparagraph (c) above is subject to forfeiture and revocation of such license upon a review consistent with the provisions of article 23-A of the New York Corrections Law.
- (e) The OCSO may deny an application, and any Secondhand Dealer license holder may have their license revoked, for any of the following reasons:
 - (i) Fraud, misrepresentation or false statements in the application for license;
 - (ii) Fraud, misrepresentation or false statements made in the course of carrying on the licensed business;
 - (iii) Any violation of this Local Law;
 - (iv) conviction of a crime that involves theft, larceny, burglary, robbery, and possession of stolen property or any other fraudulent dealing within the past ten (10) years, subject to a review consistent with the provisions of article 23-A of the New York Corrections Law.
 - (v) Conducting the licensed business in an unlawful manner, or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- (f) Upon a denial or revocation of a license, the application fee shall not be refunded. Any applicant refused a license, or any licensee whose license is revoked, may apply in writing within five (5) business days to the OCSO for a hearing before a hearing officer appointed by the Oneida County Sheriff. The hearing officer shall conduct a hearing and shall issue a written recommendation to the Sheriff within five (5) business days of the hearing. The Sheriff shall review the written decision of the hearing officer and inform the applicant or licensee in writing whether the initial decision of denial or revocation shall stand or shall be reversed.
- (g) Every person to whom a license has been granted pursuant to this Local Law, while exercising or utilizing his/her license, shall exhibit said license on request of any individual.
- (h) A license issued under this Local Law shall not be assignable. Any holder of such a license who permits it to be used by any other person, and any person who uses such license granted to any other person, shall be guilty of a violation of this Local Law and shall be subject to the penalties set forth here within.
- (i) No applicant to whom a license has been refused or who has had a license revoked shall make further application until a period of at least one (1) year shall have elapsed since the last previous revocation or rejection, unless the applicant can show that the reason for such revocation or rejection no longer exists.

Section 5. Disposal, Re-sale, Alteration

Until the seventh (7th) day next following its acquisition, no Secondhand Dealer shall; (a) sell, trade, transfer, remove from the local business premises or otherwise dispose of any item specified herein; (b) alter in any fashion any item specified herein, or (c) commingle any such item with similar items, but shall maintain all such items in a manner so as to be easily identified as to the transaction in which it was acquired.

Section 6. Penalty

A Secondhand Dealer who willfully fails to comply with the provisions of Section 3, 4, or 5 shall be guilty of a Class A misdemeanor and subject to a penalty as set forth in the applicable provisions of New York State Penal Law. Any business licensed as a Secondhand Dealer business that has a repeat conviction of this law by anybody working for such business, including the applicant(s) themselves and any employees or associates will be grounds to revoke the license of the individual, association, corporation or business that is licensed as a Secondhand Dealer. In addition to the above-provided penalties, the OCSO may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with the provisions of this Local Law or to restrain by injunction any offense against the provisions of this Local Law.

Section 7. Severability

If any provision, sentence or clause of the local law is held unconstitutional, illegal or invalid, such findings shall not affect or impair any the remaining provisions, sentences or clauses or their application to persons and circumstances.

Section 8. Effective Date

The local law shall become effective immediately pursuant to the provisions of the Municipal Home Rule.

APPROVED: Ways & Means Committee (December 26, 2012)

DATED: December 26, 2012

Adopted by the following v.v. vote:

AYES 28 NAYS 0 ABSENT 1 (Mr. Leach)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 442

***INTRODUCED BY: Mr. Porter, Mr. Caruso
2ND BY: Mr. Joseph***

**RE: APPOINTMENT OF FRANK DUROSS TO THE ONEIDA COUNTY SPORTS FACILITY
AUTHORITY FOR A TERM TO EXPIRE DECEMBER 31, 2017**

WHEREAS, Oneida County Board of Legislators Chairman Gerald J. Fiorini has recommended the appointment of Frank DuRoss, 22 Stonebridge Road, New Hartford, NY, to serve on the Oneida County Sports Facility Authority Board, and

WHEREAS, Said appointment 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 the appointment of Frank DuRoss to the Oneida County Sports Facility Authority Board, effective immediately, for a term expiring December 31, 2017.

APPROVED: Ways & Means Committee (December 26, 2012)

DATED: December 26, 2012

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

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 443

INTRODUCED BY: Messrs. Flisnik, Porter

2ND BY: Mr. Townsend

**RE: SUPPLEMENTAL APPROPRIATION OF \$45,000 TO AA#A1165.109, DISTRICT
ATTORNEY-SALARIES, OTHER**

WHEREAS, In accordance with Section 609 of the Administrative Code, the County Executive has requested a supplemental appropriation be made in the amount of \$45,000 to AA#A1165.109, District Attorney Salaries, Other, and

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

RA#A4321.2, District Attorney-Federal Aid – Byrne/JAG . . . \$45,000
now, therefore, be it hereby

RESOLVED, That a supplemental appropriation, from 2012 funds, as hereinafter set forth, be and the same is hereby approved:

TO:
AA#A1165.109, District Attorney-Salaries, Other - \$45,000

APPROVED: Public Safety Committee (December 12, 2012)
Ways & Means Committee (December 26, 2012)

DATED: December 26, 2012

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

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 444

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

RE: TRANSFER \$16,500 TO AA#A3150.49511, SHERIFF- NYS PSYCH (508)

WHEREAS, There is a need for additional funds in AA#A3150.49511, Sheriff - NYS Psych (508), and

WHEREAS, In accordance with Section 610 of the Administrative Code, the County Executive has requested approval by this Board to transfer funds sufficient to cover the present shortage, now, therefore, be it hereby

RESOLVED, That a transfer of the total sum of \$16,500, as hereinafter set forth, be and the same is hereby approved:

FROM:
AA#A3150.197, Medical Services..... \$16,500

TO:
AA#A3150.49511, NYS Psych (508).....\$16,500

APPROVED: Public Safety Committee (December 12, 2012)
 Ways & Means Committee (December 26, 2012)

DATED: December 26, 2012

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

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 445

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

**RE: AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS STOP-DWI
PROGRAM, AND THE VERNON VERONA SHERRILL CENTRAL SCHOOL
DISTRICT**

WHEREAS, County Executive Anthony J. Picente, Jr. is in receipt of correspondence from Director of Emergency Services Kevin Revere, requesting approval of a an Agreement between Oneida County, through its STOP-DWI Program, and the Vernon Verona Sherrill Central School to provide funding to conduct STOP-DWI and SADD related activities in Oneida County, 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 hereby authorizes and approves an Agreement between Oneida County, through its STOP-DWI Program, and the Vernon Verona Sherrill Central School to provide funding in the amount of \$400.00 to conduct STOP-DWI and SADD related activities in Oneida County commencing October 25, 2012 and ending December 31, 2012. This funding is supported, in full, by DWI fines generated in Oneida County.

APPROVED: Public Safety Committee (December 12, 2012)
Ways & Means Committee (December 26, 2012)

DATED: December 26, 2012

Adopted by the following v.v. vote:

AYES 28 NAYS 0 ABSENT 1 (Mr. Leach)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 446

INTRODUCED BY: Messrs. Miller, Porter

2ND BY: Mr. Joseph

RE: APPROVAL OF AN AMENDMENT TO A LEASE BETWEEN ONEIDA COUNTY AND PROPERTY MANAGEMENT CO., INC. FOR SPACE AT 209 ELIZABETH ST., UTICA, NY

WHEREAS, Property Management Co., Inc., (the “Lessor”) and Oneida County entered into a lease agreement (“original lease”) on or about August 1997 for the rental of office space on the first and second floors of the Lessor’s building located at 209 Elizabeth Street, Utica, New York (“Paul Building”), for the use and occupancy of the County’s Workforce Development and Social Services departments; and

WHEREAS, The original lease was modified on or about April 2002 to include additional rental space on the third floor of the aforesaid building (“first amendment to lease”); and

WHEREAS, The original lease was modified on or about August 2003 to adjust space leased on the second floor and adjust minimum rent for first and second renewal terms (“second amendment to lease”); and

WHEREAS, The original lease was modified on or about May 2008 to adjust space leased on the third floor (“third amendment to lease”); and

WHEREAS, This Board is in receipt of a letter from Commissioner of Public Works Dennis S. Davis requesting a fourth amendment to the lease, extending the lease termination date of the second renewal term to December 31, 2013;

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

RESOLVED, That Oneida County Executive Anthony J. Picente, Jr. is hereby authorized to execute a fourth amendment to the lease with Property Management Co., Inc. for the rental of office space in the Paul Buildings, amending the original lease as follows:

1. The second renewal term of the original lease shall terminate on the 31st day of December 2013.
2. All other terms and conditions of the original lease and any amendments thereto remain unchanged and in effect.

APPROVED: Public Works Committee (December 17, 2012)
Ways & Means Committee (December 26, 2012)

DATED: December 26, 2012

Adopted by the following v. v. vote:

AYES 28 NAYS 0 ABSENT 1 (Mr. Leach)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 447

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

**RE: APPROVAL OF THE PROPOSED RATE SCHEDULE FOR THE ONEIDA
COUNTY SEWER DISTRICT FOR 2013**

WHEREAS, Upon recommendation from the Commissioner of Water Quality and Water Pollution Control and pursuant to Article 5-A, Section 266 of the County Law, County Executive Anthony J. Picente, Jr., has submitted to the Board for their approval, a proposed rate schedule establishing fees to be paid by the customers of the Oneida County Sewer District for services provided by the District, and

WHEREAS, The proposed rate schedule was filed with the Clerk of the Board and posted in the Oneida County Court House and published in the Utica Observer Dispatch and Rome Daily Sentinel, and

RESOLVED, A public hearing on said rate schedule was held November 20, 2012 and a public comment period on said rate schedule was open through December 26, 2012 pursuant to Article 5-A, Section 266 of the County Law, now, therefore, be it hereby

RESOLVED, That said rate schedule is approved and adopted as a basis for establishing fees to be paid by the customers of the Oneida County Sewer District for services provided by the District, and be it further

RESOLVED, That the proposed rate schedule will take effect on January 1, 2013 and remain in effect until modified by this Board.

APPROVED: Public Works Committee (December 17, 2012)
Ways & Means Committee (December 26, 2012)

DATED: December 26, 2012

Adopted by the following v.v. vote:

AYES 28 NAYS 0 ABSENT 1 (Mr. Leach)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 448

INTRODUCED BY: Mr. Porter, Miller

2ND BY: Joseph

RE: APPOINTMENT OF VINCENT JOHNS TO THE REGION 6 FISH AND WILDLIFE MANAGEMENT BOARD

WHEREAS, Pursuant to Section 11-0501 of the New York State Environmental Conservation Law, Chairman Gerald J. Fiorini, has recommended the appointment of Vincent Johns, 3274 Mohawk Street, Sauquoit, NY to serve on the Region 6 Fish and Wildlife Management Board, and

WHEREAS, Said appointments 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 confirms the appointment of Vincent Johns, 3274 Mohawk Street, Sauquoit, NY to serve on the Region 6 Fish and Wildlife Management Board for a two year term to expire December 31, 2014.

APPROVED: Ways & Means Committee (December 26, 2012)

DATED: December 26, 2012

Adopted by the following v.v. vote:

AYES 28 NAYS 0 ABSENT 1 (Mr. Leach)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 449

INTRODUCED BY: Messrs. Miller, Porter

2ND BY: Mr. Goodman

RE: A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING PROPOSED IMPROVEMENTS FOR THE ONEIDA COUNTY SEWER DISTRICT

WHEREAS, it is proposed that the County establish improvements to the Oneida County Sewer District consisting of North Utica Interceptor Sewer improvements; and

WHEREAS, it is now proposed to authorize such improvements, at a maximum estimated cost of \$11,630,000; and

WHEREAS, it is now desired to call a public hearing thereon; now therefore, BE IT

RESOLVED, by the County Legislature of the County of Oneida, New York, as follows:

Section 1. A meeting of the County Legislature, the County of Oneida, New York, to be held at the County Office Building, in Utica, New York, in said County, on the 9th day of January, 2013, at 12:00 o'clock P.M., prevailing time, for the purpose of conducting a Public Hearing upon the aforesaid matter. The Clerk of said County Legislature is hereby authorized and directed to cause a notice of such public hearing to be published and posted in the manner provided by law.

Section 2. The Clerk of the Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in the official newspaper not less than ten, nor more than twenty, days before the date designated for the hearing.

Section 3. The notice of public hearing shall be in substantially the following form:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the County Legislature of the County of Oneida, New York, will meet at the County Office Building, in Utica, New York, in Oneida, New York, on January 9, 2013, at 12:00 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing in relation to the proposed increase and improvement of the facilities of the Oneida County Sewer District in said County, consisting of North Utica Interceptor Sewer improvements, at a maximum estimated cost of \$11,630,000. This project is to be funded by the issuance of up to \$6,630,000 in bonds (for the North Utica Interceptor Sewer) and a \$5,000,000 grant from the Empire State Development Corporation (through Mohawk Valley EDGE). The estimated increased annual cost to the typical property owner in said Sewer District as a result thereof is \$6.70 for a single family home and \$10.04 for a two family home.

Dated: Utica, New York,

_____, 2012.

BY ORDER OF THE COUNTY
LEGISLATURE OF THE COUNTY
OF ONEIDA, NEW YORK

Clerk, County Legislature

Section 4. This resolution shall take effect immediately.

APPROVED: Ways and Means Committee (December 26, 2012)

DATED: December 26, 2012

Adopted by the following v.v. vote:

AYES 28 NAYS 0 ABSENT 1 (Mr. Leach)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 450

INTRODUCED BY: Mr. Porter

2ND BY: Mr. Joseph

RE: AMOUNTS TO BE LEVIED AS PART OF COUNTY TAX AND EXTENDED AGAINST PROPERTIES IN VARIOUS TOWNS AND CITIES

WHEREAS, There have been filed with the Clerk of the Oneida County Board of Legislators and the Commissioner of Finance reports by various city, town and other public officials, and

WHEREAS, Said reports show various figures which are to be levied as part of the 2013 County tax, now, therefore, be it hereby

RESOLVED, That the amounts set forth herein, as same may be subject to items returned for insufficient funds or similar adjustments, if any, be, and the same hereby are, levied as part of the 2013 County tax and ordered extended against properties in the various towns and cities according to law, as follows:

| | |
|---|-----------------|
| School Superintendent's levy | \$ 15,657.00 |
| MVCC. | \$ 3,060,350.89 |
| Returned School Taxes | \$ 6,843,627.92 |
| Delinquent Charges School | \$ 479,051.12 |
| Returned Village Taxes | \$ 450,435.78 |
| Delinquent Charges Village | \$ 31,530.60 |
| UMVRWB Town Outside Water Charges | \$ 57,616.35 |
| Delinquent Charges – Water | \$ 1,047.51 |
| HAVA. | \$ 1,686,988.78 |

OIN Pursuant to Chapter 71, State Finance Law, Laws of New York, 2012:

| | |
|--|-----------------|
| Town of Verona, VVS/Oneida City School | |
| 2011/12 Additional Value from OIN | \$10,135,608.66 |
| Delinquent Charges – School | \$ 709,492.61 |
| Town of Vernon, VVS School | |
| 2011/12 Additional Value from OIN | \$ 595,527.82 |
| Delinquent Charges – School | \$ 41,686.96 |

APPROVED: Ways & Means Committee (December 26, 2012)

DATED: December 26, 2012

Adopted by the following v.v. vote:

AYES 28 NAYS 0 ABSENT 1 (Mr. Leach)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 451

INTRODUCED BY: Mr. Porter

2ND BY: Mr. Joseph

RE: APPROVAL OF SPECIFIED AMOUNTS TO BE LEVIED AGAINST UTICA AND SPECIFIED TOWNS FOR DELINQUENT SEWER CHARGES

WHEREAS, The Finance Administrator of the Oneida County Part County Sewer District has filed with the Commissioner of Finance an itemized statement showing owners and the amounts of arrears of said owners for Sewer Use Charges and SSO Abatement Charges, now, therefore, be it hereby

RESOLVED, That there shall be levied and extended certain amounts of arrears for Sewer Use Charges and SSO Abatement Charges, with such items as may be posted for insufficient funds or similar adjustments if necessary, on the 2013 tax rolls of the towns and cities listed below against the properties owned by the various persons in the amounts set opposite their respective names, as follows:

| MUNICIPALITY | SEWER AMOUNT | SSO AMOUNT |
|---------------------|---------------------|-----------------------------|
| Utica | \$201,029.79 | |
| Deerfield | \$ 4,574.28 | |
| Marcy | \$ 9,080.39 | |
| New Hartford | \$ 22,339.83 | \$ 3,793.27 |
| Whitestown | \$ 31,988.74 | \$ 20,053.12 |
| Paris | \$ 19,183.04 | \$ 6,186.82 |
| Trenton | <u>\$ 1,631.08</u> | <u> </u> |
| TOTAL | \$289,827.15 | \$ 30,033.21 |

APPROVED: Ways & Means Committee (December 26, 2012)

DATED: December 26, 2012

Adopted by the following v.v. vote:

AYES 28 NAYS 0 ABSENT 1 (Mr. Leach)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 452

INTRODUCED BY: Mr. Porter

2ND BY: Mr. Joseph

**RE: APPROVAL OF HIGHWAY 1, 2, 3 & 4 HEALTH, FIRE PREVENTION, GENERAL WELFARE,
AND SPECIFIED DISTRICT TAXES TO BE LEVIED AGAINST TOWNS**

WHEREAS, There has been presented to this Board of Legislators a duly certified copy of the annual budget of each of the several towns in the County of Oneida for the fiscal year beginning January 1, 2013, now therefore, be it hereby

RESOLVED, That there shall be district taxes assessed and levied upon, and collected from, the real property liable therefore within the respective fire, fire protection, fire alarm and improvement districts in the towns specified in their respective annual budgets, and, be it further

RESOLVED, (a) That there be and hereby is assessed and levied upon, and collected from, the taxable real property situate in the named towns outside of any incorporated village, wholly or partially located therein, the amounts indicated therein for Town-Wide General, Town-Wide Highway, Highway Outside and General Outside as specified in the budgets of the respective towns, and be it further

RESOLVED, (b) That the amounts to be raised by tax for all purposes specified in the said several annual budgets as presented to this Board and which are on file within the Office of the Clerk and/or the Commissioner of Finance, shall be and hereby are assessed and levied upon, and collectible from, all taxable property in the towns as enumerated, except as otherwise provided by law.

APPROVED: Ways & Means Committee (December 26, 2012)

DATED: December 26, 2012

Adopted by the following v.v. vote:

AYES 28 NAYS 0 ABSENT 1 (Mr. Leach)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 453

INTRODUCED BY: Mr. Porter

2ND BY: Mr. Joseph

RE: APPROVAL OF WATER RENTS, SEWER CHARGES, AND OTHER MISCELLANEOUS CHARGES TO BE LEVIED ON PROPERTIES IN SPECIFIED TOWNS

WHEREAS, The Supervisors of the various towns have filed with the Commissioner of Finance itemized statements showing the owners and the amounts of arrears of said owners and water rents and sewer charges to be levied in the specified towns, as more particularly set forth in records on file with the Commissioner of Finance, and

WHEREAS, The Commissioner of Finance may be notified of other pro-rata taxes, DEC Violations, NSF charges or other miscellaneous charges against properties owned by various persons, now, therefore, be it hereby

RESOLVED, That there be levied and extended on the 2013 tax rolls of the aforementioned towns, against those properties owned by various persons such amounts of arrears, rents and charges as are set forth opposite their respective names.

APPROVED: Ways & Means Committee (December 26, 2012)

DATED: December 26, 2012

Adopted by the following v.v. vote:

AYES 28 NAYS 0 ABSENT 1 (Mr. Leach)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 454

INTRODUCED BY: Mr. Porter

2ND BY: Mr. Joseph

RE: AMOUNTS TO BE LEVIED AND ASSESSED UPON CERTAIN ONEIDA INDIAN NATION PROPERTIES IN ONEIDA COUNTY PURSUANT TO 2012 LAWS OF NEW YORK, CHAPTER 71, STATE FINANCE LAW

WHEREAS, The New York State Legislature has enacted legislation to address the uncertainty that exists as to when and to what extent the Oneida Indian Nation will pay taxes, and

WHEREAS, The administrative calculations of tax liability within the County are contingent upon an accurate and final determination of property tax liability and payment against such liabilities, and

WHEREAS, It is necessary to generally preserve the status quo for all other property owners pending the resolution of the said uncertainty, now, therefore, be it hereby

RESOLVED, That the sums generated from additional value assessments on certain properties owned by the Oneida Indian Nation as specified in said State legislation are hereby levied and extended on the 2013 tax rolls.

APPROVED: Ways & Means Committee (December 26, 2012)

DATED: December 26, 2012

Adopted by the following v.v. vote:

AYES 28 NAYS 0 ABSENT 1 (Mr. Leach)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 455

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

**RE: SUPPLEMENTAL APPROPRIATION OF \$38,000 TO AA#A6772.495.135,
OFFICE FOR THE AGING – CAREGIVER SUPPORT**

WHEREAS, In accordance with Section 609 of the Administrative Code, the County Executive has requested a supplemental appropriation be made in the amount of \$38,000 to AA#A6772.495.135 to Office for the Aging – Caregiver Support, and

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

| | | | | |
|---|--------------|---|---|-----------------|
| RA#A4775, Federal Aid Caregiver Program.. | . | . | . | <u>\$38,000</u> |
| | TOTAL | | | \$38,000 |

now, therefore, be it hereby

RESOLVED, That a supplemental appropriation, from 2012 funds, as hereinafter set forth, be and the same is hereby approved:

| | | | | |
|--------------------------------------|--------------|---|---|------------------|
| TO: | | | | |
| AA#A6772.495.135, Caregiver Support. | . | . | . | <u>\$ 38,000</u> |
| | TOTAL | | | \$ 38,000 |

APPROVED: Ways & Means Committee (December 26, 2012)

DATED: December 26, 2012

Adopted by the following v.v. vote:

AYES 28 NAYS 0 ABSENT 1 (Mr. Leach)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 456

INTRODUCED BY: Mr. Tallarino

2ND BY: Mr. Clancy

**RE: APPOINTMENT OF PAMELA MANDRYCK TO THE POSITION OF
MINORITY LEGISLATIVE ANALYST FOR THE BOARD OF LEGISLATORS
GRADE 25M, STEP 9**

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

RESOLVED, That, after duly being so elected by the Minority Party of the Board Pamela Mandryck be and hereby is appointed to serve in the position of Minority Legislative Analyst to the Board of Legislators at Grade 25M, Step 9 (\$41,553, 2013 M-Scale) beginning January 1, 2013.

DATED: December 26, 2012

Adopted by the following v.v. vote:

AYES 25 NAYS 2 (Convertino, Joseph) ABSTAIN: 1 (Mandryck) ABSENT 1 (Mr. Leach)

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 457

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

**RE: PURCHASE OF SERVICE AGREEMENT BETWEEN ONEIDA COUNTY THROUGH
ITS DEPARTMENT OF SOCIAL SERVICES AND THE CITY OF UTICA-HOUSING
IMPROVEMENT PROGRAM**

WHEREAS, This Board is in receipt of a Purchase of Service Agreement between Oneida County through its Department of Social Services and the City of Utica for the continuance of a Housing Improvement Program in Utica to ensure codes compliance and quality housing for DSS clients, 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 authorizes and accepts a Purchase of Service Agreement between Oneida County through its Department of Social Services and the City of Utica for the continuance of a Housing Improvement Program in Utica to ensure codes compliance and quality housing for DSS clients during a one year term commencing March 10, 2012 and ending March 9, 2013 at a proposed cost not to exceed \$282,000 with a County share of \$60,122.40 (15.99%).

APPROVED: Health and Human Services Committee (December 5, 2012)
Ways & Means Committee (December 26, 2012)

DATED: December 26, 2012

Adopted by the following roll call vote:

AYES 27 NAYS 1 (Mr. Flisnik) ABSENT 1 (Mr. Leach)

ROLL CALL

DATE December 26, 2012

SESSION Regular

MEMBERS PRESENT: 28

MEMBERS ABSENT 1

AYES: 27 NAYS: 1

INTRODUCTORY NO. 463

RESOLUTION NO. 457

| DIST | MEMBERS | AYES | NAYS |
|------|---------------------|------|------|
| R-1 | TOWNSEND | X | |
| R-2 | REGNER | X | |
| R-3 | BRENNAN | X | |
| R-4 | LEACH <u>ABSENT</u> | | |
| R-5 | WATERMAN | X | |
| R-6 | PORTER | X | |
| D-7 | TALLARINO | X | |
| R-8 | FLISNIK | | X |
| D-9 | SACCO | X | |
| R-10 | JOSEPH | X | |
| R-11 | KOENIG | X | |
| D-12 | CLANCY | X | |
| D-13 | GOODMAN | X | |
| D-14 | GORDON | X | |
| R-15 | D'ONOFRIO | X | |
| R-16 | MILLER | X | |
| R-17 | MANDRYCK | X | |
| D-18 | C. DAVIS | X | |
| D-19 | TREVISANI | X | |
| R-20 | FIORINI | X | |
| R-21 | WELSH | X | |
| D-22 | SPECIALE | X | |
| D-23 | CONVERTINO | X | |
| R-24 | PAPARELLA | X | |
| D-25 | F. DAVIS | X | |
| D-26 | CARUSO | X | |
| D-27 | FURGOL | X | |
| R-28 | WOOD | X | |
| D-29 | MURPHY | X | |
| | | | |