



## ONEIDA COUNTY BOARD OF LEGISLATORS

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

Gerald J. Fiorini  
Chairman  
(315) 798-5900

Mikale Billard  
Clerk  
(315) 798-5404

George Joseph  
Majority Leader

Philip M. Sacco  
Minority Leader

**ATTACHED FOR YOUR INFORMATION ARE RESOLUTIONS  
NUMBERED 144 THROUGH 170 THAT WERE ACTED UPON BY  
THE BOARD OF COUNTY LEGISLATORS AT THEIR  
REGULAR SESSION HELD ON MAY 11, 2016.**

**ONEIDA COUNTY BOARD OF LEGISLATORS**

**RESOLUTION NO. 144**

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

**RE: APPOINTMENTS TO THE OFFICE FOR THE AGING AND CONTINUING CARE  
ADVISORY-LONG TERM CARE COUNCIL**

**WHEREAS,** Pursuant to Article XX, Section 2002 of the Oneida County Charter and Administrative Code, County Executive Anthony J. Picente, Jr. has recommended appointment of the persons cited below to the Office for the Aging and Continuing Care Advisory-Long Term Care Council, and

**WHEREAS,** Said appointments must be confirmed by the Oneida County Board of Legislators, now, therefore, be it hereby

**RESOLVED,** That the following persons are hereby confirmed for appointment to the Office for the Aging and Continuing Care Advisory –Long term Care Council Board:

**APPOINTMENTS FOR THREE YEAR TERM JANUARY 1, 2016 - DECEMBER 31, 2018:**

Ms. Gale Barone  
5628 Shed Road  
Rome, New York 13440

Ms. Adelaide Foresti  
1304 Centennial Circle  
Utica, New York 13501

Ms. Lucretia Hunt  
903 Bleecker Street  
Utica, New York 13501

Dr. Amjad Rashid  
6542 Fairview Lane  
Rome, New York 13440

Michelle Kohl, Administrator  
Lutheran Home of Central New York  
110 Clinton Road  
Clinton, New York 13323

APPROVED: Health and Human Services Committee (May 2, 2016)  
Ways and Means Committee (May 11, 2016)

DATED: May 11, 2016

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

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### **RESOLUTION NO. 145**

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

**RE: APPROVAL OF AN AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS OFFICE FOR THE AGING AND CONTINUING CARE, AND NEW YORK STATE, THROUGH ITS OFFICE FOR THE AGING**

- WHEREAS,** The New York State Office for the Aging (NYSOFA) has notified the Oneida County Office for the Aging and Continuing Care that it is eligible to request reimbursement under the Direct Care Worker Program for an amount up to five thousand two hundred ninety-seven dollars and two cents (\$5,297.02), with the objective of funding up to two percent (2%) salary and related fringe benefit increases for Direct Care staff under the Expanded In-home Services for the Elderly Program (EISEP), the Community Services for the Elderly (CSE), and the Wellness in Nutrition (WIN) funded programs, and
- WHEREAS,** The appropriation is pursuant to Part I of Chapter 60 of the New York State Laws of 2014. The sole purpose of the Direct Care Worker Program is to provide salary increases and salary related fringe benefit increases to direct care staff and direct care support professionals as defined and in accordance with the standards set by the Director of the New York Office for the Aging, and
- WHEREAS,** The laws governing this program are not intended to override, supersede or otherwise change any collective bargaining agreements and/or other labor/management agreements that are entered into by Oneida County, and
- WHEREAS,** Oneida County did provide a two percent (2%) increase for the Office for the Aging direct care staff and will be able to claim reimbursement for these increases through Direct Care Worker Program appropriation, and
- WHEREAS,** The time frame for this appropriation covers the period April 1, 2015 through March 31, 2016, and
- WHEREAS,** Oneida County must submit a "Certification Pursuant to Part I of Chapter 60 of the Laws of 2014" form signed by the County Executive in order to receive this reimbursement, now, therefore, be it
- RESOLVED,** That the Board of Legislators does hereby authorize applying for the reimbursement of expenditures under the Direct Care Worker Program and attests that the funds will be used solely to support salary increases and salary related fringe benefit increases for direct care staff working in the EISEP, CSE or WIN funded programs up to a maximum amount of twelve thousand dollars (\$12,000.00), with no associated County costs, with a copy of said certification form being on file in the Office of the Clerk of this Board, and be it further

**RESOLVED**, That the Oneida County Finance Department is directed to make the necessary budgeting and accounting entries to affect the intent of this Resolution, and be it further

**RESOLVED**, That certified copies of this Resolution shall be sent by the Clerk of this Board to the New York State Office for the Aging and the Oneida County Finance Department.

APPROVED: Health and Human Services Committee (May 2, 2016)  
Ways & Means Committee (May 11, 2016)

DATED: May 11, 2016

Adopted by the following vote:

AYES 23 NAYS 0 ABSENT 0

**ONEIDA COUNTY BOARD OF LEGISLATORS**

**RESOLUTION NO. 146**

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

**2ND BY: Mr. Joseph**

**RE: APPROVAL OF AN AMENDMENT TO A PURCHASE OF SERVICES AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF MENTAL HEALTH, AND CENTRAL NEW YORK SERVICES, INC.**

**WHEREAS,** This Board is in receipt of an amendment to a Purchase of Services Agreement between Oneida County, through its Department of Mental Health, and Central New York Services, Inc., and

**WHEREAS,** That pursuant to a Purchase of Services Agreement entered into between the County and Central New York Services, Inc. on December 17, 2013, Central New York Services, Inc. agreed to provide services to adults and children with mental illness who are in, entering or exiting the criminal justice system including Outreach Court/Jail Forensic Evaluation Unit, Transition Management Services, Advocacy, Coordinated Children's Services Initiative (CCSI), Assertive Community Treatment (ACT) Service Dollars, Mentally Ill Chemical Abuse Network, and Advocacy Shelter Plus Care with a term from January 1, 2014 through December 31, 2016 (the "Agreement"), and

**WHEREAS,** On October 14, 2014, Oneida County and Central New York Services, Inc. agreed to amend the Purchase of Services Agreement, and

**WHEREAS,** Additional changes in OMH State funding requires that the County and Central New York Services, Inc. further amend the Agreement, and

**WHEREAS,** the OMH State funding for 2015-2016 for Transition Management has been increased in the amount of \$2,992.00 and Coordinated Children's Services has been increased in the amount of \$1,674.00, for both 2015 and 2016, and

**WHEREAS,** the OASAS State funding for 2015-2016 has been decreased for 2015-2016 for Shelter Plus Care Program services in the amount of \$443.00, and

**WHEREAS,** This amendment will result in an increase to a gross amount of \$1,524,105.00 per year for both 2015 and 2016, and total three year funding of \$4,568,092.00, and

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

**RESOLVED,** That this Board hereby authorizes and approves an second amendment to a Purchase of Services Agreement between Oneida County, through its Department of Mental Health, and Central New York Services, Inc.

APPROVED: Health and Human Services Committee (May 2, 2016)  
Ways & Means Committee (May 11, 2016)

DATED: May 11, 2016

Adopted by the following vote:

AYES 23 NAYS 0 ABSENT 0

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### ***RESOLUTION NO. 147***

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

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

**RE: APPROVAL OF AN AMENDMENT TO A PURCHASE OF SERVICES AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF MENTAL HEALTH, AND UPSTATE CEREBRAL PALSY, INC.**

**WHEREAS,** This Board is in receipt of an amendment to a Purchase of Service Agreement between Oneida County, through its Department of Mental Health, and Upstate Cerebral Palsy, Inc., and

**WHEREAS,** That pursuant to a Purchase of Services Agreement entered into between the County and Upstate Cerebral Palsy, Inc. on October 11, 2013, Upstate Cerebral Palsy, Inc. agreed to provide services to adults and children with a serious and persistent mental illness including Psychosocial Club, Supported Housing/Case Management, Mentally Ill Chemical Abuse Network (MICA), Assisted Competitive Employment (ACE), Ongoing Integrated Supported Employment (OISE), and Advocacy with a term from January 1, 2014 through December 31, 2016 (the "Agreement"), and

**WHEREAS,** As a result of a change in state funding for the programs the Agreement was amended in May of 2015 (the "Amended Agreement"), and

**WHEREAS,** As a result of additional OMH State funding over the current contract term, Oneida County and Upstate Cerebral Palsy, Inc. need to further amend the Amended Agreement, by increasing Supported Housing Case Management in the amount of \$5,999.00, Homeless Assistance Services in the amount of \$827.00, Assisted Competitive Employment (ACE) in the amount of \$31,533.00, and Ongoing Integrated Supported Employment (OISE) in the amount of \$6,068.00, for both 2015 and 2016, and

**WHEREAS,** As a result of a decrease in OMH State funding over the current contract term, Oneida County and Upstate Cerebral Palsy, Inc. need to further amend the Amended Agreement by decreasing Psychosocial Club in the amount of \$24,366.00, Supported Housing Rental Assistance in the amount of \$1,916.00, and Advocacy in the amount of \$25,000.00, for both 2015 and 2016, and

**WHEREAS,** This amendment will result in an increase to a gross amount of \$1,002,225.00 per year for both 2015 and 2016, and total three year funding of \$3,013,530.00, and

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

**RESOLVED,** That this Board hereby authorizes and approves a second amendment to a Purchase of Services Agreement between Oneida County, through its Department of Mental Health, and Upstate Cerebral Palsy, Inc.

APPROVED: Health and Human Services Committee (May 2, 2016)  
Ways & Means Committee (May 11, 2016)

DATED: May 11, 2016

Adopted by the following vote:

AYES 23 NAYS 0 ABSENT 0

**ONEIDA COUNTY BOARD OF LEGISLATORS**

**RESOLUTION NO. 148**

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

- RE: APPROVAL OF AN AMENDMENT TO A PURCHASE OF SERVICES AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF MENTAL HEALTH, AND HUMAN TECHNOLOGIES CORPORATION**
- WHEREAS,** This Board is in receipt of an amendment to a Purchase of Service Agreement between Oneida County, through its Department of Mental Health, and Human Technologies Corporation, and
- WHEREAS,** That pursuant to a Purchase of Services Agreement entered into between the County and Human Technologies Corporation on January 3, 2014, Human Technologies Corporation agreed to provide services to adults and children with a serious and persistent mental illness including Ongoing Integrated Supported Employment (OISE), Affirmative Business/Industry Services and Advocacy with a term from January 1, 2014 through December 31, 2016 (the "Agreement"), and
- WHEREAS,** On October 14, 2014, Oneida County and Human Technologies Corporation agreed to amend the Purchase of Services Agreement as a result of a change in State funding for the programs included in the original Purchase of Services Agreement, and
- WHEREAS,** Additional changes in OMH State funding requires that the County and Human Technologies Corporation further amend the Agreement, and
- WHEREAS,** the OMH State funding for 2015-2016 for Ongoing Integrated Supported Employment Services (OISE) has been increased in the amount of \$29,340.00 and Advocacy has been increased in the amount of \$75,869.00, for both 2015 and 2016, and
- WHEREAS,** the OMH State funding for 2015-2016 for Affirmative Business/Industry Services has been eliminated in the amount of \$277,6640.00 as a result of a decrease in OMH State funding, for both 2015 and 2016, and
- WHEREAS,** This amendment will result in a new gross amount of \$135,801.00 per year for both 2015 and 2016, and total three year funding of \$579,858.00, and
- WHEREAS,** In accordance with Oneida County Charter Section 2202, said amendment must be approved by the Oneida County Board of Legislators, now, therefore, be it hereby
- RESOLVED,** That this Board hereby authorizes and approves a second amendment to a Purchase of Services Agreement between Oneida County, through its Department of Mental Health, and Human Technologies Corporation.



APPROVED: Health and Human Services Committee (May 2, 2016)  
Ways & Means Committee (May 11, 2016)

DATED: May 11, 2016

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

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### ***RESOLUTION NO. 149***

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

***2<sup>ND</sup> BY: Mr. Joseph***

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

**WHEREAS,** This Board is in receipt of a Purchase of Services Agreement between Oneida County, through its Health Department, and Kelberman Center, Inc. in an amount not to exceed \$4,500,000.00, for the reimbursement of tuition for eligible preschool students with a disability, and

**WHEREAS,** The Agreement shall be for a term of three years, commencing July 1, 2015 and terminating on June 30, 2018, and

**WHEREAS,** The funds for the Purchase of Services Agreement are to be provided from State and County sources, and

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

**RESOLVED,** That this Board authorizes and approves a Purchase of Services Agreement between Oneida County, through its Health Department, for a term of three years commencing July 1, 2015 and ending on June 30, 2018.

APPROVED: Health & Human Services Committee (May 2, 2016)  
Ways & Means Committee (May 11, 2016)

DATED: May 11, 2016

Adopted by the following vote:

AYES 23 NAYS 0 ABSENT 0

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### *RESOLUTION NO. 150*

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

**RE: APPROVAL OF AN AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF HEALTH, AND INTERNATIONAL ASBESTOS TESTING LABORATORIES, INC.**

**WHEREAS,** This Board is in receipt of an Agreement between Oneida County, through its Department of Health, and International Asbestos Testing Laboratories, Inc. for Atomic Absorption Analysis for samples collected for lead inspection, risk assessment, clearance examination or other lead hazard identification in an amount not to exceed \$75,000.00, and

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

**RESOLVED,** That the Oneida County Board of Legislators hereby authorizes and approves an Agreement between Oneida County, through its Department of Health, and International Asbestos Testing Laboratories, Inc., commencing upon execution for a total of three years.

APPROVED:           Health and Human Services Committee      (May 2, 2016)  
                              Ways & Means Committee      (May 11, 2016)

DATED:      May 11, 2016

Adopted by the following vote:

AYES 23   NAYS 0   ABSENT 0

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### **RESOLUTION NO. 151**

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

**RE: APPROVAL OF A GRANT AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF SOCIAL SERVICES, AND THE STATE OF NEW YORK, THROUGH ITS OFFICE OF CHILDREN AND FAMILY SERVICES**

**WHEREAS,** This Board is in receipt of a Grant Agreement between Oneida County, through its Department of Social Services, and the State of New York, through its Office of Children and Family Services, for a grant in the amount of \$230,297.00 to recommend registration and renewal for those individuals satisfactorily completing a Family Day Care initial/renewal application; provide technical assistance to potential and current providers regarding application and regulations; provide regular scheduled orientation throughout Oneida County; complete an inspection/investigation on registered homes in response to a complaint, request by provider for additional school age children or for failure to meet training requirements; and respond to complaints on non-regulated child care providers, and

**WHEREAS,** According to 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 approves a grant agreement between Oneida County, through its Department of Social Services, and the State of New York, through its Office of Children and Family Services, for a term commencing on January 1, 2016 through December 31, 2016.

APPROVED: Health and Human Services Committee (May 2, 2016)  
Ways & Means Committee (May 11, 2016)

DATED: May 11, 2016

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

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### ***RESOLUTION NO. 152***

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

**RE: PURCHASE OF SERVICES AGREEMENT BETWEEN ONEIDA COUNTY,  
THROUGH ITS DEPARTMENT OF SOCIAL SERVICES, AND MOHAWK VALLEY  
COMMUNITY ACTION AGENCY, INC.**

**WHEREAS,** This Board is in receipt of a Purchase of Services Agreement between Oneida County, through its Department of Social Services, and Mohawk Valley Community Action Agency, Inc. in the amount of \$928,688.00 for Parent Aide Services, to provide intensive in-home services to dysfunctional families and to provide preventive services and re-direct the families to avoid child abuse, neglect and foster care placement, and

**WHEREAS,** The Agreement shall be for a term of two years, commencing January 1, 2016 and terminating December 31, 2017, with the option to renew under the current terms being at the sole discretion of the Department of Social Services and notice to Mohawk Valley Community Action Agency, Inc. prior to the end of the term of the proposed Purchase of Services Agreement, and

**WHEREAS,** The funds for the Purchase of Service Agreement are to be provided from Federal, State and County sources, and

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

**RESOLVED,** That this Board authorizes and approves a Purchase of Services Agreement between Oneida County, through its Department of Social Services, and Mohawk Valley Community Action Agency, Inc. for a term of two years commencing January 1, 2016 and ending December 31, 2017, with the option to renew under the current terms being at the sole discretion of the Department of Social Services and notice to Mohawk Valley Community Action Agency, Inc. prior to the end of the term of the proposed Purchase of Services Agreement.

APPROVED:                    Health and Human Services Committee (May 2, 2016)  
    Ways & Means Committee    (May 11, 2016)

DATED: May 11, 2016

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

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### **RESOLUTION NO. 153**

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

**RE: PURCHASE OF SERVICES AGREEMENT BETWEEN ONEIDA COUNTY,  
THROUGH ITS DEPARTMENT OF SOCIAL SERVICES, AND THE HERKIMER-  
ONEIDA COUNTIES COMPREHENSIVE PLANNING PROGRAM**

**WHEREAS,** This Board is in receipt of a Purchase of Services Agreement between Oneida County, through its Department of Social Services, and the Herkimer-Oneida Counties Comprehensive Planning Program in an amount not to exceed \$102,048.00 to provide technical assistance by assisting in satisfying State and County Planning requirements, program goals and objectives, grant proposals, consolidated services plan, planning of programs and organization of community resources, and

**WHEREAS,** The Agreement shall be for a term of one year, commencing January 1, 2016 and terminating December 31, 2016, with the option to renew under the current terms being at the sole discretion of the Department of Social Services and notice to The Herkimer-Oneida Counties Comprehensive Planning Program prior to the end of the term of the proposed Purchase of Services Agreement, and

**WHEREAS,** The funds for the Purchase of Service Agreement are to be provided from Federal, State and County sources, and

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

**RESOLVED,** That this Board authorizes and approves a Purchase of Services Agreement between Oneida County, through its Department of Social Services, and The Herkimer-Oneida Counties Comprehensive Planning Program for a term of one year commencing January 1, 2016 and ending December 31, 2016, with the option to renew under the current terms being at the sole discretion of the Department of Social Services and notice to The Herkimer-Oneida Counties Comprehensive Planning Program prior to the end of the term of the proposed Purchase of Services Agreement.

**APPROVED:** Health and Human Services Committee (May 2, 2016)  
Ways & Means Committee (May 11, 2016)

**DATED:** May 11, 2016

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

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### **RESOLUTION NO. 154**

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

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

**WHEREAS,** This Board is in receipt of a Purchase of Services Agreement between Oneida County, through its Department of Social Services, and The Neighborhood Center, Inc. in an amount not to exceed \$1,764,225.00 to provide services to manage the care of school age children and their families who are at serious risk of Foster Care or Institutional placement through Family Court due to their behavior in school, home or community through Person in Need of Supervision (PINS) Detention Diversion, Case Planning, and

**WHEREAS,** The Agreement shall be for a term of two years, commencing January 1, 2016 and terminating December 31, 2017, with the option to renew under the current terms being at the sole discretion of the Department of Social Services and notice to The Neighborhood Center, Inc. prior to the end of the term of the proposed Purchase of Services Agreement, and

**WHEREAS,** The funds for the Purchase of Service Agreement are to be provided from Federal, State and County sources, and

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

**RESOLVED,** That this Board authorizes and approves a Purchase of Services Agreement between Oneida County, through its Department of Social Services, and The Neighborhood Center, Inc. for a term of two years commencing January 1, 2016 and ending December 31, 2017, with the option to renew under the current terms being at the sole discretion of the Department of Social Services and notice to The Neighborhood Center, Inc. prior to the end of the term of the proposed Purchase of Services Agreement.

APPROVED: Health and Human Services Committee (May 2, 2016)  
Ways & Means Committee (May 11, 2016)

DATED: May 11, 2016

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





**ONEIDA COUNTY BOARD OF LEGISLATORS**

**RESOLUTION NO. 156**

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

**RE: PURCHASE OF SERVICES AGREEMENT BETWEEN ONEIDA COUNTY,  
THROUGH ITS DEPARTMENT OF SOCIAL SERVICES, AND UPSTATE CEREBRAL  
PALSY, INC.**

**WHEREAS,** This Board is in receipt of a Purchase of Services Agreement between Oneida County, through its Department of Social Services, and Upstate Cerebral Palsy, Inc. in the amount of \$191,763.00 to provide services to TANF/Safety Net Family recipients by providing two disability services specialists who will work with community employers to engage clients in approved work activities that will assist in achieving participation hours, while seeking employment and self-sufficiency, and

**WHEREAS,** The Agreement shall be for a term of two years, commencing May 1, 2016 and terminating April 30, 2018, with the option to renew the Agreement for two additional one year terms upon the terms set forth in the Agreement for year two of the Agreement being at the sole discretion of the 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 authorizes and approves a Purchase of Services Agreement between Oneida County, through its Department of Social Services, and Upstate Cerebral Palsy, Inc., for a term of two years commencing May 1, 2016 and ending April 30, 2018, with the option to renew for two additional one year terms through April 30, 2020.

APPROVED:           Health and Human Services Committee (May 2, 2016)  
                              Ways & Means Committee                         (May 11, 2016)

DATED:           May 11, 2016

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

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

**RESOLUTION NO. 157**

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

**RE: APPROVAL OF THE 2016 CONTRACT BETWEEN ONEIDA COUNTY AND  
ECONOMIC DEVELOPMENT GROWTH ENTERPRISES CORPORATION D/B/A/  
MOHAWK VALLEY EDGE**

**WHEREAS,** This Board is in receipt of a proposed Contract between Oneida County and Economic Development Growth Enterprises Corporation d/b/a Mohawk Valley EDGE for the purposes of promoting economic and industrial development and growth in Oneida County and publicizing the advantages of the Mohawk Valley during calendar year 2016, and

**WHEREAS,** In accordance with terms set forth therein, the County agrees to pay Mohawk Valley EDGE the sum of \$349,874.00, 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 County Executive Anthony J. Picente, Jr., is authorized to execute an agreement between Oneida County and Economic Development Growth Enterprises Corporation d/b/a Mohawk Valley EDGE for the period commencing January 1, 2016 and ending December 31, 2016.

APPROVED: Economic Development & Tourism Committee (May 10, 2016)  
Ways & Means Committee (May 11, 2016)

DATED: May 11, 2016

Adopted by the following vote:

AYES 23 NAYS 0 ABSENT 0

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### **RESOLUTION NO. 158**

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

**RE: APPROVAL OF VARIOUS MEMBERSHIPS FOR PUBLIC DEFENDER STAFF**

**WHEREAS,** This Board is in receipt of correspondence from Frank J. Nebush, Jr., Oneida County Public Defender – Criminal Division, requesting the approval of the various memberships for Sharon L. Ames and Robert R. Reittinger, Directors of the Regional Immigration Assistance Center and

**WHEREAS,** The New York State Office of Indigent Legal Services (ILS) has recommended that Sharon L. Ames and Robert R. Reittinger, obtain memberships to the Upstate New York Chapter of the American Immigration Lawyers Association and the New York State Defenders Association, Inc. By joining the Upstate New York Chapter of the American Immigration Lawyers Association and the New York State Defenders Association, Inc., Directors Ames and Reittinger will have access to Continuing Legal Education (CLE) events and up-to-date publications and newsletters that will strengthen each Director's professional expertise, and

**WHEREAS,** The grant funds received from New York State, through its Office Indigent Legal Services, previously approved by this Board on March 9, 2016, will cover the membership dues for each Director, and

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

**RESOLVED,** That this Board authorizes and approves the memberships of Sharon L. Ames and Robert R. Reittinger, Directors of the Regional Immigration Assistance Center, to the Upstate New York Chapter of the American Immigration Lawyers Association and the New York State Defenders Association, Inc.

APPROVED: Public Safety Committee (May 2, 2016)  
Ways and Means Committee (May 11, 2016)

DATED: May 11, 2016

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

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### ***RESOLUTION NO. 159***

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

**RE: ESTABLISHMENT OF CAPITAL PROJECT H-540 – EMERGENCY SERVICES – FY 2015 – PSAP GRANT**

**WHEREAS,** Oneida County, through its Department of Emergency Services, has received a grant from New York State Division of Homeland Security and Emergency Services (NYS DHS) through the NYS DHS' Public Safety Answering Points Grant (PSAP) program for Fiscal Year 2015 to support public safety call-taking and dispatching operations for Oneida County Emergency Services, and

**WHEREAS,** This Board is in receipt of a request to establish "Capital Project H-540 - Emergency Services- FY 2015 - PSAP Grant" to administer the funds from the PSAP Grant, now, therefore, it is hereby

**RESOLVED,** That the Oneida County Board of Legislators authorizes the establishment of "Capital Project H-540 - Emergency Services – FY 2015 – PSAP Grant", with approval of funding for such project as follows:

H-540 State Aid - PSAP	\$207,580.00
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APPROVED:           Public Safety Committee (May 2, 2016)  
                              Ways & Means Committee (May 11, 2016)

DATED:       May 11, 2016

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

**ROLL CALL SHEET**

DATE: May 11, 2016

SESSION: Regular

MEMBERS PRESENT: 23

MEMBERS ABSENT: 0

AYES: 23    NAYS: 0    ABSENT: 0

INTRODUCTORY NO. 162

RESOLUTION NO. 159

<b>DIST</b>		<b>MEMBERS</b>	
R-1	SCHIEBEL	X	
R-2	IDZI	X	
R-3	LEACH	X	
D-4	CLANCY	X	
R-5	WATERMAN	X	
R-6	PORTER	X	
R-7	FIORINI	X	
R-8	FLISNIK	X	
D-9	SACC0	X	
R-10	JOSEPH	X	
R-11	KOENIG	X	
D-12	CALANDRA	X	
D-13	GOODMAN	X	
D-14	DAVIS	X	
R-15	D'ONOFRIO	X	
R-16	MILLER	X	
R-17	MANDRYCK	X	
R-18	DANIELS	X	
R-19	WELSH	X	
D-20	HENDRICKS	X	
D-21	WASHBURN	X	
D-22	CONVERTINO	X	
R-23	PAPARELLA	X	

**ONEIDA COUNTY BOARD OF LEGISLATORS**

***RESOLUTION NO. 160***

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

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

**WHEREAS,** This board is in receipt of correspondence from Kevin W. Revere, Director of Emergency Services, requesting approval of a Grant Agreement, between Oneida County, through its Department of Emergency Services, and New York State, through its Division of Homeland Security and Emergency Services, Public Safety Answering Points Grant (PSAP) program to provide support for operations for Oneida County Emergency Services, and

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

**RESOLVED,** That Oneida County Executive, Anthony J. Picente, Jr., is hereby authorized to execute any and all documents related to a Grant Agreement between Oneida County, through its Department of Emergency Services, and New York State, through its Division of Homeland Security and Emergency Services, in the amount of \$207,580.00 for a term commencing January 1, 2016 and ending on December 31, 2016.

APPROVED:            Public Safety Committee     (May 2, 2016)  
                                Ways & Means Committee     (May 11, 2016)

DATED:            May 11, 2016

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

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### ***RESOLUTION NO. 161***

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

**RE: APPROVAL OF LEASE AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS SHERIFF'S OFFICE, AND HALL & HALL PROPERTIES, LLC**

**WHEREAS,** This Board is in receipt of a Lease Agreement between Oneida County, through its Sheriff's Office, and Hall & Hall Properties, LLC for winter storage of three boats and three jet skis at Hall & Hall Properties, LLC's storage facility located at 6294 Egan Road, Oriskany Falls, New York, 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 approves a Lease Agreement in the amount of \$2,400.00 between Oneida County, through its Sheriff's Office, and Hall & Hall Properties, Inc. for a term commencing on October 1, 2015 and ending June 1, 2016.

APPROVED: Public Safety Committee (May 2, 2016)  
Ways & Means Committee (May 11, 2016)

DATED: May 11, 2016

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

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### **RESOLUTION NO. 162**

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

**RE:** **APPROVAL OF AN AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS HEALTH DEPARTMENT, AND ONEIDA HEALTH SYSTEMS, INC.**

**WHEREAS,** This Board is in receipt of an Agreement between Oneida County, through its Department of Health, and Oneida Health Systems, Inc. d/b/a Oneida Healthcare Center to provide comprehensive breast, cervical and colorectal screening/diagnostic services to insured or underinsured individuals residing in Oneida, Herkimer and Madison counties, and

**WHEREAS,** The Agreement shall be for a term of two and a half years, commencing on April 1, 2016 and terminating September 30, 2018, 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 authorizes and approves an Agreement between Oneida County, through its Health Department, and Oneida Health Systems, Inc. d/b/a Oneida Healthcare Center.

APPROVED:	Health and Human Services Committee	(May 2, 2016)
	Ways & Means Committee	(May 11, 2016)

DATED:        May 11, 2016

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



**ROLL CALL SHEET**

DATE: May 11, 2016

SESSION: Regular

MEMBERS PRESENT: 23

MEMBERS ABSENT: 0

AYES: 23    NAYS: 0    ABSENT: 0

INTRODUCTORY NO. 165

RESOLUTION NO. 162

<b>DIST</b>		<b>MEMBERS</b>	
R-1	SCHIEBEL	X	
R-2	IDZI	X	
R-3	LEACH	X	
D-4	CLANCY	X	
R-5	WATERMAN	X	
R-6	PORTER	X	
R-7	FIORINI	X	
R-8	FLISNIK	X	
D-9	SACC0	X	
R-10	JOSEPH	X	
R-11	KOENIG	X	
D-12	CALANDRA	X	
D-13	GOODMAN	X	
D-14	DAVIS	X	
R-15	D'ONOFRIO	X	
R-16	MILLER	X	
R-17	MANDRYCK	X	
R-18	DANIELS	X	
R-19	WELSH	X	
D-20	HENDRICKS	X	
D-21	WASHBURN	X	
D-22	CONVERTINO	X	
R-23	PAPARELLA	X	

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### ***RESOLUTION NO. 163***

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

**RE: APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF SOCIAL SERVICES, AND CORNELL COOPERATIVE EXTENSION OF ONEIDA COUNTY**

**WHEREAS,** This Board, is in receipt of correspondence from Lucille A. Soldato, Commissioner of Social Services, requesting approval of a Memorandum of Understanding between Oneida County, through its Department of Social Services, and Cornell Cooperative Extension of Oneida County for the reimbursement of the cost of providing four (4) Cornell Cooperative Extension workers with internet access and telephones located in the Department of Social Services Employment Unit to work with the Daycare Staff, which will cut down costs of sharing information and maintain communication, and

**WHEREAS,** The Memorandum of Understanding shall be for a term of one (1) year, commencing January 1, 2016 and terminating on December 31, 2016, with the option to renew under the current terms being at the sole discretion of the County of Oneida. Said renewal shall be for an additional year, not to extend beyond December 31, 2017, and

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

**RESOLVED,** That County Executive Anthony J. Picente, Jr., is authorized to execute any and all documents related to a Memorandum of Understanding between Oneida County, through its Department of Social Services, and Cornell Cooperative Extension of Oneida County, and be it further

**RESOLVED,** That the duration of said Memorandum of Understanding shall be for a term of one year commencing January 1, 2016 through December 31, 2016.

APPROVED: Health & Human Services Committee (May 2, 2016)  
Ways & Means Committee (May 11, 2016)

DATED: May 11, 2016

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

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### ***RESOLUTION NO. 164***

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

**RE: APPROVAL AN AGREEMENT BETWEEN ONEIDA COUNTY AND ECONOMIC DEVELOPMENT GROWTH ENTERPRISES CORPORATION d/b/a MOHAWK VALLEY EDGE –NEURALIZATION STUDY**

**WHEREAS,** This Board is in receipt of a proposed Agreement between Oneida County and Economic Development Growth Enterprises Corporation d/b/a Mohawk Valley EDGE for the purposes of conducting a Neutralization Facility Study to determine the feasibility of constructing a pH Neutralization Facility at or near the Marcy Nanocenter Site. The total cost of the conducting the study is \$62,500.00, and

**WHEREAS,** In accordance with terms set forth therein, the County of Oneida agrees to pay Mohawk Valley EDGE the sum of \$50,000.00 from grant funds awarded to the County of Oneida by the New York State Department of Environmental Conservation and the New York State Environmental Facilities Corporation. The \$12,500.00 balance of the \$62,500.00 cost to conduct the study will be borne by Mohawk Valley EDGE through a combination of cash and in-kind services, 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 County Executive Anthony J. Picente, Jr., is authorized to execute an Agreement between Oneida County and Economic Development Growth Enterprises Corporation d/b/a Mohawk Valley EDGE for the period commencing January 1, 2016 and ending December 31, 2016.

APPROVED: Economic Development & Tourism Committee (May 10, 2016)  
Ways & Means Committee (May 11, 2016)

DATED: May 11, 2016

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

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### ***RESOLUTION NO. 165***

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

**RE: ESTABLISHMENT OF CAPITAL PROJECT H-541 – NEUTRALIZATION FACILITY  
STUDY/CONSTRUCTION**

**WHEREAS,** Oneida County has received a grant from New York State, through its Department of Environmental Conservation and the New York State Environmental Facilities Corporation, through the Wastewater Infrastructure Engineering Grant through the 2014 Consolidated Funding Application (CFA) process to help fund a feasibility study of constructing a pH Neutralization Facility. The pH Neutralization Facility would be used to treat waste water from the new AMS chip factory currently under construction and enable the water to be reused without any further processing, and

**WHEREAS,** This Board is in receipt of a request to establish “Capital Project H-541 – Neutralization Facility Study/Construction” to administer the funds from the Wastewater Infrastructure Engineering Grant, now, therefore, it is hereby

**RESOLVED,** That the Oneida County Board of Legislators authorizes the establishment of “Capital Project H-541 – Neutralization Facility Study/Construction”, with approval of funding for such project as follows:

H-541 State Aid – Neutralization Facility Study/Construction	\$50,000.00
--	-------------

**APPROVED:** Economic Development & Tourism Committee (May 10, 2016)  
Ways & Means Committee (May 11, 2016)

**DATED:** May 11, 2016

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

**ROLL CALL SHEET**

DATE: May 11, 2016

SESSION: Regular

MEMBERS PRESENT: 23

MEMBERS ABSENT: 0

AYES: 23    NAYS: 0    ABSENT: 0

INTRODUCTORY NO. 168

RESOLUTION NO. 165

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

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### ***RESOLUTION NO. 166***

***INTRODUCED BY: Mr. Porter***

***2ND BY: Mr. Sacco***

**RE: APPOINTMENT TO THE ONEIDA COUNTY FIRE ADVISORY BOARD**

**WHEREAS,** Pursuant to County Law Section 225-a and Article XX, Section 2002, of the Oneida County Charter, County Executive Anthony J. Picente, Jr. has recommended appointment of Barbar Calandra to the Oneida County Fire Advisory Board for a two year term that will expire December 31, 2017, and

**WHEREAS,** Said appointment must be confirmed by the Oneida County Board of Legislators, now, therefore, be it hereby

**RESOLVED,** That the appointment of Barbara Calandra, 807 Croton Street, Rome, New York 13440, to the Oneida County Fire Advisory Board is hereby confirmed pursuant to County Law Section 225-a and Article XX, Section 2002 of the Oneida County Charter, effective immediately and for a term of two years to expire on December 31, 2017:

APPROVED: Ways & Means Committee (May 11, 2016)

DATED: May 11, 2016

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

# ONEIDA COUNTY BOARD OF LEGISLATORS

## RESOLUTION NO. 167

**INTRODUCED BY:** *Mr. Porter, Mr. Leach*

**2ND BY:** *Mr. Mandryck*

**RE: FINAL ADOPTION AND APPROVAL OF THE “OPEN ENROLLMENT” FOR AGRICULTURAL-LAND OWNERS**

**WHEREAS,** On December 10, 2003, the Oneida County Board of Legislators adopted Resolution #365 designating an “Open Enrollment” period (January 1 through January 31) annually, to consider the inclusion of any viable agricultural land in an Agricultural District prior to its sanctioned review period, and

**WHEREAS,** This year, applications for inclusion in existing Agricultural Districts from 25 landowners owning 5,854.1 acres have been received by the Oneida County Agricultural and Farmland Protection Board for consideration, have been reviewed by said Board, and such applications have been found to be in accordance with the qualifications for inclusion within an Agricultural District, now, therefore, be it hereby

**RESOLVED,** That the Board of Legislators adopts and approves of the inclusion of 5,854.1 acres to the existing Agricultural Districts as applied for during Oneida County’s “Open Enrollment” period, and it is further

**RESOLVED,** That the Clerk of the Oneida County Board of Legislators be, and hereby is, authorized and directed to submit this Resolution, together with the report of the Oneida County Agricultural and Farmland Protection Board and the tax map identification numbers and tax maps of each parcel of land to be included within an Agricultural District, to the New York State Commissioner of Agriculture and Markets for final approval.

APPROVED:                   Ways and Means Committee     ( May 11, 2016)

DATED:            May 11, 2016

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

## ONEIDA COUNTY BOARD OF LEGISLATORS

### *RESOLUTION NO. 168*

*INTRODUCED BY: Mr. Porter*

*2ND BY: Mr. Schiebel*

**RE: APPROVAL OF LEASE AGREEMENT BETWEEN ONEIDA COUNTY, THROUGH ITS DEPARTMENT OF PUBLIC WORKS, AND ROME BASEBALL ASSOCIATION, INC.**

**WHEREAS,** This Board is in receipt of a Lease Agreement between Oneida County, through its Department of Public Works, and Rome Baseball Association, Inc. for property located at 1576 Perimeter Road, Rome, New York for the continued use and operation of the facility known as DeLutis Field Baseball Complex, and

**WHEREAS,** The lease term will commence on June 1, 2016 and expire on May 31, 2021, with the option to renew upon the same terms and conditions as stated in the proposed Lease Agreement being at the sole discretion of the Oneida County Board of Legislators for three (3) successive five (5) year terms and notice to the Rome Baseball Association, Inc. at least one hundred and eighty (180) days prior to the expiration of the initial term or renewal term, 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 approves and authorizes County Executive, Anthony J. Picente, Jr., to execute such Lease Agreement between Oneida County, through its Department of Public Works, and Rome Baseball Association, Inc. for the lease of property located at 1576 Perimeter Road, Rome, New York.

APPROVED:           Ways & Means Committee (May 11, 2016)

DATED:            May 11, 2016

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



**ROLL CALL SHEET**

DATE: May 11, 2016

SESSION: Regular

MEMBERS PRESENT: 23

MEMBERS ABSENT: 0

AYES: 23    NAYS: 0    ABSENT: 0

INTRODUCTORY NO. 171

RESOLUTION NO. 168

<b>DIST</b>	<b>MEMBERS</b>		
R-1	SCHIEBEL	X	
R-2	IDZI	X	
R-3	LEACH	X	
D-4	CLANCY	X	
R-5	WATERMAN	X	
R-6	PORTER	X	
R-7	FIORINI	X	
R-8	FLISNIK	X	
D-9	SACC0	X	
R-10	JOSEPH	X	
R-11	KOENIG	X	
D-12	CALANDRA	X	
D-13	GOODMAN	X	
D-14	DAVIS	X	
R-15	D'ONOFRIO	X	
R-16	MILLER	X	
R-17	MANDRYCK	X	
R-18	DANIELS	X	
R-19	WELSH	X	
D-20	HENDRICKS	X	
D-21	WASHBURN	X	
D-22	CONVERTINO	X	
R-23	PAPARELLA	X	

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### ***RESOLUTION NO. 169***

***INTRODUCED BY: Mr. Porter***

***2<sup>ND</sup> BY: Mr. Joseph***

**RE: APPROVAL OF THE 2015 EQUITABLE SHARING AGREEMENT BETWEEN THE COUNTY OF ONEIDA, THROUGH ITS DISTRICT ATTORNEY'S OFFICE, AND THE UNITED STATES OF AMERICA, THROUGH ITS DEPARTMENT OF JUSTICE**

**WHEREAS,** This Board is in receipt of correspondence from District Attorney, Scott D. McNamara, requesting approval of an Agreement between Oneida County, through its District Attorney's Office, and The United States of America, through its Department of Justice, for a Federal Equitable Sharing Agreement to support the District Attorney's Office for the year 2015, and

**WHEREAS,** According to Oneida County Charter section 2202, said Agreements must be approved by the Oneida County Board of Legislators, now, therefore, be it hereby

**RESOLVED,** That County Executive, Anthony J. Picente, Jr., is authorized to execute any and all documents related to the Agreement between Oneida County, through its District Attorney's Office, and The United States of America, through its Department of Justice, for a Federal Equitable Sharing Agreement to support the District Attorney's Office for the year 2015.

**APPROVED:** Ways & Means Committee (May 11, 2016)

**DATED:** May 11, 2016

Adopted by the following vote:

AYES 23 NAYS 0 ABSENT 0

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### **RESOLUTION NO. 170**

**INTRODUCED BY:** *Messrs. Fiorini, Joseph, D’Onofrio, Sacco, Schiebel*  
**2ND BY:** *Mr. Davis*

### **LOCAL LAW INTRODUCTORY “B” OF 2016, AN ACT ALLOWING FOR COMMON, SAFE ITEMS TO BE EXCLUDED FROM THE DANGEROUS FIREWORKS DEFINITION AS PERMITTED BY NEW YORK STATE PENAL LAW SECTION 405(b)**

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

#### **Section 1. Legislative Intent:**

- A. Whereas on November 21, 2014 Governor Cuomo signed into law Chapter 477 of the Laws of 2014 (S.7888/A.10141).
- B. Whereas this state law amended the State Penal Law, the Executive Law and the General Business Law placing further restrictions on dangerous fireworks while at the same time recognizing that certain fireworks should not be labeled dangerous when they pose little to no danger to the public and by labeling them dangerous only restricts business and personal enjoyment.
- C. Whereas the Governor signed this version of the bill into law in part due to its strong home rule authority, only allowing for certain fireworks to be sold and used in municipalities that affirmatively enact a local law authorizing such action.
- D. In keeping with Chapter 477 of the Laws of 2014, and Penal Code Section 405 this Board further finds and determines that “sparkler devices” may be sold and enjoyed, only in the manner describe below, within Oneida County.
- E. This Board finds that allowing our residents the use of safe “sparkler devices” will benefit them and our local businesses.
- F. The National Fire Protection Association adopted a recommended safety code (NFPA 1124) for the manufacture, transportation, storage and retail sales of fireworks.
- G. Whereas this local law and State Chapter 477 of the Laws of 2014 are compliant with the safety standards established in NFPA 1124.
- H. This Board further finds that the sale and use of “sparkler devices” is permitted with the following restrictions:
  - 1) Sales will only be permitted on or between June 1<sup>st</sup> through July 5<sup>th</sup> and December 26<sup>th</sup> and January 2<sup>nd</sup> of each calendar year.
  - 2) All distributors, manufacturers, and retailers must comply with any and all state laws and regulations regarding registration requirements.
  - 3) Only those 18 years of age or older may purchase said products.

#### **Section 2. Definitions:**

“Sparkling Devices” are defined as follows:

“Sparkling Devices” which are ground-based or hand-held devices that produce a shower of white, gold, or colored sparks as their primary pyrotechnic effect. Additional effects may include a colored flame, an audible crackling effect, an audible whistle effect and smoke. These devices do not rise into the air, do not fire inserts of projectiles into the air, and do not explode or produce a report (an audible crackling-type effect is not considered to be a report). Ground-based or hand-held devices that produce a cloud of smoke as their sole pyrotechnic effect are also included in this category. Types of devices in this category include:

- 1) cylindrical fountain: cylindrical tube containing not more than seventy-five grams of pyrotechnic composition that may be contained in a different shaped exterior such as a square, rectangle, cylinder or other shape but the interior tubes are cylindrical in shape. Upon ignition, a shower of colored sparks, and sometimes a whistling effect or smoke, is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle to be hand held (handle fountain). When more than one tube is mounted on a common base, total pyrotechnic composition may not exceed two hundred grams, and when tubes are securely attached to a base and the tubes are separated from each other on the base by a distance of at least half an inch (12.7 millimeters), a maximum total weight of five hundred grams of pyrotechnic composition shall be allowed.
- 2) cone fountain: cardboard or heavy paper cone containing not more than fifty grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain. When more than one cone is mounted on a common base, total pyrotechnic composition may not exceed two hundred grams, as is outlined in this subparagraph.
- 3) wooden sparkler/dipped stick: these devices consist of a wood dowel that has been coated with pyrotechnic composition. Upon ignition of the tip of the device, a shower of sparks is produced. Sparklers may contain up to one hundred grams of pyrotechnic composition per item.
- 4) novelties which do not require approval from the United States Department of Transportation and are not regulated as explosives, provided that they are manufactured and packaged as described below:
  - (A) party popper: small devices with paper or plastic exteriors that are actuated by means of friction (a string or trigger is typically pulled to actuate the device). They frequently resemble champagne bottles or toy pistols in shape. Upon activation, the device expels flame-resistant paper streamers, confetti, or other novelties and produces a small report. Devices may contain not more than sixteen milligrams (0.25 grains) of explosive composition, which is limited to potassium chlorate and red phosphorus. These devices must be packaged in an inner packaging which contains a maximum of seventy-two devices.
  - (B) snapper: small, paper-wrapped devices containing not more than one milligram of silver fulminate coated on small bits of sand or gravel. When dropped, the device explodes, producing a small report. Snappers must be in inner packages not to exceed fifty devices each, and the inner packages must contain sawdust or a similar, impact-absorbing material.

### **Section 3. Separability:**

If any part of or provisions of this law, or the application thereof to any person or circumstance, shall be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of or provision of, or application directly involved in the controversy in which such the remainder of this law, or the application thereof to other persons or circumstances.

### **Section 4. Effective Date:**

This Local Law shall be effective immediately upon filing with the New York State Secretary of State.

APPROVED:            Ways and Means Committee    (May 11, 2016)

DATED:                May 11, 2016

Adopted by the following roll call vote:

AYES 18   NAYS 5   ABSENT 0

**ROLL CALL SHEET**

DATE: May 11, 2016

SESSION: Regular

MEMBERS PRESENT: 23

MEMBERS ABSENT: 0

AYES: 18    NAYS: 05    ABSENT: 0

INTRODUCTORY NO. 173

RESOLUTION NO. 170

DIST	MEMBERS		
R-1	SCHIEBEL	X	
R-2	IDZI	X	
R-3	LEACH	X	
D-4	CLANCY		X
R-5	WATERMAN	X	
R-6	PORTER	X	
R-7	FIORINI	X	
R-8	FLISNIK	X	
D-9	SACC0	X	
R-10	JOSEPH	X	
R-11	KOENIG		X
D-12	CALANDRA	X	
D-13	GOODMAN		X
D-14	DAVIS	X	
R-15	D'ONOFRIO	X	
R-16	MILLER	X	
R-17	MANDRYCK		X
R-18	DANIELS	X	
R-19	WELSH	X	
D-20	HENDRICKS	X	
D-21	WASHBURN	X	
D-22	CONVERTINO	X	
R-23	PAPARELLA		X