



# 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

David J. Wood  
Majority Leader

Patricia A. Hudak  
Minority Leader

## COMMUNICATIONS FOR DISTRIBUTION

August 10, 2011

(Correspondence relating to upcoming legislation, appointments, petitions, etc)

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# ONEIDA COUNTY BOARD OF LEGISLATORS

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

Gerald J. Fiorini  
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(315) 798-5900

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Minority Leader

August 5, 2011

Oneida County  
Board of Legislators  
800 Park Avenue  
Utica, New York 13501

FN 20 11 - 233

**WAYS & MEANS**

Honorable Members:

I am forwarding for the Board's consideration a letter from Vernon Gray requesting approval of an agreement with Clough Harbour & Associates for design services to Building 45. The Board on July 27<sup>th</sup> approved to establish Capital Account H-456 for the Building 45 project, which this is a part of.

Due to the immediacy of this project, I hereby forward this to the Ways & Means Committee and on to the full Board for consideration at the **August 10<sup>th</sup>, 2011** meeting. Airport Committee Chairman, George Joseph has agreed to send this request directly to the Ways & Means Committee for their consideration.

Respectfully submitted,

Gerald J. Fiorini  
Chairman of the Board

# Griffiss International Airport



592 Hangar Road, Suite 200  
Rome, NY 13441  
Telephone: 315-736-4171 / Fax: 315-736-0568

ANTHONY J. PICENTE, JR.  
County Executive

W. VERNON GRAY, III  
Commissioner of Aviation

August 3, 2011

Anthony J. Picente, Jr.  
Oneida County Executive  
800 Park Ave.  
Utica, NY 13501

FN 20 11 - 233

**WAYS & MEANS**

Dear County Executive Picente,

The Oneida County Board of Legislators recently established Capital Account H-456 Griffiss Airfield Building 45 Renovations to allow for immediate and necessary building repairs (partial roof repair and heating system replacement). The progressions of improvements are to be considered following receipt of public bids and actual known costs. In commencing this effort, the Department of Aviation recommends and submits for your consideration and subsequent Board of Legislators' approval an agreement with Clough Harbour & Associates, LLP (CHA), Inc. to provide for the projects engineering design and bid phase services. CHA's fee is not to exceed \$65,720.00.

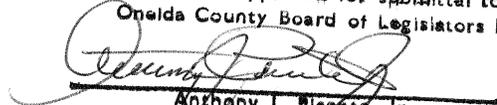
The Oneida County Board of Legislators (F.N. 2009-415, Res. No. 348) has designated CHA, as an approved Airport Consultant. The Board of Acquisition and Contract approved this agreement on August 2, 2011.

Please consider this agreement with CHA for professional design and bid phase services at a fee not to exceed \$65,720.00 and if acceptable present to the Board of Legislators for their approval. *Due to the immediacy of this project, the Department of Aviation respectfully requests an expedited priority.* Thank you for your attention and support with this matter. Charge Capital Account H-456.

Sincerely,

  
W. VERNON GRAY, III  
Commissioner of Aviation

WVG:wfa  
Attach.  
Cc: County Attorney  
County Comptroller / Budget Director

Reviewed and Approved for submittal to the  
Oneida County Board of Legislators by  
  
Anthony J. Picente, Jr.  
County Executive  
Date 8/4/11

3.

## Oneida County - Contract Summary

**Name of Proposing Organization:** Clough Harbour & Assoc., LLP (CHA)

**Title of Activity or Service:** Professional Services

**Client Population/No. to be Served:** N/A

**Summary Statements:**

**1) Narrative Description of Proposed Services:**

Provide the projects professional engineering design and bid phase services for the Building 45 Improvements Project. The Oneida County Board of Legislators recently established Capital Account H-456 Griffiss Airfield Building 45 Renovations to allow for immediate and necessary building repairs (partial roof repair and heating system replacement).

**2) Program/Service Objectives and Outcomes:**

The progressions of building 45 improvements are to be considered following receipt of public bids and actual known costs.

**3) Program Design and Staffing Level:** N/A

**Total Funding Requested:** \$65,720.00

<b>Oneida County Department Funding Recommendation:</b>	\$65,720.00	<b>Account #</b> H-456
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<b>Proposed Funding Source:</b>	<b>Federal</b> \$0	<b>State</b> \$0	<b>County</b> \$65,720.00

**Cost Per Client Served:** N/A

**Past Performance Data:** N/A

**Oneida County Department Staff Comments:**

CHA is an FAA / County approved Airport Consultant selected by a competitive RFP process. Approved by Bd. of Acquisition and Contracts on June 15, 2011.

# Griffiss International Airport



592 Hangar Road, Suite 200  
Rome, NY 13441  
Telephone: 315-736-4171 / Fax: 315-736-0568

ANTHONY J. PICENTE, JR.  
County Executive

FN 20 11 - 234

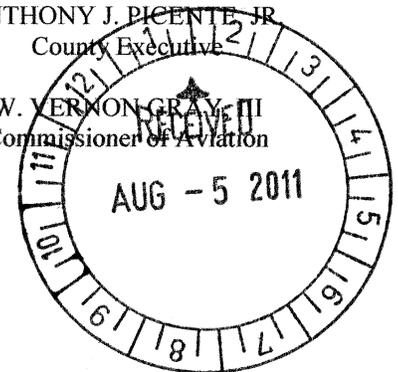
W. VERNON GRAY, III  
Commissioner of Aviation

July 5, 2011

Anthony J. Picente, Jr.  
Oneida County Executive  
800 Park Ave.  
Utica, NY 13501

**AIRPORT**

**WAYS & MEANS**



Dear County Executive Picente,

Attached for your consideration and subsequent Board of Legislators' approval is an agreement with C&S Engineers, Inc., to provide professional Construction Observation and Administration services for the T-Hangar construction relocation project (to Apron 1). Full-time construction administration and observation will provide the oversight necessary for work to proceed in general conformity with the Contract Documents. C&S Engineers' fee for the construction phase services is \$141,514.20.

C&S Engineers, Inc., previously provided the professional design services for the original and re-bidding of the t-hangar project and is most familiar with the projects development and relocation. The Oneida County Board of Legislators (F.N. 2009-415, Res. No. 348) has designated C&S Companies as an approved Airport Consultant. The Board of Acquisition and Contract approved this agreement on June 15, 2011.

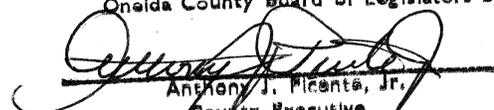
Please consider this agreement with C&S Engineers for professional construction phase services at a fee of \$141,514.20 and if acceptable present to the Board of Legislators for their earliest approval. An expedited approval is requested to meet an aggressive construction schedule and end of year project completion. Charge Capital Account H-369.

Thank you for your attention and support with this matter.

Sincerely,

  
W. VERNON GRAY, III  
Commissioner of Aviation

Reviewed and Approved for submittal to the  
Oneida County Board of Legislators by

  
Anthony J. Picente, Jr.  
County Executive

Date 8/4/11

WVG:wfa  
Attach.

Cc: County Attorney  
County Comptroller / Budget Director

Oneida County Department: Aviation

Competing Proposal \_\_\_\_\_  
Only Respondent \_\_\_\_\_  
Sole Source RFP X

## Oneida County - Contract Summary

**Name of Proposing Organization:** C&S Engineers, Inc.

**Title of Activity or Service:** Professional Services

**Client Population/No. to be Served:** N/A

**Summary Statements:**

**1) Narrative Description of Proposed Services:**

Professional construction observation and administration services for the T-Hangar Construction Relocation Project.

**2) Program/Service Objectives and Outcomes:**

Full-time construction administration and observation to provide the oversight necessary for work to proceed in general conformity with the contract documents.

**3) Program Design and Staffing Level:** N/A

**Total Funding Requested:** \$141,514.20

**Oneida County Department Funding Recommendation:** \$141,514.20 **Account #** H-369

<b>Proposed Funding Source:</b>	<b>Federal</b> \$0	<b>State</b> \$0	<b>County</b> \$141,514.20
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**Cost Per Client Served:** N/A

**Past Performance Data:** N/A

**Oneida County Department Staff Comments:**

C&S Engineers is an FAA / County approved Airport Consultant selected by a competitive RFP process. Approved by Bd. of Acquisition and Contracts on June 15, 2011.

# Griffiss International Airport

592 Hangar Road, Suite 200  
Rome, NY 13441  
Telephone: 315-736-4171 / Fax: 315-736-0568



ANTHONY J. PICENTE, JR.  
County Executive

July 5, 2011

Anthony J. Picente, Jr.  
Oneida County Executive  
800 Park Ave.  
Utica, NY 13501

FN 20 11 - 235

W. VERNON GRAY, III  
Commissioner of Aviation



**AIRPORT**

**WAYS & MEANS**

Dear County Executive Picente,

Attached for your consideration and subsequent Board of Legislators' approval is an agreement with CHA Consulting, Inc. to provide engineering design and bid phase services for the Rehabilitation of Trench Drains, Aprons 1 and 2 at the Griffiss International Airport. CHA's fee for their professional services is \$85,400.00 (based on a preliminary estimated construction cost of \$711,667). The existing trench drains have reached the end of their serviceable life and have deteriorated to the point requiring rehabilitation.

The Oneida County Board of Legislators (F.N. 2009-415, Res. No. 348) has designated CHA Consulting, Inc., as an approved Airport Consultant. The Board of Acquisition and Contract approved this agreement on June 29, 2011.

Please consider this agreement with CHA Consulting, Inc., for professional design and bid phase services at a fee of \$85,400.00 and if acceptable present to the Board of Legislators for their approval. Charge Capital Account H-368.

Thank you for your attention and support with this matter.

Sincerely,

W. VERNON GRAY, III  
Commissioner of Aviation

WVG:wfa

Attach.

Cc: County Attorney  
County Comptroller / Budget Director

Reviewed and Approved for submittal to the  
Oneida County Board of Legislators by

Anthony J. Picente, Jr.  
County Executive

Date 8/2/11

Oneida County Department: Aviation

Competing Proposal \_\_\_\_\_  
Only Respondent \_\_\_\_\_  
Sole Source RFP X

## Oneida County - Contract Summary

**Name of Proposing Organization:** CHA Consulting, Inc.

**Title of Activity or Service:** Professional Services

**Client Population/No. to be Served:** N/A

### Summary Statements:

#### 1) Narrative Description of Proposed Services:

Professional design and bid phase services for the Rehabilitation of Trench Drains, Aprons 1 & 2 at Griffiss International Airport.

#### 2) Program/Service Objectives and Outcomes:

Design and bid the rehabilitation of trench drains that have deteriorated and reached their serviceable life.

#### 3) Program Design and Staffing Level: N/A

**Total Funding Requested:** \$85,400

**Oneida County Department Funding Recommendation:** \$85,400.00      **Account #** H-368

<b>Proposed Funding Source:</b>	<b>Federal</b> \$0.00	<b>State</b> \$0.00	<b>County</b> \$85,400.00
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**Cost Per Client Served:** N/A

**Past Performance Data:** N/A

### Oneida County Department Staff Comments:

CHA Consulting Inc., is an FAA/County approved Airport Consultant selected by a competitive RFP process. Approved by Bd. of Acquisition & Contracts on June 29, 2011.

# Griffiss International Airport



592 Hangar Road, Suite 200  
Rome, NY 13441

Telephone: 315-736-4171 / Fax: 315-736-0568

ANTHONY J. PICENTE, JR.  
County Executive

July 5, 2011

Anthony J. Picente, Jr.  
Oneida County Executive  
800 Park Ave.  
Utica, NY 13501



W. VERNON GRAY, III  
Commissioner of Aviation

F.N. 20 11 236

AIRPORT

**WAYS & MEANS**

Dear County Executive Picente,

The Oneida County Board of Legislators approved on September 15, 2010 (F.N. 2010-317, Res. No. 348) an agreement for an Energy Efficiency and Conservation Block Grant with the New York State Energy Research and Development Authority (NYSERDA) for a Solar Wall project at Griffiss International Airport, Building 100. The total grant of \$544,344 is split 50/50, \$272,172 each State and County. Amendment No. 1 subsequently modified the agreement to update and refine the original Exhibit A "Statement of Work" and Progress Payment schedule.

During the design phase of the project, asbestos was confirmed in the existing building wall panels that lead to our Departments request to NYSERDA for additional funding. This request is being supported by NYSERDA's offer of an Amendment No. 2 that again revises the Statement of Work and Progress Payment schedule as well as adding additional money for a total grant amount of \$594,345 split 50/50, \$297,172.50 each State and County. The Board of Acquisition and Contract approved this amendment on June 29, 2011.

Attached for your consideration and subsequent Board of Legislators' approval is Amendment No. 2 with NYSERDA. If acceptable, please present this to the Board of Legislators for their *earliest possible approval* as this project is currently in progress. Funding is provided through Capital Account H408.

Thank you for your attention and support with this matter.

Sincerely,

W. VERNON GRAY, III  
Commissioner of Aviation

WVG:wfa

Attach.

Cc: County Attorney  
County Comptroller / Budget Director

Reviewed and Approved for submittal to the  
Oneida County Board of Legislators by

Anthony J. Picente, Jr.  
County Executive

Date 8/4/11

## Oneida County - Contract Summary

**Name of Proposing Organization:** New York State Energy Research and Development Authority (NYSERDA)

**Title of Activity or Service:** Solar Wall Grant, Bldg. 100 (Amendment #2)

**Client Population/No. to be Served:** N/A

**Summary Statements:**

**1) Narrative Description of Proposed Services:**

Amendment No. 2 revises the Statement of Work and Progress Payment schedule as well as adding additional money for the discovery of asbestos providing a total grant amount of \$594,345 split 50/50, \$297,172.50 each State and County. to Amendment #2 of Solar Wall project at Griffiss International Airport, Building 100. During the design phase of the project, asbestos was confirmed in the existing building wall panels that lead to our Departments request to NYSERDA for additional funding.

**2) Program/Service Objectives and Outcomes:**

Annual energy savings projected at \$49,000.

**3) Program Design and Staffing Level:** N/A

**Total Funding Requested:** \$594,345.00

<b>Oneida County Department Funding Recommendation:</b>	\$594,345.00	<b>Account #</b>	H-408
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<b>Proposed Funding Source:</b>	<b>Federal</b> \$0.00	<b>State</b> \$297,172.50	<b>County</b> \$297,172.50
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**Cost Per Client Served:** N/A

**Past Performance Data:** N/A

**Oneida County Department Staff Comments:**

During the design phase of the project, asbestos was confirmed in the existing building wall panels that lead to our Departments request to NYSERDA for additional funding. The original grant totaled \$544,344 is split 50/50, \$272,172 each.

# Griffiss International Airport



Oneida County Department of Aviation  
592 Hangar Road, Suite 200  
Rome, NY 13441  
Telephone: 315-736-4171 / Fax: 315-736-0568

ANTHONY J. PICENTE, JR.  
County Executive

W. VERNON GRAY, III  
Commissioner of Aviation

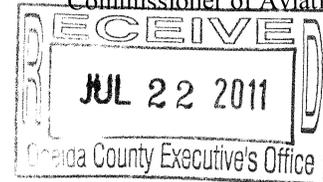
July 20, 2011

FN 20 11 - 237

**AIRPORT**

Mr. Anthony J. Picente, Jr.  
Oneida County Executive  
800 Park Avenue  
Utica, NY 13501

**WAYS & MEANS**



Re: **AIRPORT FINANCIAL PLAN AND RATES & FEES SCHEDULE – 2012**

Dear Mr. Picente,

Whereas, the County of Oneida operates the Griffiss International Airport for the purpose of providing a safe and well-maintained facility to serve the current and future commercial, corporate business, governmental, and general aviation needs of Oneida County and the State of New York; and,

Whereas, the County of Oneida has accepted Federal Aviation Administration (FAA) Airport Improvement Program (AIP) funding for the planning and development of the airport, and the acceptance of such funds includes accepting conditions and obligations; and,

Whereas, FAA Grant Assurance #24 requires the County of Oneida to maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection; and,

Whereas, the June 19, 1996, FAA Policy Regarding Airport Rates and Charges, and Principles Applicable to Airport Rates and Charges, provides that rates, fees, rentals, landing fees, and other service charges (“fees”) imposed on aeronautical users for aeronautical use of airport facilities (“aeronautical fees”) must be fair and reasonable, and aeronautical fees may not unjustly discriminate against aeronautical users or user groups;

Therefore, it is requested that you submit to the Board of Legislators for approval by Resolution the enclosed Griffiss International Airport Financial Plan and Rates & Fees Schedule, to become effective as of January 1, 2012, and until such time as it may be amended and/or replaced.

*W. Vernon Gray III*  
W. Vernon Gray III  
Commissioner of Aviation

Reviewed and Approved for submittal to the  
Oneida County Board of Legislators by

*Anthony J. Picente, Jr.*  
Anthony J. Picente, Jr.  
County Executive

Date 8/4/11

//



**Airport Financial Plan  
and  
Rates & Fees Schedule  
2012**

# Griffiss International Airport Financial Plan – 2012

## Introduction

The purpose of this document is to formulate a plan for the Griffiss International Airport to achieve the ultimate goal of being able to financially support its own operation and development through airport generated revenues. Pursuant to FAA Grant Assurance No. 24 – Fee and Rental Structure, the airport operator is obligated to “... *maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection.*”

Realistically, very few airports are able to become financially self-sustaining. To do so requires sufficient annual Revenue to cover the costs of both Operating Expenses and Capital Expenses. However, while most airports are not able to become self-sustaining, the beneficial economic impact (direct, indirect, induced and tax) of an airport for the community and region exceeds the day-to-day operational and maintenance costs.

## Revenue

Revenue at a General Aviation airport, with a full-service commercial FBO, can be derived from the following sources:

### I. Airport Revenue

#### A. Operations

1. Land Leases
2. Hangar Leases
3. Building/Office Space Leases
4. Facility Use Fees
  - a. Landing Fee
  - b. Tie-down Fee (long-term)
5. FBO Fuel Flowage Fee
6. Service Fees:
  - a. Snow Removal Fee – leased areas
  - b. Security Access Fee
7. Commercial Concession Fees:
  - a. Rental Vehicles
  - b. Food Service

#### B. Capital

1. Grants
2. Surplus Operating Revenue

### II. FBO Revenue

#### A. Operations

1. Hangar Leases (FBO owned)
2. Building and/or Office Space Leases (FBO owned)
3. Fuel Sales
4. Aircraft Maintenance
5. Service Fees:
  - a. Ground Handling
  - b. Refueling
  - c. Deicing
  - d. Amenities for passengers and pilots
  - e. Transient Overnight Aircraft:
    - (1) Tie-down (FBO owned areas)
    - (2) Hangar space (FBO owned)

## Expenses

The following are the typical operating expenses at a General Aviation airport:

### **I. Operating Expenses**

- A. Personnel
  - 1. Compensation and Benefits
  - 2. Training
  - 3. Travel
- B. Communications and Utilities
  - 1. Telephone
  - 2. Electricity
  - 3. Water
  - 4. Heat
- C. Supplies and Materials
- D. Repairs and Maintenance
  - 1. Facilities
  - 2. Equipment
- E. Contractual Services
- F. Insurance
- G. Miscellaneous

### **II. Capital Expenses**

- A. Airport Improvement Projects
  - 1. County funded projects
  - 2. County share of federal and/or state grants
- B. Equipment Acquisitions

## Financial Goals and Actions

### **I. Operating Revenue**

- A. Goals
  - 1. The first priority is for the airport to have sufficient revenue to pay for the total cost of its operating expenses.
- B. Actions
  - 1. Reduce operating expenses.
    - a. Reduce Utility costs
  - 2. Increase revenue
    - a. Increase the number of land and hangar leases for corporate/business aircraft
    - b. Increase transient aircraft traffic for increased fuel sales and Fuel Flowage Fee revenue
    - c. Adopt an appropriately structured Rates & Fees Schedule

### **II. Capital Expenses**

- A. Goals
  - 1. The second priority is for the airport to have surplus operating revenue to pay for the total cost of its capital expenses.
- B. Actions
  - 1. Assuming there is a surplus of operating revenue, limit the yearly total of capital expenses to no greater than the available surplus.

In 2010 the Operating budget deficit was reduced by 43% from the prior year.

	<b>BUDGET DATA</b>			
	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>
	Actual	Actual	Actual	Actual
Revenue	3,158,246	5,590,000	2,397,139	2,460,427
Expenses	4,946,789	6,579,624	3,879,608	3,304,014
Balances	(1,788,543)	(989,624)	(1,482,469)	(843,587)

## **Rates & Fees Schedule**

### **I. Methodology**

- A. In accordance with the FAA "Policy Regarding Airport Rates and Charges – June 19, 1996," the County will adopt and implement a Rates & Fees Schedule using a "compensatory" basis to recover its operating and capital costs.
- B. The T-Hangar Rental Rate is based upon a comparative analysis of the rental rates adopted by other airports in the area. The Rental Rate adopted is to be (1) competitive with other airports, and (2) capable of attracting and maintaining a high occupancy of tenants.

### **II. Rates & Fees Schedule**

A. The Schedule, as recommended by the Commissioner of Aviation to the County Executive and the Airport Committee and adopted by the Board, will establish rates and fees for the following sources of revenue:

1. Rent
2. Facility Use Fees
3. FBO Fuel Flowage Fee
4. Self-Service Fuel Flowage Fee
5. Service Fees
6. Commercial Concession Fees
7. Specialized Aeronautical Service Operators' Fees
8. Fines and Penalties

**GRIFFISS INTERNATIONAL AIRPORT  
RATES & FEES SCHEDULE  
Effective January 1, 2012**

TYPE	ITEM	RATE	NOTES
Rent  (Federal, State & Local Government agencies may be granted rent free + utilities leases)	Land Lease	Base rate \$0.15 / sq ft per year with 3% annual rate increases	Initial term with option to renew
	T-Hangar Lease	\$225 per month	<ul style="list-style-type: none"> <li>• All leases month-to-month</li> <li>• Collection by Million Air; 50% of Net Profit payable to County for those hangars assigned to Million Air.</li> </ul>
	Commercial Hangar Lease	\$0.25 / sq ft per month with 3% annual rate increases + utilities	
	Corporate Hangar Lease (includes Bldg 100 East Bay during the Transitional period)	\$0.40 / sq ft per month including utilities	100% of Gross Revenue during Transitional period; 50% of Net Profit payable to County thereafter.
	Apron Lease	\$0.15 / sq ft	
	Building/Office Space Lease	\$1.00 per sq ft per month including utilities	
Facility Use  (Federal, State and Local Government owned aircraft are exempt)	Landing Fees	Based Aircraft	\$0.00
		Transient Aircraft	\$0.00
		Premier and Mid Air USA MROs	\$0.00
	Parking/Tie-down Fee	As established by Million Air	Collection by Million Air; 50% of Gross payable to County
	Overnight Hangar Space (includes Bldg 100 East Bay during the Transitional period)	As established by Million Air	100% of Gross Revenue during Transitional period; 50% of Net Profit payable to County thereafter
Fuel	FBO Fuel Flowage Fee	\$0.08 / gal sold by the FBO	
	Self-Service Fuel Flowage Fee	\$0.08 / gal brought on to the Airport for self-service	Application and permit required
Services	Snow Removal (leased areas)	Snow Plow: \$106.95/hr; Snow Loader: \$79.05/hr; Snow Blower: \$180.00/hr; \$1,800.00 per ton for deicing material.	
	Sweeping (leased areas)	\$100.00 per hour	
	Airport Security Access	\$65.00 per person \$25.00 replacement fee \$25.00 Return Check Fee	Payable by check or money order at time of processing
	Customs Screening	\$2.00 per passenger	Collection by Million Air from the charter flight operator
	TSA Screening	\$2.00 per passenger	Collection by Million Air from the charter flight operator
	Fire Suppression	Actual cost	
	Hazardous Materials Response	Actual cost	
	Airport Damage Fee	\$150 + actual cost to repair	
	Lease Assignment Fee	\$500.00	

16.

**GRIFFISS INTERNATIONAL AIRPORT  
RATES & FEES SCHEDULE - 2012**

TYPE	ITEM	RATE	NOTES
Commercial Concessions	Rental Vehicles	<ul style="list-style-type: none"> <li>• License Fee: \$2,500 per month</li> <li>• Reserved Parking Spaces: \$15 per space per month</li> <li>• Office Space: \$1.00 per sq ft per month</li> </ul>	<ul style="list-style-type: none"> <li>• Payable in monthly installments</li> <li>• Max of 20 parking spaces</li> <li>• 50% of Million Air's commissions from Hertz is payable to the County</li> </ul>
Specialized Aeronautical Service Operators	SASO Permit	License Fee: \$250 per year + Lease with Airport or FBO	
	SASO Mobile Aircraft Washing Permit	License Fee: \$250 per year + \$5.00 per aircraft	
	SASO Aircraft Charter / Taxi / Warbird Flights	License Fee: \$250 per year + \$5.00 per passenger	
Fines and Penalties	Security Violation	1 <sup>st</sup> Violation: Warning 2 <sup>nd</sup> Violation: \$250 per person per occurrence 3 <sup>rd</sup> Violation: Expulsion	Fines and Penalties will be imposed by the Commissioner of Aviation, and are appealable to the County Executive.
	Violation of Airport Rules & Regulations	1 <sup>st</sup> Violation: Warning 2 <sup>nd</sup> Violation: \$250 3 <sup>rd</sup> Violation: Expulsion	
	Violation of NY Fire Code	1 <sup>st</sup> Violation: Warning 2 <sup>nd</sup> Violation: \$250 3 <sup>rd</sup> Violation: Expulsion	

**Notes:**

1. Pursuant to Title 49 U.S.C. §§ 47107(b) and 47133, and Federal Aviation Administration Grant Assurance #25, all revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it solely for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport.

LAND RENT SCHEDULE						
Rate: \$0.15 / sq ft per acre per year with 3% annual rate increase						
Year	Rate/ Sq Ft	Cost per Acre / Year		Year	Rate/ Sq Ft	Cost per Acre / Year
1	\$ 0.1500	\$ 6,534.00		16	\$ 0.2337	\$ 10,179.76
2	\$ 0.1545	\$ 6,730.02		17	\$ 0.2407	\$ 10,485.15
3	\$ 0.1591	\$ 6,931.92		18	\$ 0.2479	\$ 10,799.71
4	\$ 0.1639	\$ 7,139.88		19	\$ 0.2554	\$ 11,123.70
5	\$ 0.1688	\$ 7,354.07		20	\$ 0.2630	\$ 11,457.41
6	\$ 0.1739	\$ 7,574.70		21	\$ 0.2709	\$ 11,801.13
7	\$ 0.1791	\$ 7,801.94		22	\$ 0.2790	\$ 12,155.16
8	\$ 0.1845	\$ 8,036.00		23	\$ 0.2874	\$ 12,519.82
9	\$ 0.1900	\$ 8,277.08		24	\$ 0.2960	\$ 12,895.41
10	\$ 0.1957	\$ 8,525.39		25	\$ 0.3049	\$ 13,282.28
11	\$ 0.2016	\$ 8,781.15		26	\$ 0.3141	\$ 13,680.74
12	\$ 0.2076	\$ 9,044.58		27	\$ 0.3235	\$ 14,091.17
13	\$ 0.2139	\$ 9,315.92		28	\$ 0.3332	\$ 14,513.90
14	\$ 0.2203	\$ 9,595.40		29	\$ 0.3432	\$ 14,949.32
15	\$ 0.2269	\$ 9,883.26		30	\$ 0.3535	\$ 15,397.80
Total Rent per acre over 30 years = \$310,857.77						

18.

## APPENDIX #1 – Regulatory Compliance

### I. Governing Laws and Regulations

#### A. Federal

##### 1. Statutory Requirements for the Use of Airport Revenue

###### a. Title 49 U.S.C.

###### *A. General Requirements, 49 U.S.C. §§ 47107(b) and 47133*

1. The current provisions restricting the use of airport revenue are found at 49 U.S.C. §§ 47107(b), and 47133. Section 47107(b) requires the Secretary, prior to approving a project grant application for airport development, to obtain written assurances regarding the use of airport revenue and state and local taxes on aviation fuel. **Section 47107(b)(1) requires the airport owner or operator to provide assurances that local taxes on aviation fuel (except taxes in effect on December 30, 1987) and the revenues generated by a public airport will be expended for the capital or operating costs of—**

- a. The airport;
- b. The local airport system; or
- c. Other local facilities owned or operated by the airport owner or operator and directly and substantially related to the air transportation of passengers or property.

###### *B. Exception for Certain Preexisting Arrangements (Grandfather Provisions)*

Section 47107(b)(2) provides an exception to the requirements of Section 47107(b)(1) for airport owners or operators having certain financial arrangements in effect prior to the enactment of the AATA. This provision is commonly referred to as the "grandfather" provision. It states: Paragraph (1) of this subsection does not apply if a provision enacted not later than September 2, 1982, in a law controlling financing by the airport owner or operator, or a covenant or assurance in a debt obligation issued not later than September 2, 1982, by the owner or operator, provides that the revenues, including local taxes on aviation fuel at public airports, from any of the facilities of the owner or operator, including the airport, be used to support not only the airport but also the general debt obligations or other facilities of the owner or operator.

###### *C. Application of 49 U.S.C. § 47133 1.*

**Section 47133 imposes the same requirements on all airports, privately owned or publicly-owned, that are the subject of Federal assistance.** Subsection 47133(a) states that: Local taxes on aviation fuel (except taxes in effect on December 30, 1987) or the revenues generated by an airport that is the subject of Federal assistance may not be expended for any purpose other than the capital or operating costs of—

- (a) the airport;
- (b) The local airport system; or
- (c) Other local facilities owned or operated by the person or entity that owns or operates the airport that is directly and substantially related to the air transportation of persons or property.

2. Section 47133(b) contains the same grandfather provisions as section 47107(b).

3. Enactment of section 47133 resulted in three fundamental changes to the revenue-use obligation, as reflected in the applicability section of this policy statement.

- a. Privately owned airports receiving Federal assistance (as defined in this policy statement) after October 1, 1996, are subject to the revenue-use requirement.
- b. In addition to airports receiving AIP grants, airports receiving Federal assistance in the form of gifts of property after October 1, 1996, are subject to the revenue-use requirement.
- c. For any airport or airport operator that is subject to the revenue-use requirement on or after October 1, 1996, the revenue-use requirement applies indefinitely.

## **2. FAA Grant Assurances**

### **#25. Airport Revenues.**

a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. Provided, however, that if covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.

b. As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.

c. Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of Section 47107 of Title 49, United States Code.

## **3. Statutory Requirements – Airport Economic Development**

### **a. FAA Grant Assurances**

### **#22. Economic Nondiscrimination.**

a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.

### **#23. Exclusive Rights.**

It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply: a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport. It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

## **#24. Fee and Rental Structure.**

It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

### **4. FAA Policy Regarding Airport Rates and Charges – June 19, 1996**

#### ***Principles Applicable to Airport Rates and Charges***

1. In general, the Department relies upon airport proprietors, aeronautical users, and the market and institutional arrangements within which they operate, to ensure compliance with applicable legal requirements. Direct Federal intervention will be available, however, where needed.
2. Rates, fees, rentals, landing fees, and other service charges ("fees") imposed on aeronautical users for aeronautical use of airport facilities ("aeronautical fees") must be fair and reasonable.
3. Aeronautical fees may not unjustly discriminate against aeronautical users or user groups.
4. Airport proprietors must maintain a fee and rental structure that in the circumstances of the airport makes the airport as financially self-sustaining as possible.
5. In accordance with relevant Federal statutory provisions governing the use of airport revenue, airport proprietors may expend revenue generated by the airport only for statutorily allowable purposes.

#### ***Local Negotiation and Resolution***

1. In general, the Department relies upon airport proprietors, aeronautical users, and the market and institutional arrangements within which they operate, to ensure compliance with applicable legal requirements. Direct Federal intervention will be available, however, where needed.

1.1 The Department encourages direct resolution of differences at the local level between aeronautical users and the airport proprietor. Such resolution is best achieved through adequate and timely consultation between the airport proprietor and the aeronautical users about airport fees.

1.1.1 Airport proprietors should consult with aeronautical users well in advance, if practical, of introducing significant changes in charging systems and procedures or in the level of charges. The proprietor should provide adequate information to permit aeronautical users to evaluate the airport proprietor's justification for the change and to assess the reasonableness of the proposal. For consultations to be effective, airport proprietors should give due regard to the views of aeronautical users and to the effect upon them of changes in fees. Likewise, aeronautical users should give due regard to the views of the airport proprietor and the financial needs of the airport.

1.1.2 To further the goal of effective consultation, Appendix 1 of this policy statement contains a description of information that the Department considers would be useful to the U.S. and foreign air carriers and other aeronautical users to permit meaningful consultation and evaluation of a proposal to modify fees.

1.1.3 Airport proprietors should consider the public interest in establishing airport fees, and aeronautical users should consider the public interest in consulting with airports on setting such fees.

1.1.4 Airport proprietors and aeronautical users should consult and make a good-faith effort to reach agreement. Absent agreement, airport proprietors are free to act in accordance with their proposals, subject to review by the Secretary or the Administrator on complaint by the user or, in the case of fees subject to 49 U.S.C. § 47129, upon request by the airport operator, or, in unusual circumstances, on the Department's initiative.

1.1.5 To facilitate local resolution and reduce the need for direct Federal intervention to resolve differences over aeronautical fees, the Department encourages airport proprietors and aeronautical users to include alternative dispute resolution procedures in their lease and use agreements.

1.1.6 Any newly established fee or fee increase that is the subject of a complaint under 49 U.S.C. § 47129 that is not dismissed by the Secretary must be paid to the airport proprietor under protest by the complainant. Unless the airport proprietor and complainant agree otherwise, the airport proprietor will obtain a letter of credit, or surety bond, or other suitable credit instrument in accordance with the provisions of 49 U.S.C. § 47129(d). Pending issuance of a final order determining reasonableness, an airport proprietor may not deny a complainant currently providing air service at the airport reasonable access to airport facilities or services, or otherwise interfere with that complainant's prices, routes, or services, as a means of enforcing the fee, if the complainant has complied with the requirements for payment under protest.

1.2 Where airport proprietors and aeronautical users have been unable, despite all reasonable efforts, to resolve disputes between them, the Department will act to resolve the issues raised in the dispute.

1.2.1 In the case of a fee imposed on one or more U.S. air carriers or foreign air carriers, the Department will issue a determination on the reasonableness of the fee upon the filing of a written request for a determination by the airport proprietor or, if the Department determines that a significant dispute exists, upon the filing of a complaint by one or more U.S. air carriers or foreign air carriers, in accordance with 49 U.S.C. § 47129 and implementing regulations. Pursuant to the provisions of 49 U.S.C. § 47129, the Department may only determine whether a fee is reasonable or unreasonable, and may not set the level of the fee.

1.2.2 The Department will first offer its good offices to help parties reach a mutually satisfactory outcome in a timely manner. Prompt resolution of these disputes is always desirable since extensive delay can lead to uncertainty for the public and a hardening of the parties' positions. U.S. air carriers and foreign air carriers may request the assistance of the Department in advance of or in lieu of the formal complaint procedure described in 1.2.1.; however, the 60-day period for filing a complaint under § 47129 shall not be extended or tolled by such a request.

1.2.3 In the case of fees imposed on other aeronautical users, where negotiations between the parties are unsuccessful and a complaint is filed alleging that airport fees violate an airport proprietor's federal grant obligations, the Department will, where warranted, exercise the agency's broad statutory authority to review the legality of those fees and to issue such determinations and take such actions as are appropriate based on that review. Other aeronautical users may also request the assistance of the Department in advance of, or in lieu of, the filing of a formal complaint with the FAA.

1.3 Airport proprietors must retain the ability to respond to local conditions with flexibility and innovation. An airport proprietor is encouraged to achieve consensus and agreement with its aeronautical users before implementing a practice that would represent a major departure from this guidance. However, the requirements of any law, including the requirements for the use of airport revenue, may not be waived, even by agreement with the aeronautical users.

### ***Fair and Reasonable Fees***

2. Rates, fees, rentals, landing fees, and other service charges ("fees") imposed on aeronautical users for the aeronautical use of the airport ("aeronautical fees") must be fair and reasonable.

2.1 Federal law does not require a single approach to airport rate-setting. Fees may be set according to a "residual" or "compensatory" rate setting methodology, or any combination of the two, or according to another rate-setting methodology, as long as the methodology used is applied consistently to similarly situated aeronautical users and conforms with the requirements of this policy. Airport proprietors may set fees for aeronautical use of airport facilities by ordinance, statute or resolution, regulation, or agreement.

2.1.1 Aeronautical users may receive a cross-credit of non-aeronautical revenues only if the airport proprietor agrees. Agreements providing for such cross-crediting are commonly referred to as "residual agreements" and generally provide a sharing of non-aeronautical revenues with aeronautical users. The aeronautical users may in turn agree to assume part or all of the liability

for non-aeronautical costs. An airport proprietor may cross-credit non-aeronautical revenues to aeronautical users even in the absence of such an agreement, but an airport proprietor may not require aeronautical users to cover losses generated by non-aeronautical facilities except by agreement.

2.1.2 In other situations, an airport proprietor assumes all liability for airport costs and retains all airport revenues for its own use in accordance with Federal requirements. This approach to airport rate-setting is generally referred to as the compensatory approach.

2.1.3 Airports frequently adopt rate setting systems that employ elements of both approaches.

2.2 Revenues from fees imposed for use of the airfield ("airfield revenues") may not exceed the costs to the airport proprietor of providing airfield services and airfield assets currently in aeronautical use unless otherwise agreed to by the affected aeronautical users.

2.3 The "rate base" is the total of all costs of providing airfield facilities and services to aeronautical users (which may include a share of public-use roadway costs allocated to the airfield in accordance with this policy) that may be recovered from aeronautical users through fees charged for providing airfield aeronautical services and facilities ("airfield fees"). Airport proprietors must employ a reasonable, consistent, and "transparent" (i.e., clear and fully justified) method of establishing the rate base and adjusting the rate base on a timely and predictable schedule.

2.4 Except as provided in paragraph 2.5.3(a) below or by agreement with aeronautical users, costs properly included in the rate base are limited to all operating and maintenance expenses directly and indirectly associated with the provision of airfield aeronautical facilities and services, including environmental costs, as set forth below, (and may include a share of public-use roadway costs allocated to the airfield in accordance with this policy); all capital costs associated with the provision of airfield aeronautical facilities and services currently in use, as set forth below; and current costs of planning future aeronautical airfield facilities and services. In addition, a private equity owner of an airport can include a reasonable return on investment in the airfield.

2.4.1 The airport proprietor may include in the rate base, at a reasonable rate, imputed interest on funds used to finance airfield capital investments for aeronautical use or lands acquired for airfield use, as provided below, except to the extent that the funds are generated by airfield fees. However, the airport proprietor may not include in the rate base imputed interest on funds obtained by debt-financing if the debt service costs of those funds are also included in the rate base.

(a) A private equity owner of an airport who has included a reasonable rate of return element in the rate base may not include an imputed interest charge as well.

2.4.2 Airport proprietors may include reasonable environmental costs in the rate base to the extent that the airport proprietor incurs a corresponding actual expense. All revenues received based on the inclusion of these costs in the rate base are subject to Federal requirements on the use of airport revenue. Reasonable environmental costs include, but are not necessarily limited to, the following:

(a) the costs of investigating and remediating environmental contamination caused by airfield operations at the airport at least to the extent that such investigation or remediation is required by or consistent with local, state or federal environmental law, and to the extent such requirements are applied to other similarly situated enterprises.

(b) the cost of mitigating the environmental impact of an airport development project (if the development project is one for which costs may be included in the rate base), at least to the extent that these costs are incurred in order to secure necessary approvals for such projects, including but not limited to approvals under the National Environmental Policy Act and similar state statutes;

(c) the costs of aircraft noise abatement and mitigation measures, both on and off the airport, including but not limited to land acquisition and acoustical insulation expenses, to the extent that such measures are undertaken as part of a comprehensive and publicly-disclosed airport noise compatibility program; and

(d) the costs of insuring against future liability for environmental contamination caused by current airfield activities. Under this provision, the costs of self-insurance may be included in the rate base only to the extent that they are incurred pursuant to a self-insurance program that conforms to applicable standards for self-insurance practices.

2.4.3 Airport proprietors are encouraged to establish fees with due regard for economy and efficiency.

2.4.4 The airport proprietor may include in the rate base amounts needed to fund debt service and other reserves and to meet cash flow requirements as specified in financing agreements or covenants (for facilities in use), including, but not limited to, reasonable amounts to meet debt-service coverage requirements; to fund cash reserves to protect against the risks of cash-flow fluctuations associated with normal airfield operations; and to fund reasonable cash reserves to protect against other contingencies.

2.4.5 Unless otherwise agreed by aeronautical users, the airport proprietor must allocate capital and operating costs among cost centers in accordance with the following guidance, which is based on the principle of cost causation:

(a) Costs of airfield facilities and services directly used by the aeronautical users may be fully included in the rate base, in a manner consistent with this policy. For example, the capital cost of a runway may be included in the rate base used to establish landing fees.

(b) Costs of airport facilities and services used for both aeronautical and non-aeronautical uses (shared costs) may be included in the rate base if the facility or service in question supports the airfield activity reflected in that rate base. The portion of shared costs allocated to aeronautical users and among aeronautical uses should not exceed an amount that reflects the respective aeronautical purposes and proportionate aeronautical uses of the facility in relation to each other and in relation to the non-aeronautical use of the facility, and must be allocated by a reasonable, "transparent" and not unjustly discriminatory methodology. Aeronautical users may not be allocated all costs of facilities or services that are used by both aeronautical and non-aeronautical users unless they agree to that allocation. Likewise, the airfield may not be allocated all of the aeronautical share of commonly-used facilities or services, unless the airfield is the only aeronautical use the facility or service supports.

2.5 Airport proprietors must comply with the following practices in establishing the rate base, provided, however, that one or more aeronautical users may agree to a rate base that deviates from these practices in the establishment of those users' fees.

2.5.1 In determining the total costs that may be recovered from fees for the use of airfield assets and public-use roadways in the rate base, the airport proprietor must value them according to their historic cost to the original airport proprietor (HCA). Subsequent airport proprietors generally shall acquire the cost basis of such assets at the original airport proprietor's historic cost, adjusted for subsequent improvements.

(a) Where the land associated with airfield facilities and public use roadways was acquired with debt-financing, the airport proprietor may include such land in the rate base by charging all debt service expenditures incurred by the airport proprietor, including principal, interest and reasonable amounts to meet debt-service coverage requirements.

(b) If such land was acquired with internally generated funds or donated by the airport sponsor (the entity that executes grant agreements with the FAA for airport improvements), the airport proprietor may elect to either include a reasonable amortization charge in the rate base or to retain the full value of the land in the rate base and charge imputed interest in accordance with this policy. The Department considers it unreasonable to alternate between methodologies to obtain undue compensation.

(c) In determining whether an amortization charge is reasonable under paragraph (b), the Department will consider, among other factors, whether the airport proprietor selected an amortization period that gives appropriate recognition to the non-wasting nature of land.

(d) Upon retirement of the debt or completion of the amortization (when the airport proprietor has elected amortization), the land may no longer be included in the rate base.

(e) The airport proprietor may use a reasonable and not unjustly discriminatory methodology to allocate the total airfield costs among individual components of the airfield to enhance the efficient use of the airfield, even if that methodology results in fees charged for a particular segment that exceed that segment's pro rata share of costs based on HCA valuation.

2.5.2 When assets in the rate-base have different costs, the airport proprietor may combine the costs of comparable assets to develop a single cost basis for those assets.

2.5.3 Except as provided below or as otherwise agreed by airfield users, the costs of facilities not yet built and operating may not be included in the rate base. However, the debt-service

and other carrying costs incurred by the airport proprietor during construction may be capitalized and amortized once the facility is put in service. The airport proprietor may include in the rate base the cost of land that facilitates the current operations of the airfield.

(a) The Department will consider an airport proprietor's claim that inclusion of the costs of land acquired for future airport development is reasonable if (i) costs of land surrounding the airport are rising; (ii) incompatible uses and development are encroaching on available land; (iii) land probably will not be available for airport use in the future; and (iv) the development for which the land is being acquired is contained in the airport proprietor's currently effective five-year capital improvement plan for the airport.

2.5.4 The rate base of an airport may include costs associated with another airport currently in use only if: (1) The proprietor of the first airport is also the proprietor of the other airport; (2) the other airport is currently in use; and (3) the costs of the other airport to be included in the first airport's rate base are reasonably related to the aviation benefits that the other airport provides or is expected to provide to the aeronautical users of the first airport.

(a) Element no. 3 above will be presumed to be satisfied if the other airport is designated as a reliever airport for the first airport in the FAA's National Plan of Integrated Airport Systems ("NPIAS").

(b) In the case of a methodology of charging for a system of airports that is in place on the effective date of this policy, the Department will consider an airport proprietor's claim that the methodology is reasonable, even if all three elements are not satisfied.

(c) If an airport proprietor closes an operating airport as part of an approved plan for the construction and opening of a new airport, reasonable costs of disposition of the closed airport facility may be included in the rate base of the new airport, to the extent that such costs exceed the proceeds from the disposition. The Department would not ordinarily consider redevelopment costs to be a reasonable cost of disposition.

(d) Pending reasonable disposition of the closed airport, the airport proprietor may charge airfield users at the new airport for reasonable maintenance costs of the old airport, provided that those costs are refunded or credited-back to those users upon the receipt of the proceeds from a whole or partial disposition.

2.6 For other facilities and land not covered by Paragraph 2.2, the airport proprietor may use any reasonable methodology to determine fees, so long as the methodology is justified and applied on a consistent basis to comparable facilities, subject to the provisions of paragraphs 2.7 and 4.2.1 below.

2.6.1 Reasonable methodologies may include, but are not limited to, historic cost valuation, direct negotiation with aeronautical users, or objective determinations of fair market value.

2.6.2 If an airport proprietor determines fees for such other facilities on the basis of HCA costs, the airport proprietor must follow the guidance set forth in paragraph 2.4.5 for the allocation of shared costs.

2.7 At all times, airport proprietors must comply with the following practices:

2.7.1 Indirect costs may not be included in the fees charged for aeronautical use of the airport unless they are based on a reasonable, "transparent" cost allocation formula calculated consistently for other units or cost centers within the control of the airport sponsor.

2.7.2 The costs of airport development or planning projects paid for with federal government grants and contributions or passenger facility charges (PFCs) may not be included in the fees charged for aeronautical use of the airport.

(a) In the case of a PFC-funded project for terminal development, for gates and related areas, or for a facility that is occupied by one or more carriers on an exclusive or preferential use basis, the fees paid to use those facilities shall be no less than the fees charged for similar facilities that were not financed with PFC revenue.

### ***Prohibition on Unjust Discrimination***

3. Aeronautical fees may not unjustly discriminate against aeronautical users or user groups.

3.1 The airport proprietor must apply a consistent methodology in establishing fees for comparable aeronautical users of the airport. When the airport proprietor uses a cost-based methodology, aeronautical fees imposed on any aeronautical user or group of aeronautical users may

not exceed the costs allocated to that user or user group under a cost allocation methodology adopted by the airport proprietor that is consistent with this guidance, unless aeronautical users otherwise agree.

3.1.1 The prohibition on unjust discrimination does not prevent an airport proprietor from making reasonable distinctions among aeronautical users (such as signatory and non-signatory carriers) and assessing higher fees on certain categories of aeronautical users based on those distinctions (such as higher fees for non-signatory carriers, as compared to signatory carriers).

3.2 A properly structured peak pricing system that allocates limited resources using price during periods of congestion will not be considered to be unjustly discriminatory. An airport proprietor may, consistent with the policies expressed in this policy statement, establish fees that enhance the efficient utilization of the airport.

3.3 Relevant provisions of the Convention on International Civil Aviation (Chicago Convention) and many bilateral aviation agreements specify, inter alia, that charges imposed on foreign airlines must not be unjustly discriminatory, must not be higher than those imposed on domestic airlines engaged in similar international air services and must be equitably apportioned among categories of users.

Charges to foreign air carriers for aeronautical use that are inconsistent with these principles will be considered unjustly discriminatory or unfair and unreasonable.

3.4 Allowable costs—costs properly included in the rate base—must be allocated to aeronautical users by a transparent, reasonable, and not unjustly discriminatory rate-setting methodology. The methodology must be applied consistently and cost differences must be determined quantitatively, when practical.

3.4.1 Common costs (costs not directly attributable to a specific user group or cost center) must be allocated according to a reasonable, transparent and not unjustly discriminatory cost allocation methodology that is applied consistently, and does not require any aeronautical user or user group to pay costs properly allocable to other users or user groups.

### ***Requirement To Be Financially Self-Sustaining***

4. Airport proprietors must maintain a fee and rental structure that in the circumstances of the airport makes the airport as financially self-sustaining as possible.

4.1 If market conditions or demand for air service do not permit the airport to be financially self-sustaining, the airport proprietor should establish long term goals and targets to make the airport as financially self-sustaining as possible.

4.1.1 Airport proprietors are encouraged, when entering into new or revised agreements or otherwise establishing rates, charges, and fees, to undertake reasonable efforts to make their particular airports as self-sustaining as possible in the circumstances existing at such airports.

(a) Absent agreement with aeronautical users, the obligation to make the airport as self-sustaining as possible does not permit the airport proprietor to establish fees for the use of the airfield that exceed the airport proprietor's airfield costs.

(b) For those facilities for which this policy permits the use of fair market value, the Department does not construe the obligation on self-sustainability to compel the use of fair market value to establish fees.

4.1.2 At some airports, market conditions may not permit an airport proprietor to establish fees that are sufficiently high to recover aeronautical costs and sufficiently low to attract and retain commercial aeronautical services. In such circumstances, an airport proprietor's decision to charge rates that are below those needed to achieve self-sustainability in order to assure that services are provided to the public is not inherently inconsistent with the obligation to make the airport as self-sustaining as possible in the circumstances.

4.2 In establishing new fees, and generating revenues from all sources, airport owners and operators should not seek to create revenue surpluses that exceed the amounts to be used for airport system purposes and for other purposes for which airport revenues may be spent under 49 U.S.C. § 47107(b)(1), including reasonable reserves and other funds to facilitate financing and to cover contingencies. While fees charged to non-aeronautical users may exceed the costs of service to

those users, the surplus funds accumulated from those fees must be used in accordance with § 47107(b).

4.2.1 The Department assumes that the limitation on the use of airport revenue and effective market discipline for aeronautical services and facilities other than the airfield will be effective in holding aeronautical revenues, over time, to the airport proprietor's costs of providing aeronautical services and facilities, including reasonable capital costs. However, the progressive accumulation of substantial amounts of surplus aeronautical revenue may warrant an FAA inquiry into whether aeronautical fees are consistent with the airport proprietor's obligations to make the airport available on fair and reasonable terms.

### **Requirements Governing Revenue Application and Use**

5. In accordance with relevant Federal statutory provisions governing the use of airport revenue, airport proprietors may expend revenue generated by the airport only for statutorily allowable purposes.

5.1 Additional information on the statutorily allowed uses of airport revenue is contained in separate guidance published by the FAA pursuant to § 112 of the FAA Authorization Act of 1994, which is codified at 49 U.S.C. § 47107(l).

5.2. The progressive accumulation of substantial amounts of airport revenues may warrant an FAA inquiry into the airport proprietor's application of revenues to the local airport system.

Issued in Washington, DC, on June 14, 1996.

**Federico Pena,**  
*Secretary of Transportation.*

**David R. Hinson,**  
*Administrator, Federal Aviation Administration.*

### **Information for Aeronautical User Charges Consultations**

The Department of Transportation ordinarily expects the following information to be available to aeronautical users in connection with consultations over changes in airport rates and charges:

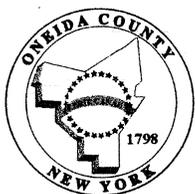
1. Historic Financial Information covering two fiscal years prior to the current year including, at minimum, a profit and loss statement, balance sheet and cash flow statement for the airport implementing the charges, and any financial reports prepared by the airport proprietor to satisfy the provisions of 49 USC §§ 47107(a)(19) and 47107(k).
2. Justification. Economic, financial and/or legal justification for changes in the charging methodology or in the level of aeronautical rates and charges at the airport. Airports should provide information on the aeronautical costs they are including in the rate base.
3. Traffic Information. Annual numbers of terminal passengers and aircraft movements for each of the two preceding years.
4. Planning and Forecasting Information.

(a) To the extent applicable to current or proposed fees, the long-term airport strategy setting out long-term financial and traffic forecasts, major capital projects and capital expenditure, and particular areas requiring strategic action. This material should include any material provided for public or government reviews of major airport developments, including analyses of demand and capacity and expenditure estimates.

(b) Accurate, complete information specific to the airport for the current and the forecast year, including the current and proposed budgets, forecasts of airport charges revenue, the projected number of landings and passengers, expected operating and capital expenditures, debt service payments, contributions to restricted funds, or other required accounts or reserves.

(c) To the extent the airport uses a residual or hybrid charging methodology, a description of key factors expected to affect commercial or other non-aeronautical revenues and operating costs in the current and following years.

[FR Doc. 96-15687 Filed 6-19-96; 8:45 am]



COUNTY OF ONEIDA  
**OFFICE OF THE COUNTY EXECUTIVE**

**ANTHONY J. PICENTE JR.**  
County Executive  
ce@ocgov.net

ONEIDA COUNTY OFFICE BUILDING  
800 PARK AVENUE  
UTICA, NEW YORK 13501  
(315) 798-5800  
FAX: (315) 798-2390  
www.ocgov.net

August 4, 2011

FN 20 11 - 238

Board of Legislators  
Oneida County  
800 Park Avenue  
Utica, New York, 13501

**WAYS & MEANS**



Honorable Members:

I enclose herewith the 2011 enabling resolution extending the imposition of our additional sales tax rates until November 30, 2013.

The resolution incorporates the recent State legislation which extended the 1% rate established in 1992 and the three quarters of one per cent imposed in 2007. Both of these additional rates of sales tax will end on November 30, 2011 unless the Board of Legislators enacts the enclosed enabling resolution before September 1, 2011.

The duly enacted resolution must be filed with the Commissioner of Taxation and Finance at least 90 days before its effective date. This means we must have the enactment postmarked to the Tax Commissioner no later than September 2, 2011. I therefore request that the enabling resolution be passed at your **August 24, 2011** regular session.

Thank you for the Board's prompt attention to this request.

Very truly yours,

Anthony J. Picente, Jr.  
Oneida County Executive

Cc: Anthony Carvelli

*INTRODUCTORY  
NO.*

*F.N.*

ONEIDA COUNTY BOARD OF LEGISLATORS

*RESOLUTION NO.*

*INTRODUCED BY:*

*2ND BY:*

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

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

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

Section 2. Imposition of sales tax.

On and after December 1, 1990, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing September 1, 1992, and ending November 30, 2013, there is hereby imposed and there shall be paid an additional tax of one percent upon:

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

(f) With respect to the additional tax of one percent imposed for the period commencing September 1, 1992, and ending November 30, 2013, the provisions of subdivisions (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall

be read as referring to September 1, 1992, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to May 1, 1992, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to August 31, 1992. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to September 1, 1992, any transaction which may not be subject to the additional tax imposed effective on that date.

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

Section 4. Imposition of compensating use tax.

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

(D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering services described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, for the period commencing September 1, 1992, and ending November 30, 2013, the tax shall be at the rate of four percent, and on and after December 1, 2013, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, for the period commencing September 1, 1992, and ending November 30, 2013, the tax shall be at the rate of four percent, and on and after December 1, 2013, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing September 1, 1992, and ending November 30, 2013, the tax shall be at the rate of four percent, and on and after December 1, 2013, the tax shall be at the rate of

three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

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

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing September 1, 1992, and ending November 30, 2013, the tax shall be at the rate of four percent, and on and after December 2013, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, for the period commencing September 1, 1992, and ending November 30, 2013, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.

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

Section 4-A. Imposition of additional rate of sales and compensating use taxes. Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional three-quarters of one percent rate of such sales and compensating use taxes, for the period December 1, 2007, and ending November 30, 2013. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

SECTION 5. Subdivision (k) of section 6 of Resolution #202 as enacted in nineteen

hundred ninety, as amended, is amended to read as follows:

(k) Exemption of certain energy sources and related services from additional one percent rate of tax. Notwithstanding any inconsistent provision of this resolution, receipts from the retail sale or use of fuel oil and coal used for residential purposes; the receipts from the retail sale or use of wood used for residential heating purposes; and the receipts from every sale, other than for residential heating purposes; and the receipts from every sale, other than for resale, or use of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be exempt from the additional one percent rate of sales and compensating use taxes imposed by sections 2 and 4, respectively, of this resolution for the period commencing September 1, 1992, and ending November 30, 2013.

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

(B) With respect to the additional tax at the rate of one percent imposed for the period beginning September 1, 1992, and ending November 30, 2013, in respect to the use of property used by the purchaser in this County prior to September 1, 1992.

(E) With respect to the additional tax at the rate of three-quarters of one percent imposed for the period beginning December 1, 2007, and ending November 30, 2013, in respect to the use of property used by the purchaser in this County prior to December 1, 2007.

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

(e) Notwithstanding any contrary provision of law, with respect to the additional

one percent rate of sales and compensating use taxes imposed by sections two and four of this resolution for the period September 1, 1992, through November 30, 2013:

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

(2) where a city in Oneida County does not impose tax pursuant to the authority of such subdivision (a) of such section twelve hundred ten, the County shall allocate, distribute and pay in cash quarterly to such city not so imposing tax a portion of the net collections attributable to one-half of the County's additional one percent rate of tax calculated on the basis of the ratio which such city's population bears to the County's total population, such populations as determined in accordance with the latest decennial federal census or special population census taken pursuant to section twenty of the general municipal law completed and published prior to the end of the quarter for which the allocation is made, which special census must include the entire area of the County; and

(3) the County hereby dedicates the first one million five hundred thousand dollars of net collections attributable to such additional one percent rate of tax received by the County after the County receives in the aggregate eighteen million five hundred thousand dollars of net collections from such additional one percent rate of tax imposed for any of the periods: September 1, 2011, through August 31, 2012; and September 1, 2012, through August 31, 2013 to an allocation on a per capita basis, utilizing figures from the latest decennial federal census or special population census taken pursuant to section twenty of the

general municipal law, completed and published prior to the end of the year for which such allocation is made, which special census must include the entire area of the County, to be allocated and distributed among the towns of the County by an appropriation of the County's Board of Legislators; provided, further, that nothing herein shall require the Board of Legislators to make any such appropriation until it has been notified by any town by appropriate resolution and, in any case where there is a village wholly or partially located within a town, a resolution of every such village, embodying the agreement of such town and village or villages upon the amount of such appropriation to be distributed to such village or villages out of the allocation to the town or towns in which it is located.

(g) Net collections from the additional taxes imposed at the rate of three-quarters of one percent for the period December 1, 2007, through November 30, 2013, shall be set aside for county purposes and shall be available for any county purpose, and shall not be subject to any revenue distribution agreement entered into pursuant to the authority of subdivision (c) of section twelve hundred sixty-two of the Tax Law.

SECTION 8. This enactment shall take effect December 1, 2011.

APPROVED: Ways & Means Committee ( )

DATED:

Adopted by the following roll call vote:  
AYES \_\_\_ NAYS \_\_\_



Office of the Sheriff County of Oneida  
 Robert M. Maciol, Sheriff

Robert S. Swenszkowski, Undersheriff  
 Elizabeth A. Gustafson, Chief Administrator

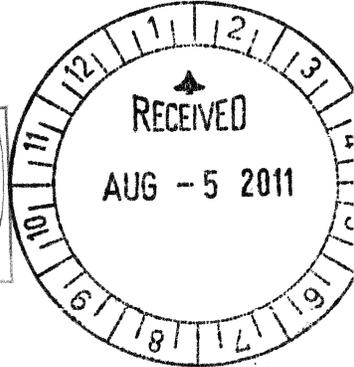
Jonathan G. Owens, Chief Deputy  
 Gabrielle O. Liddy, Chief Deputy

FN 20 11 - 239

August 1, 2011

The Honorable Anthony J. Picente, Jr.  
 County Executive  
 Oneida County Office Building  
 800 Park Avenue  
 Utica, New York 13501

**PUBLIC SAFETY**  
**WAYS & MEANS**  
 AUG 02 2011  
 Oneida County Executive's Office



Dear County Executive Picente:

Please accept this letter as a formal request to reinstate a former scholarship fund through the Sheriff's Office.

During the 1970s, the Sheriff's Office had established a scholarship fund to honor Stanley Kolasz, who devotedly served our county as Undersheriff for over 20 years. Each year, a \$100 scholarship was awarded to an outstanding criminal justice major at Mohawk Valley Community College (MVCC). As circumstances changed, this account was closed and funds were put into an Oneida County trust account in 1994 by Sheriff Gerald Washburn. As of today, \$1,325.26 remains in this trust account.

I am asking that my request to reinstate this scholarship be presented to the Board of Legislators for full board approval. Additionally, if my request were granted and a resolution were passed, MVCC has offered to act as the custodian of the scholarship funds.

Thank you for considering my request. If you have any questions, please do not hesitate to contact me at any point in time. I greatly look forward to providing an opportunity to others in our community to gain a solid career foundation in law enforcement.

Sincerely,

Robert M. Maciol  
 Sheriff

Reviewed and Approved for submittal to the  
 Oneida County Board of Legislators by

Anthony J. Picente, Jr.  
 County Executive

Date 8/4/11

Cc: Gerald J. Fiorini, Chairman of the Board of Legislators  
 Linda M. Dillon, County Attorney

**Administrative Office**  
 6065 Judd Road Oriskany, NY 13424  
 Voice (315) 736-8364  
 Fax (315) 765-2205

**Law Enforcement Division**  
 6065 Judd Road Oriskany, NY 13424  
 Voice (315) 736-0141  
 Fax (315) 736-7946

**Correction Division**  
 6075 Judd Road Oriskany, NY 13424  
 Voice (315) 768-7804  
 Fax (315) 765-2327

**Civil Division**  
 200 Elizabeth Street Utica, NY 13501  
 Voice (315) 798-5862  
 Fax (315) 798-6495

ONEIDA COUNTY  
OFFICE OF THE DISTRICT ATTORNEY

Scott D. McNamara  
District Attorney

Michael A. Coluzza  
First Assistant

Kurt D. Hameline  
Laurie Lisi  
Paul J. Hernon  
Matthew P. Worth  
Joseph A. Saba  
Grant J. Garramone  
Steven G. Cox  
Stacey L. Paolozzi  
Bernard L. Hyman, Jr.  
Todd C. Carville

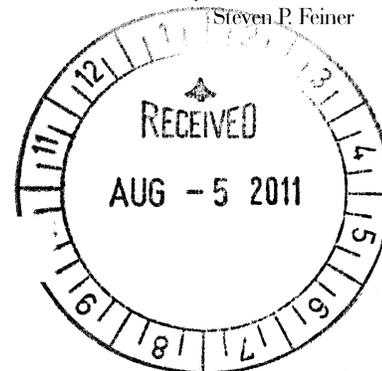
Dawn Catera Lupi  
First Assistant

Robert L. Bauer  
Michael R. Nolan  
Kurt D. Schultz  
Kara E. Wilson  
John J. Raspante  
Joshua L. Bauer  
Patrick F. Scully  
Christopher D. Hameline  
Steven P. Feiner



August 1, 2011

FN 20 11 - 240



The Honorable Anthony J. Picente, Jr.  
Oneida County Executive  
800 Park Avenue  
Utica, New York 13501

**PUBLIC SAFETY**

Dear Mr. Picente:

**WAYS & MEANS**

By this letter, I am requesting your approval, as well as that of the Board of Legislators, for the following supplemental appropriation within the District Attorney's Law Enforcement cost center to purchase six tasers for the Oneida County Sheriff's Department:

TO:

A1162.295 Law Enforcement, Other Equipment \$5,000.

This supplemental appropriation will be fully funded by:

A1207 Law Enforcement, Approp. F.B. Year Forfeitures \$5,000.

This 2011 supplemental appropriation will be fully supported by forfeiture funds that are already on deposit.

At your earliest convenience, please submit this request to the Board of Legislators for their approval.

Reviewed and Approved for submittal to the  
Oneida County Board of Legislators by

Anthony J. Picente, Jr.  
County Executive

Date 8/5/11

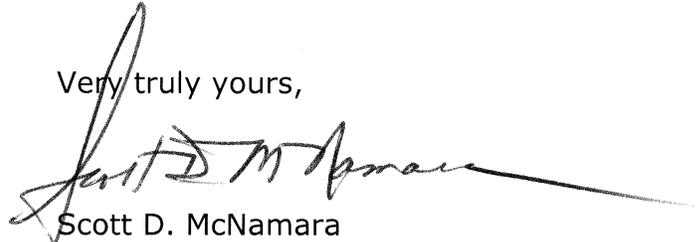
38.

The Honorable Anthony J. Picente, Jr.  
August 1, 2011  
Page Two

If you have any questions or concerns, please contact me.

Thank you.

Very truly yours,



Scott D. McNamara  
Oneida County District Attorney

se

cc: Hon. Gerald J. Fiorini, Chairman  
Hon. David J. Wood, Majority Leader  
Hon. Patricia A. Hudak, Minority Leader  
Hon. Les Porter, Chairman, Ways & Means Comm.  
Hon. Richard A. Flisnik, Chairman, Public Safety  
Thomas Keeler, Budget Director

ANTHONY J. PICENTE, JR.  
County Executive



ROBERT J. ROTH  
Director

**ONEIDA COUNTY YOUTH BUREAU**  
County Office Building ♦ 800 Park Avenue ♦ Utica, New York 13501  
Phone: (315) 798-5027 ♦ Fax: (315) 798-6438

FN 20 11 - 241



June 15, 2011

Honorable Anthony J. Picente, Jr.  
Oneida County Executive  
800 Park Avenue  
Utica, New York 13501

**EDUCATION, YOUTH**

**WAYS & MEANS**

Dear Mr. Picente:

We are submitting the attached Resource Allocation Plan for the year 2011 for review and approval by the Board of Legislators.

The Plan allocates funding from the New York State Office of Children and Family Services to the agencies contracting with the Oneida County Youth Bureau. It also allocates state funding of \$338,776.00 to 22 different agencies and 48 eligible municipalities in Oneida County.

We are respectfully requesting that this matter be forwarded to the Board of Legislators for action as soon as possible. Thank you for your consideration.

Very truly yours,

Robert J. Roth  
Director, Oneida County Youth Bureau

Reviewed and Approved for submittal to the  
Oneida County Board of Legislators by

Anthony J. Picente, Jr.  
County Executive

Date 8/4/11

Attachment

Oneida Co. Department Youth Bureau

Competing Proposal \_\_\_\_\_  
Only Respondent \_\_\_\_\_  
Sole Source RFP \_\_\_\_\_

**ONEIDA COUNTY BOARD  
OF LEGISLATORS**

**Name of Proposing Organization:** Oneida County Youth Bureau  
**Title of Activity or Service:** Resource Allocation Plan (RAP)  
**Proposed Dates of Operation:** January 1, 2011 to December 31, 2011  
**Client Population/Number to be Served:** 65,922 youth throughout Oneida County

**Summary Statements/Narrative Description of Proposed Services**

The Resource Allocation Plan (RAP) for 2010 outlines the distribution of state funds received from the New York State Office of Children and Family Services to provide youth services, delinquency prevention, recreation and runaway/homeless youth programs to the young people, whose ages include birth to 21 years, in Oneida County. In FY 2010, these funds are to be distributed to 20 agencies and 34 municipalities, which are responsible for the design and delivery of youth services at their level. All programs are monitored annually by Youth Bureau administrative staff and Advisory Board members appointed by the County Executive.

**Total Funding:** \$ 338,776.00 Account # A8830

**Oneida County Dept. Funding Recommendation:** \$ 338,776.00

**Proposed Funding Sources (Federal \$/ State \$/County \$):** New York State Office of Children and Family Services (NYSOCFS)

**Cost Per Client Served:** Varies by program

**Past Performance Data:** Agencies are reviewed annually to assure they meet NYS OCFS performance standards. Agencies which do not meet standards may receive a reduction in, or elimination of fund allocations.

# ONEIDA COUNTY HEALTH DEPARTMENT

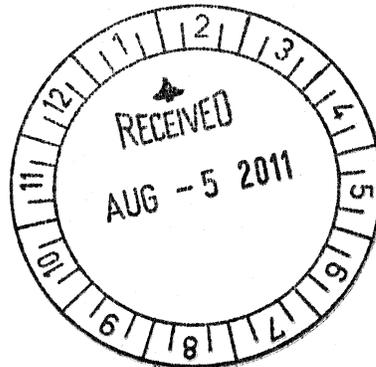
A Adirondack Bank Building, 5<sup>th</sup> Floor, 185 Genesee St., Utica, NY 13501

ANTHONY J. PICENTE, JR.  
ONEIDA COUNTY EXECUTIVE

GAYLE D. JONES, PHD, MPH, CHES  
DIRECTOR OF HEALTH

## ADMINISTRATION

Phone: (315) 798-6400 Fax: (315) 266-6138



July 18, 2011

FN 20 11 242

Anthony J. Picente, Jr.  
Oneida County Executive  
800 Park Avenue  
Utica, New York 13501

## PUBLIC HEALTH

## WAYS & MEANS

Dear Mr. Picente:

Attached are three (3) copies of an agreement between Oneida County through its Health Department and County of Lewis, Public Health Agency for the provision of testing and treatment to persons residing in Lewis County for Sexually Transmitted Diseases, including HIV.

The term of this agreement shall become effective upon execution by both parties and remain in effect through December 31, 2015. Lewis County will reimburse Oneida County \$75 per threshold visit at their Sexually Transmitted Diseases Clinic (STD/HIV). Total dollars of contract will be based on utilization.

If this agreement meets with your approval, please forward to the Board of Legislators.

Sincerely,

Gayle D. Jones, PhD., MPH, CHES  
Director of Health

attachments  
ry

Reviewed and Approved for submittal to the  
Oneida County Board of Legislators by  
  
Anthony J. Picente, Jr.  
County Executive  
Date 8/4/11

**CONTRACT SUMMARY SHEET - ONEIDA COUNTY HEALTH DEPARTMENT**

**DIVISION:** Diagnostic & Treatment Center (406 Elizabeth Street)

**NAME AND ADDRESS OF VENDOR:** Lewis County Public Health  
7785 North State Street  
Lowville, New York 13367

**VENDOR CONTACT PERSON:** Carol Paluk, Public Health Director

**DESCRIPTION OF CONTRACT:** Provide testing and treatment to persons residing in Lewis County for sexually transmitted diseases, including HIV.

**PREVIOUS CONTRACT YEAR:** June 16, 2006 through December 31, 2010

**TOTAL:** \$75 per threshold visit

**THIS CONTRACT YEAR:** Upon execution by both parties to remain in effect through December 31, 2015.

**TOTAL:** \$75 per threshold visit

         NEW                          X     RENEWAL                               AMENDMENT

**FUNDING SOURCE:** Contract \*\$75.00 A4012 A2289

Less Revenues:	\$75.00
State Funds:	-0-
County Dollars - Previous Contract:	-0-
County Dollars - This Contract	-0-

\* Lewis County reimburses Oneida County \$75.00 per visit at their STD/HIV clinic. Total dollars of contract would be based on utilization.

**SIGNATURE:** Gayle D. Jones, PhD., MPH, CHES Director of Health

**DATE:** March 10, 2011

Contract Reviewed By:



Brian M. Miga  
Assistant County Attorney

Date: 3-15-11

# ONEIDA COUNTY HEALTH DEPARTMENT

Adirondack Bank Building, 5<sup>th</sup> Floor, 185 Genesee St., Utica, NY 13501

ANTHONY J. PICENTE, JR.  
ONEIDA COUNTY EXECUTIVE

GAYLE D. JONES, PhD, MPH, CHES  
DIRECTOR OF HEALTH

## EARLY INTERVENTION PROGRAM

Phone: (315) 798-5249 ☎ Fax: (315) 731-3491

July 14, 2011

Anthony J. Picente Jr.  
County Executive  
Oneida County Office Building  
800 Park Avenue  
Utica, New York 13501

FN 20 11 - 243



**PUBLIC HEALTH**

**WAYS & MEANS**

Dear Mr. Picente:

Under Section 2541 of Chapter 428 of the laws of 1992, municipalities are to provide payment for evaluations and services rendered to eligible children with disabilities aged 0 through 2 years.

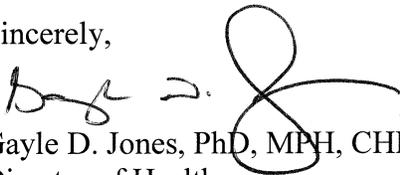
Enclosed please find four (4) copies of an Agreement between ADHD & Autism Psychological Services and Advocacy PLLC and the Oneida County Health Department, Early Intervention Program for the reimbursement of services for the period upon execution through June 30, 2014

The Health Department will receive reimbursement from Medicaid, third-party insurance and the New York State Department of Health.

We anticipate ADHD & Autism Psychological Services and Advocacy's annual caseload to be approximately 15 children at an estimated annual payment of \$30,000.

Please contact me if you have any questions or require additional information.

Sincerely,

  
Gayle D. Jones, PhD, MPH, CHES  
Director of Health

Enclosures

Reviewed and Approved for submittal to the  
Oneida County board of Legislators by

  
Anthony J. Picente, Jr.  
County Executive  
Date 8/4/11

**CONTRACT SUMMARY SHEET - ONEIDA COUNTY HEALTH DEPARTMENT**

**DIVISION:** Early Intervention      A2970.19512, A2970.495115

**NAME AND ADDRESS OF VENDOR:** ADHD & Autism Psychological Services and  
Advocacy PLLC  
258 Genesee St., Suite 505  
Utica, NY 13502

**VENDOR CONTACT PERSON:** Dr Andy Lopez-Williams

**DESCRIPTION OF CONTRACT:** The Oneida County Health Department contracts with individuals and agencies that are qualified to provide evaluations, service coordination and services according to Public Health law Article 25 Title II-A Subpart 69-4 Early Intervention Program.

**CLIENT POPULATION SERVED:** The Early Intervention Program is a NYSDOH program that provides many different types of services to infants and toddlers ages 0 through 2 years of age with disabilities.

The services available to every eligible Early Intervention child are: audiology, speech pathology, physical therapy, occupational therapy, and vision service. Services are provided by qualified professionals through: home and community-based visits, facility or center-based visits, parent-child groups, family support groups, or group developmental intervention.

**PREVIOUS CONTRACT:** none

**THIS CONTRACT:** three (3) YEARS: July 1, 2011 through June 30, 2014

**\*ESTIMATED ANNUAL PAYMENT:** \$30,000.00

**ESTIMATED POPULATION SERVED:** 15

     **X**      **NEW**           **RENEWAL**           **AMENDMENT**

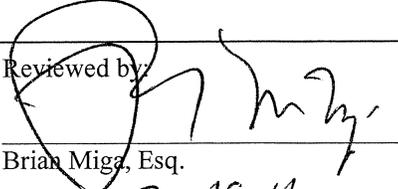
Contract to Exceed \$50,000.00? Yes      **X**      No     

**FUNDING SOURCE:** Total and/or partial reimbursement is through Medicaid (60.6% / \$18180.00) and/or third party insurance (8.2% / \$2640.00). The balance is submitted to NYS Department of Health for 50% reimbursement. Rates are set by New York State Division of Budget. Amount of reimbursement is child specific. Anticipated annual net county cost for this provider is \$4950.00 (16.5%).

**SIGNATURE:** Patricia Meyer, Early Intervention Program Supervisor

**DATE:** July 14, 2011

\* - Contract is for three (3) year period.

Reviewed by: 
Brian Miggs, Esq.
Date: 7-19-11

# ONEIDA COUNTY HEALTH DEPARTMENT

Adirondack Bank Building, 5<sup>th</sup> Floor, 185 Genesee St., Utica, NY 13501

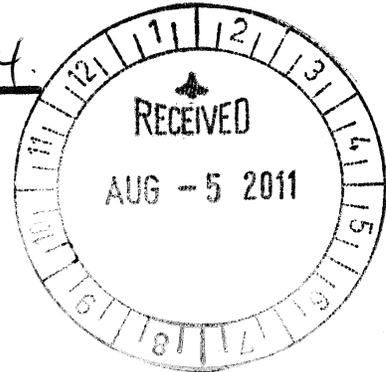
ANTHONY J. PICENTE, JR.  
ONEIDA COUNTY EXECUTIVE

GAYLE D. JONES, PHD, MPH, CHES  
DIRECTOR OF HEALTH

## ADMINISTRATION

Phone: (315) 798-6400 Fax: (315) 266-6138

FN 20 11 - 244



July 7, 2011

Anthony J. Picente, Jr.  
County Executive  
Oneida County Office Building  
800 Park Avenue  
Utica, New York 13501

## PUBLIC HEALTH

## WAYS & MEANS

Dear Mr. Picente:

Under Section 4410 of the New York State Education Law in compliance with Part 200 of the Regulations of the Commissioner of Education of the State of New York municipalities are to provide payment for tuition, SEIT and evaluations rendered to eligible preschool aged children with disabilities.

Enclosed please find (3) three copies of an Agreement between Upstate Cerebral Palsy and the Oneida County Health Department, Education and Transportation of Handicapped Children Program for the reimbursement of tuition, SEIT and evaluations for the period July 1, 2011 through June 30, 2014.

We anticipate reimbursement will exceed \$50,000.00 for the July 1, 2011 through June 30, 2014 school years.

I respectfully request the approval of this contract between Upstate Cerebral Palsy and Oneida County Health Department.

Please contact me if you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Gayle D. Jones".

Gayle D. Jones, PHD., MPH, CHES  
Director of Health

Enclosures

Reviewed and Approved for submittal to the  
Oneida County Board of Legislators by  
  
Anthony J. Picente, Jr.  
County Executive  
Date 8/4/11

**CONTRACT SUMMARY SHEET - ONEIDA COUNTY HEALTH DEPARTMENT**

**DIVISION:** Education and Transportation of Handicapped Children Program  
**Account Number:** A 2960.1952 Evaluations  
A2960.4957 Tuition and Special Education Itinerant Teacher (SEIT)

**NAME AND ADDRESS OF VENDOR:** Upstate Cerebral Palsy  
1020 Mary Street, Utica, New York 13501

**VENDOR CONTACT PERSON:** Jody Kehl, Finance Director 724-6907 ext. 2243

**DESCRIPTION OF CONTRACT:** The Oneida County Health Department contracts with program providers and individual therapists who are qualified to provide services according to Section 4410 of Education Law, Part 200 Regulations of the Commissioner of Education, New York State Education Department Individual and Disabilities Act of 1990, Title 34, Part 300 of the Code of Federal Regulations. Transportation services are provided in accordance with Section 119-0 of the General Municipal Law and Section 236 of the Family Court Act.

**CLIENT POPULATION SERVED:** 732 Evaluations  
422 Center based and SEIT

**2010 CONTRACT YEAR TOTAL:** \$ 128,415.11 Evaluations  
\$ 5,380,319.33 Tuition and SEIT

**THIS CONTRACT YEAR:** Rate for Evaluations and Tuition is set by New York State Education Department. Transportation rates are awarded by Purchasing Department by bids.

**THIS IS CONTRACT PERIOD:** July 1, 2011 to June 30, 2014

         NEW        X   RENEWAL               AMENDMENT

**FUNDING SOURCE:** Contract Amount: Over \$50,000.00

Less Revenues: \_\_\_\_\_

State Funds \_\_\_\_\_ 59.5% of Total Dollars \_\_\_\_\_

County Dollars - Previous Contract \$ \_\_\_\_\_ % of Total Dollars \_\_\_\_\_

County Dollars - This Contract \$ \_\_\_\_\_ % of Total Dollars \_\_\_\_\_

**Approved as to Form by County Attorney:** \_\_\_\_\_  
Brian Miga, Esq.

**SIGNATURE:** Barbara Pellegrino, Supervisor in Charge, Special Children Services

**DATE:** February 14, 2011

# ONEIDA COUNTY HEALTH DEPARTMENT

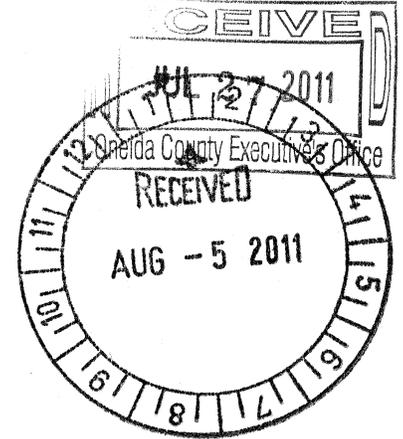
A Adirondack Bank Building, 5<sup>th</sup> Floor, 185 Genesee St., Utica, NY 13501

ANTHONY J. PICENTE, JR.  
ONEIDA COUNTY EXECUTIVE

GAYLE D. JONES, PH.D, MPH, CHES  
DIRECTOR OF HEALTH

## ADMINISTRATION

Phone: (315) 798-6400 Fax: (315) 266-6138



July 25, 2011

FN 20 11 - 245

Anthony J. Picente, Jr.  
Oneida County Executive  
800 Park Avenue  
Utica, New York 13501

## PUBLIC HEALTH WAYS & MEANS

Dear Mr. Picente:

Earlier in 2011 the Health Department appropriated monies to its Emergency Preparedness Program with the intent to purchase a generator for its 406 Elizabeth Street site. The Center for Disease Control (CDC) did not give their support to acquire this with H1N1 funds.

We have since been given approval to develop a cultural competence training and curriculum for flu and individual and family emergency preparedness for Limited English Proficiency (LEP) populations.

We are, therefore, requesting the following transfer for the 2011 fiscal year:

**From:** A4092.295 – Other Equipment..... \$60,000

**To:** A4092.495 – Other Expenses.....\$60,000

Please request the Board of Legislators to act upon the above-mentioned transfer.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Gayle D. Jones, Ph.D., MPH, CHES  
Director of Health

cc: T. Keeler, Director of Budget

Reviewed and Approved for submittal to the  
Oneida County Board of Legislators by

Anthony J. Picente, Jr.  
County Executive

Date 8/4/11

48.