



# ONEIDA COUNTY BOARD OF LEGISLATORS

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

Gerald J. Fiorini  
Chairman  
(315) 798-5900

Mikale Billard  
Clerk  
(315) 798-5404

George Joseph  
Majority Leader

Frank D. Tallarino  
Minority Leader

## COMMUNICATIONS FOR DISTRIBUTION MARCH 13, 2013

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

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**ALL SUPPORTING DOCUMENTATION AVAILABLE AT**  
**[www.ocgov.net](http://www.ocgov.net)**



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Majority Leader

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Minority Leader

March 7, 2013

FN 20 12 - 082

Honorable Gerald J. Fiorini  
Chairman of the Board  
Oneida County Board of Legislators  
800 Park Avenue  
Utica, New York 13501

## WAYS & MEANS

Dear Chairman Fiorini,

In accordance with Section 201 of the Oneida County Charter and Administrative Code, I hereby forward to you the recommendations of the Reapportionment Committee in the form of a Local Law. The work of the Reapportionment is completed and said Local Law should now be submitted to the Ways and Means Committee and the full Board for consideration.

Very truly yours,

George Joseph, Chair  
Reapportionment Committee

attachment



# ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO.

INTRODUCED BY: Messrs. Joseph, Porter  
2ND BY:

## LOCAL LAW INTRODUCTORY "D" OF 2013 LOCAL LAW NO. \_\_ OF 2013

### A LOCAL LAW AMENDING THE ONEIDA COUNTY CHARTER, ARTICLE II, SECTION TWO HUNDRED ONE AND THE ONEIDA COUNTY ADMINISTRATIVE CODE, ARTICLE II, SECTION TWO HUNDRED ONE SETTING FORTH A PLAN OF REAPPORTIONMENT

LEGISLATIVE INTENT: The Board of County Legislators wishes to amend the Oneida County Charter, Article II, Section two hundred one and the Oneida County Administrative Code, Article II, Section two hundred one in order to comply with the requirement established by the Supreme Court of the United States that members of legislative bodies must represent substantially equal population and to comply with the requirements for reapportionment set forth in the Oneida County Charter and Code.

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

1. That Article II, Section Two Hundred One of the Oneida County Charter and Article II, Section Two Hundred and One of the Oneida County Administrative Code are hereby amended and corrected by the deletion of the whole thereof and the insertion of the following language in its stead:

**Section 201 (a) The Board of County Legislators.** Commencing on January 1, 2014, the Oneida County Board of Legislators shall be composed of twenty-three legislative districts the form of which shall be timely determined prior thereto and in accordance with any applicable state, general, special or local laws relating to the apportionment of legislative districts.

**Section 201. (b)** There shall be a Board of County Legislators to be elected one from each of the following legislative districts and sitting together they shall constitute the Oneida County Board Legislators:

LEGISLATIVE DISTRICT	TOWNS/CITY	ELECTION DISTRICT
1	VERNON	1 2 3 4 5
	VERONA	5

2	AUGUSTA	1 2
	KIRKLAND	3 8
	MARSHALL	1 2
	SANGERFIELD	1 2
3	ROME	3-3
	VERONA	3 4 6
	VIENNA	1 2 3 4
4	ROME	1-1 1-2 2-2 2-3 3-1 3-4 3-5 4-5 7-2
	VERONA	1 2
5	ANNSVILLE	1 2 3
	CAMDEN	1 2 3

	FLORENCE	1
	LEE	3
6	AVA	1
	BOONVILLE	1
		2
		3
		4
	FORESTPORT	1
		2
	REMSEN	1
	STEUBEN	1
7	LEE	5
	ROME	6-1
		6-2
		6-3
		6-4
		7-1
		7-3
		7-4
		7-5
8	FLOYD	2
		3
	MARCY	1
		2
		3
		4
	WHITESTOWN	5
9	DEERFIELD	1
		2
		3
	FLOYD	1
	TRENTON	1
		2
		3
		4

10	KIRKLAND	1 10
	ROME	2-1
	WESTMORELAND	1 2 3 4
11	WHITESTOWN	1 2 4 6 7 8 9 13 15
12	ROME	3-2 4-1 4-2 4-3 4-4 5-1 5-2 5-3 5-4
13	NEW HARTFORD	2-1 2-2
	WHITESTOWN	3 10 11 12 14 16
14	KIRKLAND	2 4 5 6 7 9

	NEW HARTFORD	4-1 4-2 4-3 4-4
15	NEW HARTFORD	1-3 1-5 2-3 2-4 3-1 3-2 3-3 3-4
16	BRIDGEWATER	1
	NEW HARTFORD	1-1 1-2 1-4
	PARIS	1 2 3
17	LEE	1 2 4
	ROME	1-3 1-4 6-5
	WESTERN	1 2 3
18	UTICA	4-1 4-2 4-3 4-4 4-5 4-6 4-7 4-8 4-9
19	UTICA	3-1 3-2 3-3 3-4

			3-5
			3-6
			3-7
			3-8
			3-9
			5-2
20	UTICA		1-8
			5-1
			5-3
			5-4
			5-5
			5-6
21	UTICA		2-1
			2-3
			2-4
			2-5
			2-6
			2-7
			3-10
			5-7
22	UTICA		1-1
			1-2
			1-3
			1-4
			1-5
			1-6
			1-7
			2-2
			2-8
23	UTICA		6-1
			6-2
			6-3
			6-4
			6-5
			6-6
			6-7
			6-8
			6-9

That all references to towns apply to that territory wholly contained in each of the towns of Oneida County as of January 1, 2010. All references to election districts apply to that territory wholly contained in each of the election districts enumerated on the official maps kept by the Oneida County Board of Elections as of April 1, 2012.



Adopted by the following vote:

AYES \_\_\_\_\_ NAYS \_\_\_\_\_ ABSENT \_\_\_\_\_

**NOTICE IS HEREBY GIVEN THAT LOCAL LAW INTRODUCTORY "D" WILL BE PLACED ON THE LEGISLATIVE DESKS ON MARCH 13, 2013 FOR FULL CONSIDERATION ON MARCH 25, 2013**



# ONEIDA COUNTY BOARD OF LEGISLATORS

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

Gerald J. Fiorini  
Chairman  
(315) 798-5900

Mikale Billard  
Clerk  
(315) 798-5404

George Joseph  
Majority Leader

Frank D. Tallarino  
Minority Leader

March 12, 2013

FN 20 13-088

## WAYS & MEANS

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

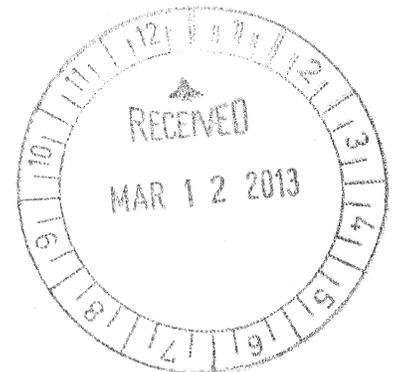
Honorable Members:

I am in receipt of the attached request from Election Commissioners Grimaldi and Stewart . Due to the upcoming village elections set for next week, it has come to my attention that we must reconfirm the rates for inspectors that were put in place in 2012.

I've spoken with Government Operations Chair, Mike Waterman who has agreed that since there is no increase to their rates of pay, and it is simply reconfirming the present rate schedule, I hereby am sending this request, FN 2013-088, directly to Ways & Means and the full Board for consideration on March 13<sup>th</sup>.

Respectfully submitted,

GERALD J. FIORINI  
CHAIRMAN OF THE BOARD





# ONEIDA COUNTY BOARD OF ELECTIONS

Union Station ♦ 321 Main St. ♦ 3<sup>rd</sup> Floor  
Utica, New York 13501  
Fax: (315) 798-6412

Anthony J. Picente Jr.  
County Executive

RUSSELL STEWART  
Democratic Commissioner  
(315) 798-5761

ROSE M. GRIMALDI  
Republican Commissioner  
(315) 798-5763

March 11, 2013

FN 20 13 - 088

Chairman Gerald J. Fiorini

## WAYS & MEANS

Oneida County Board of Legislators

800 Park Avenue - 10<sup>th</sup> Floor

Utica, New York 13501

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

Anthony J. Picente, Jr.  
County Executive

Date 3-12-13

Dear Chairman Florini:

It has come to our attention that a Resolution must be passed by the Board fixing the rates for compensation for Poll Site Coordinators, Inspectors and Circuit Riders as follows for the upcoming Primary and General Elections:

Poll Site Coordinator – Primary	\$130
Inspector	\$100
Circuit Rider	\$ 90 plus mileage at the county-established rate
And	
Poll Site Coordinator – General	\$180
Inspector	\$150
Circuit Rider	\$145 plus mileage at the county-established rate.

We are requesting that the Resolution be passed fixing the rates as specified above until further notice from the Commissioners of the Board of Elections.

Thank you for your cooperation.

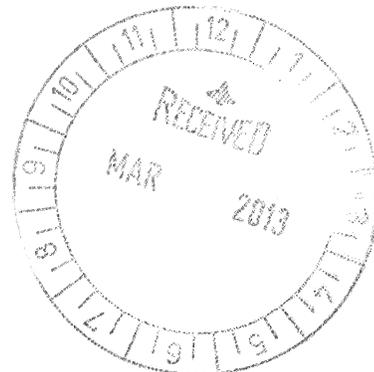
Sincerely,

Russell Stewart

Rose Marie Grimaldi

Democratic Commissioner

Republican Commissioner



12

**PETITION BY ONEIDA COUNTY, N. Y., BOARD OF LEGISLATORS**

for

EN 20 13 - 090

**MEMORIALIZING PETITION READ & FILED**

F.N. 2013-090

**SPONSORS: Messrs: Les Porter, (R-6), Chad Davis, (D-18<sup>th</sup>), and Daniel J. Trevisani, (D-19)**

**A MEMORIALIZING PETITION SUPPORTING RAIL PRESERVATION FROM UTICA TO LAKE PLACID**

**WHEREAS,** the Oneida County Board of Legislators deems rail service as a critical component to the preservation and rehabilitation of all surviving rail infrastructure from Utica to Lake Placid in the Adirondacks; and the Board recognizes that this asset is listed as a national historic treasure on the National Register of Historic Places; and

**WHEREAS,** the Adirondack Park consists of over six million acres which is located in the northeastern corner of New York State. The Adirondack Park is the largest park in the 48 contiguous states and Yellowstone, Yosemite, Grand Canyon and Glacier National Park would all fit into it with room to spare; and

**WHEREAS,** this past summer Governor Cuomo took a trip to the Adirondacks to promote tourism in the Adirondack Park and find new ways to attract tourists from around the world to visit one of America's most scenic and beautiful natural habitats; and

**WHEREAS,** said rail infrastructure has purposely been retained by the NYSDOT as an economic development asset, with the eventual restoration specifically targeted to allow the movement of people and materials to new markets by means other than truck; and

**WHEREAS,** existing rail will become an increasingly important shipping alternative for small to medium sized Utica and Adirondack businesses as the price of gasoline and diesel fuel increases, while also supporting tourism train services like those being proposed by the already successful Adirondack Scenic Railroad Preservation Society between Utica and Lake Placid, that will provide a unique eco-tourism experience; and

**WHEREAS,** the Adirondack Scenic Railroad Preservation Society is proud of its accomplishments but not content to maintain the status quo. The restored tracks will bring people not just to Lake Placid but to Utica and communities all along the corridor. It will carry elderly, young and physically challenged travelers into the heart of the most pristine areas of the Adirondack Park. Fisherman, kayakers, canoeists and hikers will be able to experience the thrill of exploring places that are practically inaccessible to the public today; and

**WHEREAS,** historic attractions and train excursions are among the fastest growing segments of the travel industry. We should be planning to capitalize on the opportunity to showcase our region to tourists who have a variety of interests, and the rehabilitation of the Utica-Lake Placid line holds the potential for additional future passenger and tourism services while also accommodating freight shipments from Utica throughout the Adirondacks; and

**WHEREAS,** the recently announced plans to re-activate the Utica to Lake Placid line have faced some resistance from a few small opposition groups; however, the City of Utica Common Council has deemed rail service to be a critical component of its Master Plan to increase the development in and around historic Union Station and Baggs Square area, so, the recently expressed assertions by certain vocal opponents raise immediate concerns about the State's commitment to implementing these Regional Economic and Pro-Growth Strategies; and

**WHEREAS,** a remarkable coalition of interests has committed itself to the future of this railway, including the Adirondack Railway Preservation Society, Next Stop Tupper Lake, the Adirondack North Country Association, the North Country Chamber of Commerce, ARISE, the Saranac Lake Chamber of Commerce, the Tupper Lake Chamber of Commerce, the Mohawk Valley Chamber of Commerce and dozens of others, launching the "On Track to Saranac" project as the next phase of progress; and

**NOW THEREFORE BE IT HEREBY RESOLVED,** that along with the Adirondack North Country Association, the North Country Chamber of Commerce, and the Utica Common Council, the Oneida County Board of Legislators hereby fully supports the preservation and rehabilitation of all the Utica to Lake Placid surviving rail infrastructure in through the Adirondacks that will facilitate the creation of badly needed employment in this highly distressed area of New York, tap the use of rail as a green form of transportation for freight, restore historic infrastructure to promote tourism and further bolster the sustainability of our communities; and

**BE IT FURTHER RESOLVED,** that the Clerk of the Board shall transmit copies of this memorializing petition to New York State Governor Andrew Cuomo, New York State Senator Joseph A. Griffo, New York State Assembly Representative Anthony Brindisi, New York State Assembly Representative Claudia R. Tenney, New York State Senator David Valesky, New York State Assembly Representative, William McGee and all others deemed necessary and proper.

LEGISLATORS SUPPORTING PETITION

LEGISLATORS OPPOSING PETITION

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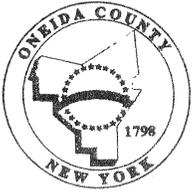
LEGISLATORS SUPPORTING PETITION

LEGISLATORS OPPOSING PETITION

*Frank Tuller* 1975  
*W. A. H. O-14*  
*Frank Tuller*  
*W. A. H. O-14*

The enclosed petition represents the opinion of those members of the Oneida County Board of Legislators signing the same regarding the contents or subject matter of the petition. Under the Rules of the Board, a Legislator may sign said petition or may, in the alternative, elect not to sign the petition. There are 29 members of the Oneida County Board of Legislators.

Dated: February 13, 2013



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

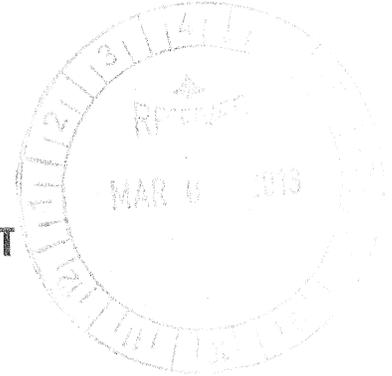
March 6, 2013

Oneida County Board of Legislators  
800 Park Ave  
Utica, NY 13501

FN 20 13 - 091

**ECONOMIC DEVELOPMENT  
& TOURISM**

**WAYS & MEANS**



Honorable Members:

The F.X. Matt Brewing Company recently completed a major project at their facility, installing an anaerobic digestive system to their process.

This system treats their waste water and converts it into gas creating a power source that will cover up to 40% of the brewery's electrical needs. Upon construction and installation of the digester system the brewery acquired several properties that required demolition, creating green space that will be used for community events at the site which graces the Boilermaker finish line.

F.X. Matt Brewery has invested \$4.5 million in this project with grant assistance from NYSERDA and National Grid. The county will benefit additionally from this project as it reuses wastewater and treats that which goes back into our system for a more environmentally improved process. Not only is this a clean energy project it also provides a significant neighborhood improvement.

To help defray demolition costs and recognition for the benefit of our sewer system I propose \$50,000. from our Economic development fund to Mohawk Valley EDGE to be granted to F.X. Matt for their investment and improvement in our community.

Sincerely,

  
Anthony J. Picente, Jr  
Oneida County Executive



**ONEIDA COUNTY DEPARTMENT OF LAW**

Oneida County Office Building  
800 Park Avenue ♦ Utica, New York 13501-2975  
(315) 798-5910 ♦ fax (315) 798-5603

**ANTHONY J. PICENTE JR.**  
COUNTY EXECUTIVE

**GREGORY J. AMOROSO**  
COUNTY ATTORNEY

FN 20 13 - 092

**GOVERNMENT OPERATIONS**

**WAYS & MEANS**

February 22, 2013

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

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

Date 2/27/13

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

Dear Mr. Picente:

Oneida County is currently in the third year of a three (3) year contract for Claims Administration with Gustave W. Boucher d/b/a LG Boucher. Mr. Boucher handles all aspects of claims administration and adjustment services for the County. The contract includes a panel of defense counsel, who represent the County in proceedings related to said claims. The contract is due to expire December 31, 2013.

Mr. Boucher and the panel attorneys have performed their services in an exemplary matter during the term of the existing contract. He has proposed a new three (3) year contract, with no increase in fees or in other financial terms.

I have prepared a contract for the new three (3) year term, which will run from January 1, 2014 through December 31, 2016. If this meets with your approval, I ask that you please forward it to the Board of Legislators for approval.

Very truly yours,

*Gregory J. Amoroso*

Gregory J. Amoroso, Esq.  
Oneida County Attorney



**Oneida Co. Department:** County Attorney

Competing Proposal \_\_\_\_\_  
Only Respondent \_\_\_\_\_  
Sole Source RFP \_\_\_\_\_  
Federal Agreement/Revenue \_\_\_\_\_

**Oneida County Contract Summary**

**Name of Proposing Organization:** Gustave W. Boucher d/b/a LG Boucher

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

**Proposed Dates of Operation:** 1/1/14-12/31/16

**Client Population/Number to be Served:** County of Oneida in defense of Claims against the County

**Summary Statements**

- 1) Narrative Description of Proposed Services:** To defend claims against the County
- 2) Program/Service Objectives and Outcomes:**
- 3) Program Design and Staffing:**

**Total Funding Requested:** \$168,000.00      **Account #:** A1930.1951

**Oneida County Dept. Funding Recommendation:** \$168,000.00

**Proposed Funding Sources (Federal \$/ State \$/County \$):** County

**Cost Per Client Served:** ---

**Past Performance Data:** ---

**O.C. Department Staff Comments:**

# 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

F. RICHARD GIFFORD, II  
Commissioner of Aviation

FN 20 13-093

**AIRPORT**

**WAYS & MEANS**

January 10, 2013

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



Re: Supplemental Design Agreement with CHA

Dear County Executive Picente,

The Department of Aviation is submitting for approval a Consultant Agreement with Clough Harbor and Associates, for additional design service. CHA will prepare plans and specifications in accordance with FAA requirements, including FAA Advisory Circular AC 150/5300-13, Airport Design.

YM Engineering performed an independent fee estimate (IFE) as required by the FAA. The IFE results determined Clough Harbor and Associates fee as reasonable. This proposal was accepted at the January 10, 2013 Acquisition and Contract Meeting. The Oneida County Board of Legislators has designated CHA Companies as an approved Airport Consultant (F.N. 2009-415, Res. No. 348).

Please consider acceptance of this supplemental agreement from Clough Harbor for \$105,018.81. They will provide the necessary drawings and specifications associated with the Phase 1 Taxiway Design. This is subject to the FAA providing a grant offer for the project through the FAA Airport Improvement Program which will provide 95% Federal funding (\$99,767.87). The State funding match will be at least 2.5% (\$2,625.47). The local county share would be a 2.5 % (\$2625.47). Funding is provided through Capital Account H-339. Upon acceptance, please forward to the Oneida County Board of Legislators for their consideration and approval. Charge Capital Account H-339. Thank you.

Sincerely,

Chad Lawrence  
Deputy Commissioner

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

Anthony J. Picente, Jr.  
County Executive

Date 2/25/13

Oneida County Department: Aviation

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

## Oneida County - Contract Summary

**Name of Proposing Organization:** CHA Companies

**Title of Activity or Service:**

Professional Design services for  
additional design work for Phase 1  
Taxiway

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

**Summary Statements:**

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

CHA Companies will provide professional Design Services

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

CHA Companies will provide additional design services for Phase 1 Taxiway Design

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

**Total Funding Requested:** \$105,018.81

**Oneida County Department Funding  
Recommendation:**

**Account #** H-339

<b>Proposed Funding Source:</b>	<b>Federal</b>	\$99,767.87	<b>State</b>	\$2,625.47	<b>County</b>	\$2,625.47
		_____		_____		_____

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

**Past Performance Data:**

**Oneida County Department Staff Comments:**

**ONEIDA COUNTY**

ANTHONY J. PICENTE JR.  
COUNTY EXECUTIVE



**EMERGENCY MANAGEMENT**  
120 Base Rd \* Oriskany, NY 13424

**KEVIN W. REVERE - DIRECTOR**  
(315) 765-2522 \* Fax (315) 765-2529

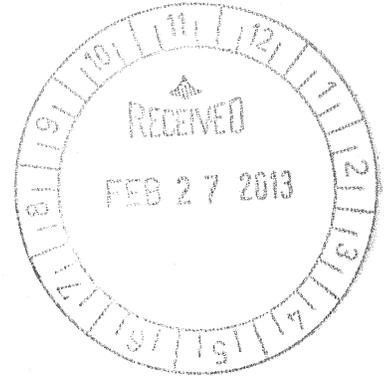
FN 20 13 - 094

February 11, 2013

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

**PUBLIC SAFETY**

**WAYS & MEANS**



Re: Proposed contract between NYS DHSES and Oneida County for HAZ MAT.

Dear County Executive Picente:

Attached are three (3) copies of a grant application and proposed contract for \$32,000 with the New York State Department of Homeland Security and Emergency Services for equipment related to the Oneida-Herkimer Haz Mat Team.

I request that you seek the Board of Legislators's approval for this grant under Capital Account H484-Haz Mat 2012.

Pending BOL approval, I respectfully request your electronic signature on the enclosed contract.

Sincerely,

Kevin Revere  
Director

Cc: Sheryl Brown

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

Anthony J. Picente, Jr.  
County Executive

Date 2/25/13

Oneida Co. Department Emergency Services

Competing Proposal \_\_\_\_\_

Only Respondent \_\_\_\_\_

Sole Source RFP \_\_\_\_\_

**Oneida County Board of Legislators**

**Contract Summary**

**Name of Proposing Organization:** New York State Office of Homeland Security and Emergency Services HM12-1012D00

**Title of Activity or Services:** Contract

**Proposed Dates of Operations:** 10/24/12-8/31/14

**Client Population/Number to be Served:** Oneida County

**SUMMARY STATEMENTS**

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

Haz Mat related equipment

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

Acquisition of HAZ Mat Team enhancements

**3). Program Design and Staffing Level**

N/A

**Total Funding Requested:** \$32,000.00

**Oneida County Dept. Funding Recommendation:**

**Proposed Funding Source (Federal \$ /State \$ / County \$):** No cost to the county

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

**Past performance Served:** N/A

**O.C. Department Staff Comments:** Ongoing DHS funding for HAZ Mat response  
NEW CAPITAL ACCOUNT # H484.

Anthony J. Picente, Jr.  
County Executive



David Tomidy  
Director



# Oneida County Probation Department

321 Main Street, 2<sup>nd</sup> Floor, Utica, New York 13501

Utica ~ Phone: (315) 798-5914 Fax: (315) 798-6467  
Rome ~ Juvenile: (315) 337-0080 Adult: (315) 337-0073  
E-mail: [probation@ocgov.net](mailto:probation@ocgov.net) · Web Site: [www.ocgov.net](http://www.ocgov.net)

Deputy Director  
Patrick Cady

**Supervisors**

Thomas Brognano  
Mark F. Joseph  
Holly Matthews  
Paula Mrzlikar

February 21, 2013

FN 20 13-095

**PUBLIC SAFETY**

**WAYS & MEANS**

The Honorable Anthony J. Picente, Jr.  
Oneida County Executive  
Oneida County Office Building  
800 Park Avenue – 10<sup>th</sup> Floor  
Utica, New York 13501

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

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

Date: 3-7-13

Re: Ignition Interlock Monitoring Program  
Reimbursement Grant  
A3140.413/Revenue Account #: A3310

Dear Mr. Picente:

Enclosed is a Contract with DCJS wherein they will once again reimburse us for our efforts to ensure DWI offenders have Ignition Interlock Devices installed on their vehicles by our monitoring efforts. This \$54,333 Grant is the third year of reimbursement. I am doubtful this reimbursement will continue after this Grant period.

Nevertheless, we recommend the Board pass this Resolution to maximize our revenue without adding any new personnel.

After approval, please affix your E signature so that we can begin the vouchering process.

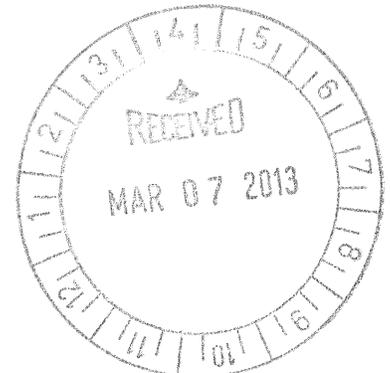
Your support of our programming continues to be appreciated.

Very truly yours,

*David Tomidy*

DAVID TOMIDY  
PROBATION DIRECTOR

DT:kas  
Enclosures



25

Oneida Co. Department: Probation

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

Oneida County Board of Legislators  
Contract Summary

**Name of Proposing Organization:** Oneida County Probation Department

**Title of Activity or Service:** Mandated Ignition Interlock Monitoring Services – Due to a new 2010 law all DWI convictions require the installation of an Ignition Interlock device and compliance monitoring. To assist localities DCJS is offering reimbursement for the second year to cover some of the expenses.

**Proposed Dates of Operation:** 10/1/12 – 9/30/13

**Client Population/Number to be Served:** Convicted DWI Offenders: 250

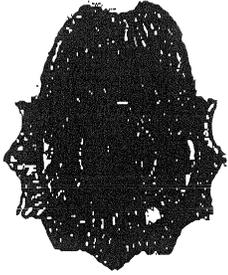
**Total Funding Requested:** DCJS through a formula estimating how many offenders we will work with during the Contract period that Oneida County qualifies for \$54,333.00 reimbursement. This figure will be affected by the real number of clients which we fully expect to have hooked up and monitor.

**Oneida County Dept. Funding Recommendation:** Therefore, we respectfully request the County approve this Contract as we are doing the work with existing staff.

Anthony J. Picente, Jr.  
County Executive



David Tomidy  
Director



### Oneida County Probation Department

321 Main Street, 2<sup>nd</sup> Floor, Utica, New York 13501

Utica ~ Phone: (315) 798-5914 Fax: (315) 798-6467  
Rome ~ Juvenile: (315) 337-0080 Adult: (315) 337-0073  
E-mail: [probation@ocgov.net](mailto:probation@ocgov.net) · Web Site: [www.ocgov.net](http://www.ocgov.net)

Deputy Director  
Patrick Cady

Supervisors

Thomas Brognano  
Mark F. Joseph  
Holly Matthews  
Paula Mrzlikar

February 14, 2013

FN 20 13 - 096  
PUBLIC SAFETY

### WAYS & MEANS

The Honorable Anthony J. Picente, Jr.  
Oneida County Executive  
Oneida County Office Building  
800 Park Avenue – 10<sup>th</sup> Floor  
Utica, New York 13501

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

Anthony J. Picente, Jr.  
County Executive

Date 2/25/13

Re: Certification of Section 606 of the  
New York State Correction Law – 2012

Dear Mr. Picente:

Enclosed is a Certified Listing of 2012 costs in the amount of \$5,699.73 which represents our department's costs expended while conducting Pre-Sentence Investigations on sentenced inmates in the State Prison System.

As indicated, Section 606 of the Correction Law and Part 410 of the New York Code of Rules and Regulations (NYCRR) allows for this reimbursement when these costs are expended by public funds. We have prepared 36 Pre-Sentence Reports on state inmates.

As a Board Resolution is required I hereby request the Board's approval of our request for reimbursement from New York State.

Very truly yours,

DAVID TOMIDY  
PROBATION DIRECTOR

DT:kas  
Enclosures: Reimbursement Expenses for PSI's



Anthony J. Picente, Jr.  
County Executive



David Tomidy  
Director



# Oneida County Probation Department

321 Main Street, 2<sup>nd</sup> Floor, Utica, New York 13501

Utica ~ Phone: (315) 798-5914 Fax: (315) 798-6467  
Rome ~ Juvenile: (315) 337-0080 Adult: (315) 337-0073  
E-mail: [probation@ocgov.net](mailto:probation@ocgov.net) · Web Site: [www.ocgov.net](http://www.ocgov.net)

Deputy Director  
Patrick Cady

**Supervisors**

Thomas Brognano  
Mark F. Joseph  
Holly Matthews  
Paula Mrzlikar

January 30, 2013

Mr. Anthony J. Picente, Jr.  
Oneida County Executive  
Oneida County Office Building  
800 Park Avenue-10<sup>th</sup> Floor  
Utica, New York 13501

FN 20 13 - 097

**PUBLIC SAFETY**

**WAYS & MEANS**



Re: ATI Grant 2012-2013

Dear Mr. Picente:

Enclosed is a Contract from DCJS for reimbursement of expenses incurred by our Domicile Restriction Program for 2012-2013. The amount of \$43,781 is the same rate as 2011-2012. We have run this valuable program for over 20 years which allows defendants the opportunity to live at home, work, and seek treatment instead of incarceration. This program involves both adults and juveniles and in 2012 our accounting reveals savings to the County of over \$2 million.

This Program is highly cost effective and promotes social adjustment of appropriate offenders. Without sacrificing public safety, we are able to increase the chances of offenders at making positive adjustments in their lives. We have included documentation of our savings. Upon your approval please sign the contract electronically as DCJS has already contacted Amanda.

Your continued support of this and all of our programs and efforts is most appreciated.

Very truly yours,

DAVID TOMIDY  
PROBATION DIRECTOR

DT:kas  
Enclosures

Reviewed and Approved for submission to the  
Oneida County Board of Legislators by  
  
Anthony J. Picente, Jr.  
County Executive  
Date 3-5-13

Oneida Co. Department: Probation

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

Oneida County Board of Legislators  
Contract Summary

Name of Proposing Organization: Oneida County Probation Department

Title of Activity or Service: Domicile Restriction Program

Proposed Dates of Operation: 7/1/2012 to 6/30/2013

Client Population/Number to be Served:

Summary Statements:

- 1) Narrative Description of Proposed Services: Provides Alternative to Incarceration both at the Pre-Trial and Post-Sentencing stages of the Legal Process and is a graduated sanction of Probation. It allows home sobriety checks and surveillance of Sex Offenders' movements.
- 2) Program/Service Objectives and Outcomes: Replaced 9,242 days of incarceration at County Jail – savings of \$90.00 per day = \$831,780; Allows employed Defendants to continue working; 1,157 days of secure or non-secure detention for juveniles saving \$1,255,503 for the County.
- 3) Program Design and Staffing: Reducing burden on Social Services (65 employed full-time; 28 part-time employed; and 10 students = 103 adult offenders served). One Probation Officer and two Probation Assistants install and monitor equipment and report compliance/violations to the Court.

Total Funding Requested:

Account #: 3141

Our Budget is \$266,958 and we are seeking \$43,781.00 from DCJS in this grant. We are also subsidized by OCDSS funds \$35,000; Bail Poundage of \$3,800; and Reimbursement from the Utica Police Department of \$6,500. Net Cost to run this Program is \$177,877.

Cost Per Client Served: \$2.11 per day per client

Past Performance Data: 85% reduction in recidivism which on Domicile Restriction - 97 successfully completed in 2012.

O.C. Department Staff Recommendation: Probation Department highly recommends applying for State funding to continue programming as this Project provides a cost effective alternative to incarceration. It reduces county costs to the jail and provides opportunity for community-based supervision and service provision.

# Oneida County Department of Public Works

ANTHONY J. PICENTE JR.  
County Executive

DENNIS S. DAVIS  
Commissioner

6000 Airport Road  
Oriskany, New York 13424  
Phone: (315) 793-6235  
Fax: (315) 768-6299

DIVISIONS:  
Buildings & Grounds  
Engineering  
Highways, Bridges & Structures  
Reforestation

February 22, 2013

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

FN 20 13 - 098

**PUBLIC WORKS**

**WAYS & MEANS**



Dear County Executive Picente,

On January 10, 2013 the Oneida County Board of Acquisition and Contract accepted a proposal from C&S Engineers for \$59,000.00 to prepare plans and specifications for the following bridge replacement or reconstruction projects.

Rehabilitation of BIN 3311060, Fox Road over Nine Mile Creek, Town of Trenton  
Replacement of BIN 3310720, Lee Center – West Lee Road over Canada Creek, Town of Lee  
Replacement of Structure C1-41, Dix Road over Wheeler Creek, Town of Westmoreland

Please consider the enclosed contract for the above mentioned services. If acceptable, please forward to the Oneida County Board of legislators for consideration.

Thank you for your support.

Sincerely,

Dennis S. Davis  
Commissioner

cc: Mark E. Laramie, PE, Deputy Commissioner

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

Anthony J. Picente, Jr.  
County Executive

Date: 3-5-13

# Oneida County DPW Contract Summary

Division: Engineering  
Contact: Mark Laramie  
Telephone Number: (315) 793-6236

Commodity and/or Labor Contract \_\_\_\_\_  
Professional Services Contract \_\_\_\_\_  
NYSOGS Contract \_\_\_\_\_  
Competitive Bid or Proposal X  
Sole Source \_\_\_\_\_  
Other \_\_\_\_\_

Board of Legislators Approval Required Yes

Name of Contracting Organization: **C&S Engineers**  
**499 Col. Eileen Collins Boulevard**  
**Syracuse, NY 13212**

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

Description of Proposed Services: **Prepare plans and specifications for the following bridge replacement or reconstruction projects.**

**Rehabilitation of BIN 3311060, Fox Road over Nine Mile Creek,  
Town of Trenton**  
**Replacement of BIN 3310720, Lee Center – West Lee Road over  
Canada Creek, Town of Lee**  
**Replacement of Structure C1-41, Dix Road over Wheeler Creek,  
Town of Westmoreland**

Total Funding Requested: \$59,000.00

Account Number H-374

Proposed Funding Source: Federal \_\_\_\_\_  
State \_\_\_\_\_  
County 100%  
Other \_\_\_\_\_

Oneida County Department Staff Comments: \_\_\_\_\_



# ONEIDA COUNTY BOARD OF LEGISLATORS

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

Gerald J. Fiorini  
Chairman  
(315) 798-5900

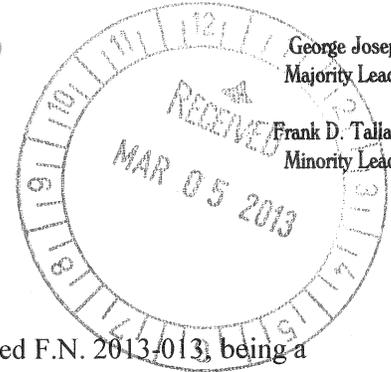
Mikale Billard  
Clerk  
(315) 798-5404

February 28, 2013

Honorable Gerald J. Fiorini, Chairman  
Oneida County Board of Legislators  
800 Park Avenue  
Utica, New York 13501

FN 20 13 - 099

**PUBLIC WORKS**  
**WAYS & MEANS**



George Joseph  
Majority Leader  
Frank D. Tallarino  
Minority Leader

Dear Chairman Fiorini,

As you know, on February 13<sup>th</sup> the Oneida County Board of Legislators passed F.N. 2013-013, being a local law prohibiting the use of brine on county owned roads. The Legislature determined that brine from gas extraction wells may contain toxic substances, including but not limited to heavy metals and radioactive elements, all of which pose and create serious health and safety risks for the public. Brine leakage at well sites and brine spills during transportation have also been shown to pose considerable risk.

As you are also aware, many towns, villages and cities in New York State have already instituted certain moratoriums and/or bans on high volume hydraulic fracturing (HVHF) or hydrofracking. In fact, your good City of Rome, along with the Towns of New Hartford, Paris, Marshall and Augusta have already enacted bans in Oneida County. In addition, eighteen other Oneida County towns have enacted moratoriums; and, many of these same towns are working on an outright ban right now.

Significant last year were the statements that were made and given to the DEC Regulators by the highly regarded, impartial and authoritative professionals on drilling issues, namely the U.S. Geological Survey, who took an unusual position to warn Governor Cuomo that allowing HVHF to go forward in New York could endanger private water wells, municipal aquifers and public drinking water supplies. (Please see the attached article, 'Federal Scientists Warn NY of Fracking Risks'.)

Also, the federal EPA separately warned the NY State Regulators last year that the DEC is ill-equipped to regulate a boom in shale gas drilling and that it has limited financial means to enforce the numerous new regulations that they have proposed. The EPA raised many concerns, among them, "...that the State has understated the severity of radioactive pollution associated with drilling and doesn't know how such contaminants would be disposed of".

On October 6, 2011 DEC Commissioner Joe Martens testified to an Assembly Committee that, "*Surface spills are inevitable. All we can do – is to try to mitigate it.*" He also said with respect to well construction, "*Gas migration into water wells is a problem.*" He went on to say that it is a problem that neither he, nor his agency can fix, adding, "*...it can only be mitigated*".

On Monday, February 5, 2013, DEC Commissioner Joe Martens testified to NY State Senator Terry Gipson, (during a joint Senate and Assembly hearing), that the proposed regulatory framework to be used for HVHF is based on "anecdotal evidence" which is tantamount to no more than a storyline; anecdotal

evidence is essentially the opposite of true scientific rigor with baseline data. Indeed, New York's Department of Health review, according to medical professionals, has not included any independent Health Impact Assessment that is site specific for New York. [Perhaps this is why the Syracuse and New York City watersheds have been exempted from the process!]

No doubt, HVHF is risky business; and, the stakes for Oneida County residents are enormous, as property values in Pennsylvania have gone to virtually zero once the existing well water has been found to be compromised. Other negative impacts include well casing failures, direct contamination of wells with methane from deep-level fracture zones, hazardous air pollutants from venting flare operations, chemical spills, disposal of radioactive waste water, silica dust, methane emissions, earthquake risks and increased vehicular accidents to name a few. (Negative impacts on human health are documented by the hundreds, and growing, as evidenced by Googling '*List of the harmed*').)

Ironically on the very day, earlier this month, when DOH Commissioner Shah said that he needed more time to evaluate the impacts of HVHF on public health, DEC Commissioner Martens issued a statement that the issuance of permits may not be delayed by virtue of a lack of codified regulations. It appears that the DEC Commissioner is still inclined to stick with the idea of arbitrary deadlines and push for a 'rush to drill' even though the requisite called for studies by the DOH are still in their early progress stages and none of these state conducted health studies have been put before the public eye.

With the above in mind, please be advised that Legislator Chad Davis and I are wanting to sponsor a resolution whereby the Oneida County Board of Legislators would declare it a policy of Oneida County to not allow HVHF on County owned property until such time as the potential long-term and short-term negative impacts of this crude technology have been properly identified and addressed, including the associated negative health impacts that have been made the part of a state DEC study, investigation and review, but which reports (to date) have remained secret.

In short, too many unanswered questions remain and the process appears to impose too many risks, at the same time, far too little real hard science has been conducted to date to chase down the truth and reality of the potential negative impacts – many of which are irreversible.

In August 2011, New York State Republican Senator Greg Ball urged Governor Cuomo and the legislature to act on a number of proposals to safeguard the public from certain negative impacts and the fallout of HVHF. A year and a half after his comprehensive fracking bill was proposed, nothing has happened to protect or advance the rights of property owners who will be within the cross-hairs of this unpredictable technology. (See copy attached.)

We, as Legislators, have a responsibility to the residents of Oneida County to ensure that their health and safety will, in fact, be looked after and maintained – under the best of science and for the best of health. Unfortunately, it appears quite clear that the proposed regulatory framework for HVHF is not there yet.

Presently, the proposed regulatory framework appears to be mere guess work and speculation. For these reasons, and others too lengthy to list, we are looking to have the proposed legislation in place as an

added safeguard for good and adequate protection for all of our citizenry here in Oneida County at this time.

With the above said and stated as a brief background, please find attached certain proposed legislation that we would like to have you move forward to the Board. We kindly ask that the same be forwarded at your earliest convenience to the appropriate committee, with the idea that this Resolution be forwarded to Ways & Means Committee for consideration at its April 10, 2013 meeting.

Thank you for your kind attention to this very important matter and for your inclined commitment to protect the public health of the people of Oneida County at this time and juncture.

Respectfully submitted,

*s/Emil Paparella*

Emil Paparella (R-24)  
Co-Sponsor

*s/Chad Davis*

Chad Davis (D-18)  
Co-Sponsor

*s/Edward P. Welsh*

Edward P. Welsh (R-21)

*s/Philip M. Sacco*

Philip M. Sacco (D-9)

*s/William B. Goodman*

William B. Goodman (D-13)

ENCLOSURES.



**ONEIDA COUNTY DEPARTMENT OF  
WATER QUALITY & WATER POLLUTION CONTROL**

51 Leland Ave, PO Box 442, Utica, NY 13503-0442  
(315) 798-5656 wpc@ocgov.net FAX 724-9812

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

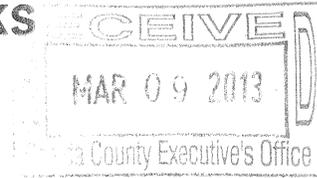
**Steven P. Devan, P.E.**  
Commissioner

March 8, 2013

FN 20 13 - 100

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

**PUBLIC WORKS  
WAYS & MEANS**



Re: Resolution amending resolution passed on January 9, 2013  
Capital Project HG479 – North Utica Parallel Interceptor

Dear County Executive Picente:

In a resolution passed by the Oneida County Board of Legislators on January 9, 2013, the projected typical property cost for the North Utica Parallel Interceptor Project was listed as \$6.70 per year. This would have meant that the Office of the State Comptroller would have to have approved this project. The threshold for State Comptroller approval is \$5.00 per year.

After reviewing the definition of "typical property", bond counsel has recalculated the typical property cost for the project and has indicated that it now falls below the threshold. Consequently, it does not require Office of the State Comptroller approval. The new value is \$4.03.

Attached is a resolution proposed by bond counsel amending the resolution of January 9, 2013 to reflect the new typical property cost. The resolution also recognizes that the Office of the State Comptroller does not need to approve the project.

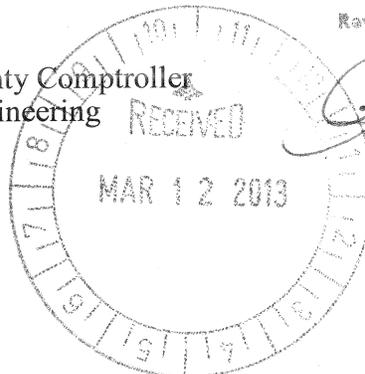
I respectfully request that the Board consider this legislation at their April board meeting. I am available to meet with you or the Board at your convenience to discuss this request and explain it in more detail. Thank you for your consideration in this matter.

Sincerely,  
**THE ONEIDA COUNTY DEPARTMENT OF  
WATER QUALITY AND WATER POLLUTION CONTROL**

Steven P. Devan, P.E.  
Commissioner

Cc: Joseph J. Timpano, Oneida County Comptroller  
Karl E. Schrantz, Shumaker Engineering

Attachments: Proposed resolution



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

Anthony J. Picente, Jr.  
County Executive

Date 3-12-13



ORRICK

March 6, 2013

ORRICK, HERRINGTON & SUTCLIFFE LLP  
51 WEST 52ND STREET  
NEW YORK, NY 10019-6142  
tel 212-506-5000  
fax 212-506-5151  
WWW.ORRICK.COM

Thomas E. Myers  
(212) 506-5212  
tmyers@orrick.com

**VIA E-MAIL** (jtimpano@ocgov.net)

Mr. Joseph J. Timpano  
Comptroller  
County of Oneida  
County Office Building  
800 Park Avenue  
Utica, NY 13501

Re: County of Oneida, New York  
Sewer District – North Utica Interceptor Sewer Project  
Orrick File: 42439-2-40

Dear Joe:

After reviewing the prior County resolution and the definition of “typical property”, I realize it will be necessary to amend the County’s prior resolution to reflect the new typical property cost and, as a result, the fact that State Comptroller consent is no longer required.

I calculated the new cost based upon a one year bond anticipation note at 1% with a principal payment of \$120,000 in 2014.

As such, enclosed please find the form of amendatory resolution for the above matter.

In due course, please furnish us with a certified copy of the enclosed resolution.

With best wishes,

Very truly yours,

*Tom*

Thomas E. Myers  
TEM/es

cc: Steve Devan (sdevan@ocgov.net)  
John C. Shehadi (jshehadi@fiscaladvisors.com)

RESOLUTION DATED MARCH \_\_\_, 2013.

A RESOLUTION AMENDING A RESOLUTION ADOPTED ON JANUARY 9, 2013 RELATING TO THE NORTH UTICA INTERCEPTOR SEWER PROJECT.

WHEREAS, on January 9, 2013 the County legislature of the County of Oneida approved, pursuant to Section 268 of the County Law, an increase and improvement of the facilities of the Oneida County Sewer District consisting of the North Utica Interceptor sewer improvements at a maximum estimated cost of \$11,630,000; and

WHEREAS, such resolution indicated that the estimated cost of such project to the typical property in the District was \$6.70 and that the expenditures for such purpose requires the consent of the State Comptroller; and

WHEREAS, after further discussions with the County's financial advisor and bond counsel it is now the plan to initially finance such improvements by the issuance of bond anticipation notes such that the amount of debt service payable in the first year in which both principal and interest is payable reduces the cost to the typical property to \$4.03 which amount is below the threshold requiring State Comptroller consent; NOW, THEREFORE,

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

Section 1. The resolution referred to in the preambles hereof is hereby amended to reflect the reduced estimated cost to the typical property from \$6.70 to \$4.03 and to delete Section 2 of such resolution so as to remove the requirement for State Comptroller consent for expenditures and contracts let for such project.

Section 2. This resolution takes effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

_____	VOTING	_____

The resolution was thereupon declared duly adopted.

\* \* \*





**ONEIDA COUNTY DEPARTMENT OF  
WATER QUALITY & WATER POLLUTION CONTROL**

51 Leland Ave, PO Box 442, Utica, NY 13503-0442  
(315) 798-5656 wpc@ocgov.net FAX 724-9812

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

**Steven P. Devan, P.E.**  
Commissioner

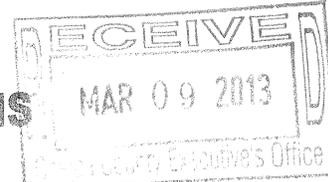
March 8, 2013

FN 20 13-101

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

**PUBLIC WORKS**

**WAYS & MEANS**



Re: Resolution approving application to the State Comptroller  
Capital Project HG482 - Consent Order Plant Upgrades Phase 6B

Dear County Executive Picente:

As part of the bonding requirements for sewer district improvements, any project that exceeds the average annual estimated cost threshold published by the Office of the State Comptroller must receive the approval of that office. This 2013 threshold for a typical property is \$5.00 per year.

The projected typical property cost for the Consent Order Plant Upgrades Phase 6B is \$38.00 per year. Consequently, the Office of the State Comptroller must approve this project and the filing of the application for this approval must be authorized by the Oneida County Board of Legislators.

Attached is a resolution prepared by bond counsel approving the application to the Office of the State Comptroller. The draft application is also attached.

I respectfully request that the Board consider this legislation at their April board meeting. I am available to meet with you or the Board at your convenience to discuss this request and explain it in more detail. Thank you for your consideration in this matter.

Sincerely,  
**THE ONEIDA COUNTY DEPARTMENT OF  
WATER QUALITY AND WATER POLLUTION CONTROL**

Steven P. Devan, P.E.  
Commissioner

Cc: Joseph J. Timpano, Oneida County Comptroller  
Karl E. Schrantz, Shumaker Engineering

Attachments: Proposed resolution  
Proposed Application



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

Date 3/12/13

40



ORRICK, HERRINGTON & SUTCLIFFE LLP  
51 WEST 52ND STREET  
NEW YORK, NY 10019-6142  
tel 212-506-5000  
fax 212-506-5151  
WWW.ORRICK.COM

March 6, 2013

Thomas E. Myers  
(212) 506-5212  
tmyers@orrick.com

**VIA E-MAIL (jtimpano@ocgov.net)**

Mr. Joseph J. Timpano  
Comptroller  
County of Oneida  
County Office Building  
800 Park Avenue  
Utica, NY 13501

Re: County of Oneida, New York  
Sewer District – Water Pollution Control Plant  
Orrick File: 42439-2-41

Dear Joe:

Enclosed please find the form of resolution approving the application to the State Comptroller, as well as a draft of the application.

To complete our file please furnish us with two certified copies of the enclosed resolution as well as two executed copies of the application. We have the attachments which will be added to the applications when we submit same to the State Comptroller.

With best wishes,

Very truly yours,

*Tom*

Thomas E. Myers  
TEM/es

cc: Steve Devan (sdevan@ocgov.net)  
John C. Shehadi (jshehadi@fiscaladvisors.com)

RESOLUTION DATED MARCH \_\_\_, 2013.

A RESOLUTION APPROVING AN APPLICATION TO THE STATE  
COMPTROLLER'S OFFICE IN CONNECTION WITH PROPOSED  
EXPENDITURES FOR THE COUNTY SEWER DISTRICT

WHEREAS, after all proceedings were duly had and taken the County Legislature of the County of Oneida has duly approved the increase and improvement of the County Sewer District and the upgrades and improvements to the solids handling and incineration facilities at the Water Pollution Control Plant, subject to State Comptroller's approval as to the expenditures therefore;  
NOW, THEREFORE, BE IT

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

Section 1. The application to the State Comptroller's office attached hereto as Exhibit A has been prepared at the direction of the County Legislature and the County Legislature believes the contents of such application to be accurate.

Section 2. The County Legislature has determined that the improvements for the District are in the public interest and will not constitute an undue burden on the property which will bear the cost thereof and that all real property to be so assessed will be benefited by the proposed improvements and no benefited property has been excluded from the boundaries of the District.

Section 3. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

_____	VOTING	_____

The resolution was thereupon declared duly adopted.

\* \* \*

**CERTIFICATION FORM**

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF ONEIDA )

I, the undersigned Clerk of the County Legislature of the County of Oneida, New York (the "County"), DO HEREBY CERTIFY:

- 1) That a meeting of the County Legislature was duly called, held and conducted on the \_\_\_\_ day of March, 2013.
- 2) That such meeting was a **special** **regular** (circle one) meeting.
- 3) That attached hereto is a proceeding of the County which was duly adopted at such meeting by the County Legislature.
- 4) That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said County Legislature.
- 5) That all members of the County Legislature had due notice of said meeting.
- 6) That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
- 7) That notice of said meeting (the meeting at which the proceeding was adopted) was given PRIOR THERETO in the following manner:

**PUBLICATION** (here insert newspaper(s) and date(s) of publication)

**POSTING** (here insert place(s) and date(s) of posting)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County Legislature this \_\_\_\_ day of March, 2013.

\_\_\_\_\_  
Clerk of the County Legislature

(CORPORATE SEAL)

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**AN APPLICATION OF THE COUNTY OF ONEIDA  
FOR CONSENT BY THE STATE COMPTROLLER  
TO EXPENDITURES FOR THE ONEIDA COUNTY SEWER DISTRICT  
PURSUANT TO SECTION 268  
OF THE COUNTY LAW**

---

**TO THE COMPTROLLER OF THE STATE OF NEW YORK**

State Department of Audit and Control  
110 State Street  
14th Floor  
Albany, New York 12236

Sir:

The petition of the County Legislature of the County of Oneida, State of New York for consent to expenditures for the County's Sewer District, pursuant to Section 268 of the County Law, respectfully shows:

- (a) Documents and information required to be included by the provisions of County Law pursuant to which this Application is being made:
  - Map, Plan and Estimate of Cost (Attachment #1).
  - Notice of Hearing (Attachment #2).
  - Public Interest/Determinations Resolution Approving the Application (Attachment #3).
  
- (b) The proposed expenditures relate to upgrades and improvements to the solids handling and incineration facilities at the Water Pollution Control Plant as more fully set forth in the map, plan and estimate of cost (see Attachment #1).

All work has been designed by a currently licensed New York State Professional Engineer.

- (c) The maximum cost of the proposed improvements is \$35,000,000 further broken out in the map, plan and estimate of cost.
  
- (d) In considering its determination that the proposed improvements are in the public interest, the County Legislature considered the content of the map, plan and estimate of cost to conclude that the proposed improvements are necessary and all property upon which the user charges are to be imposed will be benefited by the improvements and no benefited property has been excluded.

- (e) The proposed method of financing the cost of the improvements shall be through the issuance of County obligations payable over 30 years at an anticipated interest rate of 3.50%, such rate subsidized by EFC by 50%. (See Exhibit C.)

This proposed financing is deemed reasonable under current market conditions.

- (f) There is no increased operating and maintenance cost to the District as a result of the proposed improvements. IMPROVEMENTS SHOULD REDUCE O&M COST DUE TO INCREASED EFFICIENCY.
- (g) Debt Service for the proposed serial bonds shall be raised through user charges imposed and collected from the several lots and parcels within the District.
- (h) The aggregate assessed valuation of the taxable property within the District as shown on the latest completed assessment rolls is \$3,790,428,599.
- (i) This application for consent to the expenditures for the improvements is not being made under Section 54 or 209-q of Town Law.
- (j) There is no allocation of costs of the proposed improvements in Zones of Assessment in the District.
- (k) The average full valuation of the taxable real property of the County, computed pursuant to the first paragraph of subdivision seven-a of section 2.00 of the Local Finance Law is \$10,187,920,586.
- (l) The County has completed a debt statement and is attached as Exhibit A.
- (m) The current tax rates applicable to the taxable real property which will bear the cost of the proposed improvements are attached as Exhibit B.
- (n) The assessed valuation of a "typical property" in the District is \$69,770.
- (o) It is estimated that the typical property owner in the District will be required to pay the total shown below in the first year following approval of the Application (calculated as set forth below):

<u>Current 2013 Single Family</u>	<u>2014 (proposed improvements only ) single family</u>
Debt Service:       \$   38.16	\$38.00
O&M: <u>232.56</u>	
<b>Total:</b> \$ 270.72	

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Current 2013 Two Family

2014 (proposed improvements only ) two family

Debt Service:	\$	56.24	\$56.00
O&M:		<u>343.72</u>	
<b>Total</b>	\$	398.96	

- (p) The maximum amount any real property owner (describe) will be required to pay in the first year following approval of this Application, if granted (calculated as set forth below), is as follows:

Current 2013

2014 (proposed improvements only )

Debt Service:	\$	33,168.35	\$33,000
O&M:		<u>202,134.98</u>	
<b>Total:</b>	\$	235,303.33	

- (q) The area which will bear the cost of the *proposed* District improvements contains “state lands”, however, they are all wholly exempt from County sewer district capital costs.
- (r) No part of the area which will bear the cost of the *proposed* District improvements is wholly or partially within an existing or proposed agricultural.
- (s) The population of the District is 120,734. The number of one family homes in the District is approximately 26,962. The number of two family homes in the District is approximately 5,353. The various improvements contemplated are not predicated on any future development plans but should accommodate general growth throughout the District.
- (t) It is not contemplated at this time that sewer service will be sold to users outside the District.
- (u) The County has entered into a consent order with the State Department of Environmental Conservation #R620060823-67 dated 12/12/2011 relating to the improvements proposed (Exhibit D).
- (v) The County has conducted a number of formal and informal meetings and discussions with the interested parties concerning the improvements proposed.
- (w) The County has not received any written objections from any of the owners of the real property that will bear the cost of the improvements.

APPENDIX

LIST OF ATTACHMENTS

- #1. Map, Plan and Estimate of Cost
- #2. Notice of Hearing
- #3. Public Interest/Determinations Resolution Approving the Application  
(Certified Copy)
- #4. Counsel Opinion
  
- Exhibit A** Debt Statement
- Exhibit B** Tax Rates
- Exhibit C** Financial Advisor Letter
- Exhibit D** Consent Order

VERIFICATION

STATE OF NEW YORK        )  
  ) ss.:  
COUNTY OF ONEIDA        )

I, ANTHONY J. PICENTE, JR., being duly sworn, deposes and says that he is the County Executive of the County of Oneida, New York, the municipality corporation named in the within entitled action; that he has read the foregoing application and knows the content thereof; and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters he believes it to be true.

\_\_\_\_\_  
County of Oneida

Sworn to before me this \_\_\_\_ day of  
March, 2013.

\_\_\_\_\_

**PRELIMINARY ENGINEERING REPORT  
IN SUPPORT OF PROJECT FINANCING**

**SANITARY SEWER OVERFLOW MITIGATION PROGRAM  
PHASE 6B – WATER POLLUTION CONTROL PLANT UPGRADES –  
DESIGN, PERMITTING, AND SOLIDS HANDLING UPGRADES**

**CWSRF PROJECT NUMBER**

**C6-6070-08-06**

Prepared for

**Oneida County Department of Water Quality  
& Water Pollution Control**

**Steven P. Devan, P.E., Commissioner**

**51 Leland Avenue**

**Utica, NY 13502**

**SCE Project No. 07060.C7**

December 2012

Prepared by



Utica, NY



Cazenovia, NY

**BROWN AND  
CALDWELL**

Liverpool, NY

PRELIMINARY ENGINEERING REPORT  
IN SUPPORT OF PROJECT FINANCING

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December 2012

Prepared by

SHUMAKER CONSULTING ENGINEERING  
& LAND SURVEYING, P.C.  
430 COURT STREET  
UTICA, NY 13502

GHD CONSULTING ENGINEERS  
1 REMINGTON PARK DRIVE  
CAZENOVIA, NY 13035

Warning: It is a violation of the NYS Education Law Article 145 for any Person, unless he is acting under the direction of a licensed Professional Engineer, to alter this item in any way.

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## 1.0 INTRODUCTION

### 1.1 HISTORICAL BACKGROUND

The Oneida County Sewer District (District) was formed in 1965 through an act by the former Oneida County Board of Supervisors. It is administered through the Oneida County Department of Water Quality and Water Pollution Control (WQ&WPC) which is responsible for the operation and management of the District's facilities and personnel. District facilities include 45 miles of interceptor sewers, the Sauquoit Creek and the Barnes Avenue Pumping Station, and the Water Pollution Control Plant (WPCP). The District services 15 municipalities including the City of Utica. The District services 15 municipalities. Refer to Table 1-1.

Village of Clayville	Village of Holland Patent	Town of Paris	Town of Frankfort
Village of New Hartford	Village of Whitesboro	Town of Marcy	Town of Whitestown
Village of New York Mills	Village of Yorkville	Town of Deerfield	City of Utica
Village of Oriskany	Town of New Hartford	Town of Schuylar	Oneida County Business Park

### 1.2 CONSENT ORDER

The New York State Department of Environmental Conservation (NYSDEC) and County entered into a Consent Order No. R620060823-67 due to sanitary sewer overflows (SSO) at the Sauquoit Creek Pumping Station.

The major capital project elements necessary to satisfy the requirements of the Consent Order include the following:

- Sanitary sewer rehabilitation
  - o Manhole rehabilitation
  - o Mainline sanitary sewer piping rehabilitation
- Upgrades to the Sauquoit Creek Pumping Station and forcemain
- Upgrades to the Water Pollution Control Plant

Additionally, several programmatic elements including CMOM and private property inflow/infiltration reduction programs are also required by the Consent Order.

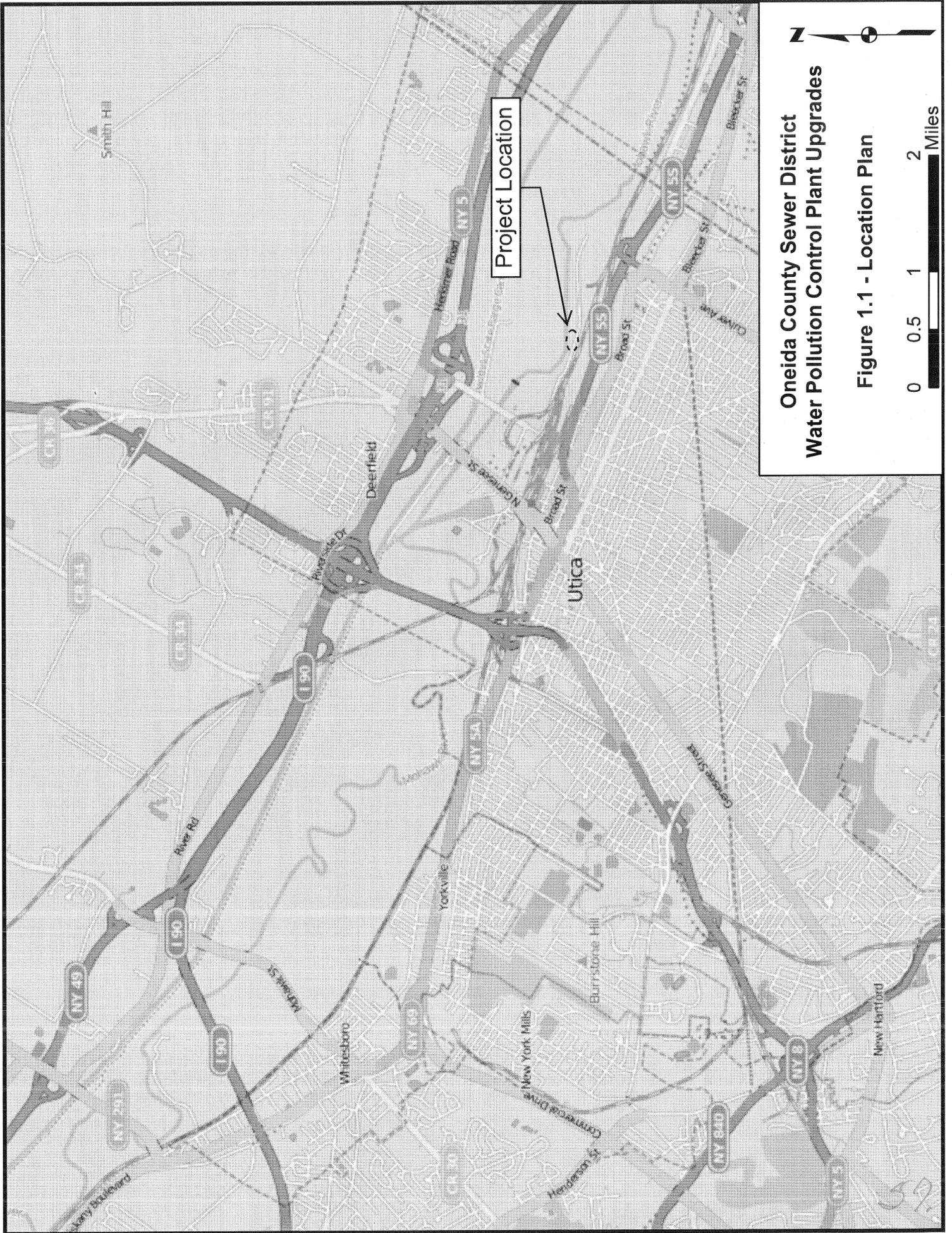
### **1.3 REPORT PURPOSE**

The County is seeking \$35 million in CWSRF financing for the design and permitting of the proposed upgrades to the Water Pollution Control Plant (WPCP). Refer to Figure 1.1, Location Plan. Additionally, this financing will be used to fund initial construction, including upgrades and improvements to the solids handling and incineration facilities at the WPCP. Preparation of this report will support the County's Clean Water State Revolving Fund application (CWSRF No. C6-6070-08-06) associated with this design and construction project.

The goal of this project is advance the engineering design, secure the necessary regulatory approvals, and to develop construction documents (plans and specifications) relative to the expansion of the WPCP. It is anticipated that due to the anticipated magnitude of these upgrades that that construction will be phased over the life of the consent order and that each phase of construction will be financed through a separate CWSRF application.

The County previously received CWSRF financing from the New York State Environmental Facilities Corporation (NYSEFC) in 2011 for CWSRF No. C6-6070-08-00 in the amount of \$25.8 million. These funds are currently being used to complete various engineering evaluations along with the design and construction of initial sanitary sewer rehabilitation projects in support of Consent Order compliance. Additionally, the County currently has a CWSRF application

pending for \$3 million in financing to cover the design and permitting costs of upgrades to the Sauquoit Creek Pumping Station and force main (CWSRF No. C6-6070-08-02), also in support of Consent Order compliance.



**Oneida County Sewer District  
Water Pollution Control Plant Upgrades**

**Figure 1.1 - Location Plan**

0 0.5 1 2 Miles

## 2.0 PROPOSED CAPITAL PROJECT PROGRAMS IN SUPPORT OF SSO MITIGATION

As a result of the completed engineering investigation/evaluation work, it has been determined that a significant multi-year and multi-phase capital program of sewer system improvements will be necessary in order to resolve the sanitary sewer overflow problem as required by the consent order. In conjunction with an ongoing evaluation of the wastewater treatment and conveyance systems, extensive rehabilitation and upgrade programs to the District and member municipality sewer systems are expected. A summary of the anticipated work is as follows:

Sanitary Sewer Collection System Rehabilitation: The cause of the SSOs from the SCPS is excess infiltration and inflow (I/I) entering the sanitary sewer collection system through a variety of defects including, but not limited to, direct surface water inflow, leaking pipe joints, broken pipe, deteriorated and defective manholes, defective private property sewer laterals, and private property sump pump and roof leader connections to the sanitary sewers. The District and municipal sanitary sewer collection and conveyance systems will require rehabilitation in order to improve structural integrity and to remove the maximum amount of I/I in the most cost-effective manner. Work will include manhole rehabilitation, sanitary sewer rehabilitation (cured-in-place liners, grouting, slip lining, etc.), removal of sump pumps and other possible private I/I sources, sanitary sewer replacement/reconstruction, and stormwater sewer system construction and rehabilitation projects designed to remove stormwater from the sanitary sewer system. Financing obtained through CWSRF No. C6-6070-08-00 is currently being used to fund various rehabilitation construction contracts in the District and municipal sanitary sewer collection systems. The County intends to issue additional sewer rehabilitation construction contracts, funded by the current financing, through 2014. Additional financing will be required at that time in order to further fund rehabilitation projects.

Sauquoit Creek Pumping Station and Forcemain Upgrades: Coupled with the Sanitary Sewer System Improvements, the capacity of the SCPS will need to be upgraded to convey the non-

cost-effective I/I to the District's WPCP for treatment. Non-cost-effective I/I is that portion of the excess flow to the SCPS that is more economical to pump and treat at the WPCP, in lieu of removing the I/I from the sanitary sewer collection system.

Upgrades will include modifications to the SCPS (screens, electrical, etc...) and a second forcemain from the SCPS to WPCP. Increasing the capacity of the SCPS will be coordinated with capacity upgrades at the WPCP. The County has applied for initial financing to fund the design and permitting of these upgrades (CWSRF No. C6-6070-08-02).

Water Pollution Control Plant Upgrades: The County is completed a detailed engineering evaluation of the WPCP with the goal of defining the most reasonable and cost effective alternative for increasing peak wet weather capacity. It is anticipated that the major capital construction at the WPCP will begin in 2014.

## 2.1 PROJECT PHASING

The overall Consent Order compliance program is large in scope and magnitude. Phasing is required in order to implement the work in a reasonable and cost effective manner. The following represents the project's current phasing plan and estimated budgets as included in the DRAFT 2013 CWSRF Intended Use Plan:

<b>TABLE 2-1: PRELIMINARY PROJECT PHASING</b>			
<b>PHASE</b>	<b>CWSRF PROJECT NO.</b>	<b>DESCRIPTION</b>	<b>CWSRF ESTIMATED AMOUNT</b>
1 & 2a	C6-6070-08-00	Sanitary Sewer Collection System – Manhole Rehabilitation	\$25,800,000 Annual List
2b & 3	C6-6070-08-01	Sanitary Sewer Collection System – Sewer Rehabilitation/Replacement	\$59,500,000 Multi Year
5a	C6-6070-08-02	Sanitary Sewer Collection System – Forcemain & Sauquoit Creek Pump Station Upgrades – Design & Permitting	\$3,000,000 Annual List
4	C6-6070-08-03	Private Property I/I Reduction	\$8,420,000 Multi Year List
5b	C6-6070-08-04	Sauquoit Creek Pump Station and Force Main Upgrades - Construction	\$33,300,000 Multi Year List

<b>6b</b>	<b>C6-6070-08-06</b>	<b>Water Pollution Control Plant Upgrades Design, Permitting, &amp; Solids Handling Construction</b>	<b>\$35,000,000 Annual</b>
6a	C6-6070-08-05	Water Pollution Control Plant Upgrades – Construction (Additional Phases)	\$90,000,000 Multi Year List

It is recognized that each of these capital programs, while implemented separately at various times over the coming years, are together integral to resolving the sanitary sewer overflows and complying with the consent order. It is critical that CWSRF funding be allocated for each phase of this work in order to achieve overall Consent Order compliance.

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**3.0 PROJECT DESCRIPTION – WPCP UPGRADES – DESIGN, PERMITTING,  
AND SOLIDS HANDLING UPGRADES CONSTRUCTION  
(CWSRF PROJECT NO. C6-6070-08-06)**

The WPCP is a regional facility that treats wastewater from the City of Utica, 14 municipalities, and the Oneida County Business Park. Wastewater from regions outside than the City of Utica includes only sanitary sewage. Wastewater from the older portions of the City of Utica, primarily south of the Mohawk River, is combined sewage. The areas of the City north of the Mohawk River have separate sanitary and storm sewers. The sewer systems outside the City of Utica are separate sanitary sewers. The WPCP is designed and operated to accept sanitary sewage, infiltration and inflow, and some combined sewer overflow (CSO) flows. It is standard practice to use available WPCP hydraulic capacity to treat extraneous infiltration and inflow and combined sewage. The WPCP staff currently adjusts operations to treat as much combined sewage from the City of Utica as possible. When the combined sewage from the City of Utica exceeds the available hydraulic capacity of the WPCP, some storage is provided in the interceptor before this excess flow is diverted to a permitted outfall.

In addition to the Consent Order with the County, the NYSDEC has required a combined sewer overflow long term control plan (LTCP) as part of the City of Utica's SPDES permit. The LTCP requires the City to increase its percent capture of CSO flows during wet weather.

As a result of the County's Consent Order to mitigate SSO at the SCPS, and the City's LTCP to increase the capture of CSO flows, the WPCP will be required to accept and treat flows beyond its existing capacity. The WPCP can currently process a peak flow of approximately 55 million gallons per day (mgd). Based on preliminary CSO/SSO mitigation requirements as well as projected growth within the District, the WPCP may need to be expanded for a peak capacity of 111 mgd.

*cel.*

### 3.1 EVALUATION OF ALTERNATIVES

Several alternatives were evaluated to expand the WPCP to a capacity of 111 mgd. A report was prepared in August 2012 titled "Water Pollution and Sauquoit Creek Pump Station Evaluation." The report was prepared as a condition of Order on Consent and was submitted to NYSDEC for its review and approval.

The alternatives in the August 2012 evaluation included:

- Conventional WPCP expansion
- "Split Flow" wet weather operating strategy
- Aeration operation modifications
- Integrated Fixed Film Activated Sludge (IFAS)
- High rate ballasted flocculation
- Solids handling alternatives, including gravity thickening, and belt filter press and centrifuge dewatering
- Solids disposal alternatives, including incineration, anaerobic digestion, and lime stabilization

Based on a detailed evaluation of the alternatives, the most cost effective method for increasing the capacity of the WPCP is through the split flow operating strategy. Figure 3.1 schematically illustrates the proposed improvements.

In split flow scenario, improvements to the headworks of the WPCP will be made to maintain dedicated treatment trains for flows from the combined sewers in the City of Utica and the sanitary sewers in the rest of the district. During dry weather, all flows will receive screening, grit removal, primary sedimentation, secondary treatment, and disinfection. During wet weather, combined flows from the City of Utica will receive screening, grit removal, primary

sedimentation, and high rate disinfection. Sanitary flows will continue receive secondary treatment.

The split flow alternative requires the construction of a new screening facility and pump station for sanitary flows. Combined flows will be conveyed through the existing screening facility and raw waste pump station. New vortex grit facilities will be constructed for all flows, and rectangular primary clarifiers will replace the existing circular units. A new high-rate disinfection facility will be constructed for combined flows.

The existing sludge processing facilities would also require modifications to process peak sludge flows and loads. The most economical approach for upgrading new sludge facilities includes placing a currently idle thickener back into service. Consideration can be given to replacing existing belt filter presses with centrifuges to produce a dryer sludge cake.

The WPCP, which currently incinerates its sludge in two (2) operational fluidized bed incinerators, is subject to regulations recently issued by the USEPA for sanitary sewer incinerators (SSI). Continued operation of the incinerators with modifications for SSI emissions limits was evaluated versus converting from incineration to anaerobic digestion or lime stabilization. On a net present worth basis, the most cost effective approach for solids disposal includes rehabilitating two (2) of the existing incinerators for compliance with SSI regulations, and installing a backup lime stabilization system in place of the third incinerator.

In addition to the improvements necessary to accept and treat future peak flows and loads, several upgrades are required at the WPCP to ensure long-term viability. Based on a physical condition assessment of the WPCP, numerous improvements are necessary to the processes which will remain in service after the WPCP expansion. These improvements are related to the existing structural and architectural condition of buildings and tanks, the condition of existing operating equipment, and the condition of the overall site. In addition, upgrades to the existing

WPCP electrical distribution system and emergency power capacity will be required to replace aged equipment and to support electrical loads associated with the WPCP expansion.

Figure 3-1 provides a site plan of the WPCP expansion as recommended in the August 2012 Evaluation.

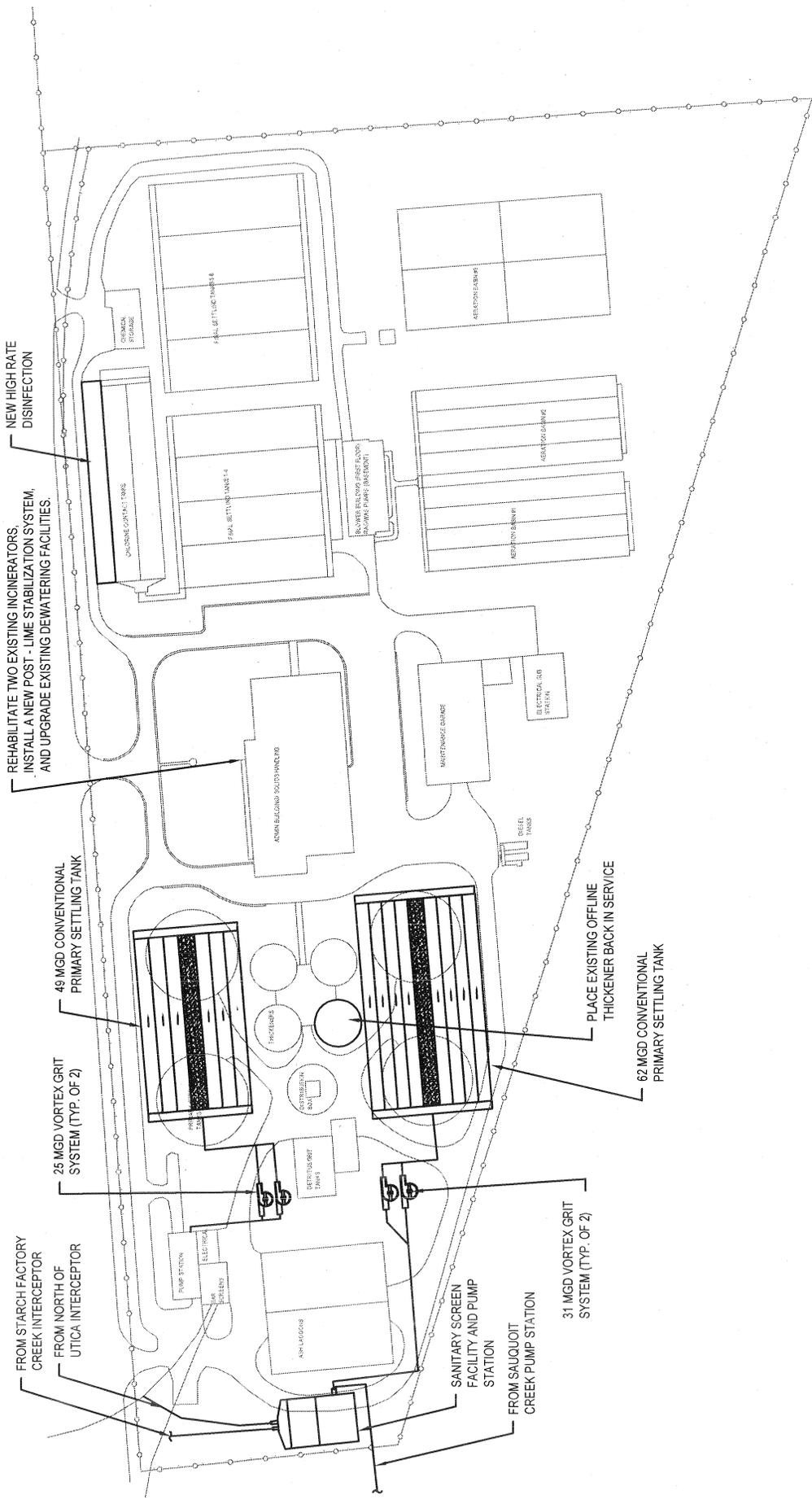
### **3.2 PHASED FINANCING APPROACH**

The planned WPCP upgrades are currently listed in the 2013 CWSRF Intended Use Plan with the financing phased as follows:

- Phase 6B – WPCP Upgrades - Design, Permitting, & Solids Handling Construction – CWSRF No. C6-6070-08-06 (Annual List)
- Phase 6A – WPCP Upgrades – Construction (Additional Phases) – CWSRF No. C6-6070-08-05 (Multi-year List)

The purpose of this approach is two-fold. First, it is anticipated that the design and regulatory approval process of the entire proposed upgrades may take upwards of two to three years to complete before approvals are obtained. The exception will be the design and construction of the solids handling system upgrades which will be advanced to meet the regulatory compliance deadline of March 2016. Second, short-term CWSRF financing generally has a three-year term before a closing on long-term financing is required. Construction of the remaining upgrades will not have begun at that point.

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REHABILITATE TWO EXISTING INCUBATORS.  
 INSTALL A NEW POST-LIME STABILIZATION SYSTEM,  
 AND UPGRADE EXISTING DEWATERING FACILITIES.

NEW HIGH RATE  
 DISINFECTION

FROM STARCH FACTORY  
 CREEK INTERCEPTOR

FROM NORTH OF  
 UTICA INTERCEPTOR

49 MGD CONVENTIONAL  
 PRIMARY SETTLING TANK

25 MGD VORTEX GRIT  
 SYSTEM (TYP. OF 2)

SANITARY SCREEN  
 FACILITY AND PUMP  
 STATION

FROM SAUQUOIT  
 CREEK PUMP STATION

31 MGD VORTEX GRIT  
 SYSTEM (TYP. OF 2)

ADMIN BUILDING SOLIDS HANDLING

MAINTENANCE GARAGE

DIESEL PUMPHOUSE

ELECTRICAL SUBSTATION

RECEIVING BUILDING

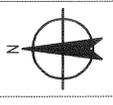
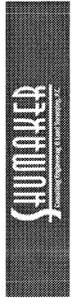
ASBESTOS REMEDIATION

Job Number 8614782  
 Revision A  
 Date 09/12  
 Figure 3-1

WPCP AND SCPS EVALUATION  
 ONEIDA COUNTY, NY

SITE PLAN -  
 WPCP EXPANSION

200 John James Audubon Parkway, Suite 101, Amherst, NY 14228 USA T 1 716 691 8503 F 1 716 691 8506 E amh@mail@ghd.com W www.ghd.com



Plot Date: 26 September 2012 - 4:35 PM. C:\p1\1782\1782\00\Drawings\Figures\SITE PLAN Layout.dwg

65.

### **3.3 ENGINEERING SERVICES – DESIGN AND PERMITTING OF THE WPCP UPGRADES**

Engineering and related services for the design and permitting of the WPCP upgrades component of this project will generally include the following:

- Survey and mapping
- Permitting/regulatory reviews
- Environmental screening
- Geotechnical services (soil borings and reports)
- Subsurface utility investigations
- Engineering and design – solids handling and incinerator upgrades
- Engineering and design – new primary settling tanks
- Engineering and design – capacity improvements and split flow
- Engineering and design – physical condition upgrades
- Engineering and design – electrical system upgrades
- Preparation of a Basis of Design Report
- Preparation of Construction Documents (bid package(s))
- Local legal counsel services
- Bond counsel services
- Fiscal advisory services

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### **3.4 CONSTRUCTION – WPCP UPGRADES – SOLIDS HANDLING AND INCINERATOR IMPROVEMENTS**

Construction services for the upgrades to the solids handling and incineration facilities at the WPCP include the following:

- Rehabilitation of existing Incinerator Nos. 1 and 3 for long term operability and reliability.
- Demolition of existing Incinerator No. 2.
- Construction of a standby post-lime stabilization system for use when an incinerator is down for maintenance or repair.
- Installation of a Continuous Emissions Monitoring System (CEMS) to monitor air emissions and confirm compliance with new EPA regulations.
- If necessary, installation of a mercury reduction system to achieve new mercury emissions standards.
- Construction Administration
- Construction Observation

#### 4.0 ENVIRONMENTAL REVIEW

A review of the State Environmental Quality Review (SEQR) requirements for design projects has been conducted.

A review of NYCRR Part 617 – State Environmental Quality Review has identified work of this type as being a Type II Action. Specifically, it is noted that this type of work meets the following thresholds as taken directly from sub-Part 617.5 – Type II Actions:

*“(c) The following actions are not subject to review under this Part:*

*(18) information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;*

*(21) conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;*

*(29) civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;”*

Based on the above, no further Action under SEQR is required for work associated with the design and permitting of the WPCP upgrades provided the work meets the above-referenced criteria.

## 5.0 PROJECT SCHEDULE AND BUDGET ESTIMATE

The following represents the tentative project schedule and budget estimate for the Phase 6B – WPCP Upgrades as listed on the Category B Annual List for the 2013 Clean Water SRF Intended Use Plan:

### Project Schedule

CSWRF Project No. C6-6070-08-06: Phase 6B – WPCP Upgrades

<u>Description</u>	<u>Estimated Start/End Dates</u>
• Funding Award Notification	May 2013
• Survey and mapping	January - March 2013
• Environmental screenings	April - July 2013
• Geotechnical services (soil borings and reports)	April - July 2013
• Engineering and design – solids handling and incinerator upgrades	April - December 2013
• NYSDEC/NYSEFC Review – solids handling design and incinerator upgrades	January 2014 - June 2014
• Bid/Construction – solids handling and incinerator upgrades	June 2014 - March 2016
• Engineering and design – wastewater process upgrades design	January 2014 - June 2016
○ new primary settling tanks	
○ capacity improvements and split flow	
○ physical condition improvements	
○ electrical system upgrades	
• Basis of Design Report	January 2017- June 2017
• Permitting and Approvals	June 2017 - December 2017
○ Wastewater process upgrades	
• Construction Documents (bid packages(s))	June 2016 - June 2017
○ Wastewater process upgrades	

Project Budget Estimate - CSWRF Project No. C6-6070-08-06: Phase 6B – WPCP Upgrades

Estimated Project Cost

A.	Construction	
1.	Solids Handling and Incinerator Upgrades	\$ 23,000,000
B.	Engineering	
1.	Planning	\$ 1,300,000
	Project Administration	
	Environmental Screening	
	Permitting/Approvals	
	SWPPP	
	Survey/Mapping/ROW	
	Preliminary engineering	
2.	Design	\$ 5,600,000
	Solids handling and incinerators	
	New primary settling tanks	
	Capacity improvements and split flow	
	Physical condition upgrades	
	Electrical system upgrades	
	Basis of Design Report	
	Construction Documents	
3.	Construction (Solids Handling)	\$ 1,200,000
	Construction Administration	
	Construction Observation	
C.	Geotechnical Services	\$ 75,000
D.	Subsurface Utility Investigation/Exploration	\$ 75,000
E.	Legal/Fiscal Services	<u>\$ 60,000</u>
	Subtotal	\$31,310,000
	Contingencies	\$ 3,057,636
	Issuance Costs	<u>\$ 632,364</u>
	TOTAL	\$35,000,000

Estimated User Charge

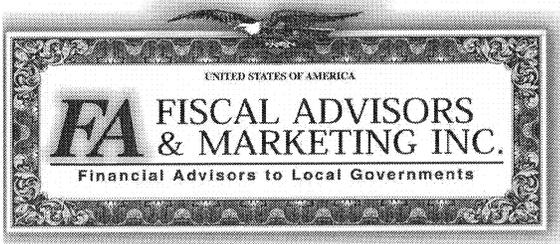
Estimated Annual Debt Service Payment (30 yr.)	\$ 1,660,000
Estimated Annual Usage <sup>(1)</sup> within Debt Service Area (1,000 gal.)	3,235,536
Estimated Annual \$/1,000 gal.	\$ 0.52
Estimated Debt Service Charge <sup>(2)</sup>	
- Single-Family Home	\$38/yr. (18,000 gal/qtr.)
- Two-Family Home	\$56/yr. (27,000 gal/qtr.)

Notes

<sup>(1)</sup> Usage based on projected 2012 sewer usage (gallons) within the Oneida County Sewer District.

<sup>(2)</sup> Debt service to be paid by customers within the Oneida County Sewer District.

21.



*Corporate Headquarters*  
120 Walton Street ♦ Suite 600  
Syracuse, NY 13202  
O: 315-752-0051, Ext. 327 ♦ F: 315-752-0057  
[www.fiscaladvisors.com](http://www.fiscaladvisors.com)  
[jsheahdi@fiscaladvisors.com](mailto:jsheahdi@fiscaladvisors.com)

March 8, 2013

The Honorable Thomas P. DiNapoli  
New York State Comptroller  
110 State Street  
Albany, New York 12236-0001  
Attn: Mitchell S. Morris, Esq.

Re: County of Oneida, New York  
Increase and Improvement of Facilities for the Oneida County Sewer District  
\$35 Million Water Pollution Control Improvements – Phase 6B

Dear Comptroller DiNapoli:

This letter is written in support of the application of the County of Oneida for consent by the State Comptroller to expenditures for the Oneida County Sewer District pursuant to Section 268 of the County law.

Please be advised of the following:

- (1) That Fiscal Advisors & Marketing, Inc. is the Financial Advisor to the County of Oneida, New York.
- (2) The proposed improvements have been included in the 2013 Clean Water Intended Use Plan of the Environmental Facilities Corporation (“EFC”). The project is currently ranked above the funding line for long term interest rate subsidy at 50% of the market rate for the bonds that EFC issues to finance such improvements.
- (3) That in our opinion the estimated interest rate on the bonds that EFC issues on behalf of the County of 3.50% is reasonable in the current public bond market, and that the EFC subsidy would reduce the net interest rate to 1.75%.

Enclosed please find a schedule of estimated debt service for the improvements.

If there are any questions regarding this matter, please don't hesitate to contact us.

Sincerely,

*John Shehadi*

John C. Shehadi, CIPFA  
Corporate Headquarters

cc: Joseph Timpano, Comptroller  
Anthony Carvelli, County Commissioner of Finance  
Steven Devan, Commissioner of Water Quality & Water Pollution Control  
Thomas E. Myers, Esq.  
Karl Schrantz, P.E.



ORRICK

ORRICK, HERRINGTON & SUTCLIFFE LLP  
51 WEST 52ND STREET  
NEW YORK, NY 10019-6142  
*tel* 212-506-5000  
*fax* 212-506-5151  
WWW.ORRICK.COM

March 1, 2013

Thomas E. Myers  
(212) 506-5212  
tmyers@orrick.com

**VIA E-MAIL** (jtimpano@ocgov.net)

Mr. Joseph J. Timpano  
Comptroller  
County of Oneida  
County Office Building  
800 Park Avenue  
Utica, NY 13501

Re: County of Oneida, New York  
Sewer District  
Orrick File: 42439-2-40

Dear Joe:

Enclosed please find the form of resolution approving the application to the State Comptroller.

To complete our file please furnish us with two certified copies of the enclosed resolution as well as two executed copies of the application. We have the attachments which will be added to the applications when we submit same to the State Comptroller.

With best wishes,

Very truly yours,

*Tom*

Thomas E. Myers  
TEM/es

cc: Steve Devan (sdevan@ocgov.net)  
John C. Shehadi (jshehadi@fiscaladvisors.com)

RESOLUTION DATED MARCH \_\_\_, 2013.

A RESOLUTION APPROVING AN APPLICATION TO THE STATE  
COMPTROLLER'S OFFICE IN CONNECTION WITH PROPOSED  
EXPENDITURES FOR THE COUNTY SEWER DISTRICT

WHEREAS, after all proceedings were duly had and taken the County Legislature of the County of Oneida has duly approved the increase and improvement of the County Sewer District and the construction of the improvements therefore, subject to State Comptroller's approval as to the expenditures therefore; NOW, THEREFORE, BE IT

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

Section 1. The application to the State Comptroller's office attached hereto as Exhibit A has been prepared at the direction of the County Legislature and the County Legislature believes the contents of such application to be accurate.

Section 2. The County Legislature has determined that the improvements for the District are in the public interest and will not constitute an undue burden on the property which will bear the cost thereof and that all real property to be so assessed will be benefited by the proposed improvements and no benefited property has been excluded from the boundaries of the District.

Section 3. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

_____	VOTING	_____

The resolution was thereupon declared duly adopted.

\* \* \*

**CERTIFICATION FORM**

STATE OF NEW YORK    )  
  ) ss.:  
COUNTY OF ONEIDA    )

I, the undersigned Clerk of the County Legislature of the County of Oneida, New York (the "County"), DO HEREBY CERTIFY:

- 1) That a meeting of the County Legislature was duly called, held and conducted on the \_\_\_\_ day of March, 2013.
- 2) That such meeting was a **special regular** (circle one) meeting.
- 3) That attached hereto is a proceeding of the County which was duly adopted at such meeting by the County Legislature.
- 4) That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said County Legislature.
- 5) That all members of the County Legislature had due notice of said meeting.
- 6) That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
- 7) That notice of said meeting (the meeting at which the proceeding was adopted) was given **PRIOR THERETO** in the following manner:

**PUBLICATION** (here insert newspaper(s) and date(s) of publication)

**POSTING** (here insert place(s) and date(s) of posting)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County Legislature this \_\_\_\_\_ day of March, 2013.

\_\_\_\_\_  
Clerk of the County Legislature

(CORPORATE SEAL)

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AC 973 (Rev. 7/85)  
Cities under 125,000 population  
Counties  
Towns  
Villages

**STATE OF NEW YORK**  
**OFFICE OF THE STATE COMPTROLLER**  
**ALBANY, NEW YORK 12236**

**DEBT STATEMENT**

**of**

**THE COUNTY OF ONEIDA, NEW YORK**

**PREPARED AS OF**

**February 26, 2013**

FORWARD TO: State of New York  
Office of the State Comptroller  
Director, Municipal Research and Statistics  
Alfred E. Smith State Office Building  
Albany, New York 12236

AC 973 (Rev. 7/85)  
Cities under 125,000 population  
Counties  
Towns  
Villages

**STATE OF NEW YORK  
OFFICE OF THE STATE COMPTROLLER**

This is the official debt statement form prescribed by the State Comptroller pursuant to section 141.00 of the Local Finance Law for use by counties, towns, villages and cities having a population of less than 125,000 inhabitants.

**THOMAS P. DiNAPOLI**  
State Comptroller

**INSTRUCTIONS**

1. **STATUTORY REFERENCE.** A statutory reference can be found after each item of indebtedness to be included and excluded in the debt statement. For example, §135.00 (a)(1) means "subdivision 1 of paragraph (a) of section 135.00 of the Local Finance Law". Wherever a reference appears, that section of the Local Finance Law should be consulted.
2. **DATE OF PREPARATION.** This statement must not be prepared more than thirty days previous to the date of sale of bonds. Local Finance Law, section 109.00.
3. **FILING.** A debt statement must be filed between three and fifteen days before a municipality sells any bonds which are required to be sold at public sale. The statement must be filed with the State Comptroller and a duplicate copy must be filed with the clerk or corresponding officer of the municipality. It is not necessary to file a copy in the county clerk's office. Local Finance Law, section 109.00.
4. **AVERAGE FULL VALUATION OF TAXABLE REAL ESTATE.** In computing "Average Full Valuation of Taxable Real Estate" on page 5, use last completed assessment roll and four preceding rolls. An assessment roll is one which has been completed, verified and filed by the assessors and for which a state equalization rate has been finalized. The words "For Fiscal Year Ending" refer to the year for which taxes have been or will be extended on the assessment roll rather than the year in which the roll was completed.

The amounts to be used in Column 1 should be the amounts shown on such rolls after the hearing of grievances and the filing of the final completed assessment rolls, regardless of subsequent changes. In Column 1, include the assessed valuations of special franchises but exclude the assessed valuations of all exempt properties to the extent they are exempt from general taxation. Full valuation (Column 3) is determined as follows: Divide the taxable assessed valuations (Column 1) by the final equalization rate (Column 2) established by the State Board of Equalization and Assessment for such valuation. Where boundary changes have occurred and in the case of newly-created municipalities, see section 2.00 (7)(a) of the Local Finance Law. In the case of counties, average full valuation is computed by dividing the taxable assessed valuations on the last completed and four preceding assessment rolls for each of the cities and towns therein by the final equalization rates established for such rolls; provided, however, in a county having a county department of assessment the state equalization rates established for the cities and towns therein on the basis of the county roll shall be applied to the appropriate portions of the county roll. The sum of the quotients thus obtained must then be divided by five.

5. **INCLUSIONS.** Re item 8, Page 5. Include the respective amounts of all several indebtedness and allocated or apportioned joint indebtedness contracted or incurred pursuant to Article II, Title 1-A of the Local Finance Law in relation to a joint service or a joint water, sewage or drainage project. The amount of joint indebtedness to be so included should not exceed the amount of such indebtedness allocated and apportioned to the municipality in the bond or note resolution authorizing such indebtedness to be contracted.

Joint indebtedness to be included arising out of real property liabilities contract liabilities should not exceed the amount of such indebtedness required to be allocated and apportioned to the municipality in the agreement of the participating municipalities in relation to such joint service or project. Where the agreement does not provide for any such allocation or apportionment, or in the case of involuntary joint indebtedness, the amount to be allocated and apportioned and included in the debt statement of a participating municipality should be in the same proportion as the full valuation of the real estate subject to taxation or assessment by such municipality for such joint service or project bears to the full valuation of the real estate subject to taxation or assessment by all of the participating municipalities for such joint service or project. See Local Finance Law, section 15.10. However, if the State Comptroller has issued a certificate allocating and apportioning such joint indebtedness pursuant to the provisions of section 15.10 of the Local Finance Law, the amounts so allocated and apportioned by the State Comptroller should be included in the debt statements of each respective municipality as indebtedness.

6. **GROSS JOINT INDEBTEDNESS.** The aggregate gross amount of all joint indebtedness including borrowings, real property liabilities, contract liabilities, judgments, claims, awards and determinations contracted or incurred and before any apportionment or allocation should be stated at page 5 of the debt statement.

**7. EXCLUSIONS:**

- (1) Item 1, Page 6. Do not include any tax or revenue obligations, or renewals thereof, which have not been retired within five years after the date such original obligations were issued.
  - (2) Item 2, Page 6. Include only obligations issued for objects or purposes other than the financing of capital improvements and contracted to be redeemed in one of the two fiscal years immediately succeeding the year of their issue. Do not include bonds, bond anticipation notes, capital notes, budget notes or obligations which have been issued for the direct financing of improvements or equipment. Do not include serial bonds of an issue having a maximum maturity of more than two years.
  - (3) Item 3, Page 6. Do not include joint or several indebtedness contracted pursuant to Article II, Title 1-A of the Local Finance Law to finance a joint water project. Such indebtedness is to be included in Item 14, page 6.
  - (4) Items 4 and 5, Page 6. Do not include any indebtedness contracted pursuant to Article II, Title 1-A of the Local Finance Law in relation to a joint service or a joint water, sewage or drainage project. Such indebtedness is to be included in either item 15 or 16 at page 6.
  - (5) Item 13, Page 6. Include city indebtedness for education purposes, if any, allocated to the city school district by the State Comptroller pursuant to section 1 of chapter 831 of the Laws of 1951.
  - (6) Item 14, Page 6. State the respective amounts of any several indebtedness and the allocated or apportioned amounts of any joint indebtedness contracted or incurred in relation to the financing of a joint water project pursuant to Article II, Title 1-A of the Local Finance Law.
  - (7) Items 15 and 16, Page 6. State the respective amounts of any several indebtedness and the allocated or apportioned amounts of any joint indebtedness contracted or incurred in relation to the financing of a joint service and a joint sewage or drainage project pursuant to Article II, Title 1-A of the Local Finance Law and excluded pursuant to the provisions of section 15.20, 123.00 and 124.10 of such law.
8. **VERIFICATION.** Page 9. This debt statement must be verified by the chief fiscal officer of the municipality. See definition of the term "chief fiscal officer" in the Local Finance Law, section 2.00 (5). If a municipality has no chief fiscal officer, then this statement must be verified by the finance board.

The following is a statement of the County of Oneida, New York, to contract indebtedness, and is prepared as of February 26, 2013, pursuant to Title 8, Article II of the Local Finance Law.

DEBT LIMIT

Counties (except Nassau), cities, towns and villages .....	<u>713,154,441</u>
Multiply "Average full valuation" (Page 5), Line 7 by .07 (Nassau County .10)	

TOTAL NET INDEBTEDNESS

Total Inclusions (Page 5) .....	<u>133,805,692</u>
Less: Total Exclusions (Page 6) .....	<u>21,928,200</u>
Total Net Indebtedness .....	<u>111,877,492</u>

NET-DEBT CONTRACTING MARGIN

Debt Limit (Above) .....	<u>713,154,441</u>
Less: Total Net Indebtedness (Above) .....	<u>111,877,492</u>
Net Debt-Contracting Margin .....	<u>601,276,949</u>

PERCENTAGE OF DEBT- CONTRACTING POWER EXHAUSTED

Divide "Total Net Indebtedness" by "Debt limit" and enter result here .....	<u>15.69%</u>
---	---------------

PROPOSED BOND ISSUE

The amount of bonds proposed to be sold at public sale on March 12, 2013, in connection with which this statement is made and filed is .....	<u>14,316,325</u>
--	-------------------

The amount of bond anticipation notes heretofore issued in anticipation of the sale and issuance of such bonds and included at "Borrowings" at Item 1 of Inclusions at page 5 is .....	<u>0</u>
--	----------

81.

STATEMENT OF TOTAL DEBT

AVERAGE FULL VALUATION OF TAXABLE REAL PROPERTY

Line No.	For Fiscal Year Ending	'(1) Taxable Assessed Valuation of Real Estate	'(2) Final State Equalization Rate	'(3) Full Valuation of Taxable Real Property (column 1 ÷ column 2)
1	12/31/2009	\$6,914,693,775	69.90%	\$9,892,672,178
2	12/31/2010	6,928,016,539	67.49%	10,265,574,920
3	12/31/2011	6,970,353,005	68.13%	10,230,538,747
4	12/31/2012	7,050,478,515	68.04%	10,362,607,916
5	12/31/2013	7,107,857,898	69.77%	10,188,209,171
6	Total of Lines 1 to 5 Inclusive .....			\$50,939,602,932
7	Average Full Valuation (1/5 of total of column 3) .....			\$10,187,920,586

Note: See Instruction 4, Page 1

INCLUSIONS

1. Borrowings. §135.00(a)(1). .....	\$133,805,692.00
2. Real Property Liabilities. §135.00(a)(2), §142.00. ....	_____
3. Contract Liabilities. §135.00(a)(3). ....	_____
4. Cities, Towns and Villages: Contract Liabilities: Housing Guarantees; Subsidies. §135.00(a)(4),(a)(4-a),(a)(4-b). ....	_____
5. Cities, Towns and Villages: State Loans to Certain Housing Authorities and Municipalities. §135.00(a)(5). ....	_____
6. Judgments, Claims, Awards and Determinations. §135.00(a)(6). ....	_____
7. Cities, Towns and Villages: Indebtedness Contracted by Certain District Corporations. §135(a)(7). ....	_____
8. Indebtedness Contracted or Incurred Pursuant to Article II, Title 1-A of the Local Finance Law in relation to a Joint Water, Sewage or Drainage Project: (See Instruction 5, Page 2.)	
(a) Borrowings: Several Indebtedness. ....	_____
(b) Borrowings: Allocated or Apportioned Joint Indebtedness. ....	_____
(c) Real Property Liabilities. ....	_____
(d) Contract Liabilities. ....	_____
(e) Judgments, Claims, Awards and Determinations. ....	_____
Total Inclusions .....	\$133,805,692.00

GROSS JOINT INDEBTEDNESS

The aggregate gross amount of all joint indebtedness before apportionment or allocation is ..... \$0  
 (See instruction 6, Page 3.)

EXCLUSIONS

<p>1. Tax and Revenue Obligations. §136.00(1). ..... \$  <i>(See Instruction 7(a), page 3.)</i></p>	_____
<p>2. Obligations Issued for other than Capital Improvements. §136.00(1-a). .....  <i>(See Instruction 7(b), page 3.)</i></p>	_____
<p>3. Water Indebtedness. §136.00(2). .....  <i>(See Instruction 7(c), page 3.)</i></p>	_____
<p>4. Indebtedness Contracted for Self-Liquidating Projects. §136.00(3). .....  <i>(See Instruction 7(d), page 3.) (See also, if applicable, contract payments (§136.00(3-a))) and rental payments (§136.00(3-b)(3-c))</i></p>	_____
<p>5. Sewer Indebtedness Contracted on or after January 1, 1962, and prior to January 1, 1994. §136.00(4-a). .....</p>	8,551,395
<p>6. Bonds for Pensions. §136.00(4). .....</p>	_____
<p>7. Cities and Villages with Population of 5,000 or More:          Indebtedness for Housing and Urban Renewal Purposes. §136.00(8). .....  <i>(See also, if applicable, indebtedness for housing or urban renewal purposes (§136.00(8-a)).</i></p>	_____
<p>8. Towns and Villages with Population of less than 5,000:          Subsidies or Guarantees for Housing Purposes. §136.00(9). .....</p>	_____
<p>9. Assets of Sinking Funds. §136.00(10). .....</p>	_____
<p>10. Refunded and Refunding bonds. §136.00(10-a)(10-b). .....</p>	_____
<p>11. Cash on Hand for Debts. §136.00(11). .....</p>	_____
<p>12. Appropriations. §136.00(12). .....</p>	13,376,805
<p>13. Cities Only:          School Indebtedness. §136.00(13). .....  <i>(See Instruction 7(e), page 3)</i></p>	_____
<p>14. (a) Several Indebtedness Contracted in relation to a joint Water Project. §15.20 (a)          (b) Joint Indebtedness Contracted for such Purposes. ....  <i>(See Instruction 7(f), page 3.)</i></p>	(a) _____ (b) _____
<p>15. (a) Several Indebtedness Contracted for a Joint Service and Excluded Pursuant          to Local Finance Law, §15.20 and §123.00. ....          (b) The Apportioned or Allocated Amount of any such Joint Indebtedness          so excluded. ....  <i>(See Instruction 7(g), page 3.)</i></p>	(a) _____ (b) _____
<p>16. (a) Several Indebtedness Contracted for a Joint Sewage and/or Damage          Project and Excluded Pursuant to Local Finance Law, §15.20, §123.00,          and §124.10. ....          (b) The Apportioned or Allocated Amount of any such Joint Indebtedness          so excluded. ....  <i>(See Instruction 7(g), page 3.)</i></p>	(a) _____ (b) _____
<p>Total Exclusions</p>	<p>_____</p> <p>\$21,928,200</p>

83.



**SCHEDULE B**

PART 1. The following obligations are authorized, unissued and will be sold prior to the sale of the obligations listed in Schedule A, PART 1.

Date of Authorization	Type of Obligation	Amount to be Issued	
NONE		\$0	
Total .....		\$0	

PART 2. The following obligations are authorized, unissued and will not be sold prior to the sale of the obligations listed in Schedule A, PART 1.

Date of Authorization	Type of Obligation	Amount Remaining Unissued	
NONE		\$0	
Total .....		\$0	

85.

VERIFICATION BY CHIEF FISCAL OFFICER

State of New York )  
 ) ss:  
County of ONEIDA )

JOSEPH TIMPANO, being duly sworn, deposes and says: That he is the duly selected, qualified, and acting chief fiscal officer of the COUNTY OF ONEIDA, New York; that he prepared and has read the foregoing debt statement amendment and knows the contents thereof; that the same is true to his own knowledge except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

Subscribed and sworn to before me this 27th day  
of February, 2013.

Joseph Timpano  
Signature  
Chief Fiscal Officer/ Comptroller  
Title  
County Office Bldg, 800 Park Avenue, 5th Floor

Joseph R. Rella  
Notary Public  
JOSEPH R. RELLA

Utica, New York 13501  
Mail Address

Notary Public State of New York  
Appointed in Oneida County  
My Commission Expires 8/31/2015  
VERIFICATION BY FINANCE BOARD  
Necessary if verification is made by chief fiscal officer

State of New York )  
 ) ss:  
County of )

being each duly sworn, depose and say: That they are the duly (elected) (appointed), qualified, and acting members of the finance board of the \_\_\_\_\_ in the County of \_\_\_\_\_, New York; that they prepared and each of them has read the foregoing debt statement and knows the contents thereof; that the same is true of their own knowledge except as to the matters therein stated to be alleged upon information and belief; and that as to those matters they believe it to be true.

Subscribed and sworn to before me this \_\_\_\_ day  
of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Notary Public

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TOWN	2013 Tax Rates
<b>ANNSVILLE</b>	
<b>Fire District</b>	
FD001 Taberg Fire	2.016995
FD002 Joint Fire	2.665984
<b>Lighting Districts</b>	
LT001 Taberg Light	0.889422
LT002 McConnellsville Lt.	0.733968
LT003 Blossvale Lt	0.300112
<b>Sewer District</b>	
SW079 Swr Dst 1(unit)	105.906314
<b>Water District</b>	
WD001 Annsville WD1(unit)	36.307693
WD075 Fox WD	53.571429
WD085 McConsvl WD	1.362718
<b>AUGUSTA</b>	
<b>Fire District</b>	
FD004 Oriskany Falls	1.321825
FD006 Deansboro FD	1.094185
<b>Lighting Districts</b>	
LT004 Knoxboro LT	0.344237
LT005 Augusta LT	0.305915
<b>AVA</b>	
<b>Fire District</b>	
FD009 Ava Fire	0.775697
<b>BOONVILLE</b>	
<b>Fire District</b>	
FD010 Boonville FD	0.431280
<b>BRIDGEWATER</b>	
<b>Fire District</b>	
FD011 Bridgewater FD	1.194499
<b>Water District</b>	
WD120 Bridgewater WD	232.181818
<b>CAMDEN</b>	
<b>Fire District</b>	
FD012 Camden FD	25.971480
<b>Lighting Districts</b>	
LT006 Westdale LT	8.413331

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<b>DEERFIELD</b>	
<b>Fire District</b>	
FD013 Deerfield FD1	5.973175
FD014 Deerfield FD2	5.973175
FD015 Deerfield FD3	5.973175
FD016 Poland FD	4.544852
<b>Sewer District</b>	
SW059 Sw1 O&M	0.591200
<b>Water District</b>	
WD091 Trn-Mlr (unit)	201.063158
WD097 Walkr-Mill WD (unit)	319.305936
WD098 Fox Run Storm (unit)	10.000000
WD102 Smith-Grace(unit)	332.816327
WD103 Walkr-Bell Hill Wtr(unit)	323.802470
WD109 Bell Hill Wtr(unit)	381.535354
WD111 Doyle Rd Wtr. Dist. (unit)	591.452632
<b>FLORENCE</b>	
<b>Fire District</b>	
FD017 Florence FD	6.509596
<b>FLOYD</b>	
<b>Fire District</b>	
FD018 Floyd FD	0.957052
<b>Lighting Districts</b>	
LT007 Glenwood LT1	0.326351
LT008 Kriswood LT2	0.336587
LT009 Kilborn LT3	0.404907
LT010 Sand Cr LT4	0.381134
LT011 Skyline Hgt LT5	0.224102
LT099 Tom Crc LT(unit)	48.884616
LT103 Bunal Sub(unit)	32.941177
<b>Sewer District</b>	
RG001 Floyd San (unit)	275.003207
<b>Water District</b>	
WD100 Wtr Imprv C(unit)	180.728572
WD116 Area E Wtr (unit)	531.794118
<b>FORESTPORT</b>	
<b>Fire District</b>	
FD019 Forestport FD	0.703551

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<b>KIRKLAND</b>	
<b>Fire District</b>	
FD007 Deansboro FD	1.185614
FD020 Clinton FD	0.967082
FD021 Clark Mills FD	2.275176
<b>Lighting Districts</b>	
LT012 Kirkland LT	0.148319
LT013 ClarkMills LT	0.223295
LT016 Clinton St LT	0.209127
<b>Sewer District</b>	
SW003 Clk Mls Swr(unit)	330.154113
SW004 Hmltn col swr	0.709315
SW049 Rt5 Swr(unit)	466.812065
SW051 Krklnd Swr(unit)	99.342857
SW052 Cons sewer	68.094201
Sw068 Kirk SW300 (unit)	166.666667
<b>Water District</b>	
WD008 Uvrsty Mnr WD	0.023799
WD010 Orisk Vly WD	0.021372
WD067 St Marys WD	0.020083
WD070 Clint Mnr WD(unit)	2.857143
WD104 Fountain St (unit)	769.500000
WD105 Toggetown (unit)	112.000000
<b>LEE</b>	
<b>Fire District</b>	
FD022 Lee Fire	20.225178
<b>Lighting Districts</b>	
LT017 Lee LT	17.972403
LT092 Parkside LT	24.086586
LT094 Turin Twm LT	9.301157
LT105 Raven Rock LT	23.903022
LT106 Lake Delta Estate LT	44.639838
<b>MARCY</b>	
<b>Fire District</b>	
FD023 Maynard FD	2.163372
FD024 Stittville FD	1.428823
<b>Lighting Districts</b>	
LT018 Stittville LT	0.459422
LT019 Knwd Woodln LT	0.354935
LT020 Rte12C LT	0.565477
LT100 River Rd LT	0.569300
<b>Other Districts</b>	

89.

RG002 Marcy San Dt	1.302776
--------------------	----------

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<b>MARCY Continued..</b>	
<b>Sewer District</b>	
SW005 Marcy Gn Swr	0.152247
SW006 Marcy Sp Swr	0.449272
<b>Water District</b>	
WD012 Marcy Sp WD	0.083266
<b>MARSHALL</b>	
<b>Fire District</b>	
FD005 Orisk Falls FDM	1.364638
FD008 Deansboro FDMr	1.185883
FD025 Waterville FD	0.901681
FD026 Paris Hill FD	1.650215
<b>Lighting Districts</b>	
LT021 Deansboro LT	0.554525
<b>NEW HARTFORD</b>	
<b>Fire District</b>	
FD027 NH FD1	0.717313
FD028 NH FD2	0.717313
FD029 NH FD3	0.740681
FD030 Willowvale FD	2.614845
FD057 NYM FD	0.839527
<b>Lighting Districts</b>	
LT022 NH LT1	0.239497
LT023 NH LT4	0.119931
LT024 NH LT5	0.280501
LT025 NH LT6	0.118143
LT026 NH LT7	0.378958
LT027 NH LT8	0.198116
LT028 NH LT9	0.162754
LT029 NH LT10	0.218711
LT030 NH LT11	0.291446
LT031 NH LT12	0.601267
LT032 NH LT13	0.165754
LT033 NH LT14	0.053699
LT034 NH LT16	0.099840
LT035 NH LT17	0.209297
LT036 NH LT18	0.095975
LT037 NH LT19	0.414749
LT038 NH LT20	0.068940
LT039 NH LT21	0.704223
LT040 NH LT22	0.160104
LT068 BCHWD RD LT	0.006542
LT069 WESTON RD LT	0.568840
LT070 HARTFORD HL LT	0.240539

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<b>NEW HARTFORD Continued..</b>	
<b>Lighting Districts</b>	
LT073 CLNTN VW DEV	1.353786
LT082 CARM LA LT	0.155653
LT083 S HILLS DR LT	0.048237
LT084 CATH AV LT	0.301371
LT085 S WOODS LT	0.181870
LT086 WDLND VL LT	0.082090
LT087 FWNCRST LT	0.979008
LT090 SEN TPK LT	0.173622
LT091 TWNDM TR LT	0.619761
LT093 CHMPLN AVE LT	0.295757
LT095 HGBY HLS LT	0.513140
LT097 STANHOPE #36	0.835786
LT098 THORNWOOD LT	0.238156
LT102 HERON LDG LT(unit)	279.052632
<b>Sewer District</b>	
SW073 NH CONS SW1(unit)	20.000000
SW074 NH CONS SW2	0.406398
SW083 CLINTON ST EXTEN	0.334627
SW084 WDBRY SWR DIST	0.544308
<b>Water District</b>	
WD020 WASH MLS WD	0.101862
WD021 WASH MLS WD	0.101862
WD114 HIGBY RD WTR (unit)	320.427391
<b>PARIS</b>	
<b>Fire District</b>	
FD031 Sauq FD1	0.820189
FD032 Paris HI FD4	1.005908
FD034 Clayville FD	2.278235
FD035 Cassville FD	2.535275
<b>Lighting Districts</b>	
LT041 Sauq LT1	0.188902
LT042 Paris HI LT4	0.560832
LT043 Cassville LT2	0.544881
LT079 Wlbk Ln LT	0.206826
<b>Sewer District</b>	
SW011 Paris SW1(UNIT)	61.258748
<b>Water District</b>	
WD036 Sauq WD1	2.601348

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<b>REMSEN</b>	
<b>Fire District</b>	
FD056 Remsen FD	0.846195
<b>SANGERFIELD</b>	
<b>Fire District</b>	
FD038 Sang FD	1.000976
FD058 Orisk Falls FD	1.135928
<b>Water District</b>	
WD064 SNGRFLD WD (unit)	104.000000
<b>STEBEN</b>	
<b>Fire District</b>	
FD039 Steuben FD	0.614653
<b>TRENTON</b>	
<b>Fire District</b>	
FD040 Trenton FD	1.619771
<b>Water District</b>	
WD115 Coombs Rd Wtr	365.745763
<b>VERNON</b>	
<b>Fire District</b>	
FD068 OCV FD	1.299376
<b>Lighting Districts</b>	
LT044 On Castle LT	0.278130
LT045 Vern Ctr LT	0.343602
LT046 Pratt LT	0.195274
LT071 Circle Dr LT	0.307104
LT072 Skndoa Dr LT	0.582118
<b>Lighting Districts</b>	
LT076 11th St LT	0.409966
LT080 Trail LT	0.579362
LT088 Yng Rd LT	0.123956
<b>Other Districts</b>	
PL001 On Pub Lib	0.580591

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<b>VERONA</b>	
<b>Fire District</b>	
FD042 Verona FD1	1.907694
FD043 Durhamville FD	2.014612
FD044 V Bch Vienna FD	2.103834
FD045 New London FD	2.051918
FD046 Verona FD2	1.870318
<b>Lighting Districts</b>	
LT047 Verona LT	0.412002
LT048 Durhvie LT	0.178737
LT049 Verona Bch LT	0.440024
LT051 Fish Crk LT	0.356594
<b>Sewer District</b>	
SW044 V Bch SW37(unit)	419.267527
SW069 V Bch SW389(unit)	400.110811
SW075 Scondoa SW(unit)	83.322259
SW076 Scondoa SW BS(unit)	15.000000
<b>Water District</b>	
WD087 Verona Bch WD1	0.035692
WD089 Im WD Vienna(unit)	144.121850
<b>Other Districts</b>	
BC001 Swr Bft 37(unit)	25.00
BC003 Swr Bft 38(unit)	25.00
PL001 On Pub Lib	0.544304
<b>VIENNA</b>	
<b>Fire District</b>	
FD012 Camden FD	1.323277
FD047 S Bch Verona FD	1.920074
FD048 N Bay FD	2.834649
FD049 McCnsvl Anns FD	2.545447
FD050 Vienna FD	2.155358
FD055 Clevind FD	1.758364
<b>Lighting Districts</b>	
LT052 Sylv Bch LT	0.939886
<b>Lighting Districts</b>	
LT053 N Bay LT	0.224895
LT054 McConsvl LT	0.890190
LT055 Vienna LT	0.850850
LT104 Jewell LT	0.129488

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<b>VIENNA Continued..</b>	
<b>Sewer District</b>	
SW043 E On Lk SW(unit)	449.786167
SW072 E Onda Lk SW(unit)	483.033932
<b>Water District</b>	
WD065 N Bay WD(unit)	83.550914
WD084 Mc Cnsvl WD	1.197145
WD085 Edgwtr Bch WD(unit)	124.416796
WD086 N Shore WD1	3.125000
WD101 N Shore WD2(unit)	234.273319
WD110 Mill Rd Wtr(unit)	483.870968
WD113 Vienna East	268.041237
WD117 Vienna East Ext. 1	453.172206
<b>Other Districts</b>	
BC006 Civlnd Amb Dist	1.452127
PL001 On Pub Lib	0.696709
<b>WESTERN</b>	
<b>Fire District</b>	
FD052 Western FD	1.667587
<b>Lighting Districts</b>	
LT056 Western LT	0.886370
<b>WESTMORELAND</b>	
<b>Fire District</b>	
FD053 Westmrld FD	2.583264
<b>Lighting Districts</b>	
LT014 Clk Mls LT W	0.360930
LT057 Westmrld LT	0.415526
LT058 Tndal Mnr LT	0.369750
<b>Sewer District</b>	
SW081 Martin Dr Swr(unit)	587.192308
<b>Water District</b>	
WD046 Tndl Crn WD	2.051903
WD047 Tndl Crn WD2	2.051903
<b>WHITESTOWN</b>	
<b>Fire District</b>	
FD054 Whites FD	0.931763
FD059 Whites FD	0.931763
FD060 NYM FD	0.931763
FD061 Yorkville FD	0.931763
FD062 Oriskany FD	0.931763

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<b>WHITESTOWN Continued..</b>	
<b>Lighting Districts</b>	
LT059 Andrws Cros 2(unit)	14.754098
LT060 Aitken Av LT 3(unit)	25.742574
LT061 Sunst Mnr 4(unit)	17.557252
LT062 Clark Mls 5(unit)	16.666667
LT063 Dunhm Mnr 6(unit)	23.489933
LT064 Wts Terr 7(unit)	23.529412
LT065 Thrwy Acr LT 9(unit)	21.839081
LT066 Stu Crt 10(unit)	41.666667
LT067 Gln Havn 11(unit)	23.121388
LT075 Strbry Fl 15(unit)	38.181818
LT077 Htrs Cir 12(unit)	24.324325
LT078 Chy Crs 13(unit)	20.454546
LT081 Cl Dr 14(unit)	33.333334
<b>Sewer District</b>	
SW046 Consol Swr(unit)	69.202161
SW080 Cider St #17(unit)	20.000000
<b>Water District</b>	
WD083 Whtn WD(unit)	76.811698
WD099 Sutliff #25(unit)	65.559314

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**ONEIDA COUNTY, NEW YORK**  
**WATER POLLUTION CONTROL UPGRADES - Phs 6B**  
**ESTIMATED DEBT SERVICE SCHEDULE**

From August, 2013 to August 2015: EFC Gridnotes; half at 0% & half at BAN market rates (1% Est.)

Bonds Dated: August 15, 2015

Principal Due: August 15, 2016-2045

Interest Due: February 15, 2016 and semi-annually thereafter

INTEREST ESTIMATED AT 1.75%					
Fiscal Year Ending December 31st	Balance Beginning Fiscal Year	Principal Due August 15th	First Interest Payment Due February 15th	Second Interest Payment Due August 15th	Total Principal and Interest
2014	\$35,000,000	\$0	\$0.00	\$175,000.00	\$175,000.00
2015	35,000,000	310,000	0.00	175,000.00	485,000.00
2016	34,690,000	890,000	303,537.50	303,537.50	1,497,075.00
2017	33,800,000	905,000	295,750.00	295,750.00	1,496,500.00
2018	32,895,000	920,000	287,831.25	287,831.25	1,495,662.50
2019	31,975,000	935,000	279,781.25	279,781.25	1,494,562.50
2020	31,040,000	955,000	271,600.00	271,600.00	1,498,200.00
2021	30,085,000	970,000	263,243.75	263,243.75	1,496,487.50
2022	29,115,000	985,000	254,756.25	254,756.25	1,494,512.50
2023	28,130,000	1,005,000	246,137.50	246,137.50	1,497,275.00
2024	27,125,000	1,020,000	237,343.75	237,343.75	1,494,687.50
2025	26,105,000	1,040,000	228,418.75	228,418.75	1,496,837.50
2026	25,065,000	1,055,000	219,318.75	219,318.75	1,493,637.50
2027	24,010,000	1,075,000	210,087.50	210,087.50	1,495,175.00
2028	22,935,000	1,095,000	200,681.25	200,681.25	1,496,362.50
2029	21,840,000	1,115,000	191,100.00	191,100.00	1,497,200.00
2030	20,725,000	1,135,000	181,343.75	181,343.75	1,497,687.50
2031	19,590,000	1,155,000	171,412.50	171,412.50	1,497,825.00
2032	18,435,000	1,175,000	161,306.25	161,306.25	1,497,612.50
2033	17,260,000	1,195,000	151,025.00	151,025.00	1,497,050.00
2034	16,065,000	1,215,000	140,568.75	140,568.75	1,496,137.50
2035	14,850,000	1,235,000	129,937.50	129,937.50	1,494,875.00
2036	13,615,000	1,260,000	119,131.25	119,131.25	1,498,262.50
2037	12,355,000	1,280,000	108,106.25	108,106.25	1,496,212.50
2038	11,075,000	1,300,000	96,906.25	96,906.25	1,493,812.50
2039	9,775,000	1,325,000	85,531.25	85,531.25	1,496,062.50
2040	8,450,000	1,350,000	73,937.50	73,937.50	1,497,875.00
2041	7,100,000	1,370,000	62,125.00	62,125.00	1,494,250.00
2042	5,730,000	1,395,000	50,137.50	50,137.50	1,495,275.00
2043	4,335,000	1,420,000	37,931.25	37,931.25	1,495,862.50
2044	2,915,000	1,445,000	25,506.25	25,506.25	1,496,012.50
2045	1,470,000	1,470,000	12,862.50	12,862.50	1,495,725.00
<b>TOTAL</b>		<b>\$35,000,000</b>	<b>\$1,999,550.00</b>	<b>\$1,999,550.00</b>	<b>\$26,934,100.00</b>

Average Life: 16.02 Yrs

Average: \$1,423,272.27

Prepared by:

*FA Fiscal Advisors & Marketing, Inc.*

3/8/2013

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**STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENT CONSERVATION**

-----X  
In the Matter of Alleged Violations of Article 17 of the  
Environmental Conservation Law (ECL) and Part 750 of  
Title 6 of the Codes, Rules and Regulations of the State of  
New York (6 NYCRR) occurring in the Town of Whitestown  
by:

**CONSENT  
ORDER**

Case #  
R620060823-67

**ONEIDA COUNTY,**

Respondent.

-----X  
**WHEREAS:**

1. Article 17 of the Environmental Conservation Law of the State of New York (ECL) provides the New York State Department of Environmental Conservation (Department) responsibility and authority to prevent and abate pollution of the waters of the state.
2. Respondent, Oneida County, is a municipal corporation organized and existing pursuant to the laws of the state of New York with main offices located at 800 Park Avenue, city of Utica, County of Oneida, New York 13501. Respondent owns and/or operates the Oneida County Water Pollution Control Plant (the WPCP) located at 51 Leland Avenue, Utica, New York. Respondent also owns and/or operates the Sauquoit Creek Pump Station ("Pump Station"), which discharges into the WPCP. The Pump Station is located in the village of Yorkville, town of Whitestown, County of Oneida, New York.
3. Pursuant to the authority granted to the Department by Article 17 of the ECL, the Department issued State Pollutant Discharge Elimination System (SPDES) Permit Number NY-0025780 (permit) to the Respondent. The permit governs the discharge of sewage to

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the waters of the state. Current permit limits, levels, and monitoring requirements became effective June 1, 2008, and expire May 31, 2013.

4. The permit has been effective at all times relevant hereto. The permit authorizes the Respondent to discharge treated WPCP effluent from Outfall 001 into the Mohawk River, a Class C water body of the state, and a combined sewer overflow (CSO) discharge from Outfall 002 at the Pump Station into the Mohawk River. A CSO results when a wastewater collection system, by design, conveys combined sewage for discharge, via an overflow, to the waters of the state when the system becomes hydraulically overloaded.

5. Wastewater is discharged to the Pump Station from several Oneida County municipalities including the villages of Clayville, New York Mills, Yorkville, Whitesboro, New Hartford, Oriskany; portions of the town of New Hartford; and the towns of Paris and Whitestown. This Order relates only to wastewater discharges from these municipalities to Outfall 002 at the Pump Station.

6. During an inspection performed on February 6, 2006, the United States Environmental Protection Agency (USEPA) observed that the service area going into Outfall 002 appeared to be comprised of separate sanitary sewer systems.

7. On February 24, 2006, in a letter sent from Shayne Mitchell, P.E. of the Department to Steven Devan, P.E. of the Respondent (the February 24, 2006, letter), the Department informed Respondent, among other things, of its determination that the sewers connected to Outfall 002 are not discharging from combined sewer overflows and that Outfall 002 is a sanitary sewer overflow (SSO). A SSO results when a wastewater collection system that by

design includes sewage, but incidentally includes stormwater-related inflow and infiltration discharges to the waters of the state.

8. Among other things, the February 24, 2006, letter indicated that the submission of a flow management plan would be required, and it further indicated that 6 NYCRR 750-2.9(c)(1) specifies that the flow management plan for managing flows at the POTW was due within one hundred twenty (120) days.

9. On June 28, 2006, the Department noticed a modification to the SPDES permit so that it classified Outfall 002 as an SSO with conditions prohibiting discharge from Outfall 002 except during an emergency or when there is no feasible alternative to bypass.

10. The Pump Station overflows discharge directly upstream of section 12 of the Mohawk River (Water Index No. H-240, portion 12), which is listed as an impaired water on New York State's Clean Water Act Section 303(d) impaired waters list for floatables, pathogens, and dissolved oxygen/oxygen demand standards.

11. The Department has determined that the discharge of partially treated sewage from the Pump Station during wet weather contributes to the impairment of section 12 of the Mohawk River.

12. ECL §17-0803 provides:

Except as provided by subdivision five of section 17-0701 of this article [not applicable], it shall be unlawful to discharge pollutants to the waters of the state from any outlet or point source without a SPDES permit issued pursuant hereto or in a manner other than prescribed by such permit . . . ; and

6 NYCRR Part 750-1.2 provides:

1. (a) Whenever used in this Part, unless a different meaning is stated in a definition

applicable to only a portion of this Part, the following terms will have the meanings set forth below:

(87) Stormwater means that portion of precipitation that, once having fallen to the ground, is in excess of the evaporative or infiltrative capacity of soils, or the retentive capacity of surface features, which flow or will flow off the land by surface runoff to the waters of the state.

(95) Wastewater means water that is not stormwater, is contaminated with pollutants and is or will be discarded.

13. The permit authorizes Respondent to operate Outfall 002 as a CSO. Because there were direct sanitary sewage discharges to the Pump Station via a separate sanitary sewage line, Respondent historically operated Outfall 002 as an SSO.
14. ECL §17-0509 requires Respondent to provide effective secondary treatment as a minimum degree of treatment prior to the discharge of sanitary sewage into the surface waters of the state.
15. Therefore, Respondent violated the provisions of ECL §17-0803, ECL §17-0509, the permit, and 6 NYCRR Part 750-2.1(I). Pursuant to ECL §71-1929, Respondent is liable for a penalty of up to Thirty-Seven Thousand Five Hundred Dollars (\$37,500) per violation per day and injunctive relief.
16. On or about February 26, 2007, the Department commenced an administrative enforcement action by serving on Respondent a Notice of Hearing and Complaint. The Complaint contained four causes of action alleging that Respondent had violated the permit and ECL §17-0803 by operating Outfall 002 as an SSO, had violated 6 NYCRR Part 750-2.9 by failing to properly enact a local sewer law, had violated ECL §17-0509 by failing to secondarily treat sanitary sewage prior to discharge, and had violated ECL §17-0803, the

permit, and 6 NYCRR Part 750-2.1 by failing to timely submit a flow management plan.

Respondent submitted an Answer and an Amended Answer thereto.

17. On July 11, 2007, the Department and Respondent executed an administrative Order on Consent (#R620060823-67) ("2007 Order") to address the violations set forth in the Complaint. Among other things, the 2007 Order required Respondent to:

- Upgrade the Pump Station to eliminate the SSO by October 31, 2014;
- Take interim measures to reduce flow to the Pump Station;
- Enter into Inter-Municipal Agreements (IMAs) and/or other enforceable legal instruments to ensure the County's authority to implement an offset program with the upstream tributary communities;
- Pay a \$120,000 penalty, and fund a \$30,000 EBP;
- Create an offset program, so that any new connections to the system served by the Pump Station would have to be offset by the removal of 5 gallons for each 1 gallon added; and
- Be subject to stipulated penalties for any schedule violations.

18. Since the effective date of the 2007 Order, the County has been in compliance with its terms. The County has: implemented some interim measures to try and reduce flow to the Pump Station; required any new connections to the Pump Station to offset discharges at a 5:1 offset gallonage ratio; paid the \$120,000 penalty; performed the EBP; revised its Sewer Use Rules and Regulations; and entered into 9 IMAs for purposes of access.

19. On August 12, 2010, Respondent timely requested that the end date of the Order be extended six (6) years to December 31, 2020, based on an engineering study claiming the upgrade could not be completed earlier. In July 2011, Respondent requested that the end date of the Order be extended to December 31, 2021.

20. In settlement of Respondent's civil liability for the aforesaid violations, Respondent admits the violations set forth herein, and has waived its right to a hearing herein as provided by law and has consented to the issuing and entering of this Order on Consent pursuant to the

provisions of Articles 17 and 71 of the ECL, and has agreed to be bound by the provisions, terms, and conditions herein. Notwithstanding the foregoing, the existence of this Order or Respondent's compliance with it, shall not give rise to any presumption of law or finding of fact, or create any rights, or grant any cause of action, which shall inure to the benefit of any third party.

**NOW, THEREFORE**, having considered this matter and being duly advised, it is ordered that:

**I. EFFECT ON PREVIOUS ORDERS**

A. Respondents are bound by, and agree to follow and comply with the terms, provisions, and requirements set forth in this Order, including Schedule A, which is incorporated herein. Except as set forth in subparagraph I.B below, this Order supersedes and replaces, in its entirety, the 2007 Order. Except as set forth in subparagraph I.B below, upon the effective date of this Order, the 2007 Order is considered null and void. The requirements set forth in this Order are additional to, and do not affect any requirements set forth in any Orders on Consent between DEC and Respondent other than the 2007 Order.

B. 1. The following documents, reports, and their respective applicable correspondence which were developed pursuant to the 2007 Order, are hereby incorporated into and made an enforceable part of this Order:

- a. Flow Management Plan and Wet Weather Operating Plan - Received 12/10/2007;
- b. OCSD Sewer Overflow Response Plan - Received 10/30/2007, implemented 4/1/08 – The measures set forth in this Plan will continue to be implemented until the discharges from the Sauquoit Creek Pump Station are brought into compliance;

c. OCSD Inflow/Infiltration (I/I) Offset Plan dated January 4, 2008, as revised September 23, 2008;

d. Supplemental Report - Re-evaluation of Temporary Treatment Alternatives for the Sauquoit Creek Pumping Station Bypass - Received 12/24/2010;

e. OCSD Sauquoit Creek Pumping Station Sanitary Sewer Overflow Mitigation Plan – Received 7/7/2010;

f. OCSD 12/23/10 response to the Department's 10/27/10 comments on the Sauquoit Creek Pumping Station Sanitary Sewer Overflow Mitigation Plan.

2. The practices, schedules, and other requirements set forth in these reports and submittals, as may be amended from time to time with the approval of the Department shall remain in full force and effect, unless they are inconsistent with the requirements of Schedule A attached hereto, and in such cases, Schedule A shall control.

3. Should any future reports or facility repair and upgrades necessitate changes to the documents listed in Section I.B.1 above, any modifications to said documents may be initiated by the Department or Respondent. Any modification approved by both parties will become an enforceable component of this Order.

## **II. COMPLIANCE WITH ORDER**

A. 1. Respondent shall comply, in a timely manner, with the terms of the attached Schedule A. Schedule A is hereby incorporated into and made an enforceable part of this Order. Respondent's failure to comply fully and in a timely fashion with any provision, term, or condition of this Order shall constitute a default and a failure to perform an obligation under this Order and the ECL, subject to the dispute resolution provisions set forth at Paragraph VI below. Schedule A, Item C.3, sets forth a final completion date for the work described therein. Respondent may request in writing the Department's consent to an

extension of any interim completion date set forth in Schedule A provided Respondent has diligently performed the work described in Schedule A, and further provided that Respondent provides to the Department in writing a technical/engineering justification in support of the extension request, prepared and certified by a professional engineer currently licensed to practice in the state of New York. The Department shall not unreasonably withhold, deny or delay its consent for an extension of any interim completion date set forth in Schedule A.

2. A list of definitions for use in this Order is set forth in Schedule B, which is incorporated into and made an enforceable part of this Order.

B. Respondent shall continue to implement the terms of the Department approved "Oneida County Sewer District, Inflow/Infiltration Offset Plan" dated April 2, 2008, including revisions thereto.

C. Once the Department completes its review of the below referenced programs and its comments are received by the Respondent, as required by Schedule A of this Order, the following documents will be incorporated into and made enforceable under this Order to the extent these programs affect wastewater discharges to Outfall 002 at the Pump Station from the Satellite Municipalities, until such time as they are made part of Respondent's SPDES Permit:

1. CMOM Program;
2. Asset Management Program; and
3. Private Property I/I Reduction Program.

### **III. COMPLIANCE SCHEDULE**

A. The goal of this Order shall be to eliminate all SSO discharges from the Pump

Station. Respondent submitted a mitigation plan entitled, "Sauquoit Creek Pumping Station, Sanitary Sewer Overflow Mitigation Plan, Oneida County Sewer District," dated July 7, 2010 ("Mitigation Plan"), describing projects and programs to bring Outfall 002 into compliance with Respondent's SPDES Permit by December 31, 2021. The Mitigation Plan proposed to eliminate the SSO at Outfall 002 by a combination of sanitary sewer system rehabilitation upgrades to the Pump Station and WPCP. In performing the projects and programs set forth in the Mitigation Plan, Respondent shall comply with the compliance schedule in attached Schedule A, which is incorporated into and made an enforceable part hereof.

B. In the event Respondent must obtain a permit from the Department to perform work required under this Order, and the Department (i) fails to act on the review and processing of a permit application submitted by Respondent, or (ii) fails to issue a permit within the time frames set forth in the regulations implementing Article 70 of the ECL, Uniform Procedures Act, which regulations are set forth at 6 NYCRR Part 621, Respondent's time for completing work dependent on permit issuance shall be extended by the number of days the Department fails to act within the regulatory time frames. To avail itself of the relief set forth in this paragraph, Respondent must make all best efforts and exercise all due diligence in submitting timely, accurate, and complete applications for any applicable permit. The parties acknowledge that the construction season for exterior work to be performed under this Order runs from April 1 to November 30. If any extension of time pursuant to this paragraph pushes Respondent's exterior work outside of the construction season for any calendar year, Respondent's extension shall carry forth to the next

construction season. Respondent shall begin the work at the start of the next construction season.

#### **IV. SETTLEMENT AND RESERVATION OF RIGHTS**

A. Upon completion of all obligations created in this Order, all the Department's claims for civil or administrative penalties arising from the allegations set forth in this Order, as well as all bypasses from Outfall 002 of which the Department has knowledge up to the date of this Order, shall be deemed resolved, satisfied, and discharged against Respondent.

B. Nothing contained in this Order shall be construed as barring, diminishing, adjudicating, or in any way affecting:

1. Any legal or equitable rights or claims, actions, proceedings, suits, causes of action(s) or demands whatsoever that the Department may have with respect to investigatory, remedial, or corrective action or with respect to claims for natural resources damages as a result of the release or threatened release of hazardous substances, petroleum, or other pollutants at or from Respondent's Pump Station and WPCP, or areas in the vicinity of Respondent's Pump Station and WPCP;

2. Any legal or equitable rights or claims, actions, proceedings, suits, causes of action or demands whatsoever that the Department may have against anyone other than Respondent;

3. The Department's right, to the extent provided by law, to require that Respondent undertake additional measures required to protect public health or the environment, including interim remedial measures, at the Pump Station during all overflow periods;

4. The Department's right, to the extent provided by law, to enforce any provision of

the ECL, except as to those alleged violations, actions, or omissions which are addressed in this Order; and

5. Any legal or equitable rights or claims, actions, proceedings, suits, causes of action or demands that Respondent may have against third parties for remedial or corrective action.

C. Respondent shall comply with, and be bound by, the schedules, timetables, and requirements set forth in Schedule A, and any approved reports submitted thereunder, irrespective of the availability of financial assistance from federal, state, or other sources.

D. In the event that a discharge occurs from Outfall 002 after the effective date of this Order, the Department reserves all legal or equitable rights or claims, actions, proceedings, suits, causes of action or demands whatsoever that the Department may have against Respondent regarding said discharge.

#### **V. STIPULATED PENALTIES**

In the event Respondent fails to meet Schedule A deadlines, Respondent shall, within fifteen (15) days following a written notice of a demand for payment from the Department, pay to the Department a stipulated penalty as follows:

##### **Failure to meet Schedule A deadlines**

<u>Days Overdue</u>	<u>Penalty Amount/Days overdue</u>
1 - 30	\$ 1000/day
31 - 40	\$ 1500/day
41 - 50	\$ 2000/day
51 - 60	\$ 2500/day
more than 60	\$ 5000/day

The total stipulated penalty is calculated by multiplying the days in violation or overdue by

the corresponding penalty amount. The Department shall not be precluded from taking any action authorized by law, and the Department may seek the sanctions provided in the ECL in addition to assessing stipulated penalties as set forth in this Order. Should the Department seek penalties and/or sanctions beyond those stipulated in this Order, the Respondent shall be provided all rights mandated by applicable law and regulation.

## **VI. DISPUTE RESOLUTION**

A. The parties recognize that in the course of the design, construction, and modification of this Order, and projects/tasks required by this Order, disputes may arise between the parties regarding the appropriateness of any disapproval by the Department of a required submittal by the Respondent, conditions attached to the Department's approval of a required submittal, whether DEC has appropriately rejected a modification requested by Respondent pursuant to Paragraph XII, whether a force majeure event has in fact occurred, any other determination by the Department under this Order, or the Respondent's compliance with the terms of this Order. In the event such a dispute arises, it shall be resolved as follows.

B. If the Department disapproves a submittal required by Respondent under this Order, approves a required submittal with conditions that Respondent deems unacceptable, makes any other determination that Respondent has violated this Order, or declines to agree to an Order modification requested by Respondent pursuant to Paragraph XII, then the Department's Region 6 Regional Engineer shall issue a written determination ("DEC Determination") to Respondent setting forth the basis for disapproval of the submittal, conditional approval of the submittal, other basis for determining that Respondent has

violated this Order, or basis for not agreeing to a requested Order modification. If Respondent disputes the DEC Determination, Respondent may seek to resolve the dispute by requesting informal negotiations with the Department. Upon such a written request by the Respondent, the Department and Respondent shall make reasonable efforts to resolve the dispute through informal negotiations. The Department shall make all good faith efforts to meet with and/or discuss the dispute in question with Respondent, as soon as practicable, and the parties shall make reasonable efforts to resolve the dispute through informal negotiations. Unless both parties agree in writing otherwise, the time to conclude informal negotiations shall terminate thirty (30) days from the day Respondent receives the DEC Determination. If the dispute is resolved through informal negotiations, then the agreed upon resolution shall be incorporated into this Order. If the dispute is not resolved through informal negotiations, the disputed DEC Determination shall be binding upon Respondent, unless Respondent invokes the remedies set forth in paragraphs VI.C or VI.D below.

C. Respondent may, within seven (7) days after the termination of the informal negotiation period set forth above, submit a written request to the Department to the individual set forth in Paragraph XVIII below, seeking review of the dispute by the Assistant or Deputy Commissioner for Water Resources (Decision-Maker). The parties shall have twenty (20) days after Respondent's request is delivered to the Decision-Maker to present their arguments to the Decision-Maker, who shall have ten (10) more days to issue a decision. Any decision issued by the Decision-Maker shall be final and binding upon the parties, unless Respondent invokes the remedy set forth in paragraph VI.D below.

D. Respondent shall also have the right to challenge a DEC Determination or a

decision by the Decision-Maker in an Article 78 proceeding in New York State Supreme Court for Oneida County. To do so, Respondent must commence the Article 78 proceeding within thirty (30) days of the termination of the informal dispute resolution period or twenty (20) days after receiving a written decision from the Decision-Maker. If such a proceeding is commenced, any DEC Determination or written decision by the Decision-Maker hereunder shall be deemed to be final agency action. If Respondent does not commence an Article 78 proceeding within thirty (30) days of receiving the DEC Determination, then Respondent shall waive the right to challenge the DEC Determination and the assessment of any penalties, if applicable and appropriate, associated with the DEC Determination. The parties may agree, in writing, and on a case-by-case basis, to extend the time period within which Respondent must commence an Article 78 proceeding to challenge a particular DEC Determination. Respondent shall have no right to any formal administrative review of a DEC Determination.

E. In any Article 78 proceedings, challenging a DEC Determination, service of the petition and accompanying papers commencing the proceeding, and all subsequent papers, shall be made by Respondent on the state in accordance with Paragraph XVIII below or to such other individuals as the Department shall designate pursuant thereto. Service on those individuals shall be deemed valid service on the Department.

F. If, in the case of a challenge by Respondent to a DEC Determination disapproving a submittal required under this Order or approving a required submittal with conditions that Respondent considers unacceptable, the submittal is found to have been approvable as submitted, then no penalties or interest may be assessed and subsequent

milestone dates shall be extended appropriately, as agreed upon by Respondent and the Department or as otherwise determined by the court. If the submittal is found to have been properly disapproved, then penalties and interest, if applicable and appropriate, shall be assessed from the date of the DEC Determination, subject to the minimum notice requirements of this Order, and the subsequent milestone dates shall not be extended, unless otherwise agreed upon by the state and Respondent, or ordered by the court, for good cause shown by Respondent.

G. If, in the case of a challenge by Respondent to a DEC Determination rejecting an Order modification requested by Respondent pursuant to Paragraph XII, the DEC Determination is found to be arbitrary and capricious, then no penalties or interest may be assessed and subsequent milestone dates shall be extended appropriately, as agreed upon by Respondent and state, or as otherwise determined by the court. If the DEC Determination rejecting the modification is found to have been properly disapproved, then penalties and interest, if applicable and appropriate, shall be assessed from the date of the DEC Determination, subject to the minimum notice requirements of this Order, and the subsequent milestone dates shall not be extended, except unless otherwise agreed upon by the state and Respondent, or ordered by the court, for good cause shown by Respondent.

H. If, in the case of a challenge by Respondent to a DEC Determination predicated on a claim of force majeure by Respondent, the DEC Determination is found to be arbitrary and capricious, then no penalties or interest may be assessed, and subsequent milestone dates shall be extended appropriately, as agreed upon by Respondent and DEC, or as otherwise determined by the court. If Respondent's claim of force majeure is rejected, then penalties

and interest, if applicable and appropriate, shall be assessed from the date of the DEC Determination, subject to the minimum notice requirements of this Order, and subsequent milestones shall not be extended.

I. In the case of any other challenge by Respondent to a determination by the Department issued hereunder (including, but not limited to, a challenge to a DEC Determination that Respondent has failed to timely submit a Quarterly Progress Report as defined below, failed to submit any other report required hereunder on time, etc.), if the DEC Determination is upheld then penalties and interest, if applicable and appropriate, shall be deemed due and payable when originally assessed by the Department, subject to the minimum notice requirements of this Order. Regardless of whether or not the DEC Determination is upheld, the bringing of such a challenge by Respondent, pursuant to this Paragraph VI.I, shall in no way result in an extension of any milestone dates under this Order.

J. The state shall have the right to enforce any decision by the Decision-Maker or an Order of the New York State Supreme Court for Oneida County, and any other obligation of Respondent hereunder, in New York State Supreme Court for Oneida County. Respondent consents that the state may commence an action in that court to enforce any obligation, and that service of the papers commencing the action shall be deemed valid and complete service on Respondent.

## **VII. FORCE MAJEURE**

Respondent shall not be liable for any penalty under this Order or be subject to any proceedings or actions for any remedy or relief, if it cannot comply with any requirements of

this Order, because of an act of God, war, strike, a court ruling, riot, or other such condition as to which willful misconduct, negligence or other action or failure to act on the part of Respondent was not a proximate cause; provided however, that Respondent shall immediately notify the Department in writing when it obtains knowledge of any such condition and shall request an appropriate extension or modification of the provisions hereof.

#### **VIII. ACCESS**

To ensure compliance with this Order, the ECL, and rules and regulations thereunder, authorized representatives of the Department shall be permitted access to those premises over which Respondent has control at all reasonable times in order to make inspections to see that Respondent is in compliance.

#### **IX. FAILURE, DEFAULT AND VIOLATION OF ORDER**

Respondent's failure to comply with any provision of this Order shall constitute a default and a failure to perform an obligation under this Order and shall be deemed to be a violation of both this Order and the ECL.

#### **X. INDEMNIFICATION**

Respondent shall indemnify and hold harmless the Department, the state of New York, and their representatives and employees for all claims, suits, actions, damages, and costs of every name and description arising out of or resulting from the fulfillment or attempted fulfillment of this Order by Respondent and its successors (including successors in title) and assigns.

#### **XI. BINDING EFFECT**

This Order is binding upon Respondent, its agents, employees, successors, assigns,

and all persons, firms, and corporations acting subordinate thereto. Respondent's employees, servants, and agents shall be instructed to comply with the relevant provisions of this Order in the performance of their designated duties on behalf of Respondent.

## **XII. MODIFICATION**

No change or modification to this Order shall become effective except as specifically set forth in writing and approved by the Commissioner or a duly authorized representative.

## **XIII. REPORTING REQUIREMENTS**

Starting March 31, 2012, and lasting until termination of this Order, Respondent shall submit to the Department for review and comment a quarterly progress report ("Quarterly Progress Report") summarizing the status and progress for all engineering investigations and evaluations, management programs, approved schedules, completed milestones, completed sanitary sewer rehabilitation, an assessment of the effectiveness of the completed rehabilitation, and completed capital improvement projects and facilities upgrades required by this Order. The Quarterly Progress Report shall also include any changes in key personnel, a summary of any new flows added to the Oneida County Sewer District within the Satellite Municipalities, and corresponding I/I removed from the Satellite Municipalities within the Oneida County Sewer District to conform to the 5:1 offset, as well as the locations of the removals/additions. The Quarterly Progress Report shall be due thirty (30) days after the corresponding calendar quarter.

## **XIV. ENTIRE ORDER**

The provisions of this Order constitute the complete and entire Order issued to the Respondent concerning resolution of the violations identified in Paragraphs 2 through 19 this

Order. No term, condition, understanding, or agreement purporting to modify or vary any term hereof shall be binding unless made in writing and subscribed by the party to be bound, pursuant to Paragraph XII of this Order. No informal oral or written advice, guidance, suggestion, or comment by the Department regarding any report, proposal, plan, specification, schedule, comment, or statement made or submitted by Respondent shall be construed as relieving Respondent of its obligations to obtain such formal approvals as may be required by this Order.

#### **XV. AUTHORITY TO SIGN**

The persons signing this Consent Order represent that they have full authority to bind the respective parties which they represent.

#### **XVI. EFFECTIVE DATE**

The effective date of this Order is the date on which the Commissioner or his representative signs this Order.

#### **XVII. TERMINATION**

This Order shall be deemed completely satisfied and shall terminate upon: (1) Respondent's payment of any due civil penalties; (2) Respondent's written certification, and DEC's written verification, of timely completion of the compliance requirements set forth in paragraph I.B.1, paragraph III.A, and Schedule A of this Order; and (3) the inclusion of the documents set forth in paragraph II.C into Respondent's SPDES permits.

#### **XVIII. SUBMISSIONS**

All penalties required under this Order will be sent to:

Department of Environmental Conservation  
317 Washington Street

Watertown, New York, 13601-3787  
Attention: Regional Attorney

All submissions required under this Order, other than penalties, will be sent to:

Regional Engineer  
Department of Environmental Conservation  
317 Washington Street  
Watertown, New York, 13601-3787

- and -

Director, Bureau of Water Permits  
Department of Environmental Conservation  
Division of Water  
625 Broadway, 4<sup>th</sup> Floor  
Albany, NY 12233

-and-

Project Manager  
North/Western Projects Section  
New York State Environmental  
Facilities Corporation  
634 Broadway  
Albany, NY 12207-2997

All submissions of a legal nature under this Order shall be sent to:

Chief, Water Bureau  
Department of Environmental Conservation  
Office of General Counsel  
625 Broadway, 14<sup>th</sup> Floor  
Albany, NY 12233

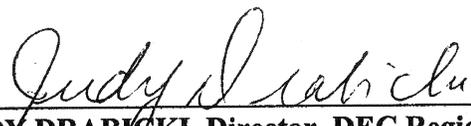
**XIX. PLAN APPROVAL**

"Approvable" within the context of this Order shall mean approved by the Department with only minimal revision. Minimal revision will mean revised and resubmitted to the Department within thirty (30) days of notification by the Department of revisions that are

necessary.

Dated: Albany, New York  
December 12, 2011

**JOSEPH J. MARTENS, COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

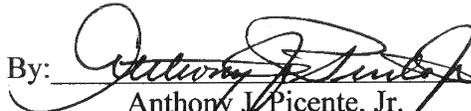
By:   
**JUDY DRABICKI, Director, DEC Region 6**

EDMS#395667

**CONSENT BY RESPONDENT**

Respondent hereby consents to the issuing and entering of this Order, waives its right to a hearing herein as provided by law, and agrees to be bound by the provisions, terms, and conditions contained in this Order.

**ONEIDA COUNTY**

By:   
Anthony J. Picente, Jr.  
Oneida County Executive

Title: County Executive

Date: 12-7-11

**MUNICIPAL ACKNOWLEDGEMENT**

STATE OF NEW YORK    )  
  ) SS.  
COUNTY OF ONEIDA    )

On this 7<sup>th</sup> day of December, 2011, before me personally appeared Anthony J. Picente, to me known, who being by me duly sworn, did depose and say that he resides in New York, that he is the County Executive of the County of Oneida, the municipal corporation described and which executed the foregoing instrument; that he knows the seal of said municipal corporation; that the seal affixed to said instrument is such seal; that it was so affixed by Order and authority of the Board of Legislators of said municipal corporation, and that he signed his name thereby by like Order and authority.

  
\_\_\_\_\_  
State of New York Notary Public  
Commission expires

JUDI A. SMITH  
Notary Public in the State of New York  
Qualified in Oneida County O4SM4950669  
My Commission Expires May 8/15

119.

## NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

### SCHEDULE A- COMPLIANCE SCHEDULE

Within 14 days of the effective date of this Order, Respondent shall provide all Oneida County Sewer District tributary municipalities with a copy of this Order and submit proof of service to the Department.

To settle violations of the New York State Environmental Conservation Law, the above referenced Respondent shall, on or before the dates indicated, comply with the following:

#### **A. Engineering Investigations and Evaluations**

1. By June 30, 2012, Respondent shall submit to the Department for review and approval an engineering report ("Dye Testing and Storm Sewer Evaluation Report") to verify suspected indirect or direct stormwater connections entering the sanitary sewer system. The extent of the dye testing and storm sewer inspections shall be at the discretion of the Respondent based on previous evaluations and general knowledge of the sanitary sewer system. The evaluations and Dye Testing and Storm Sewer Evaluation Report shall be performed in accordance with sound engineering practices.

2. By June 30, 2012, Respondent shall complete inspections of identified and accessible sanitary manholes and submit to the Department for review and approval an engineering report ("Manhole Evaluation Report - Phase II") identifying sources and estimated quantities of I/I entering the sanitary sewer system through defective sanitary manholes. Manhole Evaluation Report - Phase II shall include the remaining manholes that were identified, accessible, and that were not inspected during initial evaluations summarized in "Sauquoit Creek Pumping Station Basin, Sanitary Sewer Manhole Inspection, Data Summary, Oneida County Sewer District," dated July 2010. The manhole evaluations and Manhole Evaluation Report - Phase II shall be performed in accordance with sound engineering practices.

3. By April 30, 2013, Respondent shall perform closed circuit television (CCTV) evaluations and submit to the Department for review and approval an engineering report ("Sewer Television Inspection Report - Phase II") identifying sources and estimated quantities of I/I entering the sanitary sewer system. The CCTV evaluations and Sewer Television Inspection Report - Phase II shall include approximately fifty (50) percent of the remaining sanitary sewer segments that were not televised during the initial evaluations summarized in "Sauquoit Creek Pumping Station Basin, Sanitary Sewer Television Inspection, Data Summary, Oneida County Sewer District," dated July 2010. CCTV inspections and Sewer Television Inspection Report - Phase II shall be performed in accordance with sound engineering practices.

4. By August 31, 2012, Respondent shall develop and submit to the Department for review and approval an engineering report ("Sauquoit Creek Pump Station" or "SCPS Evaluation Report") for expanding the pumping capacity of the Pump Station. The SCPS Evaluation Report shall include at a minimum: a) brief history of the Pump Station including past upgrades; b) current effective capacity of the Pump Station and force main; c) assessment of equipment condition; d) assessment of operational redundancy; e) make recommendations for upgrades; f) description of proposed upgrades within preliminary basis of design; g) details necessary to develop engineering plans and specifications; h) preliminary cost estimates for proposed upgrades; and i) implementation schedule of deadlines for key milestones, including submission of required engineering plans and specifications, and construction start and completion dates for all proposed upgrades. The SCPS evaluations and SCPS Evaluation Report shall be performed in accordance with sound engineering practice, Department standards, and generally accepted industry guidance.

5. By August 31, 2012, Respondent shall develop and submit to the Department for review and approval an engineering report ("Water Pollution Control Plant" or "WPCP Evaluation Report") for expanding the treatment capacity of the WPCP. The WPCP Evaluation Report shall consider future growth and compliance with applicable state and federal regulations. The WPCP evaluations and WPCP Evaluation Report shall be performed in accordance with sound engineering practice, Department standards, and generally accepted industry guidance. Respondent shall have the option to submit to the Department a single report or two separate reports that address the requirements of subsections A.4 and A.5 of this Compliance Schedule.

6. Respondent shall submit a "Treatment System Supplement" to the SSO Mitigation Plan for Department review and approval within 60 days after approval by the Department of the SCPS Evaluation Report and the WPCP Evaluation Report that incorporates the data and remedial strategy developed subsequent to the SCPS and WPCP evaluations. Once approved, the "Treatment System Supplement" is thereby incorporated into and made an enforceable part of this Order.

7. By May 31, 2014, Respondent shall submit a "Collection System Supplement" to the SSO Mitigation Plan for Department review and approval that incorporates the data and remedial strategy developed subsequent to the cumulative completion of the Dye Testing and Storm Sewer Evaluation Report, Manhole Evaluation Report - Phase II, Sewer Television Inspection Report - Phase II, and Sewer Television Inspection Report - Phase III. Once approved, the "Collection System Supplement" is thereby incorporated into and made an enforceable part of this Order.

8. By April 30, 2014, Respondent shall perform closed circuit television (CCTV) evaluations and submit to the Department for review and approval an engineering report ("Sewer Television Inspection Report - Phase III") identifying sources and quantities of I/I

entering the sanitary sewer system. The CCTV evaluations and Sewer Television Inspection Report - Phase III shall include the remaining sanitary sewer segments that were not televised during the initial evaluations summarized in "Sauquoit Creek Pumping Station Basin, Sanitary Sewer Television Inspection, Data Summary, Oneida County Sewer District" dated July 2010, and CCTV inspections performed pursuant to Subsection A.3 of this Compliance Schedule. CCTV evaluations and Sewer Television Inspection Report - Phase III shall conform to the requirements pursuant to Subsection A.3 of this Compliance Schedule.

**B. Management Programs**

1. By March 31, 2012, Respondent shall develop and submit to the Department for review and comment a proposed flow monitoring program ("Flow Monitoring Program") with an implementation and annual reporting schedule to assess the effectiveness of completed sanitary sewer rehabilitation projects and to predict the anticipated I/I reduction for future rehabilitation projects. Flow monitoring shall be conducted in strategic locations and at appropriate intervals to make such assessments. Flow monitoring results and assessments shall be documented annually in the first Quarterly Progress Report to be submitted in 2013 pursuant to Paragraph XIII of this Order.

2. By June 30, 2012, Respondent shall develop and submit to the Department for review and comment a proposed program outline with an implementation schedule that includes coordination with the Satellite Municipalities ("Private Property I/I (PPI/I) Reduction Program") to reduce I/I sources from private property within the Satellite Municipalities. Implementation of the Private Property I/I (PPI/I) Reduction Program must commence by May 31, 2013.

3. By June 30, 2012, Respondent shall develop and submit to the Department for review and comment a proposed capacity, management, operations and maintenance program outline with an implementation schedule that includes coordination with the Satellite Municipalities ("CMOM Program") to control sanitary flows from Satellite Municipalities through efficient performance and proper operation and maintenance of the sanitary sewer system. The Respondent shall be responsible for CMOM Program oversight of Satellite Municipalities, including implementation and enforcement. The CMOM Program shall be developed in accordance with EPA's "Guide for Evaluating Capacity, Management, Operation, and Maintenance ("CMOM") Programs at Sanitary Sewer Collection Systems," EPA 305-B-05-002 (January 2005) and generally accepted industry guidance. Implementation of the approved CMOM program must commence by May 31, 2013.

4. By December 31, 2021, Respondent shall develop and submit to the Department for review and comment a proposed asset management program ("Asset Management Plan") for the long-term sustainability of County owned equipment related to the WPCP, pumping

stations, and sanitary sewer system. The Asset Management Plan shall be limited to equipment valued at more than \$50,000.

**C. Remedial Measures**

1. Upon the effective date of this Order, Respondent shall be obligated to ensure that sources of I/I entering the sanitary sewer system recommended for rehabilitation through engineering evaluations performed pursuant to Subsections A.1, A.2, A.3, A.7, and A.8 of this Compliance Schedule shall be remediated in accordance with the recommendations until compliance with this Order is achieved. Sanitary sewer rehabilitation shall be phased annually based on the compliance due date of December 31, 2021, and annual rehabilitation shall be scheduled pursuant to Subsection D of this Compliance Schedule. Each calendar year, Respondent shall mitigate identified sources of inflow/infiltration in locations that are part of or that collectively comprise a minimum of ten (10) miles of sanitary sewers. Mitigation may include a combination of pipe rehabilitation, pipe replacement, manhole rehabilitation, stormwater cross connection repairs, private property inflow/infiltration source removal, stormwater facilities to accommodate inflow/infiltration source removal, and removal of other inflow/infiltration sources. This mitigation work will continue until the "Collection System Supplement" described in subsection A.7 of this Compliance Schedule has been approved by the Department. If Respondent mitigates more than the annual minimum during any calendar year, Respondent may "bank" the excess and apply bank credits to an upcoming calendar year to demonstrate compliance with this Subsection. Upon completion, sanitary sewer rehabilitation work performed pursuant to this Subsection shall be eligible for credit to offset new sanitary sewer connection(s) and/or extension(s) in accordance with "Oneida County Sewer District, Inflow/Infiltration Offset Plan," dated April 2, 2008, as revised September 23, 2008. Offset credits obtained pursuant hereto may only be applied within the Satellite Municipalities tributary to SSO Outfall 002 that are subject to the *Oneida County Sewer District Inflow/Infiltration Offset Plan*, dated April 2, 2008, as revised September 23, 2008.

2. By December 31, 2016, Respondent shall complete the construction of the "Semi-Permanent Alternative" as described and recommended in "Supplemental Report, Re-Evaluation of Temporary Treatment Alternatives for the Sauquoit Creek Pumping Station Bypass," dated December 2010. Construction of a new force main shall be eligible for bank credits as described in Subsection C.1 of this Compliance Schedule. Respondent shall be responsible to obtain all required regulatory reviews, permits, and approvals, including an approved engineering report and engineering plans and specifications. In the event that Respondent determines the Semi-Permanent Alternative is not technically feasible based on engineering evaluations performed pursuant to Subsections A.4, A.5, and A.6 of this Compliance Schedule, or it is determined that the Semi-Permanent Alternative will not be required to eliminate the SSO at Outfall 002, Respondent shall submit such a determination with supporting engineering documentation to the Department for review and approval.

3. Upon Department approval of the SCPS Evaluation Report performed pursuant to Subsection A.4 of this Compliance Schedule, Respondent shall be obligated to construct the proposed upgrades in substantial conformance with recommendations made. Respondent shall be responsible to obtain all required regulatory reviews, permits, and approvals, including approved engineering plans and specifications. Construction of the upgrades shall be based on a compliance due date of December 31, 2021. In the event that Respondent determines that SCPS upgrades are not technically feasible based on engineering evaluations performed pursuant to Subsection A.4 and A.5 of this Compliance Schedule or SCPS upgrades are not required to successfully eliminate the SSO at Outfall 002, Respondent shall submit such a determination with supporting engineering documentation to the Department for review and approval.

4. Upon Department approval of the WPCP Evaluation Report performed pursuant to Subsection A.5 of this Compliance Schedule, Respondent shall construct the proposed upgrades in substantial conformance with recommendations made. Respondent shall be responsible to obtain all required regulatory reviews, permits, and approvals, including approved engineering plans and specifications. Construction shall be based on a compliance due date of December 31, 2021. In the event that Respondent determines that WPCP upgrades are not technically feasible based on engineering evaluations performed pursuant to Subsection A.5 of this Compliance Schedule or is not required to successfully eliminate the SSO at Outfall 002, Respondent shall submit such a determination with supporting engineering documentation to the Department for review and approval.

#### **D. Annual Work Plan**

Starting on the last day of the month that shall be the month that is 90 days after the effective date of this Order, Respondent shall submit to the Department for review and approval the first annual plan ("Annual Work Plan") of sanitary sewer rehabilitation and facility upgrades for the upcoming calendar year. Each year thereafter until the termination of this Order, Respondent shall submit a revised Annual Work Plan. The subsequent Annual Work Plans shall be due by January 31 of each year. Annual Work Plans shall indicate Respondent's progress in completing work identified in prior Annual Work Plans in summary format and Respondent's intended future efforts to mitigate the SSO at Outfall 002 pursuant to Subsection C. of this Compliance Schedule. Annual Work Plans shall include Department approved construction schedules submitted in accordance with this Compliance Schedule. Significant deviations from an approved Annual Work Plan must be applied for in writing and approved by the Department, which approval shall not be unreasonably withheld, denied, or delayed. The Annual Work Plan shall include proposed mitigation measures which, at a minimum, satisfy the milestone set forth in Subsection C.1 of this Compliance Schedule. Upon approval by the Department, the schedules contained in the Annual Work Plans will be affixed to and become an enforceable part of this Order.

### **SCHEDULE B- DEFINITIONS**

Terms used in this Order which are defined in Article 17 of the Environmental Conservation Law of the State of New York (ECL) or in regulations promulgated under Article 17 of the ECL shall have the meaning ascribed to them in Article 17 of the ECL or in the regulations promulgated thereunder. Whenever the terms listed below are used in this Order, the following definitions shall apply:

1. "CCTV" shall mean an inspection technique that uses a closed-circuit television camera to observe the interior condition of a sanitary sewer segment.
2. "CMOM" shall mean capacity, management, operations, and maintenance program of accepted industry practices to properly manage, operate, and maintain sanitary wastewater collection, transmission, and treatment systems.
3. "Consent Order" or "Order" shall mean Consent Order R620060823-67 and all appendices hereto, including any amendments thereto.
4. "Oneida County" or "County" shall mean Oneida County, New York, and any of its successor departments or agencies, as well as any contractors, consultants, or agents representing the County.
5. "Department" shall mean the New York State Department of Environmental Conservation and any of its successor departments or agencies.
6. "Department standards" shall mean the 2004 edition of Recommended Standards for Wastewater Facilities by the Great Lakes-Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers.
7. "EPA" shall mean the United States Environmental Protection Agency and any of its successor departments or agencies.
8. "Force main" means any pipe that receives and conveys wastewater under pressure from the discharge side of a pump installed in a pump station.
9. "Infiltration" shall mean water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes, as provided in 6 NYCRR Part 750-1.2(a)(45).
10. "Inflow" shall mean water other than wastewater that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross-connections between storm sewers and sanitary sewers, catch

basins, cooling towers, stormwater, surface runoff, street wash waters, or drainage, as provided in 6 NYCRR Part 750-1.2(a)(46).

11. "I/I" shall mean the total quantity of water from Infiltration and Inflow without distinguishing the source.
12. "Outfall 002" shall mean the terminus of the overflow sewer at the SCPS at the point of emergence with the Mohawk River, as defined in SPDES permit NY-0025780.
13. "Permit" or "SPDES Permit" shall mean State Pollutant Discharge Elimination System (SPDES) permit number NY-0025780 issued to the County pursuant to Title 8 of Article 17 of the Environmental Conservation Law of New York State for the WPCP and any future extended, modified, or reissued permit therefore.
14. "Sanitary Sewer Overflow" or "SSO" shall mean any spill, release, or bypass of wastewater from the sanitary sewer system to the waters of the state, as well as any release of wastewater from the sanitary sewer system to public or private property that are not caused by blockages, flow conditions, or malfunctions in a private lateral or conveyance system that is not owned or operationally controlled by the County or Satellite Municipality.
15. "Sanitary sewer segment" shall mean that part of a sewer line that is between one manhole and the next closest manhole on the sewer line in question.
16. "Sanitary sewer system" means the wastewater collection and conveyance system tributary to the SCPS that is owned or operated by the County or Satellite Municipality (including all pipes, force mains, gravity sewers, pump stations, manholes, and appurtenances thereto, but does not in any way include private laterals) that is designed to collect and convey municipal sewage (domestic, commercial, or industrial).
17. "Satellite Municipality" or "Satellite Municipalities" shall mean an incorporated political subdivision within or partly within the Oneida County Sewer District that conveys sanitary sewage to the SCPS which includes the town of New Hartford, town of Paris, town of Whitestown, village of Clayville, village of New Hartford, village of New York Mills, village of Oriskany, village of Yorkville, and the village of Whitesboro.
18. "SCPS" or "Pump Station" shall mean the Sauquoit Creek Pump Station which is owned and operated by the County and is located in the village of Yorkville, town of Whitestown, New York.
19. "WPCP" shall mean the Oneida County Water Pollution Control Plant, including all of its components, located at 51 Leland Avenue, Utica, New York.

March \_\_\_, 2013

County of Oneida,  
State of New York

Ladies and Gentlemen:

We are bond counsel to the County of Oneida, New York (the "County") and have been requested to render our opinion concerning matters relating to improvements for the Oneida County Sewer District (the "District") pursuant to the provisions of Section 268 of the County Law (the "County Law") of the State of New York (the "State").

In connection therewith we have examined:

1. The Constitution of the State and such statutes and regulations thereof, including particularly Sections 254 and 268 of the County Law and the State Environmental Quality Review Act, as we have deemed relevant for purposes of the opinions expressed herein;
2. A copy of the map, plan and report prepared pursuant to Section 268 of the County Law in connection with the increase and improvement of the District;
3. A copy of the application to the State Comptroller for consent to expend monies for the increase and improvement of the District (the "Application");
4. Copies of the following relating to the establishment of the District, certified to our satisfaction:
  - (a) A resolution of the County Legislature of the County (the "County Legislature"), adopted pursuant to Section 268 of the County Law calling a public hearing upon the question of the increase and improvement of the District (the "Order"); and
  - (b) a resolution of the County Legislature dated \_\_\_\_\_, 2013, making the determinations described in subdivision 1 of Section 268 of the County Law (the "Resolution");
5. Duplicate originals or copies certified to our satisfaction of a printer's affidavit with respect to the publication of the notice of public hearing.

6. Such other local laws of the County, and resolutions and other proceedings of the County Legislature as we have deemed relevant for purposes of the opinions expressed herein.

In rendering the opinions expressed herein we have assumed (i) the accuracy and truthfulness of all records, documents and proceedings examined by us which have been executed or certified by officials and officers acting within the scope of their official capacities, and have not independently verified the accuracy and truthfulness thereof, (ii) the accuracy and completeness of the information set forth in the map, plan and report including compliance therewith with the requirements set forth in Section 253 of the County Law, and (iii) and all boundary descriptions and descriptions of improvements included in the Application and express no opinion with respect thereto.

Based upon the foregoing it is our opinion that:

- (i) The application contains all of the information required by applicable statutes and regulations.
- (ii) The County, in relation to the increase and improvement of the District for which the permission of the State Comptroller is sought, has undertaken all actions and proceedings required by applicable statutes.
- (iii) The increase and improvement of the District has been duly authorized by the County Legislature, as required by applicable statutes, with the exception of the consent of the State Comptroller.
- (iv) Based upon discussions with County officials, such officials are not aware of any material pending or threatened lawsuits or claims relating to the District or the proposed increase and improvement.
- (v) Any assessments, charges or rents to be levied or imposed to finance the improvements for the District are authorized by statute and all necessary action has been taken by the County to authorize the levy of such assessments, charges or rents.

The scope of our engagement in relation to the increase and improvement of the District has extended solely to the examination of the facts and law incident to rendering the opinions expressed herein. We express no opinion, and no opinion should be inferred from the foregoing, with respect to the improvements described in any map, plan, report or other material or

County of Oneida  
March \_\_, 2013  
Page 3

documents prepared in connection with the improvements for the District, their design, their fitness or suitability for the purposes for which they are intended, or with respect to any estimate of the cost or expense thereof, the levels of and/or computation formulae for any assessments or levies to be imposed to pay the same or debt service on any obligations issued for the financing thereof, or the amounts of any user fees with respect thereto.

The State Comptroller may rely upon the opinions expressed herein as if the same had been addressed to him.

Very truly yours,

# 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

PATRICE A. BOGAN, MS, FNP  
INTERIM DIRECTOR OF HEALTH

## ADMINISTRATION

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

January 7, 2013

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

FN 20 13-102  
HEALTH & HUMAN SERVICES  
WAYS & MEANS



Dear Mr. Picente:

Re: HRI Contract Number: 3492-05

Attached are three (3) copies of an amendment between Oneida County through its Health Department and Health Research, Inc. (HRI)

This amendment provides several stages of criteria in order to reach women requiring care. Women under the age of 40 must have a personal or first-degree family history (mother, sister or daughter) in order to be eligible to receive a screening mammogram. All women between the ages of 40 and 64 that meet financial qualifications may be enrolled for comprehensive breast and cervical cancer screening and associated diagnostic testing. Women aged 65 and over who are either not eligible for Medicare, or choose not to enroll in Medicare Part B for financial reasons, are eligible to be enrolled in the program for comprehensive breast and cervical cancer screening and associated diagnostic testing. Financial qualifications are defined as low income, defined as at or below 250% of current Federal Poverty Guideline, uninsured or underinsured for one or more of the billable screening services. Also eligible to apply for services are women who are asymptomatic for breast and cervical cancer.

The term of this agreement shall become effective on June 30, 2012 and remain in effect through June 29, 2013. Reimbursement is in the amount of \$57,695 and is 100% federally funded.

The reason this agreement is being forwarded for signature after the effective date is due to the late receipt of amendment. This is not a program mandated by Public Health Law.

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

Sincerely,

Patrice A. Bogan, MS, FNP  
Interim 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: 2/26/13

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

**DIVISION:** Community Wellness

**NAME AND ADDRESS OF VENDOR:** Health Research, Inc.  
150 Broadway – Suite 560  
Menands, New York 12204

**VENDOR CONTACT PERSON:** Heather Elden, Contract Administrator

**SUMMARY STATEMENTS:** This agreement provides several stages of criteria in order to reach women requiring care. Women under the age of 40 must have a personal or first-degree family history (mother, sister or daughter) in order to be eligible to receive a screening mammogram. All women between the ages of 40 and 64 that meet financial qualifications may be enrolled for comprehensive breast and cervical cancer screening and associated diagnostic testing. Women aged 65 and over who are either not eligible for Medicare, or choose not to enroll in Medicare Part B for financial reasons, are eligible to be enrolled in the program for comprehensive breast and cervical cancer screening and associated diagnostic testing. Financial qualifications are defined as low income, defined as at or below 250% of current Federal Poverty Guideline, uninsured or underinsured for one or more of the billable screening services. Also eligible to apply for services are women who are asymptomatic for breast and cervical cancer.

**PREVIOUS CONTRACT YEAR:** June 30, 2011 through June 29, 2012

**TOTAL:** \$45,469

**THIS CONTRACT YEAR:** June 30, 2012 through June 29, 2013

**TOTAL:** \$57,695

\_\_\_\_\_ **NEW**                      \_\_\_\_\_ **RENEWAL**                      \_\_\_\_\_ **X** **AMENDMENT**  
(3492-05)

**FUNDING SOURCE:** A4090.495      A3451

Less Revenues: \_\_\_\_\_  
Federal Funds (HRI)                      \$57,695  
County Dollars – Previous Contract      \$ -0-  
County Dollars – This Contract              \$ -0-

**SIGNATURE:** Patrice A. Bogan, MS, FNP      Interim Director of Health

**DATE:** January 7, 2013

Contract Reviewed By: \_\_\_\_\_  
Nichole M. Hinman, Esq.

Date: \_\_\_\_\_

# 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

PATRICE A. BOGAN, MS, FNP  
INTERIM DIRECTOR OF HEALTH

## ADMINISTRATION

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

February 15, 2013

FN 20 13-103

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

HEALTH & HUMAN SERVICES  
WAYS & MEANS

Dear Mr. Picente:

On February 4, 2013, we were informed that the Oneida County's *Lead Primary Prevention Program (LPP)* program will be receiving the annual cost of living adjustment (COLA) as outlined in Chapter 57, Laws of 2006. This COLA will amount to 8.02% of our 2011-12 contract or \$30,185.

We would like to use this COLA to support the mandatory LPP program inspections in the City of Utica's highest risk for lead poisoning area of Cornhill and West Utica that protect newborns and children under age six from lead poisoning hazards. The work of this program has reduced initial childhood lead poisoning rates by 30% since 2009 and saves tax dollars that would have been spent on healthcare and Early Intervention services.

We request that these funds be used to support the ongoing primary prevention activities.

In anticipation of receipt of these funds, the Health Department is requesting the following supplemental appropriation for the 2013 fiscal year.

To:	A4062.195 – Other Fees & Services.....	\$ 8,612
	A4062.212 – Computer Hardware.....	10,915
	A4062.4163 – Cellular Telephone Charges.....	796
	A4062.425 – Training and Special Schools.....	2,860
	A4062.491 – Other Materials and Supplies.....	750
	A4062.492 – Computer Software & Licenses.....	6,252
	<b>Total:</b>	<b>\$30,085</b>

This appropriation will be supported by revenue in A3412 – State Aid – Childhood Lead Poisoning for \$30,085. Please request the Board to act on the above-mentioned at their earliest convenience.

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

Sincerely,

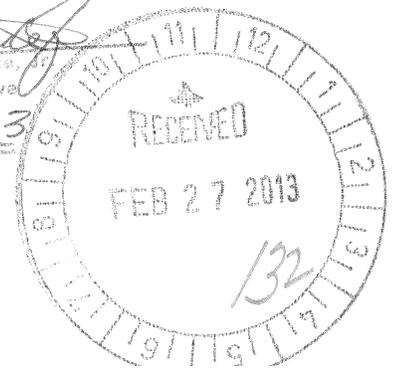


Patrice A. Bogan, MS, FNP  
Interim Director of Health

cc: T. Keeler, Director of Budget  
T. Engle, Fiscal Services Administrator

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

Date: 2/25/13



# 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

PATRICE A. BOGAN, MS, FNP  
INTERIM DIRECTOR OF HEALTH

## ADMINISTRATION

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

FN 20 B - 104



February 11, 2013

HEALTH & HUMAN SERVICES

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

## WAYS & MEANS

Dear Mr. Picente:

Re: Extension for Community Health Worker Program  
C-021373 January 1, 2013 to September 30, 2013

Attached are five (5) copies of an extension for the Community Health Worker Program between Oneida County through its Health Department and The New York State Health Department.

The Community Health Worker Program (CHWP) assists families to access services to include assisting low income, pregnant women to enroll early in continuous and comprehensive prenatal care through assistance in overcoming barriers to accessing acceptable services, including enrollment in Medicaid and WIC; women of child-bearing age will be educated about dental health on pregnancy and dental services before and during pregnancy; all pregnancy and postpartum women will be screened for depression; parents will enroll infants and children for preventive health care to include enrollment in Medicaid, Child Health Plus and WIC; parents will be educated about the need for current immunizations for infants and children; families will receive education on lead poisoning prevention and children will be assisted and referred for screening; families will be informed of HIV risk factors, measures to prevent transmission, availability of HIV counseling and testing; families will be aware of the risk factors associated with prenatal substance use, to include tobacco and alcohol, individuals affected by or at risk for substance abuse will be referred to appropriate services; families will be educated about domestic violence and will be assisted to access appropriate services; women of child-bearing age will be informed about effective family planning methods including enrollment in family planning benefit program; all childbearing women will be educated about the benefits of breastfeeding to include support services; all families will receive education on milestones of infant and early childhood development and infants and children will be screened using the ASQ at 4, 8, 12, 24 and 36 months. All Community Health Worker Program staff has completed required CORE training and coordinators will attend annual coordinator's training to include continuing education and mentoring.

The term of the extension is for the period of January 1, 2013 through September 30, 2013 with reimbursement in the amount of \$149,486. This will result in new amended contract of \$1,475,541 from July 1, 2006 through September 30, 2013.

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

Anthony J. Picente, Jr.  
County Executive

Date 3-5-13

133

Page Two  
February 11, 2013

This is not a program mandated by Public Health Law.

The extension is being submitted for approval and signature after the commencement date due to the late receipt of the extension by New York State Department of Health.

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

Sincerely,

  
Patrice A. Bogan, MS/FNP  
Interim Director of Health

attachments  
ry

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

**DIVISION:** Community Wellness C-021373

**NAME AND ADDRESS OF VENDOR:** New York State Department of Health  
Division of Family Health, Fiscal Unit  
Corning Tower, Room 878  
Empire State Plaza  
Albany, New York 12237-0657

**VENDOR CONTACT PERSON:** Donna Hoinski, Health Program Administrator I

**SUMMARY STATEMENTS:** The Community Health Worker Program (CHWP) assists families to access services. Goals of the Community Health Worker Program are: Community Health Workers will assist low income, pregnant women to enroll early in continuous and comprehensive prenatal care through assistance in overcoming barriers to accessing acceptable services, including enrollment in Medicaid and WIC, for those eligible; women of child-bearing age will be educated about the impact of dental health on pregnancy, the need for dental services before and during pregnancy, and will be referred for at least one dental screening during pregnancy; all pregnant and postpartum women will be screened for depression using an approved screening tool; parents will enroll their infants and children in timely and continuous primary and preventive health care through assistance in overcoming barriers to acceptable services, including enrollment in Medicaid, Child Health Plus, and WIC, for those eligible; parents will be educated about the need for current immunizations and will be assisted to obtain up-to-date immunizations for their infants and children; families will receive education on lead poisoning prevention and children will be assisted and referred for screening; families will be informed of HIV risk factors, measures to prevent transmission, availability of HIV counseling and testing, and will be assisted to receive HIV testing and other related services; families will be aware of the risk factors associated with prenatal substance use, including tobacco and alcohol use, and individuals affected by or at risk for substance abuse will be referred to appropriate services; families will be educated about domestic violence and those needing assistance will be helped to access appropriate services, women of child-bearing age will be informed about effective family planning methods and will be assisted to receive timely and appropriate services, including enrollment in the family planning benefit program or other public insurance programs for which they are eligible; all childbearing women will be educated about the benefits of breastfeeding, successful techniques and available support services and will receive individual support when needed; all families will receive education on milestones of infant and early childhood development and infants and children will be screened using the ASQ at 4, 8, 12, 24 and 36 months. All CHWP staff has completed required Core CHWP Training: Part I, Part II and Part III and receive other continuing education and mentoring to support their role. All CHWP Coordinators will attend annual Coordinator's Training and will receive other continuing education and mentoring to support their role.

**PREVIOUS CONTRACT YEAR:** July 1, 2011 through June 30, 2012

**TOTAL:** \$199,314

**THIS CONTRACT YEAR:** January 1, 2013 through September 30, 2013

**TOTAL:** \$149,486

       NEW           RENEWAL           AMENDMENT      X   EXTENSION

**FUNDING SOURCE:**

State Funds: Revenue Account: A3419 \$140,496 100% grant funded

Expense Account: A4019

County Dollars – Previous Grant: -0-

County Dollars – This Grant: -0-

**SIGNATURE:** Patrice A. Bogan, MS, FNP Interim Director of Health

**DATE:** February 11, 2013

Contract Reviewed By: \_\_\_\_\_

Nichole M. Hinman, Esq.  
Assistant County Attorney

Date: \_\_\_\_\_



**Oneida County**

**Office for the Aging & Continuing Care**

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

**Michael J. Romano**  
Director

120 Airline Street-Suite 201 Oriskany, NY 13424

Phone 315-798-5456

Fax 315-768-3658

E-mail: ofa@ocgov.net

December 24, 2012

FN 20 13 - 105

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

Anthony J. Picente, Jr.  
County Executive

Honorable Anthony J. Picente, Jr. HEALTH & HUMAN SERVICES  
County Executive  
800 Park Avenue  
Utica, New York 13501

**WAYS & MEANS**

Date 3-7-13

Dear Mr. Picente:

I am submitting the following Letter of Agreement between the Oneida County Office for the Aging/Office of Continuing Care and the University at Albany Foundation, for your review and approval.

This agreement is for the provision of Technical and Quality Assurance Assistance. This agreement will provide the development of an online infrastructure to support project work groups. The total of this agreement is \$232,500.00, with 100% Federal (\$232,500.00) with no increase in County dollars.

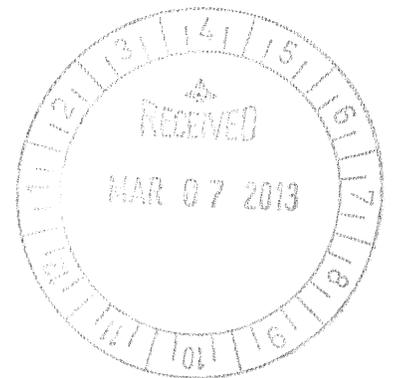
This contract will commence April 1, 2012 and terminate September 30, 2015.

I am available at your convenience to answer any questions you may have regarding this agreement.

Sincerely,

Michael J. Romano  
Director

MJR/gb  
Enc.



137

ONEIDA COUNTY OFFICE FOR THE AGING/OFFICE OF CONTINUING CARE  
CONTRACT SUMMARY

**Name of Proposing Organization:** University at Albany Foundation  
**Type of Activity or Service:** AOA Systems Integration Project Part A  
**Proposed Dates of Operation:** April 1, 2012 – September 30, 2015

**Summary Statements:**

**1. Narrative Description of Proposed Services**

- To establish a Quality and technical Assistance Center (QTAC).
- To develop an online infrastructure to support project work groups.
- To provide technical support to systems Integration grant partners.

**2. Program/ Service Objectives and Outcomes**

- To establish Quality and Quality Improvement mechanisms.
- To perform project evaluations and submit regular reports.
- To create sustainable infrastructure for evidence based health programs.

**Total Funding Requested:** \$232,500.00

**Oneida County Department Funding Recommendations:** \$232,500.00

**Proposed Funding Source (Federal/State/County):** \$232,500.00 – Account # A6772.495150  
Federal: 100% (\$232,500.00) State: \$0.00 County: \$0.00

**Cost per Client Served:** N/A – Research training, and policy development

**Past Performance Data:** Oneida County OFA/OCC has worked with SUNY Albany on several National Demonstration Projects since 2005.

**Oneida County Department Staff comments:** The projects Oneida County OFA/OCC has worked on with SUNY Albany have included the Alzheimer's Coordinated Care, and Community Living Program. SUNY Albany is established as a technical support center by the Administration on Aging/ACL to provide training and guidance on Aging, Long Term Care, and Public Health Programs.



**Oneida County**

**Office for the Aging & Continuing Care**

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

**Michael J. Romano**  
Director

120 Airline Street-Suite 201 Oriskany, NY 13424

Phone 315-798-5456

Fax 315-768-3658

E-mail: ofa@ocgov.net

December 24, 2012

FM 20 13 - 106

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

HEALTH & HUMAN SERVICES

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

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

**WAYS & MEANS**

Date 3-7-13

Dear Mr. Picente:

I am submitting the following Letter of Agreement between the Oneida County Office for the Aging/Office of Continuing Care and the Research Foundation for SUNY Albany School of Social Welfare, for your review and approval.

This agreement is for the provision of Technical and Quality Assurance Assistance. This agreement will provide the development of an online infrastructure to support project work groups. The total of this agreement is \$82,500.00, with 100% Federal (\$82,500.00) with no increase in County dollars.

This contract will commence April 1, 2012 and terminate September 30, 2015.

I am available at your convenience to answer any questions you may have regarding this agreement.

Sincerely,

*Michael J. Romano*

Michael J. Romano  
Director

MJR/gb  
Enc.



ONEIDA COUNTY OFFICE FOR THE AGING/OFFICE OF CONTINUING CARE  
CONTRACT SUMMARY

**Name of Proposing Organization:** The University at Albany Foundation  
**Type of Activity or Service:** AOA Systems Integration Project Part B  
**Proposed Dates of Operation:** April 1, 2012 – September 30, 2015

**Summary Statements:**

**1. Narrative Description of Proposed Services**

- Training through the development of an online learning community.

**2. Program/ Service Objectives and Outcomes**

- Perform technical assistance on evidenced based health promotion.
- Establish protocol for quality assurance activities.
- Perform grant and project evaluation activities.
- Gather and report outcome measurement data.

**Total Funding Requested:** \$82,500.00

**Oneida County Department Funding Recommendations:** \$82,500.00

**Proposed Funding Source (Federal/State/County):** \$82,500.00 – Account # A6772.495135  
Federal: 100% (\$82,500.00) State: \$0.00 County: \$0.00

**Cost per Client Served:** N/A – Research training, and policy development

**Past Performance Data:** Oneida County OFA/OCC has worked with SUNY Albany on several National Demonstration Projects since 2005.

**Oneida County Department Staff comments:** The projects Oneida County OFA/OCC has worked on with SUNY Albany have included the Alzheimer's Coordinated Care, and Community Living Program. SUNY Albany is established as a technical support center by the Administration on Aging/ACL to provide training and guidance on Aging, Long Term Care, and Public Health Programs.

Anthony J. Picente Jr.  
County Executive



Lucille A. Soldato  
Commissioner

**ONEIDA COUNTY DEPARTMENT OF SOCIAL SERVICES**

County Office Building, 800 Park Avenue, Utica, NY 13501  
Phone (315) 798-5733 Fax (315) 798-5218

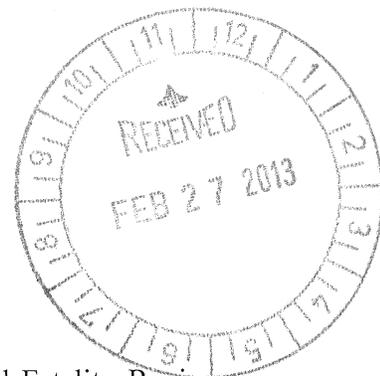
February 12, 2013

FN 20 13-107

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

HEALTH & HUMAN SERVICES

**WAYS & MEANS**



Dear Mr. Picente:

Office of Children and Family Services is amending our current grant for Child Fatality Review Team (CFRT) which will extend the current grant for and additional six months, February 1, 2013 through July 31, 2013, providing additional funds in the amount of \$ 25,297. The original Grant for the time period February 1, 2012 through January 31, 2013 amount was \$ 50,594.00 with the amendment the total Grant amount is \$ 75,891.00 for the time period of February 1, 2012 through July 31, 2013. These funds are only approved to be used for the Child Fatality Review Team (CFRT).

The purpose of the Child Fatality Review Team is to investigate the death of any child whose care and custody or custody and guardianship has been transferred to an authorized agency, any child for whom child protective services has an open case, any child for whom the local department of social services has an open preventive service case and in the case of a report made to the central registry involving the death of a child; A fatality review team may also investigate any unexplained or unexpected death of any child under the age of eighteen.

**There will be no county funds utilized to support this effort.** I am available at any time to further discuss this grant should you have any questions.

I am respectfully requesting that this matter be forwarded to the Board of Legislators for acceptance of these grant funds.

Sincerely,

  
Lucille A. Soldato  
Commissioner

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

  
Anthony J. Picente, Jr.  
County Executive  
Date 2/27/13

LAS/tms  
attachment

#35401

Oneida Co. Department Social Services

Competing Proposal \_\_\_\_\_

Only Respondent \_\_\_\_\_

Sole Source RFP \_\_\_\_\_

Oneida County Board of Legislators

Contract Summary

Name of Proposing Organization: Office of Children and Family Services  
52 Washington Street  
Rensselaer, New York 12144

Title of Activity or Services: Child Fatality Review Team Grant Amendment

Proposed Dates of Operations: February 1, 2012 through July 31, 2013

- Original grant dates February 1, 2012 through January 31, 2013 this amendment extends grant and provides additional funding through July 31, 2013.

Client Population/Number to be Served:

**SUMMARY STATEMENTS**

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

The purpose of the Child Fatality Review Team is to investigate the death of any child whose care and custody or custody and guardianship has been transferred to an authorized agency, any child for whom child protective services has an open case, any child for whom the local department of social services has an open preventive service case and in the case of a report made to the New York State Central Register involving the death of a child; A fatality review team may also investigate any unexplained or unexpected death of any child under the age of eighteen.

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

- Increase the percentage of reported childhood deaths.
- Maintain accurate records of reports, arrests, prosecutions, and convictions, coordinate quarterly meeting in both Oneida and Madison County, facilitate trainings, collect data, and provide community outreach based on needs assessment.
- Provide a review process for investigations and fatality to ensure coordinated investigations, prevent future child deaths and promote child safety.

**3). Program Design and Staffing Level -**

Total Grant Amount:Original	\$ 50,594
Amendment	<u>\$ 25,297</u>
Total	\$ 75,891

**Mandated or Non-Mandated** – Non-Mandated the local district may establish a Child Fatality Review Team with the approval of New York State Office of Children and Family Services. Oneida County has been approved to be the lead agency for the two counties which include Oneida and Madison Counties

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**Oneida County Dept. Funding Recommendation:** A2703 - 100% funds through New York State Office of Children and Family Services

**Proposed Funding Source (Federal \$ /State \$ / County \$):**

Federal	0%
State	100%
County	0%

**Cost Per Client Served:**

**Past performance Served:** The Department began the Child Fatality Review Team in August 2007 and receives 100% grant funding from New York State Office of Children and Family Services to support this program.

**O.C. Department Staff Comments:** Oneida County is the lead agency supporting two counties which include Oneida County and Madison County.

\*\*\*\*\*

Date: \_\_\_\_\_

Oneida County Executive: \_\_\_\_\_  
Anthony J. Picente Jr., Oneida County Executive

\*\*\*\*\*

Approved as to Form \_\_\_\_\_  
Oneida County Attorney

\*\*\*\*\*

Date: \_\_\_\_\_

Oneida County Department of Social Services: \_\_\_\_\_  
Lucille A. Soldato, Commissioner

\*\*\*\*\*

Office of the Sheriff

County of Oneida

Sheriff Robert M. Maciol  
Undersheriff Robert Swenszkowski



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

September 12, 2012

FN 20 13 - 108

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

PUBLIC SAFETY

WAYS & MEANS



Dear County Executive Picente:

The Sheriff's Office is requesting approval of the attached contract with Westmoreland Central School District. This contract will pay for (1) Deputy currently assigned as a School Resource Officer. The School Resource Officer position is already incorporated and funded in the 2012 budget.

If you find the enclosed contract acceptable, I am requesting your approval by way of signature. I would like to thank you for your time and diligent attention to this matter in advance. If you have any questions, require clarification or seek additional information from me in order to help you make a decision regarding my request, please do not hesitate to contact me at any point in time.

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 3/12/13

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**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 Department/Office:** Sheriff's Office

**Competing Proposal:**  
**Only Respondent:**  
**Sole Source RFP:**  
**Other: X (Revenue)**

**ONEIDA COUNTY BOARD OF LEGISLATORS**

**Name of Proposing Organization:** Oneida County Sheriff's Office  
**Providing Service to:** Westmoreland Central School District

**Title of Activity or Service:** One School Resource Officer

**Proposed Dates of Operation:** September 1, 2012 – June 30, 2013

**Client Population/Number to be Served:** Students and Families grades 6 through 12 at the Middle and High School Buildings in Westmoreland, NY.

**Summary Statements**

- 1) **Narrative Description of Proposed Services:** School Resource Officer Services
- 2) **Program/Service Objectives and Outcomes:** To create a safe and secure setting for the educational process to take place within a school environment and to engage the services of an School Resource Officer to deal with problems in this environment.
- 3) **Program Design and Staffing:** 1 Full Time Deputy

**Total Funding Requested:** \$64,500

**Account #:** A3120.101 and A3120.800

**Oneida County Dept. Funding Recommendation:** Recommend Funding

**Proposed Funding Sources (Federal \$/ State \$/County \$):** Federal Grant through Westmoreland CSD

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

**Past Performance Data:** This has been a very good program.

**Oneida County Department/Office Staff Comments:** Since this has been a very good program, we recommend funding.

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# Office of the Sheriff

Undersheriff Robert Swenszkowski  
Chief Deputy Jonathan G. Owens



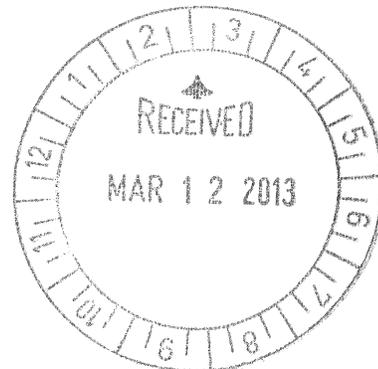
# County of Oneida

Chief Deputy Gabrielle O. Liddy  
Chief Deputy Dean Obernesser

*Sheriff Robert M. Maciol*

March 6, 2013

FN 20 13 109



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

**PUBLIC SAFETY  
WAYS & MEANS**

Dear County Executive Picente:

The Sheriff's Office is requesting approval of the attached contract with Oneida-Herkimer-Madison BOCES. This contract will pay for (2) Deputies currently used as School Resource Officers for shared services between Holland Patent, Remsen, New York Mills Union Free Schools and Whitesboro Central School Districts. Both School Resource Officer positions are already incorporated and funded in the 2012 and 2013 budget.

If you find the enclosed contract acceptable, I am requesting your approval by way of signature. I would like to thank you for your time and diligent attention to this matter in advance. If you have any questions, require clarification or seek additional information from me in order to help you make a decision regarding my request, please do not hesitate to contact me at any point in time.

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 3/12/13

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**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 Department/Office: Sheriff's Office

**Competing Proposal:**  
**Only Respondent:**  
**Sole Source RFP:**  
**Other: X (Reimbursement)**

**ONEIDA COUNTY BOARD OF LEGISLATORS**

Name of Proposing Organization: Oneida County Sheriff's Office  
Providing Service to: Oneida Herkimer Madison BOCES

Title of Activity or Service: School Resource Officers (2)

Proposed Dates of Operation: September 1, 2012 – June 30, 2013

Client Population/Number to be Served: Holland Patent, Remsen, New York Mills and Whitesboro School Districts

Summary Statements

**1) Narrative Description of Proposed Services:** Two School Resources officers to be shared between the Holland Patent, Remsen, New York Mills and Whitesboro School Districts during the 2012-2013 school year.

**2) Program/Service Objectives and Outcomes:** Give student role models that guide them toward community activities that prevent delinquency; develop crime prevention programs; training in conflict resolution, restorative justice, crime awareness and anger management; provide security to students and staff.

**3) Program Design and Staffing:** September 1, 2012 – June 30, 2013 School Year; two School Resource Officers to be shared between Holland Patent, Remsen, New York Mills and Whitesboro School Districts

Total Funding Requested: None

Account #: A2735 (revenue)

Oneida County Dept. Funding Recommendation: N/A

Proposed Funding Sources (Federal \$/ State \$/County \$): N/A

Cost Per Client Served: N/A

Past Performance Data: N/A

Oneida County Department/Office Staff Comments:

Oneida Herkimer Madison BOCES will reimburse the Sheriff's Office \$150,000 for the cost of the two Resource Officers. This is a good program and the school districts are pleased with the presence of the Officers.

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