



ONEIDA COUNTY BOARD OF LEGISLATORS

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COMMUNICATIONS FOR DISTRIBUTION VOLUME II March 9, 2016

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

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ONEIDA COUNTY
OFFICE OF THE COUNTY EXECUTIVE

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

March 9, 2016

FN 20 16-147

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

WAYS & MEANS

Dear Honorable Members:

On February 10, 2016, I sent correspondence to Brian Scala, Supervisor of the Town of Marcy, requesting that the Town of Marcy abandon to the County of Oneida the maintenance responsibility of the highway right-of-way for a segment of River Road in the Town of Marcy relative to the AMS chip fabrication plant.

On February 25, 2016, the Town Board of Marcy passed a Resolution approving Oneida County's request for the abandonment.

I hereby request that the Oneida County Board of Legislators pass a Resolution approving the abandonment of the maintenance responsibility of the highway right-of-way for the section of River Road in the Town of Marcy as outlined in my correspondence dated February 10, 2016.

Respectfully submitted,


Anthony J. Picente, Jr.
Oneida County Executive



ONEIDA COUNTY
OFFICE OF THE COUNTY EXECUTIVE

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

February 10, 2016

Brian Scala, Supervisor
Town of Marcy
8801 Paul Becker Road
Marcy, New York 13403

Dear Supervisor Scala, *Brian*

With the intent of progressing construction of the AMS chip fabrication plant, Oneida County requests that the Town of Marcy abandon to the County of Oneida the maintenance responsibility of the highway right-of-way for a segment of River Road in the Town of Marcy. The segment of River Road to be abandoned begins at the River Road/Cavanaugh Road intersection and ends at the River Road/NYS Rt. 49 Ramp intersection. The segment is more accurately described on the enclosed abandonment plan prepared by the New York State Department of Transportation, labeled Mohawk River Road-Deerfield, S.H.297. Maintenance responsibility for utilities, street lighting, sidewalks and any other easement not required for highway maintenance would be excluded from this abandonment and retained by the Town.

In order to immediately assume maintenance responsibility, and eliminate the Town's financial exposure, Oneida County initially requests maintenance jurisdiction of said highway segment. Preparation of a final maintenance jurisdiction table will be prepared and provided by the County.

If you concur, please forward a certified resolution by the Town Board authorizing immediate abandonment and transfer of maintenance jurisdiction of said highway segment, excluding features noted above, as soon as reasonably possible.

Thank you for your consideration.

Sincerely,

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

3.



RESOLUTION

TRANSFER OF MAINTENANCE RESPONSIBILITIES FOR RIVER ROAD / NYS RT. 49 TO COUNTY OF ONEIDA

A Motion was offered by Councilman Candella; Seconded by Councilman Kiernan, to adopt the following resolution to transfer the maintenance responsibilities for River Road / NYS Route 49, to Oneida County:

WHEREAS, on January 22, 2016, Mohawk Valley EDGE, through its engineers, advised the Town that to facilitate the continued development of the Marcy Nano Center site, it would need to transport substantial amounts of overburden soil material from the site to the East to the Town of Schuyler on state roads, and to the West over a portion of River Road / NYS RT. 49 between the intersections of River Road / Cavanaugh Road and the River Road / NYS RT. 49 Ramp Intersection (SUNY Parkway) (hereinafter referred to as "River Road") which is presently maintained by the Town by virtue of the abandonment thereof by the State of New York pursuant to an abandonment plan prepared by the Department of Transportation known as the Mohawk River Road – Deerfield, S.H. 297; and

WHEREAS, the Town Board expressed its concern that the substantial increase in heavily laden truck traffic along River Road could cause damage thereto; and

WHEREAS, to address its concerns, the County of Oneida, by its County Executive, in a letter dated February 10, 2016, notified the Town Board of its willingness to assume the maintenance responsibility of the highway right-of-way for River Road as described herein; and

WHEREAS, pursuant to Section 345-a of the Highway Law of the State of New York, upon the abandonment of State Route 49, now known as River Road, by the State, the Town acquired those interests owned therein by the State at the time of its abandonment; and

WHEREAS, the Town Board is of the opinion that the proposed transfer of the maintenance responsibility and/or its rights in and to River Road as described herein is in the best interests of the Marcy residents, and insures that the responsibility for maintaining the roadway from damage caused by the regional development represented by the Marcy Nano Center is more equitably addressed;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby consents to the acceptance by, and the permanent transfer to, the County of Oneida of the maintenance responsibilities for River Road between the River Road / Cavanaugh Road intersection and the River Road / NYS Rt. 49 ramp intersection, (SUNY Parkway); and

BE IT FURTHER RESOLVED, that the Town Board hereby abandons, to the extent permitted by law, its interest in the aforementioned portion of River Road to the County of Oneida; and

BE IT FURTHER RESOLVED, that the Town Supervisor be, and he is hereby authorized to transfer and/or convey to the County of Oneida, any and all of the Town's right, title and interest in River Road as described herein, including any and all rights acquired by the Town from the State of New York; and

BE IT FURTHER RESOLVED, that the Town Supervisor and/or the Town Superintendent of Highways be, and he is hereby otherwise authorized, to execute on behalf of the Town, any and all documentation necessary to effectuate the intent of this resolution.

ROLL CALL VOTE:

ADOPTED: FEBRUARY 25, 2016

- Councilman Keith P. Schuderer AYE
- Councilman Brendon M. Candella AYE
- Councilman Thomas S. Pianella AYE
- Councilman Francis J. Kiernan AYE
- Supervisor Brian N. Scala No Vote

5.



CERTIFICATION

STATE OF NEW YORK)

COUNTY OF ONEIDA) SS:

I, Gina M. Schillaci, the undersigned Clerk of the Town of Marcy, Oneida County, New York,
DO HEREBY CERTIFY, that I have compared the foregoing Resolution 'Transfer of Maintenance Responsibilities for River Road / NYS Route 49 to County of Oneida' adopted at the meeting of the Town Board of said Town, held on the 25th day of February 2016, with the original thereof on file in my office, and that the same is a true and correct copy of said original and of the whole thereof so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of the said Board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereto set my hand and affixed the seal of said Town

this 29th day of February, 2016.

TOWN OF MARCY

(SEAL)

BY *Gina M. Schillaci*
GINA M. SCHILLACI, TOWN CLERK

6.