



ONEIDA COUNTY BOARD OF LEGISLATORS

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

COMMUNICATIONS FOR DISTRIBUTION December 12, 2012

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

| <u>FILE NO.</u> | <u>COMMITTEE</u> | <u>PAGES</u> |
|-----------------|----------------------------------|--------------|
| 2012-466 . . . | Ways & Means | 2-3 |
| 2012-469 . . . | Ways & Means | 4-10 |
| 2012-470 . . . | Read & Filed..... | 11 |
| 2012-471 . . . | Ways & Means | 12 |
| 2012-472 . . . | Public Safety, Ways & Means..... | 13 |
| 2012-473 . . . | Public Safety, Ways & Means..... | 14 |
| 2012-474 . . . | Public Safety, Ways & Means..... | 15-16 |
| 2012-475 . . . | Public Works, Ways & Means..... | 17-18 |
| 2012-476 . . . | Public Works, Ways & Means..... | 19-24 |
| 2012-477 . . . | Ways & Means | 25-26 |

Gerald J. Fiorini
Chairman
(315) 798-5900

Mikale Billard
Clerk
(315) 798-5404

George Joseph
Majority Leader

Frank D. Tallarino
Minority Leader

ALL SUPPORTING DOCUMENTATION AVAILABLE AT
www.ocgov.net

Dated 11/28/12

WAYS & MEANS

We, the undersigned Republican members of the Oneida County Board of Legislators, hereby petition and designate the Rome Daily Sentinel as the official newspaper representing the Republican Party to publish the concurrent resolutions, election notices, official canvasses, local laws, notices and other matters required by law to be published in the year 2013.

*and the
Observer
Dispatch*

Norm Leah



Romy

Hans Begner

Michl Blum

Paul R. Paparella

John J. Wood

Ben Muehl

Baron Stultz

John E. ...

Merrill ...

Richard ...

Ronald D. ...

Eder P. ...

John E. ...

Jim ...

Dated 12/28/12

WAYS & MEANS

We, the undersigned Democratic members of the Oneida County Board of Legislators, hereby petition and designate the Utica Observer Dispatch and the Rome Daily Sentinel as the official newspapers representing the Democratic Party to publish the concurrent resolutions, election notices, official canvasses, local laws, notices and other matters required by law to be published in the year 2013.

Frank D. Talbano

Joseph Juszot

Philip M. Sacco

L. DeStefano

James M. May 029

Michael C. Long

[Signature]

Norman J. [Signature]

William J. Goodman



ONEIDA COUNTY BOARD OF LEGISLATORS

James M. D'Onofrio ♦ PO Box 29 ♦ Utica, NY 13503

November 30, 2012

FN 20 12-469

The Honorable Gerald J. Fiorini, Chairman
Oneida County Board of Legislators
Oneida County Office Building – 10th Floor
800 Park Avenue
Utica, New York 13501

WAYS & MEANS

Dear Chairman Fiorini:

Enclosed please find Local Law Amending Local Law No. 5 of the 2012, Regulating Dealers of Secondhand Articles. Section 1(c) and 1(h) of Local Law No. 5 of 2012, have been amended.

I am requesting that you move this amended Local Law to be considered by the appropriate committees or the full Board of Legislators.

Thank you.

Respectfully yours,

James P. D'Onofrio
OC Legislator R-15th

Encl.



ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO.

INTRODUCED BY:
2ND BY:

RE: LOCAL LAW INTRODUCTORY “ ” AMENDING LOCAL LAW NO. 5 OF 2012 REGULATING DEALERS OF SECONDHAND ARTICLES

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

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

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

Section 1. Definitions

(A) “Secondhand Dealer”

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

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

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

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

(B) “Applicant”

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

(C) “Identification”

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

Section 2. Legislative Finding and Purpose

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

Section 3. Written Records

(a) Information required.

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

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

(b) Identification Information

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

(c) Records Retention/Inspections

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

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

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

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

Section 4. Application for Secondhand Dealers License

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

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

Section 5. Disposal, Re-sale, Alteration

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

Section 6. Penalty

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

Section 7. Severability

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

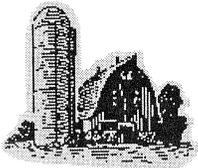
Section 8. Effective Date

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

APPROVED: Ways & Means Committee

DATED

Adopted by the following roll call vote:
AYES NAYS ABSENT



ONEIDA COUNTY FARMLAND PROTECTION BOARD



Brymer Humphreys, Chair

Thomas Cassidy ♦ George Gafner ♦ Michael J. Cosgrove ♦ Andy Gale
Patrick H. Brennan ♦ Marty Broccoli ♦ John R. Kent, Jr. ♦ Kathy Pilbeam
Paul Snider ♦ Clifford Kitchen

December 4, 2012

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

FN 20 12-470



READ & FILED

Dear Mr. Billard:

The Farmland Protection Board will be accepting open enrollment applications for inclusion into agricultural districts for a 30 day period beginning January 1, 2013 through January 31, 2013 pursuant to Resolution No. 365, passed by the Oneida County Board of Legislators on December 10, 2003.

I ask that you please file this correspondence as official notice to the Board of Legislators that the 30 day open enrollment period will begin January 1, 2013 and subsequent to review by the Farmland Protection Board, these applications will require legislative approval.

Respectfully submitted,

Brymer Humphreys
Chair, Farmland Protection Board

p



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

December 4, 2012

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

FN 20 12-471

WAYS & MEANS



Honorable Members:

Under the provisions of Resolution No. 270 passed by the Oneida County Board of Legislators on June 16, 1992, I am recommending the **reappointment of Frank DuRoss to the Oneida County Sports Authority for a five (5) year term, expiring December 31, 2017.**

I hereby refer this matter to the Ways & Means Committee and the full Board for consideration at the meeting of **December 26, 2012.**

Respectfully submitted,

Gerald J. Fiorini
Chairman of the Board

Attachment

Cc: F. DuRoss, appointee
Sports Authority

ONEIDA COUNTY
OFFICE OF THE DISTRICT ATTORNEY

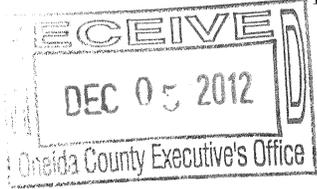
Scott D. McNamara
District Attorney

Dawn Catera Lupi
First Assistant

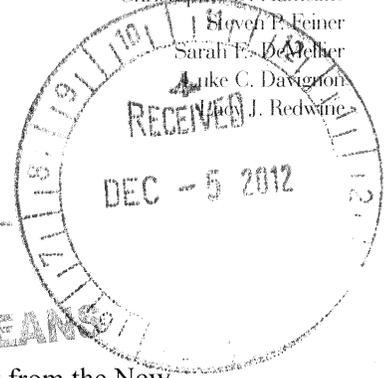
Michael A. Coluzza
First Assistant

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

Michael R. Nolan
Kurt D. Schultz
Kara E. Wilson
Joshua L. Bauer
Christopher D. Hameline
Steven P. Feiner
Sarah E. DeWolfe
Mike C. Davignon
Andy J. Redwine



December 3, 2012



FN 20 12 472

PUBLIC SAFETY
WAYS & MEANS

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

Dear Mr. Picente:

The Oneida County District Attorney's Office was successful in obtaining a grant from the New York State Division of Criminal Justice Services. The grant is in the amount of \$45,000.00. The grant money will be used by the District Attorney's Office for hiring an Outreach Worker who will be a part-time employee that will conduct interviews, intakes and screenings of clients to discern needs and make referrals to appropriate agencies or contact persons. These funds will also hire independent contractors that will begin the scanning progress of our closed cases in our effort to become paperless.

By this letter, I am hereby requesting a supplemental appropriation in the amount of \$45,000.00 for the 2013 fiscal year to be appropriated as follows:

TO:

A - A1165.109 - Salaries, Other \$45,000.00
Part-time Outreach Worker
Part-time Independent Contractors

This supplemental appropriation is fully supported by unanticipated revenue in:

RA - A4321.2 - Federal Aid - Byrne/JAG - District Atty. \$45,000.00

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

Thank you.

Very truly yours,

Scott D. McNamara
Oneida County District Attorney

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

Anthony J. Picente, Jr.
County Executive

Date 12-5-12

13.

Office of the Sheriff

Undersheriff Robert Swenszkowski
Chief Deputy Jonathan G. Owens



County of Oneida

Chief Deputy Gabrielle O. Liddy
Chief Deputy Dean Obernesser

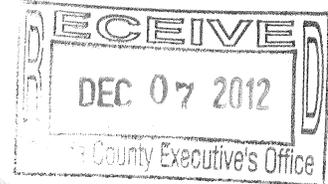
Sheriff Robert M. Maciol

December 5, 2012

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

FN 20 12-473

PUBLIC SAFETY



WAYS & MEANS

Dear County Executive Picente:

I am requesting a transfer of funds from the Board of Legislators to cover the costs of inmate stays at the Central New York Psychiatric Center for the remainder of 2012.

| <u>Transfer from Expense Account</u> | <u>Amount</u> | <u>Transfer to Expense Account</u> | <u>Amount</u> |
|--------------------------------------|---------------|------------------------------------|---------------|
| A3150.197 Medical Services | \$16,500 | A3150.49511 NYS Psych (508) | \$16,500 |

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.

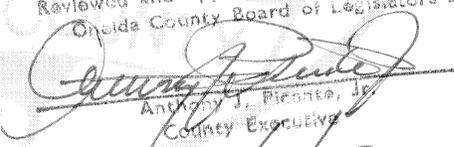
Sincerely,


Robert M. Maciol, Sheriff

Cc: Tom Keeler, Budget Director



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


Anthony J. Picente, Jr.
County Executive

Date 12/7/12

14.

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

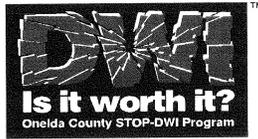
Law Enforcement Division
6065 Judd Road Oriskany, NY 13424
Voice (315) 736-0141
Fax (315) 736-7946

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

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

Oneida County Office of Traffic Safety / STOP-DWI Program

Anthony J. Picente Jr.
Oneida County Executive



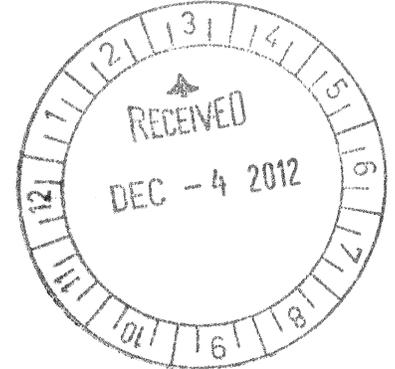
Kevin Revere
Stop-DWI Program

October 19, 2012

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

FN 20 12 - 474

PUBLIC SAFETY
WAYS & MEANS



Dear County Executive Picente:

Please find the attached five (5) copies of a funding agreement between STOP-DWI and **Vernon Verona Sherrill Central School** for your review and signature. The contract is for funding in 2011 to conduct STOP-DWI Program and **SADD** related activities which enhance the mission of the STOP-DWI Program.

This funding is 100% supported by DWI fines generated in Oneida County, therefore, **there are NO County dollars in this contact.**

Thank you for your personal attention to this matter. Should you have any further questions, please contact my office.

Sincerely,

Kevin Revere,
Stop-DWI Program

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

Anthony J. Picente, Jr.
County Executive

Date 12-4-12



Oneida County Emergency Services • 200 Base Road • Suite 3 • Oriskany, NY 13424
Office of Traffic Safety 315.736.8946 • STOP-DWI Program 315.736.8943
Fax: 315.736.8958 • E-mail stopdwi@ocgov.net • www.ocgov.net



Oneida Co. Department: Stop DWI

Competing Proposal _____
Only Respondent _____
Sole Source RFP _____

**ONEIDA COUNTY BOARD
OF LEGISLATORS**

Name of Proposing Organization: Vernon Verona Sherrill Central School

Title of Activity or Service: funding for SADD related services

Proposed Dates of Operation: 10/25/12-12/31/12

Client Population/Number to be served:

Summary Statements

Narrative Description of Proposed Services: See attached contract

Program/Service Objectives and Outcomes: See attached contract

Program Design/Staffing: See attached contract

Total Funding Requested: \$0 **Account:** N/A

Oneida County Dept. Funding Recommendation: \$0

Proposed Funding Sources (Federal/State/County) N/A

Cost per Client Served: N/A

Past Performance Data: N/A

OC Department Staff Comments:

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) 793-6200
Fax: (315) 768-6299

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

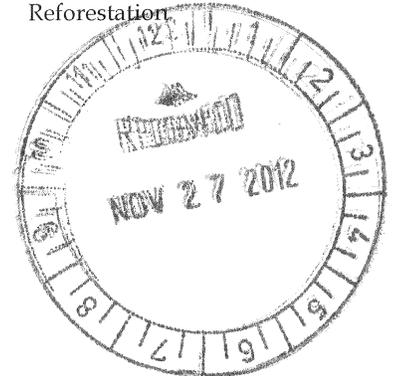
November 13, 2012

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

FN 20 12 - 475

PUBLIC WORKS

WAYS & MEANS



Dear County Executive Picente,

Oneida County currently leases approximately 9,882 square feet of office space at 209 Elizabeth Street, Utica (a.k.a. the Paul Building) with a monthly lease rate of \$13,003.54. Departments located in this space include Social Services and Workforce Development. This lease will expire December 31, 2012.

At this time it is not possible to relocate these departments into County owned space. Therefore, the enclosed Fourth Modification Agreement was drafted with the intent of extending the lease termination date to December 31, 2013. All other terms and conditions of the original lease would remain unchanged. A copy of the original lease and subsequent modifications are enclosed for your use.

If you agree, please forward the enclosed agreement to the Oneida County Board of Legislators for consideration no later than **December 26, 2012**.

Sincerely,

Dennis S. Davis
Commissioner



cc: Commissioner, Oneida County Department of Social Services
Director of Workforce Development

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

Anthony J. Picente, Jr.
County Executive

Date 12/5/12

17.

Oneida County DPW Contract Summary

Division: Buildings & Grounds
Contact: Mark Laramie
Telephone Number: (315) 793-6236

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

Board of Legislators Approval Required Yes

Name of Contracting Organization: **Property Management Co., Inc.**
Utica, NY

Title of Activity or Service: **Lease**

Description of Proposed Services: **One year extension of Lease for office space at 209 Elizabeth St.,
Utica.**

Total Funding Requested: \$156,042.48

Account Number _____

Proposed Funding Source: Federal 95%
State _____
County 5%
Other _____

Oneida County Department Staff Comments: _____



**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

December 4, 2012

FN 20 12-476

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

**PUBLIC WORKS
WAYS & MEANS**



Re: Proposed Oneida County Sewer District Rate Schedule

Dear County Executive Picente:

Article 5-A, Section 266 of the County Law requires that the Oneida County Board of Legislators approve the proposed Oneida County Sewer District Rate Schedule. The proposed rate is \$3.76 per 1000 gallons. The old rate was \$3.31 per 1000 gallons. This represents approximately a 13.6% increase over last year. A ratepayer who consumes 80,000 gallons of water per year will pay an extra \$9.00 per quarter or \$36.00 per year as a result of the proposed rate.

Approximately \$900,000 of the proposed increase is due to pending NYSDEC SPDES permit modifications. Projected utility and retirement costs account for another \$310,000 of the increase.

The rates listed in the schedule were used as a basis for developing revenue projections for the 2013 Sewer District budget.

Pursuant to County Law, a public hearing and comment period must be held. The public hearing is scheduled for December 20th, 11:00am at the Sewer District offices. The public comment period will end on Wednesday, December 26th.

I am available at your convenience to answer any questions you or the Board of Legislators may have regarding the proposed schedule. I am requesting that the Board of Legislators consider this during their December 26, 2012 meeting. Thank you for your consideration in this matter.

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

Steven P. Devan, P.E.
Commissioner

Attachments: Rate Schedule

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

Anthony J. Picente, Jr.
County Executive

Date 12-5-12

19.



ONEIDA COUNTY SEWER DISTRICT RATE SCHEDULE EFFECTIVE JANUARY 1, 2013

**This rate schedule will apply to all bills issued after the effective date.
It will remain in effect until modified by the Oneida County Board of Legislators**

A. RESIDENTIAL CUSTOMER FEES

1. Metered Consumption

Customers will be charged a wastewater treatment fee based on metered water usage. The rate charged will be \$3.76 per 1000 gallons of water consumed. The customer will receive a bill for these services through contract billing services provided by the Mohawk Valley Water Authority, the Sauquoit Water District or the Clayville Water District. The Sewer District wastewater treatment fee can be calculated using the following equation.

$$\text{Billable Amount} = \frac{(\text{cubic feet of water consumed}) * (7.481 \text{ gallons/cubic foot}) * (\$3.76)}{(1000 \text{ gallons})}$$

2. Unmetered Consumption

Customers who do not have water meters will have a usage calculated based on an estimated water consumption rate of 50 gallons per person per day. The maximum charge per household will be based on 200 gallons per day. The rate charged will be \$3.76 per 1000 gallons of water consumed. The customer will receive a bill directly from the Sewer District for these services. The Sewer District wastewater treatment fee can be calculated using the following equation.

$$\text{Billable Amount} = \frac{(\text{days in billing period}) * (50 \text{ gallons/ day}) * (\text{number of people}) * (\$3.76)}{(1000 \text{ gallons})}$$

Customers covered under this section of the rate schedule will be required to complete a form certifying as to the number of persons occupying the property serviced by the account. Customers who do not submit the required certification form will be charged the maximum household rate of 200 gallons per day. Customers who intentionally misrepresent the number of occupants per household can be charged with a Class A misdemeanor pursuant to Section 210.45 of the Penal Law. Furthermore, restitution will be required as per Section D-3 of this rate schedule.

3. Sauquoit Creek Basin Surcharge

In addition to the charges listed in sections 1 and 2, customers whose discharge is tributary to the Sauquoit Creek Pumping Station will be assessed an additional surcharge to pay for capital expenditures and system repairs associated with the NYSDEC Consent Order. Like regular residential fees, the surcharge is based on metered or unmetered water consumption as listed in the formulas below. The rate charged will be \$1.05 per 1000 gallons of water consumed. The customer will receive a bill for these services through contract billing services provided by the Mohawk Valley Water Authority, the Sauquoit Water District, and the Clayville Water District or directly from the Oneida County Sewer District.

$$\text{Billable Amount} = \frac{(\text{cubic feet of water consumed}) * (7.481 \text{ gallons/cubic foot}) * (\$1.05)}{(1000 \text{ gallons})}$$

$$\text{Billable Amount} = \frac{(\text{days in billing period}) * (50 \text{ gallons/ day}) * (\text{number of people}) * (\$1.05)}{(1000 \text{ gallons})}$$

20



B. INDUSTRIAL CUSTOMER FEES

1. Basic Rate

Industrial customers will be charged a fee based on metered water consumption and be subject to the same rates as residential customers. In addition to these fees, industrial customers who require a permit under Oneida County Sewer Use Rules and Regulations will be charged an annual permit fee of \$660 to cover monitoring and administrative costs. Additional or modified charges may apply as detailed in subsequent sections of this schedule.

2. High Strength Wastewater

Industrial customers who discharge high strength wastewater, as defined by the Sewer District, will be subject to fees in addition to those calculated using the basic rate. A surcharge will apply to discharges with total suspended solids (TSS) exceeding 290 mg/l and/or Biochemical Oxygen Demand (BOD) exceeding 330 mg/l. This surcharge will be \$0.02 per pound of TSS and/or BOD that exceed the limits as stated in this section. If insufficient BOD data exists to accurately determine the surcharge, Chemical Oxygen Demand (COD) can be substituted for BOD. In this case, the surcharge will be \$0.02 per pound of COD that exceeds 350 mg/l.

3. Federal Categorical Pretreatment Standards

Federal Categorical Pretreatment Standards have additional monitoring and administrative cost associated with them. Accordingly, an annual permit fee of \$1,100 will be charged to industrial customers who are subject to these standards.

4. Additional Sampling Fees

A fee of \$200 per sample may be charged if more than four (4) twenty-four hour composite samples are needed on an annual basis to characterize the discharge of an industrial customer.

5. Groundwater Remediation Projects

Groundwater clean up and site remediation projects approved by the Sewer District for discharge directly to the sewer system will be charged the basic rate, as indicated in Section B-1, for wastewater generated. An annual permit fee of \$100 will be assessed to cover monitoring and administrative fees. The customer will be required to provide accurate discharge data on a semi-annual basis for billing purposes.

21.



C. FEES FOR WASTEWATER HAULED DIRECTLY TO THE TREATMENT PLANT

1. Basic Rate

Wastewater haulers who discharge directly to the wastewater treatment plant will be charged based on the actual amount of wastewater contained in each load. This fee will be \$0.08 per gallon of wastewater delivered. In addition, an annual permit fee of \$100 will be charged to cover monitoring and administrative costs. Additional or modified charges may apply as detailed in subsequent sections of this schedule.

2. Domestic Wastewater

Haulers of septage, cesspool and portable toilet wastewater, containing only household type wastewater, will be subject to all charges as detailed in Section C-1 of this schedule.

3. Non-Domestic Wastewater

Non-domestic wastewater, as approved by the Sewer District on a case-by-case basis, will be subject to all charges as detailed in Section C-1 of this schedule. In addition, the cost of contract laboratory services, plus 10%, will be billed to the permit holder for analytical analysis required by the Sewer District to accurately characterize the wastewater.

4. Municipal or Private Sewage Treatment Systems

Wastewater from municipal and private sewage treatment systems, as approved by the Sewer District on a case-by-case basis, will be subject to the charges as detailed in Section C-1 of this schedule.

5. Low Solids Wastewater and Leachate

Low solids wastewater, as approved by the Sewer District on a case-by-case basis, will be charged \$0.04 per gallon based on the actual amount of wastewater delivered. In addition, the cost of contract laboratory services, plus 10%, will be billed to the permit holder for analytical analysis required by the Sewer District to accurately characterize the wastewater.

6. Landfill Leachate

Landfill Leachate, as approved by the Sewer District on a case-by-case basis, will be charged \$0.02 per gallon based on the actual amount of wastewater delivered. In addition, the cost of contract laboratory services, plus 10%, will be billed to the permit holder for analytical analysis required by the Sewer District to accurately characterize the wastewater.

20.



D. OTHER CHARGES AND ADJUSTMENTS

1. Late Charges

A late charge of 10% will be charged to all accounts that are not paid by the date they are due. This fee will be assessed at the start of every billing cycle and only imposed on newly accrued late balances from the previous billing cycle.

2. Delinquent Charges

All accounts that are overdue after October 31st and have a balance greater than or equal to \$50 will be declared delinquent and added to the tax rolls of the appropriate municipality. Once the delinquent accounts are transmitted to the Oneida County Department of Finance for processing, this department will be responsible for the collection activities associated with these accounts. Once declared delinquent, an additional charge of 10% will be assessed to the account. Delinquent charges are in addition to any other charges, including late charges.

Delinquent charges will be equally divided between the Oneida County Sewer District and the Oneida County Department of Finance as compensation for the cost of processing the delinquency. If the account actually is relieved on the tax rolls, the delinquent charge will rise to 12% with the Oneida County Sewer District receiving 5% and the Oneida County Finance Department receiving 7% as compensation for the cost of processing the delinquency.

3. Uncompensated Use of Sewer District Services

Sewer customers who have been found utilizing Sewer District wastewater treatment services without paying for them will be assessed fees for these services. The fee will be based on actual meter readings or a consumption rate of 200 gallons per day and the user fees in effect during the time the services were being utilized. Charges will be calculated based on the amount of time the service was being utilized but in no case shall it exceed 6 years.

It is the responsibility of the sewer customer to provide the Sewer District adequate information so that the length of time service was rendered can be established. The Sewer District may, at its own discretion, conduct an investigation to establish the length of time service was rendered and bill the customer accordingly.

4. Refunds

Customers who have been incorrectly billed for Sewer District wastewater treatment services may be entitled to a refund. The customer must petition the Sewer District in writing to have a refund considered. The refund will be based on the fees in effect during the time services were being utilized and will be calculated based on actual billing records. In no case shall the refund period exceed 6 years.

It is the responsibility of the customer to provide the Sewer District with adequate information to determine the amount of the refund. The Sewer District may, at its own discretion, conduct an investigation to establish the length of time service was incorrectly billed and base the refund to the customer accordingly.



Refunds for charges occurring in the current year will be processed as a credit to the customer's account. If the refunds encompass more than one year, or an active account no longer exists, the customer will receive reimbursement directly from the Sewer District, once the appropriate documents have been filed and processed by the County. If the refund is associated with a property that has a County tax lien, the refund will not be processed until this tax lien is satisfied.

The Commissioner of Water Quality and Water Pollution Control, upon thorough review of the documentation, may approve refunds up to \$1,000 per account. The Oneida County Board of Legislators must approve refunds over this amount.

5. Adjustments

Customers may request an adjustment to an account for abnormal water consumption that was not discharged to the sewer system. Adjustments will be considered only if water consumption records indicate an abnormal pattern of water use and if physical evidence exists to support the adjustment claim. The customer must petition the Sewer District in writing within 180 days of the occurrence of the event causing abnormal water consumption to have an adjustment considered.

Customers may request adjustments to an account for water consumed in industrial or manufacturing processes. The customer must petition the Sewer District in writing to have such an adjustment considered. Supporting documentation must accompany the petition. The Sewer District may require additional engineering analysis to support a petition. The cost of this analysis is the responsibility of the petitioner.

The Sewer District may, at its own discretion, conduct an investigation, including a physical inspection of the property, to establish the legitimacy of an adjustment claim. Normal water consuming activities such as routine swimming pool maintenance, car washing and lawn or garden watering are not grounds for an adjustment.

The Commissioner of Water Quality and Water Pollution Control, upon thorough review of the documentation, may approve adjustments up to \$5,000 per account. The Oneida County Board of Legislators must approve adjustments over this amount.



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

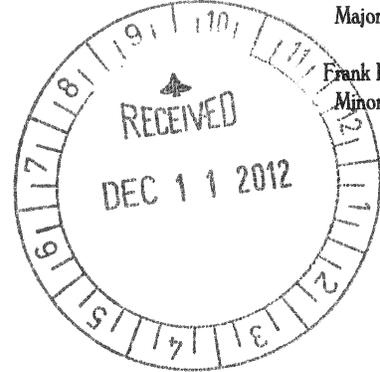
Frank D. Tallarino
Minority Leader

December 11, 2012

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

FN 20 12 - 477

WAYS & MEANS



Honorable Members:

Mr. Frank Munk, the Region 6 Natural Resource Supervisor of the NYSDEC, has recommended that Mr. Vincent Johns, 3274 Mohawk Street, Sauquoit, NY to be reappointed to the Region 6 Fish and Wildlife Management Board.

Therefore, based on Mr. Munk's recommendation, I pass along the name of **Mr. Vincent Johns** as Landowner Representative to be reappointed to the Region 6 Fish and Wildlife Management Board for a two-year term through December 31, 2014.

As this appointment requires Board of Legislators' approval, I ask that it be considered by the Board at the meeting of **December 26, 2012.**

Respectfully submitted,

Gerald J. Fiorini
Chairman of the Board

GJF:pp

25

Parry, Phyllis

From: Fred Munk <fxmunk@gw.dec.state.ny.us>
Sent: Monday, December 10, 2012 1:03 PM
To: Parry, Phyllis
Cc: Erik Latremore; Frank Flack
Subject: Fish & Wildlife Mgt Board Appt.

Dear Phyllis,

We recommend that Vincent Johns be reappointed to the Region 6 Fish and Wildlife Management Board as the Oneida County landowner representative. This would be for the normal two year term running from January 1, 2013 through December 31, 2014.

Thank you. Don't hesitate to contact me with any questions you might have.

Fred Munk, Natural Resource Supervisor
NYSDEC
317 Washington Street
Watertown, NY 13601-3787

315-785-2263 Phone
315-785-2242 Fax

Buy trees and shrubs for wildlife food and habitat, stream buffers, wind and sound barriers. Tree and shrub seedlings are available for sale from the State Tree Nursery until Mid May. Also, schools can order FREE seedlings until mid May. <http://www.dec.ny.gov/animals/7127.html> for more information.