



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

**ATTACHED FOR YOUR INFORMATION ARE RESOLUTIONS
NUMBERED 36 THROUGH 54 THAT WERE ACTED UPON
BY THE BOARD OF COUNTY LEGISLATORS AT THEIR REGULAR
SESSION HELD ON FEBBUARY 13, 2013.**

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO.36

INTRODUCED BY: Messrs. D'Onofrio, Miller, C. Davis, Welsh, Gordon, Caruso, Furgol, Speciale, Murphy, Paparella, F. Davis, Clancy

2ND BY: Mr. Goodman

Local Law No. ____ of the year 2013

RE: LOCAL LAW INTRODUCTORY "A" PROHITING THE USE OF BRINE FROM GAS EXTRACTION WELLS AS A ROAD SURFACE TREATMENT ON COUNTY ROADS AND/OR COUNTY PROPERTY

BE IT ENACTED, by the County Legislature of the County of Oneida as follows:

WHEREAS, this Legislature hereby finds and determines that brine from gas extraction wells may contain toxic substances, including but not limited to heavy metals and radioactive elements, and

WHEREAS, this Legislature hereby finds and determines that the use of brine from gas extraction wells as a road surface treatment may create health and safety risks to the citizens of Oneida County,

NOW THEREFORE, BE IT ENACTED BY THE LEGISLATURE OF ONEIDA COUNTY, NEW YORK AS FOLLOWS:

Section 1: Title.

This Local Law shall be known by and may be cited as the "Hydraulic Fracturing Brine Prohibition Act".

Section 2: Definitions.

As used in this Chapter, the following terms shall have the following meanings:

"Application" shall mean the physical act of placing Brine on one or more County Roads or one or more pieces of County Property. Each physical act shall be deemed separate when the person committing the act stops for any reason the placement of the Brine for any purpose, including but not limited to stopping a vehicle used in the placement of the Brine, stopping work for any reason, or re-loading or replacing any material or equipment necessary to apply the Brine.

"Brine" shall mean: (a) production brine; or (b) produced waters; or (c) flowback; or (d) flowback fluids; or (e), hydraulic fracturing fluid, any or all, which are generated as a result of drilling for, or seeking gas in wells including but not limited to High Volume Hydraulic Fracturing, as defined herein.

“Commissioner” shall mean: The Commissioner of the Department of Public Works except for the use of the word “commissioner” in Section 5 may mean any other commissioner designated by the County Executive or may mean the Commissioner of Public Works as determined by the County Executive.

“Flowback” shall mean liquids and solids produced during initial completion and clean-up of the well or clean-up of a well following a re-fracture or workover.

“Flowback fluids” shall mean liquids produced following drilling and initial completion and clean-up of the well or clean-up of a well following a re-fracture or workover.

“High Volume Hydraulic Fracturing” shall mean a natural gas well stimulation technique consisting of the injection into the earth of a water and chemical mix with the intent of increasing the ability to extract natural gas from very tight rock.”

“Hydraulic fracturing fluid” shall mean fluid used to perform hydraulic fracturing and includes the primary carrier fluid and all applicable additives.

“Municipality” shall mean the County of Oneida

“Production brine or produced waters” shall mean liquids co-produced during oil and gas production.

“Property” shall mean real property, improved or otherwise, which the County of Oneida owns or controls.

“Roads” shall mean public roads, streets, or bridges owned or controlled by the Municipality.

Section 3: Use of Brine prohibited.

No Brine shall be applied to or placed upon Property or Roads of the Municipality. In any bid for materials, services, or equipment which relate to property maintenance or road improvements or road construction, the Municipality, in a bid specification or bid document describing the nature of the services or equipment sought, and any agency or division of the Municipality, shall expressly state in capitalized, bold font, “THE PLACEMENT OF BRINE ON ANY ROAD OR PROPERTY OF THE COUNTY OF ONEIDA IS UNLAWFUL. ANY BIDDER SHALL FILE A SWORN STATEMENT WITH THEIR BID THAT NO BRINE AS DEFINED BY LOCAL LAW OF THE MUNICIPALITY WILL BE SOLD TO THE MUNICIPALITY AS PART OF THE BID, OR UTILIZED ON OR PLACED ON ANY PROPERTY OR ROAD OF THE COUNTY OF ONEIDA. BIDDERS ARE DIRECTED TO COUNTY OF ONEIDA LOCAL LAW NO. ___ OF THE YEAR 2013 FOR THE DEFINITION OF BRINE.”

Section 4: Statement to be included in Bid.

The Statement provided for in Section 3, which shall be a sworn statement under penalty of perjury, shall read substantially as follows:

“We, _____ hereby submit a bid for materials, equipment, or labor for the _____ of _____. The bid is for bid documents titled _____. We hereby certify under penalty of perjury that no Brine will be used by the undersigned bidder or any contractor, sub-contractor, agent, or vendor thereof in connection with the bid; nor will the undersigned Bidder or any sub-contractor, agent, or vendor thereof and/or therefor apply or supply any Brine to any property or road(s) of the County of Oneida as a result of the submittal of this bid if selected.” The Statement shall otherwise be sworn to under penalty of perjury in a form satisfactory to the County Attorney.

Section 5: Duty of Employees to be Familiar with this Local Law.

The County Executive or, at the County Executive’s option, a department head or a commissioner of any Department appointed by the County Executive is authorized to develop policies to ensure County employees are familiar with this Local Law and take such steps as are directed by the County Executive or such department head or commissioner to ensure a diligent effort by the County that materials supplied to the County or used on County Roads or Property comply with this Local Law. This shall not excuse non-compliance by a contractor or vendor of the County.

Section 6: Penalties for Violations.

- A. Breach of Contract. A violation of the provisions of this Local Law shall be deemed a breach of contract and shall authorize the Director of Purchasing in cooperation with the County Attorney and any other officer or employee of the County deemed necessary by the County Attorney, commence a civil Breach of Contract action against the violator of the provisions of this Local Law. Damages sought shall be determined by the County Attorney but may include, but shall not be limited to the cost of any consequential damages of the breach of contract. In addition, the Director of Purchasing may make a finding that the Contractor is not a responsible bidder. The County Attorney is further authorized to commence any necessary action to enjoin any violation of this Local Law he or she believes to be occurring.
- B. Criminal Penalties. In addition to prosecution for Perjury as determined by the District Attorney, any person who violates this article shall be guilty of an unclassified misdemeanor and subject to a fine not to exceed \$25,000.00 per violation and/or up to fifteen days' imprisonment. Each application of Brine shall constitute a separate and distinct violation.

Section 7: Severability.

If any provision of this Local Law is held invalid, such invalidity shall not affect the remaining provisions of the Local Law which shall remain effective absent the invalid provision, and to this end, the provisions of the Local Law are declared to be severable.

Section 8: Emergency Clause and Effective Date.

It is hereby declared that an emergency exists and this Local Law, being necessary for the preservation of the health, safety and welfare of citizens of Oneida County, New York, shall be effective immediately upon its passage and approval and filing with the New York State Secretary of State.

APPROVED: Ways and Means Committee (JANUARY 9, 2013)

DATED: February 13, 2013

Adopted by the following v.v. vote:

AYES 28 NAYS 1 (Mr. Brennan) ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 37

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

**RE: SUPPLEMENTAL APPROPRIATION OF \$60,000 TO AA#A6772.495150, AGING,
SYSTEMS INTEGRATION**

WHEREAS, In accordance with Section 609 of the Oneida County Administrative Code, the County Executive has requested a supplemental appropriation be made in the amount of \$60,000 to AA#A6772.495150 0, aging, systems integration

WHEREAS, Said supplemental appropriation will be supported by unanticipated revenue in the following account in the following amount:

A6772.495.150 Systems Integration..... \$60,000
now, therefore, be it hereby

RESOLVED, That a supplemental appropriation, from 2013 funds, as hereinafter set forth, be and the same is hereby approved:

TO:
A6772.4771 Federal Aid-Systems Integration..... \$60,000

APPROVED: Health and Human Services Committee (January, 16, 2013)
Ways & Means Committee (February 13, 2013)

DATED: February 13, 2013

Adopted by the following vote:
AYES 29 NAYS 0 ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 38

**INTRODUCED BY: Messrs. Paparella, Porter
2ND BY: Furgol**

RE: SUPPLEMENTAL APPROPRIATION OF \$20,000 TO AA#A4091.495-HEALTH DEPARTMENT-INTEGRATED CANCER SERVICES PROGRAM, OTHER EXPENSES

WHEREAS, In accordance with Section 609 of the Oneida County Administrative Code, the County Executive has requested a supplemental appropriation be made in the amount of \$20,000 to AA#A4091.495, Health Department-Integrated Cancer Services Program, Other Expenses and

WHEREAS, Said supplemental appropriation will be supported by unanticipated revenue in the following account in the following amount:

A3451-State Aid-Healthy Women’s Partnership.....\$20,000

now, therefore, be it hereby

RESOLVED, That a supplemental appropriation, from 2013 funds, as hereinafter set forth, be and the same is hereby approved:

TO:A49091.495-Other Expenses..... \$20, 000

APPROVED: Health and Human Services Committee (January, 16, 2013)
Ways & Means Committee (February 13, 2013)

DATED: February 13, 2013

Adopted by the following vote:
AYES 29 NAYS 0 ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 39

INTRODUCED BY: Messrs. Paparella, Porter

2ND BY: Mr. Joseph

RE: SUPPLEMENTAL APPROPRIATION OF \$25,000 TO AA#A4021.19511, HEALTH DEPARTMENT-COMMUNITY WELLNESS DIVISION, INDIVIDUAL THERAPIES

WHEREAS, In accordance with Section 609 of the Oneida County Administrative Code, the County Executive has requested a supplemental appropriation be made in the amount of \$25,000 to AA#A19511, Health Department-Community Wellness Division, Individual Therapies

WHEREAS, Said supplemental appropriation will be supported by unanticipated revenue in the following account in the following amount:

A1653-Reimbursemet-From EI to Community Wellness..... \$25,000

now, therefore, be it hereby

RESOLVED, That a supplemental appropriation, from 2013 funds, as hereinafter set forth, be and the same is hereby approved:

TO:A4021-19511-Individual Therapies..... \$25, 000

APPROVED: Health and Human Services Committee (January, 16, 2013)
Ways & Means Committee (February 13, 2013)

DATED: February 13, 2013

Adopted by the following vote:
AYES 29 NAYS 0 ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 40

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

RE: APPROVAL OF AN AGREEMENT BETWEEN ONEIDA COUNTY THROUGH ITS HEALTH DEPARTMENT AND THE FIRST PRESBYTERIAN CHURCH OF HOLLAND PATENT

WHEREAS, This Board is in receipt of an agreement between Oneida County through its Health Department and the First Presbyterian Church of Holland Patent to provide adequate space to the Oneida County Health Department WIC program to conduct health clinics for the residents of Oneida County.

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

RESOLVED, That this Board authorizes and approves an agreement between Oneida County through its Health Department and the First Presbyterian Church of Holland Patent to provide adequate space to the Oneida County Health Department WIC program to conduct health clinics for the residents of Oneida County. The term of this agreement shall become effective on January 1, 2013 and remain in effect through December 31, 2015 with a monthly rate charge in the amount of fifty dollars (\$50) not to exceed one thousand eight hundred dollars (\$1,800) for the term of this agreement.

APPROVED: Health and Human Services Committee (January, 16, 2013)
Ways & Means Committee (February 13, 2013)

DATED: February 13, 2013

Adopted by the following vote:
AYES 29 NAYS 0 ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 41

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

RE: TRANSFER \$40,000 TO AA#A2490.4942- STUDENTS IN OTHER COMMUNITY COLLEGES-HERKIMER

WHEREAS, There is a need for additional funds in AA#A2490.4942, Students in Other Community Colleges, Herkimer, and

WHEREAS, In accordance with Section 610 of the Administrative Code, the County Executive has requested approval by this Board to transfer funds sufficient to cover the present shortage, now, therefore, be it hereby

RESOLVED, That a transfer of the total sum of \$40,000 from 2012 funds, as hereinafter set forth, be and the same is hereby approved:

TO:
AA#A2490.4942, Students in Other Community Colleges, Herkimer CCC..... \$40,000

FROM:
AA#A2490.4943, Students in Other Community Colleges, Onondaga CCC..... \$ 2,000
AA#A1998.850-Contingent-unemployment..... \$38,000
TOTAL.....\$40,000

APPROVED: Economic Development and Tourism Committee (January 24, 2013)
Ways & Means Committee (February 13, 2013)

DATED: February 13, 2013

Adopted by the following vote:
AYES 29 NAYS 0 ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 42

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

RE: APPROVAL OF A SUPPLEMENTAL GRANT AGREEMENT BETWEEN ONEIDA COUNTY AND THE NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES

WHEREAS, Oneida County Executive Anthony J. Picente, Jr., is in receipt of correspondence from County Attorney Gregory J. Amoroso requesting approval of a Grant Agreement between Oneida County and the New York State Office of Indigent Legal Services for acceptance of a Grant in the amount of \$538,146.00 to improve efficiency and access for indigent persons receiving legal representation. The services will be delivered through several departments, the Supplemental Assigned Counsel Program and the criminal and civil Public Defender's offices.

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

RESOLVED, That County Executive Anthony J. Picente, Jr., is authorized to execute any and all documents related to a Grant Agreement by and between Oneida County and the New York State Office for Indigent Legal Services in the amount of \$538,146.00 to improve efficiency and access for indigent persons receiving legal representation through the Supplemental Counsel Program and the criminal and civil Public Defender's Offices.

RESOLVED, That the duration of said Grant Agreement shall be for a term of three years commencing June 1, 2012 through May 31, 2015.

APPROVED: Public Safety Committee (January 9, 2013)
Ways & Means Committee (February 13, 2013)

DATED: February 13, 2013

Adopted by the following vote:

AYES 24 NAYS 5 (Tallarino, Gordon, Furgol, Murphy, Harmony) ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 43

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

RE: APPROVAL OF A GRANT AGREEMENT BETWEEN ONEIDA COUNTY THROUGH ITS DISTRICT ATTORNEY'S OFFICE AND THE STATE OF NEW YORK, THROUGH ITS DIVISION OF CRIMINAL JUSTICE SERVICES (\$45,000)

WHEREAS, Oneida County Executive Anthony J. Picente, Jr., is in receipt of correspondence from District Attorney Scott D. McNamara requesting approval of a Grant Agreement between Oneida County through its District Attorney's Office and New York State through its Division of Criminal Justice Services for acceptance of a Grant in the amount of \$45,000 to hire a part-time Outreach Worker. That person will conduct interviews, intakes and screenings of clients to discern needs and make referrals to appropriate agencies or contact persons. The funds will also be used to hire independent contractors that will begin the scanning process of closed cases.

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

RESOLVED, That County Executive Anthony J. Picente, Jr., is authorized to execute any and all documents related to a Grant Agreement by and between Oneida County through its District Attorney's Office and New York State through its Division of Criminal Justice Services for a Grant in the amount of \$45,000 to hire a part-time Outreach Worker to conduct interviews, intakes and screening of clients to discern needs and make referrals to appropriate agencies or contact person. The funds will also be used to hire an independent contractor that will begin the scanning process of closed cases.

RESOLVED, That the duration of said Grant Agreement shall be for a term of one year commencing January 1, 2013 through December 31, 2013.

APPROVED: Public Safety Committee (January 9, 2013)
Ways & Means Committee (February 13, 2013)

DATED: February 13, 2013

Adopted by the following vote:

AYES 25 NAYS 4 (Tallarino, Speciale, Gordon, Murphy) ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 44

**INTRODUCED BY: Messrs. Waterman, Porter
2ND BY: Mr. Mandryck**

RE: APPROVAL OF AN AGREEMENT BETWEEN THE ONEIDA COUNTY SELF INSURANCE PLAN AND NCACOMP, INC. FOR THIRD PARTY ADMINISTRATION OF THE COUNTY'S SELF INSURANCE PLAN THROUGH A CONTRACT BEGINNING MARCH 15, 2013 AND ENDING MARCH 15, 2016

WHEREAS, The Government Operations Committee has recommended approval of an agreement between the Oneida County Self Insurance Plan and NCACOMP, INC. for third party administration of Oneida County's Self Insurance Plan, and

WHEREAS, Pursuant to Local Law #10 of 1991 said agreement must be approved by the Oneida County Board of Legislators, now, therefore, be it hereby

RESOLVED, That the Oneida County Board of Legislators approves and authorizes an agreement with NCACOMP, INC. for third party administration of the Oneida County Self Insurance Plan commencing March 15, 2013 and ending March 14, 2016, pursuant to the terms and conditions set forth in the agreement on file with the Clerk of the Oneida County Board of Legislators, and be it further

RESOLVED, That the Oneida County Board of Legislators approves and authorizes a renewal of the agreement upon the same terms and conditions for the renewal period of March 15, 2016 through March 14, 2018, if said renewal is agreed to by NCACOMP, INC.

APPROVED: Government Operations Committee (February 7, 2013)
Ways & Means Committee (February 13, 2013)

DATED: February 13, 2013

Adopted by the following vote:

AYES 29 NAYS 0 ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 45

***INTRODUCED BY: Messrs. FLISNIK, PORTER
2ND BY: Mr. Joseph***

RE: APPROVAL OF AN AGREEMENT BETWEEN ONEIDA COUNTY THROUGH ITS SHERIFF'S OFFICE AND THE UNITED STATES DEPARTMENT OF JUSTICE-EQUITABLE SHARING AGREEMENT

WHEREAS, This Board is in receipt of an agreement between Oneida County through its Sheriff's Office and the United States Department of Justice-Equitable Sharing Agreement.

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

RESOLVED, That this Board authorizes and approves an agreement between Oneida County through its Sheriff's Office and the United States Department of Justice-Equitable Sharing Agreement to share in the proceeds that result from the Sheriff's Office's involvement in federal forfeitures. The term of this agreement shall become effective January 1, 2013 and remain in effect through December 31, 2013.

APPROVED: Ways & Means Committee (February 13, 2013)

DATED: February 13, 2013

Adopted by the following vote:

AYES 29 NAYS 0 ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 46

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

RE: RESOLUTION AUTHORIZING THE FILING OF A CONSOLIDATED APPLICATION WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR A FISCAL YEARS 2013-2014 FEDERAL SECTION 5311 GRANT FOR THE RURAL AND NONURBANIZED TRANSPORTATION SERVICE IN ONEIDA COUNTY

WHEREAS, The Oneida County Planning Department is submitting a request to file a consolidated application for the grant of funds to the New York State Department of Transportation, pursuant to Section 5311, Title 49 United States Code, for a projects to provide public mass transportation service for *Non-Urbanized and Rural areas of Oneida County*, operated by Birnie Bus Tours Inc. Rome NY, for the 2013/2014 fiscal years and capital investment funds to assist in the purchase of four (4) 30 FT medium duty mid-size replacement buses with lifts for public transportation service in rural areas.

WHEREAS, The required ten percent (10%) local share of the capital investment project total costs will be provided by the transit operator, and

WHEREAS, The County of Oneida and the State of New York have entered into a continuing Agreement for a ten-year period which authorizes the undertaking of said Projects and payment of the Federal share, now, therefore, be it herby

RESOLVED, That the Oneida County Executive is hereby authorized to act on behalf of Oneida County to sign the grant application and progress and complete the above named Project; and be it further,

RESOLVED, That the Oneida County Executive is authorized to execute and file with the application the annual certifications and assurances and other documents the NYSDOT requires before awarding a grant or cooperative agreement, and it is further

RESOLVED, That the Oneida County Executive is authorized to sign any contracts or agreements between the County of Oneida and third party subcontractor necessary to complete the public transportation project, subject to the approval of the Oneida County Attorney.

APPROVED: Ways and Means Committee (February 13, 2013)

DATED: February 13, 2013

Adopted by the following vote:

AYES 29 NAYS 0 ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 47

INTRODUCED BY: Mr. Porter

2ND BY: Mr. Joseph

RE: APPROVAL OF A RESOLUTION ESTABLISHING THE STANDARD WORK DAY AND REPORTING DAYS FOR THE NEW YORK STATE AND LOCAL EMPLOYEES RETIREMENT SYSTEM FOR CERTAIN COUNTY OFFICIALS

RESOLVED, that the Oneida County Board of Legislators hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this legislative body:

TITLE	NAME	Social Security Number (Last 4 Digits)	Registration Number	STANDARD WORK DAY (Hrs/Day)	TERM BEGINS/ ENDS	PARTICIPATE S IN EMPLOYER'S TIME KEEPING SYSTEM (Y/N)	DAYS/MONT H (Based on Record of Activities)
<u>Elected Officials</u>							
County Legislator	James Murphy			6	1/1/12-1/1/13	N	1.25
County Legislator	Franklin Davis			6	1-1-1212-31-13	N	1.19
District Attorney	Scott McNamara			7	1/1/2012-12/31/2015	N	24.10
County Clerk	Sandra Depereno			7	1/1/2011-12/31/2014	N	22.19

APPROVED: Ways & Means Committee (February 13, 2013)

DATED: February 13, 2013

Adopted by the following v.v. vote:

AYES 29 NAYS 0 ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 48

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

**RE: ESTABLISHMENT OF CAPITAL PROJECT H-483-COUNTY COURT HOUSE-WATER
DAMAGE**

WHEREAS, This Board is in receipt of correspondence from Oneida County Executive Anthony J. Picente, Jr. requesting establishment of a Capital Project in the amount of \$200,000 to be used to keep track of all the water damage incurred over the January 26th, 2013 weekend, and

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

RESOLVED, That the Oneida County Board of Legislators authorizes and approves the establishment of Capital Project H-483-County Court House-Water Damage, to be funded, as follows:

Other-Insurance Proceeds	\$165,000
Direct Appropriation from A-Fund	\$ 35,000

APPROVED: Public Works Committee (February 11, 2013)
Ways & Means Committee (February 13, 2013)

DATED: February 13, 2013

Adopted by the following roll call vote:
AYES 29 NAYS 0 ABSENT 0

ROLL CALL

DATE February 13, 2013

SESSION Regular

MEMBERS PRESENT: 29

MEMBERS ABSENT 0

AYES: 29 **NAYS:** 0

INTRODUCTORY NO. 48

RESOLUTION NO. 48

DIST	MEMBERS	AYES	NAYS
R-1	TOWNSEND	X	
R-2	REGNER	X	
R-3	BRENNAN	X	
R-4	LEACH	X	
R-5	WATERMAN	X	
R-6	PORTER	X	
D-7	TALLARINO	X	
R-8	FLISNIK	X	
D-9	SACCO	X	
R-10	JOSEPH	X	
R-11	KOENIG	X	
D-12	CLANCY	X	
D-13	GOODMAN	X	
D-14	GORDON	X	
R-15	D'ONOFRIO	X	
R-16	MILLER	X	
R-17	MANDRYCK	X	
D-18	C. DAVIS	X	
D-19	TREVISANI	X	
R-20	FIORINI	X	
R-21	WELSH	X	
D-22	SPECIALE	X	
D-23	CONVERTINO	X	
R-24	PAPARELLA	X	
D-25	F. DAVIS	X	
D-26	CARUSO	X	
D-27	FURGOL	X	
R-28	WOOD	X	
D-29	MURPHY	X	

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 49

INTRODUCED BY: Messrs. Miller, Porter

2ND BY: Mr. Joseph

RE: TRANSFER \$35,000 TO AA#A9950-9, BUDGET TRANSFER TO CAPITAL FUND

WHEREAS, There is a need for additional funds in AA# A9950-9, Budget-Transfer to Capital Fund

WHEREAS, In accordance with Section 610 of the Administrative Code, the County Executive has requested approval by this Board to transfer funds sufficient to cover the present shortage, now, therefore, be it hereby

RESOLVED, That a transfer of the total sum of \$35,000 from 2013 funds, as hereinafter set forth, be and the same is hereby approved:

TO:

AA#A9950-9-Budget-Transfer to Capital Fund \$35,000

FROM:

AA3A1995.9-Budget-Contingent-Insurance/Fuel..... \$35,000

APPROVED: Public Works Committee (February 11, 2013)
 Ways & Means Committee (February 13, 2013)

DATED: February 13, 2013

Adopted by the following vote:

AYES 29 NAYS 0 ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 50

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

RE: TRANSFER SPECIFIED AMOUNTS TO VARIOUS 2012 SALARY AND PERSONAL SERVICES ACCOUNTS

WHEREAS, There is a need for additional funds in various salary and related personal services accounts throughout the County for 2012.

WHEREAS, In accordance with Section 610 of the Administrative Code, the County Executive has requested approval by this Board to transfer funds sufficient to cover the present shortage, now, therefore, be it hereby

RESOLVED, That a transfer of the total sum of \$110,030.00 from 2012 funds, as hereinafter set forth, be and the same is hereby approved:

		TO:	
AA# A1110.102 - County Court, Temporary Help	\$		2,657.
AA# A1165.102 - District Attorney, Temporary Help.....			22,625.
AA# A1185.1952 Coroners, Transportation/Lab Fees			4,498.
AA# A1230.101 - County Executive, Salaries			1,896.
AA# A1310.101 - Finance - Commissioner, Salaries			609.
AA# A1313.101 - Finance - Real Estate, Salaries.....			211.
AA# A1315.101 - Audit & Control, Salaries			267.
AA# A1340.101 - Budget, Salaries			539.
AA# A1345.101 - Purchasing, Salaries			2,416.
AA# A1410.101 - County Clerk-Registrar, Salaries			1,935.
AA# A1410.103 - County Clerk-Registrar, Overtime.....			311.
AA# A1411.101 - Motor Vehicle Bureau, Salaries.....			35,965.
AA# A1411.102 - Motor Vehicle Bureau, Temporary Help.....			1,647.
AA# A1411.103 - Motor Vehicle Bureau, Overtime			175.
TO,			
AA# A1412.101 - Naturalization, Salaries			151.
AA# A1450.102 - Board of Elections, Temporary Help.....			110,339.
AA# A1450.103 - Board of Elections, Overtime			269.
AA# A1460.101 - Records Management, Salaries.....			915.
AA# A1480.103 - Health Insurance Administration, Overtime.....			491.
AA# A1490.101 - Public Works Commissioner, Salaries			613.
AA# A1620.101 - Buildings & Grounds, Salaries			18,183.
AA# A1620.103 - Buildings & Grounds, Overtime.....			19,497.
AA# A3020.101 - Emergency Communications, Salaries			685.
AA# A3020.103 - Emergency Communications, Overtime.....			28,178.

AA# A3110.101 - Sheriff-Administration, Salaries	15,469.
AA# A3110.102 - Sheriff-Administration, Temporary Help	345.
AA# A3111.101 - Sheriff-Stop DWI, Salaries.....	699.
AA# A3112.107 - Sheriff-Security, Salaries 207-C Injury	26,543.
AA# A3113.101 - Sheriff-Special Initiatives, Salaries	102.
AA# A3115.101 - Sheriff-Civil, Salaries	9,418.
AA# A3115.107 - Sheriff-Civil, Salaries 207-C Injury	2,486.
AA# A3117.107 - Sheriff-Court Attendants, Salaries 207-C Injury	29,133.
AA# A3120.107 - Sheriff-Law Enforcement, Salaries 207-C Injury.....	122,131.
AA# A3140.101 - Probation Office, Salaries.....	34,422.
AA# A3140.102 - Probation Office, Temporary Help	6,075.
AA# A3141.101 - Domicile Restriction Program, Salaries	5,129.
AA# A3142.101 - PINS Diversion Program, Salaries	5,031.
AA# A3142.103 - PINS Diversion Program, Overtime.....	321.
AA# A3145.101 - Rome Safe School Program, Salaries	113.
AA# A3146.101 - Intensive Supervision Program, Salaries	7,434.
AA# A3150.107 - Sheriff-Jail Inmates, Salaries 207-C Injury	36,804.
AA# A3430.101 - Drug Enforcement Task Force, Salaries.....	2,976.
AA# A3430.102 - Drug Enforcement Task Force, Temporary Help	836.
AA# A3640.101 - Emergency Services, Salaries.....	632.
AA# A3640.103 - Emergency Services, Overtime.....	71.
AA# A4010.102 - Public Health Administration, Temporary Help.....	5,385.
AA# A4011.101 - Physically Handicapped Child Admin, Salaries.....	175.
AA# A4015.101 - Lead Screening Program, Salaries	6,947.
AA# A4015.103 - Lead Screening Program, Overtime	1,335.
AA# A4018.101 - Environmental Health, Salaries	8,564.
AA# A4019.101 - Community Health Outreach Program, Salaries	142.
AA# A4021.103 - Community Wellness, Overtime.....	90.
AA# A4059.103 - Early Intervention Administration, Overtime.....	6,252.
AA# A4060.101 - Education Handicapped Child Admin, Salaries	1,471.
AA# A4082.103 - WIC Program, Overtime.....	365.
AA# A4089.101 - Immunization Consortium Program, Salaries.....	6,775.
AA# A4089.103 - Immunization Consortium Program, Overtime	1,663.
AA# A4091.101 - Cancer Services Program, Salaries	2,146.
AA# A4091.103 - Cancer Services Program, Overtime.....	96.
AA# A4092.101 - Emergency Preparedness Program, Salaries.....	185.
AA# A4310.101 - Mental Health Administration, Salaries	2,368.
TO,	
AA# A5620.103 - Department of Aviation, Overtime	13,205.
AA# A6010.101 - Social Services Administration, Salaries.....	45,991.
AA# A6011.101 - Children & Adult Services, Salaries.....	7,355.
AA# A6011.103 - Children & Adult Services, Overtime	26,832.
AA# A6014.101 - Welfare Employment Reform Program, Salaries	61,290.
AA# A6015.101 - Home Energy Assistance Program, Salaries	2,744.
AA# A6019.101 - Food Stamp Job Search Program, Salaries	1,165.
AA# A6510.101 - Veterans Service Agency, Salaries	2,137.
AA# A6610.101 - Weights & Measures, Salaries	484.
AA# A6772.101 - Office for the Aging, Salaries	4,650.
AA# A6772.103 - Office for the Aging, Overtime.....	4,339.
AA# A6774.102 - Office for Continuing Care, Temporary Help	167.
AA# A6774.103 - Office for Continuing Care, Overtime.....	970.

AA# A8020.101 - Planning Department, Salaries..... 2,507.
 "A" Fund Total: \$ 779,037.

AA# D5010.101 - Highways & Bridges Administration, Salaries..... \$ 3,617.
 AA# D5020.101 - Engineering, Salaries 6,867.
 "D" Fund Total:\$ 10,484.

AA# G8110.101 - W.P.C. - Administration, Salaries \$ 1,874.
 AA# G8120.101 - W.P.C. - Sanitary Sewers, Salaries..... 1,947.
 "G" Fund Total: \$ 3,821.

AA# J6293.102 - Summer Youth Employment Program, Temporary Help \$ 36,792.
 AA# J6296.102 - Workforce Investment Act-Utica, Temporary Help 10,161.
 AA# J6300.102 - Workforce Development Administration, Temporary Help..... 22,432.
 AA# J6303.102 - Oneida County College Student Corps, Temporary Help..... 40,645.
 "J" Fund Total: \$ 110,030.

FROM:

AA# A1110.101 - County Court, Salaries..... \$ 568.
 AA# A1165.101 - District Attorney, Salaries 68,609.
 AA# A1185.101 - Coroners, Salaries 4,498.
 AA# A1311.101 - Finance-Treasury, Salaries 820.
 AA# A1315.102 - Audit & Control, Temporary Help 2,702.
 AA# A1420.101 - Law Department, Salaries..... 11,023.
 AA# A1450.101 - Board of Elections, Salaries..... 15,433.
 AA# A1451.102 - Board of Elections-HAVA, Temporary Help 31,761.
 AA# A1451.19512 Board of Elections-HAVA, Election Day Fees 63,414.
 AA# A1480.101 - Health Insurance Administration, Salaries 42,844.
 AA# A1610.101 - Central Services, Salaries 5,243.
 AA# A3112.101 - Sheriff-Security, Salaries 26,543.
 AA# A3113.103 - Sheriff-Special Initiatives, Overtime 102.
 AA# A3115.103 - Sheriff-Civil, Overtime..... 11,904.
 AA# A3117.101 - Sheriff-Court Attendants, Salaries..... 29,133.
 AA# A3120.101 - Sheriff-Law Enforcement, Salaries..... 122,131.
 AA# A3140.103 - Probation Office, Overtime 7,119.
 AA# A3141.103 - Domicile Restriction Program, Overtime 3,124.
 AA# A3150.101 - Sheriff-Jail Inmates, Salaries 99,141.
 AA# A3430.103 - Drug Enforcement Task Force, Overtime 3,812.
 AA# A4010.101 - Public Health Administration, Salaries..... 6,030.
 AA# A4012.101 - Public Health Clinic, Salaries 14,363.
 AA# A4018.102 - Environmental Health, Temporary Help 2,223.
 AA# A4021.101 - Community Wellness, Salaries..... 15,091.
 AA# A4059.101 - Early Intervention Administration, Salaries 6,252.
 AA# A5620.101 - Department of Aviation, Salaries 13,205.
 AA# A5620.102 - Department of Aviation, Temporary Help..... 4,019.
 AA# A6012.101 - Temporary Assistance, Salaries..... 145,377.
 AA# A6773.101 - Senior Nutrition Program, Salaries..... 22,553.
 "A" Fund Total: \$ 779,037.

AA# D5110.101 - Maintenance of Highways & Bridges, Salaries..... \$ 10,484.
"D" Fund Total: 10,484.

AA# G8130.101 - W.P.C. - Sewage Treatment, Salaries..... \$ 3,821.
"G" Fund Total: \$ 3,821.

AA# J6298.102 - TANF-Summer Youth Program, Temporary Help..... \$ 12,438.
AA# J6300.101 - Workforce Development Administration, Salaries..... 64,536.
AA# J6300.810 - Workforce Development Administration, Retirement..... 33,056.
"J" Fund Total:\$ 110,030.00

APPROVED: Ways & Means Committee (February 13, 2013)

DATED: February 13, 2013

Adopted by the following vote:

AYES 29 NAYS 0 ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 51

INTRODUCED BY: Mr. Porter

2ND BY: Mr. Joseph

RE: APPOINTMENT OF MARY FAITH MESSENGER TO THE ONEIDA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

WHEREAS, Pursuant to Article 18-A of the General Municipal Law, County Executive Anthony J. Picente, Jr., has recommended Mary Faith Messenger for appointment as a member of the Oneida County Industrial Development Agency, (OCIDA), and

WHEREAS, Pursuant to Article XX, Section 2002 of the Oneida County Charter and Administrative Code, said appointment must be confirmed by the Oneida County Board of Legislators, now, therefore, be it hereby

RESOLVED, That the Oneida County Board of Legislators hereby confirms the appointment of Mary Faith Messenger as a member of the Oneida County Industrial Development Agency (OCIDA).

APPROVED: Ways & Means Committee (February 13, 2013)

DATED: February 13, 2013

Adopted by the following v.v. vote:

AYES 29 NAYS 0 ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 7 (Original Resolution Number) 52 (corrected version)

INTRODUCED BY : Messrs. Welsh, Porter
2nd BY: Mr. Mandryck

RE: TRANSFER CERTAIN PROPERTY LOCATED IN THE TOWN OF WHITESTOWN TO MOHAWK VALLEY EDGE FOR EXPANSION OF THE ONEIDA COUNTY BUSINESS PARK

WHEREAS, County Executive Anthony J. Picente, Jr. is in receipt of correspondence from Steven J. DiMeo, President of Economic Development Growth Enterprises Corporation ("Mohawk Valley EDGE"), requesting the conveyance of county real property to Mohawk Valley EDGE, and

WHEREAS, pursuant to Oneida County Charter Section 202(m), said conveyance must be authorized and approved by the Oneida County Board of Legislators, now, therefore, be it hereby

RESOLVED, that the Oneida County Board of Legislators hereby determines that the following parcels of real property, situate at or near the northeast corner of the Airport Road-Judd Road intersection in the Town of Whitestown, are not necessary for public use:

Tax Parcel ID No. 290.000-2-24 (67.09 +/- acres), and

Tax Parcel ID No. 290.000-2-48 (15.661 +/- acres) (the "Parcels"), and it is further

RESOLVED, that the Oneida County Board of Legislators authorizes and approves the conveyance of the Parcels to Mohawk Valley EDGE for the following consideration and pursuant to the following terms and conditions:

The subject parcels shall be conveyed to EDGE by the County upon such terms and conditions as are customary in real property sale transactions of like size and character for a minimum purchase price of \$10,000.00 per acre (with the acreage to be determined by an accurate survey thereof) payable as hereinafter set forth. Each time EDGE closes upon the sale of a portion of the Parcels to a third party purchaser, EDGE shall remit to the County an amount equal to \$5,000.00 per acre multiplied by the number of acres sold to such third party purchaser, less costs incurred by EDGE for surveys, testing and permitting fees, redating of abstracts and issuance of preliminary title reports, legal and other documented closing costs.

The difference in the purchase price and the net per acre amount that is to be paid to Oneida County will be applied by EDGE for purchase of sewer credits, engineering, site development, demolition, infrastructure and construction of an access road necessary to enhance the development potential of the Oneida County Business Park Expansion and offsets to the likely development costs associated with making the subject property shovel ready. EDGE will provide Oneida County with a written report on the expenditure of any gross sale proceeds realized from this project to confirm that said funds have been appropriately used for the development of the Oneida County Business Park Extension, and it is further

RESOLVED, that County Executive Anthony J. Picente, Jr. is hereby authorized to enter into a purchase agreement with EDGE setting forth the above consideration and terms and conditions.

APPROVED: Economic Development & Tourism (January 7, 2013)
Ways and Means Committee (January 9, 2013)

DATED: January 9, 2013 (Original Approval)
February 13, 2013 (Corrected)

Adopted by the following vote:

AYES 29 NAYS 0 ABSENT 0

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 53

INTRODUCED BY: Messrs. Waterman, Leach, Flisnik, Miller, Mandryck, Paparella, Koenig, Porter, Brennan, Welsh, Townsend, Regner, D'Onofrio, Wood, Joseph, Fiorini

2ND BY: Mr. Joseph

A RESOLUTION OPPOSING THE NEW YORK STATE SECURE AMMUNITION AND FIREARMS ENFORCEMENT ACT OF 2013

- WHEREAS,** the right to bear arms is guaranteed by the Second Amendment of the U.S. Constitution, as well as the Civil Rights Law of the State of New York; and
- WHEREAS,** the New York Secure Ammunition and Firearms Enforcement Act of 2013 commonly known as the NY SAFE Act is a gun control law of the state of New York. The law was rushed to pass by the New York State Senate and Assembly on January 15, 2013, and was signed into law by Governor of New York Andrew Cuomo on the same day; and
- WHEREAS,** this legislation denies the Second Amendment right of law abiding citizens and fails to address the problem of acts of violence perpetrated by criminals and those that are dangerously mentally ill; and
- WHEREAS,** this legislation imposes burdensome new regulations upon law abiding gun owners and will curtail the rights of law abiding citizens of this State; and
- WHEREAS,** many of us feel that the NYS SAFE Act was pushed through without proper vetting. The effects on legitimate gun owners, such as hunters, sportsmen and target shooters, have not been properly considered, nor has the budgetary effects this legislation will have in several areas; and
- WHEREAS,** on January 23, 2013, the Herkimer County Board of Legislature's Committee on Public Safety/Emergency Management, resolved by Resolution No. 33, to oppose the New York State Secure Ammunition and Firearms Enforcement Act of 2013; and
- WHEREAS,** the New York State Sheriff's Associations responded to the NYS Safe Act by siting the following items that they feel need to be reviewed:

1) Assault weapon ban and the definition of assault weapons is too broad and prevents the law-abiding gun owner the possession of such firearms that are legitimately used for hunting, target shooting and self-defense.

2) Inspection of schools by state agencies, which gives them the responsibility to review safety plans. The funding for such review will be given to these state agencies to implement such safety plans. The sheriffs and local police agencies can perform these duties effectively and efficiently. As the chief law enforcement officer of the county, the sheriffs and local police

agencies are in the best position to know the security needs of the schools in their jurisdiction. The state should pass this funding onto the sheriff and local police agencies to keep the schools safe, because they are already deeply involved school safe plans.

3) Reduction of magazine capacity will not reduce gun violence. This will unfairly limit the ability of law-abiding citizens to purchase firearms in New York State.

4) Recertification of pistol permits and registration of existing assault weapons has been delegated to the State Police. This conflicts with the duties of the Sheriff's Office regarding the issuance of pistol permits. These records should be maintained at a local level and should be accessible to the Sheriff's Office. The Sheriff's Office has always been responsible for the initial investigation of pistol permit applications and pistol permit records. All of this information should be maintained at the local level and forwarded to a state database for law enforcement use.

5) Sale of ammunition needs to be clarified and,

WHEREAS , that the Oneida County Legislature does hereby oppose the enactment of the New York State Secure Ammunition and Firearms Enforcement Act of 2013 because it fundamentally alters or abridges the right to keep and bear arms without addressing the problems of gun violence; and

WHEREAS, that this Legislature hereby calls upon the New York State Legislature and Governor to set aside and annul this ill-conceived and poorly drafted statute which abridges the rights of law abiding citizens of the State of New York; and, now, therefore, be it further

RESOLVED, that the Clerk of the Board shall transmit copies of this resolution 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.

DATED: February 13, 2013

Adopted by the following roll call vote:

AYES 18 NAYS 11 (Tallarino, Sacco, Clancy, Gordon, C. Davis, Trevisani, Speciale, F. Davis, Caruso, Furgol, Murphy ABSENT 0

ROLL CALL

DATE February 13, 2013

SESSION Regular

MEMBERS PRESENT: 29

MEMBERS ABSENT 0

AYES: 18 NAYS: 11

INTRODUCTORY NO. 54

RESOLUTION NO. 53

DIST	MEMBERS	AYES	NAYS
R-1	TOWNSEND	X	
R-2	REGNER	X	
R-3	BRENNAN	X	
R-4	LEACH	X	
R-5	WATERMAN	X	
R-6	PORTER	X	
D-7	TALLARINO		X
R-8	FLISNIK	X	
D-9	SACCO		X
R-10	JOSEPH	X	
R-11	KOENIG	X	
D-12	CLANCY		X
D-13	GOODMAN	X	
D-14	GORDON		X
R-15	D'ONOFRIO	X	
R-16	MILLER	X	
R-17	MANDRYCK	X	
D-18	C. DAVIS		X
D-19	TREVISANI		X
R-20	FIORINI	X	
R-21	WELSH	X	
D-22	SPECIALE		X
D-23	CONVERTINO	X	
R-24	PAPARELLA	X	
D-25	F. DAVIS		X
D-26	CARUSO		X
D-27	FURGOL		X
R-28	WOOD	X	
D-29	MURPHY		X

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO. 54

INTRODUCED BY: Ms. Convertino

2ND BY: All Members

RE: RESOLUTION EXTENDING THE BOARD'S SYMPATHY TO THE FAMILY OF THE LATE EDWIN J. BARANOWSKI

WHEREAS, In the death of Edwin J. Baranowski on Monday, January 7, 2013, the City of Utica and the County of Oneida have suffered the loss of a valued citizen and great friend who held the respect and esteem of the citizens of the entire County of Oneida and the Members of this Board of Legislators, and

WHEREAS, Mr. Baranowski was very involved in City and County government, serving as a member of the Board of Legislators from 1976 through 1981 and again in 1991 serving in place of another legislator who was called to active duty. He was a longtime member of the County Democratic Committee and was chosen to serve on numerous boards and commissions, further proving his dedication as a public servant.

WHEREAS, Mr. Baranowski was proud to call himself a loyal employee of the F.X. Matt Brewing Company for 50 years and a veteran of World War II, but some of his proudest moments were that of a family man and a loving husband and father.

WHEREAS, Mr. Baranowski always loved the City of Utica and was committed to the local community and his presence will be deeply missed by many, now, therefore be it hereby

RESOLVED, That the members of this Board, speaking for the citizens of their respective communities extend to the family of the late Edwin J. Baranowski their sincere sympathy, their appreciation of the value of his services to Oneida County, and their respect for his worth as a man.

Seconded and adopted viva voce by all members present, standing for a moment of silence in respect to the memory of Edwin J. Baranowski

DATED: February 13, 2013