

# 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

Philip M. Sacco  
Minority Leader

## COMMUNICATIONS FOR DISTRIBUTION

January 8, 2020

VOLUME # 2

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

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Anthony J. Picente Jr.  
County Executive



John P. Talerico  
Commissioner

**ONEIDA COUNTY DEPARTMENT OF PERSONNEL  
OFFICE OF THE COMMISSIONER**

County Office Building ♦ 800 Park Avenue ♦ Utica, New York 13501-2986  
Phone: (315) 798-5725 ♦ Fax: (315) 798-6490  
E-Mail: labor@ocgov.net

January 7, 2020

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

FN 20 20-047

GOVERNMENT OPERATIONS

WAYS & MEANS

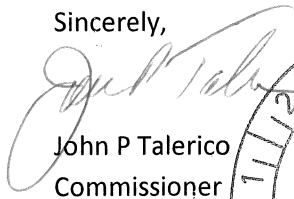
Dear County Executive Picente:

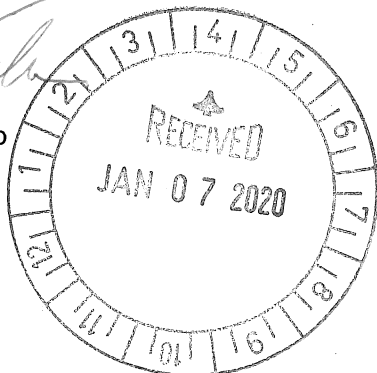
In October 2018 Oneida County revised our Sexual Harassment Prevention Policy incorporating the changes made to New York State Law regarding sexual harassment. At that time we had standalone policies for Sexual Harassment Prevention and Discrimination and Harassment Prevention. I am now recommending we consolidate both policies into a single Discrimination and Harassment Prevention Policy. This will standardize the reporting procedure for any claim of discrimination or harassment. There are no other substantive changes. The consolidated Discrimination and Harassment Prevention Policy is attached for your review.

The second policy attached for your review is the Americans with Disabilities Act (ADA) policy. Under the ADA employers are required to provide reasonable accommodations for qualified individuals with disabilities that would allow those individuals to enjoy equal employment opportunities. The change to this policy formalizes the interactive process the employer and employee should engage in to determine what if any reasonable accommodation is available.

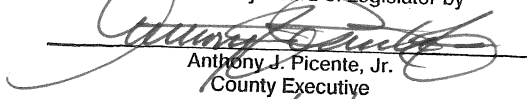
If you concur with these changes please request the Board of Legislators to adopt the revised policies and amend the personnel rules accordingly.

Sincerely,

  
John P Talerico  
Commissioner



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

  
Anthony J. Picente, Jr.  
County Executive

Date 1/7/20

CC: P Rayhill



**ONEIDA COUNTY DEPARTMENT OF LAW**

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

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

**PETER M. RAYHILL**  
COUNTY ATTORNEY

January 7, 2020

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

FN 20 20 - 048

Re: Empire State Development Grant  
Construction of SkyDome  
Approval of Incentive Proposal

**AIRPORT**

**WAYS & MEANS**

Dear County Executive Picente:

As you are aware, Oneida County was notified that we are to receive an Empire State Development Grant for \$9,000,000 for the construction of SkyDome at the Griffiss International Airport.

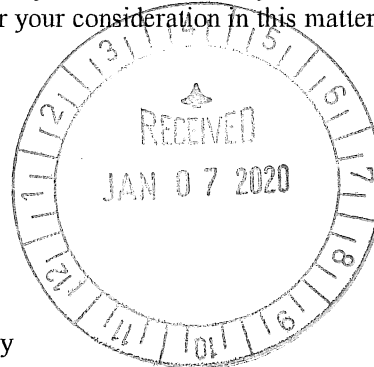
The Department is now in receipt of the incentive proposal from Empire State Development (ESD). This proposal must be executed by you and returned to ESD for processing. It is my understanding that before this can happen, approval of the acceptance of the proposal is required by the Oneida County Board of Legislators. A copy of the incentive proposal is attached for your review. In order to submit this proposal, Oneida County must pay an application fee of \$250, plus provide a Commitment Fee totaling 1% of the full award (\$90,000). The total obligation of the County to submit this proposal will be \$90,250.

**I would appreciate consideration of this incentive proposal by you and the Board of Legislators. In addition, I am requesting that the resolution include approval by the Board of Legislators for your authorization to execute the remaining documents that will be required for this project.**

Commissioner Lawrence and I are available to meet with you or the Board at your convenience to discuss this request and explain it in more detail. Thank you for your consideration in this matter.

Sincerely,

Amanda Lynn Cortese, Esq.  
Special Assistant County Attorney



Attachments: ESD Incentive Proposal  
Board of Legislators Contract Summary

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

Anthony J. Picente, Jr.  
County Executive

Date 1/7/20

Competing Proposal	_____
Only Respondent	_____
Sole Source RFP	_____
Other	Grant _____

**ONEIDA COUNTY BOARD OF LEGISLATORS  
CONTRACT SUMMARY**

**Name & Address of Vendor:** Empire State Development  
ESD Loans & Grants  
633 Third Avenue  
New York, NY 10017

**Title of Activity or Service:** ESD grant providing \$9,000,000 of incentives towards construction of SkyDome

**Proposed Dates of Operation:** Execution of proposal through April 1, 2022

**Client Population/Number to be Served:** N/A

**Summary Statements**

- 1) Narrative Description of Proposed Services: This is an ESD grant providing \$9,000,000 of incentives towards the construction of SkyDome.
- 2) Program/Service Objectives and Outcomes: The ultimate goal is the construction of SkyDome.
- 3) Program Design and Staffing:

**Total Funding Requested:** \$90,250.00                      **Account #: H-597 SkyDome**

**Oneida County Dept. Funding Recommendation:** \$90,250.00 (Includes \$250 application fee and 1% Commitment Fee per award requirements)

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

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

**Past Performance Data:** N/A

**O.C. Department Staff Comments:** Department staff recommends acceptance of this proposal as it provides \$9,000,000 towards the construction of SkyDome.



ONEIDA COUNTY
OFFICE OF THE COUNTY EXECUTIVE

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

November 15, 2019

FN 20 20-049

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

AIRPORT
WAYS & MEANS

Dear Chairman Fiorini:

On November 6, 2019, Oneida County was notified by the New York State Empire Development that Oneida County was awarded a grant of \$ 9,000,000. These funds are to establish the SkyDome, a small UAS Cyber Resilient Command and Control Facility. The County has also been awarded \$450,000 from a SAM Grant.

SkyDome will create a year-round, large instrumented UAV experimentation facility to support the development and testing of related technologies at the Griffiss Airfield

In order to keep track of this project it is best to create a new capital project.

I therefore request your Board's approval for the following:

- A.) Establishment of Capital Project H-597 - Griffiss Airfield / SkyDome
B.) Funding for Capital Project H - 597 as follows:

Table with 2 columns: Description and Amount. Rows include H-597-3597 State Aid - ESD (\$9,000,000), H-597-3597 State Aid - SAM Grant (\$450,000), H-597-2770 Other (\$550,000), and Total (\$10,000,000).

Thank you for kind attention to this request.

Very truly yours,

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

CC: Comptroller
County Attorney
Budget



**ONEIDA COUNTY**  
**DEPARTMENT OF PUBLIC WORKS**  
 George E. Carle Complex  
 5999 Judd Road, Oriskany, NY 13424  
 Phone: (315) 793-6235 Fax: (315) 768-6299

ANTHONY J. PICENTE, JR.  
 County Executive

DENNIS S. DAVIS  
 Commissioner

January 6, 2020

FN 20 20-050  
**PUBLIC WORKS**

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

**WAYS & MEANS**

Dear County Executive Picente,

Enclosed is an agreement for professional consulting services with MARCH Associates, Architects & Planners, P.C.

Proposals were solicited from qualified consultants to prepare plans and specifications for various building improvements at various county facilities. The scope of work includes the following:

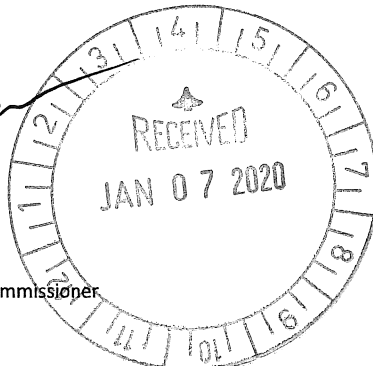
- Replace boilers at Union Station.
- Renovate 1st floor restroom at 5999 Judd Road.
- Miscellaneous HVAC repairs at 5999 Judd Road.
- Renovate entrance lobby at Law Enforcement Building.
- Reconstruct driveway and install fencing at 4681 St. Rt. 233.
- Renovate jury box at Rome Courthouse.
- Renovate entrance vestibule at 300 W. Dominick Street.

On April 10, 2019 the Oneida County Board of Acquisition & Contract accepted a proposal from MARCH Associates in the amount of \$141,300.00 plus time and materials expense for on-site representation and mandatory asbestos abatement project monitoring and air sampling. The term of the agreement is from August 14, 2019 until the completion of the work, estimated to be before December 31, 2020.

Please consider the enclosed contract for these services and if acceptable forward to the Oneida County Board of Legislators for approval. Thank you for your continued support.

Sincerely,

Dennis S. Davis  
 Commissioner



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

Anthony J. Picente, Jr.  
 County Executive

Date 1/7/20

cc: Mark E. Laramie, PE, Deputy Commissioner

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

ONEIDA COUNTY BOARD OF LEGISLATORS

Name & Address of Vendor:	MARCH Associates, Architects and Planners, P.C. 258 Genesee Street, Suite 300 Utica, NY 13502
Title of Activity of Service:	Professional Consulting Services
Proposed Dates of Operation:	August 14, 2019 – Completion of Project Anticipated 12/31/2020
Client Population/Number to be Served:	N/A

Summary Statements

1) Narrative Description of Proposed Services:

Enclosed is an agreement for professional consulting services with MARCH Associates, Architects and Planners, PC to prepare plans and specifications for various building improvements at various county facilities including Union Station, 5999 Judd Road, the Law Enforcement Building, 4681 St. Rt. 233, the Rome Courthouse, and 300 W. Dominick Street.

2) Program/Service Objectives and Outcomes: N/A

3) Program Design and Staffing: N/A

4)Funding

Account #:	H-473
Total Funding Requested:	\$141,300.00
Oneida County Dept. Funding Recommendation:	\$141,300.00
Proposed Funding Sources	Federal: \$0.00
	State: \$0.00
	County: \$141,300.00
	Other: \$0.00

Past Performance Data: N/A

O.C. Department Staff Comments: None

ONEIDA COUNTY

DEPARTMENT OF EMERGENCY SERVICES

Anthony J. Picente, Jr.  
County Executive

FIRE COORDINATOR

911 CENTER

STOP-DWI PROGRAM

Kevin W. Revere  
Director



120 Base Road \* Oriskany, New York 13424  
Phone: 315-765-2526 \* Fax: 315-765-2529

January 6, 2020

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

FN 20 20-051

**PUBLIC SAFETY**

Dear County Executive Picente:

**WAYS & MEANS**

Attached, please find an agreement that requires both Board of Legislators action and your signature between the Oneida County Stop-DWI Program and the Town of Whitestown, through their Whitestown Police Department, for 2020. This agreement provides funding for police agencies within Oneida County to conduct DWI Selective Enforcement Patrols and purchase related equipment. This funding is 100% County dollars.

I respectfully request that the agreement for the Town of Whitestown be approved as a template for all police agency contracts, which are all of the same content, with the exception of agency name, locality, and dollar amount. The total funding amount for 2020 is \$75,000.00.

The police agency contracts that will follow this template are as follows:

Camden Police Department: 30 Fayette Street, Camden, NY 13316	\$ 380.70
Kirkland Police Department: PO Drawer B, Clark Mills, NY 13321	\$ 3,807.11
New Hartford Police Department: 8635 Clinton St, New Hartford, NY 13313	\$ 8,756.35
New York Mills Police Department: 3 Maple Street, NY Mills, NY 13417	\$ 2,284.26
Oriskany Police Department: PO Box 904, Oriskany, NY 13424	\$ 380.71
City of Rome Police Department: 301 N James Street, Rome, NY 13440	\$ 16,751.27
City of Sherrill Police Department: 373 Sherrill Road, Sherrill, NY 13461	\$ 761.42
City of Utica Police Department: 413 Oriskany St W, Utica, NY 13502	\$ 22,461.93
Whitesboro Police Department: 46 Roosevelt Drive, Whitesboro, NY 13492	\$ 3,045.69
Whitestown Police Department: 8539 Clark Mills Rd, Whitesboro, NY 13492	\$ 6,472.08
Yorkville Police Department: 30 Sixth Street, Yorkville, NY 13495	\$ 9,898.48

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

Sincerely,

Kevin W. Revere  
Director

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

Anthony J. Picente, Jr.  
County Executive

Date 1/7/20



Oneida Co. Department: Stop-DWI Program

Completing Proposal \_\_\_\_\_  
Only Respondent \_\_\_\_\_  
Sole Source RFP \_\_\_\_\_  
Other  X

**ONEIDA COUNTY BOARD OF LEGISLATORS  
CONTRACT SUMMARY**

**Name & Address of Vendor:** Town of Whitestown  
Whitestown Police Department  
8539 Clark Mills Road  
Whitesboro, NY 13492

**Title of Activity or Service:** DWI Selective Enforcement Patrols and related activities.

**Proposed Dates of Operation:** January 1, 2020 – December 31, 2020

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

**Summary Statements**

**1) Narrative Description of Proposed Services:** Agency will provide patrols, in addition to their normally scheduled patrols, whose sole function will focus on DWI and related enforcement. Funding may also be utilized to calibrate and repair DWI and related equipment and to attend training that enhances the mission of the Stop-DWI Program.

**2) Program/Service Objectives and Outcomes:** To increase annually the number of Selective Enforcement Patrols and corresponding arrests for DWI and its related offences.

**3) Program Design and Staffing:** Staff is drawn from the agency's sworn police officers.

**Total Funding Requested:** \$ 6,472.08

**Account#:** A3313.495

**Oneida County Funding Recommendation:** \$6,472.08

**Proposed Funding Sources (Federal \$ /State\$ / County \$):** County \$ - Reimbursable from DWI funds generated in Oneida County

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

**Past Performance Data:** Agency currently participates in Selective Enforcement Patrols and other STOP-DWI Program initiatives and special operations.

**O.C. Department Staff Comments:** This agreement is intended to be used as the master template agreement for all 2020 Selective Enforcement Patrol agreements.

9



Undersheriff Joseph Lisi  
Chief Deputy Lisa Zurek

Chief Deputy Jonathan Owens  
Chief Deputy Derrick O'Meara

*Sheriff Robert M. Maciol*

January 3, 2020

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

FN 20 20-052

PUBLIC SAFETY

WAYS & MEANS

Dear County Executive Picente:

The Sheriff's Office has received insurance claims from the U.S. Specialty Insurance Company in the amount of \$9,912.35. The loss was due to a collision with a deer and a 2019 Ford Explorer. The accident happened in November 2019 and the funds were received in 2019. However, the vehicle is being repaired in 2020 with the invoice to follow. I would like to defer the revenue to 2020 and request a 2020 Supplemental Appropriation of Funds of \$9,912.35 for Sheriff Auto Fleet repairs.

I respectfully request your Board approval for the following **2020** supplemental appropriation:

TO:

A3110.4522      Automotive Repairs      \$9,912.35

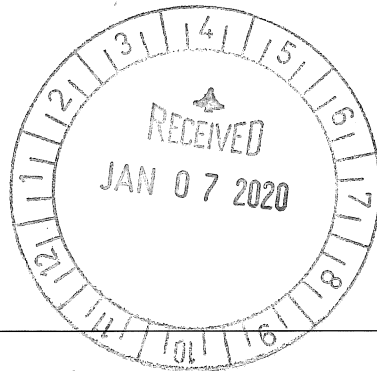
This supplemental appropriation will be fully supported by anticipated revenue in:

A2681      Insurance Recoveries - Sheriff      \$9,912.35

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,  
Oneida County Sheriff



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

Anthony J. Picente, Jr.  
County Executive

Date 1/7/20



**ONEIDA COUNTY DEPARTMENT OF LAW**

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

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

**PETER M. RAYHILL**  
COUNTY ATTORNEY

January 6, 2020

FN 20 20-053

**PUBLIC SAFETY**

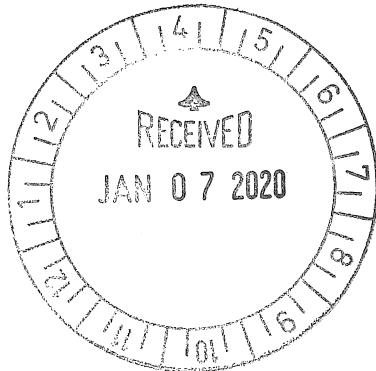
Hon. Anthony J. Picente, Jr.  
Oneida County Executive  
800 Park Avenue  
Utica, New York 13501

**WAYS & MEANS**


Dear County Executive Picente:

I enclose herewith a proposed Local Law that would implement a demonstration program imposing owner liability for failure of an operator to stop for a school bus displaying a red visual signal and stop-arm in Oneida County. This program would allow the County to then enter into agreements with school districts to mount and manage the stop-arm camera systems, and identify and hold accountable any owners of vehicles that pass a stopped school bus. This program was authorized by the New York State Legislature last year with the adoption of Vehicle and Traffic Law §1174-a.

If you wish this Local Law to be adopted, please forward to the Board of County Legislators for their consideration and approval at their next meeting.



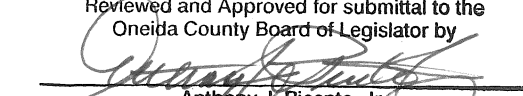
Very truly yours,

  
Robert E. Pronteau  
Assistant County Attorney

Enc.

cc: Sheriff Robert M. Maciol

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

  
Anthony J. Picente, Jr.  
County Executive

Date 1/6/20

**INTRODUCTORY  
NO.**

**F.N. 2020-**

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

**RESOLUTION NO.**

**INTRODUCED BY: Mr. Fiorini, Mr. D'Onofrio,  
2ND BY: Mr. Goodman**

**LOCAL LAW INTRO. \_\_\_\_\_ OF 2020  
LOCAL LAW NO. \_\_\_\_ OF 2020**

**A LOCAL LAW IMPLEMENTING A DEMONSTRATION PROGRAM IMPOSING  
OWNER LIABILITY FOR FAILURE OF AN OPERATOR TO STOP FOR A SCHOOL  
BUS DISPLAYING A RED VISUAL SIGNAL AND STOP-ARM.**

**BE IT ENACTED BY THE BOARD OF COUNTY LEGISLATORS OF THE COUNTY  
OF ONEIDA AS FOLLOWS:**

### **SECTION 1. PURPOSE AND INTENT.**

The Oneida County Legislature hereby finds and determines that New York State has authorized counties to implement a demonstration program or monitoring program which will allow Oneida County to install cameras on the exterior of school buses in participating school districts, and impose monetary liability on vehicles that fail to stop behind or in front of a school bus while the school bus stop signs are extended, including traffic travelling in both directions on divided highways.

The Oneida County Legislature also finds and determines that cars that fail to stop when a school bus operator engages the bus stop signs pose a threat to the safety of the children entering and exiting the bus.

The Oneida County Legislature further finds and determines that it is difficult to ticket drivers who disregard school bus stop signs without video evidence of the violation, as there are usually no members of law enforcement witnessing the violation.

The Oneida County Legislature determines that this school bus photo violation monitoring program will not only help to keep children safe when entering and exiting the school bus, but will also act as a deterrent to those who debate passing a school bus while the stop signs are engaged.

Therefore, the purpose of this law is to implement a demonstration program to impose monetary liability on the owner of a vehicle for failure of the operator to stop when a school bus has its stop signs extended in Oneida County through the installation and monitoring of external school bus cameras.

## **SECTION 2. DEFINITIONS.**

For the purposes of this local law, the following terms shall have the following meanings:

- A. "County" shall mean the County of Oneida.
- B. "Manual on uniform traffic control devices" or "MUTCD" shall mean the manual and specifications for a uniform system of traffic control devices maintained by the Commissioner of the Department of Transportation pursuant to Section 1680 of the New York Vehicle Traffic Law.
- C. "Owner" shall have the meaning provided in Section 239 of the New York Vehicle and Traffic Law.
- D. "School bus photo violation monitoring system" shall mean a device that is capable of operating independently of an enforcement officer which is installed to work in conjunction with a school bus stop-arm and which automatically produces two or more photographs, two or more microphotographs, a videotape or other recorded images of a vehicle at the time it is used or operated in violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law.

## **SECTION 3. PROGRAM ESTABLISHED.**

- A. There is hereby established, pursuant to Section 1174-a of the New York State Vehicle and Traffic Law, a demonstration program imposing monetary liability on Owners of vehicles for failure of the operators thereof to comply with Section 1174 of the New York State Vehicle and Traffic Law when meeting a school bus marked and equipped as provided in subdivisions 20 and 21-c of Section 375 of the New York State Vehicle and Traffic Law in Oneida County.
- B. Under such demonstration program the County is hereby authorized to install and operate school bus photo violation monitoring systems which may be stationary or mobile, and which may be installed, pursuant to an agreement with a school district within the County on school buses owned and/or operated by such school district. Provided, however, that:

- i. No stationary school bus photo violation monitoring system shall be installed or operated by the County, except on roadways under the jurisdiction of the County; and
  - ii. No mobile school bus photo violation monitoring system shall be installed or operated on any such school buses unless the County and such school district enter into an agreement for such installation and operation.
- C. To carry out the demonstration program, the County, acting by and through the County Executive, is authorized to enter into agreements with school districts for the installation, maintenance and use of school bus photo violation monitoring systems, for the proper handling and custody of photographs, microphotographs, videotapes, other recorded images and data produced by such systems, and for the forwarding of such photographs, microphotographs, videotapes, other recorded images and data to the County, subject to the provisions of this section and Section 1174-a of the New York Vehicle and Traffic Law and approval of the Board of County Legislators.
- D. Nothing in this local law shall be construed to prevent the County or school district at any time from withdrawing from or terminating an agreement for the installation, maintenance and use of school bus photo violation monitoring systems, provided however, that the County or the school district shall provide no less than thirty days' required notice to the other for such withdrawal, if any, prior to such withdrawal.
- E. Cost of Program and Reports Relating Thereto.
  - i. The total cost to the school district of the installation, maintenance and use of school bus photo violation monitoring systems pursuant to an agreement authorized by this local law shall be borne entirely by the County.
  - ii. Any participating school district, acting by and through the Superintendent of Schools of such district, or his or her designee shall provide any report required of the district, pursuant to Section 1174-a of the Vehicle and Traffic Law, to the State or any official thereof.
  - iii. To the extent that the County shall be required to issue any report to the State or any official thereof as a result of the adoption of this Local Law and/or Section 1174-a of the Vehicle and Traffic Law, the Oneida County Sheriff's Office shall cause the same to be prepared pursuant to this Local or applicable State law.
- F. Pursuant to Section 1174-a (a)(3)(i) of the Vehicle and Traffic Law, any school district participating in the demonstration program shall be prohibited from accessing any photographs, microphotographs, videotapes, other recorded images and data from school bus photo violation monitoring systems but shall provide, pursuant to the agreement with the County, as provided in this Local Law, for the proper handling and custody of such photographs, microphotographs, videotapes, other recorded images and data produced by such systems, and for the forwarding of such photographs, microphotographs, videotapes,

other recorded images and data to the County for the purpose of determining whether a motor vehicle was operated in violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law and imposing monetary liability on the Owner of such motor vehicle therefor.

- G. The agreements between the County and the school district shall provide that photographs, microphotographs, videotapes other recorded images and data produced by school bus photo violation monitoring systems shall be destroyed (i) ninety days after the date of the alleged imposition of liability if a notice of liability is not issued for such alleged imposition of liability pursuant to this Local Law; or (ii) upon final disposition of a notice of liability issued pursuant to this Local Law.
- H. The County shall adopt and enforce measures to protect the privacy of drivers, passengers, pedestrians and cyclists whose identity and identifying information may be captured by a school bus photo monitoring device. Such measures shall include:
  - i. Utilization of necessary technologies to ensure, to the extent practicable, that photographs produced by such school photo violation monitoring systems shall not include images that identify the driver, the passengers, the contents of the vehicle, pedestrians and cyclists, provided, however, that no notice of liability issued pursuant to this section shall be dismissed solely because a photograph or photographs allow for the identification of the contents of a vehicle, provided that the County has made a reasonable effort to comply with the provisions of this paragraph; and
  - ii. A prohibition of the use or dissemination of vehicles' license plate information and other information and images captured by school bus photo violation monitoring systems except: (a) as required to establish liability under this section or collect payment of penalties; (b) as required by court order; or (c) as otherwise required by law; and
  - iii. Oversight procedures to ensure compliance with the privacy protection measures required herein.
- I. The County, acting by and through the Commissioner of the Department of Public Works (DPW) shall also undertake the installation of signage in conformance with standards established in the Manual of Uniform Traffic Control Devices. Such signage shall be installed at each roadway entrance of the jurisdictional boundaries of the County giving notice that school bus photo violation monitoring systems are used to enforce restrictions on vehicles violating Section 1174 of the New York Vehicle and Traffic Law. For the purposes of this paragraph, the term "roadway" shall not include state expressway routes or state interstate routes but shall include controlled-access highway exit ramps that enter the boundaries of the County.

#### **SECTION 4. PENALTIES.**

An Owner liable for a violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law pursuant to this Local Law shall be liable for monetary penalties in accordance with the following schedule of fines and penalties:

- A. Two hundred fifty dollars (\$250.00) for a first violation;
- B. Two hundred seventy-five dollars (\$275.00) for a second violation committed within eighteen (18) months of the first violation;
- C. Three hundred dollars (\$300.00) for a third violation or subsequent violation all of which were committed within eighteen (18) months from the first violation; and
- D. An additional penalty of twenty-five dollars (\$25.00) for each violation for the failure to respond to a notice of liability within the prescribed time period.

#### **SECTION 5. NOTICE OF LIABILITY.**

- A. A notice of liability shall be sent as provided by State Law by first class mail to each person alleged to be liable as an Owner for a violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law. Personal delivery on the Owner shall not be required. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein. To the extent that State Law does not preclude the County from causing such mailing to be made, the County shall undertake or cause to be undertaken such mailing.
- B. A notice of liability shall contain the name and address of the person alleged to be liable as an Owner for a violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law, the registration number of the vehicle involved in such violation, the location where such violation took place, the date and time of such violation and the identification number of the camera which recorded the violation or other document locator number.
- C. A notice of liability shall contain information advising the person charged of the manner and the time in which he or she may contest the liability alleged in the notice. Such notice of liability shall also contain a warning to advise the persons charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.
- D. The notice of liability may contain such other information as the entity causing such notice of liability to be mailed deems appropriate to communicate the law, the adjudicatory process if the addressee of the notice wishes to contest the notice of liability.

#### **SECTION 6. OWNER LIABILITY.**



- A. The Owner of a vehicle shall be liable for a penalty imposed pursuant to this Local Law if such vehicle was used or operated with the permission of the Owner, express or implied, in violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law and such violation is evidenced by information obtained from a school bus photo violation monitoring system; provided however that no Owner of a vehicle shall be liable for a penalty imposed pursuant to this Local Law where the operator of such vehicle has been convicted of the underlying violation of subdivision (a) of Section 1174 of the New York State Vehicle and Traffic Law. For purpose of this Section and this Local Law, there shall be a presumption that such vehicle was used and operated with the consent of the Owner at the time it was used and operated in violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law.
- B. If the Owner receives a notice of liability pursuant to this Local Law for any time period during which the vehicle was reported to the police as having been stolen, it shall be a valid defense to an allegation of liability for a violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law pursuant to this Local Law that the vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. For purposes of asserting the defense provided by this subdivision, it shall be sufficient that a certified copy of the police report on the stolen vehicle be sent or delivered to a court of competent jurisdiction or parking violations bureau having jurisdiction where any contested notice of liability would otherwise be determined.
- C. An Owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to this Local Law shall not be liable for the violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law, provided that he or she complies with the provisions of Section 1174-a of the New York Vehicle and Traffic Law and otherwise sends to the Court of competent jurisdiction or other adjudicatory bureau or agency of competent jurisdiction, a copy of the rental, lease or other such contract document covering such vehicle on the date of the violation, with the name and address of the lessee clearly legible, within thirty-seven (37) days after receiving notice from the agency or entity which caused such notice of liability to be issued, together with the information contained in the original notice of liability. Failure to send such information within thirty-seven (37) day time period shall render the Owner liable for the penalty prescribed by this Local Law. Where the lessor complies with the provisions of this paragraph, the lessee of such vehicle for purposes of this Section, shall be deemed to be the Owner of such vehicle on the date of such violation for the purposes of this Section, shall be subject to liability for the violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law pursuant to this Local Law and shall be sent a notice of liability pursuant to Section 4 of this Local Law.
- D. A certificate, sworn to or affirmed by a technician employed by the County, or a facsimile thereof, upon inspection of photographs, microphotographs, videotapes, other recorded images produced by a school bus photo violation monitoring system, shall be *prima facie* evidence of the facts contained therein. Any photographs, microphotographs, videotapes, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation.

- E. It shall be a defense to any prosecution for or allegation of a violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law pursuant to this Local Law that such school bus stop-arms were malfunctioning at the time of the alleged violation.
- F. An imposition of liability under this Local Law shall not be deemed a conviction and shall not be made part of the operating record of the person upon whom such liability is imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.
- G. All fines and penalties collected pursuant to this law shall be deposited with the County Comptroller.
- H. For the purpose of informing and educating Owners for motor vehicles in this County during the first thirty-day (30) period in which a school bus photo violation monitoring system is in operation pursuant to the provisions of this Local Law, all Owners of motor vehicles who would otherwise be held liable for failure of operators thereof to comply with Section 1174 of the New York Vehicle and Traffic Law when meeting a school bus marked and equipped as provided in subdivisions 20-21-c of Section 375 of such Law, shall be issued a written warning in lieu of a notice of liability.

#### **SECTION 7. ADJUDICATION OF LIABILITY.**

Liability pursuant to the demonstration program established hereunder shall be imposed upon Owners by the Court of competent jurisdiction in Oneida County or in another other manner pursuant to the New York State General Municipal or Vehicle and Traffic Law(s).

#### **SECTION 8. ACTION FOR INDEMNIFICATION.**

If the Owner held liable for a violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law pursuant to this Local Law was not the operator of the vehicle at the time of the violation, the Owner may maintain an action for indemnification against the operator.

#### **SECTION 9. REPORTING REQUIREMENTS.**

- A. The County, acting by and through the Oneida County Sheriff's Office, shall develop and cause to be submitted an annual report on the results of the use of a school bus photo violation monitoring system to the Governor, the temporary president of the Senate and the speaker of the Assembly on or before June 1 of each year in which the demonstration program is operable. Such report shall include any information required by Section 1174-a (m) of the New York Vehicle and Traffic Law to be included as a result of the enactment of this Local Law.



OFFICE, CLERK BOARD OF COUNTY LEGISLATORS)

COUNTY OF ONEIDA

) SS:

I, hereby certify that I have compared the foregoing extract from the minutes of meeting of the Board of

County Legislators of Oneida County held on the day of, 2019 with the original record thereof on

File in this office and that the same is a true and correct transcript therefrom, and of the whole of such original.

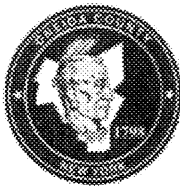
IN TESTIMONY WHEREOF, I have hereunto affixed the seal of  
said Board this day of , 2020.



\_\_\_\_\_ Clerk

**Mikale Billard**

JOSEPH J. TIMPANO  
Comptroller



SHERYL A. BROWN  
Deputy Comptroller

DEBORAH S. JOANIS  
Deputy Comptroller - Administration

**ONEIDA COUNTY DEPARTMENT OF AUDIT & CONTROL**

County Office Building ♦ 800 Park Avenue ♦ Utica, New York 13501  
(315) 798-5780 ♦ Fax: (315) 798-6415  
E-Mail: jtimpano@ocgov.net

# Memo

FN 20 20-054  
FD

**To:** Anthony J. Picente Jr., County Executive  
Board of Legislators  
**From:** Joseph J. Timpano, Comptroller *JT*  
**Date:** January 6, 2020  
**Re:** Bond Resolutions

FN 20 20-064  
Bonding Res

Attached please find eleven bond authorization resolutions that correspond to projects included in the 2020 adopted capital budget as follows:

Budget	Authorized	Proj #	Project Name	Authorization Amount	
2020-054	11/13/2019	H606	Griffiss Airfield Bldg 101 - Ph I	\$ 600,000	Airport
055	11/13/2019	H433	County-Wide Computerization - Ph 3	\$ 1,200,000	Govt Ops
056	11/13/2019	H472	Enterprise Content Mgmt Project	\$ 728,200	Govt Ops
057	11/13/2019	H608	Emergency Svcs - 4 Add'l Trunked Sites	\$ 2,484,421	Pub. Safety
058	11/13/2019	H454	County Office Building Parking Garage Rehab	\$ 650,000	Pub. Works
059	11/13/2019	H609	Comprehensive Building Improvements - Phase 5	\$ 2,000,000	Pub. Works
060	11/13/2019	H614	Consolidated County Road - Ph 5	\$ 3,500,000	Pub. Works
061	11/13/2019	H615	County Highway Bridge Program - Ph 5	\$ 1,750,000	Pub. Works
062	11/13/2019	H616	Const'n, Maint & Snow Removal Equipment - Phase 5	\$ 1,100,000	Pub. Works
063	11/13/2019	H610	MVCC Academic Classrooms Renovations	\$ 510,000	Econ. Dev
064	11/13/2019	H613	MVCC Payne Hall Renovations	\$ 550,000	Econ. Dev
<b>TOTAL</b>				<b>\$15,072,621</b>	

In February of 2019 the Board authorized \$3,398,000 in bonding for the County Office Building Parking Garage, but only \$948,122 of that was issued. The remaining \$2,449,878 approved for that project will be included in the 2020 financing for a total of approximately \$17,522,500 to be issued.

Thank you.

Cc: Mike Billard, Clerk of the Board  
Sheryl Brown, Deputy Comptroller  
Yuriy Rybalkin, Auditor III

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

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

Date 1/8/20