



## ONEIDA COUNTY BOARD OF LEGISLATORS

---

---

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

Gerald J. Fiorini  
Chairman  
(315) 798-5900

Susan L. Crabtree  
Clerk  
(315) 798-5901

David J. Wood  
Majority Leader

Michael J. Hennessy  
Minority Leader

ATTACHED FOR YOUR INFORMATION ARE RESOLUTIONS  
NUMBERED 366 THROUGH 373 THAT WERE ACTED UPON BY THE  
BOARD OF COUNTY LEGISLATORS AT THEIR REGULAR SESSION  
HELD NOVEMBER 25, 2009.

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### **RESOLUTION NO. 366**

**INTRODUCED BY:** *Messrs. Porter, Flisnik, Miller*

**2<sup>ND</sup> BY:** *Mr. Miller*

**RE: APPOINTMENTS OF BRIAN SCALA AND PAUL D. ROMANO TO THE UPPER MOHAWK VALLEY AUDITORIUM AUTHORITY FOR TERMS THAT WILL EXPIRE DECEMBER 31, 2011**

**WHEREAS,** Pursuant to the enabling legislation creating the Upper Mohawk Valley Auditorium Authority, Board Chairman Gerald J. Fiorini has recommended the appointments of Brian Scala and Paul D. Romano to the Upper Mohawk Valley Auditorium Authority for terms expiring December 31, 2011, and

**WHEREAS,** Said appointment is subject to approval by the Oneida County Board of Legislators, now, therefore, be it hereby

**RESOLVED,** That the appointments of Brian Scala and Paul D. Romano to the Upper Mohawk Valley Auditorium Authority are approved and confirmed for terms expiring December 31, 2011, effective immediately.

APPROVED: Ways & Means Committee (October 28, 2009)

DATED: November 25, 2009

Adopted by the following v.v. vote:

AYES 23 NAYS 0 ABSENT 6 (Stephenson, Davis, Hudak, Roefaro, Scott, Tanoury)

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### ***RESOLUTION NO. 367***

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

**RE: LOCAL LAW INTRODUCTORY "H" OF 2009 ESTABLISHING AN ONEIDA COUNTY  
MOTOR VEHICLE USE FEE (LOCAL LAW NO. 4 OF 2009)**

Legislative Intent: The intent of this local law is to establish an Oneida County Motor Vehicle Use Fee.

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

Section 1.     Definitions. As used in this local law, the following terms shall have the meanings set forth below:

- 1.1     The term "buses" shall have the same meaning as defined in Section 104 of the New York State Vehicle and Traffic Law, as amended.
- 1.2     The term "passenger motor vehicle" shall mean any motor vehicle subject to those registration fees as provided for in section 401 subdivision 6 of the New York State Vehicle and Traffic Law, as amended.
- 1.3     The term "truck" shall have the same meaning as defined in section 158 of the New York State Vehicle and Traffic Law.

Section 2.     Imposition of Fee.

- 2.1     Pursuant to New York State Vehicle and Traffic Law and sections 1202(a) and 1202(c) of the New York State Tax Law, a special Oneida County Motor Vehicle Use Fee is hereby imposed on motor vehicles registered within Oneida County. Such fee shall be charged in accordance with the following schedule:
  - a.     A fee of five dollars per year for passenger motor vehicles of a type commonly used for noncommercial purposes, owned by residents of Oneida County, for each such vehicle weighing 3,500 pounds or less.
  - b.     A fee of ten dollars per year for passenger motor vehicles of a type commonly used for noncommercial purposes, owned by residents of Oneida County and weighing in excess of 3,500 pounds.

- c. A fee of ten dollars per year for the use of trucks, buses and other commercial vehicles used principally in connection with a business carried on within Oneida County, except when such vehicle is owned or used in connection with the operation of a farm by the owner or tenant thereof.
- 2.2 The fee shall be paid for all registrations and renewals of registrations for which the registration fee is established in section 401 (6) (a) or section 401 (7) of the Vehicle and Traffic Law.
  - a. the fee shall be applicable to an original or renewal registration transaction only and not to a re-registration transaction. If no fee for a registration transaction is due, no county motor vehicle use fee shall be due on that transaction.
  - b. the applicability of such fee shall be determined based upon the information on the application for registration, as well as any additional documentation required by the Commissioner of Motor Vehicles.
  - c. The receipt for payment of such fee may be the registration certificate, whether or not such certificate indicates the amount of the fee paid.

Section 3. Exemptions.

- 3.1 The fee imposed by this local law shall not be imposed upon any vehicle exempt from a registration fee pursuant to Vehicle and Traffic Law.
- 3.2 The fee imposed by this local law shall not be imposed upon non profit, religious, charitable or educational organizations qualified for exemption with the New York State Department of Taxation and Finance.
- 3.3 Application for exemption from the Oneida County Motor Vehicle Use Fee must be on Form UT-11C and filed with the Oneida County Clerk's Office.

Section 4. Administration and Collection of Fee.

- 4.1 As authorized by Tax Law section 1202 (c), the motor vehicle use fee shall be administered and collected on behalf of Oneida County by the Commissioner of the New York State Department of Motor Vehicles or his or her agent.
- 4.2 Pursuant to Tax Law section 1202(c), the New York State Commissioner of Motor Vehicles is authorized, on behalf of Oneida County, to make payment of such fee a condition precedent to the registration or registration renewal of any vehicle subject to the fee imposed by this local law.

- 4.3 The County Executive of the County of Oneida is hereby authorized and directed to negotiate and enter into an agreement with the Commissioner of the New York State Department of Motor Vehicles for the implementation of this local law and such agreement shall provide for the exclusive method of collection, custody and remittal of the proceeds of any such fee and for the payment by Oneida County of the reasonable expenses incurred by the New York State Department of Motor Vehicles in connection with the collection and administration of such fee.
- 4.4 Such agreement shall also provide that the Oneida County Comptroller shall, upon request, not more frequently than once each calendar year, at a time agreed upon by the State Comptroller, audit the accuracy of the payments, distributions and remittances to Oneida County made pursuant to this local law.
- 4.5 Such agreement shall further set forth, in detail, the policies and procedures for collection of any underpayment and for refunds. Such agreement shall set forth procedures for deposit and retention of funds and indemnification.
- 4.6 Such agreement shall provide for such other matters as may be necessary and proper to effectuate the purposes of this local law.

Section 5. Judicial Review. Any determination made hereunder by the County of Oneida shall be reviewable pursuant to Article 78 of the Civil Practice Law and Rules.

Section 6. Recovery of Fee. Whenever any person fails to pay the fee due hereunder, proceedings to recover such fee, as well as any applicable penalties and/or interest, shall be the responsibility of Oneida County, as set forth in the agreement. A final penalty schedule shall be subject to the approval of the Oneida County Board of Legislators.

Section 7. Dedication of Funds. All fees collected hereunder and remitted to Oneida County shall be used to offset the costs incurred in maintaining Oneida County's highways and bridges.

Section 8. Severability. If any provision of this local law shall be adjudged by any court of competent jurisdiction to be invalid, then such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its effect to the particular provision directly involved in the controversy in which such judgment shall have been rendered.

Section 9. This Local Law shall take effect immediately and the fee imposed hereunder shall be collected upon the registration or registration renewal on or after January 1, 2010 of any motor vehicle subject to the fee imposed by this local law..

APPROVED: Internal Affairs Committee (November 10, 2009)  
Courts, Laws and Rules Committee (November 10, 2009)  
Ways & Means Committee (November 12, 1009)

DATED: November 25, 2009

Adopted by the following roll call vote:  
AYES 23 NAYS 0 ABSENT 6 (Stephenson, Davis, Hudak, Roefaro, Scott, Tanoury)

**ROLL CALL**

**DATE**      November 25, 2009

**SESSION**    Regular

**MEMBERS PRESENT:**    23

**MEMBERS ABSENT:**      6

**AYES:**    18    **NAYS:**    5

**INTRODUCTORY NO.**    381

**RESOLUTION NO.**      367

<b>DIST</b>	<b>MEMBERS</b>	<b>AYES</b>	<b>NAYS</b>
D-1	PUMA	X	
D-2	HENNESSY		X
D-3	STEPHENSON	ABS	
R-4	LEACH	X	
R-5	WATERMAN	X	
R-6	PORTER	X	
D-7	TALLARINO		X
R-8	FLISNIK	X	
R-9	WILCOX	X	
R-10	JOSEPH	X	
D-11	KERNAN		X
D-12	CLANCY	X	
D-13	GOODMAN	X	
R-14	DAMSKY	X	
R-15	D'ONOFRIO	X	
R-16	MILLER	X	
R-17	MANDRYCK	X	
D-18	DAVIS	ABS	
R-19	ROEFARO	ABS	
R-20	FIORINI	X	
R-21	WELSH	X	
D-22	SCOTT	ABS	
D-23	CONVERTINO	X	
R-24	PAPARELLA	X	
D-25	TANOURY	ABS	
D-26	CARUSO		X
D-27	FURGOL		X
R-28	WOOD	X	
D-29	HUDAK	ABS	

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### ***RESOLUTION NO. 368***

***INTRODUCED BY: Messrs. Waterman, Porter and Ms. Convertino***  
***2ND BY: Mr. Miller***

**RE: APPROVAL OF AGREEMENT BETWEEN THE COUNTY CLERK'S OFFICE AND  
THE NYS EDUCATION DEPARTMENT FOR A LOCAL GOVERNMENT RECORDS  
MANAGEMENT IMPROVEMENT FUND GRANT**

**WHEREAS**, Oneida County Executive Anthony J. Picente, Jr. is in receipt of correspondence from County Clerk Sandra J. DePerno requesting approval of an Agreement between Oneida County and the New York State Education Department for acceptance of a Grant in the amount of \$37,800 to support the expansion of the Departments existing computer/software system to allow 25 years of imaged records to be accessible to the public, and

**WHEREAS**, As proposed, said 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 hereby authorized and directed to execute any and all documents related to an Agreement by and between Oneida County and the New York State Education Department for a Grant in the amount of \$37,800 support the expansion of the Departments existing computer/software system to allow 25 years of imaged records to be accessible to the public, and it is further

**RESOLVED**, That the duration of said Grant shall be upon approval through June 30, 2010.

APPROVED: Internal Affairs Committee (November 10, 2009)  
Ways & Means Committee (November 12, 2009)

DATED: November 25, 2009

Adopted by the following v.v. vote:

AYES 23 NAYS 0 ABSENT 6 (Stephenson, Davis, Roefaro, Scott, Tanoury, Hudak)

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### **RESOLUTION NO. 369**

**INTRODUCED BY: Mr. Porter  
2ND BY: Mr. Clancy**

AMENDATORY BOND RESOLUTION DATED NOVEMBER 25, 2009.

A RESOLUTION AMENDING A BOND RESOLUTION ADOPTED ON JUNE 24, 2009 AUTHORIZING THE PURCHASE OF REAL PROPERTY LOCATED AT 300 WEST DOMINICK STREET IN ROME AND RECONSTRUCTION OF THE BUILDING LOCATED THEREAT, IN AND FOR THE COUNTY OF ONEIDA, NEW YORK.

WHEREAS, the County Legislature has previously adopted a bond resolution dated June 24, 2009 (Resolution No. 236) authorizing the issuance of \$3,000,000 bonds to finance the cost of the purchase of real property located at 300 West Dominick Street in Rome at a maximum estimated cost of \$1,100,000 and reconstruction of the building located thereat at a maximum estimated cost of \$1,900,000 for use by various County offices including the Department of Social Services, Health and Working Solutions, including preliminary plans, site improvement, original furnishings, equipment, machinery and apparatus and incidental improvements and expenses; and

WHEREAS, the maximum estimated cost and amount of bonds authorized to be issued needs to be increased by \$600,000 to pay the increased cost of the reconstruction portion of such project; NOW, THEREFORE, BE IT

RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the County Legislature of the County of Oneida, New York, as follows:

Section 1. The maximum estimated cost of such project is now revised to \$3,600,000 and the plan of finance therefor shall be by the issuance of the \$3,600,000 bonds of said County hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 2. Section 1 of the June 24, 2009 bond resolution is amended to read as follows:

"Section 1. The purchase of real property located at 300 West Dominick Street in Rome at a maximum estimated cost of \$1,100,000 and reconstruction of the building located thereat at a maximum estimated cost of \$2,500,000 for use by various County offices including the Department of Social Services, Health and Working Solutions, including preliminary plans, site improvement, original furnishings, equipment, machinery and apparatus and incidental improvements and expenses, is hereby authorized at a maximum estimated cost of \$3,600,000."

Section 2. Section 2 of the June 24, 2009 bond resolution is amended to read as follows:



"Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$3,600,000 bonds of said County hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law."

Section 3. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 4. This resolution takes effect immediately.

APPROVED: Ways & Means Committee (November 12, 2009)

DATED: November 25, 2009

Adopted by the following roll call vote:

AYES 20 NAYS 3 (Hennessy, Flisnik, Joseph) ABSENT 6 (Stephenson, Davis, Roefaro, Scott, Tanoury, Hudak)

**ROLL CALL**

**DATE**      November 25, 2009

**SESSION**    Regular

**MEMBERS PRESENT:**    23

**MEMBERS ABSENT:**     6

**AYES:** 20    **NAYS:** 3

**INTRODUCTORY NO.**    383

**RESOLUTION NO.**      369

DIST	MEMBERS	AYES	NAYS
D-1	PUMA	X	
D-2	HENNESSY		X
D-3	STEPHENSON	ABS	
R-4	LEACH	X	
R-5	WATERMAN	X	
R-6	PORTER	X	
D-7	TALLARINO	X	
R-8	FLISNIK		X
R-9	WILCOX	X	
R-10	JOSEPH		X
D-11	KERNAN	X	
D-12	CLANCY	X	
D-13	GOODMAN	X	
R-14	DAMSKY	X	
R-15	D'ONOFRIO	X	
R-16	MILLER	X	
R-17	MANDRYCK	X	
D-18	DAVIS	ABS	
R-19	ROEFARO	ABS	
R-20	FIORINI	X	
R-21	WELSH	X	
D-22	SCOTT	ABS	
D-23	CONVERTINO	X	
R-24	PAPARELLA	X	
D-25	TANOURY	ABS	
D-26	CARUSO	X	
D-27	FURGOL	X	
R-28	WOOD	X	
D-29	HUDAK	ABS	

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### *RESOLUTION NO. 370*

*INTRODUCED BY: Messrs. Damsky, Porter and Ms. Convertino*

*2<sup>ND</sup> BY: Mr. Welsh*

**RE: RESOLUTION AUTHORIZING THE FILING OF APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION FOR FEDERAL TRANSPORTATION FUNDS FOR FEDERAL FISCAL YEAR 2009**

**WHEREAS,** Oneida County Executive has forwarded a request of the Planning Department for grants under the transit portion of the Safe, Accountable, Flexible, Efficient Transportation Equity Act; Legacy for Users (SAFETEA-LU) to aid in the financing of capital expenses and/or operating deficits for the Birnie Bus Tours, Inc., and

**WHEREAS,** the grant or cooperative agreement for Federal financial assistance will impose certain obligations upon the Applicant, and may require the Applicant to provide the local share of the project cost; and

**WHEREAS,** the public transit operator will provide the required local share in accord with an agreement with the County of Oneida, who is applying for the Federal funds, and

**WHEREAS,** the Applicant has or will provide all annual certifications and assurances to the Federal Transit Administration required for the project;

**NOW, THEREFORE, BE IT RESOLVED** by the Oneida County Board of Legislators:

1. That the Oneida County Executive, is hereby authorized to execute and file an application for Federal assistance on behalf of Oneida County with the Federal Transit Administration to aid in the financing of capital and/or operating assistance projects pursuant to 49 U.S.C. Chapter 53, Title 07 United States Codes, or other Federal statutes authorizing a project administered by the Federal Transit Administration, and
2. That the County Executive is authorized to execute and file with such application, the annual certification and assurances or any other document required by the Federal Transit Administration before awarding a Federal assistance grant or cooperative agreement, and
3. That the Oneida County Executive is authorized to execute the grant agreements with the Federal Transit Administration and New York State Department of Transportation, and the cooperative agreements insuring that transportation service provider will provide services and the required local matching funds, and
4. That the Oneida County Commissioner of Planning is authorized to furnish such additional information as the Federal Transit Administration may require in connection with the application, and

5. That the Oneida County Executive be, and hereby is, authorized to delegate authority to the Oneida County Planning Department for execution of Federal Transit Administration agreement through Transportation Electronic Award and Management System (TEAM) for aid in the financing of the capital and /or operating assistance projects.

APPROVED: Economic Development & Tourism Committee (November 12, 2009)  
Ways & Means Committee (November 12, 2009)

DATED: November 25, 2009

Adopted by the following v.v. vote:

AYES 23 NAYS 0 ABSENT 6 (Stephenson, Davis, Roefaro, Scott, Tanoury, Hudak)

**ONEIDA COUNTY BOARD OF LEGISLATORS**

**RESOLUTION NO. 371**

**INTRODUCED BY: Messrs. Flisnik, Porter**

**2ND BY: Mr. Welsh**

**RE: SUPPLEMENTAL APPROPRIATION OF \$5,500 TO AA#A3610.0, TRAFFIC SAFETY  
ACCOUNTS**

**WHEREAS,** In accordance with Section 609 of the Administrative Code, the County Executive has requested a supplemental appropriation be made in the amount of \$5,500 to AA#A3610.0, Traffic Safety accounts, and

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

A1562, Traffic Safety Fees/Alive at 25 . . . . . \$5,500  
now, therefore, be it hereby

**RESOLVED,** That a supplemental appropriation, from 2009 funds, as hereinafter set forth, be and the same is hereby approved:

TO:  
AA#A3610.195, Other Fees and Services. . . . . \$3,000  
AA#A3610.4951, Other Expenses. . . . . \$2,500  
TOTAL . . . . . \$5,500

APPROVED: Public Safety Committee (November 16, 2009)  
Ways & Means Committee (November 25, 2009)

DATED: November 25, 2009

Adopted by the following v.v. vote:  
AYES 23 NAYS 0 ABSENT 6 (Stephenson, Davis, Roefaro, Scott, Tanoury, Hudak)

## ONEIDA COUNTY BOARD OF LEGISLATORS

### RESOLUTION NO. 372

INTRODUCED BY: Messrs. Damsky, Porter  
2ND BY: Mr. Wood

#### RE: RESOLUTION AUTHORIZING THE ESTABLISHMENT OF THE ONEIDA COUNTY LOCAL DEVELOPMENT CORPORATION

WHEREAS, This Board is in receipt of a letter from David C. Grow, Chairman of the Oneida County Industrial Development Agency ("OCIDA") requesting that the Oneida County Board of Legislators approve the formation of the Oneida County Local Development Corporation for the purpose of issuing tax-exempt bonds to refinance qualified projects, now, therefore, be it hereby

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

Section 1. It is hereby determined that the establishment of the Oneida County Local Development Corporation (the "Corporation") pursuant to Section 1411 of the Not-for-Profit Corporation Law of the State of New York as an instrumentality of the County of Oneida, New York ("the County") for the specific purpose of:

- (a) promoting community and economic development and the creation of jobs in the non-profit and for-profit sectors for the citizens of the County by developing and providing programs for not-for-profit institutions, manufacturing and industrial businesses and other entities to access low interest tax-exempt and non-tax-exempt financing for their eligible projects; and
- (b) undertaking projects and activities within the County for the purpose of relieving and reducing unemployment, bettering and maintaining job opportunities, carrying on scientific research for the purpose of aiding the County by attracting new industry to the County or by encouraging the development of, or retention of, an industry in the County, and lessening the burdens of government and acting in the public interest, is in the best interest of the County and the purposes of the Corporation will lessen the burdens of County government, perform an essential government function of the County, and are in the public interest of the County.

Section 2. The establishment of the Corporation and the filing of the Certificate of Incorporation for the Corporation in the form attached hereto as Exhibit A (the "Certificate of Incorporation") is hereby approved. The initial members of the Board of Directors of the Corporation identified in the Certificate of Incorporation are hereby approved.

Section 3. The Corporation shall undergo an annual independent audit and submit the audit to the County Legislature, prepare and submit annual budgets to the County and form governance and audit committees to ensure the Corporation is in compliance with New York State laws.

Section 4. Bonds, notes, and other obligations (the “Obligations”) issued by the Corporation will not be backed by the full faith and credit of the County and will be nonrecourse to the County. Obligations issued by the Corporation will be secured solely by the creditworthiness of a particular project. The Corporation shall issue Obligations only to refinance or refund outstanding indebtedness previously incurred to finance eligible projects and to pay related financing costs. The Corporation shall not issue Obligations to provide initial financing or “new money” financing for any project.

Section 5. Except as expressly provided in the Corporation’s Certificate of Incorporation, the County Executive is authorized and directed to act on behalf of the County in exercising the County’s rights as a sole member of the Corporation under the New York Not-For-Profit Corporation Law, which delegation of authority includes, is not limited to, the power to execute all documents and agreements required to be executed by the County as a member of the Corporation and to approve the Corporation’s bylaws.

Section 6. This resolution shall take effect immediately.

APPROVED: Economic Development and Tourism Committee (November 25, 2009)  
Ways & Means Committee (November 25, 2009)

DATED: November 25, 2009

Adopted by the following v.v. vote:

AYES 22 NAYS 1 (Tallarino) ABSENT 6 (Stephenson, Davis, Roefaro, Scott, Tanoury, Hudak)

## **ONEIDA COUNTY BOARD OF LEGISLATORS**

### ***RESOLUTION NO. 373***

***INTRODUCED BY: Mr. Porter***

***2<sup>ND</sup> BY: Mr. Welsh***

**RE: APPOINTMENT OF JIM G. BROCK, JR. TO THE UPPER MOHAWK VALLEY AUDITORIUM AUTHORITY**

**WHEREAS**, Pursuant to the enabling legislation creating the Upper Mohawk Valley Auditorium Authority, Board Chairman Gerald J. Fiorini has recommended the appointment of Jim G. Brock, Jr. to the Upper Mohawk Valley Auditorium Authority for a term expiring December 31, 2011, and

**WHEREAS**, Said appointment is subject to approval by the Oneida County Board of Legislators, now, therefore, be it hereby

**RESOLVED**, That the appointment of Jim G. Brock, Jr. to the Upper Mohawk Valley Auditorium Authority is approved and confirmed for a term expiring December 31, 2011, effective immediately.

APPROVED: Ways & Means Committee (November 25, 2009)

DATED: November 25, 2009

Adopted by the following v.v. vote:

AYES 23 NAYS 0 ABSENT 6 (Stephenson, Davis, Roefaro, Scott, Tanoury, Hudak)