



Onondaga County Legislature

DEBORAH L. MATURO
Clerk

J. RYAN MCMAHON, II
Chairman

KATHERINE M. FRENCH
Deputy Clerk

401 Montgomery Street • Court House • Room 407 • Syracuse, New York 13202
Phone: 315.435.2070 Fax: 315.435.8434
www.ongov.net

RESOLUTION NOS. 46 – 60

OFFICE OF THE CLERK

April 2, 2013

Listed below are the resolutions to be presented to the County Legislature at the April Session. The meeting will be held at **1:00 p.m. on Tuesday, April 2, 2013.**

- A. CALL TO ORDER
- B. CALLING OF ROLL MEMBERS
- C. INVOCATION – **Ms. Williams**
- D. SALUTE TO FLAG – **Mrs. Ervin**
- E. READING OF MINUTES
- F. APPROVAL OF MINUTES
- G. PRESENTATION OF COMMUNICATIONS
 - 1. **Correspondence:**
 - a. 3-25-13 Letter from County Executive Mahoney – Re: Reappointment to the Region 7 Fish and Wildlife Management Board (Michael A. Cusano)
 - b. 3-25-13 Letter from County Executive Mahoney – Re: Appointment to the Region 7 Fish and Wildlife Management Board (Stephen Wowelko)
 - 2. **Gold Seal:**
 - a. Recognize and Honor Cornell Cooperative Extension of Onondaga County upon Celebrating 100 Years
 - 3. **Public Comment:**
- H. REPORTS OF STANDING COMMITTEES
- I. REPORTS OF SPECIAL COMMITTEES
- J. CALL OF RESPECTIVE LEGISLATIVE DISTRICTS (District No. 16)

7TH DISTRICT – MR. LIEDKA – HEALTH

- 1. **NO. 046** Authorizing the County Executive to Enter into an Agreement with the NYS Department of Health for the Transfer of Funds into an Escrow Account for the Payment of Early Intervention Services by the New York State Fiscal Agent (17-0-0)

10TH DISTRICT – MR. HOLMQUIST – PUBLIC SAFETY

- 2. **NO. 047** Confirming Appointments to the Position of Deputy Coordinator and Authorizing Reimbursement for Expenses Incurred in the Performance of their Duties (17-0-0)
- 3. **NO. 048** Amending the 2013 County Budget to Accept State Division of Criminal Justice Funds for the Onondaga County Department of Probation and Authorizing the County Executive to Enter into Contracts to Implement this Resolution (\$308,194) (17-0-0)
- 4. **NO. 049** Amending the 2013 County Budget to Accept NYS Division of Homeland Security and Emergency Services Funds for the Onondaga County Department of Emergency Communications, and Authorizing the County Executive to Enter into Contracts to Implement this Resolution (\$4,959,000) (17-0-0)
- 5. **NO. 050** Amending the 2013 County Budget to Appropriate Additional Funds for the New Pistol License Computer System (\$26,530) (15-2 Ervin, Williams -0)

12TH DISTRICT – MR. KNAPP – WAYS AND MEANS

6. **NO. 051** Personnel Resolution (Sheriff) (17-0-0)
7. **NO. 052** Standard Work Day and Reporting Resolution (17-0-0)
8. **NO. 053** Providing for the Option of Contracting for Alternative Policies or Plans to Cover Claims from Medicare-Eligible Retired Employees and Spouses and Providing a Mechanism for Establishing a Contribution for Such Coverage (17-0-0)
9. **NO. 054** Memorializing the Legislature and the Governor of the State of New York to Amend Article 29 of the NYS Tax Law to Extend the Authorization for Onondaga County to Impose the Additional One Percent Rate of Sales and Compensating Use Tax and to Provide for the Allocation and Distribution of the Net Collections of said Additional Rate (17-0-0)
10. **NO. 055** Approving an Alternative Allocation of Payments In Lieu of Taxes for the Project Known as "Township 5" Pursuant to General Municipal Law Section 858(15) and Authorizing the County Executive to Agree to Such Alternative Allocation (17-0-0)
11. **NO. 056** Concurrence in the Application for a Local Government Efficiency Grant by Oneida County from the State of New York Division of Local Government Services (17-0-0)
12. **NO. 057** A Resolution Calling a Public Hearing for the Purpose of Considering a Proposed Increase in Costs Related to the Improvements Made to the Facilities of the Wetzel Road Wastewater Treatment Plant and Sawmill Creek Pump Station within the Onondaga County Sanitary District (17-0-0)

14TH DISTRICT – MR. JORDAN

13. **NO. 058** Memorializing the Support of This Legislature for Providing Cold War Veterans with a Life-Time Partial Exemption from Real Property Taxes as Proposed Before the NYS Senate (S.3731) (17-0-0)

15TH DISTRICT – MR. MCMAHON

14. **NO. 059** Amending the 2013 County Budget to Provide Funding for the Syracuse Jazz Fest at Jamesville Beach Park (\$75,000) (15-2 May, Dudzinski -0)
15. **NO. 060** Amending the 2013 County Budget to Provide for a Revolving Revenue Account for Hosting Concerts and Events at NBT Bank Stadium (\$500,000) (17-0-0)

LOCAL LAW:

- A. **PULLED** - A Local Law Authorizing the Sale of County Property to Kenneth Hildreth and Denise A. Hildreth (Sponsored by Mr. Knapp)
- B. **PASSED** - A Local Law Regulating Secondhand Dealers and Repealing Local Law No. 3-1981 Regarding the Transfer of Precious Metals and Jewelry (Sponsored by Mr. McMahon, Mr. May, Mr. Dougherty, Mrs. Tassone, Mrs. Rapp, Mr. Plochocki, Mr. Liedka, Mr. Andrews, Mr. Holmquist, Mr. Kilmartin, Mr. Knapp, Mr. Shepard, Mr. Jordan, Ms. Williams, Mrs. Ervin) (14 Kilmartin, Ervin, Williams, Dougherty, Tassone, Rapp, Plochocki, Liedka, Ryan, Andrews, Knapp, Shepard, Jordan, McMahon -3 May, Dudzinski, Holmquist – 0)

- K. UNFINISHED BUSINESS
- L. ANNOUNCEMENTS FROM THE CHAIR
- M. ADJOURNMENT

Respectfully submitted,

DEBORAH L. MATURO, Clerk
ONONDAGA COUNTY LEGISLATURE

April 2, 2013

046

Motion Made By Mr. Liedka

RESOLUTION NO. _____

AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO AN AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF HEALTH FOR THE TRANSFER OF FUNDS INTO AN ESCROW ACCOUNT FOR THE PAYMENT OF EARLY INTERVENTION SERVICES BY THE NEW YORK STATE FISCAL AGENT

WHEREAS, under Public Health Law, counties pay in the first instance costs associated with early intervention services, and recent statutory amendments permit the New York State Department of Health to contract with a fiscal agent, where such agent will act with respect to provider agreements and payments associated with the early intervention program; and

WHEREAS, it is necessary to execute an agreement with NYSDOH to formalize the terms and conditions of the escrow account through which such payments will be made to providers by the fiscal agent; now, therefore be it

RESOLVED, that the County Executive is authorized to enter into an agreement with NYSDOH to implement the intent of these statutory changes.

EIP Escrow Account.docx
kam

ADOPTED
APR 02 2013

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF LEGISLATION DULY ADOPTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY ON THE 2nd DAY OF April, 2013.

Deborah A. Maturo

CLERK, COUNTY LEGISLATURE
ONONDAGA COUNTY, NEW YORK

13 FEB 27 PM 2:24

RECEIVED
ONONDAGA COUNTY
LEGISLATURE

April 2, 2013

Motion Made By Mr. Holmquist

RESOLUTION NO. 047

CONFIRMING APPOINTMENTS TO THE POSITION OF DEPUTY COORDINATOR AND
AUTHORIZING REIMBURSEMENT FOR EXPENSES INCURRED IN THE PERFORMANCE OF
THEIR DUTIES

WHEREAS, Kevin E. Wisely, in accordance with the County Law Section 401 and pursuant to the power vested in him as Commissioner of Emergency Management, has duly appointed pending confirmation, the following persons as Deputy Coordinators for a one year term commencing January 1, 2013 through December 31, 2013:

DEPUTY COORDINATORS:

Robert N. Blair
8096 Squirrel Corn Lane
Manlius, New York 13104

Chester Fritz
8031 Thyme Circle
Liverpool, New York 13088

Larry Byrnes
313 Chapel Street
Fayetteville, New York 13066-2101

Louis Longo
112 Stillwell Circle
East Syracuse, New York 13057-1410

David Cowburn
7101 Totman Drive
Cicero, New York 13039

Joseph Markham
8511 East Seneca Turnpike
Manlius, New York 13104

William Elderbroom
Deputy Chief, Syracuse Fire Department
6120 Dawns Ridge
Cicero, New York 13039

Timothy Nelson
5076 Bowen Drive
Nedrow, New York 13120

Christopher Evans
2771 Belgium Road
Baldwinsville, New York 13027

James Rossiter
4102 Rockwell Road
Marcellus, New York 13108

Edward F. Lehman
310 Kenwick Drive
Syracuse, New York 13208

Ronald D. Wheatley
1550 Ridge Road
Fabius, New York 13063

Mr. Stephen J. Wisely
101 Foxmeadow Drive
Liverpool, New York 13088

Mark Zoanetti
205 Dutchess Lane
Syracuse, New York 13219

Emanuele (Manny) Falcone, Jr.
307 Beach Road
Syracuse New York 13209

Steve McLaughlin
102 Graston Avenue
Syracuse, New York 13219

Jose Colon, Jr.
201 Lockwood Road
Syracuse, New York 13214

Daniel Wears
7716 Japine Drive
Liverpool, New York 13090

WHEREAS, it is the desire of this Legislature to confirm the appointment of the above-named persons to serve as Deputy Coordinators without salary, but to be reimbursed for actual expenses; now, therefore be it

RESOLVED, that this Legislature does hereby confirm the appointment of the above-named Deputy Coordinators for a one (1) year term commencing January 1, 2013 through December 31, 2013; and, be it further

RESOLVED, that said Deputy Coordinators shall serve without salary but be authorized to be reimbursed for actual expenses incurred in performing the duties of said office, upon submission of duly approved claim forms to the Onondaga County Comptroller.

Deputy Coordinators 2013.docx
KMB 02.21.13
clm
kam

ADOPTED
APR 02 2013

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF LEGISLATION DULY ADOPTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY ON THE 2nd DAY OF April, 2013.

Deborah A. Matus

CLERK, COUNTY LEGISLATURE
ONONDAGA COUNTY, NEW YORK

13 FEB 22 PM 1:32

RECEIVED
ONONDAGA COUNTY
LEGISLATURE

April 2, 2013

Motion Made By Mr. Holmquist

RESOLUTION NO. 048

AMENDING THE 2013 COUNTY BUDGET TO ACCEPT STATE DIVISION OF CRIMINAL JUSTICE FUNDS FOR THE ONONDAGA COUNTY DEPARTMENT OF PROBATION AND AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO CONTRACTS TO IMPLEMENT THIS RESOLUTION

WHEREAS, the Onondaga County Probation Department is eligible to receive Alternative to Detention and Diversion funds in the amount of \$308,194 from the New York State Division of Criminal Justice, to be used from March 1, 2013 to August 31, 2014; and

WHEREAS, the purpose of these grant funds is to support additional alternative to detention programs and assist youth and families with services aimed at keeping them out of the juvenile justice system; and

WHEREAS, it is necessary to amend the county budget to accept such funding; now, therefore be it

RESOLVED, that the County Executive is hereby authorized to enter into contracts to implement this resolution; and, be it further

RESOLVED, that the 2013 County Budget be amended by providing and making available the following:

REVENUES:

In Admin. Unit 7320000000	\$308,194
Probation	
Speed Type 401216	
In Project 776103	
ATD Diversion	
In Acct. 590022-503500 St. Aid Probation Svcs.	\$308,194

APPROPRIATIONS:

In Admin. Unit 7320000000	\$308,194
Probation	
Speed Type 401216	
In Project 776103	
ATD Diversion	
In Acct. 695700-658560 Contractual Expense	\$308,194

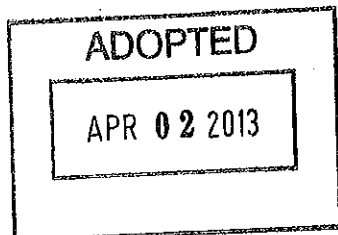
ATD Diversion.docx
LHT 02.15.13
clm/kam

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF LEGISLATION DULY ADOPTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY ON THE

2nd DAY OF April, 2013.

Deborah A. Matuso

CLERK, COUNTY LEGISLATURE
ONONDAGA COUNTY, NEW YORK



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ONONDAGA COUNTY LEGISLATURE
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April 2, 2013

Motion Made By Mr. Holmquist

RESOLUTION NO. 049

AMENDING THE 2013 COUNTY BUDGET TO ACCEPT NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES FUNDS FOR THE ONONDAGA COUNTY DEPARTMENT OF EMERGENCY COMMUNICATIONS, AND AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO CONTRACTS TO IMPLEMENT THIS RESOLUTION

WHEREAS, the Onondaga County Department of Emergency Communications is eligible to receive Statewide Interoperable Communications Grant (SICG) funds, and such funds are administered by the New York State Division of Homeland Security and Emergency Services, Office of Interoperable and Emergency Communications (DHSES-OIEC); and

WHEREAS, the Onondaga County Department of Emergency Communications applied for and received approval for a grant of such funds in the amount of \$4,959,000; and

WHEREAS, the funds will be used to replace all radio consoles and related back room electronic equipment bank hardware at both the main Onondaga County E911 Center and the Civic Center back-up site; to install Advanced Encryption Standard (AES) radio encryption in subscriber radios used by Onondaga County law enforcement agencies; and to enhance user knowledge and comprehension of the OCICS system capabilities and interoperability through user training and reference materials, including development of a Field Operations Guide (FOG); and

WHEREAS, the current analog radio consoles are no longer available through the manufacturer, and are nearing the end of their reliable and useful service life, and are limited in their interoperability with the digital trunked mobile radio system and in their ability to integrate with future system software upgrades; and

WHEREAS, it is necessary to amend the budget to accept these funds; now, therefore be it

RESOLVED, that the County Executive is authorized to enter into contracts to implement this resolution; and, be it further

RESOLVED, that the 2013 County Budget be amended by providing and making available the following:

REVENUES:

Admin. Unit 3400000000	\$4,959,000
Emergency Communications	
Speed Type #305030	
Grant #728105001	
Grant Title: Radio Console Replacement	
In Acct: 590022-503730 State Aid Public Safety	\$4,959,000

APPROPRIATIONS:

Admin. Unit 3400000000

\$4,959,000

Emergency Communications

Speed Type #305030

Grant #728105001

Grant Title: Radio Console Replacement

In Acct: 673560 Furnishings & Equipment

\$4,959,000

SICG Grant.docx

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I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF LEGISLATION DULY ADOPTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY ON THE

2nd DAY OF April, 2013.

Deborah A. Matrino

CLERK, COUNTY LEGISLATURE
ONONDAGA COUNTY, NEW YORK

13 FEB 22 PM 1:31

RECEIVED
ONONDAGA COUNTY
LEGISLATURE

5.

April 2, 2013

Motion Made By Mr. Holmquist

RESOLUTION NO. 050

AMENDING THE 2013 COUNTY BUDGET TO APPROPRIATE ADDITIONAL FUNDS FOR THE NEW PISTOL LICENSE COMPUTER SYSTEM

WHEREAS, there is currently a severe backlog in the processing of pistol permit applications in the Onondaga County Sheriff's Office; and

WHEREAS, the County Legislature sought to address this backlog by appropriating \$70,000 in the 2013 budget to purchase a new computer system to expedite the pistol permit application process; and

WHEREAS, the Sheriff's office sent out a request for proposals (RFP) to select the vendor of the new system; and

WHEREAS, there was only one qualified respondent to the RFP, and their price proposal for the new system was for a total of \$96,530; and

WHEREAS, by Resolution No. 40 of 2013, the Legislature requested that the Sheriff take immediate action to reduce the delays and backlog in the processing of pistol permit applications; and

WHEREAS, the Sheriff will need additional funds appropriated in order to implement the new computer system that will help reduce the delays and backlog; now, therefore be it

RESOLVED, that the 2013 Budget be amended by providing and making available the following:

REVENUES:

Admin. Unit 7920000000		\$26,530
Sheriff-Police/Civil		
Speed Type #410001		
In Acct: 590083 Appropriated Fund Balance	\$26,530	

APPROPRIATIONS:

Admin. Unit 7920000000		\$26,530
Sheriff-Police/Civil		
Speed Type #410001		
In Acct: 692150 Furnishings & Equipment	\$26,530	

Budget Amendment for Pistol License.docx
DDS
KMB 03.19.13
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FILED WITH CLERK
ONON. CO. LEG.
March 19, 2013
CMF

ADOPTED
APR 02 2013

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF LEGISLATION DULY ADOPTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY ON THE 2nd DAY OF April, 2013.

Deborah L. Maturo

CLERK, COUNTY LEGISLATURE
ONONDAGA COUNTY, NEW YORK

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ONONDAGA COUNTY
LEGISLATURE
13 MAR 20 PM 1:37

6.

April 2, 2013

051

Motion Made By Mr. Knapp

RESOLUTION NO. _____

PERSONNEL RESOLUTION

WHEREAS, various County Departments have requested changes in personnel, requests that have been approved by the Commissioner of Personnel, Chief Fiscal Officer, County Executive and the Ways & Means Committee of the County Legislature; now, therefore be it

RESOLVED, that the following personnel changes be and hereby are authorized:

Sheriff Admin Unit 40-79-00

Create R.P. 01 407900 1916 Records Compliance Manager, Grade 31 @ \$52,250-\$69,266 effective April 13, 2013.

Sheriff Admin Unit 40-79-30

Abolish R.P. 01 407930 1474 Deputy Sheriff Sgt. (Custody), Grade 5 - @ \$56,720 - \$60,579 effective April 13, 2013.

RESOLVED, to amend the Onondaga County Salary Plan to include the title Records Compliance Manager, Grade 31, @ \$52,250-\$69,266.

Res 04-13.doc
PT/lbg
jmm



I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF LEGISLATION DULY ADOPTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY ON THE

2nd DAY OF April, 2013.

Deborah A. Maturo

CLERK, COUNTY LEGISLATURE
ONONDAGA COUNTY, NEW YORK

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ONONDAGA COUNTY
LEGISLATURE
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April 2, 2013

052

Motion Made By Mr. Knapp

RESOLUTION NO. _____

STANDARD WORK DAY AND REPORTING RESOLUTION

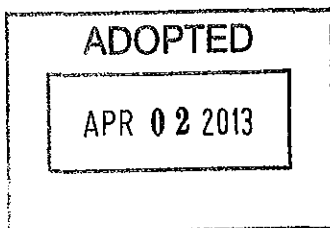
WHEREAS, the County of Onondaga hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this Legislature:

Title	Name	Standard Work Day* (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Tier 1 (Check only if member is in Tier 1)	Not Submitted (Check box if no record of activities completed or timekeeping system)
Appointed Officials							
Deputy County Clerk	Brian R. Hall	7	January 1, 2013-December 31, 2016	Y	20		
Deputy County Clerk	Lisa J. Forbes	7	January 1, 2013-December 31, 2016	Y	13.72		
Deputy County Clerk	Cara A Delvecchio	7	January 1, 2013-December 31, 2016	Y	20		
Deputy County Clerk	Christopher M. Plochocki	7	January 1, 2013-December 31, 2016	Y	20		
Deputy County Clerk	Malcolm M. Merrill	7	January 1, 2013-December 31, 2016	Y	20		
Principal Deputy County Clerk	Rory Sweeney	7	January 1, 2013 - December 31, 2016	Y	20		
Principal Deputy County Clerk	Jackie Norfolk	7	January 1, 2013-December 31, 2016	Y	20		

RESOLVED, that, pursuant to the requirements of 2 NYCRR 315.4, the Clerk of this Legislature is hereby directed to transmit this resolution and a supporting affidavit of posting to be filed with the New York State Office of the Comptroller within forty-five days of adoption, and cause to be posted a copy of this resolution on the Onondaga County website for a minimum of thirty days.

*Reflects the term of the Elected or Appointed Official making the appointment

Standard Workday 04.13 Redacted.docx
PT/lbg
clm/kam



I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF LEGISLATION DULY ADOPTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY ON THE

2nd DAY OF April, 2013.

Deborah A. Matuso

CLERK, COUNTY LEGISLATURE
ONONDAGA COUNTY, NEW YORK

13 FEB 22 PM 1:30

RECEIVED
ONONDAGA COUNTY
LEGISLATURE

April 2, 2013

Motion Made By Mr. Knapp, Mr. May, Mr. Jordan,
Mr. Dougherty, Mr. Ryan

RESOLUTION NO. 053

PROVIDING FOR THE OPTION OF CONTRACTING FOR ALTERNATIVE POLICIES OR PLANS TO COVER CLAIMS FROM MEDICARE-ELIGIBLE RETIRED EMPLOYEES AND SPOUSES AND PROVIDING A MECHANISM FOR ESTABLISHING A CONTRIBUTION FOR SUCH COVERAGE

WHEREAS, eligible retirees and surviving spouses may currently participate in the Onondaga County Health Benefit Plan (OnPoint), with contributions derived from a fixed percentage of the premium equivalent rate based on Onondaga County's costs to administer such group plan; and

WHEREAS, to achieve overall cost savings, greater administrative flexibility is needed, including, when appropriate, the ability to utilize alternative policies or plans, including purchased group policies, to cover portions of OnPoint participants who are eligible for Medicare and to establish an equitable contribution amount for such participants covered by such policies or plans sponsored by Onondaga County; now, therefore be it

RESOLVED, that, with respect to the administration of health benefits for Medicare-eligible retirees and surviving spouses, the CFO may elect to continue providing such health benefits through OnPoint or to provide comparable benefits through alternative policies or plans, including the option of purchasing one or more separate group policies; and, be it further

RESOLVED, that retirees shall make regular periodic contributions toward their health benefit coverage, which contribution shall be an amount not to exceed 15% of the premium equivalency rate for OnPoint, where such contribution amount is established by the CFO; and, be it further

RESOLVED, that surviving spouses shall make regular periodic contributions toward their health benefit coverage, which contribution shall be an amount not to exceed 20% of the premium equivalency rate for OnPoint, where such contribution amount is established by the CFO; and, be it further

RESOLVED, that any prior resolution relating to health benefits for retirees and surviving spouses are hereby amended to be consistent with this resolution; and, be it further

RESOLVED, that, in the event that the CFO changes the contribution amount or the means by which health benefits are provided to retirees and surviving spouses, a report shall be made to the Chair of the Ways & Means Committee; and, be it further

RESOLVED, that Resolution No. 335-1992, as amended by Resolution No. 66-1993, as amended by Resolution No. 110-1993, and Resolution No. 156-1998, together with any other local legislation providing for retiree health benefits or other health benefits provided through OnPoint, are each deemed amended so as to be consistent with this resolution, and such provisions contained herein are to be construed in a manner so as to be consistent with and are not intended to alter rights, duties or obligations, if any, arising from any collective bargaining agreements still in effect or any applicable provisions of the Taylor Law.

Retiree - Insurance Option.docx
KMB
clm/kam

ADOPTED
APR 02 2013

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF LEGISLATION DULY ADOPTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY ON THE

2nd DAY OF April, 20 13

Deborah A. Matuso

CLERK, COUNTY LEGISLATURE
ONONDAGA COUNTY, NEW YORK

FILED WITH CLERK
ONON. CO. LEG.

February 27, 2013
KMF

13 MAR 25 AM 11:35

RECEIVED
ONONDAGA COUNTY
LEGISLATURE

April 2, 2013

054

Motion Made By Mr. Knapp

RESOLUTION NO. _____

MEMORIALIZING THE LEGISLATURE AND THE GOVERNOR OF THE STATE OF NEW YORK TO AMEND ARTICLE 29 OF THE NEW YORK STATE TAX LAW TO EXTEND THE AUTHORIZATION FOR ONONDAGA COUNTY TO IMPOSE THE ADDITIONAL ONE PERCENT RATE OF SALES AND COMPENSATING USE TAX AND TO PROVIDE FOR THE ALLOCATION AND DISTRIBUTION OF THE NET COLLECTIONS OF SAID ADDITIONAL RATE

WHEREAS, by Chapter 150 of the 2004 Laws of the State of New York, as amended, Onondaga County is authorized to impose an additional one percent rate of sales and compensating use tax; and

WHEREAS, the current state authorization to impose the additional one percent rate of sales and compensating use tax expires November 30, 2013, and further state authorization is required to continue to impose said additional rate; and

WHEREAS, Onondaga County and the City of Syracuse agree upon the distribution of the additional one percent rate provided for herein; and

WHEREAS, it is necessary to memorialize the State to amend Article 29 of the Tax Law to authorize the imposition of said additional rate of sales and compensating use tax for the period commencing December 1, 2013 through November 30, 2015 and for the net collections of such additional rate of tax to be allocated and distributed consistent with said agreement, as provided for herein; now, therefore be it

RESOLVED, that the Governor and Legislature of the State of New York hereby are memorialized to amend Article 29 of the New York State Tax Law to authorize Onondaga County to impose an additional one percent rate of sales and compensating use tax beginning December 1, 2013 through November 30, 2015, to be allocated, distributed or paid at least quarterly as follows: (a) For the period December 1, 2013 through November 30, 2014: (i) 3.05% to the County of Onondaga for any county purpose; (ii) 95.7% to the City of Syracuse; and (iii) 1.25% to the school districts in accordance with Section 1262(a) of the New York State Tax Law; and, (b) For the period December 1, 2014 through November 30, 2015: (i) 1.6% to the County of Onondaga for any county purpose; (ii) 97.15% to the City of Syracuse; and (iii) 1.25% to the school districts in accordance with Section 1262(a) of the New York State Tax Law; and, be it further

RESOLVED, that the Clerk of this Legislature hereby is directed to send a certified copy of this resolution to the State Legislators representing Onondaga County and to the Governor of New York State, urging action on this request.

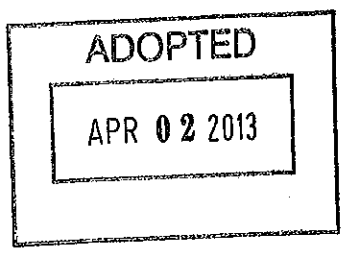
Memorialize - Sales Tax.docx
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elm
kam

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF LEGISLATION DULY ADOPTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY ON THE

2nd DAY OF April, 2013.

Deborah A. Matrino

CLERK, COUNTY LEGISLATURE
ONONDAGA COUNTY, NEW YORK



13 FEB 28 PM 3:35

RECEIVED
ONONDAGA COUNTY
LEGISLATURE

April 2, 2013

055

Motion Made By Mr. Knapp, Mr. Jordan,
Mrs. Rapp

RESOLUTION NO. _____

APPROVING AN ALTERNATIVE ALLOCATION OF PAYMENTS IN LIEU OF TAXES FOR THE PROJECT KNOWN AS "TOWNSHIP 5" PURSUANT TO GENERAL MUNICIPAL LAW SECTION 858(15) AND AUTHORIZING THE COUNTY EXECUTIVE TO AGREE TO SUCH ALTERNATIVE ALLOCATION

WHEREAS, Hinsdale Road Group, LLC, a duly organized and validly existing limited liability corporation, having its principal office at 6007 Fair Lakes Road, Suite 100, East Syracuse, New York 13057 (the "Company") has submitted an application (the "Application") to the Onondaga County Industrial Development Agency (the "Agency") requesting the Agency's assistance with a certain project known as Township 5 (the "Project") consisting of the establishment of a Payment in Lieu of Tax Agreement (the "PILOT Agreement") for the Project, located on approximately 67 acres of real property under its control off of Hinsdale Road, located in the Town of Camillus, New York and encompassing the following twenty tax map parcels: 017.-04-07.0, 017.-05-03.0, 017.-05-42.0, 017.-05-43.0, 017.-05-44.0, 017.-05-46.0, 017.-05-49.0, 017.-05-50.0, 017.-05-51.0, 017.-05-52.0, 017.-05-53.0, 017.-05-54.0, 017.-05-55.0, 017.-05-56.0, 017.-05-57.0, 017.-05-59.0, 017.-05-60.0, 017.-05-65.1, 017.-05-66.1, 017.-05-71.0; and

WHEREAS, the Project will be to construct a mixed-use lifestyle center, providing office, retail, entertainment and housing in more than 500,000 square feet of buildings, and, to support the increased traffic flow to the center, the Company proposes to make various improvements and modifications to the surrounding public infrastructure and roads; and

WHEREAS, pursuant to New York State General Municipal Law Section 858(15), unless otherwise agreed, payments in lieu of taxes are allocated among affected tax jurisdictions in proportion to the amount of real property tax and other taxes which would have been received by each affected tax jurisdiction had the project not been exempt due to the status of the Agency; and

WHEREAS, the Company has requested that the Agency consider deviating from its Uniform Tax Exemption Policy ("UTEP") to allow a Payment in Lieu of Tax Agreement ("PILOT Agreement"), pursuant to the terms described herein below; and

WHEREAS, after considering the overall financial impact and benefit of the Project, including the direct impacts of the Project's development, positive impacts on the County's tax base through the generation of additional sales and room occupancy taxes, and improvements and modifications to be made to the surrounding public infrastructure and roads, the Company and the Agency desire to enter into a PILOT Agreement providing for an alternative allocation of such payment in lieu of tax payments with the consent of the County of Onondaga, Town of Camillus, and West Genesee School District (collectively, the "Affected Taxing Jurisdictions"); and

WHEREAS, the Company and the Agency are likely to agree upon payments in lieu of taxes for the proposed twenty-five year term of the PILOT Agreement, as set forth in a series of documents on file with the Clerk of this Legislature, and said payments are roughly equivalent to payments that would be owed based upon an assessed value of the real property (the "Assessment") at the 2013 tax rate, and payments shall not be altered to reflect changes to said 2013 tax rate; and

WHEREAS, to finance the construction of the infrastructure improvements and modifications, the Company has requested that the Agency issue bonds in the approximate amount of \$6,000,000, and the debt service on the Agency Bonds would be paid from the annual payment in lieu of taxes made by the Company to the Agency, subject to the specific consent of each of the Affected Taxing Jurisdictions, and the PILOT Agreement will further provide for the remainder of the annual payment shall be allocated and distributed to the Affected Taxing Jurisdictions in an amount that is proportionate to the amount of real property tax and other taxes that each such affected tax jurisdiction would have received if not for the PILOT Agreement ("Alternative Allocation"); and

WHEREAS, the Company is proposing to use a variable interest rate bond backed by a guarantee from Rural Development which collectively will provide financing with the lowest possible interest rate, and a projected annual debt service analysis has been created, assuming an interest rate of 1.75%, which amount is substantially above the current rates, but approximates the average rate for this type of bond over the past thirteen years; and

WHEREAS, the PILOT Agreement will include a provision which establishes an upper limit on the amount of the annual payment in lieu of taxes, where such limit may be applied to the debt service on the bonds, capping the debt service allocation at \$325,000 in any year in which the annual payment in lieu of taxes is less than \$1,000,000 and at \$475,000 in any year in which the annual payment in lieu of taxes is more than \$1,000,000; and

WHEREAS, the Company and Agency acknowledge that if the Agency Bonds do have a variable interest rate, the amounts actually received by the Affected Taxing Jurisdictions will be impacted by such variable interest rate and are not able to be calculated with certainty at the commencement of the PILOT; however, the Agency will keep the Affected Taxing Jurisdictions apprised of the changes in the interest rate and the impact on the amounts to be received; and

WHEREAS, pursuant to General Municipal Law Section 858(15), the Company and the Agency have requested that the Affected Taxing Jurisdictions consent to the Alternative Allocation contained herein; and

WHEREAS, it is anticipated that the Town of Camillus and West Genesee School District will pass resolutions consenting to the Alternative Allocation as defined herein, and in the event that such resolutions are passed by the respective governing bodies, copies of such resolutions are to be placed on file with the Clerk of this Legislature; and

WHEREAS, after considering the various benefits and consideration flowing to the County in exchange for its compromise and agreement, the County desires to consent to the foregoing Alternative Allocation pursuant to and in accordance with General Municipal Law Section 858(15); now, therefore be it

RESOLVED, that pursuant to Section 858(15) of the New York General Municipal Law, the County hereby agrees with and consents to the Alternative Allocation, as defined herein above, whereby the Agency will receive annual payments in lieu of taxes from the Company for twenty-five (25) years in the amounts set forth in a document on file with the Clerk of this Legislature and the Affected Taxing Jurisdictions shall receive from such annual payment in lieu of taxes the Alternative Allocation during the twenty-five years of the PILOT Agreement, as set forth above; and, be it further

RESOLVED, that the consent provided by the County is contingent upon satisfaction of the following conditions:

- (a) The adoption of resolutions by the Town of Camillus and the West Genesee School District consenting to the Alternative Allocation as defined herein; and
- (b) The adoption of a resolution by the Agency to undertake and/or provide financial assistance to the Project; and
- (c) The adoption of a resolution by the Agency authorizing the issuance and sale of Agency Bonds to partially finance the road improvements; and
- (d) Execution and delivery by the Company and the Agency of a PILOT Agreement in connection with the issuance of Agency Bonds, providing that all PILOT payments made will be used first to pay debt service and the reserves on the Agency Bonds and be so used until such debt service has been retired, with any remaining PILOT payments allocated between and distributed to the Affected Taxing Jurisdictions pursuant to General Municipal Law Section 858(15), and, in the event that the Agency Bonds are retired prior to the termination of the PILOT Agreement, the remaining PILOT payments shall also be allocated pursuant to General Municipal Law Section 858(15); and, be it further

RESOLVED, that the Special District payments shall be paid notwithstanding any PILOT agreement; and, be it further

RESOLVED, that this Resolution shall take effect immediately.

Township 5 - PILOT.doc
kam



I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF LEGISLATION DULY ADOPTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY ON THE

2nd DAY OF April, 2013.

Deborah A. Matuso

CLERK, COUNTY LEGISLATURE
ONONDAGA COUNTY, NEW YORK

13 MAR 25 AM 9:40
RECEIVED
ONONDAGA COUNTY
LEGISLATURE

April 2, 2013

Motion Made By Mr. Knapp

RESOLUTION NO. 056

CONCURRENCE IN THE APPLICATION FOR A LOCAL GOVERNMENT EFFICIENCY GRANT BY ONEIDA COUNTY FROM THE STATE OF NEW YORK DIVISION OF LOCAL GOVERNMENT SERVICES

WHEREAS, the County of Oneida is applying for funding from the New York State Division of Local Government Services for a Local Government Efficiency Grant to assist the County and the County of Onondaga in securing funding needed to effect a functional consolidation with Onondaga County to provide Medical Examiner services for Oneida County; and

WHEREAS, Oneida County shall be the lead applicant on the request for such funding and shall apply such funds to the delivery of medical examiner services provided through Onondaga County that will provide Oneida County with a more professional, updated and efficient method of medical examiner services across the County; and

WHEREAS, the County of Onondaga is a co-applicant on this request for funding from the State for this consolidation agreement to provide medical examiner services in Oneida County; now, therefore be it

RESOLVED, that the Onondaga County Legislature requests that the County of Oneida make application, as lead applicant, for a Local Government Efficiency Grant under the New York State Department of State Local Government Efficiency Program; and, be it further

RESOLVED, that the Onondaga County Legislature authorizes the County of Onondaga to appear on the grant application as co-applicant; and, be it further

RESOLVED, that the amount of the requested grant funding is \$200,000, which funds shall be applied to the Oneida County Medical Examiner Services Modernization and Efficiency Project to improve and modernize the medical examiner services that are provided in Oneida County; and, be it further

RESOLVED, that the local matching funds of \$22,222, for such grant program shall be provided by Oneida County and the Lead Applicant contact person shall be Patrice Bogan, Interim Director of Health for Oneida County; and, be it further

RESOLVED, that County Executive is authorized to enter into agreements to implement the intent of this resolution.

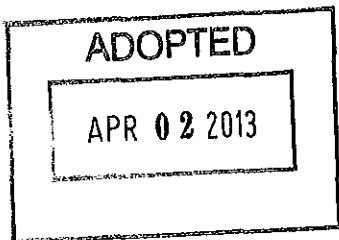
Memorialize - Oneida County Health Grants.doc
KMB
kam

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF LEGISLATION DULY ADOPTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY ON THE

2nd DAY OF April, 2013

Deborah L. Matuso

CLERK, COUNTY LEGISLATURE
ONONDAGA COUNTY, NEW YORK



13 MAR 22 AM 9:08

RECEIVED
ONONDAGA COUNTY
LEGISLATURE

Replacement

12.

April 2, 2013

057

Motion Made By Mr. Knapp

RESOLUTION NO. _____

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED INCREASE IN COSTS RELATED TO THE IMPROVEMENTS MADE TO THE FACILITIES OF THE WETZEL ROAD WASTEWATER TREATMENT PLANT AND SAWMILL CREEK PUMP STATION WITHIN THE ONONDAGA COUNTY SANITARY DISTRICT

WHEREAS, by Resolution No. 260 of June 5, 1978, adopted pursuant to Section 11.82 of the Onondaga County Administrative Code, the County Legislature dissolved all existing Sanitary and Treatment Plant Districts of the County and established as successor thereto, the Onondaga County Sanitary District, effective January 1, 1979; and

WHEREAS, the costs of the improvements made to the Wetzel Road Waste Water Treatment Plant and to the Sawmill Creek Pump Station are proposed to be increased by \$6,200,000 to provide for the replacement of various equipment, the installation of new equipment, as well as the construction of new facilities and reconstruction of existing facilities, acquisition of land, as well as various other improvements at such facilities; and

WHEREAS, \$54,170,416 has been authorized previously for such project; and

WHEREAS, it is now desired to call a Public Hearing thereon, in accordance with the provisions of the Onondaga County Administrative Code; now, therefore be it

RESOLVED, by the County Legislature of the County of Onondaga, New York, as follows:

Section 1. A meeting of the County Legislature of the County of Onondaga, New York, shall be held in the Legislative Chambers in the County Court House, in Syracuse, New York, on the 7th day of May, 2013, at 12:55 o'clock P.M., for the purpose of conducting a public hearing upon the aforesaid matter. The Clerk of said County Legislature is hereby authorized and directed to cause a notice of such public hearing to be published in the manner provided by law.

Section 2. This resolution shall take effect immediately.

PH - Wetzel Rd Increase.doc
KMB
kam

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF LEGISLATION DULY ADOPTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY ON THE

2nd DAY OF April, 2013.

Deborah A. Matuso

CLERK, COUNTY LEGISLATURE
ONONDAGA COUNTY, NEW YORK

FILED WITH CLERK
ONON. CO. LEG.

March 26, 2013
KMF

13 APR - 1 PM 3:5

RECEIVED
ONONDAGA COUNTY
LEGISLATURE

13.

April 2, 2013

058

Motion Made By Mr. Jordan, Mr. Dudzinski, Mr. May
Mr. Dougherty, Mrs. Tassone, Mrs. Rapp,
Mr. Plochocki, Mr. Liedka, Mr. Andrews,
Mr. Holmquist, Mr. Kilmartin, Mr. Knapp, Mr. Shepard,
Mr. McMahon, Mr. Ryan, Ms. Williams, Mrs. Ervin

RESOLUTION NO. _____

MEMORIALIZING THE SUPPORT OF THIS LEGISLATURE FOR PROVIDING COLD WAR
VETERANS WITH A LIFE-TIME PARTIAL EXEMPTION FROM REAL PROPERTY TAXES AS
PROPOSED BEFORE THE NEW YORK STATE SENATE (S.3731)

WHEREAS, Section 458-b of the Real Property Tax Law authorizes local governments to adopt
legislation granting qualified Cold War Veterans a partial exemption from real property tax, but each such
exemption granted to a particular individual expires after a ten year period; and

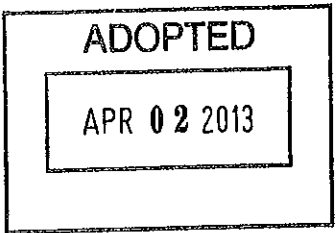
WHEREAS, by adopting Local Law No. 7-2009, this Onondaga County Legislature granted Cold
War Veterans such partial exemption authorized by law; and

WHEREAS, it is the sense of this Onondaga County Legislature that the ten-year duration limit
should be eliminated and that local governments should be permitted to provide for a life-time partial
exemption from real property taxes, as the Cold War Veterans have served this country well, and such an
exemption is one way in which local governments can show appreciation for such service and, further,
such exemption may encourage others to join and participate in the armed services; now, therefore be it

RESOLVED, that this Legislature hereby memorializes its support for adopting legislation that
amends Section 458-b of the Real Property Tax Law to provide local governments with the option of
extending a life-time partial exemption from real property taxes to Cold War Veterans, as provided for in
Bill Number S.3731, presented to the State Senate; and, be it further

RESOLVED, that the Clerk of this Legislature is hereby directed to cause a copy of this
resolution to be transmitted to the various legislators representing portions of Onondaga County at the
state level.

Memorialize - Cold-War Vet.doc
KMB
kam



FILED WITH CLERK
ONON. CO. LEG.
March 21, 2013
KMF

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND
EXACT COPY OF LEGISLATION DULY ADOPTED BY THE
COUNTY LEGISLATURE OF ONONDAGA COUNTY ON THE
2nd DAY OF April, 2013.

Deborah A. Naturo

13 MAR 25 AM 11:35

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ONONDAGA COUNTY
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CLERK, COUNTY LEGISLATURE
ONONDAGA COUNTY, NEW YORK

April 2, 2013

059

Motion Made By Mr. McMahon

RESOLUTION NO. _____

AMENDING THE 2013 COUNTY BUDGET TO PROVIDE FUNDING FOR THE SYRACUSE JAZZ FEST AT JAMESVILLE BEACH PARK

WHEREAS, the Syracuse Jazz Fest provides recreational and entertainment enjoyment for the community at large; and

WHEREAS, Onondaga County desires to increase the amount of tourism in the area and to enhance the quality of life for its residents, and one means of doing so is to support Jazz Fest and a variety of entertainment events; and

WHEREAS, it is the desire of this Legislature to provide funding for the Syracuse Jazz Fest, and to amend the County Budget to provide for such funding; now, therefore be it

RESOLVED, that the 2013 County Budget be amended as follows:

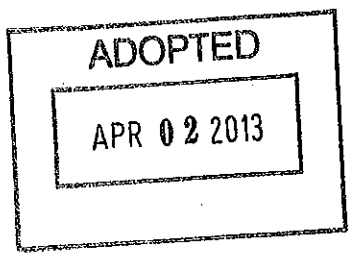
REVENUES:

A510 Estimated Revenues	\$75,000
In Admin. Unit 2365300000	
County Promotion	
Speed Type #140814	
Project #719010001-County Tourism	
In Acct. 500630-On Co Room Oc Tax	\$75,000

APPROPRIATIONS:

A960 Appropriations	\$75,000
In Admin. Unit 2365300000	
County Promotion	
Speed Type #140814	
Project #719010001-County Tourism	
In Acct. 659980 Syracuse Jazzfest Productions	\$75,000

Jazzfest 2013.docx
PCS
clm



I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF LEGISLATION DULY ADOPTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY ON THE

2nd DAY OF April, 2013.

Deborah L. Matuso

CLERK, COUNTY LEGISLATURE
ONONDAGA COUNTY, NEW YORK

FILED WITH CLERK
ONON. CO. LEG.

March 21, 2013
KMF

13 MAR 26 AM 11:28

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ONONDAGA COUNTY
LEGISLATURE

Replacement

15.

April 2, 2013

Motion Made By Mr. McMahon

RESOLUTION NO. 060

AMENDING THE 2013 COUNTY BUDGET TO PROVIDE FOR A REVOLVING REVENUE ACCOUNT FOR HOSTING CONCERTS AND EVENTS AT NBT BANK STADIUM

WHEREAS, authorized by Resolution No. 102-2012, the County recently entered into an agreement with SMG to provide managerial, operational, and marketing services for certain County-owned facilities, including the Oncenter Complex, and with respect to County-sponsored events held at NBT Bank Stadium (formerly known as "Alliance Bank Stadium"); and

WHEREAS, authorized by Local Law No. 6-2012, as amended, the County has entered into a Lease Agreement with the Community Baseball Club of Central New York, Inc. governing the use of NBT Bank Stadium, whereby the County has reserved to itself the right to sponsor events at such venue, including concerts; and

WHEREAS, to draw greater attendance, thereby generating tourism spending and spurring economic growth for businesses, there is a desire to book events with well-known artists, but to capture such contracts, it is common in the concert industry to agree to pay certain fees to their artists and promoters upon signing and to recoup such costs through event revenues and to pay such other costs associated with the event; and

WHEREAS, it is necessary to amend the 2013 County Budget to create a special revolving revenue account for use by SMG in its event management services at NBT Bank Stadium, providing a mechanism whereby the County is able to be more competitive and flexible in negotiating with artists and hosting events; now, therefore be it

RESOLVED, that a special revolving revenue account is hereby created within the County's General Fund as a project account for the acceptance of revenues and paying the costs directly associated with hosting county-sponsored events at NBT Bank Stadium, and, further, that such account is authorized to be prefunded with \$500,000 of general fund revenues; and, be it further

RESOLVED, that the revolving revenue account would provide advance funds for use by SMG for paying expenses directly related to operating, managing, and marketing county-sponsored events at NBT Bank Stadium, where such expenses include, among other things, artist booking fees and event promotion; and, be it further

RESOLVED, that as a condition of such use, SMG shall agree to deposit all net event revenues back into this revenue account within fourteen business days following a County-sponsored event at NBT Bank Stadium supported by the use of advance funds from the revolving revenue account, and, further, that at the time of remittance, SMG shall provide a statement to the County Comptroller summarizing all actual expenses incurred by SMG related to such event and all actual revenues received by SMG related to such event; and, be it further

RESOLVED, that any net event revenues deposited in the account shall be made available for future use by SMG as advance funds for County-sponsored events at NBT Bank Stadium, but in no event shall SMG be authorized to spend funds in a manner that would obligate the County to provide any more funds than are available in such account for such event; and, be it further

RESOLVED, that net event revenues are defined as being such funds as are remaining after deducting directly-related operating expenses incurred by SMG for an event from gross revenues received by SMG for such event, where such event was supported by the withdrawal of the advance funds from the revolving revenue account; and, be it further

RESOLVED, that SMG shall not be responsible for reimbursing the fund in the event that an event supported by the withdrawal of advance funds from the revolving revenue account fails to generate positive net event revenues; and, be it further

RESOLVED, that prior to expending any funds in the revolving revenue account, SMG shall consult with and obtain the written approval of the County Executive and the Chair of this County Legislature, thereupon a claim shall be submitted to the County Comptroller and such claim shall be promptly paid; and, be it further

RESOLVED, that Resolution No. 240-2010, as amended, hereby is further amended to strike the fourth and fifth resolved clauses regarding concert promotion services, and that, except as specifically amended herein, such resolution remains in full force and effect; and, be it further

RESOLVED, that SMG provide a quarterly report to the Ways and Means Committee of this Legislature regarding the events hosted at NBT Bank Stadium that make use of the revolving revenue account; and, be it further

RESOLVED, that the 2013 County Budget be amended as follows:

REVENUES:

In Admin Unit 2365300000	\$500,000
County Promotion	
Speed type 140814	
In Grants Project 719015001	
Revolving fund for NBT Bank Concerts	
In Account 520050 Gifts & Donations	\$500,000

APPROPRIATIONS:

In Admin Unit 2365300000	\$500,000
County Promotion	
Speed type 140814	
In Grants Project 719015001	
Revolving fund for NBT Bank Concerts	
In Account	\$500,000

NBT Bank Concerts.docx
KMB
clm

FILED WITH CLERK
ONONDAGA CO. LEG.
March 28, 2013
KMB
13 APR - 1 PM 1:19

ADOPTED
APR 02 2013

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF LEGISLATION DULY ADOPTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY ON THE 2ND DAY OF April, 2013.
Deborah A. Matuso

CLERK, COUNTY LEGISLATURE
ONONDAGA COUNTY, NEW YORK

RECEIVED
ONONDAGA COUNTY
LEGISLATURE

B.

LOCAL LAW NO. ___-2013

A LOCAL LAW REGULATING SECONDHAND DEALERS AND REPEALING LOCAL LAW NO. 3-1981 REGARDING THE TRANSFER OF PRECIOUS METALS AND JEWELRY

BE IT ENACTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY AS FOLLOWS:

Section 1. Legislative Finding & Purpose. The purpose of this Local Law is to provide for licensing of Secondhand Dealers.

Section 2. Definitions.

- a. "Secondhand Dealer" means any person, corporation, partnership, association, limited liability corporation, and the agents, associates or employees thereof, regularly engaged in the commercial exchange, purchase and/or sale of secondhand articles.
- b. "Secondhand Article" means any goods sold at resale, except as specifically provided for herein.
- c. "Identification" means an official document issued by the United States government, or by any state, county, municipality, public agency or department thereof, provided that such document contains a photographic image of the holder.
- d. "Precious metals" shall mean gold, silver, platinum, titanium, precious and semi-precious stones and coins.
- e. "Antiques" are such items or collectibles recognized as such by established dealer associations within the industry.

Section 3. License Required. Effective June 1, 2013, no person, corporation, partnership, association, limited liability corporation or other entity shall operate in Onondaga County as a Secondhand Dealer or hold themselves out as a Secondhand Dealer without first being licensed by the Onondaga County Sheriff as provided for herein.

Section 4. Exemption from Licensing Requirement. Nothing in this Local Law shall be construed to apply to the following:

- a. The sale of any item sold at a garage sale, yard sale, estate sale, or moving sale (collectively referred to herein as "garage sale"), provided that all of the following conditions are met:
 1. The garage sale is held on residential property owned, rented, leased, or occupied by the seller or by at least one seller if there are multiple sellers; and
 2. The items offered for sale are owned by the seller, and/or the seller is authorized by the owner to sell said items; and
 3. The garage sale does not exceed a period of ninety-six (96) consecutive hours; and

4. The seller does not conduct more than three (3) garage sales in any consecutive twelve month period; and
 5. None of the items offered for sale were purchased by the seller for resale or received on consignment for purposes of resale.
- b. The sale of any Secondhand Article by any non-profit or charitable organization or on property occupied by any non-profit or charitable organization.
 - c. The sale of secondhand books or magazines, wherever sold.
 - d. The sale of Secondhand Articles at an auction held by a licensed auctioneer.
 - e. The sale of used furniture, used clothing, or used baby/children's items. The sale of electronics and games for electronics are not exempt from the requirements of this Local Law, but are exempt if sold at a garage sale, yard sale, estate sale or moving sale as provided for herein.
 - f. Any transaction involving the sale or disposal of Secondhand Articles regulated by state or federal law.
 - g. Internet sales or purchases.
 - h. The sale of antiques by an Antiques Dealer, or his/her employee or associate, provided the Antiques Dealer:
 1. Has an established antiques shop advertised and promoted as such and maintains a regular schedule of open hours; or
 2. Exhibits at least twice a year at established advertised and/or promoted antiques shows in the United States; or
 3. Is a private dealer working from home and/or non-retail locations by appointment or invitation and provided that such private dealer offers for sale an inventory of primarily, by count, merchandise fitting definitions of "antiques" or "collectibles" as recognized by established dealer associations and/or promoters, has never been convicted of any crime related to the possession of or sale of stolen goods of any sort, and has applied for and been granted a New York State resale number for collection and submission of sales tax.
 - i. The sale of Secondhand Articles at antique shows or trade shows, where such shows are advertised and/or promoted as such.

Section 5. License Application. Applicants for a license pursuant to this Local Law must file with the Onondaga County Sheriff's Office an application, supplied by such office, containing the following information:

- a. The exact name, address, and telephone number of the applicant and the principals and officers thereof and the date of incorporation or organization, as applicable; and
- b. The name, business address, residential address, and telephone number of the operator of such business if other than the applicant; and

- c. The address and telephone number where the business is to be conducted; and
- d. The days and hours during which such business will be customarily open to the public; and
- e. A certification that the applicant, including its principals and officers, have not been convicted within the immediately preceding ten years of a crime involving theft, larceny, burglary, possession of stolen property, or other fraudulent dealing.

Section 6. License Fee. Upon original application for a license to operate as a Secondhand Dealer, applicant shall pay to the Sheriff a fee in the amount of \$150.00. Upon application for a renewal, licensee shall pay to the Sheriff a renewal fee in the amount of \$150.00

Section 7. Fingerprinting Required. Each applicant, including any principals and officers, shall be required to provide fingerprint information to the Onondaga County Sheriff's Office as necessary to obtain a criminal history record check through the New York State Division of Criminal Justice Services/FBI for such applicant. The Sheriff may require from such applicant fingerprint identification, signed waivers or consents permitting inquiry into the criminal history of applicant, and fees, pursuant to 837(8-a) of the New York Executive Law and amendments thereto, required by the New York State Division of Criminal Justice Services. The County hereby is authorized to enter into agreements with the Division of Criminal Justice Services for the provision of fingerprint searches.

Section 8. Licensing. Upon filing of an application for a license, if the Sheriff shall be satisfied that the application complies with the provisions of this Local Law, the Sheriff shall issue a license to operate as a Secondhand Dealer. The license shall remain in effect for a period of one year unless surrendered or revoked. The Sheriff shall approve or deny every application within ninety (90) days from filing. In the event the location of the business changes, licensee shall notify the Sheriff in writing. If there are changes among the principals, officers or operators of such business, licensee shall notify the Sheriff and shall submit two (2) fingerprint cards and the appropriate fee for each individual. The form of this license shall be prescribed by the Sheriff.

Section 9. Grounds for Denial or Revocation of License.

- a. The Onondaga County Sheriff shall have the power to deny the application for a license of any applicant, where such applicant, including the principals or officers thereof, has been convicted within the immediately preceding ten years of a crime involving theft, larceny, burglary, possession of stolen property, or other fraudulent dealing.
- b. The Onondaga County Sheriff may revoke any license granted herein in the following situations:
 - 1. where the Secondhand Dealer is convicted of a crime involving theft, larceny, burglary, possession of stolen property, or other fraudulent dealing or of a violation of this Local Law, as provided for in Section 14 below;
 - 2. where the Secondhand Dealer has made a false statement in connection with its application;
 - 3. where the Secondhand Dealer revokes the consent to examine such records and Secondhand Articles, as provided for in Section 12 below.

- c. Notice of denial or revocation of a license issued pursuant to this Local Law shall be given by the Sheriff or his designee in writing, setting forth specifically the grounds on which such license was either denied or revoked with opportunity to be heard. Such notice shall be transmitted by certified or registered mail. Such denial or revocation may be challenged in a special proceeding conducted pursuant to Article 78 of the New York State Civil Practice Law and Rules. Pending the outcome of such special proceeding regarding the Sheriff's denial or revocation of a license, no person shall operate as a Secondhand Dealer.

Section 10. Expiration and Renewal of Licenses. A license issued pursuant to this Local Law must be renewed annually, as measured from the date of the issuance of the initial license.

Section 11. Display of License. Every Secondhand Dealer shall cause the Secondhand Dealer license to be prominently displayed at said Secondhand Dealer's place of business or shall exhibit said license upon request of any individual.

Section 12. Records to be Maintained by Secondhand Dealer.

- a. Seller Information. Except as otherwise provided herein, no Secondhand Dealer operating within Onondaga County shall acquire any Secondhand Article unless such Secondhand Dealer has obtained and recorded the following information:
 - 1. The amount paid, advanced, or loaned for the article;
 - 2. A detailed and accurate description of the article including any identifying marks;
 - 3. The serial and model number (if any);
 - 4. In the case of precious metals, jewelry, and gems, a photograph of the article;
 - 5. The seller's Identification information as required in subparagraph b of this Section 12; and
 - 6. The date, time and place of the acquisition.

The information obtained shall be recorded on a written receipt, which receipt shall be numbered in consecutive order and maintained in the Secondhand Dealer's records as provided for herein.

- b. Identification Information. Prior to acquiring any Secondhand Article, every Secondhand Dealer shall request and review Identification from the seller to verify the seller's identity by comparing the seller to the photographic image contained on said Identification. The Secondhand Dealer shall record the seller's name, date of birth and address (or current address if different than that listed on the Identification), and the identification number (e.g., motorist ID number) listed on the Identification. The Secondhand Dealer shall make a photocopy or photograph of the front of the Identification. If the acquisition is made from a seller who is also a Secondhand Dealer, the Secondhand Dealer purchasing the item shall also record the business name and address of such seller and a statement by such seller regarding the number of days the item was held by such seller prior to instant acquisition.

c. Records Retention/Inspection.

1. Every Secondhand Dealer shall maintain for a period of five (5) years all of the information required in subparagraphs a and b of this Section 12. Computerized records may be used to satisfy the requirements of this Local Law, provided that such records include the required information and are available upon reasonable request for inspection in printed format.
2. All records required by this Local Law and each Secondhand Article shall be subject to examination during such times and in such areas of the business that are open to the public by any member of the Onondaga County Sheriff's Office or other police department or law enforcement agency. Consent to such examination shall be a condition of obtaining and retaining the Secondhand Dealer license; provided, however, that a revocation of such consent by the Secondhand Dealer shall not result in a criminal penalty or violation, as provided for in Section 14 of this Local Law. In the event that a Secondhand Dealer revokes the consent to examine such records and Secondhand Articles, the license granted herein may be revoked by the Sheriff. Nothing in this Local Law shall diminish or obviate the need for voluntary consent or a warrant to search a residence or other location not open to the public.
3. On or before 10:00 a.m. every Tuesday, every Secondhand Dealer shall forward to the Onondaga County Sheriff, in electronic format approved by the Sheriff, a copy of the Seller Information required by subparagraphs a and b of this Section 12 for each Secondhand Article acquired in the immediately preceding seven (7) days, and shall cause such information to be transmitted to the Sheriff at the designated address. Photographs of precious metals, jewelry and gems shall not be required to be transmitted with these forms.

Section 13. Requirement to Hold Secondhand Articles Prior to Disposal, Resale or Alteration, and Additional Requirements

- a. For a period of seven (7) days after the acquisition of any Secondhand Article, excluding the day of acquisition (the "holding period"), every Secondhand Dealer shall maintain the Secondhand Article in a manner so as to be easily identified with the record documenting the transaction in which said article was acquired. During the holding period, no Secondhand Dealer shall:
 1. Sell, trade, transfer, remove from the local business premises or otherwise dispose of any Secondhand Article covered by this Local Law;
 2. Alter in any fashion any such article; or
 3. Commingle any such article with similar items.
- b. As a condition of licensing, the Secondhand Dealer shall agree to hold, for a period of seventy-two (72) hours, any Secondhand Article, where a police officer has notified the Secondhand Dealer that law enforcement suspects that the article is stolen property. The 72-hour hold period shall commence at the time of said notification. During the holding period, no Secondhand Dealer shall:

1. Sell, trade, transfer, remove from the local business premises or otherwise dispose of any Secondhand Article covered by this Local Law;
 2. Alter in any fashion any such article; or
 3. Commingle any such article with similar items.
- c. As a condition of licensing, any Secondhand Dealer who purchases, sells or offers for sale new articles, shall obtain those new articles only from an authorized retailer or wholesaler. Nothing in this paragraph c shall prohibit the purchase or sale of new items obtained from individuals who sell less than three (3) of an identical or same type of article within any calendar year.

Section 14. Penalty. Any Secondhand Dealer who fails to comply with the provisions of Sections 3, 5, 7, 12(a),(b),(c)(1) and 13 of this Local Law shall, upon conviction thereof, be guilty of a Class A misdemeanor as defined in Section 55.10 of the Penal Law of the State of New York as may be amended from time to time. Any Secondhand Dealer who fails to comply with the provisions of Sections 8, 11, 12(c)(3) of this Local Law shall, upon conviction thereof, be guilty of an unclassified misdemeanor as defined in Section 55.10 of the Penal Law of the State of New York as may be amended from time to time. Provided, however, that a Secondhand Dealer's failure to consent to a search of the premises as provided for in Section 12(c)(1) of this Local Law shall not be punishable as a crime.

Section 15. Repeal. Local Law No. 3-1981 regulating the transfer of precious metals and jewelry hereby is repealed.

Section 16. Severability. If any provision, sentence or clause of this Local Law is held unconstitutional, illegal or invalid by a court of competent jurisdiction, such findings shall not affect or impair any of the remaining provisions, sentences or clauses or their application to persons and circumstances.

Section 17. Application. This Local Law shall apply to all Secondhand Dealers operating in Onondaga County, except that this Local Law shall be inapplicable in any city, village or town, during such time as such city, village or town is regulating or licensing the occupation or business in question.

Section 18. Effective Date. This Local Law shall become effective June 1, 2013, and shall be filed pursuant to the provisions of the Municipal Home Rule.

SecondHand Dealer.doc
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I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF LEGISLATION DULY ADOPTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY ON THE

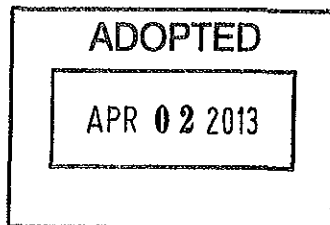
2nd DAY OF April, 2013.

Deborah A. Matuso

CLERK, COUNTY LEGISLATURE
ONONDAGA COUNTY, NEW YORK

FILED WITH CLERK
ONON. CO. LEG.

March 11, 2013
KMF



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LEGISLATURE