

**RESOLUTIONS OF THE OSWEGO COUNTY LEGISLATURE FOR
APRIL 26, 2022**

- 106 RESOLUTION OF THE LEGISLATURE OF THE COUNTY OF OSWEGO,
ELECTING A CENTS PER GALLON RATE OF SALES AND
COMPENSATING USE TAXES ON MOTOR FUEL AND DIESEL MOTOR
FUEL, IN LIEU OF THE PERCENTAGE RATE OF SUCH TAXES, PURSUANT
TO THE AUTHORITY OF ARTICLE 29 OF THE TAX LAW OF THE STATE
OF NEW YORK
- 107 A RESOLUTION ADOPTING COUNTY OF OSWEGO LOCAL LAW NUMBER
3 OF 2022 A LOCAL LAW AUTHORIZING THE PROVISION OF MASS
TRANSPORTATION AND THE ESTABLISHMENT OF MASS
TRANSPORTATION FACILITIES WITHIN THE COUNTY OF OSWEGO
- 108 RESOLUTION DONATING EXPIRED BALLISTIC VESTS FOR USE BY
CIVILIAN VOLUNTEERS ASSISTING THE UKRAINIAN PEOPLE AND
MILITARY IN THEIR FIGHT AGAINST VLADIMIR PUTIN'S UNPROVOKED
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OSWEGO COUNTY LEGISLATURE

RESOLUTION NO. 106

**RESOLUTION OF THE LEGISLATURE OF THE COUNTY OF OSWEGO,
ELECTING A CENTS PER GALLON RATE OF SALES AND COMPENSATING
USE TAXES ON MOTOR FUEL AND DIESEL MOTOR FUEL, IN LIEU OF THE
PERCENTAGE RATE OF SUCH TAXES, PURSUANT TO THE AUTHORITY OF
ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK**

By Legislator John Martino:

Be it enacted by the Legislature of the County of Oswego, as follows:

SECTION 1. Resolution No. 46 of 1996, is amended by adding a new section 4-B to read as follows:

Section 4-B. Cents per gallon rate of sales and compensating use taxes on motor fuel and diesel motor fuel.

Notwithstanding any provision of this enactment to the contrary, in lieu of the percentage rate of sales and compensating use taxes imposed on receipts from the retail sale of and consideration given or contracted to be given for, or for the use of, motor fuel and diesel motor fuel, such taxes shall be imposed at a rate of cents per gallon of such motor fuel or diesel motor fuel, in the manner prescribed by subdivision (m) of section 1111 of the New York Tax Law, provided that, for purposes of calculating the cents per gallon rate of tax, such receipts or consideration shall be limited to three (3) dollars per gallon of either such fuel. Provided that, if the average price of such fuels changes as described in such subdivision (m) of section 1111 of the Tax Law, the Commissioner of Taxation and Finance shall adjust the cents per gallon tax rate on such fuels in the manner prescribed in such subdivision (m) of section 1111 of the Tax Law.

SECTION 2. This resolution shall take effect June 1, 2022, and shall expire and be deemed repealed on December 1, 2022.

ADOPTED BY VOICE VOTE ON APRIL 26, 2022:

YES: 18 NO: 0 ABSENT: 7 ABSTAIN: 0

RESOLUTION NO. 107

**A RESOLUTION ADOPTING COUNTY OF OSWEGO LOCAL LAW NUMBER 3
OF 2022 A LOCAL LAW AUTHORIZING THE PROVISION OF MASS
TRANSPORTATION AND THE ESTABLISHMENT OF MASS
TRANSPORTATION FACILITIES WITHIN THE COUNTY OF OSWEGO**

By Legislator Tim Stahl:

WHEREAS, a public hearing was held on April 14th, 2022 and all interested parties having had an opportunity to be heard,

NOW, upon the recommendation of the Economic Development and Planning Committee of this body, be it

RESOLVED, that Local Law Number 3 of the year 2022 entitled "A LOCAL LAW AUTHORIZING THE PROVISION OF MASS TRANSPORTATION AND THE ESTABLISHMENT OF MASS TRANSPORTATION FACILITIES WITHIN THE COUNTY OF OSWEGO" be and is hereby adopted and enacted in its entirety.

ADOPTED BY VOICE VOTE ON APRIL 26, 2022:

YES: 18 NO: 0 ABSENT: 7 ABSTAIN: 0

**COUNTY OF OSWEGO
LOCAL LAW NUMBER 3 OF 2022
A LOCAL LAW AUTHORIZING THE PROVISION OF MASS TRANSPORTATION
AND THE ESTABLISHMENT OF MASS TRANSPORTATION FACILITIES WITHIN
THE COUNTY OF OSWEGO**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
OSWEGO AS FOLLOWS:**

Article 1. Title

This Local Law shall be known as “A LOCAL LAW AUTHORIZING THE PROVISION OF MASS TRANSPORTATION AND THE ESTABLISHMENT OF MASS TRANSPORTATION FACILITIES WITHIN THE COUNTY OF OSWEGO.”

Article 2. Statutory Authority

This Local Law is enacted pursuant to the express authority provided to the County of Oswego under GENERAL MUNICIPAL LAW §119-r and its general home rule powers under MUNICIPAL HOME RULE LAW §10(l)(l).

Article 3. Definitions

As used in this Local Law, the following terms as defined by GENERAL MUNICIPAL LAW §119-q, shall mean and include as follows:

a. “*Municipal corporation*” shall mean a town, village, county not wholly contained within a city, special transportation district, public benefit corporation or other public corporation, or two or more of the foregoing acting jointly.

b. “*Mass transportation capital project*” shall mean the acquisition, construction, reconstruction or improvement of any rapid transit, railroad, railroad freight capital facility, omnibus, marine transportation or other mass transportation capital facility and any capital equipment used in connection therewith.

c. “*Airport or aviation capital project*” shall mean the acquisition, construction, reconstruction or improvement of an airport or aviation capital facility and any capital equipment used in connection therewith.

d. “*Federal mass transportation operating assistance*” shall mean any federal financial assistance granted for the specific purpose of paying the operating expenses of any public transportation system, as such term is defined in section eighteen-a of the TRANSPORTATION LAW, or any rail freight system, in providing transportation services.

Article 4. Purpose and Intent

The purpose and intent of this Local Law is to allow the County of Oswego, as a municipal corporation, to provide mass transportation services to the public within the County of Oswego, to authorize and establish a mass transportation system within the County of Oswego, to enter into contracts as provided for by law regarding mass transportation services and to do any other activities authorized under GENERAL MUNICIPAL LAW §119-r, as amended, effective April 1, 2022 (L.2016, c. 54, pt. PP, § 3.) The County Legislature of the County of Oswego hereby finds and determines there is a need for the provision of mass transportation services within the County of Oswego and by enacting this local law the county intends to provide and/or contract for same.

Article 5. Legislative Powers Invoked as to Mass Transportation Services and Facilities

Upon the adoption of this Local Law, to assure the provision of mass transportation services to, and mass transportation facilities for, the public within the County of Oswego at adequate levels and at reasonable cost, the following powers are hereby conferred upon and authorized by the County of Oswego, a municipal corporation by and of the State of New York:

1. a. The acquisition, construction, reconstruction, improvement, equipment, maintenance or operation of one or more mass transportation projects. The County of Oswego shall have power to occupy or use any of the streets, roads, highways, avenues, parks or public places of such municipal corporation therefor and to agree upon and contract for the terms and conditions thereof.
- b. The making of a contract or contracts for the acquisition by purchase of all or any part of the property, plant and equipment of an existing mass transportation facility actually used and useful for the convenience of the public.
- c. The making of a contract or contracts with any person, firm or corporation, including a public authority, for the equipment, maintenance or operation of a mass transportation facility owned, acquired, constructed, reconstructed or improved by it.
- d. The making of a contract or contracts for a fair and reasonable consideration for mass transportation services to be rendered to the public by a privately-owned or operated mass transportation facility. Such power shall include, but not be limited to, the power to appropriate funds for payment of such consideration, and to provide that all or part of such consideration shall be in the form of capital equipment to be furnished to and used and maintained by such privately-owned or operated mass transportation facility.
- e. The making of unconditional grants of money or property to a public authority providing mass transportation services to all or part of such municipal corporation in order to assist such public authority in meeting its capital or operating expenses, provided such money does not consist of borrowed funds and such property has not been acquired by the use of borrowed funds. Such purpose is hereby declared to be county, city, town or village purposes, respectively. The provisions of this paragraph are intended as enabling legislation only and shall not be interpreted as implying that absent their enactment a

municipal corporation would lack the power to authorize any such grant; but they shall not be interpreted as an authorization to public authorities generally to accept such grants. The acceptance of any such grant by a public authority shall not operate to make such authority an agency of the municipal corporation making the grant.

2. The acquisition, construction, reconstruction, or improvement of any mass transportation capital project by a county, city, town or village pursuant to this section shall not be subject to the jurisdiction of the Commissioner of Transportation except as provided in sections sixty-eight, sixty-nine, sixty-nine-a, sixty-nine-b, sixty-nine-c, and sixty-nine-d of the TRANSPORTATION CORPORATIONS LAW.
3. The powers granted by this Local Law shall be in addition to and not in substitution for any other power to acquire, construct, reconstruct, improve, equip, maintain or operate any mass transportation capital project.
4. The powers conferred by this Local Law shall also expressly include the powers of the County of Oswego to act under GENERAL MUNICIPAL LAW §119-s, entitled "*Participation in federal and state assistance programs for mass transportation and airport and aviation projects*" regarding the power of the County of Oswego, either individually or jointly with one or more other municipal corporations, to apply for, accept, and expend financial assistance for one or more mass transportation capital projects or for one or more airport or aviation capital projects and as otherwise provided for in said statute.

Article 6. Applicability

This Local Law shall apply to all actions occurring on or after the effective date of this local law.

Article 7. Severability

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Article 8. SEQRA Determination

The County Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to

Section 617.5(c)(33) of Title 6 of the New York Code of Rules and Regulations (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Clerk of the Legislature is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance as may be necessary in accordance with this Local Law.

Article 9. Effective Date

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

RESOLUTION NO. 108

**RESOLUTION DONATING EXPIRED BALLISTIC VESTS FOR USE BY
CIVILIAN VOLUNTEERS ASSISTING THE UKRAINIAN PEOPLE AND
MILITARY IN THEIR FIGHT AGAINST VLADIMIR PUTIN'S UNPROVOKED
RUSSIAN INVASION OF UKRAINE**

By Legislator Marc Greco:

WHEREAS, On February 24, 2022 Russian Federation President Vladimir Putin, dictator of an oppressive autocracy, ordered the unprovoked military invasion of the peaceful democratic country of Ukraine; and

WHEREAS, Ukrainian President Volodymyr Zelensky, and the military and people of Ukraine - with extraordinary resolve, toughness and cunning - have unexpectedly fought and held back Russian forces of superior numbers and firepower; and

WHEREAS, Russian forces are deliberately targeting Ukrainian citizens and refugee routes; have irresponsibly and recklessly attacked three nuclear power plants; are bombing non-military structures such as apartment buildings, hospitals, and local municipal buildings as a terror tactic; and

WHEREAS, a civilian volunteer group in Ukraine is going to the front line in the war to extract and save civilians and refugees; and

WHEREAS, the St. John the Baptist Catholic Church in Syracuse is accepting donations of expired ballistic vests from government agencies and arranging for this heroic group of volunteers to receive them in Ukraine; and

WHEREAS, Oswego County has expired ballistic vests, which can still be used to save lives in Ukraine.

NOW, THEREFORE, BE IT RESOLVED, that the Oswego County Legislature, with the approval of the Purchasing Director, hereby waives the County's Disposition of Surplus Policy, and proudly donates the County's expired ballistic vests to the St. John the Baptist Catholic Church in Syracuse, so the vests can be used to help the people of Ukraine in their fight to keep their democratic independence as a nation.

ADOPTED BY VOICE VOTE ON APRIL 26, 2022:

YES: 18 NO: 0 ABSENT: 7 ABSTAIN: 0