

**MINUTES**  
**Herkimer County Legislature**  
**First Quarter – First Day**  
**Wednesday, January 2, 2019**  
**2:00 p.m.**

The First Quarterly Session of the Herkimer County Legislature was called to order by Chairman Bernard Peplinski at 2:00 p. m.

Chairman Peplinski called on Assistant County Attorney Kyle Crandall to lead the Legislature in the Pledge of Allegiance.

Chairman Peplinski called for a moment of silence in recognition of all veterans, past and present.

Roll Call: Quorum present, the following answering the roll:

Present: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Campione, Russell, Shaw, Weakley (17).

Absent: None.

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Peplinski asked if there were any objections or corrections to the minutes of December 12, 2018. There were none, and the Chairman ordered them approved.

Pursuant to Rule 11, Chairman Peplinski opened the floor for public comment. There were no appearances.

Chairman Peplinski stated that the communications received by the Legislature and the committees to which they were referred were as listed on the agenda and asked if any member of the Legislature requested mention of any particular communication. There were no requests.

No. 1 – A communication was received from the Oneida-Herkimer Solid Waste Authority submitting highlights of adopted 2019 Budget. Placed on file.

No. 2 – A communication was received from the Mohawk Valley Water Authority advising of Board Member Expiration. Placed on file.

No. 3 – A communication was received from the IDA – Advising of Public Hearing. Placed on file.

No. 4 – A communication was received from the Oneida-Herkimer Solid Waste Authority recommending reappointment of Board Member. Placed on file.

No. 5 – A communication was received from the Soil and Water Conservation District recommending reappointments of two Board Members. Referred to the Committee on Natural Resources.

No. 6 – A communication was received from the County Auditor advising of appointment of Deputy County Auditor. Placed on file.

No. 7 – A communication was received from the Republican Commissioner of Elections advising of temporary Deputy position. Placed on file.

No. 8 – A communication was received from the Budget Officer submitting transfer in the Information Services department. Referred to the Committee on Ways and Means.

No. 9 – A communication was received from the Budget Officer submitting budget amendment for Highway department. Referred to the Committee on Ways and Means.

No. 10 - A communication was received from the County Clerk requesting amendment of Laundry List for dues increase. Referred to the Committee on Ways and Means.

No. 11- A communication was received from the Personnel Officer requesting amendment to Salary Schedule No. III. Referred to the Committee on Ways and Means.

No. 12 – A communication was received from the Budget Officer advising of grant in Office for the Aging and requesting budget amendment. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 13 – A communication was received from the Budget Officer advising of grant in Public Health and requesting budget amendment. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 14 – A communication was received from the Director of Public Health requesting acceptance of Rabies Grant. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 15 – A communication was received from the Director Of Public Health requesting extension of grant period. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 16 – A communication was received from the Director of Public Health requesting MOU with CSEA. Referred to the Committee on Ways and Means.

No. 17 – A communication was received from the Commissioner of Social Services requesting amended contract with Beacon Center for Testing Services. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 18 – A communication was received from Nicholas Laino, HCCC requesting approval of HCCC Resolution amending 2017-18 Budget. Referred to the Committee on Education and the Committee on Ways & Means.

No. 19 – A communication was received from the Budget Officer submitting request to renew contract with the NYS Office of Court Administration for Court Cleaning Expenses. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways & Means.

No. 20 – A communication was received from the Director of Emergency Services requesting approval of updated Fire Mutual Plan. Referred to the Committee on Public Safety/Emergency Management.

No. 21 – A communication was received from the Budget Officer submitting request to award contract for In Rem Auction Sale. Referred to the Committee on County Properties.

No. 22 - A communication was received from the Farmland Protection Board advising of Proposal for updated Plan. Referred to the Committee on Natural Resources.

No. 23 – A communication was received from the Budget Officer submitting proposal for consulting. Referred to the Committee on Natural Resources.

No. 24 – A communication was received from the Highway Superintendent submitting Settlement Offer on Highway damage. Referred to the Committee on Highways and the Committee on Ways & Means.

No. 25 – A communication was received from Little Mended Hearts expressing thanks to the Legislature for Proclamation. Placed on file.

No. 26 - A communication was received from Cornell Cooperative Extension of Herkimer County submitting Annual Report for 2018. Placed on file.

No. 27 – A communication was received from the Town of Webb Publicity Director requesting designation as Tourist Promotion Agency. Referred to the Committee on County Planning & Development.

No. 28 – A communication was received from the Town of Webb Publicity Director requesting Resolution for Guarantee of Matching Funds. Referred to the Committee on County Planning & Development and the Committee on Ways & Means.

Pursuant to Rule 6, Chairman Peplinski then proceeded with Reports of Standing Committees. There were no reports.

The Chairman proceeded with Reports and Resolutions beginning with the consent agenda.

On motion of Mr. Stephens, seconded by Mr. Weakley, Resolutions No. 1- Resolution No. 4 was handed up; voted on and adopted by voice vote:

No. 1 – Report and Resolution Relative to Reappointment of member to the Oneida-Herkimer Solid Waste Authority

Ayes: 16. Abstain: Bono 1. Against: None. Absent: None.

No. 2 - NAT. RESOURCES: Reappointing Members to Soil & Water Cons. District

No. 3 - WAYS & MEANS: Approving transfers in 2018 Budget

No. 4 - NAT. RESOURCES: Setting date for Public Hearing on Ag Dist. Consolidation

On motion of Mr. Smith, seconded by Mr. Campione, Report and Resolution No. 5 sponsored by the Committee on Ways and Means amending budget in connection with additional State Snow revenue in Highway Department was handed up; was voted on and adopted by voice vote:

Ayes: 16. Abstain: Gaworecki 1. Against: None. Absent: None.

On motion of Mr. Stephens, seconded by Mr. Weakley, Report and Resolution No. 6 sponsored by the Committee on Ways and Means amending Resolution No. 406 of 2018 authorizing payment of dues during the Year 2019 was handed up, voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Smith, seconded by Mr. Shaw, Report and Resolution No. 7 sponsored by the Committee on Committee on Ways and Means amending Salary Schedule No. III for position changes in County Auditor department was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Campione, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

On motion of Mr. Ackerman, seconded by Mr. Schrader, Report and Resolution No. 8 sponsored by the Committee on Ways and Means and the Committee on Human Resources in connection with Transportation Services for Office for the Aging was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Johnson, seconded by Mr. Malta, Report and Resolution No. 9 sponsored by the Committee on Human Resources and the Committee on Ways and Means authorizing renewal of contract for funding of Childhood Lead Poisoning Prevention Screening Services Grant and amending budget was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Schrader, seconded by Mr. Shaw, Report and Resolution No.10 sponsored by the Committee on Human Resources and the Committee on Ways and Means authorizing contract with State for Rabies Program Expenses was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Stephens, seconded by Mr. Hollum, Report and Resolution No. 11 sponsored by the Committee on Human Resources and the Committee on Ways and Means extending grant in Public Health was handed up; was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Russell, seconded by Mr. Gaworecki, Report and Resolution No. 12 sponsored by the Committee on Ways and Means ratifying agreeing between the County of Herkimer and the Civil Service Employees Association Inc., Local 1000, AFSCME was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None. Absent: None.

On motion of Mr. Ackerman, seconded by Mr. Malta, Report and Resolution No. 13 sponsored by the Committee on Human Resources and the Committee on Ways and Means authorizing amended contract for provision of screening services to Department of Social Services was handed up; voted on and adopted by voice vote:

For: All ayes (17).

Against: None. Absent: None.

On motion of Mr. Manno, seconded by Mr. Brezinski, Report and Resolution No. 14 sponsored by the Committee on Education and the Committee on Ways and Means approving Herkimer County Community College Resolution to Amend 2017-18 Budget was handed up; was voted on and adopted by voice vote:

For: Ayes (17).

Against: None. Absent: None.

On motion of Mr. Bono, seconded by Mr. Keeler, Report and Resolution No. 15 sponsored by the Committee on Public Safety/Emergency Management and the Committee on Ways and Means in connection with contract with the New York State Office of Court Administration to provide cleaning and minor repairs of court facilities, amending the 2019 budget and establishing account was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None. Absent: None.

On motion of Mr. Bono, seconded by Mr. Stephens, Report and Resolution No. 16 sponsored by the Committee on Public Safety/Emergency Management approving Update Fire Mutual Aid Plan was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None. Absent: None.

On motion of Mr. Bono, seconded by Mr. Stephens, Report and Resolution No. 17 sponsored by the Committee on County Properties approving contract for Land Auction was handed up; was voted on and adopted by roll call voice vote:

For: Ayes (17).

Against: None. Absent: None.

On motion of Mr. Campione, seconded by Mr. Hollum, Report and Resolution No. 18 sponsored by the Committee on Natural Resources authorizing contract for Farmland Protection Plan update was handed up; was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Schrader, seconded by Mr. Smith, Report and Resolution No. 19 sponsored by the Committee on Highways and the Committee on Ways & Means approving Settlement Agreement for Costs and Expenses incurred in removing Obstructions within the boards of the County Highways was handed up for discussion.

Legislator Smith requested a roll call vote; Legislators Russell, Brezinski made comment.

On motion of Mr. Brezinski, seconded by Mr. Malta, the Legislature went into Executive Session at 2:14 p.m. At 2:26 on motion of Mr. Stephens, seconded by Mr. Malta, the Legislature came out of Executive Session. The resolution was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Stephens, Keeler, Brezinski, Manno, Bono, Ackerman, Peplinski, Campione, Russell, Shaw, Weakley (15).

Against: Johnson, Smith (2).

Absent: None.

On motion of Mr. Russell, seconded by Mr. Shaw, Resolution No. 20 sponsored by the Committee on County Planning and Development designating the Town of Webb as Tourist Promotion Agency was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Keeler, seconded by Mr. Gaworecki, Resolution No. 21 sponsored by the Committee on County Planning & Development and the Committee on Ways and Means authorizing application for Matching Funds under the New York State Tourist Promotion Act was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Keeler, seconded by Mr. Gaworecki, Resolution No. 22 sponsored by the Committee on Ways and Means amending Resolution No. 400 adopting 2018 Equalization Table for the Year 2019 was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Campione, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

Chairman Peplinski stated that pursuant to Rule 6(12) they would proceed with comments by legislators. Legislators Bono, Schrader and Chairman Peplinski made comments.

At 2:34 p.m. on motion of Mr. Manno, seconded by Mr. Stephens, the Legislature adjourned to Wednesday, January 23, 2019 at 7:00 p.m.

Sally Deming, Clerk



# HERKIMER COUNTY LEGISLATURE

No. 1

## REPORT AND RESOLUTION RELATIVE TO REAPPOINTMENT OF MEMBER OF THE ONEIDA-HERKIMER SOLID WASTE MANAGEMENT AUTHORITY

**Sponsored by: Committee on County Planning & Development**

WHEREAS, the term of Vincent J. Bono to the Oneida-Herkimer Solid Waste Management Authority appointed pursuant to Resolution No. 12 of 2014 expired on December 31, 2018; and

WHEREAS, by letter dated December 12, 2018, the Executive Director of the Oneida-Herkimer Solid Waste Authority has requested that Vincent J. Bono be reappointed for a five year term commencing January 1, 2019; now, therefore, be it

RESOLVED, that Vincent J. Bono, 141 Millers Grove Rd., Frankfort, New York, be and he hereby is, reappointed for a five year term commencing January 1, 2019 through December 31, 2023 as representative of Herkimer County on the Oneida-Herkimer Solid Waste Management Authority; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer, the Oneida- Herkimer Solid Waste Authority and Vincent J. Bono.

Dated: January 2, 2019.





## HERKIMER COUNTY LEGISLATURE

No. 2

### **REPORT AND RESOLUTION REAPPOINTING DIRECTORS TO THE HERKIMER COUNTY SOIL AND WATER CONSERVATION DISTRICT**

**Sponsored by: Committee on Natural Resources**

WHEREAS, by communication dated December 18, 2018, the Herkimer County Soil and Water Conservation District recommends the reappointment of Bernard Peplinski, Sr. and Peter J. Campione for the position of Director, pursuant to Sections 6 and 7 of the Soil Conservation Law; now therefore, be it

RESOLVED, that Bernard Peplinski, Sr. and Peter J. Campione, members of the Herkimer County Legislature, be reappointed as Directors of the Herkimer County Soil and Water Conservation District, said term to be effective January 1, 2019 through December 31, 2019 and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Soil and Water Conservation District, Bernard Peplinski, Sr. and Peter J. Campione.

Dated: January 2, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 3

### REPORT AND RESOLUTION AUTHORIZING TRANSFERS OF FUNDS IN 2018 BUDGET

**Sponsored by: Committee on Ways & Means**

WHEREAS, your Committee on Ways and Means, to which was referred communications from Sheri A. Ferdula, Budget Officer/Purchasing Agent, dated December 17, 2018, submitting a request for transfer of funds, reports that we have examined said communication, inquired into the subject matter thereof, and recommend that said transfers be made and offer the following Resolution:

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized and directed to transfer the following sum from and to the following accounts in the 2018 Budget:

**Transfer:**

\$6,400 From: A6786A.10000, Aging, Balance Incentive, Salaries  
To: A6783.44000, Aging IIII, Contracted Services

\$ 875 From: A1680.44000-442 Information Services, Maintenance Contracts  
To: A1680.22000 Information Services, Computer Equipment

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Office for the Aging and Director of Information Services.

Dated: January 2, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 4

### **REPORT AND RESOLUTION OF THE SETTING DATE FOR HEARING ON REVIEW OF AGRICULTURAL DISTRICT CONSOLIDATION**

#### **Sponsored by: Committee on Natural Resources**

WHEREAS, by Resolution No. 287 adopted on September 12, 2018, the eight year review of Herkimer County Agricultural District No. 2 and Agricultural District No. 3 was acknowledged as requiring a district review; and

WHEREAS, said Resolution also proposed that all existing agricultural districts in Herkimer County be consolidated during the review process; your Committee has been advised that a report has been prepared by the Farmland Protection Board recommending the consolidation be adopted pursuant to statute; now, therefore, be it

RESOLVED, that a Public Hearing be held on the 23rd day of January, 2019 at 6:30 p.m. in the Herkimer County Legislature Chambers on the consolidation of all existing agricultural districts in Herkimer County into one district called Agricultural District #1; and, be it further

RESOLVED, that the Clerk of this Legislature give proper notice thereof pursuant to Section 303-c of the Agriculture and Markets Law of the State of New York; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Soil and Water Conservation District, Cooperative Extension Services and Herkimer-Oneida Counties Comprehensive Planning Program.

Dated: January 2, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 5

### REPORT AND RESOLUTION AMENDING BUDGET IN CONNECTION WITH ADDITIONAL STATE SNOW REVENUE IN HIGHWAY DEPARTMENT

**Sponsored by: Committee on Ways and Means**

WHEREAS, by letter dated December 11, 2018 from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised of an additional increase to the State Snow Budget in the amount of \$235,469.00 and the following amendment to the 2018 budget is necessary to incorporate the funds; now therefore be it

RESOLVED, that the 2018 budget be amended as follows:

|  |                   |
|--|-------------------|
| D5144.2302, State Snow                       | From: \$1,540,000 |
|  | To: \$1,735,469   |
| D5144.44000, State Snow, Contracted Services | From: \$1,500,000 |
|  | To: \$1,735,469   |

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer and Highway Superintendent.

Dated: January 2, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 6

### **REPORT AND RESOLUTION AMENDING RESOLUTION NO. 406 OF 2018 AUTHORIZING PAYMENT OF DUES DURING THE YEAR 2019**

**Sponsored by: Committee on Ways and Means**

WHEREAS, on December 12, 2018 this Legislature adopted Resolution No. 406 authorizing payment of dues for municipal officers and employees during the year 2019; and

WHEREAS, by communication dated December 10, 2018, from Sylvia M. Rowan, County Clerk, this Legislature is advised that the New York Association of Local Government Records Officers, has increased their membership dues, from \$30.00 per person to \$50.00, and further requests said Resolution No. 406 of 2018 be amended to reflect said change; now, therefore, be it

RESOLVED, that Resolution No. 406 adopted on December 12, 2018 be amended under County Clerk and Deputy County Clerk, to increase the membership dues for the National Safety Council from \$30.00 per person to \$50.00 per person; and, be it further

RESOLVED, that in all other respects Resolution No. 406 of 2018 shall remain in full force and effect; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer and County Clerk.

Dated: January 2, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 7

### **REPORT AND RESOLUTION AMENDING SALARY SCHEDULE NO. III FOR POSITION CHANGES IN COUNTY AUDITOR DEPARTMENT**

**Sponsored by: Committee on Ways and Means**

WHEREAS, by letter dated December 13, 2018, Steven R. Billings, Personnel Officer, has requested to amend Salary Schedule III to delete a p/t (.56) Account Clerk in Account A1320 and establish a full-time Account Clerk position in Account A1320 in the 2019 Salary Schedule; and

WHEREAS, letter further states that the appropriate salary for said position in Account A1320 for Account Clerk should be at an annual 2019 hire rate of \$27,364.00 effective as of January 2, 2019; and

WHEREAS, your Committee has taken this matter under advisement and recommend said change; now, therefore, be it

RESOLVED, that Salary Schedule III be amended to delete a p/t (.56) Account Clerk in Account A1320 and establish a full-time Account Clerk position in Account A1320 in the 2019 Salary Schedule at an annual 2019 hire rate of \$27,364.00, effective as of January 2, 2019; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, and Personnel Officer.

Dated: January 2, 2019.



# HERKIMER COUNTY LEGISLATURE

No. 8

## REPORT AND RESOLUTION AMENDING BUDGET IN CONNECTION WITH TRANSPORTATION SERVICES FOR OFFICE FOR THE AGING

**Sponsored by: Committee on Human Resources  
Committee on Ways and Means**

WHEREAS, by letter dated December 13, 2018, Kathy L. Fox, Director of the Office for the Aging, has advised this Legislature of the receipt of a grant from the Community Foundation of Herkimer and Oneida Counties, Inc., which grant will provide transportation in Middleville, Poland, and Ohio areas; and

WHEREAS, by letter dated December 13, 2018, the Budget Officer/Purchasing Agent has requested that the 2019 Herkimer County Budget be amended in connection with the receipt of said Grant; now, therefore, be it

RESOLVED, that the 2019 Herkimer County Budget is hereby amended as follows:

**Revenue:**

|  |             |
|--|-------------|
| A6772E.1989A, Aging Community Foundation Grant | From: \$0   |
|  | To: \$5,275 |

**Expense:**

|  |             |
|--|-------------|
| A6772E.10000, Aging Community Foundation Grant, Salaries       | From: \$0   |
|  | To: \$844   |
| A6772E.10100, Aging, Community Foundation Grant, Temp. Emp.    | From: \$0   |
|  | To: \$1,998 |
| A6772E.46000, Aging, Community Foundation Grant, Misc. Exp.    | From: \$0   |
|  | To: \$300   |
| A6772E.46200, Aging, Community Foundation Grant, Auto Exp.     | From: \$0   |
|  | To: \$1,800 |
| A6772E.81000, Aging, Community Foundation Grant, Retirement    | From: \$0   |
|  | To: \$75    |
| A6772E.83000, Aging, Community Foundation Grant, Social Sec.   | From: \$0   |
|  | To: \$169   |
| A6772E.83500, Aging, Community Foundation Grant, Medicare      | From: \$0   |
|  | To: \$41    |
| A6772E.84000, Aging, Community Foundation Grant, Workers Comp. | From: \$0   |
|  | To: \$48    |

and, be it further

RESOLVED, that the Chairman of the Legislature be authorized to sign all documents relating to this grant; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer and Director of the Office for the Aging.

Dated: January 2, 2019.



**REPORT AND RESOLUTION AUTHORIZING RENEWAL OF CONTRACT FOR FUNDING OF CHILDHOOD LEAD POISONING PREVENTION SCREENING SERVICES GRANT AND AMENDING BUDGET**

**Sponsored by: Committee on Human Resources  
Committee on Ways and Means**

WHEREAS, by Resolution No. 228 for the year 1990, this Legislature authorized a contract with the New York State Department of Health to provide grant funding for the Childhood Lead Poisoning Prevention Program screening services and to increase public knowledge about lead poisoning and its prevention, which contract has been continued for each year thereafter; and

WHEREAS, by letter dated December 14, 2018 from Christina Cain, Director of Public Health, your Committees have been advised of a request to renew said agreement with the New York State Department of Health for the term commencing October 1, 2018 and ending September 30, 2019, with funding for this period to be in the amount of \$39,826.00; and

WHEREAS, by letter dated December 14, 2018, from Sheri A. Ferdula, Budget Officer, this Legislature is advised of a request to amend the 2018 Budget in connection with the receipt of funding for the Childhood Lead Poisoning Prevention Program for the Herkimer County Public Health Nursing Service for the period October 1, 2018 through September 30, 2019 in the total amount of \$39,826.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute a contract in the amount of \$39,826.00 with the New York State Department of Health to continue the Childhood Lead Poisoning Prevention Program in the County of Herkimer for the period October 1, 2018 to September 30, 2019, unless terminated in accordance with the terms thereof; and, be it further

RESOLVED, that the 2018 Herkimer County Budget is hereby amended as follows:

Revenue Account:

|                                |       |          |
|--------------------------------|-------|----------|
| A4189L.4489B, Lead Prevention, | From: | \$0      |
|                                | To:   | \$39,826 |

Expense Account:

|  |       |          |
|--|-------|----------|
| A4189L.10000-001, Lead Prev., Salaries | From: | \$0      |
|  | To:   | \$29,150 |

|                                    |       |         |
|------------------------------------|-------|---------|
| A4189L.41000, Lead Prev., Supplies | From: | \$0     |
|                                    | To:   | \$3,150 |

|                                   |       |       |
|-----------------------------------|-------|-------|
| A4189L.46100, Lead Prev., Mileage | From: | \$0   |
|                                   | To:   | \$150 |

|                                   |       |         |
|-----------------------------------|-------|---------|
| A4189L.46300, Lead Prev., Postage | From: | \$0     |
|                                   | To:   | \$1,500 |

|                                       |       |     |
|---------------------------------------|-------|-----|
| A4189L.86000, Lead Prev., Health Ins. | From: | \$0 |
|---------------------------------------|-------|-----|



To: \$5,876

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Public Health and the New York State Department of Health.

Dated: January 2, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 10

### **REPORT AND RESOLUTION AUTHORIZING CONTRACT WITH STATE FOR RABIES PROGRAM EXPENSES**

**Sponsored by: Committee on Human Resources  
Committee on Ways and Means**

WHEREAS, by letter dated December 5, 2018, from Christina Cain, Director of Public Health, this Legislature is advised of a request to enter into a contract with New York State Department of Health, for reimbursement for the Herkimer County Public Health Nursing Service Rabies Program, which supports the provision of human rabies treatment, specimen collection, pet vaccination clinics, education and prevention; and

WHEREAS, said contract covers the period from April 1, 2019 to March 31, 2022, for a total contract amount of \$37,842.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute by electronic signature a contract with the New York State Department of Health to provide reimbursement for expenses incurred by the Herkimer County Public Health Nursing Service under the Rabies Program for the period from April 1, 2019 through March 31, 2022, for a total contract amount of \$37,842.00; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Public Health and the New York State Department of Health.

Dated: January 2, 2019.



# HERKIMER COUNTY LEGISLATURE

No. 11

## REPORT AND RESOLUTION EXTENDING GRANT IN PUBLIC HEALTH

**Sponsored by: Committee on Human Resources  
Committee on Ways and Means**

WHEREAS, Resolution No. 279 of 2017 accepted a grant from the Health Foundation of Central and Western New York in the amount of \$7,000; and

WHEREAS, by letter dated December 10, 2018, Christina Cain, Director of Public Health, has requested to extend the grant associated with Resolution No. 279 of 2017 for the period of November 1, 2017 through October 31, 2019; now, therefore, be it

RESOLVED, that said grant period is extended for a period of November 1, 2017 through October 31, 2019; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer and Director of Public Health Nursing Services.

Dated: January 2, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 12

### **REPORT AND RESOLUTION RATIFYING AGREEMENT BETWEEN THE COUNTY OF HERKIMER AND THE CIVIL SERVICE EMPLOYEES ASSOCIATION INC., LOCAL 1000, AFSCME**

#### **Sponsored by: Committee on Ways and Means**

WHEREAS, your Committee on Ways and Means has negotiated the terms and conditions of employment of those employees of the Herkimer County Public Health Department represented by the Civil Service Employees Association Inc., Local 1000 (AFSCME) and your Committee has tentatively agreed to such terms and conditions of an agreement for the employees of Public Health Nursing Service beginning January 1, 2019, subject to ratification of the Herkimer County Legislature; and

WHEREAS, this Legislature has been informed by letter dated November 20, 2018 from Christina Cain, Director of Public Health that such tentative agreement has been signed; and

WHEREAS, the terms of said agreement have been fully explained to the Herkimer County Legislature; and

WHEREAS, the Herkimer County Legislature is satisfied that the ratification of this agreement is in the best interests of both the County of Herkimer and its employees; now, therefore, be it

#### **RESOLVED:**

1. That the Herkimer County Legislature hereby ratifies and approves the tentative agreement between the Committee on Ways and Means and the Civil Service Employees Association, Inc.;
2. That the Chairman of the Herkimer County Legislature be, and he hereby is, authorized to execute said agreement on behalf of the County of Herkimer;
3. That certified copies of this Resolution be forwarded to the Herkimer County, Personnel Officer, Director of Public Health and the Civil Services Employees Association, Inc., Local 1000, AFSCME.

Dated: January 2, 2019.



# HERKIMER COUNTY LEGISLATURE

No. 13

## REPORT AND RESOLUTION AUTHORIZING AMENDED CONTRACT FOR PROVISION OF SCREENING SERVICES TO DEPARTMENT OF SOCIAL SERVICES

**Sponsored by: Committee on Human Resources  
Committee on Ways and Means**

WHEREAS, by Resolution No. 202 adopted September 16, 2015 the Chairman of the Legislature and the Commissioner of Social Services were authorized to enter into an agreement with Beacon Center, Inc., 3131 Sheridan Drive, Suite 106, Amherst, New York 14223, for the provision of all services for, and administration of, drug and alcohol/substance abuse screening/testing for the Herkimer County Department of Social Services; and

WHEREAS, Resolution No. 34 of 2017 and Resolution No. 380 of 2018 amended the contract for price increases/decrease in services; and

WHEREAS, by letter dated December 5, 2018, Timothy Seymour, Commissioner of Social Services, has requested said agreement be amended to reflect price increases as follows:

|   |                      |
|---|----------------------|
| Pain Management Profile (13 Drugs) increase from  | \$195.00 to \$223.00 |
| Pain Management Screening Profile (11 Drugs) increase from<br>(upon positive result confirmation performed for an additional \$79.00) | \$140.00 to \$165.00 |
| Drug Abuse Profile (7 Drugs) increase from  | \$73.00 to \$98.00   |
| Cannabinoid (K2, Spice) Synthetic Expanded Profile decrease from  | \$117.00 to \$105.00 |
| Ethyl Glucuronide (80 hour alcohol test) increase from  | \$78.00 to \$115.00  |
| Instatox Urine Screen<br>(Benzos, Amphetamines, THC, Opiates, Cocaine, PHP)   | \$24.00              |
| Hair Follicle 5 panel<br>(Amphetamines, THC, Opiates, Cocaine, PCP – 90 days)   | \$150.00             |
| Hair Follicle Extended Opiate Panel<br>(Amphetamines, THC, Opiates, Cocaine, PCP, Hydrocodone,<br>Hydromorphone, Oxycodone – 90 days) | \$200.00             |

now, therefore, be it

RESOLVED, that the Chairman of the Legislature and the Commissioner of Social Services be and hereby are authorized to enter into an amended agreement with Beacon Center, Inc., 3354 Sheridan Drive, Amherst, New York 14223, for the provision of all services for, and administration of, drug and alcohol/substance abuse screening/testing for the Herkimer County Department of Social Services, including the above listed price increases, with said amended agreement to be subject to the review and approval of the Herkimer County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Commissioner of Social Services and Beacon Center, Inc.

Dated: January 2, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 14

### **REPORT AND RESOLUTION APPROVING HERKIMER COUNTY COMMUNITY COLLEGE RESOLUTION TO AMEND 2017-18 BUDGET**

**Sponsored by: Committee on Education  
Committee on Ways and Means**

WHEREAS, by letter dated December 3, 2018 from Nicholas F. Laino, Senior Vice President for Administration and Finance at Herkimer County Community College, has advised that the Board of Trustees has adopted a resolution, 16-19A Amended Operating Budget for 2017-18 and requests the Herkimer County Legislature do the same; now, therefore it be

RESOLVED, that Board of Trustees Resolution No. 16-19A amending the Herkimer County Community College Budget in the amount of \$21,330,864.00 to reflect an increase in State Aid of \$2,225.00 with a total budget in the amount of \$21,330,864, with an increase in Base State Operating to \$6,132,128 from \$6,129,903; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, and President and Senior Vice President for Administration and Finance at Herkimer County Community College.

Dated: January 2, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 15

### **REPORT AND RESOLUTION IN CONNECTION WITH CONTRACT WITH THE NEW YORK STATE OFFICE OF COURT ADMINISTRATION TO PROVIDE CLEANING AND MINOR REPAIRS OF COURT FACILITIES, AMENDING THE 2019 BUDGET AND ESTABLISHING ACCOUNT**

**Sponsored by: Committee on Public Safety/Emergency Management  
Committee on Ways and Means**

WHEREAS, by Resolution No. 266 duly adopted on November 13, 2013, this Legislature authorized an agreement with the New York State Unified Court System for the cleaning of court facilities, as well as minor and emergency repairs thereof, for a maximum of five years beginning April 1, 2013 through March 31, 2018; and

WHEREAS, by Resolution No. 54 of 2017 adopted on February 15, 2017, this Legislature authorized an Annual Renewal Letter and Budget for the period of April 1, 2017 through March 31, 2018; and

WHEREAS, by letter dated December 12, 2018, from Sheri Ferdula, Budget Officer and Purchasing Agent this Legislature is advised that the State of New York Unified Court System has requested that a five year contract be approved and signed for the retroactive period commencing April 1, 2018 through March 31, 2023, with the maximum compensation for said period to be \$136,202.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute the five year contract for the retroactive period commencing April 1, 2018 through March 31, 2023 with the New York State Unified Court System for the cleaning of court facilities, as well as minor and emergency repairs thereof, for a maximum compensation of \$136,202.00 for said period; and, be it further

RESOLVED, that the 2019 Budget be amended and an expense account be established as follows:

|   |                |
|---|----------------|
| A3021, Court Facilities                   | From: \$80,000 |
|   | To: \$127,500  |
| A1620.44000-372, Buildings, Court Repairs | From: \$0      |
|   | To: \$47,500   |

and, be it

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer and New York State Office of Court Administration.

Dated: January 2, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 16

### **REPORT AND RESOLUTION APPROVING UPDATED FIRE MUTUAL AID PLAN**

**Sponsored by: Committee on Public Safety/Emergency Management**

WHEREAS, by letter dated December 4, 2018 from Matthew Palumbo, Director of Emergency Services, the Legislature is advised the Herkimer County Fire Mutual Aid Plan has been reviewed, updated and approved by the Fire Advisory Board and requests the Legislature approve the same; now, therefore be it

RESOLVED, that the updated Plan as submitted is, hereby approved; and, be it further

RESOLVED, that a copy of said Plan be filed with the New York State Office of Fire Prevention and Control and the Herkimer County Fire Chiefs; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Attorney's Office, the New York State Office of Fire Prevention and Control and the Director of Emergency Services.

Dated: January 2, 2019.





## HERKIMER COUNTY LEGISLATURE

No. 17

### REPORT AND RESOLUTION APPROVING CONTRACT FOR LAND AUCTION

#### Sponsored by: Committee on County Properties

WHEREAS, by Resolution No. 26 of 2018, this Legislature authorized a one year extension of a five year contract with Michael W. Knapp, Jr. to conduct the auction for the In Rem Tax Foreclosure parcels for the year 2018 ( 2016 In Rem) sale year; and

WHEREAS, by letter dated December 17, 2018, Sheri A. Ferdula, Budget Officer has advised it is the recommendation of Kimberlee Enea, County Treasurer that the contract be awarded to Auctions by Knapp, in the amount of \$400.00 per parcel sold at auction, \$200.00 per parcel offered but not sold at auction; and \$200.00 for any parcel that is removed or withdrawn from the auction list after the day Herkimer County takes title to parcels; now, therefore, be it

RESOLVED, that the Chairman of the Legislature is hereby authorized to enter into a three year contract with Michael W. Knapp, Jr., 2 Sunnybrook Lane, Utica, NY 13502, to conduct the auction for the In Rem Tax Foreclosure parcels for the years 2019, 2020, 2021 (2017,2018, 2019 In Rem) sale year, with said contract to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, County Attorney and Michael W. Knapp, Jr.

Dated: January 2, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 18

### **REPORT AND RESOLUTION AUTHORIZING CONTRACT FOR FARMLAND PROTECTION PLAN UPDATE**

**Sponsored by: Committee on Natural Resources**

WHEREAS, by Resolution No. 286 of 2018, this Legislature approved acceptance of a an Agricultural Farmland Protection Grant from the New York State Department of Agriculture and Markets in the amount of \$28,500 for the purpose of updating the Farmland Protection Plan in Herkimer County; and

WHEREAS, by letter dated December 13, 2018, Sheri A. Ferdula, Budget Officer, has advised Requests for Proposals were solicited by the Office of the Purchasing Agent for consulting services to assist in updating the Farmland Protection Plan with one proposal being received from Community Planning and Environmental Associates in the amount of \$28,360; now, therefore be it

RESOLVED, that this Legislature authorizes the Chairman of the Legislature to execute a contract Community Planning and Environmental Associates in the amount of \$28,360 for consulting services to assist in updating the Farmland Protection Plan with terms and conditions subject to approval of the County Attorney's office; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Farmland Protection Board and the NYS Department of Agriculture and Markets.

Dated: January 2, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 19

No. 19

### **REPORT AND RESOLUTION APPROVING SETTLEMENT AGREEMENT FOR COSTS AND EXPENSES INCURRED IN REMOVING OBSTRUCTIONS WITHIN THE BOUNDS OF THE COUNTY HIGHWAYS**

**Sponsored by: Committee on Highways  
Committee on Ways & Means**

WHEREAS, by Resolution No. 254 of 2018, the County Attorney's office was authorized to commence an action against Daniel Yoder and Mattie Yoder for costs and expenses incurred in removing obstructions with the bounds of the county highway; and

WHEREAS, by letter of Mark Nagele, P.E., County Superintendent of Highways, dated December 12, 2018, request is being made for Herkimer County to enter into a settlement agreement with Daniel Yoder of the Town of Newport for reimbursement for costs and expenses incurred in removing obstructions within the bounds of the county highway along Butler Road in Poland, New York, CR 88; now, therefore be it

RESOLVED, that the Herkimer County Legislature hereby approves the settlement agreement in the amount of \$6,500 subject to terms and conditions approved by the County Attorney's Office including a requirement that Daniel Yoder and Mattie Yoder sign a confession of Judgment for the total cost and expenses of \$8,037.37; and, be it further

RESOLVED, that the Herkimer County Legislature, hereby authorizes the Chairman of the Legislature to sign any documents necessary to achieve the settlement agreement, subject to the terms and conditions of the County Attorney's Office; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the County Treasurer, Auditor, Budget Officer, Herkimer County Highway Superintendent, Daniel Yoder and Mattie Yoder.

Dated: January 2, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 20

### **REPORT AND RESOLUTION DESIGNATING THE TOWN OF WEBB AS TOURIST PROMOTION AGENCY**

**Sponsored by: Committee on County Planning and Development**

WHEREAS, the New York State Tourist Promotion Act provides that the State of New York will match funds with the applicant tourist promotion agency, which may include, radio, television, newspapers and magazine advertising; and

WHEREAS, by letter received December 28, 2018, the Town of Webb Tourism/Publicity Director has contacted your Committee and requested that it be designated by the Herkimer County Legislature as a tourist promotion agency within the meaning of the New York State Tourist Promotion Act for the year 2019; now, therefore, be it

RESOLVED, that the Chairman of the Herkimer County Legislature is hereby authorized to send a letter to the New York State Division of Tourism "I Love NY" Campaign to guarantee Herkimer County's 2019 matching funds; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Town of Webb and the New York State I LOVE NY Program.

Dated: January 2, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 21

### REPORT AND RESOLUTION AUTHORIZING APPLICATION FOR MATCHING FUNDS UNDER THE NEW YORK STATE TOURIST PROMOTION ACT

**Sponsored by: Committee on County Planning and Development  
Committee on Ways & Means**

WHEREAS, the New York State Tourist Promotion Act provides that the State of New York will match funds with the applicant tourist promotion agency, which may include, radio, television, newspapers and magazine advertising; and

WHEREAS, Tourist Promotion Agency means any not-for-profit corporation or other non-profit organization, association or agency, which shall be designated by resolution of the County Legislature as the agency specified in the New York State Tourist Promotion Act, provided that the applicant has operated a tourist promotion program for at least three years prior to the enactment of the Act; and

WHEREAS, the Town of Webb has contacted your Committee by communication dated December 14, 2018 and requested that it be designated by the Herkimer County Legislature as a tourist promotion agency within the meaning of the New York State Tourist Promotion Act for the year 2019; and

WHEREAS, the Town of Webb has advised your Committee that it will appropriate the necessary funds to match the state funds for this Program; now, therefore, be it

#### RESOLVED:

1. That the Herkimer County Legislature hereby designates the Town of Webb as a tourist promotion agency within the County of Herkimer effective this date within the meaning of the New York State Tourist Promotion Act; and

2. That the Herkimer County Legislature hereby authorizes the Town of Webb to make application for and to receive matching funds under the New York State Tourist Promotion Act for the calendar year 2019;

3. That the Herkimer County Legislature hereby certifies that the Town of Webb has acted as a Tourist Promotion Agency and has been in operation for three years in such capacity prior to the enactment of the said Act;

4. That certified copies of this Resolution be forwarded to the Town of Webb and the New York State I LOVE NY Program.

Dated: January 2, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 22

### **REPORT AND RESOLUTION AMENDING RESOLUTION NO. 400 ADOPTING 2018 EQUALIZATION TABLE FOR THE YEAR 2019**

**Sponsored by: Committee on Ways and Means**

WHEREAS, Resolution No. 400 of 2018 was adopted on December 12, 2018, adopting the 2018 Equalization Table and establishing the tax rate; and

WHEREAS, that Resolution requires amendment to correct that table and tax rate; now, therefore be it

RESOLVED, that Resolution 400 shall be amended to read as follows:

Your Committee on Ways and Means of the County Legislature of the County of Herkimer, pursuant to Section 804 of the Real Property Tax Law, submits the following ratio of assessed valuation to full valuation, as determined by the Legislature of Herkimer County on real property of the several tax districts of said County liable to the general levy of the tax shown by the tabulated statement herewith; that the tax rate on the County Budget as established is \$5.501809 per \$1,000.00 full value.

Dated: January 2, 2019.