

**MINUTES**  
**Herkimer County Legislature**  
**Second Quarter – Fifth Day**  
**Wednesday, June 12, 2019**  
**7:00 p.m.**

The Regular Session of the Herkimer County Legislature was called to order by Chairman Bernard Peplinski at 7:06 p.m.

Chairman Peplinski called on John Raymond, Director of Emergency Services, 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 May 15, 2019. There were none, and the Chairman ordered them approved.

At this time Chairman Peplinski dispensed with the regular session for a presentation of a Proclamation for “June as Dairy Month” and “Dairy Princess and Court Week” in Herkimer County. Chairman Peplinski called on Legislator Peter Campione to present the proclamations. Connie Frasier, alongside the three Dairy ambassadors, each spoke of the importance of involving our youth in the education of farm life. They each explained the decline in dairy farming in New York State and urged that efforts be focused to change that. The outgoing Dairy Princess and ambassadors thanked the Legislature for the opportunity.

At this time Chair Peplinski called on Christian Lawton of Barton & Loguidice for a presentation on the Water Transmission Line Project.

Pursuant to Rule 11, Chairman Peplinski opened the floor for public comment. (1) John Potasiewicz, Cold Brook – Pardeeville Road.

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. 215 – A communication was received from the Commissioners of Elections informing the Legislature of requirements needed for Early Voting. Filed.

No. 216 – A communication was received from the Herkimer County Soil & Water submitting notice of Monthly meeting. Filed.

No. 217 – A communication was received from the Capital District Off Track Betting Corporation submitting financial report for January 2019. Filed.

No. 218 – A communication was received from the Capital District Off Track Betting Corporation submitting financial report for February 2019. Filed.

No. 219 – A communication was received from the Capital District Off Track Betting Corporation submitting audited financial report for years ending in 2017 and 2018. Filed.

No. 220 – A communication was received from the Budget Officer/Purchasing Agent requesting appropriation of funds to cover the purchase of Windows 10 upgrade licenses in Information Services. Referred to the Committee on Information Services and the Committee on Ways & Means.

No. 221 – A communication was received from NYS Parks, Recreation & Historic Preservation submitting addition to list of Historic Places. Filed.

No. 222 – A communication was received from the Schuyler County Legislature submitting copy of Resolution. Filed.

No. 223 – A communication was received from the Herkimer County IDA advising of board meeting. Filed.

No. 224 – A communication was received from the Sheriff submitting Monthly report for February 2019. Referred to the Committee on Public Safety & Emergency Management.

No. 225 – A communication was received from the Sheriff submitting Monthly report for March 2019. Referred to the Committee on Public Safety & Emergency Management.

No. 226 – A communication was received from the Commissioner of the Department of Social Services submitting letter requesting an Intern. Referred to the Committee on Human Resources.

No. 227 – A communication was received from the Director of Employment & Training requesting acceptance of TANF monies and amending budget. Referred to the Committee on County Planning & Development and the Committee on Ways & Means.

No. 228 – A communication was received from the Budget Officer/Purchasing Agent requesting a budget amendment in Employment and Training. Referred to the Committee on County Planning & Development and the Committee on Ways & Means.

No. 229 – A communication was received from the Director of Employment & Training requesting a contract with BOCES to provide a Summer Youth Training and Academic Enrichment Work Experience Program. Referred to the Committee on County Planning & Development and the Committee on Ways & Means.

No. 230 – A communication was received from the Herkimer County IDA advising of Public Hearing. Filed.

No. 231 – A communication was received from NYSAC acknowledging receipt of copy of Resolution Nos.114, 115, 136, and 137. Filed.

No. 232 – A communication was received from Senator James L. Seward acknowledging receipt of copy of Resolution No. 136. Filed.

No. 233 – A communication was received from the Director of Public Health submitting Annual Report for 2018. Referred to the Committee on Human Resources.

No. 234 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in Office for the Aging. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 235 – A communication was received from the Director of Office for the Aging requesting a contract with Plan It Staffing for the Unmet Needs Program. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 236 – A communication was received from the Director of Office for the Aging requesting a contract amendment with Fidelis Care. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 237 – A communication was received from the Director of Employment & Training requesting approval to enter into a Sub-Lease Agreement with NYS Education Department. Referred to the Committee on County Planning & Development and the Committee on Ways & Means.

No. 238 – A communication was received from the Director of Office for the Aging requesting acceptance of funds for Unmet Needs. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 239 – A communication was received from the Budget Officer/Purchasing Agent requesting establishment of an account and amending 2019 budget in Office for the Aging. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 240 – A communication was received from the Director of Probation requesting renewal of Alternatives to Incarceration Contract. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 241 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer of funds in Public Health. Referred to the Committee on Ways & Means.

No. 242 – A communication was received from the Sewer District requesting appointment to the Sewer District Board to fill a vacancy. Referred to the Committee on Natural Resources.

No. 243 – A communication was received from the Sullivan County Legislature submitting copy of Resolution. Filed.

No. 244 – A communication was received from the Niagara County Legislature submitting copy of Resolution. Filed.

No. 245 – A communication was received from the Oneida-Herkimer Solid Waste Authority submitting minutes of March 2019 meeting. Filed.

No. 246 – A communication was received from the County Clerk submitting the Semi-Annual Mortgage Tax Report. Referred to the Committee on Ways & Means.

No. 247 – A communication was received from the County Treasurer submitting apportionment of Mortgage Tax. Referred to the Committee on Ways & Means.

No. 248 – A communication was received from the Madison County Legislature submitting copy of Resolution. Referred to the Committee on Administration/Veterans' Affairs.

No. 249 – A communication was received from the County Treasurer requesting a Resolution to support opposition of Real Property Tax law change. Referred to the Committee on Administration/Veterans' Affairs.

No. 250 – A communication was received from the Inter-County Legislative Committee of the Adirondacks submitting copy of Resolution supporting the Designation of Essential Service for Emergency Medical Services in New York State. Referred to the Committee on Administration/Veterans' Affairs.

No. 251 – A communication was received from the Director of Emergency Services requesting purchase using 2018 Target Grant for an Eventide IP based recorder. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 252 – A communication was received from the Director of Emergency Services requesting purchase using 2013 SICG grant for an Eventide IP based recorder. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 253 – A communication was received from the Director of Probation requesting renewal of contract with AutoMon, LLC. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 254 – A communication was received from the Office of Community Renewal submitting copy of NYS CDBG Grant agreement. Filed.

No. 255 – A communication was received from the Director of Emergency Service requesting an amendment for the lease agreement for tower site on Spohn Road. Referred to the Committee on Public Safety & Emergency Services and the Committee on Ways & Means.

No. 256 – A communication was received from the Personnel Officer submitting letter of salary increase for the Herkimer County District Attorney. Referred to the Committee on Ways & Means.

No. 257 – A communication was received from Isabella Crandall submitting letter requesting reappointment to HCCC Board of Trustees. Referred to the Committee on Education.

No. 258 – A communication was received from William Gregory submitting letter requesting reappointment to HCCC Board of Trustees. Referred to the Committee on Education.

No. 259 – A communication was received from Greene County Legislature submitting copy of Resolution. Filed.

No. 260 – A communication was received from the County Property Agent submitting Land Auction results. Referred to the Committee on County Properties.

No. 261 – A communication was received from the Budget Officer/Purchasing Agent requesting approval for bid process for alternative energy. Referred to the Committee on Ways & Means.

No. 262 – A communication was received from the Personnel Officer submitting letter requesting a retainer agreement. Referred to the Committee on Ways & Means.

No. 263 – A communication was received from the Executive Director for the Herkimer County IDA requesting authorization for Chairman to sign documents and schedule a Public Hearing for CDBG Grant Application. Referred to the Committee on County Planning & Development.

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

The Chairman continued with the Regular Agenda.

On motion of Mr. Shaw, seconded by Mr. Gaworecki, Report and Resolution No. 157 sponsored by the Committee on Human Resources adopting Annual Report in Public Health for 2018 was handed up; voted on and adopted by voice vote:

For: Ayes (17).      Against: None.      Absent: None.

On motion of Mr. Manno, seconded by Mr. Schrader, Report and Resolution No. 158 sponsored by the Committee on Education reappointing Trustee at Herkimer County Community College was handed up; discussion was held, voted on and adopted by voice vote:

For: Ayes (17).      Against: None.      Absent: None.

On motion of Mr. Manno, seconded by Mr. Brezinski, Report and Resolution No. 159 sponsored by the Committee on Education reappointing Trustee at Herkimer County Community College was handed up; discussion was held, voted on and adopted by voice vote:

For: Ayes (17).      Against: None.      Absent: None.

On motion of Mr. Hollum, seconded by Mr. Campione, Report and Resolution No. 160 sponsored by the Committee on Natural Resources designating member to the Herkimer County Sewer Board was handed up; voted on and adopted by voice vote:

For: Ayes (17).      Against: None.      Absent: None.

On motion of Mr. Shaw, seconded by Mr. Stephens, Report and Resolution No. 161 sponsored by the Committee on Ways and Means authorizing transfers of funds in 2019 budget for Emergency Preparedness Grant in Public Health 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. Schrader, Report and Resolution No. 162 sponsored by the Committee on Information Services and the Committee on Ways and Means appropriating funds in connection with the purchase of Windows 10 Upgrade licenses in Information Services 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. Shaw, seconded by Mr. Johnson, Report and Resolution No. 163 sponsored by the Committee on Ways and Means apportioning mortgage tax 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. Schrader, Report and Resolution No. 164 sponsored by the Committee on County Planning and Development and the Committee on Ways and Means amending budget in connection with receipt of TANF Summer Youth Funds was handed up; voted on and adopted by voice vote:

For: Ayes (17).      Against: None.      Absent: None.

On motion of Mr. Weakley, seconded by Mr. Gaworecki, Report and Resolution No. 165 sponsored by the Committee on County Planning and Development and the Committee on Ways and Means authorizing an agreement with Herkimer-Fulton-Hamilton-Otsego BOCES for services for a 2019 TANF Summer Youth Employment Academic/Work Experience Program 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. Smith, Report and Resolution No. 166 sponsored by the Committee on County Planning and Development and the Committee on Ways and Means authorizing Sub-Lease agreement with the Office of Adult Career and Continuing Education Services was handed up; voted on and adopted by voice vote:

For: Ayes (17).      Against: None.      Absent: None.

On motion of Mr. Weakley, seconded by Mr. Smith, Report and Resolution No. 167 sponsored by the Committee on Human Resources and the Committee on Ways and Means accepting additional funding and amending budget for Respite Services 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. Malta, Report and Resolution No. 168 sponsored by Committee on Human Resources and the Committee on Ways and Means authorizing a contract with Plan It Staffing for the Unmet Needs Program 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. Hollum, Report and Resolution No. 169 sponsored by the Committee on Human Resources and the Committee on Ways and Means authorizing accepting additional funding, establishing account, and amending budget for Respite Services under the Unmet Needs Funding program 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. Malta, Report and Resolution No. 170 sponsored by the Committee on Human Resources and the Committee on Ways and Means amending contract with Fidelis Care New York for provision of home delivered meals and congregate meals 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. Campione, Report and Resolution No. 171 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways and Means approving renewal of an agreement for Caseload Explorer Software Database in Probation 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. Keeler, Report and Resolution No. 172 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways and Means authorizing the renewal of Alternatives to Incarceration Contracts was handed up; voted on and adopted by voice vote:

For: Ayes (17).      Against: None.      Absent: None.

On motion of Mr. Campione, seconded by Mr. Stephens, Report and Resolution No. 173 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways and Means amending lease for communication system tower site on Spohn Road 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. Bono, Report and Resolution No. 174 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways and Means supporting a new communications tower at the 911 center was handed up; discussion was held, 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. 175 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways and Means approving purchase for Eventide IP based recorders was handed up; voted on and adopted by voice vote:

For: Ayes (17).      Against: None.      Absent: None.

On motion of Mr. Gaworecki, seconded by Mr. Keeler, Report and Resolution No. 176 sponsored by the Committee on County Properties approving sale of County owned tax acquired land 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. Bono, seconded by Mr. Johnson, Report and Resolution No. 177 sponsored by the Committee on Ways and Means authorizing bids for purchase of a Remote Net Metering Power Purchase Agreement for solar energy was handed up; voted on and adopted by voice vote:

For: Ayes (17).      Against: None.      Absent: None.

On motion of Mr. Russell, seconded by Mr. Schrader, Report and Resolution No. 178 sponsored by the Committee on Ways and Means authorizing retainer agreement in connection with litigation regarding generic drug pricing 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. Malta, Resolution No. 179 sponsored by the Committee on Administration/Veterans' Affairs authorizing all County Departments to utilize interns in their departments 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. Ackerman, Resolution No. 180 sponsored by the Committee on County Planning and Development and the Committee on Ways and Means authorizing agreement with the Herkimer County Industrial Development Agency for administration of Tractor Supply Project Grant 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, Resolution No. 181 sponsored by the Committee on Administration/Veterans' Affairs opposing Senate Bill S1747 and Assembly Bill A3675 known as the "Driver's License Access and Privacy Act" was handed up; voted on and adopted by voice vote:

For: Ayes (17).      Against: None.      Absent: None.

On motion of Mr. Russell, seconded by Mr. Bono, Resolution No. 182 sponsored by the Committee on Administration/Veterans' Affairs opposing a portion of proposed Legislative Bills S4676A/A4863 changing the order in which multiple tax liens are to be redeemed was handed up; discussion was held, voted on and adopted by voice vote:

For: Ayes (17).      Against: None.      Absent: None.

On motion of Mr. Stephens, seconded by Mr. Bono, Resolution No. 183 sponsored by the Committee on Administration/Veterans' Affairs supporting the designation of essential service for emergency medical services in New York State 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. Campione, Resolution No. 184 sponsored by the Committee on County Planning & Development setting a Public Hearing in connection with an application for Community Development Block Grant Funding was handed up; voted on and adopted by voice vote:

For: Ayes (17).      Against: None.      Absent: None.

Chairman Peplinski stated that pursuant to Rule 6(12) they would proceed with comments by legislators. The following legislators made a comment: Legislator Russell.

At 7:59 p.m. on motion of Mr. Manno, seconded by Mr. Stephens, the Legislature adjourned to Wednesday, July 10, 2019 at 2:00 p.m., with a Public Hearing for Community Development Block Grant at 1:15 p.m.

Jennifer L. Williams, Deputy Clerk



## HERKIMER COUNTY LEGISLATURE

No. 157

### **REPORT AND RESOLUTION APPROVING ANNUAL REPORT OF PUBLIC HEALTH NURSING SERVICE**

**Sponsored by: Committee on Human Resources**

WHEREAS, your Committee on Human Resources, to which was referred the Annual Report of the Herkimer County Public Health Nursing Service, respectfully reports that we have examined the same, recommend the adoption of said report, and offer the following Resolution:

RESOLVED, that the 2018 Annual Report of the Public Health Nursing Service be adopted and placed on file with the Herkimer County Legislature for the year 2018.

Dated: June 12, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 158

### **REPORT AND RESOLUTION REAPPOINTING TRUSTEE AT HERKIMER COUNTY COMMUNITY COLLEGE**

#### **Sponsored by: Committee on Education**

RESOLVED, that Isabella S. Crandall, from Herkimer, New York, is hereby reappointed as a member of the Board of Trustees of Herkimer County Community College, pursuant to Section 6306 of the Education Law of the State of New York, for a term of seven years which shall expire on June 30, 2026; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Personnel Officer, Chancellor of the State University of New York, the Vice Chancellor for Two Year Colleges, President of Herkimer County Community College and Isabella S. Crandall.

Dated: June 12, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 159

### **REPORT AND RESOLUTION REAPPOINTING TRUSTEE AT HERKIMER COUNTY COMMUNITY COLLEGE**

#### **Sponsored by: Committee on Education**

RESOLVED, that William M. Gregory, from Frankfort, New York, is hereby reappointed as a member of the Board of Trustees of Herkimer County Community College, pursuant to Section 6306 of the Education Law of the State of New York, for a term of seven years which shall expire on June 30, 2026; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Personnel Officer, Chancellor of the State University of New York, the Vice Chancellor for Two Year Colleges, President of Herkimer County Community College and William M. Gregory.

Dated: June 12, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 160

### **REPORT AND RESOLUTION DESIGNATING MEMBER TO HERKIMER COUNTY SEWER BOARD**

**Sponsored by: Committee on Natural Resources**

WHEREAS, the Legislature of the County of Herkimer, by Resolution No. 100 for the year 1993 determined that the administrative body of the Herkimer County Sewer District should thereafter be a five member board and appointed the chief executive officer or their designees of the Villages of Ilion, Frankfort and Mohawk and the Towns of Frankfort and German Flatts as members of said Board; and

WHEREAS, by letter dated May 15, 2019, from the Herkimer County Sewer District, your Committee has been advised that the Village of Mohawk has submitted a letter for appointment of George Cryer as designee of the village to fill a vacancy presently existing on said Board, which term shall expire on February 28, 2022; now, therefore, be it

RESOLVED, that George Cryer is hereby appointed to the Herkimer County Sewer District Board to fill a vacancy presently existing on said Board, which term shall expire on February 28, 2022; and, be it further

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

Dated: June 12, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 161

### REPORT AND RESOLUTION AUTHORIZING TRANSFERS OF FUNDS IN 2019 BUDGET FOR EMERGENCY PREPAREDNESS GRANT IN PUBLIC HEALTH

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

WHEREAS, your Committee on Ways and Means, to which was referred a communication from Sheri A. Ferdula, Budget Officer/Purchasing Agent, dated May 3, 2019, submitting requests 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 2019 Budget:

**TRANSFER:**

|         |  |
|---------|--|
| \$5,000 | From: A4188.10000-PH01-16, Bioterrorism, Salaries<br>To: A4188.81000, PH01-16, Bioterrorism, Retirement                    |
| \$9,208 | From: A4188.10000-PH01-16, Bioterrorism, Salaries<br>To: A4188.86000, PH01-16, Bioterrorism, Health Insurance              |
| \$2,017 | From: A4188.41000, PH01-16, Bioterrorism, Supplies<br>To: A4188.86000, PH01-16, Bioterrorism, Health Insurance             |
| \$300   | From: A4188.46000-PH01-16, Bioterrorism, Miscellaneous Expense<br>To: A4188.86000, PH01-16, Bioterrorism, Health Insurance |

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.

Dated: June 12, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 162

### **REPORT AND RESOLUTION APPROPRIATING FUNDS IN CONNECTION WITH THE PURCHASE OF WINDOWS 10 UPGRADE LICENSES IN INFORMATION SERVICES**

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

WHEREAS, by letter dated May 9, 2019, Kathy Wright, Director of Information Services, has advised that 70 computers running Windows 7 Professional will no longer be supported by Microsoft after March 2020; and

WHEREAS, by letter dated May 3, 2019, Sheri Ferdula, Budget Officer/Purchasing Agent, has advised an appropriation of funds in the amount of \$8,312.50 will be necessary to cover the unanticipated expense, and that said funds are available; now, therefore be it

RESOLVED, that an appropriation be made as follows:

**APPROPRIATE:**

\$8,312.50 FROM: A878, Computer System Reserve  
TO: A1680.40700, Information Services, Computer Software

and, be it further

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

Dated: June 12, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 163

### REPORT AND RESOLUTION APPORTIONING MORTGAGE TAX

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

WHEREAS, your Committee on Ways and Means, to which was referred the report of the Recording Officer and County Treasurer showing the amounts received from the mortgage taxes, respectfully reports that we have examined the report containing the list of mortgages as kept by the Herkimer County Clerk, and herewith submit the following report showing the apportionment to the several towns, villages and the City in the County. Your Committee recommends that the Herkimer County Treasurer be authorized to draw warrants payable to the supervisors of the several towns and to the City of Little Falls, and to the treasurers of the incorporated villages in an amount apportioned as indicated on the tabulated statement recommended by the Committee herewith, and your Committee offers the following Resolution:

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized and directed to draw warrants payable to the Supervisors of the several towns in Herkimer County and to the Treasurer of the City of Little Falls and the Treasurers of the incorporated villages in the County of Herkimer entitled to a portion thereof, in the amounts of mortgage taxes apportioned respectively, and that a certified copy of the Resolution be served by the Clerk of this Legislature on the Herkimer County Treasurer.

Dated: June 12, 2019.





# HERKIMER COUNTY LEGISLATURE

No. 164

## REPORT AND RESOLUTION AMENDING BUDGET IN CONNECTION WITH RECEIPT OF TANF SUMMER YOUTH FUNDS

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

WHEREAS, by letter dated May 10, 2019, Sheri Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that it is necessary to amend the 2019 Budget to reflect TANF Summer Youth Program funds received from New York State; now, therefore, be it

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

**REVENUE ACCOUNTS**

CD6291-4795, ET-06-19

**FROM**

\$0

**TO**

\$154,874

**APPROPRIATION ACCOUNTS**

|                                       |                     | <b><u>FROM</u></b> | <b><u>TO</u></b> |
|---------------------------------------|---------------------|--------------------|------------------|
| CD 6291, ET-06-19, ETA-TANF.10000-001 | Salaries            | \$0                | \$ 21,000.00     |
| CD 6291, ET-06-19, ETA-TANF.10100-022 | Temp. Emp.          | \$0                | \$ 98,301.60     |
| CD 6291, ET-06-19, ETA-TANF.41000-160 | Supplies            | \$0                | \$ 600.00        |
| CD 6291, ET-06-19, ETA-TANF.41000-205 | Printing            | \$0                | \$ 25.00         |
| CD 6291, ET-06-19, ETA-TANF.44000     | Contracted Services | \$0                | \$ 20,600.00     |
| CD 6291, ET-06-19, ETA-TANF.44000-370 | Copier              | \$0                | \$ 50.00         |
| CD 6291, ET-06-19, ETA-TANF.45000     | Fees for Services   | \$0                | \$ 130.00        |
| CD 6291, ET-06-19, ETA-TANF.46100-759 | Mileage             | \$0                | \$ 500.00        |
| CD 6291, ET-06-19, ETA-TANF.46300     | Postage & Freight   | \$0                | \$ 300.00        |
| CD 6291, ET-06-19, ETA-TANF.81000     | Retirement          | \$0                | \$ 1,556.54      |
| CD 6291, ET-06-19, ETA-TANF.83000     | Social Security     | \$0                | \$ 7396.70       |
| CD 6291, ET-06-19, ETA-TANF.83500     | Medicare            | \$0                | \$ 1,729.87      |
| CD 6291, ET-06-19, ETA-TANF.84000     | Workman's Comp.     | \$0                | \$ 2,684.29      |

and, be it further

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

Dated: June 12, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 165

### **REPORT AND RESOLUTION AUTHORIZING AN AGREEMENT WITH HERKIMER-FULTON-HAMILTON-OTSEGO BOCES FOR SERVICES FOR A 2019 TANF SUMMER YOUTH EMPLOYMENT ACADEMIC/WORK EXPERIENCE PROGRAM**

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

WHEREAS, by letter dated May 8, 2019 from Karin Piseck, Director of Employment & Training, your Committees have been advised that in response to an RFP, Herkimer-Fulton-Hamilton-Otsego BOCES, has proposed to provide a Summer Youth Employment and Academic Enrichment Educational/Vocational Work Experience Program to thirty (30) 14 and 15 year old eligible participants enrolled in the 2019 TANF (Temporary Assistance to Needy Families) - funded Summer Youth Employment Program (SYEP); and

WHEREAS, said letter further asks to enter into an agreement with Herkimer-Fulton-Hamilton-Otsego BOCES for the above purpose for the period of July 8, 2019 through August 15, 2019, at a total cost of \$17,600, with said TANF SYEP funds to be provided by the Department of Social Services; now, therefore, be it

RESOLVED, that the Chairman of this Legislature and Director of Employment and Training are hereby authorized to execute an agreement on behalf of the County of Herkimer, with the Herkimer-Fulton-Hamilton-Otsego BOCES to provide services for a Summer Youth Employment and Academic Enrichment Educational/Vocational Work Experience Program to thirty (30) 14 and 15 year old eligible participants enrolled in the 2019 TANF (Temporary Assistance to Needy Families) funded Summer Youth Employment Program, at a cost of \$17,600, with said agreement to be for the period July 8, 2019 through August 15, 2019, and with the terms and conditions of said agreement 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, Director of Employment and Training, and Herkimer-Fulton-Hamilton-Otsego BOCES.

Dated: June 12, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 166

### **REPORT AND RESOLUTION AUTHORIZING SUB-LEASE AGREEMENT WITH THE OFFICE OF ADULT CAREER AND CONTINUING EDUCATION SERVICES**

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

WHEREAS, by letter dated May 20, 2019 from Karin Piseck, Director of Employment and Training, your Committee has been advised that it is necessary to enter into a sub-lease agreement with the Office of Adult Career and Continuing Education Services-Vocational Rehabilitation (ACCES-VR) for use of office space at the Working Solutions One Stop Center located at 320 North Prospect Street, Herkimer, New York; and

WHEREAS, said agreement would be for a term of three years commencing July 1, 2018 through June 30, 2021 and will provide office space in the Working Solutions One Stop Center for use by the Office of Adult Career and Continuing Education Services for the purpose of assisting and serving its customers, with payment to the County to be in the amount of \$7,000 annually; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a sub-lease Agreement on behalf of the County of Herkimer with the Office of Adult Career and Continuing Education Services, containing the above terms and conditions, with further terms and conditions subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that the Chairman of this Legislature is further authorized to enter into annual renewals of said agreement, after the expiration of the current agreement, upon the same or more favorable terms and conditions; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Employment and Training and the Office of Adult Career and Continuing Education Services.

Dated: June 12, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 167

### REPORT AND RESOLUTION ACCEPTING ADDITIONAL FUNDING AND AMENDING BUDGET FOR RESPITE SERVICES

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

WHEREAS, by letter dated May 10, 2019 from Kathy L. Fox, Director of the Office for the Aging, this Legislature is advised of additional funding in the amount of \$4,028 for the remainder of 2019; and

WHEREAS, by letter dated May 13, 2019, the Budget Officer has advised that it is necessary to amend the 2019 Herkimer County Budget in connection with the receipt of said funding; now, therefore, be it

RESOLVED, that the 2019 Herkimer County Budget is hereby amended in the amounts listed:

**REVENUE:**

|                                     |                |
|-------------------------------------|----------------|
| A6783.4783, Aging IIIE, Federal Aid | From: \$35,000 |
|                                     | To: \$39,028   |

**EXPENSE:**

|  |                |
|--|----------------|
| A6783.44000, Aging IIIE, Contracted Services | From: \$31,500 |
|  | To: \$35,528.  |

and, be it further

RESOLVED, that said services shall continue so long as 100% funding is available; 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: June 12, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 168

### **REPORT AND RESOLUTION AUTHORIZING CONTRACT WITH PLAN IT STAFFING FOR THE UNMET NEEDS PROGRAM**

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

WHEREAS, by letter dated May 9, 2019 from Kathy L. Fox, Director of the Office for the Aging, this Legislature is advised of a request to enter into a contract with Plan It Staffing for the Unmet Needs Program; and

WHEREAS, Plan It Staffing will provide Consumer Directed In Home Services with a hourly rate of \$19.00 per hour with a maximum contract amount of \$20,000; and

WHEREAS, said contract will be for the period from June 12, 2019 through March 31, 2020 and will be 100% reimbursable with no local match; now, therefore, be it

RESOLVED, that this Legislature authorizes a contract for the period of June 12, 2019 through March 31, 2020, between the Herkimer County Office for the Aging and Plan It Staffing, for the Unmet Needs Program, which is a program that will provide Consumer Directed In Home Services, in the amount of \$19.00 per hour with a maximum contract amount of \$20,000; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute said contract on behalf of the County of Herkimer, with said contract subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that said program shall continue so long as 100% reimbursement is available from the State of New York; and, be it further

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

Dated: June 12, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 169

### REPORT AND RESOLUTION AUTHORIZING ACCEPTING ADDITIONAL FUNDING, ESTABLISHING ACCOUNT AND AMENDING BUDGET FOR RESPITE SERVICES UNDER THE UNMET NEEDS FUNDING PROGRAM

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

WHEREAS, by letter dated May 9, 2019 from Kathy L. Fox, Director of the Office for the Aging, this Legislature is advised of additional funding from the Unmet Needs Funding Program through the New York State Office for the Aging in the amount of \$43,688 for use from April 1, 2019 through March 31, 2020 and requests that an account be established for the funding; and

WHEREAS, by letter dated May 13, 2019, the Budget Officer has advised that it is necessary to amend the 2019 Herkimer County Budget in connection with the receipt of said funding and establish an account; now, therefore, be it

RESOLVED, that the 2019 Herkimer County Budget is hereby amended to establish the following accounts in the amounts listed:

REVENUE:

|  |              |
|--|--------------|
| A6786C.3786C, Unmet Needs Funding, State Aid | From: \$0    |
|  | To: \$43,688 |

EXPENSE:

|  |               |
|--|---------------|
| A6786C.44000, Unmet Needs Funding, Contracted Services | From: \$0     |
|  | To: \$43,688. |

and, be it further

RESOLVED, that said services shall continue so long as 100% funding is available; 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: June 12, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 170

### **REPORT AND RESOLUTION AMENDING CONTRACT WITH FIDELIS CARE NEW YORK FOR PROVISION OF HOME DELIVERED MEALS AND CONGREGATE MEALS**

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

WHEREAS, the New York Quality Healthcare Corporation, New York State Catholic Health Plan, Inc. offers a Medicaid Managed Long Term Care plan for people residing in New York through its wholly owned subsidiary called Fidelis Care; and

WHEREAS, January 3, 2013, Office for the Aging entered into a service agreement with Fidelis care for the provision of home delivered and congregate meals to their clients. At that time the rate for meals was \$7.25 per meal. Office of the Aging requested an increase in the rate that Fidelis Care reimburses for meals with the new rate being \$9.00 per meal; and

WHEREAS, by letter dated May 14, 2019, Kathy L. Fox, Director of the Office for Aging, has requested authorization to amend the contractual arrangement for Fidelis Care to increase the rate that Fidelis Care Reimburses for meals from \$7.25 per meal to \$9.00 per meal; and

WHEREAS, the service agreement will commence on the date of execution and will be for a one year period with automatic renewals for successive one year periods until the service agreement is terminated by either party; now, therefore, be it

RESOLVED, that the Chairman of the Legislature is hereby authorized to amend the contract between the Herkimer County Office for the Aging and Fidelis Care New York, for an increase in the rate Fidelis Care reimburses for meals from \$7.25 per meal to \$9.00 per meal; and, be it further

RESOLVED, the service agreement will commence on the date of execution and will be for a one year period with automatic renewals for successive one year periods until the service agreement is terminated by either party; and, be it further

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

Dated: June 12, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 171

### **REPORT AND RESOLUTION APPROVING RENEWAL OF AGREEMENT FOR CASELOAD EXPLORER SOFTWARE DATABASE IN PROBATION**

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

WHEREAS, since 2008 this Legislature authorized an agreement to accept the Caseload Explorer software database contracted with AutoMon, LLC for the Herkimer County Probation Department; and

WHEREAS, by letter dated May 13, 2019 from Garry Murphy, Director of Probation, this Legislature is advised of a request to renew said agreement for the Caseload Explorer software database for the period of August 5, 2019 through August 4, 2020 at a cost of \$9,283.84; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute an agreement with AutonMon, LLC, 6621 N. Scottsdale Road, Scottsdale, AZ 85250, for the Caseload Explorer software database for the Herkimer County Probation Department with said agreement to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that said agreement shall be for the period of August 5, 2019 through August 4, 2020 at an annual cost of \$9,283.84; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the County Treasurer, Auditor, Budget Officer, Director of Probation and AutoMon, LLC.

Dated: June 12, 2019.





## HERKIMER COUNTY LEGISLATURE

No. 172

### **REPORT AND RESOLUTION AUTHORIZING RENEWAL OF ALTERNATIVES TO INCARCERATION CONTRACTS**

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

WHEREAS, by communication dated May 21, 2019, Garry Murphy, Director of Probation, advises that the State of New York Division of Criminal Justice Services has approved an extension to the Alternatives to Incarceration Plan and awards for the Pre-trial Release Program and the Community Service Program in the amount of \$12,733 for the period July 1, 2019 through June 30, 2020; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute and e-sign the annual contracts for the Pre-Trial Release Program and Community Service Program for the period July 1, 2019 through June 30, 2020; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Probation and the New York State Division of Criminal Justice Services.

Dated: June 12, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 173

### REPORT AND RESOLUTION AMENDING LEASE FOR COMMUNICATION SYSTEM TOWER SITE

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

WHEREAS, by Resolution No. 325 adopted on October 24, 2018, this Legislature authorized a lease agreement for a period of five years with Janis R. and Rons L. Pence for property located at 326 Spohn Road in the Town of Columbia for the continuation of the use of the premises for a communication tower site; and

WHEREAS, by letter dated May 23, 2019, from John Raymond, Director of Emergency Services, this Legislature is advised of a request for a new five year lease between the County of Herkimer and Janis R. and Rons L. Pence, because of a change in the plan for the site to increase the size of the tower from 120 feet to 180 feet, increase the size of the communications building on the site and increase the fenced area around the tower from 24 x 24 feet to 24 x 48 feet, at the following annual rates for rent: 2020 - \$4,071; 2021 - \$4,254; 2022 - \$4,445; 2023 - \$4,645 and 2024 - \$4,854, which is an additional \$964 over the five year lease period; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a modified lease agreement for the above five year period with Janis R. Pence and Rons L. Pence, 132 Spohn Road, Ilion, New York, upon the above terms and conditions, with the final form of the lease 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, Director of Emergency Services and Jan and Ron Pence.

Dated: June 12, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 174

### REPORT AND RESOLUTION SUPPORTING NEW COMMUNICATIONS TOWER AT 911 CENTER

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

WHEREAS, by Resolution No. 376 duly adopted on December 12, 2018 this Legislature authorized receipt of funding in the amount of \$595,532.00 from the 2018 Interoperable Communications grant, with \$300,00.00 budgeted to use for a new communications tower at the Herkimer County 911 Center in Herkimer; and

WHEREAS, the present 100 foot tower is too small for the new countywide microwave network and radio system; it is not tall enough or heavy enough to support the microwave dishes; and

WHEREAS, by letter dated May 23, 2019, from John Raymond, Director of Emergency Services, this Legislature is advised of a request to approve a new 180 foot communications tower at the Herkimer County 911 Center in Herkimer; now, therefore, be it

RESOLVED, that the Herkimer County Legislature does hereby support the request for a new 180 foot communications tower at the Herkimer County 911 Center in Herkimer; and, be it further

RESOLVED, that a certified copy of this Resolution be forwarded to the County Treasurer, Auditor, Budget Officer, and Director of Emergency Services.

Dated: June 12, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 175

### **REPORT AND RESOLUTION APPROVING PURCHASE FOR AN EVENTIDE IP BASED RECORDER**

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

WHEREAS, by letters dated May 20, 2019, from John Raymond, Director of Emergency Services, this Legislature is advised of a request to approve proposals from Zetron, 12034 134<sup>th</sup> Ct. NE, Redmond, WA 98073, for an Eventide IP based recorder; and

WHEREAS, said Eventide IP based recorder proposals, in the amount of \$32,639.66 using the 2013 State Interoperable Communications Grant funding and in the amount of \$21,449 using the 2018 Targeted Interoperable Communications Grant funding being utilized; now, therefore be it

RESOLVED, that this Legislature approves the proposals from Zetron, for an Eventide IP based recorders in the total amount of \$54,088.66, utilizing the 2013 State Interoperable Communications Grant funding and the 2018 Targeted Interoperable Communications Grant funding; and, be it further

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

Dated: June 12, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 176

### REPORT AND RESOLUTION APPROVING SALE OF COUNTY OWNED TAX ACQUIRED LAND

#### **Sponsored by: Committee on County Properties**

WHEREAS, by Resolution No. 135 for the year 2019 duly adopted on April 24, 2019, this Legislature authorized and directed the sale at public auction, after due advertisement, of certain county owned tax acquired real property under the direction of the County Treasurer; and

WHEREAS, the Properties Committee of this Legislature reports that said sale was duly held pursuant to said direction on June 1, 2019 at Herkimer, New York; and

WHEREAS, pursuant to the terms of sale the successful bidder on each parcel sold is required to pay the full purchase price together with recording fee and transfer tax by June 21, 2019; and

WHEREAS, the Properties Committee reports that 45 bids were received at the auction, and the total amount to be received on said sales is \$698,830.00 as shown on the lists made available to each Legislator and filed with the Clerk of the Legislature; and

WHEREAS, the Properties Committee recommends approval of each sale as set forth on the said list, and conveyance of each said parcel to the successful bidder thereon providing payment in full of the amount bid and required fees was received by the County Treasurer's Office; and

WHEREAS, the auction terms provide that default by a purchaser for failure to meet the terms of the auction shall result in forfeiture of the required deposit; now, therefore, be it

RESOLVED, that this Legislature approves the sales by auction reported by the Properties Committee and authorizes the County Treasurer to convey each said property to the successful bidder thereon, provided said bidder has paid the required purchase price and expenses to the County Treasurer, and to make conveyance by quit claim deed and to record each said deed; and, be it further

RESOLVED, that the County Property Agent is hereby instructed to advise the County Attorney's Office of defaults by purchasers, and the County Attorney's Office is hereby instructed to bring legal procedures if necessary to enforce said provision of the auction terms, reporting thereon to the Properties Committee of this Legislature, which shall have authority to confer with the County Attorney's Office as to any proposed settlement of said proceedings; and, be it further

RESOLVED, that the County Property Agent is hereby authorized to solicit sealed bids for the sale of any of the properties which were not conveyed based on the default of purchasers or for any other reason provided that said County Property Agent shall submit to the Committee on County Properties any and all bids, which bids shall be subject to the approval of the full Legislature; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Property Agent, Chairman of the Committee on County Properties and the County Attorney.

Dated: June 12, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 177

### **REPORT AND RESOLUTION AUTHORIZING BIDS FOR PURCHASE OF A REMOTE NET METERING POWER PURCHASE AGREEMENT FOR SOLAR ENERGY**

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

WHEREAS, by letter dated June 3, 2019, from Sheri Ferdula, Budget Officer/Purchasing Agent, has advised it may be in the best interest of the County to advertise for bids for a Remote Net Metering Power Purchase Agreement for solar energy; now, therefore, be it

RESOLVED, that the Herkimer County Budget Officer/Purchasing Agent be, and hereby is, authorized and directed to advertise for bids for a Remote Net Metering Power Purchase Agreement for solar energy, said advertisement to be in the official newspaper of the County, and bids to be received and opened in the Office of the Purchasing Agent, with results thereof to be reported to this Legislature for approval and award; and, be it further

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

Dated: June 12, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 178

### **REPORT AND RESOLUTION AUTHORIZING RETAINER AGREEMENT IN CONNECTION WITH LITIGATION REGARDING GENERIC DRUG PRICING**

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

WHEREAS, by letter dated May 23, 2019, Steven R. Billings, Personnel Officer, has advised of a proposal to enter into a retainer agreement with Napoli Shkolnik PLLC., 360 Lexington Avenue – 11<sup>th</sup> Floor, New York, NY 10017, for the purpose of filing a lawsuit against certain generic drug manufacturers and other parties who may have engaged in price fixing and market allocation agreements involving numerous generic pharmaceutical products that the County, either directly or indirectly, may have purchased at an inflated price through the County's Health Insurance and/or Workers Compensation Plans; and

WHEREAS, the retainer agreement is a contingency based agreement, calling for a contingent fee of 25% of all gross amounts recovered, with the County to be responsible for disbursements incurred in the case; and

WHEREAS, this litigation is being coordinated through the New York State Association of Counties, with multiple Counties being involved in the litigation, thereby defraying expenses; now, therefore be it

RESOLVED, that a retainer agreement with Napoli Shkolnik PLLC. upon above terms and conditions is hereby approved, with the Chairman being authorized to execute the same, and with the final form of the retainer agreement to be subject to the approval of the Herkimer County Attorney's Office; and, be it further

RESOLVED, that a certified copy of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, County Attorney, Personnel Officer, and Napoli Shkolnik PLLC.

Dated: June 12, 2019.





## HERKIMER COUNTY LEGISLATURE

No. 179

### **RESOLUTION AUTHORIZING ALL COUNTY DEPARTMENTS TO UTILIZE INTERNS IN THEIR DEPARTMENTS**

**Sponsored by: Committee on Administration/Veterans' Affairs**

WHEREAS, by Resolution No. 22, adopted on January 25, 2017, this Legislature authorized all County departments to have interns placed in their departments with appropriate committee approval; and

WHEREAS, to speed up that process, it appears that approval of the County Administrator would be sufficient; now, therefore be it

RESOLVED, that the continued use of such interns will be allowed, and will need to be approved by the County Administrator; and, be it further

RESOLVED, that all contracts entered into with outside agencies for the placement of interns shall be subject to the approval of the County Attorney; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute all such contracts, subject to the above conditions; and, be it further

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

Dated: June 12, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 180

### **RESOLUTION AUTHORIZING AGREEMENT WITH THE HERKIMER COUNTY INDUSTRIAL DEVELOPMENT AGENCY FOR ADMINISTRATION OF TRACTOR SUPPLY PROJECT GRANT**

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

WHEREAS, the County has been awarded a \$750,000 Community Development Block Grant from the New York State Housing Trust Fund Corporation for community development activities in connection with the Tractor Supply Company Project; and

WHEREAS, the County, as the grantee of these funds, is responsible for the timely and proper use of the funds and completion of the project in accordance with federal guidelines; and

WHEREAS, the Herkimer County Industrial Development Agency (IDA) has the capacity to administer the program in accordance with and in the best interest of the County and has agreed to be solely responsible for all activities which must be performed to administer the grant; now, therefore, be it

RESOLVED, that the Chairman of the Legislature is hereby authorized to enter into a sub-recipient agreement with the IDA on the above terms and conditions; and, be it further

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

Dated: June 12, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 181

### **RESOLUTION OPPOSING SENATE BILL S1747 AND ASSEMBLY BILL A3675 KNOWN AS THE “DRIVER’S LICENSE ACCESS AND PRIVACY ACT”**

**Sponsored by: Committee on Administration/Veterans’ Affairs**

WHEREAS, Bill S1747 has been introduced in the New York State Senate and Bill A3675 has been introduced to the New York State Assembly (A.3675), together known as the “Driver’s License Access and Privacy Act;” and

WHEREAS, the “Driver’s License Access and Privacy Act,” would permit undocumented individuals who are present in the United States of America illegally under federal law to obtain a New York State Driver’s License; and

WHEREAS, the “Driver’s License Access and Privacy Act,” will prevent immediate physical or electronic access by any law enforcement agency to any Motor Vehicle databases or indexes; and

WHEREAS, adoption of the Driver’s License Access and Privacy Act is further troublesome because:

- The identity of undocumented individuals cannot be properly verified by the State of New York if the federal government has not issued a green card or visa; and
- Local Department of Motor Vehicles (DMV) offices do not have the expertise needed to determine the authenticity of foreign birth certificates, foreign passports, consular cards, nor to verify evidence of an undocumented individual’s residency in the state; and
- Driver licenses can be used to obtain additional official identification documents intended only for the United States citizens; and
- The Act would eliminate the NYS DMV’s 2002 requirement that Social Security Numbers be verified with the Social Security Administration to confirm an applicant’s full identity when obtaining a standard driver’s license or non-driver ID, which requirement has led to the discovery of massive amount of fraudulent activity, including identity theft, bank fraud, insurance fraud, and multiple licenses to avoid loss of driving privileges or active warrants; and

WHEREAS, this legislation will open the door for potential voter fraud as undocumented individuals will be able to register to vote in a DMV and present a valid Driver’s License at the polls; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby opposes the adoption of the “Driver’s License Access and Privacy Act,” as written; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Governor of the State of New York, Senator James L. Seward, Senator James Tedisco, Assemblyman Robert Smullen, Assemblyman Brian Miller, Assemblywoman Marianne Buttenschon, the New York State Association of Counties, and the InterCounty Legislative Committee of the Adirondacks.

Dated: June 12, 2019



## HERKIMER COUNTY LEGISLATURE

No. 182

### **RESOLUTION OPPOSING A PORTION OF PROPOSED LEGISLATIVE BILLS S4676A/A4863 CHANGING THE ORDER IN WHICH MULTIPLE TAX LIENS ARE TO BE REDEEMED**

**Sponsored by: Committee on Administration/Veterans' Affairs**

WHEREAS, the County of Herkimer enforces real property taxes pursuant to Article 11 of the Real Property Tax Law; and

WHEREAS, Legislative bills S4676A/A4863 have been introduced proposing to amend Article 11, by changing the order in which a tax lien must be redeemed when the County holds more than one tax lien; and

WHEREAS, Article 11 currently provides that the most recent lien must be redeemed first and the Bill proposes to amend Article 11 so that tax liens must be paid in chronological order; and

WHEREAS, the Bill's change allowing the oldest tax lien to be paid first would allow taxpayers to always be a year in delinquency which would result in the County expending additional resources to manage the increased number of delinquent parcels and would be unfair to the taxpayers who timely pay their taxes; and

WHEREAS, the Bills also would cancel the 5% fee currently added to unpaid taxes when tax bills are turned over to the County Treasurer by local tax collectors, resulting in a potential loss to the County of hundreds of thousands of dollars, \$367,813 for the year 2018; now, therefore, be it

RESOLVED, that this County Legislature opposes the passage of these Bills; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Governor of the State of New York, Senator James L. Seward, Senator James Tedisco, Assemblyman Robert Smullen, Assemblyman Brian Miller, Assemblywoman Marianne Buttenschon, the New York State Association of Counties, and the InterCounty Legislative Committee of the Adirondacks.

Dated: June 12, 2019



## HERKIMER COUNTY LEGISLATURE

No. 183

### **RESOLUTION SUPPORTING THE DESIGNATION OF ESSENTIAL SERVICE FOR EMERGENCY MEDICAL SERVICES IN NEW YORK STATE**

**Sponsored by: Committee on Administration/Veterans' Affairs**

WHEREAS, Emergency Medical Services (EMS) is a field of constantly evolving technology and patient care standards with expectations having shifted significantly during the past decade, and

WHEREAS, most healthcare funding formulas still categorize EMS as a transportation service and by doing so, do not structure potential insurance reimbursements so that the cost of medical equipment and medical supplies are adequately accounted for and/or covered by the reimbursements, and

WHEREAS, as with many areas of health care, the costs continue to rise at a faster pace than the change in rates of revenue and the funding challenge is exacerbated by the fact that municipal tax caps mitigate against increased contractual funding from municipalities serviced by the providers, and

WHEREAS, the result of the shifting standards of care and the decreasing availability of revenue have each diminished the number of viable providers of appropriate EMS services and the number of qualified volunteers trained to provide first response care and continuing care in transit, and

WHEREAS, in more rural areas of the State, a lack of volunteer staff available to respond 24/7 is limiting the viability of EMS services, and

WHEREAS, an essential service designation would enable access for providers across the State to access options for long term stability to ensure these services remain available; now, therefore, be it

RESOLVED, that the Herkimer County Legislature supports the designation of essential service for Emergency Medical Services in New York State; and, be it further

RESOLVED, that a certified copy of this Resolution be forwarded to the Governor of the State of New York, Senator James L. Seward, Senator James Tedisco, Assemblyman Robert Smullen, Assemblyman Brian Miller, Assemblywoman Marianne Buttenschon, the New York State Association of Counties, and the InterCounty Legislative Committee of the Adirondacks.

Dated: June 12, 2019



## HERKIMER COUNTY LEGISLATURE

No. 184

### **RESOLUTION SETTING A PUBLIC HEARING IN CONNECTION WITH AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING**

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

WHEREAS, it is necessary that a public hearing be held to hear public comment in regard to an application for an economic development assistance grant for the Office of Community Renewal. The project is Herkimer County Micro-Enterprise Program in the amount of \$200,000; now, therefore be it

RESOLVED, that a Public Hearing be held by the Committee on County Planning and Development on the 10<sup>th</sup> day of July, 2019, at 1:15 p.m. in the Legislature Chambers of the County Office Building in the Village of Herkimer, New York, for the purpose of hearing public comment upon the aforesaid application; and, be it further

RESOLVED, that a certified copy of this Resolution be forwarded to the Executive Director of the Herkimer County Industrial Development Agency.

Dated: June 12, 2019.