

**PLEASE NOTE: Full Resolutions are attached following minutes**

**MINUTES  
Herkimer County Legislature  
Second Quarter – Second Day  
Wednesday, May 11, 2016  
7:30 p.m.**

**Public Hearing**

The Public Hearing on the Open Enrollment Period for 2016 for Inclusion in Agricultural Districts was called to order at 7:15 p.m. by Frederick Shaw, Chairman of the Committee on Natural Resources. The Clerk read the Notice. Mr. Shaw then asked if there was anyone wishing to speak on hearing. There were no appearances, and the hearing was declared closed at 7:18 p.m.

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN, that the Herkimer County Legislature will hold a Public Hearing on the proposed modifications of Herkimer County Agricultural Districts # 2, #3 and #6. The Public Hearing will be held on May 11, 2016 at 7:15 p.m. in the Herkimer County Legislature Chambers in Herkimer, New York.

Seven landowners have submitted requests in 2016 for inclusion of predominantly viable agricultural land within a certified agricultural district, and these requests have been filed with the Herkimer County Legislature pursuant to Section 303-b of the NYS Agriculture and Markets Law. Four landowners have parcels located in the Town of Newport, which are part of or adjacent to Agricultural District No 6; one landowner has parcels located in the Town of Danube, which are part of or adjacent to Agricultural District No. 3 and two landowners have parcels in the Towns of Columbia and German Flatts, which are part of or adjacent to Agricultural No. 2.

The public hearing shall be held to consider these landowners' requests and the recommendations of the Herkimer County Agricultural and Farmland Protection Board.

Dated at Herkimer, New York  
April 29, 2016.

Carole LaLonde, Clerk  
Herkimer County Legislature

The Regular Session of the Herkimer County Legislature was called to order by Chairman Bernard Peplinski, Sr. at 7:30 p. m.

Chairman Peplinski called on Edgar Scudder, 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, Markwardt, Schrader, Wellington, 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 April 13, 2016. There were none, and the Chairman ordered them approved.

Chairman Peplinski dispensed with the regular session to allow for the presentation of a proclamation. Chairman Peplinski called on Legislator Robert Schrader to present the proclamation. Mr. Schrader read the proclamation which proclaimed May 13, 2016 as “Gracie Schrader and Paige Klock Day” in Herkimer County in recognition of their being named to the Central New York All Section Girls Volleyball Team. He also gave recognition to the team and Coach Kristin Guernsey for winning the Division II Center State Championship and also for receiving the “Volleyball Team Sportsmanship Award”.

Chairman Peplinski then recognized Legislator Raymond Smith who presented a plaque to Edgar Scudder, Director of Community Services, upon his retirement, in recognition of his twenty-eight years of dedicated service to the residents of Herkimer County.

Chairman Peplinski then called Legislator Raymond Johnson to come forward to present a proclamation. Mr. Johnson read the proclamation which proclaimed Thursday, May 12, 2016 as “Douglas ‘Charlie Miller’ Day” in Herkimer County in recognition of his dedicated service to the veterans of Herkimer County.

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

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. 143 – A communication was received from the Recording Officer and County Treasurer submitting Semi-Annual Mortgage Tax Report. Referred to the Committee on Ways and Means.

No. 144 – A communication was received from the Sheriff submitting the Annual Report of the Sheriff’s Department for 2015. Referred to the Committee on Public Safety and Emergency Management.

No 145 – A communication was received from the Director of Community Services requesting a staffing change in the Mental Health Services Department. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 146 – A communication was received from the Budget Officer requesting a budget amendment in connection with Sewer Feasibility Study at Schuyler Business Park. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

No. 147 – A communication was received from the Personnel Officer submitting recommendation for appointment of Director of Community Services. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 148 – A communication was received from the Director of the Office for the Aging requesting approval of contract in connection with New York State Department of Transportation 5310 Grant for purchase of new van. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 149 – A communication was received from the Budget Officer submitting request for transfer of funds in connection with 5310 Grant from the New York State DOT for van for Office for Aging. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 150 – A communication was received from the Building Maintenance Foreman requesting a staffing change. Referred to the Committee on County Properties and the Committee on Ways and Means.

No. 151 – A communication was received the Budget Officer requesting adjustment in petty cash accounts in various county departments. Referred to the Committee on Ways and Means.

No. 152 – A communication was received from the Budget Officer submitting recommendation for award of bus service to Old Forge for Herkimer County Youth Bureau. Referred to the Committee on County Planning and Development and the Committee on Human Resources.

No. 153 – A communication was received from the Budget Officer submitting recommendation for award of two trucks for Highway Department. Referred to the Committee on Highways.

No. 154 – A communication was received from the Office of County Attorney submitting report of threatened or pending litigation for 2015. Placed on file.

No. 155 – A communication was received from the STOP-DWI Coordinator submitting recommendations for appointments/reappointments to STOP-DWI Board. Referred to the Committee for Public Safety/Emergency Management.

No. 156 – A communication was received from the Budget Officer submitting request for budget amendment in connection with COLA reimbursement for Childhood Lead Poisoning Prevention

Grant. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 157 – A communication was received from the Oneida-Herkimer Solid Waste Authority submitting draft requests for proposals. Placed on file.

No. 158 – A communication was received from the New York State Association of Counties advising of availability of financing of certain local projects in the 2016-17 State Budget. Placed on file.

No. 159 – A communication was received from Senator Seward acknowledging receipt of resolution to increase community college base aid. Placed on file.

No. 160 – A communication was received from Senator Seward advising of cosponsoring of legislation to provide percent state aid increase in district attorneys' salaries. Placed on file.

No. 161 – A communication was received from Oneida-Herkimer Solid Waste Authority submitting 2015 Annual Report. Placed on file.

No. 162 – A communication was received from the Farmland Protection Board recommending properties listed for the Open Enrollment Period be added to existing agricultural districts. Referred to the Committee on Natural Resources.

No. 163 – A communication was received from Edgar Scudder submitting his retirement as Director of Community Services effective May 28, 2016. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 164 - A communication was received from Douglas C. Miller submitting his resignation as Director of the Herkimer County Veterans' Service Agency. Referred to the Committee on Administration/Veterans' Affairs.

No. 165 – A communication was received from Capital District OTB submitting audited financial statements for years 2014 and 2015 and financial statement for March 2016. Placed on file.

No. 166 – A communication was received from Tectonic Practical Solutions concerning 2015 New York State HOME LPA Program. Placed on file.

No. 167 – A communication was received from the Director of Information Services requesting contract for provision of new County Wide Telephone System. Referred to the Committee on Information Services and the Committee on Ways and Means.

No. 168 – A communication was received from the Budget Officer requesting transfer of funds in connection with new County Wide Telephone System. Referred to the Committee on Information Services and the Committee on Ways and Means.



For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Johnson, seconded by Mr. Wellington, Report and Resolution No. 121 sponsored by the Committee on County Properties and the Committee on Ways and Means approving staffing change in County Buildings was handed up; voted on and adopted by roll call vote:

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

Against: None.

Absent: None.

On motion of Mr. Smith, seconded by Mr. Shaw, Report and Resolution No. 122 sponsored by the Committee on Human Resources and the Committee on Ways and Means in connection with receipt of State Department of Transportation funding for van for Office for Aging and transferring 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. Brezinski, Report and Resolution No. 123 sponsored by the Committee on Highways awarding bid for purchase of equipment for Highway Department 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. Brezinski, Report and Resolution No. 124 sponsored by the Committee on Ways and Means apportioning mortgage tax was handed up; voted on and adopted by roll call vote:

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

Against: None.

Absent: None.

On motion of Mr. Markwardt, seconded by Mr. Russell, Report and Resolution No. 125 sponsored by the Committee on Human Resources and the Committee on Ways and Means

approving staffing change in Mental Health Services was handed up; was voted on and adopted by roll call vote:

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

Against: None.

Absent: None.

On motion of Mr. Stephens, seconded by Mr. Ackerman, Report and Resolution No. 126 sponsored by the Committee on Ways and Means regarding petty cash accounts was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Bono, seconded by Mr. Shaw, Report and Resolution No. 127 sponsored by the Committee on Ways and Means amending budget in connection with GHD Consulting contract for Sewer Feasibility Study 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. Markwardt, Report and Resolution No. 128 sponsored by the Committee on Human Resources and the Committee on Ways and Means appointing Director of Community Services 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. Shaw, Report and Resolution No. 129 sponsored by the Committee on County Planning and Development and the Committee on Ways and Means awarding bid for bus service for Old Forge Transportation Program for the 2016 Summer Youth Employment Program 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. Russell, Resolution No. 130 sponsored by the Committee on Administration/Veterans' Affairs supporting NYS Senate Bill No. S4964A and NYS Assembly Bill No. A8201 which would increase the counties' share of the Department of Motor Vehicles Revenue 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. Wellington, Resolution No. 131 sponsored by the Committee on Administration/Veterans' Affairs calling on State of New York to fully reimburse counties for mandated district attorney salary increases 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. Shaw, Resolution No. 132 sponsored by the Committee on Administration/Veterans' Affairs calling on the State of New York to reimburse counties for mandated costs for changing eligibility levels for Indigent Defense Services 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. Russell, Resolution No. 133 sponsored by the Committee on Ways and Means authorizing execution of amendment to Sales Tax Agreement with City of Little 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 had comments: Legislator Manno, Legislator Smith, Legislator Brezinski, Legislator Johnson.

At 8:05 p.m., on motion of Mr. Manno, seconded by Mr. Wellington, the Legislature adjourned to Wednesday, June 8, 2016 at 7:30 p.m.

Carole L. LaLonde, Clerk





## HERKIMER COUNTY LEGISLATURE

No. 116

### **REPORT AND RESOLUTION TO PROVIDE THAT THE ADDITIONS TO EXISTING AGRICULTURAL DISTRICTS FOR THE YEAR 2016 PURSUANT TO SECTION 303-b OF THE AGRICULTURE AND MARKETS LAW IS IN COMPLIANCE WITH THE PROVISIONS OF THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT**

**Sponsored by: Committee on Natural Resources**

WHEREAS, the State of New York has enacted the State Environmental Quality Review Act (SEQRA), Article 8 of the NYS Environmental Conservation Law and Part 617 of Title 6, New York Code Rules and Regulations (6NYCRR) to incorporate the consideration of environmental factors into existing planning, review and decision-making processes of local government agencies; and

WHEREAS, SEQRA requires that all agencies determine whether the actions they directly undertake, fund, or approve may have a significant effect on the environment; and

WHEREAS, the Herkimer County Legislature has under consideration requests from seven landowners pursuant to Resolution 146 of 2004, which established the month of January of each year as the 30-day period in which landowners may petition Herkimer County for inclusion of parcels within existing agricultural districts; and

WHEREAS, your Committee has designated the project as an Unlisted Action pursuant to SEQRA and completed an uncoordinated review of the proposed modifications of the agricultural districts; and

WHEREAS, your Committee has fully considered, assessed and discussed the information contained within the Environmental Assessment Form; now, therefore, be it

RESOLVED, that based on the information provided and discussed, the Herkimer County Legislature has determined that the proposed action will not result in any significant adverse environmental impacts; and, be it further

RESOLVED, that the reasons supporting this determination are documented on the Environmental Assessment Form, within a packet of attachments to the forms, and on additional supporting documentation; and, be it further

RESOLVED, that as a consequence of such findings and declaration, and in compliance with the requirements of SEQRA, the County, as lead agency, hereby issues a negative declaration and directs that the Chairman of the Legislature file and make available the same in accordance with the requirements of SEQRA Law.

Dated: May 11, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 117

### REPORT AND RESOLUTION APPROVING ADDITIONS TO EXISTING AGRICULTURAL DISTRICTS FOR THE YEAR 2016

**Sponsored by: Committee on Natural Resources**

WHEREAS, Section 303-b of the New York State Agriculture and Markets Law provides for requests by landowners for the inclusion of viable agricultural land within a certified agricultural district prior to the county established review period; and

WHEREAS, upon recommendation of the Agricultural and Farmland Protection Board, the Herkimer County Legislature established the month of January as the 30-day period in which landowners may petition Herkimer County for inclusion of parcels within existing agricultural districts during the year 2015; and

WHEREAS, Herkimer County received requests from seven landowners for inclusion of sixteen parcels of land within an existing agricultural district; and

WHEREAS, the Herkimer County Agricultural & Farmland Protection Board determined that said parcels proposed for inclusion in the agricultural districts consist predominately of viable agricultural land, and that the inclusion of such land would serve the public interest by assisting in maintaining a viable agricultural industry within the agricultural districts; and

WHEREAS, the Agricultural & Farmland Protection Board recommended that said parcels listed on the attached list be included in the agricultural districts as viable agricultural land; and

WHEREAS, the Herkimer County Legislature held a public hearing on May 11, 2016; and

WHEREAS, the Herkimer County Legislature has determined pursuant to the State Environmental Quality Review Act, that the proposed action will not have a significant impact on the environment; now, therefore, be it

RESOLVED, that the Herkimer County Legislature does hereby approve the sixteen parcels listed on the attached list for inclusion in agricultural districts as viable agricultural land.

Dated: May 11, 2016.

2016 OPEN ENROLLMENT OF HERKIMER COUNTY AGRICULTURAL DISTRICTS

PARCEL ID #	MUNICIPALITY	OWNER	DISTRICT	ACRES	COMMENT
093-1-1-1.1	NEWPORT	CALLAHAN, JOSEPH &	6	92.5	NEW OE 2016
093-1-1-10	NEWPORT	CALLAHAN, MICHAEL	6	2.1	NEW OE 2016
093-2-1-22.1	NEWPORT	CALLAHAN, MICHAEL	6	49.3	NEW OE 2016
129-3-3-4	DANUBE	HROBUCHAK, RONALD S.	3	5.0	NEW OE 2016
129-3-3-5	DANUBE	HROBUCHAK, RONALD S.	3	5.0	NEW OE 2016
093-2-2-5	NEWPORT	METZGIER, JOHN & MARY	6	18.9	NEW OE 2016
088-4-1-25.1	NEWPORT	POLCZYNSKI, THADDEUS	6	106.8	NEW OE 2016
088-4-1-1	NEWPORT	POLCZYNSKI, THADDEUS	6	63.8	NEW OE 2016
118-3-1-34	LITCHFIELD	THE ROOT FARM	2	74.6	NEW OE 2016
125-2-2-45	COLUMBIA	PEPLINKSI, ED	2	16.7	NEW OWNER OE 2016
125-2-2-40.2	COLUMBIA	PEPLINKSI, ED	2	90.2	NEW OWNER OE 2016
125-4-1-67	COLUMBIA	PEPLINKSI, ED	2	47.9	NEW OE 2016
125-2-2-44.7	COLUMBIA	PEPLINKSI, ED	2	6.6	NEW OE 2016
125-4-1-4.2	COLUMBIA	PEPLINKSI, ED	2	11.6	NEW OE 2016
125-2-2-44.1	COLUMBIA	PEPLINKSI, ED	2	100.2	NEW OWNER OE 2016
125-2-1-21	GERMAN FLATTS	PEPLINKSI, ED	2	27.0	NEW OWNER OE 2016
			TOTAL		
			ACRES	718.0	



## **HERKIMER COUNTY LEGISLATURE**

No. 118

### **REPORT AND RESOLUTION APPROVING ANNUAL REPORT OF THE SHERIFF**

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

WHEREAS, your Committee on Public Safety & Emergency Management, to which was referred the communication from the Herkimer County Sheriff submitting the 2015 Annual Report of the Sheriff's Office, respectfully reports that we have examined the said report, recommend that it be adopted and offer the following Resolution:

RESOLVED, that the 2015 Annual Report of the Sheriff's Office hereby is adopted and that a copy thereof be placed on file with the Herkimer County Legislature for the year 2015.

Dated: May 11, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 119

### **REPORT AND RESOLUTION AS REGARDS MEMBERSHIP ON THE STOP-DWI ADVISORY BOARD**

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

WHEREAS, a communication from Michael J. Edwards, STOP-DWI Coordinator, dated April 1, 2016 advises this Legislature that the STOP-DWI Advisory Board recommends the appointment/reappointment of certain members to the STOP-DWI Advisory Board; now, therefore, be it

RESOLVED, that the individuals serving in the following titles and individuals listed are hereby appointed/ reappointed to the STOP-DWI Advisory Board to serve a term of three years commencing July 1, 2016 and ending June 30, 2019:

Chairman of the Herkimer County Legislature  
Herkimer County Administrator  
Joseph Malone, Herkimer/Mohawk Police Chief  
Timothy Rogers, HCCC Director of Campus Safety

And, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Coordinator of the STOP-DWI Program and the appointees.

Dated: May 11, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 120

### REPORT AND RESOLUTION AMENDING BUDGET IN CONNECTION WITH ADDITIONAL COST OF LIVING FUNDING ADJUSTMENT FOR CHILDHOOD LEAD POISONING PREVENTION PROGRAM

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

WHEREAS, by letter dated April 12, 2016, from Sheri Ferdula, Budget Officer, this Legislature is advised that the Public Health Nursing Program has received a COLA reimbursement for the Childhood Lead Poisoning Prevention Program, and requests amendment of the 2016 Budget in connection therewith; now, therefore, be it

RESOLVED, that the 2016 Herkimer County Budget is hereby amended as follows:

**REVENUE:**

A4189L.4489, Lead Prevention, State Aid	From: \$39,826
	To: \$42,929

**APPROPRIATION:**

A4189L.81000, Lead Prevention, Retirement	From: \$-0-
	To: \$ 1,000
A4189L.83000, Lead Prevention, Social Security	From: \$-0-
	To: \$ 500
A4189L.83500, Lead Prevention, Medicare	From: \$-0-
	To: \$ 500
A4189L.86000, Lead Prevention, Health Insurance	From: \$-0-
	To: \$ 1,103

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: May 11, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 121

### **REPORT AND RESOLUTION APPROVING STAFFING CHANGE IN COUNTY BUILDINGS DEPARTMENT**

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

WHEREAS, by letter dated April 12, 2016, Donal Moynihan, Building Maintenance Foreperson, has requested a staffing change in the Herkimer County Maintenance (County Buildings) Department, effective May 16, 2016; and

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

RESOLVED, that, effective May 16, 2016, one position of Building Maintenance Worker is hereby deleted in Salary Schedule III under A1620, County Buildings and one additional position of Building Maintenance Helper is hereby established at the base annual salary of \$24,806.00; and, be it further

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

Dated: May 11, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 122

### REPORT AND RESOLUTION AUTHORIZING CONTRACT IN CONNECTION WITH RECEIPT OF STATE DEPARTMENT OF TRANSPORTATION FUNDING FOR VAN FOR THE OFFICE FOR THE AGING AND TRANSFERRING FUNDS

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

WHEREAS, pursuant to Resolution No. 128 adopted on May 20, 2015, this Legislature authorized application for funding to receive a new van for the Office for the Aging's transportation program under the New York State Department of Transportation (NYSDOT) Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program; and

WHEREAS, under said program, the NYSDOT will cover 80% of the cost of the vehicle, with Herkimer County to provide a 20% local match and a 15% contingency to cover any Consumer Price Index or federal mandate changes, for a total cost of \$12,192.00; and

WHEREAS, by letter dated April 15, 2016, Kathy Fox, Director of the Office for the Aging, has advised that said application for funding was approved and requests a contract be entered into with the New York State Department of Transportation for the period January 1, 2016 to December 31, 2021; and

WHEREAS, by letter dated April 19, 2016, Sheri Ferdula, Budget Officer, has advised that it will be necessary to transfer funds to cover the local share of the above mentioned funding; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a contract with the New York State Department of Transportation in connection with the receipt of funding for a vehicle under Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities, said contract to be for the period January 1, 2016 to December 31, 2021; and, be it further

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized and directed to transfer the following sums from and to the following accounts in the 2016 Budget:

\$8,500	From: A1010.10000-001, Legislature, Salaries To: A6772E.23000, Aging, Comm. Foundation Gr., Motor Vehicles
\$2,000	From: A6772.44000, Aging IIB, Contracted Services To: A6772E.23000, Aging, Comm. Foundation Gr., Motor Vehicles
\$1,692	From: A6772A.44000, Aging, IID, Contracted Services To: A6772E.23000, Aging, Community Foundation Gr., Motor Vehicles.

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

Dated: May 11, 2016.





## HERKIMER COUNTY LEGISLATURE

No. 123

### REPORT AND RESOLUTION AWARDING BID FOR PURCHASE OF EQUIPMENT FOR HIGHWAY DEPARTMENT

**Sponsored by: Committee on Highways**

WHEREAS, Shcri Ferdula, Budget Officer/Purchasing Agent has advised by letter dated April 15, 2016 that sealed bids were received, opened and read in accordance with law for the purchase of two 2017 or newer diesel powered trucks with dump bodies for the Herkimer County Highway Department; and

WHEREAS, the Budget Officer further advises that it is the recommendation of your Committee and the County Superintendent of Highways that a contract be awarded to Mohawk Valley Freightliner of Yorkville, New York, which was the lowest bidder for two 2017 M2 106 4 x 2 crew cab dump chassis for a total bid price of \$199,276; and

WHEREAS, there are sufficient funds available for said purchase; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby awards a bid for the purchase of two 2017 M2 106 4 x 2 crew cab dump chassis for the Herkimer County Highway Department to Mohawk Valley Freightliner, 209 Oriskany Blvd., PO Box 201, Yorkville, NY, which was the lowest bidder, in the total amount of \$199,276; and, be it further

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

Dated: May 11, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 124

### REPORT AND RESOLUTION APPORTIONING MORTGAGE TAX

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

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: May 11, 2016.

APPORTIONMENT OF MORTGAGE TAX  
October 1, 2015 – March 31, 2016

TOWNS	TOTAL TAX RECEIVED	TOWN SHARE	INCLUDING VILLAGES	VILLAGES SHARES
COLUMBIA	\$ 11,498.19	\$ 11,498.19		
DANUBE	6,160.28	6,160.28		
FAIRFIELD	10,316.43	9,491.38	MIDDLEVILLE	\$ 825.05
FRANKFORT	51,958.14	46,595.22	FRANKFORT	5,266.08
			ILION	96.84
GERMAN FLATTS	45,897.64	28,669.80	ILION	12,846.94
			MOHAWK	4,380.90
HERKIMER	25,941.50	17,713.43	HERKIMER	8,228.07
LITCHFIELD	10,521.77	10,521.77		
CITY OF LITTLE FALLS	14,059.85	14,059.85		
TOWN OF LITTLE FALLS	10,152.16	10,152.16		
MANHEIM	11,691.03	9,477.58	DOLGEVILLE	2,213.45
NEWPORT	13,163.35	11,186.38	MIDDLEVILLE	292.53
			NEWPORT	1455.34
			POLAND	229.10
NORWAY	2,668.30	2,668.30		
OHIO	4,085.76	4,085.76		
RUSSIA	12,233.39	11,412.24	COLD BROOK	298.59
			POLAND	522.56
SALISBURY	6,331.80	6,331.80		
SCHUYLER	12,536.61	12,536.61		
STARK	1,530.09	1,530.09		
WARREN	6,296.41	6,296.41		
WEBB	83,248.73	83,248.73		
WINFIELD	7,102.55	6,066.27	WEST WINFIELD	1,036.28
<b>TOTAL</b>	<b>\$ 347,393.98</b>	<b>\$309,702.25</b>		<b>\$37,691.73</b>



## HERKIMER COUNTY LEGISLATURE

No. 125

### **REPORT AND RESOLUTION APPROVING STAFFING CHANGE IN MENTAL HEALTH SERVICES**

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

WHEREAS, by letter dated April 7, 2016, Edgar Scudder, Director of Community Services, has requested a staffing change in the Herkimer County Mental Health Services; and

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

RESOLVED, that Salary Schedule II is hereby amended under A4320, Mental Health Department Programs, to establish one position of Administrative Officer Trainee at the base annual salary of \$38,000.00; and, be it further

RESOLVED, that said position shall continue for a one year period, effective this date; and, be it further

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

Dated: May 11, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 126

### REPORT AND RESOLUTION REGARDING COUNTY PETTY CASH ACCOUNTS

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

WHEREAS, by letter dated April 14, 2016, Sheri Ferdula, County Budget Officer, has recommended that adjustments be made to county petty cash accounts and that petty cash procedures be implemented; and

WHEREAS, various petty cash accounts have been established for county departments by prior resolutions which need to be replaced; now, therefore, be it

RESOLVED, that the following petty cash accounts be established for the departments and in the amounts listed:

	<u>Original Amount</u>	<u>New Amount</u>
Department of Social Services	\$ 25.00	\$ 50.00
District Attorney	\$3,000.00	\$1,500.00
Public Health	\$ 100.00	\$ 35.00
Mental Health	\$ 100.00	\$ 25.00
Real Property	\$ 40.00	\$ 25.00
Sheriff	\$ 250.00	\$ 200.00
Highway	\$ 30.00	\$ 50.00
County Clerk	\$ 725.00	\$ 734.75
Treasurer	\$ 400.00	\$ 400.00
Sewer	\$ 125.00	\$ 125.00

and, be it further

RESOLVED, that any and all other petty cash accounts be closed; and be it further

RESOLVED, that the Herkimer County petty cash procedures attached hereto are adopted; and be it further

RESOLVED, that all prior resolutions regarding petty cash accounts are hereby rescinded and replaced by this resolution, and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer and the Department Heads with prior or current petty cash accounts.

Dated: May 11, 2016.

## **HERKIMER COUNTY PETTY CASH PROCEDURES**

### **Purpose**

This policy defines the procedures to be followed for the administration of petty cash funds within Herkimer County Departments. Petty cash is intended to be used ONLY for the purpose of making change in departments handling cash transactions, or in the event that the Purchasing Department is unavailable to fulfill an immediate need.

Petty Cash is allowed for the purpose of providing availability of cash for purchases and services where it is not possible to make the purchase through the normal process of a purchase order. These instances should be considered "emergency" situations with verification provided as to why.

### **Securing the Petty Cash Account**

Department Heads are responsible to ensure the security of the petty cash account. All cash and vouchers for expenditures must be held in a locked cash safe box with access limited by the Department Head or his/her designee.

The petty cash must be reconciled on a monthly basis with with an annual reconciliation included in the Department's annual report. The manager must ensure that the cash and vouchers with receipts are equivalent to the total amount disbursed to the petty cash account. A log sheet with specific descriptions of transactions must be maintained at all times. Discrepancies in petty cash must be immediately reported to the Purchasing Agent for further investigation.

### **Petty Cash Purchases and Vouchers**

The process for an employee to make a purchase through petty cash is as follows:

1. Obtain approval from Department Head or supervisor
2. Complete and submit petty cash voucher
3. Obtain petty cash funds for the amount of the petty cash voucher
4. Make the purchase and obtain a receipt
5. Provide the receipt and any change to the Department Head or designee

For Departments using petty cash for cash drawers:

1. Obtain approval from the Department Head or supervisor
2. Complete and submit a petty cash voucher
3. Obtain petty cash funds for the amount of the petty cash voucher
4. Funds are assigned to that employee for use in a cash drawer to which only the employee has access
5. The drawer should be balanced nightly and any discrepancies immediately reported to the supervisor
6. If at any time the cash drawer is to change hands, the cash must be turned back over to the petty cash manager and reissued to a new employee with signatures of exchange provided

For Departments using petty cash for change:

1. Obtain approval from department head or supervisor
2. A Change Box must be established by completing a petty cash voucher
3. Money must be kept by one person per day
4. A Petty Cash Change Drawer receipt must be filled out by the employee responsible for the drawer at the beginning and end of the day
5. If at any point in the day the money is assigned to a new employee, a new receipt must be done

### **Reimbursing Petty Cash**

Petty cash (with the exception of cash drawers and change drawers) must be reimbursed on a monthly basis. A voucher sent to Auditor's with receipts will be processed through the department's 46000, Miscellaneous Expense, account and cash will be replenished.



## HERKIMER COUNTY LEGISLATURE

No. 129

### **REPORT AND RESOLUTION AWARDING BID FOR BUS SERVICE FOR THE OLD FORGE AREA TRANSPORTATION PROGRAM FOR THE 2016 SUMMER YOUTH EMPLOYMENT PROGRAM**

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

WHEREAS, pursuant to Resolution No. 114 for the year 1993, the Herkimer County Budget Officer and Purchasing Agent is authorized to advertise for bids, on an annual basis, for the Old Forge Area Transportation Program in relation to the Summer Youth Employment Program; and

WHEREAS, by communication dated April 12, 2016, the Budget Officer has advised this Legislature that bids were received, opened and read in accordance with law for bus services in connection with the 2016 Summer Youth Employment Program to provide transportation to the Old Forge Area; and

WHEREAS, said communication further advises that the lowest bidder has withdrawn their bid as they were unable to meet the requirements specified by the County; and

WHEREAS, the Budget Officer has advised that it is the recommendation of your Committees and the Youth Bureau that a contract be awarded to the second lowest bidder, Birnie Bus Service, Inc. of Rome, New York, in the sum of \$618.53 per bus, per day, up to a maximum of 122 trips, plus orientation; now, therefore, be it

RESOLVED, that the Herkimer County Legislature awards a contract to Birnie Bus Service, P.O. Box 630, Rome, New York, 13441, for bus service for the Old Forge Area Transportation Program for the 2016 Summer Youth Employment Program, in the sum of \$618.53 per bus, per day, up to a maximum of 122 trips, plus orientation; and, be it further

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

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Executive Director of the Youth Bureau and Birnie Bus Service, Inc.

Dated: May 11, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 127

### **REPORT AND RESOLUTION AMENDING BUDGET IN CONNECTION WITH GHD CONSULTING CONTRACT FOR SCHUYLER BUSINESS PARK SEWER FEASIBILITY STUDY**

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

WHEREAS, by Resolution No. 96 and Resolution No. 156 of 2015 an agreement was entered into with the New York State Empire State Development Corporation to receive a \$150,000 grant, with a local share of \$17,500 from Herkimer County, with said funding to be used for a feasibility study of various alternatives to extend commercial sewer service to the Schuyler Business Park along Route 5 in the Town of Schuyler; and

WEREAS, by Resolution No. 174 adopted on July 22, 2015 a contract was entered into with GHD Consulting Services, Inc. of Cazenovia, New York in the amount of \$20,000 for the performance of professional services in connection with said feasibility study; and

WHEREAS, by letter dated April 14, 2016, from Sheri Ferdula, Budget Officer, this Legislature is advised of a request to amend the 2016 County Budget to cover expenses related to said study; now, therefore, be it

RESOLVED, that the 2016 Herkimer County Budget is hereby amended as follows:

#### Revenue:

A6430.3789D, State Aid, Schuyler Business Park, Other	From: \$-0-
	To: \$50,000

#### Appropriation:

A6430.44000, Schuyler Business Park, Contracted Services	From: \$-0-
	To: \$50,000

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

Dated: May 11, 2016.





## HERKIMER COUNTY LEGISLATURE

No. 128

### REPORT AND RESOLUTION APPOINTING DIRECTOR OF COMMUNITY SERVICES

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

WHEREAS, by letter dated May 4, 2016, Edgar Scudder has submitted his resignation from the position of Director of Community Services

WHEREAS, by letter dated April 19, 2016 Steven R. Billings, Personnel Officer, has advised that is the recommendation of your Committees that Kristin Snyder-Branner of Ilion, New York, be appointed to the position of Director of Community Services effective May 28, 2016; now, therefore, be it

RESOLVED, that Kristen Snyder-Branner, 247 South Fourth Ave., Ilion, NY 13357 is hereby appointed to the position of Director of Community Services, effective May 28, 2016 at an annual base salary of \$77,000, with said appointment to be pending approval of the New York State Department of Mental Hygiene Inter-Office Coordinating Council as required by state law; and, be it further

RESOLVED, that the 2016 Herkimer County Salary Schedule I is hereby amended, effective May 28, 2016, in Account A4320, Mental Health Department, Administration, to reflect the change in base annual salary; and, be it further

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

Dated: May 11, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 129

### **REPORT AND RESOLUTION AWARDING BID FOR BUS SERVICE FOR THE OLD FORGE AREA TRANSPORTATION PROGRAM FOR THE 2016 SUMMER YOUTH EMPLOYMENT PROGRAM**

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

WHEREAS, pursuant to Resolution No. 114 for the year 1993, the Herkimer County Budget Officer and Purchasing Agent is authorized to advertise for bids, on an annual basis, for the Old Forge Area Transportation Program in relation to the Summer Youth Employment Program; and

WHEREAS, by communication dated April 12, 2016, the Budget Officer has advised this Legislature that bids were received, opened and read in accordance with law for bus services in connection with the 2016 Summer Youth Employment Program to provide transportation to the Old Forge Area; and

WHEREAS, said communication further advises that the lowest bidder has withdrawn their bid as they were unable to meet the requirements specified by the County; and

WHEREAS, the Budget Officer has advised that it is the recommendation of your Committees and the Youth Bureau that a contract be awarded to the second lowest bidder, Birnie Bus Service, Inc. of Rome, New York, in the sum of \$618.53 per bus, per day, up to a maximum of 122 trips, plus orientation; now, therefore, be it

RESOLVED, that the Herkimer County Legislature awards a contract to Birnie Bus Service, P.O. Box 630, Rome, New York, 13441, for bus service for the Old Forge Area Transportation Program for the 2016 Summer Youth Employment Program, in the sum of \$618.53 per bus, per day, up to a maximum of 122 trips, plus orientation; and, be it further

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

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Executive Director of the Youth Bureau and Birnie Bus Service, Inc.

Dated: May 11, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 130

### **RESOLUTION SUPPORTING NEW YORK STATE SENATE BILL NO. S4964A AND NEW YORK STATE ASSEMBLY BILL NO. A8201 WHICH WOULD INCREASE THE COUNTIES' SHARE OF DEPARTMENT OF MOTOR VEHICLE (DMV) REVENUE TO PROVIDE A MORE EQUITABLE SHARE FOR COUNTIES**

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

WHEREAS, in New York State 51 of 62 counties are mandated to operate a local Department of Motor Vehicles (DMV) Office; and

WHEREAS, local DMV Offices provide customer service and process many no-fee transactions on behalf of New York State; and

WHEREAS, under current law New York State's share of all fees collected from the work performed by the county-operated DMVs is 87.3 percent; and

WHEREAS, the remaining 12.7 percent county share has not been increased since 1999, yet the amount of work required by the local DMV Offices has increased in that same time period; and

WHEREAS, there is a clear inequity present when a county DMV provides all services including overhead and staffing to fulfill these DMV needs for state residents, yet the state takes 87.3 percent of the revenue generated from providing said services; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby supports New York State Senate Bill S4964A, and Assembly Bill A8210, which would increase the counties' share of Department of Motor Vehicle (DMV) Revenue to provide a more equitable share for counties; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Governor Andrew M. Cuomo, Senator Patty Richie, Assemblyman Anthony J. Brindisi, Senator James L. Seward, Senator Hugh T. Farley, Assemblyman Marc W. Butler, Assemblywoman Claudia Tenney, and the New York State Association of Counties.

Dated: May 11, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 131

### **RESOLUTION CALLING ON THE STATE OF NEW YORK TO FULLY REIMBURSE COUNTIES FOR MANDATED DISTRICT ATTORNEY SALARY INCREASES**

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

WHEREAS, effective April 1, 2016, the State of New York mandated an increase in the salary of New York State Supreme Court Judges and County Judges; and

WHEREAS, State Law also requires that the salary of a full-time district attorney in Herkimer County be equivalent to that of county judge in the County; and

WHEREAS, the State Budget adopted on April 1, 2016 did not include any funding to reimburse counties for the cost of mandated increases in district attorney salaries; now, therefore, be it

RESOLVED, that the Herkimer County Legislature calls on the New York State Legislature to pass and the Governor to sign legislation to pay for this salary increase retroactive to April 1, 2016, and not pass this unfunded mandate on to local property taxpayers; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Governor Andrew M. Cuomo, Senator James L. Seward, Senator Hugh T. Farley, Assemblyman Marc W. Butler, Assemblyman Anthony J. Brindisi, Assemblywoman Claudia Tenney, and the New York State Association of Counties.

Dated: May 11, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 132

### **RESOLUTION CALLING ON THE STATE OF NEW YORK TO REIMBURSE COUNTIES FOR MANDATED COUNTY COSTS FOR CHANGING ELIGIBILITY LEVELS FOR INDIGENT DEFENSE SERVICES**

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

WHEREAS, on April 4, 2016 the New York State Office of Indigent Legal Services issued new "Criteria and Procedures for Determining Assigned Counsel Eligibility", which are scheduled to become effective on October 3, 2016; and

WHEREAS, these new criteria took the existing program, which used 125% of the Federal poverty level to determine eligibility and increased it to 250% of the Federal poverty level and eliminated consideration of household assets and spousal income, thereby vastly increasing the number of eligible individuals; and

WHEREAS, the new eligibility criteria will increase caseloads of most county providers and impose additional administrative requirements and costs on county providers; and

WHEREAS, the higher caseloads and increased administrative responsibilities will have significant, adverse effects on county providers unless there is additional funding appropriated to support providers in complying with the new eligibility criteria; and

WHEREAS, the new eligibility criteria have been issued by New York State without any additional State funding to support providers in their implementation; the vast majority of counties will not be able to provide the additional resources necessary to implement the eligibility criteria while continuing to provide quality representation to clients and while being constrained by the State-imposed property tax cap which leaves little room to address increased services without state assistance; now, therefore, be it

RESOLVED, that the Herkimer County Legislature calls on the State of New York to either cancel these changes in eligibility or pass legislation and appropriate additional funding to support counties in complying with the new eligibility criteria, and not pass this unfunded mandate on to local taxpayers; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Governor Andrew M. Cuomo, Senator James L. Seward, Senator Hugh T. Farley, Assemblyman Marc W. Butler, Assemblyman Anthony J. Brindisi, Assemblywoman Claudia Tenney, and the New York State Association of Counties.

Dated: May 11, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 133

### RESOLUTION AUTHORIZING EXECUTION OF AMENDMENT TO SALES TAX AGREEMENT WITH THE CITY OF LITTLE FALLS

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

WHEREAS, the County of Herkimer and City of Little Falls entered into an agreement dated November 13, 2012, regarding the allocation and disposition of the three percent (3%) sales and compensating use tax which had been enacted during the month of December, 1987, and which became effective on March 1, 1988; and

WHEREAS, that agreement contained an error in Paragraph 7, which paragraph discussed the allocation of proceeds to be distributed to the towns and villages in that it incorrectly used the figure of one-half of the total amount, after deduction of one million dollars, rather than the correct figure of one-third of that amount, which has been the agreed upon amount since the enactment of the sales tax in 1987; and

WHEREAS, the parties now wish to correct that error; now, therefore, be it

RESOLVED as follows:

1. The second sentence in Paragraph 7 of the 2012 agreement described above shall be amended to recite the same language which has been in all prior agreements and which was intended by the parties to be in the 2012 agreement, as follows: "Said allocations shall be made during the first year of this agreement in the amount of one-third of the total amount, after deduction of \$1,000,000.00 or portion thereof as provided above, received by the County for County sales and compensating use taxes collected within the County, with the Legislature to have the right for succeeding years of the terms of this contract to increase such share to one-half of said amount";
2. In all other respects the said agreement dated November 13, 2012 between the County and the City shall remain in full force and effect except as modified therein;
3. The Chairman of this Legislature be and he hereby is, authorized to execute such agreement, in form attached hereto, with the City of Little Falls, for and on behalf of the County of Herkimer;
4. That allocation and distribution of funds collected as sales tax after December 31, 2012 be governed by the agreement with the City of Little Falls dated November 13, 2012, as amended pursuant to this agreement;

5. That after securing the signatures of the Mayor of the City of Little Falls and the Chairman of this Legislature on said contract, the County Attorney is directed to submit the executed contract with certified copies of this Resolution and any resolution adopted by the Common Council of the City of Little Falls, to the Office of the State Comptroller of the State of New York and make the necessary filings of this agreement and other documents with the State of New York as required by statute;
  
6. That certified copies of this Resolution be forwarded to the County Treasurer, Auditor, Budget Officer and Common Council of the City of Little Falls.

Dated: May 11, 2016.

**AGREEMENT MADE THE \_\_\_\_ day of \_\_\_\_\_, 2016 BETWEEN**

**COUNTY OF HERKIMER (herein called the County)**

**and**

**CITY OF LITTLE FALLS (herein called the City)**

Both being municipal corporations of the State of New York.

WHEREAS, the County and the City entered into an agreement dated November 13, 2012 regarding the allocation and disposition of the three percent (3%) sales and compensating use tax which had been enacted during the month of December, 1987, and which became effective on March 1, 1988; and

WHEREAS, that agreement contained an error in Paragraph 7, which discussed the allocation of proceeds to be distributed to the Towns and Villages in that it incorrectly used the figure of one-half of the total amount, after deduction of \$1,000,000.00, rather than the correct figure of one-third of that amount, which has been the agreed upon amount since the enactment of the sales tax in 1987; and

WHEREAS, the parties now wish to correct that error;

NOW, THEREFORE, it is hereby agreed as follows:

1. The second sentence in Paragraph 7 of the 2012 agreement described above shall be amended to recite the same language which has been in all prior agreements and which was intended by the parties to be in the 2012 agreement, as follows: "Said allocations shall be made during the first year of this agreement in the amount of one-third of the total amount, after deduction of \$1,000,000.00 or portion thereof as provided above, received by the County



for County sales and compensating use taxes collected within the County, with the Legislature to have the right for succeeding years of the terms of this contract to increase such share to one-half of said amount.”

2. In all other respects the said agreement dated November 13, 2012 between the County and the City shall remain in full force and effect except as modified herein.
3. This agreement shall be subject to the approval of the State Comptroller.

Approved as to form

COUNTY OF HERKIMER

\_\_\_\_\_  
Robert J. Malone  
County Attorney

BY: \_\_\_\_\_  
Bernard Peplinski, Sr., Chairman  
Herkimer County Legislature

Approved as to form

CITY OF LITTLE FALLS

\_\_\_\_\_  
Jennifer Chrisman  
City Attorney

BY: \_\_\_\_\_  
Mark Blask, Mayor