

MINUTES
Herkimer County Legislature
Third Quarter – First Day
Wednesday, July 1, 2020
2:00 p.m.

The Regular Session of the Herkimer County Legislature was called to order by Chairman Vincent J. Bono at 2:00 p.m.

This session was held via teleconference in connection with COVID-19.

Chairman Bono called on Legislator Gregory Malta to lead the Legislature in the Pledge of Allegiance.

Chairman Bono 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, Donley, Campione, Russell, Shaw, Weakley (17).

Absent: None.

Chairman Bono suspended the public comment period due to COVID-19 and stated that any interested individuals could submit comments by mail: 109 Mary Street, Herkimer, NY 13350 or by email: hcl legislature@herkimercounty.org.

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Bono asked if there were any objections or corrections to the minutes of June 10, 2020. There were none, and the Chairman ordered them approved.

Chairman Bono 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.

Legislator Weakley: “I personally want to thank all of the Legislators for submitting a card for our sister, Bruce and I.”

Chairman Bono: “Great person, absolutely.”

Legislator Brezinski: “Mr. Chairman, if there was a communication from Sylvia Rowan to the Legislative body, I would like to have that read out loud please.”

Chairman Bono: “That was not to the Legislative body, that was to me and I’m not going to have that read John. That was written personally to me and not to the Legislature. Anyone else?”

No. 220 – A communication was received from The Weakley Foundation expressing thanks to the Legislature. Filed.

No. 221 – A communication was received from NYS Agriculture & Markets certifying the inclusion of predominantly viable agricultural land. Filed.

No. 222 – A communication was received from the Soil and Water Conservation submitting notice of meeting. Filed.

No. 223 – A communication was received from the Herkimer County Sheriff submitting Monthly Report for May 2020. Referred to the Committee on Public Safety & Emergency Management.

No. 224 – A communication was received from the NYS Canal Corporation submitting draft Scoping document for the proposed Barge Canal Earthen Embankment Integrity Program. Filed.

No. 225 – A communication was received from the Capital District Off Track Betting Corporation submitting audited financial report for years ending 2018 and 2019. Filed.

No. 226 – A communication was received from the Capital District Off Track Betting Corporation submitting financial report for November 2019. Filed.

No. 227 – A communication was received from Senator James L. Seward submitting notice of receipt of Resolution No. 160. Filed.

No. 228 – A communication was received from the Food Bank of Central New York expressing thanks to the Legislature. Filed.

No. 229 – A communication was received from the Herkimer County Agricultural and Farmland Protection Board submitting the Herkimer County Agricultural and Farmland Protection Plan. Referred to the Committee on Natural Resources.

No. 230 – A communication was received from the Senior VP for Admin. & Finance at HCCC requesting Public Hearing on the 2020-2021 Budget. Referred to the Committee on Education.

No. 231 – A communication was received from the Director of Office for the Aging requesting mileage for volunteer drivers for Office of the Aging. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 232 – A communication was received from the Budget Officer/Purchasing Agent requesting approval to purchase Sheriff decals, emergency equipment for F250 and transfer of funds in

Sheriff's Department. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 233 – A communication was received from the Sheriff requesting to amend agreement with school district for additional officers at schools. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 234 – A communication was received from the Personnel Officer requesting amendment to Salary Schedule No. III. Referred to the Committee on County Properties and the Committee on Ways & Means.

No. 235 – A communication was received from the Budget Officer/Purchasing Agent requesting purchase, amending budget and transfer funds in Sheriff's Department. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 236 – A communication was received from the Budget Officer/Purchasing Agent requesting contract for repairs at the Sheriff's range and amending budget for FEMA. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 237 – A communication was received from the Director of Emergency Services requesting purchase and installation of antenna system at Spohn Hill tower in Emergency Services. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 238 – A communication was received from the Director of Emergency Services requesting mileage reimbursement for Deputy Fire Coordinators in Emergency Services. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 239 – A communication was received from the Highway Superintendent requesting discussion on Deputy Superintendent position. Referred to the Committee on Highways.

No. 240 – A communication was received from the Highway Superintendent requesting lease renewal with National Grid for Substation on Highway Department property. Referred to the Committee on Highways.

No. 241 – A communication was received from the County Treasurer submitting Apportionment of Mortgage Tax. Referred to the Committee on Ways & Means.

No. 242 – A communication was received from the County Clerk submitting Semi-Annual Mortgage Tax Report. Referred to the Committee on Ways & Means.

No. 243 – A communication was received from the Budget Officer/Purchasing Agent requesting a transfer of funds in DSS. Referred to the Committee on Ways & Means.

No. 244 – A communication was received from the Commissioner of DSS requesting contract with Beacon Center for the provision of CASAC Services in DSS. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 245 – A communication was received from the Personnel Officer requesting authorization for the County Attorney to file a claim. Referred to the Committee on Ways & Means.

No. 246 – A communication was received from the Budget Officer/Purchasing requesting an appropriation of funds. Referred to the Committee on Ways & Means.

No. 247 – A communication was received from the Commissioner of DSS requesting to authorize agreement in connection with System of Care Grant in Public Health. Referred to the Committee on Human Resources and the Committee on Ways & Means.

Pursuant to Rule 6, Chairman Bono then proceeded with Reports of Standing Committees.

Legislator Stephens: “For Public Safety, John Raymond is on the phone, we’re making great gains on our communication system, they’re installing some of the microwave systems at the new tower at the 911 Center, and I believe Spohn Hill is getting some work done too. I just wanted to give you an update that they are moving along pretty well with that.”

Legislator Campione: “Mr. Chairman, I would just like to thank everybody involved in the Farmland Agriculture Protection Plan. They put in a lot of time to come up with a very good plan. Thank you, all.”

Legislator Hollum: “On behalf of the DMV, I just want to thank Sylvia Rowan for working hard and getting everything going. I know the girls down there are a little overwhelmed with everything that’s going on, but I know they are doing really well and working really hard so I just want to thank them all. I’m hearing a lot of positive feedback and things seem to be going in the right direction.”

The Chairman continued with the Regular Agenda.

On motion of Mr. Johnson, seconded by Mr. Gaworecki, Report and Resolution No.161 sponsored by the Committee on Ways & 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. Manno, seconded by Mr. Hollum, Report and Resolution No. 162 sponsored by the Committee on Education and the Committee on Ways and Means fixing the time and place for Public Hearing on Herkimer County Community College Budget 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. Campione, Report and Resolution No. 163 sponsored by the Committee on Highways renewing lease agreement with National Grid for a portion of the Herkimer County Highway Garage for substation was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: None.

Abstain: Ackerman (1).

On motion of Mr. Russell, seconded by Mr. Schrader, Report and Resolution No. 164 sponsored by the Committee on Ways & Means authorizing transfer of funds in DSS 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. Weakley, Report and Resolution No. 165 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing contract in the Department of Social Services was handed up; voted on and adopted by voice vote:

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

On motion of Mr. Smith, seconded by Mr. Shaw, Report and Resolution No. 166 sponsored by the Committee on Human Resources and the Committee on Ways & Means amending Resolution No. 262 and Resolution No. 368 of 2019 and authorizing agreement in connection with System of Care 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. Johnson, seconded by Mr. Stephens, Report and Resolution No. 167 sponsored by the Committee on County Properties and the Committee on Ways & Means amending Salary Schedule No. III was handed up; voted on and adopted by roll call vote:

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

Against: None. Absent: None.

On motion of Mr. Stephens, seconded by Mr. Gaworecki, Report and Resolution No. 168 sponsored by the Committee on Public Safety & Emergency Management, the Committee on County Properties, and the Committee on Ways & Means approving repairs to the firearms range, awarding a contract, and amending the budget 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. Gaworecki, Report and Resolution No. 169 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means approving purchase of two boats, transferring funds, and amending the budget in the Sheriff's Department was handed up; discussion was held; voted on and adopted by voice vote:

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

Legislator Russell: "Where is Oak Hill?"

Chairman Bono: "It is in Herkimer County."

Legislator Russell: "I wanted to make sure it was in Herkimer County, thank you."

Legislator Ackerman: "I just think it is important to point out that the reason we are doing this at this time, besides the fact that we need them, is that we are receiving a 50% match on this so about half of that amount we will be paying."

On motion of Mr. Campione, seconded by Mr. Gaworecki, Report and Resolution No. 170 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means approving purchase and installation of emergency equipment and decals for vehicle in Sheriff's Department 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. Johnson, Report and Resolution No. 171 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means amending Resolution No. 287 of 2019 and No. 338 of 2019 authorizing agreement with school district for placement of officers at schools was handed up; discussion was held; voted on and adopted by voice vote:

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

Legislator Manno: "There was an article in the OD saying they are questioning now whether it is good or bad to have the police officers in the schools, so I don't know if that is something we should consider or not."

Chairman Bono: "It is definitely a different day. If you're asking this Legislator, I think there should be a police officer in the schools."

Legislator Russell: "Since it came up, I think that our Sheriff and his department know better than some of the people that might be writing these articles."

Legislator Ackerman: "I believe we are there at the request of the school itself, so it would be up to them to cancel that contract."

Legislator Manno: “I am in favor of having them there, I am just telling you what the article said.”

On motion of Mr. Stephens, seconded by Mr. Gaworecki, Report and Resolution No. 172 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means approving antenna system and installation at Spohn Hill 911 Tower 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. Keeler, Report and Resolution No. 173 sponsored by the Committee on Natural Resources regarding Lead Agency status under the State Environmental Quality Review Act 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. Keeler, Report and Resolution No. 174 sponsored by the Committee on Natural Resources establishing negative declaration in a SEQRA Determination for review of the Farmland Agriculture and Protection Plan update 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. Hollum, Report and Resolution No. 175 sponsored by the Committee on Natural Resources adopting the Herkimer County Farmland Agriculture and Protection Plan 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. 176 sponsored by the Committee on Ways & Means authorizing Herkimer County to file a claim in class actions involving generic pharmaceutical drug pricing 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. Johnson, Report and Resolution No. 177 sponsored by the Committee on Ways & Means authorizing settlement agreement of claim and appropriating funds was handed up; voted on and adopted by roll call vote:

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

Against: None. Absent: None.

On motion of Mr. Stephens, seconded by Mr. Weakley, Resolution No. 178 In Memoriam of Evan Lawson, former Herkimer County Legislator, was handed up; discussion was held. The resolution was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

Chairman Bono: "I just want to say that when I first came in as a Legislator, I was able to sit next to Mr. Lawson. You could not ask for a more level headed, kind, honest guy. He was a stand up man. I know he stepped down to run for Sheriff and we have missed him since then. He always listened first, and spoke later. He is going to be missed; I'm sure by his family. Our thoughts, condolences, and prayers are with his wife and children."

Chairman Bono stated that pursuant to Rule 6(12) they would proceed with comments by Legislators.

Legislator Stephens: "Just a reminder that immediately following this, anybody that wants to go to the courthouse, we are going to have a tour of the existing conditions over there."

Legislator Brezinski: "I would like to read to you people my article."

Chairman Bono: "Mr. Brezinski, if that is the article that you sent to me, I'm not going to have you read that, unless you want to go into Executive Session you can read it to the Legislature in Executive Session. I don't think it is appropriate for public comment in that it deals with a personnel matter. You are more than welcome to go into Executive Session and you can read it there."

Legislator Brezinski: "That's fine."

Chairman Bono: "Thank you. I've got a few things. The Governor just announced today that he is going to test everyone in New York State. We are not sure what that means to us as a County, how that will be done, when it's going to be done, and if it is going to be done on a regular basis. I don't see the purpose of testing once when we don't know how long this pandemic is going to last. I also was informed the Assembly did pass the \$600 per week until January which is crippling to the economy. Although, I do believe people are spending that \$600, but it is crippling to the economy in the fact that people aren't going back to their jobs. I was asked to mention one other thing as far as Board of Elections, Kim Tranter announced to me that the Independent petitions and the guidance for those petitions are available at the Board of Elections. So if any Legislator wishes to pass that along, to their Town, Village, or City governments or constituents, please stop by and they will fill you in and give you all of the appropriate paperwork and guidance. We had our meeting with some of the staff here, our weekly meeting about COVID-19 and Christina Cain, our Director of Public Health, I asked her to divide up the positive cases that we have had so far. I just found this interesting; she put them into segments from the public. So I just wanted to tell you that 17% of the 170 or so that we have had so far come from retired, disabled, or unemployed people, that's about 28 people. 6% come from school staff or a student, which equates to about ten of those. There is a category that's not captured in their chart, that is about 8% which equals about 13 people. The number

that we knew all along, that was the highest number at 47% comes from healthcare workers. That equates to about 79 of that 170. That is a huge number there. 8% was from the Department of Corrections, which is about 13 people. 3% is from the manufacturing sector, which comes out to about five people. 10% were miscellaneous, about 19 people there. Just people from the general public, could be the diner, or the shoe shop, or the barber shop or wherever. People want to know where the main problem is, it's in the healthcare facilities. Whether it's the nursing homes, the hospitals, or the adult care. We are monitoring that. Any other comments from Legislators?"

Legislator Russell: "I have a question for you. Is there any news in regards to the opening of Enchanted Forest Water Safari?"

Chairman Bono: "On our daily call, we ask that every day, Jim Wallace and I. I don't want to say it doesn't look good but we are told they are working on a plan. Enchanted Forest and their staff, the Noonan family up there have submitted a plan that is actually a model for the industry. It should be used all over the state, if not all over the country. The trade organization that they belong to also submitted a plan, which pretty much mimics theirs. We have pushed that to our local control group and have been told that it has been passed on to the Governor's office for review. That was last week, up until this morning. I sent a text to Commissioner Destito and asked her if she had heard anything, I am still waiting to hear back. Jim and I do have a call at 3:00 p.m. for the control group and we will again ask that \$100 million dollar question. That is what it probably amounts to, if not more. The more I think about it, Old Forge and the economy up there without Enchanted Forest that will cripple our county's economic impact. Although our numbers seem to be good right now with sales tax, Jim I don't know if you want to speak to that, we are seeing an upswing in sales tax right?"

Jim Wallace: "I think everybody knows, we mentioned probably about a month ago or so, we were down 37% for the first couple. Remember the state took \$450,000 to give to towns and villages, so we were down 50% in sales tax. The sales tax that we got from Kim yesterday, was 85% up, today was down 18%. So we are down about 11% overall. I don't want to say who I've been speculating with at the state level, but we've all been wondering and I know a lot of Legislators here have been thinking the same thing: Did the state co-op some of our money in March and April. I can't prove it, my gut is telling me that it is definitely a possibility. Because we saw the increase and the 85% doesn't make any sense, and the 50% that we saw as a cut doesn't make any sense. A little positivity there. I think everyone has been seeing it. Walmart is packed. Lowe's is packed. Every UPS driver is dropping off a package at every other house every day. I know some of the local guys that you talk to are doing very well, other than gas and cars. Other than that, people seem to be doing very well."

Chairman Bono: "Seem to be doing well but the mom and pops, in regard to the Town of Webb specifically. Maybe down here in the valley that is working. It is critical in the Town of Webb, if Enchanted Forest doesn't open, let's face it a few more days here and the first week of July is gone. If they don't open by the middle of July, there are only about six weeks left because the kids that they hire up there, the 200 employees that they hire, most of them are students. Some are international, some are local, and if they do not open back up, those kids have to go back to school at the end of August. If there is school, who knows. They have to get

back to college, they have to get back to classrooms. They have pretty much six weeks to make or break it. They really have to make that hard decision that if they do get a chance to open, should they open? Is it going to be worth it for them to open? Is there a breakeven point or are they better off just taking the loss and staying closed and cut their losses? So it's a really hard decision, we are all pushing for it. Can we do this right off the floor? I'd love to send a resolution to the state and Governor's office that this is critical to our economy. So without objection, Mr. Russell would you be willing to make a motion?"

Legislator Russell: "I would certainly love to send a resolution to those who are in power, I'm sure that you know the names - to suggest how critical the opening of the Enchanted Forest is to the economics to the County as well as the Town."

Legislator Schrader: "I would call for a roll call please."

Legislator Russell: "I'm just concerned that they are opening up other things in our state but they can't open up Enchanted Forest. The chlorine will kill the germs when they ride the rides, they are in the middle of sunshine with UV light on them. Beaches can be open, other things can be open, but they can't be open? It doesn't make sense."

On motion of Mr. Russell, seconded by Mr. Johnson, Resolution No. 179 brought forward on the floor urging the Governor to quickly review and approve the plan for Enchanted Forest Water Safari to open was handed up; discussion was held; voted on and adopted by roll call vote:

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

Against: None. Absent: None.

Chairman Bono: "Thank you, I appreciate it. Anyone else?"

Legislator Ackerman: "In regards to the \$600 for unemployment for the next six months, which will be about \$13,000 per person that the state is going to pay. Do we know how many people we are talking about that are going to be collecting? Because this will ultimately affect each county. They are just going to drag that money back from us. We are already 13 or 15 billion in debt, now we are going to go another 10 billion in debt for this, that's about what I'm figuring."

Chairman Bono: "I don't know why this \$600 number has come up."

Legislator Ackerman: "Well it's the same number the feds were giving."

Chairman Bono: "I understand. I could see paying someone what they make on a monthly basis or a weekly basis, take an average, maybe a little more."

Legislator Ackerman: "This is in addition to their regular unemployment correct?"

Chairman Bono: "The \$600 comes from the feds."

Legislator Ackerman: "Not the new \$600. The Governor just approved it from July 31 through December 31. That is a state cost not a federal cost."

Jim Wallace: "I haven't seen it so I can't speak to that."

Chairman Bono: "I believe it's the feds."

Legislator Ackerman: "So the federal government approved it for the whole country? Is that what you're saying?"

Chairman Bono: "I just got bits and pieces of it about ten minutes ago so we would have to look into it. Any regard, if it is the state it is going to affect the counties definitely."

Legislator Ackerman: "I know the federal government wasn't entertaining it that's why it has got to be a state thing."

Jim Wallace: "Unless it's the House. The House is trying to give a lot of money to everybody."

Legislator Ackerman: "Then I would understand it. I don't think it went through the Senate yet."

Jim Wallace: "I would be shocked if it was passed through the Senate."

Legislator Ackerman: "So that is not approved yet?"

Chairman Bono: "It would have to go through the Senate. In any regard, it will still affect Counties."

Legislator Russell: "It is a real travesty for people that are looking for work in the Town of Webb. People would rather collect the \$600 than come back to work. I see it all the time. It is happening in my district. There is a lot of work out there, I don't know how it is down here but there is a lot of work in the Town of Webb and people are deciding that they are not going to work. Having said that, I think that everyone that has happened to should be putting their names in to be forwarded to New York State telling them that these people were offered jobs and they decided not to come back."

Legislator Gaworecki: "Any updates on gyms?"

Chairman Bono: "The gyms are still not allowed, along with movie theaters and malls. Apparently the Governor's experts are exploring the air conditioning and how that affects the environment and the spread of the disease. It does not make sense that Walmart, Applebee's, and Lowes that all have air conditioning can be open with no problem yet these businesses are

subjected to these guidelines. It just doesn't make sense. You've all heard the stories, common sense is being thrown right out the window. We get it, we all want to be safe but there is no reason that a gym or a movie theater can't have a capacity limit, social distance just like we are all here today. We are six feet plus apart, sanitize, eliminate locker rooms and showers and things like that. It can be done, it just seems like they don't want to explore that."

Legislator Russell: "It's ok to protest but not open up these places."

Chairman Bono: "I believe a Catholic Church brought up a case and they did win on the federal level. They petitioned against the Governor and Mayor de Blasio saying that they did give permission to protest and the federal judge did rule in favor of the Church saying that they did give the ok and it is ok for you to open up 100%. Fortunately or unfortunately, whichever way you want to look at it, the Catholic Church did decide to anyways go with the guidelines but that doesn't stop any other church or denomination from opening up at 100%. I did ask the question in a control room meeting and you cannot stop any church from opening up 100% right now and that is going to happen. Does that carry over sectors of business? I don't see why not. Speaking of the gyms, I know the gyms did start a class action lawsuit against the Governor as far as opening up."

Legislator Gaworecki: "Is there a timeline for the study on the air conditioning?"

Chairman Bono: "No. Everything is open ended. We don't get any specific dates, times, details. I hear it just like you."

Legislator Manno: "The College's projection for their fitness center is August 1st."

Chairman Bono: "They can project all they want; they can't open until they have a date from the state. Any date that is talked about is an assumed date. We have been going with the two weeks between phases. There might be a phase five, which may include schools and sports and classroom activities, we don't know. They have talked about a phase five but no one knows when that is."

Legislator Johnson: "Any liability if the gyms go after the state can they go after the County too?"

Chairman Bono: "I would say no but I would ask Ms. Lewandrowski."

Lorraine Lewandrowski: "We have kind of stayed out of that, in terms of enforcement. We don't have our own health department. We have Public Health Nursing, so as in many other matters like LEAD and things like that we've kind of stayed out of it and not gotten involved. But you never know you could be named as a defendant."

Chairman Bono: "Listen guys we get it, everybody is struggling. We are going to bat for everybody in these calls."

Legislator Ackerman: "How is Rensselaer County making out with their pushback?"

Chairman Bono: “I have not heard anything.”

Legislator Manno: “Does anybody need any slots? I’ve got six letters this year and three of them have dropped out for other jobs I guess. I don’t know how the other Legislators are doing with their slots but if anybody needs any please come and see me.”

At 2:38 p.m. on motion of Mr. Manno, seconded by Mr. Russell, the Legislature adjourned to Wednesday, August 12, 2020 at 7:00 p.m., with a Public Hearing on the HCCC 2020-2021 budget at 6:15 p.m.

Brittney R. Viscomi, Clerk



HERKIMER COUNTY LEGISLATURE

No. 161

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: July 1, 2020

APPORTIONMENT OF MORTGAGE TAX
October 1, 2019 – March 31, 2020

TOWNS	TOTAL TAX RECEIVED	TOWN SHARE	INCLUDING VILLAGES	VILLAGES SHARES
COLUMBIA	\$ 8,756.88	\$ 8,756.88		
DANUBE	7,514.89	7,514.89		
FAIRFIELD	4,880.18	4,508.84	MIDDLEVILLE	\$ 371.34
FRANKFORT	59,285.29	53,089.25	FRANKFORT	6,087.50
			ILION	108.54
GERMAN FLATTS	48,690.31	30,997.87	ILION	13,203.92
			MOHAWK	4,488.52
HERKIMER	40,022.50	27,502.99	HERKIMER	12,519.51
LITCHFIELD	9,633.23	9,633.23		
CITY OF LITTLE FALLS	19,165.79	19,165.79		
T/O LITTLE FALLS	7,807.02	7,807.02		
MANHEIM	36,693.20	30,239.95	DOLGEVILLE	6,453.25
NEWPORT	19,451.56	16,727.51	MIDDLEVILLE	409.48
			NEWPORT	1,992.14
			POLAND	322.43
NORWAY	3,098.14	3,098.14		
OHIO	2,998.48	2,998.48		
RUSSIA	18,313.69	17,092.86	COLD BROOK	440.17
			POLAND	780.66
SALISBURY	13,755.95	13,755.95		
SCHUYLER	31,053.88	31,053.88		
STARK	3,427.95	3,427.95		
WARREN	5,247.04	5,247.04		
WEBB	87,995.94	87,995.94		
WINFIELD	9,484.12	8,164.91	WEST WINFIELD	1,319.21
TOTAL	\$ 437,276.04	\$388,779.37		\$48,496.67

Herkimer County Treasurer \$619.09



HERKIMER COUNTY LEGISLATURE

No. 162

REPORT AND RESOLUTION FIXING THE TIME AND PLACE FOR PUBLIC HEARING ON HERKIMER COUNTY COMMUNITY COLLEGE BUDGET

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

WHEREAS, the Committee on Education and the Committee on Ways & Means are advised by letter dated June 23, 2020 from Nicholas F. Laino, Senior Vice President for Administration and Finance, that the Herkimer County Board of Trustees will meet on June 29, 2020 to approve the proposed 2020-2021 Operating Budget of the College and requests that the Herkimer County Legislature set a public hearing to consider said budget; now, therefore, be it

RESOLVED, that a public hearing upon said Tentative Budget to be conducted by the Committee on Education shall be held at the Legislators' Chambers in the Village of Herkimer, New York, on the 12th day of August, 2020, at 6:15 p.m. pursuant to the provisions of Section 359 of the County Law and Section 6304(5-a) of the Education Law.

Dated: July 1, 2020.



HERKIMER COUNTY LEGISLATURE

No. 163

REPORT AND RESOLUTION RENEWING LEASE AGREEMENT WITH NATIONAL GRID FOR A PORTION OF THE HERKIMER COUNTY HIGHWAY GARAGE PREMISES FOR SUBSTATION

Sponsored by: Committee on Highways

WHEREAS, the Herkimer County Legislature, by Resolution No. 174 of 1982 leased 10,000 square feet of county property located at the Herkimer County Highway Garage premises on Third Avenue to National Grid (formerly Niagara Mohawk Power Corporation) for a substation, for a term of five years, which lease was renewed for additional periods thereafter by Resolution of the Legislature; and

WHEREAS, by letter dated June 8, 2020, Mark Nagele, County Highway Superintendent, has requested said lease be extended for an additional five years from August 11, 2020 to August 10, 2025, with the total rental fee for the five year period to be in the amount of \$37,200 (\$620 per month); and

WHEREAS, this Legislature has considered said matter and determines that said parcel of real property is not required for public use; now, therefore, be it

RESOLVED, that the Herkimer County Legislature, pursuant to Local Law No. 3 of 1988, having made a determination that said parcel is not required for public use, hereby renews a lease agreement with National Grid (formerly Niagara Mohawk Power Corporation) for 10,000 square feet of county property for a substation, for a term of five years commencing August 11, 2020 to August 10, 2025, for a total rental fee for the five year term to be in the amount of \$37,200 (\$620 per month), with 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, County Highway Superintendent, and National Grid.

Dated: July 1, 2020.



HERKIMER COUNTY LEGISLATURE

No. 164

REPORT AND RESOLUTION AUTHORIZING TRANSFER OF FUNDS IN DEPARTMENT OF SOCIAL SERVICES

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 June 3, 2020, submitting a request for a 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 2020 Budget:

Transfer:

\$2,900	From:	A6070.46000, Purchase of Services, Miscellaneous Expense
	To:	A6070A.44000, Family First, Contracted Services

and, be it further

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

Dated: July 1, 2020.



HERKIMER COUNTY LEGISLATURE

No. 165

REPORT AND RESOLUTION AUTHORIZING CONTRACT IN THE DEPARTMENT OF SOCIAL SERVICES

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

WHEREAS, by Resolution No. 314 of 2019, this Legislature authorized the Chairman of the Legislature to execute contracts with multiple agencies in connection with the Herkimer County Department of Social Services Flexible Funds for Family Services Plan (formerly known as Temporary Assistance to Needy Families-TANF); and

WHEREAS, by letter dated June 10, 2020 from Timothy Seymour, Commissioner of Social Services, this Legislature is advised the employee in Mental Health who has been providing these services is retiring, with no other Mental Health staff members who hold the Credentialed Alcohol and Substance Abuse Counselor (CASAC) licensure; and

WHEREAS, letter requests the Chairman be authorized to enter into a contract with Buffalo Beacon Center Corporation dba Beacon Center, Inc., 3354 Sheridan Drive, Amherst, NY 14226 for the provision of CASAC Services, for a period of August 1, 2020 through December 31, 2021, with the financial terms of the agreement to be August 1, 2020 through December 31, 2020 not to exceed \$7,402, and January 1, 2021 through December 31, 2021 not to exceed \$17,763; now, therefore be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute the above contract with Buffalo Beacon Center Corporation dba Beacon Center, Inc.; and, be it further

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

Dated: July 1, 2020.



HERKIMER COUNTY LEGISLATURE

No. 166

REPORT AND RESOLUTION AMENDING RESOLUTION NO. 262 AND RESOLUTION NO. 368 OF 2019 AND AUTHORIZING AGREEMENT IN CONNECTION WITH SYSTEM OF CARE GRANT IN PUBLIC HEALTH

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

WHEREAS, Resolution No. 262 of 2019 authorized contracts in connection with the System of Care Grant for a period of September 30, 2019 through September 29, 2023, and Resolution No. 368 of 2019 approved agreements in connection with the System of Care Grant; and

WHEREAS, by letter dated June 9, 2020 from Timothy Seymour, Commissioner of Social Services, this Legislature is advised that during the planning process, the stakeholders identified the need to establish an additional position within the System of Care structure, which would be responsible for coordinating and supervising referrals from all school-based sources, managing the delivery of direct interventions, and creating linkages to indirect services; and

WHEREAS, letter also advises, changes further modified the budget line item for Coordinated Service Provision for Individual Needs (SPIN) set forth in Resolution No. 368, and requests the following:

1. Resolution No. 262 of 2019 be amended to include the establishment of a contracted position entitled Lead Referral Supervisor under the System of Care Grant
2. That an agreement be approved between Public Health and Integrated Community Alternative Network (ICAN) 310 Main Street, Utica, NY 13501 for the provision of this contract position, with a term that will commence upon the full execution of the written agreement, through September 29, 2023 at a cost not to exceed \$72,815 annually
3. Resolution No. 368 of 2019 be amended to reflect a Service Provision for Individual Needs (SPIN) budget in the amount of \$40,259.48 and that the contract authorized within this Resolution also be amended to reflect this change

now, therefore be it

RESOLVED, that an agreement is approved between Public Health and ICAN for the provision of the above listed contracted provision for a term which will commence upon the full execution of the written agreement through September 29, 2023, at a cost not to exceed \$72,815 annually; and be it further

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RESOLVED, that Resolution No. 262 of 2019 and Resolution No. 368 of 2019 be amended to reflect the above changes and in all other respects, shall remain in full force and effect; and, be it further

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

Dated: July 1, 2020.



HERKIMER COUNTY LEGISLATURE

No. 167

REPORT AND RESOLUTION AMENDING SALARY SCHEDULE NO. III

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

WHEREAS, by letter dated July 15, 2020, Steven R. Billings, Personnel Officer, has requested to delete a position of Senior Building Maintenance Mechanic in Account A3150 (Sheriff) and create a Senior Building Maintenance Mechanic in Account A1620 (County Buildings), at a base salary of \$36,911.00 effective June 29, 2020; now, therefore be it

RESOLVED, that Salary Schedule No. III be amended to delete a position of Senior Building Maintenance Mechanic in Account A3150 (Sheriff) and create a Senior Building Maintenance Mechanic in Account A1620 (County Buildings), at a base salary of \$36,911.00 effective June 29, 2020; and, be it further

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

Dated: July 1, 2020.



HERKIMER COUNTY LEGISLATURE

No. 168

REPORT AND RESOLUTION APPROVING REPAIRS TO THE FIREARMS RANGE, AWARDING A CONTRACT, AND AMENDING THE BUDGET

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

WHEREAS, by letter dated June 16, 2020, Scott Scherer, Sheriff has requested repairs to the Herkimer County firearms range located on State Route 28, and further requests a contract be awarded to Jim Werczynski Excavating, Inc., 775 Eatonville Road, Herkimer, NY, to complete the work in the amount of \$15,763.00; and

WHEREAS, this letter further advises the project will be reimbursed 100%, with FEMA reimbursing 75% and the State reimbursing 25% of the repairs; and

WHEREAS, by letter dated June 16, 2020 from Sheri A. Ferdula, Budget Officer, your Committee is advised that a budget amendment is necessary in the 2020 to complete the work; now, therefore, be it

RESOLVED: that the 2020 Herkimer County Budget is amended as follows:

REVENUE:

A8760.3960, Emergency Disaster Work, State Aid	From: \$0
	To: \$3,940.75
A8760.4960, Emergency Disaster Work, Federal Aid	From: \$0
	To: \$11,822.25

EXPENSE:

A8760.40000, Emergency Disaster Work, Contractual Expense	From: \$0
	To: \$15,763.00

and, be it further

RESOLVED, that a contract be awarded to Jim Werczynski Excavating, Inc. to complete the work in the amount of \$15,763.00; and, be it further

RESOLVED, that certified copies be sent to the County Treasurer, Auditor, Budget Officer, Sheriff, and Jim Werczynski Excavating, Inc.

Dated: July 1, 2020.



HERKIMER COUNTY LEGISLATURE

No. 169

REPORT AND RESOLUTION APPROVING PURCHASE OF TWO BOATS, TRANSFERRING FUNDS, AND AMENDING THE BUDGET IN THE SHERIFF'S DEPARTMENT

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

WHEREAS, by letter dated June 12, 2020, Scott Scherer, Sheriff has requested the purchase of two Glasstream boats at a cost of \$58,609 from Oak Hill Motors, with decals and emergency operation equipment purchased separately at a cost of \$10,200, for a total purchase of \$68,809; and

WHEREAS, by letter dated June 12, 2020, from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that the Sheriff's Department will receive 50% reimbursement through NYS Parks and Marine, and that a transfer of funds along with an amendment of the 2020 budget will be necessary to make the purchases; now, therefore, be it

RESOLVED, that the above described purchase is approved and that a transfer of funds and a budget amendment be made to the 2020 budget as follows:

Amendment:

A3110.3389N, Sheriff, State Grant	From: \$0
	To: \$34,404.50

A3110.25000, Sheriff, Other Equipment	From: \$0
	To: \$34,404.50

Transfer:

\$ 34,404.50	From: A3170.44000, Correctional Facility,
	To: A3110.25000, Sheriff, Other Equipment

and, be it further

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

Dated: July 1, 2020.



HERKIMER COUNTY LEGISLATURE

No. 170

REPORT AND RESOLUTION APPROVING PURCHASE AND INSTALLATION OF EMERGENCY EQUIPMENT AND DECALS FOR VEHICLE IN SHERIFF'S DEPARTMENT

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

WHEREAS, by letter received June 10, 2020, from Scott Scherer, Sheriff, this Legislature is advised of a request to purchase decals and emergency equipment for their recently purchased Ford F-250, with the decals at a cost of \$700.00, and the emergency equipment at a cost of \$5,217.96; and

WHEREAS, by letter dated June 12, 2020, Sheri A. Ferdula, Budget Officer/Purchasing Agent has requested a transfer to complete the above purchases as follows:

Transfer:

\$ 5,917.96	From: A3170.44000, Correctional Facility,
	To: A3110.25000, Sheriff, Other Equipment

now, therefore, be it

RESOLVED, that the Herkimer County Legislature approves the purchase of decals and emergency equipment for their Ford F-250 for a total cost of \$5917.96; and, be it further

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

Dated: July 1, 2020.



HERKIMER COUNTY LEGISLATURE

No. 171

REPORT AND RESOLUTION AMENDING RESOLUTION NO. 287 OF 2019 AND NO. 338 OF 2019 AUTHORIZING AGREEMENT WITH SCHOOL DISTRICT FOR PLACEMENT OF OFFICERS AT SCHOOLS

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

WHEREAS, by Resolution No. 287 of 2019, this Legislature entered into an agreement with Central Valley Academy (CVA) for the placement of a Special Patrol Officer at the Ilion schools; and

WHEREAS, by Resolution No. 338 of 2019, this Legislature amended Resolution No. 287 of 2019 for the placement of Special Patrol Officer at CVA schools; and

WHEREAS, by letter dated June 10, 2020 from Scott Scherer, Sheriff, request is made to amend the agreement with CVA to allow for a maximum of four officers at the District; now, therefore, be it

RESOLVED, that the agreement with CVA be amended to allow for a maximum of four officers at the District; and, be it further

RESOLVED, that in all other respects, Resolution No. 287 and Resolution No. 338 of 2019 shall remain in full force and effect; and, be it further

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

Dated: July 1, 2020.



HERKIMER COUNTY LEGISLATURE

No. 172

REPORT AND RESOLUTION APPROVING ANTENNA SYSTEM AND INSTALLATION AT SPOHN HILL 911 TOWER

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

WHEREAS, by letter dated June 12, 2020, John Raymond, Director of Emergency Services has requested to expend funds from the Statewide Interoperable Communications 2016 Grant to purchase and install LMR Antennas and related equipment at the Spohn Hill Tower in the Town of Columbia; and

WHEREAS, letter further advises that a quote was received from JPJ Electronics Inc. for the purchase and installation of LMR Antennas and related equipment at a cost of \$24,995.14; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby approves the purchase and installation of LMR Antennas and related equipment at the Spohn Hill Tower from JPJ Electronics Inc. at a cost of \$24,995.14; and, be it further

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

Dated: July 1, 2020.



HERKIMER COUNTY LEGISLATURE

No. 173

REPORT AND RESOLUTION REGARDING LEAD AGENCY STATUS UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT

Sponsored by: Committee on Natural Resources

WHEREAS, by Resolution No. 323 of 2017, this Legislature authorized an application to the New York State Department of Agriculture and Markets for a grant for agricultural farmland protection, and

WHEREAS, Herkimer County was awarded a New York State Department of Agriculture and Markets grant in order to update the Agricultural and Farmland Protection Plan approved by this Legislature by Resolution No. 29 of 2003; and

WHEREAS, said grant funding by New York State Department of Agriculture and Markets was accepted by Resolution No. 286 of 2018; and

WHEREAS, by Resolution No. 18 of 2019, this Legislature approved a contract with Community Planning and Environmental Associates, of Berne, New York, to provide consultant services to develop an Agricultural and Farmland Protection Plan for Herkimer County; and

WHEREAS, the Herkimer County Agricultural and Farmland Protection Board and its Steering Committee have completed work in conjunction with consultant services to develop an updated Herkimer County Agricultural and Farmland Protection Plan designed to enhance agriculture in Herkimer County; and

WHEREAS, pursuant to Agriculture and Markets Law Section 324, the Herkimer County Agricultural and Farmland Protection Board conducted public hearings on June 9, 2020 for public input regarding the draft Herkimer County Agricultural and Farmland Protection Plan and is now submitting said Plan to the County Legislature for its approval; and

WHEREAS, the State of New York has enacted the State Environmental Quality Review Act (SEQRA) Article 8 of the New York State Environmental Conservation Law and Part 617 of Title 7, New York Code, Rules and Regulations (6 NYCRR) to incorporate consideration of environmental factors into existing planning, review and decision-making processes of local governmental agencies; and

WHEREAS, there are no other involved agencies as defined by SEQRA and thus a coordinated review is not required; and

WHEREAS, adoption of the Herkimer County Agricultural and Farmland Protection Plan is subject to SEQRA review; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby declares itself lead agency in carrying out the environmental review of the Agriculture and Farmland Protection Plan under the State Environmental Quality Review Act (SEQR); and, be it further

RESOLVED, that the adoption of the Herkimer County Agricultural and Farmland Protection Plan shall be considered a Type I action and that a Full Environmental Assessment Form shall be completed; and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature is hereby authorized, upon review and approval of the County Attorney, to sign any and all documents related to this process.

Dated: July 1, 2020.



HERKIMER COUNTY LEGISLATURE

No. 174

REPORT AND RESOLUTION ESTABLISHING NEGATIVE DECLARATION IN A SEQRA DETERMINATION FOR REVIEW OF THE FARMLAND AGRICULTURE AND PROTECTION PLAN UPDATE

Sponsored by: Committee on Natural Resources

WHEREAS, agriculture in Herkimer County is an important component of the local economy; and

WHEREAS, the Herkimer County Agricultural and Farmland Protection Plan was developed with funding support from the County and New York State Department of Agriculture and Markets; and

WHEREAS, the Herkimer County Agricultural and Farmland Protection Plan had significant input from the County Agricultural and Farmland Protection Board, farmers, ag-related agencies, agri-business in the County, school districts and others over an eighteen month time period; and

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 (6 NYCRR) 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, your Committee has reviewed the Full Environmental Assessment Form with attachments and narrative, and the same having designated the project as an Type I Action pursuant to SEQRA; and

WHEREAS, the Herkimer County Legislature has designated itself as lead agency in the SEQRA review of the Herkimer County Agricultural and Farmland Protection Plan; and

WHEREAS, an uncoordinated review of the Herkimer County Farmland Protection Plan update has been completed; now, therefore, be it

RESOLVED, that based upon the information provided and discussed, the Herkimer County Legislature has determined that the proposed action of adoption of the county-wide Agricultural and Farmland Protection Plan 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, narratives and 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 file and make available the same in accordance with the requirements of SEQRA.

Dated: July 1, 2020.



HERKIMER COUNTY LEGISLATURE

No. 175

REPORT AND RESOLUTION ADOPTING THE HERKIMER COUNTY FARMLAND AGRICULTURE AND PROTECTION PLAN

Sponsored by: Committee on Natural Resources

WHEREAS, Herkimer County was awarded a New York State Department of Agriculture and Markets grant in order to update the Herkimer County Agricultural and Farmland Protection Plan developed in 2002; and

WHEREAS, the duties of the Herkimer County Agriculture and Farmland Protection Board, established in accordance with Article 25-AA, Section 302 of the New York State Agriculture and Markets Law, include assessment and approval of County Agricultural and Farmland Protection Plans; and

WHEREAS, the Herkimer County Agriculture and Farmland Protection Board received significant public input in its development of the Herkimer County Agricultural and Farmland Protection Plan [“the Plan”]; and

WHEREAS, the Herkimer County Agriculture and Farmland Protection Board held public hearings on the Plan on June 9, 2020 and has referred the Plan to the Herkimer County Legislature; and

WHEREAS, the Herkimer County Agricultural and Farmland Protection Plan contains updated census information, new ag-economic data, up-to-date maps and an analysis of the strengths, weaknesses and opportunities for agriculture, long-term vision and goals, and a series of recommended strategies to enhance agriculture in the County and an action Plan to guide implementation of programs; and

WHEREAS, the Herkimer County Legislature has completed SEQRA review and determined that the proposed action of a county-wide agricultural and farmland protection plan is a Type 1 Action and will not have a significant adverse environmental impact; now, therefore be it

RESOLVED, that the adoption of the Herkimer County Agricultural and Farmland Protection Plan will not have a significant adverse environmental impact pursuant to SEQRA and that an environmental impact statement will not be required; and, be it further

RESOLVED, that the Herkimer County Legislature wishes to express appreciation for the work of the Herkimer County Agriculture and Farmland Protection Board members, local farmers and agri-business community, educators and interested local citizens and officials who have contributed input to the Herkimer County Agricultural and Farmland Protection Plan; and be it further

RESOLVED, that the Herkimer County Legislature recognizes the important role that agriculture plays in the quality of life and economy in Herkimer County and desires to enhance the agricultural industry in Herkimer County and therefore the Herkimer County Legislature hereby adopts the Herkimer County Agricultural and Farmland Protection Plan; and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature is authorized and directed to submit said plan and related documentation to the Commissioner of the Department of Agriculture and Markets for approval; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Agricultural and Farmland Protection Board, Cornell Cooperative Extension Services, Herkimer County Soil and Water Conservation District, and the Commissioner of Agriculture and Markets of the State of New York.

Dated: July 1, 2020.



HERKIMER COUNTY LEGISLATURE

No. 176

REPORT AND RESOLUTION AUTHORIZING HERKIMER COUNTY TO FILE A CLAIM IN CLASS ACTIONS INVOLVING GENERIC PHARMACEUTICAL DRUG PRICING

Sponsored by: Committee on Ways & Means

WHEREAS, by letter of Steven R. Billings, Personnel Officer, dated June 12, 2020, your Committee on Ways and Means, was informed of class action lawsuits against Lupin Ltd., Warner Chilcott Co., Momenta Pharmaceuticals and Sandoz, Inc., and other generic pharmaceutical manufacturers alleging that these drug manufacturers harmed competition and violated state antitrust laws; and

WHEREAS, these class actions and potential claims involve the purchase of Lovenox and/or its generic equivalents and Loestrin 24 and/or its generic equivalents and Minastrin 24 and/or its generic equivalents purchased through the Herkimer County Self-Insurance Plan for the periods of 2009 to 2019; and

WHEREAS, the County Legislature has been informed of the County's potential right to submit claims for possible settlement proceeds; now, therefore be it

RESOLVED, that the County Attorney is authorized to submit claims with appropriate supporting data for any possible settlement funds and full and/or partial reimbursement for expenditures for the above named pharmaceuticals; 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 Personnel Officer

Dated: July 1, 2020.



HERKIMER COUNTY LEGISLATURE

No. 177

REPORT AND RESOLUTION AUTHORIZING SETTLEMENT AGREEMENT OF CLAIM AND APPROPRIATE FUNDS

Sponsored by: Committee on Ways & Means

WHEREAS, by letter of James J. Burns, Murphy Burns, LLP, 407 Albany Shaker Road, Loudonville, New York 12211 dated June 10, 2020, a recommendation was made to enter into a settlement agreement in the claim of Eugene and Linda Horst; and

WHEREAS, by letter of Sheri A. Ferdula, Budget Officer/Purchasing Agent, dated June 19, 2020, the Herkimer County Legislature is informed that an appropriation of funds will be necessary to settle the claim; now, therefore be it

RESOLVED, that the Herkimer County Legislature hereby approves a proposed settlement agreement in the amount of \$2,500 subject to terms and conditions approved by the County Attorney's Office; and, be it further

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

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized and directed to appropriate funds as follows:

Transfer:

\$2,500.00 From: A1990.46000, Contingent Fund, Miscellaneous Expense
 To: A1930.46000, Judgement and Claims, Miscellaneous Expense

RESOLVED, that certified copies of this Resolution be forwarded to the County Treasurer, Auditor, Budget Officer, and Attorney James J. Burns.

Dated: July 1, 2020.



HERKIMER COUNTY LEGISLATURE

IN MEMORIAM

No. 178

- WHEREAS,** Evan Lawson departed this life on June 26, 2020; and
- WHEREAS,** Evan graduated from Farmingdale Agriculture and Technology College. After graduation he applied and served as a New York State Trooper from 1962-1982. He then began his 2nd career at Herkimer County Trust, holding the positions of Security Officer, Loan Officer, and Assistant Manager, retiring in 2003; and
- WHEREAS,** Evan was elected to the Herkimer County Legislature in District No. 2, serving from 1997 through 2003. During his tenure he served as Chairman of the Administration/Veterans' Affairs Committee, he was also a member of the Committees on County Personnel, Data Processing, Human Resources, and Public Safety & Civil Defense/Public Safety & Emergency Management; and
- WHEREAS,** Evan was an active member of the East Herkimer Snowmobiling Club, a volunteer firefighter for the East Herkimer Fire Department. He also worked for the Herkimer County Sheriff's Office in the capacity of Judge over the inmates, before retiring and moving to Mooresville, NC in 2004; and
- WHEREAS,** Evan is survived by his wife of 56 years Linda, his children, seven grandchildren, and five great-grandchildren; and
- WHEREAS,** The County of Herkimer and its residents have sustained a great loss by the passing of this dedicated public servant and citizen; now, therefore, be it
- RESOLVED,** That the County Legislature does hereby express its deepest regrets at the decease of Evan Lawson and hope that this expression of remembrance may in some manner help console his family in their bereavement; and, be it further
- RESOLVED,** That a copy of this Resolution be sent to the family of Evan Lawson, and that an additional copy be spread upon the minutes of this meeting.

Dated: July 1, 2020.



HERKIMER COUNTY LEGISLATURE

No. 179

RESOLUTION URGING THE GOVERNOR TO QUICKLY REVIEW AND APPROVE THE PLAN FOR ENCHANTED FOREST WATER SAFARI TO OPEN

WHEREAS, as we reopen our economy in this tumultuous time of COVID-19 it is very important that we reopen our economy safely and timely; and

WHEREAS, our revenues have plummeted as a result of the virus over the last few months; and

WHEREAS, we have learned about the dangers of the virus and how to combat it over this time period; and

WHEREAS, Enchanted Forest Water Safari of Old Forge has submitted a plan to reopen safely; and

WHEREAS, hundreds of youth are employed by Enchanted Forest Water Safari, which provides healthy fun safely in the sun; and

WHEREAS, Enchanted Forest Water Safari is an economic engine for Herkimer County; now, therefore, be it

RESOLVED, that the Herkimer County Legislature urges Governor Cuomo to quickly review and approve the plan for Enchanted Forest Water Safari to open; 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, and Enchanted Forest Water Safari.

Dated: July 1, 2020.