

**MINUTES**  
**Herkimer County Legislature**  
**Third Quarter – Fifth Day**  
**Wednesday, September 16, 2020**  
**7:00 p.m.**

**Public Hearing**

The Public Hearing regarding the submission of an application to the CDBG Economic Development Program for HPK Industries to the New York State Office of Homes and Community Renewal was called to order by Kurt J. Ackerman, Legislator and Chairman of the County Planning & Development Committee, at 6:25 p.m. Legislator Ackerman asked the Clerk of the Legislature to call the roll of Legislators. The Clerk called the roll, the following answered: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (17). Quorum present. Legislator Ackerman asked the Clerk to read the Notice of Public Hearing. The Clerk read the Notice. Legislator Ackerman asked that any person wishing to speak to state their name and address and limit comment to five minutes. John Piseck, Executive Director of the Industrial Development Agency made a comment. With no other persons wishing to speak, the hearing was declared closed at 6:29 p.m.

Brittney R. Viscomi, Clerk  
Herkimer County Legislature

**LEGAL NOTICE**

**HERKIMER COUNTY**  
**NOTICE OF PUBLIC HEARING**

**Herkimer County Community Development Block Grant Application**

The Herkimer County Legislature will hold a public hearing on Wednesday, September 16, 2020 at 6:25 p.m., via teleconference, Phone Number: 1-978-990-5000, Access Code: 548560, for the purpose of hearing public comments on the County's community development needs, and to discuss the possible submission of one or more Community Development Block Grant (CDBG) applications for the 2020 program year.

Herkimer County, upon approval of the Legislature, intends to submit an application for funding under the CDBG Economic Development program to assist HPK Industries, Inc. with the hiring of new employees. The CDBG program is administered by the New York State Office of Community Renewal (OCR), and will make available to eligible local governments up to \$20 million for the 2020 program year for housing, economic development, public facilities, public infrastructure, and planning activities, with the principal purpose of benefitting low/moderate income persons. The hearing will provide further information about the CDBG program and will allow for citizen participation in the development of any proposed grant applications and/or to provide technical assistance to develop alternate proposals. Comments on the CDBG program or

proposed project(s) will be received at this time. The hearing is being conducted pursuant to Section 570.486, Subpart I of the CFR and in compliance with the requirements of the Housing and Community Development Act of 1974, as amended.

The Herkimer County Legislature is accessible to persons with disabilities. If special accommodations are needed for persons with disabilities, those with hearing impairments, or those in need of translation from English, those individuals should contact Brittney Viscomi, Clerk of the Legislature at 315-867-1108, at least one week in advance of the hearing date to allow for necessary arrangements. Written comments may also be submitted until September 16, 2020 to:

Brittney R. Viscomi, Clerk  
Herkimer County Legislature,  
109 Mary Street, Suite 1310  
Herkimer, New York 13350

Dated: September 7, 2020.

The Regular Session of the Herkimer County Legislature was called to order by Chairman Vincent J. Bono at 7:01 p.m.

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

Chairman Bono called on Legislator Russell 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, Suite 1310, Herkimer, NY 13350 or by email: [hcl legislature@herkimercounty.org](mailto: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 August 12, 2020 and August 31, 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 Johnson requested No. 300 and 327 be read.

No. 297 – A communication was received from the Soil and Water Conservation District submitting notice of meeting. Filed.

No. 298 – A communication was received from the Soil and Water Conservation District submitting notice of meeting. Filed.

No. 299 – A communication was received from NYS Department of Taxation & Finance submitting notice of receipt of Resolution No. 208. Filed.

No. 300 – A communication was received from the County Attorney submitting summons and complaint. Filed.

No. 301 – A communication was received from Public Health requesting authorization of contracts for the provision of education/related services in Public Health. Referred to the Committee on Human Resources.

No. 302 – A communication was received from the Herkimer County Sheriff submitting monthly report for June 2020. Referred to the Committee on Public Safety & Emergency Management.

No. 303 – A communication was received from the Herkimer County Sheriff submitting monthly report for July 2020. Referred to the Committee on Public Safety & Emergency Management.

No. 304 – A communication was received from the Budget Officer/Purchasing Agent requesting to accept grant and amend budget for personal protective equipment and cleaning supplies in Public Health. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 305 – A communication was received from the Budget Officer/Purchasing Agent requesting to accept grant and amend budget for the Immunization Action Plan in Public Health. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 306 – A communication was received from the Budget Officer/Purchasing Agent requesting to amend budget and create project in connection with the System of Care Expansion and Sustainability Grant in Public Health. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 307 – A communication was received from the Budget Officer/Purchasing Agent requesting to accept grant, authorize Chairman to e-sign, and create project in Emergency Services. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 308 – A communication was received from the Budget Officer/Purchasing Agent requesting to accept fund relief payment and amend budget in Mental Health. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 309 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer of funds in DSS. Referred to the Committee on Ways & Means.

No. 310 – A communication was received from the County Treasurer requesting advance of funds within the COVID-1 project in Public Health. Referred to the Committee on Ways & Means.

No. 311 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer for expenses claimed to the Childhood Lead Poisoning Prevention Program in Public Health. Referred to the Committee on Ways & Means.

No. 312 – A communication was received from the Budget Officer/Purchasing Agent requesting to amend budget and create project for detection, surveillance and prevention of COVID-19 in Public Health. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 313 – A communication was received from the Budget Officer/Purchasing Agent requesting to accept grant, amend budget and create accounts for Cyber Security and Mitigation in Board of Elections. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 314 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer of funds in 2020 budget. Referred to the Committee on Ways & Means.

No. 315 – A communication was received from the STOP-DWI Coordinator requesting to approve STOP-DWI plan for 2021. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 316 – A communication was received from the Budget Officer/Purchasing Agent requesting extension of Builders Insurance Policy for the new Correctional Facility. Referred to the Committee on Public Safety & Emergency Management, the Committee on County Properties, and the Committee on Ways & Means.

No. 317 – A communication was received from the County Treasurer submitting copy of letter regarding publication of audit. Referred to the Committee on Ways & Means.

No. 318 – A communication was received from D'Arcangelo & Co., LLP submitting audit for year ending 2019. Referred to the Committee on Ways & Means.

No. 319 – A communication was received from the Director of Public Health submitting 2019 Annual Report. Referred to the Committee on Human Resources.

No. 320 – A communication was received from the County Highway Superintendent requesting increase in appropriation for Project #405. Referred to the Committee on Highways.

No. 321 – A communication was received from the Sheriff requesting to approve contract with Business Electronics, Inc., in Sheriff's Department. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 322 – A communication was received from the Personnel Officer requesting part time employee in Board of Elections. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 323 – A communication was received from the Director of Office for the Aging requesting to hold virtual Senior Picnic. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 324 – A communication was received from the Commissioners of Elections submitting request to authorize election expenses. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 325 – A communication was received from the County Highway Superintendent submitting letter concerning Farrell Road. Referred to the Committee on Highways.

No. 326 – A communication was received from County Highway Superintendent requesting resolution to accept land donation for Highway purposes. Referred to the Committee on Highways.

No. 327 – A communication was received from the County Attorney recommending settlement of claim. Referred to the Committee on Highways and the Committee on Ways & Means.

No. 328 – A communication was received from the Sheriff requesting payment of licenses and increase of service fee for Jail Physician. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways & Means.

No. 329 – A communication was received from the Senior Vice President of Administration and Finance, HCCC requesting approval of Resolution 19-27A for the purchase of Solar Energy Credits from Herkimer Solar, LLC. Referred to the Committee on County Properties and the Committee on Ways & Means.

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

Legislator Russell: "I just want to say Friday begins our budget process and we are meeting in Room 242 in the new building and all Legislators are invited. Obviously we will need the Ways and Means Committee there to make sure everyone is on the same page."

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

On motion of Mr. Ackerman, seconded by Mr. Gaworecki, Resolution No. 213 – Resolution No. 218 were handed up; voted on and adopted by voice vote:

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

**Consent Agenda:**

- 213    WAYS & MEANS: Authorizing transfer of funds in Dept. of Social Services
- 214    WAYS & MEANS: Authorizing transfer of funds in the Public Health Dept.
- 215    WAYS & MEANS: Authorizing transfer of funds in the Public Health Dept.
- 216    PUB. SFTY./EMER. MGMT., WAYS & MEANS: Approving 2021 STOP-DWI Plan
- 217    HUMAN RES.: Approving Annual Report of Public Health
- 218    WAYS & MEANS: Setting date for Public Hearing on Intro. Local Law A for 2020

The Chairman continued with the Regular Agenda.

On motion of Mr. Russell, seconded by Mr. Stephens, Report and Resolution No. 219 sponsored by the Committee on Ways & Means authorizing transfer of funds 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. 220 sponsored by the Committee on County Properties and the Committee on Public Safety/Emergency Management and the Committee on Ways & Means authorizing Builders Risk Coverage for the Herkimer County Correctional Facility Project 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. Brezinski, Report and Resolution No. 221 sponsored by the Committee on Highways reappointing County Highway Superintendent was handed up; voted on and adopted by voice vote:

For: Ayes (16).                      Against: Stephens (1).                      Absent: None.

On motion of Mr. Campione, seconded by Mr. Smith, Report and Resolution No. 222 sponsored by the Committee on Highways amending Resolution No. 186 of 2020 approving projects in the Highway Department 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. Ackerman, Report and Resolution No. 223 sponsored by the Committee on Highways and the Committee on Ways & Means authorizing settlement agreement of claim was handed up; voted on and adopted by voice vote:

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

On motion of Mr. Campione, seconded by Mr. Stephens, Report and Resolution No. 224 sponsored by the Committee on Highways authorizing acceptance of conveyance of land for Highway purposes 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, Report and Resolution No. 225 sponsored by the Committee on Public Safety/Emergency Management and the Committee on Ways & Means authorizing renewal of licenses and increasing service fee for Jail Physician was handed up; voted on and adopted by voice vote:

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

On motion of Mr. Hollum, seconded by Mr. Malta, Report and Resolution No. 226 sponsored by the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means creating a part time position in Board of Elections 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. Hollum, seconded by Mr. Schrader, Report and Resolution No. 227 sponsored by the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means accepting grant, authorizing Chairman to sign contract, establishing accounts and amending budget in Board of Elections 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. Stephens, Report and Resolution No. 228 sponsored by the Committee on County Properties and the Committee on Ways & Means awarding bid for snow plowing contract for the new correctional facility was handed up; voted on and adopted by voice vote:

For: Ayes (15).                      Against: Schrader, Johnson (2).                      Absent: None.

On motion of Mr. Stephens, seconded by Mr. Ackerman, Report and Resolution No. 229 sponsored by the Committee on Public Safety/Emergency Management and the Committee on

Ways & Means authorizing service maintenance agreement for voice recorder located at the Herkimer County Correctional Facility 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. Johnson, Report and Resolution No. 230 sponsored by the Committee on Human Resources and the Committee on Ways & Means accepting relief fund payment and amending budget in Mental Health 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. Campione, Report and Resolution No. 231 sponsored by the Committee on Public Safety/Emergency Management and the Committee on Ways & Means accepting grant funding, authorizing e-signature, creating project, and amending 2020 budget in Emergency Services was handed up; voted on and adopted by voice vote:

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

On motion of Mr. Schrader, seconded by Mr. Gaworecki, Report and Resolution No. 232 sponsored by the Committee on Human Resources and the Committee on Ways & Means accepting grant, creating account, and amending budget in the Public Health Department 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. Johnson, Report and Resolution No. 233 sponsored by the Committee on Human Resources and the Committee on Ways & Means amending budget for additional funding for the Immunization Action Plan in the Public Health Department was handed up; voted on and adopted by voice vote:

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

On motion of Mr. Schrader, seconded by Mr. Shaw, Report and Resolution No. 234 sponsored by the Committee on Human Resources and the Committee on Ways & Means accepting grant funding, authorizing signatures, creating accounts, creating project number, and amending the budget in the Public Health 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. 235 sponsored by the Committee on Human Resources and the Committee on Ways & Means accepting funding, amending budget and creating project in connection with COVID-19 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. Keeler, Report and Resolution No. 236 sponsored by the Committee on County Planning and Development and the Committee on Ways & Means authorizing submission of a grant application to the New York State Office of Community Renewal for the HPK industries Project was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Keeler, seconded by Mr. Johnson, Report and Resolution No. 237 sponsored by the Committee on County Properties and the Committee on Ways & Means approving agreements between Herkimer County and Herkimer County Community College with Herkimer Solar, LLC for the purchase of Solar Energy Credits was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

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

Legislator Schrader: “I want to let everyone know that we are going to give away sixty pounds of product; twenty pounds of dairy, twenty pounds of meat, twenty pounds of produce on Friday the 18<sup>th</sup> beginning at 11:00 at the College. Each person will get sixty pounds total. Everyone is welcome. Kathy Fox will also be up there handing out coupons for the produce stamps, she has about 100 left. Get there early, this will most likely be the last one before snow falls.”

Legislator Russell: “Mr. Chairman, I have a concern in regards to what the State might do to us in regards to the percentages they give to us in various departments. I’m wondering if Mr. Wallace could tell us what is going on at this point. Obviously that will just be a snap shot of right now but I think it is important for people to hear.”

Jim Wallace: “This is a real serious issue. It is probably the toughest thing that Sheri and I and the rest of the Counties are trying to work with what’s going to happen. The State is projecting about a \$14.5 billion dollar deficit. They started the year with about a \$7 billion dollar deficit. They are making projections out of \$64 billion over the next four years. That is something I am having a very difficult time trying to understand. Everyone is talking about vaccines and new treatments, there is a ton of money on the sidelines and hopefully that would get us going. What we know as of now is we are not getting any money, possibly we will be getting 80% of what we budgeted. If you look at our big departments, DSS, Public Health, Probation, 911, we are looking at probably a \$2 million dollar cut for us this year if it stays at the 20%, which is a big number for us. The issue right now is the State just doesn’t have the money to release any of those funds. They are still counting on money coming from the federal government. I know the President has been talking with both Houses, I don’t see a huge bailout for Illinois, California, New York, and New Jersey to be honest with you. I think you will see

money for schools, hospitals, and COVID related expenses for governments but I don't think you'll see money to bail out the four states that are really having trouble. You have four states versus the other forty-six and everybody knows that we have spent trillions of dollars already. All we're doing is making our kids and grandkids, etcetera pay those bills down the road. It is probably the biggest deficit already that we have had since the 1940s, it might now be a little bit more. I just don't see the federal government bailing out all the states, I really don't. So I think we're going to take a haircut, pardon the pun, for at least 20%. Any questions, I'd be happy to answer."

Legislator Ackerman: "With that being said, the mandates that are put on us by the State, can we draw back on them to save some of that or is it going to be a percentage still?"

Jim Wallace: "Kurt that is a great question. In their budget plan, the State's budget plan, on page 34, it talks about certain social services programs that won't be cut. NYSAC and the Counties have been asking for a month what that means. We can't get a simple answer on home relief, safety net, the TANF stuff. We can't get an answer on that, the stuff that we are mandated to do. There is a line in there saying they won't cut us but they won't define what those programs are. So my belief is we are going to have to pay for those programs. My biggest problem is the safety net. Most of the country has sixty months and you're off the program. New York is one of the only ones in the country if you're on the sixty months and kicked off the federal, that was signed by President Clinton back in the 90s and then we continued it. That used to be a 50/50 program. A couple of years ago they went to 71% county, your taxpayers, and 29% state. Tim got a small check the other day for \$28,000-\$30,000; they actually cut the 29% by 20%. So not only are they making us do it but they are also asking us to pick up that extra 20%. Really that was a surprise to us. We thought programs like that that they mandated wouldn't be seeing those cuts."

Legislator Johnson: "Just to jump on Mr. Schrader's thing, this Friday with handing out the milk and stuff, maybe the Board of Elections could get some flyers since they're struggling to find poll workers that they could handout up there."

Legislator Schrader: "I have talked to Kim Tranter, they are printing up some flyers to get people interested in being poll workers. I heard today that they were up in Pat's district in Old Forge trying to get some poll workers. They are going to be there Friday also so if you're interested in getting a job, it is decent money for the hours you will be putting in."

Legislator Hollum: "If you know anybody, it doesn't matter what political party, anyone can work it. Right now it is \$175 for the day. They are trying to get every poll site open and they will need workers to do it."

Legislator Russell: "Town of Webb I think most of you know has seen a couple of tragedies over the last few weeks, I just want to give credit to 911 for the tremendous job that they did getting people into place and making sure that they were on top of everything. There was a lot of traffic going back and forth and they were just amazing. Thank you 911."

Chairman Bono: “COVID-19 continues, Jim and I are on the daily calls, issues come up. You have obviously heard about the outbreak in Oneonta. There were some concerns there and how many students we might have. We only had a couple; one stayed there and one came back, so it didn’t really affect us. Our numbers look stable; we keep tabs of our dashboard every day. I think we are down to 11 active cases today. For lack of a better word, that is a very reasonable number. Certainly the schools are going to give us a good indicator. Some of the schools are 50% so it is going to be interesting to see if there is any type of an outbreak or a cluster that develops there. Public Health and our team, the Sheriff, Emergency Services, Jim Wallace, Steve Billings as far as the employees go, Tim Seymour are on the team. We discuss this once a week here. As things develop, we tackle the issue. Outside of that, I just wanted to say one other thing. I don’t know if you read the obituaries last week, Ken Dodge who was a former Supervisor on the Board of Supervisors here, longtime friend of ours in Schuyler, Supervisor for many years in the Town of Schuyler passed away about a week and a half ago. So we send our condolences and prayers to his family. We will have a resolution coming forward on that. Ken was in public service I believe at least 47 years. Very dedicated individual, I called him Mr. Schuyler and I think that name is going to stick with him. Talking with people at the wake, they agreed. He always had the community at heart. He was involved in a lot of things, not just politics, good soul and we’re going to miss him.”

At 7:25 p.m. on motion of Mr. Manno, seconded by Mr. Stephens, the Legislature adjourned to Wednesday, October 7, 2020 at 2:00 p.m., with a Public Hearing on Introductory Local Law A of 2020 at 1:15 p.m.

Brittney R. Viscomi, Clerk



## HERKIMER COUNTY LEGISLATURE

No. 213

### 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 August 25, 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:

\$75,000	From: A6109.40000, Family Assistance, Contractual
	To: A6123.40000, Juvenile Delinquent, Contractual

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: September 16, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 214

### REPORT AND RESOLUTION AUTHORIZING TRANSFER OF FUNDS IN THE PUBLIC HEALTH DEPARTMENT

#### 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 July 13, 2020, submitting a request for a transfer of funds within the COVID-1 project in order to accurately reflect the submitted budget, 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:

\$3,392	From: A4188.10000-001, Bioterrorism, Salaries, COVID-1 To: A4188.10000-002, Bioterrorism, Overtime, COVID-1
\$5,952	From: A4188.41000, Bioterrorism, Supplies, COVID-1 To: A4188.10000-002, Bioterrorism, Overtime, COVID-1
\$627	From: A4188.86000, Bioterrorism, Health Insurance, COVID-1 To: A4188.46100, Bioterrorism, Mileage, COVID-1

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: September 16, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 215

### REPORT AND RESOLUTION AUTHORIZING TRANSFER OF FUNDS IN THE PUBLIC HEALTH DEPARTMENT

**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 July 13, 2020, submitting a request for a transfer of funds to properly account for expenses being claimed to the Childhood Lead Poisoning Prevention Program, 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:

\$3,134      From: A4189L.10000-001, Lead Prev., Salaries  
                    To:     A4189L.86000, Lead Prev., Health Insurance

\$6,780      From: A4189L.10000-001, Lead Prev., Salaries  
                    To:     A4189L.46000, Lead Prev., Miscellaneous Expense

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: September 16, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 216

### REPORT AND RESOLUTION APPROVING 2021 STOP-DWI PLAN

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

WHEREAS, the New York State Legislature, by Chapter 913 of the Laws of 1981, established a Special Traffic Options Program for Driving While Intoxicated; and

WHEREAS, the said Law provides for the establishment of such a program by the counties of the State of New York; and

WHEREAS, the Herkimer County Legislature authorized by Resolution No. 270 for the year 1981, participation by the County of Herkimer in the STOP-DWI Program; and

WHEREAS, by letter dated August 24, 2020, Michael L. Edwards, STOP-DWI Coordinator, has submitted the STOP-DWI Plan for the year 2021 for approval by this Legislature; now, therefore, be it

#### RESOLVED:

1. That the Herkimer County Legislature hereby approves the STOP-DWI Plan for 2021;
2. That the funds accrued in the year 2020 and prior thereto be expended for the continuance of the STOP-DWI Program;
3. That the STOP-DWI Coordinator and Advisory Board submit timely reports regarding revenue obtained and expended within limits previously approved, to the appropriate committees of the County Legislature;
4. That the previous resolutions regarding the STOP-DWI Program be continued as resolved;
5. That certified copies of this Resolution be forwarded to the County Treasurer, Auditor, Budget Officer, STOP-DWI Coordinator, and the New York State Department of Motor Vehicles.

Dated: September 16, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 217

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

**Sponsored by: Committee on Human Resources**

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

RESOLVED, that the 2019 Annual Report of the Public Health Nursing Service be adopted and placed on file with the Herkimer County Legislature for the year 2019.

Dated: September 16, 2020.





## HERKIMER COUNTY LEGISLATURE

No. 218

### RESOLUTION SETTING DATE FOR PUBLIC HEARING ON INTRODUCTORY LOCAL LAW A FOR 2020

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

We, the Committee on Ways and Means of the Herkimer County Legislature are causing to be prepared and will present Introductory Local Law A for the year 2020 entitled, "A LOCAL LAW TO IMPOSE A MORTGAGE RECORDING TAX WITHIN THE COUNTY OF HERKIMER"; now, therefore, be it

RESOLVED, that a Public Hearing will be held before the Herkimer County Legislature on the adoption of said proposed local law, to be conducted by the Committee on Ways and Means on the 7th day of October, 2020 at 1:15 p.m. via teleconference, Phone Number: 1-978-990-5000, Access Code: 548560, with written comments submitted to 109 Mary Street, Suite 1310, Herkimer, NY 13350; and, be it further

RESOLVED, that at least five days prior to such hearing the Clerk of the Legislature shall post a notice of said hearing on the bulletin board in the Courthouse and cause to be published said notice at least once in the *Times Telegram*; and, be it further

RESOLVED, that the Clerk of this Legislature place a copy of said act on the desk of each of the members of the County Legislature at least seven calendar days, exclusive of Sunday, prior to its adoption; and, be it further

RESOLVED, that if said local law shall be finally adopted, the Clerk of this Legislature shall file one certified copy thereof in the Office of the County Clerk, one certified copy in the Office of the Secretary of State and print and publish said local law in the official newspaper of the County of Herkimer pursuant to law.

Dated: September 16, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 219

### REPORT AND RESOLUTION AUTHORIZING TRANSFER OF FUNDS

**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 August 7, 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:

\$30,000            From: A3150B.41000-113, New Correctional Facility, Drugs/Prescriptions  
                         To:    A3150.41000-113, Jail, Drugs/Prescriptions

\$70,000            From: A3150B.44000, New Correctional Facility, Contracted Services  
                         To:    A3150.44000, Jail, Contracted Services

and, be it further

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

Dated: September 16, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 220

### REPORT AND RESOLUTION AUTHORIZING BUILDERS RISK COVERAGE FOR THE HERKIMER COUNTY CORRECTIONAL FACILITY PROJECT

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

WHEREAS, by Resolution No. 273 of 2018, authorization was given to purchase Builders Risk insurance coverage for the Herkimer County Correctional Facility in the amount of \$23,150 for a \$25,000,000 policy through Hanover Insurance Company; and

WHEREAS, by Resolution No. 137 of 2020, authorization was given to extend the policy for a three month period; and

WHEREAS, by letter dated August 13, 2020, from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that the completion date for the new correctional facility will be extended past the original time frame, with the current insurance for the site only in effect until September 30, 2020; and

WHEREAS, letter further requests to extend the policy for a three month period for an additional cost of \$4,581.00, if the Certificate of Occupancy is obtained before that time the policy will be cancelled and the County will receive a credit for the change; now, therefore, be it

RESOLVED, that authorization is given to extend the policy for a three month period for an additional cost of \$4,581.00, if the Certificate of Occupancy is obtained before that time the policy will be cancelled and the County will receive a credit for the change; and, be it further

RESOLVED, that in all other respects, Resolution No. 237 of 2018 shall remain in full force and effect; and, be it further

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

Dated: September 16, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 221

### RESOLUTION REAPPOINTING COUNTY SUPERINTENDENT OF HIGHWAYS

#### **Sponsored by: Committee on Highways**

RESOLVED, that Mark Nagele of Herkimer, New York, be and he hereby is, reappointed County Superintendent of Highways for the County of Herkimer pursuant to the provisions of the Highway Law of the State of New York for a term of four years, to expire on September 25, 2024, at a salary as set forth in the 2020 Salary Schedule for 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, Personnel Officer, and Mark Nagele.

Dated: September 16, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 222

### **REPORT AND RESOLUTION AMENDING RESOLUTION NO. 186 OF 2020 APPROVING PROJECTS UNDER ARTICLE 6, SECTION 116 OF THE HIGHWAY LAW**

**Sponsored by: Committee on Highways**

WHEREAS, by Resolution No. 186 of 2020, this Legislature approved the use of County Road Fund monies for Project No. 405, Emmonsburg Road, CR130, in the amount of \$300,000; and

WHEREAS, by letter dated September 1, 2020, Mark A. Nagele, County Highway Superintendent, has advised that since that time, estimated costs for the project have increased as a result of bidding, and he has requested an increase in the appropriated amount to \$350,000; now, therefore, be it

RESOLVED, that Resolution No. 186 of 2020 is hereby amended to increase the estimated cost for the project to \$350,000, and that County Road Fund monies in that amount are hereby approved for that project; and, be it further

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

Dated: September 16, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 223

### REPORT AND RESOLUTION AUTHORIZING SETTLEMENT AGREEMENT OF CLAIM

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

WHEREAS, by letter of James J. Burns, Murphy Burns, LLP, 407 Albany Shaker Road, Loudonville, New York 12211 dated August 27, 2020, a recommendation was made to enter into a settlement agreement in the claim of Thomas T. Walsh and Jean Walsh, 749 Ball Road in the Town of Litchfield, New York; and

WHEREAS, the terms and conditions of the proposed settlement are satisfactory to the Herkimer County Highway Superintendent and the Herkimer County Highway Committee; now, therefore be it

RESOLVED, that the Herkimer County Legislature hereby approves a proposed settlement agreement with the County to replace and relocate a culvert under Ball Road in the Town of Litchfield and further with the claimants agreeing to dig and maintain a new drainage channel across their property, and releasing the County from any and all claims related to the allegations in their Notice of Claim dated November 27, 2019, 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 certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Highway Superintendent and Attorney James J. Burns.

Dated: September 16, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 224

### REPORT AND RESOLUTION AUTHORIZING ACCEPTANCE OF CONVEYANCE OF LAND FOR HIGHWAY PURPOSES

#### **Sponsored by: Committee on Highways**

WHEREAS, the County of Herkimer desires to construct bank armoring located on Emmonsburg Road CR 130 at the bridge identified by BIN 3308080 which is located in the Town of Salisbury; and

WHEREAS, Kathleen Rose Neville has executed a statement of donation in order to transfer ownership of certain real property to the County of Herkimer, to wit, 0.078 ± acres;

WHEREAS, by letter dated August 25, 2020, Mark Nagele, County Highway Superintendent, has advised that the acquisition of this land is necessary for the construction of bank armoring located on Emmonsburg Road, County Route 130 at the bridge identified by BIN 3308080; now, therefore, be it

RESOLVED, that the County of Herkimer accept a donation of real property from Kathleen Neville, as Trustee of the Kathleen Rose Neville Revocable Trust dated March 4, 2020, said premises being approximately 0.078 ± acres in size in order to construct bank armoring located on Emmonsburg Road County Route 130 at bridge identified by BIN 3308080; and, be it further

RESOLVED, that the Chairman of the County Legislature is authorized to execute any documents necessary for the transfer of said premises from Kathleen Rose Neville as Trustee in order to effectuate said transfer and record the conveyance in the Office of the Herkimer County Clerk; and, be it further

RESOLVED, that a certified copy of this resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, County Attorney, and County Highway Superintendent.

Dated: September 16, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 225

### REPORT AND RESOLUTION AUTHORIZING RENEWAL OF LICENSES AND INCREASING SERVICE FEE FOR JAIL PHYSICIAN

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

WHEREAS, Section 501 of the Correction Law of the State of New York requires that the Legislature appoint a physician duly authorized to practice medicine as the Physician to the Correctional Facility of the County of Herkimer; and

WHEREAS, by Resolution No. 142 adopted May 15, 2013, a contract was entered into with Dr. Russell Zelman of Little Falls, New York, to perform services as jail physician for the Herkimer County Correctional Facility at a rate of \$2,000 per month, which resolution was amended by Resolution No. 270 adopted on November 13, 2013 to change the rate to “up to \$2,000 per month”; and

WHEREAS, by Resolution No. 82 adopted on March 16, 2016, his fee for such jail physician services was reduced to \$750 per month;

WHEREAS, by letter dated August 31, 2020 from Scott F. Scherer, Sheriff, this Legislature is advised that Dr. Zelman has requested the County to pay for his license renewals for his Medical Practice License at a cost of \$630.00 for two years, and his DEA Controlled Substance License at a cost of \$731.00 which expires on May 31, 2023, and to increase his fee for such jail physician services to \$2000.00 per month; now, therefore, be it

RESOLVED, that this Legislature approves to increase Dr. Russell Zelman’s monthly rate to \$2,000.00 per month, and to pay for his license renewals for his Medical Practice License at a cost of \$630.00 for two years, and his DEA Controlled Substance License at a cost of \$731.00 which expires on May 31, 2023; 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 Dr. Russell Zelman.

Dated: September 16, 2020.





## HERKIMER COUNTY LEGISLATURE

No. 226

### REPORT AND RESOLUTION CREATING TEMPORARY PART TIME POSITION IN BOARD OF ELECTIONS

**Sponsored by: Committee on Administration/Veterans' Affairs  
Committee on Ways and Means**

WHEREAS, by letter dated August 6, 2020, the Commissioners of Elections have requested that a temporary, part-time position be established in the Board of Elections; and

WHEREAS, by letter dated September 8, 2020, Steven R. Billings, Personnel Officer, states your committees have been advised that a temporary, part-time position of Clerk be established in Account A1450A effective from September 15, 2020 through November 24, 2020 at an hourly rate of \$15.00; now, therefore, be it

RESOLVED, that a temporary, part-time position of Clerk be established in Account A1450A effective from September 15, 2020 through November 24, 2020 at an hourly rate of \$15.00; and, be it further

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

Dated: September 16, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 227

### REPORT AND RESOLUTION ACCEPTING GRANT, AUTHORIZING CHAIRMAN TO SIGN CONTRACT, ESTABLISHING ACCOUNTS, AND AMENDING BUDGET IN BOARD OF ELECTIONS

**Sponsored by: Committee on Administration/Veterans' Affairs  
Committee on Ways and Means**

WHEREAS, by letter dated August 3, 2020, from Kim S. Tranter and Anthony C. Fumarola, Commissioners of Elections, this Legislature is advised of a request to accept grant funding, authorize Chairman to sign the contract, create accounts, and amend the budget in connection with a Cyber Security Remediation and Mitigation Grant in Board of Elections in the amount of \$77,574.13; and

WHEREAS, by letter dated August 6, 2020, Sheri A. Ferdula, Budget Officer/Purchasing Agent has requested accounts be created and the 2020 budget be amended as follows:

Revenue:	A1450K.4089K, Cyber Security Grant, Federal Aid	\$77,574.13
Expenses:	A1450K.22000, Cyber Security Grant, Computer Equipment	\$11,174.13
	A1450K.40700, Cyber Security Grant, Software	\$29,200
	A1450K.44000, Cyber Security Grant, Contracted Services	\$37,200

now, therefore, be it

RESOLVED, that this Legislature hereby accepts receipt of the Cyber Security Remediation and Mitigation Grant in the amount of \$77,574.13, and amends the budget as listed; and, be it further

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

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

Dated: September 16, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 228

### **REPORT AND RESOLUTION AWARDING BID FOR A SNOW PLOWING CONTRACT FOR THE NEW CORRECTIONAL FACILITY**

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

WHEREAS, by letter dated July 15, 2020, from Sheri Ferdula, Budget Officer/Purchasing Agent, she has advised that bids were received for a snow plowing contract for the new correctional facility on Monday July 13, 2020; and

WHEREAS, it is the recommendation of your committees to award the contract to Art Bass Concrete, 1029 Honey Hill Road Poland 13431, at a cost of \$850 per visit (3 hour visit) with an additional \$150 for salt/sand; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby awards a bid for a snow plowing contract for the new correctional facility, at a cost of \$850 per visit (3 hour visit) with an additional \$150 for salt/sand, to Art Bass Concrete; and, be it further

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

Dated: September 16, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 229

### **REPORT AND RESOLUTION AUTHORIZING SERVICE MAINTENANCE AGREEMENT FOR VOICE RECORDER LOCATED AT THE HERKIMER COUNTY CORRECTIONAL FACILITY**

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

WHEREAS, by Resolution No. 211 adopted on September 7, 2011 a contract was entered into with Business Electronics Inc., of Connecticut, for the installation of voice recorder and computer software updates located at the Herkimer County Correctional Facility; and

WHEREAS, by letter dated August 27, 2020, Scott F. Scherer, Sheriff, has requested approval of a service maintenance contract on said voice recorder system for the period of October 1, 2020 through December 31, 2020 at a cost of \$1,020.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a service maintenance contract with Business Electronics, Inc., 6 Capital Drive, Wallingford, CT 06492 for the Verint Audiolog Voice Recorder and computer software updates on the Verint Tier II Remote; and; be it further

RESOLVED, that said contract shall be for the period October 1, 2020 through December 31, 2020 and shall be subject to the review and approval of the Herkimer County Attorney; and, be it further

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

Dated: September 16, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 230

### REPORT AND RESOLUTION ACCEPTING RELIEF FUND PAYMENT AND AMEND BUDGET IN MENTAL HEALTH

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

WHEREAS, by letter dated July 13, 2020 from Sheri Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised of a Relief Fund Payment in the amount of \$4,672.97 from the Provider Relief Fund which is funded through the CARES Act, Paycheck Protection Program and Health Care Enhancement Act to reimburse eligible health care providers for health care related expenses or lost revenues due to COVID-19; and

WHEREAS, letter further advises that the 2020 budget will need to be amended to accept the funding; now, therefore, be it

RESOLVED, that the 2020 Herkimer County Budget is hereby amended in the amounts listed:

A4320.4490, Mental Health, Federal Aid	From: \$100,000
	To: \$104,672.97
A4320.41000, Mental Health, Supplies	From: \$5,000
	To: \$9,672.97

and, be it further

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

Dated: September 16, 2020.



# HERKIMER COUNTY LEGISLATURE

No. 231

## REPORT AND RESOLUTION ACCEPTING GRANT FUNDING, AUTHORIZING E-SIGNATURE, CREATING PROJECT, AND AMENDING 2020 BUDGET

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

WHEREAS, by letter dated August 25, 2020, John J. Raymond, Director of Emergency Services has advised of an Emergency Management Program Grant FY2020 in the amount of \$28,751.00 provided by the U.S. Department of Homeland Security and FEMA and will be managed by New York State Division of Homeland Security and Emergency Services; and

WHEREAS, letter further advises this is a 50/50 matching grant with a performance period of October 1, 2019 through September 30, 2022; and

WHEREAS, by letter dated July 13, 2020, from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that a project be established, and the 2020 budget must be amended; now, therefore, be it

RESOLVED, that the above described grant is hereby accepted, a project is established, and that the 2020 budget be amended as follows:

A3020A.4389H, Emergency Mgmt, HS, Federal Aid, Proj EM06-7	From: \$0
	To: \$28,751
A3020A.25000, Emergency Mgmt, HS, Other Equip., Proj EM06-7	From: \$0
	To: \$28,751

and, be it further

RESOLVED, that the Chairman of the Legislature be authorized to e-sign the grant document; and, be it further

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

Dated: September 16, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 232

### REPORT AND RESOLUTION ACCEPTING GRANT, CREATING ACCOUNT, AND AMENDING BUDGET IN THE PUBLIC HEALTH DEPARTMENT

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

WHEREAS, by letter dated August 25, 200 from Christina Cain, Director of Public Health, this Legislature is advised of a grant in the amount of \$6,727.72 from the New York State Association of Public Health Officials for flexible funding available for rurally based local health departments to fund COVID-19 Emergency Response efforts to purchase personal protective equipment and cleaning supplies for local childcare providers; and

WHEREAS, by letter dated August 25, 2020, Sheri Ferdula, Budget Officer and Purchasing Agent, has advised that an amendment to the 2020 budget and creation of a revenue account is necessary to utilize the funding; now, therefore, be it

RESOLVED, that the 2020 budget be amended and a revenue account be created as follows:

#### **Revenue**

A4010.2706, Public Health, Grant from Local Gov't

From: \$0

To: \$6,727.72

#### **Expenses**

A4010.41000, Public Health, Supplies

From: \$4,200.00

To: \$10,927.72

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

Dated: September 16, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 233

### REPORT AND RESOLUTION AMENDING BUDGET FOR ADDITIONAL FUNDING FOR THE IMMUNIZATION ACTION PLAN IN THE PUBLIC HEALTH DEPARTMENT

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

WHEREAS, by communication dated August 25, 2020, Sheri Ferdula, Budget Officer/Purchasing, has advised of additional funding from the New York State Department of Health for the Immunization Action Plan in the amount of \$13,678 to expand and enhance LHD influenza vaccine outreach and activities for the 2020-21 flu season; and

WHEREAS, this letter further requests to amend the 2020 Budget in connection with the receipt of said funding; now, therefore, be it

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

**Revenue:**

A4189A.4489A, Immunization, Federal Aid, Proj PH06-17	From: \$31,307
	To: \$44,985

**Expenses:**

A4189A.10000-001, Immunization, Salaries, Proj PH06-17	From: \$21,575
	To: \$31,575
A4189A.86000, Immunization, Health Insurance, Proj PH06-17	From: \$3,116
	To: \$6,794

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: September 16, 2020.





## HERKIMER COUNTY LEGISLATURE

No. 234

### REPORT AND RESOLUTION ACCEPTING GRANT FUNDING, AUTHORIZING SIGNATURES, CREATING ACCOUNTS, CREATING PROJECT NUMBER, AND AMENDING 2020 BUDGET

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

WHEREAS, Resolution No. 261 of 2019 accepted Substance Abuse and Mental Health Services Administration “System of Care Expansion and Sustainability” Grant Funding for the period of September 30, 2019 to September 29, 2023; and

WHEREAS, by letter dated August 4, 2020, Christina Cain, Director of Public Health has requested to amend the budget to include the year two allocation for the award, in the amount of \$989,447, effective September 30, 2020 through September 29, 2021; and

WHEREAS, by letter dated July 13, 2020 from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that Project PH20-2 be established for these funds and that the 2020 budget be amended; now, therefore, be it

RESOLVED, that the above described grant is hereby accepted and that the 2020 budget be amended as follows:

Revenue:

A4189N.4489N, Care Exp. and Sus. Grant, Federal, Proj PH20-2	From: \$0
	To: \$989,447

Expense:

A4189N.44000, Care Exp. And Sus. Grant, Contracted Svs, Proj PH 20-2	From: \$0
	To: \$989,447

and, be it further

RESOLVED, that the Chairman of the Legislature be authorized to e-sign the grant document; 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: September 16, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 235

### REPORT AND RESOLUTION ACCEPTING FUNDING, AMENDING BUDGET, AND CREATING PROJECT IN CONNECTION WITH COVID-19

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

WHEREAS, by letter dated August 4, 2020 from Christina Cain, Director of Public Health, this Legislature is advised that the Herkimer County Public Health Department will be receiving funding from the Health Research Inc./New York State Department of Health for enhanced detection, surveillance and prevention of COVID-19 for a two year period beginning July 1, 2020 through June 30, 2022, in the amount of \$254,543; and

WHEREAS, by letter dated August 13, 2020 from Sheri Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that the 2020 budget will need to be amended to allow for use of these funds as well as the creation of a project; now, therefore, be it

RESOLVED, that the 2020 Herkimer County Budget is hereby amended in the amounts listed:

**Revenue:**

A4188.4403, Bioterrorism, Federal, COVID-2	From: \$0
	To: \$254,543

**Expenses:**

A4188.10000-001, Bioterrorism, Salaries, COVID-2	From: \$0
	To: \$166,008
A4188.10000-002, Bioterrorism, Overtime, COVID-2	From: \$0
	To: \$50,000
A4188.41000, Bioterrorism, Supplies, COVID-2	From: \$0
	To: \$5,785
A4188.42100-295, Bioterrorism, Cell Phones, COVID-2	From: \$0
	To: \$750
A4188.46100, Bioterrorism, Mileage, COVID-2	From: \$0
	To: \$2,000
A4188.81000, Bioterrorism, Retirement, COVID-2	From: \$0
	To: \$10,000
A4188.86000, Bioterrorism, Health Ins., COVID-2	From: \$0
	To: \$20,000

and, be it further

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

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

Dated: September 16, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 236

### **RESOLUTION AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL FOR THE HPK INDUSTRIES PROJECT**

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

WHEREAS, the Herkimer County Industrial Development Agency (the “IDA”) has requested that the County apply for economic development assistance to the New York State Office of Community Renewal (OCR); and

WHEREAS, the project is for HPK Industries for a total of \$450,000, consisting of \$434,000 for working capital, \$8,000 for administration, and \$8,000 for program delivery; and

WHEREAS, the County held a public hearing on September 16, 2020 on the proposed application and project; now, therefore be it

RESOLVED, that the Chairman is hereby authorized to submit a grant application on behalf of the County in an amount of \$450,000 to the OCR for the above described project; and, be it further

RESOLVED, that the Chairman is hereby authorized to execute a grant agreement between the County and the OCR and all related documents associated with the OCR grant, including entering into a grant agreement with the IDA for the implementation of the Project and administration of the OCR grant, all such documents to be subject to review and approval by the County Attorney; and, be it further

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

Dated: September 16, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 237

### **REPORT AND RESOLUTION APPROVING AGREEMENTS BETWEEN HERKIMER COUNTY AND HERKIMER COUNTY COMMUNITY COLLEGE WITH HERKIMER SOLAR, LLC FOR THE PURCHASE OF SOLAR ENERGY CREDITS**

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

WHEREAS, Resolution No. 177 of 2019 authorized the solicitation of bids by Herkimer County for the purchase of solar energy credits to optimize savings on utility bills; and

WHEREAS, in accordance with General Municipal Law, bids were solicited for the purchase of solar energy credits through the installation of, or connection to an existing solar photovoltaic system, owned or leased by bidders to provide remote net metering to Herkimer County [“the County”] and Herkimer County Community College [hereafter “the College”]; and

WHEREAS, independent energy consultant, Mark Ruhnke, P.E., C.E.M. of Eisenbach & Ruhnke Engineering, P.C., 291 Genesee Street, Utica, New York 13501 was retained by the County and the College to review and analyze proposals submitted; and

WHEREAS, on October 2, 2019, after a review of proposal analysis completed by consultant, Mark Ruhnke, the County Properties and Ways and Means committees recommended that the bid be awarded to WMR Services, LLC/DynaSolar DevCo, LLC, 321 South Main Street, #110, Sebastopol, California 95472 for the purchase of solar energy credits by the County and the College through installation of a solar system in Herkimer County to be owned and operated by Herkimer Solar, LLC, 5 Oxford Road, New Hartford, New York 13413; and

WHEREAS, after negotiations, WMR Services, LLC/DynaSolar DevCo, LLC, or its approved and permitted System Lenders by assignment will contract to sell energy credits through Herkimer Solar, LLC, to Herkimer County and the College at a discount rate of 16% with a minimum base payment of 5 cents per kWh, with an annual escalation rate of 1.25% and with a twenty (20) year term, with a renewal provision at a site within Herkimer County; and

WHEREAS, pursuant to the developer’s proposal, WMR Services, LLC/DynaSolar DevCo, LLC and Herkimer Solar, LLC will be responsible to obtain all necessary permits, interconnection agreements and complete the State Environmental Quality Review Act review process; and

WHEREAS, Herkimer County and Herkimer County Community College will execute separate VDER Value Stack Credit Sales Agreements with Herkimer Solar, LLC for purchase of VDER Value Stack Credits; and

WHEREAS, Herkimer County will purchase VDER Value Stack Credits generated by a 1.357 dc MW photovoltaic solar generation system owned by Herkimer Solar, LLC; and

WHEREAS, Herkimer County Community College will purchase VDER Value Stack Credits generated by a 2.89 dc MW photovoltaic solar generation system owned by Herkimer Solar, LLC; and

WHEREAS, on September 14, 2020, the Herkimer County Community College Board of Trustees approved Resolution No. 19-27A, authorizing the College to enter into a VDER Value Stack Credit Sales Agreement with Herkimer Solar, LLC at a discount rate of 16% and with a base payment of 5 cents per kWh for a twenty (20) year term, with an annual escalation rate of 1.25%, and with options for renewal and with educational opportunities for College students; and

WHEREAS, the College Board of Trustees further authorized College administration to take appropriate measures for the College to exit the SUNY Energy Buying Group and to seek other appropriate suppliers; and

WHEREAS, by letter dated September 15, 2020, Nicholas F. Laino, Senior Vice President for Administration and Finance of the College requested that the Herkimer County Legislature approve the Board of Trustees Resolution No. 19-27A and the execution of a VDER Value Stack Credit Sales Agreement between the College and Herkimer Solar, LLC for purchase of solar energy credits; now, therefore, be it

RESOLVED, that Resolution No 19-27A, adopted on September 14, 2020, by the College Board of Trustees is hereby approved to award a contract to Herkimer Solar, LLC, and the College is authorized to enter into the Value Stack Credit Sales Agreement (VDER) between the College and Herkimer Solar, LLC for the purchase of VDER credits at a discount rate of 16% and with a base payment of 5 cents per kWh for a twenty (20) year term, with an annual escalation rate of 1.25% and with option for renewal on the above terms, together with an educational component for College students, upon the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that the administration of the College be authorized to provide appropriate notice to the SUNY Energy Buying Group to terminate supply purchase and to initiate purchases from an alternative supplier; and be it further

RESOLVED, that the Legislature authorizes the award of a contract to Herkimer Solar, LLC and further authorizes the Chairman of the Herkimer County Legislature to execute the VDER Value Stack Credit Sales Agreement with Herkimer Solar, LLC for the purchase of VDER credits at a discount rate of 16% and with a base payment of 5 cents per kWh, with an annual escalation rate of 1.25%, and with a twenty (20 year) term, with options for renewal, subject to the approval of the Herkimer County Attorney, with the developer responsible for all necessary permits, interconnection agreements and State Environmental Quality Review Act review; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, President of the Herkimer County Community College, Vice President for Administration and Finance of Herkimer County Community College, Herkimer Solar, LLC, and WMR Services, LLC/DynaSolar DevCo, LLC.

Dated: September 16, 2020.