

MINUTES
Herkimer County Legislature
Second Quarter – First Day
Wednesday, April 7, 2021
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.

Chairman Bono called on Legislator William Keeler 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, Manno, Smith, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (16).

Absent: Brezinski (1).

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

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 March 17, 2021. 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. There were no requests.

No. 104 – A communication was received from Fulton County submitting Resolution calling upon NYS Legislators to curtail Governor Andrew Cuomo’s Emergency Powers Authority. Filed.

No. 105 – A communication was received from the Director of Community Services submitting appointment to Community Services Board. Filed.

No. 106 – A communication was received from the Sheriff submitting monthly report for January 2021. Referred to the Committee on Public Safety & Emergency Management.

No. 107 – A communication was received from the Director of Community Services submitting 2020 Annual Report. Referred to the Committee on Human Resources.

No. 108 – A communication was received from the Director of Community Services requesting reimbursement for professional liability insurance to Mental Health Consultant. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 109 – A communication was received from the Commissioner of Social Services requesting acceptance of Safe Harbour funding and renewal of contract with Catholic Charities. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 110 – A communication was received from the Commissioner of Social Services submitting information for implemented U.S. Department of the Treasury Emergency Rental Assistance Program (ERAP). Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 111 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer of funds in Emergency Services. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 112 – A communication was received from the GP&L Committee submitting Resolution and requesting Resolution to revise the voting membership of the GP&L Committee. Referred to the Committee on County Planning & Development.

No. 113 – A communication was received from the Budget Officer/Purchasing Agent requesting to amend the 2021 budget in connection with funding in the Public Health Department. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 114 – A communication was received from the Budget Officer/Purchasing Agent requesting to amend the 2021 budget in Employment and Training for increased funding. Referred to the Committee on Ways & Means.

No. 115 – A communication was received from the Budget Officer/Purchasing Agent requesting to amend 2021 budget and to create a project for funding in STOP-DWI. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 116 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer of funds for purchase of laptops in DSS. 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.

“Mr. Johnson”: I just want to say we did receive our check the other day. I think all Legislators found out, from the Land Bank for the trailer park, the \$40,000. That is in our possession now.”

Chairman Bono: “Very good.”

The Chairman continued with the Regular Agenda.

On motion of Mr. Ackerman, seconded by Mr. Gaworecki, Report and Resolution No. 85 sponsored by the Committee on Human Resources adopting Annual Report of Herkimer County Mental Health Services was handed up; voted on and adopted by voice vote:

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

On motion of Mr. Smith, seconded by Mr. Manno, Report and Resolution No. 86 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing reimbursement for Professional Liability Insurance to Mental Health Consultant was handed up; voted on and adopted by voice vote:

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

On motion of Mr. Schrader, seconded by Mr. Ackerman, Report and Resolution No. 87 sponsored by the Committee on Ways & Means amending budget in connection with increased funding for Trade Adjustment Assistance was handed up; voted on and adopted by voice vote:

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

On motion of Mr. Stephens, seconded by Mr. Malta, Report and Resolution No. 88 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means accepting grant, creating project, and amending budget in connection with receipt of STOP-DWI funding was handed up; voted on and adopted by voice vote:

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

On motion of Mr. Donley, seconded by Mr. Shaw, Report and Resolution No. 89 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing purchase and transferring funds in Department of Social Services was handed up; voted on and adopted by voice vote:

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

On motion of Mr. Stephens, seconded by Mr. Manno, Report and Resolution No. 90 sponsored by the Committee on Human Resources and the Committee on Ways & Means accepting funding and renewing an agreement in connection with Safe Harbour Grant for Herkimer County Department of Social Services was handed up; voted on and adopted by voice vote:

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

On motion of Mr. Schrader, seconded by Mr. Shaw, Report and Resolution No. 91 sponsored by the Committee on Human Resources and the Committee on Ways & Means

authorizing renewal of contract with New York State Department of Health for Immunization Action Plan and amending budget was handed up; voted on and adopted by voice vote:

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

On motion of Mr. Stephens, seconded by Mr. Campione, Report and Resolution No. 92 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means authorizing e-signature for grant in Emergency Services was handed up; voted on and adopted by voice vote:

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

On motion of Mr. Gaworecki, seconded by Mr. Smith, Resolution No. 93 sponsored by the Committee on County Planning & Development concerning representation on Governmental Policy and Liaison Committee was handed up; voted on and adopted by voice vote:

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

On motion of Mr. Campione, seconded by Mr. Keeler, Resolution No. 94 sponsored by the Committee on Natural Resources setting Public Hearing on annual thirty-day period for 2021 for inclusion of viable agricultural land within a certified agricultural district was handed up; voted on and adopted by voice vote:

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

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

Mr. Stephens: “Just for everybody’s information, HCCC, you are now able to attend their sports games and events so if you would like to go up there and support those folks, go right ahead. I’ve been to a couple of softball games and they would like your support.”

Chairman Bono: “Absolutely, we are getting back to some sense of normalcy.”

Mr. Donley: “I questioned before... I just want to make sure it is clear... so for the schools for the orders of quarantine, that comes directly from our Public Health Director?”

Chairman Bono: “She has say in it, yes. She confers with the school districts, the Superintendent and they put together a plan. You’re talking about the actual... if somebody gets exposed... yeah that is directly with Christina.”

Mr. Donley: “So I mean she basically goes off of the school, whatever they tell her, that’s who she is going to quarantine, right?”

Mr. Wallace: “Just to add a little bit, we are in a high contaminant area still so if one kid in the classroom has it, the whole class goes. If we weren’t in that level by the State, three or

four kids would be out. It is a State decision that Christina is going by with the schools but it is really a State decision. I was shocked a couple of weeks ago when we were down to two, zero, ten, and we were still at that higher level. That makes a huge difference, if you're putting three or four kids on precautionary quarantine versus twenty kids. If that is your question."

Mr. Donley: "Well yeah it basically is because they were told that the County had direct control over it and that. I said we follow State guidelines but... I explained to them that probably whatever the school reports to them, they have to go by that too... if the gym coach was positive and he was passing out pads, does everyone need to be quarantined? Well if they tell them everybody that was there, they are going to quarantine them."

Chairman Bono: "There are different scenarios too... big classrooms, small classrooms, different age groups..."

Mr. Ackerman: "I think the problem, and I could be wrong, is different Counties next to us are doing different things than we are. I don't know if they're not following State regulations or if we're just being cautious, I don't know but there is a difference and we are getting calls. I have gotten two now regarding this topic. I reached out to you and I reached out to Jim but there are schools doing something different in different counties that have a higher number percentage-wise. Again, I don't know where that falls, I'm not throwing stones at them or us, but I think we have to get some clarification because we are starting to get calls."

Chairman Bono: "The way I understand it is the State puts out a basic set of guidelines, we have to go by at least those guidelines. We can make them more restrictive if we choose to as a County but we pretty much have gone by the State guidelines. Now if the school district wants to be more restrictive, they certainly can be. But we have pretty much followed the State guidelines."

Mr. Ackerman: "So the question would be: what are the State guidelines? Just so we know. Right now I am being told that Oneida County and Madison are doing if I test positive, front back and side to side are out of the classroom. Herkimer County, and I'm not saying it's true, that is just what they're telling me on the telephone, is that we are taking the whole class out. I don't know that to be true, I am just passing along the information. I wouldn't mind some feedback just so I could pass it back along."

Chairman Bono: "I know we are going by the book and I think that is the answer you give people. What other Counties do, is their business. I just care that we go by the book."

Mr. Ackerman: "I just want to make sure that is what we are doing, is all."

Mr. Wallace: "We can verify that Kurt, what the term is of that high contamination."

Mr. Donley: "If someone tests positive in an office, the quarantine time, who sets that?"

Chairman Bono: "That's an individual... are you talking about the business itself?"

Mr. Donley: "Right."

Chairman Bono: "Again there are a lot of factors. Is the person vaccinated, not vaccinated, what was the distance? There is all of those things."

Mr. Donley: "Right and I think if they're essential employees their quarantine time could be different. Let's say a Correction Officer as opposed to an office worker?"

Chairman Bono: "I would have them call the health department and ask for guidance. They want you to call them, they will give the answer. There are just so many different scenarios and I can't give you an answer."

Mr. Donley: "I can't argue about anything because the rules are all different and they change the goal posts all of the time, so I mean there's not really..."

Chairman Bono: "I would call the health department and they can set you straight."

Mr. Ackerman: "I think it has to start in the school districts, let them argue with their school, let them talk to her and whoever in the State and they will figure it out."

Chairman Bono: "I have gotten a few calls on it myself. I don't think you are going to see any changes. There are only two months left in school. My personal opinion is they are just going to let it play out for the two months and just be real safe about it."

Mr. Ackerman: "The impact is the kids that play sports their senior year and have been out of several games, some have missed the whole season because they keep quarantining this classroom and that is where the frustration is."

Chairman Bono: "Understand. Anyone else? I want to thank you all, those that came out today to the opening of the jail. That is behind us now and let's move forward and work on all of the other good things. Mr. Piseck do you want to say anything or is it too early to say anything?"

John Piseck: "Just that we are moving ahead. We are very excited to at least have a... pretty close to making a decision on that site. They were at a meeting last night, we're all talking about Amazon right now. I just had a lunch meeting with them, a phone lunch meeting, and things are moving ahead. We are very excited about that as well as everything else that is going on in Schuyler. What do we have over there Mr. Bono, five projects?"

Chairman Bono: "Five and maybe others."

John Piseck: "A lot of good things coming."

Chairman Bono: "Thanks John."

At 2:13 p.m. on motion of Mr. Manno, seconded by Mr. Stephens, the Legislature adjourned to Wednesday, April 28, 2021 at 7:00 p.m. with a Public Hearing on Open Enrollment for the Agricultural District at 6:45 p.m.

Brittney R. Viscomi, Clerk



HERKIMER COUNTY LEGISLATURE

No. 85

REPORT AND RESOLUTION ADOPTING ANNUAL REPORT OF HERKIMER COUNTY MENTAL HEALTH SERVICES

Sponsored by: Committee on Human Resources

WHEREAS, your Committee on Human Resources, to which was referred the 2020 Annual Report of the Herkimer County Mental Health Services Department, respectfully reports that we have examined the same, recommend the adoption of said report, and offer the following Resolution:

RESOLVED, that the 2020 Annual Report of the Herkimer County Mental Health Services Department be approved and placed on file with the Herkimer County Legislature for the year 2020.

Dated: April 7, 2021.



HERKIMER COUNTY LEGISLATURE

No. 86

REPORT AND RESOLUTION AUTHORIZING REIMBURSEMENT FOR PROFESSIONAL LIABILITY INSURANCE TO MENTAL HEALTH CONSULTANT

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

WHEREAS, Dr. Vinay Patil is a psychiatrist under contract to provide services to Herkimer County Mental Health Services; and

WHEREAS, by letter dated March 11, 2021, Kristen Snyder-Branner, Director of Community Services, has requested that Dr. Patil be reimbursed for a sum not to exceed \$1,500 annually for professional liability insurance in connection with special psychiatric services provided to inmates at the Herkimer County Correctional Facility; and

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

RESOLVED, that Dr. Vinay Patil, be and he hereby is, authorized to receive reimbursement, upon receipt of proper documentation for a sum not to exceed \$1,500 annually for professional liability insurance associated with special psychiatric services provided to inmates at the Herkimer County Correctional Facility; 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: April 7, 2021.



HERKIMER COUNTY LEGISLATURE

No. 87

REPORT AND RESOLUTION AMENDING BUDGET IN CONNECTION WITH INCREASED FUNDING FOR TRADE ADJUSTMENT ASSISTANCE

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated March 15, 2021 from the Budget Officer/Purchasing Agent, this Legislature is advised that it is necessary to amend the 2021 Budget to accommodate for increased funding for Trade Adjustment Assistance; now, therefore, be it

RESOLVED, that the 2021 Herkimer County Budget is hereby amended as follows:

Revenue Account:

CD6295.4797, ET10-19, Trade Adjustment

From: \$165,000

To: \$1,065,000

Expense Account:

CD6295.46000-683, ET10-19, CRT

From: \$100,000

To: \$1,000,000

and, be it further

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

Dated: April 7, 2021.



HERKIMER COUNTY LEGISLATURE

No. 88

REPORT AND RESOLUTION ACCEPTING GRANT, CREATING PROJECT, AND AMENDING BUDGET IN CONNECTION WITH RECEIPT OF STOP-DWI FUNDING

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

WHEREAS, by letter dated March 5, 2021, from Michael L. Edwards, STOP-DWI Coordinator, he has requested this Legislature accept funding from the New York State Highway Safety Program Grant (DWI Crackdown) in the amount of \$11,000 for the period of October 1, 2020 through September 30, 2021, as a pass through funding stream administered by the County; and

WHEREAS, by letter dated March 15, 2021 from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that it is necessary to amend the Herkimer County Budget for 2021 and creation of a project number in connection with the receipt of said funding; now, therefore, be it

RESOLVED, that the 2021 Herkimer County Budget is hereby amended as follows:

Revenue:	A3315A.4389G, Impaired Driving Det., DWI Crackdown, Project SD02-8	From: \$0 To: \$11,000
Expense:	A3315A.44000, Impaired Driving Det., Contracted Services, Project SD02-8	From: \$0 To: \$11,000

and, be it further

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

Dated: April 7, 2021.



HERKIMER COUNTY LEGISLATURE

No. 89

REPORT AND RESOLUTION AUTHORIZING PURCHASE AND TRANSFERRING FUNDS IN DEPARTMENT OF SOCIAL SERVICES

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

WHEREAS, by letter dated March 19, 2021, from Timothy Seymour, Commissioner of Social Services, he has requested that this Legislature authorize the purchase of 25 Lenovo laptop computers; and

WHEREAS, by letter dated March 19, 2021, Sheri A. Ferdula, Budget Officer/Purchasing Agent has requested a transfer of funds to accommodate the purchase as follows:

\$18,338	From: A6010.10000-001, DSS, Salaries
	To: A6010.22000, DSS, Computer Equipment

now, therefore, be it

RESOLVED, that the above described purchase and transfer of funds is approved; 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: April 7, 2021.



HERKIMER COUNTY LEGISLATURE

No. 90

REPORT AND RESOLUTION ACCEPTING FUNDING AND RENEWING AN AGREEMENT IN CONNECTION WITH SAFE HARBOUR GRANT FOR HERKIMER COUNTY DEPARTMENT OF SOCIAL SERVICES

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

WHEREAS, Resolution No. 355 adopted December 11, 2019, authorized the Department of Social Services to apply for and claim Safe Harbour funding in the amount of \$51,000 from NYS Office of Children and Family Services; and

WHEREAS, by letter dated March 16, 2021, Timothy Seymour, Commissioner of Social Services, has requested to accept funding in the amount of \$40,000 for the 2021 calendar year and authorize the Chairman to renew an agreement with Catholic Charities of Herkimer County, 61 West Street, Ilion, NY 13357 to continue the role of Safe Harbor Facilitator in Herkimer County, at a cost not to exceed the \$40,000 awarded for the Herkimer County Safe Harbour funding for the year 2021; now, therefore, be it

RESOLVED, that the Chairman of the Legislature is hereby authorized to execute an agreement with Catholic Charities of Herkimer County, in the amount of \$40,000 to provide services under a Safe Harbour Grant for the Herkimer County Department of Social Services, with said agreement to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that said agreement shall continue so long as 100% funding is available from the New York State Office of Children and Family Services; 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 Catholic Charities of Herkimer County.

Dated: April 7, 2021.



HERKIMER COUNTY LEGISLATURE

No. 91

REPORT AND RESOLUTION AUTHORIZING RENEWAL OF CONTRACT WITH NEW YORK STATE DEPARTMENT OF HEALTH FOR IMMUNIZATION ACTION PLAN AND AMENDING BUDGET

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

WHEREAS, by communication dated March 11, 2021, Christina Cain, Director of Public Health, has advised that the New York State Department of Health has forwarded a contract for renewal of the grant agreement for the Immunization Action Plan for the period from April 1, 2021 through March 31, 2022, with the contract amount being \$31,307.00; and

WHEREAS, by letter dated March 15, 2021 from Sheri Ferdula, Budget Officer, this Legislature is advised of a request to amend the 2021 Budget in connection with the receipt of the amount of \$31,307.00 under said grant; now, therefore, be it

RESOLVED, that the 2021 Herkimer County Budget is hereby amended as follows:

Revenue Account:	A4189A-4489A-PH06-18	From:	\$0
		To:	\$31,307
Expense Account:	A4189A-10000-001 PH06-18	From:	\$0
		To:	\$21,575
	A4189A-41000-PH06-18	From:	\$0
		To:	\$1,150
	A4189A-44000-521-PH06-18	From:	\$0
		To:	\$2,000
	A4189A-46100-PH06-18	From:	\$0
		To:	\$350
	A4189A-81000-PH06-18	From:	\$0
		To:	\$3,116
	A4189A-86000-PH06-18	From:	\$0
		To:	\$3,116

and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to e-sign a renewal of the contract between the County of Herkimer and the New York State Department of Health to receive \$31,307.00 in funding for the Immunization Action Plan for the period April 1, 2021 through March 31, 2021; 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: April 7, 2021.



HERKIMER COUNTY LEGISLATURE

No. 93

REPORT AND RESOLUTION CONCERNING REPRESENTATION ON GOVERNMENTAL POLICY AND LIAISON COMMITTEE

Sponsored by: Committee on County Planning & Development

WHEREAS, the Governmental Policy and Liaison Committee provides a regional perspective to the development process in Herkimer and Oneida Counties; and

WHEREAS, the State Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and Federal guidelines encourage representation by elected officials as well as transportation agencies including highway and transit; and

WHEREAS, key county level officials and principal transportation agencies play a significant role in developing regional strategies; and

WHEREAS, by letter dated March 15, 2021 from James J. Genovese, III, Secretary, this Legislature is advised that the Governmental Policy and Liaison Committee, at its February 23, 2021 meeting, passed a resolution recommending that the Director of the Herkimer County Industrial Development Agency and the Director of Economic Development for Oneida County be added as voting members of the Governmental Policy and Liaison Committee; now, therefore, be it

RESOLVED, that the Herkimer County Legislature Resolution No. 93 for the year 1973, as amended by Resolution No. 285 for the year 1978, Resolution No. 184 for the year 1993, Resolution No. 23 for the year 2006, and Resolution No. 181 of the year 2006, be further amended to add the Director of the Herkimer County Industrial Development Agency and the Director of Economic Development for Oneida County as voting members of the Governmental Policy and Liaison Committee; and, be it further

RESOLVED, that a certified copy of this Resolution be forwarded to the Herkimer-Oneida Counties Comprehensive Planning Program.

Dated: April 7, 2021.



HERKIMER COUNTY LEGISLATURE

No. 94

RESOLUTION SETTING PUBLIC HEARING ON ANNUAL THIRTY-DAY PERIOD FOR 2021 FOR INCLUSION OF VIABLE AGRICULTURAL LAND WITHIN A CERTIFIED AGRICULTURAL DISTRICT

Sponsored by: Committee on Natural Resources

WHEREAS, Section 303-b of the Agriculture and Markets Law provides that the County Legislature of a county containing a certified agricultural district must designate an annual 30 day period, within which a landowner may submit a request for inclusion of land which is predominately viable agricultural land within a certified agricultural district; and

WHEREAS, Resolution No. 146 adopted by this Legislature on May 19, 2004, set the annual 30 day period from January 1 through January 31 of each year; and

WHEREAS, pursuant to statute, requests received during said 30 day period for 2021 were referred to the County Agricultural and Farmland Protection Board for their recommendation, and reports are now ready to be made and a public hearing may now be held; now, therefore, be it

RESOLVED, that a Public Hearing be held on the 28th of April, 2021 at 6:45 p.m. on the proposed additions to Agricultural Districts for the year 2021; and, be it further

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

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

Dated: April 7, 2021.