

MINUTES
Herkimer County Legislature
Fourth Quarter – First Day
Wednesday, October 6, 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 County Administrator James W. Wallace, Jr., 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, Schrader, Hollum, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Donley, Campione, Russell, Shaw, Weakley (14).

Absent: Gaworecki, Johnson, Ackerman, (3).

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 September 15, 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. Mr. Smith requested communications No. 304 and No. 305 be read.

No. 303 – A communication was received from the Soil and Water Conservation District submitting notice of meeting. Filed.

No. 304 – A communication was received from the County Attorney submitting Notice of Claim. Filed.

No. 305 – A communication was received from the County Attorney submitting Notice of Claim. Filed.

No. 306 – A communication was received from the Real Property Director submitting renewal contract for the Town of Stark. Filed.

No. 307 – A communication was received from the County Auditor submitting tax corrections for the month of August. Filed.

No. 308 – A communication was received from the County Administrator submitting request for transfer. Filed.

No. 309 – A communication was received from the Capital District OTB submitting financial report for June & July 2021. Filed.

No. 310 – A communication was received from the NYSAC President submitting resolutions adopted at the NYSAC Fall Seminar. Filed.

No. 311 – A communication was received from the Budget Officer/Purchasing Agent requesting architectural fees for the development of bid specifications for the highway roof. Referred to the Committee on Highways and the Committee on Ways & Means.

No. 312 – A communication was received from the Highway Superintendent requesting roof replacement at the highway garage. Referred to the Committee on Highways and the Committee on Ways & Means.

No. 313 – A communication was received from the Budget Officer/Purchasing Agent requesting architectural and engineering services. Referred to the Committee on Public Safety & Emergency Management.

No. 314 – A communication was received from the Personnel Officer requesting approval for reimbursement to county employees for flu shots administered by the Herkimer County Public Health Department. Referred to the Committee on Ways & Means.

No. 315 – A communication was received from the STOP-DWI Coordinator recommending appointments to STOP-DWI Advisory Board. Referred to the Committee on Public Safety & Emergency Management.

No. 316 – A communication was received from the Budget Officer/Purchasing Agent requesting acceptance of 2021 Emergency Performance Grant and requesting budget amendment and creation of project. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 317 – A communication was received from the Budget Officer/Purchasing Agent requesting amendment to 2021 budget to include the year three allocation for the System of Care Grant in Public Health. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 318 – A communication was received from the Chairman of the Sewer Board submitting reappointment to the Sewer Board. Referred to the Committee on Natural Resources.

No. 319 – A communication was received from the County Attorney requesting to authorize a settlement relating to the opioid crisis. Referred to the Committee on Ways & Means.

No. 320 – A communication was received from the Budget Officer/Purchasing Agent requesting creation of account and transfer of funds in the Treasurer’s Office. Referred to the Committee on Ways & Means.

No. 321 – A communication was received from the Highway Superintendent requesting approval of 2021/2022 capital construction projects. Referred to the Committee on Highways.

No. 322 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer of funds in connection with fees for the Hudson River-Black River Regulation District. Referred to the Committee on Ways & Means.

No. 323 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer in Mental Health. Referred to the Committee on Ways & Means.

No. 324 – A communication was received from the Budget Officer/Purchasing Agent requesting appropriation of funds to make repairs to a trench drain. Referred to the Committee on Highways and the Committee on Ways & Means.

No. 325 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer of funds to purchase a Fuel Management System for the Highway Department. Referred to the Committee on Highways and the Committee on Ways & Means.

No. 326 – A communication was received from the Director of Public Health requesting extension of grant. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 327 – A communication was received from the Sewer District submitting resolution for approval for field use by organizations. Referred to the Committee on Natural Resources and the Committee on Ways & Means.

No. 328 – A communication was received from the Commissioner of Social Services requesting amendment to Resolution No. 172 of 2021 to accept funding and authorize contracts. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 329 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer of funds and creation of account in connection with purchase of new financial accounting system. Referred to the Committee on Ways & Means.

No. 330 – A communication was received from the Director of Employment & Training requesting sub-lease agreement with the NYS Education Department on behalf of the Office of Adult Career and Continuing Education Services-Vocational Rehabilitation (ACCES-VR). Referred to the Committee on County Planning & Development and the Committee on Ways & Means.

No. 331 – A communication was received from the Personnel Officer requesting amendment to hourly salary schedule for temporary part-time position in Treasurer’s Office. Referred to the Committee on Ways & Means.

Pursuant to Rule 6, Chairman Bono then proceeded with Reports of Standing Committees. Legislator Hollum, Chairman of the Committee on Administration/Veterans’ Affairs Committee gave an update that early voting will begin October 23rd and Election Day is Tuesday, November 2nd; Chairman Bono gave an update on the Solid Waste Authority’s draft budget.

On motion of Mr. Campione, seconded by Mr. Stephens, Resolution No. 234 – Resolution No. 237 were handed up; voted on and adopted by voice vote:

For: Ayes (14). Against: None.

Absent: Gaworecki, Johnson, Ackerman, (3).

Consent Agenda:

- 234 PUB. SFTY./EMER. MGMT.: As regards membership on the STOP-DWI Advisory Board
- 235 NAT. RESOURCES: Designating member to Herkimer County Sewer Board
- 236 WAYS & MEANS: Authorizing creating an account and transferring funds
- 237 WAYS & MEANS: Authorizing transfer of funds

The Chairman continued with the Regular Agenda.



HERKIMER COUNTY LEGISLATURE

No. 234

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

Sponsored by: Committee on Public Safety/Emergency Management

WHEREAS, a communication from Michael J. Edwards, STOP-DWI Coordinator, dated August 31, 2021 advises this Legislature that the STOP-DWI Advisory Board recommends the reappointment of certain members to the STOP-DWI Advisory Board as well as appointments; now, therefore, be it

RESOLVED, that the individuals serving in the following titles and individuals listed are hereby reappointed and appointed to the STOP-DWI Advisory Board to serve a term of three years commencing July 1, 2021 and ending June 30, 2024, except as indicated:

Reappointments:

Herkimer County District Attorney
Herkimer County Director of Probation
William Penree, Community Member

Appointments:

Leigh Parks-Brewer, Community Member
Adam Jones, Education Member (July 1, 2021 through June 30, 2023)

and, be it further

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

Dated: October 6, 2021.



HERKIMER COUNTY LEGISLATURE

No. 235

REPORT AND RESOLUTION DESIGNATING MEMBER TO HERKIMER COUNTY SEWER BOARD

Sponsored by: Committee on Natural Resources

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

WHEREAS, by letter dated August 30, 2021 from the Herkimer County Sewer District, your Committee has been advised that the Village of Frankfort has submitted a letter for reappointment of Richard D. Adams, Jr. as designee of the Village of Frankfort for a five year term; now, therefore, be it

RESOLVED, that Richard D. Adams, Jr., of Frankfort, New York, is hereby re-appointed to the Herkimer County Sewer District Board for a five year term to expire on 2/28/2026; and, be it further

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

Dated: October 6, 2021.



HERKIMER COUNTY LEGISLATURE

No. 236

REPORT AND RESOLUTION AUTHORIZING CREATING AN ACCOUNT AND TRANSFERRING FUNDS

Sponsored by: Committee on Ways & Means

WHEREAS, Resolution No. 231 of 2021 amended the hourly salary schedule for account number A1326, County Treasurer, Property Tax; and

WHEREAS, your Committee on Ways and Means, to which was referred a communication from Sheri A. Ferdula, Budget Officer/Purchasing Agent, dated September 17, 2021, submitting a request to create an account and transfer funds, reports that we have examined said communication, inquired into the subject matter thereof, 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 create the below account and transfer the following sum from and to the following accounts in the 2021 Budget:

\$6,000 From: A1325.10100, Treasurer, Temporary Employees
 To: A1326.10100, Co. Treasurer, Prop. Tax Temporary Employees (create)

and, be it further

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

Dated: October 6, 2021.



HERKIMER COUNTY LEGISLATURE

No. 237

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 September 17,

WHEREAS, by letter dated September 17, 2021, from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that a project be established, and the 2021 budget must be amended; now, therefore, be it

RESOLVED, that the above described grant is hereby accepted, a project is established, and that the 2021 budget be amended as follows:

A3020A.4389H, Emergency Mgmt, HS, Federal Aid, Proj EM06-8	From: \$0
	To: \$28,554

A3020A.44000, Emergency Mgmt, HS, Contracted Svs., Proj EM06-8	From: \$0
	To: \$28,554

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: October 6, 2021.

On motion of Mr. Schrader, seconded by Mr. Donley, Report and Resolution No. 239 sponsored by the Committee on Natural Resources and the Committee on Ways & Means authorizing use of surplus grounds of the Herkimer County Sewer District by local sports organizations was handed up; voted on and adopted by voice vote:

For: Ayes (14). Against: None.

Absent: Gaworecki, Johnson, Ackerman, (3).



HERKIMER COUNTY LEGISLATURE

No. 239

REPORT AND RESOLUTION AUTHORIZING USE OF SURPLUS GROUNDS OF THE HERKIMER COUNTY SEWER DISTRICT BY LOCAL SPORTS ORGANIZATIONS

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

WHEREAS, by letter dated September 16, 2021, Robin Nalaskowski, Secretary to the Sewer District Board, has requested consideration and approval of Herkimer County Sewer District Resolution HCSD-2021-07 adopted by the Sewer District Board on September 15, 2021; and

WHEREAS, the Herkimer County Sewer District by said Resolution HCSD-2021-07 authorizes use of its surplus grounds by the Central Valley Little League, Mohawk Girls Youth Softball, the Mohawk Valley Hockey Club, the Ilion Region of AYSO, or any of their successor organizations pursuant to an annual written lease agreement to be signed by the Herkimer County Sewer District Board Chairman, or in his absence, the Vice-Chair; and

WHEREAS, by Resolution No. 229 of 1990, the Herkimer County Legislature approved a resolution of the Herkimer County Sewer District to allow use of surplus lands owned by the Sewer District for activities sponsored by the Village of Mohawk; and

WHEREAS, by Resolution No. 118 of 1995, the Herkimer County Legislature approved Herkimer County Sewer District Resolution HCSD-91-15 allowing Mohawk Little League to make use of Sewer District property to further the concept of the Environmental Protection Agency's "multiple use" policies encouraging recreational uses pursuant to the Water Pollution Control Act Section 201(f); now, therefore, be it

RESOLVED, that the Herkimer County Legislature approves Sewer District Resolution HCSD-2021-07 of September 15, 2021 authorizing a written lease agreement with the above designated organizations, or any of their successor organizations; and, be it further

RESOLVED, that said leases with the above organizations shall be on an annual basis, will allow installation of a storage shed which shall be removed at tenants' costs upon expiration of the lease term, shall designate parking areas for tenants' use, shall provide for sufficient insurance and such other terms and conditions as approved by the Herkimer County Attorney and the Herkimer County Sewer District Attorney; and, be it further

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

Dated: October 6, 2021.

On motion of Mr. Campione, seconded by Mr. Smith, Report and Resolution No. 240 sponsored by the Committee on Highways approving projects under Article 6, Section 116 of the Highway Law was handed up; voted on and adopted by voice vote:

For: Ayes (14). Against: None.

Absent: Gaworecki, Johnson, Ackerman, (3).



HERKIMER COUNTY LEGISLATURE

No. 240

REPORT AND RESOLUTION APPROVING PROJECTS UNDER ARTICLE 6, SECTION 116 OF THE HIGHWAY LAW

Sponsored by: Committee on Highways

WHEREAS, your Committee on Highways, to which was referred the letter from Mark Nagele, County Superintendent of Highways, dated August 23, 2021, submitting three copies each of statements under Article 6 of the Highway Law designating work to be done with County Road Fund monies during the years 2021/2022 covering two projects involved in the Capital Construction Program, respectfully reports that we have examined said statements contained in said communication from and signed by the County Superintendent of Highways, recommend its adoption and offer the following Resolution:

RESOLVED, that the statements under Article 6 of the Highway Law which designate work to be done with County Road Fund monies be, and hereby are, approved by the County Legislature of the County of Herkimer for the following projects involved in the Capital Construction Program, to be funded as listed:

PROJECT NO.	ROAD/LOCATION	TYPE OF PROJECT	ESTIMATED CONSTRUCTION COST
413	Wiltse Hill Road, CR95, Town of Stark	Large Culvert LC095-10 Replacement including engineering and survey services	\$1,200,000.00
414	North Street, CR67 Village of West Winfield	Reconstruction/Rehabilitation including engineering and survey services	\$1,900,000.00

and, be it further

RESOLVED, that these projects will be funded through the American Rescue Plan monies; and, be it further

RESOLVED, that the Treasurer is to make any necessary adjustments to the interfund transfer accounts; 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: October 6, 2021.

On motion of Mr. Smith, seconded by Mr. Stephens, Report and Resolution No. 241 sponsored by the Committee on Highways and the Committee on Ways & Means appropriating funds was handed up; voted on and adopted by roll call vote:

For: Malta, Schrader, Hollum, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Donley, Campione, Russell, Shaw, Weakley (14).

Against: None.

Absent: Gaworecki, Johnson, Ackerman, (3).



HERKIMER COUNTY LEGISLATURE

No. 241

REPORT AND RESOLUTION APPROPRIATING FUNDS

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

WHEREAS, by letter dated September 17, 2021, Sheri Ferdula, Budget Officer/Purchasing Agent, has advised that it is necessary to make repairs to the trench drain running along the driveway between the County buildings at an estimated cost of \$6,000; and

WHEREAS, the letter further advises that an appropriation in the 2021 budget will be necessary to provide the funding for the repairs and that funds have been verified and are available for this appropriation; now, therefore, be it

RESOLVED, that an appropriation be made as follows:

\$6,000 From: A889N, Reserve, County Building Improvements
 To: H1620.40000, Capital, Buildings, Contractual, Project 16-1

and, be it further

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

Dated: October 6, 2021.

On motion of Mr. Smith, seconded by Mr. Campione, Report and Resolution No. 242 sponsored by the Committee on Highways and the Committee on Ways & Means authorizing purchase and transferring funds in the Highway Department was handed up; voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Gaworecki, Johnson, Ackerman, (3).



HERKIMER COUNTY LEGISLATURE

No. 243

REPORT AND RESOLUTION AUTHORIZING TRANSFER OF FUNDS IN 2021 BUDGET IN MENTAL HEALTH DEPARTMENT

Sponsored by: Committee on Ways & Means

WHEREAS, your Committee on Ways and Means, to which was referred a communication from Sheri Ferdula, Budget Officer, dated September 17, 2021, submitting a request for transfer of funds for additional funding for consultants in the Mental Health Department, reports that we have examined said communication, inquired into the subject matter thereof, and recommend that said transfer 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 2021 Budget:

\$155,000 From: A6100.40000, Medicaid, Contractual Expense
 To: A4320.44000-350, Mental Health, Consultants

and, be it further

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

Dated: October 6, 2021.

On motion of Mr. Shaw, seconded by Mr. Manno, Report and Resolution No. 244 sponsored by the Committee on Human Resources and the Committee on Ways & Means accepting grant funding, authorizing signatures, creating project number, and amending 2021 budget was handed up; voted on and adopted by voice vote:

For: Ayes (14). Against: None.

Absent: Gaworecki, Johnson, Ackerman, (3).



HERKIMER COUNTY LEGISLATURE

No. 244

REPORT AND RESOLUTION ACCEPTING GRANT FUNDING, AUTHORIZING

SIGNATURES, CREATING PROJECT NUMBER, AND AMENDING 2021 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 September 16, 2021, Christina Cain, Director of Public Health, has requested to amend the budget to include the year three allocation for the award, in the amount of \$989,447, effective September 30, 2021 through September 29, 2022; and

WHEREAS, by letter dated September 17, 2021, from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that Project PH20-3 be established for these funds and that the 2021 budget be amended; now, therefore, be it

RESOLVED, that the above described grant is hereby accepted and that the 2021 budget be amended as follows:

Revenue:

A4189N.4489N, Care Exp. and Sus. Grant, Federal, Proj PH20-3	From: \$0
	To: \$989,447

Expense:

A4189N.44000, Care Exp. and Sus. Grant, Contracted Svs, Proj PH 20-3	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, Director of Public Health, Executive Director of the Youth Bureau, and Commissioner of Social Services.

Dated: October 6, 2021.

On motion of Mr. Smith, seconded by Mr. Hollum, Report and Resolution No. 245 sponsored by the Committee on Human Resources and the Committee on Ways & Means extending grant in Public Health was handed up; voted on and adopted by voice vote:

For: Ayes (14). Against: None.

Absent: Gaworecki, Johnson, Ackerman, (3).



HERKIMER COUNTY LEGISLATURE

No. 245

REPORT AND RESOLUTION EXTENDING GRANT IN PUBLIC HEALTH

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

WHEREAS, Resolution No. 279 of 2017 accepted a grant from the Health Foundation of Central and Western New York in the amount of \$7,000, which was extended by Resolution No. 11 of 2019 and Resolution No. 85 of 2020; and

WHEREAS, by letter dated August 27, 2021, Christina Cain, Director of Public Health, has requested to extend the grant associated with Resolution No. 279 of 2017 for the period of November 1, 2017 through February 1, 2023; now, therefore, be it

RESOLVED, that said grant period is extended for a period of November 1, 2017 through February 1, 2023, and that the Chairman of this Legislature is hereby authorized to execute any documents in connection with said grant extension; 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: October 6, 2021.

On motion of Mr. Manno, seconded by Mr. Stephens, Report and Resolution No. 246 sponsored by the Committee on Human Resources and the Committee on Ways & Means amending Resolution No. 172 of 2021 accepting grant and authorizing contracts in DSS for Non-Residential Domestic Violence Program was handed up; voted on and adopted by voice vote:

For: Ayes (14). Against: None.

Absent: Gaworecki, Johnson, Ackerman, (3).



HERKIMER COUNTY LEGISLATURE

No. 246

REPORT AND RESOLUTION AMENDING RESOLUTION NO. 172 OF 2021 ACCEPTING GRANT AND AUTHORIZING CONTRACT IN DEPARTMENT OF SOCIAL SERVICES FOR NON-RESIDENTIAL DOMESTIC VIOLENCE PROGRAM

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

WHEREAS, Resolution No. 172 of 2021 accepted a grant and authorized a contract in the Department of Social Services for a Non-Residential Domestic Violence Program; and

WHEREAS, by letter dated September 16, 2021 from Timothy J. Seymour, Commissioner of Social Services, this Legislature is advised that the award of 2020-2021 funding in the amount of \$25,000 from the New York State Office of Children and Family Services to expand/enhance core services provided by approved Non-Residential Domestic Violence Services was accepted by Resolution No. 172 of 2021, and advised that since that time OCFS has advised that the TANF Non-Residential Violence Services allocations for SFY 2021-2022 have been released, also in the amount of \$25,000, and further requests a contract be entered into with Catholic Charities of Herkimer County to provide these services; now, therefore, be it

RESOLVED, that this Legislature accepts 2020-2021 funding from the New York State Office of Children and Family Services, for the period beginning October 1, 2019 to September 30, 2022, in the amount of \$25,000, and accepts 2021-2022 funding, for the period beginning October 1, 2020 through June 30, 2022, in the amount of \$25,000; and, be it further

RESOLVED, that this Legislature authorizes the following agreements between Catholic Charities of Herkimer County, 61 West Street, Ilion, New York, and the Herkimer County Department of Social Services:

- Not to exceed \$25,000 for the provision of TANF Non-Residential Domestic Violence Services for the period of October 1, 2021 through September 30, 2022
- Not to exceed \$25,000 for the provision of TANF Non-Residential Domestic Violence Services for the period of October 1, 2021 through June 30, 2022

and, be it further

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

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

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

Dated: October 6, 2021.

On motion of Mr. Stephens, seconded by Mr. Russell, Report and Resolution No. 247 sponsored by the Committee on Ways & Means authorizing and approving a settlement agreement to an action relating to the opioid crisis was handed up; voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Gaworecki, Johnson, Ackerman, (3).



HERKIMER COUNTY LEGISLATURE

No. 247

REPORT AND RESOLUTION AUTHORIZING AND APPROVING A SETTLEMENT AGREEMENT TO AN ACTION RELATING TO THE OPIOID CRISIS

Sponsored by: Committee on Ways & Means

WHEREAS, there is pending the matter of County of Suffolk v. Purdue Pharma L.P., et al, under Index No. 400000/2017 in the Supreme Court, Suffolk County, regarding the opioid addiction crisis, in which the County of Herkimer is a named Plaintiff in the action (the "Action"); and

WHEREAS, the Action is against several defendants, including Manufacturers of Opioids, Distributors of Opioids and Retail Chain Pharmacies; and

WHEREAS, the Action alleges several causes of action against defendants, McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Drug Corporation, PSS World Medical, Inc., Kinray, LLC, Belco Drug Corporation and American Medical Distributors, Inc. (hereafter "the Distributors") based on claims that these distributors contributed to the opioid epidemic; and

WHEREAS, the New York State Attorney General's Office has entered into a settlement agreement with the Distributors with said proposed settlement being offered to all political subdivisions in New York State to resolve all governmental claims in New York State against the above Distributors; and

WHEREAS, the Distributors have offered to settle the County of Herkimer's claims against them by paying the sum of between \$977,947.49 (Worst Case Scenario Value) and \$1,727,530.24 (Best Case Scenario Value) over eighteen (18) years, and agreeing to implement injunctive relief under a controlled substance monitoring program; and

WHEREAS, it is in the best interest of the County of Herkimer to resolve this matter with respect to the Distributors without further litigation and enter into the proposed New York Settlement Sharing Agreement ("Agreement") to avoid protracted litigation; now, therefore, be it

RESOLVED, that the Chairman of the Herkimer County Legislature is authorized, subject to County Attorney approval, to execute the proposed New York State Settlement Agreement in a form substantially similar thereto and to execute such other documents as may be necessary and appropriate to effectuate the settlement with the Distributors; and, be it further

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

Dated: October 6, 2021.

On motion of Mr. Malta, seconded by Mr. Donley, Report and Resolution No. 248 sponsored by the Committee on County Planning & Development and the Committee on Ways & Means authorizing sub-lease agreement with the Office of Adult Career and Continuing Education Services was handed up; voted on and adopted by voice vote:

For: Ayes (14). Against: None.

Absent: Gaworecki, Johnson, Ackerman, (3).



HERKIMER COUNTY LEGISLATURE

No. 248

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

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

WHEREAS, by letter dated September 17, 2021 from Karin Piseck, Director of Employment and Training, your Committee has been advised that it is necessary to enter into a sub-lease agreement with the NYS Education Department on behalf of the Office of Adult Career and Continuing Education Services-Vocational Rehabilitation (ACCES-VR) for use of office space at the Working Solutions One Stop Center located at 320 North Prospect Street, Herkimer, New York; and

WHEREAS, said agreement would be for a term of three years commencing October 1, 2021 through September 30, 2024 and will provide office space in the Working Solutions One Stop Center for use by the Office of Adult Career and Continuing Education Services for the purpose of assisting and serving its customers, with payment to the County to be in the amount of \$583.33 per month as a fixed rate for the lease period, payable quarterly; now, therefore, be it

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

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

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

Dated: October 6, 2021.

On motion of Mr. Russell, seconded by Mr. Smith, Report and Resolution No. 249 sponsored by the Committee on Ways & Means amending part time salary schedule to create temporary position in Herkimer County Treasurer's Office was handed up; voted on and adopted by roll call vote:

For: Malta, Schrader, Hollum, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Donley, Campione, Russell, Shaw, Weakley (14).

Against: None.

Absent: Gaworecki, Johnson, Ackerman, (3).



HERKIMER COUNTY LEGISLATURE

No. 249

REPORT AND RESOLUTION AMENDING PART TIME SALARY SCHEDULE TO CREATE POSITION IN HERKIMER COUNTY TREASURER'S OFFICE

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated October 4, 2021 from Steven R. Billings, Personnel Officer, he has requested that the part-time Salary Schedule be amended to establish a temporary position of part-time County Property Agent at the hourly rate of \$20.00 per hour in Account A1326; and

WHEREAS, your committees have been advised that the appropriate salary for said position should be \$20.00 per hour and be in effect from October 12, 2021 through November 30, 2021; and

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

RESOLVED, that one temporary part-time position of County Property Agent in the part-time Salary Schedule is hereby established at the hourly rate of \$20.00 per hour in Account A1326, effective from October 12, 2021 through November 30, 2021; and, be it further

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

Dated: October 6, 2021.

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

At 2:13 p.m. on motion of Mr. Manno, seconded by Mr. Stephens, the Legislature adjourned to Wednesday, October 27, 2021 at 7:00 p.m.

Brittney R. Viscomi, Clerk