

MINUTES
Herkimer County Legislature
Fourth Quarter – Second Day
Wednesday, October 26, 2022
7:00 p.m.

The Regular Session of the Herkimer County Legislature was called to order by Chairman Vincent J. Bono at 7:04 p.m.

Chairman Bono called on Oliver Williams, 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, Keeler, Brezinski, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (14).

Absent: Johnson, Stephens, Manno (3).

Pursuant to Rule 11, Chairman Bono opened the floor for public comment: 1) Maureen Damone, Newport – 94-C & Boralex. (Speech included with original minutes)

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 October 5, 2022. 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. 377 – A communication was received from Herkimer County Soil & Water Conservation District advising of monthly meeting. Filed.

No. 378 – A communication was received from NYSAC advising of receipt of Resolution No. 275 and No. 276. Filed.

No. 379 – A communication was received from the Personnel Officer requesting contract with Aquarius Capital. Referred to the Committee on Ways & Means.

No. 380 – A communication was received from the Director of Emergency Services requesting to purchase cargo trailer. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 381 – A communication was received from the Director of Emergency Services requesting to extend SICG-19 Grant. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 382 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer of funds in connection with advertising contract in the Personnel Department. Referred to the Committee on Ways & Means.

No. 383 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer of funds in the Information Services Department. Referred to the Committee on Ways & Means.

No. 384 – A communication was received from the County Property Agent requesting permission for issuance of Certificate of Prospective Cancellation of certain properties. Referred to the Committee on County Properties and the Committee on Ways & Means.

No. 385 – A communication was received from the Herkimer County Sewer District submitting Resolution for Rate Increase. Referred to the Committee on Natural Resources and the Committee on Ways & Means.

No. 386 – A communication was received from the Budget Officer/Purchasing Agent requesting purchase of printer and transfer of funds in the County Clerk Department. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 387 – A communication was received from the Budget Officer/Purchasing Agent requesting purchase of vehicles and transfer of funds in the Sheriff's Department. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 388 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in connection with grant funding in STOP-DWI. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 389 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in connection with Cyber Security Grant in Information Services. Referred to the Committee on Information Services and the Committee on Ways & Means.

No. 390 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in connection with grant funding in the Probation Department. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 391 – A communication was received from the Town of Salisbury requesting assistance with the purchase of playground equipment. Referred to the Committee on Ways & Means.

No. 392 – A communication was received from the Sheriff requesting MOU with UPSEU in the Sheriff Department. Referred to the Committee on Ways & Means.

No. 393 – A communication was received from the Budget Officer/Purchasing Agent requesting contract for the provision of comprehensive external audit services. Referred to the Committee on Ways & Means.

No. 394 – A communication was received from the Budget Officer/Purchasing Agent requesting appropriation in connection with purchase of snow plow for maintenance vehicle. Referred to the Committee on County Properties and the Committee on Ways & Means.

No. 395 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer of funds for purchase of hardware for county phone system. Referred to the Committee on Information Services and the Committee on Ways & Means.

No. 396 – A communication was received from the Budget Officer/Purchasing Agent requesting contract for County In Rem auctions. Referred to the Committee on County Properties.

Pursuant to Rule 6, Chairman Bono then proceeded with Reports of Standing Committees. Legislator Hollum, Chairman of Administration/Veterans' Affairs Committee gave an update of when Early Voting would be held.

The Chairman continued with the Regular Agenda.

On motion of Mr. Campione, seconded by Mr. Russell, Report and Resolution No. 298 sponsored by the Committee on Ways & Means setting date for public hearing for local law establishing annual salaries of some elected officials and certain county officers appointed for a fixed term during their term of office was handed up; voted on and adopted by voice vote:

For: Ayes (14). Against: None. Absent: Johnson, Stephens, Manno (3).



HERKIMER COUNTY LEGISLATURE

No. 298

REPORT AND RESOLUTION SETTING DATE FOR PUBLIC HEARING FOR LOCAL LAW ESTABLISHING ANNUAL SALARIES OF SOME ELECTED OFFICIALS AND CERTAIN COUNTY OFFICERS APPOINTED FOR A FIXED TERM DURING THEIR TERM OF OFFICE

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 B for the year 2022 to establish annual salaries of some elected officials and certain county officers appointed for a fixed term during

their term of office, and setting the date for the statutory public hearing thereon, and offer the following Resolution:

RESOLVED:

1. That a proposed local law establishing salaries of some elected officials and certain county officers will be prepared by this Committee, and that a public hearing will be held on the proposed local law at a meeting of the Herkimer County Legislature, on the 16th day of November, 2022, at 6:15 p.m. in the Legislative Chambers of the County Office Building in the Village of Herkimer, New York;

2. That this County Legislature designates the Committee on Ways and Means as the Committee to hold the public hearing on the adoption of said act;

3. That at least five days prior to such public hearing the Clerk of this Legislature shall post a notice of such hearing upon the bulletin board in the Courthouse and cause to be published said notice at least once in the *Times Telegram*;

4. That the Clerk of this Legislature shall place a copy of said act on the desks of the members of this County Legislature at least seven calendar days, exclusive of Sunday, prior to its final adoption;

5. That if said local law be finally adopted, the Clerk of this Legislature shall file one certified copy thereof in the Office of the County Clerk, one in the Office of the Secretary of State and publish said local law as required by law.

Dated: October 26, 2022.

On motion of Mr. Gaworecki, seconded by Mr. Keeler, Report and Resolution No. 299 sponsored by the Committee on Natural Resources and the Committee on Ways & Means fixing time and place for the public hearing on the assessment roll of the part County Sewer District was handed up; voted on and adopted by voice vote:

For: Ayes (14). Against: None. Absent: Johnson, Stephens, Manno (3).



HERKIMER COUNTY LEGISLATURE

No. 299

REPORT AND RESOLUTION FIXING TIME AND PLACE FOR THE PUBLIC HEARING ON THE ASSESSMENT ROLL OF THE PART COUNTY SEWER DISTRICT

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

WHEREAS, the Herkimer County Sewer District has prepared an assessment roll pursuant to the provisions of Section 271 of the County Law; and

WHEREAS, this Legislature has been advised that the assessment roll has been submitted to the Herkimer County Budget Officer together with the estimate of revenues and expenditures; and

WHEREAS, the Herkimer County Budget Officer has transmitted the assessment roll together with the tentative budget to the Clerk of the Legislature; now, therefore, be it

RESOLVED, that the Herkimer County Legislature shall cause a notice to be published stating the time, place and purpose of a public hearing on the said assessment roll; and, be it further

RESOLVED, that the Herkimer County Legislature shall hold such public hearing at the Legislative Chambers of the Herkimer County Office Building in the Village of Herkimer, County of Herkimer, New York, on the 16th day of November, 2022 at 6:20 p.m., pursuant to the provisions of Section 271 of the County Law.

Dated: October 26, 2022.

On motion of Mr. Schrader, seconded by Mr. Gaworecki, Report and Resolution No. 300 sponsored by the Committee on Ways & Means authorizing transfer of funds in the Information Services Department was handed up; voted on and adopted by voice vote:

For: Ayes (14). Against: None. Absent: Johnson, Stephens, Manno (3).



HERKIMER COUNTY LEGISLATURE

No. 300

REPORT AND RESOLUTION AUTHORIZING TRANSFER OF FUNDS IN THE INFORMATION SERVICES 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 October 4, 2022, 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 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:

\$24,000 From: A6100.40000, Medicaid, Contractual
 To: A1680.44000, IS, Contracted Services

and, be it further

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

Dated: October 26, 2022.

On motion of Mr. Schrader, seconded by Mr. Swartz, Report and Resolution No. 301 sponsored by the Committee on Information Services and the Committee on Ways & Means accepting grant, authorizing Chairman to e-sign contract, and amending budget in Information Services was handed up; voted on and adopted by voice vote:

For: Ayes (14). Against: None. Absent: Johnson, Stephens, Manno (3).



HERKIMER COUNTY LEGISLATURE

No. 301

REPORT AND RESOLUTION ACCEPTING GRANT, AUTHORIZING CHAIRMAN TO E-SIGN CONTRACT, AND AMENDING BUDGET IN INFORMATION SERVICES

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

WHEREAS, by letter dated October 6, 2022, from Michael Testa, Director of Information Services, this Legislature is advised of a request to accept grant funding, authorize Chairman to e-sign the contract, and amend the budget in connection with a Cyber Security Grant Program in the amount of \$22,500.00, from October 1, 2022 through August 31, 2023; and

WHEREAS, by letter dated October 6, 2022, Sheri A. Ferdula, Budget Officer/Purchasing Agent has requested the 2022 Budget be amended as follows:

Revenue:	A1680.4389H, IS HSG	From: \$0
		To: \$22,500
Expense:	A1680.22000, IS, Computer Equipment	From: \$0
		To: \$22,500

now, therefore, be it

RESOLVED, that this Legislature hereby accepts receipt of the Cyber Security Grant in the amount of \$22,500.00, and amends the budget as listed; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to e-sign the grant on behalf of the County of Herkimer; and, be it further

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

Dated: October 26, 2022.

On motion of Mr. Schrader, seconded by Mr. Donley, Report and Resolution No. 302 sponsored by the Committee on Information Services and the Committee on Ways & Means authorizing purchase of hardware and software for the phone system and transferring funds was handed up; voted on and adopted by voice vote:

For: Ayes (14). Against: None. Absent: Johnson, Stephens, Manno (3).



HERKIMER COUNTY LEGISLATURE

No. 302

REPORT AND RESOLUTION AUTHORIZING PURCHASE OF HARDWARE AND SOFTWARE FOR THE PHONE SYSTEM AND TRANSFERRING FUNDS

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

WHEREAS, by letter dated October 4, 2022, from Sheri Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised of a request to replace the hardware for the county phone system and purchase software to be in compliance with a new mandate; and

WHEREAS, the letter further requests a transfer be made to cover the expense; now, therefore, be it

RESOLVED, that the purchase of hardware for the county phone system and software is hereby approved, and that the treasurer is authorized to make the following transfer to complete the purchase:

\$164,371.94	From: A6100.40000, Medicaid, Contractual
	To: A1680.44000, Information Services, Contracted Services

and, be it further

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

Dated: October 26, 2022.

On motion of Mr. Donley, seconded by Mr. Hollum, Report and Resolution No. 303 sponsored by the Committee on Ways & Means authorizing appropriation of funds was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Keeler, Brezinski, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (14).

Against: None.

Absent: Johnson, Stephens, Manno (3).



HERKIMER COUNTY LEGISLATURE

No. 303

REPORT AND RESOLUTION AUTHORIZING APPROPRIATION 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 October 4, 2022, submitting a request for appropriation of funds to install a plow on the 2018 Ford F150 maintenance vehicle; and

WHEREAS, Sheri Ferdula, Budget Officer/Purchasing Agent has advised that funds have been verified and are available for this appropriation; now, therefore, be it

RESOLVED, that an appropriation be made as follows:

\$5,537 From: A889N, Co. Building Reserve
 To: A1620.25000, Buildings, Other Equipment

and, be it further

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

Dated: October 26, 2022.

On motion of Mr. Russell, seconded by Mr. Malta, Report and Resolution No. 304 sponsored by the Committee on Ways & Means authorizing contract in the Personnel Office and transferring funds was handed up; voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Johnson, Stephens, Manno (3).



HERKIMER COUNTY LEGISLATURE

No. 305

REPORT AND RESOLUTION APPROVING PURCHASE AND TRANSFERRING FUNDS IN THE COUNTY CLERK'S OFFICE

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

WHEREAS, by letter dated October 4, 2022, Sheri Ferdula, Budget Officer/Purchasing Agent, has advised of a request for the County Clerk to purchase an HP Deskjet scanner and printer to be used for maps, which will come with a three year support agreement for a total of \$13,366.70; and

WHEREAS, said letter further advises that a transfer of funds will be necessary to complete the purchase; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby approves the above described purchase; and, be it further

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 2022 Budget:

\$13,366.70 From: A6100.40000, Medicaid, Contractual
 To: A1410.25000, County Clerk, Other Equipment

and, be it further

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

Dated: October 26, 2022.

On motion of Mr. Schrader, seconded by Mr. Gaworecki, Report and Resolution No. 306 sponsored by the Committee on Ways & Means authorizing the execution of Memorandum of Understanding (MOU) with United Public Service Employees Union in the Sheriff's Department was handed up; voted on and adopted by voice vote:

For: Ayes (14). Against: None. Absent: Johnson, Stephens, Manno (3).



HERKIMER COUNTY LEGISLATURE

No. 306

REPORT AND RESOLUTION AUTHORIZING THE EXECUTION OF MEMORANDUM OF UNDERSTANDING (MOU) WITH UNITED PUBLIC SERVICE EMPLOYEES UNION (SHERIFF'S DEPARTMENT)

Sponsored by: Committee on Ways & Means

WHEREAS, by letter dated October 6, 2022 from Scott F. Scherer, Herkimer County Sheriff, he has requested approval for a Memorandum of Understanding (MOU) with the United Public Service Employees Union (UPSEU), which will amend the current contract to allow the Herkimer County Sheriff's Office to work a 12 hour schedule without incurring overtime after 8 hours worked per normal shift; and

WHEREAS, said letter further advises that this MOU will allow either party to withdraw from this agreement after six months, beginning January 1, 2023, with the agreement to expire January 1, 2024 unless agreed in writing by all parties; now, therefore, be it

RESOLVED, that the Chairman of the Legislature is hereby authorized to execute the above agreement; and, be it further

RESOLVED, that certified copies be forwarded to the County Treasurer, Auditor, Budget Officer, Personnel Officer, County Attorney, and Herkimer County Sheriff.

Dated: October 26, 2022.

On motion of Mr. Keeler, seconded by Mr. Malta, Report and Resolution No. 307 sponsored by the Committee on County Properties and the Committee on Ways & Means directing prospective cancellation of taxes on certain parcels was handed up; voted on and adopted by voice vote:

For: Ayes (14). Against: None. Absent: Johnson, Stephens, Manno (3).



HERKIMER COUNTY LEGISLATURE

No. 307

REPORT AND RESOLUTION DIRECTING PROSPECTIVE CANCELLATION OF TAXES ON CERTAIN PARCELS

Sponsored by: Committee on County Properties

Committee on Ways & Means

WHEREAS, the County of Herkimer has, for many years, enforced the collection of delinquent real estate taxes pursuant to Real Property Tax Law, Article 11, Title 3, Foreclosure of Tax Lien by Proceeding In Rem; and

WHEREAS, Real Property Tax Law Section 1138, provides methods to withdraw parcels of property from foreclosure and in certain instances, cancel said taxes; and

WHEREAS, by letter dated September 22, 2022 from Jennifer L. Casey, County Property Agent, this Legislature is advised that parcels have been withdrawn from the County's list of delinquent taxes because if the County were to acquire the parcels, there is a significant risk that the County might be exposed to a liability substantially in excess of the amount that could be recovered by enforcing the tax lien; and

WHEREAS, action can be taken by the Legislature pursuant to Real Property Tax Law Section 1138-(6)(d) to direct the enforcing officer to issue a certificate of prospective cancellation; and

WHEREAS, the issuance of such a certificate of prospective cancellation renders the parcel involved exempt from taxation until it is determined by the Legislature that the parcel should be restored to the taxable portion of the tax roll; now, therefore, be it

RESOLVED, that the Legislature hereby determines that there is no practical method to enforce the collection of delinquent tax liens arising hereafter against the parcels listed on Exhibit A attached hereto and made a part hereof; and, be it further

RESOLVED, that the Enforcing Officer is directed to issue a certificate of prospective cancellation for the parcels set forth on Exhibit A; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Property Agent, and Director of Real Property Tax Services.

Dated: October 26, 2022.

EXHIBIT A

TOWN	TAX MAP#	OWNER	LOCATION	DESCRIPTION
Ilion-Village	119.36-3-23	Ingraham, Andrea	134 W Clark St.	Dilapidated Building
	120.45-2-72	Preiss, John	78 Lester Ave.	Dilapidated Building
Herkimer - Village	113.82-2-62	Marusic, Timothy P	210 Washington St	Dilapidated Building
	113.82-2-62	Nadeau, Eileen	537 Albany St	Dilapidated Building
	120.24-4-83	Washington, Orlanda	212 Bellinger Ave	Dilapidated Building
Deana, Tekquanne				
Herkimer-Town	113.83-3-52	FB Torres LLC	202 Zoller Ave	Dilapidated Building
Little Falls-Town	121.1-2-16	Maine, Michael	1167 State Route 5S	Dilapidated Building
		Maine, Judy		
Dolgeville-Village	108.59-1-17	JGW-SN, LLC	156 S. Main St	Dilapidated Building
Newport-Town	094.1-1-73	Smith, Scott	770 White Creek Rd	Dilapidated Building
		Smith, Judith		
Schuyler-Town	112.4-3-13	Bouse, Ronald R	156 S. Main St	Dilapidated Building

On motion of Mr. Shaw, seconded by Mr. Weakley, Report and Resolution No. 308 sponsored by the Committee on Natural Resources and the Committee on Ways & Means approving Sewer District resolution concerning sewer user rate increase was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Keeler, Brezinski, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (14).

Against: None.

Absent: Johnson, Stephens, Manno (3).



HERKIMER COUNTY LEGISLATURE

No. 308

REPORT AND RESOLUTION APPROVING SEWER DISTRICT RESOLUTION CONCERNING SEWER USER RATE INCREASE

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

WHEREAS, by letter dated September 29, 2022, Robin Nalaskowski, Secretary to the Herkimer County Sewer District Board, has advised that by action on September 21, 2022, the Herkimer County Sewer District Board adopted a resolution approving an increase to the per-gallon user rate/sewer rent from \$1.75 per unit (one thousand gallons) to \$3.25 per unit (one thousand gallons effective) January 1, 2023; and

WHEREAS, this Resolution has been forwarded to the Herkimer County Legislature for approval prior to it becoming effective; now, therefore, be it

RESOLVED, that this Legislature hereby approves a resolution duly adopted by the Herkimer County Sewer District Board on September 21, 2022, approving an increase to the per-gallon user rate/sewer rent from \$1.75 per unit (one thousand gallons) to \$3.25 per unit (one thousand gallons); and, be it further

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

Dated: October 26, 2022.

On motion of Mr. Malta, seconded by Mr. Donley, Report and Resolution No. 309 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means extending grant for Emergency Services was handed up; voted on and adopted by voice vote:

For: Ayes (14). Against: None. Absent: Johnson, Stephens, Manno (3).



HERKIMER COUNTY LEGISLATURE

No. 309

REPORT AND RESOLUTION EXTENDING GRANT FOR EMERGENCY SERVICES

Sponsored by: Committee on Public Safety/Emergency Management

Committee on Ways & Means

WHEREAS, pursuant to Resolution No. 13 of 2020, this Legislature accepted funding through a 2019 State Interoperable Communications grant award in the amount of \$678,591.00 in the Department of Emergency Services, which was extended by Resolution No. 308 of 2021; and

WHEREAS, by letter dated October 6, 2022 from John J. Raymond, Director of Emergency Services, your Committees have been advised that he would like to extend this grant to December 31, 2023 to complete two projects; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a grant extension to December 31, 2023 on behalf of the County of Herkimer for the 2019 State Interoperable Communications Grant for the remaining grant funds; 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 26, 2022.

On motion of Mr. Donley, seconded by Mr. Campione, Report and Resolution No. 310 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means approving purchase of vehicles for Sheriff's Department and transferring funds was handed up; voted on and adopted by voice vote:

For: Ayes (14). Against: None. Absent: Johnson, Stephens, Manno (3).



HERKIMER COUNTY LEGISLATURE

No. 310

REPORT AND RESOLUTION APPROVING PURCHASE OF VEHICLES FOR SHERIFF'S DEPARTMENT AND TRANSFERRING FUNDS

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

WHEREAS, by letter dated October 6, 2022, Scott F. Scherer, Sheriff, has requested approval to purchase two 2022 Dodge Durangos at a cost of \$39,901.00 with JPJ Electronic Communications installing the police equipment in both vehicles at a price of \$15,242.67, along with decals for one vehicle at a cost of \$700; and

WHEREAS, by letter dated October 6, 2022, Sheri Ferdula, Budget Officer/ Purchasing Agent has advised the Durangos will be purchased from Main Motorcar, 224 Main Street, Johnstown, NY 12095, and that a transfer of funds will be necessary to complete the purchase; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby approves the above described purchases; and, be it further

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 2022 Budget:

\$95,744.67 From: A6100.40000, Medicaid, Contractual
To: A3110.23000, Sheriff, Motor Vehicles

and, be it further

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

Dated: October 26, 2022.

On motion of Mr. Schrader, seconded by Mr. Weakley, Report and Resolution No. 311 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means accepting grant and amending budget in connection with receipt of STOP-DWI funding was handed up; voted on and adopted by voice vote:

For: Ayes (14). Against: None. Absent: Johnson, Stephens, Manno (3).



HERKIMER COUNTY LEGISLATURE

No. 311

REPORT AND RESOLUTION ACCEPTING GRANT 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 October 3, 2022, 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 \$17,500 for the period of October 1, 2022 through September 30, 2023, as a pass through funding stream administered by the County; and

WHEREAS, by letter dated October 4, 2022 from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that it is necessary to amend the 2022 Herkimer County Budget in connection with the receipt of said funding; now, therefore, be it

RESOLVED, that the 2022 Herkimer County Budget is hereby amended as follows:

Revenue:	A3315A.4389G, Impaired Driving Det., Federal Aid, Project SD02-10	From: \$0 To: \$17,500
Expense:	A3315A.44000, Impaired Driving Det., Contracted Services, Project SD02-10	From: \$0 To: \$17,500

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: October 26, 2022.

On motion of Mr. Gaworecki, seconded by Mr. Donley, Report and Resolution No. 312 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means accepting funding, authorizing e-signature, creating account, and amending 2022 budget in Probation was handed up; voted on and adopted by voice vote:

For: Ayes (14). Against: None. Absent: Johnson, Stephens, Manno (3).



HERKIMER COUNTY LEGISLATURE

No. 312

REPORT AND RESOLUTION ACCEPTING FUNDING, AUTHORIZING E-SIGNATURE, CREATING ACCOUNT AND AMENDING 2022 BUDGET IN PROBATION

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

WHEREAS, by letter dated October 11, 2022, from Garry Murphy, Director of Probation has requested accept funding from the New York State Division of Criminal Justice Services (DCJS) in regard to a grant award notice for County Pretrial Services for the period of April 1, 2022 – March 31, 2023; and

WHEREAS, said letter further advises the grant totals \$75,879 and it strictly to help offset costs associated with the provision of certified pretrial services through the Probation Department; and

WHEREAS, by letter dated October 11, 2022, from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that it is necessary to amend the 2022 Budget and to create an account; now, therefore, be it

RESOLVED, that the above describe grant is accepted and that the 2022 Herkimer County Budget is hereby amended as follows:

Revenue: A3141A.3311A, Pretrial Services, State Aid \$75,879

Expense: A3141A.44000, Pretrial Services, Contracted Services \$75,879

and, be it further

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

Dated: October 26, 2022.

On motion of Mr. Russell, seconded by Mr. Shaw, Report and Resolution No. 313 sponsored by the Committee on Ways & Means authorizing payment to the Town of Salisbury was handed up; voted on and adopted by voice vote:

For: Ayes (14). Against: None. Absent: Johnson, Stephens, Manno (3).



HERKIMER COUNTY LEGISLATURE

No. 313

REPORT AND RESOLUTION AUTHORIZING PAYMENT TO THE TOWN OF SALISBURY

Sponsored by: Committee on Ways & Means

WHEREAS, a communication has been received by this Legislature from the Town of Salisbury requesting American Rescue Plan Act funding to assist with the purchase of new playground equipment; and

WHEREAS, Herkimer County will recoup sufficient funding for revenue replacement to be used for the provision of governmental services; now, therefore, be it

RESOLVED, that the Chairman is authorized to execute payment of \$30,000 with and to the Town of Salisbury for assistance with the purchase of new playground equipment; and, be it further

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

Dated: October 26, 2022.

On motion of Mr. Russell, seconded by Mr. Ackerman, Report and Resolution No. 314 sponsored by the Committee on Ways & Means accepting proposal of D’Arcangelo & Co. LLP to perform audit was handed up; voted on and adopted by voice vote:

For: Ayes (14). Against: None. Absent: Johnson, Stephens, Manno (3).



HERKIMER COUNTY LEGISLATURE

No. 314

REPORT AND RESOLUTION ACCEPTING PROPOSAL OF D’ARCANGELO & CO. LLP TO PERFORM AUDIT

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated October 12, Sheri Ferdula, Budget Officer/Purchasing Agent, has advised the Ways & Means Committee has approved a contract for audits for the calendar years of 2023 through 2027 and reporting years of 2022 through 2026, with D’Arcangelo & Co., LLP, 120 Lomond Court, Utica, New York, in accordance with the proposal made by said firm to the County; and

WHEREAS, the fee schedule will be as follows: Year 1 - \$69,800, Year 2 - \$69,800, Year 3 - \$71,550, Year 4 - \$73,325, Year 5 - \$75,150; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a contract between the County of Herkimer and D’Arcangelo & Co., L.L.P. Certified Public Accountants & Consultants, 120 Lomond Court, Utica, New York, to perform auditing services for the County, and to perform other services if authorized, all in accordance with a proposal made by said firm to the County, at a fee of \$69,800 for the fiscal years ending December 31, 2022 and 2023; \$71,550 for the fiscal year ending December 31, 2024, \$73,325 for the fiscal year ending December 31, 2025 and \$75,150 for the fiscal year ending December 2026; and, be it further

RESOLVED, that said contract to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer and D’Arcangelo & Co., L.L.P., Certified Public Accountants & Consultants.

Dated: October 26, 2022.

On motion of Mr. Keeler, seconded by Mr. Schrader, Report and Resolution No. 315 sponsored by the Committee on County Properties and the Committee on Ways & Means

authorizing contract for auction services for In Rem sale was handed up; voted on and adopted by voice vote:

For: Ayes (14). Against: None. Absent: Johnson, Stephens, Manno (3).



HERKIMER COUNTY LEGISLATURE

No. 315

REPORT AND RESOLUTION AUTHORIZING CONTRACT FOR AUCTION SERVICES FOR IN REM SALE

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

WHEREAS, the County of Herkimer conducts a yearly auction of parcels which, as a result of the County's annual In Rem Tax Foreclosure Proceedings, become titled in the County of Herkimer; and

WHEREAS, by letter dated October 4, 2022, Sheri Ferdula, Budget Officer/Purchasing Agent, has advised that requests for proposals were received for auctioneer services for the annual In Rem Auction, and it is the recommendation of your Committees that a four year contract, commencing January 1, 2023 for the In Rem tax sales, beginning with the 2020 In Rem year, be entered into with Auctions International, 11167 Big Tree Road, East Aurora, NY 14052 to perform said services; and

WHEREAS, said letter further advises it is recommended to go with Option B for the fee structure, consisting of a 10% buyer's premium, with 6% going to the auctioneer and 4% going to the County; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a four year contract with Auctions International, commencing January 1, 2023 to conduct auctions for the In Rem Tax Foreclosures, beginning with the 2020 In Rem year, with said contract to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that the contract will include marketing, research, digital restoration, instant reporting, TP 584, RP 5217, high resolution photos, drone photos, signage, full color catalog, notification of adjoining property owners, print, internet and social media; and, be it further

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

Dated: October 26, 2022.

On motion of Mr. Donley, seconded by Mr. Hollum, Resolution No. 316 sponsored by the Committee on Administration/Veterans' Affairs calling on the Governor to complete Affordable Care Act Enhanced Federal Medicaid Assistance percentage reconciliations that are years overdue and immediately release the federal funds owed to counties and New York City was handed up; voted on and adopted by voice vote:

For: Ayes (14). Against: None. Absent: Johnson, Stephens, Manno (3).



HERKIMER COUNTY LEGISLATURE

No. 316

RESOLUTION CALLING ON THE GOVERNOR TO COMPLETE AFFORDABLE CARE ACT ENHANCED FEDERAL MEDICAID ASSISTANCE PERCENTAGE RECONCILIATIONS THAT ARE YEARS OVERDUE AND IMMEDIATELY RELEASE THE FEDERAL FUNDS OWED TO COUNTIES AND NEW YORK CITY

Sponsored by: Committee on Administration/Veterans' Affairs

WHEREAS, the funding to support the Medicaid program is provided by a combination of federal, state and local resources; and

WHEREAS, the state requires the counties and New York City to contribute \$7.6 billion annually to pay for the federal and state defined and controlled program; and

WHEREAS, the locally required share of Medicaid funding paid in New York is the highest of any state in the country; and

WHEREAS, this large local funding share for Medicaid and other state programs is a major contributor to New York's high local tax burden compared to other states; and

WHEREAS, under the Affordable Care Act (ACA), the federal government provided an enhanced Medicaid matching share (eFMAP), which has saved New York State billions of dollars; and

WHEREAS, the state is required under federal law to share these savings with counties and New York City based on the proportionate share localities pay of the nonfederal match; and

WHEREAS, the state has utilized a methodology that provides 80 percent of these estimated federal savings to counties in the year the costs accrue; and

WHEREAS, the balance of savings owed to counties is required to be reconciled annually to ensure the withheld savings are transferred to county budgets and local taxpayers, as well as meeting the intent of federal law; and

WHEREAS, the last completed reconciliation and transfer of the full federal savings owed to counties was for state fiscal year 2015-16; and

WHEREAS, individual counties and NYSAC have made numerous requests, over multiple years, regarding the status of outstanding Medicaid ACA eFMAP reconciliations and the federal funds withheld from counties; and

WHEREAS, due to the lack of a meaningful response from state officials, dozens of counties have submitted Freedom of Information Law (FOIL) requests to the New York State Department of Health (DOH); and

WHEREAS, DOH has been providing detailed responses to county FOIL inquiries and initial responses indicate, if current trends continue, that hundreds of millions of federal ACA eFMAP savings are still owed to counties and New York City for SFYs 2017, 2018, 2019, 2020, and 2021, because reconciliations have not been completed; and

WHEREAS, the federal government also enacted a temporary COVID eFMAP where the state also provides 80 percent of the estimated savings to counties, with the final amount to be reconciled in the following year; and

WHEREAS, the state has failed to reconcile any of the COVID eFMAP savings as well for the three years they have been provided; and

WHEREAS, Herkimer County is owed over \$1.2 million just through 2019 and additional funds for 2020 and 2021; and

WHEREAS, County taxpayers should not be responsible for a tax burden that is being caused by New York State's inability to do the reconciliations timely; and

WHEREAS, the New York State Association of Counties estimates that hundreds of millions of federal savings are still owed to counties from the COVID eFMAP reconciliations that have not yet occurred; and

WHEREAS, because the state is withholding these federal funds, it requires counties and New York City to reserve funds locally to make up for the loss, meaning local taxes have been kept higher than they need to be over multiple years, or local services are scaled back or eliminated; and

WHEREAS, in the years leading up to the last completed ACA eFMAP reconciliation, counties were provided an estimate of their coming year Medicaid costs by September, in time to incorporate the savings in their budgets, which ceased when regular reconciliations ended; now, therefore, be it

RESOLVED, that Herkimer County urges the Governor to complete these unfinished reconciliations as soon as possible and to provide counties and New York City a full accounting of the federal funds owed, and to take immediate steps to release the funds to localities; and, be it further

RESOLVED, the state should also renew its practice of providing timely notice to counties of coming year Medicaid costs so they can appropriately budget those savings for local

taxpayers and to preserve highly desired local quality of life services provided in our communities; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Governor Kathy Hochul, Senator Charles E. Schumer, Senator Kirsten Gillibrand, Congresswoman Claudia Tenney, Congresswoman Elise Stefanik, Senator James N. Tedisco, Senator Peter Oberacker, Assemblyman Brian Miller, Assemblyman Robert Smullen, Assemblywoman Marianne Buttenschon, and the New York State Association of Counties.

Dated: October 26, 2022.

On motion of Mr. Ackerman, seconded by Mr. Campione, Resolution No. 317 sponsored by the Committee on Ways & Means authorizing execution of sales tax agreement with the City of Little Falls was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Keeler, Brezinski, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (14).

Against: None.

Absent: Johnson, Stephens, Manno (3).



HERKIMER COUNTY LEGISLATURE

No. 317

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

Sponsored by: Committee on Ways & Means

WHEREAS, the County Legislature, pursuant to Resolution No. 285 for the year 2012 authorized an agreement with the City of Little Falls concerning a sales and compensating use tax to be enacted by the County Legislature which said agreement was duly executed by the parties; and

WHEREAS, said agreement by its terms will expire on December 31, 2022 and it is necessary that a succeeding agreement be entered into; and

WHEREAS, a new agreement for the years 2023 to 2027 exclusive, with provision for a further five year extension, has been prepared and submitted to officials of the City of Little Falls; and

WHEREAS, said agreement provides for the allocation of monies received from the sales and compensating use tax to the County of Herkimer, the City of Little Falls and other municipalities within the County of Herkimer; and

WHEREAS, your Committee on Ways and Means has considered said matters and recommends that said agreement with the City of Little Falls be entered into; now, therefore, be it

RESOLVED, as follows:

1. That the Chairman of this Legislature be, and he hereby is, authorized to execute such agreement, in form attached hereto, with the City of Little Falls, for and on behalf of the County of Herkimer;

2. That allocation and distribution of funds collected as sales tax prior to January 1, 2023, be governed by the agreement made with the city of Little Falls in 2012; that allocation and distribution of funds collected as sales tax after December 31, 2022 be governed by the agreement with the City of Little Falls entered into pursuant to this agreement;

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

4. That certified copies of this Resolution be forwarded to the County Treasurer, Auditor, Budget Officer, County Attorney, and Common Council of the City of Little Falls.

Dated: October 26, 2022.

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

At 7:21p.m. on motion of Mr. Schrader, seconded by Mr. Donley, the Legislature adjourned to Wednesday, November 16, 2022 at 7:00 p.m., with a Public Hearing on Introductory Local Law B for the year 2022 at 6:15 p.m., and a Public Hearing on the assessment roll of the part County Sewer District at 6:20 p.m.

Brittney R. Viscomi, Clerk