

**MINUTES**  
**Herkimer County Legislature**  
**First Quarter – Fourth Day**  
**Wednesday, March 15, 2023**  
**7:00 p.m.**

The Regular Session of the Herkimer County Legislature was called to order by Chairman Vincent J. Bono at 7:02 p.m.

Chairman Bono called on Kathy Fox, Director of the Office for the Aging, to lead the Legislature in the Pledge of Allegiance.

Chairman Bono called for a moment of silence in recognition of all veterans, past and present.

Roll Call: Quorum present, the following answering the roll:

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

Absent: None.

Pursuant to Rule 11, Chairman Bono opened the floor for public comment. 1) Dan Sullivan, Richfield Springs – RPTL-575-B Part N; 2) Nathan Seaman, Richfield Springs – Columbia Solar Project; 3) Keith Schue, Cherry Valley – Solar/Wind Appraisals.

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 February 15, 2023. 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. 86 – A communication was received from Hodgson Russ LLP submitting notice regarding wind energy project. Filed.

No. 87 – A communication was received from the New York State Department of State advising of Filing of Local Law No. 2 & No. 3 for 2023. Filed.

No. 88 – A communication was received from the New York State Department of State advising of Filing of Local Law No. 4 for 2023. Filed.

No. 89 – A communication was received from the Soil and Water Conservation District submitting 2022 Annual Report. Filed.

No. 90 – A communication was received from National Grid submitting Semi-Annual PCB Inventory Report. Filed.

No. 91 – A communication was received from the Soil and Water Conservation District submitting notice of meeting. Filed.

No. 92 – A communication was received from the Herkimer County IDA submitting Herkimer County IDA Project. Filed.

No. 93 – A communication was received from NYSAC acknowledging receipt of Resolution No. 63 and No. 67. Filed.

No. 94 – A communication was received from the County Auditor submitting corrected tax applications for January and February 2023. Filed.

No. 95 – A communication was received from the Sheriff requesting discussion on Centurion R1000 Base System. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 96 – A communication was received from the Director of Emergency Services requesting purchase of extended service plan. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 97 – A communication was received from the Sewer District submitting Resolution for local limits update. Referred to the Committee on Natural Resources and the Committee on Ways & Means.

No. 98 – A communication was received from the Budget Officer/Purchasing Agent requesting payments in connection with American Rescue Plan funding. Referred to the Committee on Ways & Means.

No. 99 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendments and transfers to 2022 budget. Referred to the Committee on Ways & Means.

No. 100 – A communication was received from the County Clerk submitting 2022 Annual Report. Referred to the Committee on Administration/Veterans' Affairs.

No. 101 – A communication was received from the Director of Public Health requesting to renew existing STI contract. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 102 – A communication was received from the Director of Public Health requesting to enter into contracts in connection with System of Care Grant. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 103 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in connection with a grant award. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 104 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment for partnership in connection with a Doula Program. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 105 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment for additional funding through Healthy Families Grant. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 106 – A communication was received from the Director of the Office for the Aging requesting contract for IIID Services. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 107 – A communication was received from the Budget Officer/Purchasing Agent submitting 2022 Annual Report. Referred to the Committee on Ways & Means.

No. 108 – A communication was received from the Budget Officer/Purchasing Agent requesting adoption of the County’s Purchasing Policy. Referred to the Committee on Ways & Means.

No. 109 – A communication was received from the Personnel Officer requesting permanent appointment of Director of Weights and Measures. Referred to the Committee on Natural Resources.

No. 110 – A communication was received from the County Attorney requesting contract for Meals on Wheels. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 111 – A communication was received from the Sewer District submitting Resolution for board appointment. Referred to the Committee on Natural Resources.

No. 112 – A communication was received from the Budget Officer/Purchasing Agent requesting 2023 budget amendment. Referred to the Committee on Ways & Means.

No. 113 – A communication was received from the Budget Officer/Purchasing Agent requesting appropriation of funds in connection with phone system. Referred to the Committee on Information Services and the Committee on Ways & Means.

No. 114 – A communication was received from the Personnel Officer requesting to amend Salary Schedule No. II and authorize agreement with HCCC. Referred to the Committee on Ways & Means.

No. 115 – A communication was received from the Budget Officer/Purchasing Agent requesting amendment to budget in connection with Raise the Age grant funding in Probation. Referred to

the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 116 – A communication was received from the Director of Emergency Services requesting purchase of Zetron CAD Maintenance Plan. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 117 – A communication was received from the Director of Emergency Services requesting fiber optic connection between Dairy Hill and Honey Hill towers. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 118 – A communication was received from the Director of Emergency Services requesting purchase of tower site alarm and monitoring. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 119 – A communication was received from the County Attorney requesting lease agreement in connection with Indigent Legal Services. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 120 – A communication was received from the County Attorney requesting settlement agreements in connection with nationwide opioid settlements. Referred to the Committee on Ways & Means.

No. 121 – A communication was received from the County Treasurer requesting amendment to Resolution No. 315 of 2022. Referred to the Committee on County Properties and the Committee on Ways & Means.

No. 122 – A communication was received from the Sewer District submitting Resolution to open bank account for capital funds. Referred to the Committee on Natural Resources and the Committee on Ways & Means.

No. 123 – A communication was received from the Sewer District submitting Resolution for grit chain repair. Referred to the Committee on Natural Resources and the Committee on Ways & Means.

No. 124 – A communication was received from the Commissioner of Social Services requesting agreement for the provision of personal care services to eligible Herkimer County Medicaid recipients. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 125 – A communication was received from the Commissioner of Social Services requesting contract for the provision of supervised visitation services. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 126 – A communication was received from the Sheriff requesting authorization to pay for licenses for jail physician and increase service fee. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

Pursuant to Rule 6, Chairman Bono then proceeded with Reports of Standing Committees. There were no reports.

On motion of Mr. Ackerman, seconded by Mr. Stephens, Resolution No. 68 – Resolution No. 71 were handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

**Consent Agenda:**

- 68 ADMIN./VETS. AFFAIRS: Adopting Annual Report of County Clerk
- 69 WAYS & MEANS: Adopting Annual Report of Purchasing Agent
- 70 WAYS & MEANS: Adopting Policies and Procedures for Purchase of Goods and Svcs.
- 71 PUB. SFTY./EMER. MGMT.: Setting date for Public Hearing on Introductory Local Law B for 2023



**HERKIMER COUNTY LEGISLATURE**

No. 68

**REPORT AND RESOLUTION ADOPTING ANNUAL REPORT OF COUNTY CLERK**

**Sponsored by: Committee on Administration/Veterans' Affairs**

WHEREAS, your Committee on Administration/Veterans' Affairs, to which was referred the Annual Report of Sylvia M. Rowan, County Clerk, pertaining to monies received by her office for the period ending December 31, 2022 respectfully reports and offers the following Resolution:

RESOLVED, that the Annual Report of the Herkimer County Clerk for the year 2022 be adopted and placed on file with the Herkimer County Legislature for the year 2022.

Dated: March 15, 2023.



**HERKIMER COUNTY LEGISLATURE**

No. 69

**REPORT AND RESOLUTION ADOPTING ANNUAL REPORT OF PURCHASING AGENT FOR THE YEAR 2022**

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

WHEREAS, your Committee on Ways and Means, to which was referred the communication from the Budget Officer and Purchasing Agent, submitting the report of the Purchasing Department for the months of January through December, 2022, respectfully reports that we have examined said report, recommend its adoption and offer the following Resolution:

RESOLVED, that the Annual Report of the Purchasing Agent for the year 2022 be adopted and filed with the Herkimer County Legislature.

Dated: March 15, 2023.



**HERKIMER COUNTY LEGISLATURE**

No. 70

**REPORT AND RESOLUTION ADOPTING POLICIES AND PROCEDURES FOR PURCHASE OF GOODS AND SERVICES**

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

WHEREAS, by letter dated February 6, 2023, from Sheri Ferdula, Budget Officer/ Purchasing Agent, this Legislature is advised of a request to adopt the Herkimer County Purchasing Policy for 2023; now, therefore, be it

RESOLVED, that the attached Policies and Procedures for Purchase of Goods and Services be, and hereby are, adopted as the official policies of the County of Herkimer; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to each department head in the County.

Dated: March 15, 2023.



**HERKIMER COUNTY LEGISLATURE**

No. 71

**RESOLUTION SETTING DATE FOR PUBLIC HEARING ON INTRODUCTORY LOCAL LAW B FOR 2023**

**Sponsored by: Committee on Public Safety & Emergency Management**

WHEREAS, we the Committee on Public Safety & Emergency Management of the Herkimer County Legislature are causing to be prepared and will present Introductory Local Law B for the year 2023 entitled: “A LOCAL LAW ESTABLISHING AN ANIMAL ABUSER REGISTRY”; now, therefore, be it

RESOLVED, that a Public Hearing will be held before the Herkimer County Legislature on the adoption of said proposed local law, to be conducted by the Committee on Public Safety & Emergency Management on the 5th day of April, 2023 at 1:25 p.m., in the Legislature Chambers of the County Office Building, Herkimer, New York; and, be it further

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

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

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

Dated: March 15, 2023.

The Chairman continued with the Regular Agenda.

On motion of Mr. Campione, seconded by Mr. Ackerman, Report and Resolution No. 72 sponsored by the Committee on Ways & Means creating accounts, amending 2022 budget, and transferring funds was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



## HERKIMER COUNTY LEGISLATURE

No. 72

### REPORT AND RESOLUTION CREATING ACCOUNTS, AMENDING 2022 BUDGET, AND TRANSFERRING FUNDS

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

WHEREAS, by letter dated February 21, 2023 from Sheri A. Ferdula, Budget Officer, your Committee is advised that transfers of funds and budget amendments are necessary in the 2022 budget in connection with the American Rescue Plan Act funding; now, therefore, be it

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

\$395,133.81	From: A1989A.46000, ARPA, Miscellaneous Expense To: A9060A.45000, Health Insurance-ARPA, Fees for Serv.
\$1,927.47	From: A1989A.46000, ARPA, Miscellaneous Expense To: A1430A.10000-001, Personnel-ARPA, Salaries
\$1,544.68	From: A1989A.46000, ARPA, Miscellaneous Expense To: D5010A.10000-001, Highway-ARPA, Salaries
\$1,797.19	From: A1989A.46000, ARPA, Miscellaneous Expense To: A1340B.10000-001, Budget-ARPA, Salaries
\$2,859.06	From: A1989A.46000, ARPA, Miscellaneous Expense To: A1620C.10000-001, Buildings-ARPA, Salaries
\$2,509.92	From: A1989A.46000, ARPA, Miscellaneous Expense To: A1420A.10000-001, County Attorney, ARPA, Salaries
\$5,254.53	From: A1989A.46000, ARPA, Miscellaneous Expense To: A6010C.10000-001, DSS-ARPA, Salaries
\$1,617.91	From: A1989A.46000, ARPA, Miscellaneous Expense To: DM5130A.10000-001, Road Maintenance, ARPA, Salaries
\$1,423.92	From: A1989A.46000, ARPA, Miscellaneous Expense To: A1010A.10000-001, Legislature-ARPA, Salaries

and, be it further

RESOLVED, that the Treasurer is authorized 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 Herkimer County Treasurer, Auditor, and Budget Officer.

Dated: March 15, 2023.

On motion of Mr. Hollum, seconded by Mr. Gaworecki, Report and Resolution No. 73 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing contract for Public Health for treatment of Herkimer County residents was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.





## HERKIMER COUNTY LEGISLATURE

No. 73

### REPORT AND RESOLUTION AUTHORIZING CONTRACT FOR PUBLIC HEALTH FOR TREATMENT OF HERKIMER COUNTY RESIDENTS

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

WHEREAS, by Resolution No. 126 of 2017, a contract was entered into with Planned Parenthood for mandated STI clinical services for Herkimer County residents; and

WHEREAS, by letter dated February 21, 2023 from Christina Cain, Director of Public Health, this Legislature is advised of a request to renew the contract with Planned Parenthood for one year 1/1/23 – 12/31/23, with pricing as follows:

- \$175 basic diagnosis
- \$75 follow-up and treatment
- \$25 per test for HIV testing

now, therefore, be it

RESOLVED, that a contract be entered into with Planned Parenthood, to provide the aforesaid mandated services for Herkimer County residents, with the terms and conditions of said contract to be 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 an annual renewal of said contract 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 Public Health, and Planned Parenthood.

Dated: March 15, 2023.

On motion of Mr. Donley, seconded by Mr. Shaw, Report and Resolution No. 74 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing contracts in connection with System of Care Grant in Public Health was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



## HERKIMER COUNTY LEGISLATURE

No. 74

### REPORT AND RESOLUTION AUTHORIZING CONTRACTS IN CONNECTION WITH SYSTEM OF CARE GRANT IN PUBLIC HEALTH

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

WHEREAS, Public Health received a System of Care Grant which runs from September 30, 2019 through September 29, 2023 and it is necessary to enter into agreements in order to fulfill the requirements and goals of the grant; and

WHEREAS, by letter dated February 14, 2023 from Christina Cain, Director of Public Health, she has requested to enter into the following contracts:

1. **ICAN** – Steve Bulger, 310 Main St., Utica, NY 13501
  - \$68,680 for the following positions and services: 4 slots in the Nurturing Parenting Program, Nurturing Parenting Program conference and accommodations, flex funds, training funds, transportation costs, youth and family programming supplies, presentation for elementary school students (A Day to be Brave), mental health counselor, attendance for 4 at the required SAMHSA training in Washington D.C.
2. **Catholic Charities of Herkimer County** - Maureen Petrie, 61 West St., Ilion, NY 13357
  - \$3,489 for the purchase of youth supplies for the annual Youth Summit
3. **The Paige Group** - Carrie McMurray, 258 Genesee St., Utica, NY 13502
  - \$33,400 for the final social marketing campaign materials (required by the grant)
4. **The Root Farm** – Rodger Pape, 2860 King Rd., Sauquoit, NY 13456
  - \$7,000 for recreational and therapeutic summer experiences/day camp
5. **Community Behavioral Health Services** – 1427 Genesee St., Utica, NY 13501
  - \$19,000 for the purchase of play therapy supplies and a telehealth pod for the local facility, as well as salaries for staff in our schools
6. **Nicole Blanchard, DrPH, MPH** – OneNeighborhood LLC, 591 Gardner Town Rd., Mount Vision, NY 13810
  - \$30,000 for the analysis of the Youth Risk Behavior Survey which was done in January 2023, with youth from participating schools in grades 9-12, a written report on the county-wide analysis, and individual reports for participating districts

now, therefore, be it

RESOLVED, that the above contracts are approved contingent upon County Attorney approval, and that the Chairman is authorized to execute said contracts; 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, Commissioner of Social Services, Director of the Youth Bureau, and the above listed agencies.

Dated: March 15, 2023.



On motion of Mr. Weakley, seconded by Mr. Donley, Report and Resolution No. 76 sponsored by the Committee on Human Resources and the Committee on Ways & Means accepting grant, amending budget, and creating account in the Public Health Department was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



## HERKIMER COUNTY LEGISLATURE

No. 76

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

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

WHEREAS, by letter dated February 22, 2023, Christina Cain, Director of Public Health, she has requested that this Legislature accept funding with the term of 1/1/23-12/31/23 to develop a Doula program in Herkimer County with the funding for year one at \$30,880, said funding will be distributed through Cayuga Community Health Network and will cover salaries, fringe and operational costs; and

WHEREAS, by letter dated February 21, 2023, from Sheri A. Ferdula, Budget Officer/ Purchasing Agent, this Legislature is advised that it is necessary to amend the Herkimer County Budget for 2023 and create accounts in connection with the receipt of said funding; now, therefore, be it

RESOLVED, that the above described grant is hereby accepted and that the 2023 budget be amended as follows:

Revenue Account:

A4035.1689D, Doula Program	\$30,880.00
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Expense Account:

A4035.10000-001, Doula, Salaries,	\$16,026.00
A4035.41000, Doula, Supplies	\$ 2,000.00
A4035.44000, Doula, Contracted Services	\$ 1,848.00
A4035.45000, Doula, Fees for Services	\$ 500.00
A4035.46100, Doula, Mileage and Travel	\$ 250.00
A4035.86000, Doula, Health Insurance	\$10,256.00

and, be it further

RESOLVED, that the Chairman of the Legislature is authorized to sign a Memorandum of Understanding with Cayuga Community Health Network; and

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

Dated: March 15, 2023.

On motion of Mr. Malta, seconded by Mr. Keeler, Report and Resolution No. 77 sponsored by the Committee on Human Resources and the Committee on Ways & Means accepting additional funding and amending budget for Healthy Families Program was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



## HERKIMER COUNTY LEGISLATURE

No. 77

### REPORT AND RESOLUTION ACCEPTING ADDITIONAL GRANT FUNDING AND AMENDING BUDGET FOR HEALTHY FAMILIES PROGRAM

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

WHEREAS, Resolution No. 167, adopted on June 8, 2022 accepted a 2022-2023 Healthy Families Grant for Herkimer County in the amount of \$417,998; and

WHEREAS, by letter dated February 21, 2023, Christina Cain, Director of Public Health, has advised of additional funding for said grant and requests the Chairman of the Legislature to sign by electronic signature; and

WHEREAS, by letter dated February 21, 2023, from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that it will be necessary to amend the 2023 Herkimer County Budget in connection with the receipt of additional funding in the amount of \$368,546; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to complete by electronic signature a contract with the New York State Department of Health to receive the additional funding for the 2022-23 Healthy Families Grant for Herkimer County in the amount of \$368,546 for the period September 1, 2022 to August 31, 2023; and, be it further

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

Revenue Account:

A4189H-3401-PH13-16

From: \$417,998

To: \$786,544

Expense Account:

A4189H.10000-001, Healthy Families, Salaries, Proj: 13-16	From:	\$0
	To:	\$44,878
A4189H-44000-PH13-16	From:	\$417,998
	To:	\$741,666

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: March 15, 2023.

On motion of Mr. Stephens, seconded by Mr. Donley, Report and Resolution No. 78 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means authorizing renewal of licenses and increasing service fee for Jail Physician was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



## HERKIMER COUNTY LEGISLATURE

No. 78

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

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

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

WHEREAS, by Resolution No. 142 adopted May 15, 2013, a contract was entered into with Dr. Russell Zelman of Little Falls, New York, to perform services as jail physician for the Herkimer County Correctional Facility, amended by Resolution No. 270 of 2013, Resolution No. 82 of 2016, and Resolution No. 225 of 2016; and

WHEREAS, by letter dated February 6, 2023 from Scott F. Scherer, Sheriff, this Legislature is advised that Dr. Zelman has requested the County to pay for his license renewals for his Medical Practice License at a cost of \$600.00 for two years, and his DEA Controlled

Substance License at a cost of \$731.00, and to increase his fee for such jail physician services to \$2,200.00 per month; now, therefore, be it

RESOLVED, that this Legislature approves to increase Dr. Russell Zelman's monthly rate to \$2,200.00 per month, and to pay for his license renewals for his Medical Practice License at a cost of \$600.00 for two years, and his DEA Controlled Substance License at a cost of \$731.00; and, be it further

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

Dated: March 15, 2023.

On motion of Mr. Campione, seconded by Mr. Ackerman, Report and Resolution No. 79 sponsored by the Committee on Natural Resources appointing Weights & Measures Director was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



## HERKIMER COUNTY LEGISLATURE

No. 79

### REPORT AND RESOLUTION APPOINTING WEIGHTS AND MEASURES DIRECTOR

#### Sponsored by: Committee on Natural Resources

WHEREAS, by Resolution No. 314 of 2020 this Legislature made a provisional appointment of a Weights & Measures Director effective January 1, 2021; and

WHEREAS, by letter dated February 21, 2023, Steven R. Billings, Personnel Officer, has advised that Michael Talaba of Little Falls, NY has taken the Civil Service Test and is eligible for permanent appointment of Director of Weights and Measures; now, therefore, be it

RESOLVED, that Michael Talaba of Little Falls, NY, is hereby appointed as Director of Weights and Measures for Herkimer County according to NYS Civil Service Law; and, be it further

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

Dated: March 15, 2023.

On motion of Mr. Shaw, seconded by Mr. Keeler, Report and Resolution No. 80 sponsored by the Committee on Human Resources and the Committee on Ways & Means approving a contract for services under Title IIID in the Herkimer County Office for the Aging was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



## **HERKIMER COUNTY LEGISLATURE**

No. 80

### **REPORT AND RESOLUTION APPROVING A CONTRACT FOR SERVICES UNDER TITLE IIID IN THE HERKIMER COUNTY OFFICE FOR THE AGING**

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

WHEREAS, by letter dated February 23, 2023, Kathy L. Fox, Director of the Office for the Aging, requests a contract be entered into with Dorothy Peters to provide Tai Chi exercise classes at a cost of \$75.00 per class under the Title IIID Program of the Herkimer County Office for the Aging, which provides Evidence Based Health Promotion activities for individuals 60 and over; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a contract for the period commencing March 15, 2023 to December 31, 2024 with Dorothy Peters, to provide services to the Herkimer County Office for the Aging for the provision of Tai Chi exercise classes for individuals 60 and over at a cost of \$75.00 per class, up to an amount of \$4,800; with funding to be provided from the Title IIID Evidence Based Health Program and a 10% local match; and, be it further

RESOLVED, that annual renewals of this contract are approved under 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 the Office for the Aging, and Dorothy Peters.

Dated: March 15, 2023.

On motion of Mr. Weakley, seconded by Mr. Malta, Report and Resolution No. 81 sponsored by the Committee on Human Resources and the Committee on Ways & Means awarding contract for Meals on Wheels and Congregate Meals Programs was handed up; voted on and adopted by voice vote:



For: Ayes (17).

Against: None.

Absent: None.



## HERKIMER COUNTY LEGISLATURE

No. 81

### REPORT AND RESOLUTION AWARDING CONTRACT FOR MEALS ON WHEELS AND CONGREGATE MEALS PROGRAMS

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

WHEREAS, this Legislature is informed by communication dated February 24, 2023 from Lorraine Lewandrowski, County Attorney, that the Herkimer County Office for the Aging, through federal grants received and local sharing, has funds for the Meals on Wheels Program and reports that the lowest bid price, including the cost of transportation and delivery, has been calculated by and provided by the Office for the Aging; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby authorizes a catering contract for the Meals on Wheels Program for the period of April 1, 2023 to December 31, 2023 to Trinity Services Group, Inc., 477 Commerce Blvd., Oldsmar, FL 34677, at a price of \$4.79 for individual meals and \$4.79 for bulk meals, the contract will have an option for two one-year contract renewals with a cost-of-living adjustment each year and the contract would contain a 60-day termination of contract provision:

<b>Area:</b>	<b>Number of meals:</b>
<i>Herkimer, Frankfort, Schuyler, Mohawk</i>	Up to 275 meals/day
<i>Newport, Middleville, Poland</i>	Up to 40 meals/day
<i>Little Falls &amp; Dolgeville</i>	Up to 125 meals/day

and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature is hereby authorized to execute said contract on behalf of the County of Herkimer, and with 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, Director of the Office for the Aging, and the above listed agency.

Dated: March 15, 2023.

On motion of Mr. Gaworecki, seconded by Mr. Manno, Report and Resolution No. 82 sponsored by the Committee on Natural Resources designating member to the Herkimer County Sewer Board was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: None.

Abstain: Stephens (1).



## HERKIMER COUNTY LEGISLATURE

No. 82

### REPORT AND RESOLUTION DESIGNATING MEMBER TO THE 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 1986, determined that the administrative body of the Herkimer County Sewer District should thereafter be a five member board, and appointed the Chief Executive, or their designees, of the Villages of Ilion, Frankfort and Mohawk and the Towns of Frankfort and German Flatts, as members of the said Board; and

WHEREAS, by letter dated February 22, 2023, this Legislature is advised by the Village of Ilion that the Village Board has appointed Adam P. Fowler to serve on the Herkimer County Sewer District Board of Directors; now, therefore, be it

RESOLVED, that Adam P. Fowler of Ilion, New York, is hereby appointed to the Herkimer County Sewer District Board, representing the Village of Ilion, for a five year term on said Board through February 28, 2028; 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, Village of Ilion, and Adam P. Fowler.

Dated: March 15, 2023.

On motion of Mr. Keeler, seconded by Mr. Russell, Report and Resolution No. 83 sponsored by the Committee on Ways & Means amending 2023 budget was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



# HERKIMER COUNTY LEGISLATURE

No. 83

## REPORT AND RESOLUTION AMENDING 2023 BUDGET

### Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated February 23, 2023 from Sheri A. Ferdula, Budget Officer, your committee is advised that a budget amendment is necessary in the 2023 budget to adjust for payments for the Community Development Block Grants (CDBG); now, therefore, be it

RESOLVED, that the 2023 Herkimer County Budget is amended as follows:

<b>Revenue Account:</b>	A6420.4789C, IDA, Federal Aid, CDGB	From:	\$0
		To:	\$3,800
<b>Expense Account:</b>	A6420.40100, IDA, Other	From:	\$0
		To:	\$3,800

and, be it further

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

Dated: March 15, 2023.

On motion of Mr. Schrader, seconded by Mr. Shaw, Report and Resolution No. 84 sponsored by the Committee on Information Services and the Committee on Ways & Means appropriating funds in Information Services was handed up; voted on and adopted by roll call vote:

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

Against: None. Absent: None.



# HERKIMER COUNTY LEGISLATURE

No. 84

## REPORT AND RESOLUTION APPROPRIATING FUNDS IN INFORMATION SERVICES

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

WHEREAS, Resolution No. 302 of 2022 authorized the purchase of hardware and software for the phone system; and

WHEREAS, by letter dated February 24, 2023, from Sheri Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that updated pricing has been obtained in the amount of \$150,728 and funds will need to be appropriated as the original transfer remains in 2022; 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:

\$150,728      From: A909, General Fund  
                    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: March 15, 2023.

On motion of Mr. Russell, seconded by Mr. Campione, Report and Resolution No. 85 sponsored by the Committee on Ways & Means amending Salary Schedule No. II in the Personnel Office and authorizing agreement with Herkimer County Community College was handed up; discussion was held; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Keeler, Brezinski, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (16).

Against: Stephens (1).      Absent: None.



**HERKIMER COUNTY LEGISLATURE**

No. 85

**REPORT AND RESOLUTION AMENDING SALARY SCHEDULE NO. II IN THE  
PERSONNEL OFFICE AND AUTHORIZING AGREEMENT WITH HERKIMER  
COUNTY COMMUNITY COLLEGE**

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

WHEREAS, by letter dated February 21, 2023 from Steve Billings, Personnel Officer, this Legislature has been notified of a request to amend Salary Schedule II by making the base pay for the Personnel Assistant \$55,904 in account A1430, effective March 20, 2023; and

WHEREAS, said letter further requests authorization for the Chairman to enter into an agreement with Herkimer County Community College for the Personnel Office to assist the college in the area of records management and the college will reimburse the County \$6,500 for salary and fringe benefits; and

WHEREAS, your Committee has taken this matter under advisement and recommends said change; now, therefore, be it

RESOLVED, that the 2023 Salary Schedule II is hereby amended in A1430 to make the base pay for Personnel Assistant \$55,904; and, be it further

RESOLVED, that the Chairman of the Legislature is authorized to enter into an agreement with Herkimer County Community College for the Personnel Office to assist the college in the area of records management, with the College reimbursing the County \$6,500 for salary and fringe benefits; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer, President of Herkimer County Community College, Vice President for Administration and Finance of Herkimer County Community College.

Dated: March 15, 2023.

On motion of Mr. Schrader, seconded by Mr. Stephens, Report and Resolution No. 86 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means accepting grant funding, creating project, amending budget and authoring e-signature was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



**HERKIMER COUNTY LEGISLATURE**

No. 86

**REPORT AND RESOLUTION ACCEPTING GRANT FUNDING, CREATING PROJECT, AMENDING BUDGET AND AUTHORIZING E SIGNATURE**

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

WHEREAS, by letter dated February 14, 2023, from Garry E. Murphy, Director of Probation, this Legislature is advised of the request for acceptance of a grant from the State Division of Criminal Justice Services, in the amount of \$21,700.00 for Raise the Age Legislation concerning appropriate cases, for the period from April 1, 2022 through March 31, 2023; and

WHEREAS, by letter dated February 23, 2023 from Sheri A. Ferdula, Budget Officer/ Purchasing Agent, this Legislature is advised that a project will need to be created and that the 2023 budget be amended; now, therefore, be it

RESOLVED, that the above-described grant is hereby accepted and that the 2023 budget be amended as follows:

**REVENUE:**

A3140A.3389P, Raise the Age, State Aid, Proj.: PR03-2	\$21,700
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**EXPENSES:**

A3140A.10000-001, Raise the Age, Salaries, PR03-2	\$5,000
A3140A.10000-002, Raise the Age, Overtime, PR03-2	\$10,000
A3140A.44000-404, Raise the Age, Electronic Monitoring, PR03-2	\$5,000
A3140A.46100, Raise the Age, Mileage, PR03-2	\$1,700

and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute by e-signature a contract with the New York State Division of Criminal Justices to receive a Raise the Age Grant in the amount of \$21,700.00 for the period from April 1, 2022 through March 31, 2023, with 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, Director of Probation, and the State Division of Criminal Justice Services.

Dated: March 15, 2023.

On motion of Mr. Stephens, seconded by Mr. Shaw, Report and Resolution No. 87 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means approving the utilization of grant funding for the purchase of an extended service plan for Zetron Computer Automated Dispatch System and Software was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



## HERKIMER COUNTY LEGISLATURE

No. 87

### **REPORT AND RESOLUTION APPROVING THE UTILIZATION OF GRANT FUNDING FOR THE PURCHASE OF AN EXTENDED SERVICE PLAN FOR ZETRON COMPUTER AUTOMATED DISPATCH SYSTEM AND SOFTWARE**

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

WHEREAS, by letter received February 24, 2023, from John J. Raymond, Director of Emergency Services, this Legislature is advised of a request to purchase an extended service plan for Zetron Computer Automated Dispatch (CAD) system and software by utilizing SHSP-22 grant funding; and

WHEREAS, it is the recommendation of the Director of Emergency Services that the purchase be made through JPJ Electronics at a cost of \$21,784.50; now, therefore, be it

RESOLVED, that this Legislature approves the request to purchase an extended service plan for Zetron Computer Automated Dispatch (CAD) system and software through JPJ Electronics at a cost of \$21,784.50, by utilizing SHSP-22 grant funding; and, be it further

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

Dated: March 15, 2023.

On motion of Mr. Donley, seconded by Mr. Swartz, Report and Resolution No. 88 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means approving the installation of fiber optics between the existing Dairy Hill Tower and new Honey Hill Tower was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



## HERKIMER COUNTY LEGISLATURE

No. 88

### **REPORT AND RESOLUTION APPROVING THE INSTALLATION OF FIBER OPTICS BETWEEN THE EXISTING DAIRY HILL TOWER AND NEW HONEY HILL TOWER**

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

WHEREAS, by letter dated February 21, 2023, John Raymond, Director of Emergency Services has requested to expend funds from the Statewide Interoperable Communications Grant (SICG-21) to purchase and install fiber optic between the existing Dairy Hill tower and the new Honey Hill tower in the Town of Newport; and

WHEREAS, this letter further advises that the installation cost is \$5,100.00 (one-time cost) and the yearly fiber connectivity charge would be \$4,800.00 through NTCNet; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby approves the purchase and installation of fiber optic between the existing Dairy Hill tower and the new Honey Hill tower in the Town of Newport, through NTCNet, with the installation cost at \$5,100.00, and the yearly fiber connectivity charge at \$4,800.00; and, be it further

RESOLVED, that the yearly fiber connectivity charge is approved after the expiration of the initial year, 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 Emergency Services, and NTC Net.

Dated: March 15, 2023.

On motion of Mr. Weakley, seconded by Mr. Keeler, Report and Resolution No. 89 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means approving the purchase and installation of a tower site alarm and monitoring system was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



**HERKIMER COUNTY LEGISLATURE**

No. 89

**REPORT AND RESOLUTION APPROVING THE PURCHASE AND INSTALLATION  
OF A TOWER SITE ALARM AND MONITORING SYSTEM**

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

WHEREAS, by letter dated February 21, 2023, John Raymond, Director of Emergency Services has requested to expend funds from the Statewide Interoperable Communications Grant (SICG-19) to purchase and install a tower site and alarm monitoring system; and



WHEREAS, this letter further advises that the purchase and installation cost is \$23,994.00 through JPJ Electronics; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby approves the purchase and installation of a tower site and alarm monitoring system through JPJ Electronics, at a cost of \$23,994.00; and, be it further

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

Dated: March 15, 2023.

On motion of Mr. Donley, seconded by Mr. Ackerman, Report and Resolution No. 90 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means authorizing renewal of lease for office space for Indigent Legal Services was handed up; discussion was held; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



## HERKIMER COUNTY LEGISLATURE

No. 90

### **REPORT AND RESOLUTION AUTHORIZING RENEWAL OF LEASE FOR OFFICE SPACE FOR INDIGENT LEGAL SERVICES**

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

WHEREAS, by Resolution No. 74 of 2022, lease space for Indigent Legal services at 401 East German Street, Herkimer, New York 13350 was authorized; and

WHEREAS, by Resolution No. 97 of 2022, said Resolution was amended to provide for monthly lease cost not to exceed \$1,200 per month plus utilities; and

WHEREAS, by letter dated February 23, 2023, from Lorraine H. Lewandrowski, Herkimer County Attorney, request is being made for exercise of a one year option to renew at a monthly lease payment of \$1,250 plus utilities; now, therefore, be it

RESOLVED, that the Chairman of the Herkimer County Legislature is authorized to provide notice of exercise of a one year renewal option at monthly rent of \$1,250 plus utilities, to landlord of premises at 401 East German Street, Herkimer, New York 13350, and to execute any lease documentation necessary for said renewal; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the New York State Office of Indigent Legal Services, Herkimer County Treasurer, Auditor, Budget Officer, County Attorney, Keith D. Bowers, dba Enhanced Representation, Inc., and Executive Assistant for Indigent Legal Services.

Dated: March 15, 2023.

On motion of Mr. Schrader, seconded by Mr. Shaw, Report and Resolution No. 91 sponsored by the Committee on County Properties and the Committee on Ways & Means amending contract for auction services for In Rem sale was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



## HERKIMER COUNTY LEGISLATURE

No. 91

### REPORT AND RESOLUTION AMENDING CONTRACT FOR AUCTION SERVICES FOR IN REM SALE

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

WHEREAS, Resolution No. 315 of 2022 authorized a contract with Auctions International to conduct auctions for the In Rem Tax Foreclosures, beginning with the 2020 In Rem year; and

WHEREAS, by letter dated February 24, 2023, Kimberlee A. Enea, County Treasurer, has requested an amendment to Resolution No. 315 of 2022 for a change from the four-year contract to a one-year contract with up to four additional one-year extensions, effective immediately; now, therefore, be it

RESOLVED, that Resolution No. 315 of 2022 is hereby amended to remove the four-year contract and replace with a one-year contract with up to four additional one-year extensions; and, be it further

RESOLVED, that in all other respects, Resolution No. 315 of 2022 shall remain in full force and effect; and, be it further

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

Dated: March 15, 2023.

On motion of Mr. Gaworecki, seconded by Mr. Donley, Report and Resolution No. 92 sponsored by the Committee on Natural Resources and the Committee on Ways & Means approving Sewer District Resolution to open a bank account for capital funds was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



## HERKIMER COUNTY LEGISLATURE

No. 92

### REPORT AND RESOLUTION APPROVING SEWER DISTRICT RESOLUTION TO OPEN A BANK ACCOUNT FOR CAPITAL FUNDS

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

WHEREAS, by letter dated February 22, 2023, Robin Nalaskowski, Secretary to the Herkimer County Sewer District Board, has advised that by action on February 15, 2023, the Herkimer County Sewer District Board adopted a resolution to open a bank account for capital funds belonging to the District; now, therefore, be it

RESOLVED, that the Herkimer County Treasurer is authorized to open a new bank account for capital funds for the Herkimer County Sewer District; and, be it further

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

Dated: March 15, 2023.

On motion of Mr. Gaworecki, seconded by Mr. Ackerman, Report and Resolution No. 93 sponsored by the Committee on Natural Resources and the Committee on Ways & Means approving Sewer District Resolution awarding contract for repair work was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



## HERKIMER COUNTY LEGISLATURE

No. 93

### REPORT AND RESOLUTION APPROVING SEWER DISTRICT RESOLUTION AWARDING CONTRACT FOR REPAIR WORK

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

WHEREAS, by letter dated February 22, 2023, this Legislature is advised that by action on February 15, 2023, the Herkimer County Sewer District Board adopted a resolution awarding a contract for repair work for the District's Walker Process Grit Collector; and

WHEREAS, said Resolution further advises that the contract be awarded to Koester Associates Inc., for a total price of \$172,672; now, therefore, be it

RESOLVED, that the above-described resolution is hereby approved and that the contract be awarded to Koester Associates at a cost of \$172,672 for repair work for the District's Walker Process Grit Collector; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Chief Plant Operator of the Herkimer County Sewer District, and Koester Associates, Inc.

Dated: March 15, 2023.

On motion of Mr. Malta, seconded by Mr. Gaworecki, Report and Resolution No. 94 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing contract with U.S. Care Systems Inc. for provision of personal care services to Medicaid clients was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



**HERKIMER COUNTY LEGISLATURE**

No. 94

**REPORT AND RESOLUTION AUTHORIZING CONTRACT WITH U.S. CARE SYSTEMS INC. FOR PROVISION OF PERSONAL CARE SERVICES TO MEDICAID CLIENTS**

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

WHEREAS, by letter dated February 23, 2023, Timothy Seymour, Commissioner of Social Services, has requested authorization to contract with U.S. Care Systems Inc., 2614 Genesee Street, Utica, NY 13502, for personal care services to Medicaid clients;

WHEREAS, said letter further advises the term of the agreement shall be April 1, 2023 through December 31, 2023; now, therefore, be it

RESOLVED, that the Chairman of the Legislature is hereby authorized to execute an agreement with U.S. Care Systems Inc., for the provision of personal care services to Medicaid clients of the Herkimer County Department of Social Services; and, be it further

RESOLVED, that this agreement will be automatically renewed at the end of the year and each subsequent year unless terminated, with either party providing at least thirty (30) days advance written notice, and with the terms and conditions of said agreement to be subject to the approval of the Herkimer County Attorney; and, be it further

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

Dated: March 15, 2023.

On motion of Mr. Shaw, seconded by Mr. Stephens, Report and Resolution No. 95 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing contract with Catholic Charities for the provision of supervised visitations/parent education services in the Department of Social Services was handed up; discussion was held; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



## HERKIMER COUNTY LEGISLATURE

No. 95

### **REPORT AND RESOLUTION AUTHORIZING CONTRACT WITH CATHOLIC CHARITIES FOR THE PROVISION OF SUPERVISED VISITATIONS/PARENT EDUCATION SERVICES IN DEPARTMENT OF SOCIAL SERVICES**

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

WHEREAS, by letter dated February 23, 2023, Timothy Seymour, Commissioner of Social Services has requested an agreement with Catholic Charities of Herkimer County for the provision of Supervised Visitations/Parent Education Services, with the period of performance and financial terms as follows: not to exceed \$74,637.00 for the period of January 1, 2023 through December 31, 2023, the unit cost per visit shall be \$150 and each visit shall include an evidence-based Nurturing Parent curriculum; and

WHEREAS, this service will provide weekly or biweekly visits for at least forty (40) families annually at intervals determined by Social Services or the court; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an agreement with Catholic Charities of Herkimer County, for the provision of Supervised Visitations/Parent Education Services with the period of performance and financial terms as follows: not to exceed \$74,637.00 for the period of January 1, 2023 through December 31, 2023, the unit cost per visit shall be \$150 and each visit shall include an evidence-based Nurturing Parent curriculum; and, be it further

RESOLVED, that the Chairman of this Legislature is further authorized to enter into an annual renewal of said contract 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, Commissioner of Social Services, and Catholic Charities.

Dated: March 15, 2023.

On motion of Mr. Hollum, seconded by Mr. Russell, Report and Resolution No. 96 sponsored by the Committee on Ways & Means authorizing and approving settlement agreement with Walgreens, CVS, and Walmart in connection with nationwide opioid settlements was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



## HERKIMER COUNTY LEGISLATURE

No. 96

### **REPORT AND RESOLUTION AUTHORIZING AND APPROVING SETTLEMENT AGREEMENT WITH WALGREENS, CVS AND WALMART IN CONNECTION WITH NATIONWIDE OPIOID SETTLEMENTS**

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

WHEREAS, there are pending three (3) nation-wide settlement agreements entered into by national retail chain pharmacies: Walgreens, CVS, and Walmart, with eligible counties and cities in New York State; and

WHEREAS, Simmons Hanley Conroy, attorneys for Herkimer County for opioid litigation, have recommended that Herkimer County participate in each of these settlements in a Memorandum dated February 24, 2023, with attached estimates of settlement payments anticipated for 2022 through 2038, inclusive; and

WHEREAS, the proceeds of all three (3) settlements must be used for approved opioid abatement and remediation purposes, with annual reporting to be provided by participants; and

WHEREAS, Herkimer County participation in the national opioid settlements will maximize the value of the settlement for all New York pending cases; and

WHEREAS, it is in the best interest of the County of Herkimer to resolve these matters with CVS, Walgreens and Walmart without protected litigation; and

WHEREAS, the National Opioids Implementation Administrator has sent settlement documents via email through the DocuSign NA2 System platform to Herkimer County; now, therefore, be it

RESOLVED, that Herkimer County “Opt in” to each of the national opioid settlements with CVS, Walgreens and Walmart; and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature be authorized to execute settlement documents provided by the National Opioids Implementation Administration by E-signature through DocuSign, and otherwise execute any opioid settlement documents for settlements with CVS, Walgreens and Walmart; and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature be authorized to E-sign through DocuSign, and otherwise execute any agreements necessary for Herkimer County to become a party to the New York Opioid Settlement Sharing Agreement for each of the above settlements, and be it further

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

Dated: March 15, 2023.

On motion of Mr. Campione, seconded by Mr. Malta, Report and Resolution No. 97 sponsored by the Committee on Ways & Means authorizing payments for requests from American Rescue Plan funding was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: None.

Abstain: Stephens (1).



## HERKIMER COUNTY LEGISLATURE

No. 97

### REPORT AND RESOLUTION AUTHORIZING PAYMENTS FOR REQUESTS FROM AMERICAN RESCUE PLAN FUNDING

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

WHEREAS, Resolution No. 16 of 2023 authorized \$50,000 of the County’s American Rescue Plan funding to each Legislator to distribute within their districts as they see fit; and

WHEREAS, by letter dated February 23, 2023 from Sheri A. Ferdula, Budget Officer/ Purchasing Agent, has advised that communications have been received requesting funding and have been approved for payment by the Legislator receiving the request for payment as follows:

Village of Dolgeville	\$50,000	Legislator Swartz
Village of Ilion	\$50,000	Legislator Stephens
E. Herkimer Vol FD	\$6,000	Legislator Gaworecki
Town of Fairfield	\$10,000	Legislator Shaw
Town of Salisbury	\$10,000	Legislator Shaw
Town of German Flatts	\$15,000	Legislator Johnson
Mount Markham Elementary	\$319.95	Legislator Donley
Town of Herkimer	\$15,000	Legislator Gaworecki
Herkimer Reformed Church	\$1,000	Legislator Malta
Town of Danube	\$20,000	Legislator Campione
Town of Little Falls	\$20,000	Legislator Campione
City of Little Falls	\$4,000	Legislator Ackerman
City of Little Falls	\$4,000	Legislator Campione

now, therefore, be it

RESOLVED, that authorization is given for payment to the above recipients in the amounts listed; and, be it further

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

Dated: March 15, 2023.

On motion of Mr. Hollum, seconded by Mr. Russell, Resolution No. 98 sponsored by the Committee on Administration/Veterans' Affairs calling on Governor Hochul to remove Part M of Article VII Revenue Bills from the 2024 Executive Budget was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



## HERKIMER COUNTY LEGISLATURE

No. 98

### RESOLUTION CALLING ON GOVERNOR HOCHUL TO REMOVE PART M OF ARTICLE VII REVENUE BILLS FROM THE 2024 EXECUTIVE BUDGET

**Sponsored by: Committee on Administration/Veterans' Affairs**

WHEREAS, The Governor announced the NYS 2024 Executive Budget on February 1, 2023, which includes Article VII Revenue Bills; and



WHEREAS, Article VII Revenue Bills includes Part M, adding a new section 989 of the Real Property Tax Law (RPTL) titled “Distribution of surplus in tax enforcement proceedings”, and

WHEREAS, this budget legislation proposes that when a tax delinquent property is foreclosed upon by the county and sold, any money the county received that exceeds the liability amount will be returned to the property owner, minus applicable administrative costs to the local government; and

WHEREAS, this proposed budget legislation should be removed from the Governor’s FY 2024 Budget because (1) it is unconstitutional since Article VIII, Section 1 of the NYS Constitution restricts a county from giving any money to or in aid of any individual, private corporation or association or private undertaking; (2) it is unfair to lienholders since all liens are cut off by Section 1131 of Article 11 of the RPTL at the time an interested party fails to redeem or answer, which time occurs prior to the County taking title and selling the parcel; (3) it is practically impossible for a county to accurately account for all administrative costs associated with enforcement of taxes for numerous parcels during a two to three year time period involving subcontractors and staff from multiple departments; (4) it is unclear whether litigation costs incurred in enforcement under Article 11 are included; (5) the number of unpaid, delinquent parcels are likely to increase with owners knowing that they do not have to pay lienholders and others by allowing the property to go to foreclosure sale; (6) the proposed budget legislation does not address the common circumstance where there is no “prior owner “who responds or the prior owner is deceased with no estate to accept any surplus payment; and (7) it is unfair to the majority of property owners in the County who timely pay their taxes and/or properly sell their homes when they no longer desire to own them; now, therefore, be it

RESOLVED, that the Herkimer County Board of Legislators calls upon the Governor to remove Part M of the Revenue Bills from the FY 2024 Executive Budget; 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 Elise Stefanik, Assemblyman Brian Miller, Assemblyman Robert Smullen, Senator Mark Walczyk, Senator Joseph A. Griffo, and the New York State Association of Counties.

Dated: March 15, 2023.

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

At 7:28 p.m. on motion of Mr. Manno, seconded by Mr. Stephens, the Legislature adjourned to Wednesday, April 5, 2023 at 2:00 p.m., with a Public Hearing on Introductory Local Law B at 1:25 p.m.

Brittney R. Viscomi, Clerk