

MINUTES
Herkimer County Legislature
Second Quarter – First Day
Wednesday, April 5, 2023
2:00 p.m.

Public Hearing

The Public Hearing on Introductory Local Law B for 2023 was called to order at 1:26 p.m. by Legislator John P. Stephens, Chairman of the Public Safety & Emergency Management Committee. The Deputy Clerk read the notice of the meeting. Legislator Stephens then asked if there was anyone wishing to speak on the local law. There were no requests to speak and the hearing was declared closed at 1:27 p.m.

Jennifer L. Williams, Deputy Clerk
Herkimer County Legislature

NOTICE

NOTICE IS HEREBY GIVEN that there has been presented to the County Legislature of the County of Herkimer, State of New York, on the 15th day of March, 2023, Introductory Local Law B for the year 2023 entitled, "A LOCAL LAW ESTABLISHING AN ANIMAL ABUSER REGISTRY."

NOTICE IS FURTHER GIVEN that the County Legislature of the County of Herkimer will hold a public hearing on the aforesaid proposed Local Law, to be conducted by the Committee on Public Safety & Emergency Management. The Public Hearing will be held in the Legislative Chambers at the County Office Building, 109 Mary Street, Herkimer, New York, on the 5th day of April, 2023 at 1:25 p.m. at which time all persons interested will be heard.

Dated: March 27, 2023.

By Order of the Herkimer County Legislature

The Regular Session of the Herkimer County Legislature was called to order by Chairman Vincent J. Bono at 2:00 p.m.

Chairman Bono called on Stephanie Tyoe, Deputy County Highway Superintendent, 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, Brezinski, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (16).

Absent: Keeler (1).

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

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Bono asked if there were any objections or corrections to the minutes of March 15, 2023 and March 30, 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. 128 – A communication was received from the Soil and Water Conservation District submitting notice of meeting. Filed.

No. 129 – A communication was received from the County Attorney submitting Notice of Claim. Filed.

No. 130 – A communication was received from the County Attorney submitting Notice of Claim. Filed.

No. 131 – A communication was received from the Personnel Officer submitting GASB 74 & 75 actuarial report. Filed.

No. 132 – A communication was received from NYSAC acknowledging receipt of Resolution No. 98. Filed.

No. 133 – A communication was received from the Sheriff submitting January 2023 & February 2023 Monthly Reports. Referred to the Committee on Public Safety & Emergency Management.

No. 134 – 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. 135 – A communication was received from the Director of Real Property Tax Services submitting 2022 Annual Report. Referred to the Committee on Ways & Means.

No. 136 – A communication was received from the Highway Superintendent requesting approval of 2023/2024 capital construction projects. Referred to the Committee on Highways.

No. 137 – A communication was received from the Highway Superintendent requesting to amend Res. No. 88 of 2022 for increase in appropriation for Project No. 417. Referred to the Committee on Highways.

No. 138 – A communication was received from the Director of Emergency Services requesting appointments to the EMS Advisory Board. Referred to the Committee on Public Safety & Emergency Management.

No. 139 – A communication was received from the Director of Emergency Services requesting amendment to Res. No. 366 of 2022 to increase dues for NYS Fire Coordinators dues. Referred to the Committee on Ways & Means.

No. 140 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer in the 2023 budget. Referred to the Committee on Ways & Means.

No. 141 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in connection with Childhood Lead Poisoning Prevention Grant in Public Health. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 142 – A communication was received from the Director of Public Health requesting renewal agreement with James McGuinness & Associates, Inc. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 143 – A communication was received from the Director of Office for the Aging requesting amendment to Res. No. 68 of 2021 due to an increase of price for Meals on Wheels and Congregate Meals Programs. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 144 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in connection with funds received from opioid settlements. Referred to the Committee on Ways & Means.

No. 145 – A communication was received from the Budget Officer/Purchasing Agent requesting appropriation of funds in connection with a settlement. Referred to the Committee on Ways & Means.

No. 146 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment and creation of an account in connection with grant funding in Public Health. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 147 – A communication was received from the Director of Public Health requesting completion of agreement with BOCES on Preschool payments. Referred to the Committee on Ways & Means.

No. 148 – A communication was received from the Personnel Officer requesting to amend Salary Schedule III in DSS. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 149 – A communication was received from the Personnel Officer requesting to amend Salary Schedule II and Salary Schedule III in Public Health. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 150 – A communication was received from the Director of Information Services requesting renewal of contract with Quadsimia for maintenance agreement. Referred to the Committee on Information Services and the Committee on Ways & Means.

No. 151 – A communication was received from the Budget Officer/Purchasing Agent requesting approval of proposals for the boiler project at HCCC. Referred to the Committee on Education and the Committee on Ways & Means.

No. 152 – A communication was received from the Budget Officer/Purchasing Agent requesting Space Occupancy Contract for Congresswoman. Referred to the Committee on Ways & Means.

No. 153 – A communication was received from the County Attorney requesting a one year contract extension in connection with Indigent Legal Services. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 154 – A communication was received from the Director of Information Services requesting approval of contract with Northland Communications. Referred to the Committee on Information Services and the Committee on Ways & Means.

No. 155 – A communication was received from the Director of Public Health requesting increase in reimbursement rate received by Related Services Providers in Public Health. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 156 – A communication was received from the Director of Office for the Aging requesting approval to purchase equipment and accessories for Home Delivered and Congregate Meals Program in OFA. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 157 – A communication was received from the Director of Public Health requesting approval of agreement with NYS Bureau of Early Intervention in Public Health. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 158 – A communication was received from the Budget Officer/Purchasing Agent requesting appropriation of funds. Referred to the Committee on Administration/Veterans' Affairs 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. Stephens, seconded by Mr. Ackerman, Resolution No. 100 – Resolution No. 106 were handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).

Consent Agenda:

- 100 WAYS & MEANS: Authorizing transfer of funds in the Sheriff Dept.
- 101 WAYS & MEANS: Amending Res. No. 366 of 2022 authorizing payment of dues for municipal officers and employees during the year 2023
- 102 PUB. SFTY./ EMER. MGMT.: Appointing members to EMS Advisory Board
- 103 WAYS & MEANS: Accepting funding, creating account, and amending 2023 budget
- 104 WAYS & MEANS: Approving annual report of the Real Property Tax Service Agency
- 105 NATURAL RES.: Setting Public Hearing on annual thirty-day period for 2023 for inclusion of viable agricultural land within a certified agricultural district
- 106 WAYS & MEANS: Authorizing space occupancy agreement with Congresswoman Stefanik's Office



HERKIMER COUNTY LEGISLATURE

No. 100

REPORT AND RESOLUTION AUTHORIZING TRANSFER OF FUNDS IN THE SHERIFF 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 March 15, 2023, submitting a request for a transfer of funds to cover extradition expenses, 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:

\$5,000 From: A3020.44000, Public Safety, Contracted Services
 To: A3188.40000, Extradition, Contractual

and, be it further

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

Dated: April 5, 2023.



HERKIMER COUNTY LEGISLATURE

No. 101

REPORT AND RESOLUTION AMENDING RESOLUTION NO. 366 OF 2022 AUTHORIZING PAYMENT OF DUES FOR MUNICIPAL OFFICERS AND EMPLOYEES DURING THE YEAR 2023

Sponsored by: Committee on Ways and Means

WHEREAS, on December 14, 2022 this Legislature adopted Resolution No. 366 authorizing payment of dues for municipal officers and employees during the year 2023; and

WHEREAS, by communication dated March 15, 2023, from John J. Raymond, Director of Emergency Services, request is made to increase the annual membership fee for the County Fire Coordinators Association of the State of New York dues from \$150 to \$200; now, therefore, be it

RESOLVED, that Resolution No. 366 adopted on December 14, 2022, be amended under Emergency Services Director to increase the annual membership for County Fire Coordinators Association of the State of New York dues from \$150 to \$200; and, be it further

RESOLVED, that in all other respects Resolution No. 366 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, and Director of Emergency Services.

Dated: April 5, 2023.



HERKIMER COUNTY LEGISLATURE

No. 102

REPORT AND RESOLUTION APPOINTING MEMBERS TO EMS ADVISORY BOARD

Sponsored by: Committee on Public Safety/Emergency Management

WHEREAS, by Resolution No. 275 of 1993 this Legislature established an Emergency Medical Services Advisory Board in Herkimer County and appointed five members to serve on said board; and

WHEREAS, by Resolution No. 46 of 2013 this Legislature increased the membership to 9, for 3 year terms, pursuant to County Law, Section 223-b; and

WHEREAS, by letter dated March 13, 2023, John J. Raymond, Director of Emergency Services, has requested the appointment of individuals to maintain the EMS Mutual Aid Plan and EMS related issues throughout the county; now, therefore, be it

RESOLVED, that the following named persons be, and hereby are, appointed as members of the Herkimer County EMS Advisory Board, to serve the remainder of 2023, with the term expiring December 31, 2024:

Donald Kane – MOVAC
Robert Perry – MOVAC/Schuyler Fire Department
Andrew Vandawalker – Ilion Fire Department
Robert Berie – Cedarville Ambulance
Anthony Dishavi – Kuyahoorra Ambulance
Danielle Hoepfl – Old Forge Ambulance
James “Chad” Smith – Priority (Kunkel) Ambulance
Michael Grann – West Winfield Ambulance

and, be it further

RESOLVED, that certified copies of said Resolution be forwarded to the Director of Emergency Services and the above named appointees.

Dated: April 5, 2023.



HERKIMER COUNTY LEGISLATURE

No. 103

REPORT AND RESOLUTION ACCEPTING FUNDING, CREATING ACCOUNT AND AMENDING 2023 BUDGET

Sponsored by: Committee on Ways & Means

WHEREAS, by letter dated March 16, 2023, from Sheri A. Ferdula, Budget Officer/ Purchasing Agent, this Legislature is advised that Herkimer County is a recipient of funding in the opioid settlement from the National Opioid Abatement Trust in the amount of \$5,863.59 and Endo Pharmaceuticals in the amount of \$45,931.16, with said funding to be used to combat the opioid crisis through the Department of Social Services and the Office of Mental Health; and

WHEREAS, said letter further advises that it is necessary to amend the 2023 Budget and to create accounts to accept the funding; now, therefore, be it

RESOLVED, that the funding from the National Opioid Abatement Trust and Endo Pharmaceuticals is accepted and that accounts are created and the 2023 Herkimer County Budget is hereby amended as follows:

| | | |
|----------|--|-------------|
| Revenue: | A6010D.3689, DSS Opioid Settlement | \$51,794.75 |
| Expense: | A6010D.41000, DSS Opioid Settlement, Supplies | \$ 2,000.00 |
| | A6010D.44000, DSS Opioid Settlement, Contracted Services | \$49,794.75 |

and, be it further

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

Dated: April 5, 2023.



HERKIMER COUNTY LEGISLATURE

No. 104

REPORT AND RESOLUTION APPROVING ANNUAL REPORT OF THE REAL PROPERTY TAX SERVICE AGENCY

Sponsored by: Committee on Ways and Means

WHEREAS, your Committee on Ways and Means, to which was referred the communication from the Director of the Real Property Tax Service Agency submitting the 2022 Annual Report of the Herkimer County Real Property Tax Service Agency, respectfully reports that we have examined the said report, recommend that it be adopted and offer the following Resolution:

RESOLVED, that the 2022 Annual Report of the Herkimer County Real Property Tax Service Agency hereby is adopted and that a copy thereof be placed on file with the Herkimer County Legislature for the year 2022.

Dated: April 5, 2023.



HERKIMER COUNTY LEGISLATURE

No. 105

RESOLUTION SETTING PUBLIC HEARING ON ANNUAL THIRTY-DAY PERIOD FOR 2023 FOR INCLUSION OF VIABLE AGRICULTURAL LAND WITHIN A CERTIFIED AGRICULTURAL DISTRICT

Sponsored by: Committee on Natural Resources

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

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

WHEREAS, pursuant to statute, requests received during said 30 day period for 2023 were referred to the County Agricultural and Farmland Protection Board for their recommendation, and reports are now ready to be made and a public hearing may now be held; now, therefore, be it

RESOLVED, that a Public Hearing be held on the 26th of April, 2023 at 6:25 p.m. on the proposed additions to Agricultural Districts for the year 2023; and, be it further

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

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

Dated: April 5, 2023.



HERKIMER COUNTY LEGISLATURE

No. 106

REPORT AND RESOLUTION AUTHORIZING SPACE OCCUPANCY AGREEMENT WITH CONGRESSWOMAN STEFANIK'S OFFICE

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated March 17, 2023, Sheri Ferdula, Budget Officer/Purchasing Agent, has advised of a request for the Chairman to sign a space occupancy agreement with Congresswoman Elise Stefanik’s office for space located within the Working Solutions Building; and

WHEREAS, said letter further advises the area will be approximately 1,100 square feet with three offices and a reception area, with the agreement commencing on April 5, 2023 and terminating on January 2, 2024, this Agreement may be terminated by either party giving 30 days prior written notice to the other party, with the rent payment being \$1,200 per month; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to sign a space occupancy agreement with Congresswoman Elise Stefanik’s office for space located within the Working Solutions Building, commencing on April 5, 2023 and terminating on January 2, 2024, with termination allowed with 30 days written notice by either party and the rent being \$1,200 per month; and, be it further

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

Dated: April 5, 2023.

The Chairman continued with the Regular Agenda.

On motion of Mr. Donley, seconded by Mr. Gaworecki, Report and Resolution No. 107 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means authorizing contract extension with NYS Office of Indigent Legal Services was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).



HERKIMER COUNTY LEGISLATURE

No. 107

REPORT AND RESOLUTION AUTHORIZING CONTRACT EXTENSION WITH NYS OFFICE OF INDIGENT LEGAL SERVICES

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

WHEREAS, Resolution No. 271 of 2019 accepted a grant for Assigned Counsel funding for a five year period from April 1, 2018 through March 31, 2023, and authorized the Chairman to execute a grant contract; and

WHEREAS, by letter dated March 17, 2023 from Lorraine Lewandrowski, County Attorney, request has been made for a one-year contract extension to the five year agreement (CSTWIDEHH21) with NYS Office of Indigent Legal Services, A.E. Smith Building, 11th Floor, 80 South Swan Street, Albany, NY 12210; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute the above described contract extension; and, be it further

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

Dated: April 5, 2023.

On motion of Mr. Russell, seconded by Mr. Schrader, Report and Resolution No. 108 sponsored by the Committee on Ways & Means approving settlement and appropriating funds was handed up; voted on and adopted by roll call vote:

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

Against: None.

Absent: Keeler (1).



HERKIMER COUNTY LEGISLATURE

No. 108

REPORT AND RESOLUTION APPROVING SETTLEMENT AND APPROPRIATING FUNDS

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated March 16, 2023, Lorraine H. Lewandrowski, County Attorney, has requested authorization for a settlement in the amount of \$4,500.00; and

WHEREAS, letter further requests the Chairman be authorized to sign the settlement agreement and full and final release of all claims, and any other documents necessary to close out the claim for case 1021457; and

WHEREAS, by letter dated March 15, 2023, Sheri Ferdula, Budget Officer/Purchasing Agent, has advised that an appropriation is necessary; 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:

\$4,500 From: A1990.46000, Contingent Fund, Misc. Expense
To: A1930.46000, Judgements and Claims, Misc. Expense

and, be it further

RESOLVED, that the Chairman of the Legislature is authorized to sign the settlement agreement and full and final release of all claims, and any other documents necessary to close out the claim for case 1021457; and, be it further

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

Dated: April 5, 2023.

On motion of Mr. Donley, seconded by Mr. Malta, Report and Resolution No. 109 sponsored by the Committee on Human Resources and the Committee on Ways & Means amending contract for Meals on Wheels for the West Winfield area was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).



HERKIMER COUNTY LEGISLATURE

No. 109

REPORT AND RESOLUTION AMENDING CONTRACT FOR MEALS ON WHEELS FOR THE WEST WINFIELD AREA

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

WHEREAS, Resolution No. 68 of 2021 awarded a contract for Meals on Wheels in the West Winfield area to Red Door Dairy Store, LLC through March 31, 2022, with an option for two one-year contract renewals; and

WHEREAS, by letter dated March 7, 2023 from Kathy Fox, Director of the Office for the Aging, request is being made to increase the price to pack meals to \$25.00 per day from \$6.25 per day; now, therefore, be it

RESOLVED, that Resolution No. 68 of 2021 is hereby amended to increase the price to pack meals to \$25.00 per day from \$6.25 per day; and, be it further

RESOLVED, that in all other respects, Resolution No. 68 of 2021 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, Director of the Office for the Aging, and Red Door Dairy Store, LLC.

Dated: April 5, 2023.

On motion of Mr. Campione, seconded by Mr. Weakley, Report and Resolution No. 110 sponsored by the Committee on Highways amending Resolution No. 88 of 2022 approving projects under Article 6, Section 116 of the Highway Law was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).



HERKIMER COUNTY LEGISLATURE

No. 110

REPORT AND RESOLUTION AMENDING RESOLUTION NO. 88 OF 2022 APPROVING PROJECTS UNDER ARTICLE 6, SECTION 116 OF THE HIGHWAY LAW

Sponsored by: Committee on Highways

WHEREAS, by Resolution No. 88 of 2022, this Legislature approved the use of County Road Fund monies for Project No. 417, Ashe Road, CR246, in the amount of \$250,000; and

WHEREAS, by letter dated March 20, 2023, Mark A. Nagele, P.E., Herkimer County Highway Superintendent, has advised that additional funds are required for this project, and he has requested an increase in the appropriated amount to \$272,000; now, therefore, be it

RESOLVED, that Resolution No. 88 of 2022 is hereby amended to increase the estimated cost for the project to \$272,000, and that County Road Fund monies in that amount are hereby approved for that project; and, be it further

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

Dated: April 5, 2023.

On motion of Mr. Campione, seconded by Mr. Stephens, Report and Resolution No. 111 sponsored by the Committee on Highways approving projects under Article 6, Section 116 of the Highway Law was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).



HERKIMER COUNTY LEGISLATURE

No. 111

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

Sponsored by: Committee on Highways

WHEREAS, your Committee on Highways, to which was referred the letter from Mark Nagele, County Superintendent of Highways, dated March 13, 2023, submitting three copies each of statement under Article 6 of the Highway Law designating work to be done with County Road Fund monies during the year 2023/2024, covering three projects involved in the Capital Construction Program, respectfully reports that we have examined said statements contained in said communication from and signed by the County Superintendent of Highways, recommend its adoption, and offer the following Resolution:

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

| PROJECT NO. | ROAD/LOCATION | TYPE OF PROJECT | ESTIMATED CONSTRUCTION COST |
|-------------|---|--------------------|-----------------------------|
| 425 | Bidleman Road, CR 235, Town of Manheim | Rehabilitation | \$1,400,000.00 |
| 426 | Bellinger Road, CR 32 Town of Danube | Rehabilitation | \$1,700,000.00 |
| 427 | North Gage Road, CR 65 Town of Newport | Engineering/Design | \$200,000.00 |

and, be it further

RESOLVED, that these projects will be funded by CHIPS, EWR, and PAVE-NY monies; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the County

Treasurer, County Auditor, Budget Officer, and County Highway Superintendent.

Dated: April 5, 2023.

On motion of Mr. Schrader, seconded by Mr. Gaworecki, Report and Resolution No. 112 sponsored by the Committee on Information Services and the Committee on Ways & Means approving upgrade for phone system was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).



HERKIMER COUNTY LEGISLATURE

No. 112

REPORT AND RESOLUTION APPROVING UPGRADE FOR PHONE SYSTEM

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

WHEREAS, Resolution No. 84 of 2023 approved an appropriation in the Information Services Department for the purchase of an upgrade to the phone system; and

WHEREAS, by letter dated February 24, 2023, from Michael Testa, Director of Information Services, this Legislature is advised that he would like to purchase an upgrade to the phone system through ConvergeOne, with a total project cost of \$150,728.05; now, therefore, be it

RESOLVED, that authorization is given to purchase an upgrade to the phone system through ConvergeOne, with a total project cost of \$150,728.05; and, be it further

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

Dated: April 5, 2023.

On motion of Mr. Schrader, seconded by Mr. Manno, Report and Resolution No. 113 sponsored by the Committee on Information Services and the Committee on Ways & Means authorizing contract with Northland communications was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).



HERKIMER COUNTY LEGISLATURE

No. 113

REPORT AND RESOLUTION AUTHORIZING CONTRACT WITH NORTHLAND COMMUNICATIONS

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

WHEREAS, by letter dated March 15, 2023, Michael Testa, Director of Information Services, has requested to enter into a contract with Northland Communications for telephone, private data networks, and internet for the County facilities; and

WHEREAS, the letter further advises this will be a three year contract and the agreement includes no local or long distance charges; and

WHEREAS, the Department of Information Services includes resale POTS lines from Verizon which are used separately for fax lines and backup emergency lines, with a local and long distance charge of .015 per minute local and .030 per minute long distance; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby awards a contract with Northland Communications for telephone, private data networks, and internet for the County facilities for a three year period; and, be it further

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

Dated: April 5, 2023.

On motion of Mr. Schrader, seconded by Mr. Shaw, Report and Resolution No. 114 sponsored by the Committee on Information Services and the Committee on Ways & Means authorizing agreement with Quadsimia in the Information Services Department was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).



HERKIMER COUNTY LEGISLATURE

No. 114

REPORT AND RESOLUTION AUTHORIZING AGREEMENT WITH QUADSIMIA IN THE INFORMATION SERVICE DEPARTMENT

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

WHEREAS, by letter dated March 15, 2023, from Michael Testa, Director of Information Services, this Legislature is advised of a request to enter into an agreement with Quadsimia for technical support and web development for the County website and intranet; and

WHEREAS, the letter further states that the agreement with Quadsimia, 412 Main Street, Utica, NY will be for 200 hours at a cost of \$18,000.00 for a one year period of April 1, 2023 through March 31, 2024; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute an agreement with Quadsimia, 412 Main Street, Utica, NY, for technical support and web development of the County website and intranet for 200 hours at a cost of \$18,000.00 for a one year period of April 1, 2023 through March 31, 2024; and, be it further

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

Dated: April 5, 2023.

On motion of Mr. Weakley, seconded by Mr. Ackerman, Report and Resolution No. 115 sponsored by the Committee on Human Resources and the Committee on Ways & Means increasing reimbursement rates received by Related Services Providers for Preschool Special Education Program was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).



HERKIMER COUNTY LEGISLATURE

No. 115

REPORT AND RESOLUTION INCREASING REIMBURSEMENT RATES RECEIVED BY RELATED SERVICES PROVIDERS FOR PRESCHOOL SPECIAL EDUCATION PROGRAM

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

WHEREAS, by letter dated March 9, 2023 from Christina Cain, Director of Public Health, she has requested approval to increase the reimbursement rate received by the Related Services Providers for the Preschool Special Education Program; and

WHEREAS, said letter requests the following changes: Maximum Group ½ hour rate – PT/OT/Speech = \$75; Maximum Individual ½ hour rate – PT/OT = \$55, Speech = \$65; Maximum Individual Hourly Rate – PT/OT = \$70, Speech = \$80, and Maximum Coordinator Rate per ½ hour block = \$30; now, therefore, be it

RESOLVED, that approval is given to increase the reimbursement rate received by the Related Services Providers for the Preschool Special Education Program at the above listed rates; and, be it further

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

Dated: April 5, 2023.

On motion of Mr. Russell, seconded by Mr. Malta, Report and Resolution No. 116 sponsored by the Committee on Human Resources and the Committee on Ways & Means amending Salary Schedule No. II and No. III in the Public Health Department was handed up; voted on and adopted by roll call vote:

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

Against: None.

Absent: Keeler (1).



HERKIMER COUNTY LEGISLATURE

No. 116

**REPORT AND RESOLUTION AMENDING SALARY SCHEDULE NO. II AND NO. III
IN THE PUBLIC HEALTH DEPARTMENT**

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

WHEREAS, by letter dated March 9, 2023, Christina Cain, Director of Public Health, has requested to amend Salary Schedule No. II and Salary Schedule No. III; and

WHEREAS, by letter dated March 27, 2023, Steven R. Billings, Personnel Officer, your Committees have been advised that Salary Schedule No. II should be amended to create one position of Supervising Community Health Nurse at a base pay rate of \$59,680, and amend Salary Schedule No. III by deleting three (3) positions of Family Services Specialist in Account A4059 and creating three (3) positions of Senior Family Services Specialist in Account A4059, and also increase the base pay rate for the title Senior Family Services Specialist from \$38,297 to \$40,000; now, therefore, be it

RESOLVED, that Salary Schedule No. II should be amended to create one position of Supervising Community Health Nurse at a base pay rate of \$59,680, and amend Salary Schedule No. III by deleting three (3) positions of Family Services Specialist in Account A4059 and creating three (3) positions of Senior Family Services Specialist in Account A4059, and also increase the base pay rate for the title Senior Family Services Specialist from \$38,297 to \$40,000; and, be it further

RESOLVED, authorization is given for the Chairman to enter into a Memorandum of Agreement with CSEA, with these changes effective April 10, 2023; and, be it further

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

Dated: April 5, 2023.

On motion of Mr. Russell, seconded by Mr. Campione, Report and Resolution No. 117 sponsored by the Committee on Ways & Means authorizing to forgive outstanding balance was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).



HERKIMER COUNTY LEGISLATURE

No. 117

REPORT AND RESOLUTION AUTHORIZING TO FORGIVE OUTSTANDING BALANCE

Sponsored by: Committee on Ways & Means

WHEREAS, Resolution No. 215 of 2022 authorized an appropriation of funds to close the gap on a financial shortfall in the pre-school program; and

WHEREAS, by letter dated March 22, 2023, from Christina Cain, Director of Public Health, this Legislature is advised of a request for authorization to forgive the outstanding balance with BOCES in the amount of \$55,963.50; now, therefore, be it

RESOLVED, that authorization is given to forgive the outstanding balance with BOCES to close the gap on a financial shortfall in the pre-school program in the amount of \$55,963.50; and, be it further

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

Dated: April 5, 2023.

On motion of Mr. Schrader, seconded by Mr. Stephens, Report and Resolution No. 118 sponsored by the Committee on Human Resources and the Committee on Ways & Means accepting grant funding, creating account, and amending budget in the Public Health Department was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).



HERKIMER COUNTY LEGISLATURE

No. 118

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

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

WHEREAS, by letter dated March 9, 2023, from Christina Cain, Director of Public Health, your Committees have been advised the Public Health Department has received an award for "Strengthening U.S. Public Health Infrastructure, Workforce, and Data Systems" for a five year term from December 1, 2022 through November 30, 2027, with funding for this period to be in the amount of \$566,939.00; and

WHEREAS, by letter dated March 16, 2023, from Sheri A. Ferdula, Budget Officer, this Legislature is advised of a request to amend the budget in connection with the receipt of funding for Strengthening U.S. Public Health Infrastructure, Workforce, and Data Systems for the Herkimer County Public Health Department for the period December 1, 2022 through November 30, 2027, in the total amount of \$566,939.00; now, therefore, be it

RESOLVED, that the Chairman of the Legislature be authorized to sign to accept the funds through a contractual agreement with Health Research, Inc. (HRI); and, be it further

RESOLVED, that an account be created and the Herkimer County Budget is hereby amended as follows:

Revenue Account: A4189R.4403R, Infrastructure, Federal Aid From: \$0

| | | | |
|------------------|--|-------|-----------|
| | Federal Aid | To: | \$566,939 |
| Expense Account: | A4189R.10000-001, Infrastructure, Salaries | From: | \$0 |
| | | To: | \$400,000 |
| | A4189R.41000, Infrastructure, Supplies | From: | \$0 |
| | | To: | \$5,000 |
| | A4189R.86000, Infrastructure, Health Ins. | From: | \$0 |
| | | To: | \$161,939 |

and, be it further

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

Dated: April 5, 2023.

On motion of Mr. Donley, seconded by Mr. Hollum, Report and Resolution No. 119 sponsored by the Committee on Human Resources and the Committee on Ways & Means approving agreement for maintenance and support of software for the Education of Handicapped Children’s Program was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).



HERKIMER COUNTY LEGISLATURE

No. 119

REPORT AND RESOLUTION APPROVING AGREEMENT FOR MAINTENANCE AND SUPPORT OF SOFTWARE FOR THE EDUCATION OF HANDICAPPED CHILDREN’S PROGRAM

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

WHEREAS, by Resolution No. 312 adopted on December 11, 2013, this Legislature authorized a contract with James McGuinness & Associates, Inc. for the purchase of software to assist in managing referrals and cases for the Education of Handicapped Children program; and

WHEREAS, by letter dated March 17, 2023, Christina Cain, Director of Public Health, has requested renewal of said contract with James McGuinness & Associates for three calendar years, from January 1, 2023 to December 31, 2025, at a cost of \$1,083 per month; now, therefore, be it

RESOLVED, that a contract with James McGuinness & Associates, Inc., is authorized for an additional three years commencing January 1, 2023 for maintenance and support of

software to assist in managing referrals and cases for the Education of Handicapped Children at a cost of \$1,083 per month; and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature is hereby authorized to execute said contract with James McGuinness & Associates, Inc., 1482 Erie Boulevard, Schenectady, New York 12305, for said services for the Education of Handicapped Children program, 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 certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Public Health, and James McGuinness & Associates, Inc.

Dated: April 5, 2023.

On motion of Mr. Stephens, seconded by Mr. Weakley, Report and Resolution No. 120 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing renewal of contract for funding of Childhood Lead Poisoning Prevention Screening Services Grant and amending budget was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).



HERKIMER COUNTY LEGISLATURE

No. 120

REPORT AND RESOLUTION AUTHORIZING RENEWAL OF CONTRACT FOR FUNDING OF CHILDHOOD LEAD POISONING PREVENTION SCREENING SERVICES GRANT AND AMENDING BUDGET

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

WHEREAS, by Resolution No. 228 for the year 1990, this Legislature authorized a contract with the New York State Department of Health to provide grant funding for the Childhood Lead Poisoning Prevention Program screening services and to increase public knowledge about lead poisoning and its prevention, which contract has been continued for each year thereafter; and

WHEREAS, by letter dated March 15, 2023, from Christina Cain, Director of Public Health, your Committees have been advised of a request to renew said agreement with the New York State Department of Health for the term commencing October 1, 2022 and ending September 30, 2023, with funding for this period to be in the amount of \$38,000.00; and

WHEREAS, by letter dated March 16, 2023, from Sheri A. Ferdula, Budget Officer, this Legislature is advised of a request to amend the 2022 Budget in connection with the receipt of funding for the Childhood Lead Poisoning Prevention Program for the Herkimer County Public Health Nursing Service for the period October 1, 2022 through September 30, 2023 in the total amount of \$38,000.00; now, therefore, be it

RESOLVED, that the Chairman of the Legislature be authorized to e-sign the grant document in the amount of \$38,000.00 with the New York State Department of Health to continue the Childhood Lead Poisoning Prevention Program in the County of Herkimer for the period October 1, 2022 to September 30, 2023, unless terminated in accordance with the terms thereof; and, be it further

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

| | | | |
|------------------|---|-------|----------|
| Revenue Account: | A4189L.4489B, Lead Prevention, Federal Aid | From: | \$0 |
| | | To: | \$38,000 |
| Expense Account: | A4189L.10000-001, Lead Prev., Salaries | From: | \$0 |
| | | To: | \$17,000 |
| | A4189L.41000, Lead Prev., Supplies | From: | \$0 |
| | | To: | \$3,500 |
| | A4189L.42100, Lead Prev., Phone | From: | \$0 |
| | | To: | \$1,100 |
| | A4189L.43000, Lead Prev., Insurance | From: | \$0 |
| | | To: | \$1,000 |
| | A4189L.44000, Lead Prev., Contracted | From: | \$0 |
| | | To: | \$2,000 |
| | A4189L.44000-370, Lead Prev., Copier | From: | \$0 |
| | | To: | \$600 |
| | A4189L.44000-521, Lead, Rent | From: | \$0 |
| | | To: | \$2,000 |
| | A4189L.46100, Lead Prev., Mileage | From: | \$0 |
| | | To: | \$300 |
| | A4189L.46300, Lead Prev., Postage | From: | \$0 |
| | | To: | \$500 |
| | A4189L.86000, Lead Prev., Health Ins. | From: | \$0 |
| | | To: | \$10,000 |

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 the New York State Department of Health.

Dated: April 5, 2023.

On motion of Mr. Ackerman, seconded by Mr. Malta, Report and Resolution No. 121 sponsored by the Committee on Human Resources and the Committee on Ways & Means approving agreement in the Public Health Department was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).



HERKIMER COUNTY LEGISLATURE

No. 121

REPORT AND RESOLUTION APPROVING AGREEMENT IN THE PUBLIC HEALTH DEPARTMENT

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

WHEREAS, by letter dated March 22, 2023, Christina Cain, Director of Public Health, has requested authorization to enter in to an agreement to continue participating in the NYS Bureau of Early Intervention to continue as an Approved Agency Provider under Title II-A of Article 25 of the Public Health Law; now, therefore, be it

RESOLVED, that the above-described agreement to continue participating in the NYS Bureau of Early Intervention to continue as an Approved Agency Provider is approved; and, be it further

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

Dated: April 5, 2023.

On motion of Mr. Manno, seconded by Mr. Gaworecki, Report and Resolution No. 122 sponsored by the Committee on Education and the Committee on Ways & Means approving proposals for boiler replacement at Herkimer County Community College was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).



HERKIMER COUNTY LEGISLATURE

No. 122

REPORT AND RESOLUTION APPROVING PROPOSALS FOR BOILER REPLACEMENT AT HERKIMER COUNTY COMMUNITY COLLEGE

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

WHEREAS, by letter dated March 15, 2023, Sheri Ferdula, Budget Officer/Purchasing Agent, has advised that the college has received proposals associated with the ongoing boiler project, with all of the proposals from HJ Brandeles Corp., 8101 Halsey Road, Whitesboro, NY 13492; and

WHEREAS, said letter further advises the first proposal is to replace the domestic hot water tank at a cost of \$22,396.83, and the second proposal is for the installation of an 8” air separator at a cost of \$23,973; now, therefore, be it

RESOLVED, that the above-described proposals from HJ Brandeles Corp. is approved in the above listed amounts; and, be it further

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

Dated: April 5, 2023.

On motion of Mr. Schrader, seconded by Mr. Shaw, Report and Resolution No. 123 sponsored by the Committee on Human Resources and the Committee on Ways & Means amending Salary Schedule No. III in the Department of Social Services was handed up; voted on and adopted by roll call vote:

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

Against: None.

Absent: Keeler (1).



HERKIMER COUNTY LEGISLATURE

No. 123

**REPORT AND RESOLUTION AMENDING SALARY SCHEDULE NO. III IN THE
DEPARTMENT OF SOCIAL SERVICES**

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

WHEREAS, by letter dated March 16, 2023, Timothy Seymour, Commissioner of Social Services, has requested to amend Salary Schedule III; and

WHEREAS, by letter dated March 27, 2023, Steven R. Billings, Personnel Officer, your Committees have been advised that Salary Schedule No. III should be amended to delete one position of Senior Microcomputer Specialist in Account A6010 and add one position of Microcomputer Specialist in Account A6010 at an annual base pay rate of \$37,834; now, therefore, be it

RESOLVED, that Salary Schedule No. III be amended to delete one position of Senior Microcomputer Specialist in Account A6010 and add one position of Microcomputer Specialist in Account A6010 at an annual base pay rate of \$37,834; and, be it further

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

Dated: April 5, 2023.

On motion of Mr. Gaworecki, seconded by Mr. Weakley, Report and Resolution No. 124 sponsored by the Committee on Human Resources and the Committee on Ways & Means amending Resolution No. 61 of 2022 in the Office for the Aging was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).



HERKIMER COUNTY LEGISLATURE

No. 124

REPORT AND RESOLUTION AMENDING RESOLUTION NO. 61 IN THE OFFICE FOR THE AGING

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

WHEREAS, Resolution No. 61 of 2022, authorized the purchase of a software system called Serv Tracker provided by Accessible Solutions to help streamline internal processes using American Rescue Plan monies; and

WHEREAS, by letter dated March 17, 2023, from Kathy L. Fox, Director of the Office for the Aging, this Legislature is advised that the software approved by Resolution No. 61 of 2022 cannot be purchased at this time, and is requesting authorization to use the funding to purchase equipment and accessories for the Home Delivered Meals program to include electric two compartment meal transporters, other cords and adapters; now, therefore, be it

RESOLVED, that Resolution No. 61 of 2022 is amended to remove the purchase of the Serv Tracker and replace it with equipment and accessories for the Home Delivered Meals

program to include electric two compartment meal transporters, other cords and adapters, using American Rescue Plan monies; and, be it further

RESOLVED, that in all other respects, Resolution No. 61 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, and Director of Office for the Aging.

Dated: April 5, 2023.

On motion of Mr. Gaworecki, seconded by Mr. Schrader, Report and Resolution No. 125 sponsored by the Committee on County Properties authorizing cancellation of outstanding tax liens on 212 Bellinger Avenue in the Village of Herkimer was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).



HERKIMER COUNTY LEGISLATURE

No. 125

REPORT AND RESOLUTION AUTHORIZING CANCELLATION OF OUTSTANDING TAX LIENS ON 212 BELLINGER AVENUE IN THE VILLAGE OF HERKIMER

Sponsored by: Committee on County Properties

WHEREAS, the premises located at 212 Bellinger Avenue in the Village of Herkimer, having Tax Map No. 120.24-4-83 [hereafter "the premises"] was the subject of the In Rem proceedings brought by the County of Herkimer for the tax year 2018; and

WHEREAS, the premises were withdrawn from the In Rem proceedings by Certificate of Withdrawal, dated March 31, 2022 and filed in the Office of the Herkimer County Clerk on March 31, 2022; and

WHEREAS, by Letter of Vincent Rossi, Esq., Attorney for the Village of Herkimer, to Vincent J. Bono, Chairman of the Herkimer County Legislature, dated March 10, 2023, the Village of Herkimer has requested that the County cancel and forgive all outstanding tax liens on 212 Bellinger Avenue in the Village of Herkimer; and

WHEREAS, by Order and Judgment dated February 23, 2023, Index No. EF2023-110152, the Hon. Mark R. Rose, JSC has ordered that Dana Sherry, as Mayor of the Village of Herkimer, shall execute a deed conveying all rights, title and interest in and to the above premises to the Village of Herkimer, and further that all rights, title and interest of Orlando

Washington and Tekquanna Deane and any other person or entity to the premises be extinguished; and

WHEREAS, the County of Herkimer has been advised that the Village of Herkimer will enter into an agreement concerning cancellation and forgiveness of all outstanding tax liens on the premises; now, therefore, be it

RESOLVED, that the Chairman of the Legislature is authorized to enter into an agreement with the Village of Herkimer that upon adoption of a resolution by the Village of Herkimer authorizing the Mayor to enter into an agreement with the County concerning tax forgiveness and upon proof of recording of the deed to the premises to the Village of Herkimer; and, be it further

RESOLVED, that said agreement concerning the premises will authorize the cancellation and forgiveness of all outstanding tax liens on the premises, being \$20,031.86 plus interest and penalties; and, be it further

RESOLVED, that said agreement between the County and the Village of Herkimer will provide that in the event the Village sells the property for an amount in excess of the general fund revenues expended by the Village to prepare the property for resale, the Village shall reimburse the County for the amount received by the Village in excess of the general funds (excluding grant funds) expended by the Village up to the amount of taxes forgiven by the County; and, be it further

RESOLVED, that in the event the Village of Herkimer takes title to the premises as set forth above and enters into an agreement with the County containing the above terms, this Legislature shall determine that there is no practical method to enforce the collection of tax liens on the parcel, and supplementary proceedings to enforce collection will not be effective, and the County will cancel the delinquent tax lien on the premises, and the County Property Agent is directed at that time to issue and file a Certificate of Cancellation; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Auditor, County Property Agent, and the Village of Herkimer.

Dated: April 5, 2023.

On motion of Mr. Shaw, seconded by Mr. Malta, Report and Resolution No. 126 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: Keeler (1).



HERKIMER COUNTY LEGISLATURE

No. 126

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 March 17, 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:

| | | | |
|-----------------------|----------|----------------------|-----------------------|
| Town of Norway | \$10,000 | Legislator Shaw | Bank Recovery Project |
| Town of German Flatts | \$18,000 | Legislator Hollum | Comprehensive Plan |
| Town of Herkimer | \$2,000 | Legislator Schrader | Walking Trail |
| MOVAC | \$5,000 | Legislator Schrader | Fly Car |
| MOVAC | \$5,000 | Legislator Gaworecki | Fly Car |
| MOVAC | \$5,000 | Legislator Hollum | Fly Car |
| MOVAC | \$5,000 | Legislator Malta | Fly Car |
| Friends of HH | \$5,000 | Legislator Schrader | Phase II Old Jail |
| Friends of HH | \$5,000 | Legislator Malta | Phase II Old Jail |
| Cedarville FD | \$12,000 | Legislator Keeler | Auto Lift System |
| Town of Columbia | \$15,000 | Legislator Keeler | Smart Board/Truck |
| Town of Columbia | \$5,000 | Legislator Donley | Smart Board/Truck |
| Village of Herkimer | \$3,910 | Legislator Gaworecki | Pool Filter |
| Village of Herkimer | \$3,910 | Legislator Schrader | Pool Filter |
| Village of Herkimer | \$3,910 | Legislator Malta | Pool Filter |

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: April 5, 2023.

On motion of Mr. Brezinski, seconded by Mr. Weakley, Resolution No. 127 sponsored by the Committee on Human Resources requesting legislation authorizing an exemption from the residency requirements for the Commissioner of Social Services was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).



HERKIMER COUNTY LEGISLATURE

No. 127

RESOLUTION REQUESTING LEGISLATION AUTHORIZING AN EXEMPTION FROM THE RESIDENCY REQUIREMENTS FOR THE COMMISSIONER OF SOCIAL SERVICES

Sponsored by: Committee on Human Resources

WHEREAS, the current Commissioner of Social Services has requested to reside in an adjoining county to Herkimer County; and

WHEREAS, legislation amending New York State Law to allow a person holding the office of Commissioner of Social Services for Herkimer County to reside in Herkimer County or an adjoining county in New York State is required to enable such candidate to continue to hold the office of Commissioner of Social Services; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby requests that its Assemblymen and Senators introduce in the New York State Legislature bills which would expand the residency requirements for the position of Herkimer County Commissioner of Social Services to permit the Herkimer County Commissioner of Social Services to reside in Herkimer County or an adjoining county in the State of New York; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Assemblyman Brian Miller, Assemblyman Robert Smullen, Senator Mark Walczyk, and Senator Joseph A. Griffo.

Dated: April 5, 2023.

On motion of Mr. Schrader, seconded by Mr. Stephens, Resolution No. 128 sponsored by the Committee on Public Safety & Emergency Management adopting Introductory Local Law B for 2023 was handed up; voted on and adopted by roll call vote:

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

Against: None.

Absent: Keeler (1).



HERKIMER COUNTY LEGISLATURE

No. 128

RESOLUTION ADOPTING INTRODUCTORY LOCAL LAW B FOR 2023

Sponsored by: Committee on Public Safety/Emergency Management

WHEREAS, your Committee on Public Safety and Emergency Management of the Herkimer County Legislature desires to report that on the 5th day of April, 2023, pursuant to Resolution No. 71, it held a public hearing on the adoption of Introductory Local Law B for 2023 entitled, "A LOCAL LAW ESTABLISHING AN ANIMAL ABUSER REGISTRY" and that there were (no) appearances and (no) objections at the said public hearing; that your Committee advises the adoption and enactment of the said Introductory Local Law and offers the following Resolution:

RESOLVED, that Introductory Local Law B for 2023 be adopted inform attached hereto.

Dated: April 5, 2023.

INTRODUCTORY LOCAL LAW B - 2023

LOCAL LAW NO. 5 - 2023

A LOCAL LAW ESTABLISHING AN ANIMAL ABUSER REGISTRY

BE IT ENACTED BY THE BOARD OF COUNTY LEGISLATORS OF THE COUNTY OF HERKIMER AS FOLLOWS:

SECTION 1. PURPOSE AND INTENT.

The State of New York has criminalized the cruel treatment of animals. However, animal abuse and cruelty continues to occur in Herkimer County and throughout New York State.

Requiring animal abusers to register with their law enforcement agency will provide members of the community, particularly animal shelters and pet sellers, with the identities of convicted animal abusers. The registry will also warn potential employers that may be looking to hire an individual to work closely with animals in pet shops, shelters, or veterinary offices.

The Herkimer County Legislature hereby finds that it is in the best interest of the residents of Herkimer County and their animals that an online registry be established identifying individuals residing in Herkimer County who have been convicted of animal abuse crimes in order to prevent these individuals from adopting, purchasing or otherwise obtaining animals from any animal shelter or pet seller.

SECTION 2. DEFINITIONS.

As used in this Local Law, the following terms have the meanings indicated:

“Animal Abuse Crime” Any of the following crimes listed in subsections (a) through (e):

- a) A violation of any of the following provisions of the NYS Agriculture Markets Law (AML Article 26):

Section 351 – Prohibition of animal fighting

Section 353 – Overdriving, torturing and injuring animals; failure to provide proper sustenance

Section 353-a- Aggravated cruelty to animals

Section 355 – Abandonment of animals

Section 356 – Failure to provide proper food and drink to impounded animal

Section 359 – Carrying animal in a cruel manner

Section 360 – Poisoning or attempting to poison animals

Section 361 – Interference with or injury to certain domestic animals

Section 362 – Throwing substance injurious to animals in public place

Section 365 – Clipping or cutting the ears of dogs

Section 366 – Companion animal stealing

Section 366-a- Removing, seizing or transporting dogs for research purposes

- b) Sexual misconduct with an animal in violation of NYS Penal Law (PL) § 130.20(3)
c) Harming a service animal in violation of PL §242.10 and PL §242.15
d) Killing or injuring a police animal in violation of PL §195.06
e) Harming an animal trained to aid a person with a disability in violation of PL § 195.12

“Animal” – Any living mammal (except a human being), bird, reptile, amphibian or fish.

“Animal Abuse Offender” – Any person eighteen (18) years of age or older, convicted of an Animal Abuse Crime, except youthful offenders with convictions contained within sealed records.

“Animal Abuser Registry” – The online registry established by this Local Law for registering any person residing in Herkimer County convicted of an Animal Abuse Crime.

“Animal Shelter” – Any organization which maintains buildings, structures or other property for the purpose of harboring animals which may be stray, unwanted, lost, abandoned or abused and seeks to find appropriate temporary or permanent homes for such Animals, including, but not limited to, any duly incorporated humane society, pound, Animal protective association or animal rescue group.

“Conviction” – An adjudication of guilt by any court of competent jurisdiction, whether upon a verdict after trial, upon a plea of guilty, or an Alford Plea.

“Farm” – A business engaged in a farming operation, as defined by New York State Agriculture and Markets Law §301(11).

“Pet Seller” – Any individual, person, partnership, firm, corporation, or other entity which routinely offers Animals for sale or is otherwise routinely engaged in the business of selling, exchanging or otherwise transferring ownership of Animals.

SECTION 3. ESTABLISHING AN ANIMAL ABUSER REGISTRY.

The Herkimer County Sheriff’s Office is hereby directed to create, manage, and maintain an Animal Abuser Registry containing the names and residence information of registered Animal Abuse Offenders living in Herkimer County who are hereby prohibited from owning animals.

- a) The Herkimer County Sheriff’s Office shall have a link to the Animal Abuser Registry on the Herkimer County Sheriff’s Office webpage, together with the links to other County Animal Abuser registries that are available in the State of New York. Such other County Animal Abuser registries may be used as informational resources by Animal Shelters and Pet Sellers.
- b) The Animal Abuser Registry shall contain the required information about each Animal Abuse Offender, as outlined in Section 4(c) below, for fifteen (15) years following his or her release from incarceration or, if not incarcerated, from the date of the judgement of Conviction.
- c) Any currently or previously registered Animal Abuse Offender convicted of a subsequent Animal Abuse Crime shall be placed on the Animal Abuser Registry for life following the second conviction. These Convictions are not limited to Convictions within Herkimer County, but extend to other counties who also maintain an Animal Abuser Registry.
- d) Upon notification to the Herkimer County Sheriff’s Office of a successful appeal of a Conviction of an Animal Abuse Crime by an individual that has been required to register pursuant to this Local Law, the registration information for that individual shall be removed from the Herkimer County Animal Abuser Registry within five (5) business days following the notification.
- e) The Animal Abuser Registry shall be used for the limited purpose of determining whether such Animal Abuse Offender is prohibited from owning an animal under this Local Law.
- f) The provisions of Agriculture and Markets Law § 42 shall not apply as it relates to this Local Law. In the event a person acting for or employed by a farm owner, association or corporation is placed on the Animal Abuser Registry, the prohibition of ownership of animals shall not extend to the farm owner, association or corporation for which such person is employed, nor shall it extend to common owners of a farm

in the event one owner is adjudicated to be an Animal Abuse Offender and required to register with the Animal Abuser Registry.

SECTION 4. REGISTRATION REQUIREMENTS.

- a) When a person is convicted of an Animal Abuse Crime in any court within Herkimer County, the Herkimer County District Attorney shall forward to the Herkimer County Sheriff's Office the name and address of the convicted person along with the specific Animal Abuse Crime of which such person was convicted, thereby notifying the Herkimer County Sheriff's Office that the person is an Animal Abuse Offender and required to register with the Animal Abuser Registry.
- b) All Animal Abuse Offenders must register with the Animal Abuser Registry within five (5) business days of their release from incarceration or, if not incarcerated, from the date of the Conviction.
- c) Each animal Abuse Offender shall submit to the Herkimer County Sheriff's Office, the following:
 - i.* Their name and any other name by which they may be known;
 - ii.* Their residential address;
 - iii.* Their date of birth; and
 - iv.* A description of the offense for which such person was convicted, the date of Conviction, and the sentence imposed.
- d) The Herkimer County Sheriff's Office shall photograph the front of the Animal Abuse Offender's head and shoulders.
- e) The Herkimer County Sheriff's Office shall update Animal Abuse Offender information on the Animal Abuser Registry when new Convictions are made within Herkimer County and/or when updates to the Registry are provided by Animal Abuse Offenders, and may provide a press release regarding the same, and make it available to:
 - i.* Other law enforcement entities within New York State, including Animal Control Agencies, and
 - ii.* Animal Shelters, Pet Sellers, animal-welfare organizations, and other groups involved in animal adoption and the sale of animals
- f) Every Animal Abuse Offender shall update their Registry information within five (5) days of any change of residence address and/or upon any official change of name. The obligation to provide such updates continues throughout the entire period in which such person is required to be registered.
- g) Every Animal Abuse Offender shall pay an initial fee of one hundred fifty dollars (\$150.00) to the Herkimer County Sheriff's Office at the time of registration. All

such fees shall be used to help pay administrative and maintenance costs of maintaining the Registry. Updates to the Animal Abuser Registry are made at no additional fee.

SECTION 5. EXAMINATION OF REGISRTY.

Prior to the sale, exchange or other transfer of ownership of any animal, any Animal Shelter, Pet Seller or other person or entity involved in transferring ownership of Animals is encouraged to examine the Animal Abuser Registry of Herkimer County, as well as any other applicable New York County Animal Abuser Registry to confirm that the name of the potential owner of the Animal is not listed as an Animal Abuse Offender, and may contact the Herkimer County Sheriff's Office to confirm a potential owner's identify.

SECTION 6. PENALTIES.

- a) Any Animal Abuse Offender required to register with the Animal Abuser Registry who fails to register shall be guilty of a class A misdemeanor punishable by incarceration for a period of not more than one (1) year and/or a fine not to exceed one thousand dollars (\$1,000.00).
- b) Any Animal Abuse Offender who violates a prohibition against owning an Animal shall be guilty of a class A misdemeanor punishable by incarceration for a period of not more than one (1) year and/or a fine not to exceed five thousand dollars (\$5,000.00).
- c) Any fines collected shall be used by the County towards the care and upkeep of animals through the Herkimer County Humane Society or as otherwise determined by the Herkimer County Legislature.
 - i. It shall not be a violation of this Local Law if an Animal Abuse Offender owns an animal used as a service animal, either utilized by themselves or by another person residing at the same address as the Animal Abuse Offender. A service animal is to be defined in a manner consistent with Federal or State Law for person with disabilities.
 - ii. It shall be a violation of this Local Law if an Animal Abuse Offender allows the ownership or maintenance of an animal at his or her residence with the ownership of the animal being in the name of a family member or other person residing at the same address as the registered Animal Abuse Offender.

SECTION 7. RULES AND REGULATION.

The Herkimer County Sheriff, or the Herkimer County Sheriff's designee, is hereby authorized and empowered to take such steps as may be reasonably necessary to implement this Local Law.

SECTION 8. SEVERABILITY.

If any clause, sentence, paragraph, section, subdivision or other part of this Local Law or its applications shall be adjudged by a court of competent jurisdiction to be invalidated or unconstitutional, such order or judgement shall not affect, impair, or otherwise invalidate the remainder of this Local Law which shall remain in full force and effect.

SECTION 9. EFFECTIVE DATE.

This Local Law shall apply to those Animal Abuse Offenders with Convictions occurring on or after the effective date of this Local Law.

This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with Sections 20, 21 and 27 of New York State Municipal Home Rule Law.

On motion of Mr. Hollum, seconded by Mr. Russell, Resolution No. 129 sponsored by the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means requesting legislation authorizing the extension of the additional sales and compensating use tax was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).



HERKIMER COUNTY LEGISLATURE

No. 129

RESOLUTION REQUESTING LEGISLATION AUTHORIZING THE EXTENSION OF THE ADDITIONAL SALES AND COMPENSATING USE TAX

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

WHEREAS, the Legislature of the State of New York adopted and the Governor signed into law as Chapter 58 of the Laws of 2020, authorizing the County of Herkimer to extend the imposition of an additional One and One Quarter Percent (1 ¼%) sales and compensating use tax for the period beginning December 1, 2020 and ending November 30, 2023; and

WHEREAS, in order for this additional sales and compensating use tax to be extended, new legislation by the Legislature of the State of New York shall be required; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby requests its Assemblymen and Senators to introduce into the New York State Legislature bills which would seek a two year extension and amendment of the statutory authorization for Herkimer County to impose an additional 1 ¼% sales and compensating use tax, with the new period to commence December 1,

2023, and with the additional ¼% to be dedicated to the costs of the construction and financing of a new correctional facility; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Assemblyman Brian Miller, Assemblyman Robert Smullen, Senator Mark Walczyk, and Senator Joseph A. Griffo.

Dated: April 5, 2023.

On motion of Mr. Campione, seconded by Mr. Russell, Resolution No. 130 sponsored by the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means requesting authority to extend the imposition of a mortgage recording tax was handed up; discussion was held; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).



HERKIMER COUNTY LEGISLATURE

No. 130

RESOLUTION REQUESTING AUTHORITY TO EXTEND THE IMPOSITION OF A MORTGAGE RECORDING TAX

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

WHEREAS, Local Law No. 3 for the year 2005 imposed a mortgage recording tax within the County of Herkimer, pursuant to Section 253-i of the Tax Law, Chapter 549 of the Laws of 2005, as amended by Chapter 474 of the Laws of 2006; and

WHEREAS, Local Law No. 2 for the year 2020 extended the mortgage recording tax to December 1, 2023, pursuant to Section 253-u of the Tax Law, Chapter 58 of the laws of 2020, Subpart E, Item N; and

WHEREAS, the County of Herkimer is faced with continuing fiscal pressure in the foreseeable future, and wishes to minimize the burden on local property taxpayers; and

WHEREAS, because of said requirements and others, this County Legislature finds it necessary to request an extension of the county mortgage recording tax; now, therefore, be it

RESOLVED, that this Legislature hereby requests that the Assemblymen and State Senators elected to represent Herkimer County in the New York State Legislature cause to be introduced in the Assembly and in the Senate bills to allow Herkimer County to extend, by local law or resolution, a mortgage recording tax in the amount of twenty-five cents for each one hundred dollars and each remaining major fraction thereof of principal debt or obligation which is secured by a mortgage on real property situated within the County, with such tax to mirror the

state mortgage recording tax, except that the deposit of all revenue received pursuant to such tax, after deducting administration expenses, shall be into the general fund of Herkimer County, with the revenue from such mortgage recording tax to be used for any county purpose, and that the New York State Tax Law and whatever other sections of law are necessary to fulfill this purpose be amended; and, be it further

RESOLVED, that our said representatives in the State Legislature make every effort to secure prompt passage of said legislation to the end that Herkimer County may receive the benefits of said legislation at the earliest date possible; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Assemblyman Brian Miller, Assemblyman Robert Smullen, Senator Mark Walczyk, and Senator Joseph A. Griffo.

Dated: April 5, 2023.

On motion of Mr. Hollum, seconded by Mr. Russell, Report and Resolution No. 131 sponsored by the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means authorizing an appropriation of funds was handed up; voted on and adopted by roll call vote:

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

Against: None.

Absent: Keeler (1).



HERKIMER COUNTY LEGISLATURE

No. 131

REPORT AND RESOLUTION AUTHORIZING APPROPRIATION OF FUNDS

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

WHEREAS, Resolution No. 8 of 2023 appropriated funds and approved the purchase of the Hart Voting System at a cost of \$490,683; and

WHEREAS, by letter dated April 4, 2023 from Kim Tranter and Robert Hoyt, Election Commissioners, the purchase of the machines will now include a five year maintenance agreement for a total cost of \$539,023,

WHEREAS, by letter dated April 4, 2023 from Sheri Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised of a request for an appropriation of funds for the additional cost of \$48,340; now, therefore, be it

RESOLVED, that an appropriation be made as follows:

| | |
|----------|---|
| \$48,340 | From: A909, General Fund |
| | To: A1450A.25000, BOE Admin., Other Equipment |

and, be it further

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

Dated: April 5, 2023.

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

At 2:23 p.m. on motion of Mr. Manno, seconded by Mr. Stephens, the Legislature adjourned to Wednesday, April 26, 2023 at 7:00 p.m., with a Public Hearing on Open Enrollment for the Agricultural District at 6:25 p.m.

Jennifer L. Williams, Deputy Clerk