

# HERKIMER COUNTY LEGISLATURE MEETING

Wednesday, April 3, 2024

2:00 p.m.

## PLEDGE OF ALLEGIANCE

Moment of Silence in Recognition of All Veterans, Past and Present

## ROLL CALL

### Communications:

144	County Property Agent – Submitting delinquent taxes	FILE
145	Wladis Law Firm – Submitting SEQRA determination of negative significance	FILE
146	Highway Superintendent – Requesting discussion for rehabilitation of bridge and road	HIGHWAYS
147	Sheriff – Submitting January 2024 Monthly Report	PUB. SFTY./ EMER. MGMT.
148	Sheriff – Submitting February 2024 Monthly Report	PUB. SFTY./ EMER. MGMT.
149	Commissioners of Elections – Requesting approval for mail check	ADMIN./VETS. WAYS & MEANS
150	IDA – Requesting PILOT Agreement	CO. PLNG & DEV.
151	Director of Information Services – Requesting contract renewal	INFO. SVCS. WAYS & MEANS
152	Personnel Officer – Requesting Resolution to amend Resolution No. 353 of 2022 and Resolution No. 80 of 2009	WAYS & MEANS
153	Personnel Officer – Requesting amendment to Salary Schedule II to delete titles	WAYS & MEANS
154	Personnel Officer – Requesting amendment to hourly salary schedule in STOP DWI	WAYS & MEANS
155	Highway Superintendent – Submitting 2023 Annual Report	HIGHWAYS
156	Budget Officer/Purchasing Agent – Requesting transfer of funds in DSS	WAYS & MEANS
157	Co-Chair, Democratic Committee – Submitting recommendation for re-appointment of Democratic Commissioner of Elections	ADMIN./VETS.
158	Budget Officer/Purchasing Agent – Requesting renewal of grant agreement for Immunization Action Plan, creating project, and amending budget in Public Health	HUMAN RES. WAYS & MEANS

# HERKIMER COUNTY LEGISLATURE MEETING

Wednesday, April 3, 2024

2:00 p.m.

159	Highway Superintendent – Requesting approval of 2024 capital construction projects	HIGHWAYS
160	Budget Officer/Purchasing Agent – Requesting budget amendment in connection with grant in Public Health	HUMAN RES. WAYS & MEANS
161	Budget Officer/Purchasing Agent – Requesting to award proposal for services related to the correctional facility recently vacated by the Sheriff’s Dept. and an appropriation of funds	CO. PROPERTIES WAYS & MEANS
162	Personnel Officer – Requesting amendment to Salary Schedule No. II and VI in the District Attorney’s Office	PUB. SFTY./ EMER. MGMT. WAYS & MEANS
163	County Administrator – Requesting amendment to hourly salary schedule for Student Aide	WAYS & MEANS
164	Director of Employment & Training – Requesting payment for training	CO. PLNG & DEV. WAYS & MEANS
165	Director of Public Health – Requesting amendment to Resolution No. 390	WAYS & MEANS

## **Consent Agenda:**

102	HIGHWAYS: Adopting Annual Report of County Superintendent of Highways	VOICE
103	NAT. RESOURCES: Setting Public Hearing on annual thirty-day period for inclusion of viable agricultural land within a certified agricultural district	VOICE
104	HUMAN RES.: Setting date for Public Hearing on Introductory Local Law A for 2024	VOICE
105	WAYS & MEANS: Amending Res. No. 390 authorizing attendance at conferences for municipal officers and employees during the year 2024	VOICE
106	WAYS & MEANS: Authorizing transfer of funds in DSS	VOICE
107	CO. PLNG & DEV., WAYS & MEANS: Authorizing payment for training in ETA	VOICE

## **Regular Agenda:**

108	ADMIN./VETS. AFFAIRS: Making appointment of Commissioner of Elections	VOICE
109	WAYS & MEANS: Amending Resolution No. 378 of 2023	ROLL CALL
110	HUMAN RES., WAYS & MEANS: Accepting funding and amending budget in the Public Health Department	VOICE
111	HUMAN RES., WAYS & MEANS: Authorizing renewal of contract with NYS Dept. of Health for Immunization Action Plan, creating project, and amending budget	VOICE

**HERKIMER COUNTY LEGISLATURE MEETING**

**Wednesday, April 3, 2024**

**2:00 p.m.**

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|-----|---|-----------|
| 112 | CO. PROPERTIES, WAYS & MEANS: Approving contract for architectural services at the correctional facility recently vacated by the Sheriff, creating a project, and appropriating funds | ROLL CALL |
| 113 | WAYS & MEANS: Amending Resolution No. 378 of 2023   | ROLL CALL |
| 114 | HIGHWAYS: Approving project under Article 6, Section 116 of the Highway Law   | VOICE     |
| 115 | WAYS & MEANS: Amending Salary Schedule No. II to delete titles  | ROLL CALL |
| 116 | WAYS & MEANS: Amending Res. No. 353 of 2022 and Resolution No. 80 of 2009 relating to the rules and regulations governing the Herkimer County employees health insurance              | VOICE     |
| 117 | WAYS & MEANS: Amending Res. No. 131 of 2008 establishing standard workday for elected and appointed officials   | VOICE     |
| 118 | PUB. SFTY./EMER. MGMT., WAYS & MEANS: Amending Salary Schedule No. VI and Salary Schedule No. II in the District Attorney's Office  | ROLL CALL |
| 119 | HIGHWAYS: Concerning Lead Agency Status pursuant to NYS Environmental Quality Review Act  | VOICE     |
| 120 | CO. PROPERTIES: Authorizing cancellation of taxes on 415 North Main Street in the Village of Herkimer   | VOICE     |
| 121 | CO. PROPERTIES: Authorizing cancellation of taxes on parcel in the Town of Frankfort  | VOICE     |
| 122 | CO. PROPERTIES: Authorizing cancellation of taxes on parcel in the Town of Frankfort  | VOICE     |
| 123 | WAYS & MEANS: Authorizing and approving the filing of supplemental short form complaint and addendum in opioid litigation   | VOICE     |
| 124 | ADMIN./VETS. AFFAIRS: Requesting legislation expanding the residency requirements for Herkimer County Assistant County Attorneys  | VOICE     |

**Adjourn to Wednesday, April 24, 2024  
at 7:00 p.m.**

**Public Hearing on Open Enrollment for Agricultural District at 6:15 p.m.**

**Public Hearing on Introductory Local Law A for 2024 at 6:17 p.m.**



## HERKIMER COUNTY LEGISLATURE

No. 102

### **REPORT AND RESOLUTION ADOPTING ANNUAL REPORT OF COUNTY SUPERINTENDENT OF HIGHWAYS**

**Sponsored by: Committee on Highways**

WHEREAS, your Committee on Highways, to which was referred the Annual Report for 2023 of the County Highway Superintendent, respectfully reports that we have examined the same, recommend the adoption of said report, and offer the following Resolution:

RESOLVED, that the 2023 Annual Report of the County Superintendent of Highways be adopted and placed on file with the Herkimer County Legislature for the year 2023.

Dated: April 3, 2024.



## HERKIMER COUNTY LEGISLATURE

No. 103

### **RESOLUTION SETTING PUBLIC HEARING ON ANNUAL THIRTY-DAY PERIOD FOR 2024 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 2024 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 24th of April, 2024 at 6:15 p.m. on the proposed additions to Agricultural Districts for the year 2024; 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 3, 2024.



## HERKIMER COUNTY LEGISLATURE

No. 104

### RESOLUTION SETTING DATE FOR PUBLIC HEARING ON INTRODUCTORY LOCAL LAW A FOR 2024

**Sponsored by: Committee on Human Resources**

WHEREAS, we the Committee on Human Resources of the Herkimer County Legislature are causing to be prepared and will present Introductory Local Law A for the year 2024 entitled, "A LOCAL LAW EXPANDING THE RESIDENCY REQUIREMENTS FOR HERKIMER COUNTY SOCIAL SERVICES ATTORNEYS"; 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 Human Resources on the 24th day of April, 2024 at 6:17 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 pursuant to law.

Dated: April 3, 2024.



## HERKIMER COUNTY LEGISLATURE

No. 105

### **REPORT AND RESOLUTION AMENDING RESOLUTION NO. 390 AUTHORIZING ATTENDANCE AT CONFERENCES FOR MUNICIPAL OFFICERS AND EMPLOYEES DURING THE YEAR 2024**

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

WHEREAS, on December 13, 2023 this Legislature adopted Resolution No. 390 authorizing attendance at conferences for municipal officers and employees during the year 2024; and

WHEREAS, by communication dated March 8, 2024, from Christina Cain, Director of Public Health, request is made to add “training as required for Healthy Families personnel” under Public Health Nursing Service; now, therefore, be it

RESOLVED, that Resolution No. 390 adopted on December 13, 2024, be amended under Public Health Nursing Service, “training as required for Healthy Families personnel”; and, be it further

RESOLVED, that in all other respects Resolution No. 390 of 2023 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 Public Health.

Dated: April 3, 2024.



## HERKIMER COUNTY LEGISLATURE

No. 106

### REPORT AND RESOLUTION AUTHORIZING TRANSFER OF FUNDS IN DEPARTMENT OF SOCIAL SERVICES

**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 13, 2024, submitting a request for a transfer of funds, reports that we have examined said communication, inquired into the subject matter thereof, and recommend that said transfer be made and offer the following Resolution:

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized and directed to transfer the following sum from and to the following accounts in the 2024 Budget:

\$11,589.47	From: A6010.10000-001, DSS Admin, Salaries
	To: A6010.10000-002, DSS Admin, Overtime

and, be it further

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

Dated: April 3, 2024.





## HERKIMER COUNTY LEGISLATURE

No. 107

### REPORT AND RESOLUTION AUTHORIZING PAYMENT FOR TRAINING IN EMPLOYMENT & TRAINING

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

WHEREAS, by communication dated March 15, 2024 from Nicole Wilson, Director of Employment & Training, this Legislature is advised of a request to authorize reimbursement to the HMO Workforce Development Board in the amount of \$1,999 for a training that is being attended through MVCC's Center for Leadership Excellence in conjunction with Daneli Partners; now, therefore, be it

RESOLVED, that authorization is given to reimburse the HMO Workforce Development Board for the Director of Employment & Training to attend a training that is through MVCC's Center for Leadership Excellence, in the amount of \$1,999; and, be it further

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

Dated: April 3, 2024.



## HERKIMER COUNTY LEGISLATURE

No. 108

### REPORT AND RESOLUTION MAKING APPOINTMENT OF COMMISSIONER OF ELECTIONS

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

WHEREAS, Robert Drumm, Co-Chair of the Herkimer County Democratic Committee, has filed a certificate from the Herkimer County Democratic Committee, in conformity with the provisions and requirements of Section 3-204 of the Election Law of the State of New York, recommending Robert J. Hoyt, a resident and qualified voter of the County of Herkimer, to be a fit and proper person to be reappointed a Commissioner of Elections for the term commencing January 1, 2025 and ending December 31, 2026; now, therefore, be it

RESOLVED, that Robert J. Hoyt, Jordanville, New York, 13361, be, and he hereby is, reappointed as Commissioner of Elections of the County of Herkimer as so recommended for the term commencing January 1, 2025 and ending December 31, 2026; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the County Treasurer, Auditor, Budget Officer, Personnel Officer, Robert J. Hoyt, and Clerk of the County of Herkimer, who shall immediately notify the State Commissioner of Elections of this appointment.

Dated: April 3, 2024.



## HERKIMER COUNTY LEGISLATURE

No. 109

### REPORT AND RESOLUTION AMENDING RESOLUTION NO. 378 OF 2023

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

WHEREAS, Resolution No. 378 of 2023 adopted the hourly salary schedule; and

WHEREAS, by letter dated March 26, 2024, James W. Wallace, Jr., County Administrator, has requested to amend the hourly salary schedule to add the title of Student Aide in Account CD8689.10100 at an hourly pay rate of \$16.00; and

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

RESOLVED, that the hourly salary schedule be amended to add the title of Student Aide in Account CD8689.10100 at an hourly rate of \$16.00; 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 Employment & Training.

Dated: April 3, 2024.



# HERKIMER COUNTY LEGISLATURE

No. 110

## REPORT AND RESOLUTION ACCEPTING FUNDING AND AMENDING BUDGET IN THE PUBLIC HEALTH DEPARTMENT

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

WHEREAS, by communication dated March 13, 2024, Christina Cain, Director of Public Health, has advised that the Health Foundation for Western and Central New York has advised that funding has been allocated for the department in the amount of \$8,000 to fund the Mohawk Valley Diaper Bank for the period of January 1, 2024 through December 31, 2024; and

WHEREAS, by letter dated March 13, 2024 from Sheri Ferdula, Budget Officer, this Legislature is advised of a request to amend the 2024 Budget in order to utilize the funding; now, therefore, be it

RESOLVED, that the 2024 Herkimer County Budget is hereby amended as follows:

Revenue Account:	A4010-1689E, PHN/Maternity & Childhood	From: \$0
		To: \$8,000
Expense Account:	A4010-44000, PHN, Contracted Svcs.	From: \$25,000
		To: \$33,000

and, be it further

RESOLVED, that the above described funding is accepted for the period January 1, 2024 through December 31, 2024; 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 3, 2024.



# HERKIMER COUNTY LEGISLATURE

No. 111

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

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

WHEREAS, by communication dated March 7, 2024, Christina Cain, Director of Public Health, has advised that the New York State Department of Health has forwarded a contract for renewal of the grant agreement for the Immunization Action Plan for the period from April 1, 2024 through March 31, 2025, with the contract amount being \$31,050.00; and

WHEREAS, by letter dated March 13, 2024 from Sheri Ferdula, Budget Officer, this Legislature is advised of a request to amend the 2024 Budget and create a new project in connection with the receipt of the amount of \$31,050.00 under said grant; now, therefore, be it

RESOLVED, that the 2024 Herkimer County Budget is hereby amended as follows:

Revenue Account:	A4189A-4489A-PH06-21, Immunization	From: \$0
		To: \$31,050
Expense Account:	A4189A-10000-001 PH06-21, Salaries	From: \$0
	A4189A-41000-PH06-21, Supplies	To: \$21,406
		From: \$0
	A4189A-44000-521-PH06-21, Rent	To: \$1,150
		From: \$0
	A4189A-46100-PH06-21, Mileage	To: \$2,000
		From: \$0
	A4189A-46100-PH06-21, Mileage	To: \$350
		From: \$0
	A4189A-81000-PH06-21, Retirement	To: \$3,072
		From: \$0
	A4189A-86000-PH06-21, Health Ins.	To: \$3,072
		From: \$0

and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to e-sign a renewal of the contract between the County of Herkimer and the New York State Department of Health to receive \$31,050.00 in funding for the Immunization Action Plan for the period April 1, 2024 through March 31, 2025; 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 3, 2024.



## HERKIMER COUNTY LEGISLATURE

No. 112

### **REPORT AND RESOLUTION APPROVING CONTRACT FOR ARCHITECTURAL SERVICES AT THE CORRECTIONAL FACILITY RECENTLY VACATED BY THE SHERIFF, CREATING A PROJECT, AND APPROPRIATING FUNDS**

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

WHEREAS, by letter dated March 13, 2024, from Sheri A. Ferdula, Budget Officer/ Purchasing Agent, this Legislature is advised of a proposal for architectural and engineering services related to the correctional facility recently vacated by the Sheriff's Department for a study to evaluate existing conditions and feasibility options for repurposing; and

WHEREAS, said letter further advises the proposal from Nelson Associates, 1 North Park Row, Clinton, NY 13323, in the amount of \$12,496, will evaluate the structural, mechanical, electrical and plumbing systems, and compare the costs for options such as storage, office space, or demolition; and

WHEREAS, letter further requests the creation of a project and an appropriation of funds; now, therefore, be it

RESOLVED, that the Legislature of Herkimer County approves the creation of a project and an appropriation of funds as follows:

\$12,496      From: A889N, Reserve, Buildings  
                  To:    H1620.40000, Buildings, Capital, Contractual, Project 16-6

and, be it further

RESOLVED, that the Herkimer County Legislature hereby approves a contract with Nelson Associates Architectural Engineering for architectural and engineering services related to the facility recently vacated by the Herkimer County Sheriff; and, be it further

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

Dated: April 3, 2024.



## HERKIMER COUNTY LEGISLATURE

No. 113

### REPORT AND RESOLUTION AMENDING RESOLUTION NO. 378 OF 2023

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

WHEREAS, Resolution No. 378 of 2023 adopted the hourly salary schedule; and

WHEREAS, by letter dated March 13, 2024, Mike Edwards, STOP-DWI Coordinator, has requested to amend the hourly salary schedule; and

WHEREAS, by letter dated March 19, 2024, Steven Billings, Personnel Officer, requests to amend the hourly salary schedule to add the title of Administrative Assistant in Account A3315 at an hourly pay rate of \$28.85 per hour, as a temporary position which will end six months from April 3, 2024; and

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

RESOLVED, that the hourly salary schedule be amended to add the title of Administrative Assistant in Account A3315 at an hourly pay rate of \$28.85; and, be it further

RESOLVED, that this position will end six months from April 3, 2024; and, be it further

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

Dated: April 3, 2024.



# HERKIMER COUNTY LEGISLATURE

No. 114

## REPORT AND RESOLUTION APPROVING PROJECT 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 20, 2024, 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 2024, covering one project 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 project involved in the Capital Construction Program, to be funded as listed:

PROJECT NO.	ROAD/LOCATION	TYPE OF PROJECT	ESTIMATED CONSTRUCTION COST
434	Rehabilitation of Bridge St. CR 200 a portion of Old State Rd CR 200 Village & Town of Newport	Engineering portion Rehabilitation	\$100,000.00

and, be it further

RESOLVED, that this project will be funded by CHIPS 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 3, 2024.





## HERKIMER COUNTY LEGISLATURE

No. 115

### REPORT AND RESOLUTION AMENDING SALARY SCHEDULE NO. II TO DELETE TITLES

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

WHEREAS, Resolution No. 100 dated March 13, 2024 created Salary Schedule No. VI for full time and part time Social Services Attorneys and Assistant County Attorneys; and

WHEREAS, by letter dated March 14, 2024 from Steven Billings, Personnel Officer, requests to amend Salary Schedule No. II to delete the titles of Assistant County Attorney and Assistant County Attorney (P/T) in Account A1420 and Social Services Attorney (2 positions) and Social Services Attorney (P/T) in Account A6010, effective March 18, 2024; and

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

RESOLVED, that the 2024 Salary Schedule II is hereby amended to delete the titles of Assistant County Attorney and Assistant County Attorney (P/T) in Account A1420 and Social Services Attorney (2 positions) and Social Services Attorney (P/T) in Account A6010, effective March 18, 2024; and, be it further

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

Dated: April 3, 2024.



## HERKIMER COUNTY LEGISLATURE

No. 116

### **REPORT AND RESOLUTION AMENDING RESOLUTION NO. 353 OF 2022 AND RESOLUTION NO. 80 OF 2009 RELATING TO THE RULES AND REGULATIONS GOVERNING THE HERKIMER COUNTY EMPLOYEES HEALTH INSURANCE PLAN**

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

WHEREAS, Resolution No. 353 of 2022 amended Resolution No. 80 of 2009 relating to the rules and regulations governing the Herkimer County employees health insurance plan; and

WHEREAS, Resolution No. 100 dated March 13, 2024 created Salary Schedule No. VI; and

WHEREAS, by letter dated March 15, 2024 from Steven R. Billings, Personnel Officer, request is made to amend Resolution No. 353 of 2022 and Resolution No. 80 of 2009 by clarifying that positions covered under the newly adopted Salary Schedule No. VI shall have the same health insurance benefits in retirement as stated in the resolution for Salary Schedule No. I and Salary Schedule No. II; now, therefore, be it

RESOLVED, that Resolution No. 353 of 2022 and Resolution No. 80 of 2009 are amended to clarify that positions covered under the newly adopted Salary Schedule No. VI shall have the same health insurance benefits in retirement as stated in the resolution for Salary Schedule No. I and Salary Schedule No. II; and, be it further

RESOLVED, that in all other respects, Resolution No. 353 of 2022 shall remain in full force and effect; and, be it further

RESOLVED, that a certified copy of this resolution shall be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer, County Attorney, and Commissioner of Social Services.

Dated: April 3, 2024.



## HERKIMER COUNTY LEGISLATURE

No. 117

### RESOLUTION AMENDING RESOLUTION NO. 131 OF 2008 ESTABLISHING STANDARD WORKDAY FOR ELECTED AND APPOINTED OFFICIALS

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

WHEREAS, Resolution No. 131 of 2008 established the standard workday for elected and appointed officials and certain positions under Salary Schedules No. I and No. II; and

WHEREAS, Resolution No. 100 of 2024 created Salary Schedule No. VI for Full Time and Part Time Social Services Attorneys and Assistant County Attorneys, making it necessary to amend Resolution No. 131 of 2008, effective March 18, 2024; now, therefore, be it

RESOLVED, that Resolution No. 131 of 2008 is hereby amended to include the following:

**Seven Hour Day:**

Part Time Assistant County Attorney

Part Time Social Services Attorney

Full Time Social Services Attorney

and, be it further

RESOLVED, that in all other respects, Resolution No. 131 of 2008 is hereby ratified and confirmed; and, be it further

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

Dated: April 3, 2024.



# HERKIMER COUNTY LEGISLATURE

No. 118

## REPORT AND RESOLUTION AMENDING SALARY SCHEDULE NO. VI AND SALARY SCHEDULE NO. II IN THE DISTRICT ATTORNEY'S OFFICE

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

WHEREAS, by letter dated March 25, 2024 from Steven R. Billings, Personnel Officer, your Committees have been advised that Salary Schedule No. II should be amended to delete the titles of 1<sup>st</sup> Assistant, Assistant District Attorney (F/T), and Assistant District Attorney (P/T) and place them in Salary Schedule No. VI; and

WHEREAS, said letter further requests to establish the base pay rate for the 1<sup>st</sup> Assistant District Attorney at \$120,000, the year 2 salary at \$130,000, the year 4 salary at \$140,000, and steps 4, 5, 6, 10, and 15 will be the same as the current Salary Schedule No. II employees, the base pay rate for the title of Assistant District Attorney (F/T) will be set at \$110,000, the year 2 salary will be \$120,000, the year 4 salary will be \$130,000, and steps 4, 5, 6, 10, and 15 will be the same as the current Salary Schedule No. II employees, the base pay rate for the Assistant District Attorney (P/T) will be \$44,000, the year 2 salary will be \$48,000, the year 4 salary will be \$52,000 and steps 4, 5, 6, 10, and 15 will be the same as the current Salary Schedule No. II employees; and

WHEREAS, said letter further requests a payment for the titles of 1<sup>st</sup> Assistant District Attorney, Assistant District Attorney (F/T), and Assistant District Attorney (P/T), if any of these titles has to report to one or more scenes outside of regular work hours, there will be a \$200 payment; now, therefore, be it

RESOLVED, that Salary Schedule No. II is amended to delete the titles of 1<sup>st</sup> Assistant, Assistant District Attorney (F/T), and Assistant District Attorney (P/T) and place them in Salary Schedule No. VI; and, be it further

RESOLVED, that the base pay rate for the 1<sup>st</sup> Assistant District Attorney at \$120,000, the year 2 salary at \$130,000, the year 4 salary at \$140,000, and steps 4, 5, 6, 10, and 15 will be the same as the current Salary Schedule No. II employees, the base pay rate for the title of Assistant District Attorney (F/T) will be set at \$110,000, the year 2 salary will be \$120,000, the year 4 salary will be \$130,000, and steps 4, 5, 6, 10, and 15 will be the same as the current Salary Schedule No. II employees, the base pay rate for the Assistant District Attorney (P/T) will be \$44,000, the year 2 salary will be \$48,000, the year 4 salary will be \$52,000 and steps 4, 5, 6, 10, and 15 will be the same as the current Salary Schedule No. II employees; and, be it further

RESOLVED, that authorization is given for payment for the titles of 1<sup>st</sup> Assistant District Attorney, Assistant District Attorney (F/T), and Assistant District Attorney (P/T), if any of these titles has to report to one or more scenes outside of regular work hours, there will be a \$200 payment

RESOLVED, that the above changes are effective April 8, 2024; and, be it further

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

Dated: April 3, 2024.



## HERKIMER COUNTY LEGISLATURE

No. 119

### REPORT AND RESOLUTION CONCERNING LEAD AGENCY STATUS PURSUANT TO NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT

**Sponsored by: Committee on Highway**

WHEREAS, by letter of Herkimer County Highway Superintendent Mark Nagele dated March 15, 2024, a resolution is requested to authorize a highway project known as project No. 427 in the Town of Newport, New York on North Gage Road, being County Road No. 67; and

WHEREAS, a commitment to said project requires State Environmental Quality Review Act compliance; and

WHEREAS, consultants Barton & Loguidice, DPC, 443 Electronics Parkway, Liverpool, New York 13088 will complete appropriate environmental review; now, therefore, be it

RESOLVED, that the County of Herkimer be declared as Lead Agency pursuant to the New York State Environmental Quality Review Act; and, be it further

RESOLVED, that appropriate environmental review be undertaken pursuant to SEQRA for the said North Gage Road project; and, be it further

RESOLVED, that certified copies of the resolution be sent to the Herkimer County Highway Superintendent, County Attorney, and Barton & Loguidice, DPC.

Dated: April 3, 2024.



## HERKIMER COUNTY LEGISLATURE

No. 120

### REPORT AND RESOLUTION AUTHORIZING CANCELLATION OF TAXES ON 415 NORTH MAIN STREET IN THE VILLAGE OF HERKIMER

#### Sponsored by: Committee on County Properties

WHEREAS, the premises located at 415 North Main Street in the Village of Herkimer, having Tax Map No. 113.81-6-6 [hereafter “the premises”] was the subject of the In Rem proceedings brought by the County of Herkimer for the tax year 2021; and

WHEREAS, by Resolution No. 74 of February 14, 2024, the Herkimer County Legislature authorized Herkimer County to take title to the above premises through the 2021 In Rem Process; and

WHEREAS, by Resolution No. 74, the Chairman of the Herkimer County Legislature was authorized to execute a Bargain and Sale Deed to the Herkimer Local Development Corporation [hereafter “LDC”]; and

WHEREAS, Resolution No. 74 further authorized the Chairman of the Herkimer County Legislature to sign a Real Property Transfer and Indemnification Agreement with the Herkimer County Industrial Development Agency and the LDC wherein the LDC has agreed that in the event that the LDC transfers the above premises for an amount greater than the costs incurred by the LDC from its general fund sources (not including grant funds) to ready the premises for sale, the amount more than such costs will be utilized to reimburse the County up to the amount of tax liens cancelled at the time of tax foreclosure of the above premises; now, therefore, be it

RESOLVED, that upon the execution of the Real Property Transfer and Indemnification Agreement by all parties, and the conveyance of the above premises by Bargain and Sale Deed to the LDC, all outstanding tax liens on the premises shall be cancelled; and, be it further

RESOLVED, that upon transfer of the premises to the LDC, the County Property Agent is directed to issue and file a Certificate of Cancellation of taxes at that time; 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 Herkimer Local Development Corporation.

Dated: April 3, 2024.



## HERKIMER COUNTY LEGISLATURE

No. 121

### REPORT AND RESOLUTION AUTHORIZING CANCELLATION OF TAXES ON 4360 ACME ROAD IN THE TOWN OF FRANKFORT

**Sponsored by: Committee on County Properties**

WHEREAS, the premises located at 4360 Acme Road in the Town of Frankfort, having Tax Map Parcel Nos. 119.27-1-13 and 119.27-1-14 [hereafter "the premises"] was the subject of the In Rem proceedings brought by the County of Herkimer for the tax year 2021; and

WHEREAS, by Resolution No. 39 of January 24, 2024, the Herkimer County Legislature authorized Herkimer County to take title to the above premises through the In Rem Process; and

WHEREAS, by Resolution No. 39 of 2024, the Chairman of the Herkimer County Legislature was authorized to execute an Agreement with the Office of the New York State Comptroller and/or New York State Department of Environmental Conservation that would hold the County harmless from any liability resulting from petroleum based environmental conservation; and

WHEREAS, by Resolution No. 108 of December 30, 2022, the Town Board of the Town of Frankfort resolved that the Town would accept legal title of the above premises upon completion of site remediation; now, therefore, be it

RESOLVED, that upon the conveyance of the above premises to the Town of Frankfort, the Town of Frankfort and the County of Herkimer will execute an Agreement that all outstanding tax liens on the premises shall be cancelled by the County and that the Town will indemnify and hold the County harmless against any claims in reference to the above premises and that in the event that the Town sells or otherwise conveys the above premises for an amount greater than the costs incurred by the Town from general fund sources (not including grant funds) that the Town will reimburse the County for all or a portion of the outstanding tax lien forgiven; and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature is authorized to enter into an agreement with the Town of Frankfort authorizing conveyance of the above premises to the Town of Frankfort and further requiring the Town of Frankfort to reimburse all or a portion of the outstanding tax lien forgiven in the event that the Town sells or otherwise conveys the above premises as set forth above; and, be it further

RESOLVED, that upon transfer of the above premises by the County of Herkimer to the Town of Frankfort, the County Property Agent is directed to cancel all tax liens and to issue and file a Certificate of Cancellation of taxes at that time; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Auditor, County Property Agent, the New York Environmental Protection and Spill Compensation Fund, and the Town of Frankfort.

Dated: April 3, 2024.



## HERKIMER COUNTY LEGISLATURE

No. 122

### REPORT AND RESOLUTION AUTHORIZING CANCELLATION OF TAXES ON 4356 ACME ROAD IN THE TOWN OF FRANKFORT

#### Sponsored by: Committee on County Properties

WHEREAS, the premises located at 4356 Acme Road in the Town of Frankfort, having Tax Map Parcel No. 119.27-1-15 [hereafter "the premises"] was the subject of the In Rem proceedings brought by the County of Herkimer for the tax year 2021; and

WHEREAS, by Resolution No. 39 of January 24, 2024, the Herkimer County Legislature authorized Herkimer County to take title to the above premises through the In Rem Process; and

WHEREAS, the County of Herkimer is in receipt of a communication from Thomas Segulic, P.E., HRP Associates, Inc. together with excerpts from a Phase I Environmental Review stating that the environmental review did not indicate any industry activities of concern on the premises; and

WHEREAS, by Resolution No. 108 of December 30, 2022, the Town Board of the Town of Frankfort resolved that the Town would accept legal title of the above premises upon completion of site remediation; now, therefore, be it

RESOLVED, that upon the conveyance of the above premises to the Town of Frankfort, the Town of Frankfort and the County of Herkimer will execute an Agreement that all outstanding tax liens on the above premises shall be cancelled by the County, and further that the Town will indemnify and hold the County harmless against any claims in reference to the above premises and that in the event that the Town sells or otherwise conveys the above premises for an amount greater than the costs incurred by the Town from general fund sources (not including grant funds) that the Town will reimburse the County for all or a portion of the outstanding tax lien forgiven; and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature is authorized to enter into said agreement with the Town of Frankfort authorizing conveyance of the above premises to the Town of Frankfort and further requiring the Town of Frankfort to reimburse all or a portion of the outstanding tax lien forgiven in the event that the Town sells or otherwise conveys the above premises as set forth above; and, be it further

RESOLVED, that upon transfer of the above premises by the County of Herkimer to the Town of Frankfort, the County Property Agent is directed to cancel all tax liens and to issue and file a Certificate of Cancellation of taxes at that time; 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 Town of Frankfort.

Dated: April 3, 2024.





## HERKIMER COUNTY LEGISLATURE

No. 123

### **RESOLUTION AUTHORIZING AND APPROVING THE FILING OF SUPPLEMENTAL SHORT FORM COMPLAINT AND ADDENDUM IN OPIOID LITIGATION**

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

WHEREAS, the County of Herkimer is involved in litigation in the Supreme Court, Suffolk County, regarding the opioid addition crisis, in which the County of Herkimer is a named Plaintiff in the action (the "Action"); and

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

WHEREAS, the County of Herkimer is in receipt of a communication from Holly Nighbert of Simmons Hanly Conroy, One Court Street, Alton, Illinois 62002 recommending that the County proceed to add additional claims and defendants to hold them accountable for their role in the opioid epidemic; and

WHEREAS, counsel recommends that the County of Herkimer authorize them to supplement the County's Complaint in the Coordinated Action currently pending in Westchester County Supreme Court to add additional defendants and claims and to further authorize counsel to file the Supplemental Short Form Complaint and Addendum; now, therefore, be it

RESOLVED, that Simmons Hanly Conroy be authorized to file the Supplemental Short Form Complaint and Addendum on the County's behalf by the Court ordered deadline of April 18, 2024; and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature be authorized to sign any pleadings therein, if necessary; and, be it further

RESOLVED, that certified copies of the resolution herein be forwarded to the Herkimer County Treasurer, County Attorney, and Simmons Hanly Conroy.

Dated: April 3, 2024.



## HERKIMER COUNTY LEGISLATURE

No. 124

### **RESOLUTION REQUESTING LEGISLATION EXPANDING THE RESIDENCY REQUIREMENTS FOR HERKIMER COUNTY ASSISTANT COUNTY ATTORNEY'S**

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

WHEREAS, a position of Assistant County Attorney for Herkimer County has become vacant; and

WHEREAS, legislation amending New York State Law to allow a person holding the office of Assistant County Attorney for Herkimer County to reside in Herkimer County or an adjoining county in New York State is requested to enhance the applicant pool of available Attorneys; 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 Assistant County Attorney's to permit the position to be filled with an employee who resides 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, Senator Joseph A. Griffo.

Dated: April 3, 2024.