

MINUTES
Herkimer County Legislature
Second Quarter – Fourth Day
Wednesday, June 12, 2024
7:00 p.m.

The Regular Session of the Herkimer County Legislature was called to order by Chairman Robert D. Hollum at 7:02 p.m.

Chairman Hollum called on Legislator John Brezinski, to lead the Legislature in the Pledge of Allegiance.

Chairman Hollum 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, Brewer, Bennett, Keeler, Brezinski, Bick, Swartz, Beach, Ackerman, Donley, Campione, Haehl, Conover, Weakley (17).

Absent: None.

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Hollum asked if there were any objections or corrections to the minutes of May 15, 2024. There were none, and the Chairman ordered them approved.

At this time Chairman Hollum called on Legislator William Weakley for the presentation of a proclamation. Mr. Weakley read the proclamation which proclaimed Wednesday, June 19, 2024 as “Donald K. Dutcher Day.”

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

Chairman Hollum 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. 223 – A communication was received from the Herkimer County 4-H Program submitting thank you for donation in memory of Legislator Shaw. Filed.

No. 224 – A communication was received from the NYS Department of State advising of Filing of Local Law No. 2 for 2024. Filed.

No. 225 – A communication was received from the NYS Agriculture & Markets certifying the inclusion of predominantly viable agricultural land. Filed.

No. 226 – A communication was received from the Herkimer County Soil & Water Conservation District advising of monthly meeting. Filed.

No. 227 – A communication was received from Chairman Hollum making appointment of legislator to fill vacancy in District No. 16. Filed.

No. 228 – A communication was received from the County Clerk submitting resignation of Herkimer County Legislator District 15. Filed.

No. 229 – A communication was received from Chairman Hollum making appointment of legislator to fill vacancy in District No. 15. Filed.

No. 230 – A communication was received from Patrick E. Russell submitting resignation as a member of the Herkimer County Jury Board. Filed.

No. 231 – A communication was received from the IDA submitting PILOT Agreement and application of Real Property Tax Exemption. Filed.

No. 232 – A communication was received from the County Clerk submitting resignation of STOP-DWI Coordinator. Filed.

No. 233 – A communication was received from Chairman Hollum making appointment of STOP-DWI Coordinator. Filed.

No. 234 – A communication was received from the Republican Legislators naming Majority Leader. Filed.

No. 235 – A communication was received from the Solid Waste Authority submitting Resolutions and meeting minutes. Filed.

No. 236 – A communication was received from NYS DEC submitting Public Notice. Filed.

No. 237 – A communication was received from the Beaver River Hydroelectric Project submitting updated study report meeting. Filed.

No. 238 – A communication was received from the Director of Public Health requesting contracts for education/related services to preschool children. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 239 – A communication was received from the Director of Community Services submitting appointment to Community Services Board. Referred to the Committee on Human Resources.

No. 240 – A communication was received from the Sheriff submitting April 2024 Monthly Report. Referred to the Committee on Public Safety & Emergency Management.

No. 241 – A communication was received from the Director of Emergency Services requesting to award bid for LED lighting. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 242 – A communication was received from the Budget Officer/Purchasing Agent requesting renewal of contract with Quadsimia in the Information Services Department. Referred to the Committee on Information Services and the Committee on Ways & Means.

No. 243 – A communication was received from the Commissioners of Elections requesting approval for attendance at conference. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 244 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in connection with State Septic Replacement Program. Referred to the Committee on Ways & Means.

No. 245 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in connection with TANF 2024 Summer Youth Program funding. Referred to the Committee on Ways & Means.

No. 246 – A communication was received from the Personnel Officer requesting amendment to Salary Schedule No. III in the Public Health Department. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 247 – A communication was received from the Personnel Officer requesting amendment to Salary Schedule No. II in the Public Health Department. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 248 – A communication was received from the Director of Community Services requesting contract renewal for electronic health record system. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 249 – A communication was received from the Personnel Officer requesting temporary position in Treasurer's Office. Referred to the Committee on Ways & Means.

No. 250 – A communication was received from the Personnel Officer requesting amendment to Salary Schedule No. V in the Sheriff's Department. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 251 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment for additional CHIPS funding in the Highway Department. Referred to the Committee on Ways & Means.

No. 252 – A communication was received from the Director of Employment & Training requesting contract with BOCES for Summer Youth Employment Program. Referred to the Committee on County Planning & Development and the Committee on Ways & Means.

No. 253 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in Public Health. Referred to the Committee on Ways & Means.

No. 254 – A communication was received from the Budget Officer/Purchasing Agent requesting change order and appropriation of funds in connection with 108 Court Street remodel. Referred to the Committee on County Properties and the Committee on Ways & Means.

No. 255 – A communication was received from the Budget Officer/Purchasing Agent requesting contract in connection with chiller at HCCC. Referred to the Committee on Education and the Committee on Ways & Means.

No. 256 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer of funds in the Sheriff Department. Referred to the Committee on Ways & Means.

No. 257 – A communication was received from the Director of Information Services submitting 2023 Annual Report for the Information Services Department. Referred to the Committee on Information Services.

No. 258 – A communication was received from the Director of Information Services submitting 2023 Annual Report for Central Printing. Referred to the Committee on Information Services.

No. 259 – A communication was received from the Highway Superintendent requesting approval of 2024/2025 capital construction project. Referred to the Committee on Highways.

No. 260 – A communication was received from the Personnel Officer requesting amendment to Salary Schedule No. III for the title of Executive Assistant for Indigent Legal Services. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 261 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in connection with Alternatives to Incarceration Plan. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 262 – A communication was received from the Budget Officer/Purchasing Agent requesting to award bid for vehicles. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 263 – A communication was received from the Director of Public Health requesting amendment to contracts in connection with System of Care Grant. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 264 – A communication was received from the Director of Emergency Services requesting approval of Hazard Mitigation Plan. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 265 – A communication was received from the Highway Superintendent requesting approval for entry upon private property outside the highway right of way. Referred to the Committee on Highways.

No. 266 – A communication was received from the County Attorney requesting to extend date in agreement with Herkimer Solar. Referred to the Committee on County Properties and the Committee on Ways & Means.

No. 267 – 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. 268 – A communication was received from the Herkimer County Sewer District submitting Resolution to amend payment policy. Referred to the Committee on Natural Resources and the Committee on Ways & Means.

No. 269 – A communication was received from the Herkimer County Sewer District submitting Resolution for contract with EFC. Referred to the Committee on Natural Resources and the Committee on Ways & Means.

No. 270 – A communication was received from Patrick E. Russell submitting resignation from Tobacco Board. Filed

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

On motion of Mr. Campione, seconded by Mr. Donley, Resolution No. 174 – Resolution No. 178 were handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 174

REPORT AND RESOLUTION ADOPTING ANNUAL REPORT OF THE INFORMATION SERVICES AND CENTRAL PRINTING DEPARTMENTS

Sponsored by: Committee on Information Services

WHEREAS, your Committee on Information Services, to which was referred the Annual

Report of the Herkimer County Information Services Department for the year 2023, and the Annual Report for the Central Printing Department for the year 2023, respectfully reports that we have examined the same, recommend the adoption of said reports, and offer the following Resolution:

RESOLVED, that the Annual Report of the Herkimer County Information Services Department and the Annual Report for the Central Printing Department for the year 2023 be approved and placed on file with the Herkimer County Legislature.

Dated: June 12, 2024.



HERKIMER COUNTY LEGISLATURE

No. 175

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 May 22, 2024, submitting a request for a transfer of funds within the commissary account used for inmate supplies, 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:

\$4,000 From: A3150C.25000, Jail Commissary, Other Equipment
 To: A3150C.41000, Jail Commissary, Supplies.

and, be it further

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

Dated: June 12, 2024.



HERKIMER COUNTY LEGISLATURE

No. 176

REPORT AND RESOLUTION APPOINTING DIRECTOR OF THE HERKIMER COUNTY SOIL AND WATER CONSERVATION DISTRICT

Sponsored by: Committee on Natural Resources

BE IT RESOLVED, that William E. Keeler, Sr., Mohawk, New York, be, and he hereby is, appointed as Director of the Herkimer County Soil and Water Conservation District, to fill a vacancy, with said terms to be effective through December 31, 2024; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Soil and Water Conservation District and the above appointee.

Dated: June 12, 2024.



HERKIMER COUNTY LEGISLATURE

No. 177

RESOLUTION DESIGNATING MEMBER OF THE LEGISLATURE AS A MEMBER OF THE COUNTY JURY BOARD

Sponsored by: Committee on Public Safety & Emergency Management

RESOLVED, that William Weakley, a member of this County Legislature, be and he hereby is, designated as a member of the County Jury Board as provided by Article 16 of the Judiciary Law; and, be it further

RESOLVED, that the Clerk of this Legislature file a certified copy of this designation in the Office of the Herkimer County Clerk, and forward a certified copy of this Resolution to the Honorable Mark Rose, Supreme Court Justice, the Honorable John H. Crandall, County & Surrogate Court Judge, and the Honorable Deborah H. Karalunas, JSC, New York State Unified Court System, Fifth Judicial District.

Dated: June 12, 2024.



HERKIMER COUNTY LEGISLATURE

No. 178

REPORT AND RESOLUTION AUTHORIZING ATTENDANCE AT CONFERENCE IN BOARD OF ELECTIONS

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

WHEREAS, Resolution No. 390 of 2023 authorized attendance at conferences for municipal officers and employees during the year 2024, which authorizes both Election Commissioners and one Deputy Commissioner of Elections on an alternating basis to attend the New York State Election Commissioners Association Annual Summer Seminar; and

WHEREAS, by communication dated May 22, 2024, from the Commissioners of Elections, request is made to authorize attendance for both Deputy Commissioners of Elections at the Summer Conference in 2024; now, therefore, be it

RESOLVED, that authorization is given for both Deputy Commissioners of Elections to attend the Summer Conference of the New York State Election Commissioners Association in 2024; 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: June 12, 2024.

On motion of Mr. Schrader, seconded by Mr. Weakley, Report and Resolution No. 179 sponsored by the Committee on Human Resources and the Committee on Ways & Means amending Salary Schedule No. II in the Public Health Department was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Brewer, Bennett, Keeler, Brezinski, Bick, Swartz, Beach, Ackerman, Donley, Campione, Haehl, Conover, Weakley (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 179

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

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

WHEREAS, by letter dated May 21, 2024, Christina Cain, Director of Public Health, has requested to amend Salary Schedule II; and

WHEREAS, by letter dated May 22, 2024, from Steven R. Billings, Personnel Officer, your Committees have been advised that Salary Schedule No. II should be amended to add one position of Administrative Officer in Account A4010, 35 hours per week, at an annual base salary of \$49,761 per year; now, therefore, be it

RESOLVED, that Salary Schedule No. II be amended to add one position of Administrative Officer in Account A4010, 35 hours per week, at an annual base salary of \$49,761; 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: June 12, 2024.

On motion of Mr. Weakley, seconded by Ms. Bennett, Report and Resolution No. 180 sponsored by the Committee on Human Resources and the Committee on Ways & Means amending Salary Schedule No. III in the Public Health Department was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Brewer, Bennett, Keeler, Brezinski, Bick, Swartz, Beach, Ackerman, Donley, Campione, Haehl, Conover, Weakley (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 180

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

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

WHEREAS, by letter dated May 20, 2024, Christina Cain, Director of Public Health, has requested to amend Salary Schedule III; and

WHEREAS, by letter dated May 22, 2024, from Steven R. Billings, Personnel Officer, your Committees have been advised that Salary Schedule No. III should be amended to add one position of Account Clerk in Account A4010, at 35 hours per week, at an annual base salary of \$33,324 per year; now, therefore, be it

RESOLVED, that Salary Schedule No. III be amended to add one position of Account Clerk in Account A4010, at 35 hours per week, at an annual base salary of \$33,324; 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: June 12, 2024.

On motion of Mr. Beach, seconded by Mr. Ackerman, Report and Resolution No. 181 sponsored by the Committee on Ways & Means amending budget in the Public Health Department was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 181

REPORT AND RESOLUTION AMENDING BUDGET IN THE PUBLIC HEALTH DEPARTMENT

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated May 22, 2024 from Sheri Ferdula, Budget Officer, this Legislature is advised of a request to amend the 2024 Budget to adjust the salary line for Public Health; now, therefore, be it

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

A4010.10000-001, Public Health, Salaries

From: \$576,491

To: \$801,491

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: June 12, 2024.

On motion of Mr. Gaworecki, seconded by Mr. Keeler, Report and Resolution No. 182 sponsored by the Committee on Human Resources and the Committee on Ways & Means amending Resolution No. 355 of 2023 authorizing contracts in connection with System of Care Grant in Public Health was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 182

REPORT AND RESOLUTION AMENDING RESOLUTION NO. 355 OF 2023 AUTHORIZING CONTRACTS IN CONNECTION WITH SYSTEM OF CARE GRANT IN PUBLIC HEALTH

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

WHEREAS, Resolution No. 355 of 2023 authorized contracts with various agencies in connection with the System of Care Grant in Public Health; and

WHEREAS, by letter dated May 29, 2024 from Christina Cain, Director of Public Health, she has advised that the contract with Cuda Counseling was not able to be fulfilled and in return was never executed and has requested to cancel the \$86,150.00 contract with Cuda Counseling and replace it with the following:

1. **View Point Clinical Therapy Services, LCSW, PLLC** – Brooke Lewis, 502 Court St., Suite 403, Utica, NY 13502
 - \$26,000.00 for the services of one full time master’s level social worker who will provide in-home therapy sessions to System of Care youth and families, as well as in-school or virtual sessions when desired by the client. This contract will run from June 1, 2024 through September 29, 2024, and the costs will cover salary, fringe, travel, meeting attendance, and administration fees
2. **Upstate Caring Partners/Community Health and Behavioral Services** – Geno DeCondo, 125 Business Park Dr., Utica, NY 13502
 - Amend the contract to increase the amount from \$31,647 to \$45,012. This amended contract will increase the level of effort from a mental health professional from 35% to 50% and will cover the costs of salary, fringe, meeting attendance, and administration fees (indirect charges). This contract will run from June 1, 2024 through September 29, 2024

now, therefore, be it

RESOLVED, that the above contracts are approved contingent upon County Attorney approval, and that the Chairman is authorized to execute said contracts; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Public Health, Commissioner of Social Services, Integrated County Planner, View Point Clinical Therapy Services, LCSW, PLLC, and Upstate Caring Partners/Community Health and Behavioral Services.

Dated: June 12, 2024.

On motion of Mr. Beach, seconded by Mr. Weakley, Report and Resolution No. 183 sponsored by the Committee on Human Resources and the Committee on Ways & Means awarding bids for vehicles, creating account, and appropriating funds was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Brewer, Bennett, Keeler, Brezinski, Bick, Swartz, Beach, Ackerman, Donley, Campione, Haehl, Conover, Weakley (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 183

REPORT AND RESOLUTION AWARDING BID FOR VEHICLES, CREATING ACCOUNT, AND APPROPRIATING FUNDS

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

WHEREAS, by letter dated May 22, 2024, Sheri Ferdula, Budget Officer/Purchasing Agent has advised that sealed bids were received, opened and read in accordance with law for the purchase of eight (8) Chevy Traverse AWD vehicles, with the lowest bidder, Steet Ponte Chevrolet, 3036 State Route 28, Herkimer, NY, \$36,012.50 each, for a total of \$288,100; and

WHEREAS, said letter further requests authorization for the Chairman to sign a Letter of Intent with New York Bus Sales, Inc., 7765 Lakeport Road, Chittenango, NY, for the purchase of a handicapped accessible Micro Bird Bus in the amount of \$123,219.84; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby awards a bid for the purchase of eight (8) Chevy Traverse AWD vehicles from Steet Ponte Chevrolet at a cost of \$36,012.50 each, for a total of \$288,100; and, be it further

RESOLVED, that the Chairman of the Legislature is authorized to sign a Letter of Intent with New York Bus Sales for the purchase of a handicapped accessible Micro Bird Bus in the amount of \$123,219.84; and, be it further

RESOLVED, that an account be created and an appropriation be made as follows:

\$411,319.84 From: A909, Fund Balance
To: A2960.23000, Ed. Of Handicapped Children, Motor Vehicle

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, Steet Ponte Chevrolet, and New York Bus Sales Inc.

Dated: June 12, 2024.

On motion of Mr. Gaworecki, seconded by Ms. Bennett, Report and Resolution No. 184 sponsored by the Committee on Education and the Committee on Ways & Means approving contract at Herkimer County Community College was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 184

REPORT AND RESOLUTION APPROVING CONTRACT AT HERKIMER COUNTY COMMUNITY COLLEGE

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

WHEREAS, by letter dated May 22, 2024, Sheri Ferdula, Budget Officer/Purchasing Agent, has requested the approval of a contract with Daikin Applied Americas, Inc., 13600 Industrial Park Blvd., Plymouth, MN 55441, for the replacement of the chiller in the Technology Center, at a total cost of \$499,878, for turnkey replacement including parts, install, and warranty; and

WHEREAS, letter further advises the payment schedule is as follows:

\$149,963.40	30% Down Payment
\$199,951.20	40% Equipment Arrival
\$ 99,975.60	20% Installation Completion
\$ 49,987.80	10% Final Inspection

now, therefore, be it

RESOLVED, that authorization is given for a contract with Daikin Applied Americas, Inc., for the replacement of the chiller in the Technology Center, at a total cost of \$499,878; and, be it further

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

Dated: June 12, 2024.

On motion of Mr. Brewer, seconded by Mr. Malta, Report and Resolution No. 185 sponsored by the Committee on County Properties and the Committee on Ways & Means concerning change order on contract for renovations at the Court Street building and appropriating funds was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Brewer, Bennett, Keeler, Brezinski, Bick, Swartz, Beach, Donley, Campione, Haehl, Conover, Weakley (16).

Against: Ackerman (1).

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 185

REPORT AND RESOLUTION CONCERNING CHANGE ORDER ON CONTRACT FOR RENOVATIONS AT THE COURT STREET BUILDING AND APPROPRIATING FUNDS

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

WHEREAS, by Resolution No. 258 of 2023, this Legislature awarded bids to complete the remodel of the 108 Court Street Building; and

WHEREAS, your Committees have been informed by letter dated May 22, 2024 from Sheri A. Ferdula, Budget Officer/Purchasing Agent, that a change order has been presented to accommodate the re-routing of the pneumatic control line, which will increase the cost of the contract by \$1,200.60; and

WHEREAS, said letter further requests an additional appropriation of \$6,000 for the purchase of desks for the Auditor's space; and

WHEREAS, your Committees have reviewed said letter concerning said change order and recommend acceptance of the same; and

WHEREAS, the Budget Officer further advises that an appropriation of funds is necessary and that funds have been verified and are available for this appropriation; now, therefore, be it

RESOLVED, that an appropriation within the 2024 budget be made as follows:

\$7,200.60 From: A889N, County Building Reserve
 To: H1620.40000, Project 16-4

and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature is hereby authorized to sign said change order on behalf of the County of Herkimer; and, be it further

RESOLVED, that the Treasurer is authorized to make any necessary adjustments to the interfund transfer accounts; and, be it further

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

Dated: June 12, 2024.

On motion of Mr. Schrader, seconded by Mr. Keeler, Report and Resolution No. 186 sponsored by the Committee on County Planning & Development and the Committee on Ways & Means authorizing an agreement with Herkimer-Fulton-Hamilton-Otsego BOCES for services for a 2024 TANF Summer Youth Employment Academic/Work Experience Program was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 186

REPORT AND RESOLUTION AUTHORIZING AN AGREEMENT WITH HERKIMER-FULTON-HAMILTON-OTSEGO BOCES FOR SERVICES FOR A 2024 TANF SUMMER YOUTH EMPLOYMENT ACADEMIC/WORK EXPERIENCE PROGRAM

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

WHEREAS, by letter dated May 21, 2024 from Nicole Wilson, Director of Employment & Training, your Committees have been advised that Herkimer-Fulton-Hamilton-Otsego BOCES has proposed to provide a Summer Youth Employment and Academic Enrichment Educational/Vocational Work Experience Program to thirty (30) 14 and 15 year old eligible participants enrolled in the 2024 TANF (Temporary Assistance to Needy Families) funded Summer Youth Employment Program (SYEP); and

WHEREAS, said letter further asks to enter into an agreement with Herkimer-Fulton-Hamilton-Otsego BOCES for the above purpose for the period of July 8, 2024 through July 31,

2024, at a total cost of \$16,467.93, with said TANF SYEP funds to be provided from the Office of Temporary and Disability Assistance (OTDA) through the Department of Social Services to ETA; now, therefore, be it

RESOLVED, that the Chairman of this Legislature and Director of Employment and Training are hereby authorized to execute an agreement on behalf of the County of Herkimer, with the Herkimer-Fulton-Hamilton-Otsego BOCES to provide services for a Summer Youth Employment and Academic Enrichment Educational/Vocational Work Experience Program to thirty (30) 14 and 15 year old eligible participants enrolled in the 2024 TANF (Temporary Assistance to Needy Families) funded Summer Youth Employment Program, at a cost of \$16,467.93, with said agreement to be for the period of July 8, 2024 through July 31, 2024, and with the terms and conditions of said agreement to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Employment and Training, and Herkimer-Fulton-Hamilton-Otsego BOCES.

Dated: June 12, 2024.

On motion of Mr. Beach, seconded by Mr. Conover, Report and Resolution No. 187 sponsored by the Committee on Ways & Means amending budget in connection with receipt of TANF Summer Youth funds was handed up; voted on; and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 187

REPORT AND RESOLUTION AMENDING BUDGET IN CONNECTION WITH RECEIPT OF TANF SUMMER YOUTH FUNDS

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated May 22, 2024 from the Budget Officer/Purchasing Agent, this Legislature is advised that it is necessary to amend the 2024 Budget to reflect TANF Summer Youth Program funds received from New York State; now, therefore, be it

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

REVENUE ACCOUNTS

CD6291-4795, ET-06-24

FROM

\$0

TO

\$194,080

APPROPRIATION ACCOUNTS

FROM

TO

CD 6291, ET-06-24, ETA-TANF.10000-001 Salaries	\$0	\$ 18,000.00
CD 6291, ET-06-24, ETA-TANF.10100-022 Temp. Emp.	\$0	\$ 125,420.66
CD 6291, ET-06-24, ETA-TANF.41000-160 Supplies	\$0	\$ 2,836.41
CD 6291, ET-06-24, ETA-TANF.41000-205 Printing	\$0	\$ 25.00
CD 6291, ET-06-24, ETA-TANF.44000 Contracted Services	\$0	\$ 19,867.93
CD 6291, ET-06-24, ETA-TANF.44000-370 Copier	\$0	\$ 150.00
CD 6291, ET-06-24, ETA-TANF.46100-759 Mileage	\$0	\$ 275.00
CD 6291, ET-06-24, ETA-TANF.46300 Postage & Freight	\$0	\$ 280.00
CD 6291, ET-06-24, ETA-TANF.81000 Retirement	\$0	\$ 7,000.00
CD 6291, ET-06-24, ETA-TANF.83000 Social Security	\$0	\$ 9,000.00
CD 6291, ET-06-24, ETA-TANF.83500 Medicare	\$0	\$ 2,100 .00
CD 6291, ET-06-24, ETA-TANF.84000 Workman’s Comp.	\$0	\$ 3,600.00
CD 6291, ET-06-24, ETA-TANF.86000 Health Insurance	\$0	\$ 5,400.00
CD 6291, ET-06-24, ETA-TANF.86500 Dental Insurance	\$0	\$ 125.00

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: June 12, 2024.

On motion of Mr. Campione, seconded by Mr. Donley, Report and Resolution No. 188 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means amending Salary Schedule No. V in the Sheriff’s Department was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Brewer, Bennett, Keeler, Brezinski, Bick, Swartz, Beach, Ackerman, Donley, Campione, Haehl, Conover, Weakley (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 188

REPORT AND RESOLUTION AMENDING SALARY SCHEDULE NO. V IN SHERIFF’S DEPARTMENT

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

WHEREAS, by letter dated May 20, 2024, Scott Scherer, Sheriff, has requested to amend the Salary Schedule to add two positions of Correction Officer within the Herkimer County Sheriff’s Department; and

WHEREAS, by letter dated May 22, 2024, Steven R. Billings, Personnel Officer, your Committees have been advised that Salary Schedule No. V should be amended by adding two additional positions of Correction Officer in Account A3150 at an annual base salary of \$43,000 per year, with these positions at 40 hours per week; now, therefore, be it

RESOLVED, that Salary Schedule No. V is amended to add two positions of Correction Officer at an annual base salary of \$43,000 per year, 40 hours per week; and, be it further

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

Dated: June 12, 2024.

On motion of Mr. Beach, seconded by Ms. Bennett, Report and Resolution No. 189 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing contract renewal for electronic medical records system for Herkimer County Mental Health Services was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 189

REPORT AND RESOLUTION AUTHORIZING CONTRACT RENEWAL FOR ELECTRONIC MEDICAL RECORDS SYSTEM FOR HERKIMER COUNTY MENTAL HEALTH SERVICES

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

WHEREAS, by letter dated May 22, 2024, from Kristen Snyder-Branner, Director of Community Services, this Legislature is advised of a request to renew an agreement with TenEleven Group Incorporated of East Amherst, New York, for the provision of an electronic medical records system and ongoing technical support services for Herkimer County Mental Health Services beginning July 27, 2024 through July 26, 2029; and

WHEREAS, the five year contract cost of said system will be \$2,513 per month; now, therefore be it

RESOLVED, that the Chairman of this Legislature be and he hereby is, authorized to execute an agreement with TenEleven Group Incorporated, 2 20th St N 5th Floor, Birmingham, AL 35203, commencing July 27, 2024 through July 26, 2029, for the provision of an electronic medical records system for Herkimer County Mental Health Services at a cost of \$2,513 per month; and, be it further

RESOLVED, that said agreement shall 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 Information Services, Director of Community Services and TenEleven Group Incorporated.

Dated: June 12, 2024.

On motion of Mr. Campione, seconded by Mr. Malta Report and Resolution No. 190 sponsored by the Committee on Ways & Means creating temporary position in Herkimer County Treasurer's Office was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Brewer, Bennett, Keeler, Brezinski, Bick, Swartz, Beach, Ackerman, Donley, Campione, Haehl, Conover, Weakley (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 190

REPORT AND RESOLUTION CREATING TEMPORARY POSITION IN HERKIMER COUNTY TREASURER'S OFFICE

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated May 22, 2024 from Kimberlee Enea, County Treasurer, she has requested to create a temporary position to allow for training of new staff under the current County Property Agent; and

WHEREAS, by letter dated May 22, 2024 from Steven R. Billings, Personnel Officer, he has requested to create a temporary, full-time position of County Property Agent, from May 28, 2024 through June 7, 2024 at an annual base salary of \$47,091 in Account A1326; and

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

RESOLVED, that one temporary full-time position of County Property Agent is hereby established at an annual base salary of \$47,091 in Account A1326, effective from May 28, 2024 through June 7, 2024; and, be it further

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

Dated: June 12, 2024.

On motion of Mr. Swartz, seconded by Mr. Keeler, Report and Resolution No. 191 sponsored by the Committee on Information Services and the Committee on Ways & Means authorizing maintenance agreement with Quadsimia in the Information Services Department was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 191

REPORT AND RESOLUTION AUTHORIZING MAINTENANCE AGREEMENT WITH QUADSIMIA IN THE INFORMATION SERVICES DEPARTMENT

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

WHEREAS, by letter dated May 22, 2024, from Sheri Ferdula, Budget Officer/
Purchasing Agent, this Legislature is advised of a request to enter into a maintenance agreement with Quadsimia for technical support and web development for the County website and intranet; and

WHEREAS, the letter further states that the maintenance agreement with Quadsimia, 412 Main Street, Utica, NY will be for 200 hours at a cost of \$20,000.00 for a one year period of April 1, 2024 through March 31, 2025; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute a maintenance 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 \$20,000.00 for a one year period of 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, Director of Information Services, and Quadsimia.

Dated: June 12, 2024.

On motion of Mr. Gaworecki, seconded by Mr. Swartz, Resolution No. 192 sponsored by the Committee on Natural Resources and the Committee on Ways & Means creating accounts and amending budget in connection with Septic System Replacement Program Grant was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 192

REPORT AND RESOLUTION CREATING ACCOUNTS AND AMENDING BUDGET IN CONNECTION WITH SEPTIC SYSTEM REPLACEMENT PROGRAM GRANT

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

WHEREAS, Resolution No. 171 of 2024 authorized the Chairman to sign the Round 4 Septic System Replacement Program grant; and

WHEREAS, by letter dated May 22, 2024 from Sheri Ferdula, Budget Officer/ Purchasing Agent, this Legislature is advised of a request to create accounts and amend the budget in order to disburse the payments; now, therefore, be it

RESOLVED, that accounts are created and the 2024 Herkimer County Budget is hereby amended as follows:

Revenue:

A8389A.3989C, Septic Replacement, State Aid \$75,000

Expense:

A8389A.44000, Septic Replacement, Contracted Services \$75,000

and, be it further

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

Dated: June 12, 2024.

On motion of Mr. Haehl, seconded by Mr. Ackerman, Report and Resolution No. 193 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means amending Salary Schedule No. III for Executive Assistant for Indigent Legal Services in the County Attorney’s Office was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Bennett, Keeler, Brezinski, Swartz, Beach, Ackerman, Donley, Campione, Haehl, Conover, Weakley (15).

Against: Brewer, Bick (2). Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 193

REPORT AND RESOLUTION AMENDING SALARY SCHEDULE NO. III FOR EXECUTIVE ASSISTANT FOR INDIGENT LEGAL SERVICES IN THE COUNTY ATTORNEY'S OFFICE

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

WHEREAS, Resolution No. 112 of 2022 established the position of Executive Assistant for Indigent Legal Services; and

WHEREAS, by letter dated May 31, 2024 from Steve Billings, Personnel Officer, this Legislature has been notified of a request to amend Salary Schedule No. III by increasing the base pay for the title of Executive Assistant for Indigent Legal Services from \$37,874.00 to \$42,500.00; and

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

RESOLVED, that Salary Schedule No. III is hereby amended in A1170B to increase the base pay for the title of Executive Assistant for Indigent Legal Services from \$37,874.00 to \$42,500.00, effective June 17, 2024; and, be it further

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

Dated: June 12, 2024.

On motion of Mr. Ackerman, seconded by Mr. Donley, Report and Resolution No. 194 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means authorizing renewal of Alternatives to Incarceration contracts and amending budget was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 194

REPORT AND RESOLUTION AUTHORIZING RENEWAL OF ALTERNATIVES TO INCARCERATION CONTRACTS AND AMENDING BUDGET

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

WHEREAS, by communication dated May 15, 2024, Michael D. Scalise, Director of Probation, advises that the State of New York Division of Criminal Justice Services has approved an extension to the Alternatives to Incarceration Plan and awards for the Pre-trial Release Program and the Community Service Program in the amount of \$12,733 for the period July 1, 2024 through June 30, 2025; and

WHEREAS, by letter dated May 22, 2024, from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that it is necessary to amend the Herkimer County Budget for 2024 to reflect the additional funding; now, therefore, be it

RESOLVED, that the 2024 Budget be amended as follows:

A3141.3311, Alt to Incarceration, State Aid	From: \$11,359
	To: \$12,733
A3141.44000, Alt to Incarceration, Contracted Services	From: \$50
	To: \$1,424

and, be it further

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute and e-sign the annual contracts for the Pre-Trial Release Program and Community Service Program for the period of July 1, 2024 through June 30, 2025; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Probation, and the New York State Division of Criminal Justice Services.

Dated: June 12, 2024.

On motion of Mr. Brewer, seconded by Mr. Beach, Report and Resolution No. 195 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means adopting the 2023 Herkimer County Hazard Mitigation Plan was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 195

REPORT AND RESOLUTION ADOPTING THE 2023 HERKIMER COUNTY HAZARD MITIGATION PLAN

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

WHEREAS, the Herkimer County Legislature recognizes the threat that natural hazards pose to people and property within Herkimer County; and

WHEREAS, the Herkimer County Legislature has prepared a multi-hazard mitigation plan, hereby known as the 2023 Herkimer County Hazard Mitigation Plan in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the 2023 Herkimer County Hazard Mitigation Plan identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in Herkimer County from the impacts of future hazards and disasters; and

WHEREAS, adoption by the Herkimer County Legislature demonstrates their commitment to hazard mitigation and achieving the goals outlined in the 2023 Herkimer County Hazard Mitigation Plan; now, therefore, be it

RESOLVED, by the Herkimer County Legislature that:

Section 1. The Herkimer County Legislature adopts the 2023 Herkimer County Hazard Mitigation Plan. This plan, approved by the community, may be edited or amended after submission for review, but will not require the community to re-adopt any further iterations. This only applies to this specific plan and does not absolve the community from updating the plan in 5 years.

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: June 12, 2024.

On motion of Mr. Campione, seconded by Mr. Weakley, Report and Resolution No. 196 sponsored by the Committee on Ways & Means amending budget in connection with additional CHIPS funds for 2024 was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 196

REPORT AND RESOLUTION AMENDING BUDGET IN CONNECTION WITH ADDITIONAL CHIPS FUNDS FOR 2024

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated May 22, 2024 from the Budget Officer/Purchasing Agent, this Legislature is advised that it is necessary to amend the 2024 Budget in connection with the receipt of additional CHIPS funds for 2024; now, therefore, be it

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

D9552.3501, Interfund Construction, CHIPS	From: \$7,500,000
	To: \$12,988,522.87
D9552.90200, Interfund Construction, Prov. For Cons.	From: \$7,500,000
	To: \$12,988,522.87

and, be it further

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

Dated: June 12, 2024.

On motion of Mr. Campione, seconded by Mr. Keeler, Report and Resolution No. 197 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 (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 197

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 May 10, 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 2024/2025, 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
435	Hopson Rd CR 164 & Dutchtown Rd CR 199 Rehabilitation, Town of Salisbury	Rehabilitation	\$2,600,000.00
436	Eng. & Design for: *Safety Flag Repairs to BIN 3307800 Newport Rd CR34 Newport *Repair of LC151-10 South Side Rd CR 151 Russia *Repair of LC211-20 Watkins Rd CR211 Schuyler *Repair of LC153-20&LC153-30 Gulf Rd CR153 Winfield	Rehabilitation	\$70,000.00
437	Shortlots Rd CR 53 Schuyler BIN 3308130 Construction of Flood Scour Protective Measures	Bridge Flood Scour Protection Measures	\$550,000.00

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: June 12, 2024.

On motion of Mr. Swartz, seconded by Mr. Gaworecki, Report and Resolution No. 198 sponsored by the Committee on Highways with regard to compliance with New York State Highway Law Article 6 Section 118-b in connection with property access for maintenance and drainage in the Town of Salisbury was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 198

REPORT AND RESOLUTION WITH REGARD TO COMPLIANCE WITH NEW YORK STATE HIGHWAY LAW ARTICLE 6 SECTION 118-B IN CONNECTION WITH PROPERTY ACCESS FOR MAINTENANCE AND DRAINAGE IN THE TOWN OF SALISBURY

Sponsored by: Committee on Highways

WHEREAS, by letter of Mark A. Nagele, P.E., County Highway Superintendent dated May 14, 2024, a request has been made for a resolution concerning improving drainage flow from culverts and ditches located on Hopson Road, CR 164, in the Town of Salisbury to alleviate possible roadway flooding from sediments impeding outlet flow; and

WHEREAS, the area in need of improving drainage flow from the culverts and ditches is located on a property in the Town of Salisbury as follows:

Thang Q. Le – Tax Map #103.3-2-42 (Hopson Road, CR 164)

WHEREAS, entry upon the above said land is necessary for clean-up of the existing run-off channels; and

WHEREAS, as required by New York State Highway Law, Article 6, Section 118-b, the County Highway Department must be authorized by the County Legislature to enter upon said above land to perform the proposed culvert and draining work; now, therefore, be it

RESOLVED, that the Herkimer County Highway Superintendent is authorized to enter upon the above property for the purpose of performing clean-up of the existing run-off channels and ditches to alleviate the potential for roadway flooding; and, be it further

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

Dated: June 12, 2024.

On motion of Mr. Hollum, seconded by Mr. Malta, Report and Resolution No. 199 sponsored by the Committee on County Properties and the Committee on Ways & Means approving modified agreements between Herkimer County with Herkimer Solar, LLC for the purchase of solar energy credits was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 199

REPORT AND RESOLUTION APPROVING MODIFIED AGREEMENTS BETWEEN HERKIMER COUNTY WITH HERKIMER SOLAR, LLC FOR THE PURCHASE OF SOLAR ENERGY CREDITS

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

WHEREAS, Resolution No. 237 of 2020 authorized Herkimer County to purchase solar energy credits through Herkimer Solar, LLC, 5 Oxford Road, New Hartford, New York 13413; and

WHEREAS, Herkimer County entered into a VDER Value Stack Credit Sales Agreement [hereinafter "Agreement"] with Herkimer Solar, LLC at a discount rate of 16% and a base payment of 5 cents per kWh for a twenty year term, with an annual escalation rate of 1.25%; and

WHEREAS, the parties amended said Agreement on October 1, 2020 to provide for a 16% fixed discount rate for the initial term, and further the Estimated Commercial Operations Date was amended to December 31, 2023; and

WHEREAS, pursuant to the terms of the First Modification agreement, all other terms, provisions, covenants, and conditions of the October 1, 2020 Agreement remained in full force and effect unmodified; and

WHEREAS, Herkimer Solar, LLC has provided a proposed Second Modification Agreement to Herkimer County that would extend the estimated commercial operations date to December 31, 2024 with all prior provisions of the First Modification Agreement remaining in full force and effect unchanged; now, therefore, be it

RESOLVED, that the Chairman of the Herkimer County Legislature is authorized to sign the Second Modification Agreement; and, be it further

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

Dated: June 12, 2024.

On motion of Ms. Bennett, seconded by Mr. Swartz, Report and Resolution No. 200 sponsored by the Committee on Natural Resources and the Committee on Ways & Means

awarding contract for the Herkimer County Sewer District was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 200

REPORT AND RESOLUTON AWARDING CONTRACT FOR THE HERKIMER COUNTY SEWER DISTRICT

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

WHEREAS, by letter dated May 20, 2024, this Legislature is advised that by action on May 15, 2024, the Herkimer County Sewer District Board adopted a Resolution awarding a contract to Syracuse University Environmental Finance Center (SU-EFC) for assistance with the long-term Capital Plan for the Sewer District, at no cost, and said Resolution has been forwarded to the Herkimer County Legislature for approval prior to becoming effective; now, therefore, be it

RESOLVED, that a contract for assistance with the long-term Capital Plan for the Sewer District be entered into with Syracuse University Environmental Finance Center, at no cost; and, be it further

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

Dated: June 12, 2024.

On motion of Mr. Weakley, seconded by Mr. Swartz, Report and Resolution No. 201 sponsored by the Committee on Natural Resources and the Committee on Ways & Means adopting amended policy on payment of quarterly sewer bills for the Herkimer County Sewer District was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 201

REPORT AND RESOLUTION ADOPTING AMENDED POLICY ON PAYMENT OF QUARTERLY SEWER BILLS FOR THE HERKIMER COUNTY SEWER DISTRICT

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

WHEREAS, by letter dated May 20, 2024, this Legislature is advised that by action on May 15, 2024, the Herkimer County Sewer District Board adopted a Resolution adopting an Amended Policy on Payment of Quarterly Sewer Bills, and said Resolution amending the Herkimer County Sewer District Policy on Payment of Quarterly Sewer Bills has been forwarded to the Herkimer County Legislature for approval; now, therefore, be it

RESOLVED, that the Herkimer County Sewer District Policy on Payment of Quarterly Sewer Bills adopted on February 16, 2022, as amended on May 15, 2024 is hereby adopted, as attached; and, be it further

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

Dated: June 12, 2024.

On motion of Mr. Campione, seconded by Mr. Gaworecki, Report and Resolution No. 202 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 (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 202

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 May 22, 2024 from Sheri A. Ferdula, Budget Officer/
Purchasing Agent, she has advised that communications have been received requesting funding
and has been approved for payment by the Legislator receiving the request for payment as
follows:

Village of Herkimer	\$750	Malta	Brookwood Market Picnic Tables
City of Little Falls	\$4,000	Ackerman	2 years of field rent for youth programs
City of Little Falls	\$2,000	Ackerman	Lights at Veterans Field
Youth & Family Center	\$5,000	Ackerman	Canal Celebration
Youth & Family Center	\$8,000	Ackerman	Restoration of Locker Rooms & Pool
Youth & Family Center	\$2,000	Ackerman	Youth Wrestling
Little Falls High School	\$4,000	Ackerman	Scoreboard
Youth & Family Center	\$5,000	Ackerman	Workout Equipment
City of Little Falls	\$5,000	Ackerman	Moreland Park

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: June 12, 2024.

On motion of Mr. Donley, seconded by Mr. Weakley, Resolution No. 203 sponsored by
the Committee on Administration/Veterans' Affairs and the Committee on Human Resources
calling on members of the New York State Senate and Assembly to reform the State's
Competency Restoration Process and support the passage of S.1874 (Brouck) / A.5063 (Gunther)
in the 2024 legislative session was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 203

**RESOLUTION CALLING ON MEMBERS OF THE NEW YORK STATE SENATE AND
ASSEMBLY TO REFORM THE STATE'S COMPETENCY RESTORATION PROCESS AND
SUPPORT THE PASSAGE OF S.1874 (BROUK) / A. 5063 (GUNTHER) IN THE 2024
LEGISLATIVE SESSION**

Sponsored by: Committee on Administration/Veterans' Affairs

Committee on Human Resources

WHEREAS, section § 730 of the Criminal Procedure Law (CPL) provides that defendants charged with felonies who are mentally ill and/or developmentally disabled and who are determined by a court to be unable to understand the charges against them or participate in their own defense (often called “730’s”) are sent to New York State-operated forensic hospitals solely for the purpose of trying to restore them to competency so they can stand trial; and

WHEREAS, the origin of CPL § 730 dates back over five decades to the laws of 1970, and parts of it have been declared to be unconstitutional; and

WHEREAS, competency restoration provides necessary medications but primarily provides services such as courtroom training to familiarize the defendant with courtroom procedures so they can participate in their trial; and

WHEREAS, many judges incorrectly believe that by ordering a 730 commitment, they are helping the mentally ill or developmentally disabled person to get treatment; and

WHEREAS, in the cases for which restoration is appropriate, most defendants can generally be restored within 90-150 days; and

WHEREAS, unfortunately, there are also numerous situations where defendants have been kept in restoration for periods of three, six, or even 10 years; and

WHEREAS, these lengthy confinements have been declared to be unconstitutional by the U.S. Supreme Court as shown in the case of Jackson v. Indiana (1972), which provides that states may not indefinitely confine criminal defendants solely on the basis of incompetence to stand trial; and

WHEREAS, the Office of Mental Health (OMH) has diverged from agreements with the county mental health commissioners/directors of community services to provide specific and timely information on the clients/defendants ordered to restoration; and

WHEREAS, the SFY 2020-21 budget required counties to pay 100 percent of the OMH State Operations costs for individuals receiving court-ordered mental health competency restoration services at State-operated Forensic Psychiatric Centers; and

WHEREAS, as the full payors of these services, the commissioners must have timely access to any pertinent client information as deemed necessary to effectively manage their responsibilities under the Mental Hygiene Law; and

WHEREAS, the county cost of these services is over \$1,300 per day and current statute does not require a timeline be established for when a defendant is unable to be restored; and

WHEREAS, the county cost of restoration for one defendant can be upwards of \$400,000 per year; and

WHEREAS, in New York State, counties, through the county tax levy, already bear an overwhelming portion of the financial burden for supporting individuals suffering from serious mental illness, and the requirement to assume 100% of 730.20 competency restoration costs has taken away millions of dollars from critical behavioral health programming in the community; and

WHEREAS, given the advances in the behavioral health and the modernization of the criminal justice system, it is time for the State to reform the statutory authority governing competency restoration to ensure that only individuals who are appropriate subjects of 730 court orders are sent for restoration in accordance with the current state of these two systems; and

WHEREAS, the Legislature has introduced S.1874 (Brouk)/A.5063 (Gunther), which seeks to address the reforms necessary to update the archaic requirements of current statute, many which have been deemed unconstitutional and includes a critical requirement to reinvest any savings derived by the counties back into the local mental hygiene systems of care; now, therefore, be it

RESOLVED, CPL § 730.10 shall be modified to make clear that restoration is not mental health treatment, so the judiciary is better informed that a 730 order does not treat underlying mental health conditions; and, be it further

RESOLVED, CPL § 730.20 shall be reformed to establish specific criteria for 730 examiners, streamlining the process to establish equity across the system, and that the psychiatrist or psychologist conducting the psychiatric exam tell the court whether or not there is a reasonable chance of restoration, thereby granting the court an opportunity to allow diversion to mental health treatment; and, be it further

RESOLVED, OMH will consistently follow their agreements with the county mental health commissioners/directors of community services to provide specific and timely information on the clients/defendants ordered to restoration; and, be it further

RESOLVED, CPL § 730.20 shall adjust the fee for reimbursing psychiatric examiners; and, be it further

RESOLVED, CPL § 730.50 shall limit the time defendants are ordered for restoration services; and, be it further

RESOLVED, MHL § 9.33 shall allow individuals to be transferred to Article 9 facilities if it is determined that a defendant is unable to be restored; and, be it further

RESOLVED, MHL § 43.03 shall require Local Governmental Units (counties) to reinvest savings from these reforms into community mental health services; and, be it further

RESOLVED, Herkimer County calls on the State to support all provisions outlined in S.1874 (Brouk)/A.5063 (Gunther); and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Governor Kathy Hochul, Assemblyman Brian Miller, Assemblyman Robert Smullen, Senator Mark Walczyk, Senator Joseph A. Griffo, New York State Association of Counties, and Director of Community Services.

Dated: June 12, 2024.

On motion of Mr. Schrader, seconded by Mr. Malta, Report and Resolution No. 204 sponsored by the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means imposing hotel or motel taxes was handed up; discussion was held; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Brewer, Bennett, Keeler, Brezinski, Bick, Swartz, Beach, Ackerman, Donley, Campione, Conover, Weakley (16).

Against: Haehl (1).

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 204

REPORT AND RESOLUTION IMPOSING HOTEL OR MOTEL TAXES

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

WHEREAS, counties and other municipalities in the State of New York have been authorized by the New York State Legislature to enact local laws imposing hotel or motel taxes which are imposed upon persons occupying rooms in hotels or motels in such counties; and

WHEREAS, the County of Herkimer cannot impose such a tax without receiving authorization of the New York State Legislature; and

WHEREAS, it is the opinion of this Legislature that the imposition of such a tax would be in the best interest of the County of Herkimer since it would enable the County to carry on state mandated social programs and encourage the development of tourism and other industry, as well as meet other county needs; now, therefore, be it

RESOLVED, that this Legislature requests the Assemblyman and State Senators elected to represent Herkimer County in the New York State Legislature to cause to be introduced in the Assembly and in the Senate a bill to allow the County of Herkimer to impose a hotel and motel tax at the rate of 5% of the per diem rental rate for each room including short term rentals (i.e., VRBO and Airbnb); and, be it further

RESOLVED, that such local law shall provide that any tax imposed shall be paid by the person liable therefore to the owner of the hotel or motel room occupied, or to the person entitled to be paid the rent or charged for the hotel or motel room occupied for an account of the County of Herkimer; and, be it further

RESOLVED, that such owner or person entitled to be paid the rent or charged shall be liable for the collection and payment of the tax; and, be it further

RESOLVED, that said authorizing legislation shall also contain such other necessary and customary provisions to provide for the collection and distribution of said tax proceeds as typically described in New York State Tax Law and any regulations promulgated thereunder; and, be it further

RESOLVED, that said authorizing legislation and local law shall provide that revenues resulting from the imposition of tax authorized by the resolution shall be paid into the treasury of the County of Herkimer and thereafter may be allocated at the discretion of the board of Legislators of the County of Herkimer for any county purpose; and, be it further

RESOLVED, that our 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, Senator Joseph A. Griffo.

Dated: June 12, 2024.

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

Mr. Campione made a motion, seconded by Mr. Malta, to suspend Rule No. 1 and Rule No. 5 to change the second quarterly session to July 10, 2024 at 2:00 p.m. The motion was approved by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

At 7:25 p.m. on motion of Mr. Malta, seconded by Mr. Weakley, the Legislature adjourned to Wednesday, July 10, 2024 at 2:00 p.m.

Brittney R. Viscomi, Clerk