

MINUTES
Herkimer County Legislature
Third Quarter – Second Day
Wednesday, August 8, 2018
7:00 p.m.

Public Hearing

The Public Hearing on the 2018-2019 Herkimer County Community College Budget was called to order at 6:15 p.m. by Peter F. Manno, Chairman of the Committee on Education. The Clerk read the Notice. Legislator Manno opened the floor for public comment. Mr. Manno stated the college budget is \$22,985,720 with a county contribution of \$1,830,612. There were no other speakers and the hearing was declared closed at 6:17 p.m.

Public Hearing

The Public Hearing on the County-Wide Shared Services Initiative as adopted in the 2017-2018 New York State Budget was called to order at 6:30 p.m. by Bernard Peplinski, Sr., Chairman of the County Legislature. The Clerk read the Notice. Chairman Peplinski opened the floor comment. Chairman Peplinski stated the draft plan is available on the Herkimer County website at www.herkimercounty.org, he also stated there will be a meeting of the municipalities to decide which parts of the plan they are in favor of. There were no other speakers and the hearing was declared closed at 6:32 p.m.

The Regular Session of the Herkimer County Legislature was called to order by Bernard Peplinski, Sr., Chairman of the Legislature at 7:02 p.m.

Chairman Peplinski called on Jennifer Casey, County Property Agent, to lead the legislature in the Pledge of Allegiance.

Chairman Peplinski called for a moment of Silence in recognition of all veterans, past and present.

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

Present: Malta, Gaworecki, Schrader, Hollum, Johnson, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Campione, Shaw, Russell, Weakley (16).

Absent: Stephens (1).

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Peplinski asked if there were any objections or corrections to the minutes of July 11, 2018. With no objections, Chairman Peplinski ordered the minutes approved.

At this time Chairman Peplinski dispensed with the regular session for a presentation by Tim Giarrusso, President and CEO of Human Technologies Corporation. Mr. Giarrusso explained what Human Technologies does and encouraged Herkimer County to partner with Human Technologies. Mr. Giarrusso took questions from Legislator Russell. Chairman Peplinski thanked Mr. Giarrusso.

Pursuant to Rule 11, Comments by Residents, Chairman Peplinski called on Carl Streeter of Ilion, New York. Mr. Streeter stated he would like the information on the Facility Dude contract and Strategic Development Specialists grant applications. Michael Hart spoke regarding the lack of help concerning flooding from the property the College Foundation owns. He asked for a member to contact him regarding this issue within a month.

Pursuant to Rule 6, Chairman Peplinski then proceeded with Reports of Standing Committees. With no Chairmen wishing to report, Chairman Peplinski continued with the regular session.

Chairman Peplinski stated that the communications received by the Legislature and the committees to which they were referred were listed on the agenda and asked if any member of the Legislature requested mention of any particular communication. Chairman Peplinski continued with the regular session.

No. 312 –A communication was received from the Sr. Vice President for Admin. and Finance, HCCC-Submitting Resolution of Board of Trustees for Budget Approval and requesting Legislature Approval. Referred to the Committees on Education and Ways & Means.

No. 313 - A communication was received from Capital District OTB submitting Financial Report for May, 2018. Filed.

No. 314 - A communication was received from the Homes and Community Renewal submitting Notice of Claim. Filed.

No. 315 - A communication was received from the Adirondack Association of Towns & Villages submitting Adopted Resolution. Filed.

No. 316 - A communication was received from the Essex County Board of Supervisors submitting Adopted Resolution. Filed.

No. 317 - A communication was received from the Herkimer County Sheriff submitting Monthly Report for May, 2018. Referred to the Committee on Public Safety/Emergency Management.

No. 318 - A communication was received from the Budget Officer/Purchasing Agent requesting acceptance of Healthy Families Grant and amend the budget. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 319 - A communication was received from the Commissioner of Social Services requesting acceptance of Grant and Contract for Domestic Violence Program. Referred to the Committee Human Resources and Ways & Means.

No. 320 - A communication was received from the Personnel Officer requesting Adoption of 2019 Herkimer County Self Insurance Plan. Referred to the Committee on Ways & Means.

No. 321 - A communication was received from the Budget Officer/Purchasing Agent requesting Appropriation for Court Ordered Payment. Referred to the Committee on Ways & Means.

No. 322 - A communication was received from the Budget Officer/Purchasing Agent requesting Award of Bid for Communications Tower for McCauley Mountain. Referred to the Committees on Public Safety/Emergency Management and Ways & Means.

No. 323 - A communication was received from the County Highway Superintendent requesting Agreement with NYS Canal Corporation. Referred to the Committees on Highways and Ways & Means.

No. 324 - A communication was received from the County Treasurer submitting bids on In Rem Property. Referred to the Committee on County Properties.

No. 325 - A communication was received from the Budget Officer/Purchasing Agent requesting Appropriation for Training in Sheriff's Department. Referred to the Committee on Ways & Means.

No. 326 - A communication was received from Bruce Weakley submitting resignation from the Regional Fish & Wildlife Management Board. Referred to the Committee on Natural Resources.

No. 327 - A communication was received from the District Attorney submitting request for Salary Change in Department. Referred to the Committee on Ways & Means.

No. 328 - A communication was received from the Director of Community Services submitting Request for Salary Change in Department. Referred to the Committee on Ways & Means.

No. 329 - A communication was received from the Herkimer County Highway Superintendent requesting Commencement of Litigation. Referred to the Committee on Highways.

No. 330 - A communication was received from the Budget Officer/Purchasing Agent requesting Appropriation for Elevator Repair in Jail. Referred to the Committee on Ways & Means

No. 331 - A communication was received from the HC Sheriff requesting Agreements with Schools for SRO's. Referred to the Committees on Public Safety/Emergency Management and Ways & Means.

No. 332 - A communication was received from the Sheriff submitting Quotes for Elevator Repair. Referred to the Committee on Ways & Means.

No. 333 - A communication was received from Sullivan & Snyder requesting Extension of Time for In Rem Parcel. Referred to the Committee on County Properties.

No. 334 - A communication was received from the Personnel Officer Verifying Salary Schedule change in District Attorney's Office.

No. 335 - A communication was received from the Personnel Officer Verifying Salary Schedule change in Mental Health Department. Referred to the Committee on Ways & Means.

No. 336 - A communication was received from the Chairman of the Legislature submitting Draft Shared Services Plan. Filed.

No. 337 - A communication was received from the Budget Officer/Purchasing Agent requesting Transfer of Funds. Referred to the Committee on Ways & Means.

No. 338 - A communication was received from the Herkimer County Sheriff requesting Establishment of Positions. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways & Means.

No. 339 - A communication was received from the Personnel Officer submitting Salary Changes in Sheriff's Department. Referred to the Committee on Public Safety/Emergency Management and Ways & Means.

No. 340 - A communication was received from the STOP-DWI Coordinator submitting Resignation and requesting appointment. Filed.

No. 341 - A communication was received from the Herkimer County Deputy County Clerk submitting Notice of Retirement of STOP-DWI Coordinator. Filed.

No. 342 - A communication was received from the Chairman of the Legislature appointing STOP-DWI Coordinator. Filed.

With that being all the communications, the Chairman continued with the Regular Agenda.

On motion of Mr. Manno, seconded by Mr. Bono, Report and Resolution No. 242 sponsored by the Committees on Education and Ways & Means relative to the adoption of the Herkimer County Community College Budget was handed up; discussion held; voted on, and adopted by the following roll call vote:

Ayes: Malta, Gaworecki, Schrader, Hollum, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Campione, Russell, Weakley (14).

Against: Johnson, Shaw (2).

Absent: Stephens (1).

On motion of Mr. Ackerman, seconded by Mr. Bono, Report and Resolution No. 243 sponsored by the Committees on Human Resources and Ways & Means accepting grant and amending budget for Healthy Families Program was handed up, voted on and adopted by voice vote:

Ayes: (16).

Against: None.

Absent: Stephens (1).

On motion of Mr. Hollum, seconded by Mr. Gaworecki, Report and Resolution No. 244 sponsored by the Committee on Human Resources and the Committee on Ways & Means accepting grant and authorizing contract in Department of Social Services for Non-Residential Domestic Violence Program was handed up; voted on and adopted by voice vote:

Ayes: (16).

Against: None.

Absent: Stephens (1).

On motion of Mr. Russell, seconded by Mr. Shaw, Report and Resolution No. 245 sponsored by the Committee Ways and Means approving 2019 annual estimate and apportionment for the Herkimer County Workers' Compensation Self-Insured Plan was handed up; voted on and adopted by voice vote:

Ayes: (16).

Against: None.

Absent: Stephens (1).

On motion of Mr. Smith, seconded by Mr. Shaw, Report and Resolution No. 246 sponsored by the Committee on Ways & Means appropriating funds in connection with court ordered settlement payment was handed up; voted on and adopted by the following roll call vote:

Ayes: Malta, Gaworecki, Schrader, Hollum, Johnson, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Campione, Russell, Shaw, Weakley (16).

Against: None.

Absent: Stephens (1).

On motion of Mr. Campione, seconded by Mr. Keeler, Report and Resolution No. 247 sponsored by the Committees on Public Safety/Emergency Management and Ways & Means awarding bid for the provision of communication tower was handed up; voted on and adopted by voice vote:

Ayes: (16).

Against: None.

Absent: Stephens (1).

On motion of Mr. Smith, seconded by Mr. Schrader, Report and Resolution No. 248 sponsored by the Committees on Highways and Ways & Means approving agreement with NYS Canal Corporation for Empire State Trail was handed up; voted on and adopted by voice vote:

Ayes: (16).

Against: None.

Absent: Stephens (1).

On motion of Mr. Keeler, seconded by Mr. Gaworecki, Report and Resolution No. 249 sponsored by the Committee on County Properties approving sale of parcels acquired by In Rem Tax Foreclosure was handed up; voted on and adopted by voice vote:

For: (15).

Against: Smith (1).

Absent: Stephens (1).

On motion of Mr. Campione, seconded by Mr. Ackerman, Report and Resolution No. 250 sponsored by the Committee on Ways & Means appropriating funds for Sheriff's Department was handed up; voted on and adopted by the following roll call vote:

Ayes: Malta, Gaworecki, Schrader, Hollum, Johnson, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Campione, Russell, Shaw, Weakley (16).

Against: None.

Absent: Stephens (1).

On motion of Mr. Smith, seconded by Mr. Campione, Report and Resolution No. 251 sponsored by the Committee on Highways approving settlement agreement for damage to guide rail was handed up; voted on and adopted by voice vote:

Ayes: (16).

Against: None.

Absent: Stephens (1).

On motion of Mr. Shaw, seconded by Mr. Schrader, Report and Resolution No. 252 sponsored by the Committee on Ways & Means amending Salary Schedule II to adjust salary of full time Assistant District Attorney Position in Herkimer County District Attorney's Office was handed up; voted on and adopted by the following roll call vote:

Ayes: Malta, Gaworecki, Schrader, Hollum, Johnson, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Campione, Russell, Shaw, Weakley (16).

Against: None.

Absent: Stephens (1).

On motion of Mr. Smith, seconded by Mr. Shaw, Report and Resolution No. 253 sponsored by the Committees on Human Resources and Ways & Means amending part time Salary Schedule for position in Herkimer County Mental Health Department was handed up; voted on and adopted by the following roll call vote:

Ayes: Malta, Gaworecki, Schrader, Hollum, Johnson, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Campione, Russell, Shaw, Weakley (16).

Against: None.

Absent: Stephens (1).

On motion of Mr. Smith, seconded by Mr. Gaworecki, Report and Resolution No. 254 sponsored by the Committee on Highways authorizing litigation to recover costs and expenses incurred in removing obstructions within the bounds of the County Highway was handed up; voted on and adopted by voice vote:

Ayes: (16).

Against: None.

Absent: Stephens (1).

On motion of Mr. Bono, seconded by Mr. Hollum, Report and Resolution No. 255 sponsored by the Committee on Ways & Means appropriating funds for Sheriff's Department was handed up; discussion held; voted on and adopted by the following roll call vote:

Ayes: Malta, Gaworecki, Schrader, Hollum, Keller, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Campione, Russell, Shaw, Weakley (15).

Against: Johnson (1).

Absent: Stephens (1).

On motion of Mr. Smith, seconded by Mr. Shaw, Report and Resolution No. 256 sponsored by the Committee on Ways & Means authorizing transfers of funds was handed up; voted on and adopted by voice vote:

Ayes: (16).

Against: None.

Absent: Stephens (1).

On motion of Mr. Russell, seconded by Mr. Malta, Resolution No. 257 sponsored by the Committee on Ways & Means authorizing execution of Memorandum of Agreement with CSEA regarding Campus Safety Officers was handed up; voted on and adopted by voice vote:

Ayes: (16).

Against: None.

Absent: Stephens (1).

On motion of Mr. Campione, seconded by Mr. Keeler, Resolution No. 258 sponsored by the Committee on County Properties authorizing further extension of time to complete purchase of In Rem parcel was handed up; voted on and adopted by voice vote:

Ayes: (16).

Against: None.

Absent: Stephens (1).

On motion of Mr. Smith, seconded by Mr. Malta, Resolution No. 259 sponsored by the Committee on Ways & Means amending Resolution No. 239 of 2018 approving Standard Work Day and Retirement Reporting for Elected and Appointed Officials was handed up; voted on and adopted by voice vote:

Ayes: (16).

Against: None.

Absent: Stephens (1).

On motion of Mr. Shaw, seconded by Mr. Bono, Resolution No. 260 sponsored by the Committee on Ways & Means setting date for Public Hearing on Introductory Local Law No. 1 for 2018 was handed up; discussion held; voted on and adopted by voice vote:

Ayes: (16).

Against: None.

Absent: Stephens (1).

On motion of Mr. Bono, seconded by Mr. Keeler, Resolution No. 261 sponsored by the Committee on County Planning and Development authorizing Public Hearing in connection with application for Community Development Block Grant Funding was handed up; voted on and adopted by voice vote:

Ayes: (16).

Against: None.

Absent: Stephens (1).

On motion of Mr. Weakley, seconded by Mr. Malta, Report and Resolution No. 262 sponsored by the Committee on Ways & Means amending Salary Schedule V and part time Salary Schedule to create positions in Sheriff's Department was handed up; voted on and adopted by the following roll call vote:

Ayes: Malta, Gaworecki, Schrader, Hollum, Johnson, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Campione, Russell, Shaw, Weakley (16).

Against: None.

Absent: Stephens (1).

Pursuant to Rule 6, Chairman Peplinski asked if any members of the Legislature wished to comment. The following legislators had comments: Manno, Ackerman and Bono. With no further comment, Chairman Peplinski requested a motion to adjourn the meeting.

At 7:39 p.m., on motion of Mr. Manno, seconded by Mr. Ackerman, this Session of the Herkimer County Legislature was adjourned to Wednesday, September 12, 2018 at 7:00 p.m.

Sally I. Deming, Clerk



HERKIMER COUNTY LEGISLATURE

No. 242

REPORT AND RESOLUTION RELATIVE TO THE ADOPTION OF THE HERKIMER COUNTY COMMUNITY COLLEGE BUDGET

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

The Herkimer County Legislature, having conducted a Public Hearing on the tentative budget of the Herkimer County Community College on August 8, 2018, and after hearing all parties concerning the same, does hereby

RESOLVED, that the tentative budget of the Herkimer County Community College, for the year 2018-2019, in the total amount of \$ 22,985,720 of which the contribution of the County of Herkimer is \$1,830,612 be adopted; and, be it further

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

Dated: August 8, 2018.



HERKIMER COUNTY LEGISLATURE

No. 243

REPORT AND RESOLUTION ACCEPTING GRANT AND AMENDING BUDGET FOR HEALTHY FAMILIES PROGRAM

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

WHEREAS, by letter dated July 20, 2018, Christina Cain, Director of Public Health, has requested renewal of the grant for the Healthy Families New York Home Visiting Program, which grant will provide for home visit services to pregnant women before and after delivery, in an effort to improve health, development and wellness of infants, and has also requested authorization for the Chairman of the Legislature to sign said grant by electronic signature; and

WHEREAS, by letter dated July 20, 2018, from Sheri A. Fedula, Budget Officer, this Legislature is advised that it will be necessary to amend the 2018 Herkimer County Budget in connection with the receipt of said grant in the amount of \$374,434; now, therefore be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to complete by electronic signature a contract with the New York State Department of Health to receive the 2018-19 Healthy Families Grant for Herkimer County in the amount of \$374,434 for the period September 1, 2018 to August 31, 2019; and, be it further

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

Revenue Account:	A4189H-3401-PH13-12	From:	\$90,000
		To:	\$464,434

Expense Account:	A4189H-44000-PH13-12	From:	\$90,000
		To:	\$464,434

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

Dated: August 8, 2018.



HERKIMER COUNTY LEGISLATURE

No. 244

REPORT AND RESOLUTION ACCEPTING GRANT AND AUTHORIZING CONTRACT IN DEPARTMENT OF SOCIAL SERVICES FOR NON-RESIDENTIAL DOMESTIC VIOLENCE PROGRAM

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

WHEREAS, by letter dated July 13, 2018 from Timothy J. Seymour, Commissioner of Social Services, this Legislature is advised of the award of 2018-2019 funding in the amount of \$25,000 from the New York State Office of Children and Family Services to expand/enhance core services provided by approved Non-Residential Domestic Violence Services, and further requests a contract be entered into with Catholic Charities of Herkimer County to provide these services; now, therefore, be it

RESOLVED, that this Legislature accepts 2018-2019 funding from the New York State Office of Children and Family Services and authorizes an agreement between Catholic Charities of Herkimer County, 61 West Street, Ilion, New York, and the Herkimer County Department of Social Services, for the provision of Non-Residential Domestic Violence Services, for the period beginning October 1, 2018 to June 30, 2019, in the amount of \$25,000; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute said contract on behalf of the County of Herkimer, with said contract subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that said program shall continue so long as 100% reimbursement is available from the State of New York; and, be it further

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

Dated: August 8, 2018.



HERKIMER COUNTY LEGISLATURE

No. 245

REPORT AND RESOLUTION APPROVING 2019 ANNUAL ESTIMATE AND APPORTIONMENT FOR THE HERKIMER COUNTY WORKERS' COMPENSATION SELF-INSURED PLAN

Sponsored by: Committee on Ways and Means

WHEREAS, your Committee has received from Steven R. Billings, Personnel Officer, the 2019 Annual Estimate and Apportionment for the Herkimer County Workers' Compensation Self-Insured Plan for the purposes of tail claims run-off; and

WHEREAS, your Committee on Ways and Means has considered said Estimate and Apportionment and has approved the same; now, therefore, be it

RESOLVED, that this Legislature hereby approves the Annual Estimate and Apportionment of the Herkimer County Workers' Compensation Self-Insured Plan for the purposes of tail claims run-off for the year 2019; and, be it further

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

Dated: August 8, 2018.



HERKIMER COUNTY LEGISLATURE

No. 246

REPORT AND RESOLUTION APPROPRIATING FUNDS IN CONNECTION WITH COURT ORDERED SETTLEMENT PAYMENT

Sponsored by: Committee on Ways and Means

WHEREAS, by Resolution No. 232 of 2016, this Legislature approved a payment under a settlement of Proof of Claim; and

WHEREAS, by letter dated July 10, 2018, Sheri A. Ferdula, Budget Officer, has advised that an appropriation is necessary to compensate for a the payment that is due on September 1, 2018; and

WHEREAS, said letter further advises that funds have been verified and are available for an appropriation in connection with these fees; now, therefore, be it

RESOLVED, that the sum of \$50,000, is hereby appropriated from A889P, Reserve, Court Ordered Payments to A1930.46000, Judgement & Claims, Miscellaneous Expense; and, be it further

RESOLVED, that the Herkimer County Treasurer is hereby authorized and directed to transfer the said sums to the said accounts; 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: August 8, 2018.



HERKIMER COUNTY LEGISLATURE

No. 247

REPORT AND RESOLUTION AWARDING BID FOR THE PROVISION OF COMMUNICATION TOWER

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

WHEREAS, by letter received May 24, 2018, from Matthew Palumbo, Director of Emergency Services, this Legislature is advised of a request to award a bid for a Communications Tower, contingent on final approval of the Adirondack Park Agency; and

WHEREAS, the Adirondack Park Agency met and approved the plan for the Communications Tower on July 13, 2018; and

WHEREAS, by letter dated May 24, 2018, Sheri A. Ferdula, Budget Officer/Purchasing Agent has advised sealed bids were opened and read aloud on May 11, 2018 and requests the bid be awarded to the lowest bidder, Fred A. Nudd Corporation, P.O. Box 577, Ontario, New York 14549 in the amount of \$149,500 for the provision of a Communications Tower for McCauley Mountain; now, therefore be it

RESOLVED, that a bid in the amount of \$149,500 for the provision of a Communications Tower for McCauley Mountain be awarded to Fred A. Nudd Corporation, P.O. Box 577, Ontario, New York 14549; and, be it

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Emergency Services and Fred A. Nudd Corporation.

Dated: August 8, 2018.



HERKIMER COUNTY LEGISLATURE

No. 248

REPORT AND RESOLUTION APPROVING AGREEMENT WITH NEW YORK STATE CANAL CORPORATION FOR EMPIRE STATE TRAIL

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

WHEREAS, your Committee on Highways and Committee on Ways & Means, to which was referred the letter of Mark Nagele, P.E., County Superintendent of Highways, dated July 18, 2018, request is being made for Herkimer County to enter into an agreement with the New York State Canal Corporation regarding certain lands owned by the County along the Erie Canal for the construction and operation of amenities related to the multipurpose recreational trail known as the Erie Canalway Trail, said amenities to include a connecting trail and bridge; and

WHEREAS, the cost of constructing said improvements will be the sole responsibility of the New York State Canal Corporation; and

WHEREAS, the Herkimer County Legislature has reviewed and support the proposed improvements and the maintenance obligations; now, therefore be it

RESOLVED, that the Chairman of the Legislature be authorized to sign all contracts in this regard, subject to the approval of the County Attorney's Office; and, be it further

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

Dated: August 8, 2018.



HERKIMER COUNTY LEGISLATURE

No. 249

REPORT AND RESOLUTION APPROVING SALE OF PARCELS ACQUIRED BY IN REM TAX FORECLOSURE

Sponsored by: Committee on County Properties

WHEREAS, by judgment of the Herkimer County Court filed and entered April 6, 2018 in the In Rem Tax Foreclosure Action for the year 2016 the County of Herkimer acquired title to certain parcels of property; and

WHEREAS, this Legislature has been advised that offers have been received for the parcels of property listed below; and

WHEREAS, your Committee has considered the offers, recommends their acceptance and offers the following Resolution:

RESOLVED, that the offers for the following listed parcels of land in the amounts listed be, and hereby are, accepted and the County Attorney's Office is hereby directed to prepare the usual deed of conveyance for said property to be delivered to the purchasers upon receipt by the County Treasurer of the offered sum, plus recording and transfer fees:

<u>Parcel</u>	<u>Purchaser</u>	<u>Offer</u>
City of Little Falls Tax Map No. 114.60-5-38 572 Garden Street	Gail & Edward Rose 18 N. William Street Little Falls, NY 13365	\$24,000.00
City of Little Falls Tax Map No. 114.60-5-39 Res. Vacant Land w/imp.	Gail & Edward Rose 18 N. William Street Little Falls, NY 13365	\$ 1,000.00
City of Little Falls Tax Map No. 114.76-2-3 26 Flint Avenue	Julian Gordon 145 Otsego Street Ilion, NY 13357	\$ 4,850.00
Village of Ilion Tax Map No. 119.44-5-12 101 Second Street	Christopher M. Moss 235 W. Smith Street Herkimer, NY 13350	\$ 530.00
Village of Ilion Tax Map No. 119.52-2-52 272 Otsego St.	Nicole Doris 171 Spain Gulf Road Utica, NY 13502	\$ 6,250.00
Village of Herkimer Tax Map No. 120.26-1-40.1 Protection Ave. -vacant land	Christopher M. Moss 235 W. Smith Street Herkimer, NY 13350	\$ 50.00

Town of Herkimer Tax Map No. 113.20-2-3 5486 State Route 5	Frances Bishal 6097 State Route 5 Little Falls, NY 13365	\$5,570.00
Village of Dolgeville Tax Map No. 108.44-3-76 8 Slawson Street	Cathy Brown 1033 State Route 5S Mohawk, NY 13407	\$1,100.00
Town of Manheim Tax Map No. 108.4-2-23 589 Murphy Road	Tanner Leahy 900 State Rte. 5S Mohawk, NY 13407	\$8,900.00

and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized, upon receipt by the County Treasurer of the aforesaid sums plus recording fees, to execute said deeds transferring said properties; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Property Agent, County Attorney and above listed purchasers.

Dated: August 8, 2018.



HERKIMER COUNTY LEGISLATURE

No. 250

REPORT AND RESOLUTION APPROPRIATING FUNDS FOR SHERIFF'S DEPARTMENT

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated July 11, 2018, the Herkimer County Sheriff has requested an appropriation to cover the cost of two cadets at the Police Academy in Little Falls; and

WHEREAS, by letter dated July 12, 2018 from Sheri Ferdula, Budget Officer, she advises that funds have been verified and are available for this appropriation; now, therefore, be it

RESOLVED, that an appropriation be made as follows:

Appropriation:

\$3,500 FROM: A889H, Reserve, Correctional Facility Fund
 TO: A3110.46000, Sheriff, Miscellaneous Expense

and, be it further

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

Dated: August 8, 2018.



HERKIMER COUNTY LEGISLATURE

No. 251

REPORT AND RESOLUTION APPROVING SETTLEMENT AGREEMENT FOR DAMAGE TO GUIDE RAIL

Sponsored by: Committee on Highways

WHEREAS, by letter of Mark Nagele, P.E., County Superintendent of Highways, dated July 18, 2018, request is being made for Herkimer County to enter into a settlement agreement with John Zook of the Town of Manheim for reimbursement for damage to a county guide rail on Ashe Road, CR 246; now, therefore be it

RESOLVED, that the Herkimer County Legislature hereby approves the settlement agreement in the amount of \$6,500; and, be it further

RESOLVED, that the Herkimer County Legislature, hereby authorizes the Chairman of the Legislature to sign any documents necessary to achieve the settlement agreement, subject to the terms and conditions of the County Attorney's Office; and, be it further

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

Dated: August 8, 2018.



HERKIMER COUNTY LEGISLATURE

No. 252

REPORT AND RESOLUTION AMENDING SALARY SCHEDULE II TO ADJUST SALARY OF FULL TIME ASSISTANT DISTRICT ATTORNEY POSITION IN HERKIMER COUNTY DISTRICT ATTORNEY'S OFFICE

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated July 20, 2018, from Jeffrey S. Carpenter, District Attorney, he has requested that the full-time position of Assistant District Attorney in Salary Schedule II be amended to increase the base salary in A1165 from \$66,678 to \$73,678; and

WHEREAS, by letter dated August 2, 2018 from Steven R. Billings, Personnel Officer, your committees have been advised that the appropriate salary for said position should be \$73,678.00 and be effective as of August 13, 2018; and

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

RESOLVED, that the full-time position of Assistant District Attorney in Salary Schedule II be amended to increase the base salary in A1165 from \$66,678 to \$73,678, effective August 13, 2018; and, be it further

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

Dated: August 8, 2018.



HERKIMER COUNTY LEGISLATURE

No. 252

REPORT AND RESOLUTION AMENDING SALARY SCHEDULE II TO ADJUST SALARY OF FULL TIME ASSISTANT DISTRICT ATTORNEY POSITION IN HERKIMER DISTRICT ATTORNEY'S OFFICE

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated July 20, 2018, from Jeffrey S. Carpenter, District Attorney, he has requested that the full-time position of Assistant District Attorney in Salary Schedule II be amended to increase the base salary in A1165 from \$66,678 to \$73,678; and

WHEREAS, by letter dated August 2, 2018 from Steven R. Billings, Personnel Officer, your committees have been advised that the appropriate salary for said position should be \$73,678.00 and be effective as of August 13, 2018; and

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

RESOLVED, that the full-time position of Assistant District Attorney in Salary Schedule II be amended to increase the base salary in A1165 from \$66,678 to \$73,678, effective August 13, 2018; and, be it further

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

Dated: August 8, 2018.



HERKIMER COUNTY LEGISLATURE

No. 253

REPORT AND RESOLUTION AMENDING PART TIME SALARY SCHEDULE FOR POSITION IN HERKIMER COUNTY MENTAL HEALTH DEPARTMENT

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

WHEREAS, by letter dated July 18, 2018, Kristen Snyder-Branner, LCSW-R, Director of Community Services, has requested to amend the part time Salary Schedule to reduce the salary of a part time Psychiatric Social Worker position in Account A4320; and

WHEREAS, by letter dated August 2, 2018, Steven Billings, Personnel Officer states that your committees have been advised that the appropriate salary for said position in Account A4320 for a part time Psychiatric Social Worker should be \$34.99 per hour and be effective as of August 8, 2018; and

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

RESOLVED, that the part time Salary Schedule be amended to reduce the salary of a position of Psychiatric Social Worker in Account A4320, to \$34.99 per hour in the 2018 Salary Schedule, effective August 8, 2018; 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 Community Services.

Dated: August 8, 2018.



HERKIMER COUNTY LEGISLATURE

No. 254

REPORT AND RESOLUTION AUTHORIZING LITIGATION TO RECOVER COSTS AND EXPENSES INCURRED IN REMOVING OBSTRUCTIONS WITHIN THE BOUNDS OF THE COUNTY HIGHWAY

Sponsored by: Committee on Highways

WHEREAS, by letters dated April 24, 2018 from Mark A. Nagele, County Highway Superintendent and July 30, 2018 from Jim Lindholm, Deputy County Highway Superintendent, a request has been made to authorize litigation to cover the costs and expenses of removing logs from within the bounds of County Road 88, Butler Road, in the Town of Newport and removing and resetting a fence within the highway boundary; and

WHEREAS, the person identified as being responsible for placing the obstructions within the county highway is Daniel Yoder, 339 Butler Road, Poland, NY 13431; and

WHEREAS, the cost and expenses incurred in removing the logs and removing and resetting the fence was \$8,037.37 for materials, equipment and labor; now, therefore be it

RESOLVED, an action against Daniel Yoder to recover the above costs and expenses by the County Attorney is hereby authorized, and the Chairman of this Legislature is authorized to execute any and all documents necessary to commence the action and in connection with those legal proceedings; and, be it further

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

Dated: August 8, 2018.



HERKIMER COUNTY LEGISLATURE

No. 255

REPORT AND RESOLUTION APPROPRIATING FUNDS FOR SHERIFF'S DEPARTMENT

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated July 23, 2018, the Herkimer County Sheriff, Christopher Farber has advised the elevator pump in the Herkimer County Correctional Facility is broken and in need of repair; and

WHEREAS, the Sheriff has received quotes from Otis Elevator for repair of the elevator, specifically two quotes with different lead times and costs; and

WHEREAS, by letter dated July 19, 2018, Sheri Ferdula has advised that funds have been verified and are available for this appropriation; now, therefore, be it

RESOLVED, that an appropriation be made as follows:

Appropriation:

\$ 14,604.16 FROM: A889H, Reserve, Correctional Facility Fund
TO: A3150.44000.525 Jail, Repairs

and, be it further

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

Dated: August 8, 2018.



HERKIMER COUNTY LEGISLATURE

No. 256

REPORT AND RESOLUTION AUTHORIZING TRANSFERS OF FUNDS

Sponsored by: Committee on Ways & Means

WHEREAS, your Committee on Ways and Means, to which was referred a communication from Sheri A. Ferdula, Budget Officer/Purchasing Agent, dated August 2, 2018, submitting a request for transfer of funds, reports that we have examined said communication, inquired into the subject matter thereof, and recommend that said transfers 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 2018 Budget:

Transfer:

\$25,000

From: A3170.44000, Correctional Institution, Contracted Services

To: A1930.46000, Judgments & Claims, Misc. Exp.

and, be it further

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

Dated: August 8, 2018.



HERKIMER COUNTY LEGISLATURE

No. 257

RESOLUTION AUTHORIZING EXECUTION OF MEMORANDUM OF AGREEMENT WITH CSEA REGARDING CAMPUS SAFETY OFFICERS

Sponsored by: Committee on Ways and Means

WHEREAS, with the imposition of 12 hour shifts for Campus Safety Officers at Herkimer County Community College pursuant to the current Collective Bargaining Agreement with CSEA Local 1000, issues have arisen regarding accrual of compensatory time which need to be resolved; and

WHEREAS, an agreement has been reached with CSEA which limits the accrual of compensatory time and limits overtime expenses for Herkimer County Community College in connection with the use of 12 hour shifts; now, therefore, be it

RESOVED, that the Chairman of this Legislature is hereby authorized to execute a Memorandum of Agreement limiting the accrual of compensatory time for Campus Safety Officers to 48 hours, and limiting the use of compensatory time to such times which will not require Herkimer County Community College to pay overtime; and, be it further

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

Dated: August 8, 2018.



HERKIMER COUNTY LEGISLATURE

No. 258

RESOLUTION AUTHORIZING FURTHER EXTENSION OF TIME TO COMPLETE PURCHASE OF IN REM PARCEL

Sponsored by: Committee on County Properties

WHEREAS, an auction was held on June 2, 2018 of the parcels taken by Herkimer County in connection with In Rem foreclosure for the 2016 taxes; and

WHEREAS, purchasers at that auction had until June 22, 2018 to complete the purchase by paying the balance due; and

WHEREAS, by Resolution No. 237, adopted on July 11, 2018, the bidder on the parcel located at 95 West Mill Street in the City of Little Falls, having tax map number 114.68-7-41, was granted an extension of time to complete this purchase in order to attempt resolve title issues in connection with the parcel; and

WHEREAS, the purchasers have requested a further extension to August 31, 2018, because they have located the heir of a former owner and are attempting to obtain a deed from that party; now, therefore be it

RESOLVED, that the successful purchasers at auction of the above described parcel shall have a further extension of time to complete the above described purchase, to August 31, 2018, no later than 4:00 p.m., subject to the original auction terms and procedures; and, be it further

RESOLVED, that because of the question regarding the title, if the purchaser has not made payment in full by that date, the purchasers' deposit shall be returned, and the purchasers shall not be prohibited from bidding on parcels in future In Rem auctions or sales; and, be it further

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

Dated: August 8, 2018.



HERKIMER COUNTY LEGISLATURE

No. 259

RESOLUTION AMENDING RESOLUTION NO. 239 OF 2018 APPROVING STANDARD WORK DAY AND RETIREMENT REPORTING FOR ELECTED AND APPOINTED OFFICIALS

Sponsored by: Committee on Ways and Means

RESOLVED, that Resolution No. 239 duly adopted by the Herkimer County Legislature on July 11, 2018, which established the standard work days for elected and appointed officials to report days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body, is hereby amended to add the following officials:

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Appointed Officials							
Legislator	Peter F. Manno	██████	██████	6	1/1/18-12-31-19	N	4.42
Legislator	Bob Hollum	██████	██████	6	1/1/18-12/31/19	N	4.67
Legislator	John Brezinski	██████	██████	6	1/1/18-12/31/19	N	6.65

Dated: August 8, 2018.



HERKIMER COUNTY LEGISLATURE

No. 260

RESOLUTION SETTING DATE FOR PUBLIC HEARING ON INTRODUCTORY LOCAL LAW NO. 1 FOR 2018

Sponsored by: Committee on Ways and Means

We, the Committee on Ways and Means of the Herkimer County Legislature are causing to be prepared and will present Introductory Local Law No. 1 for the year 2018 entitled, "A LOCAL LAW TO IMPOSE A MORTGAGE RECORDING TAX WITHIN THE COUNTY OF HERKIMER"; 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 Ways and Means on the 12th day of September, 2018 at 6:45 p.m. in the Legislative 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 in the official newspaper of the County of Herkimer pursuant to law.

Dated: August 8, 2018.



HERKIMER COUNTY LEGISLATURE

No. 261

RESOLUTION AUTHORIZING PUBLIC HEARING IN CONNECTION WITH APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING

Sponsored by: Committee on County Planning & Development

WHEREAS, by Resolution No. 85 adopted on March 14, 2018, an application was approved for a \$750,000.00 grant for economic development assistance on behalf of the Tractor Supply Company to the New York State Office of Home and Community Renewal, with the funds to be used for a grant for Tractor Supply Company for equipment; and

WHEREAS, it is necessary that a public hearing be held to hear public comment in regard to such application; now, therefore be it

RESOLVED, that a Public Hearing be held by the Committee on County Planning and Development on the 30th day of August, 2018, at 9:15 a.m. in the Legislature Chambers of the County Office Building in the Village of Herkimer, New York, for the purpose of hearing public comment upon the aforesaid application; and, be it further

RESOLVED, that a certified copy of this Resolution be forwarded to the Executive Director of the Herkimer County Industrial Development Agency.

Dated: August 8, 2018.



HERKIMER COUNTY LEGISLATURE

No. 262

REPORT AND RESOLUTION AMENDING SALARY SCHEDULE V AND PART TIME SALARY SCHEDULE TO CREATE POSITIONS IN SHERIFFS DEPARTMENT

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated August 2, 2018 from Christopher A. Farber, Herkimer County Sheriff, request has been made to establish two full time Special Patrol Officers in Salary Schedule V and two part time Special Patrol Officers in the part time Salary Schedule; and

WHEREAS, by letter dated August 3, 2018 from Steven Billings, Personnel Officer, this Legislature is advised the request of the Sheriff would amend Salary Schedule V to establish two Special Patrol Officers at the base salary of \$33,238 and also amend the part time salary schedule to establish two positions of Special Patrol Officer at \$16.16 per hour; now, therefore, be it

RESOLVED, that the positions of two Special Patrol Officers at the base salary of \$33,238 in Salary Schedule V and two part time Special Patrol Officers be established in the part time salary schedule at \$16.16 per hour effective this date; 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 Herkimer County Sheriff.

Dated: August 8, 2018