

MINUTES
Herkimer County Legislature
Thursday, December 21, 2017
Special Session
9:00 a.m.

The Special Session of the Herkimer County Legislature was called to order by Chairman Bernard Peplinski, Sr. at 9:00 a.m.

Chairman Peplinski called on Legislator Smith to lead the Legislature in the Pledge of Allegiance.

Chairman Peplinski requested everyone to remain standing for a moment of silence in recognition and honor of all the current and past veterans of Herkimer County.

The Clerk called the roll, the following answered:

Present: Malta, Schrader, Johnson, Stephens, Keeler, Smith, Bono, Peplinski, Campione, Russell, Weakley (11).

Absent: Markwardt, Wellington, Brezinski, Manno, Ackerman, Shaw (6).

Quorum present.

Chairman Peplinski asked the Clerk to read the Notice of Special Session. The Clerk read the Notice.

Chairman Peplinski stated that the communications received by the Legislature and the committees to which they were referred are as listed on the agenda and asked if any member of the Legislature requested the communication be read. There were no requests.

No. 472 – A communication was received from Longstreet and Berry, LLP advising of client acceptance of offer. Referred to the Committee on Public Safety/Emergency and the Committee on Ways & Means.

No. 473 – A communication was received from the Chairman of the Legislature requesting Special Session of the Herkimer County Legislature. Ordered Filed.

On motion of Mr. Bono, seconded by Mr. Smith, Resolution No. 335 of the Committee on Public Safety/Emergency Management and Committee on Ways & Means was handed up, voted on and adopted by roll call vote, as requested by Legislator Schrader:

For: Johnson, Stephens, Keeler, Smith, Bono, Peplinski, Campione, Russell, Weakley (9).
Opposed: Malta, Schrader (2).

Absent: Markwardt, Wellington, Brezinski, Manno, Ackerman, Shaw (6).

On motion of Mr. Stephens, seconded by Mr. Campione, the Special Session was adjourned at 9:00 a.m.



HERKIMER COUNTY LEGISLATURE

No. 335

REPORT AND RESOLUTION AUTHORIZING ADVANCE PAYMENT IN CONNECTION WITH ACQUISITION OF PROPERTY FOR CONSTRUCTION OF A NEW HERKIMER COUNTY CORRECTIONAL FACILITY

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

WHEREAS, by Resolution No. 254 adopted on October 25, 2017, this Legislature authorized offering the sum of \$584,000, less the cost of environmental remediation, for purchase of premises owned by RAG Herkimer, LLC, having tax map parcel numbers 113.65-2-5 and 113.65-2-6 in the Village of Herkimer and tax map parcel number 113.3-1-11 in the Town of Herkimer; and

WHEREAS, by letter dated December 15, 2017, the owner of the premises has agreed to accept \$584,000 as an advance payment, less the cost of environmental remediation, reserving all of his rights to obtain additional compensation, with the contingency that their consultants be granted unlimited access to that portion of the property presently undergoing environmental remediation for the purposes of collecting samples of groundwater and other media and other activities as necessary to support site remediation activities in accordance with NYSDEC requirements; said letter further indicates that upon acceptance of this contingency the owner will make arrangements for transfer of the property; now, therefore be it

RESOLVED, that payment in the amount of \$584,000 to the above owner as an advance payment is hereby authorized, subject to the above contingencies, and the Chairman of this Legislature be authorized to execute all documents necessary to accomplish the transfer of title of the premises in question to the County of Herkimer and for the county to take all necessary steps, including updating the abstract of title, to record the deed; and be it further

RESOLVED, that certified copies be sent to the Herkimer County Treasurer, Auditor, Budget Officer, County Attorney and Longstreet & Berry, LLP.

Dated: December 21, 2017.