

**(PLEASE NOTE: Full Resolutions are attached following minutes)**

**MINUTES  
Herkimer County Legislature  
Second Quarter – Second Day  
Wednesday, April 26, 2017  
7:30 p.m.**

**Public Hearing**

The Public Hearing on the Open Enrollment Period for 2017 for Inclusion in Agricultural Districts was called to order at 7:15 p.m. by Frederick Shaw, Chairman of the Committee on Natural Resources. The Clerk read the Notice. Mr. Shaw then asked if there was anyone wishing to speak on hearing. There were no appearances, and the hearing was declared closed at 7:18 p.m.

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN, that the Herkimer County Legislature will hold a Public Hearing on the proposed modifications of Herkimer County Agricultural Districts #2 and #6. The Public Hearing will be held on April 26, 2017 at 7:15 p.m. in the Herkimer County Legislature Chambers in Herkimer, New York.

Four landowner have submitted requests in 2017 for inclusion of predominantly viable agricultural land within a certified agricultural district, and these requests have been filed with the Herkimer County Legislature pursuant to Section 303-b of the NYS Agriculture and Markets Law. Three landowners have parcels located in the Town of Winfield, which are part of or adjacent to Agricultural District No 2, and one landowner has parcels located in the Town of Newport, which are part of or adjacent to Agricultural District No. 6.

The public hearing shall be held to consider these landowners' requests and the recommendations of the Herkimer County Agricultural and Farmland Protection Board.

Dated at Herkimer, New York  
April 17, 2017.

Carole LaLonde, Clerk  
Herkimer County Legislature

The Regular Session of the Herkimer County Legislature was called to order by Chairman Bernard Peplinski at 7:30 p. m.

Chairman Peplinski called on Sally Deming and Carole LaLonde, 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: Quorum present, the following answering the roll:

Present: Malta, Markwardt, Schrader, Wellington, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Campione, Russell, Shaw, Weakley (17).

Absent: None.

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 April 5, 2017. There were none, and the Chairman ordered them approved.

Pursuant to Rule 11 Chairman Peplinski opened the floor for public comment. The following individual spoke on the listed topics: Katherine Krawecki – (1) Economic investment in other areas besides Frankfort and Schuyler; (2) Revamping the sales tax distribution.

Chairman Peplinski 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. Legislator Johnson requested Communication No. 153 be read and the Clerk read the Notice of Complaint.

No. 130 – A communication was received from the New York State Association of Counties acknowledging receipt of Resolution No. 77. Placed on file.

No. 131 – A communication was received from Assemblyman Butler acknowledging receipt of Resolution No. 77. Placed on file.

No. 132 – A communication was received from the STOP-DWI Coordinator submitting the STOP-DWI 2016 Annual Report. Referred to the Committee on Public Safety/Emergency Management.

No. 133 – A communication was received from the Commissioner of Social Services submitting Department of Social Services Annual Report. Referred to the Committee on Human Resources.

No. 134 – A communication was received from the Director of Public Health submitting the 2016 Annual Report of the Public Health Nursing Service. Referred to the Committee on Human Resources.

No. 135 – A communication was received from the County Attorney advising of the receipt of an Amended Notice of Claim. Placed on file.

No. 136 – A communication was received from the Executive Director of the Herkimer County IDA submitting the 2016 Independent Audit Report of the IDA. Placed on file.

No. 137 - A communication was received from the County Auditor submitting report of corrected tax applications for March. Placed on file.

No. 138 – A communication was received from the Commissioners of Election requesting extension of HAVA grant. Referred to the Committee on Administration/Veterans Affairs and the Committee on Ways and Means.

No. 139 – A communication was received from the STOP-DWI Coordinator submitting recommendations for appointment and reappointment of members to the STOP-DWI Advisory Board. Referred to the Committee on Public Safety/Emergency Management.

No. 140 – A communication was received from the Director of the Office for Aging requesting additional contract under Caregiver Support Program. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 141 – A communication was received from the Director of Community Services requesting extension of temporary position and reappointments to Community Services Board. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 142 – A communication was received from the Chairman of the Legislature making reappointment of members to the Community Services Board. Referred to the Committee on Human Resources.

No. 143 – A communication was received from the NYS Dept. of Environmental Conservation submitting the Governor’s 2016 Open Space Plan Revision. Placed on file.

No. 144 – A communication was received from the Budget Officer submitting recommendation for award of bid for bus service for Old Forge for Summer Youth Employment Program. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

No. 145 – A communication was received from the Budget Officer submitting recommendation to reject bids and rebid for bus service for Old Forge Shuttle Program. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

No. 146 – A communication was received from the Sheriff requesting staffing adjustment in Sheriff’s Department. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 147 – A communication was received from the Budget Officer submitting recommendation for award of bid for bus service for the Public Health Preschool Transportation Program. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 148 – A communication was received from the County Property Agent concerning In Rem Tax Foreclosure Proceedings. Referred to the Committee on County Properties.

No. 149 – A communication was received from the Farmland Protection Board recommending properties listed for Open Enrollment Period for 2017 be added to existing agricultural districts. Referred to the Committee on Natural Resources.

No. 150 – A communication was received from the Commissioner of Social Services requesting agreement with At Home Care Partners, Inc. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 151 – A communication was received from the Budget Officer submitting recommendation for donation of county owned vehicle. Referred to the Committee on Ways and Means.

No. 152 – A communication was received from the County Attorney submitting recommendation of retention of legal counsel in connection with construction of New County Correctional Facility. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 153 – A communication was received from the County Attorney advising of the receipt of a Notice of Complaint. Placed on file.

No. 154 – A communication was received from Duane Sidney submitting his resignation from the Farmland Protection Board. Referred to the Committee on Natural Resources.

No. 155 – A communication was received from the Budget Officer submitting recommendation for award of bid for a storage building for the Herkimer County Sewer District. Referred to the Committee on Natural Resources and the Committee on Ways and Means.

No. 156 – A communication was received from the Herkimer County Sewer District submitting resolution for approval of the Legislature. Referred to the Committee on Natural Resources and the Committee on Ways and Means.

No. 157 – A communication was received from the County Property Agent submitting the list of parcels for the In Rem Auction. Referred to the Committee on County Properties.

Pursuant to Rule 6, Chairman Peplinski then proceeded with Reports of Standing Committees. Vincent J. Bono, Chairman of the Committee on County Planning and Development, advised that the IDA signed agreements with Tractor Supply Co., formal application was reviewed and approved, purchase sale document was reviewed and approved and we are on our way to getting some jobs that will benefit everyone in this County.

On motion of Mr. Keeler, seconded by Mr. Schrader, the following Consent Agenda was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

**Consent Agenda:**

- 101 HUMAN RES.: Approving Annual Report of Social Services Dept.
- 102 HUMAN RES.: Approving Annual Report of Public Health Nursing Service
- 103 PUB. SFTY./EMER. MGMT.: Adopting Annual Report of STOP-DWI Program
- 104 PUB. SFTY./EMER. MGMT.: As Regards membership to STOP-DWI Advisory Board

Chairman Peplinski continued with the Regular Agenda.

On motion of Mr. Shaw, seconded by Mr. Campione, Report and Resolution No. 105 sponsored by the Committee on Natural Resources to provide that the additions to existing agricultural districts for the year 2017 are in compliance with the provisions of SEQRA was handed up; was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.                      Absent: None.

On motion of Mr. Campione, seconded by Mr. Brezinski, Report and Resolution No. 106 sponsored by the Committee on Natural Resources approving additions to existing agricultural districts for 2017 was handed up; was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.                      Absent: None.

On motion of Mr. Russell, seconded by Mr. Bono, Report and Resolution No. 107 sponsored by the Committee on County Planning and Development and the Committee on Ways and Means awarding bid for bus service for Old Forge was handed up; Mr. Russell made a motion, seconded by Mr. Johnson, to amend the resolution as follows: "In the Third Whereas and First Resolved Clauses delete "up to a maximum of 122 trips" and replace with "up to a maximum of 137 trips"; the amendment was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.                      Absent: None.

Report and Resolution No. 107 as amended was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.                      Absent: None.

On motion of Mr. Smith, seconded by Mr. Shaw, Report and Resolution No. 108 sponsored by the Committee on Human Resources and the Committee on Ways and Means amending Resolution No. 125 of 2016 establishing Administrative Officer Trainee position in Mental Health Services was handed up; voted on and adopted by roll call vote:

For: Malta, Markwardt, Schrader, Wellington, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Campione, Russell, Shaw, Weakley (17).

Against: None.                      Absent: None.

On motion of Mr. Schrader, seconded by Mr. Stephens, Report and Resolution No. 110 sponsored by the Committee on Human Resources and the Committee on Ways and Means awarding bid for Public Health Preschool Transportation Program was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.                      Absent: None.

On motion of Mr. Shaw, seconded by Mr. Ackerman, Report and Resolution No. 111 sponsored by the Committee on Natural Resources and the Committee on Ways and Means awarding contract for provision of storage building for the Herkimer County Sewer District was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.                      Absent: None.

On motion of Mr. Johnson, seconded by Mr. Brezinski, Report and Resolution No. 112 sponsored by the Committee on Administration/Veterans Affairs and the Committee on Ways and Means extending contract for grant for Board of Elections was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.                      Absent: None.

On motion of Mr. Stephens, seconded by Mr. Malta, Report and Resolution No. 113 sponsored by the Committee on Public Safety/Emergency Management and the Committee on Ways and Means amending Salary Schedule No. 5 for adjustment in Herkimer County Sheriff's Department was handed up; voted on and adopted by roll call vote:

For: Malta, Markwardt, Schrader, Wellington, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Campione, Russell, Shaw, Weakley (17).

Against: None.                      Absent: None.

On motion of Mr. Markwardt, seconded by Mr. Smith, Report and Resolution No. 114 sponsored by the Committee on Human Resources and the Committee on Ways and Means authorizing contract with At Home Care Partners, Inc. for provision of personal care services to Medicaid clients was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Campione, seconded by Mr. Shaw, Report and Resolution No. 115 sponsored by the Committee on Ways and Means approving donation of vehicle from Department of Social Services was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Russell, seconded by Mr. Bono, Report and Resolution No. 116 sponsored by the Committee on County Planning and Development and the Committee on Ways and Means authorizing rebidding for Old Forge Shuttle Bus Program was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Johnson, seconded by Mr. Ackerman, Report and Resolution No. 117 sponsored by the Committee on County Properties authorizing redemption of parcels taken under In Rem Tax Foreclosure Procedures was handed up; voted on and adopted by roll call vote:

For: Malta, Markwardt, Schrader, Wellington, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Campione, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

On motion of Mr. Johnson, seconded by Mr. Stephens, Report and Resolution No. 118 sponsored by the Committee on County Properties authorizing sale of property acquired by In Rem Procedures was handed up; voted on and adopted by roll call vote:

For: Malta, Markwardt, Schrader, Wellington, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Campione, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

On motion of Johnson, seconded by Mr. Keeler, Report and Resolution No. 119 sponsored by the Committee on County Properties and the Committee on Ways and Means authorizing action in connection with In Rem Parcel in the Village of Herkimer was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

Chairman Peplinski stated that pursuant to Rule 6(12) they would proceed with comments by legislators. Chairman Peplinski reminded everyone that the Annual Dairy Princess Dinner was being held on Saturday, April 29 at the Holland Heights Golf Course and if anyone wished to attend they should contact the Legislature staff. He also commented that the Office for Aging is sponsoring a yard cleanup day on May 6th to serve senior citizens in the Villages of Mohawk and Ilion and that they are looking for volunteers to participate and also for anyone to contact their office if they know of someone who could use this service.

At 8:00 p.m. on motion of Mr. Manno, seconded by Mr. Wellington, the Legislature adjourned to Wednesday, May 17, 2017 at 7:30 p.m.

Carole LaLonde, Clerk





## HERKIMER COUNTY LEGISLATURE

No. 101

### **REPORT AND RESOLUTION APPROVING ANNUAL REPORT OF SOCIAL SERVICES DEPARTMENT**

**Sponsored by: Committee on Human Resources**

Your Committee on Human Resources, to which was referred the Annual Report for 2016 Department of Social Services, respectfully reports that we have examined the same, recommend the adoption of said report, and offer the following Resolution:

RESOLVED, that the 2016 Annual Report of the Department of Social Services be adopted and placed on file with the Herkimer County Legislature for the year 2016.

Dated: April 26, 2017.

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## HERKIMER COUNTY LEGISLATURE

No. 102

### REPORT AND RESOLUTION APPROVING ANNUAL REPORT OF PUBLIC HEALTH NURSING SERVICE

**Sponsored by: Committee on Human Resources**

Your Committee on Human Resources, to which was referred the Annual Report of the Herkimer County Public Health Nursing Service, respectfully reports that we have examined the same, recommend the adoption of said report, and offer the following Resolution:

RESOLVED, that the 2016 Annual Report of the Public Health Nursing Service be adopted and placed on file with the Herkimer County Legislature for the year 2016.

Dated: April 26, 2017.



## HERKIMER COUNTY LEGISLATURE

No. 103

### **REPORT AND RESOLUTION ADOPTING ANNUAL REPORT OF HERKIMER COUNTY STOP-DWI PROGRAM**

**Sponsored By: Committee on Public Safety/Emergency Management**

Your Committee on Public Safety and Emergency Management, to which was referred the Annual Report of the Herkimer County STOP-DWI Program, for the year 2016 respectfully reports that we have examined said report and recommend that it be approved, and offer the following Resolution:

RESOLVED, that the Annual Report of the Herkimer County STOP-DWI Program for the year 2016 be approved and placed on file in the Office of the Herkimer County Legislature.

Dated: April 26, 2017.



## HERKIMER COUNTY LEGISLATURE

No. 104

### REPORT AND RESOLUTION AS REGARDS MEMBERSHIP ON THE STOP-DWI ADVISORY BOARD

**Sponsored by: Committee on Public Safety/Emergency Management**

WHEREAS, a communication from Michael J. Edwards, STOP-DWI Coordinator, dated April 1, 2017 advises this Legislature that the STOP-DWI Advisory Board recommends the appointment/reappointment of certain members to the STOP-DWI Advisory Board; now, therefore, be it

RESOLVED, that the individuals serving in the following titles and individuals listed are hereby appointed/ reappointed to the STOP-DWI Advisory Board to serve a term of three years commencing July 1, 2017 and ending June 30, 2020:

Herkimer County Sheriff  
Brother Edward John Bick  
Mr. Peter Caiola, Business Owner, Tavern Association  
Anthony Scaparo, Health Teacher, Little Falls City School District

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Coordinator of the STOP-DWI Program and the appointees.

Dated: April 26, 2017.

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## HERKIMER COUNTY LEGISLATURE

No. 105

### **REPORT AND RESOLUTION TO PROVIDE THAT THE ADDITIONS TO EXISTING AGRICULTURAL DISTRICTS FOR THE YEAR 2017 PURSUANT TO SECTION 303-b OF THE AGRICULTURE AND MARKETS LAW IS IN COMPLIANCE WITH THE PROVISIONS OF THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT**

**Sponsored by: Committee on Natural Resources**

WHEREAS, the State of New York has enacted the State Environmental Quality Review Act (SEQRA), Article 8 of the NYS Environmental Conservation Law and Part 617 of Title 6, New York Code Rules and Regulations (6NYCRR) to incorporate the consideration of environmental factors into existing planning, review and decision-making processes of local government agencies; and

WHEREAS, SEQRA requires that all agencies determine whether the actions they directly undertake, fund, or approve may have a significant effect on the environment; and

WHEREAS, the Herkimer County Legislature has under consideration requests from four landowners pursuant to Resolution 146 of 2004, which established the month of January of each year as the 30-day period in which landowners may petition Herkimer County for inclusion of parcels within existing agricultural districts; and

WHEREAS, your Committee has designated the project as an Unlisted Action pursuant to SEQRA and completed an uncoordinated review of the proposed modifications of the agricultural districts; and

WHEREAS, your Committee has fully considered, assessed and discussed the information contained within the Environmental Assessment Form; now, therefore, be it

RESOLVED, that based on the information provided and discussed, the Herkimer County Legislature has determined that the proposed action will not result in any significant adverse environmental impacts; and, be it further

RESOLVED, that the reasons supporting this determination are documented on the Environmental Assessment Form, within a packet of attachments to the forms, and on additional supporting documentation; and, be it further

RESOLVED, that as a consequence of such findings and declaration, and in compliance with the requirements of SEQRA, the County, as lead agency, hereby issues a negative declaration and directs that the Chairman of the Legislature file and make available the same in accordance with the requirements of SEQRA Law.

Dated: April 26, 2017.



## HERKIMER COUNTY LEGISLATURE

No. 106

### REPORT AND RESOLUTION APPROVING ADDITIONS TO EXISTING AGRICULTURAL DISTRICTS FOR THE YEAR 2017

**Sponsored by: Committee on Natural Resources**

WHEREAS, Section 303-b of the New York State Agriculture and Markets Law provides for requests by landowners for the inclusion of viable agricultural land within a certified agricultural district prior to the county established review period; and

WHEREAS, upon recommendation of the Agricultural and Farmland Protection Board, the Herkimer County Legislature established the month of January as the 30-day period in which landowners may petition Herkimer County for inclusion of parcels within existing agricultural districts during the year 2017; and

WHEREAS, Herkimer County received requests from four landowners for inclusion of ten parcels of land within an existing agricultural district; and

WHEREAS, the Herkimer County Agricultural & Farmland Protection Board determined that said parcels proposed for inclusion in the agricultural districts consist predominately of viable agricultural land, and that the inclusion of such land would serve the public interest by assisting in maintaining a viable agricultural industry within the agricultural districts; and

WHEREAS, the Agricultural & Farmland Protection Board recommended that said parcels listed on the attached list be included in the agricultural districts as viable agricultural land; and

WHEREAS, the Herkimer County Legislature held a public hearing on April 26, 2017; and

WHEREAS, the Herkimer County Legislature has determined pursuant to the State Environmental Quality Review Act, that the proposed action will not have a significant impact on the environment; now, therefore, be it

RESOLVED, that the Herkimer County Legislature does hereby approve the ten parcels listed on the attached list for inclusion in agricultural districts as viable agricultural land.

Dated: April 26, 2017.

**2017 ENROLLMENT OF HERKIMER COUNTY AGRICULTURAL DISTRICTS**

<b><u>FARMID</u></b>	<b><u>PIN</u></b>	<b><u>OWNER</u></b>	<b><u>MUNICIPALITY</u></b>	<b><u>DISTRICT</u></b>	<b><u>ACRES</u></b>
OE17-1	093.3-1-10	BARTON, JUSTICE S	NEWPORT	6	173.2
OE17-1	093.3-1-21	BARTON, JUSTICE S	NEWPORT	6	59.9
OE17-2	130.4-1-57.1	CARPENTER, MARY L	WINFIELD	2	199.5
OE17-3	137.30-1-44	DIBBLE, RICHARD & CAROLINE	W. WINFILED	2	2.0
OE17-3	137.38-1-2	DIBBLE, RICHARD & CAROLINE	W. WINFILED	2	6.5
OE17-3	137.1-1-1	DIBBLE, RICHARD & CAROLINE	WINFIELD	2	9.4
OE17-3	137.1-1-49	DIBBLE, RICHARD & CAROLINE	WINFIELD	2	20.2
OE17-3	137.1-1-50	DIBBLE, RICHARD & CAROLINE	WINFIELD	2	49.9
OE17-4	137.1-1-11.2	MUSHALA, JOSEPH & BARBARA	WINFIELD	2	69.0
OE17-4	130.3-1-40	MUSHALA, JOSEPH & BARBARA	WINFIELD	2	26.7
<b>TOTAL ACRES</b>					<b>616.2</b>



## HERKIMER COUNTY LEGISLATURE

No. 107

### **REPORT AND RESOLUTION AWARDING BID FOR BUS SERVICE FOR THE OLD FORGE AREA TRANSPORTATION PROGRAM FOR THE 2017 SUMMER YOUTH EMPLOYMENT PROGRAM**

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

WHEREAS, pursuant to Resolution No. 114 for the year 1993, the Herkimer County Budget Officer and Purchasing Agent is authorized to advertise for bids, on an annual basis, for the Old Forge Area Transportation Program in relation to the Summer Youth Employment Program; and

WHEREAS, by communication dated April 7, 2017, the Budget Officer has advised this Legislature that bids were received, opened and read in accordance with law for bus services in connection with the 2017 Summer Youth Employment Program to provide transportation to the Old Forge Area; and

WHEREAS, the Budget Officer has advised that it is the recommendation of your Committees and the Youth Bureau that a contract be awarded to the lowest bidder, Hale's Bus Garage of Clinton, New York, in the sum of \$560.00 per bus, per day, up to a maximum of 122 trips, plus orientation; now, therefore, be it

RESOLVED, that the Herkimer County Legislature awards a contract to Hale's Bus Garage, 37 Kirkland Ave., Clinton, New York, for bus service for the Old Forge Area Transportation Program for the 2017 Summer Youth Employment Program, in the sum of \$560.00 per bus, per day, up to a maximum of 122 trips, plus orientation; and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature is hereby authorized to execute said contract on behalf of the County of Herkimer, 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, Executive Director of the Youth Bureau and Hale's Bus Garage.

Dated: April 26, 2017.

Amended: April 26, 2017.

Amendment: In Third Whereas Clause and First Resolved Clause to delete "up to a Maximum of 122 trips" and replace with "up to a maximum of 137 trips"





## HERKIMER COUNTY LEGISLATURE

No. 108

### **REPORT AND RESOLUTION AMENDING RESOLUTION NO. 125 OF 2016 ESTABLISHING ADMINISTRATIVE OFFICER TRAINEE POSITION IN HERKIMER COUNTY MENTAL HEALTH SERVICES**

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

WHEREAS, by Resolution No. 125 adopted on May 11, 2016, this Legislature established one position of Administrative Officer Trainee in the Herkimer County Mental Health Services for a period of one year; and

WHEREAS, by letter dated April 3, 2017, Kristen Snyder-Branner, Director of Community Services, has advised that said position was not filled until December 5, 2016 and has requested said resolution be amended to extend the time period for said position through December 5, 2017; now, therefore, be it

RESOLVED, that Resolution No. 125 adopted on May 11, 2016 is hereby amended to delete in the Second Resolved Clause "for a one year period, effective this date" and replace with "through December 5, 2017; and, be it further

RESOLVED, that in all other respects, said Report and Resolution No. 125 of 2016 is hereby ratified and confirmed; and, be it further

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

Dated: April 26, 2017.



# HERKIMER COUNTY LEGISLATURE

No. 109

## REPORT AND RESOLUTION AUTHORIZING CONTRACTS FOR SERVICES UNDER CAREGIVER SUPPORT PROGRAM

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

WHEREAS, by Resolution No. 142 of 2001, this Legislature established a New York Elder Caregiver Support Program in the Herkimer County Office for the Aging; and

WHEREAS, by Resolution No. 289 adopted December 14, 2016 contracts with agencies were entered into under said Program for the period from January 1, 2017 through December 31, 2017 for the provision of respite services, which is one of the requirements under said Caregiver Support Program to help families keep their loved ones at home rather than in a nursing home, and said Program is 90/10% federal funding with no overmatch; and

WHEREAS, by letter dated April 7, 2017, from Kathy L. Fox, Director of the Office for the Aging, this Legislature is advised of a request to enter into a contract with Trusted Friends Home Care under said Caregiver Support Program to provide in-home respite services at the rate of \$16.00 per hour for the period from May 1, 2017 through December 31, 2017; now, therefore, be it

RESOLVED, that this Legislature hereby approves a respite contract with the agency listed below under the Title III E, Caregiver Support Program of the Herkimer County Office for the Aging, for the period from May 1, 2017 through December 31, 2017, with services to be provided at the rates as outlined below:

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Agency	Rate	Service
Trusted Friends Home Care	\$16.00/hr	In-home respite

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 the terms and conditions 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 the Office for the Aging and Trusted Friends.

Dated: April 26, 2017.



## HERKIMER COUNTY LEGISLATURE

No. 110

### REPORT AND RESOLUTION AWARDING BID FOR THE PUBLIC HEALTH PRESCHOOL TRANSPORTATION PROGRAM

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

WHEREAS, this Legislature is informed by communication dated April 4, 2017 from Sheri Ferdula, Budget Officer, that certain bids were received and publicly opened for the Preschool Transportation Program for the period from July 1, 2017 to June 30, 2020; and

WHEREAS, it is the recommendation of the Director of Public Health and your Committees that a contract be awarded to Birnie Bus Service, Inc. of Rome, New York, which was the only bidder in the amount of \$563,500, for the period from July 1, 2017 to June 30, 2020, to include that the County will have two one year options to renew the contract, with an annual increase in the amount of any Consumer Price Index or 2%, whichever is less; now, therefore, be it

RESOLVED, that a contract be awarded to Birnie Bus Service, Inc., 248 Otis Street, Rome, New York, in the amount of \$563,500, for preschool transportation services for the Public Health Preschool Transportation Program for the period commencing July 1, 2017 to June 30, 2020 to include that the County will have two one year options to renew the contract, with an annual increase in the amount of any Consumer Price Index or 2%, whichever is less; and, be it further

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

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

Dated: April 26, 2017.



## HERKIMER COUNTY LEGISLATURE

No. 111

### REPORT AND RESOLUTION AWARDING CONTRACT FOR PROVISION OF A STORAGE BUILDING FOR THE HERKIMER COUNTY SEWER DISTRICT

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

WHEREAS, by letter dated March 16, 2017 the Budget Officer/Purchasing Agent has advised that quotes were received for the provision of a 30 foot by 40 foot steel post frame building for the Herkimer County Sewer District; and

WHEREAS, by letter dated April 20, 2017, this Legislature is advised that by action on 2017, the Herkimer County Sewer District Board adopted a resolution awarding a contract to Beebe Construction Services, PO Box 177, Utica, New York, in the amount of \$47,700, which includes \$36,700 for construction and \$11,000 for concrete work, and said resolution has been forwarded to the Herkimer County Legislature for approval prior to its becoming effective; now, therefore, be it

RESOLVED, that a contract for the provision of a 30 foot by 40 foot steel post frame building for the Herkimer County Sewer District be awarded to Beebe Construction Services, PO Box 177, Utica, New York, in the amount of \$47,700, which includes \$36,700 for construction and \$11,000 for concrete work, with the terms and conditions of said contract to be subject to the approval of the Herkimer County Attorney; and, be it further

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

Dated: April 26, 2017.



## HERKIMER COUNTY LEGISLATURE

No. 112

### REPORT AND RESOLUTION EXTENDING CONTRACT FOR GRANT FOR BOARD OF ELECTIONS

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

WHEREAS, pursuant to Resolution No. 108 of 2012 this Legislature approved a contract with the State of New York to receive certain grant funding (Shoebox Grant ) in the amount of \$140,668.52, to reimburse county boards of elections for local dollars spent to further implement Help America Vote Act (HAVA) ; and

WHEREAS, by letter dated April 4, 2017 from the Commissioners of Elections your Committees have been advised that the New York State Board of Elections has notified them that the HAVA Shoebox Grant has been extended to March 31, 2018; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a grant extension to March 31, 2018 on behalf of the County of Herkimer with the New York State Board of Elections in connection with the HAVA Shoebox Grant in the original contract amount of \$140,668.52; and, be it further

RESOLVED, that the Chairman of this Legislature is authorized to execute future extensions of the duration of said grant, so long as an unexpended balance remains and no other amendments to said grant are made; and, be it further

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

Dated: April 26, 2017.



## HERKIMER COUNTY LEGISLATURE

No. 113

### **REPORT AND RESOLUTION AMENDING SALARY SCHEDULE NO. V FOR ADJUSTMENT IN HERKIMER COUNTY SHERIFF'S DEPARTMENT**

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

WHEREAS, by letter dated March 31, 2017, Christopher P. Farber, Herkimer County Sheriff, has requested that one full-time position of Deputy Sheriff/Correction Officer be deleted and one full-time position of Deputy Sheriff be established in the 2017 Sheriff's Department Salary Schedule V; and

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

RESOLVED, that one full-time position of Deputy Sheriff/Correction Officer in the 2017 Sheriff's Department Salary Schedule V is hereby deleted and one full-time position of Deputy Sheriff is hereby established at the base annual salary of \$32,909 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 Herkimer County Sheriff.

Dated: April 26, 2017.

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## HERKIMER COUNTY LEGISLATURE

No. 114

### **REPORT AND RESOLUTION AUTHORIZING CONTRACT WITH AT HOME CARE PARTNERS, INC. FOR PROVISION OF PERSONAL CARE SERVICES TO MEDICAID CLIENTS**

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

WHEREAS, Resolution No. 144 of 2011 authorized an agreement between the Herkimer County Department of Social Services and At Home Care Partners, Inc. for the provision of personal care services for Medicaid clients; and

WHEREAS, by letter dated April 4, 2017, Timothy Seymour, Commissioner of Social Services, has advised of certain proposed changes under the expansion of the Medicaid program and requests renewal of said agreement with At Home Care Partners, Inc.; now, therefore, be it

RESOLVED, that the Chairman of the Legislature is hereby authorized to execute an agreement with At Home Care Partners, Inc., 25 Elm Street, Oneonta, NY 13820, for the provision of personal care services to Medicaid clients of the Herkimer County Department Services; and, be it further

RESOLVED, that this agreement will be in effect for one year and will be automatically renewed at the end of the year and each subsequent year unless terminated, with either party providing at least thirty (30) days advance written notice, 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, Commissioner of Social Services and At Home Care Partners, Inc.

Dated: April 26, 2017.



## HERKIMER COUNTY LEGISLATURE

No. 115

### REPORT AND RESOLUTION APPROVING DONATION OF VEHICLE FROM DEPARTMENT OF SOCIAL SERVICES

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

WHEREAS, by letter dated April 11, 2017, Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature has been advised that the Commissioner of Social Services will be retiring a 2007 Chevy Trailblazer from the County fleet, and requests approval of the donation said vehicle to the Herkimer County Soil and Water Conservation District; now, therefore, be it

RESOLVED, that the following listed vehicle from the County fleet, which is no longer necessary for public use, be authorized to be donated to the agency listed, under the terms and conditions approved by the County Attorney's Office:

Herkimer County Soil and Water Conservation District:  
2007 Chevy Trailblazer

and, be it further

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

Dated: April 26, 2017.





## HERKIMER COUNTY LEGISLATURE

No. 116

### REPORT AND RESOLUTION AWARDING BID FOR BUS SERVICE IN CONNECTION WITH HERKIMER COUNTY RURAL TRANSIT OLD FORGE CIRCULATOR SHUTTLE PROJECT

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

WHEREAS, by letter dated April 26, 2017, Sheri Ferdula, Budget Officer and Purchasing Agent, has advised that sealed bids were opened and read in accordance with law, for the provision of a shuttle service for the Old Forge area pursuant to Resolution No. 70 of 2017 which authorized the filing of an application, with the assistance of the Herkimer-Oneida Counties Transportation Study (HOCTS), for grant funds with the New York State Department of Transportation, pursuant to Section 5311, Title 49 United States Code, for a project to provide public mass transportation service through the Herkimer County Rural Transit Old Forge Circulator Shuttle for the years of 2017 and 2018; and

WHEREAS, the Budget Officer and Purchasing Agent further recommends that the bid be awarded to Birnie Bus Service, Inc. of Rome, New York, which was the low bidder in the amount of \$119,440.00 for the two year contract ; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby awards a bid to Birnie Bus Services, Inc., PO Box 630, Rome, New York 13442, for the provision of a shuttle service for the Old Forge Area for the 2017 and 2018 seasons, for a project entitled Herkimer County Rural Transit Old Forge Circulator Shuttle, in the total amount of \$119,400 for the two year contract; 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 the terms and conditions of said contract to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Herkimer-Oneida Counties Transportation Planning Program and Birnie Bus Service, Inc.

Dated: April 26, 2017.



## HERKIMER COUNTY LEGISLATURE

No. 117

### RESOLUTION AUTHORIZING REDEMPTION OF PARCELS TAKEN UNDER IN REM TAX FORECLOSURE

**Sponsored by: Committee on County Properties**

WHEREAS, the County of Herkimer is completing its 2015 In Rem Tax Foreclosure proceedings and will be taking title to various parcels of real property; and

WHEREAS, this Legislature has decided to allow property owners to redeem their properties and receive the deeds to those properties from the County upon the payment of three times the 2015 and 2016 taxes plus interest and penalties as of the date of payment, and to also pay the 2017 taxes at that time; and

WHEREAS, there may also be parcels from prior foreclosures which were not included in prior sales but which may be included in this year's foreclosure sale which will also be allowed to be redeemed upon payment of three times the taxes for the appropriate years and pay the current taxes; now, therefore, be it

RESOLVED, that the County of Herkimer hereby authorizes redemption as described above with payment to be made to the County of Herkimer by cash or certified funds on or before Friday, June 2, 2017 at 3:00 p.m.; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute any and all documents necessary to effectuate such transfers; and, be it further

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

Dated: April 26, 2017.



# HERKIMER COUNTY LEGISLATURE

No. 118

## RESOLUTION AUTHORIZING SALE OF PROPERTY ACQUIRED BY IN REM PROCEDURES

Sponsored by: **Committee on County Properties**

WHEREAS, in an action brought on to enforce collection of delinquent taxes for the tax year 2015, a Judgment was made by the County Court of the County of Herkimer on the 19th day of April, 2017 and was filed and entered in the Herkimer County Clerk's Office on April 20, 2017, pursuant to which properties listed therein became the property of the County; and

WHEREAS, pursuant to said Judgment, the County Treasurer of the County of Herkimer deeded all parcels listed in said Judgment to the County of Herkimer by deed dated April 20, 2017 and recorded on April 20, 2017, in the Herkimer County Clerk's Office as Instrument No. RP-2017-1914; and

WHEREAS, the county owns other parcels obtained in previous In Rem tax foreclosure actions, which properties did not sell at prior auctions; and

WHEREAS, the court has retained jurisdiction over several parcels included in the foreclosure which parcels are the subject of further court proceedings, which proceedings may result in title to some of such parcels being conveyed to the County of Herkimer prior to the date of this year's land auction; and

WHEREAS, the County now desires to sell the parcels conveyed to the County in the aforesaid deed as well as any parcels from prior foreclosures which may also need to be sold and any parcels which may be conveyed to the county prior to this year's land auction; and

WHEREAS, it is necessary that terms and conditions of sale of said properties by the County be established; now, therefore, be it

RESOLVED:

1. That pursuant to Section 1166 of the Real Property Tax Law this Legislature now desires to provide for the sale of said parcels. Such sale shall be by public auction, and it is directed that such sale be held on Saturday, June 3, 2017 at 11:00 a.m. in the Auditorium at Herkimer High School;
2. That this sale by auction be held under the direction of the County Treasurer;
3. That such sale shall be conducted on the terms, conditions and procedures annexed hereto which include an Administration fee of \$200 for each successful bid;
4. That in addition, all sales of such property shall be subject to a buyer's premium of ten percent (10%) of the amount of the successful bid;
5. That all persons be entitled to bid at such sale on said parcels of property, except those persons prohibited by the attached Auction Terms and Conditions or by state or local law.
6. That the Treasurer is hereby authorized, when it seems advantageous, to divide any parcel on the auction list into two or more parcels and to offer said divided parcels individually or to join any two or more parcels on the auction list into one parcel and to offer said joined parcels as one parcel;
7. That following the auction sale, the Committee on County Properties and the County Treasurer report to this Legislature with their recommendations for the conveyance of the various parcels of property to the successful bidders thereon;
8. That certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Property Agent and County Attorney.

Dated: April 26, 2017.

## AUCTION TERMS AND PROCEDURES

**1. Registration:** Individuals interested in bidding must register and be assigned a bidder's number, which you will use when bidding on property. Registration will take place the day of the Auction. A record of all successful bids will be maintained, with each successful bidder's number assigned to the property bid accordingly.

**2. Eligible Bidders:** All persons, including, but not limited to, corporations, partnerships, limited liability companies and limited liability partnerships are entitled to bid at such sale on said parcels of property

### **EXCEPT:**

1. officers and employees of the County of Herkimer, including any legal entity in which the officer or employee of the County of Herkimer has an interest;
2. persons who have defaulted on any bid to purchase property from the County of Herkimer within the last five (5) years;
3. persons who have defaulted in payment of real property taxes on a parcel of property within Herkimer County which resulted in a judgment granting title to such parcel of property to the County of Herkimer within the last five (5) years or the spouse of such person;
4. persons or family members of persons who are owners of an unredeemed parcel included in the 2015 Tax Foreclosure;
5. the person or a family member of the person whose name appears on the Assessment Roll as the owner of each said parcel at the time of nonpayment of taxes which resulted in acquisition of such parcel by the County;
6. town officers, including town board members and assessors, with respect to property located within the town they serve;
7. legal entities, including but not limited to, corporations, partnerships, limited liability companies, and limited liability partnerships, in which any of the foregoing persons or legal entities has an interest.

**3. Purchase Agreement:** A successful bidder will be required to sign a purchase agreement when a deposit is made. Also, at this time, the successful bidder will be required to list the Name, Address and Social Security Number of the individual(s) or legal entity purchasing the property. All purchase agreements will include a certification that the purchaser is not prohibited from bidding by reason of the exclusions set forth in Paragraph 2 above.

## **Auction Terms and Procedures (cont'd)**

**4. Prospective Bidders:** All prospective bidders are invited to inspect the premises they are interested in prior to the Auction. Inspections are only done on improved properties that are unoccupied. Information regarding property inspections will be available in the auction brochure or by contacting Michael Knapp at (315) 939-0770 or auctionsbyknapp@gmail.com.

**5. Conditions of Sale:** Each of the parcels is sold "as is". If a parcel is occupied, it is the responsibility of the purchaser to terminate the occupancy. The County has not entered into any lease agreement, nor has it consented to any occupancy, nor has it received any rent from any occupant of any parcel. Purchaser will obtain ownership of the property when the deed is recorded in the County Clerk's Office and shall not take possession until such time. The County of Herkimer and its officials and agents make no representation as to the condition of any parcel of said property or of the improvements on any improved parcel. Lot sizes, including frontage, depth and acreage, are for assessment purposes only. The County makes no representations regarding the actual dimensions or acreage of the parcels.

For parcels improved by a mobile home or manufactured home, the County of Herkimer is conveying ONLY the interest of the County in the real property and makes no representations or warranties with regard to title to such mobile home or manufactured home.

The County will not be responsible for any defects or conditions whatsoever in or on the property or in any improvements, or any equipment, mechanical or otherwise, included therein.

All deeds will be subject to the following condition, and covenant: This conveyance is made pursuant to a resolution of the Herkimer County Legislature and this conveyance is made subject to the condition and covenant that the County of Herkimer shall in no event be or become liable for any defects in title conveyed hereby, for any cause whatsoever, and that no claim, demand or suit of any nature shall ever be made by the party of the second part hereto, or by said party's heirs, successors and assigns against said County of Herkimer arising from such sale or this conveyance.

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**All properties subject to Federal Tax Liens are sold subject to the right of redemption of the United States of America.**

**6. Administration Fee:** An administration fee will be added to each successful bid. The administration fee will be \$200.00 for each successful bid.

**7. Buyer's Premium:** In addition to the administration fee, a buyer's premium of 10% of the amount of the successful bid will be added to the purchase price of each successful bid.

**8. Required Bid Deposit:** A **\$50.00 or 10% deposit** (cash or check) whichever is greater, is required at the time of the Auction on each property for which you are the successful bidder. Successful bids of \$50.00 or less must be paid in full. Deed recording fees are also required to be paid at this time for bids of \$50.00 or less. If you are the successful bidder of more than one

## **Auction Terms and Procedures (cont'd)**

parcel, a single check will be accepted to cover all deposit requirements. Make checks payable to **Kimberlee A. Enea, Herkimer County Treasurer.**

**9. Full Payment of Bids:** The balance of the purchase price on any property, together with Cover Sheet (\$5.00), Deed Recording Fees (\$45.00/deed), Transfer Gains Affidavit Filing Fee (\$5.00), and Real Property Transfer Report Fee (\$125.00 for residential or farm property and \$250.00 for all other property) must be made to the Herkimer County Treasurer, **WITH CASH, MONEY ORDER OR CASHIERS CHECK, no later than 4:00 pm, June 23, 2017**

**10. Deed Recordings:** All deeds are Quit Claim Deeds, conveying the interest that the County of Herkimer has in the property to the successful bidder. The County Property Agent will record all deeds as soon as possible, once final approval has been received by the County Legislature. You will receive your deed(s) by mail, through the County Clerk's Office. Any changes in the deed will be the responsibility of the purchaser after the deed is recorded.

**11. Tax Information:** Total annual taxes are listed under each parcel. Delinquent taxes were absorbed and paid by the County. Purchasers will be responsible for current 2017-2018 City, Village, School and future taxes.

**12. Default by Purchaser:** Default by the Purchaser or failure to meet the terms and procedures of this Auction will result in **forfeiture of the required deposit.**

**13. Confirmation and Approval of Sales:** All sales are subject to confirmation by the County Properties Committee and final approval of the Herkimer County Legislature.

**14. THE COUNTY OF HERKIMER RESERVES THE RIGHT TO REJECT ANY AND ALL BIDS.**

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\*\*\*\*\*Auction information also available on the web:

**[www.herkimercounty.org](http://www.herkimercounty.org)    and    [www.auctionbyknapp.com](http://www.auctionbyknapp.com)**





## HERKIMER COUNTY LEGISLATURE

No. 119

### RESOLUTION AUTHORIZING ACTION IN CONNECTION WITH IN REM PARCEL IN THE VILLAGE OF HERKIMER

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

WHEREAS, the County of Herkimer took title to a parcel of real property in the Village of Herkimer, on April 15, 2014, in connection with the County's foreclosure of taxes, that parcel specifically being located at 527 E. Albany Street, Herkimer, New York, having Tax Map #113.82-2-70; and

WHEREAS, it appears that after the County took title to the premises, a walk-in cooler and exhaust fans were removed from the premises without the consent of the County and that other fixtures may have also been removed; now, therefore, be it

RESOLVED, that the Herkimer County Attorney is hereby directed to proceed with any and all necessary civil litigation in connection with this matter; and, be it further

RESOLVED, that the appropriate county officials are hereby authorized to execute any and all necessary documents to proceed with such matters; and, be it further

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

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Dated: April 26, 2017.