

MINUTES
Herkimer County Legislature
Third Quarter – Fourth Day
Wednesday, September 11, 2019
7:00 p.m.

The Regular Session of the Herkimer County Legislature was called to order by Chairman Bernard Peplinski at 7:07 p.m.

Chairman Peplinski called on Legislator Raymond 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 and a remembrance on this day for all those who perished in the tragic events of September 11, 2001.

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

Present: Malta, Gaworecki, Schrader, Hollum, Johnson, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Campione, Russell, Shaw, 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 August 7, 2019, the Public Hearing minutes of August 29, 2019 or the Special Session minutes of August 29, 2019. There were none, and the Chairman ordered them approved.

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

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. There were no requests.

No. 349 – A communication was received from the Sheriff submitting monthly report for May 2019. Referred to the Committee on Public Safety & Emergency Management.

No. 350 – A communication was received from National Grid submitting Semi-Annual PCB Inventory Report. Filed.

No. 351 – A communication was received from the Director of Office for the Aging requesting renewal of contract with Senior Network Health. Filed.

No. 352 – A communication was received from the Herkimer County Soil & Water Conservation District advising of monthly meeting. Filed.

No. 353 – A communication was received from the Personnel Officer requesting re-appointment of Director of Real Property Tax Services II. Referred to the Committee on Ways & Means.

No. 354 – A communication was received from the County Treasurer requesting adoption of revised County Investment Policy. Referred to the Committee on Ways & Means.

No. 355 – A communication was received from the Budget Office/Purchasing Agent requesting adoption of the County’s Purchasing Policy. Referred to the Committee on Ways & Means.

No. 356 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer of funds in Sewer District. Referred to the Committee on Ways & Means.

No. 357 – A communication was received from the County Treasurer requesting to except bid for In-Rem property. Referred to the Committee on County Properties.

No. 358 – A communication was received from the County Property Agent requesting permission for issuance of Certificate of Prospective Cancellation of certain properties. Referred to the Committee on County Properties and the Committee on Ways & Means.

No. 359 – A communication was received from the County Highway Superintendent requesting Higby Road Signage and Lights. Referred to the Committee on Highways.

No. 360 – A communication was received from the County Highway Superintendent requesting approval to proceed with Litigation for reimbursement costs. Referred to the Committee on Highways.

No. 361 – A communication was received from the County Highway Superintendent requesting to extend agreement for Snow and Ice control. Referred to the Committee on Highways and the Committee on Ways & Means.

No. 362 – A communication was received from the Budget Officer/Purchasing Agent requesting to accept bid for truck and approve transfer in Highways. Referred to the Committee on Highways and the Committee on Ways & Means.

No. 363 – A communication was received from the Commissioner of DSS requesting to approve 5yr. agreement with Funeral Directors for the Indigent. Referred to the Committee on Administration/Veterans’ Affairs, the Committee on Human Resources, and the Committee on Ways & Means.

No. 364 – A communication was received from the Commissioner of DSS requesting to authorize submission of plan to OCFS and renew contract with ICAN in DSS. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 365 – A communication was received from the Commissioner of DSS requesting to renew agreements and authorize Chairman to sign each as amended in DSS. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 366 – A communication was received from the Budget Officer/Purchasing Agent requesting to award bid for new Communications Tower at 911 Center. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 367 – A communication was received from the Budget Officer/Purchasing Agent requesting authorization for Chairman to e-sign SHSP grant and amend 2019 budget in Emergency Services. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 368 – A communication was received from the Budget Officer/Purchasing Agent requesting authorization for Chairman to e-sign SLETPP grant and amend 2019 budget in Sheriff's Department. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 369 – A communication was received from the Director of Real Property requesting renewal of Assessment Contract. Referred to the Committee on Ways & Means.

No. 370 – A communication was received from the Director of Real Property requesting renewal of Assessment Contract. Referred to the Committee on Ways & Means.

No. 371 – A communication was received from the Director of Public Health requesting to amend contract for Healthy Families Program in Public Health. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 372 – A communication was received from the Budget Officer/Purchasing Agent requesting approval of purchase and appropriate funds in the Maintenance Department. Referred to the Committee on County Properties and the Committee on Ways & Means.

No. 373 – A communication was received from the Director of Information Services requesting approval of purchase and authorize contract for services in Information Services. Referred to the Committee on Information Services and the Committee on Ways & Means.

No. 374 – A communication was received from the Budget Officer/Purchasing Agent requesting approval to appropriate funds in the District Attorney's Office. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 375 – A communication was received from the Executive Director of the IDA submitting Notice of Intent to Deviate for Solar Project in the Town of Little Falls. Filed.

No. 376 – A communication was received from the Executive Director of the IDA submitting Notice of Intent to Deviate for Solar Project in the City of Little Falls. Filed.

No. 377 – A communication was received from the Budget Officer/Purchasing Agent requesting acceptance of grant funding, authorizing signature, authorizing purchase and amending 2019 budget in BOE. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 378 – A communication was received from the Director of Employment & Training requesting execution of MOU in Employment and Training. Referred to the Committee on County Planning & Development and the Committee on Ways & Means.

No. 379 – A communication was received from the NYS Office of Homeland Security and Emergency Services advising of Grant. Filed.

No. 380 – A communication was received from D'Arcangelo & Co., LLP submitting audit for year ending 2018. Filed.

No. 381 – A communication was received from the County Treasurer submitting copy of letter regarding publication of audit. Filed.

Pursuant to Rule 6, Chairman Peplinski then proceeded with Reports of Standing Committees. Legislator Russell, Chairman of the Ways & Means Committee advised that weekly budget meetings will be starting September 20, 2019.

The Chairman continued with the Regular Agenda.

On motion of Mr. Ackerman, seconded by Mr. Johnson, Report and Resolution No. 229 sponsored by the Committee on Ways and Means reappointing Director of Real Property Tax Service Agency was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Stephens (1).

Mrs. Sadlon thanked the Legislature for the reappointment.

On motion of Mr. Bono, seconded by Mr. Gaworecki, Report and Resolution No. 230 sponsored by the Committee on Ways and Means adopting investment policy of the County of Herkimer was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Stephens (1).

On motion of Mr. Hollum, seconded by Mr. Schrader, Report and Resolution No. 231 sponsored by the Committee on Ways & Means adopting updated Policies and Procedures for Purchase of Goods and Services was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Stephens (1).

On motion of Mr. Campione, seconded by Mr. Weakley, Report and Resolution No. 232 sponsored by the Committee on Ways and Means authorizing transfers of funds was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Stephens (1).

On motion of Mr. Keeler, seconded by Mr. Ackerman, Report and Resolution No. 233 sponsored by the Committee on County Properties approving sale of parcel acquired by In Rem foreclosure was handed up; voted on and adopted by roll call vote:

For: 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. Bono, seconded by Mr. Keeler, Report and Resolution No. 234 sponsored by the Committee on County Properties and the Committee on Ways and Means directing prospective cancellation of taxes on certain parcels was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Stephens (1).

On motion of Mr. Smith, seconded by Mr. Campione, Report and Resolution No. 235 sponsored by the Committee on Highways authorizing litigation to recover costs for signage and cleanup on North Gage Road was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Stephens (1).

On motion of Mr. Smith, seconded by Mr. Weakley, Report and Resolution No. 236 sponsored by the Committee on Highways and the Committee on Ways and Means extending agreements for snow and ice control with State of New York was handed up; voted on and adopted by voice vote:

For: Ayes (15). Against: None.

Abstain: Gaworecki (1). Absent: Stephens (1).

On motion of Mr. Smith, seconded by Mr. Campione, Report and Resolution No. 237 sponsored by the Committee on Highways and the Committee on Ways and Means awarding bid for vehicle in Highway Department and transferring funds was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Stephens (1).

On motion of Mr. Hollum, seconded by Mr. Schrader, Report and Resolution No. 238 sponsored by the Committee on Human Resources, the Committee on Administration/Veterans' Affairs and the Committee on Ways and Means concerning expenditures for the Indigent was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Stephens (1).

On motion of Mr. Ackerman, seconded by Mr. Weakley, Report and Resolution No. 239 sponsored by the Committee on Human Resources and the Committee on Ways and Means authorizing submission of the supervision and treatment services for juveniles program (STSJP) to the NYS Office of Children and Family Services and authorize contract renewal with Integrated Community Alternatives Network (ICAN) to provide services was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Stephens (1).

On motion of Mr. Malta, seconded by Mr. Schrader, Report and Resolution No. 240 sponsored by the Committee on Human Resources and the Committee on Ways and Means authorizing amendment of agreements in the Department of Social Services was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Stephens (1).

On motion of Mr. Bono, seconded by Mr. Weakley, Report and Resolution No. 241 sponsored by the Committee on Public Safety/Emergency Management and the Committee on Ways and Means awarding bid for the provision of communications tower and transferring funds, was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Stephens (1).

On motion of Mr. Campione, seconded by Mr. Hollum, Report and Resolution No. 242 sponsored by the Committee on Public Safety/Emergency Management and the Committee on

Ways and Means accepting grant funding, authorizing e-signature, creating project number, and amending the 2019 Budget was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Stephens (1).

On motion of Mr. Bono, seconded by Mr. Smith, Report and Resolution No. 243 sponsored by the Committee on Public Safety/Emergency Management and the Committee on Ways and Means accepting grant for Homeland Security funding, authorizing e-signature, creating project number, and amending the budget in Sheriff's Department was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Stephens (1).

On motion of Mr. Campione, seconded by Mr. Gaworecki, Report and Resolution No. 244 sponsored by the Committee on Ways and Means authorizing contract with the Town of Stark to provide assessment services to the Town was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Stephens (1).

On motion of Mr. Gaworecki, seconded by Mr. Weakley, Report and Resolution No. 245 sponsored by the Committee on Ways and Means authorizing contract with the Town of Danube to provide assessment services to the Town was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Stephens (1).

On motion of Mr. Bono, seconded by Mr. Shaw, Report and Resolution No. 246 sponsored by the Committee on Human Resources and the Committee on Ways and Means amending Resolution No. 136 of 2018 approving contract with ICAN for Healthy Families Program was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Stephens (1).

On motion of Mr. Schrader, seconded by Mr. Ackerman, Report and Resolution No. 247 sponsored by the Committee on County Properties and the Committee on Ways and Means approving purchase of computer system and appropriating funds was handed up; voted on and adopted by roll call vote:

For: 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. Schrader, seconded by Mr. Hollum, Report and Resolution No. 248 sponsored by the Committee on Information Services and the Committee on Ways and Means approving purchase of mainframe computer and authorizing contract for services in Information Services Department was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Stephens (1).

On motion of Mr. Bono, seconded by Mr. Keeler, Report and Resolution No. 249 sponsored by the Committee on Public Safety/Emergency Management and the Committee on Ways and Means authorizing purchase of computer software and equipment and appropriating funds in District Attorney's Office was handed up; voted on and adopted by roll call vote:

For: 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. Ackerman, seconded by Mr. Schrader, Report and Resolution No. 250 sponsored by the Committee on County Planning and Development and the Committee on Ways and Means authorizing execution of Workforce Development Board Infrastructure Funding Memorandum of Understanding Part II was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Stephens (1).

On motion of Mr. Weakley, seconded by Mr. Brezinski, Report and Resolution No. 251 sponsored by the Committee on Administration/Veterans' Affairs and the Committee on Ways and Means accepting grant funding, authorizing signature, authorizing purchase, and amending 2019 Budget in connection with Early Voting in Board of Elections was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Stephens (1).

On motion of Mr. Ackerman, seconded by Mr. Keeler, Report and Resolution No. 252 sponsored by the Committee on County Properties authorizing transfer of 387 West Main Street premises to the City of Little Falls was handed up; voted on and adopted by roll call vote:

For: 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. Schrader, seconded by Mr. Manno, Resolution No. 253 In Memoriam for former County Supervisor and Clerk of the County Legislature, Russell Roof, Jr. was handed up; Mr. Wallace made a comment in recognition of Mr. Roof's dedicated service to the County and his community. The resolution was voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Stephens (1).

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

At 7:27 p.m. on motion of Mr. Manno, seconded by Mr. Malta, the Legislature adjourned to Wednesday, October 2, 2019 at 2:00 p.m.

Brittney R. Viscomi, Clerk



HERKIMER COUNTY LEGISLATURE

No. 229

RESOLUTION REAPPOINTING DIRECTOR OF REAL PROPERTY TAX SERVICE AGENCY

Sponsored by: Committee on Ways & Means

WHEREAS, by Resolution No. 171 of 2013, Beth Sadlon of Little Falls, New York, was reappointed as Director of the Herkimer County Real Property Tax Service Agency for the completion of a term that will expire on September 30, 2019; and

WHEREAS, Beth Sadlon has continued in the training and education programs as prescribed by the provisions of Section 1530 of the Real Property Tax Law; now, therefore, be it

RESOLVED, that Beth Sadlon, Little Falls, New York be, and she hereby is, reappointed Director of the Herkimer County Real Property Tax Service Agency for a six year term commencing October 1, 2019 at an annual salary as set forth in the Salary Schedule of the County of Herkimer; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer, New York State Office of Real Property Tax Services and Beth Sadlon.

Dated: September 11, 2019.



HERKIMER COUNTY LEGISLATURE

No. 230

REPORT AND RESOLUTION ADOPTING INVESTMENT POLICY OF THE COUNTY OF HERKIMER

Sponsored by: Committee on Ways and Means

WHEREAS, by Resolution No. 177 of 2009 an Investment Policy of the County of Herkimer was adopted, which Policy was amended by Resolution No. 136 of 2011 and Resolution 163 of 2016; and

WHEREAS, by letter dated August 28, 2019, Kimberlee Enea, Herkimer County Treasurer, has submitted a revised Herkimer County Investment Policy for adoption as attached hereto; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby adopts the attached revised Investment Policy as the Investment Policy of the County of Herkimer; and, be it further

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

Dated: September 11, 2019.

INVESTMENT POLICY FOR HERKIMER COUNTY

This investment policy applies to all moneys and other financial resources available for investment on its own behalf of any other entity or individual.

OBJECTIVES

- The primary objectives of the County's investment activities are, in priority order,
- to conform with all applicable federal, state, and other legal requirements;
 - to adequately safeguard principal;
 - to provide sufficient liquidity to meet all operating requirements;
 - to obtain a reasonable rate of return

DELEGATION OF AUTHORITY

The governing board's responsibility for administration of the investment program is delegated to the treasurer who shall establish written procedures for the operation of the investment program control structure to provide a satisfactory level of accountability based on a data base or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the County to govern effectively.

Investments shall be made with judgment and care, under circumstances than prevailing, which persons of prudence discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

DIVERSIFICATION

It is the policy of the County to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

INTERNAL CONTROLS

It is the policy of the County for all money collected by any officer or employee of the government to transfer those funds to the Treasurer within 30 days of deposit, or within the time period specified in Law, whichever is shorter.

The Treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable law and regulations.

DESIGNATION OF DEPOSITORIES

"The banks and trust companies authorized for the deposit of moneys shall be listed and in the amounts indicated on the resolution adopted annually for the Depositories of County Funds."

COLLATERALIZING OF DEPOSITS

In accordance with the provisions of General Municipal Law, Section 10, all deposits of Herkimer County, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

1. By a pledge of "eligible securities" with an aggregate "market value", as provided by General Municipal Law, Section 10, equal to the aggregate amount of deposits.
2. By a letter of credit payable to the County of Herkimer as security for the payment of one hundred percent of the aggregate amount of deposits, as provided by General Municipal Law, Section 10.

SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by a third party bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the County or its Custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

PERMITTED INVESTMENTS

As authorized by General Municipal Law, Section 11, the County of Herkimer authorized the Treasurer to invest moneys not required for immediate expenditure for terms not to exceed one year in the following types of investments:

- Special time deposit including certificate of deposit issued by a bank or trust company authorized to do business in the State;
- Certificates of deposit;
- Obligations of the United States of America
- Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United State of America;
- Obligations of the State of New York;

All investment obligations shall be payable or redeemable at the option of the County of Herkimer within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the County of Herkimer within one year of the date of purchase.

AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The County of Herkimer shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the local government conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition at the request of the County of Herkimer. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with New York Federal Reserve Bank, as primary dealers. The Treasurer is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

PURCHASE OF INVESTMENTS

The treasurer or deputy treasurer is authorized to contract for the purchase of investments:

- 1) A minimum of **two** bids shall be obtained .
- 2) All investments shall be in the name of the County.
- 3) The Treasurer's Department will maintain an investment log detailing the specific information relative to each investment. The log will contain descriptions, account numbers, fund, amounts transaction dates, interest rates, maturity, interest earned, date of disposition and other related information.
- 4) Investment transaction shall be reported to the Jr. Accountant to be recorded in the accounting system.
- 5) All Certificates of Deposit or other evidence of investment shall be kept in the safe.
- 6) Terms and Conditions
Minimum 7 days
Maximum 24 months
- 7) All investment documentation shall be retained for audit purpose.
- 8) Investments shall be sufficiently liquid so as to allow funds to be available as needed to meet the obligations of the County.
- 9) Funds shall be invested in such a way as to earn the maximum yield possible.

COUNTY CLERK

In addition to the authority to invest herein given to the County Treasurer, the County Clerk, pursuant to Section 11 (5) of the General Municipal Law may invest any money collected on behalf of the state until such time as the money is required to be remitted to the state. The County Clerk shall invest the state money only in those investments by this policy and payable with such time as the proceeds shall be payable in equal shares to the state and to the County, provided, however, that any fees or service charges associated with the investment shall be paid from such interest.

Rev. 08/28/19



HERKIMER COUNTY LEGISLATURE

No. 231

REPORT AND RESOLUTION ADOPTING UPDATED POLICIES AND PROCEDURES FOR PURCHASE OF GOODS AND SERVICES

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated August 19, 2019 from Sheri Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised of a request to adopt an updated Herkimer County Purchasing Policy for 2019; now, therefore, be it

RESOLVED, that the attached Policies and Procedures for Purchase of Goods and Services be, and hereby are, adopted as the official policies of the County of Herkimer; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to each department head in the County.

Dated: September 11, 2019.

**HERKIMER COUNTY
POLICIES AND PROCEDURES FOR PURCHASE OF GOODS AND SERVICES**

I. All contracts for public works involving an expenditure of more than Thirty-five Thousand Dollars (\$35,000.00) and all purchase contracts involving an expenditure of more than Twenty Thousand Dollars (\$20,000.00), unless excepted by statute or an appropriate resolution of this Legislature, shall be awarded to the lowest responsible bidder as provided by Article 5-A of the General Municipal Law.

II. All contracts for public works involving an expenditure of less than Thirty-Five Thousand Dollars (\$35,000.00) and all purchase contracts involving an expenditure of less than Twenty Thousand Dollars (\$20,000.00), unless excepted by statute or an appropriate resolution of this Legislature or purchased off of State Contract, shall be procured in compliance with the following procedures:

- A. These procedures are adopted to assure the prudent and economical use of public money, and to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost and to guard against favoritism, extravagance, fraud and corruption.
- B. The Purchasing Agent, and any other officer or employee of Herkimer County authorized to make or recommend purchase of goods and services, in cooperation with the Purchasing Agent, shall, in all appropriate cases, survey the marketplace to determine the probable cost of any goods and/or services required by the County. If it is deemed probable that the cost will exceed the aforesaid limits of \$20,000.00 and \$35,000.00 paragraph "I" shall control. In all other cases, these procedures shall be followed. The Purchasing Agent shall document action taken to make such determination when appropriate.
- C. Dollar limits for purchase of goods and services are adopted as follows:

DOLLAR LIMIT	PROCEDURE
\$1 - \$2,000	At the discretion of the Purchasing Department.
\$2,001 - \$10,000	Documented verbal quotes from at least three separate vendors (if available) and consultation with the Purchasing Department to determine delivered or installed costs.

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| \$10,001-\$20,000 | Documented written quotes from at least three separate vendors (if available) and consultation with the Purchasing Department and appropriate Committee of the Legislature, (to include State Contract Purchases) to determine delivered or installed costs. |
| Over \$20,000 | Scaled bids in conformance with the General Municipal Law. |
- D. Dollar limits for purchase of public works are adopted as follows:
- | DOLLAR LIMIT | PROCEDURE |
|---------------------|---|
| \$1 - \$2,000 | At the discretion of Purchasing Department |
| \$2,001 - \$10,000 | Documented verbal quotes from at least three separate sources (if available) and consultation with the Purchasing Department. |
| \$10,001 - \$35,000 | Documented written quotes from at least three separate sources and consultation with the Committee of the Legislature involved. |
| Over \$35,000 | Scaled bids in conformance with the General Municipal Law. |
- E. The above policies apply also to the Highway Department except that the requirement to consult with the Purchasing Department applies only to purchases requiring the specific authorization of the Legislature.

III. AWARDING PURCHASES

- A. Proper documentation is required when the quote is not awarded to the vendor giving the lowest price. Quotes will be awarded to the lowest responsible and responsive vendor providing the goods are of equal values.
- B. Use of alternative purchasing methods including NYS Contracts, Contracts of other New York State Municipalities, "Piggybacking" on other governmental contracts, federal contracts, cooperative purchasing, preferred source, sole source and emergency purchases shall be governed by the provisions of New York State General Municipal Law, Sections 103, 104 or 104-B or State Finance Law, Section 162 or other applicable provisions of law and properly documented.
- C. Best Value: The specific non-price criteria to be used for Best Value purchases must be detailed in the price solicitation and the analysis of the resulting quotes or bids using the specified criteria must be documented. The documentation should include cost benefit analysis where possible. Award for purchases can then be made to the bidder deemed to be the Best Value to the County with all of the aspects of the Purchasing Policy remaining the same, as per Herkimer County Local Law.

- IV. A. All purchases of goods or services (except transcription services, utilities, unscheduled repairs and otherwise authorized services) require a purchase order. Contracts up to \$10,000 may be signed by the department head provided all other purchasing policies, laws and resolutions of the Legislature are complied with and documented. All such contracts must be reviewed by Purchasing Department for compliance with Purchasing Policy prior to signing.

V. **PROFESSIONAL SERVICES PROCUREMENT POLICY**

Purchases of professional services, which are not required to be bid by State law, shall be governed by the following principles and practices:

- A. Contracts shall be executed for professional services, when appropriate, to delineate the services to be rendered and the method and amount of payment.
- B. Staff who seek approval to purchase professional services must seek to generate proposals to perform these services that are as appropriate to the County's needs and as cost-competitive as possible, by use of RFP's or RFQ's, etc. RFQ's may be used prior to RFP's or independently.
- C. The process to be followed in each new or renewal contract for professional services shall be proposed by the departmental staff person responsible for the services to the appropriate committee of the Legislature. The Purchasing Department must be copied (except for Highway fund requests) prior to consideration and approval by the appropriate Committee. The hiring of those professionals may be authorized by the appropriate committee up to \$10,000. The full Legislature must approve professional services over \$10,000 annually or if additional funds must be appropriated (such as with grants).
- D. Where alternative quotes or proposals are obtained, awards to an entity other than the lowest proposer must be properly documented with the rationale/reason for rejection of the lowest price.
- E. For certain types of procurements of professional services, the solicitation of alternative proposals or quotations would not be in the best interest of the County, for example, highly specialized services for which the number of qualified and available professionals is limited. In those instances, the hiring of those professionals may be authorized by the appropriate committee up to \$10,000 annually. The full Legislature must approve the contract if over \$10,000 annually without alternative quotes or RFP's after presentation to the committee of the justification for such a determination with the appropriate documentation.
- F. Any and all procedures not specifically addressed in this policy shall be governed by Section 103 or 104-b of the General Municipal Law.

VI. Any purchases of goods or services from an employee of Herkimer County or an immediate family member must be approved by the appropriate committees of the Legislature in addition to all other requirements.

VII. The following employees are authorized to make general purchases for Herkimer County

(The list must be updated bi-annually):

S. Ferdula, Budget Officer/Purchasing Agent

P. Lumia, Deputy Purchasing Agent

M. Nagele, County Highway Superintendent

J. Lindholm, Deputy County Highway Superintendent

K. Enea, Treasurer (credit card only)

PROCUREMENT REQUIREMENTS FOR FEDERAL AWARDS

All purchases from new federal awards and incremental funding to existing awards must comply with Uniform Guidance requirements outlined in Title 2 of the Code of Federal Regulations, Subtitle A, Chapter II, Part 200. The following procedures will be incorporated and in addition to the Herkimer County Purchasing Policy.

STANDARDS OF CONDUCT

- No employee, officer, or agent will participate in the selection, award, or administration of a contract supported by federal monies if he or she or any member of his or her immediate family is employed or about to be employed, or a partner, officer or agent in the contracting organization or has a financial or other interest in or will receive a tangible personal benefit from a firm considered for the contract.
- Officers, employees and agents must neither solicit nor accept gratuities, favors or any item of monetary value from contractors or parties to subcontracts.

PRE - PROCUREMENT PROCEDURES

- Measures must be taken to avoid any duplicate or unnecessary purchases of services, equipment or supplies.
- Look for opportunities to consolidate or split up purchases to save money or time and document your findings.
- Weigh the options of leasing and purchasing to discover which is more economical.
- Utilize State and Federal contracts to obtain the best aggregate pricing.
- Investigate State and Federal surplus auctions.

COMPETITION

- Procurements must be conducted in a manner providing full and open competition.
- In order to eliminate unfair competitive advantages the following restrictive practices are prohibited:
 - Placing unreasonable requirements on firms in order for them to qualify to do business
 - Requiring unnecessary experience and excessive bonding
 - Noncompetitive pricing practices between firms or between affiliated companies
 - Noncompetitive contracts to consultants that are on retainer contracts
 - Organizational conflicts of interest
 - Specifying a "brand name" product instead of allowing an equal product to be offered and describing the performance or other relevant requirements of the procurement
 - Any arbitrary action in the process.

PROCUREMENT METHODS

- Purchases up to \$3,000 (Micro Purchases)
 - The purchase of supplies or services where the aggregate amount does not exceed \$3,000 should follow normal Herkimer County Purchasing Policy procedures.
- Purchases between \$3,000 and \$150,000 (Small Purchases)
 - Procedure should be based on existing Herkimer County Purchasing Policy procedures.
- Purchases over \$150,000
 - Sealed bids
 - Complete, adequate, realistic specifications
 - Two or more bidders must be willing and able to compete for the business
 - The procurement must lead to a firm fixed price contract and selection must be based on price.
 - Competitive Proposals
 - Used when conditions are not appropriate for sealed bids
 - Requests for proposals must be publicized and identify evaluation factors and their importance.
 - Must be solicited from an adequate number of sources
 - Must have a written method for technical evaluations and selection
 - To be used for qualifications based procurement of architectural/engineering professional services
 - Non-Competitive Proposals
 - Proposal from only one source
 - The item or service is only available from one source
 - An emergency for the requirement will not permit a delay resulting from competitive solicitation
 - After solicitation from a number of sources, competition is determined inadequate.

SMALL, MINORITY AND WOMENS BUSINESS ENTERPRISES OR LABOR SURPLUS FIRM

- Affirmative action steps must be taken to assure that minority and women owned enterprises and labor surplus area firms are used whenever possible.
 - Place small and minority businesses and women owned businesses on solicitation lists
 - Assure small and minority businesses and women owned businesses are solicited when they are potential bidders.
 - Divide contract requirements into smaller tasks or quantities to permit maximum participation
 - Establish delivery schedules that encourage small and minority businesses and women owned businesses
 - Utilize the Small Business Administration and the Minority Business Development Agency and the Department of Commerce
 - Require prime contractors to take affirmative steps when dealing with subcontractors.

RECOVERED MATERIALS

- Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, requires Political Subdivisions to procure only items designated in the guidelines of the Environmental Protection Agency at 40 CFR part 247. Items exceeding \$10,000 in purchase price or value, must contain the highest percentage of recovered materials consistent with maintaining a satisfactory level of competition

CONTRACTS COST AND PRICE

- Every procurement in excess of the Simplified Acquisition Threshold (\$150,000) must have a cost or price analysis including modifications to existing contracts. An estimate should be created before proposals are solicited.
- Profit must be negotiated as a separate element of the price for contracts in which there is no price competition and in every case where cost analysis is performed
- Costs or prices based on estimations are only allowable to the extent that costs incurred or cost estimates included in negotiated prices are allowable if the County has requested prior approval which should include the timeframe or scope of the agreement and be submitted not less than 30 days before the requested action is set to occur.
- Adjustments to the indirect cost rates resulting from a determination of unallowable costs being included in the rate proposal may result in the reissuance of the negotiated rate agreement.
- Financial records, supporting documents, statistical records and all other records pertaining to the award must be retained for a period of three years from the date of submission of the final expenditure report, or, for awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, as reported to the Federal awarding agency or pass through entity in the case of a sub recipient. The following exceptions apply:
 - If a litigation, claim or audit is started or filed in the three year period, records must be kept until it has been resolved
 - When notified by the Federal Agency to extend the retention
 - Records for real property and equipment must be retained for 3 years after disposal
 - If records are transferred to or maintained by the Federal awarding agency or pass through entity
 - Program income transactions after the period of performance must be retained starting from the end of the County's fiscal year in which the program income is earned.
 - Negotiated indirect cost rate proposals, cost allocations plans and similar reports must be retained for the 3 year period from the date of submission
 - Non negotiated reports must be retained for 3 years from the end of the fiscal year covered by the plan.

FEDERAL AWARDING AGENCY OR PASS THROUGH ENTITY REVIEW

- The County must make available upon request the technical specifications on proposed procurements where the Federal awarding agency or pass-through believes such a review is needed to ensure the item or service is the one being proposed.
- The County must make available pre procurement documents when:
 - Procurement procedures or operations fail to comply with standards
 - The procurement exceeds the Simplified Acquisition Threshold and is to be awarded without competition
 - The procurement specifies a "brand name"
 - The contract is to be awarded to any other than the low bidder
 - A modification changes the scope of a contract or increases the amount by more than the Simplified Acquisition Threshold
- The County may request a review to ensure compliance with the standard.
- The County may "self-certify" its procurement system, however, such certification must not limit the Federal agency's right to survey the system.

BONDING REQUIREMENTS

- The County bonding policy for construction or facility improvement contracts or sub contracts exceeding the Simplified Acquisition Threshold may be accepted by the Federal awarding agency if they make the determination that the Federal interests are protected.
- Bids must contain a bid bond, certified check or other negotiable instrument equivalent to 5% of the bid as a guarantee
- Performance bonds covering 100% of the contract must be issues in the event the contractor defaults.
- Payment bonds covering 100% of the contract to ensure payment of all persons supplying labor and materials.

REQUIREMENTS FOR PASS THROUGH ENTITIES

- The County may receive concurrent Federal awards as a recipient, a sub recipient and a contractor depending on its agreements with the Federal Agency and pass through entity. A determination must be made on a case by case basis whether agreements made for distribution of program funds cast the party receiving the funds in the role of a sub recipient or a contractor.
 - Sub recipients - the County must identify:
 - Name
 - Entity identifier (EIN)
 - Federal Award Identification Number
 - Period of performance
 - Amount of Federal Funds Obligated to the sub recipient
 - Total amount of Federal funds obligated to the sub recipient including the current award
 - Federal award project description
 - Name of the Federal awarding agency, pass through entity and contact information of awarding official of the pass through entity.

- The dollar amount of each Federal award and the CFDA number at the time of Disbursement
- Whether the award is R & D and indirect cost
- All requirements imposed by the County on the sub recipient so that the Federal award is used in accordance with Federal statutes, regulations and the terms and conditions of the award.
- Any additional requirements to meet the County's own responsivity to the Federal Agency
- An approved federally recognized indirect cost rate negotiated between the sub recipient and the Federal Government, or if no rate exists, the rate negotiated between the County and the sub recipient
- A requirement that the sub recipient permit the County and auditors to have access to the sub recipients records and financials as necessary
- Appropriate terms and conditions concerning closeouts.
- The County must evaluate each sub recipient's risk of noncompliance for the purpose of determining the appropriate monitoring which may include factors such as:
 - Prior experience with same or similar sub awards
 - Previous audit results
 - Changes in personnel or systems
 - Results of the Federal Award agency monitoring – if sub recipient receives other awards
- The County should consider imposing specific conditions upon the sub recipient if appropriate
- The County should monitor the activities of the sub recipient to ensure the sub award is used for the intended purpose and goals are achieved by:
 - Monitoring financial statements and performance reports
 - Follow up on deficiencies notes through audits, review and other means.
 - Issue a Management Decision for findings pertaining to the award
- The following monitoring tools may be helpful to ensure proper accountability and compliance:
 - Providing sub recipients with training and technical assistance on program related matters
 - Performing on site reviews of the sub recipients program operations
 - Arranging for agreed upon procedure engagements
- The County should verify that every sub recipient is audited as required by Subpart F – Audit requirements set forth in 200.501
- The County should consider whether or not the sub recipients audit results, on site reviews or other monitoring indicate conditions that necessitate adjustments to the County's own records.
- Take enforcement action against non-compliant sub recipients as described in 200.338.

CONTRACT PROVISIONS

- The County contracts must contain the applicable provisions described in Appendix II to Part 200, Contract Provisions for Non-Federal Entity Contracts (attached).

Code of Federal Regulations
Title 2, Grants and Agreements (Refs & Annos)
Subtitle A, Office of Management and Budget Guidance for Grants and Agreements (Refs & Annos)
Chapter II, Office of Management and Budget Guidance (Refs & Annos)
Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Refs & Annos)

2 C.F.R. Pt. 200, App. II

APPENDIX II TO PART 200—CONTRACT PROVISIONS FOR NON-FEDERAL ENTITY CONTRACTS UNDER FEDERAL AWARDS

Effective: December 26, 2014
Currentness

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

(A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

(D) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction,

completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR § 401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

(G) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(I) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(J) See § 200.322 Procurement of recovered materials.

Credits

[79 FR 75888, Dec. 19, 2014]

AUTHORITY: 31 U.S.C. 503



HERKIMER COUNTY LEGISLATURE

No. 232

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 19, 2019, 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 2019 Budget:

Transfer:

\$2,500

From: G8130.41000-102, Sewer Chemical Supplies

To: G8130.25000, Sewer, Other Equipment

and, be it further

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

Dated: September 11, 2019.



HERKIMER COUNTY LEGISLATURE

No. 233

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

Sponsored by: Committee on County Properties

WHEREAS, by judgment of the Herkimer County Court filed and entered April 11, 2019 in the In Rem Tax Foreclosure Auction for the year 2017, the County of Herkimer acquired title to certain parcels of property; and

WHEREAS, this Legislature has been advised that an offer has been received for the parcel of property listed below; and

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

RESOLVED, that the offer for the following listed parcel of land in the amount listed be, and hereby is, accepted and the County Treasurer's Office is hereby directed to prepare the usual deed of conveyance for said property to be delivered to the purchaser upon receipt by the County Treasurer of the offered sum, plus recording and transfer fees:

<u>Parcel</u>	<u>Purchaser</u>	<u>Offer</u>
Town of Salisbury Tax Map No. 102.1-1-79 Ives Hollow Road – vacant land	Melissa Sabatino 322 Lynch Road Rome, NY 13440	\$300.00

and, be it further

RESOLVED, that the County Treasurer is hereby authorized, upon receipt by the County Treasurer of the aforesaid sum plus recording fees, to execute said deed transferring said property; 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 purchaser.

Dated: September 11, 2019.



HERKIMER COUNTY LEGISLATURE

No. 234

REPORT AND RESOLUTION DIRECTING PROSPECTIVE CANCELLATION OF TAXES ON CERTAIN PARCELS

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

WHEREAS, the County of Herkimer has, for many years, enforced the collection of delinquent real estate taxes pursuant to Real Property Tax Law, Article 11, Title 3, Foreclosure of Tax Lien by Proceeding In Rem; and

WHEREAS, Real Property Tax Law Section 1138, provides methods to withdraw parcels of property from foreclosure and in certain instances, cancel said taxes; and

WHEREAS, by letter dated August 19, 2019, from Jennifer L. Casey, County Property Agent, this Legislature is advised that parcels have been withdrawn from the County's list of delinquent taxes because if the County were to acquire the parcels, there is a significant risk that the County might be exposed to a liability substantially in excess of the amount that could be recovered by enforcing the tax lien; and

WHEREAS, action can be taken by the Legislature pursuant to Real Property Tax Law Section 1138-(6)(d) to direct the enforcing officer to issue a certificate of prospective cancellation; and

WHEREAS, the issuance of such a certificate of prospective cancellation renders the parcel involved exempt from taxation until it is determined by the Legislature that the parcel should be restored to the taxable portion of the tax roll; now, therefore, be it

RESOLVED, that the Legislature hereby determines that there is no practical method to enforce the collection of delinquent tax liens arising hereafter against the parcels listed on Exhibit A attached hereto and made a part hereof; and, be it further

RESOLVED, that the Enforcing Officer is directed to issue a certificate of prospective cancellation for the parcels set forth on Exhibit A; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Property Agent and Director of Real Property Tax Services.

Dated: September 11, 2019.

EXHIBIT A

TOWN	TAX MAP#	OWNER	LOCATION	DESCRIPTION
City of Little Falls	114.60-4-67	Torres, George	43 W Monroe St	Dilapidated Building 1 Family Res
Frankfort - Village	112.74-1-29	Lavalia, James F	116 N Frankfort St	Dilapidated Building 1 Family Res
German Flatts - Ilion	120.46-3-23	Lewis, Tyrell	11-13 View Ter	Burned Structure 2 Family Res
German Flatts - Ilion	120.37-3-72	Willey, Michael	245 E State St	Burned Structure Converted Res
German Flatts - Ilion	119.36-2-88	Woodward, Richard	77 W Clark St	Dilapidated Building 1 Family Res
German Flatts	127.1-2-69	Keeler, Allan	2471 State Route 168	Dilapidated Building 1 Family Res
Herkimer - Village	120.25-2-24	Sperl, Sandra M Shepard, Richard	210-212 N Main St	Burned/Dilapidated Building ATT Row Bldg
Ohio	085.3-3-19	Stanier, Philip	California Rd	Dilapidated Building 1 Family Res
Salisbury	102.12-1-10	Barnes, Lillian A	State Route 29	Dilapidated Building Vac w/ imprv



HERKIMER COUNTY LEGISLATURE

No. 235

REPORT AND RESOLUTION AUTHORIZING LITIGATION TO RECOVER COSTS FOR SIGNAGE AND CLEANUP ON NORTH GAGE ROAD

Sponsored by: Committee on Highways

WHEREAS, by letter dated August 19, 2019 from Mark A. Nagele, Superintendent of Highways, he has requested authorization to commence litigation to seek reimbursement for costs incurred in connection with an event on North Gage Road in the Town of Newport, held between July 17, 2019 and July 22, 2019 for setup and tear down of signs and cleanup of the road from the event, totaling \$2,361.26; now, therefore, be it

RESOLVED, that litigation to collect these amounts against the owner of the premises, Peter Lockwood, and/or owner of title of the premises involved, is hereby authorized and the Chairman of this Legislature is authorized to execute any and all documents which are necessary in connection with that litigation; and, be it further

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

Dated: September 11, 2019.



HERKIMER COUNTY LEGISLATURE

No. 236

REPORT AND RESOLUTION EXTENDING AGREEMENTS FOR SNOW AND ICE CONTROL WITH STATE OF NEW YORK

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

WHEREAS, the County of Herkimer, pursuant to Section 12 of the Highway Law relating to plowing snow and to control snow and ice on state highways in the towns and incorporated villages of the County, has heretofore entered into an agreement dated July 1, 1974, with the State of New York for such purposes; and

WHEREAS, Sections 7 and 10 of said agreement provide a method of modification of the map of affected state highways and of annually updating the estimated expenditures; and

WHEREAS, by communication dated August 19, 2019, the County Superintendent of Highways has submitted contracts in form prepared by the State of New York for a five year extension, starting on July 1, 2019 and terminating June 30, 2024; now, therefore, be it

RESOLVED, that the Chairman of the Herkimer County Legislature is hereby authorized to execute a five year extension of said Snow and Ice Control Agreement for the period of July 1, 2019 through June 30, 2024 at an estimated expenditure of \$8,847,198.80 for 2019-2024; and, be it further

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

Dated: September 11, 2019.



HERKIMER COUNTY LEGISLATURE

No. 237

REPORT AND RESOLUTION AWARDING BID FOR VEHICLE IN HIGHWAY DEPARTMENT AND TRANSFERRING FUNDS

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

WHEREAS, by letter dated August 21, 2019, Mark Nagele, Superintendent of Highways, has advised that a Mini-Bid was conducted through NYS OGS for a new truck in the highway department and recommends the bid be awarded to the sole bidder; and

WHEREAS, by letter dated August 21, 2019, from Sheri Ferdula, Budget Officer/Purchasing Agent, has advised a transfer of funds will be necessary to complete the purchase; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby awards a bid for the purchase of the below listed vehicle for the Herkimer County Highway Department:

2020 Ram 5500 Truck **\$63,377.54**

Robert Green Auto & Truck, Inc.
236 Bridgeville Road
Monticello, NY 12701

and, be it further

RESOLVED, additional funds will be necessary and have been verified for the following transfer:

\$4,800.00 From: DM5130.25000, Road Machinery, Other Equipment
To: DM5130.23000, Road Machinery, Motor Vehicles

And, be it further,

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Superintendent of Highways, and Robert Green Auto & Truck, Inc.

Dated: September 11, 2019.



HERKIMER COUNTY LEGISLATURE

No. 238

REPORT AND RESOLUTION CONCERNING EXPENDITURES FOR THE INDIGENT

**Sponsored by: Committee on Human Resources
Committee on Administration/Veterans' Affairs
Committee on Ways & Means**

WHEREAS, by resolutions previously adopted, the Herkimer County Legislature has approved agreements with local funeral directors which sets the amounts allowable for burial costs for the indigent as provided in Section 148 of the General Municipal Law; and

WHEREAS, the most recent agreement approved by Resolution No. 321 of 2014 shall expire on December 31, 2019; and

WHEREAS, by letter dated June 28, 2019, Timothy Seymour, Commissioner of Social Services, has requested that this Legislature set the amounts allowable and all additional expenses in connection with said burials for the years 2020 through 2024; now, therefore, be it

RESOLVED, that this Legislature hereby approves a new five year agreement with the local funeral directors commencing January 1, 2020 through December 31, 2024, which sets the amounts allowable and additional expenses in connection with the burial expense for the indigent as provided on the attached Schedule A; and, be it further

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

Dated: September 11, 2019.

**HERKIMER COUNTY DEPARTMENT OF SOCIAL SERVICES INDIGENT
BURIAL POLICY 2020-2024**

It is necessary for a member of the family, or a friend/representative, to make a written application for the burial allowance prior to or during funeral arrangements. **No exceptions to this requirement will be honored** (*When the deceased has no family or they absolutely cannot come in to complete the application, the funeral director must request pre-approval to initiate the application and burial will be paid at \$2,000 and cremation at \$1,000.00).

Applicant must be over 21 years of age

After business hours, conditional approval must be obtained from the Commissioner or his representative. An On-Call Caseworker can be reached by calling (315) 866-0974.

Final approval of an application is contingent on verifying need and in no case will approval be made if the decedent or legally responsible party: surviving spouse, or parents (if decedent is under the age of 21), has resources in excess of **Fifteen Hundred Dollars (\$1,500.00)**.

The Funeral Home must provide the decedent's Date of Death, Date of Birth, Social Security Number, and Place of Death when the initial call is made to our Department and will be expected to meet with the family, friends, etc. before contacting Social Services.

BURIAL PAYMENTS SHALL BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

<u>Effective Date</u>	<u>Stillborn- 2 Yrs. Old</u> <u>(20 weeks or more)</u>	<u>3-5 Years Old</u>	<u>6 - Adult</u>
01/01/2020	\$550	\$1,000	\$2,675.00
01/01/2021	\$550	\$1,000	\$2,755.00
01/01/2022	\$550	\$1,000	\$2,837.00
01/01/2023	\$550	\$1,000	\$2,922.00
01/01/2024	\$550	\$1,000	\$3,009.00

COMPLETE FUNERAL:

A complete funeral shall include: preparation of the body, which includes embalming, use of the preparation room, limited use of facilities, arrangements, and supervision including personnel, standard minimum cloth casket, religious service at the funeral home, one death certificate and transportation to the cemetery or crematorium. In no event shall additional fees be incurred for cemetery "off hours" or weekends.

The complete service, including calling hours (*limited to 2 hours), service and committal must be completed in the same day. Additional calling hours will be at the expense of any interested friend, relative, or other non-legally responsible party. Under no circumstances will the upgrade of a casket be allowed.

Clothing, flowers, register book, prayer and acknowledgement cards will not be County expenses and shall be provided by family and/or friends (*However, any funds given to the funeral home by a surviving spouse or legally responsible party will be counted as a resource). A death notice shall be provided at the expense of family or friends.

CREMATION:

Immediate cremation will be reimbursed at the rate of \$1,000.00 plus actual crematory charge.

Immediate cremation w/Funeral Home Services will be reimbursed at the rate of \$1,800.00 plus actual crematory charge.

When the family requests embalming, we will reimburse the funeral home in accordance with our above referenced standard burial schedule, but the funeral home must complete our attestation form confirming that the family has requested embalming.

ANATOMICAL DONATION:

NYS Department of Health considers body donation to an accredited institution an accepted form of final disposition. *Our dept. will pay \$800.00 if a service is requested by family. The Department will not pay for transportation of the body or crematory fee. The Hospital or Medical Center normally pays these fees.

ADDITIONAL CHARGES:

The Department will pay the cost of one grave (capped at \$500.00) and the cost of opening and closing of the grave (capped at \$650.00, stillborn capped at \$400.00) as long as the cemetery is located in Herkimer County (and is limited to the amount charged during regular operating hours of the cemetery). If a plot is already owned and is located outside Herkimer County, prior approval will be needed for opening/closing to be paid by our agency. Any additional cemetery charges above the allowed caps will be at the expense of any interested friend, relative, or other non-legally responsible party.

The Department will not pay the opening and closing of a grave for cremation.

The Department will pay, when pre-authorized, for use of a metal casket or over-sized casket. The funeral home must provide a copy of the receipt for the over-sized casket and DSS will pay the difference between the cost of the over-sized casket and the cost of the standard cloth casket, which is already included in our full burial cost. This extra amount will be capped at \$300.00.

The Department will pay winter vault charges (capped at \$75.00), and concrete rough box (capped at \$600.00) when required by the cemetery

Transportation shall be reimbursed at the rate of \$1.50 per loaded mile, and shall be limited to the confines of Herkimer County (unless prior approval is granted).

CONDITIONS:

All resources of the decedent, surviving spouse, and parents (if decedent is under the age of 21) must be applied toward funeral expenses and deducted from the above rates. This includes any property currently owned, or transferred to a relative within three (3) years. If there is a mortgage on any property, the applicant must provide the current assessed value and amount owed (the difference will be counted as a resource as home equity).

A vehicle registered and titled to the decedent or spouse will be counted as a resource unless it is the only vehicle in the household and the surviving spouse requires it for employment or daily living purposes.

Any request for monetary donations solicited by family, friends, or in any obituary will result in denial of burial assistance by our department. *This includes any social media website such as GoFundMe.

If any legally responsible party wishes to contribute funds in order to upgrade a casket or any other service provided under this policy, burial assistance will be denied.

PAYMENT:

Final eligibility determination and subsequent payment shall be made by the department within 60 days from the date of application provided all required documentation has been submitted. Any resources of the deceased (or legally responsible relative) uncovered after that time period will be recoverable by the department.

The Funeral Home must submit the following documentation within 6 months from the date of application or approval of burial assistance may be denied:

1. DSS voucher detailing each charge. Voucher must be signed by the Funeral Director or requesting party on the back.
2. Copy of Death Certificate or Transcript of Death for an infant.
3. Copies of receipts for any and all charges.
4. Statement from requesting Funeral Director that payment by Herkimer County DSS will be considered payment in full. (Disclaimer).
5. Copy of Obituary or Death Notice.
6. Attestation Form (if applicable)



HERKIMER COUNTY LEGISLATURE

No. 239

REPORT AND RESOLUTION AUTHORIZING SUBMISSION OF THE SUPERVISION AND TREATMENT SERVICES FOR JUVENILES PROGRAM (STSJP) TO THE NYS OFFICE OF CHILDREN AND FAMILY SERVICES AND AUTHORIZE CONTRACT RENEWAL WITH INTEGRATED COMMUNITY ALTERNATIVES NETWORK (ICAN) TO PROVIDE SERVICES

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

WHEREAS, Resolution No. 321 of 2018 authorized the Chairman of the Legislature to approve the submission of a STSJP plan to the NYS Office of Children and Family Services, and execute a contract with ICAN for the provision of detention diversion services; and

WHEREAS, by letter dated August 15, 2019 Timothy Seymour, Commissioner of Social Services has advised the 2019-2020 enacted State budget has again appropriated funding to support STSJP; and

WHEREAS, the funding request for the continuation of this program is \$79,620 for the period of October 1, 2019; this sum has a 62% state reimbursement and the program continues capped detention services allocation which is reimbursed at 49% state share; now, therefore, be it

RESOLVED, that this Legislature hereby authorizes the Commissioner of Social Services to submit a STSJP plan to the NYS Office of Children and Family Services for approval and authorizes the Chairman of the Legislature to renew a contract with ICAN, 310 Main Street, Utica, NY 13501 to provide detention diversion/early intervention services for the period of the plan; 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 ICAN.

Dated: September 11, 2019.



HERKIMER COUNTY LEGISLATURE

No. 240

REPORT AND RESOLUTION AUTHORIZING AMENDMENT OF AGREEMENTS IN DEPARTMENT OF SOCIAL SERVICES

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

WHEREAS, by letter dated August 13, 2019 Timothy Seymour, Commissioner of Social Services has advised the Department of Social Services (DSS) has received the results of a claims audit conducted jointly by the Office of Temporary and Disability Assistance (OTDA) and the Office of Children and Family Services (OCFS) ; and

WHEREAS, both OTDA and OCFS require several amendments to agreements between DSS and both the Office of the District Attorney and the Sheriff's Department in order to continue to claim reimbursement for administrative expenditures incurred and the Commissioner of Social Services is requesting that DSS be authorized to amend these agreements and the Chairman of the Legislature be authorized to sign each one as amended; now, therefore, be it

RESOLVED, that DSS be authorized to amend these agreements and the Chairman of the Legislature be authorized to sign each one as amended; 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: September 11, 2019.



HERKIMER COUNTY LEGISLATURE

No. 241

REPORT AND RESOLUTION AWARDING BID FOR THE PROVISION OF COMMUNICATIONS TOWER AND TRANSFERRING FUNDS

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

WHEREAS, by letter received August 19, 2019, from Sheri Ferdula, Budget Officer, this Legislature is advised of a request to award a bid for a Communications Tower at the 911 Center; and

WHEREAS, the Budget Officer has advised sealed bids were opened and read aloud, and requests the bid be awarded to the lowest bidder, Fred A. Nudd Corporation, 1743 State Route 104, P.O. Box 577, Ontario, New York 14549 in the amount of \$144,900 for the provision of a Communications Tower at the 911 Center; now, therefore be it

RESOLVED, that a bid in the amount of \$144,900 for the provision of a Communications Tower at the 911 Center be awarded to Fred A. Nudd Corporation, 1743 State Route 104, P.O. Box 577, Ontario, New York 14549; and, be it further

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: September 11, 2019.



HERKIMER COUNTY LEGISLATURE

No. 242

REPORT AND RESOLUTION ACCEPTING GRANT FUNDING, AUTHORIZING E-SIGNATURE, CREATING PROJECT NUMBER, AND AMENDING 2019 BUDGET

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

WHEREAS, by letter dated August 16, 2019, John Raymond, Director of Emergency Services has advised of a FY 2019-2020 Homeland Security SHSP Grant Funding in the amount of \$67,480.00 for purchase of CAD maintenance and security cameras at tower sites; and

WHEREAS, by letter dated August 19, 2019 from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that Project EM02-13 be established for these funds and that the 2019 budget be amended; now, therefore be it

RESOLVED, that the above described grant is hereby accepted and that the 2019 budget be amended as follows:

CREATE:

Project EM02-13, Homeland Security Grant

AMEND:

A3020A.4389H, Em. Mgt. HSG, State Aid, Project EM02-13	FROM:	\$0
	TO:	\$67,480
A3020A.25000 Em. Mgt. HSG, Other Equipment	FROM:	\$0
	TO:	\$47,480
A3020A.44000, Em. Mgt. HSG, Contracted Services	FROM:	\$0
	TO:	\$20,000

and, be it further

RESOLVED, that the Chairman of the Legislature be authorized to e-sign the grant document; and, be it further

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

Dated: September 11, 2019.



HERKIMER COUNTY LEGISLATURE

No. 243

REPORT AND RESOLUTION ACCEPTING GRANT FOR HOMELAND SECURITY FUNDING, AUTHORIZING E SIGNATURE, CREATING PROJECT NUMBER, AND AMENDING BUDGET IN SHERIFF’S DEPARTMENT

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

WHEREAS, by letter received August 16, 2019, from Christopher P. Farber, Sheriff, this Legislature is advised of the receipt of a FY2019 SLETPP grant from the Department of Homeland Security in the amount of \$22,494.00; such grant has been submitted for purchase of air cards for local municipalities through Verizon and which grant is under the Law Enforcement Terrorism Prevention Program; and

WHEREAS, by letter dated August 19, 2019, Sheri A. Ferdula, Budget Officer/
Purchasing Agent, this Legislature is advised that Project SH19-1 be established for these funds and that the 2019 budget be amended; now, therefore be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute and e-sign the contract with the New York State Office of Homeland Security to receive a FY2019 SLETPP grant through the Homeland Security Grant Program under the Law Enforcement Terrorism Prevention Program; and, be it further

RESOLVED, that the above described grant is hereby accepted and that the 2019 budget be amended as follows:

CREATE:

Project SH19-1, Homeland Security Grant

REVENUE:

A3110A.4389H, Homeland Security Grant, Federal Aid

From: \$0
To: \$22,494

APPROPRIATION:

A3110A.42100, Homeland Security Grant, Telephone

From: \$0
To: \$22,494

and, be it further,

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

Dated: September 11, 2019.



HERKIMER COUNTY LEGISLATURE

No. 244

REPORT AND RESOLUTION AUTHORIZING CONTRACT WITH THE TOWN OF STARK TO PROVIDE ASSESSMENT SERVICES TO THE TOWN

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated August 15, 2019, Beth Sadlon, Director of the Real Property Tax Service Agency, has recommended to your Committee that a contract be renewed between the County of Herkimer and the Town of Stark whereby the County would provide assessment services to the Town for the sum of \$12.00 for each parcel on the final assessment roll for the Town; and

WHEREAS, it is the opinion of your Committee that it is to the mutual benefit of the County of Herkimer and the Town of Stark for the County of Herkimer to provide said assessment services to the Town; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an agreement to provide assessment services to the Town of Stark for the period from October 1, 2019 through October 1, 2020, for the sum of \$12.00 for each parcel on the final assessment roll of the town; and, be it further

RESOLVED, that the Chairman of this Legislature is further authorized to enter into annual renewals of said assessment agreement, after the expiration of the current agreement, upon the same or more favorable terms and conditions; with the final form of said agreement to be subject to the approval of the 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 Real Property Tax Services and the Town of Stark.

Dated: September 11, 2019.



HERKIMER COUNTY LEGISLATURE

No. 245

REPORT AND RESOLUTION AUTHORIZING CONTRACT WITH THE TOWN OF DANUBE TO PROVIDE ASSESSMENT SERVICES TO THE TOWN

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated August 21, 2019, Beth Sadlon, Director of the Real Property Tax Service Agency, has recommended to your Committee that a contract be renewed between the County of Herkimer and the Town of Danube whereby the County would provide assessment services to the Town for the sum of \$12.00 for each parcel on the final assessment roll for the Town; and

WHEREAS, it is the opinion of your Committee that it is to the mutual benefit of the County of Herkimer and the Town of Danube for the County of Herkimer to provide said assessment services to the Town; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an agreement to provide assessment services to the Town of Danube for the period from December 31, 2019 through December 31, 2020, for the sum of \$12.00 for each parcel on the final assessment roll of the town; and, be it further

RESOLVED, that the Chairman of this Legislature is further authorized to enter into annual renewals of said assessment agreement, after the expiration of the current agreement, upon the same or more favorable terms and conditions; with the final form of said agreement to be subject to the approval of the 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 Real Property Tax Services and the Town of Danube.

Dated: September 11, 2019.



HERKIMER COUNTY LEGISLATURE

No. 246

REPORT AND RESOLUTION AMENDING RESOLUTION NO. 136 OF 2018 APPROVING CONTRACT WITH ICAN FOR HEALTHY FAMILIES PROGRAM

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

WHEREAS, by Resolution No. 136 of 2018, this Legislature approved a contract with Kids Oneida (now ICAN) for the Healthy Families New York Home Visiting Program, to provide for home visit services for individuals and families who are eligible for preventive services and/or in receipt of TANF benefits or are at the 200% poverty level A acceptance; and

WHEREAS, by letter dated August 21, 2019, Christina Cain, Director of Public Health, has requested an amended contract with ICAN due to additional funding received from New York State for the Health Families New York Home Visiting Program; now, therefore be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a contract for the above described purposes with ICAN, 310 Main Street, Utica, NY 13501, in the amount not to exceed \$417,998.00 for the period September 1, 2017 to August 31, 2022; and, be it further

RESOLVED, that in all other respects, Resolution No. 136 of 2018 shall remain in full force and effect; and, be it further

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

Dated: September 11, 2019.



HERKIMER COUNTY LEGISLATURE

No. 247

REPORT AND RESOLUTION APPROVING PURCHASE OF COMPUTER SYSTEM AND APPROPRIATING FUNDS

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

WHEREAS, by letter dated August 19, 2019, the Herkimer County Budget Officer has requested the Herkimer County Maintenance Department purchase a computer system at a cost of \$19,746 which will include the engineering, submittals, installation, project management, start up and training for the system; and

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

RESOLVED, that an appropriation within the 2019 budget be made as follows:

Appropriation:

\$19,746.00 From: A889N, Reserve, Co. Building Improvements
To: H1620.40000, Buildings, Contractual Expense, Project 16-1

and, be it further

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

Dated: September 11, 2019.



HERKIMER COUNTY LEGISLATURE

No. 248

REPORT AND RESOLUTION APPROVING PURCHASE OF MAINFRAME COMPUTER AND AUTHORIZING CONTRACT FOR SERVICES IN INFORMATION SERVICES DEPARTMENT

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

WHEREAS, by letter dated August 21, 2019 Kathy Wright, Director of Information Services has advised a new mainframe computer is needed in the Information Services Department; and

WHEREAS, the letter further advises that the cost of the purchase of the computer through IBM Business Partner, Sirius, for the purchase of the system and three years of maintenance and support is \$28,986.25; and

WHEREAS, the letter further advises that a quote from Sirius for professional services to perform the migration from our current system to the new system to include the migration of all programs and information on the current system and upgrade to a newer version of the operating system is \$3,797.31; now, therefore be it

RESOLVED, that the purchase of the above mainframe computer from Sirius is approved in the amount of \$28,986.25, that the Chairman of the Legislature is authorized to sign an agreement with Sirius, subject to the approval of the County Attorney's office, for professional services to perform the migration from our current system to the new system including the migration of all programs and information on the current system and upgrade to a newer version of the operating system in the amount of \$3,797.31 in Information Services, at a project total of \$32,783.56; and, be it further

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

Dated: September 11, 2019.



HERKIMER COUNTY LEGISLATURE

No. 249

REPORT AND RESOLUTION AUTHORIZING PURCHASE OF COMPUTER SOFTWARE AND EQUIPMENT AND APPROPRIATING FUNDS IN DISTRICT ATTORNEY'S OFFICE

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

WHEREAS, by letter dated August 21, 2019, Jeff Carpenter, District Attorney, has advised that the District Attorney's Office is in the process of completely restructuring the case management and evidence storage systems in response to the criminal justice reforms which take effect January 1, 2020; and

WHEREAS, to be fully compliant with the new legislation, the District Attorney's Office is requesting authorization to purchase the required computer software and equipment with costs as follows:

(1) Microsoft Surface Pro LTE	\$1,270.00
(1) Fujitsu scanner	\$1,020.00
(5) HP laptops	\$5,100.00
(5) Docking stations	\$ 750.00
(6) PCs with monitors	\$3,600.00
(11) Microsoft Office Suite	\$2,700.00
(6) Adobe Pro	\$2,400.00
(4) 2TB solid state drives	\$ 500.00
WiFi configuration in DA Suite & County Court	<u>\$5,800.00</u>
	\$23,140.00

and

WHEREAS, by letter dated August 21, 2019, Sheri Ferdula, Budget Officer/Purchasing Agent, has advised that an appropriation is necessary as follows:

Appropriation:

\$23,140 From: A878, Computer System Reserve
 To: A1680.22000, Information Services, Computer Equipment

now, therefore, be it

RESOLVED, that the above purchase and appropriation in the amount of \$23,140 is hereby approved; and, be it further

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

Dated: September 11, 2019.



HERKIMER COUNTY LEGISLATURE

No. 250

REPORT AND RESOLUTION AUTHORIZING EXECUTION OF WORKFORCE DEVELOPMENT BOARD INFRASTRUCTURE FUNDING MEMORANDUM OF UNDERSTANDING PART II

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

WHEREAS, by letter dated August 15, 2019, Karin Piseck, Employment & Training Director, has requested execution of a Memorandum of Understanding (MOU) Part II for Herkimer, Madison and Oneida Workforce Development Infrastructure Funding; and

WHEREAS, execution of this MOU satisfies federal regulations, describes each partner's role and responsibility and is not a contract; now, therefore, be it

RESOLVED, that the Chairman of the Legislature, Commissioner of Social Services and Employment and Training Director are hereby authorized to sign by electronic signature the Herkimer, Madison and Oneida Workforce Development Infrastructure Funding Memorandum of Understanding (MOU) Part II; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Employment & Training Director, Commissioner of Social Services, Oneida County Executive and Chairman of the Madison County Board of Supervisors.

Dated: September 11, 2019.



HERKIMER COUNTY LEGISLATURE

No. 251

REPORT AND RESOLUTION ACCEPTING GRANT FUNDING, AUTHORIZING SIGNATURE, AUTHORIZING PURCHASE, AND AMENDING 2019 BUDGET IN CONNECTION WITH EARLY VOTING IN BOARD OF ELECTIONS

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

WHEREAS, by letter dated August 13, 2019, the Commissioners of Elections have advised of two grants from the New York State Board of Elections to offset expenses for Early Voting: a Capital Projects Grant in the amount of \$48,049 and a Localities Grant in the amount of \$35,246 and requests the Chairman to sign said contracts; and

WHEREAS, by letter dated August 21, 2019, the Commissioners of Elections have requested to purchase electronic poll books using the grant funds with all costs to be covered by said grants; and

WHEREAS, by letter dated August 21, 2019 from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that the 2019 budget be amended; now, therefore be it

RESOLVED, that the above described grant is hereby accepted and that the 2019 budget be amended as follows:

\$18,900	From: A1450F.44000, Shoebox, Contracted Services To: A1450F.22000, Shoebox, Computer Equipment (create)
\$4,700	From: A1450H.25000, Early Voting, Other Equipment To: A1450H.10100, Early Voting, Temporary Employees
\$48,049	From: A1450H.25000, Early Voting, Other Equipment To: A1405H.40700, Early Voting, Computer Software (create)
\$4,230	From: A1450H.25000, Early Voting, Other Equipment To: A1450H.41000, Early Voting, Supplies
\$17,570	From: A1450H.25000, Early Voting, Other Equipment To: A1450H.44000, Early Voting, Contracted Services
\$930	From: A1450H.83000, Early Voting, Social Security To: A1450H.44000, Early Voting, Contracted Services
\$218	From: A1450H.83500, Early Voting, Medicare To: A1450H.44000, Early Voting, Contracted Services
\$338	From: A1450H.84000, Early Voting, Workers Comp To: A1450H.44000, Early Voting, Contracted Services

and, be it further

RESOLVED, that the Chairman of the Legislature be authorized to sign the grant documents; and, be it further

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

Dated: September 11, 2019.



HERKIMER COUNTY LEGISLATURE

No. 252

RESOLUTION AUTHORIZING TRANSFER OF 387 WEST MAIN STREET PREMISES TO CITY OF LITTLE FALLS

Sponsored by: Committee on County Properties

WHEREAS, premises located at 387 North Main Street in the City of Little Falls, having Tax Map No. 114.75-2-14 was the subject of In Rem proceedings brought by the County of Herkimer for the tax year 2017; and

WHEREAS, the City of Little Falls has requested that the County transfer the premises to the City, and the City has agreed to indemnify and hold the County harmless from any liability in connection with the premises and has agreed that in the event that the City realizes a profit on any eventual sale of the premises they shall reimburse the County for outstanding taxes, interest, and penalties, and has signed an agreement to that effect; now, therefore be it

RESOLVED, that execution of the above described agreement with the City of Little Falls by the Chairman of this Legislature is hereby authorized, as well as transfer of the premises to the City, and upon said transfer, all outstanding tax liens on the premises shall be cancelled; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Auditor, County Property Agent, and the City of Little Falls.

Dated: September 11, 2019.



HERKIMER COUNTY LEGISLATURE

No. 253

IN MEMORIAM

- WHEREAS,** *Russell Roof, Jr., departed this life on August 22, 2019; and*
- WHEREAS,** *Russell Roof, Jr., was an outstanding citizen, devoted husband, father and grandfather; and*
- WHEREAS,** *Russell Roof, Jr., had a long career in public service. He had served as a Supervisor for the Town of Stark, and as a town board member. Within our walls, Russell held the title of Accident Investigator from 1966 through 1970, when he became Workers' Compensation Administrator until his appointment to the position of Clerk of the Legislature in 1979. Russell served his clerkship with dedication and devotion until his retirement; and*
- WHEREAS,** *Russell Roof, Jr. was a community-minded person who gave his time and talents as a member of the Trinity Evangelical Lutheran Church in Herkimer, as Church Treasurer of the Starkville Lutheran Church, and as a very active member of The Herkimer County Republican Party and local Republican groups; and*
- WHEREAS,** *The County of Herkimer and its residents have sustained a great loss with the passing of this dedicated public servant and citizen; now, therefore, be it*
- RESOLVED,** *That the County Legislature does hereby express its deepest regrets at the decease of Russell Roof, Jr., and hope that this expression of remembrance may in some manner help console his family in their bereavement; and be it further*
- RESOLVED,** *That a copy of this Resolution be sent to the family of Russell Roof, Jr., and that an additional copy be spread upon the minutes off this meeting.*

Dated: September 11, 2019.