

MINUTES
Herkimer County Legislature
Second Quarter – Fourth Day
Wednesday, June 10, 2020
7:00 p.m.

The Regular Session of the Herkimer County Legislature was called to order by Chairman Vincent J. Bono at 7:00 p.m.

This session was held via teleconference in connection with COVID-19.

Chairman Bono called on Assemblyman Robert Smullen to lead the Legislature in the Pledge of Allegiance.

Chairman Bono called for a moment of silence in recognition of all veterans, past and present.

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

Present: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (17).

Absent: None.

Chairman Bono suspended the public comment period due to COVID-19 and stated that any interested individuals could submit comments by mail: 109 Mary Street, Herkimer, NY 13350 or by email: hcl legislature@herkimercounty.org.

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Bono asked if there were any objections or corrections to the minutes of May 13, 2020. There were none, and the Chairman ordered them approved.

Chairman Bono dispensed with the Regular Session to allow for a presentation and introduced Robert Smullen, newly elected Assemblyman for the 118th District.

Assemblyman Smullen: “Thank you Chairman and Legislators and all of those listening. I really appreciate the opportunity to come and give a short Legislative update. I will keep this between three to five minutes, and then if anyone has any questions, we can go over those. We have been in session twice over the last several weeks. We came back because of the COVID-19 to allow some Legislative authorities that were necessary. I prepared a list of those Bills that were passed that would affect local issues, specifically Counties and Towns. One of them that has passed but has not gone to the Governor yet, is that local governments can defer payments to allow installment payments of real property taxes at local options. So, localities would have the option of doing that if they chose to do so. The other one was to establish a state disaster emergency loan program to be administered by local IDA’s. So if a County has an IDA, they could use that to support small businesses or non-profits during things like this Public Health

Emergency that has been declared. The other one was authorize local governments to extend building permits expiration days for up to 120 days. Allow local governments to extend renewals of bond anticipation notes issued in 2015-2021. A big one that the Governor has signed, is he established a COVID-19 presumption, public employee death benefits. So if someone were to pass away and it be linked to COVID-19, they would be the statutory beneficiaries, would be covered. For our fire departments, they adjusted the length of service award program for volunteers, fire fighter and ambulance workers. That's important because if you don't get your monthly credit, you could get left out in the credit process. Signed by the Governor, permitting electronic applications for absentee ballots through December 31 of 2020, that's for this election cycle so people can request them electronically, and have them mailed. There are some concerns on that bill. Another one, primarily dealing with New York City, but it does affect us is the moratorium to suspend utility services during the COVID-19 pandemic, that utility corporations could not do that. This went along with the Emergency Rent Relief Act of 2020 which took \$100 million dollars of Federal CARES Act money and put it towards people who needed help with their rent. We went back into session this past week for the past few days to talk about some law enforcement reforms, some police reforms. A big one is that Section 50A of the Civil Rights Law was repealed which eliminates broad protections from the disclosure of law enforcement personnel, personnel records. Established the NYS police body worn camera bill, so State Police will have body cameras, soon. Established a new crime of aggravated strangulation by a police or peace officer; that's the Eric Garner Act. Also prohibited now is law enforcement agencies and officers engaging in racial or ethnic profiling, which is strengthening an existing statute. There are a couple of other ones, there will be a big one for localities that the Chief Administrator of the Courts is going to ask for reports on misdemeanor offenses and violations on a monthly basis and that will affect all of our courts, down to the Town Courts. Lastly, creating an Office of Special Investigation with the Office of the Attorney General - that's if there is a police related fatality. As of now the Executive Order, requires it to be reviewed and then possibly investigated by the Attorney General. So that is just a general summary of the last session that we had, and this session now. If anyone has any questions, I'd be happy to address them."

Chairman Bono: "Does anybody have any questions?"

County Administrator Wallace: "I have a couple. Robert thank you for coming. Chairman Bono and myself sit on the local control board. We've been asking for small businesses who have been put out of business by New York State for the last four months, will their licenses be extended or will a credit be given to them? I think that is extremely important because of no fault of their own they were closed down by New York State. Why aren't they being given an extension or a credit for those? We just have not been able to get an answer. So anything you could do for us would be appreciated."

Assemblyman Smullen: "Extensions of occupational licensing?"

County Administrator Wallace: "Licenses. For all salons, bars, everybody."

Assemblyman Smullen: “We asked for a one year extension on that but it wasn’t picked up in the Legislation, so it is still within the Governor’s purview, so it’s an Executive Order. I will bring that up in our next conference call.”

County Administrator Wallace: “The State received \$6.2 billion from the Feds for the Counties in January. We have not seen that money in the law that was put together by the Congress and the United States Senate, and that is mandatory to go to the Counties, for FMAP Medicaid. We are just wondering when that money is going to be released?”

Assemblyman Smullen: “The short answer is I don’t know when it will be released, but it has been addressed and sent to the Governor’s office. That is a common occurrence right now. The CHIPS money was just released.”

County Administrator Wallace: “They’re saying maybe 80%?”

Assemblyman Smullen: “Maybe 80%. So everyone knows we passed a \$178 billion dollar budget, we were already \$6 billion dollars in deficit, sales tax receipts are down, income tax receipts are down, people are having trouble paying rent, people are having trouble paying their property taxes, so we anticipate those revenues down across the state. Instead of a V shaped recovery, where you go down and bounce right back up very quickly, it is being more predicted that it’s a U shaped recovery, where you go down and it takes a while for it to dig itself out. That will reflect itself in tax receipts. Everyone knows the Governor’s Department of Budget has the authority to adjust spending on a quarterly basis. The next report is due on June 30th, so we will see where we are at in a few weeks and then there will be the next adjustment period.”

Chairman Bono: “Any other questions for the Assemblyman?”

Assemblyman Smullen: “Thank you very much for having me here and please get in touch with me. I would be happy to have an extended dialogue about all of the various issues. It’s great to see everyone in person as opposed to out there on Zoom and on social media so thank you.”

Chairman Bono: “Thank you. By the way, for those of you on the phone, we are all socially distanced, everyone is masked-up, and taking precautions. We are fitting in here comfortably, some of the Legislators are at home - that is why we are able to do this. I look forward to the day that we are able to do it. Like the Assemblyman said in person, with our full group, maybe that’ll be by July 1st, and even if it isn’t, maybe we could possibly do that at the College. It is a little bigger; they have a small auditorium that would be able to handle everybody. We would like to see everybody back together. Not just the Legislature, but the public too. I think you are starting to see that ramp up now, with Phase 3 right around the corner. Things are progressing nicely with our numbers. If you have noticed our numbers are going down quite a bit. I think we have 13 active cases today. We will move on. We will not have a comment by residents period, under the orders of the State. If someone does wish to comment, you can do so in writing using those addresses I mentioned earlier.”

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

Legislator Johnson: “Mr. Chairman, Communication number 203, please.”

Brittney Viscomi: “Lisa Tubia on the behalf of a minor, versus Herkimer Elementary School.”

Legislator Smith: “Communication number 199.”

Brittney Viscomi: “A report from the County Attorney’s Office of threatened or pending litigation for 2019-present.”

Legislator Smith: “Who is it?”

Lorraine Lewandrowski: “This is a report that the Auditor requires us to do annually. It provides a list of any notice of claims that we had received in the prior year as well as any actual lawsuits.”

Legislator Smith: “Okay thank you.”

No. 198 – A communication was received from the Office for the Aging Director and Staff expressing thanks to the Legislature. Filed.

No. 199 – A communication was received from the County Attorney submitting report of pending litigation. Filed.

No. 200 – A communication was received from the Soil and Water Conservation District submitting notice of meeting. Filed.

No. 201 – A communication was received from the Herkimer County Sheriff submitting Monthly Report for March 2020. Referred to the Committee on Public Safety & Emergency Management.

No. 202 – A communication was received from the Herkimer County Sheriff submitting Monthly Report for April 2020. Referred to the Committee on Public Safety & Emergency Management.

No. 203 – A communication was received from the County Attorney submitting Notice of Claim. Filed.

No. 204 – A communication was received from the County Clerk advising of DMV reopening plan. Filed.

No. 205 – A communication was received from the Budget Officer/Purchasing Agent requesting renewal of contract with Auctions International. Referred to the Committee on Ways & Means.

No. 206 – A communication was received from the Highway Superintendent submitting status updates. Referred to the Committee on Highways.

No. 207 – A communication was received from the Director of Community Services advising of retirement of Child Psychiatrist. Referred to the Committee on Human Resources.

No. 208 – A communication was received from the STOP-DWI Coordinator recommending appointments to Stop-DWI Advisory Board. Referred to the Committee on Public Safety & Emergency Management.

No. 209 – A communication was received from the Herkimer County Sheriff requesting renewal of contract for boat storage. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 210 – A communication was received from the Budget Officer/Purchasing Agent requesting to accept additional funding in Public Health and amend budget. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 211 – A communication was received from the Budget Officer/Purchasing Agent requesting to accept grant and amend budget for Healthy Families Program in Public Health. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 212 – A communication was received from the Budget Officer/Purchasing Agent requesting to award bid for parking lot repairs. Referred to the Committee on County Properties and the Committee on Ways & Means.

No. 213 – A communication was received from the Budget Officer/Purchasing Agent requesting appropriation of funds for the Sewer District. Referred to the Committee on Ways & Means.

No. 214 – A communication was received from the Personnel Officer requesting to amend Salary Schedule II in the DMV. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 215 – A communication was received from the Herkimer County Sheriff requesting to amend the agreement with UPSEU. Referred to the Committee on Ways & Means.

No. 216 – A communication was received from the Budget Officer/Purchasing requesting to accept funding and amend Budget in Office for the Aging. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 217 – A communication was received from the Director of Emergency Services requesting approval for driveway work at Dairy Hill facility. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 218 – A communication was received from the Budget Officer/Purchasing Agent requesting to award bus bid for bus service to Old Forge for the Youth Bureau. Referred to the Committee on County Planning & Development and the Committee on Ways & Means.

No. 219 – A communication was received from the Budget Officer/Purchasing requesting change order for new Correctional Facility. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

Pursuant to Rule 6, Chairman Bono then proceeded with Reports of Standing Committees.

Legislator Johnson: “The Properties Committee will be voting later tonight on whether to move forward or terminate affiliation with the Land Bank. I just want to tell everybody that we are looking at different options. With Mr. Piseck now with the IDA and the LDC to move forward to fill the spot that we need to get rid of and do something with these zombie properties.”

The Chairman continued with the Regular Agenda.

On motion of Mr. Ackerman, seconded by Mr. Stephens, Report and Resolution No. 148 sponsored by the Committee on Public Safety & Emergency Management as regards membership on the Stop-DWI Advisory Board was handed up; voted on and adopted by voice vote:

For: Ayes (17). Against: None. Absent: None.

On motion of Mr. Campione, seconded by Mr. Gaworecki, Report and Resolution No. 149 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways and Means approving boat housing contract was handed up; voted on and adopted by voice vote:

For: Ayes (17). Against: None. Absent: None.

On motion of Mr. Shaw, seconded by Mr. Schrader, Report and Resolution No. 150 sponsored by the Committee on Human Resources and the Committee on Ways & Means accepting additional funding and amending budget in connection with COVID-19 was handed up; voted on and adopted by voice vote:

For: Ayes (17). Against: None. Absent: None.

On motion of Mr. Shaw, seconded by Mr. Weakley, Report and Resolution No. 151 sponsored by the Committee on Human Resources and the Committee on Ways & Means

accepting grant and amending budget for Healthy Families Program was handed up; discussion was held; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

Jim Wallace: “Mr. Chairman, at the advice of the Ways & Means Committee, we’ve talked with the bigger departments including Public Health, and in their contract no money would go forward from the County unless they have gotten it from the State. So if they haven’t gotten the money from the State, they won’t receive these funds. Same with Mental Health and DSS. Just a reminder to everybody because it is a real issue and we probably won’t receive all of the revenues that were promised to us this year. Thank you.”

On motion of Mr. Johnson, seconded by Mr. Schrader, Report and Resolution No. 152 sponsored by the Committee on County Properties and the Committee on Ways & Means awarding bid for improvements to the Washington Street Parking Lot and appropriating funds was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

On motion of Mr. Weakley, seconded by Mr. Campione, Report and Resolution No. 153 sponsored by the Committee on Ways & Means authorizing appropriation of funds in Herkimer County Sewer District was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

On motion of Mr. Hollum, seconded by Mr. Brezinski, Report and Resolution No. 154 sponsored by the Committee on Administration/Veterans’ Affairs and the Committee on Ways & Means amending Salary Schedule No. II for creation of a new position in the Department of Motor Vehicles was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

On motion of Mr. Stephens, seconded by Mr. Russell, Report and Resolution No. 155 sponsored by the Committee on Ways & Means in connection with agreement with United Public Service Employees Union was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

On motion of Mr. Shaw, seconded by Mr. Gaworecki, Report and Resolution No. 156 sponsored by the Committee on Human Resources and the Committee on Ways & Means accepting funding for the Coronavirus Aid, Relief, and Economic Security (CARES) Act and amending budget in Office for the Aging was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Stephens, seconded by Mr. Malta, Report and Resolution No. 157 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means approving driveway work at Dairy Hill 911 Communications Tower Facility was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Ackerman, seconded by Mr. Weakley, Report and Resolution No. 158 sponsored by the Committee on County Planning & Development and the Committee on Ways & Means awarding bid for bus service for the Old Forge area transportation program for the 2020 Summer Youth Employment Program was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Johnson, seconded by Mr. Ackerman, Resolution No. 159 sponsored by the Committee on County Properties and the Committee on Ways & Means authorizing the Chairman of the Herkimer County Legislature to notify the Greater Mohawk Valley Land Bank that Herkimer County will not renew or otherwise extend its membership in the Greater Mohawk Valley Land Bank was handed up; voted on and adopted by roll call vote:

Legislator Russell: "I call for a roll call vote."

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

On motion of Mr. Weakley, seconded by Mr. Schrader, Resolution No. 160 sponsored by the Committee on Administration/Veterans' Affairs calling on the State of New York to release enhanced Federal Medicaid matching funds to Counties and New York City was handed up; discussion was held; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

Chairman Bono: "I would just like to say this is certainly affecting us. This is money that is due to us, it can be used for no other purpose other than what it was intended for. The State has no reason to hold it. They should be releasing this immediately to all the counties in the state. This is a common issue and subject that comes up in all of our calls on a daily basis between Mr. Wallace, myself and some of the other Legislators. It is money due, times are tough right now and we could certainly use that to pay our bills."

Chairman Bono stated that pursuant to Rule 6(12) they would proceed with comments by Legislators.

Legislator Stephens: "Just a reminder, an email went out today, there is going to be a walk through at the jail for the Legislature, Tuesday, June 16th at 5:00 p.m.

Chairman Bono: "I want to thank Legislator Schrader and Legislator Donley for the milk and mask giveaway. It was a great success. You gave away 8,900 gallons of milk to the public. Congratulations there - well worth it. We gave away 4,000 masks to go with that. Another thing, through our control group we are allotted 4,000 gallons, (as far as the region goes), of hand sanitizer for businesses. I secured 500 gallons of that today for businesses. John Raymond is going to be taking that. We do have some additional on reserve, but the 500 gallons will go to any business that affirms the guidelines. So if you have gone through the process in Phase 1 or Phase 2 and affirmed your business, Phase 3 will be in a couple of days, as long as you make that checklist you will be given a gallon or two, depending on the size of your business. Phase 3, as I mentioned, is assumed to be coming out on Friday. This is an assumed date, we have been going by the 14 day rule. Last time in Phase 2, if you remember, it was Thursday night that we received notification that the Governor was possibly going to hold off on releasing Phase 2 because he had to have the experts look at it. We have been promised there will be a quicker turn around on that. Hopefully by Friday we hear something on that. At the very latest, Saturday or Sunday. If all numbers look good, which they are, we are probably looking at Friday. That will be food service and personal care. They will be at 50% capacity, there are a bunch of guidelines. Any phase that you go through, as a business, there are guidelines that you have to look at and then at the end of those guidelines, once you read them you affirm that you have read them, you attest that you have understood them. Then there is a template you can download a plan of sorts of how you can implement your safe distancing. We recommend that any business that needs to do that, get that done. To date we have had a couple of hundred businesses in the County affirm their businesses through Phases 1 and 2. We assume there will be at least 150 or 200 more in Phase 3. Hopefully Phase 4 will be right around the corner, which is scheduled for June 26th. That is an assumed date again, at the 14 day mark. That will pretty much open the recreation areas and congregate areas, the mass gatherings. Those will probably still have a 50% occupancy. That is critical for us, especially with Old Forge, Enchanted Forest, we want to get that going and hopefully they will be able to open up on time. Not only to help themselves up there but to help all of the businesses in the area. We approved the transit for the kids tonight so they will be getting their allotment of summer help. You do have your summer youth program packets in front of you, those of you that are here. Those of you that are not here, call the office and Brittney, Jennifer, or Brandy can run down and meet you in the parking lot to give those applications to you. You have 14 jobs and one highway."

At 7:35 p.m. on motion of Mr. Manno, seconded by Mr. Stephens, the Legislature adjourned to Wednesday, July 1, 2020 at 2:00 p.m.

Brittney R. Viscomi, Clerk



HERKIMER COUNTY LEGISLATURE

No. 148

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

Sponsored by: Committee on Public Safety/Emergency Management

WHEREAS, a communication from Michael J. Edwards, STOP-DWI Coordinator, dated May 14, 2020 advises this Legislature that the STOP-DWI Advisory Board recommends the reappointment of certain members to the STOP-DWI Advisory Board; now, therefore, be it

RESOLVED, that the individuals serving in the following titles and individuals listed are hereby reappointed to the STOP-DWI Advisory Board to serve a term of three years commencing July 1, 2020 and ending June 30, 2023; except as indicated

Reappointments

Herkimer County Sheriff
Reverend Victor McKusick
Peter Caiola

and, be it further

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

Dated: June 10, 2020.



HERKIMER COUNTY LEGISLATURE

No. 149

REPORT AND RESOLUTION APPROVING BOAT HOUSING CONTRACT

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

WHEREAS, the Herkimer County Sheriff's Department maintains a boat patrol on the Fulton Chain of Lakes and has need to dock one patrol boat in the Old Forge area for the 2020 summer season; and

WHEREAS, by letter dated May 19, 2020, Scott F. Scherer, Sheriff, has advised that Rivett's Boat Livery has a boat slip available and requests that a contract be entered into with said Rivett's Boat Livery for the 2020 boating season; now, therefore, be it

RESOLVED, that a contract be entered into between the County of Herkimer and Rivett's Boat Livery for dockage of one patrol boat during the 2020 summer season running from May 15, 2020 to no later than October 15, 2020 for a sum not to exceed \$2,350.00, pursuant to a contract approved by the County Attorney's Office; and, be it further

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

RESOLVED, that the Chairman of this Legislature is further authorized to enter into annual renewals of said agreement, after the expiration of the current agreement, upon the same or more favorable terms and conditions; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, County Attorney, Sheriff, and Rivett's Boat Livery.

Dated: June 10, 2020.



HERKIMER COUNTY LEGISLATURE

No. 150

REPORT AND RESOLUTION ACCEPTING ADDITIONAL FUNDING AND AMENDING BUDGET IN CONNECTION WITH COVID-19

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

WHEREAS, by letter dated May 20, 2020 from Sheri Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that the Herkimer County Public Health Department will be receiving funding through the New York State Department of Health/Health Research Incorporated for Coronavirus (COVID-19) response activities; and

WHEREAS, letter further advises that a budget amendment is necessary to include COVID-19 monies in the amount of \$57,325; now, therefore, be it

RESOLVED, that the 2020 Herkimer County Budget is hereby amended in the amounts listed:

REVENUE:

A4188.4403, Bioterrorism, Federal Aid, COVID-1	From: \$45,748
	To: \$103,073

EXPENSE:

A4188.10000-001, Bioterrorism, Salaries, COVID-1	From: \$24,092
	To: \$61,092

A4188.10000-002, Bioterrorism, Overtime, COVID-1	From: \$10,656
	To: \$20,656

A4188.41000, Bioterrorism, Supplies, COVID – 1	From: \$5,000
	To: \$11,325

A4188.46100, Bioterrorism, Mileage and Travel, COVID -1	From: \$0
	To: \$4,000

RESOLVED, that the Chairman of the Legislature be authorized to sign all documents relating to additional funding; and, be it further

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

Dated: June 10, 2020.



HERKIMER COUNTY LEGISLATURE

No. 151

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

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

WHEREAS, by letter dated May 18, 2020, Christina Cain, Director of Public Health, has requested renewal of the Healthy Families New York State Office of Children and Family Services Grant, which provides home visit services to pregnant women and their families, before and after delivery, to improve the health, development and wellness of infants, and has also requested authorization for the Chairman of the Legislature to sign said grant by electronic signature; and

WHEREAS, by letter dated May 18, 2020, from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that it will be necessary to amend the 2020 Herkimer County Budget in connection with the receipt of said grant in the amount of \$417,998; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to complete by electronic signature a contract with the New York State Office of Children and Family Services to receive the 2020-21 Healthy Families Grant for Herkimer County in the amount of \$417,998 for the period September 1, 2020 to August 31, 2021; and, be it further

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

Revenue Account:	A4189H-3401-PH13-14	From:	\$0
		To:	\$396,564
	A4189H-4401-PH13-14	From:	\$0
		To:	\$21,434
Expense Account:	A4189H-44000-PH13-14	From:	\$0
		To:	\$417,998

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

Dated: June 10, 2020.



HERKIMER COUNTY LEGISLATURE

No. 152

REPORT AND RESOLUTION AWARDDING BID FOR IMPROVEMENTS TO THE WASHINGTON STREET PARKING LOT AND APPROPRIATING FUNDS

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

WHEREAS, by letter dated May 21, 2020, Sheri Ferdula, Budget Officer has advised sealed bids were opened on May 21, 2020 for improvements to the Washington Street Parking Lot; and

WHEREAS, it is the recommendation of the Budget Officer and your Committees that the bid be awarded to Central Paving, 4247 Acme Road, Frankfort, NY 13340 with the base bid in the amount of \$184,475, with Alternate 1 (option to have a portion of the work performed during off hours) at \$6,600, for a total bid of \$191,075; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby awards a bid for improvements to the Washington Street Parking Lot to Central Paving, 4247 Acme Road, Frankfort, NY 13340 with the base bid in the amount of \$184,475, with Alternate 1 (option to have a portion of the work performed during off hours) at \$6,600, for a total bid of \$191,075; and, be it further

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

\$166,671.06 From: A909, Fund Balance
To: A889N, Building Reserve (current balance \$33,328.94)

\$200,000 From: A889N, Building Reserve
To: H1620.40000, Buildings, Capital, 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 Central Paving.

Dated: June 10, 2020.



HERKIMER COUNTY LEGISLATURE

No. 153

REPORT AND RESOLUTION AUTHORIZING APPROPRIATION OF FUNDS IN HERKIMER COUNTY SEWER DISTRICT

Sponsored by: Committee on Ways & Means

WHEREAS, your Committee on Ways and Means, to which was referred a communication from Sheri A. Ferdula, Budget Officer/Purchasing Agent, dated May 21, 2020, submitting a request for appropriation of funds, reports that we have examined said communication, inquired into the subject matter thereof, recommend that said appropriation be made; and

WHEREAS, Sheri Ferdula, Budget Officer/Purchasing Agent has advised that funds have been verified and are available for this appropriation; now, therefore, be it

RESOLVED, that an appropriation be made as follows:

\$6,000	From: G909, Sewer, Fund Balance
	To: G8130A.44000, Sewer, I & I Study, Contracted Services

and, be it further

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

Dated: June 10, 2020.



HERKIMER COUNTY LEGISLATURE

No. 154

REPORT AND RESOLUTION AMENDING SALARY SCHEDULE NO. II FOR CREATION OF A NEW POSITION IN THE DEPARTMENT OF MOTOR VEHICLES

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

WHEREAS, by letter dated March 12, 2020, Sylvia Rowan, County Clerk, has requested to amend Salary Schedule II to create a position of Deputy County Clerk of Motor Vehicles; and

WHEREAS, by letter dated May 28, 2020, Steven R. Billings, Personnel Officer, your Committees have been advised that Salary Schedule No. II should be amended to create a position of Deputy County Clerk of Motor Vehicles in Account A1410 at an annual base salary of \$32,500; now, therefore, be it

RESOLVED, that Salary Schedule No. II be amended to create a position of Deputy County Clerk of Motor Vehicles in Account A1410 at an annual base salary of \$32,500; and, be it further

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

Dated: June 10, 2020.



HERKIMER COUNTY LEGISLATURE

No. 155

REPORT AND RESOLUTION IN CONNECTION WITH AGREEMENT WITH UNITED PUBLIC SERVICE EMPLOYEES UNION

Sponsored by: Committee on Ways and Means

WHEREAS, by Resolution No. 38 of 2019, this Legislature ratified the Collective Bargaining Agreement by and between the County of Herkimer and the United Public Service Employees Union (Herkimer County Sheriff's Department Unit) for the period January 1, 2018 to December 31, 2020; and

WHEREAS, by letter dated May 19, 2020, Herkimer County Sheriff Scott F. Scherer, this Legislature is advised of a request to approve the removal of the cooks position from the Eligibility List for Membership in the Herkimer County Sheriff's Department in Schedule A of the Collective Bargaining Agreement between Herkimer County and the United Public Service Employees Union [hereinafter "UPSEU"] and to further offer UPSEU members the option of purchasing "upgraded" or "premium" meals "at cost" from Trinity Food Services Group, Inc. at the Herkimer County Correctional Facility; and

WHEREAS, your Committees have considered said request and recommend said change; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to sign a Memorandum of Agreement with the UPSEU to remove the positions of "Full-Time Cook" and "Part-Time Cook" from the Eligibility List for Membership in the Herkimer County Sheriff's Department in Schedule A in the Collective Bargaining Agreement between the County of Herkimer and UPSEU for the years January 1, 2018 to December 31, 2020; and, be it further

RESOLVED, that the Chairman of this Legislature is further authorized to sign the Memorandum of Agreement with the UPSEU to allow Trinity Food Services Group, Inc. to provide "upgraded" or "premium" meals to UPSEU members at "cost" as set by Trinity Food Services Group, Inc. at the Herkimer County Correctional Facility; and, be it further

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

Dated: June 10, 2020.



HERKIMER COUNTY LEGISLATURE

No. 156

REPORT AND RESOLUTION ACCEPTING FUNDING FOR THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT AND AMENDING THE BUDGET IN OFFICE FOR THE AGING

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

WHEREAS, by letters dated May 18, 2020 from Kathy Fox, Director of the Office for the Aging, this Legislature is advised that the Herkimer County Office for the Aging will be receiving funding for the Coronavirus Aid, Relief, and Economic Security (CARES) Act to assist individuals over the age of 60 during the pandemic, for the period of April 1, 2020 to September 30, 2021; and

WHEREAS, letter further advises there are three funding areas for this grant, with amounts as listed:

1. The CARES Act for Support Services (SSC3) will provide assistance for any supportive services to individuals over the age of 60, in the amount of \$43,273
2. The CARES Act for Family Caregivers Support Services (FCC3) will assist in providing services to caregivers, in the amount of \$21,615
3. The CARES Act for Nutrition Services (HDC3) will provide assistance with nutritional services, in the amount of \$98,400

; and

WHEREAS, by letter dated April 22, 2020, from Sheri Ferdula, Budget Officer/Purchasing Agent, she has advised that it is necessary to amend the 2020 Herkimer County Budget and create accounts in connection with the receipt of said funding; now, therefore, be it

RESOLVED, that the 2020 Herkimer County Budget is hereby amended in the amounts listed:

Supportive Services (SSC3):

REVENUE:

A6772G.4772G, SSC3, Federal Aid	\$43,273
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EXPENSES:

A6772G.10100, SSC3, Temporary Employees	\$18,900
A6772G.41000, SSC3, Supplies	\$5,000
A6772G.44000, SSC3, Contracted Services	\$15,000
A6772G.45000, SSC3, Fees for Services	\$1,840

A6772G.46100, SSC3, Mileage and Travel	\$750
A6772G.81000, SSC3, Retirement	\$180
A6772G.83000, SSC3, Social Security	\$1,018
A6772G.83500, SSC3, Medicare	\$250
A6772G.84000, SSC3, Workers' Comp	\$335

Caregiver Support (FCC3):

REVENUE:

A.6786D.4786D, FCC3, Federal Aid	\$21,615
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EXPENSES:

A6786D.41000, FCC3, Supplies	\$3,115
A6786D.44000, FCC3, Contracted Services	\$17,000
A6786D.45000, FCC3, Fees for Services	\$750
A6786D.46100, FCC3, Mileage and Travel	\$750

Nutrition Services (HDC3):

REVENUE:

A6776D.4776D, HDC3, Federal Aid	\$98,400
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EXPENSES:

A6776D.10100, HDC3, Temporary Employees	\$20,000
A6776D.41000, HDC3, Supplies	\$5,000
A6776D.44000, HDC3, Contracted Services	\$65,000
A6776D.45000, HDC3, Fees for Services	\$1,840
A6776D.46100, HDC3, Mileage and Travel	\$3,860
A6776D.81000, HDC3, Retirement	\$200
A6776D.83000, HDC3, Social Security	\$1,500
A6776D.83500, HDC3, Medicare	\$500
A6776D.84000, HDC3, Workers Comp	\$500

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

Dated: June 10, 2020.



HERKIMER COUNTY LEGISLATURE

No. 157

REPORT AND RESOLUTION APPROVING DRIVEWAY WORK AT DAIRY HILL 911 COMMUNICATIONS TOWER FACILITY

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

WHEREAS, by letter dated May 19, 2020, John Raymond, Director of Emergency Services, has advised that a quote was received to expand the driveway at the Dairy Hill 911 Communications Facility in the Town of Norway and requests the approval to move forward with the work to be done by KEK Excavating of Palatine Bride, NY, in the amount of \$19,496.68; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby approves to expand the driveway at the Dairy Hill 911 Communications Facility, with work done by KEK Excavating of Palatine Bridge, NY, in the amount of \$19,496.68, using Statewide Interoperable Communications Target 18 Grant funding; 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 KEK Excavating.

Dated: June 10, 2020.



HERKIMER COUNTY LEGISLATURE

No. 158

REPORT AND RESOLUTION AWARDING BID FOR BUS SERVICE FOR THE OLD FORGE AREA TRANSPORTATION PROGRAM FOR THE 2020 SUMMER YOUTH EMPLOYMENT PROGRAM

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

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

WHEREAS, by communication dated June 9, 2020, the Budget Officer has advised this Legislature that bids were received, opened and read in accordance with law for bus services in connection with the 2020 Summer Youth Employment Program to provide transportation to the Old Forge Area; and

WHEREAS, the Budget Officer has advised that it is the recommendation of your Committees and the Youth Bureau that a contract be awarded to the lowest overall bidder, Hale Transportation, in the sum of \$540.00 per bus, per day, up to a maximum of 136 bus runs, plus 2 additional bus runs for orientation; now, therefore, be it

RESOLVED, that the Herkimer County Legislature awards a contract to Hale Transportation, 37 Kirkland Avenue, Clinton, New York 13323, for bus service for the Old Forge Area Transportation Program for the 2020 Summer Youth Employment Program, in the sum of \$540.00 per bus, per day, up to a maximum of 136 bus runs, plus 2 additional bus runs for orientation; and, be it further

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

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Executive Director of the Youth Bureau and Hale Transportation.

Dated: June 10, 2020.



HERKIMER COUNTY LEGISLATURE

No. 159

RESOLUTION AUTHORIZING THE CHAIRMAN OF THE HERKIMER COUNTY LEGISLATURE TO NOTIFY THE GREATER MOHAWK VALLEY LAND BANK THAT HERKIMER COUNTY WILL NOT RENEW OR OTHERWISE EXTEND ITS MEMBERSHIP IN THE GREATER MOHAWK VALLEY LAND BANK

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

WHEREAS, by Resolution No. 184 of 2016, adopted on July 27, 2016, the County of Herkimer adopted a resolution, in accordance with the provisions of the Land Bank Act, to establish the Greater Mohawk Valley Land Bank Corporation on behalf of the County of Herkimer and other signatories; and

WHEREAS, said Resolution No. 184 of 2016 further authorized the Chairman of the Herkimer County Legislature to execute an Intermunicipal Agreement for the creation of GMVLB and further documents as were necessary to establish the Greater Mohawk Valley Land Bank; and

WHEREAS, the Chairman of the Herkimer County Legislature, Bernard Peplinski, Sr. executed the Intermunicipal Agreement Between the Counties of Herkimer, Montgomery, Otsego and Schoharie and the Cities of Rome and Utica for the Creation of the Greater Mohawk Valley Land Bank on October 12, 2016; and

WHEREAS, the Intermunicipal Agreement at Article X (Section 10.01) provides that the Intermunicipal Agreement shall commence on the Effective Date and remain in force and effect for a period of three years; and

WHEREAS, the three year term of the Intermunicipal Agreement signed by Bernard Peplinski, Sr. on October 12, 2016 has expired; and

WHEREAS, the Executive Director of the Greater Mohawk Valley Land Bank has provided Herkimer County with a First Amendment to Intermunicipal Agreement among the Counties of Herkimer, Montgomery, Otsego and Schoharie and the Cities of Rome and Utica, New York to renew and extend the duration of the above initial Intermunicipal Agreement until 2022; now, therefore, be it

RESOLVED, that the Chairman of the Herkimer County Legislature be authorized to notify the Executive Director and the members of the Greater Mohawk Valley Land Bank that the County of Herkimer will not renew or otherwise extend its membership in the Greater Mohawk Valley Land Bank and will not enter into the First Amendment to Intermunicipal Agreement to extend its membership until 2022; and, be it further

RESOLVED that certified copies of this resolution be forwarded to the Executive Director of the Greater Mohawk Valley Land Bank, Montgomery County Office of the County Executive, Montgomery County Department of Law, Montgomery County Clerk of the County Legislature, Otsego County Office of the Chairman, Otsego County Department of Law, Otsego County Board of Representatives Clerk of the Board, Schoharie County Office of the Chairman, Schoharie County Department of Law, Schoharie County Board of Supervisors, City of Rome Office of the Mayor, City of Rome Department of Law, City of Rome City Clerk, City of Utica Office of the Mayor, City of Utica Department of Law and City of Utica City Clerk.

Dated: June 10, 2020.



HERKIMER COUNTY LEGISLATURE

No. 160

RESOLUTION CALLING ON THE STATE OF NEW YORK TO RELEASE ENHANCED FEDERAL MEDICAID MATCHING FUNDS TO COUNTIES AND NEW YORK CITY

Sponsored by: Committee on Administration/Veterans' Affairs

WHEREAS, in response to the COVID-19 pandemic, Congress has enacted extraordinary measures to help states and localities with increased costs and lost revenue; and

WHEREAS, a key action enacted by the federal government was a 6.2 percent increase in the federal medical assistance percentage (FMAP); and

WHEREAS, Congress has used this mechanism to provide fiscal relief to states and their local government Medicaid funding partners to reduce the financial burden they often experience in an economic downturn; and

WHEREAS, we understand the State of New York has already drawn down about \$2.5 billion for the period January 1, 2020 through June 30, 2020; and

WHEREAS, under federal law a portion of these funds are required to be passed through to counties and New York City; and

WHEREAS, we estimate the local share is about 20 percent; and

WHEREAS, counties and New York City are struggling with higher costs associated with responding to COVID-19 and experiencing extensive revenue declines due to the shutdown of large swaths of the economy; and

WHEREAS, in addition to mounting losses in local revenues, counties are also expecting significant cuts in state aid; and

WHEREAS, many counties have enacted plans to reduce non-mandated expenses to the degree they can without sacrificing public health and safety; and

WHEREAS, these expense reductions also require a review of the workforce, including layoffs; and

WHEREAS, we project that each quarter of enhanced FMAP funding is worth hundreds of millions of dollars for counties and New York City; and

WHEREAS, the State has been holding three years of similar enhanced FMAP payments owed to counties and New York City under the Affordable Care Act that are worth hundreds of millions of dollars; now, therefore, be it

RESOLVED, that the County of Herkimer, is requesting that the State immediately release the first quarter of enhanced Medicaid federal matching funds for the pandemic response to Herkimer County to provide some partial fiscal relief to the current conditions; and, be it further

RESOLVED, we request that the State provide a timeline to all counties on the release of the enhanced federal Medicaid matching funds related to the Affordable Care Act that have been withheld for years and the likely mechanism on how these funds will be delivered to counties and New York City; and, be it further

RESOLVED, we understand the State is experiencing severe fiscal stress, as well, and we want to work cooperatively with the State to develop a plan on the release of the withheld federal enhanced Medicaid funds due to counties under the Affordable Care Act and future pandemic FMAP increased funding; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Governor Andrew M. Cuomo, Senator Charles E. Schumer, Senator Kirsten Gillibrand, Congressman Anthony Brindisi, Congresswoman Elise Stefanik, Senator James L. Seward, Senator James Tedisco, Assemblyman Robert Smullen, Assemblyman Brian Miller, Assemblywoman Marianne Buttenschon, and the New York State Association of Counties.

Dated: June 10, 2020.