

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

**MINUTES  
Herkimer County Legislature  
Third Quarter – Second Day  
Wednesday, July 27, 2016  
7:30 p.m.**

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

Chairman Peplinski called on Dan Sullivan of Keep Mohawk Valley Beautiful and the Greater Mohawk Valley Land Bank, to lead the Legislature in the Pledge of Allegiance.

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

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

Present: Malta, Markwardt, Schrader, Wellington, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Campione, Shaw, Weakley (16).

Absent: Russell (1).

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Peplinski asked if there were any objections or corrections to the minutes of July 6, 2016. There were none, and the Chairman ordered them approved.

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

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. 217 – A communication was received from the family of Ermina Hendrix expressing thanks for recent expression of sympathy. Placed on file.

No. 218 – A communication was received from the State Dept. of Agriculture and Markets certifying to inclusion of modification of Herkimer County Agricultural Districts No. 3 and 6 Open Enrollment Period for 2016. Placed on file.

No. 219 – A communication was received from State Records and Law Bureau acknowledging receipt and filing of Local Law No. 2 for 2016. Placed on file.

No. 220 – A communication was received from the Budget Officer requesting closeout of petty cash account. Referred to the Committee on Ways and Means.

No. 221 – A communication was received from the Commissioner of Social Services submitting request for approval to submit plan and contract with Kids Oneida for STSJP Juveniles Program. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 222 – A communication was received from the Director of Public Health requesting amendment of resolution for contracts for Medical Records Specialist and Pharmacy Consultant. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 223 – A communication was received from the Sheriff requesting new contract with West Canada Valley Central School for placement of deputy. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 224 – A communication was received from the Budget Officer submitting request for transfer of funds. Referred to the Committee on Ways and Means.

No. 225 – A communication was received from the Budget Officer requesting adoption of updated Herkimer County Purchasing Policy. Referred to the Committee on Ways and Means.

No. 226 – A communication was received from the Budget Officer submitting request for appropriation of funds concerning Workers' Compensation Litigation. Referred to the Committee on Ways and Means.

No. 227 – A communication was received from the Budget Officer requesting budget amendment in connection with COLA reimbursement for Childhood Lead Poisoning Prevention Grant. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 228 – A communication was received from the Personnel Officer submitting 2017 Annual Estimate of Herkimer County Self-Insured Plan. Referred to the Committee on Ways and Means.

No. 229 – A communication was received from the Budget Officer requesting budget amendment in connection with COLA reimbursement for Immunization Action Plan. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 230 – A communication was received from the Sr. Vice-President for Administration and Finance at Herkimer County Community College requesting public hearing on the 2016-2017 College Budget. Referred to the Committee on Education and the Committee on Ways and Means.

No. 231 – A communication was received from the Oneida-Herkimer Solid Waste Authority submitting requests for proposals for public review for transportation. Placed on file.

No. 232 – A communication was received from the Oneida-Herkimer Solid Waste Authority submitting minutes and recently adopted resolutions. Placed on file.

No. 233 – A communication was received from the Budget Officer submitting request for appropriation from Contingency Fund. Referred to the Committee on Ways and Means.

No. 234 – A communication was received from the County Property Agent submitting results of sealed bids on county properties left from 2016 auction. Referred to the Committee on County Properties.

No. 235 – A communication was received from the Budget Officer submitting recommendation for award of contract for replacement of 1<sup>st</sup> Floor Entrance Hallway and Offices at 109 Mary Street Office Building. Referred to the Committee on County Properties and the Committee on Ways and Means.

No. 236 – A communication was received from the County Treasurer submitting request from bidder on county owned property. Referred to the Committee on County Properties.

No. 237 - A communication was received from the Budget Officer submitting proposal for Building Maintenance Management Program. Referred to the Committee on County Properties and the Committee on Ways and Means.

Pursuant to Rule 6, Chairman Peplinski then proceeded with Reports of Standing Committees. Vincent J. Bono, Chairman of the Committee on County Planning and Development advised of a recent meeting with a representative from State Economic Development to discuss projects and issues and criteria for grants. He stated that the IDA is working on some new PILOT projects and grants. He discussed a letter of support for a grant application for the two county Local Solid Waste Management Program. Under his Chairmanship of the Committee on Public Safety and Emergency Management, Mr. Bono gave an update on a recent meeting of the Alternatives to Incarceration Board. Kurt Ackerman, Chairman of the Committee on Education, stated that along with the Committee on Ways and Means, there had been a meeting on the College Budget to set the public hearing, approve the tentative budget and appoint a new trustee to the College Board of Trustees.

Chairman Peplinski continued with the Regular Agenda.

On motion of Mr. Ackerman, seconded by Mr. Manno, Report and Resolution No. 168 sponsored by the Committee on Education and the Committee on Ways and Means setting time and place for Public Hearing on Herkimer County Community College Budget was handed up, voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).

On motion of Mr. Bono, seconded by Mr. Schrader, Report and Resolution No. 169 sponsored by the Committee on Ways and Means approving 2017 Annual Estimate and Apportionment for Workers' Compensation Self-Insurance Plan was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).

On motion of Mr. Smith, seconded by Mr. Markwardt, Report and Resolution No. 170 sponsored by the Committee on Human Resources and the Committee on Ways and Means authorizing plan application and contract in connection with funding for Supervision and Treatment Services for Juveniles Program was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).

On motion of Mr. Smith, seconded by Mr. Stephens, Report and Resolution No. 171 sponsored by the Committee on Human Resources and the Committee on Ways and Means amending Resolution No. 170 of 2010 concerning contracts for Medical Records Specialist and Pharmacy Consultant was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).

On motion of Mr. Campione, seconded by Mr. Johnson, Report and Resolution No. 172 sponsored by the Committee on Ways and Means amending budget in connection with closeout of Petty Cash Account was handed up; was voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).

On motion of Mr. Weakley, seconded by Mr. Keeler, Report and Resolution No. 173 sponsored by the Committee on Public Safety/Emergency Management and the Committee on Ways and Means authorizing agreement with West Canada Valley School District for placement of deputy at school was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).

On motion of Mr. Bono, seconded by Mr. Stephens, Report and Resolution No. 174 sponsored by the Committee on Ways and Means adopting updated Policies and Procedures for Purchase of Goods and Services and Professional Services Procurement Policy was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).

On motion of Mr. Bono, seconded by Mr. Schrader, Report and Resolution No. 175 sponsored by the Committee on Ways and Means authorizing transfer of funds was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).

On motion of Mr. Smith, seconded by Mr. Shaw, Report and Resolution No. 176 sponsored by the Committee on Human Resources and the Committee on Ways and Means amending Budget in connection with additional cost of living funding adjustment for Immunization Action Plan was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).

On motion of Mr. Stephens, seconded by Mr. Markwardt, Report and Resolution No. 177 sponsored by the Committee on Human Resources and the Committee on Ways and Means amending budget in connection with additional cost of living funding adjustment for Childhood Lead Poisoning Prevention Program was handed up; was voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).

On motion of Mr. Schrader, seconded by Mr. Smith, Report and Resolution No. 178 sponsored by the Committee on Ways and Means making appropriation of funds in connection with Workers' Compensation Litigation was handed up; was voted on and adopted by roll call vote:

For: Malta, Markwardt, Schrader, Wellington, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Campione, Shaw, Weakley (16).

Against: None.

Absent: Russell (1).

On motion of Mr. Bono, seconded by Mr. Johnson, Report and Resolution No. 179 sponsored by the Committee on Ways and Means appropriating funds from Contingency Fund was handed up; voted on and adopted by roll call vote:

For: Malta, Markwardt, Schrader, Wellington, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Campione, Shaw, Weakley (16).

Against: None.

Absent: Russell (1).

On motion of Mr. Johnson, seconded by Mr. Stephens, Report and Resolution No. 180 sponsored by the Committee on County Properties approving sale of parcels acquired by In Rem Tax Foreclosures was handed up; voted on and adopted by roll call vote:

For: Malta, Markwardt, Schrader, Wellington, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Campione, Shaw, Weakley (16).

Against: None.

Absent: Russell (1).

On motion of Mr. Johnson, seconded by Mr. Stephens, Report and Resolution No. 181 sponsored by the Committee on County Properties and the Committee on Ways and Means authorizing contract for provision of replacement of carpeting in First Floor Entrance Hallway and Offices at 109 Mary Street Building was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).

On motion of Mr. Johnson, seconded by Mr. Markwardt, Resolution No. 182 sponsored by the Committee on County Properties and the Committee on Ways and Means authorizing contract for a building maintenance management program was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).

On motion of Mr. Ackerman, seconded by Mr. Brezinski, Resolution No. 183 sponsored by the Committee on Education appointing trustee at Herkimer County Community College was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).

On motion of Mr. Schrader, seconded by Mr. Wellington, Resolution No. 184 sponsored by the Committee on County Properties and the Committee on Ways and Means concerning the

establishment of the Greater Mohawk Valley Land Bank Corporation and Appointing Representatives to serve on the Greater Mohawk Valley Land Bank Board was handed up; voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Russell (1).

Abstain: Johnson, Ackerman (2).

Chairman Peplinski stated that pursuant to Rule 6(12) they would proceed with comments by legislators. The following legislators had comments:

At 7:55 p.m., on motion of Mr. Manno, seconded by Mr. Wellington, the Legislature adjourned to Wednesday, August 10, 2016 at 7:30 p.m., with a public hearing on the HCCC 2016-2017 Operating Budget at 7:15 p.m.

Carole L. LaLonde, Clerk



## HERKIMER COUNTY LEGISLATURE

No. 168

### **REPORT AND RESOLUTION FIXING THE TIME AND PLACE FOR PUBLIC HEARING ON HERKIMER COUNTY COMMUNITY COLLEGE BUDGET**

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

WHEREAS, your Committee on Ways and Means and Committee on Education are advised by letter dated June 15, 2016 from Nicholas F. Laino, Senior Vice President for Administration and Finance, that the Herkimer County Board of Trustees approved the proposed 2016-2017 Operating Budget of the College at its meeting held on June 22, 2016 and requests that the Herkimer County Legislature set a public hearing to consider said budget; now, therefore, be it

RESOLVED, that a public hearing upon said Tentative Budget to be conducted by the Committee on Education shall be held at the Legislators' Chambers in the Village of Herkimer, New York, on the 10th day of August, at 7:15 p.m. pursuant to the provisions of Section 359 of the County Law and Section 6304(5-a) of the Education Law.

Dated: July 27, 2016.





## HERKIMER COUNTY LEGISLATURE

No. 169

### **REPORT AND RESOLUTION APPROVING 2017 ANNUAL ESTIMATE AND APPORTIONMENT FOR THE HERKIMER COUNTY WORKER'S COMPENSATION SELF-INSURED PLAN**

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

WHEREAS, your Committee has received from Steven R. Billings, Personnel Officer, the 2017 Annual Estimate and Apportionment for the Herkimer County Worker's Compensation Self-Insured Plan for the purposes of tail claims run-off; and

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

RESOLVED, that this Legislature hereby approves the Annual Estimate and Apportionment of the Herkimer County Worker's Compensation Self-Insured Plan for the purposes of tail claims run-off for the year 2017; and, be it further

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

Dated: July 27, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 170

### **REPORT AND RESOLUTION AUTHORIZING PLAN APPLICATION AND CONTRACT IN CONNECTION WITH FUNDING FOR SUPERVISION AND TREATMENT SERVICES FOR JUVENILES PROGRAM**

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

WHEREAS, Resolution No. 142 adopted on June 17, 2015, authorized the Chairman of the Legislature to approve the submission of a plan to the New York State Office of Children and Family Services, and execute a contract with Kids Oneida, Inc. for the provision of detention diversion services through the Supervision and Treatment Services for Juveniles Program (STSJP); and

WHEREAS, Resolution No. 165 adopted on July 6, 2016 authorized the Chairman of the Legislature to sign an amended STSJP Transition Plan for the purpose of transferring sufficient detention allocation funding and enter into a contract extension with Kids Oneida, Inc. due to the State's restructuring of the program in order to continue the provision of detention services through the transition period from April 1, 2016 through September 30, 2016;

WHEREAS, by letter dated July 8, 2016 Timothy Seymour, Commissioner of Social Services, has requested authorization to submit a plan to the Office of Children and Family Services to obtain funding in the amount of \$81,013, with 62% state reimbursement, for the STSJP service year October 1, 2016 through September 30, 2017 and to renew the contract with Kids Oneida, Inc. to provide detention diversion services for the new period; and

RESOLVED, that the Chairman of this Legislature is hereby authorized to review and approve the plan for submission seeking funding for the 2016-2017 Supervision and Treatment Services for Juveniles Program STSJP plan with the NYS Office of Children and Family Services covering the period of performance from October 1, 2016 through September 30, 2017,

RESOLVED, that the STSJP Lead for Herkimer County is hereby authorized to sign and submit the 2016-2017 Supervision and Treatment Services for Juveniles Plan upon said review and approval by the Chairman of the Legislature: and

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a renewal of the contract with Kids Oneida, Inc., 310 Main St., Utica, New York, 13501, in the amount of \$81,013.00 to continue the provision of detention diversion under the Supervision and Treatment Services for Juveniles Program for the period October 1, 2016 through September 30, 2017; 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 Kids Oneida, Inc. and the New York State Office of Children and Family Services

Dated: July 27, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 171

### **REPORT AND RESOLUTION AMENDING RESOLUTION NO. 170 OF 2010 CONCERNING CONTRACTS FOR MEDICAL RECORDS SPECIALIST AND PHARMACY CONSULTANT**

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

WHEREAS, by Resolution No. 86 of 2004 contracts were authorized for services in connection with various programs conducted by the Herkimer County Public Health Nursing Service after approval of the Committee on Human Resources and the Committee on Ways and Means and in accordance with the regulations promulgated by the New York State Department of Health; and

WHEREAS, by Resolution No. 170 of 2010, said Resolution No. 86 of 2004 was amended to include the additional specialties of Medical Records Specialist and Pharmacy Consultant; and

WHEREAS, by letter dated July 11, 2016 from Christina Cain, Director of Public Health, this Legislature is advised of a request to amend said Resolution to include that the aforesaid consultants be paid at a rate of \$50.00 per hour for required activities in compliance with Title 10 NYCRR sections 751.7 and 752-1.5, with an estimation of approximately 12 hours annually for each; and that the reimbursement rate shall be 100% up to the departmental State Aid cap of \$500,000, and once exceeded, the reimbursement rate shall be 36%; now, therefore, be it

RESOLVED, that Resolution No. 170 of 2010 is hereby amended to include the following additional clause:

RESOLVED, that the aforesaid consultants be paid at a rate of \$50.00 per hour for required activities in compliance with Title 10 NYCRR sections 751.7 and 752-1.5, with an estimation of approximately 12 hours annually for each; and that the reimbursement rate shall be 100% up to the departmental State Aid cap of \$500,000, and once exceeded, the reimbursement rate shall be 36%; and, be it further

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RESOLVED, that in all other respects, said Resolution No. 170 of 2010 is hereby ratified and confirmed; and, be it further

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

Dated: July 27, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 172

### REPORT AND RESOLUTION IN CONNECTION WITH CLOSEOUT OF PETTY CASH ACCOUNT

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

WHEREAS, by Resolution No. 298 adopted on November 7, 2016 the provision of Hospice services to the residents of Herkimer County was transferred to Hospice Care, Inc. of Utica, New York, to be effective February 7, 2002; and

WHEREAS, by letter dated July 5, 2016, Sheri Ferdula, Budget Officer, has advised that after a recent audit of the County Trust and Agency Accounts it has been discovered that a petty cash account from the Hospice Memorial Fund remains open, all monies have been expended, and requests the closure of said account; now, therefore, be it

RESOLVED, that the Herkimer County Treasurer is authorized and directed to make the necessary entries to close out the Hospice Memorial Fund Petty Cash Account; and, be it further

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

Dated: July 27, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 173

### REPORT AND RESOLUTION AUTHORIZING AGREEMENT WITH WEST CANADA VALLEY SCHOOL DISTRICT FOR PLACEMENT OF DEPUTY AT SCHOOL

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

WHEREAS, by letter Resolution No. 66 adopted February 26, 2014, this Legislature authorized an agreement with the West Canada Valley School District for the placement of a deputy sheriff at the school, with the School District to provide reimbursement for all salary and fringe benefits, plus any additional costs including training, vehicle expense and any necessary additional equipment; and

WHEREAS, by letter dated July 6, 2016, Christopher P. Farber, Herkimer County Sheriff has requested a new agreement be entered into with the West Canada School District with a change in the amount charged by the County and the Sheriff for any investigations, arrests, interviews or other mutually agreed upon and approved matters that require additional time at the District facilities over and above the agreed upon hours per day to be in the amount up to \$33.54 per hour; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an agreement with West Canada Valley School District for the placement of a deputy sheriff at the school, with the School District to provide reimbursement for all salary and fringe benefits, plus any additional costs including training, vehicle expense and any necessary additional equipment, with no additional cost to the County and with the terms and conditions of said agreement to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that the Chairman of this Legislature is further authorized to enter into renewals of said 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, Sheriff and the West Canada Valley School District.

Dated: July 27, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 174

### **REPORT AND RESOLUTION ADOPTING UPDATED POLICIES AND PROCEDURES FOR PURCHASE OF GOODS AND SERVICES AND PROFESSIONAL SERVICES PROCUREMENT POLICY**

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

WHEREAS, by letter dated July 5, 2016, from Sheri Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised of a request to adopt an updated Herkimer County Purchasing Policy for 2016, which includes revisions for the purchase of goods or services between \$10,001 and \$20,000; now, therefore, be it

RESOLVED, that the attached Policies for Procedures for Purchase of Goods and Services and Professional Services Procurement Policy 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: July 27, 2016

**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, 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:

<b>DOLLAR LIMIT</b>	<b>PROCEDURE</b>
\$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.



\$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	Sealed 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	Sealed 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

J. Ewanyk, County Highway Superintendent

M. Nagele, Deputy County Highway Superintendent

K. Enea, Treasurer (credit card only)



## HERKIMER COUNTY LEGISLATURE

No. 175

### REPORT AND RESOLUTION AUTHORIZING TRANSFER OF FUNDS

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

WHEREAS, your Committee on Ways and Means, to which was referred communication from Sheri Ferdula, Budget Officer, dated July 5, 2016, submitting request for transfers of funds, reports that we have examined said communication, inquired into the subject matter thereof, and recommend that said transfer 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 account in the 2016 Budget:

\$35,000      From: A1450A.44000, Board of Elections, Administration, Contracted Services  
                 To:    A1450A.10100, Board of Elections, Temporary Employees.

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: July 27, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 176

### REPORT AND RESOLUTION AMENDING BUDGET IN CONNECTION WITH ADDITIONAL COST OF LIVING FUNDING ADJUSTMENT FOR IMMUNIZATION ACTION PLAN

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

WHEREAS, by Resolution No. 275 adopted on December 16, 2015, this Legislature approved a contract renewal of the grant agreement for the Immunization Action Plan for the period from April 1, 2016 through March 31, 2017 in the amount of \$32,259.00; and

WHEREAS, by letter dated July 5, 2016, from Sheri Ferdula, Budget Officer, this Legislature is advised of a request to amend the 2016 Budget in connection with the receipt of a COLA reimbursement for said Plan through the State of New York in the amount of \$2,587; now, therefore, be it

RESOLVED, that the 2016 Herkimer County Budget is hereby amended as follows:

**REVENUE:**

A4189A.4489A-PH06-13, Immunization Grant,	From:	\$0
Immunization	To:	\$2,587

**APPROPRIATION:**

A4189A.86000-PH06-13, Immunization Grant,	From:	\$0
Health Insurance	To:	\$2,587

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: July 27, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 177

### REPORT AND RESOLUTION AMENDING BUDGET IN CONNECTION WITH ADDITIONAL COST OF LIVING FUNDING ADJUSTMENT FOR CHILDHOOD LEAD POISONING PREVENTION PROGRAM

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

WHEREAS, by letter dated July 5, 2016, from Sheri Ferdula, Budget Officer, this Legislature is advised that the Public Health Nursing Program has received a COLA reimbursement for the Childhood Lead Poisoning Prevention Program, and requests amendment of the 2016 Budget in connection therewith; now, therefore, be it

RESOLVED, that the 2016 Herkimer County Budget is hereby amended as follows:

#### REVENUE:

A4189L.4489B, Lead Prevention,	From:	\$42,929
State Aid	To:	\$46,211

#### APPROPRIATION:

A4189L.81000, Lead Prev., Retirement	From:	\$1,000
	To:	\$2,000
A4189L.83000, Lead Prev., Social Security	From:	\$500
	To:	\$1,000
A4189L.83500, Lead Prev., Medicare	From:	\$500
Supplies	To:	\$1,000
A4189L.86000, Lead Prev., Health Insurance	From:	\$1,103
	To:	\$2,385

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: July 27, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 178

### REPORT AND RESOLUTION MAKING APROPRIATION OF FUNDS IN CONNECTION WITH WORKERS' COMPENSATION LITIGATION

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

WHEREAS, by letter dated July 5, 2016 Sheri Ferdula, Budget Officer, has advised this Legislature that there are sufficient funds in Account S853, Workers Compensation, Contributed Reserve, to allow for an appropriation of funds to satisfy a ruling in the Workers' Compensation litigation with the Village of Herkimer; now, therefore, be it

RESOLVED, that the sum of \$515,000.00 is hereby appropriated from Account S853, Workers' Compensation, Contributed Reserve, to Account S1710.46000, Workers' Compensation, Miscellaneous Expense; and, be it further

RESOLVED, that the Herkimer County Treasurer is hereby authorized and directed to transfer the said sum to the said account; and, be it further

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

Dated: July 27, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 179

### REPORT AND RESOLUTION APPROPRIATING FUNDS FROM CONTINGENCY FUND

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

WHEREAS, by letter dated July 21, 2016, from Sheri Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that there is sufficient funding available for the following appropriations from the 2016 Contingency Fund; now, therefore be it

RESOLVED, that the sum of \$32,500.00 is hereby appropriated from A1990.46000, Contingency Fund – Miscellaneous Expense, to A6420.40000, Industrial Development, Contractual Expense; and, be it further

RESOLVED, that the Herkimer County Treasurer is hereby authorized and directed to transfer the said sums to the said accounts; and, be it further

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

Dated: July 27, 2016.





# HERKIMER COUNTY LEGISLATURE

No. 180

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

### Sponsored by: Committee on County Properties

WHEREAS, by judgment of the Herkimer County Court filed and entered April 12, 2016 in the In Rem Tax Foreclosure Action for the year 2014 the County of Herkimer acquired title to certain parcels of property; and

WHEREAS, this Legislature has been advised by letter dated July 14, 2016 from Pamela Putch, County Property Agent, that offers have been received for the parcels of property listed below; and

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

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

<u>Parcel</u>	<u>Purchaser</u>	<u>Offer</u>
City of Little Falls Tax Map No. 114.60-3-12 75 William Street	Tanner Leahy 67 E. Main Street St. Johnsville, NY 13452	\$ 1,010.00
Town Herkimer Tax Map No. 106.2-2-9.6 State Route 28 Vacant land, 689 x 68	Teresa Edwards 4156 State Route 28 Herkimer, NY 13350	\$ 738.00
Town of Herkimer Tax Map No. 113.83-4-16 Main Road Mfg. Housing Community	Tanner Leahy 67 E. Main Street St. Johnsville, NY 13452	\$10,220.00
Town of Little Falls Tax Map No. 121.2-1-4 6377 State Route 5 Single family residence, .60 acres	Asahel Sutton 325 W. Main Street Little Falls, NY 13365	\$ 2,000.00
Town of Ohio Tax Map No. 073.4-1-76 Tom Kettle Lk	Heather LaPlante 236 S. Main Street Herkimer, NY 13350	\$ 508.00

Town of Russia Tax Map No. 089.1-2-17.2 4305 Norway St. Single family residence 1.0 acre	Melvin Colony Box 172 Butler Road Poland, NY 13416	\$ 5,000.00
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Town of Schuyler Tax Map No. 099.4-5-34 Louis Ridge Road Vacant Land 11.00 acres	Grace L. Frith PO Box 541 Herkimer, NY 13350	\$ 7,500.00
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and, be it further

RESOLVED, that good cause having been shown, late payment of a bid at the June 4, 2016 auction of County Owned Land is hereby authorized and sale of the following parcel is hereby approved:

<u>Parcel</u>	<u>Purchaser</u>	<u>Offer</u>
Town of Schuyler Tax Map No. 105.3-1-74.2 3038 State Route 5 Manufactured Housing	Karen Sauerbrey 1424 Route 163 Canajoharie, NY 13317	\$13,250.00

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

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

Dated: July 27, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 181

### **REPORT AND RESOLUTION AUTHORIZING CONTRACT FOR PROVISION OF REPLACEMENT OF CARPETING IN FIRST FLOOR ENTRANCE HALLWAY AND OFFICES AT 109 MARY STREET BUILDING**

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

WHEREAS by letter dated July 5, 2016, Sheri Ferdula, Budget Officer, has advised that quotes have been obtained for the replacement of the existing first floor entrance hallway and offices carpet at the County Office Building located at 109 Mary Street, Herkimer New York and recommends the acceptance of the lowest quote from John's Floorcovering of Herkimer, New York in the amount of \$13,241.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is authorized to enter into a contract with John's Floorcovering Co., Inc., 218 South Caroline Street, Herkimer, New York 13350, to perform installation of replacement carpeting on the first floor entrance hallway and offices at the County Office Building located at 109 Mary Street, Herkimer, New York, at a total cost of \$13,241.00, with said contract to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, and John's Floorcovering Co., Inc.

Dated: July 27, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 182

### REPORT AND RESOLUTION AUTHORIZING CONTRACT FOR A BUILDING MAINTENANCE MANAGEMENT PROGRAM

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

WHEREAS, by letter dated June 21, 2016, from Sheri A. Ferdula, Budget Officer, this Legislature has been advised that a proposal has been received from Facility Dude, 11000 Regency Parkway #110, Cary, North Carolina 27518, to set up a building maintenance management program designed to provide greater efficiencies through organized tracking and planning as well as facility evaluations; and

WHEREAS, the Program would include an online building maintenance system which would allow the County to track work order progress, identify areas of concern, develop a preventive maintenance schedule and monitor utility use in order to allow issues to be identified and addressed in a timely manner, the monitoring of equipment, and giving management direct access to daily activities; and

WHEREAS, this system would also include a Facility Condition Assessment, wherein Facility Dude will evaluate all county buildings with the exception of Highway and the Sewer District, and provide a detailed narrative report on each, including a capital forecast to allow the County to budget facility improvements and replacements and hopefully avoid unexpected expenses; now, therefore, be it

RESOLVED, that a contract with Facility Dude is hereby authorized as follows: Facility Assessment and Equipment Inventory at \$23,127.00, which is a one-time payment, Maintenance Edge Set up fees at \$4,580.00, which is a one-time fee, Prorated Maintenance (5 months) \$3,294.00, for a total initial investment of \$31,001, and yearly maintenance for the system at \$6,660 per year, with the contract to provide for termination by the County at any time, and with the terms and conditions to be subject to the approval of the Herkimer County Attorney; and, be it further

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

Dated: July 27, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 183

### RESOLUTION APPOINTING TRUSTEE AT HERKIMER COUNTY COMMUNITY COLLEGE

**Sponsored by: Committee on Education**

WHEREAS, there presently exists a vacancy on the Board of Trustees; and

WHEREAS, it is the recommendation of your Committee on Education that Alison Albright of Old Forge, New York, be appointed to fill said vacancy; now, therefore, be it

RESOLVED, that Alison Eyre Albright, P.O. Box 1058, Old Forge, New York, is hereby appointed as a member of the Board of Trustees of Herkimer County Community College, pursuant to Section 6306 of the Education Law of the State of New York, for a term to expire on June 30, 2023; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Personnel Officer, Chancellor of the State University of New York, the Vice Chancellor for Two Year Colleges, President of Herkimer County Community College, Senior Vice President for Administration and Finance of Herkimer County Community College, Chairperson of the Board of Trustees of Herkimer County Community College and Alison Eyre Albright.

Dated: July 27, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 184

### **RESOLUTION CONCERNING THE ESTABLISHMENT OF THE GREATER MOHAWK VALLEY LAND BANK CORPORATION AND APPOINTING REPRESENTATIVES TO SERVE ON GREATER MOHAWK VALLEY LAND BANK BOARD**

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

WHEREAS, New York State has recognized the need to provide new tools and innovative solutions to address deteriorated, abandoned and tax-delinquent properties and the blight they inflict upon communities; and

WHEREAS, New York State acknowledges the risks to public health and safety caused by seriously derelict properties; and

WHEREAS, land banks allow and provide a mechanism for the re-development, repair, improvement, or in appropriate situations, deconstruction of blighted properties; and

WHEREAS, land banks have now been firmly established nationally, with a success record in helping to ameliorate the above negative impacts; and

WHEREAS, in recognition of same and in order to revitalize and strengthen local communities and economies New York State has adopted a Land Bank Act ("Not-for-Profit" Corporation Law, Article 16); and

WHEREAS, a number of communities in the Greater Mohawk Valley with the direction and encouragement of the Mohawk Valley Economic Development District ("MVEDD"), desire to create a regional land bank in order to efficiently and effectively address blight across the Greater Mohawk Valley; and

WHEREAS, in accordance with the provisions of the Land Bank Act, it is necessary to adopt a resolution establishing the Greater Mohawk Valley Land Bank Corporation ("GMVLB") on behalf of the County of Herkimer and the other signatories, and addressing certain other requirements relating to the structure and function of the GMVLB; therefore it is

RESOLVED, that the County of Herkimer hereby establishes and authorizes the creation of a regional land bank, as follows:

1. Name of the land bank: Greater Mohawk Valley Land Bank Corporation;
2. Number of initial members of the board of directors: 9

3. The initial individuals to serve on the GMVLB board and their initial terms of office are:
  - (a) Appointed by the Chairman of the Herkimer County Legislature:  
Raymond Johnson (County Legislator), initial term of 2 years;  
Kurt Ackerman (County Legislator), initial term of 1 year;
  - (b) Appointed by the County Executive of Montgomery County:  
Karl Gustafson (Office of the Executive), initial term of 2 years;
  - (c) Appointed by Chair of the Board of Representatives of Otsego County:  
Kathy Clark (County Representative), initial term of 2 years;  
Edwin Frazier (at-large Representative), initial term of 1 year;
  - (d) Appointed by Chair of the Board of Supervisors of Schoharie County:  
Steven Wilson (County Administrator), initial term of 2 years;
  - (e) Appointed by the Mayor of the City of Rome:  
Dennis Gillen (Chairman, Real Property Committee), initial term of 1 year;
  - (f) Appointed by the Mayor of the City of Utica:  
Brian Thomas (Commissioner, Urban & Economic Development); initial term of 2 years;
  - (g) Appointed by the Board of Directors, MVEDD:  
Stephen R. Smith, (Board Member, MVEDD), initial term of 1 year
4. Board members must be a resident of the county or city from which they are appointed. Each of the joining counties and the joining cities will be entitled to have the number of members on the board of directors as listed above, as well as the further member appointed by the MVEDD. The regular terms of office of members of the board shall be 2 years, in addition to any partial term for which a member is appointed to fill a vacancy.
5. The proposed articles of incorporation and bylaws of the GMVLB are approved for inclusion in the application for the GMVLB which is to be sent to Empire State Development.
6. The County of Herkimer (together with the other joining counties and cities) will enter into and the Chairman of the Herkimer County Legislature is authorized to execute an Intermunicipal Agreement for the creation of GMVLB, and is authorized to execute such other documents as may be necessary to establish the GMVLB, subject to the approval of the Herkimer County Attorney.

Dated: July 27, 2016.