

(PLEASE NOTE: Full Resolutions are attached following minutes)

**MINUTES
Herkimer County Legislature
Third Quarter – Fourth Day
Wednesday, September 14, 2016
7:30 p.m.**

Public Hearing

The Public Hearing on Introductory Local Law No. 2 for 2016 was called to order at 7:15 p.m. by Patrick E. Russell, Chairman of the Ways and Means Committee. The Clerk read the notice of the meeting. Mr. Russell then asked if there was anyone wishing to speak on the proposed local law. There were no requests to speak and the hearing was declared closed at 7:17 p.m.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that there has been presented to the County Legislature of the County of Herkimer, State of New York, on the 10th day of August, 2016, Introductory Local Law No. 2 for the year 2016 entitled, “A LOCAL LAW TO IMPOSE A MORTGAGE RECORDING TAX WITHIN THE COUNTY OF HERKIMER”.

NOTICE IS FURTHER GIVEN that the County Legislature of the County of Herkimer will hold a public hearing on the aforesaid proposed Local Law, to be conducted by the Committee on Ways and Means at the Legislative Chambers in the County Office Building, Herkimer, New York, on the 14th day of September, 2016 at 7:15 p.m. at which time all persons interested will be heard.

Dated: September 6, 2016.

By Order of the Herkimer County Legislature

The Regular Session of the Herkimer County Legislature was called to order by Chairman Bernard Peplinski, Sr. at 7:34 p. m.

Chairman Peplinski called on Robert Vandawalker, Director of Emergency Services, 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, Manno, Smith, Bono, Ackerman, Peplinski, Campione, Russell, Shaw (15).

Absent: Brezinski, Weakley (2).

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Peplinski asked if there were any objections or corrections to the minutes of August 10, 2016. There were none, and the Chairman ordered them approved.

Chairman Peplinski dispensed with the regular session and called upon Legislator Raymond Smith to present a plaque to retiring County Highway Superintendent Jay Ewanyk. Mr. Smith stated he was privileged to present this plaque to Mr. Ewanyk for his twenty two years of public service. He commended Mr. Ewanyk for his service and highlighted some of his accomplishments, including among others, securing over 15 million dollars of FEMA and Federal Highway Funds to rebuild roads and bridges in Herkimer County, implementing shared services agreements, and developing an in-house road map, a sign data base and road bridge and culvert inventory software. Mr. Smith noted that during his tenure, Mr. Ewanyk and his department did an outstanding job in acting as lead agency for the 2002 Herkimer and Oneida Counties' Military Road Bridge which was awarded first place in the National Timber Bridge Awards and has appeared on the cover of many industry magazines. Mr. Ewanyk expressed appreciation and stated that it has been an honor to serve as County Highway Superintendent over the past twenty two years and that he was proud of the accomplishments of the highway department and hopeful that the accomplishments and success will continue.

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. 246 – A communication was received from the Budget Officer requesting amendment in connection with receipt of Balance Incentive Caregiver Program funding. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 247 – A communication was received from the New York State Municipal Insurance Reciprocal submitting 2015 Annual Report. Placed on file.

No. 248 – A communication was received from D'Arcangelo & Co. submitting independent auditor's report for the County for the year ended December 31, 2015. Referred to the Committee on Ways and Means.

No. 249 – A communication was received from the Friends of Historic Herkimer County requesting renewal of the lease with the County for the 1834 Jail. Referred to the Committee on County Properties and the Committee on Ways and Means.

No. 250 – Two communications were received from the Budget Officer submitting requests for transfers of funds. Referred to the Committee on Ways and Means.

No. 251 – A communication was received from the State Department of Taxation and Finance submitting state equalization rates for 2016 assessment rolls. Referred to the Committee on Ways and Means.

No. 252 – A communication was received from the STOP-DWI Coordinator submitting 2017 STOP-DWI Plan. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 253 – A communication was received from the County Highway Superintendent submitting projects to be done with County Road Fund monies during the 2017 construction season. Referred to the Committee on Highways

No. 254 – A communication was received from the Director of the Office for Aging requesting approval of Balance Incentive Caregiver Program Grant. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 255 – A communication was received from the Director of the Office for the Aging requesting a contract in connection with receipt of MIPPA/ADRC Program funding. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 256 – A communication was received from the Budget Officer submitting request for budget amendment in connection with Resource Allocation funding for Youth Bureau. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

No. 257 – A communication was received from the Executive Director of the Youth Bureau requesting approval of contracts for youth programs under Resource Allocation funding. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

No. 258 – A communication was received from the Office of Temporary and Disability Assistance advising of term expiration of Commissioner of Social Services. Referred to the Committee on Human Resources.

No. 259 – A communication was received from the County Highway Superintendent requesting staffing adjustment. Referred to the Committee on Highways and the Committee on Ways and Means.

No. 260 – A communication was received from the Commissioner of Social Services requesting extension of contract in connection with TREATY Program. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 261 - A communication was received from the Director of Community Services requesting staffing adjustment. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 262 – A communication was received from the Commissioner of Social Services requesting renewal of contract with Catholic Charities for provision of Non-Residential Domestic Violence Services. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 263 – A communication was received from the Budget Officer requesting budget amendment in connection with receipt of Healthy Families Grant. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 264 – A communication was received from the Director of Public Health requesting contract and budget amendment for the Healthy Families Grant. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 265 – A communication was received from the Budget Officer submitting request for budget amendment in connection with receipt of Public Health Emergency Preparedness Grant. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 266 – A communication was received from the Director of Public Health requesting approval of Public Health Emergency Preparedness Grant. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 267 – A communication was received from the Director of the Office for Aging requesting extension of position under Balance Incentive Program. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 268 – A communication was received from the Director of Public Health requesting renewal of contract with Little Falls Hospital for services of Medical Consultant. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 269 – A communication was received from the Personnel Officer submitting recommendation for appointment of County Highway Superintendent. Referred to the Committee on Highways and the Committee on Ways and Means.

No. 270 – A communication was received from the Budget Officer requesting amendment of contract for Online Building Maintenance System. Referred to the Committee on County Properties and the Committee on Ways and Means.

No. 271 – A communication was received from the Budget Officer submitting recommendations for acceptance of solution to rectify flooring issue in Real Property Tax Services Department. Referred to the Committee on County Properties and Committee on Ways and Means.

No. 272 – A communication was received from National Grid submitting semi-annual PCB Inventory Report. Placed on file.

No. 273 – A communication was received from the Director of Probation submitting the 2015 Annual Report of the Probation Department. Referred to the Committee on Public Safety/Emergency Management.

No. 274 – A communication was received from the County Treasurer submitting the 2015 Annual Report of the Treasurer's Office. Referred to the Committee on Ways and Means.

No. 275 – A communication was received from the Director of Real Property Tax Services submitting the 2015 Annual Report of the Real Property Tax Services Department. Referred to the Committee on Ways and Means.

No. 276 – A communication was received from the Herkimer County Sewer District submitting a resolution for approval by the County Legislature. Referred to the Committee on Natural Resources and the Committee on Ways and Means.

No. 277 – A communication was received from the Personnel Officer requesting renewal of agreement with Slocum Dickson Medical Group for pre-employment physicals. Referred to the Committee on Ways and Means.

No. 278 – A communication was received from the County Clerk requesting a contract for imaging services for the Herkimer County Clerk's Office. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways and Means.

No. 279 – A communication was received from Jay Ewanyk advising of his retirement as County Highway Superintendent. Referred to the Committee on Highways and the Committee on Ways and Means.

No. 280 – A communication was received from the Director of Emergency Services requesting a contract in connection with the construction of a McCauley Mountain Communications Tower. Referred to the Committee on Public Safety/Emergency Management 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 that he and Chairman Peplinski had attended the Mohawk Valley Regional Economic Development Council meeting and that 27 projects were scored and are looking for funding. There is 528 million dollars' worth of projects total, with a state match of 25 million dollars through the REDC. These projects will concentrate on the action plan that was voted on, dealing with among others, downtown revitalization and workforce. He stated that there are some Herkimer County projects included and that they look forward to some favorable results. Patrick Russell, Chairman of the Committee on Ways and Means, advised that budget discussions have begun and invited all legislators to attend. Frederick Shaw, Chairman of the Committee on Natural Resources, advised that he had attended the New York Farm Progress Show and the Public Health

Department had an informational booth there as well as the Soil and Water Conservation District, and it was well attended. He also stated that the Natural Resources Committee had met and approved a contract with GHD Engineers for the Sewer District.

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

For: Ayes (15). Against: None.
Abstention: Brezinski, Weakley (2).

Consent Agenda:

- | | | |
|-----|------------------------------------------------------------------------|-------|
| 191 | PUB. SFTY./EMER. MGMT.: Adopting Annual Report of Probation Department | VOICE |
| 192 | WAYS & MEANS: Adopting Annual Financial Report of County Treasurer | VOICE |
| 193 | WAYS & MEANS: Approving Annual Report of Real Property Tax Office | VOICE |
| 194 | WAYS & MEANS: Authorizing Transfers of Funds | VOICE |
| 195 | PUB. SFTY./EMER. MGMT., WAYS & MEANS: Approving 2017 DWI Plan | VOICE |

Chairman Peplinski continued with the Regular Agenda.

On motion of Mr. Russell, seconded by Mr. Smith, Report and Resolution No. 196 sponsored by the Committee on Ways and Means adopting Introductory Local Law No. 2 for 2016 was handed up; voted on and adopted by roll call vote:

For: Malta, Markwardt, Schrader, Wellington, Johnson, Stephens, Keeler, Manno, Smith, Bono, Ackerman, Peplinski, Campione, Russell, Shaw (15).

Against: None. Absent: Brezinski, Weakley (2).

On motion of Mr. Smith, seconded by Mr. Stephens, Report and Resolution No. 197 sponsored by the Committee on Human Resources and the Committee on Ways and Means authorizing contract in connection with receipt of grant funds for Public Health Emergency Preparedness Program was handed up; voted on and adopted by voice vote:

For: Ayes (15). Against: None.
Absent: Brezinski, Weakley (2).

On motion of Mr. Ackerman, seconded by Mr. Malta, Report and Resolution No. 198 sponsored by the Committee on County Planning and Development and the Committee on Ways and Means authorizing contracts for youth programs for 2016 and amending budget was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brezinski, Weakley (2).

On motion of Mr. Markwardt, seconded by Mr. Smith, Report and Resolution No. 199 sponsored by the Committee Human Resources and the Committee on Ways and Means authorizing renewal of contract for Office for Aging for MIPPA/ADRC funding was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brezinski, Weakley (2).

On motion of Mr. Ackerman, seconded by Mr. Smith, Report and Resolution No. 200 sponsored by the Committee on Human Resources and the Committee on Ways and Means authorizing application for funding in connection with Balance Incentive Program – Caregiver Support Program was handed up; was voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brezinski, Weakley (2).

On motion of Mr. Smith, seconded by Mr. Markwardt, Resolution No. 201 sponsored by the Committee on Human Resources and the Committee on Ways and Means authorizing extension of temporary position in Office for the Aging was handed up; voted on and adopted by roll call vote:

For: Malta, Markwardt, Schrader, Wellington, Johnson, Stephens, Keeler, Manno, Smith, Bono, Ackerman, Peplinski, Campione, Russell, Shaw (15).

Against: None.

Absent: Brezinski, Weakley (2).

On motion of Mr. Ackerman, seconded by Mr. Stephens, Report and Resolution No. 202 sponsored by the Committee on Human Resources and the Committee on Ways and Means authorizing agreement with Little Falls Hospital for Medical Consultant in connection with Public Health Nursing Programs was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brezinski, Weakley (2).

On motion of Mr. Russell, seconded by Mr. Bono, Report and Resolution No. 203 sponsored by the Committee on Human Resources and the Committee on Ways and Means accepting grant and amending budget for Healthy Families Program was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brezinski, Weakley (2).

On motion of Mr. Schrader, seconded by Mr. Campione, Report and Resolution No. 204 sponsored by the Committee on Natural Resources and the Committee on Ways and Means approving agreement for engineering services for Herkimer County Sewer District was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brezinski, Weakley (2).

On motion of Mr. Smith, seconded by Mr. Ackerman, Report and Resolution No. 205 sponsored by the Committee on Human Resources and the Committee on Ways and Means approving staffing change in Mental Health Services was handed up; voted on and adopted by roll call vote:

For: Malta, Markwardt, Schrader, Wellington, Johnson, Stephens, Keeler, Manno, Smith, Bono, Ackerman, Peplinski, Campione, Russell, Shaw (15).

Against: None.

Absent: Brezinski, Weakley (2).

On motion of Mr. Bono, seconded by Mr. Smith, Report and Resolution No. 206 sponsored by the Committee on Human Resources and the Committee on Ways and Means authorizing extension of contract with Catholic Charities of Herkimer County and the Department of Social Services for a Youth Violence Prevention Program for Schools in Herkimer County was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brezinski, Weakley (2).

On motion of Mr. Russell, seconded by Mr. Stephens, Report and Resolution No. 207 sponsored by the Committee on Highways and the Committee on Ways and Means approving staffing change in Highway Department was handed up; voted on and adopted by roll call vote:

For: Malta, Markwardt, Schrader, Wellington, Johnson, Stephens, Keeler, Manno, Smith, Bono, Ackerman, Peplinski, Campione, Russell, Shaw (15).

Against: None.

Absent: Brezinski, Weakley (2).

On motion of Mr. Smith, seconded by Mr. Markwardt, Report and Resolution No. 208 sponsored by the Committee on Human Resources and the Committee on Ways and Means accepting grant and authorizing contract in Department of Social Services for Non-Residential Domestic Violence Program was handed up; voted on and adopted by voice vote:

For: Ayes (15). Against: None.

Absent: Brezinski, Weakley (2).

On motion of Mr. Johnson, seconded by Mr. Markwardt, Report and Resolution No. 209 sponsored by the Committee on County Properties and the Committee on Ways and Means amending Resolution No. 182 of 2016 authorizing contract for a building maintenance management program was handed up; voted on and adopted by voice vote:

For: Ayes (15). Against: None.

Absent: Brezinski, Weakley (2).

On motion of Mr. Stephens, seconded by Mr. Campione, Report and Resolution No. 210 sponsored by the Committee on Highways approving projects under Article 6 of the Highway Law was handed up; voted on and adopted by voice vote:

For: Ayes (15). Against: None.

Absent: Brezinski, Weakley (2).

On motion of Mr. Johnson, seconded by Mr. Ackerman, Report and Resolution No. 211 sponsored by the Committee on County Properties and the Committee on Ways and Means extending lease with Friends of Historic Herkimer County for the 1834 Jail was handed up; voted on and adopted by voice vote:

For: Ayes (15). Against: None.

Absent: Brezinski, Weakley (2).

On motion of Mr. Johnson, seconded by Mr. Malta, Report and Resolution No. 212 sponsored by the Committee on Ways and Means and the Committee on County Properties approving Project Memorandum to rectify flooring issue in Real Property Tax Service was handed up; voted on and adopted by voice vote:

For: Ayes (15). Against: None.

Absent: Brezinski, Weakley (2).

On motion of Mr. Smith, seconded by Mr. Bono, Report and Resolution No. 213 sponsored by the Committee on Human Resources reappointing Commissioner of Social Services was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brezinski, Weakley (2).

Mr. Seymour thanked the Legislature for the reappointment and for the Legislature's continued support of the Social Services Department.

On motion of Mr. Schrader, seconded by Mr. Stephens, Resolution No. 214 sponsored by the Committee on Highways and the Committee on Ways and Means making appointment to position of County Highway Superintendent was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brezinski, Weakley (2).

Mark Nagele thanked the Legislature for the opportunity to serve as County Highway Superintendent and looked forward to working with the Legislature.

On motion of Mr. Schrader, seconded by Mr. Stephens, Report and Resolution No. 215 sponsored by the Committee on Administration/Veterans' Affairs and the Committee on Ways and Means awarding contract for Imaging System for Herkimer County Clerk's Office was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brezinski, Weakley (2).

On motion of Mr. Russell, seconded by Mr. Stephens, Report and Resolution No. 216 sponsored by the Committee on Public Safety/Emergency Management and the Committee on Ways and Means awarding contract for professional services in connection with McCauley Mountain Tower Visual Impact Study was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brezinski, Weakley (2).

On motion of Mr. Wellington, seconded by Mr. Shaw, Resolution No. 217 sponsored by the Committee on Ways and Means urging Governor Cuomo to sign into law Public Defense Mandate Relief Act (S.8114/A.10706) was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brezinski, Weakley (2).

On motion of Mr. Johnson, seconded by Mr. Markwardt, Resolution No. 218 of the Committee on Administration/Veterans' Affairs and the Committee on Human Resources calling on the Governor and State Legislature to amend and improve Family First Prevention Services Act of 2016 to Ensure Essential Fiscal Resources are Maintained to Support Families in Need was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brezinski, Weakley (2).

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

At 8:03 p.m., on motion of Mr. Manno, seconded by Mr. Wellington, the Legislature adjourned to Wednesday, October 5, 2016 at 2:00 p.m.

Carole L. LaLonde, Clerk



HERKIMER COUNTY LEGISLATURE

No. 191

REPORT AND RESOLUTION ADOPTING ANNUAL REPORT OF THE HERKIMER COUNTY PROBATION DEPARTMENT

Sponsored by: Committee on Public Safety/Emergency Management

Your Committee on Public Safety/Emergency Management, to which was referred the Annual Report of the Herkimer County Probation Department for the year 2015, respectfully reports that we have examined the same, recommend the adoption of said report, and offer the following Resolution:

RESOLVED, that the Annual Report of the Herkimer County Probation Department be approved and placed on file with the Herkimer County Legislature for the year 2015.

Dated: September 14, 2016.



HERKIMER COUNTY LEGISLATURE

No. 192

REPORT AND RESOLUTION ADOPTING ANNUAL FINANCIAL REPORT OF THE HERKIMER COUNTY TREASURER

Sponsored by: Committee on Ways and Means

Your Committee on Ways and Means, to which was referred the Annual Financial Report of the Herkimer County Treasurer for the year 2015, respectfully reports that we have examined the same, recommend its adoption and offer the following Resolution:

RESOLVED, that the Annual Financial Report of the Herkimer County Treasurer for the year 2015 be adopted and placed on file with the Herkimer County Legislature for the year 2015.

Dated: September 14, 2016.



HERKIMER COUNTY LEGISLATURE

No. 193

REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS APPROVING ANNUAL REPORT OF THE REAL PROPERTY TAX OFFICE

Sponsored by: Committee on Ways and Means

WHEREAS, your Committee on Ways and Means, to which was referred the communication from the Director of the Real Property Tax Service Agency, submitting the 2015 Annual Report of the Herkimer County Real Property Tax Office, respectfully reports that we have examined the said report, recommend that it be adopted and offer the following Resolution:

RESOLVED, that the 2015 Annual Report of the Herkimer County Real Property Tax Office hereby is adopted and that a copy thereof be placed on file with the Herkimer County Legislature for the year 2015.

Dated: September 14, 2016.



HERKIMER COUNTY LEGISLATURE

No. 194

REPORT AND RESOLUTION AUTHORIZING TRANSFERS OF FUNDS

Sponsored by: Committee on Ways & Means

WHEREAS, your Committee on Ways and Means, to which was referred communications from Sheri Ferdula, Budget Officer, dated August 17, 2016, submitting requests for transfers of funds, reports that we have examined said communications, inquired into the subject matters thereof, and recommend that said transfers be made and offer the following Resolution:

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized and directed to transfer the following sums from and to the following accounts in the 2016 Budget:

\$166,585	From: A6109.40000, Family Assistance, Contractual Expense To: A6123.40000, Juvenile Delinquent, Contractual Expense
\$3,800	From: A6109.40000, Family Assistance, Contractual Expense To: A6011.10000-001, SNAP, Salaries
\$10,500	From: A6109.40000, Family Assistance, Contractual Expense To: A6012.10000-001, Managed Care, Salaries
\$25,000	From: A4010.44000-521A, Public Health Nurses, MILOR To: A4074.41000, Biologicals, Supplies

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 Director of Public Health.

Dated: September 14, 2016.



HERKIMER COUNTY LEGISLATURE

No. 195

REPORT AND RESOLUTION APPROVING 2017 STOP-DWI PLAN

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

WHEREAS, the New York State Legislature, by Chapter 913 of the Laws of 1981, established a Special Traffic Options Program for Driving While Intoxicated; and

WHEREAS, the said Law provides for the establishment of such a program by the counties of the State of New York; and

WHEREAS, the Herkimer County Legislature authorized by Resolution No. 270 for the year 1981, participation by the County of Herkimer in the STOP-DWI Program; and

WHEREAS, by letter dated August 16, 2016, Michael L. Edwards, STOP-DWI Coordinator, has submitted the STOP-DWI Plan for the year 2017 for approval by this Legislature; now, therefore, be it

RESOLVED:

1. That the Herkimer County Legislature hereby approves the STOP-DWI Plan for 2017;
2. That the funds accrued in the year 2016 and prior thereto be expended for the continuance of the STOP-DWI Program;
3. That the STOP-DWI Coordinator and Advisory Board submit timely reports regarding revenue obtained and expended within limits previously approved, to the appropriate committees of the County Legislature;
4. That the previous resolutions regarding the STOP-DWI Program be continued as resolved;
5. That certified copies of this Resolution be forwarded to the County Treasurer, Auditor, Budget Officer, STOP-DWI Coordinator and the New York State Department of Motor Vehicles.

Dated: September 14, 2016.



HERKIMER COUNTY LEGISLATURE

No. 196

REPORT AND RESOLUTION REGARDING INTRODUCTORY LOCAL LAW NO. 2 FOR 2016

Sponsored by: Committee on Ways and Means

Your Committee on Ways and Means of the Herkimer County Legislature desires to report that on the 14th day of September, 2016, pursuant to Resolution No. 190, it held a public hearing on the adoption of Introductory Local Law No. 2 for 2016 entitled, "A LOCAL LAW TO IMPOSE A MORTGAGE RECORDING TAX WITHIN THE COUNTY OF HERKIMER", and that there were no appearances and no objections at the said public hearing; that your Committee advises the adoption and enactment of the said Introductory Local Law and offers the following Resolution:

RESOLVED, that Introductory Local Law No. 2 for 2016 be adopted in form attached hereto.

Dated: September 14, 2016.

INTRODUCTORY LOCAL LAW NO. 2 – 2016

LOCAL LAW NO. 2 – 2016

A LOCAL LAW TO IMPOSE A MORTGAGE RECORDING TAX WITHIN THE COUNTY OF HERKIMER

Be it enacted by the County Legislature of the County of Herkimer as follows:

Section 1. Imposition of Tax

Pursuant to Section 253-u of the Tax Law, as amended by Chapter 125 of the Laws of 2016, there is hereby imposed in the County of Herkimer a tax of \$0.25 for each \$100 and each remaining major fraction thereof of principal debt or obligation, which is or under any contingency may be secured at the date of execution thereof or at any time thereafter, by a mortgage on real property situated within the County of Herkimer and recorded on and after December 1, 2016, and a tax of \$0.25 on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than \$100.00. This local law hereby continues without interruption the imposition of the Herkimer County Mortgage Recording Tax as authorized by Herkimer County Local Law No. 3 for 2005.

Section 2. Applicability

The taxes imposed under the authority of this local law shall be administered and collected in the same manner as the taxes imposed under Section 253.1 and Section 255.1(b) of the Tax Law.

Section 3. Additional Taxes

A tax imposed pursuant to this local law shall be in addition to the taxes imposed by Section 253 of the Tax Law.

Section 4. Payment of Taxes

The tax imposed pursuant to this local law shall be payable on the recording of each mortgage of real property subject to taxes thereunder. Such tax shall be paid to the recording officer of the county in which the real property or any part thereof is situated. Where such property is situated within and without the county imposing this tax, the recording officer of the jurisdiction in which the mortgage is first recorded shall be required to collect the taxes imposed herein. It shall be the duty of such recording officer to endorse upon each mortgage a receipt for the amount of the tax so paid. Any mortgage so endorsed may thereupon or thereafter be recorded by any recording officer and the receipt of such tax endorsed upon each mortgage shall be recorded therewith. The record of such receipt shall be conclusive proof that the amount of tax stated therein has been paid upon such mortgage.

Section 5. Real Property Located in More than One County

Where real property covered by the mortgage subject to the tax imposed pursuant to this local law is situated in the State of New York but within and without the County of Herkimer, the amount of such tax due and payable to the County of Herkimer shall be determined in a manner similar to that prescribed in the first paragraph of Section 260 of the Tax Law.

Where such property is situated both within Herkimer County and without the State, the amount due and payable in Herkimer County shall be determined in the manner prescribed in the second paragraph of such Section 260.

Section 6. Disposition of Taxes

Notwithstanding any provision of Article 11 of the Tax Law to the contrary, the balance of all monies paid to the recording officer of the County of Herkimer during each month upon account of the tax imposed pursuant to this local law, after deduction of the necessary expenses of his office as provided in Section 262 of the Tax Law, except taxes paid upon mortgages which under the provisions of this local law or Section 260 of the Tax Law are first to be apportioned by the New York State Commissioner of Taxation and Finance, shall be paid over by such officer on or before the tenth day of each succeeding month to the Treasurer of the County of Herkimer and, after the deduction by such Treasurer of the necessary expenses of his or her office provided in Section 262 of the Tax Law, shall be deposited in the General Fund of the County of Herkimer for expenditure on any county purpose. Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property situated in two or more counties, which under the provisions of this local law or Section 260 of the Tax Law are first to be apportioned by the Commissioner of Taxation and Finance, shall be paid over by the recording officer receiving the same as provided by the determination of the Commissioner.

Section 7. Expiration Date

The tax imposed by this local law shall be effective from December 1, 2016 to December 1, 2018.

Section 8. Effective Date

This local law shall become effective on the first day of December, 2016, provided that a certified copy thereof is mailed by registered or certified mail to the Commissioner of Taxation and Finance at the Commissioner's Office in Albany at least thirty days prior to the date the local law shall take effect. Certified copies of any local law described in this section shall also be filed with the Herkimer County Clerk, the Secretary of State and the State Comptroller within five days after the local law is duly enacted.

Dated: September 14, 2016.



HERKIMER COUNTY LEGISLATURE

No. 197

REPORT AND RESOLUTION AMENDING BUDGET AND AUTHORIZING CONTRACT IN CONNECTION WITH RECEIPT OF GRANT FUNDS FOR PUBLIC HEALTH EMERGENCY PREPAREDNESS

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

WHEREAS, by letter dated August 2, 2016, from Christina Cain, Director of Public Health, this Legislature is advised of receipt of a Public Health Emergency Preparedness Grant for the period from July 1, 2016 to June 30, 2017 in the amount of \$52,096 and requests a contract with the State of New York to provide reimbursement of expenses incurred by Herkimer County in the development of plans under said grant; and

WHEREAS, by letter dated August 2, 2016 from Sheri A. Ferdula, Budget Officer, this Legislature is advised of a request to amend the 2016 Operating Budget (PH01-14) in connection with the receipt of said funding; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a contract with the State of New York for a Public Health Emergency Preparedness Grant for the period from July 1, 2016 to June 30, 2017 in the amount of \$52,096, to provide reimbursement for expenses incurred by Herkimer County in the development of a Public Health Emergency Preparedness Plan; and, be it further

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

Revenue Account:	A4188-4033-PH01-14, Bioterrorism	From:	\$0
		To:	\$52,096
Expense Account:	A4188.25000-PH01-14, Bioterrorism, Other Equip.	From:	\$0
		To:	\$15,000
	A4188.41000-PH01-14, Bioterrorism, Supplies	From:	\$0
		To:	\$3,919
	A4188.42100-295-PH01-14, Bioterrorism, Cell Phones	From:	\$0
		To:	\$3,500
	A4188.42100-298-PH01-14, Bioterrorism, Internet	From:	\$0
		To:	\$2,400
	A4188-44000-PH01-14, Bioterrorism, Cont. Svcs.	From:	\$0
		To:	\$15,000
	A4188.46000-PH01-14, Bioterrorism, Misc. Exp.	From:	\$0
		To:	\$11,277
	A4188-46100-PH01-14, Bioterrorism, Mileage/Travel	From:	\$0
		To:	\$1,000

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: September 14, 2016.



HERKIMER COUNTY LEGISLATURE

No. 198

REPORT AND RESOLUTION AUTHORIZING CONTRACTS FOR THE YOUTH PROGRAMS FOR 2016 AND AMENDING BUDGET

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

WHEREAS, by letter dated August 4, 2016 from Regina Giacovelli, Executive Director of the Herkimer County Youth Bureau, this Legislature is advised that the New York State Office of Children and Family Services has approved Herkimer County's Resource Allocation Plan (RAP) for 2016, which includes requested State aid in the amount of \$114,124; and

WHEREAS, by said letter the Executive Director of the Herkimer County Youth Bureau, advises that the Youth Bureau now desires to enter into contracts for 2016 with local agencies for the implementation of the Youth Development Program and the Runaway and Homeless Youth Program; and

WHEREAS, by letter dated August 22, 2016 from Sheri Ferdula, Budget Officer, this Legislature is advised that it will be necessary to amend the 2016 in connection with said funding; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute contracts, subject to reimbursement from the State of New York, with the following agencies in the amounts listed:

Youth Development Program - (100% state funded)

Little Falls YMCA, School's Out Scholarship Program - \$ 6,186

Little Falls YMCA, Unsupervised Youth Alternatives - \$4,400.00

Little Falls Family YMCA, 15 Jackson St, Little Falls NY, 13365

Catholic Charities of Herkimer County, Domestic Violence Program - \$3,850.00

Catholic Charities of Herkimer County, 61 West St, Ilion, NY 13357

Runaway and Homeless Youth (60% state funding, 20% agency match, 20% county match)

Catholic Charities of Herkimer County, Runaway and Homeless Youth Program –

\$18,218.00 – state share,

\$ 6,073.00 - Catholic Charities match,

\$ 6,073.00 - Herkimer County match.

Total contract amount = \$30,364.00

Center for Family Life and Recovery, Short Term Prevention Services - \$6,790.00

Center for Family Life and Recovery, 502 Court St., Suite 401, Utica, NY 13502

Town of Frankfort Summer Recreation Program - \$856.00

c/o Joseph Kinney, Supervisor, 140 S. Litchfield St., Frankfort, NY 13340

Town of Russia Summer Recreation Program - \$500.00

c/o Frances Donley, Supervisor, PO Box 126, 8916 N. Main St., Poland, NY 13431



HERKIMER COUNTY LEGISLATURE

No. 198

REPORT AND RESOLUTION AUTHORIZING CONTRACTS FOR THE YOUTH PROGRAMS FOR 2016 AND AMENDING BUDGET

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

WHEREAS, by letter dated August 4, 2016 from Regina Giacobelli, Executive Director of the Herkimer County Youth Bureau, this Legislature is advised that the New York State Office of Children and Family Services has approved Herkimer County's Resource Allocation Plan (RAP) for 2016, which includes requested State aid in the amount of \$114,124; and

WHEREAS, by said letter the Executive Director of the Herkimer County Youth Bureau, advises that the Youth Bureau now desires to enter into contracts for 2016 with local agencies for the implementation of the Youth Development Program and the Runaway and Homeless Youth Program; and

WHEREAS, by letter dated August 22, 2016 from Sheri Ferdula, Budget Officer, this Legislature is advised that it will be necessary to amend the 2016 in connection with said funding; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute contracts, subject to reimbursement from the State of New York, with the following agencies in the amounts listed:

Youth Development Program - (100% state funded)

Little Falls YMCA, School's Out Scholarship Program - \$ 6,186
Little Falls YMCA, Unsupervised Youth Alternatives - \$4,400.00
Little Falls Family YMCA, 15 Jackson St, Little Falls NY, 13365

Catholic Charities of Herkimer County, Domestic Violence Program - \$3,850.00
Catholic Charities of Herkimer County, 61 West St, Ilion, NY 13357

Runaway and Homeless Youth (60% state funding, 20% agency match, 20% county match)

Catholic Charities of Herkimer County, Runaway and Homeless Youth Program –
\$18,218.00 – state share,
\$ 6,073.00 - Catholic Charities match,
\$ 6,073.00 - Herkimer County match.
Total contract amount = \$30,364.00

Center for Family Life and Recovery, Short Term Prevention Services - \$6,790.00
Center for Family Life and Recovery, 502 Court St., Suite 401, Utica, NY 13502

Town of Frankfort Summer Recreation Program - \$856.00
c/o Joseph Kinney, Supervisor, 140 S. Litchfield St., Frankfort, NY 13340

Town of Russia Summer Recreation Program - \$650.00
c/o Frances Donley, Supervisor, PO Box 126, 8916 N. Main St., Poland, NY 13431

Richfield Springs Community Center - \$500.00

Richfield Springs Youth Ministry Corp., PO Box 108 Richfield Springs, NY 13439

KYAC – Kommunity Youth Activity Center - \$650.00

PO Box 214, 110 Crosby Lane, Old Forge, NY 13420

and, be it further

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

Revenue Account:	A7310.3820B, Youth Bureau, State Aid	From:	\$77,305
		To:	\$79,124
Expense Account:	A7310.44000, Youth Bureau, Cont. Svcs.	From:	\$161,000
		To:	\$162,819

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

Dated: September 14, 2016.



HERKIMER COUNTY LEGISLATURE

No. 199

REPORT AND RESOLUTION AUTHORIZING CONTRACT RENEWAL FOR OFFICE FOR AGING FOR MIPPA/ADRC FUNDING

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

WHEREAS, by letter dated August 22, 2016 from Kathy Fox, Director of the Office for the Aging, this Legislature is advised of a request to submit an additional application to receive MIPPA (Medicare Improvements for Patients & Providers Act)/ADRC (Aging and Disabilities Resource Center) funding; the purpose of this funding is to provide health insurance information, counseling and assistance to older individuals and their families; MIPPA/ADRC is specifically designed to outreach and provide direct application assistance to Medicare beneficiaries who are likely to be eligible for the Medicare Part D Low-Income Subsidy, the Medicare Savings Program, and to provide information about wellness/prevention programs; a portion of the funding is allocated to NY Connects under the ADRC portion of the grant; a portion of the funds (\$200) will be used by the Office for the Aging to provide community presentations and to distribute information about the programs; the grant period is from September 30, 2016 through September 29, 2017, with an estimated award to be \$9,960.00; and

WHEREAS, said letter further requests a contract with Catholic Charities of Herkimer County to administer said Program in the amount of \$9,760.00 to be used for the Health Insurance Information and Counseling Program (HIICAP); now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute all necessary documents in connection with the receipt of funding for the MIPPA/ADRC Program in the amount of \$9,960.00, with said grant period to be from September 30, 2016 through September 29, 2017; and, be it further

RESOLVED, that the Chairman of this Legislature is further authorized to execute a contract with Catholic Charities of Herkimer County, 61 West Street, Ilion, New York, in the amount of \$9,760 to administer said Program; and, be it further

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

Dated: September 14, 2016.

A6786.83500, Aging, BIP, Medicare	From:	\$0
	To:	\$ 48.18
A6786.84000, Aging, BIP, Workers Comp	From:	\$0
	To:	\$ 47.76
A6786.86000, Aging, BIP, Hcalth Ins.	From:	\$0
	To:	\$ 404.87
A6786.86500, Aging, BIP, Dental	From:	\$0
	To:	\$ 14.55

And, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute all necessary documents required to receive funding on behalf of the County of Herkimer for a Balance Incentive Program (BIP) Caregiver Support Program grant in the amount of \$20,000, with said grant to be for the period from April 1, 2015 through June 30, 2017; and, be it further

RESOLVED, that said program shall continue so long as 100% reimbursement is available from the State of New York; and, be it further

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

Dated: September 14, 2016.



HERKIMER COUNTY LEGISLATURE

No. 200

REPORT AND RESOLUTION AUTHORIZING APPLICATION FOR FUNDING IN CONNECTION WITH BALANCE INCENTIVE PROGRAM – CAREGIVER SUPPORT PROGRAM

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

WHEREAS, by Resolution No. 129 for the year 2015, this Legislature authorized the Chairman to execute all necessary documents required to request and implement funding on behalf of the County of Herkimer to receive a Balance Incentive Program (BIP) Caregiver Support Program grant in the amount of \$20,000, which will increase offerings and access to non-institutional long term services and support for caregivers and their Medicaid-eligible loved ones; and

WHEREAS, by letter dated August 19, 2016 from Kathy L. Fox, Director of the Office for the Aging, this Legislature is advised of a request to establish accounts for said Balance Incentive Program (BIP) Caregiver Support Program, with said grant to be for the period from April 1, 2015 through June 31, 2017; and

WHEREAS, by letter dated August 2, 2016 from Sheri A. Ferdula, Budget Officer, this Legislature is advised of a request to amend the 2016 Operating Budget in connection with the receipt of said funding; now, therefore, be it

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

Revenue Account:	A6786.3786, Aging, BIP, Caregiver	From:	\$-0-
		To:	\$20,000.00
Expense Account:	A6786.10000-001, Aging, BIP, Salaries	From:	\$-0-
		To:	\$ 3,322.47
	A6786.41000, Aging, BIP, Supplies	From:	\$-0-
		To:	\$ 243.90
	A6786.44000, Aging, BIP, Cont. Svcs.	From:	\$-0-
		To:	\$13,805.00
	A6786.46100, Aging, BIP, Mileage	From:	\$-0-
		To:	\$ 950.00
	A6786.81000, Aging, BIP, Retirement	From:	\$-0-
		To:	\$ 930.29
	A6786.83000, Aging, BIP, Social Security	From:	\$-0-
		To:	\$ 232.98



HERKIMER COUNTY LEGISLATURE

No. 201

RESOLUTION AUTHORIZING EXTENSION OF TEMPORARY STAFFING IN HERKIMER COUNTY OFFICE FOR AGING

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

WHEREAS, pursuant to Resolution No. 29 adopted January 29, 2015, a position of temporary full-time Aging Services Assistant was established, which was 100% funded under the Balance Incentive Program, which is a program to assist individuals who are Medicaid or Medicaid eligible in obtaining in-home services, which position was extended by Resolution No. 200 of 2015 through the end of the current grant to December 31, 2016; and

WHEREAS, by letter dated August 19, 2016, Kathy A Fox, Director of the Herkimer County Office for the Aging, has advised that said grant has been further extended and requests said position be continued until the end of the new grant period which shall be March 31, 2018; now, therefore, be it

RESOLVED, that the temporary full-time position of Aging Services Assistant in the Herkimer County Office for the Aging is hereby extended from December 31, 2016 through March 31, 2018; and, be it further

RESOLVED, that said position shall continue so long as 100% funded under the Balance Incentive Grant of the Office for the Aging; and, be it further

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

Dated: September 14, 2016.



HERKIMER COUNTY LEGISLATURE

No. 202

REPORT AND RESOLUTION AUTHORIZING AGREEMENT WITH LITTLE FALLS HOSPITAL FOR SERVICES OF MEDICAL CONSULTANT IN CONNECTION WITH PUBLIC HEALTH NURSING PROGRAMS

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

WHEREAS, by letter dated August 1, 2016, Christina Cain, Director of Public Health, has requested approval for an updated contract with Little Falls Hospital for the services of a Medical Consultant, which is a mandated requirement under New York State Department of Health Article 28 regulations; and

WHEREAS, under said agreement Little Falls Hospital will provide the County with the services of Richard Nocella, D.O., a licensed physician who shall provide both administrative and/or clinical assistance, to act as Medical Consultant for Herkimer County Public Health Nursing, with the County to pay the Hospital the sum of \$83.00 per hour portal-to-portal, with a minimum of one hour per week; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an agreement with Little Falls Hospital, 140 Burwell Street, Little Falls, New York, for the provision a licensed physician to act as Medical Consultant for the Herkimer County Public Health Nursing services programs, at a cost of \$83.00 per hour, portal to portal, with said agreement to 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 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, Director of Public Health and Little Falls Hospital.

Dated: September 14, 2016.



HERKIMER COUNTY LEGISLATURE

No. 203

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 August 19, 2016, Christina Cain, Director of Public Health, has requested renewal of the grant for the Healthy Families New York Home Visiting Program, which grant will provide for home visit services to pregnant women before and after delivery, in an effort to improve 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 August 19, 2016, from Sheri A. Ferdula, Budget Officer, this Legislature is advised that it will be necessary to amend the 2016 Herkimer County Budget in connection with the receipt of said grant in the amount of \$284,434.00; 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 Department of Health to receive the 2016 Healthy Families Grant for Herkimer County in the amount of \$284,434.00 for the period September 1, 2016 to August 31, 2017; and, be it further

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

Revenue Account:	A4189H-4401-PH13-10	From:	\$0
		To:	\$284,434
Expense Account:	A4189H-41000-PH13-10	From:	\$0
		To:	\$400
	A4189H-44000-PH13-10	From:	\$0
		To:	\$283,934
	A4189H-46300-PH13-10	From:	\$0
		To:	\$100

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

Dated: September 14, 2016.



HERKIMER COUNTY LEGISLATURE

No. 204

REPORT AND RESOLUTION APPROVING AGREEMENT FOR ENGINEERING SERVICES FOR HERKIMER COUNTY SEWER DISTRICT

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

WHEREAS, by letter dated July 26, 2016, this Legislature has advised that by action on July 20, 2016, the Herkimer County Sewer District Board adopted a resolution approving a contract with GHD Consulting Services, Inc., Engineers, to provide a response and update to the Local Limits for certain pollutants in connection with the five-year reporting requirement per United States Environmental Protection Agency regulations, at a cost of \$3,800.00; and

WHEREAS, this Resolution has been forwarded to the Herkimer County Legislature for approval prior to its becoming effective; now, therefore, be it

RESOLVED, that this Legislature hereby approves a resolution duly adopted by the Herkimer County Sewer District Board on July 20, 2016, approving an agreement with GHD Consulting Services, Inc., Engineers, 1 Remington Park Drive, Cazenovia, New York 13035, to provide a response and update to the Local Limits for certain pollutants in connection with the five-year reporting requirement per United States Environmental Protection Agency regulations, at a cost of \$3,800.00; and, be it further

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

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

Dated: September 14, 2016.



HERKIMER COUNTY LEGISLATURE

No. 205

REPORT AND RESOLUTION APPROVING STAFFING CHANGE IN MENTAL HEALTH SERVICES

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

WHEREAS, by letter dated August 9, 2016, Kristen Snyder-Branner, Director of Community Services, has requested a staffing change in Herkimer County Mental Health Services; and

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

RESOLVED, that Salary Schedule III is hereby amended under A4320, Mental Health Department Programs, to delete one position of Registered Professional Nurse and to establish one additional position of Community Health Nurse at the rate established pursuant to the CSEA contract; and, be it further

RESOLVED, that said change shall take effect this date; and, be it further

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

Dated: September 14, 2016.



HERKIMER COUNTY LEGISLATURE

No. 206

REPORT AND RESOLUTION AUTHORIZING EXTENSION OF CONTRACT WITH CATHOLIC CHARITIES OF HERKIMER COUNTY AND THE DEPARTMENT OF SOCIAL SERVICES FOR A YOUTH VIOLENCE PREVENTION PROGRAM FOR SCHOOLS IN HERKIMER COUNTY

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

WHEREAS, by Resolution No. 147 for the year 2010, this Legislature authorized a contract between Catholic Charities of Herkimer County and the Herkimer County Department of Social Services for the provision of the TREATY Program (Teaching Reconciliation in Education to Administrators, Teachers and Youth) in an effort to help reduce the threat of bullying and youth violence in local schools; and

WHEREAS, said contract has been renewed each year, the most recent being by Resolution No. 244 of 2015; and

WHEREAS, by letter dated August 15, 2016 from Timothy Seymour, Commissioner of Social Services, this Legislature is advised of a request to enter into an extension of said contract with Catholic Charities of Herkimer County, to provide said TREATY Program for the 2016-2017 school year, at a total contract cost of \$30,000; now, therefore, be it

RESOLVED, that this Legislature hereby approves an extension of a contract with Catholic Charities of Herkimer County, 61 West Street, Ilion, New York, and the Herkimer County Department of Social Services, for the provision of the TREATY Program for the 2016-2017 school year to help control the threat of youth violence in schools, at a cost of \$30,000; and, be it further

RESOLVED, that under this contract sufficient funds have been budgeted and all schools in Herkimer County will be invited to participate in said TREATY Program; and, be it further

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

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Commissioner of Social Services, Executive Director of the Youth Bureau and Catholic Charities of Herkimer County.

Dated: September 14, 2016.



HERKIMER COUNTY LEGISLATURE

No. 207

REPORT AND RESOLUTION APPROVING STAFFING CHANGE IN HERKIMER COUNTY HIGHWAY DEPARTMENT

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

WHEREAS, by letter dated August 10, 2016, Jay W. Ewanyk, County Highway Superintendent, has requested a staffing change in the Herkimer County Highway Department; and

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

RESOLVED, that Salary Schedule III is hereby amended under D5110, Highway Department, to delete one position of Senior Account Clerk Typist and to establish one position of Senior Account Clerk at the rate established pursuant to the CSEA contract; and, be it further

RESOLVED, that said change shall take effect October 3, 2016; 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 Highway Superintendent.

Dated: September 14, 2016.



HERKIMER COUNTY LEGISLATURE

No. 208

REPORT AND RESOLUTION ACCEPTING GRANT AND AUTHORIZING CONTRACT IN DEPARTMENT OF SOCIAL SERVICES FOR NON-RESIDENTIAL DOMESTIC VIOLENCE PROGRAM

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

WHEREAS, by letter dated July 29, 2016 from Timothy J. Seymour, Commissioner of Social Services, this Legislature is advised of the award of 2016-2017 funding in the amount of \$24,999 from the New York State Office of Children and Family Services to expand/enhance core services provided by approved Non-Residential Domestic Violence Services, and further requests a contract be entered into with Catholic Charities of Herkimer County to provide these services; now, therefore, be it

RESOLVED, that this Legislature accepts 2016-2017 funding from the New York State Office of Children and Family Services and authorizes an agreement between Catholic Charities of Herkimer County, 61 West Street, Ilion, New York, and the Herkimer County Department of Social Services, for the provision of Non-Residential Domestic Violence Services, in the amount of \$24,999.00; and, be it further

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

RESOLVED, that said program shall continue so long as 100% reimbursement is available from the State of New York; 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 Catholic Charities of Herkimer County.

Dated: September 14, 2016.



HERKIMER COUNTY LEGISLATURE

No. 209

REPORT AND RESOLUTION AMENDING RESOLUTION NO. 182 OF 2016 AUTHORIZING CONTRACT FOR A BUILDING MAINTENANCE MANAGEMENT PROGRAM

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

WHEREAS, by Resolution No. 182 adopted on July 27, 2016, this Legislature authorized a contract with Facility Dude of North Carolina, in the amount of \$31,001, to provide an online maintenance system and facility assessment of all county buildings with the exception of Highway and the Sewer District; and

WHEREAS, by letter dated August 19, 2016, Sheri Ferdula, Budget Officer, has advised that an assessment on the Old Jail building is not feasible at this time and requests that the Courthouse located on North Main Street be included in the program for an additional \$650.00; now, therefore, be it

RESOLVED, that Resolution No. 182 adopted on July 27, 2016, is hereby amended in the First Resolved Clause to delete the sum of \$31,001.00 and replace it with the sum of \$31,651.00; and, be it further

RESOLVED, that the Chairman of the Legislature is hereby authorized to sign an amendment of the contract with Facility Dude, 11000 Regency Parkway #110, Cary, North Carolina 27518, to reflect the aforesaid change; and, be it further

RESOLVED, that in all other respects, said Resolution No. 182 adopted July 27, 2016 is hereby ratified and confirmed; and, be it further

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

Dated: September 14, 2016.



HERKIMER COUNTY LEGISLATURE

No. 210

REPORT AND RESOLUTION APPROVING PROJECTS UNDER ARTICLE 6, SECTION 116 OF THE HIGHWAY LAW

Sponsored by: Committee on Highways

WHEREAS, your Committee on Highways, to which was referred the letter of Jay W. Ewanyk, County Superintendent of Highways, dated August 19, 2016 submitting three copies each of statements under Article 6 of the Highway Law designating work to be done with County Road Fund monies during the year 2017 covering two projects involved in the Capital Construction Program, respectfully reports that we have examined said statements contained in said communication from and signed by the County Superintendent of Highways, recommend its adoption and offer the following Resolution:

RESOLVED, that the statements under Article 6 of the Highway Law which designates work to be done with County Road Fund monies be, and hereby are, approved by the County Legislature of the County of Herkimer for the following projects involved in the Capital Construction Program, to be funded as listed:

project no.	road/location	TYPE OF PROJECT (SEE ARTICLE 6)	estimated cost
364	Newport Gray Road, CR 111 Town of Norway Stream bank restoration	Stream bank restoration	\$60,000.00
365	Creek Road, CR 102 Town of Danube Stream bank restoration	Stream bank restoration	\$100,000.00

And, be it further

RESOLVED, that these projects will be funded by State and Municipal Facilities Program (SAM) grants administered by The Dormitory Authority State of New York (DASNY), with the County to appropriate and pay all costs for the projects prior to receiving one hundred percent (100%) reimbursement through the New York State Dormitory Authority and with said projects to be contingent upon grant funding approval; and, be it further

RESOLVED, that the Chairman of the Legislature is hereby authorized to sign the Grant Distribution Agreement and Grantee Certification on behalf of the County of Herkimer; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the County Treasurer, County Auditor and County Highway Superintendent.

Dated: September 14, 2016.



HERKIMER COUNTY LEGISLATURE

No. 211

REPORT AND RESOLUTION EXTENDING A LEASE WITH FRIENDS OF HISTORIC HERKIMER COUNTY FOR THE 1834 JAIL

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

WHEREAS, the Friends of Historic Herkimer County has been incorporated as an education corporation for the purpose of, among other things, preserving, promoting and helping maintain historic sites, structures and locations in Herkimer County and its vicinity, including the 1834 Jail; and

WHEREAS, by Resolution No. 117 of 2007, Resolutions 268 of 2008 and 284 of 2012, this Legislature entered into a lease agreement with the Friends of Historic Herkimer County for the 1834 Jail premises, for the purpose of allowing the Friends of Historic Herkimer County to preserve, promote and help maintain the premises; to conduct meetings of the organization on the premises; to arrange for and conduct historic tours of the premises; to make necessary repairs to the premises in order to preserve the same and to maintain the premises; and such other and further uses as may be approved by the Herkimer County Legislature; and

WHEREAS, by letter received on August 3, 2016, the Friends of Historic Herkimer County have made a request to renew the lease agreement, by signing a new lease extension agreement and the Friends of Historic Herkimer County agree that they shall be responsible for making all necessary repairs to the premises and shall maintain the premises at its own cost and expense, shall not sublet the premises or allow other use of the premises without the advance written approval of the County Legislature, shall be responsible for the payment of all utilities, with the right of either party to terminate the lease upon giving ninety days prior written notice; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a lease agreement extension with the Friends of Historic Herkimer of the 1834 Jail premises, those premises to include the front yard of the premises but not to include the parking lot at the rear of the premises, for a term of three years retroactive to December 1, 2015, for the sum of one dollar (\$1.00), with said agreement subject to the approval of the County Attorney, with the County maintaining its present liability insurance coverage that it has on the premises, and with the Friends of Historic Herkimer County responsible for its own liability coverage and for all contents of the premises placed thereby or through them; and, be it further

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

Dated: September 14, 2016.



HERKIMER COUNTY LEGISLATURE

No. 212

REPORT AND RESOLUTION APPROVING PROJECT MEMORANDUM TO RECTIFY FLOORING ISSUE IN REAL PROPERTY TAX SERVICE

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

WHEREAS, by Resolution No. 137 of 2013, this Legislature approved a contract with March Associates Architects & Planners, P.C. for the design, preparation and advertisement of sealed bids for asbestos removal and carpet replacement in the Real Property Tax Service department; and

WHEREAS, by Resolution No. 291 of 2014, this Legislature awarded a contract to J. Priore Construction Company, Inc, 316 Ontario Street, Utica, NY 13501, upon the recommendation of March Associates Architects & Planners, P.C., for asbestos removal/carpet replacement in the Real Property Tax Services department; and

WHEREAS, by letter dated August 24, 2016, Sheri Ferdula, Budget Officer, has advised that a Project Memorandum was issued to J. Priore Construction to rectify a flooring issue remaining unresolved; and

WHEREAS, said letter also states that a confirmation of acceptance was received from J. Priore Construction Company, Inc., to rectify the flooring issue in the Real Property Tax Service department to the County's satisfaction; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is authorized to enter into a Project Memorandum with J. Priore Construction, to perform work to rectify issues of the original contract related to the flooring in the Real Property Tax Services department, with said agreement to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, March Associates Architects & Planners, P.C. and J. Priore Construction.

Dated: September 14, 2016.



HERKIMER COUNTY LEGISLATURE

No. 213

REPORT AND RESOLUTION REAPPOINTING COMMISSIONER OF SOCIAL SERVICES

Sponsored by: Committee on Human Resources

WHEREAS, by letter dated July 6, 2016 from the State Office of Temporary and Disability Assistance, this Legislature is advised that the term of the Commissioner of Social Services of the County of Herkimer shall expire on September 30, 2016; and

WHEREAS, the Commissioner of Social Services of the County of Herkimer is appointed pursuant to the provisions of Section 116 of the Social Services Law of the State of New York; now, therefore, be it

RESOLVED, that Timothy J. Seymour of Ilion, New York, is hereby reappointed Commissioner of Social Services for the County of Herkimer pursuant to Section 116 of the Social Services Law of the State of New York, for a term of five years commencing October 1, 2016 through September 30, 2021, at the annual salary as established in the 2016 Salary Schedule I adopted by this Legislature; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer, Timothy J. Seymour and the New York State Office of Temporary and Disability Assistance.

Dated: September 14, 2016.



HERKIMER COUNTY LEGISLATURE

No. 214

REPORT AND RESOLUTION MAKING APPOINTMENT TO THE POSITION OF COUNTY HIGHWAY SUPERINTENDENT

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

WHEREAS, Jay W. Ewanyk is retiring as County Highway Superintendent effective September 24, 2016; and

WHEREAS, your Committees desire to make an appointment in order to preserve proper continuity of service; now, therefore, be it

RESOLVED, that Mark Nagele, 515 West Lake Ave., Herkimer, NY 13350 is hereby appointed to the position of County Highway Superintendent for a term of four years commencing September 26, 2016 through September 25, 2020, at the base annual salary of \$91,000; and, be it further

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

Dated: September 14, 2016.



HERKIMER COUNTY LEGISLATURE

No. 215

REPORT AND RESOLUTION AWARDING CONTRACT FOR IMAGING SYSTEM FOR HERKIMER COUNTY CLERK'S OFFICE

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

WHEREAS, by Resolution No. 260 of 2003 a contract was awarded to Affiliated Computer Services, Inc. (now Xerox/ACS) for the provision of electronic imaging services and microfilm for the Herkimer County Clerk's Office, which contract was extended by resolution thereafter to expire December 31, 2016; and

WHEREAS, by letter dated August 17, 2016, from Sylvia M. Rowan, County Clerk, this Legislature has advised that a quotation has been received for the provision of the aforesaid services from Info Quick Solutions (IQS) of Liverpool, New York, at a cost of \$5,085 per month, for a period of 60 months commencing January 1, 2017 plus the cost of \$.04 for image to film and \$1.20 per roll for film storage, and requests that a contract be entered into with IQS effective immediately, to begin the transition, as it will take a few months to convert the data, and further advises that IQS will not charge for the contract until January 1, 2017; and

WHEREAS, the cost of this contract is an increase of approximately \$20,000 per year over the prior contract, but potential revenue could be received by providing access to and copies of records online; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby awards a contract for the provision of electronic imaging services and microfilm for the Herkimer County Clerk's Office to Info Quick Solutions (IQS), 7460 Morgan Road, Liverpool, New York 13090, at a cost of \$5,085 per month plus the cost of \$.04 for image to film and \$1.20 per roll for film storage, for a period of 60 months commencing on January 1, 2017, effective immediately, with no charge for the contract until January 1, 2017; and, be it further

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

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Herkimer County Clerk and Info Quick Solutions (IQS).

Dated: September 14, 2016.



HERKIMER COUNTY LEGISLATURE

No. 216

REPORT AND RESOLUTION AUTHORIZING CONTRACT FOR PROFESSIONAL SERVICES IN CONNECTION WITH McCAULEY MOUNTAIN TOWER VISUAL IMPACT STUDY

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

WHEREAS, by Resolution No. 185 duly adopted on July 2, 2014 this Legislature authorized receipt of funding in the amount of \$899,462.00 from the Round 3 Statewide Interoperable Communications Grant, with part of the funding under said grant to be used for the construction of the McCauley Mountain Communications Tower in the Town of Webb; and

WHEREAS, by letter dated September 13, 2016, Robert Vandawalker, Director of Emergency Services, has advised that a proposal has been received from the LA Group, P.C. of Saratoga Springs, New York, to perform professional services for the purpose of obtaining a Visual Impact Study and Balloon Flight on McCauley Mountain, which is required as part of the Adirondack Park Agency Permit Application for the proposed McCauley Tower, with said cost of the Impact Study to not exceed the sum of \$15,000.00; and

WHEREAS, said letter further advises that the LA Group is the only enterprise found in the area who are able to perform both the Balloon Flight and Visual Study and can start work immediately; now, therefore, be it

RESOLVED, that the a contract be entered into with The LA Group, P.C., 40 Long Alley, Saratoga Springs, New York, 12866, for the provision of a Tower Visual Impact Study and Balloon Flight on McCauley Mountain, which is required as part of the Adirondack Park Agency Permit Application for the proposed McCauley Tower, with said cost of the Impact Study to not exceed the sum of \$15,000.00; and, be it further

RESOLVED, that Chairman of the Legislature is hereby authorized to execute said contract on behalf of the County of Herkimer, 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, Director of Emergency Services and The LA Group, P.C., Inc.

Dated: September 14, 2016.



HERKIMER COUNTY LEGISLATURE

No. 217

RESOLUTION URGING GOVERNOR CUOMO TO SIGN INTO LAW THE PUBLIC DEFENSE MANDATE RELIEF ACT (S.8114/A.10706)

Sponsored by Committee on Ways and Means

WHEREAS, the New York State Senate and Assembly have passed legislation entitled the Public Defense Mandate Relief Act (S.8114/A.10706) which will require New York State to reimburse counties for expenditures made fulfilling the state's obligation to provide representation for those financially unable to afford counsel commencing in 2017 and incrementally reaching 100% in 2023 and thereafter; and

WHEREAS, the Public Defense Mandate Relief Act will give the Indigent Legal Service Office the authority "to adopt, promulgate, amend or rescind rules and regulations to carry out the provisions of Executive Law 832"; and

WHEREAS, the Public Defense Mandate Relief Act also requires that the various counties and New York City receive an amount equal to the amount paid from the Indigent Legal Services Fund to the counties and NYC in March 2010; and

WHEREAS, New York State has previously entered into an agreement to settle the *Hurrell-Harring vs. State of New York* class action lawsuit and has begun to expend substantial amounts of State funds to create a more equitable and Constitutional system of representation in only the five settlement counties and creating an unequal system of justice in the remaining counties of the State; and

WHEREAS, by entering into such agreement and funding additional services in only the five settlement counties, the State acknowledges that it is constitutionally required to fund public defense services for mandated representation; and

WHEREAS, requiring counties subject to a State-imposed tax cap to finance the State's obligation to provide public defense services imposes a significant, uncontrollable financial burden on counties dependent on real property taxes to fund needed services; and both problems would be remedied under the Public Defense Mandate Relief Act as passed by the New York State Senate and Assembly; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby strongly urges Governor Cuomo to sign the Public Defense Mandate Relief Act when it is delivered, fulfilling the State's obligations and relieving the taxpayers of Herkimer County and all other counties of the State and New York City from funding this State mandate; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Governor Andrew M. Cuomo, Senator James L. Seward, Senator Hugh T. Farley, Assemblyman Marc W. Butler, Assemblywoman Claudia Tenney and Assemblyman Anthony Brindisi.

Dated: September 14, 2016.



HERKIMER COUNTY LEGISLATURE

No. 218

RESOLUTION CALLING ON GOVERNOR ANDREW M. CUOMO AND THE STATE LEGISLATURE TO WORK WITH NEW YORK'S CONGRESSIONAL DELEGATION TO AMEND AND IMPROVE THE FAMILY FIRST PREVENTION SERVICES ACT OF 2016

**Sponsored by: Committee on Administration/Veterans' Affairs
Committee on Human Resource**

WHEREAS, the Family First Prevention Services Act of 2016, H.R. 5456, is moving rapidly through Congress with no public hearings and little debate; and

WHEREAS, the legislation requires extensive new reporting and information system requirements, eliminates federal funding for currently authorized services, imposes restrictive administrative and implementation barriers and puts in place punitive maintenance-of-effort funding requirements, among other shortcomings and oversights; and

WHEREAS, New York's Office of Children and Family Services estimates that New York State and its counties could lose up to \$250 million annually in currently available federal funds for child welfare; and

WHEREAS, the counties of New York fund a large percentage of these child welfare services with locally raised property taxes and other revenues; and

WHEREAS, New York State and its counties have provided prevention services for this population without any federal matching funds for decades and this bill would provide no credit to states like New York that were proactive and early adopters in providing prevention services for children and families at risk; and

WHEREAS, Governor Cuomo, on behalf of the New York State Office of Children and Family Services (OCFS) sent a recent letter to United States Senators' Charles E. Schumer and Kirsten E. Gillibrand notifying them of the harmful impact this legislation would have on New York, and also provided suggested amendments; and

WHEREAS, the loss of federal funding and the restrictions within the current bill will jeopardize child welfare services in New York State and shift unsustainable financial burdens to New York's counties; now, therefore be it

RESOLVED, that the Herkimer County Legislature calls upon Governor Andrew M. Cuomo, the State Legislature and New York's Congressional Delegation to amend and improve the Family First Prevention Services Act of 2016 so that early adopter states are not penalized by strict maintenance-of-effort provisions, that current federal reimbursement streams be maintained, and that New York's counties be protected from bearing the burden of any unfunded mandates resulting from this proposal; and, be it further

RESOLVED, that certified copies of this resolution to Governor Andrew M. Cuomo, United States Congressman Richard Hanna, United States Senator Charles E. Schumer, United States Senator Kirsten Gillibrand, United States Congresswoman Elise Stefanik, New York State Senator James L. Seward, New York State Senator Hugh T. Farley, New York State Assemblyman Marc W. Butler, New York State Assemblyman Anthony J. Brindisi, New York State Assemblywoman Claudia Tenney and the New York State Association of Counties.

Dated: September 14, 2016.