

MINUTES
Herkimer County Legislature
Fourth Quarter – Second Day
Wednesday, October 28, 2020
7:00 p.m.

The Regular Session of the Herkimer County Legislature was called to order by Chairman Vincent J. Bono at 7:04 p.m.

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

Chairman Bono called on Legislator Stephens to lead the Legislature in the Pledge of Allegiance.

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

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

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

Absent: None.

Chairman Bono suspended the public comment period due to COVID-19 and stated that any interested individuals could submit comments by mail: 109 Mary Street, Suite 1310, Herkimer, NY 13350 or by email: hclegisature@herkimercounty.org.

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Bono asked if there were any objections or corrections to the minutes of October 7, 2020. There were none, and the Chairman ordered them approved.

Chairman Bono stated that the communications received by the Legislature and the committees to which they were referred were as listed on the agenda, and asked if any member of the Legislature requested mention of any particular communication. There were no requests.

No. 355 – A communication was received from Senator James L. Seward advising of receipt of Resolution No. 257. Filed.

No. 356 – A communication was received from Capital District OTB submitting financial report for April, May, & June 2020. Filed.

No. 357 – A communication was received from the Director of Real Property requesting renewal of contract with the Town of Columbia. Filed.

No. 358 – A communication was received from the Soil & Water Conservation District submitting notice of meeting. Filed.

No. 359 – A communication was received from Dr. Sikirica, Forensic Medical Services advising of increase of autopsy fees. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 360 – A communication was received from the Director of Probation requesting approval of 2020-2021 Probation Plan. Referred to the Committee on Public Safety & Emergency Management.

No. 361 – A communication was received from the Personnel Officer requesting contract with Aquarius Capital. Referred to the Committee on Ways & Means.

No. 362 – A communication was received from the Chairman of the Legislature making reappointments to Office for Aging Advisory Board. Referred to the Committee on Human Resources.

No. 363 – A communication was received from the Director of the Office for the Aging submitting recommendations for Office for Aging Advisory Board. Referred to the Committee on Human Resources.

No. 364 – A communication was received from the Herkimer County Sheriff submitting Monthly Report for August 2020. Referred to the Committee on Public Safety & Emergency Management.

No. 365 – A communication was received from the County Property Agent requesting permission for issuance of Certificate of Prospective Cancellation of certain properties. Referred to the Committee on County Properties and the Committee on Ways & Means.

No. 366 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer in the Highway Dept. for roof repair. Referred to the Committee on Ways & Means.

No. 367 – A communication was received from the County Highway Superintendent requesting repairs for 2007 dump truck. Referred to the Committee on Highways.

No. 368 – A communication was received from the Commissioner of Social Services submitting request for approval to submit plan and contract with ICAN for STSJP Juveniles Program. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 369 – A communication was received from the Budget Officer/Purchasing Agent requesting purchase of two dump trucks in Highway Department, amending the budget, and transferring funds. Referred to the Committee on Highways and the Committee on Ways & Means.

No. 370 – A communication was received from the Executive Director of the IDA requesting to amend Resolution No. 84 of 2011 in connection with the 5S South Business Park. Referred to the Committee on Ways & Means.

No. 371 – A communication was received from the Herkimer County Sheriff requesting to renew contracts with schools for the placement of officers at schools. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 372 – A communication was received from the Herkimer County Sheriff requesting contract with BOCES for the placement of an officer at the school. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 373 – A communication was received from the County Highway Superintendent requesting to rename portions of two roads. Referred to the Committee on Highways.

No. 374 – A communication was received from the Budget Officer/Purchasing Agent requesting to create accounts and amend the budget in the Sheriff's Department. Referred to the Committee on Ways & Means.

No. 375 – A communication was received from the County Property Agent requesting to cancel taxes on Land Bank owned property. Referred to the Committee on Ways & Means.

No. 376 – A communication was received from the Herkimer County Sheriff requesting discussion in regards to out of County Correctional Officers. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 377 – A communication was received from the Director of Emergency Services requesting to repair fire training facility at Frankfort Fire Department. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 378 – A communication was received from the Director of Community Services requesting to fill a consultant position for a Psychiatrist in the Mental Health Department. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 379 – A communication was received from the Budget Officer/Purchasing requesting appropriation for supplies to perform COVID-19 testing. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 380 – A communication was received from the Budget Officer/Purchasing Agent requesting to accept consolidated health funding and amend budget. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 381 – A communication was received from the Personnel Officer requesting authorization to pay poll workers in the Board of Elections. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 382 – A communication was received from the Chairwoman of the Republican Committee submitting recommendation for appointment of Republican Commissioner of Elections. Referred to the Committee on Administration/Veterans’ Affairs.

Pursuant to Rule 6, Chairman Bono then proceeded with Reports of Standing Committees. There were no reports.

The Chairman proceeded with Reports and Resolutions beginning with the consent agenda.

On motion of Mr. Stephens, seconded by Mr. Gaworecki, Resolution No. 259 – Resolution No. 263 were handed up; voted on and adopted by voice vote:

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

Mr. Manno abstained from Resolution No. 262.

Consent Agenda:

- 259 PUB. SFTY./EMER. MGMT.: Setting date for Public Hearing on Intro. Local Law B
- 260 NAT. RESOURCES/W&M: Fixing time and place for Public Hearing on the Assessment Roll for the Sewer District
- 261 PUB. SFTY./EMER. MGMT.: Approving 2020/2021 Probation Plan
- 262 HUMAN RES.: Confirming reappointments to Office for the Aging Adv. Council
- 263 WAYS & MEANS: Authorizing transfer of funds in Highway Department

The Chairman continued with the Regular Agenda.

On motion of Mr. Schrader, seconded by Mr. Donley, Report and Resolution No. 264 sponsored by the Committee on Ways & Means relating to cancellation of taxes on certain properties acquired by the Greater Mohawk Valley Land Bank was handed up; discussion was held; voted on and adopted by voice vote:

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

Mr. Russell: “I just hope, by law we have to cancel these taxes, but I certainly hope that the Land Bank starts to put some of these properties back on the tax rolls. I really think that is the purpose of the Land Bank and I hope they do.”

On motion of Mr. Johnson, seconded by Mr. Russell, Report and Resolution No. 265 sponsored by the Committee on County Properties and the Committee on Ways & Means directing prospective cancellation of taxes on certain parcels was handed up; voted on and adopted by voice vote:

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

On motion of Mr. Stephens, seconded by Mr. Gaworecki, Report and Resolution No. 266 sponsored by the Committee on Ways & Means amending budget in the Sheriff's Department was handed up; voted on and adopted by voice vote:

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

On motion of Mr. Campione, seconded by Mr. Gaworecki, Report and Resolution No. 267 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means authorizing agreement with school district for placement of officer at school was handed up; voted on and adopted by voice vote:

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

On motion of Mr. Stephens, seconded by Mr. Schrader, Report and Resolution No. 268 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means authorizing agreements with school districts for placement of officer at schools was handed up; discussion was held; voted on and adopted by voice vote:

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

Mr. Russell: "Are all of these in session now, all of these schools?"

Chairman Bono: "Do you mean students physically?"

Mr. Russell: "Yes."

Chairman Bono: "Undersheriff?"

Undersheriff Scott Leskovar: "They all are there with the exception of the high school at CVA, so our officer that is assigned to CVA is now going through the middle school and the elementary school."

Chairman Bono: "Thank you."

On motion of Mr. Schrader, seconded by Mr. Brezinski, Report and Resolution No. 269 sponsored by the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means authorizing payment of wages for Poll Workers in Board of Elections was handed up; voted on and adopted by voice vote:

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

On motion of Mr. Smith, seconded by Mr. Weakley, Report and Resolution No. 270 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing services of Psychiatrist was handed up; voted on and adopted by voice vote:

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

On motion of Mr. Stephens, seconded by Mr. Gaworecki, Report and Resolution No. 271 sponsored by the Committee on Ways & Means amending Resolution No. 84 of 2011 in connection with the 5S South Business Park was handed up; voted on and adopted by voice vote:

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

On motion of Mr. Stephens, seconded by Mr. Russell, Report and Resolution No. 272 sponsored by the Committee on Human Resources and the Committee on Ways & Means appropriating funds was handed up; voted on and adopted by roll call vote:

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

Against: None. Absent: None.

On motion of Mr. Gaworecki, seconded by Mr. Shaw, Report and Resolution No. 273 sponsored by the Committee on Human Resources and the Committee on Ways & Means accepting funding and amending budget in connection with consolidated health districts was handed up; voted on and adopted by voice vote:

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

On motion of Mr. Smith, seconded by Mr. Campione, Report and Resolution No. 274 sponsored by the Committee on Highways and the Committee on Ways & Means authorizing purchase, transferring funds, and amending the budget in the Highway Department was handed up; voted on and adopted by voice vote:

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

On motion of Mr. Stephens, seconded by Mr. Gaworecki, Report and Resolution No. 275 sponsored by the Committee on Highways relating to renaming of a portion of County Route 15 in the Town of German Flatts and a portion of County Route 124 in the Town of Columbia was handed up; voted on and adopted by voice vote:

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

On motion of Mr. Smith, seconded by Mr. Shaw, Report and Resolution No. 276 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing submission of the Supervision and Treatment Services for Juveniles Program (STSJP) to the NYS Office of Children and Family Services and authorize contract renewal with ICAN to provide services was handed up; voted on and adopted by voice vote:

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

On motion of Mr. Malta, seconded by Mr. Gaworecki, Report and Resolution No. 277 sponsored by the Committee on Administration/Veterans' Affairs making appointment of Commissioner of Elections was handed up; voted on and adopted by voice vote:

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

Kim Tranter: "Thank you all very much. I really appreciate it."

Chairman Bono: "Congratulations and good luck."

On motion of Mr. Russell, seconded by Mr. Hollum, Resolution No. 278 sponsored by the Committee on Administration/Veterans' Affairs calling on the Governor and State Legislative Leaders to restore reductions to Counties Sales Tax was handed up; voted on and adopted by voice vote:

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

On motion of Mr. Schrader, seconded by Mr. Hollum, Resolution No. 279 sponsored by the Committee on Administration/Veterans' Affairs authorizing adoption of Retention and Disposition Schedule for New York Local Government Records (LGS-1) was handed up; voted on and adopted by voice vote:

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

On motion of Mr. Russell, seconded by Mr. Gaworecki, Resolution No. 280 sponsored by the Committee on Ways & Means authorizing litigation against former employee for overpayment of salary was handed up; voted on and adopted by voice vote:

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

On motion of Mr. Campione, seconded by Mr. Smith, Resolution No. 281 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means amending Resolution No. 271 of 2015 amending fee schedule associated with Coroners' duties was handed up; voted on and adopted by voice vote:

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

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

Chairman Bono: "I just want to make one comment. Our thoughts are with the families of Remington Arms. That was devastating news to the current employees there, 585 were let go a few days ago. Our thoughts are with them, we are behind them, it's a raw deal for them and we hope that it all works out for them. We look forward to meeting with the new owners very soon and hopefully good things will come of that. We've got to keep Remington here."

Mr. Brezinski: “I just want to again repeat what I said to you. Before everyone goes to bed tonight, they better make sure they say a prayer for our President because if he doesn’t win we are in deep trouble.”

Chairman Bono: “That is a good Segway, everyone please get out and vote. It is very important. If you haven’t made plans, pick a day. There is plenty of time left for early voting and then next Tuesday come out and vote. I have one other thing; next month’s meeting will be a live meeting. We will go back to our normal schedule, we will be in the new building in the DSS conference room. That will be November 18th, regular time. There is plenty of room for social distancing, the public will be invited also if they would like to come, bring a mask, plenty of hand sanitizer will be provided by the County. We hope to see you then.”

At 7:22 p.m. on motion of Mr. Manno, seconded by Mr. Stephens, the Legislature adjourned to Wednesday, November 18, 2020 at 7:00 p.m., with a Public Hearing on Introductory Local Law B of 2020 at 6:00 p.m., and a Public Hearing on the assessment roll of the part County Sewer District at 6:05 p.m.

Brittney R. Viscomi, Clerk



HERKIMER COUNTY LEGISLATURE

No. 259

RESOLUTION SETTING DATE FOR PUBLIC HEARING ON INTRODUCTORY LOCAL LAW B FOR 2020

Sponsored by: Committee on Public Safety & Emergency Management

WHEREAS, we the Committee on Public Safety & Emergency Management of the Herkimer County Legislature are causing to be prepared and will present Introductory Local Law B for the year 2020 entitled, "A LOCAL LAW EXPANDING THE RESIDENCY REQUIREMENTS FOR HERKIMER COUNTY CORRECTION OFFICERS"; now, therefore, be it

RESOLVED, that a Public Hearing will be held before the Herkimer County Legislature on the adoption of said proposed local law, to be conducted by the Committee on Public Safety & Emergency Management on the 18th day of November, 2020 at 6:00 p.m., in the DSS Conference Room #242, 301 N. Washington Street, in the Village of Herkimer, New York; and, be it further

RESOLVED, that at least five days prior to such hearing the Clerk of the Legislature shall post a notice of said hearing on the bulletin board in the Courthouse and cause to be published said notice at least once in the *Times Telegram*; and, be it further

RESOLVED, that the Clerk of this Legislature place a copy of said act on the desk of each of the members of the County Legislature at least seven calendar days, exclusive of Sunday, prior to its adoption; and, be it further

RESOLVED, that if said local law shall be finally adopted, the Clerk of this Legislature shall file one certified copy thereof in the Office of the County Clerk, one certified copy in the Office of the Secretary of State and print and publish said local law in the official newspaper of the County of Herkimer pursuant to law.

Dated: October 28, 2020.



HERKIMER COUNTY LEGISLATURE

No. 260

REPORT AND RESOLUTION FIXING TIME AND PLACE FOR THE PUBLIC HEARING ON THE ASSESSMENT ROLL OF THE PART COUNTY SEWER DISTRICT

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

WHEREAS, the Herkimer County Sewer District has prepared an assessment roll pursuant to the provisions of Section 271 of the County Law; and

WHEREAS, this Legislature has been advised that the assessment roll has been submitted to the Herkimer County Budget Officer together with the estimate of revenues and expenditures; and

WHEREAS, the Herkimer County Budget Officer has transmitted the assessment roll together with the tentative budget to the Clerk of the Legislature; now, therefore, be it

RESOLVED, that the Herkimer County Legislature shall cause a notice to be published stating the time, place and purpose of a public hearing on the said assessment roll; and, be it further

RESOLVED, that the Herkimer County Legislature shall hold such public hearing in the DSS Conference Room #242, 301 N. Washington Street, in the Village of Herkimer, County of Herkimer, New York, on the 18th day of November, 2020 at 6:05 p.m., pursuant to the provisions of Section 271 of the County Law.

Dated: October 28, 2020.



HERKIMER COUNTY LEGISLATURE

No. 261

REPORT AND RESOLUTION APPROVING 2020/2021 PROBATION PLAN

Sponsored by: Committee on Public Safety/Emergency Management

WHEREAS, your Committee on Public Safety/Emergency Management, to which was referred the 2020/2021 Probation Plan of the Herkimer County Probation Department, respectfully reports that we have examined the same, recommend the approval of said plan, and offer the following Resolution:

RESOLVED, that the 2020/2021 Probation Plan of the Herkimer County Probation Department be approved and placed on file with the Herkimer County Legislature.

Dated: October 28, 2020.



HERKIMER COUNTY LEGISLATURE

No. 262

REPORT AND RESOLUTION CONFIRMING REAPPOINTMENTS TO THE HERKIMER COUNTY OFFICE FOR AGING ADVISORY COUNCIL

Sponsored by: Committee on Human Resources

WHEREAS, the Chairman of the Herkimer County Legislature, by letter dated October 8, 2020, has made reappointments to the Office for the Aging Advisory Council; now, therefore, be it

RESOLVED, that the following reappointments to the Office for the Aging Advisory Council be, and hereby are ratified and confirmed:

Reappointment for term of 10/2020 – 10/2023

Carolyn Trimbach, PO Box 860, Old Forge, NY 13420

Eileen Manno, 130 Maple Drive, Frankfort, NY 13340

Reappointment for term of 10/2020 – 10/2021

Kathy VanValkenburg, 105 Protection Ave., Herkimer, NY 13350

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Director of the Herkimer County Office for the Aging and each appointee.

Dated: October 28, 2020.



HERKIMER COUNTY LEGISLATURE

No. 264

REPORT AND RESOLUTION RELATING TO CANCELLATION OF TAXES ON CERTAIN PROPERTIES ACQUIRED BY THE GREATER MOHAWK VALLEY LAND BANK

Sponsored by: Committee on Ways and Means

WHEREAS, your Committee on Ways and Means, to which was referred a letter from Jennifer Casey, County Property Agent, dated September 30, 2020 with account attached thereto, requesting cancellation of real property taxes of certain properties acquired by the Greater Mohawk Valley Land Bank [hereafter “Land Bank”] pursuant to New York State Not-for-Profit Corporation Law Section 1608(a), does respectfully report that we have examined the same, inquired into the subject matter thereof, and offer the following Resolution:

RESOLVED, that the following real property taxes shall be cancelled:

ADDRESS	TAX MAP #	AMOUNT CANCELLED	DATE ACQUIRED BY LAND BANK
City of Little Falls 27 N. Ann St.	TM # 114.68-6-9	\$482.01 (2020 County Bill)	12/18/2019
City of Little Falls 59 Glen Ave.	TM #114.75-1-20	\$52.68 (2019 City Relevy)	11/29/2018
German Flatts-IIion 81 S. Third Ave.	TM #119.44-5-92	\$571.99 (2020 County Bill with sewer relevy of \$16.80)	12/12/2019
Winfield-West Winfield 501 Clapson Park	TM # 137.38-2-11	\$289.60 (2019 Village Relevy)	10/22/2018

and, be it further

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

Dated: October 28, 2020.



HERKIMER COUNTY LEGISLATURE

No. 265

REPORT AND RESOLUTION DIRECTING PROSPECTIVE CANCELLATION OF TAXES ON CERTAIN PARCELS

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

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

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

WHEREAS, by letter dated October 7, 2020 from Jennifer L. Casey, County Property Agent, this Legislature is advised that parcels have been withdrawn from the County's list of delinquent taxes because if the County were to acquire the parcels, there is a significant risk that the County might be exposed to a liability substantially in excess of the amount that could be recovered by enforcing the tax lien; and

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

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

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

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

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

Dated: October 28, 2020.

EXHIBIT A

TOWN	TAX MAP#	OWNER	LOCATION	DESCRIPTION
City of Little Falls	114.68-2-58	Hawley, Linda L	133 Church St	Dilapidated Building
				1 Family Res
City of Little Falls	114.76-2-18	Luckner, Carol A	571 E Jefferson St	Dilapidated Building
				3 Family Res
City of Little Falls	114.68-1-17	TPZ Valentine LLC	60 Furnace St	Dilapidated Building
				Apartment
Herkimer - Village	120.26-2-47	New Hope Ministries	231 King St	Dilapidated Building
				Religious Structure
Herkimer - Village	120.25-3-77	View, Patrick	213 Stimson St	Dilapidated Building
				1 Family Res



HERKIMER COUNTY LEGISLATURE

No. 267

REPORT AND RESOLUTION AUTHORIZING AGREEMENT WITH SCHOOL DISTRICT FOR PLACEMENT OF OFFICER AT SCHOOL

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

WHEREAS, by letter dated September 21, 2020, Scott F. Scherer, Herkimer County Sheriff has requested to enter into an agreement for the placement of an SPO/SRO at Herkimer BOCES, with the School District to provide reimbursement for all salary and fringe benefits plus any additional costs including expenses; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an agreement with Herkimer BOCES for the placement of an SPO/SRO at the school, with the School District to provide reimbursement for all salary and fringe benefits plus an additional administrative fee of 15% of the salary and fringe benefits, 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 annual renewals of said contract 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, Sheriff, and Herkimer BOCES.

Dated: October 28, 2020.



HERKIMER COUNTY LEGISLATURE

No. 268

REPORT AND RESOLUTION AUTHORIZING AGREEMENTS WITH SCHOOL DISTRICTS FOR PLACEMENT OF OFFICERS AT SCHOOLS

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

WHEREAS, by letter dated September 21, 2020, Scott F. Scherer, Herkimer County Sheriff has requested to renew contracts for the placement of officers at Central Valley Academy CSD, Mount Markham CSD, Poland CSD, and Owen D. Young CSD, with the School District to provide reimbursement for all salary and fringe benefits plus any additional costs including expenses; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into agreements with Central Valley Academy CSD, Mount Markham CSD, Poland CSD, and Owen D. Young CSD, for the placement of officers at the schools, with the School Districts to provide reimbursement for all salary and fringe benefits, plus an additional administrative fee of 15% of the salary and fringe benefits, with the terms and conditions of said agreements 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 annual renewals of said contracts after the expiration of the current agreements, 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 above listed schools.

Dated: October 28, 2020.



HERKIMER COUNTY LEGISLATURE

No. 269

REPORT AND RESOLUTION AUTHORIZING PAYMENT OF WAGES FOR POLL WORKERS IN BOARD OF ELECTIONS

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

WHEREAS, by letter dated October 19, 2020, the Commissioners of Elections have requested to pay poll workers for their assistance in sending out absentee ballots in the Board of Elections; and

WHEREAS, by letter dated October 19, 2020, Steven R. Billings, Personnel Officer, states your committees have been advised that this resolution will authorize payment of wages for up to six poll workers that worked between September 30, 2020 and October 5, 2020 at no more than six hours per day at a rate of \$15 per hour; now, therefore, be it

RESOLVED, that authorization is given to pay for up to six poll workers that worked between September 30, 2020 and October 5, 2020 at no more than six hours per day at a rate of \$15 per hour; and, be it further

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

Dated: October 28, 2020.



HERKIMER COUNTY LEGISLATURE

No. 270

REPORT AND RESOLUTION AUTHORIZING SERVICES OF PSYCHIATRIST

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

WHEREAS, Resolution No. 175 of 1992 authorized a contract with Dr. Daniel DeStefano, M.D. to provide services as a psychiatrist; and

WHEREAS, by letter dated October 19, 2020, Kristen Snyder-Branner, Director of Community Services, has advised that Dr. DeStafano retired in June and has requested permission to hire a consultant position for a psychiatrist for 18 hours per week at a rate of \$142.18 per hour; now, therefore, be it

RESOLVED, that authorization is given for Kristen Snyder-Branner, Director of Community Services to hire a consultant position for a psychiatrist for 18 hours per week at a rate of \$142.18 per hour; 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: October 28, 2020.



HERKIMER COUNTY LEGISLATURE

No. 271

REPORT AND RESOLUTION AMENDING RESOLUTION NO. 84 OF 2011 IN CONNECTION WITH THE 5S SOUTH BUSINESS PARK

Sponsored by: Committee on Ways and Means

WHEREAS, Resolution No. 37 of 2011 authorized a PILOT increment financing agreement in connection with the Route 5S South Business Park, which was further amended by Resolution No. 84 of 2011; and

WHEREAS, by letter dated September 29, 2020 from John J. Piseck, Jr., Executive Director of the Herkimer County IDA, this Legislature is advised of a proposal to fund additional infrastructure improvements needed to complete the Frankfort 5S South Business Park in the amount of \$850,000; now, therefore, be it

RESOLVED, that Resolution No. 84 of 2011 is hereby amended to delete the amount of \$800,000 and replace with the amount of \$1,650,000; and, be it further

RESOLVED, that in all other respects, Resolution No. 84 of 2011 shall remain in full force and effect; and, be it further

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

Dated: October 28, 2020.



HERKIMER COUNTY LEGISLATURE

No. 272

REPORT AND RESOLUTION APPROPRIATING FUNDS

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

WHEREAS, by letter dated October 7, 2020, Sheri Ferdula, Budget Officer/Purchasing Agent, has advised that the County is being provided an opportunity to purchase the supplies necessary to perform COVID-19 testing, with the test kits and machines to be distributed to some schools throughout Herkimer County as well as providing testing at Herkimer County Public Health; and

WHEREAS, letter further advises that an appropriation in the 2020 budget will be necessary to provide the funding for the supplies and that funds have been verified and are available for this appropriation; now, therefore, be it

RESOLVED, that an appropriation be made as follows:

\$50,000 From: A1990.46000, Contingent Fund, Miscellaneous Expense
 To: A4010.41300, Public Health, Medical Supplies

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: October 28, 2020.



HERKIMER COUNTY LEGISLATURE

No. 273

REPORT AND RESOLUTION ACCEPTING FUNDING AND AMENDING BUDGET IN CONNECTION WITH CONSOLIDATED HEALTH DISTRICTS

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

WHEREAS, by letter dated October 7, 2020 from Sheri Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that the Town of Frankfort and the Town of German Flatts have notified the County of their intent to dissolve their Consolidated Health Districts, and the local health responsibilities will be assumed by the Herkimer County Public Health Department; and

WHEREAS, letter further advises the Town of Frankfort has a balance of \$43,225 and the Town of German Flatts has a balance of \$21,516, and these balances will now be transferred to the County and an amendment to the 2020 budget will be necessary to add the funding; now, therefore, be it

RESOLVED, that the 2020 Herkimer County Budget is hereby amended as follows:

A4010.2280, Public Health, Health Services Other Gov'ts.

From: \$0

To: \$64,741

and, be it further

RESOLVED, that the Treasurer is authorized to cash receipt any additional accumulated interest; 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, Director of Real Property Tax Services, Town of German Flatts and Town of Frankfort.

Dated: October 28, 2020.



HERKIMER COUNTY LEGISLATURE

No. 274

REPORT AND RESOLUTION AUTHORIZING PURCHASE, TRANSFERRING FUNDS, AND AMENDING THE BUDGET IN HIGHWAY DEPARTMENT

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

WHEREAS, by letter dated October 6, 2020, Sheri Ferdula, Budget Officer has requested to purchase two (2) 4x2, 6-wheel truck cab and chassis for the Highway Department from an existing Onondaga County Contract, for a total of \$223,500.54, which equates to:

(2) 2021 Freightliner, M2 106 Base	@ \$59,932.29 each	\$119,864.58
Options	@ \$23,242.98 each	\$46,485.96
Dump Boxes	@ \$26,075 each	\$52,150
Tarp Systems	@ \$2,500 each	\$5,000

WHEREAS, said letter further advises that an amendment to the budget and transfer of funds will be necessary to make the purchase; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby authorizes the purchase of two (2) 4x2, 6-wheel truck cab and chassis for the Highway Department from an existing Onondaga County Contract, for a total of \$223,500.54; and, be it further

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized and directed to transfer funds as follows:

AMENDMENT

Revenue:

DM5130.2665, Road Machinery, Sale of Equipment	From: \$0
	To: \$64,689.50

Expense:

DM5130.23000, Road Machinery, Motor Vehicles	From: \$110,000
	To: \$174,689.50

TRANSFERS

\$79,405.52	From: D5110.41000-806, Maintenance Division, Emulsion, Oiling
	To: DM5130.23000, Road Machinery, Motor Vehicles

\$79,405.52	From: D5110.41000-816, Maintenance Division, Slurry Seal
	To: DM5130.23000, Road Machinery, Motor Vehicles

and, be it further

RESOLVED, that the Treasurer is authorized to make necessary interfund amendments and transfers; and, be it further

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

Dated: October 28, 2020.



HERKIMER COUNTY LEGISLATURE

No. 275

REPORT AND RESOLUTION RELATING TO RENAMING OF A PORTION OF COUNTY ROUTE 15 IN THE TOWN OF GERMAN FLATTS AND A PORTION OF COUNTY ROUTE 124 IN THE TOWN OF COLUMBIA

Sponsored by: Committee on Highways

WHEREAS, your Committee on Highways is in receipt of a letter of Mark A. Nagele, P.E., County Highway Superintendent dated October 6, 2020 concerning requests of the Town of Columbia and the Town of German Flatts, the Resolution #2020-06 of the Town of Columbia dated August 13, 2020, the Resolution of the Town of German Flatts dated September 30, 2020, together with correspondence of Herkimer County 911 Addressing Department dated September 10, 2020 in regards to the renaming of a portion of Spinnerville Gulf Road, County Route 15 and Polly Miller Road, County Route 124; and

WHEREAS, your Committee on Highways does respectfully report that we have examined same, inquired into the subject matter thereof, and offers the following Resolution:

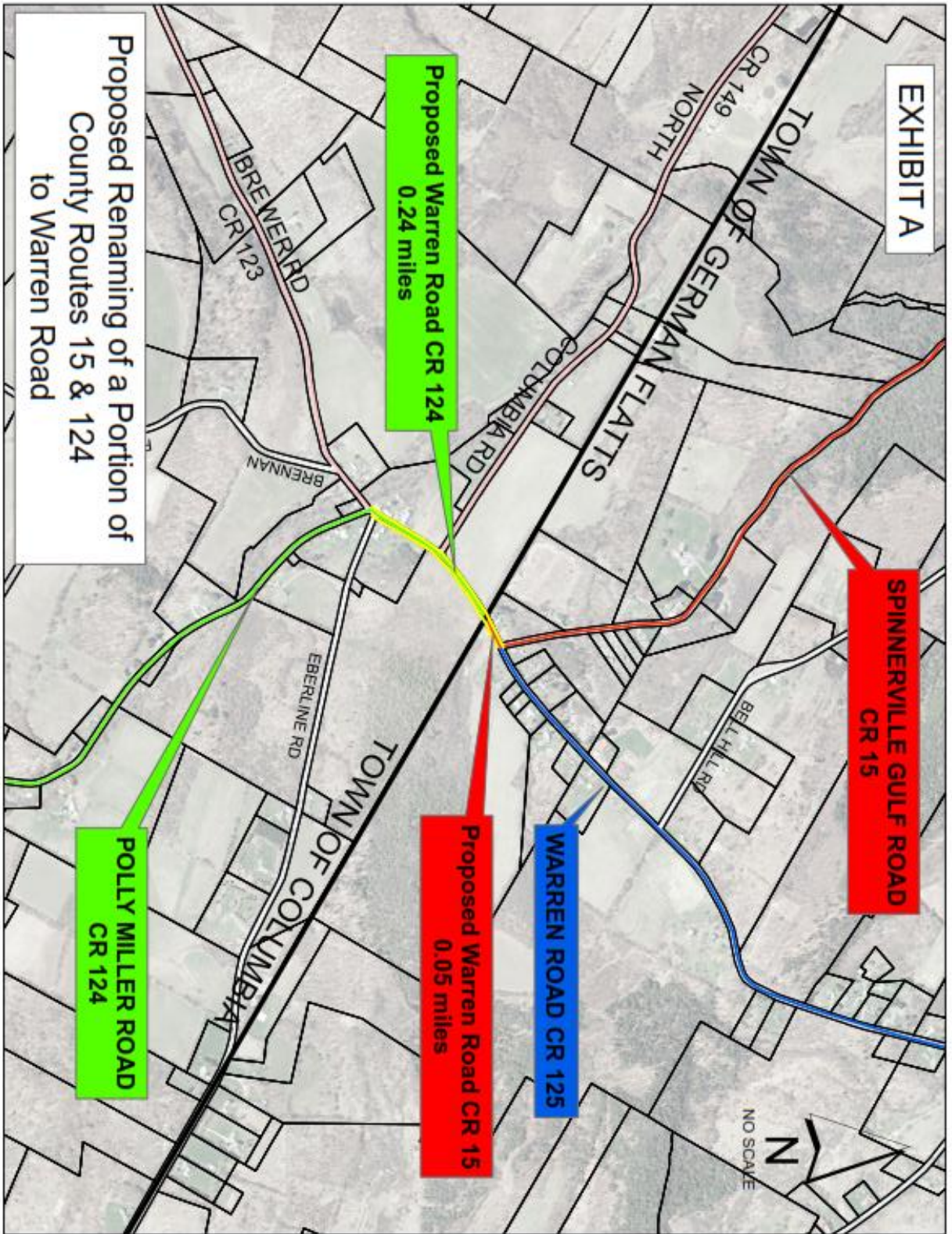
RESOLVED, that the name of 0.05 miles of Spinnerville Gulf Road, County Road 15 be renamed to Warren Road, County Road 15 in the Town of German Flatts as shown on Exhibit A “Proposed Renaming of a Portion of County Routes 15 & 124 to Warren Road” attached hereto; and, be it further

RESOLVED, that the name of 0.24 miles of Polly Miller Road, County Road 124 be changed to Warren Road, County Road 124 in the Town of Columbia as shown on attached Exhibit A “Proposed Renaming of a Portion of County Routes 15 & 124 to Warren Road” attached hereto; and, be it further

RESOLVED, that Warren Road will consist of three County Road designation numbers: County Road 125, County Road 15 and County Road 124 as shown on attached Exhibit A; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Town of German Flatts Supervisor, the Town of German Flatts Assessor, the Town of Columbia Supervisor, the Town of Columbia Assessor, County Highway Superintendent, Director of Emergency Services, County Clerk, Director of Real Property Tax Services, and New York State Department of Transportation.

Dated: October 28, 2020.





HERKIMER COUNTY LEGISLATURE

No. 276

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

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

WHEREAS, Resolution No. 239 of 2019 authorized the Chairman of the Legislature to approve the submission of a STSJP plan to the NYS Office of Children and Family Services, and execute a contract with Integrated Community Alternatives Network (ICAN), for the provision of detention diversion services; and

WHEREAS, by letter dated October 5, 2020 Timothy Seymour, Commissioner of Social Services has advised the 2020-21 enacted State budget has again appropriated funding to assist with STSJP; and

WHEREAS, the funding request for the continuation of this program is \$79,620 for the period of performance commencing October 1, 2020, this sum has a 62% state reimbursement and the program continues capped detention services allocation which is reimbursed at 49% state share; now, therefore, be it

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

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

Dated: October 28, 2020.



HERKIMER COUNTY LEGISLATURE

No. 277

REPORT AND RESOLUTION MAKING APPOINTMENT OF COMMISSIONER OF ELECTIONS

Sponsored by: Committee on Administration/Veterans' Affairs

WHEREAS, Sylvia M. Rowan, Chairwoman of the Herkimer County Republican Committee, has filed a certificate of the Herkimer County Republican Committee, in conformity with the provisions and requirements of Section 3-204 of the Election Law of the State of New York, recommending Kim S. Tranter, a resident and qualified voter of the County of Herkimer to be a fit and proper person to be appointed a Commissioner of Elections for the term commencing January 1, 2021 and ending December 31, 2022; now, therefore, be it

RESOLVED, that Kim S. Tranter, Cold Brook, New York, 13324, be, and she hereby is, reappointed as Commissioner of Elections of the County of Herkimer as so recommended for the term commencing January 1, 2021 and ending December 31, 2022; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the County Treasurer, Auditor, Budget Officer, Personnel Officer, Kim S. Tranter and Clerk of the County of Herkimer, who shall immediately notify the NYS Board of Elections of this appointment.

Dated: October 28, 2020.



HERKIMER COUNTY LEGISLATURE

No. 278

RESOLUTION CALLING ON THE GOVERNOR AND STATE LEGISLATIVE LEADERS TO RESTORE REDUCTIONS TO COUNTIES SALES TAX

Sponsored by: Committee on Administration/Veterans' Affairs

WHEREAS, Herkimer County has always been fiscally conscious; and

WHEREAS, the COVID-19 Pandemic has put a fiscal burden on Herkimer County as well as the state of New York and the other 61 counties; and

WHEREAS, all sales tax revenue is an important and a vital revenue for all counties to assist counties to pay for state mandated programs; and

WHEREAS, portions of internet sales tax payments due to Herkimer County were diverted by the State of New York in 2019, 2020, and plans to divert additional internet sales tax to be used to fund the New York State AIM program for towns, villages and cities; and

WHEREAS, portions of sales tax payments due to Herkimer County will be diverted by the State of New York in 2020, who plans to also take Herkimer County sales tax in 2021 to be used to fund distressed hospitals; and

WHEREAS, Herkimer County has no say in this diversion of sales tax; and

WHEREAS, the loss of these revenues caused fiscal stress and budget uncertainty for Herkimer County while increasing pressure on property taxes; now, therefore, be it

RESOLVED, that the Herkimer County Legislature calls upon the Governor and State Legislature to put a stop to the diversion of Herkimer County sales tax both regular and internet sales tax, and return all diverted sales tax money back to Herkimer County; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Governor of the State of New York, Senator James L. Seward, Senator James Tedisco, Assemblyman Robert Smullen, Assemblyman Brian Miller, Assemblywoman Marianne Buttenschon, and NYSAC.

Dated: October 28, 2020.



HERKIMER COUNTY LEGISLATURE

No. 279

RESOLUTION AUTHORIZING ADOPTION OF RETENTION AND DISPOSITION SCHEDULE FOR NEW YORK LOCAL GOVERNMENT RECORDS (LGS-1)

Sponsored by: Committee on Administration/Veterans' Affairs

WHEREAS, Herkimer County has previously implemented requirements of Records Retention and Disposition Schedule CO-2 of the New York State Education Department, New York State Archives for proper disposition of County records; and

WHEREAS, the New York State Archives has revised and consolidated all of its local government records retention and disposition schedules into one new complete schedule, Retention and Disposition Schedule for New York Local Government Records (LGS-1); and

WHEREAS, the Retention and Disposition Schedule for New York Local Government Records, or LGS-1, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, supersedes and replaces all previous schedules which expire on January 1, 2021; and

WHEREAS, local government records may not be legally destroyed after the end of 2020 unless the LGS-1 is formally adopted; now, therefore, be it

RESOLVED, that the Herkimer County Legislature does hereby adopt the Retention and Disposition Schedule for New York Local Government Records or LGS-1 for use by all County Departments; and, be it further

RESOLVED, that a copy of this resolution shall be forwarded to all County Department Heads notifying them of this change.

Dated: October 28, 2020.



HERKIMER COUNTY LEGISLATURE

No. 280

RESOLUTION AUTHORIZING LITIGATION AGAINST FORMER EMPLOYEE FOR OVERPAYMENT OF SALARY

Sponsored by: Committee on Ways and Means

WHEREAS, a mistaken salary overpayment was made to a County employee who had resigned in the amount of \$681.85; and

WHEREAS, demand has been made for repayment for that amount, but it has not been received; now, therefore, be it

RESOLVED, the County Attorney's Office is hereby authorized to commence an action on behalf of the County of Herkimer against that former employee, Krista Varvaro, to recover that sum, and the Chairman of this Legislature is hereby authorized to sign any and all documents necessary for or in connection with that litigation; and, be it further

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

Dated: October 28, 2020.



HERKIMER COUNTY LEGISLATURE

No. 281

RESOLUTION AMENDING RESOLUTION NO. 271 OF 2015 AMENDING FEE SCHEDULE ASSOCIATED WITH CORONERS' DUTIES

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

WHEREAS, by Resolution No. 26 of 1966, the Board of Supervisors established fees for services associated with autopsies, use of morgues, reporting and related costs; and

WHEREAS, by Resolution No. 271 of 2015, this Legislature approved certain changes be made to the fee schedule; and

WHEREAS, it is now recommended that certain changes be made to this schedule; now, therefore, be it

RESOLVED, that Resolution No. 271 of 2015 is hereby amended as follows:

1. Increase Autopsy Fee with death certificate from \$1000 to \$1,200
2. Increase External Exam by Physician Fee from \$300 to \$400

and, be it further

RESOLVED, that in all other respects, said Resolution No. 271 of 2015 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 Herkimer County Coroners.

Dated: October 28, 2020.