

**MINUTES**  
**Herkimer County Legislature**  
**Second Quarter – Fourth Day**  
**Wednesday, May 18, 2022**  
**7:00 p.m.**

The Regular Session of the Herkimer County Legislature was called to order by Chairman Vincent J. Bono at 7:11 p.m.

Chairman Bono called on Kathy Fox, Director of the Office for the Aging, 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, Stephens, Keeler, Brezinski, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (16).

Absent: Johnson (1).

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

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 April 27, 2022, or May 2, 2022. There were none, and the Chairman ordered them approved.

Chairman Bono dispensed with the regular session to allow for a plaque presentation to Kathy Wright, Director of Information Services for her retirement.

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. 172 – A communication was received from the Solid Waste Authority submitting 2021 Annual Report. Filed.

No. 173 – A communication was received from the County Property Agent requesting to cancel outstanding tax. Referred to the Committee on Ways & Means.

No. 174 – A communication was received from the County Clerk submitting Semi-Annual Mortgage Tax Report. Referred to the Committee on Ways & Means.

No. 175 – A communication was received from the County Treasurer submitting Apportionment of Mortgage Tax. Referred to the Committee on Ways & Means.

No. 176 – A communication was received from the Village of Middleville requesting assistance with renovation of baseball fields and playground. Referred to the Committee on Ways & Means.

No. 177 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment and creation of accounts in connection with additional funding in Office for the Aging. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 178 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in connection with additional funding in Office for the Aging. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 179 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in connection with additional funding in Office for the Aging. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 180 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in connection with additional funding in Office for the Aging. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 181 – A communication was received from the Director of Office for the Aging requesting contract for Tai Chi. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 182 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment and creation of a project in Department of Social Services. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 183 – A communication was received from the Personnel Officer requesting a resolution to appoint Acting Director of Information Services. Referred to the Committee on Information Services.

No. 184 – A communication was received from the Budget Officer/Purchasing Agent submitting recommendation to award bid for bus service for the Public Health Preschool Transportation Program. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 185 – A communication was received from the Budget Officer/Purchasing Agent requesting contract to update Multijurisdictional Hazard Mitigation Plan. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 186 – A communication was received from the Director of Emergency Services requesting electrical contract for 911 Center and Radio Towers. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 187 – A communication was received from the Director of Emergency Services requesting Honey Hill Communications Tower Lease Agreement. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 188 – A communication was received from the Sewer District submitting Resolution for billing policies. Referred to the Committee on Natural Resources and the Committee on Ways & Means.

No. 189 – A communication was received from David Chlus submitting resignation from Herkimer County IDA Board. Referred to the Committee on County Planning & Development.

No. 190 – A communication was received from the Herkimer County Soil & Water Conservation District advising of monthly meeting. Filed.

No. 191 – A communication was received from the NYS Agriculture & Markets certifying the inclusion of predominantly viable agricultural land. Filed.

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

The Chairman continued with the Regular Agenda.

On motion of Mr. Weakley, seconded by Mr. Schrader, Report and Resolution No. 136 sponsored by the Committee on Human Resources and the Committee on Ways & Means accepting additional funding, creating accounts, and amending budget for Respite Services under the Unmet Needs Funding Program was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Johnson (1).



## **HERKIMER COUNTY LEGISLATURE**

No. 136

### **REPORT AND RESOLUTION ACCEPTING ADDITIONAL FUNDING, CREATING ACCOUNTS, AND AMENDING BUDGET FOR RESPITE SERVICES UNDER THE UNMET NEEDS FUNDING PROGRAM**

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

WHEREAS, by letter dated April 22, 2022, from Kathy L. Fox, Director of the Office for the Aging, this Legislature is advised of a request to accept additional funds, in the amount of \$85,000, for the remainder of 2022 for the Unmet Needs Funding Program; and

WHEREAS, letter further advises the program year is April 1, 2021 through September 30, 2022; and

WHEREAS, by letter dated April 28, 2022, the Budget Officer has advised that it is necessary to amend the 2022 Herkimer County Budget and create accounts; now, therefore, be it

RESOLVED, that the 2022 Herkimer County Budget is hereby amended to establish the following accounts in the amounts listed:

A6786C.3786C, Unmet Needs, Federal Aid	From: \$43,688 To: \$128,688
A6786C.23000, Unmet Needs, Motor Vehicle (create)	From: \$0 To: \$60,000
A6786C.41000, Unmet Needs, Supplies (create)	From: \$0 To: \$2,500
A6786C.44000, Unmet Needs, Contracted Services	From: \$33,688 To: \$48,688
A6786C.46000, Unmet Needs, Misc. Expense	From: \$10,000 To: \$15,000
A6786C.46100, Unmet Needs, Mileage (create)	From: \$0 To: \$2,500

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: May 18, 2022.

On motion of Mr. Donley, seconded by Mr. Ackerman, Report and Resolution No. 137 sponsored by the Committee on Human Resources and the Committee on Ways & Means accepting additional funding and amending budget for Title IIID Health Promotion Program was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Johnson (1).



## HERKIMER COUNTY LEGISLATURE

No. 137

**REPORT AND RESOLUTION ACCEPTING ADDITIONAL FUNDING AND AMENDING BUDGET FOR TITLE IIID HEALTH PROMOTION PROGRAM**

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

WHEREAS, by letter dated April 22, 2022, from Kathy L. Fox, Director of the Office for the Aging, this Legislature is advised of a request to accept additional funds, in the amount of \$2,873.09, for the remainder of 2022 for the IIID Health Promotion Plan; and

WHEREAS, letter further advises the program year is January 1, 2022 through December 31, 2022; and

WHEREAS, by letter dated April 28, 2022, the Budget Officer has advised that it is necessary to amend the 2022 Herkimer County Budget; now, therefore, be it

RESOLVED, that the 2022 Herkimer County Budget is hereby amended in the amounts listed:

A6772A.4772A, IIID, Federal Aid	From: \$5,321
	To: \$8,194.09
A6772A.44000, IIID, Contracted Services	From: \$4,000
	To: \$6,873.09

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: May 18, 2022.

On motion of Mr. Campione, seconded by Mr. Stephens, Report and Resolution No. 138 sponsored by the Committee on Human Resources and the Committee on Ways & Means accepting additional funding and amending budget for Title III E Respite Program in Office for the Aging was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Johnson (1).



**HERKIMER COUNTY LEGISLATURE**

No. 138

**REPORT AND RESOLUTION ACCEPTING ADDITIONAL FUNDING AND AMENDING BUDGET FOR TITLE IIIE RESPITE PROGRAM IN OFFICE FOR THE AGING**

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

WHEREAS, by letter dated April 22, 2022, from Kathy L. Fox, Director of the Office for the Aging, this Legislature is advised of a request to accept additional funds, in the amount of \$21,270.41, for the remainder of 2022 for the IIIE Respite Program to provide caregivers respite services; and

WHEREAS, letter further advises the program year is January 1, 2022 through December 31, 2022; and

WHEREAS, by letter dated April 28, 2022, the Budget Officer has advised that it is necessary to amend the 2022 Herkimer County Budget; now, therefore, be it

RESOLVED, that the 2022 Herkimer County Budget is hereby amended in the amounts listed:

A6783.4783, IIIE, Federal Aid	From: \$39,845 To: \$61,115.41
A6783.10000-001, IIIE, Salaries	From: \$10,408 To: \$15,408
A6783.41000, IIIE, Supplies	From: \$1,000 To: \$5,000.41
A6783.44000, IIIE, Contracted Services	From: \$39,000 To: \$47,282
A6783.46100, IIIE, Mileage	From: \$0 To: \$1,000
A6783.81000, IIIE, Retirement	From: \$1,354 To: \$2,354
A6783.83000, IIIE, Social Security	From: \$645 To; \$955
A6783.83500, IIIE, Medicare	From: \$151 To: \$224
A6783.84000, IIIE, Workers Comp	From: \$208 To: \$308
A6783.86000, IIIE, Health Insurance	From: \$3,348 To: \$4,848
A6783.86500, IIIE, Dental Insurance	From: \$19 To: \$24

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: May 18, 2022.

On motion of Mr. Keeler, seconded by Mr. Weakley, Report and Resolution No. 139 sponsored by the Committee on Human Resources and the Committee on Ways & Means accepting additional funding and amending budget for Title IIIB Program in Office for the Aging was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Johnson (1).



## HERKIMER COUNTY LEGISLATURE

No. 139

### REPORT AND RESOLUTION ACCEPTING ADDITIONAL FUNDING AND AMENDING BUDGET FOR TITLE IIIB PROGRAM IN OFFICE FOR THE AGING

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

WHEREAS, by letter dated April 22, 2022, from Kathy L. Fox, Director of the Office for the Aging, this Legislature is advised of a request to accept additional funds, in the amount of \$17,129.99, for the remainder of 2022 for the IIIB program to provide transportation, companion homemaker services, and Legal Aid; and

WHEREAS, letter further advises the program year is January 1, 2022 through December 31, 2022; and

WHEREAS, by letter dated April 28, 2022, the Budget Officer has advised that it is necessary to amend the 2022 Herkimer County Budget; now, therefore, be it

RESOLVED, that the 2022 Herkimer County Budget is hereby amended in the amounts listed:

A6772.4772, IIIB, Federal Aid	From: \$73,000 To: \$90,129.99
A6772.10100, IIIB, Temp. Salaries	From: \$26,452 To: \$31,452
A6772.41000, IIIB, Supplies	From: \$0 To: \$1,644.99
A6772.44000, IIIB, Contracted Services	From: \$11,000

A6772.46100, IIB, Mileage	To: \$14,000
	From: \$3,300
A6772.83000, IIB, Social Security	To: \$10,300
	From: \$6,031
A6772.83500, IIB, Medicare	To: \$6,343
	From: \$767
A6772.84000, IIB, Workers Comp	To: \$840
	From: \$1,059
	To: \$1,159

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: May 18, 2022.

On motion of Mr. Hollum, seconded by Mr. Malta, Report and Resolution No. 140 sponsored by the Committee on Human Resources and the Committee on Ways & Means approving a contract for services under Title IIID in the Herkimer County Office for the Aging was handed up; voted on and adopted by voice vote:

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



## HERKIMER COUNTY LEGISLATURE

No. 140

### REPORT AND RESOLUTION APPROVING A CONTRACT FOR SERVICES UNDER TITLE IIID IN THE HERKIMER COUNTY OFFICE FOR THE AGING

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

WHEREAS, by letter dated April 27, 2022, Kathy L. Fox, Director of the Office for the Aging, requests a contract be entered into with Dorothy Peters to provide Tai Chi exercise classes at a cost of \$60.00 per class under the Title IIID Program of the Herkimer County Office for the Aging, which provides Evidenced Based Health Promotion activities for individuals 60 and over; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a contract for the period commencing May 1, 2022 to December 31, 2022 with Dorothy Peters, to provide services to the Herkimer County Office for the Aging for the provision of Tai Chi



exercise classes for individuals 60 and over at a cost of \$60.00 per class, up to an amount of \$3,000; with funding to be provided from the Title IIID Evidenced Based Health Program and a 10% local match; and, be it further

RESOLVED, that annual renewals of this contract are approved under 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 the Office for the Aging, and Dorothy Peters.

Dated: May 18, 2022.

On motion of Mr. Stephens, seconded by Mr. Gaworecki, Report and Resolution No. 141 sponsored by the Committee on Human Resources and the Committee on Ways & Means amending the budget and creating project in connection with HealthNet, Inc. was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Johnson (1).



## HERKIMER COUNTY LEGISLATURE

No. 141

### REPORT AND RESOLUTION AMENDING THE BUDGET AND CREATING PROJECT IN CONNECTION WITH HEALTHNET, INC.

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

WHEREAS, Resolution No. 3 of 2021 authorized Herkimer County to act as a pass through entity for the Herkimer County HealthNet Development Program Award; and

WHEREAS, by letter dated April 21, 2022, Tim Seymour, Commissioner of Social Services has advised that the HealthNet Development Program Award for 2022 has been confirmed in the amount of \$103,154; and

WHEREAS, by letter dated April 28, 2022, Sheri Ferdula, Budget Officer/Purchasing Agent has advised that an amendment to the 2022 budget and the creation of a project will be necessary to allow for the funds to be added; now, therefore, be it

RESOLVED, that the 2022 Herkimer County Budget is hereby amended as follows:

A4018.3418, Health Care Network, Proj. 13-13, State Aid

From: \$0

To: \$103,154

A4018.44000, Health Care Network, Proj. 13-13, Contracted Services, From: \$0  
To: \$103,154

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 Executive Director of Herkimer County HealthNet.

Dated: May 18, 2022.

On motion of Mr. Schrader, seconded by Mr. Ackerman, Report and Resolution No. 142 sponsored by the Committee on Information Services appointing Acting Director of Information Services was handed up; voted on and adopted by voice vote:

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

Mr. Testa thanked the Legislature for the appointment.



## HERKIMER COUNTY LEGISLATURE

No. 142

### REPORT AND RESOLUTION APPOINTING ACTING DIRECTOR OF INFORMATION SERVICES

#### Sponsored by: Committee on Information Services

WHEREAS, by letter dated February 21, 2022 Kathy Wright has submitted her resignation effective May 27, 2022; and

WHEREAS, by letter dated April 21, 2022, Steven R. Billings, Personnel Officer, has indicated that Michael Testa may be temporarily appointed as Acting Director of Information Services, effective May 30, 2022, until such time as the New York State Legislature passes a bill and the Governor signs said bill amending the residency requirement for the position under Public Officers Law; now, therefore, be it

RESOLVED, that Michael Testa, be, and he hereby is, appointed as Temporary Acting Director of Information Services, effective May 30, 2022; and, be it further

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

Dated: May 18, 2022.

On motion of Mr. Russell, seconded by Mr. Shaw, Report and Resolution No. 143 sponsored by the Committee on Human Resources and the Committee on Ways & Means awarding bid for the Public Health Preschool Transportation Program was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Johnson (1).



## HERKIMER COUNTY LEGISLATURE

No. 143

### REPORT AND RESOLUTION AWARDING BID FOR THE PUBLIC HEALTH PRESCHOOL TRANSPORTATION PROGRAM

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

WHEREAS, this Legislature is informed by communication dated April 28, 2022 from Sheri Ferdula, Budget Officer, that certain bids were received and publicly opened for the Preschool Transportation Program for the period from July 1, 2022 to June 30, 2025; and

WHEREAS, it is the recommendation of the Director of Public Health and your Committees that a contract be awarded based on the alternate bid of the sole bidder, Birnie Bus Service, Inc. of Rome, New York, in the amount of \$771,187, for the period from July 1, 2022 to June 30, 2025, with an annual escalator of 5%, to include that the County will have two one year options to renew the contract, with an annual increase to be decided on; now, therefore, be it

RESOLVED, that a contract be awarded to Birnie Bus Service, Inc., 1300 Floyd Ave, Rome, New York, in the amount of \$771,187, for preschool transportation services for the Public Health Preschool Transportation Program for the period commencing July 1, 2022 to June 30, 2025, with an annual escalator of 5% to include that the County will have two one year options to renew the contract, with an annual increase to be decided on; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to sign said contract, subject to 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 Public Health, and Birnie Bus Service.

Dated: May 18, 2022.

On motion of Mr. Stephens, seconded by Mr. Weakley, Report and Resolution No. 144 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means approving lease agreement for Honey Hill Communications Tower was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Johnson (1).



## HERKIMER COUNTY LEGISLATURE

No. 144

### REPORT AND RESOLUTION APPROVING LEASE AGREEMENT FOR HONEY HILL COMMUNICATIONS TOWER

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

WHEREAS, by letter dated April 22, 2022 from John J. Raymond, Director of Emergency Services, this Legislature is advised of a request to sign a lease agreement with Tarpon Towers II, LLC of Lakewood Ranch, Florida, for use of a communication tower located on Honey Hill in the Town of Newport; and

WHEREAS, letter further advises there is a one-time charge of \$2,500 for structural analysis, equipment for the tower project around \$300,000 with one hundred percent of this cost to be covered by the State Interoperable Communications Grant (SICG), and annualized cost of the tower is \$7,200 per year with the bulk of this annual cost also covered under SICG funding; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a lease agreement with Tarpon Towers II, LLC for use of a communication tower located on Honey Hill in the Town of Newport; and, be it further

RESOLVED, that the structural analysis and yearly annualized cost is hereby approved; 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 Tarpon Towers II, LLC.

Dated: May 18, 2022.

On motion of Mr. Campione, seconded by Mr. Donley, Report and Resolution No. 145 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means awarding electrical service contract for 911 Center and radio towers was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Johnson (1).



## HERKIMER COUNTY LEGISLATURE

No. 145

### REPORT AND RESOLUTION AWARDING ELECTRICAL SERVICE CONTRACT FOR 911 CENTER AND RADIO TOWERS

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

WHEREAS, by letter received April 22, 2022, from John J. Raymond, Director of Emergency Services, this Legislature is advised of a request to contract with Doug's Electric Service LLC of Newport, NY to service the backup generators located at the 911 Center and primary radio towers at Dairy Hill, Aney Hill, and McCauley Mountain; and

WHEREAS, the 2022 service plan rates will be \$2,378 to service the 911 Center generator and electric, \$1,995 to service the Aney Hill generator and electric, \$1,260 to service the Dairy Hill generator and electric, and \$3,875 to service the McCauley Mountain generator and electric; now, therefore, be it

RESOLVED, that a contract be entered into with Doug's Electric Service LLC to service backup generators located at the 911 Center and primary radio towers at Dairy Hill, Aney Hill, and McCauley Mountain; 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 Emergency Services, and Doug's Electric Service LLC.

Dated: May 18, 2022.

On motion of Mr. Stephens, seconded by Mr. Schrader, Report and Resolution No. 146 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means authorizing contract for Multijurisdictional Hazard Mitigation Plan Consultant was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Johnson (1).



## HERKIMER COUNTY LEGISLATURE

No. 146

### REPORT AND RESOLUTION AUTHORIZING CONTRACT FOR MULTIJURISDICTIONAL HAZARD MITIGATION PLAN CONSULTANT

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

WHEREAS, by letter dated April 28, 2022, Sheri Ferdula, Budget Officer/Purchasing Agent, has advised that requests for proposals were received for an update to the Multijurisdictional Hazard Mitigation Plan and recommends a contract be awarded to Tetra Tech, Inc., 6 Century Drive, Ste. 300, Parsippany, NJ 07054, with the cost to update to be \$59,900, plus an additional \$7,600 for the enhanced story map web based plan, for a total of \$67,500; and

WHEREAS, funding for this project will be covered by the BRIC Grant; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an agreement with Tetra Tech, Inc., for an update to the Multijurisdictional Hazard Mitigation Plan, in the amount of \$67,500, with the terms of 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, Director of Emergency Services, and Tetra Tech, Inc.

Dated: May 18, 2022.

On motion of Mr. Keeler, seconded by Mr. Manno, Report and Resolution No. 147 sponsored by the Committee on Natural Resources and the Committee on Ways & Means adopting Policy on Payment of quarterly sewer bills for the Herkimer County Sewer District was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Johnson (1).



## HERKIMER COUNTY LEGISLATURE

No. 147

## **REPORT AND RESOLUTON ADOPTING POLICY ON PAYMENT OF QUARTERLY SEWER BILLS FOR THE HERKIMER COUNTY SEWER DISTRICT**

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

WHEREAS, by letter dated April 21, 2022, this Legislature is advised that by action on April 20, 2022, the Herkimer County Sewer District Board adopted a Resolution adopting a Policy on Payment of Quarterly Sewer Bills, and said Resolution has been forwarded to the Herkimer County Legislature for approval; now, therefore, be it

RESOLVED, that the Policy on Payment of Quarterly Sewer Bills is hereby adopted, as attached; and, be it further

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

Dated: May 18, 2022.

### **Herkimer County Sewer District Policy on Payment of Quarterly Sewer Bills (Adopted February 16, 2022)**

The Herkimer County Sewer District (“HCSD”) provides Wastewater Management to the residents of the Towns of German Flatts and Frankfort and the Villages of Ilion, Mohawk and Frankfort. The following represents guidance established for sewer billing and payment.

#### **BILLING:**

Sewer bills are generated on a quarterly basis by HCSD, mailed to the property owner’s address on or about the last business day of January, April, July and October.

Payment is due within thirty days of that billing date.

HCSD does accept partial payments. If a partial payment results in a balance due and the balance due is not remitted by the bill due date, HCSD will assess a standard late fee. Overpayments received will be credited to the property owner’s account.

Sewer rates are set by the Herkimer County Sewer District Board (the “Board”) and adjusted from time to time. For more information on the current sewer rates, please contact HCSD at 315-866-6042.

All sewer bills are sent to property owners. HCSD cannot send bills to tenants.

If the property has been sold, please contact the municipal water department in the municipality where your property is located immediately. It is the buyer’s responsibility to notify their water department of any ownership changes.

#### **PAYMENT METHODS:**

HCSD is please to offer the following payment methods:

1. In-Person: Cash, personal check, money order paid in person to HCSD at 106 W. Main Street, Mohawk NY 13407. Currently HCSD is open to the public Monday – Friday, 8:00am – 3:30pm. Payment by credit/debit card is available in person (processing fees apply)

Payments are also accepted at Adirondack Bank in Mohawk & Ilion and M&T Bank in Frankfort.

2. By Mail: Personal check or money order mailed to Herkimer County Sewer District, 106 W. Main Street, Mohawk, NY 13407. **Please do not mail cash payments.**
3. Drop Box: Personal check or money order dropped into the Drop Box located at the end of the driveway to the Herkimer County Sewer District, 106 W. Main Street, Mohawk, NY 13407. **Please do not leave cash in the Drop Box.**
4. Online: Visit <https://allpaid.com/payments#/plc-search/plc-details/a0010i> (processing fees apply)
5. Bank Bill Pay Option: set up through customer's bank or other financial institution – request that bank remit payments to Herkimer County Sewer District, 106 W. Main Street, Mohawk, NY 13407. (Bank fees may apply)

HCSD does not accept payments by telephone.

**LATE PAYMENT FEES and RELEVY:**

Payments received after the billing due date are assessed a late payment fee of 5%.

Sewer charges that are not paid on or before the last business day in October are relevied to Herkimer County and appear on the real property tax bills issued the following January. Customers may see additional fees associated with such relevy.

**RETURNED CHECK POLICY :**

HCSD is pleased to allow customers to pay using personal check. Payment by personal check is a privilege and not a right.

If a check is returned for any reason, a returned check fee of \$25.00 will be immediately added to that customer's billing. Further, HCSD will suspend that customer's privilege to pay by personal check indefinitely. That customer must remit all future payments utilizing an alternative and acceptable payment method as set forth herein.

The customer's privilege to pay by personal check may be reinstated as follows:

1. Should the customer believe the returned check was not the error of the customer, the customer may request a review of the account by the Board at a regular meeting of that body. The customer should request such a review by contacting HCSD and requesting to be added to the meeting agenda no later than 24 hours before a regular meeting. The customer may present any and all evidence to the Board as to why the privilege should be reinstated. The customer is encouraged to bring evidence that independently substantiates the customer's position. The Board will render a decision by letter to the customer. The decision of the Board will be considered final.
2. Following timely payment by the customer on six (6) consecutive billings of the account, the customer may make written application to have the privilege reinstated by writing a letter to the Board for consideration. The Board will review such letter application at the following regular meeting of the Board. The customer may request to be added to the agenda and may address the Board but that is not required. The Board will render a decision by letter to the customer. The decision of the Board will be considered final.

The Board meets regularly on the third Wednesday of each month (except the months of August and December) at 6:00pm at the HCSD Office, 106 W. Main Street, Mohawk, NY 13407.

**SPECIAL RULES FOR NON-MUNICIPAL WATER USERS:**

HCSD acknowledges that some customers within the Herkimer County Sewer District do not have municipal water accounts but rather have a well system for water supply. As HCSD relies upon the



municipal water accounts to determine accurate billing for sewer services, HCSD policy for non-municipal water users requires the customer to complete a Sewer Use Affidavit and file same with HCSD. HCSD relies upon this sworn statement of the number of individuals residing at the property location so that HCSD may accurately bill the property owner.

Failure by the property owner to complete and file a Sewer Use Affidavit will result in the property owner being assessed a usage at the rate of five hundred (500) gallons per day.

**EXCEPTIONAL CIRCUMSTANCES:**

HCSD also acknowledges that certain property owners may have exceptional circumstances that require more individualized attention by the HCSD for accurate billing of sewage use. Should a property owner believe that he/she/it has an exceptional circumstance, that property owner must submit a written request to the HCSD Board for review of the account to engage in discussions to determine an accurate method of billing. The written request must include (but not be limited to) the following information:

1. Property owner name
2. Property address
3. Summary of exceptional circumstances affecting sewage use
4. Proposed plan for accurate billing

All written requests will be reviewed by HCSD Board at a regular meeting of that body. The Board will render a decision by letter to the customer. The decision of the Board will be considered final.

On motion of Mr. Russell, seconded by Mr. Gaworecki, Report and Resolution No. 148 sponsored by the Committee on Ways & Means authorizing sub recipient agreement with the Village of Middleville was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: Stephens (1).

Absent: Johnson (1).



**HERKIMER COUNTY LEGISLATURE**

No. 148

**REPORT AND RESOLUTION AUTHORIZING SUB RECIPIENT AGREEMENT WITH THE VILLAGE OF MIDDLEVILLE**

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

WHEREAS, a communication has been received by this Legislature from the Village of Middleville requesting American Rescue Plan Act funding to assist with repairs to a baseball field and playground due to storm damage; and

WHEREAS, Herkimer County will recoup sufficient funding for revenue replacement to be used for the provision of governmental services; now, therefore, be it

RESOLVED, the Chairman is authorized to enter into a sub-recipient agreement and to execute payment of \$9,500 with and to the Village of Middleville to assist with repairs to a baseball field and playground due to storm damage; and, be it further

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

Dated: May 18, 2022.

On motion of Mr. Russell, seconded by Mr. Ackerman, Report and Resolution No. 149 sponsored by the Committee on Ways & Means apportioning mortgage tax was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Johnson (1).



## HERKIMER COUNTY LEGISLATURE

No. 149

### REPORT AND RESOLUTION APPORTIONING MORTGAGE TAX

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

WHEREAS, your Committee on Ways and Means, to which was referred the report of the Recording Officer and County Treasurer showing the amounts received from the mortgage taxes, respectfully reports that we have examined the report containing the list of mortgages as kept by the Herkimer County Clerk, and herewith submit the following report showing the apportionment to the several towns, villages and the City in the County. Your Committee recommends that the Herkimer County Treasurer be authorized to draw warrants payable to the Supervisors of the several towns and to the City of Little Falls, and to the Treasurers of the incorporated villages in an amount apportioned as indicated on the tabulated statement recommended by the Committee herewith, and your Committee offers the following Resolution:

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized and directed to draw warrants payable to the Supervisors of the several towns in Herkimer County and to the Treasurer of the City of Little Falls and the Treasurers of the incorporated villages in the County of Herkimer entitled to a portion thereof, in the amounts of mortgage taxes apportioned respectively, and that a certified copy of the Resolution be served by the Clerk of this Legislature on the Herkimer County Treasurer.

Dated: May 18, 2022.

APPORTIONMENT OF MORTGAGE TAX  
October 1, 2021 – March 31, 2022

TOWNS	TOTAL TAX RECEIVED	TOWN SHARE	INCLUDING VILLAGES	VILLAGES SHARES
COLUMBIA	\$ 12,739.14	\$12,739.14		
DANUBE	15,334.93	15,334.93		
FAIRFIELD	17,858.59	16,532.75	MIDDLEVILLE	\$ 1,325.84
FRANKFORT	67,008.12	59,962.96	FRANKFORT	6,923.44
			ILION	121.72
GERMAN FLATTS	107,865.17	68,705.02	ILION	29,237.26
			MOHAWK	9,922.89
HERKIMER	91,415.06	62,763.75	HERKIMER	28,651.31
LITCHFIELD	12,234.21	12,234.21		
C/O LITTLE FALLS	29,829.19	29,829.19		
T/O LITTLE FALLS	15,064.54	15,064.54		
MANHEIM	18,456.91	15,276.79	DOLGEVILLE	3,180.12
NEWPORT	24,532.02	21,096.76	MIDDLEVILLE	513.71
			NEWPORT	2,479.77
			POLAND	441.78
NORWAY	5,845.32	5,845.32		
OHIO	15,770.90	15,770.90		
RUSSIA	30,615.63	28,560.60	COLD BROOK	737.14
			POLAND	1,317.89
SALISBURY	10,467.36	10,467.36		
SCHUYLER	17,370.25	17,370.25		
STARK	6,009.08	6,009.08		
WARREN	8,434.80	8,434.80		
WEBB	141,552.24	141,552.24		
WINFIELD	27,967.04	24,484.84	WEST WINFIELD	3,482.20
<b>TOTAL</b>	<b>\$ 676,370.50</b>	<b>\$588,035.43</b>		<b>\$88,335.07</b>

Herkimer County Treasurer \$619.09

On motion of Mr. Donley, seconded by Mr. Schrader, Report and Resolution No. 150 sponsored by the Committee on Ways & Means cancelling taxes on property in the Town of Frankfort acquired by the Greater Mohawk Valley Land Bank was handed up; discussion was held; voted on and adopted by voice vote:

For: Ayes (13).

Against: Stephens, Brezinski, Ackerman (3).

Absent: Johnson (1).



## HERKIMER COUNTY LEGISLATURE

No. 150

**REPORT AND RESOLUTION CANCELLING TAXES ON PROPERTY IN THE TOWN OF FRANKFORT ACQUIRED BY THE GREATER MOHAWK VALLEY LAND BANK**

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

WHEREAS, premises located at 1131 Center Road in the Town of Frankfort known as tax parcel number 104.65-2-2 were acquired by the Greater Mohawk Valley Land Bank on December 22, 2020; and

WHEREAS, property owned by the Greater Mohawk Valley Land Bank is exempt from real property taxes pursuant to Not For Profit Corporation Law Section 1608(a) upon the date of transfer of title to a land bank; and

WHEREAS, a 2021 Town and County Tax Bill in the amount of \$1,593.61 was generated after the date that the Greater Mohawk Valley Land Bank took title to Tax Parcel No. 104.65-2-2; and

WHEREAS, by letter dated April 26, 2022, Herkimer County Property Agent, Jennifer Casey, has requested that this Legislature approve cancellation of said 2021 Town and County tax bill; now, therefore, be it

RESOLVED, that the Herkimer County Property Agent is authorized to issue and file a Certificate of Cancellation of said taxes; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, County Property Agent and the Greater Mohawk Valley Land Bank.

Dated: May 18, 2022.

On motion of Mr. Hollum, seconded by Mr. Ackerman, Resolution No. 151 sponsored by the Committee on County Planning & Development making appointment to the Herkimer County Industrial Development Agency was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Johnson (1).



**HERKIMER COUNTY LEGISLATURE**

No. 151

**RESOLUTION MAKING APPOINTMENT TO THE HERKIMER COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

**Sponsored by: Committee on County Planning & Development**

WHEREAS, this Legislature by Resolution No. 124 of 1970 established an Industrial Development Agency for the County of Herkimer, and by Resolution No. 104 for 1982 amended said resolution to increase membership of the Herkimer County Industrial Development Agency to seven members; and

WHEREAS, it is necessary to make an appointment to fill a vacancy on said Industrial Development Agency; now, therefore, be it

RESOLVED, that this Legislature hereby appoints Timothy Day, Ilion, New York, to the Herkimer County Industrial Development Agency; and, be it further

RESOLVED, that said appointee shall serve on said Agency until a successor is appointed and qualified; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Industrial Development Agency, the Secretary of State of the State of New York, and Timothy Day.

Dated: May 18, 2022.

On motion of Mr. Stephens, seconded by Mr. Ackerman, Resolution No. 152 sponsored by the Committee on Ways & Means amending Resolution No. 131 of 2008 establishing standard workday for elected and appointed officials was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Johnson (1).



## HERKIMER COUNTY LEGISLATURE

No. 152

### **RESOLUTION AMENDING RESOLUTION NO. 131 OF 2008 ESTABLISHING STANDARD WORKDAY FOR ELECTED AND APPOINTED OFFICIALS**

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

WHEREAS, Resolution No. 131 of 2008 established the standard workday for elected and appointed officials and certain positions under Salary Schedules No. I and No. II, which was further amended by Resolution No. 273 of 2015; and

WHEREAS, Resolution No. 314 of 2021 amended Salary Schedule No. II to create one full time Assistant County Attorney position, making it necessary to amend Resolution No. 131 of 2008 to add the title Full Time Assistant County Attorney, effective January 10, 2022; now, therefore, be it

RESOLVED, that Resolution No. 131 of 2008 is hereby amended as follows:

**Five Day Workweek, Seven Hour Day:**

Include Full Time Assistant County Attorney, effective January 10, 2022

and, be it further

RESOLVED, that in all other respects, Resolution No. 131 of 2008 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, Personnel Officer, and the New York State Retirement System.

Dated: May 18, 2022.

On motion of Mr. Stephens, seconded by Mr. Donley, Resolution No. 153 sponsored by the Committee on Ways & Means approving standard work day and retirement reporting for elected and appointed officials was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Johnson (1).



**HERKIMER COUNTY LEGISLATURE**

No. 153

**RESOLUTION APPROVING STANDARD WORK DAY AND RETIREMENT REPORTING FOR ELECTED AND APPOINTED OFFICIALS**

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

RESOLVED, that the Herkimer County Legislature hereby establishes the following as standard work days for elected and appointed officials to report days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body:

<b>Title:</b>	<b>Standard Work Day: (Hrs/day) Min. 6 hrs Max. 8 hrs</b>	<b>Name: (First and Last)</b>	<b>Social Security Number: (Last 4 digits)</b>	<b>NYSLRS ID:</b>	<b>Tier 1 (Check only if member is Tier 1)</b>	<b>Current Term Begin &amp; End Dates: (mm/dd/yyyy-mm/dd/yyyy)</b>	<b>Record of Activities Result</b>	<b>Not Submitted: (Check only if official did not submit their Record of</b>
---------------	---	-------------------------------	--	-------------------	--	--	------------------------------------	--

								Activities )
<b>Elected Officials</b>								
Legislator	6	Peter J. Campione	█	█		01/01/22-12/31/23	4.27	
<b>Appointed Officials</b>								
Assistant Dist. Attorney	7	Robert Calli	█	█		01/01/21-12/31/24	23.11	
Assistant Dist. Attorney	6	Clifford Eisenhut	█	█		01/01/21-12/31/24	3.91	

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Personnel Officer, and Principal Account Clerk in the Treasurer’s Office.

Dated: May 18, 2022.

On motion of Mr. Hollum, seconded by Mr. Keeler, Resolution No. 154 sponsored by the Committee on Ways & Means amending Resolution No. 80 of 2009 relating to the rules and regulations governing the Herkimer County Employees Health Insurance Plan was handed up; discussion was held; voted on and adopted by voice vote:

For: Ayes (14).                      Against: Russell, Shaw (2).    Absent: Johnson (1).



## HERKIMER COUNTY LEGISLATURE

No. 154

### RESOLUTION AMENDING RESOLUTION NO. 80 OF 2009 RELATING TO THE RULES AND REGULATIONS GOVERNING THE HERKIMER COUNTY EMPLOYEES HEALTH INSURANCE PLAN

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

WHEREAS, the County of Herkimer currently maintains a health insurance program for the benefit of various county employees and retirees; and

WHEREAS, the rules governing the operation of the health insurance program for the benefit of the employees and retirees of the County of Herkimer has been amended, from time to time, since its enactment in 1959 as provided under Resolutions No. 62 and 189 of 1959, Resolution No. 169 of 1960, Resolution No. 27 of 1961, Resolutions No. 263 and 264 of 1975 and Resolution No. 97 of 1977; and

WHEREAS, Resolution No. 80 of 2009 amended the rules governing the operation of the health insurance program provided by the County of Herkimer to employees and retirees; and

WHEREAS, your Committee recommends Resolution No. 80 of 2009 be amended in the first resolved clause by changing the language to the following:

RESOLVED, that effective April 1, 2009, all eligible officers and employees of the County of Herkimer covered under Salary Schedule I and Salary Schedule II, with the exception of Legislators, who are hired or re-hired after a break in service, on or after April 1, 2009, shall be entitled to health insurance benefits under the following conditions:

now, therefore, be it

RESOLVED, that effective May 18, 2022, Resolution No. 80 of 2009 is hereby amended in the first resolved clause to read: RESOLVED, that effective April 1, 2009, all eligible officers and employees of the County of Herkimer covered under Salary Schedule I and Salary Schedule II, with the exception of Legislators, who are hired or re-hired after a break in service, on or after April 1, 2009, shall be entitled to health insurance benefits under the following conditions; and, be it further

RESOLVED, that in all other respects, Resolution No. 80 of 2009 shall remain in full force and effect and that any monies paid for health insurance by Legislators from 2009 to present shall not be refunded; and, be it further

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

Dated: May 18, 2022.

Chairman Bono stated that pursuant to Rule 6(12) they would proceed with comments by Legislators. The following Legislators made a comment: Legislator Ackerman, Legislator Schrader, and Chairman Bono.

At 7:31 p.m. on motion of Mr. Manno, seconded by Mr. Stephens, the Legislature adjourned to Wednesday, June 8, 2022 at 7:00 p.m.

Brittney R. Viscomi, Clerk