

MINUTES
Herkimer County Legislature
Third Quarter – First Day
Wednesday, July 6, 2022
2:00 p.m.

Public Hearing

The Public Hearing regarding the submission of an application to the CDBG Economic Development Program for Public Infrastructure to the New York State Office of Homes and Community Renewal was called to order by Kurt J. Ackerman, Legislator and Chairman of the County Planning & Development Committee, at 1:15 p.m. Legislator Ackerman asked the Clerk of the Legislature to call the roll of Legislators. The Clerk called the roll, the following answered: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Keeler, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (16). Quorum present. Legislator Ackerman asked the Clerk to read the Notice of Public Hearing. The Clerk read the Notice. Legislator Ackerman asked that any person wishing to speak state their name and address and limit comment to five minutes. John Piseck, Chief Executive Officer of the Industrial Development Agency made a comment. With no other persons wishing to speak, the hearing was declared closed at 1:18 p.m.

Brittney R. Viscomi, Clerk
Herkimer County Legislature

LEGAL NOTICE

HERKIMER COUNTY
NOTICE OF PUBLIC HEARING

Herkimer County will hold a public hearing on July 6, 2022 at 1:15 p.m., in the Legislature Chambers, 109 Mary Street, Herkimer, NY, for the purpose of hearing public comments on the County's community development needs, and to discuss the possible submission of one or more Community Development Block Grant (CDBG) Public Infrastructure application for program year 2022 CDBG funding.

New York State Homes and Community Renewal (HCR) is making available \$20 Million in CDBG funding and will make funds available to eligible local governments for housing, economic development, public facilities, public infrastructure, and planning activities, with the principal purpose of benefitting low/moderate income persons. Herkimer County is applying for \$1,250,000 in CDBG funds to support the construction of the Eastern Mohawk Valley Regional Water Transmission Main. The hearing will provide further information about the CDBG program and will allow for citizen participation in the development of any proposed grant applications and/or to provide technical assistance to develop alternate proposals. Comments on the CDBG program or proposed project(s) will be received at this time. The hearing is being conducted pursuant to Section 570.486, Subpart I of the CFR and in compliance with the requirements of the Housing and Community Development Act of 1974, as amended.

The Legislature Chambers is accessible to persons with disabilities. If special accommodations are needed for persons with disabilities, those with hearing impairments, or those in need of translation from English, those individuals should contact Brittney Viscomi, Clerk of the Legislature, at 315-867-1108, at least one week in advance of the hearing date to allow for necessary arrangements. Written comments may also be submitted until July 6, 2022, to:

Brittney Viscomi, Clerk
Herkimer County Legislature,
109 Mary Street, Suite 1310
Herkimer, NY 13350.

Dated: June 27, 2022.

The Regular Session of the Herkimer County Legislature was called to order by Chairman Vincent J. Bono at 2:01 p.m.

Chairman Bono called on Stephanie Tyoe, Deputy County Highway Superintendent, 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, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (16).

Absent: Brezinski (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 June 8, 2022. 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. 223 – A communication was received from the Solid Waste Authority submitting minutes and resolutions. Filed.

No. 224 – A communication was received from the New York State Unified Court System advising of recertification of Pretrial Services Agencies. Filed.

No. 225 – A communication was received from the Herkimer County Soil & Water Conservation District advising of monthly meeting. Filed.

No. 226 – A communication was received from the County Auditor submitting Mileage Reimbursement for 2022 effective 7/1/22. Filed.

No. 227 – A communication was received from the County Attorney submitting Notice of Claim. Filed.

No. 228 – A communication was received from the Highway Superintendent requesting discussion on personnel matter. Referred to the Committee on Ways & Means.

No. 229 – A communication was received from the County Treasurer requesting refund of interest and penalties. Referred to the Committee on Ways & Means.

No. 230 – A communication was received from the County Treasurer submitting Annual Report for 2021. Referred to the Committee on Ways & Means.

No. 231 – A communication was received from the Executive Director of the Youth Bureau submitting 2021 Annual Report. Referred to the Committee on County Planning & Development.

No. 232 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer of funds in DSS. Referred to the Committee on Ways & Means.

No. 233 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer of funds in Public Health. Referred to the Committee on Ways & Means.

No. 234 – A communication was received from the County Property Agent submitting Land Auction Results. Referred to the Committee on County Properties.

No. 235 – A communication was received from the Budget Officer/Purchasing Agent requesting an appropriation of funds in connection with a PILOT Agreement at the Manheim Business Park. Referred to the Committee on County Planning & Development and the Committee on Ways & Means.

No. 236 – A communication was received from the Budget Officer/Purchasing Agent requesting an appropriation of funds in connection with a PILOT Agreement at the Schuyler Business Park. Referred to the Committee on County Planning & Development and the Committee on Ways & Means.

No. 237 – A communication was received from the Budget Officer/Purchasing Agent requesting an amendment to the budget and creation of a revenue account to upfront funding for the Manheim Business Park. Referred to the Committee on County Planning & Development and the Committee on Ways & Means.

No. 238 – A communication was received from the Director of Public Health requesting the Chairman to sign contracts for the provision of education/related services to preschool children with handicapping conditions. Referred to the Committee on Human Resources.

No. 239 – A communication was received from the Director of Community Services requesting contract for position of Suicide Coordinator. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 240 – A communication was received from the Director of Community Services requesting to accept underpayment from Excellus. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 241 – A communication was received from the Budget Officer/Purchasing Agent requesting to award bid and transfer funds for the removal and replacement of the two remaining boilers. Referred to the Committee on County Properties and the Committee on Ways & Means.

No. 242 – A communication was received from the Director of Information Services requesting contract with Toshiba Business Solutions for printer maintenance contract. Referred to the Committee on Information Services and the Committee on Ways & Means.

No. 243 – A communication was received from the Personnel Officer requesting amendment to Salary Schedule No. II in the Highway Department. Referred to the Committee on Highways and the Committee on Ways & Means.

No. 244 – A communication was received from the Highway Superintendent requesting Emergency Relief Project Agreement with NYS DOT. Referred to the Committee on Highways.

No. 245 – A communication was received from the Director of Community Services requesting approval to amend an agreement with CDPHP. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 246 – A communication was received from the Budget Officer/Purchasing Agent requesting to award bid for chemical at the Sewer District. Referred to the Committee on Natural Resources and the Committee on Ways & Means.

No. 247 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment for the Highway Department. Referred to the Committee on Ways & Means.

No. 248 – A communication was received from the Budget Officer/Purchasing Agent requesting down payment for boiler project at HCCC. Referred to the Committee on Ways & Means.

No. 249 – A communication was received from the Director of Public Health requesting contract with Frankfort Schuyler School for a position related to the System of Care grant. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 250 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in connection with American Rescue Plan funding. Referred to the Committee on Ways & Means.

No. 251 – A communication was received from the Election Commissioners requesting grant extensions for the Early Voting Aid to Localities Grant and the Early Voting Expansion Grant. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 252 – A communication was received from the Budget Officer/Purchasing Agent requesting approval for purchase of vests and appropriation of funds. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 253 – A communication was received from the Personnel Officer requesting amendment to hourly salary schedule in the Board of Elections. Referred to the Committee on Ways & Means.

No. 254 – A communication was received from the Highway Superintendent requesting approval for Project Number 419. Referred to the Committee on Highways.

No. 255 – A communication was received from the Director of Emergency Services requesting discussion of Verizon Fiber Build to 911 Center. Referred to the Committee on Public Safety & Emergency Management.

No. 256 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment and creation of new projects in connection with two grants in the Emergency Services Department. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 257 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment and creation of new project in connection with Emergency Management Performance Grant. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 258 – A communication was received from the Director of Public Health requesting acceptance of grant for the Rabies Program. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 259 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in connection with TANF 2022 Summer Youth Program funding. Referred to the Committee on Ways & Means.

No. 260 – A communication was received from the Director of Employment & Training requesting contract with BOCES for Summer Youth Employment Program. Referred to the Committee on County Planning & Development and the Committee on Ways & Means.

No. 261 – A communication was received from the Personnel Officer requesting resolution recognizing the Teamsters Local Union 294 as the bargaining unit for all paid full time Highway Department employees. Referred to the Committee on Ways & Means.

No. 262 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in connection with CDBG funding. Referred to the Committee on Ways & Means.

No. 263 – A communication was received from the Personnel Officer requesting amendment to Salary Schedule No. II in BOE. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 264 – A communication was received from the Budget Officer/Purchasing Agent requesting the Chairman to be authorized to sign the proposal and begin schematic design for the Sheriff Admin. building, transfer funds and create project. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 265 – A communication was received from Catherine (Cate) Ricci submitting resignation from IDA Board. Referred to the Committee on County Planning & Development.

No. 266 – A communication was received from the County Attorney requesting small claims against former employee for overpayment of salary. Referred to the Committee on Ways & Means.

No. 267 – A communication was received from the Senior Vice President for Administration & Finance at HCCC requesting Public Hearing on 2022-2023 Budget. Referred to the Committee on Education and the Committee on Ways & Means.

No. 268 – A communication was received from the Chief Executive Officer of the IDA requesting to declare the County as Lead Agency for CDBG Grant. Referred to the Committee on County Planning & Development.

No. 269 – A communication was received from the Budget Officer/Purchasing Agent requesting appropriation of funds. Referred to the Committee on Ways & Means.

Pursuant to Rule 6, Chairman Bono then proceeded with Reports of Standing Committees. Legislator Russell, Chairman of the Ways & Means Committee, gave an update that the cash flow analysis would be handed out to each Legislator; Legislator Campione, Chairman of the Highways Committee, gave an update that the Highway Garage roof replacement had started and should be finished up by the end of the month, and that the employees were on vacation the week of the 4th; Legislator Hollum, Chairman of the Administration/Veterans' Affairs Committee, gave an update that the first primary went smoothly and the second one was coming up.

On motion of Mr. Stephens, seconded by Mr. Ackerman, Resolution No. 176 – Resolution No. 177 were handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Brezinski (1).

Consent Agenda:

176 WAYS & MEANS: Adopting Annual Financial Report of the Herkimer Co. Treasurer

177 CO. PLNG. & DEV.: Adopting Annual Report of Herkimer Co. Youth Bureau



HERKIMER COUNTY LEGISLATURE

No. 176

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

Sponsored by: Committee on Ways and Means

WHEREAS, your Committee on Ways and Means, to which was referred the Annual Financial Report of the Herkimer County Treasurer for the year 2021, respectfully reports that we have examined the same, recommend its adoption and offer the following Resolution:

RESOLVED, that the Annual Financial Report of the Herkimer County Treasurer for the year 2021 be adopted and placed on file with the Herkimer County Legislature.

Dated: July 6, 2022.



HERKIMER COUNTY LEGISLATURE

No. 177

REPORT AND RESOLUTION ADOPTING ANNUAL REPORT OF HERKIMER COUNTY YOUTH BUREAU

Sponsored by: Committee on County Planning and Development

WHEREAS, your Committee on County Planning and Development, to which was referred the Annual Report of the Herkimer County Youth Bureau for the year 2021 respectfully reports that we have examined said report and recommend that it be approved, and offer the following Resolution:

RESOLVED, that the Annual Report of the Herkimer County Youth Bureau for the year 2021 be approved and placed on file in the Office of the Herkimer County Legislature.

Dated: July 6, 2022.

The Chairman continued with the Regular Agenda.

On motion of Mr. Ackerman, seconded by Mr. Gaworecki, Report and Resolution No. 178 sponsored by the Committee on Ways & Means authorizing transfer of funds in the Department of Social Services was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 178

REPORT AND RESOLUTION AUTHORIZING TRANSFER OF FUNDS IN DEPARTMENT OF SOCIAL SERVICES

Sponsored by: Committee on Ways & Means

WHEREAS, your Committee on Ways and Means, to which was referred a communication from Sheri A. Ferdula, Budget Officer/Purchasing Agent, dated June 14, 2022, submitting a request for a transfer of funds, reports that we have examined said communication, inquired into the subject matter thereof, and recommend that said transfers be made and offer the following Resolution:

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized and directed to transfer the following sum from and to the following accounts in the 2022 Budget:

\$85,000	From:	A6100.40000, Medicaid, Contractual
	To:	A6142.40000, Emergency Aid for Adults, Contractual

and, be it further

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

Dated: July 6, 2022.

On motion of Mr. Donley, seconded by Mr. Gaworecki, Report and Resolution No. 179 sponsored by the Committee on Ways & Means authorizing transfer of funds in 2022 budget was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 179

REPORT AND RESOLUTION AUTHORIZING TRANSFER OF FUNDS IN 2022 BUDGET

Sponsored by: Committee on Ways & Means

WHEREAS, your Committee on Ways and Means, to which was referred a communication from Sheri Ferdula, Budget Officer, dated June 14, 2022, submitting requests for transfers of funds in the 2022 budget, reports that we have examined said communication, inquired into the subject matters thereof, and recommend that said transfers be made and offer the following Resolution:

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

\$408	From: A4188.41000, PH01-19, Emergency Preparedness, Supplies
	To: A4188.86000, PH01-19, Emergency Preparedness, Health Insurance
\$592	From: A4188.46100, PH01-19, Emergency Preparedness, Mileage
	To: A4188.86000, PH01-19, Emergency Preparedness, Health Insurance.

and, be it further

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

Dated: July 6, 2022.

On motion of Mr. Johnson, seconded by Mr. Stephens, Report and Resolution No. 180 sponsored by the Committee on County Properties approving sale of county owned tax acquired land was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Keeler, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (16).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 180

REPORT AND RESOLUTION APPROVING SALE OF COUNTY OWNED TAX ACQUIRED LAND

Sponsored by: Committee on County Properties

WHEREAS, by Resolution No. 131 for the year 2022 duly adopted on April 27, 2022, this Legislature authorized and directed the sale at public auction, after due advertisement, of certain county owned tax acquired real property under the direction of the County Treasurer; and

WHEREAS, the Properties Committee of this Legislature reports that said sale was duly held pursuant to said direction on June 11, 2022 in Herkimer, New York; and

WHEREAS, pursuant to the terms of sale the successful bidder on each parcel sold is required to pay the full purchase price together with recording fee and transfer tax by July 5, 2022; and

WHEREAS, the Properties Committee reports that 54 bids were received at the auction, and the total amount to be received on said sales is \$1,001,000.00 as shown on the lists made available to each legislator and filed with the Clerk of the Legislature; and

WHEREAS, the Properties Committee recommends approval of each sale as set forth on said list, and conveyance of each said parcel to the successful bidder thereon providing payment in full of the amount bid and required fees was received by the County Treasurer's Office; and

WHEREAS, the auction terms provide that default by a purchaser for failure to meet the terms of the auction shall result in forfeiture of the required deposit; now, therefore, be it

RESOLVED, that this Legislature approves the sales by auction reported by the Properties Committee and authorizes the County Treasurer to convey each said property to the successful bidder thereon, provided said bidder has paid the required purchase price and expenses to the County Treasurer, and to make conveyance by quit claim deed and to record each said deed; and, be it further

RESOLVED, that the County Property Agent is hereby instructed to advise the County Attorney's Office of defaults by purchasers, and the County Attorney's Office is hereby instructed to bring legal procedures if necessary to enforce said provision of the auction terms, reporting thereon to the Properties Committee of this Legislature, which shall have authority to confer with the County Attorney's Office as to any proposed settlement of said proceedings; and, be it further

RESOLVED, that the County Property Agent is hereby authorized to solicit sealed bids

for the sale of any of the properties which were not conveyed based on the default of purchasers or for any other reason provided that said County Property Agent shall submit to the Committee on County Properties any and all bids, which bids shall be subject to the approval of the full Legislature; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Property Agent, Chairman of the Committee on County Properties, and the County Attorney.

Dated: July 6, 2022.

On motion of Mr. Hollum, seconded by Mr. Manno, Report and Resolution No. 181 sponsored by the Committee on County Planning & Development and the Committee on Ways & Means authorizing PILOT Increment Financing agreement and appropriating funds in connection with the Manheim Business Park was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Keeler, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (16).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 181

REPORT AND RESOLUTION AUTHORIZING PILOT INCREMENT FINANCING AGREEMENT AND APPROPRIATING FUNDS IN CONNECTION WITH THE MANHEIM BUSINESS PARK

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

WHEREAS, by letter dated June 9, 2022 from John J. Piseck, Chief Executive Officer of the Herkimer County IDA, this Legislature is advised of a proposal to fund the development of infrastructure to the Manheim Business Park in the amount of \$1,700,000, with that capital investment to be paid back to the County pursuant to a PILOT Increment Financing Agreement between the Herkimer County IDA, Dolgeville Central School, the Town of Manheim, the Village of Dolgeville, and the County of Herkimer; and

WHEREAS, a PILOT Increment Financing structure allows for the division of monies which are otherwise payable to a taxing jurisdiction to be paid into a fund to offset development costs rather than the usual pro-rata distribution of PILOT payments to the various taxing entities; and

WHEREAS, it is proposed that as businesses come into the Manheim Business Park, PILOT revenue would be split so that fifty-percent of PILOT payments would be used to repay the County

investment, with the remaining fifty-percent to be distributed to the taxing jurisdictions on a pro-rata basis between the School, Town and County; and

WHEREAS, a PILOT Increment Financing Agreement would have to be approved by all of the taxing jurisdictions in order for it to take effect; and

WHEREAS, by letter dated June 15, 2022 from the Budget Officer/Purchasing Agent, this Legislature is advised of a request to approve an appropriation of funds to the Herkimer County Industrial Development Agency for infrastructure at the Manheim Business Park; now, therefore, be it

RESOLVED, that an appropriation of funds be authorized as follows:

\$1,700,000	From: A909, Fund Balance
	To: A6420.40000, IDA, Contractual

and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a PILOT Increment Financing Agreement, as above described, with the terms and conditions of the agreement subject to the approval of the County Attorney; and, be it further

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

Dated: July 6, 2022.

On motion of Mr. Gaworecki, seconded by Mr. Stephens, Report and Resolution No. 182 sponsored by the Committee on County Planning & Development and the Committee on Ways & Means appropriating funds in connection with Industrial Development Agency and authorizing Chairman to sign an amended agreement was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Keeler, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (16).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 182

REPORT AND RESOLUTION APPROPRIATING FUNDS IN CONNECTION WITH INDUSTRIAL DEVELOPMENT AGENCY AND AUTHORIZING CHAIRMAN TO SIGN AN AMENDED AGREEMENT

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

of the Herkimer County IDA, this Legislature is advised that the IDA has been working on securing three grants to assist with bringing infrastructure to the Manheim Business Park: NYS Water Infrastructure Improvements (WIAA) grant in the amount of \$2,418,000, Northern Borders Regional Council (NBRC) grant in the amount of \$1,000,000, and CFA grant in the amount of \$800,000; and

WHEREAS, letter further requests that Herkimer County supports fronting the costs up to \$4,218,000 associated with these three grants with the IDA to repay the County as soon as the grant funds are received; and

WHEREAS, by letter dated June 15, 2022 from Sheri Ferdula, Budget Officer/ Purchasing Agent, this Legislature is advised that the creation of an account and an amendment to the 2022 budget will be necessary to allow for the funding; now, therefore, be it

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

A6420.3789B, IDA, Other State	From: \$0
	To: \$2,418,000
A6420.3789B, IDA Other State	From: \$2,418,000
	To: \$3,218,000
A6420.4789B, IDA, Other Federal	From: \$0
	To: \$1,000,000
A6420.40000, IDA, Contractual	From: \$3,700,000
	To: \$7,918,000

and, be it further

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

Dated: July 6, 2022.

On motion of Mr. Weakley, seconded by Mr. Shaw, Report and Resolution No. 184 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing contract with the Neighborhood Center in Mental Health Services was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 184

REPORT AND RESOLUTION AUTHORIZING CONTRACT WITH THE NEIGHBORHOOD CENTER IN MENTAL HEALTH SERVICES

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

WHEREAS, by letter dated June 10, 2022, from Kristen Snyder-Branner, Director of Community Services, this Legislature is advised of a request to enter into a contract with The Neighborhood Center, 624 Elizabeth Street, Utica, NY 13501, for the position of a Suicide Coordinator, in the amount of \$7,000, for the period of July 6, 2022 through June 30, 2023; and

WHEREAS, letter further advises that this contract is for ten hours per month, and this individual will facilitate quarterly meetings of the Herkimer County Suicide Coalition, provide suicide prevention presentations as needed in the community, point of contact for phone calls and/or inquiries regarding prevention and post-intervention, and coordinate the Herkimer County Team for the annual Out of Darkness Walk; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a contract with The Neighborhood Center, for the position of a Suicide Coordinator, in the amount of \$7,000, for the period of July 6, 2022 through June 30, 2023; and, be it further

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

Dated: July 6, 2022.

On motion of Mr. Schrader, seconded by Mr. Ackerman, Report and Resolution No. 185 sponsored by the Committee on Human Resources and the Committee on Ways & Means accepting an underpayment from Excellus in the Mental Health Department was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 185

**REPORT AND RESOLUTION ACCEPTING AN UNDERPAYMENT FROM
EXCELLUS IN THE MENTAL HEALTH DEPARTMENT**

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

WHEREAS, by letter dated June 8, 2022 from Kristen Snyder-Branner, Director of Community Services, this Legislature is advised that the Herkimer County Mental Health Clinic has an existing contract with Excellus to provide outpatient mental health services; and

WHEREAS, letter further advises that Excellus notified the Department of Mental Health that they were audited by NYS and there was a finding that Excellus was not paying the clinic the highest reimbursable rate for services that the clinic provided; and

WHEREAS, this underpayment related to the dates of services after April 15, 2015 through June 30, 2021, in the amount of \$16,421.66; and

WHEREAS, Excellus has provided the Claim ID, sequence numbers, claim adjustment sequence numbers, incurred dates, paid dates, procedure codes, diagnosis codes, billing provider NPI and provider TIN and other pertinent data used as a basis for calculation of the \$16,421.66 underpayment; now, therefore, be it

RESOLVED, that the underpayment from Excellus in the amount of \$16,421.66 is hereby accepted; and, be it further

RESOLVED, that the Chairman of this Legislature is authorized to sign the settlement agreement with Excellus; and, be it further

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

Dated: July 6, 2022.

On motion of Mr. Johnson, seconded by Mr. Keeler, Report and Resolution No. 186 sponsored by the Committee on County Properties and the Committee on Ways & Means awarding bid for boiler and transferring funds was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 186

REPORT AND RESOLUTION AWARDING BID FOR BOILER AND TRANSFERRING FUNDS

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

WHEREAS, by letter dated June 14, 2022, Sheri Ferdula, Budget Officer, has advised sealed bids were opened on June 23, 2022 for the removal and replacement of the two remaining boilers at the Herkimer County Office Building; and

WHEREAS, it is the recommendation of the Budget Officer and your Committees that the bid be awarded to Oneida County Boiler Works, 611 Mortimer Street, Utica, NY 13501, in the amount of \$148,500 for the installation of a new H.B. Smith 5.5 million BTHU boiler with a new burner and all controls and parts, as well as removing and disposing of the two existing boilers; and

WHEREAS, this quote includes 30% to be paid when the old boilers are removed, 40% to be paid when the new boiler arrives, and the remaining 30% at completion; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby awards a bid for the purchase and installation of a new H.B. Smith 5.5 million BTHU boiler with a new burner and all controls and parts, in the amount of \$148,500, as well as removing and disposing of the two existing boilers; and, be it further

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

\$148,500 From: A1989A.46000, ARPA, Miscellaneous
 To: H1620.40000, Buildings, Contractual Expense, Project 16-1

and, be it further

RESOLVED, that the Treasurer is authorized to make any necessary adjustments to the interfund transfer accounts; and, be it further

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

Dated: July 6, 2022.

On motion of Mr. Schrader, seconded by Mr. Swartz, Report and Resolution No. 187 sponsored by the Committee on Information Services and the Committee on Ways & Means awarding contract to Toshiba Business Solutions was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 187

REPORT AND RESOLUTION AWARDING CONTRACT TO TOSHIBA BUSINESS SOLUTIONS

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

WHEREAS, by letter dated June 21, 2022, Michael Testa, Acting Director of Information Services, has requested to enter into a contract with Toshiba Business Solutions to incorporate all

printing costs (for stand-alone printers), including consumables and maintenance; and

WHEREAS, the contract with Toshiba Business Solutions will be for a period of 12 months, with the cost to be calculated by paying \$0.016 for black and white prints and \$0.10 for color prints, with a monthly flat fee for each black and white printer of \$17.00 and a flat fee for color printers of \$45.00; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby authorizes a contract with Toshiba Business Solutions, 1425 Albany Street, Utica, New York 13501, to incorporate all printing costs (for stand-alone printers), including consumables and maintenance for a period of 12 months, with the cost to be calculated by paying \$0.016 for black and white prints and \$0.10 for color prints, with a monthly flat fee for each black and white printer of \$17.00 and a flat fee for color printers of \$45.00; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute said contract on behalf of the County of Herkimer; 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, Acting Director of Information Services, Toshiba Business Solutions, and all County departments.

Dated: July 6, 2022.

On motion of Mr. Campione, seconded by Mr. Stephens, Report and Resolution No. 188 sponsored by the Committee on Highways and the Committee on Ways & Means amending Salary Schedule No. II in the Highway Department was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Keeler, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (16).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 188

REPORT AND RESOLUTION AMENDING SALARY SCHEDULE NO. II IN THE HIGHWAY DEPARTMENT

Sponsored by: Committee on Highways

Committee on Ways and Means

WHEREAS, by letter dated June 13, 2022, Mark A. Nagele, County Highway Superintendent, has requested to amend Salary Schedule II to create one position of Principal Civil Engineer; and

WHEREAS, by letter dated June 23, 2022, Steven R. Billings, Personnel Officer, your Committees have been advised that Salary Schedule No. II should be amended to create one position of Principal Civil Engineer in the Highway Department, at a 2022 base rate of \$66,000; now, therefore, be it

RESOLVED, that Salary Schedule No. II be amended to create one position of Principal Civil Engineer in the Highway Department, at a 2022 base rate of \$66,000; and, be it further

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

Dated: July 6, 2022.

On motion of Mr. Weakley, seconded by Mr. Swartz, Report and Resolution No. 189 sponsored by the Committee on Human Resources and the Committee on Ways & Means amending agreement with Capital District Physician's Health Plan in Mental Health Services was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 189

REPORT AND RESOLUTION AMENDING AGREEMENT WITH CAPITAL DISTRICT PHYSICIAN'S PLAN IN MENTAL HEALTH SERVICES

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

WHEREAS, by Resolution No. 302 of 2009 this Legislature authorized contracts in connection with the provision of medical services under Health Maintenance Organization Coverage; and

WHEREAS, by letter dated June 10, 2022, from Kristen Snyder-Branner, Director of Community Services, this Legislature is advised of a request to amend an agreement with Capital District Physician's Health Plan (CDPHP), 400 Patroon Creek Boulevard, Albany, NY 12206, due to an increased reimbursement rate; now, therefore, be it

RESOLVED, that the agreement with Capital District Physician's Health Plan (CDPHP) is hereby amended due to an increased reimbursement rate; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Community Services, and Capital District Physician's Health Plan.

Dated: July 6, 2022.

On motion of Mr. Gaworecki, seconded by Mr. Donley, Report and Resolution No. 190 sponsored by the Committee on Natural Resources and the Committee on Ways & Means awarding bid for chemical at Herkimer County Sewer District was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 190

REPORT AND RESOLUTON AWARDING BID FOR CHEMICAL AT HERKIMER COUNTY SEWER DISTRICT

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

WHEREAS, by letter dated June 15, 2022, the Budget Officer/Purchasing Agent has advised that bids were received in accordance with law for the provision of Potassium Permanganate for the Herkimer County Sewer District; and

WHEREAS, it is the recommendation of Chief Operator James Rathbun that the bid be awarded to the lowest bidder as follows:

Potassium Permanganate	\$2.81 per lb	Carus Chemical Company
		315 Fifth Street
		Peru IL 61354

now, therefore, be it

RESOLVED, that the above bid for the provision of chemicals for the Herkimer County Sewer District be awarded, in the dollar amounts and delivery amounts as stated; and, be it further

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

Dated: July 6, 2022.

On motion of Mr. Campione, seconded by Mr. Donley, Report and Resolution No. 191 sponsored by the Committee on Ways & Means amending budget in connection with funding through the CHIPS Program from the Pave our Potholes Program was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 191

REPORT AND RESOLUTION AMENDING BUDGET IN CONNECTION WITH FUNDING THROUGH THE CHIPS PROGRAM FROM THE PAVE OUR POTHOLES PROGRAM

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated June 15, 2022 from the Budget Officer/Purchasing Agent, this Legislature is advised that it is necessary to amend the 2022 Budget in connection with the receipt of additional funding of \$805,379 through the CHIPS program, from a new program called "Pave Our Potholes" (POP); now, therefore, be it

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

D9552.3501, Consolidated Highway Improvements	From: \$6,450,532
	To: \$7,255,911
D9552.90200, Provision for Construction	From: \$6,416,395
	To: \$7,221,774

and, be it further

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

Dated: July 6, 2022.

On motion of Mr. Stephens, seconded by Mr. Gaworecki, Report and Resolution No. 192 sponsored by the Committee on Highways approving project under Article 6, Section 116 of the Highway Law was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 192

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

Sponsored by: Committee on Highways

WHEREAS, your Committee on Highways, to which was referred the letter of Mark Nagele, County Superintendent of Highways, dated June 13, 2022, submitting three copies each of statement under Article 6 of the Highway Law designating work to be done with County Road Fund monies during the year 2022 covering one project involved in the Capital Construction Program, respectfully reports that we have examined said statements contained in said communication from and signed by the County Superintendent of Highways, recommend its adoption and offer the following Resolution:

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

PROJECT NO.	ROAD/LOCATION	TYPE OF PROJECT	ESTIMATED CONSTRUCTION COST
419	Newport Road, CR154, LC154-10, Town of Schuyler	Large Culvert Replacement	\$1,550,000.00

and, be it further

RESOLVED, that this project will be funded through CHIPS and/or EWR pending sufficient funding; and, be it further

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

Dated: July 6, 2022.

On motion of Mr. Schrader, seconded by Mr. Stephens, Report and Resolution No. 193 sponsored by the Committee on Highways authorizing implementation and funding for emergency relief agreement for 2019 late October severe weather flood was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 193

REPORT AND RESOLUTION AUTHORIZING IMPLEMENTATION AND FUNDING FOR EMERGENCY RELIEF AGREEMENT FOR 2019 LATE OCTOBER SEVERE WEATHER FLOOD

Sponsored by: Committee on Highways

WHEREAS, a Project for the 2F3119 – Herkimer Co. 2019 Late October Severe Weather Flood ER - Local System, P.I.N. 2F3119 (“the Project”) is eligible for funding under the Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the County of Herkimer desires to advance the Project by making a commitment of 100% of the federal and non-federal share of the costs of construction phase of Project or portions thereof; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby approves the above-subject project; and, be it further

RESOLVED, that the Herkimer County Legislature hereby authorizes the County of Herkimer to pay in the first instance 100% of the federal and non-federal share of the cost of the Project; or portions thereof; and, be it further

RESOLVED, that the sum up to \$91,520.00 has been appropriated from the County Road Fund and made available to cover the cost of participation in the above phases of the project; and, be it further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Herkimer County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the department thereof; and, be it further

RESOLVED, that the Chairman of the Legislature of County of Herkimer be and is hereby authorized to execute all necessary agreements, and the Herkimer County Superintendent of Highways is hereby authorized to execute all necessary certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Herkimer with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality’s first-instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible project costs and all project costs within appropriations therefore that are not so eligible; and, be it further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and, be it further

RESOLVED, this Resolution shall take effect immediately; and, be it further

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

Dated: July 6, 2022.

On motion of Mr. Gaworecki, seconded by Mr. Ackerman, Report and Resolution No. 194 sponsored by the Committee on Ways & Means approving deposit for boiler replacement at Herkimer County Community College was handed up; discussion was held; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 194

REPORT AND RESOLUTION APPROVING DEPOSIT FOR BOILER REPLACEMENT AT HERKIMER COUNTY COMMUNITY COLLEGE

Sponsored by: Committee on Ways & Means

WHEREAS, Resolution No. 344 of 2021 approved the replacement of key heating plant components for the Herkimer County Community College, in the amount of up to \$2,000,000 with up to 50% of the local share coming from Herkimer County and 50% from the State; and

WHEREAS, by letter dated June 16, 2022, Sheri Ferdula, Budget Officer/Purchasing Agent has advised that part of the project includes an automated system to run the new boilers and the College will be contracting with Siemens for the software installation and graphics creation, database preparation, and the migration of control panels for a contract total of \$299,597; and

WHEREAS, Siemens will require a 25% deposit totaling \$74,899.25 to begin implementation; now, therefore, be it

RESOLVED, that the Chairman be authorized to sign for a payment of \$74,899.25 to Siemens on behalf of Herkimer County Community College; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, President of Herkimer County Community College, and Senior Vice President for Administration and Finance of Herkimer County Community College.

Dated: July 6, 2022.

On motion of Mr. Manno, seconded by Mr. Gaworecki, Report and Resolution No. 195 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing contract in connection with System of Care Grant in Public Health was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 195

REPORT AND RESOLUTION AUTHORIZING CONTRACT IN CONNECTION WITH SYSTEM OF CARE GRANT IN PUBLIC HEALTH

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

WHEREAS, Public Health received a System of Care Grant which runs from September 30, 2019 through September 29, 2023; and

WHEREAS, by letter dated June 17, 2022 from Christina Cain, Director of Public Health, she has requested to enter into a contract with the Frankfort Schuyler Central School District for the period of 11/1/22 through 6/30/23, for a position related to the System of Care (SOC) grant received by Public Health; and

WHEREAS, this contract would be for a position of Family and Community Engagement Specialist, who will work with youth in the school on projects directly related to youth mental health and referrals into the System of Care, they will also be providing trainings to school staff and administration for Youth Mental Health First Aid; and

WHEREAS, the total amount of the SOC contract is \$25,000 and all funding is from the federal SAMHSA grant, this is partial funding for the salary of this position to carry out activities related to the mental health of youth in the district, with the remaining portion of the salary being paid by the school district; now, therefore, be it

RESOLVED, that a contract be entered into with Frankfort Schuyler Central School District for the period of 11/1/22 through 6/30/23, for a Family and Community Engagement Specialist, in the amount of \$25,000; 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, Commissioner of Social Services, Director of the Youth Bureau, and Frankfort Schuyler Central School District.

Dated: July 6, 2022.

On motion of Mr. Russell, seconded by Mr. Stephens, Report and Resolution No. 196 sponsored by the Committee on Ways & Means accepting funding and amending budget in connection with receipt of American Rescue Plan funding was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 196

REPORT AND RESOLUTION ACCEPTING FUNDING AND AMENDING BUDGET IN CONNECTION WITH RECEIPT OF AMERICAN RESCUE PLAN FUNDING

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated June 17, 2022 from the Budget Officer and Purchasing Agent, this Legislature is advised that it is necessary to amend the 2022 Budget to reflect the second tranche of the American Rescue Plan funding, in the amount of \$5,955,248.50; now, therefore, be it

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

Revenue:

A4089, Federal Aid, ARP

From: \$1,834,772.50

To: \$7,790,021.00

Expense:

A1989A.46000, ARP Funding, Miscellaneous Expense

From: \$1,834,772.50

To: \$7,790,021.00

and, be it further

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

Dated: July 6, 2022.

On motion of Mr. Hollum, seconded by Mr. Donley, Report and Resolution No. 197 sponsored by the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means extending contract for grant for Board of Elections was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 197

REPORT AND RESOLUTION EXTENDING CONTRACT FOR GRANT FOR BOARD OF ELECTIONS

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

WHEREAS, pursuant to Resolution No. 188 of 2019, this Legislature approved funding for the implementation of early voting expenses for the Board of Elections for the Localities Grant Program which will fund operational expenses such as payroll and supplies; and

WHEREAS, the Localities Grant program was extended by Resolution No. 138 of 2021 through January 28, 2022; and

WHEREAS, by letter dated May 19, 2022 from the Commissioners of Elections, a request is being made to allow the Chairman of the Legislature to execute the grant extension of the Localities Grant Program through January 28, 2023; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a grant extension through January 28, 2023 on behalf of the County of Herkimer for the Localities Grant Program which will fund operational expenses such as payroll and supplies; and, be it further

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

Dated: July 6, 2022.

On motion of Mr. Hollum, seconded by Mr. Malta, Report and Resolution No. 198 sponsored by the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means extending contract for grant for Board of Elections was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 198

REPORT AND RESOLUTION EXTENDING CONTRACT FOR GRANT FOR BOARD OF ELECTIONS

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

WHEREAS, pursuant to Resolution No. 187 of 2021, this Legislature approved funding in connection with an Early Voting Expansion Grant in Board of Elections; and

WHEREAS, by letter dated May 19, 2022 from the Commissioners of Elections, a request is being made to allow the Chairman of the Legislature to execute the grant extension of the Early Voting Expansion Grant through January 28, 2023; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a grant extension through January 28, 2023 on behalf of the County of Herkimer for the Early Voting Expansion Grant; and, be it further

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

Dated: July 6, 2022.

On motion of Mr. Stephens, seconded by Mr. Weakley, Report and Resolution No. 199 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means approving purchase of vests, amending budget, and appropriating funds was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Keeler, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (16).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 199

REPORT AND RESOLUTION APPROVING PURCHASE OF VESTS, AMENDING BUDGET, AND APPROPRIATING FUNDS

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

WHEREAS, by letter dated June 1, 2022 from Scott F. Scherer, Sheriff, request has been made to purchase 12 Point Blank Threat Level II vests with carriers and strike plate's for a total price of \$11,899.83, with 100% reimbursement for first time vest users and 50% reimbursement for any other user; and

WHEREAS, by letter dated June 14, 2022, Sheri Ferdula, Budget Officer/Purchasing Agent has advised that an appropriation of funds and a budget amendment to the 2022 Budget will be necessary to complete the purchase; now, therefore, be it

RESOLVED, that the Legislature of Herkimer County approves an appropriation of funds, and a budget amendment be authorized as follows:

Appropriate:

\$5,949.91 From: A1990.46000, Contingent Fund, Miscellaneous Expense
To: A3189.41000, Bullet Proof Vest Grant, Supplies

Amend:

A3189.4389C, Bullet Proof Vest Grant, Federal Aid From: \$0
To: \$5,949.92

A3189.41000, Bullet Proof Vest Grant, Supplies From: \$5,949.91
To: \$11,899.83

and, be it further

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

Dated: July 6, 2022.

On motion of Mr. Russell, seconded by Mr. Hollum, Report and Resolution No. 200 sponsored by the Committee on Ways & Means amending Resolution No. 296 of 2021 was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Keeler, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (16).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 200

REPORT AND RESOLUTION AMENDING RESOLUTION NO. 296 OF 2021

Sponsored by: Committee on Ways and Means

WHEREAS, Resolution No. 296 of 2021 adopted the hourly salary schedule; and

WHEREAS, it has been requested to amend the hourly salary schedule to add the title of Clerk in the Board of Elections office at an hourly rate of \$15.00; and

WHEREAS, your Committee has taken this matter under advisement and recommends said change; now, therefore, be it

RESOLVED, that the hourly salary schedule be amended to add the title Clerk in the Board of Elections office at an hourly rate of \$15.00; 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: July 6, 2022.

On motion of Mr. Weakley, seconded by Mr. Malta, Report and Resolution No. 201 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means accepting grant funding, authorizing e-signature, creating project number, and amending 2022 budget was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 201

REPORT AND RESOLUTION ACCEPTING GRANT FUNDING, AUTHORIZING E-SIGNATURE, CREATING PROJECT NUMBER, AND AMENDING 2022 BUDGET

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

WHEREAS, by letter dated June 15, 2022, John Raymond, Director of Emergency Services has advised of the State Homeland Security Program Grant (SHSP) and the State Law Enforcement Terrorism Prevention Program (SLETPP) Grant FY2022 in the amount of \$76,821.00, with the SHSP portion at \$53,775.00 and the SLETPP portion at \$23,046.00; and

WHEREAS, letter further advises that these grants are provided by the U.S. Department of Homeland Security and FEMA and will be managed by New York State Division of Homeland Security and Emergency Services for the period of September 1, 2022 through August 31, 2025; and

WHEREAS, by letter dated June 15, 2022, from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that Project EM02-16 and Project SH01-22 be established for these funds and that the 2022 budget be amended; now, therefore, be it

RESOLVED, that the above described grants are hereby accepted and that the 2022 budget be amended as follows:

Revenue:

A3020A4389H, EM HSG, Federal, Proj: EM02-16

From: \$0
To: \$53,775

Expenses:

A3020A.44000, EM HSG, Contracted Services, Proj: EM02-16

From: \$0
To: \$53,775

Revenue:

A3110A.4389H, Sheriff, HSG, Federal Aid, Proj: SH01-22

From: \$0
To: \$23,046

Expense:

A3110A.42100, Sheriff, HSG, Telephone, Proj: SH01-22

From: \$0
To: \$23,046

and, be it further

RESOLVED, that the Chairman of the Legislature be authorized to e-sign the grant documents; and, be it further

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

Dated: July 6, 2022.

On motion of Mr. Stephens, seconded by Mr. Gaworecki, Report and Resolution No. 202 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means accepting grant funding, authorizing e-signature, creating project, and amending 2022 budget was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 202

REPORT AND RESOLUTION ACCEPTING GRANT FUNDING, AUTHORIZING E-SIGNATURE, CREATING PROJECT, AND AMENDING 2022 BUDGET

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

WHEREAS, by letter dated June 9, 2022, John J. Raymond, Director of Emergency Services has advised of an Emergency Management Program Grant FY2022 in the amount of \$29,328.00 provided by the U.S. Department of Homeland Security and FEMA and will be managed by New York State Division of Homeland Security and Emergency Services; and

WHEREAS, letter further advises this is a 50/50 matching grant with a performance period of October 1, 2022 through September 30, 2024; and

WHEREAS, by letter dated June 14, 2022, from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that a project be established, and the 2022 budget must be amended; now, therefore, be it

RESOLVED, that the above described grant is hereby accepted, a project is established, and that the 2022 budget be amended as follows:

A3020A.4389H, Emergency Mgmt, HS, Federal Aid, Proj EM06-9	From: \$0
	To: \$29,328
A3020A.44000, Emergency Mgmt, HS, Contracted Svs., Proj EM06-9	From: \$0
	To: \$14,328
A3020A.25000, Emergency Mgmt, HS, Other Equipment, Proj. EM06-9	From: \$0
	To: \$15,000

and, be it further

RESOLVED, that the Chairman of the Legislature be authorized to e-sign the grant document; and, be it further

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

Dated: July 6, 2022.

On motion of Mr. Weakley, seconded by Mr. Schrader, Report and Resolution No. 203 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing contract with State for Rabies Program expenses was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 203

REPORT AND RESOLUTION AUTHORIZING CONTRACT WITH STATE FOR RABIES PROGRAM EXPENSES

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

WHEREAS, by letter dated June 10, 2022, from Christina Cain, Director of Public Health, this Legislature is advised of a request to enter into a contract with New York State Department of Health, for reimbursement for the Herkimer County Public Health Nursing Service Rabies Program, which supports the provision of human rabies treatment, specimen collection, pet vaccination clinics, education and prevention; and

WHEREAS, said contract covers the period from April 1, 2022 to March 31, 2025, for a total contract amount of \$37,842.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute by electronic signature a contract with the New York State Department of Health to provide reimbursement for expenses incurred by the Herkimer County Public Health Nursing Service under the Rabies Program for the period from April 1, 2022 through March 31, 2025, for a total contract amount of \$37,842.00; 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 the New York State Department of Health.

Dated: July 6, 2022.

On motion of Mr. Shaw, seconded by Mr. Ackerman, Report and Resolution No. 204 sponsored by the Committee on Ways & Means amending budget in connection with receipt of TANF Summer Youth funds was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 204

REPORT AND RESOLUTION AMENDING BUDGET IN CONNECTION WITH RECEIPT OF TANF SUMMER YOUTH FUNDS

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated June 15, 2022 from the Budget Officer/ Purchasing Agent, this Legislature is advised that it is necessary to amend the 2022 Budget to reflect TANF Summer Youth Program funds received from New York State; now, therefore, be it

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

REVENUE ACCOUNTS
CD6291-4795, ET-06-22

FROM
\$0

TO
\$163,548

APPROPRIATION ACCOUNTS

		<u>FROM</u>	<u>TO</u>
CD 6291, ET-06-22, ETA-TANF.10000-001	Salaries	\$0	\$ 15,000
CD 6291, ET-06-22, ETA-TANF.10100-022	Temp. Emp.	\$0	\$ 104,500
CD 6291, ET-06-22, ETA-TANF.41000-160	Supplies	\$0	\$ 1,331.66
CD 6291, ET-06-22, ETA-TANF.41000-205	Printing	\$0	\$ 125
CD 6291, ET-06-22, ETA-TANF.44000	Contracted Services	\$0	\$ 18,656.34
CD 6291, ET-06-22, ETA-TANF.44000-370	Copier	\$0	\$ 100
CD 6291, ET-06-22, ETA-TANF.45000	Fees for Services	\$0	\$ 150
CD 6291, ET-06-22, ETA-TANF.46100-759	Mileage	\$0	\$ 300
CD 6291, ET-06-22, ETA-TANF.46300	Postage & Freight	\$0	\$ 210
CD 6291, ET-06-22, ETA-TANF.81000	Retirement	\$0	\$ 5,800
CD 6291, ET-06-22, ETA-TANF.83000	Social Security	\$0	\$ 7,400
CD 6291, ET-06-22, ETA-TANF.83500	Medicare	\$0	\$ 1,800
CD 6291, ET-06-22, ETA-TANF.84000	Workman's Comp.	\$0	\$ 3,000
CD 6291, ET-06-22, ETA-TANF.86000	Health Insurance	\$0	\$ 5,100
CD 6291, ET-02-22, ETA-TANF.86500	Dental Insurance	\$0	\$ 75

and, be it further

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

Dated: July 6, 2022.

On motion of Mr. Stephens, seconded by Mr. Manno, Report and Resolution No. 205 sponsored by the Committee on County Planning & Development and the Committee on Ways & Means authorizing an agreement with Herkimer-Fulton-Hamilton-Otsego BOCES for services for a 2022 TANF Summer Youth Employment Academic/Work Experience Program was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 205

REPORT AND RESOLUTION AUTHORIZING AN AGREEMENT WITH HERKIMER-FULTON-HAMILTON-OTSEGO BOCES FOR SERVICES FOR A 2022 TANF SUMMER YOUTH EMPLOYMENT ACADEMIC/WORK EXPERIENCE PROGRAM

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

WHEREAS, by letter dated June 9, 2022 from Karin Piseck, Director of Employment & Training, your Committees have been advised that Herkimer-Fulton-Hamilton-Otsego BOCES, has proposed to provide a Summer Youth Employment and Academic Enrichment

Educational/Vocational Work Experience Program to thirty (30) 14 and 15 year old eligible participants enrolled in the 2022 TANF (Temporary Assistance to Needy Families) - funded Summer Youth Employment Program (SYEP); and

WHEREAS, said letter further asks to enter into an agreement with Herkimer-Fulton-Hamilton-Otsego BOCES for the above purpose for the period of July 7, 2022 through August 3, 2022, at a total cost of \$15,656.34, with said TANF SYEP funds to be provided from the Office of Temporary and Disability Assistance (OTDA) through the Department of Social Services to ETA; now, therefore, be it

RESOLVED, that the Chairman of this Legislature and Director of Employment and Training are hereby authorized to execute an agreement on behalf of the County of Herkimer, with the Herkimer-Fulton-Hamilton-Otsego BOCES to provide services for a Summer Youth Employment and Academic Enrichment Educational/Vocational Work Experience Program to thirty (30) 14 and 15 year old eligible participants enrolled in the 2022 TANF (Temporary Assistance to Needy Families) funded Summer Youth Employment Program, at a cost of \$15,656.34, with said agreement to be for the period of July 7, 2022 through August 3, 2022, and with the terms and conditions of said agreement to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Employment and Training, and Herkimer-Fulton-Hamilton-Otsego BOCES.

Dated: July 6, 2022.

On motion of Mr. Campione, seconded by Mr. Keeler, Report and Resolution No. 206 sponsored by the Committee on Ways & Means recognizing Teamsters Local Union 294 for all paid full time Highway Department employees was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 206

REPORT AND RESOLUTION RECOGNIZING TEAMSTERS LOCAL UNION 294 FOR ALL PAID FULL TIME HIGHWAY DEPARTMENT EMPLOYEES

Sponsored by: Committee on Ways & Means

WHEREAS, the Herkimer County Legislature has received a formal request from Teamsters Local Union 294 to be recognized as the exclusive collective bargaining representative for all paid full time Highway Department employees, including: Assistant Civil Engineer, Associate Civil Engineer,

Junior Civil Engineer, Highway Maintenance Foreperson, Working Foreperson, Heavy Equipment Operator, Motor Equipment Operator, Laborer, Auto Mechanic Foreperson, Stock Keeper, Stock Keeper Helper, Auto Mechanic, Traffic Control Device Foreperson, Traffic Control Device Assistant, and Cleaner, excluding all others; and

WHEREAS, a majority of the Highway Department employees employed by the County of Herkimer have designated Teamsters Local Union 294 as their sole collective bargaining agent by duly signing authorization cards; now, therefore, be it

RESOLVED, that Teamsters Local Union 294 is hereby recognized as the exclusive bargaining representative for the above described Herkimer County Highway Department employees; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Teamsters Local Union 294, Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer, and the County Superintendent of Highways.

Dated: July 6, 2022.

On motion of Mr. Hollum, seconded by Mr. Russell, Report and Resolution No. 207 sponsored by the Committee on Ways & Means amending budget in connection with receipt of economic development assistance funding from the Office of Community Renewal was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 207

REPORT AND RESOLUTION AMENDING BUDGET IN CONNECTION WITH RECEIPT OF ECONOMIC DEVELOPMENT ASSISTANCE FUNDING FROM THE OFFICE OF COMMUNITY RENEWAL

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated June 24, 2022 from Sheri Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that it is necessary to amend the 2022 Budget to reflect receipt of economic development assistance funding from the Office of Community Renewal on behalf of Herkimer County in the amount of \$500,000; now, therefore, be it

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

REVENUE

A6420.4789C, IDA, NYS CDBG, Fed Aid

From: \$1,000,000

To: \$1,500,000

A6420.40000, IDA, Contractual Expense

From: \$7,918,000

To: \$8,418,000

and, be it further

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

Dated: July 6, 2022.

On motion of Mr. Russell, seconded by Mr. Shaw, Report and Resolution No. 208 sponsored by the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means amending Salary Schedule No. II in the Board of Elections was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Keeler, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (16).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 208

REPORT AND RESOLUTION AMENDING SALARY SCHEDULE NO. II IN THE BOARD OF ELECTIONS

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

WHEREAS, by letter dated June 16, 2022, Kim S. Tranter and Robert J. Hoyt, Commissioners of Elections, have requested to amend Salary Schedule II to change the salary and working hours of the two Deputy Board of Elections Commissioners; and

WHEREAS, by letter dated June 27, 2022, Steven R. Billings, Personnel Officer, your Committees have been advised that Salary Schedule No. II should be amended to increase the base pay of both Deputy Board of Elections Commissioners to \$40,000 and change the work week from 35 hours per week to 40 hours per week, effective July 11, 2022; now, therefore be it

RESOLVED, that Salary Schedule No. II be amended to increase the base pay of both Deputy Board of Elections Commissioners to \$40,000 and change the work week from 35 hours per week to 40 hours per week, effective July 11, 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 Commissioners of Elections.

Dated: July 6, 2022.

On motion of Mr. Stephens, seconded by Mr. Keeler, Report and Resolution No. 209 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means approving contract for architectural services at the jail site was handed up; discussion was held; voted on and adopted by voice vote:

For: Ayes (14). Against: Johnson, Ackerman (2). Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 209

REPORT AND RESOLUTION APPROVING CONTRACT FOR ARCHITECTURAL SERVICES AT THE JAIL SITE

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

WHEREAS, by letter dated June 14, 2022, this Legislature is advised that a request for proposals was received for architectural/engineering services to explore the option of building at the jail site; and

WHEREAS, letter further advises that the site was constructed with a 9,000 square foot parcel that is build ready with utility stub ups, the site will not accommodate both offices, which means extending the current site or building two separate buildings, the architects will work with the departments to determine the space needed and advise as to which solution will be most cost effective; and

WHEREAS, a proposal was received from Nelson Associates Architectural Engineering, 1 North Park Row, Clinton, NY 13323, for architectural/engineering service broken out as follows:

Schematic Design	\$22,674
Design Development	\$46,137
Construction Documents	\$60,000
Bidding Phase	\$8,587
Construction Admin	\$34,349
Total	\$171,747

and

WHEREAS, this proposal has been broken down by construction phases for the purpose of keeping the committees informed before each phase and for allowing flexibility to the County in the event that it is not feasible for the project to move forward; and

WHEREAS, letter further requests the Chairman be authorized to sign the proposal and begin the Schematic Design phase at \$22,674, and that a transfer of funds and creation of a new project account and project; now, therefore, be it

RESOLVED, that the creation of an account and project and transfer of funds be made as follows:

\$22,674 From: A1989A.46000, ARPA, Miscellaneous
 To: H3110.44000, Sheriff Admin/911, Contracted Services, Proj: 30-1

and, be it further

RESOLVED, that the Treasurer is authorized to make any necessary adjustments to the interfund transfer accounts; and, be it further

RESOLVED, that the Herkimer County Legislature hereby approves a contract with Nelson Associates Architectural Engineering, 1 North Park Row, Clinton, NY 13323, for architectural/engineering services to explore the option of building at the jail site; and, be it further

RESOLVED, that Nelson Associates Architectural Engineering is authorized to begin the Schematic Design step; and, be it further

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

Dated: July 6, 2022.

On motion of Mr. Manno, seconded by Mr. Keeler, Report and Resolution No. 210 sponsored by the Committee on Education and the Committee on Ways & Means fixing the time and place for public hearing on Herkimer County Community College Budget was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 210

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

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

WHEREAS, your Committee on Ways and Means and Committee on Education are advised by letter dated June 28, 2022 from Nicholas F. Laino, Senior Vice President for Administration and Finance, that the Herkimer County Board of Trustees approved the proposed 2022-2023 Operating Budget of the College at its meeting held on June 27, 2022 and requests that the Herkimer County Legislature set a public hearing to consider said budget; now, therefore, be it

RESOLVED, that a public hearing upon said Tentative Budget to be conducted by the Committee on Education shall be held at the Legislators' Chambers in the Village of Herkimer, New York, on the 10th day of August, at 6:15 p.m. pursuant to the provisions of Section 359 of the County Law and Section 6304(5-a) of the Education Law.

Dated: July 6, 2022.

On motion of Mr. Stephens, seconded by Mr. Ackerman, Resolution No. 211 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: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 211

**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 Alana Basloe, Little Falls, 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 Alana Basloe.

Dated: July 6, 2022.

On motion of Mr. Russell, seconded by Mr. Campione, Resolution No. 212 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 (16).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 212

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 has been terminated in the amount of \$1,036.52; 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, Elizabeth Healy, 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: July 6, 2022.

On motion of Mr. Manno, seconded by Mr. Stephens, Resolution No. 213 sponsored by the Committee on County Planning & Development and the Committee on Ways & Means authorizing to submit a grant application to the New York State Office of Community Renewal Community Development Block Grant Program was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 213

RESOLUTION AUTHORIZING TO SUBMIT A GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

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

WHEREAS, the New York State Office of Community Renewal (the “OCR”) has announced availability of funding under the CDBG program to provide grants for public infrastructure, public facilities, and planning activities; and

WHEREAS, the Herkimer County IDA has requested that the County apply for the OCR funding; and

WHEREAS, the Project, if awarded funding, will result in substantial benefit to County businesses and residents; and

WHEREAS, the County has held a public hearing on July 6, 2022 to obtain citizens’ views regarding the CDBG program as administered by OCR; now, therefore, be it

RESOLVED, that the Chairman of the Legislature is hereby authorized to submit a grant application on behalf of the County in an amount not to exceed \$1,250,000 to the OCR; and, be it further

RESOLVED, that the Chairman of the Legislature is hereby authorized to execute a grant agreement between the County and the OCR and all related documents associated with the OCR grant, including entering into a grant agreement with the Herkimer County IDA for the implementation of the Project, all such documents to be subject for review and approval by the County Attorney; and, be it further

RESOLVED, that the Chairman of the Legislature is hereby designated as the Certifying Officer responsible for all activities associated with the federal environmental review process to be completed in conjunction with the Project; and, be it further

RESOLVED, that a certified copy of this Resolution be forwarded to the Chief Executive Officer of the Herkimer County Industrial Development Agency.

Dated: July 6, 2022.

On motion of Mr. Gaworecki, seconded by Mr. Ackerman, Report and Resolution No. 214 sponsored by the Committee on County Planning & Development concerning Lead Agency Status and adopting environmental review for Herkimer County utilization of grant funding received through New York State Homes and Community Renewal under the Coronavirus Aid, Relief and Economic Security Act was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 214

REPORT AND RESOLUTION CONCERNING LEAD AGENCY STATUS AND ADOPTING ENVIRONMENTAL REVIEW FOR HERKIMER COUNTY UTILIZATION OF GRANT FUNDING RECEIVED THROUGH NEW YORK STATE HOMES AND COMMUNITY RENEWAL UNDER THE CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY ACT

Sponsored by: Committee on County Planning & Development

WHEREAS, by letter of John J. Piseck, Jr., Chief Executive Officer of the Herkimer County Industrial Development Agency, dated June 29, 2022, a resolution is requested to authorize Herkimer County to serve as lead agency to complete appropriate state and federal environmental reviews regarding the Community Development Block Grant Coronavirus Aid, Relief and Economic Development Act (hereinafter "CDBG CARES-CV") Grant Number 528CVSB85-22; and

WHEREAS, by Resolution No. 99 of 2022, the Chairman of the Herkimer County Legislature was authorized to execute a grant agreement between the County and the Office of Community Renewal and all related documents, including entering into a grant agreement with the Herkimer County IDA for the implementation of said Grant; and

WHEREAS, the New York State CDBG Agreement for Project No. 528CVSB85-22 requires environmental review of the proposed project which is an award of \$500,000 for the Herkimer County CDBG CARES-CV grant; and

WHEREAS, by Resolution No. 99 of 2022, the County of Herkimer designated Vincent J. Bono, Chairman of the Herkimer County Legislature, as Certifying Officer for environmental reviews pursuant to the National Environmental Policy Act (NEPA) of 1969; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the County of Herkimer is the sole Involved Agency because the proposed CDBG CARES-CV grant is not subject to approval of any other permitting or authorizing entities; and

WHEREAS, the project is categorically excluded from NEPA review pursuant to 24 CFR 58.35(b)(3) as a project providing capital to businesses in certain categories impacted by COVID; and

WHEREAS, Herkimer County understands that, except for actions involving activities determined to be Exempt (per 24 CFR 58.34 and NYS Office of Community Renewal Procedures), no physical alteration to individual sites can occur nor can funds for those activities be committed or expended until receipt of an environmental concurrence letter from the Housing Trust Fund Corporation and, for any subsequently identified specific sites, site-specific reviews are completed for which the Certifying Officer determines that there are no unanticipated impacts nor impacts not adequately addressed in the program review related to the environmental clearance letter and said Officer certifies such determination; and

WHEREAS, the County of Herkimer has caused a short form Environmental Assessment Form (“EAF”) for the proposed grant that will fund activities to prevent the spread of the Corona Virus, respond to impacts of the virus, safely reopen and prepare businesses for new safety protocols; and

WHEREAS, the Herkimer County Legislature has reviewed the EAF for the proposed project and has identified and taken a hard look at the relevant areas of environmental concern; now, therefore, be it

RESOLVED, that the Chairman of the Herkimer County Legislature be authorized to certify that the proposed project is categorically excluded from NEPA review and any further NEPA certifications; and, be it further

RESOLVED, that the County of Herkimer assumes lead agency status pursuant to SEQRA with respect to the review of the proposed CDBG CARES-CV grant to help businesses throughout Herkimer County fund activities to prevent virus spread, respond to virus impacts, safely reopen and to prepare for new safety protocols; and, be it further

RESOLVED, that the action be classified as a Type II Action pursuant to SEQRA; and, be it further

RESOLVED, that the County of Herkimer makes a determination of significance of a negative declaration and that the proposed action will not result in any significant adverse environmental impacts and hereby adopts the annexed Negative Declaration; and, be it further

RESOLVED, that certified copies of the resolution be sent to the Herkimer County Industrial Development Agency and the Office of Community Renewal.

Dated: July 6, 2022.

On motion of Mr. Russell, seconded by Mr. Gaworecki, Report and Resolution No. 215 sponsored by the Committee on Ways & Means authorizing appropriation of funds was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Keeler, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (16).

Against: None.

Absent: Brezinski (1).



HERKIMER COUNTY LEGISLATURE

No. 215

REPORT AND RESOLUTION AUTHORIZING APPROPRIATION OF FUNDS

Sponsored by: Committee on Ways & Means

WHEREAS, your Committee on Ways and Means, to which was referred a communication from Sheri A. Ferdula, Budget Officer/Purchasing Agent, dated July 5, 2022, submitting a request for appropriation of funds to close the gap on a financial shortfall in the pre-school program, reports that we have examined said communication, inquired into the subject matter thereof, recommend that said appropriation be made; and

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

RESOLVED, that an appropriation be made as follows:

\$388,527 From: A909, Fund Balance

To: A2960.44000, Education of Handicapped Children, Contracted Services

and, be it further

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

Dated: July 6, 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 and Legislator Stephens.

At 2:24 p.m. on motion of Mr. Manno, seconded by Mr. Stephens, the Legislature adjourned to Wednesday, August 10, 2022 at 7:00 p.m., with a Public Hearing on the HCCC Budget at 6:15 p.m.

Brittney R. Viscomi, Clerk