

**MINUTES**  
**Herkimer County Legislature**  
**Fourth Quarter – Second Day**  
**Wednesday, October 24, 2018**  
**7:00 p.m.**

**Public Hearing**

The Public Hearing on Introductory Local Law #2, Mortgage Tax was called to order at 6:30 p.m. by Patrick E. Russell, Chairman of the Committee on Ways & Means. The Clerk read the Notice. Legislator Russell opened the floor for public comment. Carl Streeter of Ilion, New York spoke. The hearing was declared closed at 6:35 p.m.

**Public Hearing Notice**

NOTICE IS HEREBY GIVEN that there has been presented to the County Legislature of the County of Herkimer, State of New York, on the 8<sup>th</sup> day of August, 2018, Introductory Local Law No. 2 for the year 2018 entitled, “A LOCAL LAW TO IMPOSE A MORTGAGE RECORDING TAX WITHIN THE COUNTY OF HERKIMER”.

NOTICE IS FURTHER GIVEN that the County Legislature of the County of Herkimer will hold a public hearing on the aforesaid proposed Local Law, to be conducted by the Committee on Ways and Means at the Legislative Chambers in the County Office Building, Herkimer, New York, on the 24th day of October, 2018 at 6:30 p.m. at which time all persons interested will be heard.

Dated: October 24, 2018.

By Order of the Herkimer County Legislature

The Regular Session of the Herkimer County Legislature was called to order by Bernard Peplinski, Sr., Chairman of the Legislature at 7:00 p.m.

Chairman Peplinski called on William Rabbia, Executive Director of the Oneida-Herkimer Solid Waste Authority, to lead the legislature in the Pledge of Allegiance.

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

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

Present: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Peplinski, Campione, Shaw, Russell, Weakley (16).

Absent: Ackerman (1).

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Peplinski asked if there were any objections or corrections to the minutes of October 3, 2018. With no objections, Chairman Peplinski ordered the minutes approved.

At this time Chairman Peplinski dispensed with the regular session to allow for a presentation by William Rabbia, Executive Director of the Oneida-Herkimer Solid Waste Authority who presented the Legislature with information regarding a new program as well as copies of the 2019 proposed Budget.

Pursuant to Rule 6, Chairman Peplinski then proceeded with Reports of Standing Committees. Legislator Manno and Legislator Bono each gave reports of their committee. Chairman Peplinski continued with the regular session.

Pursuant to Rule 11, Comments by Residents, Chairman Peplinski called on Carl Streeter of Ilion, New York. Mr. Streeter stated he would like the information on the Strategic Development Specialists grant applications.

Chairman Peplinski stated that the communications received by the Legislature and the committees to which they were referred were listed on the agenda and asked if any member of the Legislature requested mention of any particular communication. Chairman Peplinski continued with the regular session.

No. 412 –A communication was received from the Sect. of the Republican Committee, submitting Recommendation of Commissioner. Referred to the Committee on Administration and Veterans' Affairs.

No. 413 - A communication was received from the County Treasurer, submitting Report of Cancelled Taxes. Referred to the Committee on Ways & Means.

No. 414 - A communication was received from the Chairman of the Herkimer County Sewer District Board, submitting Proposed Assessment Roll. Referred to the Committee on Natural Resources.

No. 415 - A communication was received from the Director of Real Property Tax Services, requesting Assessment Contract for Town of Danube. Referred to the Committee on Ways & Means.

No. 416 - A communication was received from the Budget Office/Purchasing Agent, requesting Budget Amendment for Office for the Aging, Additional Funding. Referred to the Committee on Ways & Means.

No. 417 - A communication was received from the Budget Officer/Purchasing Agent, requesting Amendment of Res. No. 274 for Elevator Maintenance. Referred to the Committee on County Properties.

No. 418 - A communication was received from the Commissioner of Social Services, requesting authorization to submit Plan to Office of Children and Family Service for STSJP Program. Referred to the Committee on Public Safety/Emergency Management.

No. 419 - A communication was received from the Coordinator of the STOP-DWI Program, requesting acceptance of Grant Funding. Referred to the Committees on Human Resources and Ways & Means.

No. 420 - A communication was received from the Budget Officer/Purchasing Agent, requesting Budget Amendment in STOP-DWI. Referred to the Committee on Ways & Means.

No. 421 - A communication was received from the Herkimer County Sheriff, requesting acceptance of Grant Funds from Senator Tedisco's Office. Referred to the Committees on Public Safety/Emergency Management and Ways & Means.

No. 422 - A communication was received from the Budget Officer/Purchasing Agent, requesting approval for Budget Amendment in Sheriff's Office for Grant Funding. Referred to the Committee on Ways & Means.

No. 423 – A communication was received from the Director of Emergency Management, requesting acceptance of Grant Funding from NYS. Referred to the Committees on Public Safety/Emergency Management and Ways & Means.

No. 424 – A communication was received from the Budget Officer/Purchasing Agent, requesting Budget Amendment for Grant in Emergency Services. Referred to the Committee on Ways & Means.

No. 425 – A communication was received from the Budget Officer/Purchasing Agent, requesting approval for Transfers. Referred to the Committee on Ways & Means.

No. 426 – A communication was received from the Budget Officer/Purchasing Agent, requesting appropriation in Highway Department Accounts and approving request to close accounts. Referred to the Committee on Ways & Means.

No. 427 - A communication was received from the Director of Emergency Services, requesting approval of Contract for Spohn Hill Tower Site. Referred to the Committees on Public Safety/Emergency Management and Ways & Means.

No. 428 – A communication was received from Director of Personnel, requesting establishment of Sexual Harassment Policy. Referred to the Committee on Ways & Means.

No. 429 - A communication was received from the Director of Public Health Nursing Service, requesting renewal of Contract for Biohazardous Waste Disposal. Referred to the Committees on Human Resources and Ways & Means.

No. 430 - A communication was received from the NYS Office of Homeland Security, informing of Grant Award in Emergency Management. Filed.

No. 431 - A communication was received from the Director of Emergency Services, requesting the Purchase of Equipment with SHSP Grant Funding. Referred to the Committees on Public Safety/Emergency Management and Ways & Means.

No. 432 - A communication was received from the Budget Officer/Purchasing Agent, advising of Electrical Contractor Alternates. Referred to the Committees on Public Safety/Emergency Management and Ways & Means.

No. 433 - A communication was received from the Executive Director of the Herkimer County IDA, requesting authorization to grant funds for Manheim Business Park. Referred to the Committees on County Planning & Development and Ways & Means.

No. 434 - A communication was received from the Budget Officer/Purchasing Agent, advising of recommendation for Special Inspector and Testing Inspection Agency. Referred to the Committees on Public Safety/Emergency Management and Ways & Means.

With that being all the communications, the Chairman continued with Reports and Resolutions.

The Chairman continued with the Regular Agenda.

On motion of Mr. Shaw, seconded by Mr. Russell, Report and Resolution No. 314 sponsored by the Committee on Ways & Means regarding Introductory Local Law No. 2 for 2018 was handed up; discussion was held, voted on and adopted by the following roll call vote:

Ayes: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Peplinski, Campione, Russell, Shaw, Weakley (16).

Against: None.

Absent: Ackerman (1).

On motion of Mr. Stephens, seconded by Mr. Malta, Report and Resolution No. 315 sponsored by the Committee on Administration/Veterans' Affairs making appointment of Commissioner of Elections was handed up, voted on and adopted by voice vote:

Ayes: (16).

Against: None.

Absent: Ackerman (1).

On motion of Mr. Russell, seconded by Mr. Stephens, Report and Resolution No. 316 sponsored by the Committee on Ways & Means relating to cancelled taxes and rejected taxes was handed up; voted on and adopted by voice vote:

Ayes: (16).

Against: None.

Absent: Ackerman (1).

On motion of Mr. Campione, seconded by Mr. Hollum, Report and Resolution No. 317 sponsored by the Committee on Natural Resources fixing time and place for Public Hearing was handed up: voted on and adopted by voice vote:

Ayes: (16).

Against: None.

Absent: Ackerman (1).

On motion of Mr. Campione, seconded by Mr. Gaworecki Report and Resolution No. 318 sponsored by the Committee on Ways & Means authorizing contract with the Town of Danube to provide assessment services to the Town was handed up; voted on and adopted by voice vote:

Ayes: (16).

Against: None.

Absent: Ackerman (1).



Absent: Ackerman (1).

On motion of Mr. Bono, seconded by Mr. Stephens, Report and Resolution No. 325 sponsored by the Committee on Public Safety/Emergency Management and the Committee on Ways & Means approving lease for communication system tower site was handed up; voted on and adopted by voice vote:

Ayes: (16).

Against: None.

Absent: Ackerman (1).

On motion of Mr. Smith, seconded by Mr. Campione, Report and Resolution No. 326 sponsored by the Committee on Ways & Means authorizing transfer of funds was handed up; voted on and adopted by voice vote:

Ayes: (16).

Against: None.

Absent: Ackerman (1).

On motion of Mr. Stephens, seconded by Mr. Gaworecki, Report and Resolution No. 327 sponsored by the Committee on Ways & Means closing accounts and appropriating funds in Highway Department was handed up; voted on and adopted by the following roll call vote:

Ayes: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Peplinski, Campione, Russell, Shaw, Weakley (16).

Against: None.

Absent: Ackerman (1).

On motion of Mr. Weakley, seconded by Mr. Schrader, Report and Resolution No. 328 sponsored by the Committee on Ways & Means adopting Sexual Harassment Policy was handed up; voted on and adopted by voice vote:

Ayes: (16).

Against: None.

Absent: Ackerman (1).

On motion of Mr. Schrader, seconded by Mr. Johnson, Resolution No. 329 sponsored by the Committee on Ways & Means amending Res. No. 290 of 2108 approving standard work day and retirement reporting for elected and appointed officials was handed up; voted on and adopted by voice vote:

Ayes: (16).

Against: None.

Absent: Ackerman (1).

On motion of Mr. Smith, seconded by Mr. Stephens, Report and Resolution No. 330 sponsored by the Committee on Ways & Means establishing annual salaries of some elected officials and certain county officers appointed for a fixed term during their term of office and setting date for public hearing was handed up; voted on and adopted by voice vote:

Ayes: (16).

Against: None.

Absent: Ackerman (1).

On motion of Mr. Manno, seconded by Mr. Brezinski, Resolution No. 331 sponsored by the Committee on Education appointing Trustee at Herkimer County Community College was handed up, discussion was held; voted on and adopted by voice vote:

Ayes: (16).

Against: None.

Absent: Ackerman (1).

On motion of Mr. Shaw, seconded by Mr. Keeler, Report and Resolution No. 332 sponsored by the Committee on Public Safety/Emergency Management and the Committee on Ways & Means awarding bid for security system within the provision of an electrical contractor for construction of the new Herkimer County Correctional Facility was handed up; discussion held, voted on and adopted by the following roll call vote:

Ayes: Gaworecki, Hollum, Stephens, Keeler, Brezinski, Manno, Smith, Peplinski, Shaw, Weakley (10).

Against: Malta, Schrader, Johnson, Bono, Campione, Russell (6).

Absent: Ackerman (1).

On motion of Mr. Bono, seconded by Mr. Smith, Report and Resolution No. 333 sponsored by the Committee on County Planning & Development and the Committee on Ways & Means approving grant for the development of the Manheim Industrial Park was handed up; voted on and adopted by voice vote:

Ayes: (16).

Against: None.

Absent: Ackerman (1).

On motion of Mr. Campione, seconded by Mr. Keeler, Resolution No. 334 sponsored by the Committee on Public Safety/Emergency Management and the Committee on Ways & Means authorizing contract for special inspector and testing inspection agency in connection with the Herkimer County Correctional Facility construction was handed up; discussion held, voted on and adopted by the following roll call vote:

Ayes: Malta, Gaworecki, Hollum, Stephens, Keeler, Manno, Smith, Bono, Peplinski, Campione, Russell, Shaw, Weakley (13).

Against: Schrader, Johnson, Brezinski (3).

Absent: Ackerman (1).

Pursuant to Rule 6, Chairman Peplinski asked if any members of the Legislature wished to comment. The following legislator had comments: Bono. With no further comment, Chairman Peplinski requested a motion to adjourn the meeting.

At 7:40 p.m., on motion of Mr. Manno, seconded by Mr. Stephens, this Session of the Herkimer County Legislature was adjourned to Wednesday, November 14, 2018 at 7:00 p.m., with a Public Hearing at 6:25 p.m. on the Sewer District Assessment Roll and a Public Hearing at 6:30 p.m. on Introductory Local Law No. 3 of 2018

Sally I. Deming, Clerk





## HERKIMER COUNTY LEGISLATURE

No. 314

### REPORT AND RESOLUTION REGARDING INTRODUCTORY LOCAL LAW NO. 2 FOR 2018

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

Your Committee on Ways and Means of the Herkimer County Legislature desires to report that on the 24th day of October, 2018, pursuant to Resolution No. 313 of 2018, it held a public hearing on the adoption of Introductory Local Law No. 2 for 2018 entitled, "A LOCAL LAW TO IMPOSE A MORTGAGE RECORDING TAX WITHIN THE COUNTY OF HERKIMER", and that there were no appearances and no objections at the said public hearing; that your Committee advises the adoption and enactment of the said Introductory Local Law and offers the following Resolution:

RESOLVED, that Introductory Local Law No. 2 for 2018 be adopted in form attached hereto, and be it further

RESOLVED, that Local Law No. 2 for 2018 is hereby rescinded.

Dated: October 24, 2018.

### INTRODUCTORY LOCAL LAW NO. 2 – 2018

### LOCAL LAW NO. 3 – 2018

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

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

#### Section 1. Imposition of Tax

Pursuant to Section 253-u of the Tax Law, as amended by Chapter 125 of the Laws of 2016, there is hereby imposed in the County of Herkimer a tax of \$0.25 for each \$100 and each remaining major fraction thereof of principal debt or obligation, which is or under any contingency may be secured at the date of execution thereof or at any time thereafter, by a mortgage on real property situated within the County of Herkimer and recorded on and after December 1, 2018, and a tax of \$0.25 on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than \$100.00. This local law hereby continues without interruption the imposition of the Herkimer County Mortgage Recording Tax as authorized by Herkimer County Local Law No. 3 for 2005.

#### Section 2. Applicability

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

### Section 3. Additional Taxes

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

### Section 4. Payment of Taxes

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

### Section 5. Real Property Located in More than One County

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

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

### Section 6. Disposition of Taxes

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

Section 7. Expiration Date

The tax imposed by this local law shall be effective from December 1, 2018 to December 1, 2020.

Section 8. Effective Date

This local law shall become effective on the first day of December, 2018, provided that a certified copy thereof is mailed by registered or certified mail to the Commissioner of Taxation and Finance at the Commissioner's Office in Albany at least thirty days prior to the date the local law shall take effect. Certified copies of any local law described in this section shall also be filed with the Herkimer County Clerk, the Secretary of State and the State Comptroller within five days after the local law is duly enacted.

Dated: October 24, 2018.



## HERKIMER COUNTY LEGISLATURE

No. 315

### REPORT AND RESOLUTION MAKING APPOINTMENT OF COMMISSIONER OF ELECTIONS

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

WHEREAS, Penny VanDusen, Secretary of the Herkimer County Republican Committee, has filed a certificate of the Herkimer County Republican Committee, in conformity with the provisions and requirements of Section 3-204 of the Election Law of the State of New York, recommending Kim S. Tranter, a resident and qualified voter of the County of Herkimer to be a fit and proper person to be appointed a Commissioner of Elections for the term commencing January 1, 2019 and ending December 31, 2020; now, therefore, be it

RESOLVED, that Kim S. Tranter, 372 Gray-Wilmurt Road, Cold Brook, New York, 13324, be, and she hereby is, reappointed as Commissioner of Elections of the County of Herkimer as so recommended for the term commencing January 1, 2019 ending December 31, 2020; and, be it further

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

Dated: October 24, 2018.



## HERKIMER COUNTY LEGISLATURE

No. 316

### REPORT AND RESOLUTION RELATING TO CANCELED TAXES AND REJECTED TAXES

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

Your Committee on Ways and Means, to which was referred the reports of the County Treasurer, with account attached thereto, showing the amounts of canceled taxes and rejected taxes as of October 4, 2018 which should be charged back to the respective towns, municipalities and districts set forth on said account, does respectfully report that we have examined the same, inquired into the subject matter thereof, and offer the following Resolution:

RESOLVED, that the following amounts be charged to the respective towns, municipalities and districts as set forth on said account and that the portion of said canceled taxes and rejected taxes be included in the various towns' tax levies for the coming year as follows:

TOWN	CANCELLED TAXES	REJECTED TAXES	TOTAL	TOWN PORTION FOR LEVY
GERMAN				
FLATTS	1,296.83		1,296.83	4.00
HERKIMER	<u>5,605.55</u>		<u>5,605.55</u>	<u>401.96</u>
Totals	6,902.38		6,902.38	405.96

and, be it further

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

Dated: October 24, 2018.



## HERKIMER COUNTY LEGISLATURE

No. 317

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

**Sponsored by: Committee on Natural Resources**

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

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

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

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

RESOLVED, that the Herkimer County Legislature shall hold such public hearing at the Legislators' Chambers in the Village of Herkimer, County of Herkimer, New York, on the 14<sup>th</sup> day of November, 2018 at 6:25 p.m., pursuant to the provisions of Section 271 of the County Law.

Dated: October 24, 2018.



## HERKIMER COUNTY LEGISLATURE

No. 318

### REPORT AND RESOLUTION AUTHORIZING CONTRACT WITH THE TOWN OF DANUBE TO PROVIDE ASSESSMENT SERVICES TO THE TOWN

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

WHEREAS, by letter dated October 5, 2018, Beth Sadlon, Director of the Real Property Tax Service Agency, has recommended to your Committee that a contract be renewed between the County of Herkimer and the Town of Danube whereby the County would provide assessment services to the Town for the sum of \$12.00 for each parcel on the final assessment roll for the Town; and

WHEREAS, it is the opinion of your Committee that it is to the mutual benefit of the County of Herkimer and the Town of Danube for the County of Herkimer to provide said assessment services to the Town; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an agreement to provide assessment services to the Town of Danube for the period from October 1, 2018 through October 1, 2019, for the sum of \$12.00 for each parcel on the final assessment roll of the town; and, be it further

RESOLVED, that the Chairman of this Legislature is further authorized to enter into annual renewals of said assessment agreement, after the expiration of the current agreements, upon the same or more favorable terms and conditions; with the final form of said agreement to be 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, Director of Real Property Tax Services and the Town of Danube.

Dated: October 24, 2018.



## HERKIMER COUNTY LEGISLATURE

No. 319

### REPORT AND RESOLUTION AMENDING RESOLUTION NO. 274 OF 2018 FOR ELEVATOR MAINTENANCE FOR COUNTY BUILDINGS

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

WHEREAS, by Resolution No. 274 of 2018, this Legislature approved a contract with ThyssenKrupp for elevator maintenance in Herkimer County buildings; and

WHEREAS, by letter dated October 5, 2018, Sheri Ferdula, Budget Officer and Purchasing Agent, has advised that an option to cancel the current contracts early with Otis Elevator became available, allowing all three county contracts with ThyssenKrupp to have the same start date of October 1, 2018, saving the County \$1,118 per month; now, therefore be it

RESOLVED, that the Herkimer County Legislature hereby approves an amendment to Resolution No. 274 to reflect the new start date with ThyssenKrupp as follows:

	<u>Start Date</u>
Jail	October 1, 2018
County Office Building	October 1, 2018
New County Office Building	October 1, 2018

and, be it further

RESOLVED, in all other respects, Resolution No. 274 of 2018 is ratified and confirmed; and, be it further

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

Dated: October 24, 2018.





## HERKIMER COUNTY LEGISLATURE

No. 320

### REPORT AND RESOLUTION AUTHORIZING ACCEPTING ADDITIONAL FUNDING, ESTABLISHING ACCOUNT AND AMENDING BUDGET FOR RESPITE SERVICES UNDER THE CAREGIVER SERVICES INITIATIVE

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

WHEREAS, by Resolution No. 164 of 2016, this Legislature authorized acceptance of grant funding from the NYS Department of Health, to provide Respite Services under the Caregiver Services Initiative for the period of July 1, 2016-December 31, 2020; and

WHEREAS, by letter dated September 25, 2018 from Kathy L. Fox, Director of the Office for the Aging, this Legislature is advised of additional funding in the amount of \$3,000 for the remainder of 2018 and requests that an account be established for the funding; and

WHEREAS, by letter dated October 5, 2018, the Budget Officer has advised that it is necessary to amend the 2018 Herkimer County Budget in connection with the receipt of said funding and establish an account; now, therefore, be it

RESOLVED, that the 2018 Herkimer County Budget is hereby amended to establish the following accounts in the amounts listed:

A6786B.3786B, Caregiver Services Initiative	From: \$14,200
	To: \$17,200

A6786B.44000, Caregiver Services Initiative, Con't Svs	From: \$12,713
	To: \$15,713

and, be it further

RESOLVED, that said services shall continue so long as 100% funding is available; 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: October 24, 2018.



## HERKIMER COUNTY LEGISLATURE

No. 321

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

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

WHEREAS, Resolution No. 180 of 2017 authorized the Chairman of the Legislature to approve the submission of a STSJP plan to the NYS Office of Children and Family Services, and execute a contract with Kids Oneida, Inc., for the provision of detention diversion services; and

WHEREAS, by letter dated September 30, 2018 Timothy Seymour, Commissioner of Social Services has advised the 2018-19 enacted State budget has again reappropriated funding to support STSJP; and

WHEREAS, the funding request for the continuation of this program is \$79,620 for the period of October 1, 2018, this sum has a 62% state reimbursement and the program continues capped detention services allocation which is reimbursed at 49% state share; now, therefore, be it

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

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

Dated: October 24, 2018.



## HERKIMER COUNTY LEGISLATURE

No. 322

### REPORT AND RESOLUTION ACCEPTING GRANT AND AMENDING BUDGET IN CONNECTION WITH RECEIPT OF STOP-DWI FUNDING

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

WHEREAS, by letter dated October 5, 2018, from Michael L. Edwards, STOP-DWI Coordinator, he has requested this Legislature accept the New York State Highway Safety Program Grant (DWI Crackdown) in the amount of \$12,300 for the period of October 1, 2018 through September 30, 2019, and advised that local police departments have applied for and been awarded \$12,300 as a pass through administered by the County; and

WHEREAS, by letter dated October 5, 2018 from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that it is necessary to amend the Herkimer County Budget for 2018 in connection with the receipt of said funding; now, therefore, be it

RESOLVED, that the 2018 Herkimer County Budget is hereby amended as follows:

Revenue:	A3315A.4389G, Impaired Driving Det., DWI Crackdown	From: \$0 To: \$12,300
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Appropriations:	A3315A.44000, Impaired Driving Det., Contracted services	From: \$0 To: \$12,300
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and, be it further

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

Dated: October 24, 2018.



## HERKIMER COUNTY LEGISLATURE

No. 323

### REPORT AND RESOLUTION ACCEPTING GRANT AND AMENDING BUDGET IN CONNECTION WITH RECEIPT OF FUNDING IN THE HERKIMER COUNTY SHERIFF'S DEPARTMENT

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

WHEREAS, by letter dated September 27, 2018 Christopher P. Farber, Herkimer County Sheriff, has advised that the Sheriff's Office has been awarded a grant in the amount of \$5,000 through Senator James Tedisco's office to replace the pre-fabricated storage building and other equipment at the training facility on Route 28 in Herkimer; and

WHEREAS, by letter dated October 5, 2018 from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that it is necessary to amend the Herkimer County Budget for 2018 in connection with the receipt of said funding; now, therefore, be it

RESOLVED, that the 2018 Herkimer County Budget is hereby amended as follows:

Revenue:

A3110.3389N, Sheriff, State Aid

From: \$500

To: \$5,500

Appropriation

A3110.25000, Sheriff, Other Equipment

From: \$0

To: \$5,000.

and, be it further

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

Dated: October 24, 2018.



## HERKIMER COUNTY LEGISLATURE

No. 324

### REPORT AND RESOLUTION ACCEPTING GRANT, AMENDING BUDGET AND ESTABLISHING ACCOUNT FOR RECEIPT OF HOMELAND SECURITY FUNDING

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

WHEREAS, by letter dated October 4, 2018, from Matthew Palumbo, Director of Emergency Services, this Legislature is advised of a request to accept grant funding and approve e-signature of the FY 2018 (EMPG) Emergency Management Performance Grant in the amount of \$28,960.00, which will be used for the yearly maintenance agreement for the mobile app, 911 security cameras service agreement, and tablets; and

WHEREAS, by letter dated October 5, 2018, Sheri A. Ferdula, Budget Officer/Purchasing Agent has requested that Project EM06-4 be established for proper accounting of this funding and that the 2018 Budget to be amended as follows:

A3020A.4389H, EM Homeland Security, State Aid	From: \$0 To: \$28,960
A3020A.44000, EM Homeland Security, Contracted Services	From: \$0 To: \$16,000
A3020A.25000, EM Homeland Security, Other Equipment	From: \$0 To: \$5,000
A3020A.22000, EM Homeland Security, Computer Equipment	From: \$0 To: \$7,960

now, therefore be it

RESOLVED, that this Legislature hereby accepts receipt of the FY 2018 EMPG Homeland Security Funding grant in the amount of \$28,960 for the maintenance agreement of for the mobile app, 911 security cameras service agreement, and tablets, and further authorizes the Chairman of the Legislature to e-sign the grant agreement; 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: October 24, 2018.



## HERKIMER COUNTY LEGISLATURE

No. 325

### REPORT AND RESOLUTION APPROVING LEASE FOR COMMUNICATION SYSTEM TOWER SITE

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

WHEREAS, by Resolution No. 193 duly adopted on July 7, 2004, this Legislature authorized a lease agreement for a period of five years with Jan and Ron Pence for property located at 326 Spohn Road in the Town of Columbia to develop a new transmitter site to enhance public safety communications in southern Herkimer County, which lease agreement was extended most recently for five years by Resolution No. 208 of 2015; and

WHEREAS, by letter dated October 4, 2018, from Matthew Palumbo, Director of Emergency Services, this Legislature is advised of a request for a new five year lease between the County of Herkimer and Jan and Ron Pence, at the following annual rates for rent: 2020 - \$4,013; 2021 - \$4,133; 2022 - \$4,257; 2023\$4,385 and 2024 - \$4,518; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a lease agreement for a period of five years with Jan Pence and Ron Pence, 132 Spohn Road, Ilion, New York, for lease of premises located at 326 Spohn Road in the Town of Columbia, Herkimer County, New York, at the following annual rates for rent: 2020 - \$4,013; 2021 - \$4,133; 2022 - \$4,257; 2023\$4,385 and 2024 - \$4,518 and upon such terms and conditions as approved by 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, County Attorney, Director of Emergency Services and Jan and Ron Pence.

Dated: October 24, 2018.



## HERKIMER COUNTY LEGISLATURE

No. 326

### REPORT AND RESOLUTION AUTHORIZING TRANSFER 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 October 10, 2018, submitting request a for 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 sums from and to the following accounts in the 2018 Budget:

#### Transfer:

\$ 4,100.00	From: A3315.25000, Impaired Driving, Other Equipment
	To: A3315.41000, Impaired Driving, Supplies
\$ 42,480.00	From: A3020A.22000, EM Homeland Security, Computer Equipment
	To: A3020A.25000, EM Homeland Security, Other Equipment
\$17,028.00	From: CD6291.101.00-022, TANF Temp Salaries, ET06-18
	To: CD6291.100.00-001, TANF Salaries, ET06-18
\$9,002.79	From: CD6291.101.00-022, TANF Temp Salaries, ET06-18
	To: CD6291.440.000, TANF, Contracted Services, ET06-18
\$458.19	From: CD6291.410.160, TANF Supplies, ET06-18
	To: CD6291.100.00-001, TANF Salaries, ET06-18
\$50.00	From: CD6291.410.205, TANF Printing, ET06-18
	To: CD6291.100.00-001, TANF Salaries, ET06-18
\$100.00	From: CD6291.440.370, TANF Copier, ET06-18
	To: CD6291.100.00-001, TANF Salaries, ET06-18
\$130.00	From: CD6291.450.000, TANF Fees for Service, ET06-18
	To: CD6291.100.00-001, TANF Salaries, ET06-18
\$155.01	From: CD6291.461.759, TANF Mileage, ET06-18
	To: CD6291.100.00-001, TANF Salaries, ET06-18
\$104.01	From: CD6291.463.000, TANF Postage, ET06-18
	To: CD6291.100.00-001, TANF Salaries, ET06-18
\$ 30,000.00	From: A2960.44000, Education of Handicapped Children, Contracted Services
	To: A4010.46000, Public Health, Miscellaneous Expense

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, Director of Employment & Training, STOP-DWI Coordinator and Director of Public Health.

Dated: October 24, 2018.



## HERKIMER COUNTY LEGISLATURE

No. 327

### REPORT AND RESOLUTION CLOSING ACCOUNTS AND APPROPRIATING FUNDS IN HIGHWAY DEPARTMENT

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

WHEREAS, by letter dated October 5, 2018, Sheri Ferdula, Budget Officer/Purchasing Agent, has advised that the County Road Fund D has three small reserve accounts that have no activity other than interest postings, and requests to close two of the accounts and appropriate the funds and any interest from these accounts and the third account to the highway equipment account to purchase vehicles; and

WHEREAS, the Budget Officer/Purchasing Agent has requested that the County Treasurer be authorized to make any necessary adjustments; now, therefore be it

RESOLVED, that the closures and appropriation be made as follows:

\$26,100.66	From: D889F, Reserve, Highway Capital (Close)
	To: DM5130.23000, Road Maintenance, Vehicles
\$19,372.74	From: D877, Highway Reserve #1
	To: DM5130.23000, Road Maintenance, Vehicles
\$70,867.95	From: D879, Highway Reserve #2 (Close)
	To: DM5130.23000, Road Maintenance, Vehicles.

and, be it further

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

Dated: October 24, 2018.





## HERKIMER COUNTY LEGISLATURE

No. 328

### REPORT AND RESOLUTION ADOPTING SEXUAL HARRASSMENT POLICY

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

WHEREAS, by Resolution No. 146 for the year 1996 Herkimer County adopted an Anti-Harassment Policy, which included a sexual harassment policy; and

WHEREAS, in April of 2019, New York State adopted legislation requiring the adoption of a model sexual harassment prevention policy or a policy that equals or exceeds the minimum standards provided by such model sexual harassment prevention policy; now, therefore be it

RESOLVED, that the Herkimer County Legislature hereby adopts the attached Herkimer County Sexual Harassment Policy; and be it further

RESOLVED, that Herkimer County's existing Anti-Harassment Policy shall remain in full force and effect, except that the provisions which address sexual harassment shall be omitted and replaced by the attached sexual harassment policy which shall govern cases of sexual harassment; and, be it further

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

Dated: October 24, 2018.



# HERKIMER COUNTY LEGISLATURE

No. 329

## RESOLUTION AMENDING RESOLUTION NO. 290 OF 2018 APPROVING STANDARD WORK DAY AND RETIREMENT REPORTING FOR ELECTED AND APPOINTED OFFICIALS

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

RESOLVED, that Resolution No. 290 duly adopted by the Herkimer County Legislature on September 12, 2018, which established the 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, is hereby amended to add the following officials:

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
<b>Appointed Officials</b>							
Assistant District Attorney	Michelle K. Fassett	[REDACTED]	[REDACTED]	6	4/30/18-12/31/20	N	12.03

Dated: October 24, 2018.



## HERKIMER COUNTY LEGISLATURE

No. 330

### **REPORT AND RESOLUTION ESTABLISHING ANNUAL SALARIES OF SOME ELECTED OFFICIALS AND CERTAIN COUNTY OFFICERS APPOINTED FOR A FIXED TERM DURING THEIR TERM OF OFFICE AND SETTING DATE FOR PUBLIC HEARING**

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

We, the Committee on Ways and Means of the Herkimer County Legislature, are causing to be prepared and will present Introductory Local Law No. 3 for the year 2018 to establish annual salaries of some elected officials and certain county officers appointed for a fixed term during their term of office, and setting the date for the statutory public hearing thereon, and offer the following Resolution:

#### RESOLVED:

1. That a proposed local law establishing salaries of some elected officials and certain county officers will be prepared by this Committee, and that a public hearing will be held on the proposed local law at a meeting of the Herkimer County Legislature, on the 14<sup>th</sup> day of November, 2018, at 6:30 p.m. in the Legislative Chambers of the County Office Building in the Village of Herkimer, New York;
2. That this County Legislature designates the Committee on Ways and Means as the Committee to hold the public hearing on the adoption of said Local Law;
3. That at least five days prior to such public hearing the Clerk of this Legislature shall post a notice of such hearing upon the bulletin board in the Courthouse and cause to be published said notice at least once in the *Times Telegram*;
4. That the Clerk of this Legislature shall place a copy of said Local Law on the desks of the members of this County Legislature at least seven calendar days, exclusive of Sunday, prior to its final adoption;
5. That if said local law be finally adopted, the Clerk of this Legislature shall file one certified copy thereof in the Office of the County Clerk, one in the Office of the Secretary of State and publish said local law as required by law.

Dated: October 24, 2018.



## HERKIMER COUNTY LEGISLATURE

No. 331

### RESOLUTION APPOINTING TRUSTEE AT HERKIMER COUNTY COMMUNITY COLLEGE

**Sponsored by: Committee on Education**

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

WHEREAS, it is the recommendation of your Committee on Education that Michael A. Stalteri, Sr., of 117 Eastwood Drive, East Herkimer, NY 13350 be appointed to fill said vacancy; now, therefore, be it

RESOLVED, that Michael A. Stalteri, Sr., of 117 Eastwood Drive, East Herkimer, NY 13350, is hereby appointed as a member of the Board of Trustees of Herkimer County Community College, pursuant to Section 6306 of the Education Law of the State of New York, to fill a vacancy presently existing on said board, which term shall expire on June 30, 2021; and, be it further

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

Dated: October 24, 2018.



## HERKIMER COUNTY LEGISLATURE

No. 332

### REPORT AND RESOLUTION AWARDING BID FOR SECURITY SYSTEM WITHIN THE PROVISION OF AN ELECTRICAL CONTRACTOR FOR CONSTRUCTION OF THE NEW HERKIMER COUNTY CORRECTIONAL FACILITY

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

WHEREAS, by Resolution No. 309 of 2018, this Legislature awarded a bid for the provision of an Electrical Contractor to Weydman Electric for construction of the New Herkimer County Correctional Facility, contingent upon the bidder holding open the security system portion of the bid for 45 days from the date of its receipt by the county; and

WHEREAS, by letter dated October 2, 2018, Sheri A. Ferdula, Budget Officer/Purchasing Agent had advised that sealed bids were received, opened and read in accordance with law for the provision of an Electrical Contractor for the construction of the new Herkimer County Correctional Facility with the following alternates:

Alternate No. EC – 01: Black Creek security and Control System	\$2,036,000
Alternate No. EC - 02: Comtec Security and Control System	\$1,648,000
Alternate No. EC – 03: Normet Security and Control System	\$1,648,000
Alternate No. EC – 04: Security and Control System (Stanley Security)	\$1,594,000

WHEREAS, your Committees have approved the bid for an Electrical Contractor with Alternate No. EC-01, Black Creek security and Control System at a cost of \$2,036,000; now, therefore be it

RESOLVED, that the Herkimer County Legislature hereby approves the bid of Weydman Electric, Inc., 747 Young Street, Tonawanda, NY 14150 as Electrical Contractor with Alternate No. EC-01, Black Creek security and control system at a cost of \$2,036,000 in conjunction with the Electrical Contractor award for a total cost of \$5,924,000; and, be it further

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

Dated: October 24, 2018.



## HERKIMER COUNTY LEGISLATURE

No. 333

### **REPORT AND RESOLUTION APPROVING GRANT FOR THE DEVELOPMENT OF THE MANHEIM INDUSTRIAL PARK**

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

WHEREAS, by letter dated October 9, 2018, John J. Piseck, Executive Director of the Herkimer County Industrial Development Agency, has advised that the Herkimer County IDA is proposing to expand the use of the program income in the amount of up to \$7,109.07 for the purpose of improvements to support the infrastructure of the Manheim Park; and

WHEREAS, that letter further advises that these funds are considered to be “Program Income” as far as the Office of Community Renewal is concerned, which can be awarded by a resolution given by the Herkimer County Legislature; and

RESOLVED, that the Herkimer County Legislature approves a \$7,109.07 grant of the above funds to the Herkimer County Industrial Development Agency to be applied to the infrastructure of the Manheim Business Park; and, be it further

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

Dated: October 24, 2018.



## HERKIMER COUNTY LEGISLATURE

No. 334

### **RESOLUTION AUTHORIZING CONTRACT FOR SPECIAL INSPECTOR AND TESTING INSPECTION AGENCY IN CONNECTION WITH HERKIMER COUNTY CORRECTIONAL FACILITY CONSTRUCTION**

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

WHEREAS, by letter dated October 23, 2018, Sheri A. Ferdula, Budget Officer/Purchasing Agent has advised that Requests for Proposals were received for the provision of Special Inspector and Testing Inspection Agency for the new Herkimer County Correctional Facility; and

WHEREAS, that letter further states that it is the recommendation of Labella Associates that the contract for Special Inspector and Testing Agency be awarded to QCQA Laboratories, Inc., 877 Route 4S, Schuylerville, NY 12871, of up to a maximum total cost of \$150,000; now, therefore be it

RESOLVED, that the Chairman of the Legislature is authorized to execute a contract with QCQA Laboratories, Inc., 877 Route 4S, Schuylerville, NY 12871 for Special Inspector and Testing Inspection Agency, of up to a maximum total cost of \$150,000, for the new Herkimer County Correctional Facility: and be it further

RESOLVED, that certified copies be of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, County Attorney, LaBella Associates, D.P.C. and QCQA Laboratories, Inc.

Dated: October 24, 2018.