

MINUTES
Herkimer County Legislature
Third Quarter – Second Day
Wednesday, August 10, 2022
7:00 p.m.

Public Hearing

The Public Hearing on the 2022-2023 tentative Herkimer County Community College Budget was called to order at 6:15 p.m. by Peter F. Manno, Chairman of the Committee on Education. The Clerk read the Notice. There were no speakers and the hearing was declared closed at 6:16 p.m.

NOTICE OF HEARING
ON TENTATIVE COLLEGE BUDGET

NOTICE IS HEREBY GIVEN that the County Legislature of the County of Herkimer, New York, will meet in the Legislature Chambers at 6:15 p.m. on the 10th day of August, 2022 for the purpose of holding a public hearing on the tentative budget of Herkimer County Community College for the fiscal year September 1, 2022 through August 31, 2023.

FURTHER NOTICE IS HEREBY GIVEN that copies of said tentative budget are available at the office of the Clerk of the Herkimer County Legislature, 109 Mary Street, Suite 1310, Herkimer, New York, where they may be procured by any interested person during business hours.

By Order of the Herkimer County Legislature

Dated: August 1, 2022.

Brittney R. Viscomi, Clerk

The Regular Session of the Herkimer County Legislature was called to order by Chairman Vincent J. Bono at 7:00 p.m.

Chairman Bono called on James Rathbun, Chief Plant Operator of the Herkimer County Sewer District, to lead the Legislature in the Pledge of Allegiance.

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

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

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

Absent: Russell (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 July 6, 2022. There were none, and the Chairman ordered them approved.

Chairman Bono dispensed with the regular session to allow for a plaque presentation to James Rathbun, Chief Plant Operator of the Herkimer County Sewer District in recognition of his retirement.

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

No. 270 – A communication was received from the County Property Agent submitting final auction results. Filed.

No. 271 – A communication was received from State Parks, Recreation and Historic Preservation advising of nomination for H.N. Quackenbush Factory to be listed on National Register. Filed.

No. 272 – A communication was received from the Herkimer County Soil & Water Conservation District advising of monthly meeting. Filed.

No. 273 – A communication was received from the Republican Election Commissioner advising of appointment of Deputy Commissioner. Filed.

No. 274 – A communication was received from the Capital District OTB submitting financial report for March 2022 & April 2022. Filed.

No. 275 – A communication was received from the Budget Officer/Purchasing Agent requesting authorization to enter into a contract for trash removal. Referred to the Committee on County Properties and the Committee on Ways & Means.

No. 276 – A communication was received from the Director of Community Services submitting recommendation for appointment for the Community Services Board. Referred to the Committee on Human Resources.

No. 277 – A communication was received from the County Attorney requesting discussion on property in the Village of Newport. Referred to the Committee on County Properties.

No. 278 – A communication was received from the County Treasurer requesting refund of interest and penalties. Referred to the Committee on Ways & Means.

No. 279 – A communication was received from the Acting Director of Information Services requesting authorization for purchase and installation of equipment in Legislature Chambers. Referred to the Committee on Information Services and the Committee on Ways & Means.

No. 280 – A communication was received from the Director of Public Health requesting approval for application of a Doula Program. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 281 – A communication was received from HCCC submitting 2022-2023 Budget Presentation. Referred to the Committee on Education and the Committee on Ways & Means.

No. 282 – A communication was received from the County Treasurer requesting amendment to Designation of Depositories. Referred to the Committee on Ways & Means.

No. 283 – A communication was received from the County Attorney requesting to bring action for declaratory judgement. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 284 – A communication was received from the Budget Officer/Purchasing Agent requesting creation of a project and budget amendment in Public Health for Emergency Preparedness Grant. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 285 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment for additional funding in Mental Health Services. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 286 – A communication was received from the Budget Officer/Purchasing Agent requesting to award contracts for boiler replacement project at HCCC. Referred to the Committee on Education and the Committee on Ways & Means.

No. 287 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer of funds within the 2022 Highway budget. Referred to the Committee on Ways & Means.

No. 288 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer of funds for the Public Health Department. Referred to the Committee on Ways & Means.

No. 289 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer of funds in connection with fees for the Hudson River-Black River Regulation District. Referred to the Committee on Ways & Means.

No. 290 – A communication was received from the Budget Officer/Purchasing Agent requesting appropriation in the Sheriff's Department. Referred to the Committee on Ways & Means.

No. 291 – A communication was received from the Personnel Officer requesting adoption of the 2023 Herkimer County Self Insured Plan Budget. Referred to the Committee on Ways & Means.

No. 292 – A communication was received from the Sewer District submitting Resolution for appointment of Chief Plant Operator. Referred to the Committee on Natural Resources and the Committee on Ways & Means.

No. 293 – A communication was received from the Budget Officer/Purchasing Agent requesting appropriation in District Attorney's Office. Referred to the Committee on Ways & Means.

No. 294 – A communication was received from the Personnel Officer requesting amendment to Salary Schedule No. III in Emergency Services. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 295 – A communication was received from the Budget Officer/Purchasing Agent requesting contract for Comprehensive Countywide Cost Allocation Plan. Referred to the Committee on Ways & Means.

No. 296 – A communication was received from the Budget Officer/Purchasing Agent requesting purchase of van and transfer of funds in the Office for the Aging. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 297 – A communication was received from the Budget Officer/Purchasing Agent requesting amendment to Resolution No. 396 of 2000 and transfer of funds. Referred to the Committee on Ways & Means.

No. 298 – A communication was received from the Budget Officer/Purchasing Agent requesting to award bid for provision of a communication shelter and antennas for the Honey Hill 911 Tower. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 299 – A communication was received from the Commissioner of Social Services submitting request for approval to submit plan and contract with ICAN for STSJP. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 300 – A communication was received from the Commissioner of Social Services requesting renewal of contract with Catholic Charities for the provision of services under the TREATY Program. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 301 – A communication was received from the Commissioner of Social Services requesting MOU with Children's Home of Wyoming Conference. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 302 – A communication was received from the Regional Director, NYSDEC requesting appointment of member to Regional Advisory Committee. Referred to the Committee on

Natural Resources.

No. 303 – A communication was received from the County Property Agent requesting forgiveness of taxes on Land Bank owned property. Referred to the Committee on Ways & Means.

No. 304 – A communication was received from the Personnel Officer requesting amendment to Salary Schedule No. III in the Mental Health Department. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 305 – A communication was received from the County Attorney requesting temporary Incidents of Ownership. Referred to the Committee on County Properties.

No. 306 – A communication was received from the County Property Agent requesting to rescind bids for two parcels at the tax auction. Referred to the Committee on County Properties.

No. 307 – A communication was received from the Director of Emergency Services requesting agreement with Hamilton County. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 308 – A communication was received from the Director of Emergency Services requesting agreement with Adirondack Railroad. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 309 – A communication was received from the Budget Officer/Purchasing Agent requesting purchase of door security system and appropriating funds. Referred to the Committee on County Properties and the Committee on Ways & Means.

No. 310 – A communication was received from the Budget Officer/Purchasing Agent requesting to award bid for the HVAC/plumbing replacement project at Herkimer County Community College. Referred to the Committee on Education and the Committee on Ways & Means.

No. 311 – A communication was received from the Budget Officer/Purchasing Agent requesting approval of contract for engineering services for boiler replacement project at Herkimer County Community College. Referred to the Committee on Education and the Committee on Ways & Means.

Pursuant to Rule 6, Chairman Bono then proceeded with Reports of Standing Committees. Legislator Hollum, Chairman of the Administration/Veterans' Affairs Committee, gave an update that early voting would be starting on Saturday in Little Falls; Legislator Campione, Chairman of the Highways Committee, gave an update that the Highway Garage roof is complete and came in under budget.

On motion of Mr. Stephens, seconded by Mr. Gaworecki, Resolution No. 216 – Resolution No. 218 were handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).

Consent Agenda:

- 216 WAYS & MEANS: Authorizing transfer of funds
- 217 WAYS & MEANS: Authorizing transfer of funds
- 218 WAYS & MEANS: Authorizing transfer of funds in the Highway Department



HERKIMER COUNTY LEGISLATURE

No. 216

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 July 15, 2022, submitting a request for a transfer of funds for the 2022 assessment of fees for the Hudson River-Black River Regulation District, reports that we have examined said communication, inquired into the subject matter thereof, and recommend that said transfer 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:

\$398 From: A1340.46000, Budget and Purchasing, Miscellaneous Expense
 To: A8732.46000, Conservation (Black River), Miscellaneous Expense

and, be it further

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

Dated: August 10, 2022.



HERKIMER COUNTY LEGISLATURE

No. 217

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 July 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:

\$49,000 From: A4189P.10000-001, Fellowship Grant, Salaries
 To: A4189P.44000, Fellowship Grant, Contracted Services

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: August 10, 2022.



HERKIMER COUNTY LEGISLATURE

No. 218

REPORT AND RESOLUTION APPROVING TRANSFER OF FUNDS IN THE HIGHWAY DEPARTMENT

Sponsored by: Committee on Ways and Means

WHEREAS, your Committee on Ways and Means, to which was referred a communication from Sheri A. Ferdula, Budget Officer/Purchasing Agent, dated July 19, 2022, submitting a request for a transfer of funds due to the increase in fuel prices, 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:

\$100,000 From: D5110.10100, Maintenance Division, Temporary Employees
 To: DM5130.46200-882, Road Maintenance, Diesel

\$50,000 From: D5110.10100, Maintenance Division, Temporary Employees
 To: DM5130.46200-888, Road Maintenance, Unleaded Gas

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, and County Highway Superintendent.

Dated: August 10, 2022.

The Chairman continued with the Regular Agenda.

On motion of Mr. Manno, seconded by Mr. Ackerman, Report and Resolution No. 219 sponsored by the Committee on Education and the Committee on Ways & Means relative to the adoption of the Herkimer County Community College budget was handed up; voted on and adopted by roll call vote:

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

Against: None.

Absent: Russell (1).



HERKIMER COUNTY LEGISLATURE

No. 219

REPORT AND RESOLUTION RELATIVE TO THE ADOPTION OF THE HERKIMER COUNTY COMMUNITY COLLEGE BUDGET

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

WHEREAS, the Herkimer County Legislature, having conducted a Public Hearing on the tentative budget of the Herkimer County Community College on August 10, 2022, and after hearing all parties concerning the same; now, therefore, be it

RESOLVED, that the tentative budget of the Herkimer County Community College, for the year 2022-2023, in the total amount of \$25,302,919, of which the contribution of the County of Herkimer is \$1,830,612, be adopted; 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 at Herkimer County Community College.

Dated: August 10, 2022.

On motion of Mr. Schrader, seconded by Mr. Swartz, Report and Resolution No. 220 sponsored by the Committee on Natural Resources appointing member to New York State Department of Environmental Conservation Regional Advisory Committee was handed up; discussion was held; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).



HERKIMER COUNTY LEGISLATURE

No. 220

REPORT AND RESOLUTION APPOINTING MEMBER TO NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION REGIONAL ADVISORY COMMITTEE

Sponsored by: Committee on Natural Resources

WHEREAS, this Legislature is informed by letter from Randall C. Young, Regional Director, Region 6 of the New York State Department of Environmental Conservation (DEC), that the DEC and Office of Parks, Recreation and Historic Preservation (Parks) are beginning the process of updating the State's Open Space Conservation Plan; and

WHEREAS, letter further advises that in accordance with ECL §49-0209, each DEC administrative region will form a Regional Advisory Committee (RAC) to provide the State with recommendations on land conservation and policy, and each RAC includes a member appointed by each county within the region, as well as members appointed by the DEC and Parks Commissioners; and

WHEREAS, New York State legislation requires that the member be appointed by this Legislature to serve at the pleasure of the board without compensation, but with entitlement to necessarily incurred expenses; now, therefore, be it

RESOLVED, that the appointment of Alvin H. Montana II of Dolgeville, New York, as representative to the Regional Advisory Committee, be and hereby is, ratified and confirmed; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Regional Director of the Region 6 of the New York State Department of Environmental Conservation and Alvin H. Montana II.

Dated: August 10, 2022.

On motion of Mr. Shaw, seconded by Mr. Ackerman, Report and Resolution No. 221 sponsored by the Committee on Human Resources and the Committee on Ways & Means

authorizing Memorandum of Understanding with the Children’s Home of Wyoming Conference was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).



HERKIMER COUNTY LEGISLATURE

No. 221

REPORT AND RESOLUTION AUTHORIZING MEMORANDUM OF UNDERSTANDING WITH THE CHILDREN’S HOME OF WYOMING CONFERENCE

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

WHEREAS, by letter dated July 21, 2022 from Timothy Seymour, Commissioner of Social Services, this Legislature is advised of a request to enter into a Memorandum of Understanding with the Children’s Home of Wyoming Conference, 1182 Chenango Street, Binghamton, NY 13901, for the provision of services under the Wendy’s Wonderful Kids Program; and

WHEREAS, the term of said agreement shall be effective on the date that it becomes fully executed, with no cost to the County; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a Memorandum of Understanding with the Children’s Home of Wyoming Conference, to provide services under the Wendy’s Wonderful Kids Program; 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 the Children’s Home of Wyoming Conference.

Dated: August 10, 2022.

On motion of Mr. Donley, seconded by Mr. Manno, Report and Resolution No. 222 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing extension of contract with Catholic Charities of Herkimer County and the Department of Social Services for a Youth Violence Prevention Program for schools in Herkimer County was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).



HERKIMER COUNTY LEGISLATURE

No. 222

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

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

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

WHEREAS, said contract has been renewed each year, the most recent being by Resolution No. 198 of 2021; and

WHEREAS, by letter dated July 21, 2022 from Timothy Seymour, Commissioner of Social Services, this Legislature is advised of a request to enter into an extension of said contract with Catholic Charities of Herkimer County, to provide said TREATY Program for the 2022-2023 school year, at an amount not to exceed \$34,578; now, therefore, be it

RESOLVED, that this Legislature hereby approves an extension of a contract with Catholic Charities of Herkimer County, 61 West Street, Ilion, New York, and the Herkimer County Department of Social Services, for the provision of the TREATY Program for the 2022-2023 school year to help control the threat of youth violence in schools, at a cost not to exceed \$34,578; and, be it further

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

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

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

Dated: August 10, 2022.

On motion of Mr. Stephens, seconded by Mr. Schrader, Report and Resolution No. 223 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing submission of the Supervision and Treatment Services for Juveniles Program (STSJP) to the NYS Office of Children and Family Services and authorize contract renewal with ICAN to provide services was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).



HERKIMER COUNTY LEGISLATURE

No. 223

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

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

WHEREAS, Resolution No. 217 of 2021 authorized the Chairman of the Legislature to approve the submission of a STSJP plan to the NYS Office of Children and Family Services, and execute a contract with Integrated Community Alternatives Network (ICAN), for the provision of detention diversion services; and

WHEREAS, by letter dated July 21, 2022, Timothy Seymour, Commissioner of Social Services has advised the 2022-23 enacted State budget has again appropriated funding to assist with STSJP; and

WHEREAS, the funding request for the continuation of this program is \$79,620 for the period of performance commencing October 1, 2022 through September 30, 2023, this sum has a 62% state reimbursement and the program continues capped detention services allocation which is reimbursed at 49% state share; now, therefore, be it

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

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

Dated: August 10, 2022.

On motion of Mr. Campione, seconded by Mr. Weakley, Report and Resolution No. 224 sponsored by the Committee on Ways & Means amending Resolution No. 396 of 2000 and making transfer of funds from Capital Reserve was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).



HERKIMER COUNTY LEGISLATURE

No. 224

REPORT AND RESOLUTION AMENDING RESOLUTION NO. 396 OF 2000 AND MAKING TRANSFER OF FUNDS FROM CAPITAL RESERVE

Sponsored by: Committee on Ways & Means

WHEREAS, by Resolution No. 396 of 2000, Capital Reserve Fund D889, Reserve for Emergency Disaster Work, was established in order to reserve funds received from the State and Federal governments to reimburse the County for repair of damages from a natural disaster to the next construction season; and

WHEREAS, by letter dated July 15, 2022, the Herkimer County Budget Officer has requested that \$2,400,689.33 in Account D889, be transferred to the unassigned fund balance in Account D909, County Road Fund; and

WHEREAS, letter further requests that Resolution No. 396 of 2000 be amended in the second resolved clause to state:

“The net balance of funds remaining in the D8970, Emergency Disaster Work, at the end of each year, be transferred to the D889 Capital Reserve Fund, not to exceed \$1,000,000. Any excess funding should be returned to the D909, Capital Road Fund Balance”

now, therefore, be it

RESOLVED, that the amounts reserved in Account D889, representing reimbursement for work already performed by the Herkimer County Highway Department, \$2,400,689.33, be transferred to unassigned fund balance in Account D909, County Road Fund; and, be it further

RESOLVED, that the Herkimer County Treasurer is hereby authorized and empowered to transfer the said sum to the said account; and, be it further

RESOLVED, that Resolution No. 396 of 2000 is hereby amended in the second resolved clause; and, be it further

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

Dated: August 10, 2022.

On motion of Mr. Donley, seconded by Mr. Malta, Report and Resolution No. 225 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing purchase of van for Office for the Aging and transferring funds was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).



HERKIMER COUNTY LEGISLATURE

No. 225

REPORT AND RESOLUTION AUTHORIZING PURCHASE OF VAN FOR OFFICE FOR THE AGING AND TRANSFERRING FUNDS

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

WHEREAS, by letter dated July 6, 2022, from Kathy Fox, Director of the Office for the Aging, this Legislature is advised of a request to purchase a 2022 Ford Transit from Fenton Mobility Products at a cost of \$69,377, using Unmet Needs funding; and

WHEREAS, by letter dated July 14, 2022, from Sheri Ferdula, Budget Officer/Purchasing Agent, has requested a transfer to complete the above purchase; now, therefore, be it

RESOLVED, that the purchase of a 2022 Ford Transit van for the Herkimer County Office for the Aging, at a cost \$69,377, be authorized and that the treasurer be authorized to make the following transfer to complete the purchase:

TRANSFER:

\$9,380 From: A6786C.44000, Aging, Unmet Needs, Contracted Services
 To: A6786C.23000, Aging, Unmet Needs, Motor Vehicle

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: August 10, 2022.

On motion of Mr. Hollum, seconded by Mr. Gaworecki, Report and Resolution No. 226 sponsored by the Committee on Ways & Means authorizing contract in connection with Countywide Cost Allocation Plan was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).



HERKIMER COUNTY LEGISLATURE

No. 226

REPORT AND RESOLUTION AUTHORIZING CONTRACT IN CONNECTION WITH COUNTYWIDE COST ALLOCATION PLAN

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated July 18, 2022 from Sheri Ferdula, Budget Officer and Purchasing Agent, this Legislature has been advised that proposals have been received for the provision of Comprehensive Cost Allocation services for Herkimer County; and

WHEREAS, by said letter, the Budget Officer has recommended that an agreement be entered into with Venesky & Company, 6114 Route 31, Cicero, NY, in the amount of \$14,000 per year for five years from January 1, 2022 through December 31, 2026; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby approves entering into a contract with Venesky & Company, to provide the MILOR Report for Public Health, the LDSS 4927, Statement of Estimated Annual Maintenance Costs (SEMAC), and the A87 for the Department of Social Services at a per year cost of \$14,000, with said contract to be approved by the County Attorney; and, be it further

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

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, County Attorney, Director of Public Health, Commissioner of Social Services, and Venesky & Company.

Dated: August 10, 2022.

On motion of Mr. Schrader, seconded by Mr. Stephens, Report and Resolution No. 227 sponsored by the Committee on Human Resources and the Committee on Ways & Means amending Salary Schedule No. III for temporary position in Herkimer County Mental Health Department was handed up; voted on and adopted by roll call vote:

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

Against: None.

Absent: Russell (1).



HERKIMER COUNTY LEGISLATURE

No. 227

REPORT AND RESOLUTION AMENDING SALARY SCHEDULE NO. III FOR TEMPORARY POSITION IN HERKIMER COUNTY MENTAL HEALTH DEPARTMENT

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

WHEREAS, by letter dated July 21, 2022, Kristen Snyder-Branner, Director of Community Services, has requested that a temporary position be established; and

WHEREAS, by letter dated July 28, 2022, Steven R. Billings, Personnel Officer, states your committees have been advised that Salary Schedule No. III should be amended to establish a temporary Senior Community Health Nurse effective from August 29, 2022 through September 9, 2022 at a 2022 base pay rate of \$50,142; now, therefore be it

RESOLVED, that Salary Schedule No. III be amended to establish a temporary Senior Community Health Nurse effective from August 29, 2022 through September 9, 2022 at a 2022 base pay rate of \$50,142; and, be it further

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

Dated: August 10, 2022.

On motion of Mr. Stephens, seconded by Mr. Weakley, Report and Resolution No. 228 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means amending Salary Schedule No. III in Herkimer County Emergency Services Department was handed up; voted on and adopted by roll call vote:

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

Against: None.

Absent: Russell (1).



HERKIMER COUNTY LEGISLATURE

No. 228

REPORT AND RESOLUTION AMENDING SALARY SCHEDULE NO. III IN HERKIMER COUNTY EMERGENCY SERVICES DEPARTMENT

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

WHEREAS, by letter dated July 20, 2022, John Raymond, Director of Emergency Services, has requested that the position of one Public Safety Telecommunicator be created; and

WHEREAS, by letter dated July 28, 2022, Steven R. Billings, Personnel Officer, has recommended amending Salary Schedule III, by creating one full-time Public Safety Telecommunicator in Account A3021 at a 2022 base pay rate of \$35,090; now, therefore be it

RESOLVED, that one full-time position of Public Safety Telecommunicator in Account A3021 in Salary Schedule III is hereby established at a 2022 base pay rate of \$35,090; and, be it further

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

Dated: August 10, 2022.

On motion of Mr. Stephens, seconded by Mr. Manno, Report and Resolution No. 229 sponsored by the Committee on Natural Resources and the Committee on Ways & Means approving Sewer District Resolution for permanent appointment of Chief Plant Operator was handed up; discussion was held; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).

Mr. Montana thanked the Legislature for the opportunity.



HERKIMER COUNTY LEGISLATURE

No. 229

REPORT AND RESOLUTION APPROVING SEWER DISTRICT RESOLUTION FOR PERMANENT APPOINTMENT OF CHIEF PLANT OPERATOR

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

WHEREAS, by letter dated July 22, 2022 this Legislature is advised that by action on June 15, 2022, the Herkimer County Sewer District Board adopted a resolution making a permanent appointment of Alvin H. Montana II as Chief Plant Operator for the Herkimer County Sewer District; and

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

RESOLVED, that this Legislature hereby approves a resolution duly adopted by the Herkimer County Sewer District Board on June 15, 2022 making a permanent appointment of Alvin H. Montana II as Chief Plant Operator for the Herkimer County Sewer District at the base annual salary of \$68,840, effective September 7, 2022; and, be it further

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

Dated: August 10, 2022.

On motion of Mr. Shaw, seconded by Mr. Johnson, Report and Resolution No. 230 sponsored by the Committee on Ways & Means approving 2023 Annual Estimate and Apportionment for the Herkimer County Workers' Compensation Self-Insured Plan was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).



HERKIMER COUNTY LEGISLATURE

No. 230

**REPORT AND RESOLUTION APPROVING 2023 ANNUAL ESTIMATE AND
APPORTIONMENT FOR THE HERKIMER COUNTY WORKERS' COMPENSATION
SELF-INSURED PLAN**

Sponsored by: Committee on Ways and Means

WHEREAS, your Committee has received from Steven R. Billings, Personnel Officer, the 2023 Annual Estimate and Apportionment for the Herkimer County Workers' Compensation Self-Insured Plan for the purposes of tail claims run-off; and

WHEREAS, your Committee on Ways and Means has considered said Estimate and

Apportionment and has approved the same; now, therefore, be it

RESOLVED, that this Legislature hereby approves the Annual Estimate and Apportionment of the Herkimer County Workers' Compensation Self-Insured Plan for the purposes of tail claims run-off for the year 2023; and, be it further

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

Dated: August 10, 2022.

On motion of Mr. Campione, seconded by Mr. Donley, Report and Resolution No. 231 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, Keeler, Brezinski Manno, Swartz, Bono, Ackerman, Donley, Campione, Shaw, Weakley (15).

Abstain: Stephens (1).

Against: None.

Absent: Russell (1).



HERKIMER COUNTY LEGISLATURE

No. 231

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 26, 2022, submitting a request for appropriation of funds for reimbursements to local police departments from grant funding for local discovery law changes, 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:

\$6,332 From: A909, Fund Balance
To: A1165.44000, DA, contracted Services

and, be it further

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

Dated: August 10, 2022.

On motion of Mr. Gaworecki, seconded by Mr. Johnson, Report and Resolution No. 232 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, Brezinski Manno, Swartz, Bono, Ackerman, Donley, Campione, Shaw, Weakley (16).

Against: None.

Absent: Russell (1).



HERKIMER COUNTY LEGISLATURE

No. 232

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 21, 2022, submitting a request for appropriation of funds from the Jail Commissary Reserve, with the funds to be used for supplies and equipment for inmates, 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:

\$1,200 From: A889S, Jail Commissary Reserve
To: A3150C.41000, Jail Commissary, Supplies

and, be it further

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

Dated: August 10, 2022.

On motion of Mr. Manno, seconded by Mr. Schrader, Report and Resolution No. 233 sponsored by the Committee on Education and the Committee on Ways & Means approving contracts relating to the boiler replacement at Herkimer County Community College was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).



HERKIMER COUNTY LEGISLATURE

No. 233

REPORT AND RESOLUTION APPROVING CONTRACTS RELATING TO THE BOILER REPLACEMENT AT HERKIMER COUNTY COMMUNITY COLLEGE

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

WHEREAS, by letter dated July 19, 2022 from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that Resolution No. 174 and Resolution No. 194 of 2022 approved deposits for contracts relating to the boiler replacement project at Herkimer County Community College and requests that the total contracts be approved so the remaining balances can be paid as the project is completed; now, therefore be it

RESOLVED, that the Herkimer County Legislature hereby approves the total contacts for the boiler replacement project as follows:

Trojan Energy	Project Cost:	\$631,125
	National Grid	\$33,134 (2.5% to 5% of full project)
	Contingency	<u>\$33,212.95</u>
	Total	\$697,471.95

Siemens	Project Cost	\$299,597
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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, President of Herkimer County Community College, and Senior Vice President for Administration and Finance of Herkimer County Community College.

Dated: August 10, 2022.

On motion of Mr. Stephens, seconded by Mr. Gaworecki, Report and Resolution No. 234 sponsored by the Committee on Ways & Means amending budget in the Mental Health Department was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).



HERKIMER COUNTY LEGISLATURE

No. 234

REPORT AND RESOLUTION AMENDING BUDGET IN THE MENTAL HEALTH DEPARTMENT

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated July 14, 2022 from the Budget Officer and Purchasing Agent, this Legislature is advised that it is necessary to amend the 2022 Budget to reflect additional funding from the State for the Herkimer County Mental Health Department; now, therefore, be it

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

A4320.3490, Mental Health, State Aid	From: \$445,139.50
	To: \$545,139.50

A4320.44000, Mental Health, Contracted Services	From: \$60,478
	To: \$160,478

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: August 10, 2022.

On motion of Mr. Weakley, seconded by Mr. Shaw, Report and Resolution No. 235 sponsored by the Committee on Human Resources and the Committee on Ways & Means amending budget and authorizing contract in connection with receipt of grant funds for Public Health Emergency Preparedness was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).



HERKIMER COUNTY LEGISLATURE

No. 235

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

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

WHEREAS, by letter dated July 12, 2022, Christina Cain, Director of Public Health, has advised of receipt of a Public Health Emergency Preparedness Grant for the period from July 1, 2022 to June 30, 2023 in the amount of \$52,099 and requests a contract with the State of New York to provide reimbursement of expenses incurred by Herkimer County in the development of plans under said grant; and

WHEREAS, by letter dated July 14, 2022 from Sheri Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised of a request to amend the 2022 Operating Budget in connection with the receipt of said funding; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a contract with the State of New York for a Public Health Emergency Preparedness Grant for the period from July 1, 2022 to June 30, 2023 in the amount of \$52,099, to provide reimbursement for expenses incurred by Herkimer County in the development of a Public Health Emergency Preparedness Plan; and, be it further

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

Revenue:		
A4188.4403-PH01-20		\$52,099
Expenses:		
A4188.10000-001-PH01-20		\$29,015
A4188.41000, PH01-20		\$2,951
A4188.46000, PH01-20		\$1,750
A4188.46100, PH01-20		\$1,000
A4188.81000, PH01-20		\$8,691
A4188.86000, PH01-20		\$8,692

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: August 10, 2022.

On motion of Mr. Stephens, seconded by Mr. Ackerman, Report and Resolution No. 236 sponsored by the Committee on Ways & Means amending Resolution No. 5 of 2022 as regards designation of depositories of County funds for 2022 was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).



HERKIMER COUNTY LEGISLATURE

No. 236

REPORT AND RESOLUTION AMENDING RESOLUTION NO. 5 OF 2022 AS REGARDS DESIGNATION OF DEPOSITORIES OF COUNTY FUNDS FOR 2022

Sponsored by: Committee on Ways and Means

WHEREAS, pursuant to Resolution No. 5 of 2022, this Legislature designated depositories of county funds for 2022; and

WHEREAS, by letter dated July 20, 2022, Kimberlee A. Enea, Herkimer County Treasurer, has requested an amendment of said resolution to add NYCLASS, with a limit of \$15,000,000.00; now, therefore, be it

RESOLVED, that Resolution No. 5 of 2022 is hereby amended to add NYCLASS, with a limit of \$15,000,000.00 as a bank designated for the deposit of moneys of the County of Herkimer for the year 2022; and, be it further

RESOLVED, that in all other respects, Resolution No. 5 of 2022 shall remain in full force and effect; and, be it further

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

Dated: August 10, 2022.

On motion of Mr. Stephens, seconded by Mr. Weakley, Report and Resolution No. 237 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means awarding bid for the provision of a communication shelter and antennas was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).



HERKIMER COUNTY LEGISLATURE

No. 237

REPORT AND RESOLUTION AWARDED BID FOR THE PROVISION OF A COMMUNICATION SHELTER AND ANTENNAS

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

WHEREAS, by letter dated July 11, 2022, Sheri A. Ferdula, Budget Officer/Purchasing Agent has advised sealed bids were opened and read aloud on July 11, 2022 for the provision of a communication shelter and antennas for the Honey Hill 911 Tower; and

WHEREAS, said letter requests the bid be awarded to the lowest bidder, Midstate Communications, Inc., 185 Clear Road, Oriskany, NY 13424 in the amount of \$220,000; now, therefore be it

RESOLVED, that a bid in the amount of \$220,000, for the provision of a communication shelter and antennas for the Honey Hill 911 Tower be awarded to Midstate Communications, Inc.; and, be it further

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

Dated: August 10, 2022.

On motion of Mr. Shaw, seconded by Mr. Swartz, Report and Resolution No. 238 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means authorizing a tower usage agreement with Hamilton County in Emergency Services was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).



HERKIMER COUNTY LEGISLATURE

No. 238

**REPORT AND RESOLUTION AUTHORIZING A TOWER USAGE AGREEMENT
WITH HAMILTON COUNTY IN EMERGENCY SERVICES**

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

WHEREAS, by letter dated July 5, 2022 from John Raymond, Director of Emergency Services, request is being made to enter into an agreement with Hamilton County and the Town of Webb to place one (1) six foot microwave dish on the McCauley Mountain Tower; and

WHEREAS, placement of the Hamilton County microwave dish will benefit Herkimer County by providing connections to a new tower in the Inlet-Eagle Bay area and by providing

redundant microwave connections as well as connecting Herkimer County into the Adirondack Communication Consortium Counties; and

WHEREAS, funding for tower work and radio communications equipment will be 100 percent covered by State Interoperable Communications Grants; and

WHEREAS, the Town of Webb is the landowner of the premises upon which the McCauley Mountain Tower is located on known as Tax Parcel No. 41-1-59.1 and 41-1-59.2 commonly known as the McCauley Mountain Ski Resort; and

WHEREAS, the Town of Webb has granted Herkimer County the right and easement to said parcels for the purposes of constructing, operating and maintaining a Herkimer County Radio EMS/911 Tower, together with necessary equipment; and

WHEREAS, Herkimer County and the Town of Webb now wish to grant a license to Hamilton County to install, operate, maintain and repair a six-foot diameter Microwave Dish on the existing tower with associated cabling; and

WHEREAS, Hamilton County has agreed that it shall be responsible for installation of its own equipment, associated cabling, meters, cabling, communications lines and for its share of the cost of electrical power used by Hamilton County's equipment; now, therefore be it

RESOLVED, that the Chairman of the Herkimer County Legislature is authorized to sign the Intermunicipal Communications Tower License and Lease Agreement, providing Hamilton County with an easement to place the six-foot microwave dish and equipment and an easement for ingress and egress, upon approval of the Herkimer County Attorney; and, be it further

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

Dated: August 10, 2022.

On motion of Mr. Donley, seconded by Mr. Stephens, Report and Resolution No. 239 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means authorizing a tower usage agreement with the Adirondack Railway Preservation Society, Inc. was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).



HERKIMER COUNTY LEGISLATURE

No. 239

REPORT AND RESOLUTION AUTHORIZING A TOWER USAGE AGREEMENT

WITH THE ADIRONDACK RAILWAY PRESERVATION SOCIETY, INC.

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

WHEREAS, by letter dated July 19, 2022 from John Raymond, Director of Emergency Services, request is being made to enter into an agreement with the Adirondack Railway Preservation Society, Inc. [hereinafter ARPS"], a not-for-profit corporation, to allow the placement of a radio repeater on the McCauley Mountain Tower in the Town of Webb; and

WHEREAS, placement of the ARPS repeater will benefit Herkimer County by enabling better communications to connect with the railroad transport areas and with the community of the Beaver River area; and

WHEREAS, costs of the repeater, installation and maintenance will be fully funded by the ARPS; and

WHEREAS, the Town of Webb is the landowner of the premises upon which the McCauley Mountain Tower is located on known as Tax Parcel No. 41-1-59.1 and 41-1-59.2 commonly known as the McCauley Mountain Ski Resort; and

WHEREAS, the Town of Webb has granted Herkimer County the right and easement to said parcels for the purposes of constructing, operating and maintaining a Herkimer County Radio EMS/911 Tower known as the McCauley Mountain Tower, together with necessary equipment; and

WHEREAS, contingent upon the approval of the Town of Webb, Herkimer County will authorize grant of license to ARPS to install, operate, maintain and repair a repeater on the existing tower with associated equipment and cabling; and

WHEREAS, ARPS has agreed that it shall be responsible for installation of its own equipment, associated cabling, meters, cabling, communications lines and that ARPS shall compensate Herkimer County \$1,200 yearly to offset its share of electricity and facility maintenance costs; now, therefore, be it

RESOLVED, that the Chairman of the Herkimer County Legislature is authorized to sign a Communications Tower Co-Location Agreement, providing ARPS with an easement to place a repeater and equipment, and an easement for ingress and egress, upon approval of the Herkimer County Attorney of the terms and conditions therein, and contingent upon approval of the Town of Webb; and, be it further

RESOLVED, that said Communications Tower Co-Location Agreement shall provide that ARPS will pay an annual user fee of \$1,200.00 and further that the ARPS equipment will not interfere with Herkimer County's operations; 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, the Adirondack Railway Preservation Society, Inc., and the Supervisor of the Town of Webb.

Dated: August 10, 2022.

On motion of Mr. Keeler, seconded by Mr. Johnson, Report and Resolution No. 240 sponsored by the Committee on County Properties rescinding approval of sale of a tax parcel in the Town of Litchfield and in the Town of Columbia at the June 11, 2022 tax auction was handed up; voted on and adopted by roll call vote:

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

Against: None.

Absent: Russell (1).



HERKIMER COUNTY LEGISLATURE

No. 240

REPORT AND RESOLUTION RESCINDING APPROVAL OF SALE OF A TAX PARCEL IN THE TOWN OF LITCHFIELD AND IN THE TOWN OF COLUMBIA AT THE JUNE 11, 2022 TAX AUCTION

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, said sale was duly held pursuant to said directive on June 11, 2022 in Herkimer, New York with fifty four (54) bids being received at the auction; and

WHEREAS, on July 6, 2022, by Resolution No. 180 of 2022, the Herkimer County Legislature approved the sales by auction and authorized the County Treasurer to convey each said property to the successful bidder thereon; and

WHEREAS, subsequent to the sale of Tax Parcel No. 131.30-1-12 in the Town of Litchfield and the sale of Tax Parcel No. 131.30-2-13 in the Town of Columbia, the Herkimer County Treasurer received information that a residential structure is located on both aforesaid tax parcels, the residence being divided by town line dividing the Town of Litchfield from the Town of Columbia; and

WHEREAS, title to the two tax parcels remains with the Herkimer County Treasurer and no deed has yet been issued to the successful bidders, being Dana Rice, bidding on the Tax Parcel No. 131.30-1-12 and James & Barbara Lincourt, bidding on the Tax Parcel No. 131.30-2-13; and

WHEREAS, the County Properties Committee recommends that the approval of the sale of the aforesaid two tax parcels be rescinded and that the two parcels be sold together at the next tax auction and further, that the funds paid by the successful bidders be refunded to the successful bidders in full; now, therefore, be it

RESOLVED, that bids approved for Tax Parcel No. 131.30-1-12 in the Town of Litchfield and Tax Map Parcel No. 131.30-2-13 in the Town of Columbia are hereby rescinded; and be it further

RESOLVED, that the Herkimer County Treasurer shall issue full refunds to the two separate bidders on the above parcels; and, be it further

RESOLVED, that the Herkimer County Treasurer is directed to sell both of the aforesaid parcels together at the next tax auction; and, be it further

RESOLVED, that certified copies of this resolution be sent to Herkimer County Treasurer, County Property Agent, Dana Rice, James & Barbara Lincourt, and the Herkimer County Attorney.

Dated: August 10, 2022.

On motion of Mr. Keeler, seconded by Mr. Donley, Report and Resolution No. 241 sponsored by the Committee on County Properties authorizing the Herkimer County Treasurer on behalf of Herkimer County to re-commence and/or commence In Rem tax foreclosure proceedings against a parcel was handed up; voted on and adopted by roll call vote:

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

Against: None.

Absent: Russell (1).



HERKIMER COUNTY LEGISLATURE

No. 241

REPORT AND RESOLUTION AUTHORIZING THE HERKIMER COUNTY TREASURER ON BEHALF OF HERKIMER COUNTY TO RE-COMMENCE AND/OR COMMENCE IN REM TAX FORECLOSURE PROCEEDINGS AGAINST A PARCEL PURSUANT TO REAL PROPERTY TAX LAW AND AUTHORIZING THE COMMENCEMENT OF AN ACTION TO OBTAIN TEMPORARY INCIDENTS OF OWNERSHIP PURSUANT TO THE PROVISIONS OF ENVIRONMENTAL CONSERVATION LAW ARTICLE 56 TO CONDUCT ENVIRONMENTAL RESTORATION INVESTIGATIONS

Sponsored by: Committee on County Properties

WHEREAS, the premises known as Tax Map Parcel No. 113.81-6-6 in the Village of Herkimer were the subject of the In Rem proceedings brought by the County of Herkimer for the tax year 2016; and

WHEREAS, the County Properties Committee has recommended that the Herkimer County Attorney and the Herkimer County Treasurer, on behalf of Herkimer County re-commence and/or commence an In Rem Tax Foreclosure against the above parcel as set forth below pursuant to the provisions of Article 11 of the Real Property Tax Law and within those proceedings seek to obtain temporary incidents of ownership pursuant to Environmental Conservation Law Article 56 of the above premises known as Tax Map Parcel No. 113.81-6-6 known as 415 North Main Street, Herkimer, New York; and

WHEREAS, in order to gain access to the above tax parcel for the purposes of conducting environmental restoration investigations, the County Attorney is requesting authority to re-commence and/or commence In Rem Tax Foreclosure proceedings in the appropriate Herkimer County Court and authority to seek to obtain temporary incidents of ownership of the aforementioned parcel; now, therefore, be it

RESOLVED, that the County Attorney and the County Treasurer are authorized to re-commence and/or commence In Rem Tax Foreclosure proceedings against the above parcel pursuant to RPTL Article 11 and within those proceedings seek to obtain temporary incidents of ownership of the above parcel for the purposes of conducting an environmental restoration investigation pursuant to the provisions of ECL Article 56; and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature is authorized to enter into an agreement with the Herkimer County Industrial Development Agency [hereafter “IDA”] who will retain appropriate environmental forms to conduct environmental restoration investigations pursuant to ECL Article 56, with said agreement to further provide that the cost of such environmental restoration investigations to be paid for by the IDA; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Auditor, County Property Agent, and Herkimer County Industrial Development Agency.

Dated: August 10, 2022.

On motion of Mr. Gaworecki, seconded by Mr. Weakley, Report and Resolution No. 242 sponsored by the Committee on Ways & Means cancelling taxes on property in the Village of Ilion acquired by the Greater Mohawk Valley Land Bank was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: Ackerman (1).

Absent: Russell (1).



HERKIMER COUNTY LEGISLATURE

No. 242

REPORT AND RESOLUTION CANCELLING TAXES ON PROPERTY IN THE VILLAGE OF ILION ACQUIRED BY THE GREATER MOHAWK VALLEY LAND BANK

Sponsored by: Committee on Ways and Means

WHEREAS, premises located at 82 Lester Avenue in the Village of Ilion known as tax parcel number 120.45-2-73 were acquired by the Greater Mohawk Valley Land Bank; and

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

WHEREAS, a tax in the Herkimer County Sewer District in the amount of \$28.06 was generated after the date that the Greater Mohawk Valley Land Bank took title to Tax Parcel No. 120.45-2-73; and

WHEREAS, by letter dated July 13, 2022, Herkimer County Property Agent Jennifer Casey, has requested that this Legislature approve cancellation of said Sewer District tax bill; now, therefore, be it

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

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

Dated: August 10, 2022.

On motion of Mr. Hollum, seconded by Mr. Schrader, Report and Resolution No. 243 sponsored by the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means authorizing Herkimer County Attorney to bring an action for declaratory judgement was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).



HERKIMER COUNTY LEGISLATURE

No. 243

REPORT AND RESOLUTION AUTHORIZING HERKIMER COUNTY ATTORNEY TO BRING AN ACTION FOR DECLARATORY JUDGMENT

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

WHEREAS, by letter dated July 2, 2022 from Lorraine H. Lewandrowski, Herkimer County Attorney, a request is being made to authorize the County Attorney's Office to bring an action for declaratory judgment claim or counterclaim in the Matter of the Application of Kevin

L. Lamphere and Sandra M. Lamphere for an Order Cancelling of Record a Mortgage Pursuant to New York Real Property Law Section 329, Index Number EF2022-109549; and

WHEREAS, the central issue in the above matter is the interpretation and treatment of real property documents presented by Mortgage Electronic Registration System, Inc. [hereafter “MERS”] for recording and filing in the Office of the Herkimer County Clerk; now, therefore be it

RESOLVED, that at the discretion of the Herkimer County Attorney, a claim or counterclaim for declaratory judgment seeking a judicial determination of the County’s rights and obligations concerning MERS documents presented to the Herkimer County Clerk for filing and recording, may be filed by the Office of the Herkimer County Attorney in the above matter; and be it further

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

Dated: August 10, 2022.

On motion of Mr. Campione, seconded by Mr. Keeler, Resolution No. 244 sponsored by the Committee on Ways & Means pursuant to Section 206 of County Law changing Legislative Office Building hours was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).



HERKIMER COUNTY LEGISLATURE

No. 244

RESOLUTION PURSUANT TO SECTION 206 OF COUNTY LAW CHANGING LEGISLATIVE OFFICE BUILDING HOURS

Sponsored by: Committee on Ways & Means

WHEREAS, Section 206 of the County Law permits the County Legislature to fix the office hours of the County Clerk, County Treasurer, Clerk of the Legislature and other county departments; and

WHEREAS, due consideration has been given and recommendations made by the Committee on Ways & Means concerning hours of operation of the Herkimer County Office Buildings; and

WHEREAS, it is desired to establish summer hours for county departments from 8:00 A.M. to 4:00 P.M. from the day after Memorial Day to the day before Labor Day, and hours of 8:00 A.M. to 4:30 P.M. from Labor Day through to Memorial Day; now, therefore be it

RESOLVED, that summer hours of 8:00 A.M. to 4:00 P.M. are hereby established for county departments from the day after Memorial Day to the day before Labor Day, going forward; and be it further

RESOLVED, that hours of 8:00 A.M. to 4:30 P.M. from Labor Day through to Memorial Day are hereby established as regular hours for the remainder of the year, going forward; and, be it further

RESOLVED, that the Clerk of the Legislature be and is hereby directed to provide the public and departments of the County due notice of the change in hours; and, be it further

RESOLVED, that a copy be sent to the Herkimer County Treasurer, Auditor, Budget Officer, and all other County Departments.

Dated: August 10, 2022.

On motion of Mr. Donley, seconded by Mr. Campione, Resolution No. 245 sponsored by the Committee on Ways & Means approving standard work day and retirement reporting for elected and appointed officials was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).



HERKIMER COUNTY LEGISLATURE

No. 245

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

Sponsored by: Committee on Ways and Means

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

Title:	Standard Work Day: (Hrs/day) Min. 6 hrs Max. 8 hrs	Name : (First and Last)	Social Security Number: (Last 4 digits)	NYSLRS ID:	Tier 1 (Check only if member is Tier 1)	Current Term Begin & End Dates: (mm/dd/yy-mm/dd/yy)	Record of Activities Result	Not Submitted: (Check only if official did not submit their
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								Record of Activities)
Elected Officials								
Legislator	6	Bob D. Hollum				01/01/22-12/31/23	17.17	

and, be it further

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

Dated: August 10, 2022.

On motion of Mr. Stephens, seconded by Mr. Keeler, Report and Resolution No. 246 sponsored by the Committee on County Properties and the Committee on Ways & Means approving purchase of door security system and appropriating funds was handed up; discussion was held; voted on and adopted by roll call vote:

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

Against: None.

Absent: Russell (1).



HERKIMER COUNTY LEGISLATURE

No. 246

REPORT AND RESOLUTION APPROVING PURCHASE OF DOOR SECURITY SYSTEM AND APPROPRIATING FUNDS

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

WHEREAS, by letter dated August 3, 2022 from Sheri Ferdula, Budget Officer/ Purchasing Agent, request has been made to purchase an access control panel, proximity reader, and video intercom through General Security for the Working Solutions door at a cost of \$5,661, with B.R. Johnson installing the latch retraction exit device and power supply, to work in conjunction with the card reader, at a cost of \$4,362.51; and

WHEREAS, said letter further advises that an appropriation of funds will be necessary to complete the project; now, therefore, be it

RESOLVED, that the Legislature of Herkimer County approves the above described purchase and an appropriation of funds as follows:

\$10,023.51

From: A889N, Reserve, Co. Building Improvements
To: H1620.40000, Buildings, Capital, Project 16-1

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, Sheriff, General Security, and B.R. Johnson.

Dated: August 10, 2022.

On motion of Mr. Manno, seconded by Mr. Schrader, Report and Resolution No. 247 sponsored by the Committee on Education and the Committee on Ways & Means awarding bid for the HVAC/plumbing replacement project at Herkimer County Community College was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).



HERKIMER COUNTY LEGISLATURE

No. 247

REPORT AND RESOLUTION AWARDDING BID FOR THE HVAC/PLUMBING REPLACEMENT PROJECT AT HERKIMER COUNTY COMMUNITY COLLEGE

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

WHEREAS, by letter dated August 8, 2022, Sheri A. Ferdula, Budget Officer/Purchasing Agent has advised sealed bids were opened on August 8, 2022 for the HVAC/Plumbing replacement project; and

WHEREAS, said letter requests the bid be awarded to the lowest bidder, H.J. Brandeles, 8101 Halsey Road, Whitesboro, NY 13492 in the amount of \$602,000; now, therefore be it

RESOLVED, that a bid in the amount of \$602,000, for the HVAC/Plumbing replacement project be awarded to H.J. Brandeles; 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: August 10, 2022.

On motion of Mr. Manno, seconded by Mr. Stephens, Report and Resolution No. 248 sponsored by the Committee on Education and the Committee on Ways & Means approving contract for engineering services for boiler replacement project at Herkimer County Community College was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Russell (1).



HERKIMER COUNTY LEGISLATURE

No. 248

REPORT AND RESOLUTION APPROVING CONTRACT FOR ENGINEERING SERVICES FOR BOILER REPLACEMENT PROJECT AT HERKIMER COUNTY COMMUNITY COLLEGE

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

WHEREAS, by letter dated July 19, 2022, Sheri Ferdula, Budget Officer/Purchasing Agent has advised that an invoice has been received for the first payment of engineering services pertaining to the Herkimer County Community College boiler replacement; and

WHEREAS, Eisenback & Ruhnke were hired by the College for the development phase of the contract which was paid through a purchase order, and the additional fee for construction services will be \$60,000; now, therefore, be it

RESOLVED, that the Herkimer County Legislature approves the remaining contract amount of \$60,000 to Eisenback & Ruhnke for engineering services for the HVAC repair at 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: August 10, 2022.

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

At 7:20 p.m. on motion of Mr. Manno, seconded by Mr. Stephens, the Legislature adjourned to Wednesday, September 14, 2022 at 7:00 p.m.

Brittney R. Viscomi, Clerk