

MINUTES
Herkimer County Legislature
Third Quarter – Third Day
Wednesday, September 14, 2022
7:00 p.m.

The Regular Session of the Herkimer County Legislature was called to order by Chairman Vincent J. Bono at 7:03 p.m.

Chairman Bono called on Scott Tranter, 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, Russell, Shaw, Weakley (17).

Absent: None.

Pursuant to Rule 11, Chairman Bono opened the floor for public comment. 1) Jessica Spatto, Mohawk – Read a letter on behalf of Frank Spatto (Letter attached to original minutes).

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 August 10, 2022. There were none, and the Chairman ordered them approved.

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

No. 312 – A communication was received from the Solid Waste Authority submitting information for Regional Demolition Program. Filed.

No. 313 – A communication was received from the NYS Office of Homeland Security and Emergency Services advising of grant. Filed.

No. 314 – A communication was received from the NYS Office of Homeland Security and Emergency Services advising of grant. Filed.

No. 315 – A communication was received from the Herkimer County Soil & Water Conservation District advising of monthly meeting. Filed.

No. 316 – A communication was received from National Grid submitting Semi-Annual PCB Inventory Report. Filed.

No. 317 – A communication was received from NYS Agriculture and Markets submitting final notice to undertake action within an Agricultural District for solar project. Filed.

No. 318 – A communication was received from Chairman Bono submitting appointment for the Community Services Board. Referred to the Committee on Human Resources.

No. 319 – A communication was received from the Director of Probation requesting renewal of maintenance agreement. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 320 – A communication was received from the Acting Director of Information Services requesting renewal of security software. Referred to the Committee on Information Services and the Committee on Ways & Means.

No. 321 – A communication was received from the Budget Officer/Purchasing Agent requesting appropriation in connection with the Highway Department. Referred to the Committee on Ways & Means.

No. 322 – A communication was received from the Budget Officer/Purchasing Agent requesting to create accounts and appropriate funds for the position of Community Development Director. Referred to the Committee on County Planning & Development and the Committee on Ways & Means.

No. 323 – A communication was received from the Budget Officer/Purchasing Agent requesting to create accounts and transfer funds in connection with Indigent Legal Services. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 324 – A communication was received from the Personnel Officer requesting to amend Salary Schedule No. II to add part-time position. Referred to the Committee on County Planning & Development and the Committee on Ways & Means.

No. 325 – A communication was received from the Director of Emergency Services requesting to purchase an upgrade 9-1-1 phone system servers and equipment. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 326 – A communication was received from the Commissioner of Social Services requesting contracts in connection with DSS Flexible Fund for Family Services and Title XX funding streams. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 327 – A communication was received from the Budget Officer/Purchasing Agent requesting a contract and appropriation of funds to assist the County with conceptual design, construction documents, bidding and construction management of the 911 Center. Referred to the Committee

on County Properties, the Committee on Public Safety & Emergency Management, and the Committee on Ways & Means.

No. 328 – A communication was received from the Director of Probation requesting amendment to Laundry List to include NY Highway Safety Symposium. Referred to the Committee on Ways & Means.

No. 329 – A communication was received from the Budget Officer/Purchasing Agent requesting a contract and appropriation of funds in connection with repairs to the North Washington Street building façade. Referred to the Committee on County Properties and the Committee on Ways & Means.

No. 330 – A communication was received from the Budget Officer/Purchasing Agent requesting to award bid for snow plowing contract at the Herkimer County Correctional Facility. Referred to the Committee on County Properties and the Committee on Ways & Means.

No. 331 – A communication was received from the County Attorney requesting cancellation of real property taxes for three properties in the Village of Ilion. Referred to the Committee on County Properties.

No. 332 – A communication was received from the Personnel Officer requesting amendment to Salary Schedule No. III in Information Services. Referred to the Committee on Information Services and the Committee on Ways & Means.

No. 333 – A communication was received from the Director of Probation requesting acceptance of Raise the Age Grant. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 334 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in connection with Absentee Ballot Pre-Paid Postage Grant in Board of Elections. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 335 – A communication was received from the Chief Executive Officer of the IDA requesting 2nd (performance) Public Hearing in connection with CDBG funding. Referred to the Committee on County Planning & Development.

No. 336 – A communication was received from the STOP-DWI Coordinator requesting approval of 2023 STOP-DWI Plan. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 337 – A communication was received from the Personnel Officer requesting permanent appointment of Director of Info. Services. Referred to the Committee on Information Services.

No. 338 – A communication was received from the Budget Officer/Purchasing Agent requesting amendment to 2022 budget and creation of a new project in connection with SICG funding.

Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 339 – A communication was received from the Budget Officer/Purchasing Agent requesting amendment to 2022 budget and transfer of funds in connection with PSAP funding. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 340 – A communication was received from the Personnel Officer requesting amendment to the Hourly Salary Schedule in DSS. Referred to the Committee on Ways & Means.

No. 341 – A communication was received from the Budget Officer/Purchasing Agent submitting request to renew contract with the NYS Office of Court Administration for Court Cleaning expenses. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 342 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in connection with funding in the Department of Social Services. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 343 – A communication was received from the Budget Officer/Purchasing Agent requesting change order for the Highway roof project. Referred to the Committee on Highways and the Committee on Ways & Means.

No. 344 – A communication was received from the Commissioner of Social Services requesting MOU between DSS and OFA for Home Energy Assistance Program. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 345 – A communication was received from the Commissioner of Social Services requesting to accept TANF Non-Residential Domestic Violence Services and authorize contract. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 346 – A communication was received from the Chairwoman of the Republican Committee submitting recommendation for appointment of Republican Commissioner of Elections. Referred to the Committee on Administration/Veterans' Affairs.

Pursuant to Rule 6, Chairman Bono then proceeded with Reports of Standing Committees. Legislator Russell, Chairman of the Ways & Means Committee, gave an update that budget meetings will be starting soon.

The Chairman continued with the Regular Agenda.

On motion of Mr. Shaw, seconded by Mr. Malta, Report and Resolution No. 249 sponsored by the Committee on County Planning & Development setting a public hearing in connection with Community Development Block Grant funding for the Herkimer County Food Processing Study; was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 249

REPORT AND RESOLUTION SETTING A PUBLIC HEARING IN CONNECTION WITH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR THE HERKIMER COUNTY FOOD PROCESSING STUDY

Sponsored by: Committee on County Planning & Development

WHEREAS, it is necessary that a second (performance) public hearing be held to hear public comment to report project accomplishments relating to Economic Development Assistance from the Office of Community Renewal (OCR) for the \$50,000.00 award for the Herkimer County Food Processing Study; now, therefore, be it

RESOLVED, that a Public Hearing be held by the Committee on County Planning and Development on October 5, 2022 at 1:25 p.m. in the Legislature Chambers, 109 Mary Street, Herkimer, NY, for the purpose of hearing public comment upon the aforesaid study; and, be it further

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

Dated: September 14, 2022.

On motion of Mr. Stephens, seconded by Mr. Schrader, Report and Resolution No. 250 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means approving the utilization of grant funding to upgrade 9-1-1 phone system was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 250

REPORT AND RESOLUTION APPROVING THE UTILIZATION OF GRANT FUNDING TO UPGRADE 9-1-1 PHONE SYSTEM

Sponsored by: Committee on Public Safety/Emergency Management

Committee on Ways and Means

WHEREAS, by letter received August 10, 2022, from John J. Raymond, Director of Emergency Services, this Legislature is advised of a request to upgrade the 9-1-1 Phone System by utilizing State Interoperable Communications Grant (SICG FY20) funding; and

WHEREAS, letter further advises this upgrade will upgrade the servers and core controllers to the latest technology, bring firmware and software up to the current standards and allow for direct fiber connection; and

WHEREAS, it is the recommendation of the Director of Emergency Services that this purchase would be made directly through Zetron and JPJ Electronics would be the installer at a cost of \$70,191.80; now, therefore, be it

RESOLVED, that this Legislature approves the request to upgrade the 9-1-1 Phone System purchased through Zetron with JPJ Electronics installing at a cost of \$70,191.80, by utilizing State Interoperable Communications Grant (SICG FY20) funding; 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, Zetron, and JPJ Electronics.

Dated: September 14, 2022.

On motion of Mr. Donley, seconded by Mr. Stephens, Report and Resolution No. 251 sponsored by the Committee on Public Safety & Emergency Management, the Committee on County Properties, and the Committee on Ways & Means approving contract for architectural services at the Herkimer County 911 Center, create project, and appropriate 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, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 251

REPORT AND RESOLUTION APPROVING CONTRACT FOR ARCHITECTURAL SERVICES AT THE HERKIMER COUNTY 911 CENTER, CREATE PROJECT, AND APPROPRIATE FUNDS

**Sponsored by: Committee on Public Safety/Emergency Management
Committee on County Properties**

Committee on Ways and Means

WHEREAS, Resolution No. 114 of 2022 approved a contract with Nelson Associates Architectural Engineering for architectural services to provide a review of the Herkimer County 911 Center and report solutions and costs for repairs; and

WHEREAS, by letter dated August 23, 2022, the Herkimer County Budget Officer has advised that a proposal was received from Nelson Associates to assist the County with conceptual design, construction documents, bidding, and construction management of the project, at a total cost of \$38,449, and that the creation of a project, and an appropriation of funds will be necessary; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby approves a contract with Nelson Associates Architectural Engineering, 1 North Park Row, Clinton, NY 13323, to assist the County with conceptual design, construction documents, bidding, and construction management of the project, at a total cost of \$38,449; and, be it further

RESOLVED, that the creation of a project and an appropriation within the 2022 budget be made as follows:

\$38,449 From: A889N, Reserve/Co Building Improvements
 To: H1620.40000, Buildings, Contractual, Project 16-3

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 Nelson Associates Architectural Engineering.

Dated: September 14, 2022.

On motion of Mr. Stephens, seconded by Mr. Gaworecki, Report and Resolution No. 252 sponsored by the Committee on Ways & Means amending Resolution No. 343 of 2021 authorizing attendance at conferences for municipal officers and employees during the year 2022 was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 252

**REPORT AND RESOLUTION AMENDING RESOLUTION NO. 343 OF 2021
AUTHORIZING ATTENDANCE AT CONFERENCES FOR MUNICIPAL OFFICERS
AND EMPLOYEES DURING THE YEAR 2022**

Sponsored by: Committee on Ways and Means

WHEREAS, on December 15, 2021 this Legislature adopted Resolution No. 343 authorizing attendance at conferences for municipal officers and employees during the year 2022; and

WHEREAS, by communication dated August 6, 2022, from Garry Murphy, Director of Probation, request is made to add attendance at the NY State Highway Safety Symposium, for the Probation Supervisor to attend, and further requests said Resolution No. 343 of 2021 be amended to reflect said change; now, therefore, be it

RESOLVED, that Resolution No. 343 adopted on December 15, 2021 be amended under Probation Supervisor, to add attendance at the NY State Highway Safety Symposium; and, be it further

RESOLVED, that in all other respects Resolution No. 343 of 2021 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 Probation Director.

Dated: September 14, 2022.

On motion of Mr. Weakley, seconded by Mr. Donley, Report and Resolution No. 253 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means creating accounts and amending budget in connection with Indigent Legal Services was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Ackerman (1).



HERKIMER COUNTY LEGISLATURE

No. 253

**REPORT AND RESOLUTION CREATING ACCOUNTS AND AMENDING BUDGET
IN CONNECTION WITH INDIGENT LEGAL SERVICES**

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

WHEREAS, by letter dated August 24, 2022 from Sheri A. Ferdula, Budget Officer/
Purchasing Agent, this Legislature is advised that the Department of Indigent Legal Services is
providing funding over a five year period for counties to develop and implement mandated
criminal defense representation, with Herkimer County’s share over the five years being
\$3,989,861.28; and

WHEREAS, letter further states the year three and year four budgets have been approved
and will need to be added to the existing account, with an amendment to the 2022 budget and the
creation of new expense accounts necessary; now, therefore, be it

RESOLVED, that the County Treasurer be authorized to create accounts and adjust for
the budget amounts below:

A1170B-3025B, ILS, State Aid		1,861,935.27
A1170B.10000-001, ILS, Salaries		17,702.00
A1170B.40700, ILS, Computer Software	New GL	11,000.00
A1170B.41000, ILS, Supplies		34,000.00
A1170B.42000, ILS, Utilities		15,500.00
A1170B.42100, ILS, Telephone	New GL	12,000.00
A1170B.44000, ILS, Contracted		328,900.50
A1170B.44000-370, ILS, Copier	New GL	11,000.00
A1170B.44000-521, ILS, Rent	New GL	48,000.00
A1170B.44000-525, ILS, Repairs		(16,000.00)
A1170B.45000, ILS, Fees For Services		814,250.00
A1170B.45000-601, ILS, IA		179,650.94
A1170B.44000-602, ILS, CAFA		267,248.21
A1170B.46100, ILS, Mileage		30,125.00
A1170B.46100-767, ILS, Training		49,490.00
A1170B.81000, ILS, Retirement		8,895.00
A1170B.83000, ILS, Social Security		(6,032.00)
A1170B.83500, ILS, Medicare		(1,412.00)
A1170B.84000, ILS, Workers Comp		(2,098.75)
A1170B.86000, Health Insurance		59,516.37
A1170B.84500, ILS, Dental	New GL	200.00

and, be it further

RESOLVED, that the Chairman be authorized to sign the grant agreement and accept the
funds; and, be it further

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

Dated: September 14, 2022.

On motion of Mr. Johnson, seconded by Mr. Schrader, Report and Resolution No. 254 sponsored by the Committee on County Properties and the Committee on Ways & Means approving repair work to the North Washington Street Building and appropriating 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, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 254

REPORT AND RESOLUTION APPROVING REPAIR WORK TO THE NORTH WASHINGTON STREET BUILDING AND APPROPRIATING FUNDS

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

WHEREAS, by letter dated August 23, 2022, the Herkimer County Budget Officer has advised that quotes were obtained for repair work to the front of the County Offices and Courts at 301 N. Washington Street, for the brick façade to be repainted; and

WHEREAS, it is the recommendation of the Committees that the work be awarded to Lupini Construction, 6081 Trenton Road, Utica, NY 13502, for a total of \$46,531.25; and

WHEREAS, the Budget Officer further advises that an appropriation of funds is necessary and that funds have been verified and are available for this appropriation; now, therefore, be it

RESOLVED, that the work be awarded to Lupini Construction and an appropriation within the 2022 budget be made as follows:

\$46,531.25 From: A889N, Reserve/Co Buildings
 To: H1620.40000, Buildings, Contractual, Project 16-1

and, be it further

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

Dated: September 14, 2022.

On motion of Mr. Keeler, seconded by Mr. Hollum, Report and Resolution No. 255 sponsored by the Committee on County Properties authorizing cancellation of outstanding tax liens on three properties in the Village of Ilion was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: None.

Abstain: Stephens (1).



HERKIMER COUNTY LEGISLATURE

No. 255

REPORT AND RESOLUTION AUTHORIZING CANCELLATION OF OUTSTANDING TAX LIENS ON THREE PROPERTIES IN THE VILLAGE OF ILION

Sponsored by: Committee on County Properties

WHEREAS, the premises as set forth below are the subject of In Rem proceedings brought by the County of Herkimer:

Property Address: 245 E. State Street, Ilion, New York 13357
Tax Map Number: 120.37-3-72
Real Property Taxes owed for years 2017, 2018, 2019, 2020 and 2021
Amount owed as of 8/31/2022: \$9,271.22

Property Address: 240 E. Main Street, Ilion, New York 13357
Tax Map Number: 120.45-2-46
Real Property Taxes owed for years 2012, 2013, 2014, 2015, 2021
Amount owed as of 8/31/2022: \$23,738.18

Property Address: 28 W. River Drive, Ilion, New York 13357
Tax Map Number: 119.60-2-7
Real Property Taxes owed for years 2021, 2022
Amount owed as of 8/31/2022: \$5,014.39

WHEREAS, by letter from the Village of Ilion Attorney J.K. Hage, III dated August 23, 2022, the Village of Ilion has requested that the County cancel and forgive all outstanding tax liens on the above premises; and

WHEREAS, the County has been advised that the private owners of the above premises intend to deed said premises over to the Village of Ilion and that the Village of Ilion will enter into an agreement with the County providing that upon proof of Village ownership of the premises, the County will cancel outstanding tax liens; now, therefore, be it

RESOLVED, that the Chairman of the Legislature is authorized to enter into an agreement with the Village of Ilion that upon proof of recording of each of the deeds to the above premises from the prior owners to the Village of Ilion in the Office of the County Clerk, the County will cancel all outstanding tax liens on the premises owed at the time of recording; and, be it further

RESOLVED, that said agreement between the County and the Village of Ilion will provide that in the event the Village sells the property for an amount in excess of the general fund revenues expended by the Village to prepare the property for resale, the Village shall reimburse the County for the amount received by the Village in excess of the general funds (excluding grant funds) expended by the Village up to the amount of taxes forgiven by the County; and, be it further

RESOLVED, that in the event the Village of Ilion takes title to the premises and enters into an agreement with the County containing the above terms, this Legislature shall determine that there is no practical method to enforce the collection of tax liens on the parcel, and supplementary proceedings to enforce collection will not be effective, the County will cancel the delinquent tax liens on the premises and the County Property Agent is directed at that time to issue and file a Certificate of Cancellation; and, be it further

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

Dated: September 14, 2022.

On motion of Mr. Schrader, seconded by Mr. Shaw, Report and Resolution No. 256 sponsored by the Committee on Information Services and the Committee on Ways & Means amending Salary Schedule No. III in Information Services 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, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 256

REPORT AND RESOLUTION AMENDING SALARY SCHEDULE NO. III IN INFORMATION SERVICES

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

WHEREAS, by letter dated August 24, 2022, Michael Testa, Acting Director of Information Services, has requested to amend Salary Schedule III to add the position of Senior Microcomputer Specialist and delete the position of Associate Network Administrator; and

WHEREAS, by letter dated August 26, 2022, Steven R. Billings, Personnel Officer, your Committees have been advised that Salary Schedule No. III should be amended to add the position of Senior Microcomputer Specialist in Account A1680 at a 2022 base pay rate of \$41,881 and delete the position of Associate Network Administrator; now, therefore, be it

RESOLVED, that Salary Schedule No. III be amended to add a position of Senior Microcomputer Specialist in Account A1680 at a 2022 base pay rate of \$41,881 and delete the position of Associate Network Administrator; and, be it further

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

Dated: September 14, 2022.

On motion of Mr. Stephens, seconded by Mr. Campione, Report and Resolution No. 257 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means accepting grant funding and authorizing e-signature was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 257

REPORT AND RESOLUTION ACCEPTING GRANT FUNDING AND AUTHORIZING E SIGNATURE

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

WHEREAS, by letter dated August 23, 2022, from Garry E. Murphy, Director of Probation, this Legislature is advised of the request for acceptance of a grant from the State Division of Criminal Justice Services for Raise the Age (RTA), in the amount of \$21,700.00; and

WHEREAS, letter further advises funding may help supplement overtime of Probation Department staff for work specific to RTA cases handled by the Probation Department, and a portion of the grant may also be utilized for electronic monitoring supervision of these cases, as well as for those involved in Cognitive Behavioral Therapy application, for the period from April 1, 2021 through March 31, 2022; now, therefore, be it

RESOLVED, that the above described grant is hereby accepted; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute by e-signature a contract with the New York State Division of Criminal Justices to receive a Raise the Age Grant in the amount of \$21,700.00 for the period from April 1, 2021 through March 31, 2022, with said contract to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Probation, and the State Division of Criminal Justice Services.

Dated: September 14, 2022.

On motion of Mr. Hollum, seconded by Mr. Weakley, Report and Resolution No. 258 sponsored by the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means accepting grant, authorizing Chairman to sign contract, establishing accounts, and amending budget in Board of Elections was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 258

REPORT AND RESOLUTION ACCEPTING GRANT, AUTHORIZING CHAIRMAN TO SIGN CONTRACT, ESTABLISHING ACCOUNTS, AND AMENDING BUDGET IN BOARD OF ELECTIONS

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

WHEREAS, by letter dated August 30, 2022, from Kim S. Tranter, Commissioner of Elections and Nicole Y. Aldi, Deputy Commissioner of Elections, this Legislature is advised of a request to accept grant funding, authorize Chairman to sign the contract, create accounts, and

amend the budget in connection with an Absentee Ballot Pre-Paid Postage Grant in the Board of Elections in the amount of \$21,094.82, the funding will run from July 1, 2022 through December 31, 2022; and

WHEREAS, by letter dated August 30, 2022, Sheri A. Ferdula, Budget Officer/
Purchasing Agent has requested accounts be created and the 2022 budget be amended as follows:

Create:

A1450.3089, BOE, Other State Revenue	\$21,094.82
A1450.46300-100, BOE, Postage, Prepaid	\$21,094.82

now, therefore, be it

RESOLVED, that this Legislature hereby accepts receipt of the Absentee Ballot Pre-Paid Postage Grant in the amount of \$21,094.82 and amends the budget as listed; and, be it further

RESOLVED, that the Chairman of this Legislature is authorized to sign all necessary documents relating to this grant; and, be it further

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

Dated: September 14, 2022.

On motion of Mr. Campione, seconded by Mr. Gaworecki, Report and Resolution No. 259 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means approving 2023 STOP-DWI Plan was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 259

REPORT AND RESOLUTION APPROVING 2023 STOP-DWI PLAN

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

WHEREAS, the New York State Legislature, by Chapter 913 of the Laws of 1981, established a Special Traffic Options Program for Driving While Intoxicated; and

WHEREAS, the said Law provides for the establishment of such a program by the

counties of the State of New York; and

WHEREAS, the Herkimer County Legislature authorized by Resolution No. 270 for the year 1981, participation by the County of Herkimer in the STOP-DWI Program; and

WHEREAS, by letter dated August 23, 2022, Michael L. Edwards, STOP-DWI Coordinator, has submitted the STOP-DWI Plan for the year 2023 for approval by this Legislature; now, therefore, be it

RESOLVED:

1. That the Herkimer County Legislature hereby approves the STOP-DWI Plan for 2023;
2. That the funds accrued in the year 2022 and prior thereto be expended for the continuance of the STOP-DWI Program;
3. That the STOP-DWI Coordinator and Advisory Board submit timely reports regarding revenue obtained and expended within limits previously approved, to the appropriate committees of the County Legislature;
4. That the previous resolutions regarding the STOP-DWI Program be continued as resolved;
5. That certified copies of this Resolution be forwarded to the County Treasurer, Auditor, Budget Officer, STOP-DWI Coordinator, and the New York State Department of Motor Vehicles.

Dated: September 14, 2022.

On motion of Mr. Schrader, seconded by Mr. Russell, Report and Resolution No. 260 sponsored by the Committee on Information Services making permanent appointment of Director of Information Services was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 260

**REPORT AND RESOLUTION MAKING PERMANENT APPOINTMENT OF
DIRECTOR OF INFORMATION SERVICES**

Sponsored by: Committee on Information Services

WHEREAS, by Resolution No. 142 of 2022, Michael Testa was temporarily appointed as Acting Director of Information Services, effective May 30, 2022, until such time as the New York State Legislature passes a bill and the Governor signs said bill amending the residency requirement for the position under Public Officers Law; and

WHEREAS, by letter dated August 10, 2022 from Steven R. Billings, Personnel Officer, this Legislature is advised that on July 21, 2022, the Governor signed legislation amending the Public Officers Law to allow the County of Herkimer to appoint a Director of Information Services who is a resident either of Herkimer County or an adjoining county; and

WHEREAS, Michael Testa of Richfield Springs, New York, is a resident of the adjoining County of Otsego; and

WHEREAS, under Section 52.7 of New York State Civil Service Law, Michael Testa has previously passed an examination appropriate to the duties of the position; now, therefore, be it

RESOLVED, that Michael Testa of Richfield Springs, New York, is hereby appointed as Director of Information Services, effective September 14, 2022; and, be it further

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

Dated: September 14, 2022.

On motion of Mr. Stephens, seconded by Mr. Malta, Report and Resolution No. 261 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means accepting SICG Target Grant funding, authorizing e-signature, creating project number, and amending 2022 budget was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 261

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

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

WHEREAS, by letter dated August 10, 2022, John J. Raymond, Director of Emergency Services has advised of the receipt of the State Interoperable Communications Grant (SICG) for

FY2021-22 in the amount of \$1,329,820.00, for the period of January 1, 2022 to December 31, 2024; and

WHEREAS, by letter dated August 23, 2022 from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that it is necessary to amend the 2022 budget and create a new project, and further advises that said funds will be advanced by the County, with reimbursement from the grant; now, therefore, be it

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

REVENUE:

H3097, Gen. Gov't Capital Projects, Project 19-7	FROM:	\$0
	TO:	\$1,329,820

EXPENSE:

H3021.25000, Public Safety Communications, Other Equipment, Project 19-7	FROM:	\$0
	TO:	\$529,820

H3021.44000, Public Safety Communications, Contracted Services, Project 19-7	FROM:	\$0
	TO:	\$800,000

and, be it further

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

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

Dated: September 14, 2022.

On motion of Mr. Weakley, seconded by Mr. Hollum, Report and Resolution No. 262 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means accepting grant funding, authorizing e-signature, amending budget, and transferring funds in Emergency Services was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

REPORT AND RESOLUTION ACCEPTING GRANT FUNDING, AUTHORIZING E-SIGNATURE, AMENDING BUDGET, AND TRANSFERRING FUNDS IN EMERGENCY SERVICES

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

WHEREAS, by letter dated August 10, 2022, John J. Raymond, Director of Emergency Services has advised of a 2022 Public Safety Answering Point (PSAP) Grant in the amount of \$207,989.00, with the letter further requesting the Chairman be authorized to e-sign said grant; and

WHEREAS, by letter dated August 23, 2022 from Sheri Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised of a request to transfer funds and amend the 2022 Budget in connection with the receipt of said funding; now, therefore, be it

RESOLVED, that a transfer of funds and a budget amendment to the 2022 Herkimer County Budget be made as follows:

Transfer:

\$192,031 From: A3021.3089D, PS Communications, Wireless 911
 To: A3021.3306A, PS Communications, State Aid

Amend:

Revenue:
A3021.3306A FROM: \$192,031
 TO: \$207,989

and, be it further

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

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

Dated: September 14, 2022.

On motion of Mr. Hollum, seconded by Mr. Brezinski, Report and Resolution No. 263 sponsored by the Committee on Administration/Veterans' Affairs making appointment of Commissioner of Elections was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

Mrs. Tranter thanked the Legislature, and stated she is humbled, honored, and grateful.



HERKIMER COUNTY LEGISLATURE

No. 263

REPORT AND RESOLUTION MAKING APPOINTMENT OF COMMISSIONER OF ELECTIONS

Sponsored by: Committee on Administration/Veterans' Affairs

WHEREAS, Sylvia M. Rowan, Chairwoman of the Herkimer County Republican Committee, has filed a certificate of the Herkimer County Republican Committee, in conformity with the provisions and requirements of Section 3-204 of the Election Law of the State of New York, recommending Kim S. Tranter, a resident and qualified voter of the County of Herkimer, to be a fit and proper person to be appointed a Commissioner of Elections for the term commencing January 1, 2023 and ending December 31, 2024; now, therefore, be it

RESOLVED, that Kim S. Tranter, Cold Brook, New York, 13324, be, and she hereby is, reappointed as Commissioner of Elections of the County of Herkimer as so recommended for the term commencing January 1, 2023 and ending December 31, 2024; 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: September 14, 2022.

On motion of Mr. Donley, seconded by Mr. Shaw, Report and Resolution No. 264 sponsored by the Committee on Ways & Means amending Resolution No. 296 of 2021 was handed up; voted on and adopted by roll call vote:

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

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 264

REPORT AND RESOLUTION AMENDING RESOLUTION NO. 296 OF 2021

Sponsored by: Committee on Ways and Means

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

WHEREAS, by letter dated August 25, 2022, Timothy Seymour, Commissioner of Social Services, has requested to amend the hourly salary schedule; and

WHEREAS, by letter dated August 26, 2022, Steven Billings, Personnel Officer, requests to amend the hourly salary schedule to add the title of CPS Senior Caseworker at an hourly rate of \$26.00 and add the title of CPS Caseworker at an hourly rate of \$24.94; and

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

RESOLVED, that the hourly salary schedule be amended to add the title of CPS Senior Caseworker at an hourly rate of \$26.00 and add the title of CPS Caseworker at an hourly rate of \$24.94; and, be it further

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

Dated: September 14, 2022.

On motion of Mr. Weakley, seconded by Mr. Ackerman, Report and Resolution No. 265 sponsored by the Committee on Human Resources and the Committee on Ways & Means accepting grant and authorizing contract in Department of Social Services for Non-Residential Domestic Violence Program was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 265

REPORT AND RESOLUTION ACCEPTING GRANT AND AUTHORIZING CONTRACT IN DEPARTMENT OF SOCIAL SERVICES FOR NON-RESIDENTIAL DOMESTIC VIOLENCE PROGRAM

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

WHEREAS, by letter dated August 24, 2022 from Timothy J. Seymour, Commissioner of Social Services, this Legislature is advised of the award of 2022-2023 funding in the amount of

\$25,000 from the New York State Office of Children and Family Services to expand/enhance core services provided by approved Non-Residential Domestic Violence Services, and further requests a contract be entered into with Catholic Charities of Herkimer County to provide these services; now, therefore, be it

RESOLVED, that this Legislature accepts 2022-2023 funding from the New York State Office of Children and Family Services and authorizes an agreement between Catholic Charities of Herkimer County, 61 West Street, Ilion, New York, and the Herkimer County Department of Social Services, for the provision of Non-Residential Domestic Violence Services, for the period beginning October 1, 2021 to September 30, 2022, in the amount of \$25,000; 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 said program shall continue so long as 100% reimbursement is available from the State of New York; 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 Catholic Charities of Herkimer County.

Dated: September 14, 2022.

On motion of Mr. Schrader, seconded by Mr. Gaworecki, Report and Resolution No. 266 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing contract with ICAN in the Department of Social Services was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 266

REPORT AND RESOLUTION AUTHORIZING CONTRACT WITH ICAN IN THE DEPARTMENT OF SOCIAL SERVICES

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

WHEREAS, Resolution No. 285 of 2021 included authorization for the Chairman of the Legislature to enter into the following contracts in connection with the Department of Social Services Flexible Fund for Family Services and Title XX funding streams:

1. Integrated Community Alternatives Network

- Family Reunification
 - Readiness Assessment to Return Home
 - SPIN
2. Intensive Preventive Services

and;

WHEREAS, by letter dated August 24, 2022 from Timothy J. Seymour, Commissioner of Social Services, this Legislature is advised that since that time, there have been changes in statues that have significantly impacted child welfare protocols, redirected the focus of local district casework staff, and set reimbursement based goals that have required changes in local district practices and policy, and as a result it has been necessary to review some of the contracted services and implement changes that will best serve the children and families; and

WHEREAS, letter further requests the following:

1. The contracts with ICAN listed above be terminated effective December 31, 2022
2. Effective January 1, 2023 authorize DSS to enter into an agreement with ICAN to provide Kids Herkimer Service Coordination for twenty-four (24) continuous cases
3. Establish a Service Provision for Individual Needs (SPIN) fund in the amount of \$21,218
4. Set the financial terms and period of performance as follows:
 - 1/1/23-12/31/23 \$365,499 + \$21,218 (SPIN) = \$386,717
 - 1/1/24-12/31/24 \$377,101 + \$21,218 (SPIN) = \$398,319
5. Authorize the Chairman of the Legislature to execute an agreement with ICAN, Inc., 310 Main Street, Utica, NY 13501 for the provision of Kids Herkimer Service Coordinator

now, therefore, be it

RESOLVED, that this Legislature approves the above requests for the Department of Social Services, and authorizes the Chairman to sign the agreement with ICAN, Inc.; 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, Inc.

Dated: September 14, 2022.

On motion of Mr. Shaw, seconded by Mr. Manno, Report and Resolution No. 267 sponsored by the Committee on Human Resources and the Committee on Ways & Means accepting grant and amending budget in the Department of Social Services was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 267

REPORT AND RESOLUTION ACCEPTING GRANT AND AMENDING BUDGET IN THE DEPARTMENT OF SOCIAL SERVICES

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

WHEREAS, Resolution No. 197 of 2021 authorized the Department of Social Services to accept the first round of grant funding from the Administration of Community Living for the purpose of enhancing Adult Protective Services; and

WHEREAS, by letter dated July 27, 2022, from Timothy Seymour, Commissioner of Social Services, this Legislature is advised that DSS is eligible for a second round of funding and requests to accept grant funding and amend the budget in connection with an Adult Protective Services (APS) Grant in the amount of \$18,383.00; and

WHEREAS, by letter dated August 23, 2022, Sheri A. Ferdula, Budget Officer/Purchasing Agent has requested the 2022 budget be amended as follows:

REVENUE:

A6010B.4689B, ACL APS, Federal Aid	\$18,383
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EXPENSE:

A6010B.41000, ACL APS, Supplies	\$5,000
A6010B.44000, ACL APS, Contracted Services	\$13,383

now, therefore, be it

RESOLVED, that this Legislature hereby accepts receipt of the Adult Protective Services (APS) Grant in the amount of \$18,383.00 and amends the budget as listed; and, be it further

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

Dated: September 14, 2022.

On motion of Mr. Campione seconded by Mr. Weakley, Report and Resolution No. 268 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing Memorandum of Understanding between Herkimer County DSS and Herkimer County OFA for Home Energy Assistance Program Services was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 268

REPORT AND RESOLUTION AUTHORIZING MEMORANDUM OF UNDERSTANDING BETWEEN THE HERKIMER COUNTY DEPARTMENT OF SOCIAL SERVICES AND THE HERKIMER COUNTY OFFICE FOR THE AGING FOR HOME ENERGY ASSISTANCE PROGRAM SERVICES

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

WHEREAS, your Committees have been informed by letter dated August 24, 2022 from Timothy Seymour, Commissioner of Social Services, that a proposed Memorandum of Understanding has been submitted to and accepted for the Herkimer County Office for the Aging to provide services to the Herkimer County Department of Social Services under the Home Energy Assistance Program (HEAP) for applicants 60 years and older for the 2022-2023 season; and

WHEREAS, the Herkimer County Department of Social Services agrees to pay the Herkimer County Office for the Aging 25% of the Department of Social Services HEAP administrative allocation for the Home Energy Assistance Program for the 2022-2023 season; and

WHEREAS, the Home Energy Assistance Program is 100% federally-funded and there are sufficient monies budgeted for said services; now, therefore, be it

RESOLVED, that this Legislature hereby authorizes a Memorandum of Understanding between the Herkimer County Department of Social Services and the Herkimer County Office for the Aging which will provide for the Office for the Aging to provide services for the Home Energy Assistance Program for applicants 60 years and older and the Herkimer County Department of Social Services will pay the Office for the Aging 25% of the Department of Social Services HEAP administrative funds for said services; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to sign said Memorandum of Understanding as an indication of the approval of the same by this Legislature; and, be it further

RESOLVED, that should any further additional funds be received for the 2022-2023 HEAP season, the Herkimer County Department of Social Services is hereby authorized to pass those funds on to the Office for the Aging on a pro-rated basis; and, be it further

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

Dated: September 14, 2022.

On motion of Mr. Stephens, seconded by Mr. Russell, Report and Resolution No. 269 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, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 269

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 August 31, 2022, submitting a request for appropriation of funds; and

WHEREAS, letter further advises the Herkimer County Highway Department has received notice from the New York State Division of Homeland Security and Emergency Services that after a review of disbursements, it has been determined that a payment was made that needs to be returned in the amount of \$12,775, in order for the project to be deobligated; 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:

\$12,775	From: D889, Emergency Disaster Work
	To: D5110.46000, County Road, Miscellaneous Expense

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: September 14, 2022.

On motion of Mr. Ackerman, seconded by Mr. Weakley, Report and Resolution No. 270 sponsored by the Committee on County Planning & Development and the Committee on Ways & Means amending Salary Schedule No. II to establish part-time position 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, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 270

REPORT AND RESOLUTION AMENDING SALARY SCHEDULE NO. II TO ESTABLISH PART-TIME POSITION

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

WHEREAS, by letter dated September 7, 2022 from Steve Billings, Personnel Officer, this Legislature has been notified of a request to create a part-time Community Development Director position in Account A1010B at a 2022 base pay rate of \$35,000; and

WHEREAS, your Committees have taken this matter under consideration and recommend the establishment of the aforesaid position; now, therefore, be it

RESOLVED, that the 2022 Salary Schedule II is hereby amended in A1010B to establish the part-time position of Community Development Director at a 2022 base pay rate of \$35,000; and, be it further

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

Dated: September 14, 2022.

On motion of Mr. Ackerman, seconded by Mr. Weakley, Report and Resolution No. 271 sponsored by the Committee on County Planning & Development and the Committee on Ways & Means creating accounts and appropriating 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, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 271

REPORT AND RESOLUTION CREATING ACCOUNTS AND APPROPRIATING FUNDS

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

WHEREAS, by letter dated August 31, 2022, Sheri Ferdula, Budget Officer/Purchasing Agent, has advised that new accounts will need to be created and funds will need to be appropriated in order to fund the position of Community Development Director; now, therefore, be it

RESOLVED, that accounts be created and an appropriation be made as follows:

Appropriate:

\$16,288 From: A1990.46000, Contingent Fund, Miscellaneous Expense

Create and Appropriate to:

A1010B.10000-001, CD Director, Salaries	\$8,750
A1010B.41000, CD Director, Supplies	\$2,000
A1010B.42100, CD Director, Phone	\$1,200
A1010B.46100, CD Director, Mileage	\$2,000
A1010B.81000, CD Director, Retirement	\$1,450
A1010B.83000, CD Director, Social Security	\$542
A1010B.83500, CD Director, Medicare	\$127
A1010B.84000, CD Director, Workers Comp	\$219

and, be it further

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

Dated: September 14, 2022.

On motion of Mr. Campione, seconded by Mr. Stephens, Report and Resolution No. 272 sponsored by the Committee on Highways and the Committee on Ways & Means approving change order on contract for roof replacement at the Highway Department was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 272

REPORT AND RESOLUTION APPROVING CHANGE ORDER ON CONTRACT FOR ROOF REPLACEMENT AT THE HIGHWAY DEPARTMENT

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

WHEREAS, by letter dated August 23, 2022 from Sheri A. Ferdula, Budget Officer, it is requested that the Chairman be authorized to sign the Change Order to adjust for budgeted expenses not utilized as follows:

Original Contract	\$691,400
Deduct for unused Allowance	-\$88,000
Deduct for change in work	<u>-\$24,000</u>
New Contract Amount:	\$579,400

now, therefore, be it

RESOLVED, that the Chairman of the Herkimer County Legislature is hereby authorized to sign said Change Order 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 Highway Superintendent, and J & B Installations.

Dated: September 14, 2022.

On motion of Mr. Keeler, seconded by Mr. Gaworecki, Report and Resolution No. 273 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means in connection with contract with the New York State Office of Court Administration to provide cleaning and minor repairs of court facilities was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 273

REPORT AND RESOLUTION IN CONNECTION WITH CONTRACT WITH THE NEW YORK STATE OFFICE OF COURT ADMINISTRATION TO PROVIDE CLEANING AND MINOR REPAIRS OF COURT FACILITIES

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

WHEREAS, by Resolution No. 15 duly adopted on January 2, 2019, this Legislature authorized an agreement with the New York State Unified Court System for the cleaning of court facilities, as well as minor and emergency repairs thereof, for a maximum of five years beginning April 1, 2018 through March 31, 2023; and

WHEREAS, by letter dated August 9, 2022, from Sheri Ferdula, Budget Officer and Purchasing Agent, it is requested that the Chairman sign the contract with the New York State Office of Court Administration for reimbursement of court cleaning expenses for the period of April 1, 2022 through March 31, 2023, with the maximum compensation for said period to be \$71,336.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute the Annual Renewal Letter and Budget for the period April 1, 2022 through March 31, 2023 with the New York State Unified Court System for the cleaning of court facilities, as well as minor and emergency repairs thereof, for a maximum compensation of \$71,336.00; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, and New York State Office of Court Administration.

Dated: September 14, 2022.

On motion of Mr. Manno, seconded by Mr. Swartz, Report and Resolution No. 274 sponsored by the Committee on County Properties and the Committee on Ways & Means awarding bid for snowplowing contract for the Herkimer County Correctional Facility was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: Ackerman (1).

Absent: None.



HERKIMER COUNTY LEGISLATURE

REPORT AND RESOLUTION AWARDING BID FOR A SNOW PLOWING CONTRACT FOR THE NEW CORRECTIONAL FACILITY

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

WHEREAS, by letter dated July 15, 2022, from Sheri Ferdula, Budget Officer/
Purchasing Agent, she has advised that bids were received for a snow plowing contract for the
Herkimer County Correctional Facility on July 11, 2022; and

WHEREAS, it is the recommendation of your Committees to award the contract to
Central Paving, Inc., 4247 Acme Road, Frankfort, NY 13340, at a cost of \$850 per visit (3 hour
visit) with an additional \$350 for salt/sand for the 2022/2023, 2023/2024, and 2024/2025
seasons; and

WHEREAS, the front area of the Correctional Facility will be used as a helicopter pad
which requires it to be kept clean from snow, Central Paving will include that area in their bid
for an additional \$150 per visit plus \$60 for salt/sand, making the total bid award \$1,000 per 3
hour visit and \$410 for salt/sand; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby awards a bid for a snow
plowing contract for the Herkimer County Correctional Facility, at a cost of \$1000 per visit (3
hour visit) with an additional \$410 for salt/sand, to Central Paving, Inc.; and, be it further

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

Dated: September 14, 2022.

On motion of Mr. Hollum, seconded by Mr. Russell, Resolution No. 275 sponsored by
the Committee on Administration/Veterans' Affairs opposing Senate Bill S.51001 and Assembly
Bill A.41001 regarding New York State's Concealed Carry Law was handed up; discussion was
held; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

**RESOLUTION OPPOSING SENATE BILL S.51001 AND ASSEMBLY BILL A.41001
REGARDING NEW YORK STATE'S CONCEALED CARRY LAW**

Sponsored by: Committee on Administration/Veterans' Affairs

WHEREAS, The New York State Legislature recently enacted Senate Bill S.51001 and Assembly Bill A.41001, which among other things, makes obtaining and retaining a concealed carry gun permit an overly involved lengthy burdensome process, requiring citizens to divulge their social media accounts, and

WHEREAS, among the most onerous of its provision is that it makes it a felony for any individual who has a valid concealed carry permit to bring a handgun into any New York State Park, house of worship, and restaurants, where residents, businesses and municipalities operate, live, work, socialize, worship and pay taxes; and

WHEREAS, this legislation is the result of a knee-jerk, unvetted and political reaction to the recent Supreme Court decision, *New York State Rifle and Pistol Association, Inc., v. Bruen*, and was surreptitiously rushed through the legislature without public discourse, input, or knowledge; and

WHEREAS, the Herkimer County Legislature considers this law to be an unconstitutional infringement upon our Second Amendment right for law abiding citizens' right to bear arms and an overt infringement upon freedom and liberty in New York State, which is devoid of common sense and does nothing to deal with the problems of crime and illegal firearms; and

WHEREAS, the Herkimer County Legislature is strongly opposed and requests the repeal of the new gun control legislation changes requiring New York State citizens and various permit issuing agencies to navigate new regulations which are riddled with cumbersome, confusing, and redundant barriers of compliance, and that requires multiple processes of recertification which will lead to further confusion and create additional record sharing between agencies; now, therefore, be it

RESOLVED, that the Herkimer County Legislature vehemently, adamantly, and with full resolve, does oppose the new concealed carry law's remaining provisions, enacted by Senate Bill S.51001 and Assembly Bill A.41001, as they are also unconstitutional and violate United States law as stated in *New York State Rifle and Pistol Association, Inc. v. Bruen*, and are a veiled and poor attempt to skirt the *Bruen* decision, falling woefully short of any rational constitutional basis; and, be it further

RESOLVED, that the Herkimer County Legislature calls upon all other municipalities in the State of New York, the American Civil Liberties Union, other American Centers for Law and Justice, and any and all advocates who claim to protect freedom and liberty in the United States to immediately challenge this law in court as it is most clearly unconstitutional; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Sheriff, Governor of the State of New York, Senator Peter Oberacker, Senator James Tedisco, Assemblyman Robert Smullen, Assemblyman Brian Miller, Assemblywoman Marianne Buttenschon, and the New York State Association of Counties.

Dated: September 14, 2022.

On motion of Mr. Hollum, seconded by Mr. Donley, Resolution No. 276 sponsored by the Committee on Administration/Veterans' Affairs proposing the repeal or amendment of Election Laws insofar as they adversely affect smaller counties was handed up; discussion was held; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 276

RESOLUTION PROPOSING THE REPEAL OR AMENDMENT OF ELECTION LAWS INSOFAR AS THEY ADVERSELY AFFECT SMALLER COUNTIES

Sponsored by: Committee Administration/Veterans' Affairs

WHEREAS, Herkimer County, as one of the 34 New York counties with populations of less than 200,000, bears a tremendous staffing and cost burden under "One Size Fits All Legislation" that becomes Election Law; and

WHEREAS, Chapter 6 of 2019, adopted on January 24, 2019, creates nine days of early voting prior to any special, primary, or general elections and requires 66 hours of staffing in at least one poll site in each county; and

WHEREAS, Chapter 441 of 2019, adopted on October 30, 2019, requires primary poll sites to be open an additional 12 hours; and

WHEREAS, several such laws beginning with Chapter 91 of 2020, adopted on June 7, 2020, modify the availability and allowable reasons for the use of Absentee Ballots and resemble "Vote by Mail" processes, create additional administrative burdens on staff, and divert voters from Election Day voting, thereby creating underutilization, increased costs and inefficiencies (expressed as cost per vote cast); and

WHEREAS, two such laws Chapter 763 of 2021, modified by Chapter 117 of 2022, adopted February 24, 2022, create lengthy and highly inefficient procedures for processing arriving absentee ballots twice weekly, in batches of as little as one ballot; and

WHEREAS, one such law, Chapter 781 of 2021, adopted December 22, 2021, adds an additional 12 hours of Early Voting to an already ineffective, burdensome and costly 66 hours of Early Voting; and

WHEREAS, Early Voting typically has generated very low turnout, such as 0.0015% of the eligible Herkimer County registered voters for the State Primary held on June 28, 2022 and the Federal Primary held on August 23, 2022; and

WHEREAS, the New York State Bar Association opposed Early Voting as a proposal that added nothing to turnout rates, and instead diverted some voters from Election Day voting, which is of no advantage for small to mid-sized counties and creates two systems with higher incremental cost; and

WHEREAS, Herkimer County, like many other small to mid-sized counties across the state, does not and has never had voters waiting in long lines on Election Day; and

WHEREAS, it is reported by the Albany Times Union that Democratic State Board of Elections Commissioner Kellner, stated: “It is a good idea to be analyzing the data and to determine whether the full staffing and hours for early voting for small turnout elections is appropriate; where the cost per voter is very high it’s worth taking a second look to see whether modifications should be made”; and

WHEREAS, there have been 115 new laws adopted and signed by the Governor that affect the operations of the County Boards of Elections and many of them show the legislators’ ignorance of the efficient and effective administration of elections and a complete disregard of input from elections commissioners and legislators in small to mid-size counties; and

WHEREAS, the preponderance of data collected in the three years since Early Voting started show that it is a financial, staffing and administrative burden on all counties where there are small, non-contentious elections and very small primaries; and

WHEREAS, the Senate Committee on Elections held hearings across the state on the conduct of Elections, during which there was a complete disregard of the many testimonies from election commissioners and spokespersons representing upstate Towns and Counties, such that there was no mention of the criticism of “One Size Fits All” pattern of legislation in the final report of the committee; and

WHEREAS, the primary elections of June 28, 2022, when approximately 0.0015% of registered eligible Herkimer County voters voted early, is a clear example of the waste and burden imposed by legislation calling for long hours of early voting; now, therefore, be it

RESOLVED, that the Herkimer County Legislature does hereby request the amendment or repeal of the above-cited Chapters of Law that adversely affect the administration and expenses of elections in small to mid-sized counties like Herkimer County; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Governor Kathy Hochul, Senator Zellnor Myrie Chair Senate Committee on Elections, Assembly Member Latrice Walker Chair NYS Assembly Committee on Election Law, Senator Peter Oberacker, Senator James Tedisco, Assemblyman Robert Smullen, Assemblyman Brian Miller, Assemblywoman

Marianne Buttenschon, Assemblyman Mark Walczyk, New York State Association of Counties, and Co-Executive Directors Valentine and Stavisky of the NYS Board of Elections.

Dated: September 14, 2022.

On motion of Mr. Gaworecki, seconded by Mr. Stephens, Resolution No. 277 sponsored by the Committee on Highways and the Committee on Ways & Means to support the application on behalf of Herkimer and Oneida Counties to the U.S. Department of Transportation for a Safe Streets and Roads for All (SS4A) Grant to support development of a Comprehensive Safety Action Plan to improve roadway safety was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



HERKIMER COUNTY LEGISLATURE

No. 277

RESOLUTION TO SUPPORT THE APPLICATION ON BEHALF OF HERKIMER AND ONEIDA COUNTIES TO THE U.S. DEPARTMENT OF TRANSPORTATION FOR A SAFE STREETS AND ROADS FOR ALL (SS4A) GRANT TO SUPPORT DEVELOPMENT OF A COMPREHENSIVE SAFETY ACTION PLAN TO IMPROVE ROADWAY SAFETY

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

WHEREAS, the U.S. Department of Transportation (USDOT) has issued a NOFO, Assistance Listing # 20.939 for FFY 2022 for the SS4A discretionary grant program to complete a Comprehensive Safety Action Plan; and

WHEREAS, the SS4A program provides funding to develop the tools to help strengthen a community's approach to roadway safety and save lives, and is designed to meet the needs of diverse local and regional communities that differ dramatically in size, location, and experience with administering Federal funding; and

WHEREAS, the Safety Action Plan's purpose is to improve roadway safety by significantly reducing or eliminating roadway fatalities and serious injuries through safety action plan development and implementation focused on all users, including pedestrians, bicyclists, public transportation users, motorists, personal conveyance, micromobility users, and commercial vehicle operators; and

WHEREAS, this grant will allow Herkimer County to develop a holistic, well-defined strategy to prevent roadway fatalities and serious injuries, focused on all users through utilizing a list of implementable strategies and projects, safety countermeasures, policy recommendations, and high-impact improvements as outcomes of the Safety Plan; and

WHEREAS, Herkimer County will partner with Oneida County and the Herkimer-Oneida Counties Transportation Council as joint applicants, to strengthen the application and illustrate the regional commitment to roadway safety for all users; and

WHEREAS, the Herkimer County Department of Planning/Herkimer-Oneida Counties Transportation Council will serve as the administrator of the grant; and

WHEREAS, the proposed application, if successful, will allow Herkimer and Oneida County to apply for up to \$1 billion in implementation funding per year through FFY 2027; now, therefore, be it

RESOLVED, that Herkimer County supports the Oneida County Executive submitting the application and amendments thereto on behalf of Herkimer and Oneida Counties; and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature is authorized and directed to execute all documents and certifications that may be required as part of the submission of the application; and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature is hereby authorized to execute such documents as may be required in order to implement the program if the application is approved, and enter into agreements with beneficiaries of the funds; and, be it further

RESOLVED, that certified copies of this resolution be sent to Herkimer County Treasurer, Auditor, Budget Officer, Superintendent of Highways, Oneida County, and Herkimer-Oneida Counties Comprehensive Planning Program.

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

At 7:26 p.m. on motion of Mr. Manno, seconded by Mr. Gaworecki, the Legislature adjourned to Wednesday, October 5, 2022 at 2:00 p.m., with a Public Hearing for CDBG at 1:25 p.m.

Brittney R. Viscomi, Clerk