

INTRODUCTORY LOCAL LAW B - 2021

LOCAL LAW NO. 1 - 2022

A LOCAL LAW INCREASING THE SALARIES OF SOME ELECTED COUNTY OFFICERS AND COUNTY OFFICERS APPOINTED FOR A FIXED TERM DURING THEIR TERM OF OFFICE

BE IT ENACTED by the Herkimer County Legislature of the County of Herkimer as follows:

Section 1. The base annual salary of the County Clerk shall be the sum of Sixty Nine Thousand Ninety Eight Dollars (\$69,098).

Section 2. The base annual salary of the County Treasurer shall be the sum of Sixty Four Thousand Eleven Dollars (\$64,011).

Section 3. The base annual salary of the Commissioners of Elections shall be the sum of Forty Eight Thousand Fifteen Dollars (\$48,015).

Section 4. The base annual salary of the County Highway Superintendent shall be the sum of One Hundred One Thousand Three Hundred Ninety Nine Dollars (\$101,399).

Section 5. The base annual salary of the Personnel Officer shall be the sum of Eighty Two Thousand Nine Hundred Seventy Two Dollars (\$82,972).

Section 6. The base annual salary of the Director of Public Health shall be the sum of Seventy Six Thousand Six Hundred Forty Four Dollars (\$76,644).

Section 7. The base annual salary of the Director of Real Property Tax Services shall be the sum of Sixty Thousand Four Hundred Eighty Three Dollars (\$60,483).

Section 8. The base annual salary of the Commissioner of Social Services shall be the sum of Ninety Six Thousand Eight Hundred Four Dollars (\$96,804).

Section 9. The base annual salary of the Sheriff shall be the sum of Seventy Six Thousand Seven Hundred Twenty Five Dollars (\$76,725).

Section 10. This Local Law shall take effect forty-five days after its adoption and shall be subject to a permissive referendum.

Dated: November 17, 2021.

INTRODUCTORY LOCAL LAW A – 2022

LOCAL LAW NO. 2 – 2022

A LOCAL LAW DETERMINING LEGISLATIVE DISTRICTS IN AND FOR THE COUNTY OF HERKIMER

BE IT ENACTED by the County Legislature of the County of Herkimer as follows:

Section 1. There shall be seventeen (17) legislative districts in the County of Herkimer.

Section 2. The seventeen (17) legislative districts within the County of Herkimer shall be as follows:

DESCRIPTION OF LEGISLATIVE DISTRICTS

Note: All descriptions herein are based on the U.S. Census 2020 map geography.

HERKIMER COUNTY LEGISLATIVE DISTRICTS

All descriptions of the Herkimer County Legislative Districts follow the centerline of the mentioned feature unless otherwise stated. All districts are also shown on a map series dated January 27th, 2022 entitled Herkimer County Legislative District 1 through 17 (one map for each district) and kept on file in the Herkimer County Board of Elections.

Legislative District 1	All the lands described as follows: Beginning at the point of intersection of the easterly municipal boundary of the Village of Herkimer and NYS Route 5, thence southerly along the Village of Herkimer municipal boundary to the Mohawk River, thence westerly along the Mohawk River to the southwest corner of the Village of Herkimer, thence northerly along the westerly boundary of the Village of Herkimer a short distance of 210 feet to a point on the Village of Herkimer municipal boundary, thence northwesterly and crossing the NYS Thruway 970 feet to a point in the centerline of a small creek, thence northerly along said creek to the intersection of German Street, thence northeasterly along German Street to the intersection of Henry Street, thence southerly along Henry Street to the intersection of Church Street, thence northeasterly along Church Street to the intersection of Main Street, thence southeasterly along Main Street to the intersection of Albany Street, thence northeasterly along Albany Street to the intersection of Washington Street, thence southeasterly along Washington Street to the intersection of NYS Route 5, thence easterly along NYS Route 5 to the point of beginning.
Legislative District 2	All the lands described as follows: Beginning at a point at the southeast corner of the Town of Herkimer, thence southerly along the municipal boundary between the Town of German Flatts and the Town of Little Falls to the intersection of Quinn Road, thence westerly along Quinn Road to the intersection of Shoemaker Road, thence westerly along Shoemaker Road to the easterly municipal boundary of the Village of Mohawk, thence northerly along the eastern boundary of the Village of Mohawk to a point at an acute angle point in the Village of Mohawk municipal boundary, said point being 85 feet along the extension of Burns Ave and another 80 feet at right angle to that extension to the west, thence 80 feet to the northeast, thence 85 northwest to the southerly end of Burns Ave, thence along Burns Ave to the intersection of Marshall Ave, thence southwestly along Marshall Ave to Michigan Street, thence westerly along Michigan Street to the intersection of Columbia Street, thence northerly along Columbia Street to the intersection of Main Street, thence westerly along Main Street to the intersection of Richfield Street, thence northerly along Richfield Street and the extension thereof to the southerly highway boundary of NYS Route 5S, thence westerly along said highway boundary to the intersection of Fulmer Creek, thence northerly along Fulmer Creek to the Village of Mohawk municipal boundary, thence easterly along the Village of Mohawk municipal boundary to the southeast corner of the Village of Herkimer, thence northerly along the easterly municipal boundary of the Village of Herkimer to the intersection of NYS Route 5, thence westerly along NYS Route 5 to the intersection of Washington Street, thence northwesterly along Washington Street to the intersection of Albany Street, thence southwestly along Albany Street to the intersection of Main Street, thence northwesterly along Main Street to the intersection

	<p>of Court Street, thence northeasterly along Court Street to the intersection of Washington Street, thence northwesterly along Washington Street to the intersection of Suiter Street, thence northeasterly along Suiter Street to the intersection of Steuben Street, thence northwesterly along Steuben Street to the intersection of Steuben Ave., thence northeasterly along Steuben Ave. to the intersection of Harter Street, thence northwesterly along Harter Street to the intersection of German Street, thence northerly along German Street to the intersection of NYS Route 28, thence northerly along the German Street Extension 2,010 feet to a small stream crossing said Extension, thence easterly along said stream 380 feet to the easterly municipal boundary of the Village of Herkimer, said point also being in the West Canada Creek, thence northerly along the centerline of the West Canada Creek and also the easterly boundary of the Village of Herkimer to the northeast corner of the Village of Herkimer, thence westerly 160 feet along the northerly boundary of the Village of Herkimer to the west bank of the West Canada Creek, thence northerly along the west bank of the West Canada Creek to the southern boundary of the Town of Fairfield, thence easterly along the southern municipal boundary of the Town of Fairfield to the intersection of the boundary between the Towns of Herkimer and Little Falls, thence southerly along said boundary between the Towns of Herkimer and Little Falls to the to the point of beginning.</p>
<p>Legislative District 3</p>	<p>All the lands described as follows: Beginning at a point at the northwest corner of the Town of Herkimer, thence southeasterly along the northerly boundary of the Town of Herkimer to the northeast corner of the Town of Herkimer, thence southerly along the boundary between the Town of Herkimer and the Town of Fairfield to the southwest corner of the Town of Fairfield, thence easterly 280 feet to the west bank of the West Canada Creek, thence southerly along the west bank of the West Canada Creek to the northerly boundary of the Village of Herkimer, thence easterly 160 feet along the northerly boundary of the Village of Herkimer to the center of the West Canada Creek and the easterly boundary of the Village of Herkimer, thence southerly along the easterly boundary of the Village of Herkimer and the centerline of the West Canada Creek 1,660 feet to a point, thence westerly 380 feet to a point on the German Street Extension, thence southerly along the German Street Extension to the intersection of NYS Route 28, thence southerly along German Street to the intersection of Harter Street, thence southeasterly along Harter Street to the intersection of Steuben Ave., thence southwestwesterly along Steuben Ave. to the intersection of Steuben Street, thence southeasterly along Steuben Street to the intersection of Suiter Street, thence southwestwesterly along Suiter Street to the intersection of Washington Street, thence southeasterly along Washington Street to the intersection of Court Street, thence southwestwesterly along Court Street to the intersection of Main Street, thence southeasterly along Main Street to the intersection of Church Street, thence southwestwesterly along Church Street to the intersection of Henry Street, thence northwesterly along Henry Street to the intersection of German Street, thence southwestwesterly along German Street 1,260 feet to the intersection of a small stream crossing German Street, thence southerly along said stream to a point on the northern highway boundary of the NYS Thruway, thence southeasterly crossing over the</p>

	<p>NYS Thruway to a point on the west boundary of the Village of Herkimer which 210 feet north of the southwest corner of the Village of Herkimer, thence southerly along the western boundary of the Village of Herkimer to the southern boundary of the Village and Town of Herkimer, thence westerly along the southern boundary of the Town of Herkimer to the southwest corner of the Town of Herkimer, thence northerly along the western boundary of the Town of Herkimer to the point of beginning.</p>
<p>Legislative District 4</p>	<p>All the lands described as follows: Beginning at a point at the intersection of Central Ave and the southern boundary of the Town of Herkimer, thence easterly to the intersection of the Village of Mohawk northerly boundary, thence southwesterly along the Village of Mohawk boundary to Fulmer Creek, thence southerly along Fulmer Creek to a point on the southern highway boundary of NYS Route 5S, thence easterly along said highway boundary to the a point which is the extension of Richfield Street to said highway boundary, thence southerly along an extension of Richfield Street and Richfield Street to the intersection of Main Street, thence easterly along Main Street to the intersection of Columbia Street, thence southerly along Columbia Street to the intersection of Michigan Street, thence easterly along Michigan Street to the intersection of Marshall Ave, thence easterly along Marshall Ave to the intersection of Burns Ave, thence along Burns Ave. and the extension thereof 470' to a point thence turning southwesterly 80 feet to an angle point in the Village of Mohawk municipal boundary, thence southerly along the Village of Mohawk boundary to the intersection of Shoemaker Road, thence southeasterly along Shoemaker Road to the intersection of Heath Road, thence southerly along Heath Road to the intersection of NYS Route 168, thence westerly along NYS Route 168 to intersection of NYS Route 168 with Fulmer Creek, said intersection is 390 feet west of the intersection of NYS 168 and Casey Rd, thence westerly down Fulmer Creek 700 feet to a point where a stream intersects Fulmer Creek from the south, thence southerly along said stream, crossing Mason Rd and to NYS Route 28, thence southerly on NYS Route 28 to the southern boundary of the Town of German Flatts, thence westerly along the southern boundary of German Flatts to the intersection of the Town Boundary and Warren Road, thence northerly along Warren Road to the intersection of a small stream, said stream being 330 feet south of Ferncliff Road, thence northwesterly along said stream to the intersection of Steele Creek, thence northerly along Steele Creek to the intersection of Richfield Street, thence easterly along Richfield Street to the intersection of Columbia Parkway, thence northerly along Columbia Parkway to Golden Bomber Drive, thence easterly 160 feet to the water tower access road, thence easterly and then northerly along said access road as it winds and twists to a point on said access road 105 feet southwest of the intersection of Park Ave and Beech Street, thence easterly along the boundary between Herkimer Election District German Flatts 4 and German Flatts 7 to the easterly boundary of the Village of Ilion, said point being 490 feet south of Main Street, the northerly along the Village of Ilion municipal boundary to the intersection of Main Street, thence along Main Street to the intersection of East Street, thence northerly along East Street to the intersection of Clark Street, thence westerly along Clark Street to the intersection of Central Ave., thence northeasterly to the point of</p>

	beginning.
Legislative District 5	<p>All the lands described as follows: Beginning at the southwest corner of the Town of German Flatts, thence northerly along the western municipal boundary of the Town of German Flatts to the intersection with the Village of Ilion municipal boundary, thence easterly along the Village of Ilion municipal boundary to the intersection of Barringer Road, thence southerly along Barringer Road to the intersection of Concord Street, thence easterly along Concord Street to the intersection of Wilson Street, thence southeasterly along Wilson Street to the intersection of Woodland Ave, thence southerly along Woodland Ave to the intersection of Ward Street, thence along Ward Street to the intersection of Fourth Ave, thence northerly along Fourth Ave to the intersection of Grove Street, thence easterly along Grove Street to the intersection of Prospect Ave, thence southerly along Prospect Ave to the intersection of Center Street, thence easterly along Center Street to the intersection of John Street, thence southerly along John Street to the intersection of Otsego Street, thence northerly along Otsego Street to the intersection of Morgan Street, thence northerly along Morgan Street to the intersection of Second Street, thence westerly along Second Street to the intersection of Steele Creek, thence northerly along Steele Creek to the intersection of Main Street, thence easterly along Main Street to the intersection of Clark Street, thence easterly along Clark Street to the intersection of East Street, thence southerly along East Street to the intersection of Main Street, thence easterly along Main Street to the Village of Ilion municipal boundary, thence southern along said boundary 490 feet to an angle point on the boundary between Herkimer Election District German Flatts 4 and German Flatts 7, thence westerly along said election district boundary to a point on the water tower access road, said point on the access road is 105 feet south of the intersection of Park Ave and Beech Street, thence southerly and westerly along the water tower access road as it winds and twists to Golden Bomber Drive, thence westerly along Golden Bomber Drive to the intersection of Columbia Parkway, thence southerly along Columbia Parkway to the intersection of Richfield Street, thence westerly along Richfield Street to the intersection of Steele Creek, thence southerly along Steele Creek 1500 feet to a small creek entering from the east, thence southeasterly along said creek to the intersection of Warren Road, said intersection on Warren Road is 330 feet south of Ferncliff Road, thence southerly along Warren Road to the southern municipal boundary of the Town of German Flatts, thence westerly along the southern boundary of German Flatts to the point of beginning.</p>
Legislative District 6	<p>All of the area in Village of Ilion and German Flatts described as follows: Beginning at the northwest corner of the Village of Ilion, thence easterly along the northerly boundary of the Village of Ilion to the intersection of said northern boundary and Central Ave, the southerly along Central Ave to the intersection of Main Street, thence westerly along Main Street to the intersection of Steele Creek, thence southerly along Steele Creek to the intersection of Second Street, thence easterly along Second Street to the intersection of Morgan Street, thence southerly along Morgan Street to the intersection of Otsego Street, thence southerly along Otsego Street to the intersection of John Street, thence northerly along John Street to the intersection of Center Street, thence westerly along Center Street to the intersection</p>

	<p>of Prospect Ave., thence northerly along Prospect Street to the intersection of Grove Street, thence westerly along Grove Street to the intersection of Fourth Ave., thence southerly along Fourth Ave. to the intersection of Ward Street, thence westerly along Ward Street to the intersection of Woodland Ave., the northerly along Woodland Ave to the intersection of Concord Street, thence westerly along Concord Street to the intersection of Barringer Road, thence northerly along Barringer Road 60 feet to the Village of Ilion municipal boundary angle point, thence westerly along the Village of Ilion boundary to the Town of German Flatts and Town of Frankfort municipal Boundary, the northerly along said town boundary to the point of beginning.</p>
<p>Legislative District 7</p>	<p>All of the Town of Warren</p> <p>Also, all of the Town of Stark</p> <p>Also, all that portion of the Town of German Flatts described as follows: Beginning at the intersection of NYS Route 28 and the southern municipal boundary of the Town of German Flatts, thence northerly along NYS Route 28 530 feet to a stream crossing NYS Route 28, thence northeasterly along said stream and crossing over Mason to Fulmer Creek, thence easterly along Fulmer Creek to the intersection of NYS Route 168, thence easterly along NYS Route 168 to the intersection of Heath Road, thence northerly along Heath Road to the intersection of Shoemaker Road, thence easterly along Shoemaker Road to the intersection of Quinn Road, thence easterly along Quinn Road to the east municipal boundary of the Town of German Flatts, thence southerly along said east boundary to the southeast corner of the Town of German Flatts, thence westerly along the southern boundary of the Town of German Flatts to the point of beginning.</p> <p>Also, all of the Town of Columbia, with exception of the following: Beginning at the northwest corner of the Town of Columbia, thence easterly along the northern boundary of the Town of Columbia to the intersection of Warren Road, thence southerly along Warren Road to the intersection of Brennan Road, thence southwesterly along Brennan Road to the intersection of Spohn Road, thence northwesterly along Spohn Road to the intersection of Brewer Road, thence westerly along Brewer Road to the intersection of Elizabethtown Road, thence southerly along Elizabethtown Road to the intersection of Johnson Road, thence westerly on Johnson Road to the Town Boundary between Litchfield and Columbia, thence northerly on said boundary to the point of beginning.</p>
<p>Legislative District 8</p>	<p>All of the Town of Frankfort, excepting the following: All the lands in the Town of Frankfort described as follows: Beginning at the southeast corner of the Town of Frankfort, thence westerly along the southerly boundary of the Town of Frankfort to the intersection of Gulf Road, thence northwesterly along Gulf Road to the intersection of NYS Route 171, thence northeasterly along NYS Route 171 which then turns into Litchfield Street to the intersection of Canal Street, thence southeasterly along Canal Street to the intersection of Frankfort Street, thence northeasterly along Frankfort</p>

	<p>Street to the intersection of Orchard Street, thence northwesterly along Orchard Street to the intersection of Railroad Street, thence northeasterly along Railroad Street 170 feet to the boundary between Herkimer Election District Frankfort 1 and Frankfort 2, thence northwesterly along said boundary to the historic Mohawk River channel and also the Town of Frankfort municipal boundary, thence southeasterly along said boundary to the northwest corner of the Village of Ilion and the Town of German Flatts, thence southerly along the westerly boundary of the Village of Ilion and the Town of German Flatts to the point of beginning.</p>
Legislative District 9	<p>All the lands in the Town of Frankfort described as follows: Beginning at the southeast corner of the Town of Frankfort, thence westerly along the southerly boundary of the Town of Frankfort to the intersection of Gulf Road, thence northwesterly along Gulf Road to the intersection of NYS Route 171, thence northeasterly along NYS Route 171 which then turns into Litchfield Street to the intersection of Canal Street, thence southeasterly along Canal Street to the intersection of Frankfort Street, thence northeasterly along Frankfort Street to the intersection of Orchard Street, thence northwesterly along Orchard Street to the intersection of Railroad Street, thence northeasterly along Railroad Street 170 feet to the boundary between Herkimer Election District Frankfort 1 and Frankfort 2, thence northwesterly along said boundary to the historic Mohawk River channel and also the Town of Frankfort municipal boundary, thence southeasterly along said boundary to the northwest corner of the Village of Ilion and the Town of German Flatts, thence southerly along the westerly boundary of the Village of Ilion and the Town of German Flatts to the point of beginning.</p>
Legislative District 10	<p>All of the Town of Manheim</p> <p>Also all that portion of the Town of Salisbury described as follows: Beginning at the southwest corner of the Town of Salisbury, thence northerly along the west boundary of the Town of Salisbury to the intersection of NYS Route 29, thence easterly along NYS Route 29 to the intersection of Marsh Road, thence southeasterly along Marsh Road to the intersection of Hopson Road, thence westerly along Hopson Road to the intersection of NYS Route 29, thence southerly along NYS Route 29 to the southerly boundary of the Town of Salisbury, thence westerly along the southerly boundary of the Town of Salisbury to the point of beginning.</p>
Legislative District 11	<p>All of the Town of Schuyler.</p> <p>Also all that portion of the Town of Newport described as follows: Beginning at the southwest corner of the Town of Newport, thence northerly along the westerly boundary of the Town of Newport to the intersection of Steuben Road, thence easterly along Steuben Road to the intersection of Farrell Road, thence northeasterly and then southeasterly along Farrell Road to the intersection of Newport Road, thence easterly along Newport Road to the intersection of Hawthorne Road, thence southerly along Hawthorne Road to the southerly boundary of the Town of Newport, thence westerly along said boundary to the point of beginning.</p>
Legislative District 12	<p>All of the City of Little Falls except Election District 4-1, said Election District 4-1 described as follows: Beginning at a point at the</p>

southwest corner of the City of Little Falls, thence northeasterly then northerly along the western boundary of the City of Little Falls to a point where the extension of Skinner Street would intersect the City boundary, thence easterly along said extension and Skinner Street to the intersection of Furnace Street, thence southeasterly along Furnace Street to the intersection of NYS Route 5, thence continuing southeasterly along Sixth Street and the extension thereof to the CSX Railroad tracks, thence northeasterly along said tracks to a point which is the extension of Ann Street intersecting the tracks, thence northwesterly along said extension and Ann Street to the intersection of Main Street, thence easterly along Main Street to the intersection of NYS Route 5, thence easterly along NYS Route 5 to the intersection of NYS Route 169, thence southerly along NYS Route 169 to the intersection of the City of Little Falls municipal boundary, thence along said municipal boundary first west, then southeasterly, then westerly to the point of beginning.

<p>Legislative District 13</p>	<p>All of the towns of Litchfield and Winfield.</p> <p>Also that portion of the Town of Columbia known as Election District 2 and described as follows: Beginning at the northwest corner of the Town of Columbia, thence easterly along the northern boundary of the Town of Columbia to the intersection of Warren Road, thence southerly along Warren Road to the intersection of Brennan Road, thence southwesterly along Brennan Road to the intersection of Spohn Road, thence northwesterly along Spohn Road to the intersection of Brewer Road, thence westerly along Brewer Road to the intersection of Elizabethtown Road, thence southerly along Elizabethtown Road to the intersection of Johnson Road, thence westerly on Johnson Road to the Town Boundary between Litchfield and Columbia, thence northerly on said boundary to the point of beginning.</p>
<p>Legislative District 14</p>	<p>All of the towns of Little Falls and Danube.</p> <p>Also that portion of the City of Little Falls known as Election District 4-1 and described as follows: Beginning at a point at the southwest corner of the City of Little Falls, thence northeasterly then northerly along the western boundary of the City of Little Falls to a point where the extension of Skinner Street would intersect the City boundary, thence easterly along said extension and Skinner Street to the intersection of Furnace Street, thence southeasterly along Furnace Street to the intersection of NYS Route 5, thence continuing southeasterly along Sixth Street and the extension thereof to the CSX Railroad tracks, thence northeasterly along said tracks to a point which is the extension of Ann Street intersecting the tracks, thence northwesterly along said extension and Ann Street to the intersection of Main Street, thence easterly along Main Street to the intersection of NYS Route 5, thence easterly along NYS Route 5 to the intersection of NYS Route 169, thence southerly along NYS Route 169 to the intersection of the City of Little Falls municipal boundary, thence along said municipal boundary first west, then southeasterly, then westerly to the point of beginning.</p>
<p>Legislative District 15</p>	<p>All of the towns of Webb, Ohio and that portion of the Town of Russia described as Election District 2 as follows: Beginning at a point at the intersection of Military Road and the Herkimer County, Oneida County boundary; then southeasterly along Military Road to the intersection of Black Creek Road; then easterly and northeasterly along Black Creek Road to the intersection of Pardeeville road; then southeasterly along Pardeeville Road to Fisher lane, then easterly along Fisher Lane to the Town of Russia, Town of Ohio boundary; then northerly and then westerly along the Town of Russia, Town of Ohio boundary to the Town of Russia, Oneida County boundary; then southerly and westerly along said boundary to the point of beginning.</p>
<p>Legislative District 16</p>	<p>All of the towns of Salisbury, Norway and Fairfield, excepting that portion of Salisbury described as follows: Beginning at the southwest corner of the Town of Salisbury, thence northerly along the west boundary of the Town of Salisbury to the intersection of NYS Route 29, thence easterly along NYS Route 29 to the intersection of Marsh Road, thence southeasterly along Marsh Road to the intersection of Hopson Road, thence westerly along Hopson Road to the intersection of NYS Route 29, thence southerly along NYS Route 29 to the southerly boundary of the Town of</p>

	Salisbury, thence westerly along the southerly boundary of the Town of Salisbury to the point of beginning
Legislative District 17	<p>All of the town of Newport excepting that portion of the Town of Newport described as: Beginning at the southwest corner of the Town of Newport, thence northerly along the westerly boundary of the Town of Newport to the intersection of Steuben Road, thence easterly along Steuben Road to the intersection of Farrell Road, thence northeasterly and then southeasterly along Farrell Road to the intersection of Newport Road, thence easterly along Newport Road to the intersection of Hawthorne Road, thence southerly along Hawthorne Road to the southerly boundary of the Town of Newport, thence westerly along said boundary to the point of beginning.</p> <p>Also all that portion of the Town of Russia known as Election District 1 and described as:</p> <p>Election District 1 as follows: Beginning at a point at the southeast corner of the Town of Russia, said point also being the southeast corner of Russia Election District #1, thence westerly along the southerly municipal boundary of the Town of Russia to a point at the intersection of the municipal boundary between Herkimer and Oneida Counties, thence generally northerly along said municipal boundary and the westerly boundary of the Town of Russia to the intersection of Military Road, thence southeasterly along Military Road to the intersection of Black Creek Road, thence generally easterly along Black Creek Road to the intersection of Pardeeville Road, thence southeasterly along Pardeeville Road to the intersection of Fisher Lane, thence southeasterly along Fisher Lane to the intersection of the municipal boundary of the Town of Russia, thence southerly along the municipal boundaries of the Town of Russia, the Town of Ohio, and the Town of Norway to the point of beginning.</p>

HERKIMER COUNTY RIGHT TO FARM LAW

SECTION 1: FINDINGS AND INTENT

1. The Herkimer County Legislature finds that the agricultural industry in Herkimer County is a major part of the economy of the County, provides benefits to the natural environment and is a contributor to a high quality of life for the residents of and visitors to Herkimer County.
2. The Herkimer County Legislature recognizes the positive benefits provided by the agricultural industry in Herkimer County and finds that the County should encourage agriculture and policies that foster an understanding by all residents of the day-to-day operations involved in farming so as to gain a greater appreciation and understanding of farming practices and also to encourage cooperation with those practices.
3. The Herkimer County Legislature finds that efforts should be promoted to permit the continuation of sound agricultural practices, protect the existence and operation of farms, encourage the initiation and expansion of farms and agri-businesses, and promote new ways to resolve disputes concerning agricultural practices and farm operations.
4. It is the general purpose and intent of this law to maintain and enhance the agricultural industry of the County, to permit the continuation of acceptable practices, to protect the existence and continued operation of farms, to encourage the initiation and expansion of agricultural businesses, and to promote new ways to resolve disputes concerning agricultural practices and farm operations by limiting the circumstances under which farming may be deemed to be a nuisance and to allow agricultural practices necessary for the business of farming to proceed and be undertaken free from unreasonable and unwarranted interference or restriction.

SECTION 2: DEFINITIONS

1. Agricultural and Farmland Protection Board – Shall mean a Board formally appointed by the Herkimer County Legislature in accordance with Article 25AA, Section 301 of New York State Department of Agriculture and Markets Law.
2. Agricultural Practices – Shall mean those practices necessary for the on-farm production, preparation, processing and marketing of agricultural products. Examples of those practices include, but are not limited to the operation of farm equipment, proper use of agricultural chemicals and other crop protection methods, and construction and use of farm structures and fences.
3. Agricultural Products – Shall mean those products as defined in Articles 25 AA, Section 301(2) of the New York State Department of Agriculture and Markets Law.
4. Farm Operation (or agricultural operation) – Shall mean the land, buildings and equipment used in agricultural production and agricultural practices conducted on such land.
5. Farmer – Shall mean any person, organization, entity, association, partnership, limited liability company or corporation engaged in the business of agriculture, including the cultivation of land, the raising of crops or the raising of livestock.

6. Farming – Shall mean the act of engaging in an agricultural farm operation and/or agricultural practices as defined herein.
7. Farmland (or agricultural land) – Shall mean land used in agricultural production as defined in Article 25AA, Section 301(4) of the New York State Department of Agriculture and Markets Law.

SECTION 3: RIGHT TO FARM DECLARATION

Farmers as well as those employed, retained or otherwise authorized to act on behalf of farmers, may lawfully engage in agricultural practices within Herkimer County at all times and all such locations as are reasonably necessary to conduct the business of agriculture. For any agricultural practice, in determining the reasonableness of the time, place and methodology of such practice, due weight and consideration shall be given to both traditional customs and procedures in the farming industry as well as to advances resulting from increased knowledge, research and improved technologies.

Agricultural practices conducted on farmland shall not be found to be a public or private nuisance if such agricultural practices are:

1. Reasonable and necessary to the particular farm or farm operation; and
2. Conducted in a manner which is not negligent or reckless; and
3. Conducted in uniformity with generally accepted and sound agricultural practices; and
4. Conducted in uniformity with all Local, State and Federal laws and regulations; and
5. Conducted in a manner which does not constitute a threat to public health and safety; and
6. Conducted in a manner which does not reasonably obstruct the free passage or use of navigable waters or public roadways.

SECTION 4: RESOLUTION OF DISPUTES

1. Should any controversy or dispute arise regarding any agricultural operation which cannot be settled by direct negotiation between the parties involved, the parties may by mutual agreement, submit the matter to the Herkimer County Agricultural and Farmland Protection Board as set forth below in an attempt to resolve the matter prior to the filing of any court action or prior to a request for a determination by the Commissioner of the New York State Department of Agriculture and Markets about whether the agricultural practice in question is sound pursuant to Article 25AA, Section 308 of the State of New York Agricultural and Markets Law.
2. Upon the receipt of a dispute resolution request, the Herkimer County Agricultural and Farmland Protection Board shall convene a meeting of the Board within thirty (30) calendar days to review the dispute and receive any comments from either of the parties involved in the dispute. The Board shall endeavor to have a full discussion of the dispute after receipt of a complete presentation of all pertinent facts concerning the dispute in order to eliminate any misunderstandings. The parties involved in the dispute are encouraged to cooperate in the exchange of pertinent information concerning the controversy, and will be allowed to present, in writing or in person, what each considers the pertinent facts.
3. Within fourteen (14) calendar days of the meeting of the Herkimer County Agricultural and Farmland Protection Board to discuss the dispute, the Board shall render a written decision to the parties.
4. The time limits provided in this subsection for action by the Board may be extended upon the written agreement of all parties involved in the dispute.

5. To encourage the use of this mechanism to resolve disputes, the parties requesting to utilize this dispute resolution process shall stipulate, in writing, that the statements made during the process shall be deemed to be in the nature of settlement discussions and that such statements and any agreement reached as part of the dispute resolution process shall not be used for evidentiary purposes in any action or proceeding.
6. The decision of the Herkimer County Agricultural and Farmland Protection Board shall not be binding.

SECTION 5: NOTIFICATION OF REAL ESTATE BUYERS

1. In order to promote harmony between farmers and their neighbors, Herkimer County requires landowners or their agents to comply with Article 25AA, Section 310 of the New York State Agriculture and Markets Law within an agricultural district as follows: “It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district. Such farming activities may include, but not limited to, activities that cause noise, dust, smoke and odors.”
2. A copy of this notice shall be included by the seller or seller’s agent as an addendum to the purchase and sale contract at the time an offer to purchase is made.
3. Receipt of such disclosure notice shall be recorded on a Property Transfer Report prescribed by the State Board of Real Property Services as provided for in Section 333 of the Real Property Tax Law.

SECTION 6: SEVERABILITY

If any provision, clause, sentence or paragraph of this Local Law or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Local Law which can be given without the valid provision or application, and to this end, the provisions of this Local Law are declared to be severable.

SECTION 7: PRECEDENCE

This Local Law and its provisions are in addition to all other applicable laws, rules and Regulations.

SECTION 8: EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.