

**MINUTES**  
**Herkimer County Legislature**  
**First Quarter – Second Day**  
**Thursday, January 26, 2023**  
**7:00 p.m.**

**Public Hearing**

The Public Hearing on Introductory Local Law A for 2023 was called to order at 6:15 p.m. by Legislator Kurt J. Ackerman, Member of the Public Safety & Emergency Management Committee. The Clerk read the notice of the meeting. Legislator Ackerman then asked if there was anyone wishing to speak on the local law. There were no requests to speak and the hearing was declared closed at 6:16 p.m.

Brittney R. Viscomi, Clerk  
Herkimer County Legislature

**LEGAL NOTICE**

NOTICE IS HEREBY GIVEN that there has been presented to the County Legislature of the County of Herkimer, State of New York, on the 4<sup>th</sup> day of January, 2023, Introductory Local Law A for the year 2023 entitled, “A LOCAL LAW EXPANDING THE RESIDENCY REQUIREMENTS FOR HERKIMER COUNTY ASSISTANT DISTRICT ATTORNEYS”.

NOTICE IS FURTHER GIVEN that the County Legislature of the County of Herkimer will hold a public hearing on the aforesaid proposed Local Law, to be conducted by the Committee on Public Safety & Emergency Management. The Public Hearing will be held in the Legislative Chambers at the County Office Building, 109 Mary Street, Herkimer, New York, on the 25<sup>th</sup> day of January, 2023 at 6:15 p.m. at which time all persons interested will be heard.

Dated: January 16, 2023.

By Order of the Herkimer County Legislature

\*Notice stated Public Hearing to be held on January 25, 2023. Due to weather conditions, Public Hearing and Legislature Meeting were postponed until January 26, 2023.

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

Chairman Bono called on Sharon Ewanyk, County Auditor, 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: Gaworecki, Schrader, Hollum, Johnson, Stephens, Brezinski, Manno, Swartz, Bono, Ackerman, Donley, Campione, Weakley (13).

Absent: Malta, Keeler, Russell, Shaw (4).

Chairman Bono dispensed with the regular session to allow for a plaque presentation to Sharon Ewanyk, County Auditor in recognition of her retirement.

Pursuant to Rule 11, Chairman Bono opened the floor for public comment: 1) Ed View, Mohawk – Humane Society.

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 January 4, 2023. 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. 24 – A communication was received from the Solid Waste Authority submitting highlights of 2023 budget. Filed.

No. 25 – A communication was received from Herkimer County Soil & Water Conservation District advising of monthly meeting. Filed.

No. 26 – A communication was received from Legislator Patrick E. Russell submitting disclosure of possible conflict of interest. Filed.

No. 27 – A communication was received from the County Auditor submitting retirement notice. Filed.

No. 28 – A communication was received from the Capital District OTB submitting financial report for October 2022. Filed.

No. 29 – A communication was received from the Director of Information Services requesting approval for maintenance for Varonis software. Referred to the Committee on Information Services and the Committee on Ways & Means.

No. 30 – A communication was received from the Personnel Officer requesting appointment of County Auditor. Referred to the Committee on Ways & Means.

No. 31 – A communication was received from the Commissioners of Elections requesting authorization for continuation of voter management registration system. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 32 – A communication was received from the Budget Officer/Purchasing Agent requesting to accept funding and amend budget in connection with opioid settlement funds from the Office of the Attorney General. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 33 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer of funds in DSS. Referred to the Committee on Ways & Means.

No. 34 – A communication was received from the Director of the Office for the Aging requesting to renew contract with Catholic Charities. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 35 – A communication was received from the County Attorney requesting amendment of Laundry List in connection with dues. Referred to the Committee on Ways & Means.

No. 36 – A communication was received from the District Attorney requesting amendment of Laundry List in connection with dues. Referred to the Committee on Ways & Means.

No. 37 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in connection with Healthcare Worker Bonus. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 38 – A communication was received from the Director of Public Health requesting grant extension in the Public Health Department. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 39 – A communication was received from the Director of Public Health requesting grant extension in the Public Health Department. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 40 – A communication was received from the Budget Officer/Purchasing Agent requesting amendment to Resolution No. 74 of 2022 in connection with Indigent Legal Services. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 41 – A communication was received from the County Attorney requesting authorization for Chairman to sign any settlement agreement in connection with opioid settlement. Referred to the Committee on Ways & Means.

No. 42 – A communication was received from the County Administrator requesting authorization for payment of County employee gym memberships. Referred to the Committee on Ways & Means.

No. 43 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer in connection with online Civil Service application development. Referred to the Committee on Ways & Means.

No. 44 – A communication was received from the Highway Superintendent requesting approval to sell surplus equipment/items. Referred to the Committee on Highways and the Committee on Ways & Means.

No. 45 – A communication was received from the Highway Superintendent requesting discussion on CDL Training Program Requirements. Referred to the Committee on Highways.

Pursuant to Rule 6, Chairman Bono then proceeded with Reports of Standing Committees. Legislator Gaworecki, Chairman of County Properties Committee gave an update of the current Herkimer County building projects; Legislator Stephens, Chairman of the Public Safety & Emergency Management Committee gave an update on a tower at the Emergency Services Department.

On motion of Mr. Stephens, seconded by Mr. Schrader, Resolution No. 18 – Resolution No. 22 were handed up; voted on and adopted by voice vote:

For: Ayes (13).                      Against: None.

Absent: Malta, Keeler, Russell, Shaw (4).

**Consent Agenda:**

- 18      WAYS & MEANS: Authorizing transfer of funds in DSS
- 19      WAYS & MEANS: Creating account and transferring funds in Info. Services Dept.
- 20      WAYS & MEANS: Authorizing payment for family memberships at the Youth & Family Center
- 21      WAYS & MEANS: Amending Resolution No. 366 of 2022 authorizing payment of dues for municipal officers and employees during the year 2023
- 22      NAT. RESOURCES: Appointing representatives of Intercounty Legislative Committee



**HERKIMER COUNTY LEGISLATURE**

No. 18

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

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

WHEREAS, your Committee on Ways and Means, to which was referred a communication from Sheri A. Ferdula, Budget Officer/Purchasing Agent, dated January 5, 2023, submitting a request for a transfer of funds, reports that we have examined said communication, inquired into the subject matter thereof, and recommend that said transfers be made and offer the following Resolution:





## HERKIMER COUNTY LEGISLATURE

No. 20

### **REPORT AND RESOLUTION AUTHORIZING PAYMENT FOR FAMILY MEMBERSHIPS AT THE YOUTH & FAMILY CENTER**

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

WHEREAS, Resolution No. 17 adopted on January 4, 2023, authorized family memberships at the Youth & Family Center, at both the Little Falls and Mohawk locations; and

WHEREAS, by letter dated January 18, 2023, James W. Wallace, Jr., County Administrator, has requested to pay \$5,000 for the wellness program to the Little Falls Youth & Family Center out of Account A9060.86000, which will allow County employees to participate at both locations from January 30, 2023 through January 29, 2024; now, therefore, be it

RESOLVED, that the sum of \$5,000 be paid to the Little Falls Youth & Family Center out of Account A9060.86000 for County employees to have family memberships at both locations; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer, and Little Falls Youth & Family Center.

Dated: January 26, 2023.



## HERKIMER COUNTY LEGISLATURE

No. 21

### **REPORT AND RESOLUTION AMENDING RESOLUTION NO. 366 OF 2022 AUTHORIZING PAYMENT OF DUES FOR MUNICIPAL OFFICERS AND EMPLOYEES DURING THE YEAR 2023**

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

WHEREAS, on December 14, 2022 this Legislature adopted Resolution No. 366 authorizing attendance at conferences for municipal officers and employees during the year 2023; and

WHEREAS, by communication dated January 4, 2023, from Lorraine Lewandrowski, County Attorney, request is made to increase the annual membership fee for the County Attorney's Association of the State of New York (CAASNY) Dues from \$411 to \$452; and

WHEREAS, by communication dated January 6, 2023, from Jeffrey S. Carpenter, District Attorney, request is made to increase the annual membership fee for the New York State District Attorney's Association (DAASNY) Dues from \$762.62 to \$915.14; now, therefore, be it

RESOLVED, that Resolution No. 366 adopted on December 14, 2022, be amended under County Attorney, to increase the annual membership for the CAASNY Dues from \$411 to \$452 and under District Attorney, to increase the annual membership for the DAASNY from \$762.62 to \$915.14; and, be it further

RESOLVED, that in all other respects Resolution No. 366 of 2022 shall remain in full force and effect; and, be it further

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

Dated: January 26, 2023.



## **HERKIMER COUNTY LEGISLATURE**

No. 22

### **RESOLUTION APPOINTING REPRESENTATIVES OF INTERCOUNTY LEGISLATIVE COMMITTEE OF THE ADIRONDACKS**

**Sponsored by: Committee on Natural Resources**

WHEREAS, the Counties of Essex, Hamilton, Herkimer, Lewis, St. Lawrence, Washington, Saratoga, Clinton, Franklin, Fulton and Warren have established the Intercounty Legislative Committee of the Adirondacks for the purpose, among other things, of initiating and taking positions on pending legislation affecting the Adirondack area; now, therefore, be it

RESOLVED, that Vincent J. Bono, Chairman of the Herkimer County Legislature, Patrick E. Russell, Vice-Chairman of the Herkimer County Legislature, Legislator Raymond Johnson, Legislator Bob D. Hollum, Legislator William Weakley, Legislator Ray Donley, James W. Wallace, County Administrator, Brittney R. Viscomi, Clerk of the Legislature, Jennifer L. Williams, Deputy Clerk of the Legislature, and Brandy L. Serow, Secretary to the County Administrator, be and hereby are designated as representatives of the County of Herkimer on the Intercounty Legislative Committee of the Adirondacks during the year 2023; and, be it further

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

Dated: January 26, 2023.

The Chairman continued with the Regular Agenda.

On motion of Mr. Ackerman, seconded by Mr. Donley, Report and Resolution No. 23 sponsored by the Committee on Ways & Means appointing Herkimer County Auditor was handed up; voted on and adopted by voice vote:

For: Ayes (13).                      Against: None.

Absent: Malta, Keeler, Russell, Shaw (4).



## HERKIMER COUNTY LEGISLATURE

No. 23

### REPORT AND RESOLUTION APPOINTING HERKIMER COUNTY AUDITOR

#### Sponsored by: Committee on Ways & Means

WHEREAS, by letter dated January 2, 2023, Sharon Ewanyk has submitted her resignation effective February 4, 2023; and

WHEREAS, it is the recommendation of the Ways & Means Committee to appoint Holly Catalina of Dolgeville, NY to the position of County Auditor for the term of February 6, 2023 through December 31, 2023; now, therefore, be it

RESOLVED, that Holly Catalina, be, and she hereby is, appointed as County Auditor, effective February 6, 2023; and, be it further

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

Dated: January 26, 2023.

Holly Catalina thanked the Legislature for the appointment and stated she is looking forward to serving the County in this position.

On motion of Mr. Stephens, seconded by Mr. Weakley, Report and Resolution No. 24 sponsored by the Committee on Human Resources and the Committee on Ways & Means

extending contract for grant in Public Health was handed up; voted on and adopted by voice vote:

For: Ayes (13).                      Against: None.

Absent: Malta, Keeler, Russell, Shaw (4).



## HERKIMER COUNTY LEGISLATURE

No. 24

### REPORT AND RESOLUTION EXTENDING CONTRACT FOR GRANT IN PUBLIC HEALTH

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

WHEREAS, Resolution No. 47 of 2022 accepted a grant from the Health Research Inc./New York State Department of Health as a part of a new NYS Public Health Corps Fellowship Program in the Public Health Department through July 31, 2022; and

WHEREAS, by letter dated January 5, 2023 from Christina Cain, Director of Public Health, your Committees have been advised that the grant period will be extended through June 30, 2024; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a grant extension through June 30, 2024 on behalf of the County of Herkimer with the Health Research Inc./New York State Department of Health; and, be it further

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

Dated: January 26, 2023.

On motion of Mr. Stephens, seconded by Mr. Campione, Report and Resolution No. 25 sponsored by the Committee on Human Resources and the Committee on Ways & Means extending contract for grant in Public Health was handed up; voted on and adopted by voice vote:

For: Ayes (13).                      Against: None.

Absent: Malta, Keeler, Russell, Shaw (4).



## HERKIMER COUNTY LEGISLATURE

No. 25

### REPORT AND RESOLUTION EXTENDING CONTRACT FOR GRANT IN PUBLIC HEALTH

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

WHEREAS, Resolution No. 161 of 2021 accepted a grant from the Health Research Inc./New York State Department of Health in the Public Health Department through March 31, 2023; and

WHEREAS, by letter dated December 28, 2022 from Christina Cain, Director of Public Health, your Committees have been advised that due to the Monkey Pox pandemic, the grant period will be extended through December 31, 2023; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a grant extension to December 31, 2023 on behalf of the County of Herkimer with the Health Research Inc./New York State Department of Health; and, be it further

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

Dated: January 26, 2023.

On motion of Mr. Schrader, seconded by Mr. Ackerman, Report and Resolution No. 26 sponsored by the Committee on Human Resources and the Committee on Ways & Means creating accounts and amending 2022 budget in connection with Medicaid Healthcare Worker Bonus was handed up; voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Malta, Keeler, Russell, Shaw (4).



## HERKIMER COUNTY LEGISLATURE

No. 26

### REPORT AND RESOLUTION CREATING ACCOUNTS AND AMENDING 2022 BUDGET IN CONNECTION WITH MEDICAID HEALTHCARE WORKER BONUS

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

WHEREAS, by letter dated January 5, 2023, from Sheri A. Ferdula, Budget Officer/  
Purchasing Agent, this Legislature is advised that Herkimer County Public Health and Mental  
Health applied for and have been awarded the Medicaid Healthcare Worker Bonus for  
employees who worked during the COVID-19 pandemic; and

WHEREAS, said letter further advises that it is necessary to amend the 2022 Budget and  
to create accounts to accept the funding and pay the employees; now, therefore, be it

RESOLVED, that accounts are created and the 2022 Herkimer County Budget is hereby  
amended as follows:

Revenue:	A4010.3089P, Public Health, Healthcare Bonus	From: \$0
		To: \$17,762.25
Expense:	A4010.10000-001, Public Health, Salaries	From: \$535,500
		To: \$552,000
	A4010.83000, Public Health, Social Security	From: \$34,424
		To: \$35,447
	A4010.83500, Public Health, Medicare	From: \$8,358
		To: \$8,597.25
Revenue:	A4320.3089P, Mental Health, Healthcare Bonus	From: \$0
		To: \$24,221.25
Expense:	A4320.10000-001, Mental Health, Salaries	From: \$810,808
		To: \$833,308
	A4320.83000, Mental Health, Social Security	From: \$50,282
		To: \$51,677
	A4320.83500, Mental Health, Medicare	From: \$11,759
		To: \$12,085.25

and, be it further

RESOLVED, that in the event guidance is received from the State directing a different  
revenue account, the Treasurer is authorized to make any necessary adjustments at that time; and,  
be it further

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

Dated: January 26, 2023.



On motion of Mr. Manno, seconded by Mr. Campione, Report and Resolution No. 28 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing contract renewal for Office for the Aging for MIPPA/ADRC funding was handed up; voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Malta, Keeler, Russell, Shaw (4).



## HERKIMER COUNTY LEGISLATURE

No. 28

### REPORT AND RESOLUTION AUTHORIZING CONTRACT RENEWAL FOR OFFICE FOR THE AGING FOR MIPPA/ADRC FUNDING

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

WHEREAS, by letter dated December 29, 2022 from Kathy Fox, Director of the Office for the Aging, this Legislature is advised of a request to submit an additional application to receive MIPPA (Medicare Improvements for Patients & Providers Act)/ADRC (Aging and Disabilities Resource Center) funding; the purpose of this funding is to provide health insurance information, counseling and assistance to older individuals and their families; MIPPA/ADRC is specifically designed to outreach and provide direct application assistance to Medicare beneficiaries who are likely to be eligible for the Medicare Part D Low-Income Subsidy, the Medicare Savings Program, and to provide information about wellness/prevention programs; a portion of the funding is allocated to NY Connects under the ADRC portion of the grant; a portion of the funds (\$500) will be used by the Office for the Aging to provide community presentations and to distribute information about the programs; the grant period is from September 1, 2022 through August 31, 2023, with an estimated award to be \$15,294.00; and

WHEREAS, said letter further requests a contract with Catholic Charities of Herkimer County to administer said Program in the amount of \$14,794.00 to be used for the Health Insurance Information and Counseling Program (HIICAP); now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute all necessary documents in connection with the receipt of funding for the MIPPA/ADRC Program in the amount of \$15,294.00, with said grant period to be from September 1, 2022 through August 31, 2023; and, be it further

RESOLVED, that the Chairman of this Legislature is further authorized to execute a contract with Catholic Charities of Herkimer County, 61 West Street, Ilion, New York, in the amount of \$14,794.00 to administer said Program; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of the Office for the Aging, and Catholic Charities of Herkimer County.

Dated: January 26, 2023.

On motion of Mr. Hollum, seconded by Mr. Gaworecki, Report and Resolution No. 29 sponsored by the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means authorizing contract for voter registration system was handed up; voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Malta, Keeler, Russell, Shaw (4).



## HERKIMER COUNTY LEGISLATURE

No. 29

### REPORT AND RESOLUTION AUTHORIZING CONTRACT FOR VOTER REGISTRATION SYSTEM

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

WHEREAS, by Resolution No. 171 of 2005 a contract was approved for a period of five years with NTS Data Services, LLC, for a voter registration system, including installation, support and maintenance, pursuant to the Federal Help America Vote Act, which contract was most recently renewed by Resolution No. 16 of 2020; and

WHEREAS, by letter dated January 3, 2023 from Kim S. Tranter and Robert J. Hoyt, Commissioners of Elections, this Legislature is advised of a request to extend said contract for an additional three years, for ongoing support and maintenance of said voter registration system with pricing as follows: Year 2023 - \$31,960, Year 2024 - \$33,878, and Year 2025 - \$35,910; now, therefore, be it

RESOLVED, that a contract be entered into with NTS Data Services, LLC, 2079 Sawyer Drive, Niagara Falls, NY 13403 for the provision of ongoing support and maintenance of a voter registration system, for a three year term with pricing at Year 2023 - \$31,960, Year 2024 - \$33,878, and Year 2025 - \$35,910; and, be it further

RESOLVED, that the Chairman of the Legislature is authorized to execute said contract with the form of said contract to be subject to the approval of the County Attorney; and, be it further

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

Dated: January 26, 2023.

On motion of Mr. Stephens, seconded by Mr. Schrader, Report and Resolution No. 30 sponsored by the Committee on Ways & Means authorizing and approving a settlement agreement with Teva and its subsidiary drug distributor, Anda, Inc. was handed up; voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Malta, Keeler, Russell, Shaw (4).



## HERKIMER COUNTY LEGISLATURE

No. 30

### **REPORT AND RESOLUTION AUTHORIZING AND APPROVING A SETTLEMENT AGREEMENT WITH TEVA AND ITS SUBSIDIARY DRUG DISTRIBUTOR, ANDA, INC.**

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

WHEREAS, by letter dated January 10, 2023, Simmons Hanly Conroy, attorneys for Herkimer County in opioid litigations, have advised that a Teva/New York Statewide Opioid Settlement Agreement has been reached; and

WHEREAS, said letter advised that under the terms of the proposed settlement, assuming all incentives are met, Herkimer County will receive a total of \$368,140.56 over the next 18 years; and

WHEREAS, Herkimer County is further informed that some of the proceeds must be used for “approved uses” such as abatement and remediation of opioid addiction; and

WHEREAS, it is in the best interest of the County of Herkimer to resolve this matter with respect to Teva and its subsidiary distributor; now, therefore, be it

RESOLVED, that the Chairman of the Herkimer County Legislature is authorized, subject to County Attorney approval, to execute the New York Subdivision Settlement Participation Agreement, the Teva New York Global Payment Opioid Settlement Sharing Agreement and the Teva New York Premium Payment Opioid Settlement Sharing Agreement, and any other documents necessary to effectuate the above settlement; 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 County Attorney.

Dated: January 26, 2023.

On motion of Mr. Stephens, seconded by Mr. Weakley, Report and Resolution No. 31 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means amending Resolution No. 74 of 2022 amending contract for oversight of indigent representation and approval of office space was handed up; voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Malta, Keeler, Russell, Shaw (4).



## HERKIMER COUNTY LEGISLATURE

No. 31

### **REPORT AND RESOLUTION AMENDING RESOLUTION NO. 74 OF 2022 AMENDING CONTRACT FOR OVERSIGHT OF INDIGENT REPRESENTATION AND APPROVAL OF OFFICE SPACE**

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

WHEREAS, Resolution No. 17 of 2020 approved a contract with Keith D. Bowers, dba Enhanced Representation, Inc., to provide services in connection with indigent representation improvements; and

WHEREAS, on February 16, 2022 this Legislature adopted Resolution No. 74 of 2022 amending the contract for oversight of indigent representation and approval of office space, which was amended by Resolution No. 97 of 2022; and

WHEREAS, by letter dated January 5, 2023 from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this legislature has been advised of a request to amend Resolution No. 74 of 2022 to state the exact administrator reimbursements as well as the amounts available for support to include:

“The annual compensation approved by Indigent Legal Services for payment to Enhanced Representation, Inc., for administration of the program shall be:

\$45,000 for the period of April 1, 2019 through March 31, 2020, or Year 2

\$48,000 for the period of April 1, 2020 through March 31, 2021, or Year 3

\$55,000 for the period of April 1, 2021 through March 31, 2022, or Year 4

For the period of April 1, 2022 through March 31, 2023 the amount set shall be established by ILS

The Chairman has been authorized to enter into a contract with Keith D. Bowers, Esq. for the reimbursement of support staff services for the ILS Administrator as follows:

Not to exceed: \$1733.32 for the period of April 1, 2018 through March 31, 2019, or Year 1

Not to exceed: \$18,000 for the period of April 1, 2019 through March 31, 2020, or Year 2

Not to exceed: \$20,000 for the period of April 1, 2020 through March 31, 2021, or Year 3

Not to exceed: \$25,000 for the period of April 1, 2021 through March 31, 2022, or Year 4.

All reimbursement and contracts are subject to all County policies and procedures with final approval by the County Attorney and Auditor.”

now, therefore, be it

RESOLVED, that Resolution No. 74 adopted on February 16, 2022 be amended to include the above administrator reimbursements as well as the amounts available for support; and, be it further

RESOLVED, that all other respects, Resolution No. 74 of 2022 shall remain in full force and effect; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the New York State Office of Indigent Legal Services, Herkimer County Treasurer, Auditor, Budget Officer, County Attorney, and Keith D. Bowers, dba Enhanced Representation, Inc.

Dated: January 26, 2023.

On motion of Mr. Campione, seconded by Mr. Donley, Resolution No. 32 sponsored by the Committee on Ways & Means approving standard work day and retirement reporting for elected and appointed officials was handed up; voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Malta, Keeler, Russell, Shaw (4).



## HERKIMER COUNTY LEGISLATURE

No. 32

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

Sponsored by: Committee on Ways and Means

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

<b>Title:</b>	<b>Standard Work Day: (Hrs/day) Min. 6 hrs Max. 8 hrs</b>	<b>Name : (First and Last)</b>	<b>Social Security Number: (Last 4 digits)</b>	<b>NYSLRS ID:</b>	<b>Tier 1 (Check only if member is Tier 1)</b>	<b>Current Term Begin &amp; End Dates: (mm/dd/yy-mm/dd/yy)</b>	<b>Record of Activities Result</b>	<b>Not Submitted: (Check only if official did not submit their Record of Activities)</b>
<b>Appointed Officials</b>								
Assistant Dist. Attorney	7	Robert Calli	████	████		01/01/21-12/31/24	23.11	
Commissioner, Board of Elections	7	Kim Tranter	████	████		01/01/23-12/31/24	19.77	

and, be it further

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

Dated: January 26, 2023.

On motion of Mr. Stephens, seconded by Mr. Hollum, Resolution No. 33 sponsored by the Committee on Public Safety & Emergency Management adopting Introductory Local Law A for 2023 was handed up; voted on and adopted by roll call vote:

For: Gaworecki, Schrader, Hollum, Johnson, Stephens, Brezinski, Manno, Swartz, Bono, Ackerman, Donley, Campione, Weakley (13).

Against: None. Absent: Malta, Keeler, Russell, Shaw (4).



## HERKIMER COUNTY LEGISLATURE

No. 33

### RESOLUTION ADOPTING INTRODUCTORY LOCAL LAW A FOR 2023

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

WHEREAS, your Committee on Public Safety and Emergency Management of the Herkimer County Legislature desires to report that on the 25<sup>th</sup> day of January, 2023, pursuant to Resolution No. 14, it held a public hearing on the adoption of Introductory Local Law A for 2023 entitled, “A LOCAL LAW AMENDING LOCAL LAW NO 4 of 2005 EXPANDING THE RESIDENCY REQUIREMENTS FOR HERKIMER COUNTY ASSISTANT DISTRICT ATTORNEYS” and that there were (no) appearances and (no) objections at the said public hearing; that your Committee advises the adoption and enactment of the said Introductory Local Law and offers the following Resolution:

RESOLVED, that Introductory Local Law A for 2023 be adopted inform attached hereto.

Dated: January 26, 2023.

**INTRODUCTORY LOCAL LAW A - 2023**

**LOCAL LAW NO. 4 - 2023**

**A LOCAL LAW EXPANDING THE RESIDENCY REQUIREMENTS FOR HERKIMER COUNTY ASSISTANT DISTRICT ATTORNEYS**

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

**SECTION 1: LEGISLATIVE INTENT**

The intent of this local law is to define the residency requirement as it pertains to the following public officers: Assistant District Attorneys. It is intent of this local law to supersede the provisions of the New York State Public Officers Law Section 3(1) with respect to said public officers.

**SECTION 2: RESIDENCY REQUIREMENT: ASSISTANT DISTRICT ATTORNEY**

The provisions of Section 3(1) of the New York State Public Officers Law requiring a person to be a resident of the political subdivision or municipal corporation of the state for which he or she shall be chosen, or within which his or her official functions are required to be exercised, shall not prevent a person from holding the office of Assistant District Attorney of the County of Herkimer, provided that such person resides in Herkimer County or a geographically adjoining county within the State of New York.

The provisions of this local law shall not apply to any person holding the office of First Assistant District Attorney, the holder of which office would assume the duties of the District Attorney upon the District Attorney’s absence from the county or upon the District Attorney’s inability to perform his or her duties.

This local law shall only apply to Assistant District Attorneys.

**SECTION 3: SEVERABILITY:**

If any clause, sentence, paragraph or section of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph or section directly involved in the controversy in which judgement shall have been rendered.

#### SECTION 4: EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State in accordance with Article 3, §27 of the Municipal Home Rule Law.

Dated: January 26, 2023.

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

At 7:16 p.m. on motion of Mr. Manno, seconded by Mr. Stephens, the Legislature adjourned to Wednesday, February 15, 2023 at 7:00 p.m.

Brittney R. Viscomi, Clerk