

MINUTES
Herkimer County Legislature
Second Quarter – Fifth Day
Wednesday, June 7, 2023
7:00 p.m.

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 Alison Russell 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, Brezinski, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Weakley (14).

Absent: Stephens, Keeler, Shaw (3).

Pursuant to Rule 11, Chairman Bono opened the floor for public comment. 1) Al Dorantes, Herkimer – Property at 147 N. Main St.

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 May 17, 2023 and May 24, 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. 222 – A communication was received from New York State Agriculture & Markets certifying the inclusion of predominantly viable agricultural land. Filed.

No. 223 – A communication was received from the County Attorney submitting Notice of Claim. Filed.

No. 224 – A communication was received from the County Attorney submitting amended Notice of Claim. Filed.

No. 225 – A communication was received from the Brookfield Renewable Energy Group submitting Third Integrated Licensing Process Quarterly Study Progress Report. Filed.

No. 226 – A communication was received from the Sheriff submitting April 2023 Monthly Report. Referred to the Committee on Public Safety & Emergency Management.

No. 227 – A communication was received from the Director of Emergency Services submitting request for electrical service contract for 911 Center and Radio Towers. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 228 – A communication was received from the Budget Officer/Purchasing Agent requesting payments in connection with American Rescue Plan funding. Referred to the Committee on Ways & Means.

No. 229 – A communication was received from the Sheriff submitting 2022 Annual Report. Referred to the Committee on Public Safety & Emergency Management.

No. 230 – A communication was received from the Director of Employment & Training requesting contract with BOCES for Summer Youth Employment Program. Referred to the Committee on County Planning & Development and the Committee on Ways & Means.

No. 231 – A communication was received from the Budget Officer/Purchasing Agent requesting a contract in the Personnel Office and appropriation of funds. Referred to the Committee on Ways & Means.

No. 232 – A communication was received from the Budget Officer/Purchasing Agent requesting contract for social media campaign and appropriation of funds. Referred to the Committee on County Planning & Development and the Committee on Ways & Means.

No. 233 – A communication was received from the Budget Officer/Purchasing Agent requesting to award bid for sweeper at the Highway Department, creation of a project, and budget amendment. Referred to the Committee on Highways and the Committee on Ways & Means.

No. 234 – A communication was received from the Budget Officer/Purchasing Agent requesting a transfer of funds within an Emergency Services grant. Referred to the Committee on Ways & Means.

No. 235 – A communication was received from the Director of Emergency Services approving purchase and installation in connection with the Honey Hill 911 Tower. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 236 – A communication was received from the Budget Officer/Purchasing Agent requesting adjustment to contract total for court remodel project and appropriation of funds. Referred to the Committee on County Properties and the Committee on Ways & Means.

No. 237 – A communication was received from the Budget Officer/Purchasing Agent requesting appropriation of funds in connection with the Herkimer County IDA. Referred to the Committee on County Planning & Development and the Committee on Ways & Means.

No. 238 – A communication was received from the Personnel Officer requesting amendment to Salary Schedule III in the County Clerk’s Office. Referred to the Committee on Administration/Veterans’ Affairs and the Committee on Ways & Means.

No. 239 – A communication was received from the Personnel Officer requesting amendment to the hourly salary schedule in the Mental Health Department. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 240 – A communication was received from the County Attorney requesting to set a Public Hearing date for a Local Law. Referred to the Committee on County Properties.

No. 241 – A communication was received from the County Attorney submitting Notice of Federal Lawsuit. Filed.

No. 242 – A communication was received from the Herkimer-Oneida Counties Transportation Council requesting commitment from Herkimer County to provide local share funding for grant. Referred to the Committee on Highways and the Committee on Ways & Means.

No. 243 – A communication was received from the Personnel Officer requesting amendment to Resolution No. 70 of 2022 and the hourly salary schedule. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 244 – A communication was received from the Personnel Officer requesting amendment to Salary Schedule No. III in Emergency Services. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 245 – A communication was received from the Budget Officer/Purchasing Agent requesting purchase of inner door for boiler project at HCCC. Referred to the Committee on Education and the Committee on Ways & Means.

No. 246 – A communication was received from the Personnel Officer requesting amendment to Resolution No. 353 of 2022. Referred to the Committee on Ways & Means.

No. 247 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in connection with Upper Payment Limit. Referred to the Committee on Ways & Means.

No. 248 – A communication was received from the County Property Agent submitting listing of properties acquired by In Rem procedures. Referred to the Committee on County Properties.

Pursuant to Rule 6, Chairman Bono then proceeded with Reports of Standing Committees. There were no reports.

On motion of Mr. Donley, seconded by Mr. Malta, Resolution No. 177 – Resolution No. 178 were handed up; voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Stephens, Keeler, Shaw (3).

Consent Agenda:

177 PUB. SFTY./ EMER. MGMT.: Approving Annual Report of the Sheriff

178 CO. PROPERTIES: Setting date for Public Hearing on Intro. Local Law C for 2023



HERKIMER COUNTY LEGISLATURE

No. 177

REPORT AND RESOLUTION APPROVING ANNUAL REPORT OF THE SHERIFF

Sponsored by: Committee on Public Safety and Emergency Management

WHEREAS, your Committee on Public Safety & Emergency Management, to which was referred the communication from the Herkimer County Sheriff submitting the 2022 Annual Report of the Sheriff's Office, respectfully reports that we have examined said report, recommend that it be adopted and offer the following Resolution:

RESOLVED, that the Annual Report of the Sheriff's Office is hereby adopted and that a copy thereof be placed on file with the Herkimer County Legislature for the year 2022.

Dated: June 7, 2023.



HERKIMER COUNTY LEGISLATURE

No. 178

RESOLUTION SETTING DATE FOR PUBLIC HEARING ON INTRODUCTORY LOCAL LAW C FOR 2023

Sponsored by: Committee on County Properties

WHEREAS, we the Committee on County Properties of the Herkimer County Legislature are causing to be prepared and will present Introductory Local Law C for the year 2023 entitled: "A LOCAL LAW TRANSFERRING LAND"; now, therefore, be it

RESOLVED, that a Public Hearing will be held before the Herkimer County Legislature on the adoption of said proposed local law, to be conducted by the Committee on County Properties on the 5th day of July, 2023 at 1:25 p.m., in the Legislature Chambers of the County Office Building, Herkimer, New York; and, be it further

RESOLVED, that at least five days prior to such hearing the Clerk of the Legislature shall post a notice of said hearing on the bulletin board in the Courthouse and cause to be published said notice at least once in the *Times Telegram*; and, be it further

RESOLVED, that the Clerk of this Legislature place a copy of said act on the desk of each of the members of the County Legislature at least seven calendar days, exclusive of Sunday, prior to its adoption; and, be it further

RESOLVED, that if said local law shall be finally adopted, the Clerk of this Legislature shall file one certified copy thereof in the Office of the County Clerk, one certified copy in the Office of the Secretary of State and print and publish said local law in the official newspaper of the County of Herkimer, as required by law.

Dated: June 7, 2023.

The Chairman continued with the Regular Agenda.

On motion of Mr. Ackerman, seconded by Mr. Manno, Report and Resolution No. 179 sponsored by the Committee on County Planning & Development and the Committee on Ways & Means authorizing an agreement with BOCES for services for a 2023 TANF Summer Youth Employment Academic/Work Experience was handed up; voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Stephens, Keeler, Shaw (3).



HERKIMER COUNTY LEGISLATURE

No. 179

REPORT AND RESOLUTION AUTHORIZING AN AGREEMENT WITH HERKIMER-FULTON-HAMILTON-OTSEGO BOCES FOR SERVICES FOR A 2023 TANF SUMMER YOUTH EMPLOYMENT ACADEMIC/WORK EXPERIENCE PROGRAM

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

WHEREAS, by letter dated May 15, 2023 from Karin Piseck, Director of Employment & Training, your Committees have been advised that Herkimer-Fulton-Hamilton-Otsego BOCES has proposed to provide a Summer Youth Employment and Academic Enrichment Educational/Vocational Work Experience Program to thirty (30) 14 and 15 year old eligible participants enrolled in the 2023 TANF (Temporary Assistance to Needy Families) funded Summer Youth Employment Program (SYEP); and

WHEREAS, said letter further asks to enter into an agreement with Herkimer-Fulton-Hamilton-Otsego BOCES for the above purpose for the period of July 6, 2023 through August 2, 2023, at a total cost of \$15,656.34, with said TANF SYEP funds to be provided from the Office

of Temporary and Disability Assistance (OTDA) through the Department of Social Services to ETA; now, therefore, be it

RESOLVED, that the Chairman of this Legislature and Director of Employment and Training are hereby authorized to execute an agreement on behalf of the County of Herkimer, with the Herkimer-Fulton-Hamilton-Otsego BOCES to provide services for a Summer Youth Employment and Academic Enrichment Educational/Vocational Work Experience Program to thirty (30) 14 and 15 year old eligible participants enrolled in the 2023 TANF (Temporary Assistance to Needy Families) funded Summer Youth Employment Program, at a cost of \$15,656.34, with said agreement to be for the period of July 6, 2023 through August 2, 2023, and with the terms and conditions of said agreement 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 Employment and Training, and Herkimer-Fulton-Hamilton-Otsego BOCES.

Dated: June 7, 2023.

On motion of Mr. Russell, seconded by Mr. Ackerman, Report and Resolution No. 180 sponsored by the Committee on Ways & Means authorizing contract in the Personnel Office and appropriating funds was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Brezinski, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Weakley (14).

Against: None.

Absent: Stephens, Keeler, Shaw (3).



HERKIMER COUNTY LEGISLATURE

No. 180

REPORT AND RESOLUTION AUTHORIZING CONTRACT IN THE PERSONNEL OFFICE AND APPROPRIATING FUNDS

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated May 11, 2023 from Steven R. Billings, Personnel Officer, this Legislature is advised of a request to enter into an agreement with Townsquare Media for radio advertising of county positions, along with a social media campaign, for a period of three months at a cost not to exceed \$13,800.00; and

WHEREAS, by letter dated May 15, 2023, from Sheri Ferdula, Budget Officer/Purchasing Agent, has advised that an appropriation is necessary; 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:

\$13,800 From: A1990.46000, Contingent Fund, Miscellaneous Expense
 To: A1430.45000, Personnel, Fees for Services

and, be it further

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

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

Dated: June 7, 2023.

On motion of Mr. Manno, seconded by Mr. Donley, Report and Resolution No. 181 sponsored by the Committee on County Planning & Development and the Committee on Ways & Means authorizing contract and appropriating funds was handed up; discussion was held; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Brezinski, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Weakley (14).

Against: None.

Absent: Stephens, Keeler, Shaw (3).



HERKIMER COUNTY LEGISLATURE

No. 181

REPORT AND RESOLUTION AUTHORIZING CONTRACT AND APPROPRIATING FUNDS

Sponsored by: Committee on County Planning & Development

Committee on Ways and Means

WHEREAS, by letter dated May 16, 2023 from Deborah Kessler, Community Development Director, this Legislature is advised of a request to enter into an agreement with C & D Advertising to develop and implement a comprehensive and cohesive social media marketing campaign for Herkimer County, for the period of June 1, 2023 through December 31, 2023 at a cost not to exceed \$9,000.00; and

WHEREAS, by letter dated May 15, 2023, from Sheri Ferdula, Budget Officer/
Purchasing Agent, has advised that an appropriation is necessary; 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:

\$9,000 From: A1990.46000, Contingent Fund, Misc. Expense
 To: A1010B.44000, Community Development, Contracted Services

and, be it further

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

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer
County Treasurer, Auditor, Budget Officer, Community Development Director, and C & D
Advertising.

Dated: June 7, 2023.

On motion of Mr. Campione, seconded by Mr. Weakley, Report and Resolution No. 182
sponsored by the Committee on Highways and the Committee on Ways & Means creating
project, amending budget, and awarding bid for a road sweeper in the Highway Department was
handed up; voted on and adopted by voice vote:

For: Ayes (14). Against: None. Absent: Stephens, Keeler, Shaw (3).



HERKIMER COUNTY LEGISLATURE

No. 182

REPORT AND RESOLUTION CREATING PROJECT AND AWARDING BID FOR A ROAD SWEEPER IN HIGHWAY DEPARMTENT

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

WHEREAS, by letter dated May 22, 2023, Mark Nagele, Superintendent of Highways, has
advised that bids were received for one (1) Self Propelled Road Sweeper and recommends the bid be
awarded to J & J Equipment, LLC; and

WHEREAS, by letter dated May 23, 2023, from Sheri Ferdula, Budget Officer/ Purchasing Agent, has advised that bids were opened and read aloud in the office of the Purchasing Agent on May 22, 2023 and confirms the recommendation of the Highway Superintendent; and

WHEREAS, said letter further requested a budget amendment and the creation of a project; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby awards a bid for the purchase of the below listed road sweeper for the Herkimer County Highway Department:

(1) 2023 Used Self-Propelled Road Sweeper - \$75,500.00

J & J Equipment, LLC
8913 Terek Drive
Brewerton, NY 13029

and, be it further

RESOLVED, that the 2023 budget be amended as follows:

Amend:

Revenue:

H5031, Interfund Transfers, Proj: 80-2

From: \$0

To: \$75,500

Expense:

H5197.25000, Hwy Equip. & Capital Outlay, Other Equip.
Proj: 80-2

From: \$0

To: \$75,500

and, be it further

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

Dated: June 7, 2023.

On motion of Mr. Donley, seconded by Mr. Russell, Report and Resolution No. 183 sponsored by the Committee on Ways & Means authorizing transfer of funds in Emergency Services was handed up; voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Stephens, Keeler, Shaw (3).



HERKIMER COUNTY LEGISLATURE

No. 183

REPORT AND RESOLUTION AUTHORIZING TRANSFER OF FUNDS

Sponsored by: Committee on Ways & Means

WHEREAS, your Committee on Ways and Means, to which was referred a communication from Sheri A. Ferdula, Budget Officer/Purchasing Agent, dated May 15, 2023, submitting a request for a transfer of funds within the Emergency Management Program Grant FY21, Project EM06-8, reports that we have examined said communication, inquired into the subject matter thereof, and recommend that said transfer be made and offer the following Resolution:

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized to create an account and add accounts within the project and directed to transfer the following sum from and to the following accounts:

| | |
|----------|---|
| \$4,300 | From: A3020A.44000, EM HSG, Contracted Services, Proj: EM06-8 To: A3020A.40700, EM HSG, Computer Software, Proj: EM06-8 |
| \$12,450 | From: A3020A.44000, EM HSG, Contracted Services, Proj: EM06-8 To: A3020A.22000, EM HSG, Computer Equipment, Proj: EM06-8 |
| \$11,804 | From: A3020A.44000, EM HSG, Contracted Services, Proj: EM06-8 To: A3020A.25000, EM HSG, Other Equipment, Proj: EM06-8 |

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: June 7, 2023.

On motion of Mr. Campione, seconded by Mr. Malta, Report and Resolution No. 184 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means approving purchase and installation in connection with the Honey Hill 911 Tower was handed up; voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Stephens, Keeler, Shaw (3).



HERKIMER COUNTY LEGISLATURE

No. 184

REPORT AND RESOLUTION APPROVING PURCHASE AND INSTALLATION IN CONNECTION WITH THE HONEY HILL 911 TOWER

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

WHEREAS, Resolution No. 237 adopted on August 10, 2022 awarded a bid in the amount of \$220,000 to Midstate Communications, Inc. for the provision of a communication shelter and antennas for the Honey Hill 911 Tower; and

WHEREAS, by letter dated May 16, 2023, John J. Raymond, Director of Emergency Services has advised that it is necessary to purchase and install a 2-gang 200-amp meter pack for this project through Midstate Communications, Inc. in the amount of \$7,216.00; now, therefore be it

RESOLVED, that the purchase and installation of a 2-gang 200-amp meter pack for the Honey Hill 911 Tower through Midstate Communications, Inc. is approved at a cost of \$7,216.00; and, be it further

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

Dated: June 7, 2023.

On motion of Mr. Schrader, seconded by Mr. Hollum, Report and Resolution No. 185 sponsored by the Committee on County Properties and the Committee on Ways & Means adjusting total for renovations for the Unified Court System and appropriating funds was handed up; voted on and adopted by roll call vote:

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

Against: Johnson (1).

Absent: Stephens, Keeler, Shaw (3).



HERKIMER COUNTY LEGISLATURE

No. 185

REPORT AND RESOLUTION ADJUSTING TOTAL FOR RENOVATIONS FOR THE UNIFIED COURT SYSTEM AND APPROPRIATING FUNDS

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

WHEREAS, Resolution No. 64 adopted on February 15, 2023 awarded a bid for renovations for the Unified Court System; and

WHEREAS, by letter dated May 15, 2023, Sheri A. Ferdula, Budget Officer/Purchasing Agent, has advised there is a need to adjust the contract total to accommodate change orders as follows:

| | |
|-----------|---|
| (\$1,800) | Change in carpet color |
| \$5,084 | Change in floor boxes for additional outlets |
| \$1,394 | Extension of the wall near the bathroom for noise control |

| | |
|-------------------|---|
| \$9,152 | Additional cabling |
| \$350 | Door frame for bathroom |
| \$637 | Light Switch Changes |
| \$1,718 | New Lockset for Bathroom |
| \$354 | New Faucet in Bathroom |
| <u>(\$10,000)</u> | <u>Allowance reduction</u> |
| \$6,889 | with the original \$175,000 = \$181,889 |

and

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

RESOLVED, that an appropriation within the 2023 budget be made as follows:

| | |
|---------|---------------------------------|
| \$6,889 | From: A889N, Reserve, Buildings |
| | To: H1620.40000, Project 3-2 |

and, be it further

RESOLVED, that the Treasurer is authorized to make any necessary adjustments to the interfund transfer accounts; and, be it further

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

Dated: June 7, 2023.

On motion of Mr. Hollum, seconded by Mr. Ackerman, Report and Resolution No. 186 sponsored by the Committee on County Properties and the Committee on Ways & Means appropriating funds in connection with the IDA was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Brezinski, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Weakley (14).

Against: None.

Absent: Stephens, Keeler, Shaw (3).



HERKIMER COUNTY LEGISLATURE

No. 186

**REPORT AND RESOLUTION APPROPRIATING FUNDS IN CONNECTION WITH
THE INDUSTRIAL DEVELOPMENT AGENCY**

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

WHEREAS, by letter dated May 24, 2023 from the Budget Officer/Purchasing Agent, this Legislature is advised of a request to approve an appropriation of funds to the Herkimer County Industrial Development Agency for the purchase of two parcels in the Town of Schuyler; now, therefore, be it

RESOLVED, that an appropriation of funds be authorized as follows:

\$1,210,500 From: A909, Fund Balance
 To: A6420.40000, IDA, Contractual

and, be it further

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

Dated: June 7, 2023.

On motion of Mr. Hollum, seconded by Mr. Malta, Report and Resolution No. 187 sponsored by the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means amending Salary Schedule No. III in the County Clerk's Office was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Brezinski, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Weakley (14).

Against: None.

Absent: Stephens, Keeler, Shaw (3).



HERKIMER COUNTY LEGISLATURE

No. 187

**REPORT AND RESOLUTION AMENDING SALARY SCHEDULE NO. III IN THE
COUNTY CLERK'S OFFICE**

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

WHEREAS, by letter dated March 1, 2023, Sylvia M. Rowan, County Clerk, has requested to amend Salary Schedule No. III; and

WHEREAS, by letter dated May 25, 2023, Steven R. Billings, Personnel Officer, your Committees have been advised that Salary Schedule No. III should be amended in Account

A1410 by deleting a position of Motor Vehicle License Clerk and creating a position of Senior Motor Vehicle License Clerk at an annual base salary of \$34,226.00; now, therefore, be it

RESOLVED, that Salary Schedule No. III should be amended in Account A1410 by deleting a position of Motor Vehicle License Clerk and creating a position of Senior Motor Vehicle License Clerk at an annual base salary of \$34,226.00 effective June 12, 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 County Clerk.

Dated: June 7, 2023.

On motion of Mr. Schrader, seconded by Mr. Campione, Report and Resolution No. 188 sponsored by the Committee on Ways & Means amending Res. No. 411 of 2022 was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Brezinski, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Weakley (14).

Against: None.

Absent: Stephens, Keeler, Shaw (3).



HERKIMER COUNTY LEGISLATURE

No. 188

REPORT AND RESOLUTION AMENDING RESOLUTION NO. 411 OF 2022

Sponsored by: Committee on Ways and Means

WHEREAS, Resolution No. 411 of 2022 adopted the hourly salary schedule; and

WHEREAS, by letter dated May 16, 2023, Kristen Snyder-Branner, Director of Community Services, has requested to amend the hourly salary schedule; and

WHEREAS, by letter dated May 16, 2023, Steven Billings, Personnel Officer, requests to amend the hourly salary schedule to add the title of Account Clerk in Account A4320 at an hourly rate of \$16.74; 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 Account Clerk in Account A4320 at an hourly rate of \$16.74; and, be it further

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

Dated: June 7, 2023.

On motion of Mr. Russell, seconded by Mr. Schrader, Report and Resolution No. 189 sponsored by the Committee on Ways & Means authorizing payments for requests from American Rescue Plan funding was handed up; voted on and adopted by voice vote:

For: Ayes (14). Against: None. Absent: Stephens, Keeler, Shaw (3).



HERKIMER COUNTY LEGISLATURE

No. 189

REPORT AND RESOLUTION AUTHORIZING PAYMENTS FOR REQUESTS FROM AMERICAN RESCUE PLAN FUNDING

Sponsored by: Committee on Ways and Means

WHEREAS, Resolution No. 16 of 2023 authorized \$50,000 of the County’s American Rescue Plan funding to each Legislator to distribute within their districts as they see fit; and

WHEREAS, by letter dated May 16, 2023 from Sheri A. Ferdula, Budget Officer/Purchasing Agent, she has advised that communications have been received requesting funding and have been approved for payment by the Legislator receiving the request for payment as follows:

| | | | |
|--------------------------|----------|---------|----------------------------------|
| Herk. Co. Humane Society | \$25,000 | Johnson | Fencing and Parking Lot Upgrades |
| Schools Out Program | \$1,000 | Malta | Playground Improvements |

now, therefore, be it

RESOLVED, that authorization is given for payment to the above recipients in the amounts listed; and, be it further

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

Dated: June 7, 2023.

On motion of Mr. Malta, seconded by Mr. Ackerman, Report and Resolution No. 190 sponsored by the Committee on Public Safety & Emergency Management amending Res. No. 70 of 2022 and Res. No. 411 of 2022 was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Brezinski, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Weakley (14).

Against: None.

Absent: Stephens, Keeler, Shaw (3).



HERKIMER COUNTY LEGISLATURE

No. 190

REPORT AND RESOLUTION AMENDING RESOLUTION NO. 70 OF 2022 AND RESOLUTION NO. 411 OF 2022

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

WHEREAS, Resolution No. 70 of 2022 amended the hourly salary schedule for the year 2022; and Resolution No. 411 of 2022 adopted the hourly salary schedule for the year 2023; and

WHEREAS, by letter dated June 1, 2023, Steven Billings, Personnel Officer, requests to amend Resolution No. 70 of 2022 by removing the following language under the first Resolved: “also authorizing that the hourly pay rate of the part-time Public Safety Telecommunicators will stay equal with the hourly base rate of full-time Public-Safety Telecommunicators when pay raises are given to the full-time Public Safety Telecommunicators”; and

WHEREAS, said letter further requests to amend the hourly salary schedule by removing Part-Time Public Safety Telecommunicator (E-911) at a rate of \$17.66 per hour and replacing it with the following:

Part-Time Public Safety Telecommunicator (less than 5 years public safety experience) \$20.00/hr.
Part-Time Public Safety Telecommunicator (with at least 5 years public safety experience) \$22.00/hr.

and

WHEREAS, the Director of Emergency Services will have the discretion to determine what constitutes public safety experience; and

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

RESOLVED, that Resolution No. 70 of 2022 be amended to remove the following language under the first Resolved: “also authorizing that the hourly pay rate of the part-time Public Safety Telecommunicators will stay equal with the hourly base rate of full-time Public-Safety Telecommunicators when pay raises are given to the full-time Public Safety Telecommunicators”; and, be it further

RESOLVED, that the hourly salary schedule be amended by removing Part-Time Public Safety Telecommunicator (E-911) at a rate of \$17.66 per hour and replacing it with Part-Time Public Safety Telecommunicator (less than 5 years public safety experience) \$20.00/hr. and Part-Time Public Safety Telecommunicator (with at least 5 year public safety experience) \$22.00/hr.; and, be it further

RESOLVED, that in all other respects, Resolution No. 411 of 2022 are hereby ratified and confirmed; and, be it further

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

Dated: June 7, 2023.

On motion of Mr. Russell, seconded by Mr. Malta, Report and Resolution No. 191 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means amending Salary Schedule No. III in Emergency Services was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Brezinski, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Weakley (14).

Against: None.

Absent: Stephens, Keeler, Shaw (3).



HERKIMER COUNTY LEGISLATURE

No. 191

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

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

WHEREAS, by letter dated June 1, 2023, Steven R. Billings, Personnel Officer, your Committees have been advised that Salary Schedule No. III should be amended by eliminating four positions of Public Safety Telecommunicator in Account A3021 and to increase the base rate of the title Senior Public Safety Telecommunicator from \$42,910 to \$47,804, create a hire/training rate of the title of Public Safety Telecommunicator of \$37,584, and change the base pay rate of Public Safety Telecommunicator to \$41,760; and

WHEREAS, said letter further states that the Director of Emergency Services will have the discretion to determine when a new hire moves from the hire/training rate to the base pay rate; now, therefore, be it

RESOLVED, that Salary Schedule No. III be amended by eliminating four positions of Public Safety Telecommunicator in Account A3021 and to increase the base rate of the title

Senior Public Safety Telecommunicator from \$42,910 to \$47,804, create a hire/training rate of the title of Public Safety Telecommunicator of \$37,584, and change the base pay rate of Public Safety Telecommunicator to \$41,760; and, be it further

RESOLVED, that authorization is given for the Chairman to enter into a Memorandum of Agreement with CSEA, with these changes effective June 12, 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 Director of Emergency Services.

Dated: June 7, 2023.

On motion of Mr. Schrader, seconded by Mr. Russell, Report and Resolution No. 192 sponsored by the Committee on Ways & Means amending Res. No. 353 of 2022 relating to the rules and regulations governing the Herkimer County Employees Health Insurance Plan was handed up; voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Stephens, Keeler, Shaw (3).



HERKIMER COUNTY LEGISLATURE

No. 192

RESOLUTION AMENDING RESOLUTION NO. 353 OF 2022 RELATING TO THE RULES AND REGULATIONS GOVERNING THE HERKIMER COUNTY EMPLOYEES HEALTH INSURANCE PLAN

Sponsored by: Committee on Ways and Means

WHEREAS, Resolution No. 353 of 2022 amended Resolution No. 80 of 2009 relating to the rules and regulations governing the Herkimer County employees health insurance plan; and

WHEREAS, by letter dated June 2, 2023 from Steven R. Billings, Personnel Officer, it has been requested to amend Resolution No. 353 of 2022 to amend the fifth resolved clause and change the language to read as follows:

“RESOLVED, this resolution shall not be applicable to current retirees that are paying for health insurance under Resolution No. 80 of 2009, except for those retirees that are actively employed part-time for Herkimer County on June 7, 2023 and that any monies paid for health insurance by said retirees from 2009 through June 30, 2023 shall not be refunded”

now, therefore be it

RESOLVED, that Resolution No. 353 of 2022 is hereby amended in the fifth resolved clause to change the language to “RESOLVED, this resolution shall not be applicable to current retirees that are paying for health insurance under Resolution No. 80 of 2009, except for those retirees that are actively

employed part-time for Herkimer County on June 7, 2023 and that any monies paid for health insurance by said retirees from 2009 through June 30, 2023 shall not be refunded,” effective July 1, 2023; and, be it further

RESOLVED, that in all other respects, Resolution No. 353 of 2022 shall remain in full force and effect; and, be it further

RESOLVED, that a certified copy of this resolution shall be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, and Personnel Officer, and all department heads.

Dated: June 7, 2023.

On motion of Mr. Manno, seconded by Mr. Hollum, Resolution No. 193 sponsored by the Committee on Administration/Veterans’ Affairs and the Committee on Natural Resources opposing waste disposal surcharges and requesting an exemption for planning units was handed up; voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Stephens, Keeler, Shaw (3).



HERKIMER COUNTY LEGISLATURE

No. 193

RESOLUTION OPPOSING WASTE DISPOSAL SURCHARGES AND REQUESTING AN EXEMPTION FOR PLANNING UNITS

**Sponsored by: Committee on Administration/Veterans’ Affairs
Committee on Natural Resources**

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) requires, and relies upon Local Solid Waste Management Planning Units to provide comprehensive waste reduction, recycling, and disposal services to communities throughout the state; and

WHEREAS, Local Solid Waste Management Planning Units have collectively invested billions of dollars in their comprehensive solid waste management systems and are responsible to set rates to support such systems, including the implementation of their Local Solid Waste Management Plans that are approved by the NYSDEC; and

WHEREAS, Local Solid Waste Management Planning Units face constant pressures by the local communities they serve to operate as efficiently as possible, such that they have the lowest possible operating costs, including the waste disposal fees charged to waste haulers and residents; and

WHEREAS, the Climate Action Council’s Final Scoping Plan recommends (on page

338) that the State “enact legislation in 2023 to establish a disposal disincentive (fee per ton) on all waste generated in New York to provide financial support for reduction, reuse, and recycling”; and

WHEREAS, New York State’s 2023 Draft Solid Waste Management Plan also recommends a per-ton disposal disincentive surcharge on all waste disposal, in the state; and

WHEREAS, most Local Solid Waste Management Planning Units already implement fee structures that support their waste reduction, reuse, and recycling programs and disincentivize disposal because recycling programs are generally offered at no cost or at a fee significantly lower than disposal fees; and

WHEREAS, the implementation of statewide per ton fees essentially undermines and penalizes the efforts by Local Solid Waste Management Planning Units to provide cost effective comprehensive systems; and

WHEREAS, waste disposal surcharges, or per ton fees, will not achieve the intended goals of waste reduction, as back-end fees do not change consumers’ purchasing decisions or incentivize producers to make products that are easier to recycle; now, therefore, be it

RESOLVED, that the County Legislature of Herkimer County opposes the implementation of any type of waste disposal surcharge; and, be it further

RESOLVED, that the County Legislature of Herkimer County hereby requests that Local Solid Waste Management Planning Units receive an exemption from such surcharges should the State choose to implement them at other disposal facilities; and, be it further

RESOLVED, that copies of this resolution be sent to the counties of New York encouraging member counties to enact similar resolutions; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Governor Kathy Hochul, Assemblyman Brian Miller, Assemblyman Robert Smullen, Senator Mark Walczyk, Senator Joseph A. Griffo, and NYSDEC Commissioner Basil Seggos.

Dated: June 7, 2023.

On motion of Mr. Donley, seconded by Mr. Campione, Resolution No. 194 sponsored by the Committee on Highways and the Committee on Ways & Means to commit the local match for a Safe Streets and Roads for All (SS4A) project 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 (14).

Against: None.

Absent: Stephens, Keeler, Shaw (3).



HERKIMER COUNTY LEGISLATURE

No. 194

RESOLUTION TO COMMIT THE LOCAL MATCH FOR A SAFE STREETS AND ROADS FOR ALL (SS4A) PROJECT 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 awarded to Oneida County on behalf of Oneida County and Herkimer County 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, the Herkimer-Oneida Counties Transportation Council will serve as the administrator of the grant and the Oneida County Department of Planning will serve as the financial manager; now, therefore, be it

RESOLVED, that Herkimer County commits to our local share of \$20,798.50 which can include in-kind services; and, be it further

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

Dated: June 7, 2023.

On motion of Mr. Schrader, seconded by Mr. Gaworecki, Resolution No. 195 sponsored by the Committee on County Properties authorizing sale of property acquired by In Rem procedures was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Brezinski, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Weakley (14).

Against: None.

Absent: Stephens, Keeler, Shaw (3).



HERKIMER COUNTY LEGISLATURE

No. 195

RESOLUTION AUTHORIZING SALE OF PROPERTY ACQUIRED BY IN REM PROCEDURES

Sponsored by: Committee on County Properties

WHEREAS, in an action brought on to enforce collection of delinquent taxes for the tax year 2020, a Judgment was made by the County Court of the County of Herkimer on the 31st day of May, 2023 and was filed and entered in the Herkimer County Clerk's Office on May 31, 2023, pursuant to which properties listed therein became the property of the County; and

WHEREAS, pursuant to said Judgment, the County Treasurer of the County of Herkimer deeded all parcels listed in said Judgment to the County of Herkimer by deed dated June 5, 2023 and recorded on June 5, 2023, in the Herkimer County Clerk's Office as Instrument No. RP2023-2474; and

WHEREAS, the County owns other parcels obtained in previous In Rem tax foreclosure actions, which properties did not sell at prior auctions; and

WHEREAS, the court has retained jurisdiction over several parcels included in the foreclosure which parcels are the subject of further court proceedings, which proceedings may result in title to some of such parcels being conveyed to the County of Herkimer prior to the date of this year's land auction; and

WHEREAS, the County now desires to sell the parcels conveyed to the County in the aforesaid deed as well as any parcels from prior foreclosures which may also need to be sold and any parcels which may be conveyed to the County prior to this year's land auction; and

WHEREAS, it is necessary that terms and conditions of sale of said properties by the County be established; now, therefore, be it

RESOLVED:

1. That pursuant to Section 1166 of the Real Property Tax Law this Legislature now desires to provide for the sale of said parcels. Such sale shall be by public auction, and it is directed that such sale be held virtually on the website of Auctions International Inc. (<https://www.auctionsinternational.com>). Auction shall begin on July 19, 2023 and end on August 2, 2023;
2. That this sale by auction be held under the direction of the County Treasurer;
3. That such sale shall be conducted on the terms, conditions and procedures annexed hereto which include an Administration fee of \$400 for each successful bid;
4. That in addition, all sales of such property shall be subject to a buyer's premium of ten percent (10%) of the amount of the successful bid;
5. That all persons be entitled to bid at such sale on said parcels of property, except those persons prohibited by the attached Auction Terms and Procedures or by state or local law.
6. That the Treasurer is hereby authorized, when it seems advantageous, to divide any parcel on the auction list into two or more parcels and to offer said divided parcels individually or to join any two or more parcels on the auction list into one parcel and to offer said joined parcels as one parcel;
7. That following the auction sale, the Committee on County Properties and the County Treasurer report to this Legislature with their recommendations for the conveyance of the various parcels of property to the successful bidders thereon;
8. That certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Property Agent, and County Attorney.

Dated: June 7, 2023.

AUCTION TERMS AND PROCEDURES

1. Registration: Individuals interested in bidding must complete and submit the online bidder registration packet with Auctions International. The registration packet must be received by Auctions International Inc. by 4pm on July 31, 2023. Bidders must also become a member of [auctionsinternational.com](https://www.auctionsinternational.com) on their website by clicking "register to bid." For bidders who do not have internet access, an "Absentee Bidder Registration Packet" may be used. A record of all successful bids with bidders' information will be maintained.

2. Eligible Bidders: All persons, including, but not limited to, corporations, partnerships, limited liability companies and limited liability partnerships are entitled to bid at such sale on said parcels of property.

EXCEPT:

1. Officers and employees of the County of Herkimer, including any legal entity in which the officer or employee of the County of Herkimer has an interest;
2. Persons who have defaulted on any bid to purchase property from the County of Herkimer within the last five (5) years;
3. Persons who have defaulted in payment of real property taxes on a parcel of property within Herkimer County which resulted in a judgment granting title to such parcel of property to the County of Herkimer within the last five (5) years or the spouse of such person;
4. Persons or family members of persons who are owners of an unredeemed parcel included in the 2020 Tax Foreclosure;
5. The person or a family member of the person whose name appears on the Assessment Roll as the owner of each said parcel at the time of nonpayment of taxes which resulted in acquisition of such parcel by the County;
6. Town officers, including town board members and assessors, with respect to property located within the town they serve;
7. Legal entities, including but not limited to, corporations, partnerships, limited liability companies, and limited liability partnerships, in which any of the foregoing persons or legal entities has an interest.

3. Purchase Agreement: A successful bidder will be required to sign a purchase agreement when a deposit is made. Deposits will be collected online and in person. For bidders placing deposits with a debit/credit card, their purchase agreement will be sent via email. For bidders paying deposits in person at the Herkimer County Treasurer's Office, they will sign the purchase agreement at the time of making payment. All purchase agreements will include a certification that the purchaser is not prohibited from bidding by reason of the exclusions set forth in Paragraph 2 above.

4. Prospective Bidders: All prospective bidders are invited to inspect the premises they are interested in prior to the Auction. Inspections are only done on improved properties that are unoccupied. Information regarding property inspections will be available at Auctions International Inc.'s website.

5. Conditions of Sale: Each of the parcels is sold "as is". If a parcel is occupied, it is the responsibility of the purchaser to terminate the occupancy. The County has not entered into any lease agreement, nor has it consented to any occupancy, nor has it received any rent from any occupant of any parcel. ***PURCHASER WILL OBTAIN OWNERSHIP OF THE PROPERTY WHEN THE DEED IS RECORDED IN THE COUNTY CLERK'S OFFICE AND SHALL NOT TAKE POSSESSION UNTIL SUCH TIME.*** Any trespassing on county property prior to the deed transfer could result in cancellation of the sale. The County of

Herkimer and its officials and agents make no representation as to the condition of any parcel of said property or of the improvements on any improved parcel. Lot sizes, including frontage, depth and acreage, are for assessment purposes only. The County makes no representations regarding the actual dimensions or acreage of the parcels.

For parcels improved by a mobile home or manufactured home, the County of Herkimer is conveying ONLY the interest of the County in the real property and makes no representations or warranties with regard to title to such mobile home or manufactured home.

The County will not be responsible for any defects or conditions whatsoever in or on the property or in any improvements, or any equipment, mechanical or otherwise, included therein.

All deeds will be subject to the following condition, and covenant: This conveyance is made pursuant to a resolution of the Herkimer County Legislature and this conveyance is made subject to the condition and covenant that the County of Herkimer shall in no event be or become liable for any defects in title conveyed hereby, for any cause whatsoever, and that no claim, demand or suit of any nature shall ever be made by the party of the second part hereto, or by said party's heirs, successors and assigns against said County of Herkimer arising from such sale or this conveyance.

All properties subject to Federal Tax Liens are sold subject to the right of redemption of the United States of America.

6. Administration Fee: An administration fee will be added to each successful bid. The administration fee will be \$400.00 for each successful bid.

7. Buyer's Premium: In addition to the administration fee, a buyer's premium of 10% of the amount of the successful bid will be added to the purchase price of each successful bid.

8. Required Bid Deposit: A \$50.00 or 10% deposit whichever is greater, is required on each property for which you are the successful bidder. Deposits must be made either the same day of the auction closing by debit/credit card at the auction website after receiving email confirmation of winning bid or paid in person at the Herkimer County Treasurer's Office by credit/debit card, cash or check by 3pm on August 4, 2023. Successful bids of \$50.00 or less must be paid in full. Deed recording fees are also required to be paid at this time for bids of \$50.00 or less. If you are the successful bidder of more than one parcel, a single check will be accepted to cover all deposit requirements. Make checks payable to **Kimberlee A. Enea, Herkimer County Treasurer.**

9. Full Payment of Bids: The balance of the purchase price on any property, together with Cover Sheet (\$5.00), Deed Recording Fees (\$45.00/deed), Transfer Gains Affidavit Filing Fee (\$5.00), and Real Property Transfer Report Fee (\$125.00 for residential or farm property and \$250.00 for all other property) must be made to the Herkimer County Treasurer, **WITH CASH, MONEY ORDER OR CERTIFIED CHECK, no later than 3:00 p.m. on August 25, 2023.**

10. Deed Recordings: All deeds are Quit Claim Deeds, conveying the interest that the County of Herkimer has in the property to the successful bidder. The County Property Agent will record all deeds as soon as possible, once final approval has been received by the County Legislature. You will receive your deed(s) by mail, through the County Clerk's Office. Any changes in the deed will be the responsibility of the purchaser after the deed is recorded.

11. Tax Information: Total annual taxes are listed under each parcel. Delinquent taxes were absorbed and paid by the County. Purchasers will be responsible for all future taxes.

12. Default by Purchaser: Default by the Purchaser or failure to meet the terms and procedures of this Auction will result in **forfeiture of the required deposit.**

13. Confirmation and Approval of Sales: All sales are subject to confirmation by the County Properties Committee and final approval of the Herkimer County Legislature.

14. THE COUNTY OF HERKIMER RESERVES THE RIGHT TO REJECT ANY AND ALL BIDS.

****Auction information also available on the web:

www.herkimercounty.org and www.auctionsinternational.com

On motion of Mr. Malta, seconded by Mr. Donley, Report and Resolution No. 196 sponsored by the Committee on Ways & Means amending budget in connection with Upper Payment Limit was handed up; voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Stephens, Keeler, Shaw (3).



HERKIMER COUNTY LEGISLATURE

No. 196

REPORT AND RESOLUTION AMENDING BUDGET IN CONNECTION WITH UPPER PAYMENT LIMIT

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated June 6, 2023 from Timothy Seymour, Commissioner of Social Services, this Legislature is advised that the Centers for Medicare & Medicaid Services (CMS) has approved a Medicaid State Plan Amendment that has authorized Upper Payment Limit (UPL) payments in New York; which applies to County operated free standing clinics which Herkimer County's Mental Health Clinic qualifies for; and

WHEREAS, by letter dated June 6, 2023 from Sheri Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that the payment amount for Herkimer County is \$21,459.00, and in order to receive this amount, a local share of \$9,399.04 must be submitted to the New York State Department of Health, and that an amendment to the 2023 budget is necessary; now, therefore, be it

RESOLVED, that the 2023 Herkimer County Budget is hereby amended as follows:

| | |
|---|--------------------|
| A4320.3490, Mental Health, State Aid | From: \$586,218.00 |
| | To: \$595,617.04 |
| A4320.4490, Mental Health, Federal Aid | From: \$60,000.00 |
| | To: \$72,059.96 |
| A4320.46000, Mental Health, Miscellaneous Expense | From: \$400.00 |
| | To: \$9,799.04 |

and, be it further

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

Dated: June 7, 2023.

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

At 7:16 p.m. on motion of Mr. Manno, seconded by Mr. Weakley, the Legislature adjourned to Wednesday, July 5, 2023 at 2:00 p.m., with a Public Hearing on Introductory Local Law C at 1:25 p.m.

Brittney R. Viscomi, Clerk