

MINUTES
Herkimer County Legislature
Third Quarter – First Day
Wednesday, July 12, 2023
2:00 p.m.

Public Hearing

The Public Hearing regarding the submission of an application to the CDBG Economic Development Program in order to conduct a county-wide housing study to the New York State Office of Homes and Community Renewal was called to order by Kurt J. Ackerman, Chairman of the Committee on County Planning and Development, at 1:00 p.m. Legislator Ackerman asked the Deputy Clerk of the Legislature to call the roll of Legislators. The Deputy Clerk called the roll, the following answered: Malta, Schrader, Manno, Swartz, Bono, Ackerman, Donley, Campione, Shaw, Weakley (10). Quorum present. Legislator Ackerman asked the Deputy Clerk to read the Notice of Public Hearing. The Deputy Clerk read the Notice. Legislator Ackerman asked that any person wishing to speak to state their name and address and limit comment to five minutes. Lorraine Lewandrowski, County Attorney requested the minutes reflect that the SEQRA and NEPA have been completed and each Legislator has received a copy. With no other persons wishing to speak, the hearing was declared closed at 1:03 p.m.

Jennifer L. Williams, Deputy Clerk
Herkimer County Legislature

LEGAL NOTICE

HERKIMER COUNTY
NOTICE OF PUBLIC HEARING

Herkimer County will hold a public hearing on July 12, 2023 at 1:00 p.m., in the Legislature Chambers, 109 Mary Street, Herkimer, NY, for the purpose of hearing public comments on the County's community development needs, and to discuss the possible submission of one or more Community Development Block Grant (CDBG) Community Planning applications for program year 2023 CDBG funding.

The CDBG program is administered by the New York State Office of Community Renewal (OCR), and will make available to eligible local governments approximately \$20 million for the current program year for housing, economic development, public facilities, public infrastructure, and planning activities, with the principal purpose of benefitting low/moderate income persons. Herkimer County is applying for the maximum request of \$50,000 in order to conduct a county-wide housing study. The hearing will provide further information about the CDBG program and will allow for citizen participation in the development of any proposed grant applications and/or to provide technical assistance to develop alternate proposals. Comments on the CDBG program or proposed project(s) will be received at this time. The hearing is being conducted pursuant to Section 570.486, Subpart I of the CFR and in compliance with the requirements of the Housing and Community Development Act of 1974, as amended.

The Legislature Chambers is accessible to persons with disabilities. If special accommodations are needed for persons with disabilities, those with hearing impairments, or those in need of translation from English, those individuals should contact Brittney Viscomi, Clerk of the Legislature, at 315-867-1108, at least one week in advance of the hearing date to allow for necessary arrangements. Written comments may also be submitted until July 12, 2023, to:

Brittney R. Viscomi, Clerk
Herkimer County Legislature
109 Mary Street, Suite 1310
Herkimer, NY 13350.

Dated: July 3, 2023.

The Regular Session of the Herkimer County Legislature was called to order by Chairman Vincent J. Bono at 2:01 p.m.

Chairman Bono called on Karin Piseck, Director of Employment & Training 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, Schrader, Hollum, Brezinski, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (13).

Absent: Gaworecki, Johnson, Stephens, Keeler (4).

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 June 7, 2023 and June 23, 2023. There were none, and the Chairman ordered them approved.

At this time Chairman Bono called on Legislator William Weakley for a presentation and recognition of the Volunteer Income Tax Assistance (VITA) workers of the Department of Social Services. Legislator William Weakley thanked the group for all that they do and asked Timothy Seymour, Commissioner of the Department of Social Services to present certificates to the following Department of Social Services Employees: Christine Marsden, Mary Talbot, Kim Collis, Cathy Lowell, Debbie Smith, Eva Kirchberg, and Trinity Kirchberg.

Chairman Bono continued with a presentation of a plaque. Chairman Bono presented a plaque to Karin Piseck, Director of Employment & Training, upon her retirement, in recognition of her over thirty years of dedicated service to the residents of Herkimer County. Karin thanked the Legislature and staff.

Pursuant to Rule 11, Chairman Bono opened the floor for public comment. 1) Scott Flansburg – Update on the Quackenbush property.

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. 251 – A communication was received from the Solid Waste Authority submitting minutes and resolution. Filed.

No. 252 – A communication was received from the Herkimer County Soil & Water Conservation District advising of monthly meeting. Filed.

No. 253 – A communication was received from the Herkimer County IDA submitting notice of public hearing. Filed.

No. 254 – A communication was received from the Herkimer County IDA submitting notice of public hearing. Filed.

No. 255 – A communication was received from the County Attorney submitting report of threatened or pending litigation. Filed.

No. 256 – A communication was received from the County Attorney submitting Petition for Writ of Habeas Corpus. Filed.

No. 257 – A communication was received from the Herkimer County IDA submitting notice of project inducement. Filed.

No. 258 – A communication was received from the Herkimer County IDA submitting notice of project inducement. Filed.

No. 259 – A communication was received from the Commissioner of Social Services submitting report on the 2022 VITA Program. Filed.

No. 260 – A communication was received from Brookfield Renewable U.S. submitting Initial Study Report. Filed.

No. 261 – A communication was received from Mohawk Valley EDGE submitting notification of grant. Filed.

No. 262 – A communication was received from the Herkimer County IDA submitting notice of project inducement. Filed.

No. 263 – A communication was received from the Herkimer County IDA submitting notice of project inducement. Filed.

No. 264 – A communication was received from the Director of Information Services requesting lease agreement with Canon Financial Services. Referred to the Committee on Information Services and the Committee on Ways & Means.

No. 265 – A communication was received from the Director of Emergency Services requesting to purchase mobile radios. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 266 – A communication was received from the Highway Superintendent requesting discussion on CDL Driver Permits. Referred to the Committee on Highways.

No. 267 – A communication was received from the Highway Superintendent requesting approval of 2023/2024 capital construction project. Referred to the Committee on Highways.

No. 268 – A communication was received from the Personnel Officer requesting appointment of Executive Director – Youth Bureau. Referred to the Committee on County Planning & Development.

No. 269 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in connection with TANF 2023 Summer Youth Program funding. Referred to the Committee on Ways & Means.

No. 270 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in DSS. Referred to the Committee on Ways & Means.

No. 271 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in the Highway Department. Referred to the Committee on Ways & Means.

No. 272 – A communication was received from the Budget Officer/Purchasing Agent requesting amendment to Res. No. 292 of 2021 in connection with American Rescue Plan funding. Referred to the Committee on Ways & Means.

No. 273 – A communication was received from the County Attorney requesting public hearing to transfer land. Referred to the Committee on County Properties.

No. 274 – A communication was received from the Commissioner of Social Services requesting MOU between DSS and OFA for Home Energy Assistance Program. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 275 – A communication was received from the Personnel Officer requesting creation of a temporary, part-time position. Referred to the Committee on County Planning & Development and the Committee on Ways & Means.

No. 276 – A communication was received from the Commissioner of Social Services submitting request for approval to submit plan and contract with ICAN for STSJP. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 277 – A communication was received from the Chief Executive Officer of the IDA requesting a second (performance) public hearing for the CARES Grant. Referred to the Committee on County Planning & Development.

No. 278 – A communication was received from the County Treasurer requesting to open a new custodial bank account. Referred to the Committee on Ways & Means.

No. 279 – A communication was received from the County Attorney requesting to hire outside counsel for litigation. Referred to the Committee on Ways & Means.

No. 280 – A communication was received from the Commissioner of Social Services requesting to accept funding under NYS Rental Supplement Program and authorize agreement with Catholic Charities. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 281 – A communication was received from the Director of Community Services requesting to enter into an MOU with the Veterans' Service Agency. Referred to the Committee on Human Resources, the Committee on Administration/Veterans' Affairs, and the Committee on Ways & Means.

No. 282 – A communication was received from the Commissioner of Social Services requesting to amend contract for new rates in connection with Personal Emergency Response Services. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 283 – A communication was received from the Sheriff requesting to upgrade software and authorize agreement for identification and access card system. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 284 – A communication was received from the Officer in Charge/Senior V.P. for Administration and Finance at HCCC requesting commitment for capital projects. Referred to the Committee on Education and the Committee on Ways & Means.

No. 285 – A communication was received from the Friends of Historic Herkimer County requesting to submit grant application for Phase 2 Exterior Restoration at the 1834 Jail. Referred to the Committee on County Properties and the Committee on Ways & Means.

No. 286 – A communication was received from the Director of Emergency Services requesting proposal for NTCNet to use Dairy Hill Communications Tower Site. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 287 – A communication was received from the Sheriff requesting contract amendment with Trinity Services Group, Inc. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 288 – A communication was received from the County Administrator requesting to award bids for Broadband project. Referred to the Committee on County Planning & Development and the Committee on Ways & Means.

No. 289 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment, creation of accounts, and appropriation of funds in connection with Broadband Project. Referred to the Committee on County Planning & Development and the Committee on Ways & Means.

No. 290 – A communication was received from the Senior VP for Admin. & Finance at HCCC requesting Public Hearing on the 2023-2024 Budget. Referred to the Committee on Education and the Committee on Ways & Means.

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

On motion of Mr. Schrader, seconded by Mr. Manno, Resolution No. 198 – Resolution No. 202 were handed up; voted on and adopted by voice vote:

For: Ayes (13). Against: None.

Absent: Gaworecki, Johnson, Stephens, Keeler (4).

Consent Agenda:

- 198 EDUCATION, WAYS & MEANS: Fixing the time and place for public hearing on HCCC Budget
- 199 CO. PROPERTIES: Rescinding Res. No. 178 of 2023 and setting public hearing on Introductory Local Law C for 2023
- 200 CO. PLNG. & DEV.: Setting a public hearing on Introductory Local Law D for 2023
- 201 CO. PLNG. & DEV.: Setting a public hearing in connection with CDBG funding for the CARES grant project
- 202 CO. PLNG. & DEV.: Setting a public hearing in connection with an application for CDBG funding to the Office of Community Renewal



HERKIMER COUNTY LEGISLATURE

No. 198

REPORT AND RESOLUTION FIXING THE TIME AND PLACE FOR PUBLIC HEARING ON HERKIMER COUNTY COMMUNITY COLLEGE BUDGET

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

WHEREAS, your Committee on Ways and Means and Committee on Education are advised by letter dated July 7, 2023 from Nicholas F. Laino, Senior Vice President for Administration and Finance, that the Herkimer County Board of Trustees approved the proposed 2023-2024 Operating Budget of the College at its meeting held on July 6, 2023 and requests that the Herkimer County Legislature set a public hearing to consider said budget; now, therefore, be it

RESOLVED, that a public hearing upon said Tentative Budget to be conducted by the Committee on Education shall be held at the Legislators' Chambers in the Village of Herkimer, New York, on the 9th day of August, at 6:15 p.m. pursuant to the provisions of Section 359 of the County Law and Section 6304(5-a) of the Education Law.

Dated: July 12, 2023.



HERKIMER COUNTY LEGISLATURE

No. 199

REPORT AND RESOLUTION RESCINDING RESOLUTION NO. 178 OF 2023 AND SETTING PUBLIC HEARING ON INTRODUCTORY LOCAL LAW C FOR 2023

Sponsored by: Committee on County Properties

WHEREAS, Resolution No. 178 of 2023 was adopted on June 7, 2023, which set a public hearing on Introductory Local Law C for 2023 entitled "A LOCAL LAW TRANSFERRING LAND"; and

WHEREAS, by letter dated June 15, 2023, Lorraine Lewandrowski, County Attorney, has requested to rescind the original public hearing date of July 5, 2023 due to the Legislature meeting date being moved to July 12, 2023 and it is necessary to set a new public hearing date; and

WHEREAS, 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 9th day of August, 2023 at 6:17 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; and, be it further

Dated: July 12, 2023.



HERKIMER COUNTY LEGISLATURE

No. 200

RESOLUTION SETTING PUBLIC HEARING ON INTRODUCTORY LOCAL LAW D FOR 2023

Sponsored by: Committee on County Planning & Development

WHEREAS, the Committee on County Planning & Development, are causing to be prepared and will present Introductory Local Law D for 2023 entitled "A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF 1963, A LOCAL LAW ESTABLISHING A PLANNING BOARD FOR THE COUNTY OF HERKIMER" and offer the following Resolution:

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 Planning & Development on the 9th day of August, 2023 at 6:19 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 public hearing the Clerk of this Legislature shall post a notice of such hearing upon 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 shall place a copy of said act on the desks of the members of this County Legislature at least seven calendar days, exclusive of Sunday, prior to its final adoption; and, be it further

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

Dated: July 12, 2023.



HERKIMER COUNTY LEGISLATURE

No. 201

REPORT AND RESOLUTION SETTING A PUBLIC HEARING IN CONNECTION WITH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR THE CARES GRANT PROJECT

Sponsored by: Committee on County Planning & Development

WHEREAS, it is necessary that a second (performance) public hearing be held to hear public comment and to report project accomplishments relating to CDBG CARES Grant funding from the Office of Community Renewal (OCR) for the \$500,000.00 award for the Herkimer County CARES CDBG project; now, therefore, be it

RESOLVED, that a public hearing be held by the Committee on County Planning and Development on August 9, 2023 at 6:21 p.m. in the Legislature Chambers, 109 Mary Street, Herkimer, New York, for the purpose of hearing public comment upon the aforesaid project; and, be it further

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

Dated: July 12, 2023.



HERKIMER COUNTY LEGISLATURE

No. 202

RESOLUTION SETTING A PUBLIC HEARING IN CONNECTION WITH AN APPLICATION FOR CDBG FUNDING TO THE OFFICE OF COMMUNITY RENEWAL

Sponsored by: Committee on County Planning & Development

WHEREAS, this Legislature seeks to submit an application to the Community Development Block Grant Open Round Economic Development, Small Business, and Microenterprise program for \$300,000 to reinvest in its Microenterprise Grant Program; and

WHEREAS, these CDBG Microenterprise grant funds will serve as a catalyst for potential entrepreneurs and will support the continued development and revitalization of local

downtown corridors – bringing new storefronts and specialty shops – to the benefit of County residents, especially those with low-to-moderate income; and

WHEREAS, it is necessary that a public hearing be held to hear public comment in regard to this application; now, therefore, be it

RESOLVED, that the Chair of the Legislature is authorized to execute all documents and certifications required as part of the submission of the application; and, be it further

RESOLVED, that a public hearing be held by the Committee on County Planning and Development on the 9th day of August, 2023 at 6:23 p.m., in the Legislature Chambers of the County Office Building in Herkimer, New York for the purpose of hearing public comment on the aforesaid application for assistance to the Office of Community Renewal; and, be it further

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

Dated: July 12, 2023.

The Chairman continued with the Regular Agenda.

On motion of Mr. Donley, seconded by Mr. Malta, Report and Resolution No. 203 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means approving software upgrade and service contract agreement in the Sheriff's Department was handed up; voted on and adopted by voice vote:

For: Ayes (13). Against: None.

Absent: Gaworecki, Johnson, Stephens, Keeler (4).



HERKIMER COUNTY LEGISLATURE

No. 203

REPORT AND RESOLUTION APPROVING SOFTWARE UPGRADE AND SERVICE CONTRACT AGREEMENT IN THE SHERIFF'S DEPARTMENT

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

WHEREAS, by letter dated May 26, 2023 from Sheriff Scott F. Scherer, this Legislature is advised of a request for a software upgrade and a service contract agreement for the identification and access card system; and

WHEREAS, the cost for the software, service agreement, installation, training and conversation will be \$3,841.75; now, therefore, be it

RESOLVED, that the above described purchase of software, service agreement, installation, training and conversation for the identification and access card system is approved through Linstar at a cost of \$3,841.75, with 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 County Treasurer, Auditor, Budget Officer, Herkimer County Sheriff, and Linstar.

Dated: July 12, 2023.

On motion of Mr. Weakley, seconded by Mr. Ackerman, Report and Resolution No. 204 sponsored by the Committee on Human Resources and the Committee on Ways & Means amending contract concerning services for the Department of Social Services Long Term Care Program was handed up; voted on and adopted by voice vote:

For: Ayes (13). Against: None.

Absent: Gaworecki, Johnson, Stephens, Keeler (4).



HERKIMER COUNTY LEGISLATURE

No. 204

REPORT AND RESOLUTION AMENDING CONTRACT CONCERNING SERVICES FOR THE DEPARTMENT OF SOCIAL SERVICES LONG TERM CARE PROGRAM

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

WHEREAS, Resolution No. 9 of 2017, authorized the Chairman of the Legislature to execute a contract with American Medical Alert Corp. d/b/a Tunstall America for the purpose of establishing Personal Emergency Response Services (PERS); and

WHEREAS, by letter dated June 2, 2023, Timothy Seymour, Commissioner of Social Services, has advised that since the execution of that agreement there have been subsequent rate changes and the addition of a new service as follows:

Landline PERS	\$29.95/month
Cellular PERS	\$29.95/month
Mobile PERS	\$29.95/month
Fall Detection (new)	\$34.95/month

now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute the amended contract with American Medical Alert Corp. d/b/a Tunstall America, 30-30 47th Ave., Suite 620, Long Island City, NY 11106, with said contract to be subject to review and approval by the Herkimer County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Commissioner of Social Services, and American Medical Alert Corp. d/b/a Tunstall America.

Dated: July 12, 2023.

On motion of Mr. Hollum, seconded by Mr. Weakley, Report and Resolution No. 205 sponsored by the Committee on Human Resources, the Committee on Administration/Veterans' Affairs, and the Committee on Ways & Means authorizing MOU between the Herkimer County Mental Health Department and the Herkimer County Veterans Service Agency was handed up; voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Gaworecki, Johnson, Stephens, Keeler (4).



HERKIMER COUNTY LEGISLATURE

No. 205

REPORT AND RESOLUTION AUTHORIZING MEMORANDUM OF UNDERSTANDING BETWEEN THE HERKIMER COUNTY MENTAL HEALTH DEPARTMENT AND THE HERKIMER COUNTY VETERANS SERVICE AGENCY

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

WHEREAS, your Committees have been informed by letter dated June 15, 2023 from Kristen Snyder-Branner, Director of Community Services, that the New York State Office of Mental Health has awarded the Department \$200,000 (for years 2022 and 2023) for the PFC Joseph P. Dwyer Veteran Peer Support Program; and

WHEREAS, said letter further requests to enter into an MOU with the Herkimer County Veterans Service Agency, with services to be provided by the Herkimer County Veterans Service Agency; now, therefore, be it

RESOLVED, that this Legislature hereby authorizes a Memorandum of Understanding between the Herkimer County Mental Health Department and the Herkimer County Veterans Service Agency for the Veterans Service Agency to provide services for the PFC Joseph P. Dwyer Veteran Peer Support Program; and, be it further

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

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

Dated: July 12, 2023.

On motion of Mr. Donley, seconded by Mr. Shaw, Report and Resolution No. 206 sponsored by the Committee on Human Resources and the Committee on Ways & Means accepting grant and authorizing contract in DSS for Rental Supplement Program was handed up; voted on and adopted by voice vote:

For: Ayes (13). Against: None.

Absent: Gaworecki, Johnson, Stephens, Keeler (4).



HERKIMER COUNTY LEGISLATURE

No. 206

REPORT AND RESOLUTION ACCEPTING GRANT AND AUTHORIZING CONTRACT IN DEPARTMENT OF SOCIAL SERVICES FOR RENTAL SUPPLEMENT PROGRAM

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

WHEREAS, by letter dated June 23, 2023 from Timothy J. Seymour, Commissioner of Social Services, this Legislature is advised that the Department of Social Services has been notified that they are eligible to receive an allocation in the amount of \$154,406 under New York State's Rental Supplement Program (RSP), with the funds providing rental supplements to eligible individuals and families experiencing homelessness or facing an imminent loss of housing; and

WHEREAS, said letter further requests the Rental Supplement Program be established in partnership with Catholic Charities, with Catholic Charities to operate the program, and oversight and approval would be provided by the Department of Social Services; now, therefore, be it

RESOLVED, that this Legislature accepts funding in the amount of \$154,406 under New York State's Rental Supplement Program and authorizes an agreement between Catholic Charities of Herkimer County, 61 West Street, Ilion, New York, and the Herkimer County Department of Social 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 said program shall continue so long as 100% reimbursement is available from the State of New York; and, be it further

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

Dated: July 12, 2023.

On motion of Mr. Russell, seconded by Mr. Campione, Report and Resolution No. 207 sponsored by the Committee on Ways & Means approving opening a bank account was handed up; voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Gaworecki, Johnson, Stephens, Keeler (4).



HERKIMER COUNTY LEGISLATURE

No. 207

REPORT AND RESOLUTON APPROVING OPENING A BANK ACCOUNT

Sponsored by: Committee on Ways & Means

WHEREAS, Resolution No. 195 adopted on June 7, 2023, authorized the sale of property acquired by In Rem procedures; and

WHEREAS, by letter dated June 26, 2023, Kimberlee A. Enea, County Treasurer, has requested to open a new custodial bank account, to maintain any surplus funds derived from the sale of county owned properties through the auction; now, therefore, be it

RESOLVED, that the Herkimer County Treasurer is authorized to open a new bank account to maintain any surplus funds deriving from the sale of county owned properties through the auction; and, be it further

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

Dated: July 12, 2023.

On motion of Mr. Donley, seconded by Mr. Weakley, Report and Resolution No. 208 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing the submission of the STSJP to the NYS Office of Children and Family Services and authorizing contract renewal with ICAN to provide services was handed up; voted on and adopted by voice vote:

For: Ayes (13). Against: None.

Absent: Gaworecki, Johnson, Stephens, Keeler (4).



HERKIMER COUNTY LEGISLATURE

No. 208

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

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

WHEREAS, Resolution No. 223 of 2022 authorized the Chairman of the Legislature to approve the submission of a STSJP plan to the NYS Office of Children and Family Services, and execute a contract with Integrated Community Alternatives Network (ICAN), for the provision of detention diversion services; and

WHEREAS, by letter dated June 2, 2023, Timothy Seymour, Commissioner of Social Services has advised the 2023-24 enacted State budget has again appropriated funding to assist with STSJP; and

WHEREAS, the funding request for the continuation of this program is \$79,620 for the period of performance commencing October 1, 2023 through September 30, 2024, this sum has a 62% state reimbursement and the program continues capped detention services allocation which is reimbursed at 49% state share; now, therefore, be it

RESOLVED, that this Legislature hereby authorizes the Commissioner of Social Services to submit a STSJP plan to the NYS Office of Children and Family Services for approval and authorizes the Chairman of the Legislature to renew a contract with ICAN, 310 Main Street,

Utica, NY 13501 to provide detention diversion/early intervention services for the period of the plan; and, be it further

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

Dated: July 12, 2023.

On motion of Mr. Ackerman, seconded by Mr. Schrader, Report and Resolution No. 209 sponsored by the Committee on County Planning & Development and the Committee on Ways & Means creating temporary part-time position in the Herkimer County Employment & Training Administration was handed up; voted on and adopted by roll call vote:

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

Against: None.

Absent: Gaworecki, Johnson, Stephens, Keeler (4).



HERKIMER COUNTY LEGISLATURE

No. 209

REPORT AND RESOLUTION CREATING TEMPORARY PART-TIME POSITION IN THE HERKIMER COUNTY EMPLOYMENT & TRAINING ADMINISTRATION

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

WHEREAS, by letter dated June 8, 2023, Steven R. Billings, Personnel Officer, has requested that a temporary, part-time position be established in the Herkimer County Employment & Training Administration; and

WHEREAS, said letter further advises this position will be Manager One Stop Center at an hourly rate of \$38.79, in Account CD6290, with the position to be in effect from July 24, 2023 through December 31, 2023, working a maximum of 21 hours per week; now, therefore, be it

RESOLVED, that a temporary, part-time position of Manager One Stop Center be established in Account CD6290 at an hourly rate of \$38.79, working a maximum of 21 hours per week, beginning July 24, 2023 through December 31, 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 Employment and Training.

Dated: July 12, 2023.

On motion of Mr. Weakley, seconded by Mr. Malta, Report and Resolution No. 210 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing MOU between DSS and OFA for HEAP services was handed up; voted on and adopted by voice vote:

For: Ayes (13). Against: None.

Absent: Gaworecki, Johnson, Stephens, Keeler (4).



HERKIMER COUNTY LEGISLATURE

No. 210

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

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

WHEREAS, your Committees have been informed by letter dated June 12, 2023 from Timothy Seymour, Commissioner of Social Services, that a proposed Memorandum of Understanding has been submitted to and accepted for the Herkimer County Office for the Aging to provide services to the Herkimer County Department of Social Services under the Home Energy Assistance Program (HEAP) for applicants 60 years and older for the 2023-2024 season; and

WHEREAS, the Herkimer County Department of Social Services agrees to pay the Herkimer County Office for the Aging 25% of the Department of Social Services HEAP administrative allocation for the Home Energy Assistance Program for the 2023-2024 season; and

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

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

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

RESOLVED, that should any further additional funds be received for the 2023-2024 HEAP season, the Herkimer County Department of Social Services is hereby authorized to pass those funds on to the Office for the Aging on a pro-rated basis; and, be it further

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

Dated: July 12, 2023.

On motion of Mr. Russell, seconded by Mr. Hollum, Report and Resolution No. 211 sponsored by the Committee on Ways & Means amending Resolution No. 292 of 2021 authorizing the Chairman to sign a voucher in connection with American Rescue Plan funding was handed up; voted on and adopted by voice vote:

For: Ayes (13). Against: None.

Absent: Gaworecki, Johnson, Stephens, Keeler (4).



HERKIMER COUNTY LEGISLATURE

No. 211

REPORT AND RESOLUTION AMENDING RESOLUTION NO. 292 OF 2021 AUTHORIZING THE CHAIRMAN TO SIGN A VOUCHER IN CONNECTION WITH AMERICAN RESCUE PLAN FUNDING

Sponsored by: Committee on Ways & Means

WHEREAS, Resolution No. 292 of 2021 authorized the Chairman to sign a voucher for funding in the amount of \$500,000 for Bassett Healthcare Network/Little Falls Hospital through the American Rescue Plan Funding for a remodel project; and

WHEREAS, by letter dated June 9, 2023, Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised of a change from the original request of a remodel, to the purchase of new sterilizing equipment to replace the current equipment reaching end of life, with the amount decreasing to \$400,000; and, be it further

WHEREAS, letter further requests permission to have the Chairman sign the voucher for the expense out of account A1989A.46000, ARP Funding, Miscellaneous Expense; now, therefore, be it

RESOLVED, that the Chairman of the Legislature is authorized to sign the voucher for funding in the amount of \$400,000, from the County through the American Rescue Plan Funding to purchase new sterilizing equipment; and, be it further

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

Dated: July 12, 2023.

On motion of Mr. Campione, seconded by Mr. Weakley, Report and Resolution No. 212 sponsored by the Committee on Ways & Means amending budget in the Highway Department was handed up; voted on and adopted by voice vote:

For: Ayes (13). Against: None.

Absent: Gaworecki, Johnson, Stephens, Keeler (4).



HERKIMER COUNTY LEGISLATURE

No. 212

REPORT AND RESOLUTION AMENDING BUDGET IN THE HIGHWAY DEPARTMENT

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated June 9, 2023 from the Budget Officer/Purchasing Agent, this Legislature is advised that it is necessary to amend the 2023 Budget due to additional funding for the CHIPS program; now, therefore, be it

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

D9552.3501, Consolidated Highway Improvements	From: \$6,500,000 To: \$7,745,680
D9552.90200, Provision for Construction	From: \$6,500,000 To: \$7,745,680

and, be it further

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

Dated: July 12, 2023.

On motion of Mr. Ackerman, seconded by Mr. Russell, Report and Resolution No. 213 sponsored by the Committee on Ways & Means amending budget in the Department of Social Services was handed up; voted on and adopted by voice vote:

For: Ayes (13). Against: None.

Absent: Gaworecki, Johnson, Stephens, Keeler (4).



HERKIMER COUNTY LEGISLATURE

No. 213

REPORT AND RESOLUTION AMENDING BUDGET IN THE DEPARTMENT OF SOCIAL SERVICES

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated June 9, 2023 from the Budget Officer/Purchasing Agent, this Legislature is advised that it is necessary to amend the 2023 Budget due to an increase in expenditures; now, therefore, be it

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

A6055.3655, Daycare, State Aid	From: \$750,000 To: \$1,260,000
A6010.3610, DSS Admin., State Aid	From: \$1,470,030 To: \$1,560,030
A6055.44000, Daycare, Contracted Services	From: \$750,000 To: \$1,350,000

and, be it further

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

Dated: July 12, 2023.

On motion of Mr. Schrader, seconded by Mr. Russell, Report and Resolution No. 214 sponsored by the Committee on Ways & Means amending budget in connection with receipt of TANF Summer Youth funds was handed up; voted on and adopted by voice vote:

For: Ayes (13). Against: None.

Absent: Gaworecki, Johnson, Stephens, Keeler (4).



HERKIMER COUNTY LEGISLATURE

No. 214

REPORT AND RESOLUTION AMENDING BUDGET IN CONNECTION WITH RECEIPT OF TANF SUMMER YOUTH FUNDS

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated June 9, 2023 from the Budget Officer/Purchasing Agent, this Legislature is advised that it is necessary to amend the 2023 Budget to reflect TANF Summer Youth Program funds received from New York State; now, therefore, be it

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

<u>REVENUE ACCOUNTS</u>	<u>FROM</u>	<u>TO</u>
CD6291-4795, ET-06-23	\$0	\$167,426.00

APPROPRIATION ACCOUNTS

	<u>FROM</u>	<u>TO</u>
CD 6291, ET-06-23, ETA-TANF.10000-001 Salaries	\$0	\$ 15,000.00
CD 6291, ET-06-23, ETA-TANF.10100-022 Temp. Emp.	\$0	\$ 107,909.66
CD 6291, ET-06-23, ETA-TANF.41000-160 Supplies	\$0	\$ 600.00
CD 6291, ET-06-23, ETA-TANF.41000-205 Printing	\$0	\$ 125.00
CD 6291, ET-06-23, ETA-TANF.44000 Contracted Services	\$0	\$ 18,656.34
CD 6291, ET-06-23, ETA-TANF.44000-370 Copier	\$0	\$ 120.00
CD 6291, ET-06-23, ETA-TANF.45000 Fees for Services	\$0	\$ 150.00
CD 6291, ET-06-23, ETA-TANF.46100-759 Mileage	\$0	\$ 240 .00
CD 6291, ET-06-23, ETA-TANF.46300 Postage & Freight	\$0	\$ 250.00
CD 6291, ET-06-23, ETA-TANF.81000 Retirement	\$0	\$ 7,000.00
CD 6291, ET-06-23, ETA-TANF.83000 Social Security	\$0	\$ 7,400.00
CD 6291, ET-06-23, ETA-TANF.83500 Medicare	\$0	\$ 1,800 .00
CD 6291, ET-06-23, ETA-TANF.84000 Workman's Comp.	\$0	\$ 3,000.00
CD 6291, ET-06-23, ETA-TANF.86000 Health Insurance	\$0	\$ 5,100.00
CD 6291, ET-06-23, ETA-TANF.86500 Dental Insurance	\$0	\$ 75.00

and, be it further

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

Dated: July 12, 2023.

Dated: July 12, 2023.

On motion of Mr. Manno, seconded by Mr. Donley, Resolution No. 216 sponsored by the Committee on County Planning & Development authorizing to submit a grant application to the NYS Office of Community Renewal CDBG Program was handed up; voted on and adopted by voice vote:

For: Ayes (13). Against: None.

Absent: Gaworecki, Johnson, Stephens, Keeler (4).



HERKIMER COUNTY LEGISLATURE

No. 216

RESOLUTION AUTHORIZING TO SUBMIT A GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Sponsored by: Committee on County Planning & Development

WHEREAS, the New York State Office of Community Renewal (the “OCR”) has announced availability of funding under the CDBG program to provide grants for public infrastructure, public facilities, and planning activities; and

WHEREAS, the Project, if awarded funding, will result in substantial benefit to County residents, especially those with low-to moderate-incomes; and

WHEREAS, the County has held a public hearing on July 12, 2023 to obtain citizens’ views regarding the CDBG program as administered by OCR; now, therefore, be it

RESOLVED, that the Chairman of the Legislature is hereby authorized to submit a grant application on behalf of the County in an amount not to exceed \$50,000 to the OCR; and, be it further

RESOLVED, that the Chairman of the Legislature is hereby authorized to execute a grant agreement between the County and the OCR and all related documents associated with the OCR grant, including entering into a grant agreement with the Herkimer County IDA for the implementation of the Project, all such documents to be subject to review and approval by the County Attorney; and, be it further

RESOLVED, that the Chairman of the Legislature is hereby designated as the Certifying Officer responsible for all activities associated with the federal environmental review process to be completed in conjunction with the Project; and, be it further

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

Dated: July 12, 2023.

On motion of Mr. Weakley, seconded by Mr. Ackerman, Report and Resolution No. 217 sponsored by the Committee on County Planning & Development concerning lead agency status and adopting environmental review for Community Development Block Grant for Herkimer County housing study was handed up; voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Gaworecki, Johnson, Stephens, Keeler (4).



HERKIMER COUNTY LEGISLATURE

No. 217

REPORT AND RESOLUTION CONCERNING LEAD AGENCY STATUS AND ADOPTING ENVIRONMENTAL REVIEW FOR COMMUNITY DEVELOPMENT BLOCK GRANT FOR HERKIMER COUNTY HOUSING STUDY

Sponsored by: Committee on County Planning & Development

WHEREAS, by communication of John J. Piseck, Jr., Chief Executive Officer of the Herkimer County Industrial Development Agency, a resolution is requested to authorize Herkimer County to serve as lead agency to complete appropriate state and federal environmental reviews regarding the Community Development and Block Grant (hereafter "CDBG") award of \$50,000 for a county-wide housing study; and

WHEREAS, by Resolution No. 216 of 2023, the Chairman of the Herkimer County Legislature was authorized to execute a CDBG grant agreement between the County and the Office of Community Renewal (hereafter "OCR"), certifications, and all related documents associated with the OCR grant for a Herkimer County Housing Study; and

WHEREAS, the New York State CDBG Agreement for Project No. 127564 requires environmental review pursuant to NEPA and SEQRA of the proposed project, the award of \$50,000 for a county-wide housing study; and

WHEREAS, by Resolution No. 36 of 2020, the County of Herkimer designated Vincent J. Bono, Chairman of the Herkimer County Legislature, as Certifying Officer for environmental reviews pursuant to the National Environmental Policy Act (NEPA) of 1969; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the County of Herkimer is the sole Involved Agency because the proposed project is not subject to approval of any other permitting or authorizing entities; and

WHEREAS, the project is exempt from NEPA review pursuant to 24 CFR 58.35(a) as a grant project providing assistance and funding for completion of a county-wide housing study that will gather data on current housing disparities, issues, availability, cost burdens, needs and other data to better understand the housing situation in the County and how it affects County residents, especially those with low-to-moderate income; and

WHEREAS, the County of Herkimer has caused a short form Environmental Assessment Form (“EAF”) to be completed for the proposed grant funding for a housing study to assess the above areas; and

WHEREAS, the Herkimer County Legislature has reviewed the Short Form EAF Part 1 and Part 2 for the proposed project and has identified and taken a hard look at the relevant areas of environmental concern; now, therefore, be it

RESOLVED, that the Chairman of the Herkimer County Legislature be authorized to certify that the proposed project is categorically exempt from NEPA review and any further NEPA certifications; and, be it further

RESOLVED, that the County of Herkimer assumes lead agency status pursuant to SEQRA with respect to the review of the proposed housing study; and, be it further

RESOLVED, that the action be classified as a Type II action pursuant to SEQRA; and, be it further

RESOLVED, that the County of Herkimer, having reviewed the Short Form Environmental Assessment Form, makes a determination of significance of a negative declaration and that the proposed action will not result in any significant adverse environmental impacts and hereby adopts the annexed Negative Declaration; and, be it further

RESOLVED, that certified copies of the resolution be sent to the Herkimer County Industrial Development Agency and the Office of Community Renewal.

Dated: July 12, 2023.

On motion of Mr. Ackerman, seconded by Mr. Donley, Report and Resolution No. 218 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means authorizing amendment to contract for food service management at Herkimer County Correctional Facility was handed up; voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Gaworecki, Johnson, Stephens, Keeler (4).



HERKIMER COUNTY LEGISLATURE

No. 218

REPORT AND RESOLUTION AUTHORIZING AMENDMENT TO CONTRACT FOR FOOD SERVICE MANAGEMENT AT HERKIMER COUNTY CORRECTIONAL FACILITY AND AMENDING RESOLUTION NO. 103 OF 2020

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

WHEREAS, by Resolution No. 103 of April 1, 2020, the Herkimer County Legislature authorized an agreement for food service management with Trinity Services Group, Inc., 477 Commerce Blvd., Oldsmar, Florida 34677 for the new County Correctional Facility; and

WHEREAS, Herkimer County entered into an agreement with Trinity Services Group, Inc. for management of the entire kitchen at the County Correctional Facility, including employees, meals, supplies and cleaning for a period of five years beginning on June 1, 2020, with the option of two (2) one (1) year extensions, including a CPI increase in years 2, 3, 4, and 5 not to exceed 2% and a ninety (90) day termination clause; and

WHEREAS, by letter dated July 6, 2023, Herkimer County Sheriff Scott F. Scherer, requested consideration of an amendment to the contract with Trinity Services Group and an amendment to Resolution No. 103 of 2020 to state “ for a period of five (5) years with the option of two (2) one (1) year extensions”, due to a typo; and

WHEREAS, by letter dated May 3, 2023, Trinity Services Group, Inc. reported significant inflation in costs of goods and services, unstable shipping/fuel costs, rising wages and labor shortages resulting in financial losses to Trinity with prices per meal not keeping pace with actual costs; and

WHEREAS, Trinity Services Group, Inc. requested continuation of the 2% contracted increase in meal prices plus an additional \$0.20 surcharge for each meal served, effective on June 1, 2023; and

WHEREAS, after weighing the quality of services provided by Trinity Services Group, Inc. inflationary trends, costs per meal, and contract provisions, the Herkimer County Legislature authorized the requested increase; now, therefore, be it

RESOLVED, that the Chairman of the Legislature is authorized to sign an amendment to the contract with Trinity Food Services Group, Inc. to authorize continuation of the 2% contractual increase in meal prices plus an additional \$0.20 surcharge for each meal served, effective to June 1, 2023; and, be it further

RESOLVED, that Resolution No. 103 of 2020 be amended to state “for a period of five (5) years with the option of two (2) one (1) year extensions”; and, be it further

RESOLVED, that the Herkimer County Sheriff will monitor costs per meal at the Herkimer County Correctional Facility quarterly to determine value of the surcharge and to determine whether it can be decreased or eliminated as conditions improve; and, be it further

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

Dated: July 12, 2023.

On motion of Mr. Weakley, seconded by Mr. Campione, Report and Resolution No. 219 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means authorizing agreement with Newport Telephone Company to exchange services was handed up; voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Gaworecki, Johnson, Stephens, Keeler (4).



HERKIMER COUNTY LEGISLATURE

No. 219

REPORT AND RESOLUTION AUTHORIZING AGREEMENT WITH NEWPORT TELEPHONE COMPANY TO EXCHANGE SERVICES

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

WHEREAS, Herkimer County is the recipient of grant funding from Homeland Security and Emergency Services in the form of SICG Formula grant funds (Contract #C197760) to enter into a non-competitive procurement contract with NTCNet (Newport Telephone Company) for installation of fiber network connection between the Dairy Hill Tower and the Honey Hill Tower; and

WHEREAS, NTCNet has proposed to provide Herkimer County a fiber connection at the Dairy Hill Tower free of charge in exchange for placing a receiving antenna on a pole to be placed on the Dairy Hill Tower site by NTCNet; and

WHEREAS, the antenna placed by NTCNet on the NTCNet pole located on the Dairy Hill Tower site will be a receiving antenna only with no impact on County communications and minimal usage of electricity; and

WHEREAS, the value of the antenna placement is comparable to the value received by the County for installation of a free fiber optic line from Dairy Hill Tower to Honey Hill Tower; and

WHEREAS, said exchange arrangement has been approved by the Public Safety Grants Representative of the NYS Division of Homeland Security and Emergency Services, Grants Program Administration; now, therefore, be it

RESOLVED, that the Chairman be authorized to enter into a five year agreement with NTCNet authorizing the above exchange of services, upon approval of the Herkimer County Attorney; and, be it further

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

Dated: July 12, 2023.

On motion of Mr. Schrader, seconded by Mr. Malta, Report and Resolution No. 220 sponsored by the Committee on County Properties authorizing grant application for restoration and rehabilitation of the exterior façade of the Historic 1834 Jail was handed up; voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Gaworecki, Johnson, Stephens, Keeler (4).



HERKIMER COUNTY LEGISLATURE

No. 220

REPORT AND RESOLUTION AUTHORIZING GRANT APPLICATION FOR RESTORATION AND REHABILITATION OF THE EXTERIOR FAÇADE OF THE HISTORIC 1834 JAIL

Sponsored by: Committee on County Properties

WHEREAS, by Resolution No. 215 of 2018, dated June 13, 2018, this Legislature extended a lease agreement with The Friends of Historic Herkimer County for the 1834 Jail premises for the period from December 1, 2018 through November 30, 2023; and

WHEREAS, The Friends of Historic Herkimer County will submit a 2023 Consolidated Funding Application for a grant of up to \$380,000 for the project "Historic Herkimer Jail Restoration & Tourism Development Project Phase II Exterior Restoration" which would

encompass the restoration and the rehabilitation of the exterior façade of the Historic 1834 Jail; and

WHEREAS, all contracts for repair and improvement of the premises are subject to the approval of the County of Herkimer and are also subject to the requirements of the New York State General Municipal Law in connection with competitive bidding; now, therefore, be it

RESOLVED, that the Herkimer County Legislature authorizes the above described application for grant funding and further authorizes the Chairman of this Legislature to issue a letter so indicating, and that the County of Herkimer shall sign the above described preservation covenant in the event that the grant is awarded and accepted; and, be it further

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

Dated: July 12, 2023.

On motion of Mr. Campione, seconded by Mr. Russell, Report and Resolution No. 221 sponsored by the Committee on Ways & Means authorizing retainer of litigation counsel for NYC legal actions concerning housing of migrants was handed up; voted on and adopted by voice vote:

For: Ayes (13). Against: None.

Absent: Gaworecki, Johnson, Stephens, Keeler (4).



HERKIMER COUNTY LEGISLATURE

No. 221

REPORT AND RESOLUTION AUTHORIZING RETAINER OF LITIGATION COUNSEL FOR NEW YORK CITY LEGAL ACTIONS CONCERNING HOUSING OF MIGRANTS

Sponsored by: Committee on Ways & Means

WHEREAS, by letter dated June 26, 2023, Attorney Brian S. Sokoloff., Esq, of Sokoloff Stern, LLP, 179 Westbury Avenue, Carle Place, New York 11514 has described the services he can provide in connection with *The City of New York, et al. v. County of Rockland, et al.*, Index Number 4513682-23, this is an Order to Show Cause and hybrid Article 78 proceeding and declaratory judgment action brought by New York City against 31 municipalities in relation to New York City's actions in housing migrants; and

WHEREAS, New York City seeks a ruling that the municipal actions were illegal and for

attorney fees; and

WHEREAS, the retainer letter of Attorney Sokoloff describes the terms by which his firm's services would be retained at the rate of \$260/hour for partners, \$240.00 for associates, and \$110/hour for paralegal time, with travel time to be billed at the above rates and that the County will pay cost of disbursements/expenses of the Sokoloff Stern LLP law firm; and

WHEREAS, it is anticipated that Dutchess, Schoharie, Greene, Orleans, Otsego, Chautauqua, Genesee, Wyoming, Broome, Delaware, Chemung, Rensselaer, Cayuga, Tioga, Sullivan, Fulton, and Herkimer Counties will jointly retain Sokoloff Stern LP, the retainer provides that the counties will each pay a share of the billings for this matter; and

WHEREAS, the Committee on Ways & Means has recommended an initial cap on payments of \$5,000.00, with further authorization to be required for additional legal expenditures; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute the retainer letter dated June 26, 2023, regarding the above described litigation; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Auditor, Budget Officer, County Attorney, and Brian S. Sokoloff, Sokoloff Stern LLP.

Dated: July 12, 2023.

On motion of Mr. Donley, seconded by Mr. Malta, Report and Resolution No. 222 sponsored by the Committee on County Planning & Development appointing Herkimer County Executive Director – Youth Bureau was handed up; voted on and adopted by voice vote:

For: Ayes (13). Against: None.

Absent: Gaworecki, Johnson, Stephens, Keeler (4).

Rachel Case thanked the Legislature for the appointment.



HERKIMER COUNTY LEGISLATURE

No. 222

REPORT AND RESOLUTION APPOINTING HERKIMER COUNTY EXECUTIVE DIRECTOR – YOUTH BUREAU

Sponsored by: Committee on County Planning & Development

WHEREAS, Gina Giacobelli submitted her resignation effective April 1, 2023; and

WHEREAS, it is the recommendation of the County Planning & Development Committee to appoint Rachael Case of Herkimer, NY to the position of Executive Director – Youth Bureau; now, therefore, be it

RESOLVED, that Rachael Case of Herkimer, NY, be, and she hereby is, appointed as Executive Director – Youth Bureau, effective July 31, 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 Rachael Case.

Dated: July 12, 2023.

On motion of Mr. Manno, seconded by Mr. Russell, Report and Resolution No. 223 sponsored by the Committee on Education and the Committee on Ways & Means committing funding to Herkimer County Community College for capital projects was handed up; voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Gaworecki, Johnson, Stephens, Keeler (4).



HERKIMER COUNTY LEGISLATURE

No. 223

REPORT AND RESOLUTION COMMITTING FUNDING TO HERKIMER COUNTY COMMUNITY COLLEGE FOR CAPITAL PROJECTS

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

WHEREAS, by letter dated June 27, 2023 from Nicholas F. Laino, Officer in Charge/ Senior Vice President for Administration and Finance at Herkimer County Community College, this Legislature is advised of a request for a commitment of funds for up to \$12,113,646 for the following capital projects:

Technology Center Chiller	\$ 265,000.00
Physical Education Roof	\$2,397,775.50
Softball Field	\$1,794,223.00
Baseball Field	\$2,303,541.50
Parking Lot Repaving	\$3,865,931.50
Locker Room Renovation	\$1,337,110.50
Training Room Renovation	\$ 150,064.00

now, therefore, be it

RESOLVED, that with the recommendation of your committees, Herkimer County will commit funding up to \$12,113,646 for the County Share to Herkimer College for the above listed projects; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, and Officer in Charge/ Senior Vice President for Administration and Finance at Herkimer County Community College.

Dated: July 12, 2023.

On motion of Mr. Weakley, seconded by Mr. Donley, Report and Resolution No. 224 sponsored by the Committee on County Planning & Development and the Committee on Ways & Means awarding bids for broadband, amending the budget, creating accounts, creating projects, and appropriating funds was handed up; voted on and adopted by roll call vote:

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

Against: None.

Absent: Gaworecki, Johnson, Stephens, Keeler (4).



HERKIMER COUNTY LEGISLATURE

No. 224

REPORT AND RESOLUTION AWARDING BIDS FOR BROADBAND, AMENDING THE BUDGET, CREATING ACCOUNTS, CREATING PROJECTS, AND APPROPRIATING FUNDS

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

WHEREAS, by letter dated June 30, 2023, from James W. Wallace, Jr., County Administrator, he has advised that bids were received for two broadband projects; and

WHEREAS, it is the recommendation of your committees to award a contract to Adirondack Techs, P.O. Box 121, Gabriels, NY 12939 in the amount of \$228,527 for the South Shore project and award a contract to Newport Telephone, Bridge Street, Newport, NY 13416 in the amount of \$300,481 for the Gravesville, Plumb, and Reservoir section of the project, and Hunt Engineer/Architects/Surveyors, 4 Commercial Street, Suite 300, Rochester, NY 14614 in the amount of \$14,800 which includes \$9,800 for consulting fees and up to \$5,000 for project related disbursements; and

WHEREAS, by letter dated July 6, 2023 from Sheri Ferdula, Budget Officer/Purchasing Agent has advised that an appropriation of funds, creation of accounts, creation of projects, and a budget amendment to the 2023 Budget will be necessary to move ahead with the broadband project, hire a consultant and account for federal grant funding; now, therefore, be it

RESOLVED, that the Legislature of Herkimer County approves the creation of accounts, an appropriation of funds, and a budget amendment be authorized as follows:

Revenue:		
A6989.4089B, Broadband, Federal Aid, Proj: 60-1		\$228,527
Expense:		
A6989.44000, Broadband, Contracted Services, Proj: 60-1		\$228,527
Revenue:		
A6989.4089B, Broadband, Federal Aid, Proj: 60-2		\$271,473
Expense:		
A6989.44000, Broadband, Contracted Services, Proj: 60-2		\$271,473
Appropriation:		
\$44,168	From: A1990.46000, Contingent Fund, Miscellaneous Expense	
	To: A6989.44000, Broadband, Contracted Services, Proj: 60-2	

and, be it further

RESOLVED, that the Herkimer County Legislature hereby awards bids for two broadband projects to Adirondack Techs, in the amount of \$228,527 for the South Shore project and to Newport Telephone, in the amount of \$300,481 for the Gravesville, Plumb, and Reservoir section of the project, and Hunt Engineer/Architects/Surveyors, in the amount of \$14,800 which includes \$9,800 for consulting fees and up to \$5,000 for project related disbursements; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Adirondack Techs, Newport Telephone, and Hunt Engineer/Architects/Surveyors.

Dated: July 12, 2023.

Chairman Bono stated that pursuant to Rule 6(12) they would proceed with comments by Legislators. There were no comments.

At 2:24 p.m. on motion of Mr. Manno, seconded by Mr. Donley, the Legislature adjourned to Wednesday, August 9, 2023 at 7:00 p.m., with a Public Hearing on the HCCC Budget at 6:15 p.m., a Public Hearing on Introductory Local Law C at 6:17 p.m., a Public Hearing on Introductory Local Law D at 6:19 p.m., a Public Hearing on CDBG Cares Grant (Part 2) at 6:21 p.m., and a Public Hearing on CDBG Microenterprise at 6:23 p.m.

Jennifer L. Williams, Deputy Clerk