

SPECIAL SESSION
Herkimer County Legislature
Third Quarter – Second Day
Friday, July 21, 2023
9:25 a.m.

The Special Session of the Herkimer County Legislature was called to order by Chairman Vincent J. Bono at 9:25 a.m.

Chairman Bono called on Nicole Wilson, Employment & Training Director, to lead the Legislature in the Pledge of Allegiance.

Chairman Bono requested everyone to remain standing for a moment of silence in recognition and honor of all the current and past veterans of Herkimer County.

The Clerk called the roll, the following answered:

Present: Malta, Gaworecki, Schrader, Hollum Stephens, Swartz, Bono, Donley, Campione, Shaw, Weakley (11).

Absent: Johnson, Keeler, Brezinski, Manno, Ackerman, Russell (6).

Quorum present.

The Clerk read the Notice of the Special Session.

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. 291 – A communication was received from the Chairman of the Legislature requesting Special Session. Filed.

No. 292 – A communication was received from the Personnel Officer requesting appointment of Employment & Training Director II. Referred to the Committee on County Planning & Development.

On motion of Mr. Shaw, seconded by Mr. Schrader, Resolution No. 225 sponsored by the Committee on Administration/Veterans' Affairs urging the Governor to veto A.04282B/S.3505B to move certain local elections to even-numbered years was handed up; voted on and adopted by voice vote:

For: Ayes (11).

Against: None.

Absent: Johnson, Keeler, Brezinski, Manno, Ackerman, Russell (6).

Mr. Ackerman and Mr. Russell were marked present.

Chairman Bono requested the clerk recall the roll.

The Clerk called the roll, the following answered:

Present: Malta, Gaworecki, Schrader, Hollum Stephens, Swartz, Bono, Ackerman Donley, Campione, Russell Shaw, Weakley (13).

Absent: Johnson, Keeler, Brezinski, Manno (4).



HERKIMER COUNTY LEGISLATURE

No. 225

RESOLUTION URGING THE GOVERNOR TO VETO A.04282B/S.3505B TO MOVE CERTAIN LOCAL ELECTIONS TO EVEN-NUMBERED YEARS

Sponsored by: Committee on Administration/Veterans' Affairs

WHEREAS, the Herkimer County Legislature believes that increasing participation in the election process and reducing costs of government operations is good for our republic; and

WHEREAS, Assembly Member Amy Paulin and State Senator James Skoufis reintroduced legislation that would move local elections to even-number years during the 2023 legislative session; and

WHEREAS, versions of this legislation were introduced in previous years and failed to reach the floor for a vote due to lack of support; and

WHEREAS, after the 2022 session concluded, the bill sponsor indicated that hearings would be held on the proposal through the Election Committee process; however, there were no hearings held; and

WHEREAS, the legislation passed in the middle of the night on the last days of the legislative session which is counter to the idea of an open and transparent government; and

WHEREAS, the Herkimer County Legislature has several concerns with this bill; and

WHEREAS, this legislation usurps the Home Rule powers reserved by local governments and protected by the Constitution of the State of New York, raising questions of legality and constitutional authority; and

WHEREAS, local municipalities have had the ability to change their elections to even-number years for decades, and chose not to do so; and

WHEREAS, we believe that establishing the schedule of local elections is the right of the local government, and has been for more than 100 years; and

WHEREAS, The Assembly Bill sponsor indicated that she had not received any messages of support for this proposal from any of the 57 Counties and 933 Towns across New York State impacted by this legislation; and

WHEREAS, this legislation excludes more than half of all New Yorkers who vote in cities and villages from the changes to election law, creating an inequity among New York voters; and

WHEREAS, this legislation unfairly excludes the elections to offices in New York City and all other cities and villages in New York State, as well as certain offices within all counties and towns; and

WHEREAS, the proposed legislation circumvented the legislative committee process during this session, limiting public input and understanding of the impacts; and

WHEREAS, there has been no financial analysis or operational analysis of the impacts on local Boards of Elections; and

WHEREAS, there are concerns that the current election and ballot counting technology would not be able to adequately meet the demands of the significantly increased ballot size; and

WHEREAS, this will create confusion amongst voters in towns and counties across New York State; and

WHEREAS, separating the elections affords voters more time and focus to better understand important local issues and provides candidates the appropriate platforms to explain their stance on issues without having to compete against national and state level campaigns; and

WHEREAS, moving local elections to even-numbered years would increase the cost of campaigns for local office, reducing the number of candidates willing to invest funds into their own campaign, because the cost of media will increase to compete with national and state level campaign advertisements, and

WHEREAS, there are significant legal and constitutional questions regarding the legality of this measure that have not been adequately addressed; now, therefore, be it

RESOLVED, that this Herkimer County Legislature urges the Governor to oppose this legislation and utilize her veto authority to reject this proposal; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Governor Kathy Hochul, Senate Majority Leader Andrea Stewart Cousins, Assembly Speaker Carl Heastie, Senate Minority Leader Robert Ort, Assembly Minority Leader William Barclay, Assembly Bill

Sponsor Amy Paulin, Senate Bill Sponsor James Skoufis, Assemblyman Brian Miller, Assemblyman Robert Smullen, Senator Mark Walczyk, Senator Joseph A. Griffo, and New York State Association of Counties.

Dated: July 21, 2023.

On motion of Mr. Malta, seconded by Mr. Donley, Report and Resolution No. 226 sponsored by the Committee on County Planning & Development appointing Employment & Training Director II was handed up; voted on and adopted by voice vote:

For: Ayes (13). Against: None.

Absent: Johnson, Keeler, Brezinski, Manno (4).

Nicole Wilson thanked the Legislature for the appointment.



HERKIMER COUNTY LEGISLATURE

No. 226

REPORT AND RESOLUTION APPOINTING EMPLOYMENT & TRAINING DIRECTOR II

Sponsored by: Committee on County Planning & Development

WHEREAS, by letter dated July 18, 2023, Karin Piseck has submitted her resignation effective July 22, 2023; and

WHEREAS, it is the recommendation of the County Planning & Development Committee to appoint Nicole Wilson of Frankfort, NY to the position of Employment & Training Director II, effective July 24, 2023, at an annual base pay rate of \$57,000; now, therefore, be it

RESOLVED, that Nicole Wilson, be, and she hereby is, appointed as Employment & Training Director II, effective July 24, 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 Nicole Wilson.

Dated: July 21, 2023.

On motion of Mr. Campione, seconded by Mr. Gaworecki, Resolution No. 227 sponsored by the Committee on Ways & Means setting date for public hearing on Introductory Local Law E for 2023 was handed up; voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Johnson, Keeler, Brezinski, Manno (4).



HERKIMER COUNTY LEGISLATURE

No. 227

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

Sponsored by: Committee on Ways and Means

WHEREAS, the Committee on Ways and Means of the Herkimer County Legislature are causing to be prepared and will present Introductory Local Law E for the year 2023 entitled, "A LOCAL LAW TO IMPOSE A MORTGAGE RECORDING TAX WITHIN THE COUNTY OF HERKIMER"; 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 Ways and Means on the 9th day of August, 2023 at 6:25 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 pursuant to law.

Dated: July 21, 2023.

On motion of Mr. Gaworecki, seconded by Mr. Schrader, this Special Session of the Herkimer County Legislature was adjourned at 9:29 a.m.