

**MINUTES**  
**Herkimer County Legislature**  
**Third Quarter –Third Day**  
**Wednesday, August 9, 2023**  
**7:00 p.m.**

**Public Hearing**

The Public Hearing on the 2023-2024 tentative Herkimer County Community College Budget was called to order at 6:15 p.m. by Peter F. Manno, Chairman of the Committee on Education. The Clerk read the Notice. There were no speakers and the hearing was declared closed at 6:16 p.m.

**NOTICE OF HEARING**  
**ON TENTATIVE COLLEGE BUDGET**

**NOTICE IS HEREBY GIVEN** that the County Legislature of the County of Herkimer, New York, will meet in the Legislature Chambers at 6:15 p.m. on the 9<sup>th</sup> day of August, 2023 for the purpose of holding a public hearing on the tentative budget of Herkimer County Community College for the fiscal year September 1, 2023 through August 31, 2024.

**FURTHER NOTICE IS HEREBY GIVEN** that copies of said tentative budget are available at the office of the Clerk of the Herkimer County Legislature, 109 Mary Street, Suite 1310, Herkimer, New York, where they may be procured by any interested person during business hours.

By Order of the Herkimer County Legislature

Dated: July 31, 2023.

Brittney R. Viscomi, Clerk

**Public Hearing**

The Public Hearing on Introductory Local Law C for 2023 was called to order at 6:17 p.m. by Legislator Mark Gaworecki, Chairman of the County Properties Committee. The Clerk read the notice of the Public Hearing. Legislator Gaworecki then asked if there was anyone wishing to speak on the local law. There were no requests to speak and the hearing was declared closed at 6:17 p.m.

Brittney R. Viscomi, Clerk  
Herkimer County Legislature

## LEGAL NOTICE

NOTICE IS HEREBY GIVEN that there has been presented to the County Legislature of the County of Herkimer, State of New York, on the 12<sup>th</sup> day of July, 2023, Introductory Local Law C for the year 2023 entitled, "A LOCAL LAW TRANSFERRING LAND".

NOTICE IS FURTHER GIVEN that the County Legislature of the County of Herkimer will hold a public hearing on the aforesaid proposed Local Law, to be conducted by the Committee on County Properties. The Public Hearing will be held in the Legislative Chambers at the County Office Building, 109 Mary Street, Herkimer, New York, on the 9<sup>th</sup> day of August, 2023 at 6:17 p.m. at which time all persons interested will be heard.

Dated: July 31, 2023.

By Order of the Herkimer County Legislature

### Public Hearing

The Public Hearing on Introductory Local Law D for 2023 was called to order at 6:19 p.m. by Legislator Kurt Ackerman, Chairman of the County Planning & Development Committee. The Clerk read the notice of the Public Hearing. Legislator Ackerman then asked if there was anyone wishing to speak on the local law. There were no requests to speak and the hearing was declared closed at 6:19 p.m.

Brittney R. Viscomi, Clerk  
Herkimer County Legislature

## NOTICE

NOTICE IS HEREBY GIVEN that there has been presented to the County Legislature of the County of Herkimer, State of New York, on the 12<sup>th</sup> day of July, 2023, Introductory Local Law D for the year 2023 entitled, "A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF 1963, A LOCAL LAW ESTABLISHING A PLANNING BOARD FOR THE COUNTY OF HERKIMER."

NOTICE IS FURTHER GIVEN that the County Legislature of the County of Herkimer will hold a public hearing on the aforesaid proposed Local Law, to be conducted by the Committee on County Planning & Development. The Public Hearing will be held in the Legislative Chambers at the County Office Building, 109 Mary Street, Herkimer, New York, on the 9<sup>th</sup> day of August, 2023 at 6:19 p.m. at which time all persons interested will be heard.

Dated: July 31, 2023.

By Order of the Herkimer County Legislature

## **Public Hearing**

The second (performance) Public Hearing to report project accomplishments relating to Herkimer County's previously funded Community Development Block Grant (CDBG) CARES (CV) for the \$500,000 award was called to order by Legislator Kurt Ackerman, Chairman of the County Planning & Development Committee, at 6:21 p.m. Legislator Ackerman asked the Clerk of the Legislature to call the roll of Legislators. The Clerk called the roll, the following answered: Gaworecki, Schrader, Hollum, Johnson, Stephens, Brezinski, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (15). Quorum present. Legislator Ackerman asked the Clerk to read the Notice of Public Hearing. The Clerk read the Notice. Legislator Ackerman asked that any person wishing to speak to rise, state their name and address and limit comment to five minutes. There were no comments. The hearing was declared closed at 6:23 p.m.

Brittney R. Viscomi, Clerk  
Herkimer County Legislature

## **LEGAL NOTICE**

### **HERKIMER COUNTY NOTICE OF PUBLIC HEARING**

Herkimer County will hold a public hearing on August 9, 2023 at 6:21 p.m., in the Legislature Chambers, 109 Mary Street, Herkimer, NY, for the purpose of hearing public comments on Herkimer County's previously funded Community Development Block Grant (CDBG) CARES (CV) application for program year 2020 that was awarded \$500,000.

New York State Homes and Community Renewal (HCR) is administering over \$127 Million in CDBG CV funding and made funds available to eligible local governments for housing, economic development, public facilities, public infrastructure, and planning activities, with the principal purpose of benefitting low/moderate income persons. Herkimer County applied for and was awarded \$500,000 in CDBG CV funds to support microenterprises as well as small businesses with fewer than 25 employees that have been impacted by the pandemic and that have been unable to access other state and federal resources. The hearing will provide further information on the performance and results of the CDBG CV funded program. Comments on the CDBG CV program 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 August 9, 2023, to:

Brittney R. Viscomi, Clerk

Herkimer County Legislature  
109 Mary Street, Suite 1310  
Herkimer, NY 13350.

Dated: July 31, 2023.

### **Public Hearing**

The Public Hearing regarding the submission of an application to the CDBG Economic Development Program for funding under the CDBG Open Round Economic Development, Small Business, and Microenterprise program to reinvest in its Microenterprise Grant Program to the New York State Office of Homes and Community Renewal was called to order by Kurt J. Ackerman, Legislator and Chairman of the County Planning & Development Committee, at 6:23 p.m. Legislator Ackerman asked the Clerk of the Legislature to call the roll of Legislators. The Clerk called the roll, the following answered: Gaworecki, Schrader, Hollum, Johnson, Stephens, Brezinski, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (15). Quorum present. Legislator Ackerman asked the Clerk to read the Notice of Public Hearing. The Clerk read the Notice. Legislator Ackerman asked that any person wishing to speak state their name and address and limit comment to five minutes. There were no comments. The hearing was declared closed at 6:25 p.m.

Brittney R. Viscomi, Clerk  
Herkimer County Legislature

### LEGAL NOTICE

#### HERKIMER COUNTY NOTICE OF PUBLIC HEARING

Herkimer County will hold a public hearing on August 9, 2023 at 6:23 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) applications for the 2023 CDBG funding program year.

The CDBG program is administered by the New York State Office of Community Renewal (OCR), and will make available to eligible local governments approximately \$15 million for the current program year for housing, economic development, public facilities, public infrastructure, and planning activities, with the principal purpose of benefitting low- to moderate-income persons. Herkimer County, upon approval of the County Legislature, intends to submit an application for funding under the CDBG Open Round Economic Development, Small Business, and Microenterprise program to reinvest in its Microenterprise Grant Program. 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 August 9, 2023, to:

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

Dated: July 31, 2023.

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

Chairman Bono called on Erin Meeker, Coach of the Poland Central School Girls Varsity Softball Team 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, Stephens, Brezinski, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (16).

Absent: Keeler (1).

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 July 12, 2023 and July 21, 2023. There were none, and the Chairman ordered them approved.

At this time Chairman Bono called on Legislator William Weakley for the presentation of a proclamation. Mr. Weakley read the proclamation which proclaimed Thursday, August 10, 2023 as "Poland Girls Varsity Softball Day". He presented the proclamation to Coach Erin Meeker, Assistant Coach Edward Zuchowski, and the rest of the team for their accomplishments.

Pursuant to Rule 11, Chairman Bono opened the floor for public comment. There were no appearances.

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. 293 – A communication was received from Senator Mark C. Walczyk acknowledging receipt of Resolution No. 193. Filed.

No. 294 – A communication was received from the Capital District OTB submitting financial report for January, February, and March 2023. Filed.

No. 295 – A communication was received from the Herkimer County Soil & Water Conservation District advising of monthly meeting. Filed.

No. 296 – A communication was received from Senator Joseph A. Griffo acknowledging receipt of letter outlining concerns with legislation that would move many town and county elections to even-number years. Filed.

No. 297 – A communication was received from the Solid Waste Authority submitting resolutions and minutes. Filed.

No. 298 – A communication was received from Senator Mark C. Walczyk acknowledging receipt of Resolution No. 225. Filed.

No. 299 – A communication was received from the Probation Director submitting resignation. Filed.

No. 300 – A communication was received from the Sheriff submitting May 2023 Monthly Report. Referred to the Committee on Public Safety & Emergency Management.

No. 301 – A communication was received from the Director of Emergency Services requesting electrical work at the 911 Center. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 302 – A communication was received from the County Attorney requesting Local Law for the transfer of land. Referred to the Committee on County Properties.

No. 303 – A communication was received from the Personnel Officer requesting adoption of the 2024 Herkimer County Self Insured Plan Budget. Referred to the Committee on Ways & Means.

No. 304 – A communication was received from the Budget Officer/Purchasing Agent requesting payment in connection with American Rescue Plan funding. Referred to the Committee on Ways & Means.

No. 305 – A communication was received from the Budget Officer/Purchasing Agent requesting appropriation in the Sheriff's Department. Referred to the Committee on Ways & Means.

No. 306 – A communication was received from the Sheriff requesting renewal of contract for boat storage. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 307 – A communication was received from the Commissioners of Elections requesting extension of grant. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 308 – A communication was received from the Commissioners of Elections requesting extension of grant. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 309 – A communication was received from the Herkimer County Soil & Water Conservation District – Submitting letter received for appointment of Director. Referred to the Committee on Natural Resources.

No. 310 – A communication was received from the Commissioners of Elections requesting extension of grant. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 311 – A communication was received from the Commissioners of Elections requesting extension of grant. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 312 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer in the Sheriff's Department. Referred to the Committee on Ways & Means.

No. 313 – A communication was received from the Budget Officer/Purchasing Agent requesting creation of account and budget amendment in connection with Veterans' Peer Support Program. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 314 – A communication was received from the Budget Officer/Purchasing Agent requesting to award bid for a SCADA System in the Sewer District. Referred to the Committee on Natural Resources and the Committee on Ways & Means.

No. 315 – A communication was received from the Personnel Officer requesting amendment to Salary Schedule No. II in Public Health. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 316 – A communication was received from the Personnel Officer requesting amendment to Salary Schedule No. V in the Sheriff's Department. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 317 – A communication was received from the Director of Office for the Aging requesting amendment to contract in connection with Home Delivered Meals in the West Winfield area. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 318 – A communication was received from the Commissioners of Elections requesting extension of grant. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 319 – A communication was received from HCCC submitting 2023-2024 Budget Presentation. Referred to the Committee on Education and the Committee on Ways & Means.

No. 320 – A communication was received from the Director of Public Health requesting amendment to contract with James McGuinness and Associates. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 321 – A communication was received from the Director of Public Health requesting contract with JC Logistics. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 322 – A communication was received from the County Treasurer requesting MOU with the Herkimer County Historical Society in connection with historical tax records. Referred to the Committee on Ways & Means.

No. 323 – A communication was received from the Director of Emergency Services requesting signature of agreement for mass notification system. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 324 – A communication was received from the County Property Agent submitting Land Auction Results. Referred to the Committee on County Properties.

No. 325 – A communication was received from the Budget Officer/Purchasing Agent requesting to reject bid, authorize rebidding for 911 facility, and appropriation of funds. Referred to the Committee on County Properties and the Committee on Ways & Means.

No. 326 – A communication was received from the Budget Officer/Purchasing Agent requesting to award bids and appropriate funds for the remodel of the 108 Court Street Building. Referred to the Committee on County Properties 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. Ackerman, seconded by Mr. Shaw, Resolution No. 228 – Resolution No. 233 were handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).

**Consent Agenda:**

- 228 NAT. RESOURCES: Appointing Director to Herkimer County Soil & Water Conservation District
- 229 ADMIN./VETS. AFFAIRS, WAYS & MEANS: Extending contract for grant for BOE
- 230 ADMIN./VETS. AFFAIRS, WAYS & MEANS: Extending contract for grant for BOE
- 231 ADMIN./VETS. AFFAIRS, WAYS & MEANS: Extending contract for grant for BOE
- 232 ADMIN./VETS. AFFAIRS, WAYS & MEANS: Extending contract for grant for BOE
- 233 ADMIN./VETS. AFFAIRS, WAYS & MEANS: Extending contract for grant for BOE



**HERKIMER COUNTY LEGISLATURE**

No. 228

**REPORT AND RESOLUTION APPOINTING DIRECTOR TO THE HERKIMER COUNTY SOIL AND WATER CONSERVATION DISTRICT**

**Sponsored by: Committee on Natural Resources**

WHEREAS, Resolution No. 302 of 2021 appointed Stacy Collins as Director of the Herkimer County Soil and Water Conservation District, with a term to expire December 31, 2022; and

WHEREAS, by communication dated June 30, 2023, the Millers Mills Grange #581 has notified this Legislature of their recommendation for the position of Director of the Herkimer County Soil and Water Conservation District, pursuant to Sections 6 and 7 of the Soil and Water Conservation District Law; now, therefore, be it

RESOLVED, that Bill Zaleski, West Winfield, NY, be appointed as Director of the Herkimer County Soil and Water Conservation District, with said term to expire December 31, 2025; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Soil and Water Conservation District, New York State Grange, Millers Mills Grange #581, and Bill Zaleski.

Dated: August 9, 2023.



**HERKIMER COUNTY LEGISLATURE**

No. 229

**REPORT AND RESOLUTION EXTENDING CONTRACT FOR GRANT FOR BOARD OF ELECTIONS**

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

WHEREAS, pursuant to Resolution No. 188 of 2019, this Legislature approved funding for the implementation of early voting expenses for the Board of Elections for the Localities Grant Program which will fund operational expenses such as payroll and supplies; and

WHEREAS, the Localities Grant Program was extended by Resolution No. 138 of 2021 through January 28, 2022 and by Resolution No. 197 of 2022 through January 28, 2023; and

WHEREAS, by letter dated June 26, 2023 from the Commissioners of Elections, a request is being made to allow the Chairman of the Legislature to execute a grant extension of the Localities Grant Program through January 28, 2024; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a grant extension through January 28, 2024 on behalf of the County of Herkimer for the Localities Grant Program which will fund operational expenses such as payroll and supplies; and, be it further

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

Dated: August 9, 2023.



**HERKIMER COUNTY LEGISLATURE**

No. 230

**REPORT AND RESOLUTION EXTENDING CONTRACT FOR GRANT FOR BOARD OF ELECTIONS**

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

WHEREAS, pursuant to Resolution No. 251 of 2019, this Legislature approved funding in the Board of Elections for the Capital Grant; and

WHEREAS, by letter dated June 26, 2023 from the Commissioners of Elections, a request is being made to allow the Chairman of the Legislature to execute a grant extension of the Capital Grant through January 28, 2024; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a grant extension through January 28, 2024 on behalf of the County of Herkimer for the Capital Grant Program; and, be it further

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

Dated: August 9, 2023.



## HERKIMER COUNTY LEGISLATURE

No. 231

### REPORT AND RESOLUTION EXTENDING CONTRACT FOR GRANT FOR BOARD OF ELECTIONS

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

WHEREAS, pursuant to Resolution No. 187 of 2021, this Legislature approved funding in connection with an Early Voting Expansion Grant in Board of Elections, which was extended by Resolution No. 198 of 2022; and

WHEREAS, by letter dated June 26, 2023 from the Commissioners of Elections, a request is being made to allow the Chairman of the Legislature to execute a grant extension of the Early Voting Expansion Grant through January 28, 2024; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a grant extension through January 28, 2024 on behalf of the County of Herkimer for the Early Voting Expansion Grant; and, be it further

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

Dated: August 9, 2023.



## HERKIMER COUNTY LEGISLATURE

No. 232

### REPORT AND RESOLUTION EXTENDING CONTRACT FOR GRANT FOR BOARD OF ELECTIONS

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

WHEREAS, pursuant to Resolution No. 188 of 2021, this Legislature approved funding in connection with a Technology Innovation and Election Resource Grant Program in Board of Elections; and

WHEREAS, by letter dated June 19, 2023 from the Commissioners of Elections, a request is being made to allow the Chairman of the Legislature to execute a grant extension of the Technology Innovation and Election Resource Grant Program through March 31, 2024; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a grant extension through March 31, 2024 on behalf of the County of Herkimer for the Technology Innovation and Election Resource Grant Program; and, be it further

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

Dated: August 9, 2023.



## HERKIMER COUNTY LEGISLATURE

No. 233

### REPORT AND RESOLUTION EXTENDING CONTRACT FOR GRANT FOR BOARD OF ELECTIONS

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

WHEREAS, pursuant to Resolution No. 258 of 2022, this Legislature approved funding in connection with an Absentee Ballot Pre-Paid Postage Grant in Board of Elections; and

WHEREAS, by letter dated June 19, 2023 from the Commissioners of Elections, a request is being made to allow the Chairman of the Legislature to execute a grant extension of the Absentee Ballot Pre-Paid Postage Grant through March 31, 2024; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a grant extension through March 31, 2024 on behalf of the County of Herkimer for the Absentee Ballot Pre-Paid Postage Grant; and, be it further

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

Dated: August 9, 2023.

The Chairman continued with the Regular Agenda.

On motion of Mr. Manno, seconded by Mr. Schrader, Report and Resolution No. 234 sponsored by the Committee on Education and the Committee on Ways & Means relative to the adoption of the Herkimer County Community College Budget was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Brezinski, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (16).

Against: None.

Absent: Keeler (1).



## HERKIMER COUNTY LEGISLATURE

No. 234

### REPORT AND RESOLUTION RELATIVE TO THE ADOPTION OF THE HERKIMER COUNTY COMMUNITY COLLEGE BUDGET

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

WHEREAS, the Herkimer County Legislature, having conducted a Public Hearing on the tentative budget of the Herkimer County Community College on August 9, 2023, and after hearing all parties concerning the same; now, therefore, be it

RESOLVED, that the tentative budget of the Herkimer County Community College, for the year 2023-2024, in the total amount of \$23,576,410, of which the contribution of the County of Herkimer is \$1,830,612, be adopted; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Officer In Charge at Herkimer County Community College.

Dated: August 9, 2023.

On motion of Mr. Donley, seconded by Mr. Shaw, Report and Resolution No. 235 sponsored by the Committee on Ways & Means approving 2024 annual estimate and apportionment for the Herkimer County Workers' Compensation Self-Insured Plan was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).



## HERKIMER COUNTY LEGISLATURE

No. 235

### REPORT AND RESOLUTION APPROVING 2024 ANNUAL ESTIMATE AND APPORTIONMENT FOR THE HERKIMER COUNTY WORKERS' COMPENSATION SELF-INSURED PLAN

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

WHEREAS, your Committee has received from Steven R. Billings, Personnel Officer, the 2024 Annual Estimate and Apportionment for the Herkimer County Workers' Compensation Self-Insured Plan for the purposes of tail claims run-off; and

WHEREAS, your Committee on Ways and Means has considered said Estimate and Apportionment and has approved the same; now, therefore, be it

RESOLVED, that this Legislature hereby approves the Annual Estimate and Apportionment of the Herkimer County Workers' Compensation Self-Insured Plan for the purposes of tail claims run-off for the year 2024; and, be it further

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

Dated: August 9, 2023.

On motion of Mr. Swartz, seconded by Mr. Gaworecki, Report and Resolution No. 236 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means authorizing Herkimer County to sign a NY-Alert user agreement was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).



## HERKIMER COUNTY LEGISLATURE

No. 236

### REPORT AND RESOLUTION AUTHORIZING USER AGREEMENT FOR HERKIMER COUNTY TO SIGN A NY-ALERT USER AGREEMENT

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

WHEREAS, Resolution No. 232 adopted on July 11, 2018 authorized the Chairman to execute a user agreement for the NY-Alert Program; and

WHEREAS, by letter dated July 12, 2023, John J. Raymond, Director of Emergency Services, he has advised that there have been some changes since the original was signed and has requested for the Chairman to execute an updated agreement; and

WHEREAS, NY-Alert is a free program through New York State that is being used across the state and requires a signed user agreement from the municipality; now, therefore, be it

RESOLVED, that the Chairman of the Legislature be authorized to execute by signature a user agreement for the NY-Alert Program on behalf of the County of Herkimer; 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: August 9, 2023.

On motion of Mr. Shaw, seconded by Mr. Weakley, Report and Resolution No. 237 sponsored by the Committee on Human Resources and the Committee on Ways & Means amending contract for Meals on Wheels and Congregate Meals programs for the West Winfield area was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).



## HERKIMER COUNTY LEGISLATURE

No. 237

### **REPORT AND RESOLUTION AMENDING CONTRACT FOR MEALS ON WHEELS AND CONGREGATE MEALS PROGRAMS FOR THE WEST WINFIELD AREA**

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

WHEREAS, Resolution No. 68 adopted on March 17, 2021, awarded a contract for Meals on Wheels and Congregate Meals Programs for the West Winfield area; and

WHEREAS, by letter dated July 10, 2023 from Kathy Fox, Director of the Office for the Aging, she has requested to amend the contract with Red Door Dairy Store to assign the remainder of the contract to Ludemann Enterprises LLC dba The Red Door, with all terms and conditions to remain in effect until the end of the contract period, with the only change being the

business and name change of the owner, with a period from July 1, 2023 through March 31, 2024; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby authorizes an amendment to the contract for the Meals on Wheels and Congregate Meals programs for the West Winfield area for the period of July 1, 2023 through March 31, 2024, with said contract to contain a 60 day termination of contract provision:

<b>Area:</b>	<b>Number of meals:</b>	<b>Cost:</b>
<i>West Winfield area:</i> Ludemann Enterprises LLC dba The Red Door	up to 60 meals/day \$4.00/day delivery up to \$984.00/year \$7.37/day meal packaging up to \$6,150.00 annually if meal site is closed	\$7.37/meal, up to \$108,781.20 annually

and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature is hereby authorized to execute said contract on behalf of the County of Herkimer, and with said contract 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 the Office for the Aging, and the above listed agency.

Dated: August 9, 2023.

On motion of Mr. Gaworecki, seconded by Mr. Campione, Report and Resolution No. 238 sponsored by the Committee on Ways & Means authorizing lending of certain historical tax records to the Herkimer County Historical Society was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).



## HERKIMER COUNTY LEGISLATURE

No. 238

### REPORT AND RESOLUTION AUTHORIZING LENDING OF CERTAIN HISTORICAL TAX RECORDS TO THE HERKIMER COUNTY HISTORICAL SOCIETY

Sponsored by: Committee on Ways & Means

WHEREAS, by letter dated July 24, 2023 from Kimberlee A. Enea, Herkimer County Treasurer, request is being made for a resolution authorizing Herkimer County to enter into a Memorandum of Understanding (MOU) with the Herkimer County Historical Society; and

WHEREAS, said MOU would provide the terms and conditions for the Herkimer County Historical Society to take physical custody through a lending relationship of certain tax roll books, dating back to the year 1800; and

WHEREAS, the terms and conditions of such MOU will comply with the requirements of the Retention and Disposition Schedule for New York Local Government Records, as amended in 2022 by the New York State Archives; now, therefore, be it

RESOLVED, that the Chairman of the Herkimer County Legislature is authorized to sign a Memorandum of Understanding between Herkimer County and the Herkimer County Historical Society with said MOU to provide for the loan of old tax rolls, dating back to the year 1800; and, be it further

RESOLVED, that the terms and conditions of said MOU will comply with the records retention requirements of the New York State Archives; and, be it further

RESOLVED, that the MOU shall provide that the Herkimer County Historical Society will make said tax roll books available for public viewing and shall further digitize said tax rolls for preservation and convenience; and, be it further

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

Dated: August 9, 2023.

On motion of Mr. Stephens, seconded by Mr. Donley, Report and Resolution No. 239 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means approving boat housing contract was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).



## HERKIMER COUNTY LEGISLATURE

No. 239

### REPORT AND RESOLUTION APPROVING BOAT HOUSING CONTRACT

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

WHEREAS, the Herkimer County Sheriff's Department maintains a boat patrol on the Fulton Chain of Lakes and has need to dock one patrol boat in the Old Forge area for the 2023 summer season; and

WHEREAS, by letter dated July 6, 2023, Scott F. Scherer, Sheriff, has advised that Rivett's Marine Recreation & Service, Inc. has a boat slip available and requests that a contract be entered into with said Rivett's Marine Recreation & Service, Inc. for the 2023 boating season; now, therefore, be it

RESOLVED, that a contract be entered into between the County of Herkimer and Rivett's Marine Recreation & Service, Inc. for dockage of one patrol boat during the 2023 summer season running from May 15, 2023 to no later than October 15, 2023 for a sum not to exceed \$4,295.00, pursuant to a contract approved by the County Attorney's Office; and, be it further

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

RESOLVED, that the Chairman of this Legislature is further authorized to enter into annual renewals of said agreement, after the expiration of the current agreement, upon the same or more favorable terms and conditions; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, County Attorney, Sheriff, and Rivett's Marine Recreation & Service, Inc.

Dated: August 9, 2023.

On motion of Mr. Malta, seconded by Mr. Gaworecki, Report and Resolution No. 240 sponsored by the Committee on Ways & Means authorizing transfer of funds in the Sheriff Department was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).



## HERKIMER COUNTY LEGISLATURE

No. 240

### REPORT AND RESOLUTION AUTHORIZING TRANSFER OF FUNDS IN THE SHERIFF DEPARTMENT

**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 July 15, 2023, submitting a request for a transfer of funds to cover extradition expenses, reports that we have



RESOLVED, that Salary Schedule No. V is amended to add one position of Correction Sergeant/Deputy Sheriff at a hire rate of \$38,262.00, and eliminate one position of Correction Sergeant; and, be it further

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

Dated: August 9, 2023.

On motion of Mr. Campione, seconded by Mr. Donley, Report and Resolution No. 242 sponsored by the Committee on Ways & Means creating account and authorizing appropriation of funds was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Brezinski, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (16).

Against: None.

Absent: Keeler (1).



## HERKIMER COUNTY LEGISLATURE

No. 242

### REPORT AND RESOLUTION CREATING ACCOUNT AND AUTHORIZING APPROPRIATION 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 July 14, 2023, submitting a request for the creation of an account and an appropriation of funds from the Jail Commissary Reserve, with the funds to be used for supplies, training and equipment for inmates, reports that we have examined said communication, inquired into the subject matter thereof, recommend that said appropriation be made; 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 the account is created and that an appropriation be made as follows:

\$5,000 From: A889S, Jail Commissary Reserve  
To: A3150C.44000, Jail Commissary, Contracted Services

and, be it further

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

Dated: August 9, 2023.

On motion of Mr. Brezinski, seconded by Mr. Gaworecki, Report and Resolution No. 243 sponsored by the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means creating accounts and amending the 2023 budget in connection with the Veterans' Peer Support Program was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).



## HERKIMER COUNTY LEGISLATURE

No. 243

### **REPORT AND RESOLUTION CREATING ACCOUNTS AND AMENDING 2023 BUDGET IN CONNECTION WITH THE VETERANS PEER SUPPORT PROGRAM**

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

WHEREAS, by letter dated July 18, 2023, from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that Herkimer County has received funding for the PFC Joseph P. Dwyer Veteran Peer Support Program; and

WHEREAS, said letter further advises that it is necessary to amend the 2023 Budget and to create accounts to utilize the funding; now, therefore, be it

RESOLVED, that accounts are created and the 2023 Herkimer County Budget is hereby amended as follows:

A6510B.2320B, VPSP, Economic Assistance	\$200,000
A6510B.41000, VPSP, Supplies	\$25,000
A6510B.44000, VPSP, Contracted Services	\$175,000

and, be it further

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

Dated: August 9, 2023.

On motion of Mr. Gaworecki, seconded by Mr. Manno, Report and Resolution No. 244 sponsored by the Committee on Natural Resources and the Committee on Ways & Means awarding bid for SCADA Computer System at Herkimer County Sewer District was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).



## HERKIMER COUNTY LEGISLATURE

No. 244

### REPORT AND RESOLUTION AWARDING BID FOR SCADA COMPUTER SYSTEM AT HERKIMER COUNTY SEWER DISTRICT

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

WHEREAS, by letter dated July 14, 2023, the Budget Officer/Purchasing Agent has advised that bids were received in accordance with law for a Supervisory Control and Data Acquisition (SCADA) system for the Herkimer County Sewer District; and

WHEREAS, it is the recommendation of Chief Operator Alvin Montana II, that the bid be awarded to Environmental Design & Research (EDR), Landscape, Architecture, Engineering & Environmental Services, D.P.C., 217 Montgomery Street, Suite 1100, Syracuse, NY 13202, with a bid of \$22,000 inclusive of all parts, materials, labor and training with a \$5,000 one year maintenance agreement; now, therefore, be it

RESOLVED, that the above bid for a SCADA system for the Herkimer County Sewer District be awarded to Environmental Design & Research (EDR), Landscape, Architecture, Engineering & Environmental Services, D.P.C., 217 Montgomery Street, Suite 1100, Syracuse, NY 13202, with a bid of \$22,000 inclusive of all parts, materials, labor and training with a \$5,000 one year maintenance agreement; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Herkimer County Sewer District, and Environmental Design & Research (EDR), Landscape, Architecture, Engineering & Environmental Services, D.P.C.

Dated: August 9, 2023.

On motion of Mr. Malta, seconded by Mr. Schrader, Report and Resolution No. 245 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 (16).

Against: None.

Absent: Keeler (1).



# HERKIMER COUNTY LEGISLATURE

No. 245

## 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 July 14, 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:

Herkimer Babe Ruth	\$500	Malta	Equipment
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now, therefore, be it

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

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

Dated: August 9, 2023.

On motion of Mr. Shaw, seconded by Mr. Gaworecki, Report and Resolution No. 246 sponsored by the Committee on Human Resources and the Committee on Ways & Means amending Resolution No. 116 of 2023 amending Salary Schedule No. II and No. III in the Public Health Department was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Brezinski, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (16).

Against: None.

Absent: Keeler (1).



# HERKIMER COUNTY LEGISLATURE

No. 246

**REPORT AND RESOLUTION AMENDING RESOLUTION NO. 116 OF 2023  
AMENDING SALARY SCHEDULE NO. II AND NO. III IN THE PUBLIC HEALTH  
DEPARTMENT**

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

WHEREAS, by letter dated May 30, 2023, Christina Cain, Director of Public Health, has requested to amend Resolution No. 116 of 2023 which amended Salary Schedule No. II and Salary Schedule No. III due to an unintentional omission in the original resolution; and

WHEREAS, by letter dated July 26, 2023, Steven R. Billings, Personnel Officer, your Committees have been advised that Salary Schedule No. II should be amended to increase the base pay rate of the title Supervisor, Programs for Children with Special Needs from \$47,056.00 to \$49,000.00, with this change retroactive to April 10, 2023; now, therefore, be it

RESOLVED, that Salary Schedule No. II is amended to increase the base pay rate of the title Supervisor, Programs for Children with Special Needs from \$47,056.00 to \$49,000.00, with the change retroactive to April 10, 2023; and, be it further

RESOLVED, that in all other respects, Resolution No. 116 of 2023 shall remain in full force and effect; and, be it further

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

Dated: August 9, 2023.

On motion of Mr. Schrader, seconded by Mr. Weakley, Report and Resolution No. 247 sponsored by the Committee on Human Resources and the Committee on Ways & Means amending agreement for maintenance and support of software for the Education of Handicapped Children's Program was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).



**HERKIMER COUNTY LEGISLATURE**

No. 247

**REPORT AND RESOLUTION AMENDING AGREEMENT FOR MAINTENANCE AND  
SUPPORT OF SOFTWARE FOR THE EDUCATION OF HANDICAPPED  
CHILDREN'S PROGRAM**

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

WHEREAS, by Resolution No. 119 adopted on April 5, 2023, this Legislature authorized a contract with James McGuinness & Associates, Inc. for the purchase of software to assist in managing referrals and cases for the Education of Handicapped Children program; and

WHEREAS, by letter dated July 13, 2023, Christina Cain, Director of Public Health, has requested an amendment to the current contract with James McGuinness & Associates to add the ability to utilize their CPSE Portal, the cost of the additional module is \$250 per month, on top of the current monthly cost of \$1,083 per month, for a new total of \$1,333 per month; now, therefore, be it

RESOLVED, that the contract with James McGuinness & Associates, Inc., is amended to add the CPSE Portal, for an additional cost of \$250 per month, for a new total of \$1,333 per month; and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature is hereby authorized to execute the amended contract with James McGuinness & Associates, Inc., 1482 Erie Boulevard, Schenectady, New York 12305, for said services for the Education of Handicapped Children program, with the terms and conditions of said contract 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 Public Health, and James McGuinness & Associates, Inc.

Dated: August 9, 2023.

On motion of Mr. Gaworecki, seconded by Mr. Weakley, Report and Resolution No. 248 sponsored by the Committee on Human Resources and the Committee on Ways & Means approving contract in connection with Preschool Special Education Transportation was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).



**HERKIMER COUNTY LEGISLATURE**

No. 248

**REPORT AND RESOLUTION APPROVING CONTRACT IN CONNECTION WITH  
PRESCHOOL SPECIAL EDUCATION TRANSPORTATION**

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

WHEREAS, by letter dated July 13, 2023, Christina Cain, Director of Public Health, has requested a contract with JC Logistics to identify errors in transportation billing with contracted transportation agencies, coordinate the transportation needs of the children in the preschool special education programs, and liaise between the contracted transportation agencies and families by coordinating transportation of their child to and from programming; and

WHEREAS, this contract will have a period of August 10, 2023 through August 30, 2024, with an hourly rate of services cost of \$55 per hour, with up to 10 hours per month for the months of September through May and also July, and up to 20 hours per month for the months of June and August, with a total of up to 140 hours to perform duties required for a final cost of up to \$7,700; now, therefore, be it

RESOLVED, that a contract with JC Logistics, is authorized to identify errors in transportation billing with contracted transportation agencies, coordinate the transportation needs of the children in the preschool special education programs, and liaise between the contracted transportation agencies and families by coordinating transportation of their child to and from programming, with an hourly rate of services cost of \$55 per hour, with up to 10 hours per month for the months of September through May and also July, and up to 20 hours per month for the months of June and August, with a total of up to 140 hours to perform duties required for a final cost of up to \$7,700; and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature is hereby authorized to execute said contract with JC Logistics, for said services, with the terms and conditions of said contract 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 Public Health, and JC Logistics.

Dated: August 9, 2023.

On motion of Mr. Gaworecki, seconded by Mr. Stephens, Report and Resolution No. 249 sponsored by the Committee on County Properties authorizing the Herkimer County Treasurer to re-commence and/or commence In Rem tax foreclosure proceedings against a parcel and authorizing the commencement of an action to obtain temporary incidents of ownership was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).



## HERKIMER COUNTY LEGISLATURE

No. 249

**REPORT AND RESOLUTION AUTHORIZING THE HERKIMER COUNTY  
TREASURER ON BEHALF OF HERKIMER COUNTY TO RE-COMMENCE AND/OR**

**COMMENCE IN REM TAX FORECLOSURE PROCEEDINGS AGAINST A PARCEL PURSUANT TO REAL PROPERTY TAX LAW AND AUTHORIZING THE COMMENCEMENT OF AN ACTION TO OBTAIN TEMPORARY INCIDENTS OF OWNERSHIP PURSUANT TO THE PROVISIONS OF ENVIRONMENTAL CONSERVATION LAW ARTICLE 56 TO CONDUCT ENVIRONMENTAL RESTORATION INVESTIGATIONS**

**Sponsored by: Committee on County Properties**

WHEREAS, the premises known as Tax Map Parcel No. 120.25-2-24 in the Village of Herkimer was the subject of the In Rem proceedings brought by the County of Herkimer for the tax year 2017; and

WHEREAS, the County Properties Committee has recommended that the Herkimer County Attorney and the Herkimer County Treasurer on behalf of Herkimer County re-commence and/or commence an In Rem Tax Foreclosure against the above parcel as set forth below pursuant to the provisions of Article 11 of the Real Property Tax Law and within those proceedings seek to obtain temporary incidents of ownership pursuant to Environmental Conservation Law Article 56 of the aforementioned premises known as Tax Map Parcel No. 120.25-2-24 known as 210-212 North Main Street, Herkimer, New York, with owners of record of said premises being Sandra M. Sperl and Richard Shepard; and

WHEREAS, in order to gain access to the aforementioned tax parcel for the purposes of conducting environmental restoration investigations, the County Attorney is requesting authority to re-commence and/or commence In Rem Tax Foreclosures proceedings in the appropriate Herkimer County Court and authority to seek to obtain temporary incidents of ownership of the aforementioned parcel; now, therefore, be it

RESOLVED, the County Attorney and the County Treasurer are authorized to re-commence and/or commence In Rem Tax Foreclosure proceedings against the above parcel pursuant to RPTL Article 11 and within those proceedings seek to obtain temporary incidents of ownership of the above parcel for the purposes of conducting an environmental restoration investigation pursuant to the provisions of ECL Article 56; and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature is authorized to enter into an agreement with the Herkimer County Industrial Development Agency [hereafter "IDA"] who will retain appropriate environmental firms to conduct environmental restoration investigations pursuant to ECL Article 56, with said agreement to further provide that the cost of such environmental restoration investigations to be paid for by the IDA; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Auditor, County Property Agent, Herkimer County Industrial Development Agency, and the Village of Herkimer.

Dated: August 9, 2023.

On motion of Mr. Gaworecki, seconded by Mr. Malta, Report and Resolution No. 250 sponsored by Committee on County Properties authorizing the Herkimer County Treasurer to re-commence and/or commence In Rem tax foreclosure proceedings against a parcel and authorizing the commencement of an action to obtain temporary incidents of ownership was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).



## HERKIMER COUNTY LEGISLATURE

No. 250

**REPORT AND RESOLUTION AUTHORIZING THE HERKIMER COUNTY TREASURER ON BEHALF OF HERKIMER COUNTY TO RE-COMMENCE AND/OR COMMENCE IN REM TAX FORECLOSURE PROCEEDINGS AGAINST A PARCEL PURSUANT TO REAL PROPERTY TAX LAW AND AUTHORIZING THE COMMENCEMENT OF AN ACTION TO OBTAIN TEMPORARY INCIDENTS OF OWNERSHIP PURSUANT TO THE PROVISIONS OF ENVIRONMENTAL CONSERVATION LAW ARTICLE 56 TO CONDUCT ENVIRONMENTAL RESTORATION INVESTIGATIONS**

**Sponsored by: Committee on County Properties**

WHEREAS, the premises known as Tax Map Parcel No. 120.25-1-40 in the Village of Herkimer was the subject of the In Rem proceedings brought by the County of Herkimer for the tax year 2013; and

WHEREAS, the County Properties Committee has recommended that the Herkimer County Attorney and the Herkimer County Treasurer on behalf of Herkimer County re-commence and/or commence an In Rem Tax Foreclosure against the above parcel as set forth below pursuant to the provisions of Article 11 of the Real Property Tax Law and within those proceedings seek to obtain temporary incidents of ownership pursuant to Environmental Conservation Law Article 56 of the aforementioned premises known as Tax Map Parcel No. 120.25-1-40 known as 121 North Main Street, Herkimer, New York, with owner of record of said premises being Herkimer Suites, LLC; and

WHEREAS, in order to gain access to the aforementioned tax parcel for the purposes of conducting environmental restoration investigations, the County Attorney is requesting authority to re-commence and/or commence In Rem Tax Foreclosures proceedings in the appropriate Herkimer County Court and authority to seek to obtain temporary incidents of ownership of the aforementioned parcel; now, therefore, be it

RESOLVED, the County Attorney and the County Treasurer are authorized to re-commence and/or commence In Rem Tax Foreclosure proceedings against the above parcel pursuant to RPTL Article 11 and within those proceedings seek to obtain temporary incidents of ownership of the above parcel for the purposes of conducting an environmental restoration investigation pursuant to the provisions of ECL Article 56; and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature is authorized to enter into an agreement with the Herkimer County Industrial Development Agency [hereafter “IDA”] who will retain appropriate environmental firms to conduct environmental restoration investigations pursuant to ECL Article 56, with said agreement to further provide that the cost of such environmental restoration investigations to be paid for by the IDA; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Auditor, County Property Agent, Herkimer County Industrial Development Agency, and the Village of Herkimer.

Dated: August 9, 2023.

On motion of Mr. Campione, seconded by Mr. Shaw, Resolution No. 251 sponsored by the Committee on Ways & Means approving standard work day and retirement reporting for elected and appointed officials was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).



## HERKIMER COUNTY LEGISLATURE

No. 251

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

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

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

<b>Title:</b>	<b>Standard Work Day: (Hrs/day) Min. 6 hrs Max. 8 hrs</b>	<b>Name: (First and Last)</b>	<b>Social Security Number: (Last 4 digits)</b>	<b>NYSLRS ID:</b>	<b>Tier 1 (Check only if member is Tier 1)</b>	<b>Current Term Begin &amp; End Dates: (mm/dd/yy-mm/dd/yy)</b>	<b>Record of Activities Result</b>	<b>Not Submitted: (Check only if official did not submit their</b>
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								<b>Record of Activities )</b>
<b>Appointed Officials</b>								
Commissioner, Board of Elections	7	Robert J. Hoyt				01/01/23-12/31/24	23.92	

and, be it further

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

Dated: August 9, 2023.

On motion of Mr. Ackerman, seconded by Mr. Gaworecki, Resolution No. 252 sponsored by the Committee on County Properties adopting Introductory Local Law C for 2023 was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Brezinski, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (16).

Against: None.

Absent: Keeler (1).



**HERKIMER COUNTY LEGISLATURE**

No. 252

**RESOLUTION ADOPTING INTRODUCTORY LOCAL LAW C FOR 2023**

**Sponsored by: Committee on County Properties**

WHEREAS, your Committee on County Properties of the Herkimer County Legislature desires to report that on the 9<sup>th</sup> day of August, 2023, pursuant to Resolution No. 178, it held a public hearing on the adoption of Introductory Local Law C for 2023 entitled, “A LOCAL LAW AUTHORIZING THE CONVEYANCE OF APPROXIMATELY 0.19 ACRE OF CERTAIN REAL PROPERTY IN THE COUNTY OF HERKIMER TO SANDRA AND PAUL FANDRICH” and that there were (no) appearances and (no) objections at the said public hearing; that your Committee advises the adoption and enactment of the said Introductory Local Law and offers the following Resolution:

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

Dated: August 9, 2023.

**INTRODUCTORY LOCAL LAW C – 2023**

**LOCAL LAW NO. 7 – 2023**

**A LOCAL LAW AUTHORIZING THE CONVEYANCE OF APPROXIMATELY 0.19  
ACRE OF CERTAIN REAL PROPERTY IN THE COUNTY OF HERKIMER TO PAUL  
AND SANDRA FANDRICH**

**BE IT ENACTED BY THE BOARD OF COUNTY LEGISLATORS OF THE COUNTY  
OF HERKIMER AS FOLLOWS:**

**Section 1.** The Herkimer County Legislature finds, that certain real property adjacent to the Herkimer County Correctional Facility, being a steep incline that creates an irregular boundary, is no longer required for public use and by its nature is of little value to anyone but the contiguous landowner, being a portion of Tax Parcel No. 113.65-2-6, and that it is in the best interest of Herkimer County that the same be sold and conveyed.

**Section 2.** The Herkimer County Legislature further finds, due to the nature, location, creation of irregular boundary into a steep hillside, and resulting minimal value of the property to anyone but the contiguous land owner, that a negotiated sale offers the prospect of a more orderly disposition of the real property other than through sale to highest bidder pursuant to County Law Sec. 215(5) and (6).

**Section 3.** The Herkimer County Legislature intends to supersede the provisions of County Law Sec. 215(5) and (6) to the extent necessary and for limited purpose of sale of the premises herein.

**Section 4.** The Herkimer County Legislature finds that due to nature and location of property that fair and adequate consideration is \$1,200 per acre, said valuation having been confirmed by the Decision and Order of Hon. Charles Merrell dated April 23, 2021.

**Section 5.** That said parcel contains 0.19 acres of land, as shown on Survey Map of Scott Blanchard, LLC entitled “Lands to be Conveyed by Herkimer County” said map being filed in the Office of the Herkimer County Clerk and being described as follows:

Beginning at a found ½ inch rebar on the westerly highway bounds of New York State Route 28, a.k.a Herkimer-Middleville State Highway No. 460, also being the southeasterly corner of the Thence South 84 degrees 59 minutes 34 West through the above-mentioned Herkimer parcel a distance of 267.60 feet to a found ½ inch square bar and being the southwesterly corner of the parcel being described, also being a corner of the above-mentioned parcel in Liber 812 of Deeds at page 26 and a parcel of Land conveyed to Herkimer County in Instrument No. 2018-631 of Deeds;

Thence along the first mentioned parcel the following courses and distances:

North 57 degrees 30 minutes 13 East a distance of 76.65 feet to a found 1/2 -inch rebar,  
North 63 degrees 00 minutes 55 East a distance of 127.10 feet to a found 1/2 -inch rebar,

South 06 degrees 14 minutes 05 West a distance of 64.75 feet to a found 1/2-inch rebar, South 83 degrees 22 minutes 03 East a distance of 96.34 feet to the **Point of Beginning** and containing 0.19 acres.

**Section 6.** The Chairman of the Legislature is hereby authorized to convey the above-described property to Paul and Sandra Fandrich for the sum of \$228.00, said figure being the pro rata share of the above \$1,200 per acre and upon the terms and conditions as approved by the Herkimer County Legislature in Resolution No. 293 of 2022.

**Section 7.** The Chairman of the Legislature is authorized to execute all necessary documents to consummate such sale.

**Section 8.** This local law shall take effect forty-five (45) days after its adoption, providing no valid petition for referendum is filed. If a petition is filed, this law shall take effect immediately upon approval by the qualified electors voting for same.

Dated: August 9, 2023.

On motion of Mr. Donley, seconded by Mr. Malta, Resolution No. 253 sponsored by the Committee on County Planning & Development adopting Introductory Local Law D for 2023 was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Brezinski, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (16).

Against: None.

Absent: Keeler (1).



## HERKIMER COUNTY LEGISLATURE

No. 253

### RESOLUTION ADOPTING INTRODUCTORY LOCAL LAW D FOR 2023

#### Sponsored by: Committee on County Planning & Development

WHEREAS, your Committee on County Planning & Development of the Herkimer County Legislature desires to report that on the 9<sup>th</sup> day of August, 2023, pursuant to Resolution No. 200, it held a public hearing on the adoption of Introductory Local Law D for 2023 entitled, "A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF 1963, TO REDUCE NUMBER OF PLANNING BOARD MEMBERS" and that there were (no) appearances and (no) objections at the said public hearing; that your Committee advises the adoption and enactment of the said Introductory Local Law and offers the following Resolution:

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

Dated: August 9, 2023.

**INTRODUCTORY LOCAL LAW D – 2023**

**LOCAL LAW NO. 6 – 2023**

**A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF 1963, TO REDUCE NUMBER OF PLANNING BOARD MEMBERS**

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

SECTION 1. LEGISLATIVE INTENT. It is the determination of this Legislature that the number of members of the Planning Board be reduced from seven (7) to five (5) members.

SECTION 2. Section I of the of Local Law entitled “A Local Law Establishing a Planning Board for the County of Herkimer” is hereby amended as follows:

The said Planning Board shall be composed of five (5) members; whose term of office shall run for five (5) years. Each member of the County Planning Board shall continue to hold office for the balance of his/her respective term, at the conclusion of which the applicable five year term appointive provisions of this Local Law shall become effective. Vacancies occurring other than by expiration of term shall be filled for the balance of the term remaining in the same manner and by the Herkimer County Legislature as set forth in Section I of Local Law No. 2 of 1963.

SECTION 3. EFFECTIVE DATE. This local law shall take effect immediately upon filing with the New York State Secretary of State.

Dated: August 9, 2023.

On motion of Mr. Campione, seconded by Mr. Shaw, Resolution No. 254 sponsored by the Committee on County Planning & Development authorizing to submit a grant application to the New York State Office of Community Renewal Community Development Block Grant Program was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).



## HERKIMER COUNTY LEGISLATURE

No. 254

### **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 NYS CDBG Open Round Economic Development, Small Business, and Microenterprise program to provide resources to support and foster the development of microbusinesses by providing grants in conjunction with capacity building and entrepreneurial assistance; and

WHEREAS, the Herkimer County Industrial Development Agency (the “IDA”) has requested that the County apply for and provide the OCR funding to the IDA as a grant for the purpose of making loans to microbusinesses; and

WHEREAS, the Project, if awarded funding, will result in substantial benefit in the form of the creation or expansion of small businesses and the creation of jobs for County residents, especially those with low-to moderate-incomes; and

WHEREAS, the County has held a public hearing on August 9, 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 to request an amount not to exceed \$300,000 to the OCR; and, be it further

RESOLVED, that the Chairman 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 IDA for the implementation of the Project and administration of the OCR grant, all such documents to be subject to review and approval by the County Attorney; and, be it further

RESOLVED, that the Chairman 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 Microenterprise Program; 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: August 9, 2023.



## HERKIMER COUNTY LEGISLATURE

No. 255

### **RESOLUTION OF THE LEGISLATURE OF THE COUNTY OF HERKIMER, EXTENDING THE RATE OF TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, AND ON OCCUPANCY OF HOTEL ROOMS AND AMUSEMENT CHARGES, PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK**

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

Be it enacted by the Legislature of the County of Herkimer as follows:

SECTION 1. The first sentence of section two of Resolution No. 344 as enacted in nineteen hundred eighty-seven, as amended, is amended to read as follows:

Section 2. Imposition of sales tax.

On or after March 1, 1988, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing September 1, 1994, and ending November 30, 2025, there is hereby imposed and there shall be paid an additional tax of one percent upon:

SECTION 2. Subdivision (f) of section three of Resolution No. 344 as enacted in nineteen hundred eighty-seven, as amended, is amended to read as follows:

(f) With respect to the additional tax of one percent imposed for the period commencing September 1, 1994, and ending November 30, 2025, the provision of subdivisions (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to September 1, 1994, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to May 1, 1994, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to August 31, 1994. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to September 1, 1994, any transaction which may not be subject to the additional tax imposed effective on that date.

SECTION 3. Section four of Resolution No. 344 as enacted in nineteen hundred eighty-seven, as amended, is amended to read as follows:

Section 4. Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after September 1, 1994, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if the items are used as such or incorporated into a structure, building or real property,

by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7), and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For the purposes of clause (A) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending November 30, 2025, the tax shall be at the rate of four percent, and on and after December 1, 2025, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of Clause (B) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending November 30, 2025, the tax shall be at the rate of four percent, and on and after December 1, 2025, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending November 30, 2025, the tax shall be at the rate of four percent, and on and after December 1, 2025, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for the purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of any addition or capital improvement to such real property, property or land.

(f) For the purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending November 30, 2025, the tax shall be at the rate of four percent, and on and after December 1, 2025, the tax shall be at the rate of three percent, of the consideration given, or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For the purposes of clause (F) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending November 30, 2025, the tax shall be at the rate of four percent, and on and after December 1, 2025, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.

SECTION 4. Section 4-A of Resolution No. 344 as enacted in nineteen hundred eighty-seven, as amended, is amended to read as follows:

Section 4-A. Imposition of additional rate of sales and compensating use taxes.

Pursuant to the authority of section 1210-E of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional one-quarter of one percent rate of such sales and compensating use taxes, for the period beginning December 1, 2007, and ending November 30, 2025. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

SECTION 5. Subdivision (k) of section six of Resolution No. 344 as enacted in nineteen hundred eighty-seven, as amended, is amended to read as follows:

(k) Exemption of certain energy sources and related services from additional one percent rate of tax. Notwithstanding any inconsistent provision of this resolution, receipts from the retail sale or use of fuel oil and coal used for residential purposes; the receipts from the retail sale or use of wood used for residential heating purposes; and the receipts from every sale, other than for resale, or use of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be exempt from the additional one percent rate of sales and compensating use taxes imposed by sections 2 and 4, respectively, of this resolution for the period commencing September 1, 1994, and ending November 30, 2025.

SECTION 6. Paragraphs (B) and (C) of subdivision one of section eleven of Resolution No. 344 as enacted in nineteen hundred eighty-seven, as amended, are amended to read as follows:

(B) With respect to the additional tax of one percent imposed for the period beginning September 1, 1994, and ending November 30, 2025, in respect to the use of property used by the purchaser in this County prior to September 1, 1994.

(C) With respect to the additional tax of one-quarter of one percent imposed for the period beginning December 1, 2007, and ending November 30, 2025, in respect to the use of property used by the purchaser in this County prior to December 1, 2007.

SECTION 7. Subdivisions (d) and (f) of section 14 of Resolution No. 344 of nineteen eighty-seven, as amended, are amended to read as follows:

(d) During the period commencing June 1, 2006, and ending November 30, 2025, net collections from the additional one percent rate of tax shall be retained for county purposes.

(f) Notwithstanding any contrary provision of law, with respect to the additional one-quarter of one percent rate of sales and compensating use taxes imposed pursuant to the authority of section twelve hundred ten-E of the New York Tax Law for the period beginning December 1, 2007, and ending November 30, 2025, the county shall use all net collections from such additional one-quarter of one percent rate to pay the county's expenses for the construction of additional correctional facilities. Such net collections shall be deposited in a special fund to be created by the county separate and apart from any other funds and accounts of the county. Any and all remaining net collections from such additional tax, after the expenses of such construction are paid, shall be deposited by the county in the general fund of the county for any county purpose.

SECTION 8. This enactment shall take effect December 1, 2023.

Dated: August 9, 2023.

On motion of Mr. Russell, seconded by Mr. Shaw, Resolution No. 255 sponsored by the Committee on Ways & Means extending the rate of taxes on sales and uses of tangible personal property and of certain services, and on occupancy of hotel rooms and amusement charges, pursuant to Article 29 of the Tax Law of the State of New York was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Brezinski, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (16).

Against: None.

Absent: Keeler (1).

On motion of Mr. Campione, seconded by Mr. Donley, Report and Resolution No. 256 sponsored by the Committee on County Properties approving sale of county owned tax acquired land was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Brezinski, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (16).

Against: None.

Absent: Keeler (1).



## HERKIMER COUNTY LEGISLATURE

No. 256

### REPORT AND RESOLUTION APPROVING SALE OF COUNTY OWNED TAX ACQUIRED LAND

#### Sponsored by: Committee on County Properties

WHEREAS, by Resolution No. 195 for the year 2023 duly adopted on June 7, 2023, this Legislature authorized and directed the sale at public auction, after due advertisement, of certain county owned tax acquired real property under the direction of the County Treasurer; and

WHEREAS, the Properties Committee of this Legislature reports that said sale was duly held pursuant to said direction July 19, 2023 through August 2, 2023 as an online only auction; and

WHEREAS, pursuant to the terms of sale, the successful bidder on each parcel sold is required to pay the full purchase price together with recording fee and transfer tax by 3:00 p.m. on August 25, 2023; and

WHEREAS, the Properties Committee reports that 47 bids were received at the auction, and the total amount to be received on said sales is \$785,892.50 as shown on the lists made available to each legislator and filed with the Clerk of the Legislature; and

WHEREAS, the Properties Committee recommends approval of each sale as set forth on said list, and conveyance of each said parcel to the successful bidder thereon providing payment in full of the amount bid and required fees are received by the County Treasurer's Office; and

WHEREAS, the auction terms provide that default by a purchaser for failure to meet the terms of the auction shall result in forfeiture of the required deposit; now, therefore, be it

RESOLVED, that this Legislature approves the sales by auction reported by the Properties Committee and authorizes the County Treasurer to convey each said property, to the successful bidder thereon, provided said bidder has paid the required purchase price and expenses to the County Treasurer, and to make conveyance by quit claim deed and to record each said deed; and, be it further

RESOLVED, that the County Property Agent is hereby instructed to advise the County Attorney's Office of defaults by purchasers, and the County Attorney's Office is hereby instructed to bring legal procedures if necessary to enforce said provision of the auction terms,

reporting thereon to the Properties Committee of this Legislature, which shall have authority to confer with the County Attorney's Office as to any proposed settlement of said proceedings; and, be it further

RESOLVED, that the County Property Agent is hereby authorized to solicit sealed bids for the sale of any of the properties which were not conveyed based on the default of purchasers or for any other reason provided that said County Property Agent shall submit to the Committee on County Properties any and all bids, which bids shall be subject to the approval of the full Legislature; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Property Agent, Chairman of the Committee on County Properties, and the County Attorney.

Dated: August 9, 2023.

On motion of Mr. Ackerman, seconded by Mr. Schrader, Report and Resolution No. 257 sponsored by the Committee on County Properties and the Committee on Ways & Means rejecting bid, authorizing rebidding for repairs and updates to the 911 facility, and appropriating funds was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Stephens, Brezinski, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (15).

Against: Johnson (1).

Absent: Keeler (1).



## HERKIMER COUNTY LEGISLATURE

No. 257

### **REPORT AND RESOLUTION REJECTING BID, AUTHORIZING REBIDDING FOR REPAIRS AND UPDATES TO 911 FACILITY, AND APPROPRIATING FUNDS**

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

WHEREAS, by letter dated July 31, 2023, Sheri Ferdula, Budget Officer/Purchasing Agent, has advised that bids were received, opened and read in accordance with law for the repairs and updates to the 911 Facility; and

WHEREAS, after review of the bids it is the recommendation of the Budget Officer and your Committees that the bid be rejected and to rebid for the repairs and updates to the 911 facility; and

WHEREAS, the Budget Officer further advises that an appropriation of funds is necessary for Nelson Associates to complete the second bid and that funds have been verified and are available for this appropriation; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby rejects all bids for the repairs and updates to the 911 facility, and that the Herkimer County Budget Officer/Purchasing Agent is authorized and directed to re-advertise this bid, said bids to be received in the Office of the Budget Officer and Purchasing Agent at the County Office Building, Herkimer, New York, subject to final approval by the Herkimer County Legislature; and, be it further

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

\$1,297            From: A889N, Reserve/Co Building Improvements  
                      To:     H1620.40000, Buildings, Contractual, Project 16-3

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: August 9, 2023.

On motion of Mr. Gaworecki, seconded by Mr. Hollum, Report and Resolution No. 258 sponsored by the Committee on County Properties and the Committee on Ways & Means awarding bids for the remodel of the 108 Court Street building and appropriating funds was handed up; discussion was held; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Bono, Donley, Campione, Russell, Weakley (9).

Against: Johnson, Stephens, Brezinski, Manno, Swartz, Ackerman, Shaw (7).

Absent: Keeler (1).



## HERKIMER COUNTY LEGISLATURE

No. 258

### REPORT AND RESOLUTION AWARDING BIDS FOR THE REMODEL OF THE 108 COURT STREET BUILDING AND APPROPRIATING FUNDS

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

WHEREAS, by letter dated July 31, 2023, Sheri A. Ferdula, Budget Officer/Purchasing Agent, has advised sealed bids were opened on July 26, 2023 for the remodel of the 108 Court Street building; and

WHEREAS, said letter advises it is the recommendation to award the bids to the lowest bidders as follows:

General Contractor:	Meid Construction	\$498,550 Base Bid <u>\$ 37,730 GC Alternate 1</u> \$536,280
Plumbing:	A. Treffeisen & Sons	\$ 86,900
HVAC:	RMB Mechanical	\$144,390
Electric:	Northern Pioneer	\$ 84,600
<b>Total Project:</b>		<b>\$852,170</b>

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

RESOLVED, that the bids be awarded to the aforementioned contractors, in the amounts listed; and, be it further

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

\$852,170	From: A909, Fund Balance
	To: H1620.40000, Project 16-4

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Meid Construction, A. Treffeisen & Sons, RMB Mechanical, and Northern Pioneer.

Dated: August 9, 2023.

On motion of Mr. Campione, seconded by Mr. Weakley, Report and Resolution No. 259 sponsored by the Committee on Highways with regard to compliance with New York State Highway Law Article 2 Section 118-b in connection with property access in the Town of Newport for repairs after flooding was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Keeler (1).



## HERKIMER COUNTY LEGISLATURE

No. 259

### **REPORT AND RESOLUTION WITH REGARD TO COMPLIANCE WITH NEW YORK STATE HIGHWAY LAW ARTICLE 2 SECTION 118-B IN CONNECTION WITH PROPERTY ACCESS IN THE TOWN OF NEWPORT FOR REPAIRS AFTER FLOODING**

#### **Sponsored by: Committee on Highways**

WHEREAS, on August 4, 2023, flooding occurred in areas along Newport Road in the Town of Newport; and

WHEREAS, it is necessary for the Herkimer County Highway Department to enter premises known as Tax Map Number 094.3-1-17.1 at 2289 Newport Road, Newport, New York to make certain repairs; and

WHEREAS, as required by New York State Highway Law, Article 2, Section 118-b, the County Highway Department must be authorized by the County Legislature to enter upon said lands to perform the proposed work; and

WHEREAS, it is anticipated that the owner of said premises will sign a release authorizing entry; now, therefore, be it

RESOLVED, that the Herkimer County Highway Superintendent is authorized to enter upon premises known as Tax Map Number 094.3-1-17.1 in the Town of Newport for the purpose of performing certain repair work due to flooding; 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 County Attorney.

Dated: August 9, 2023.

On motion of Mr. Ackerman, seconded by Mr. Schrader, Report and Resolution No. 260 sponsored by the Committee on County Properties and the Committee on Ways & Means authorizing demolition of 159 West North Street in the Village of Ilion was handed up; voted on and adopted by voice vote:

For: Ayes (14).

Against: Johnson (1).

Absent: Keeler (1).

Abstain: Stephens (1).



## HERKIMER COUNTY LEGISLATURE

No. 260

### REPORT AND RESOLUTION AUTHORIZING DEMOLITION OF 159 WEST NORTH STREET IN THE VILLAGE OF ILION

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

WHEREAS, the premises located at 159 West North Street in the Village of Ilion, known as Tax Map Parcel No. 119.36-3-6, was the subject of the 2018 In Rem process; and

WHEREAS, the County of Herkimer took title to said premises on April 13, 2022 as part of the 2018 In Rem process; and

WHEREAS, the successful bidder and back up bidder at public auction held on June 11, 2022 both defaulted on completion of the sale after assessing the premises; and

WHEREAS, the premises at 159 West North Street in the Village of Ilion appears to be beyond repair; and

WHEREAS, this Legislature has been informed of a program through the Oneida-Herkimer Solid Waste Authority that assists municipalities in tear down and removal of premises; now, therefore, be it

RESOLVED, that the Chairman of the Herkimer County Legislature is authorized to enter into an agreement with the Oneida-Herkimer Solid Waste Authority, in the amount up to \$10,000, for purposes of cooperation in tearing down and removal of the aforesaid premises, upon approval of the agreement by the Herkimer County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Auditor, County Property Agent, Village of Ilion, and the Oneida-Herkimer Solid Waste Authority.

Dated: August 9, 2023.

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

At 7:25 p.m. on motion of Mr. Manno, seconded by Mr. Stephens, the Legislature adjourned to Wednesday, September 13, 2023 at 7:00 p.m.

Brittney R. Viscomi, Clerk