

MINUTES
Herkimer County Legislature
Fourth Quarter – First Day
Wednesday, October 4, 2023
2:00 p.m.

Public Hearing

The Public Hearing on Introductory Local Law E for 2023 was called to order at 1:00 p.m. by Legislator Patrick E. Russell, Chairman of the Ways & Means Committee. The Clerk read the notice of the Public Hearing. Legislator Russell 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 1:00 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 13th day of September, 2023, Introductory Local Law E for the year 2023 entitled, “A LOCAL LAW TO IMPOSE A MORTGAGE RECORDING TAX WITHIN 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 Ways and Means. The Public Hearing will be held in the Legislative Chambers at the County Office Building, 109 Mary Street, Herkimer, New York, on the 4th day of October, 2023 at 1:00 p.m. at which time all persons interested will be heard.

Dated: September 25, 2023.

By Order of the Herkimer County Legislature

The Regular Session of the Herkimer County Legislature was called to order by Chairman Vincent J. Bono at 2:00 p.m.

Chairman Bono called on Nicholas Laino, Senior Vice President for Administration & Finance, HCCC, 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, Hollum, Johnson, Stephens, Brezinski, Manno, Swartz, Bono, Campione, Russell (11).

Absent: Schrader, Keeler, Ackerman, Donley, Shaw, Weakley (6).

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 September 13, 2023. There were none, and the Chairman ordered them approved.

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. 385 – A communication was received from the Herkimer County Soil & Water Conservation District advising of monthly meeting. Filed.

No. 386 – A communication was received from the County Attorney submitting Notice of Claim. Filed.

No. 387 – A communication was received from the County Attorney submitting Notice of Claim. Filed.

No. 388 – A communication was received from the County Property Agent submitting results of 2020 In Rem Properties Land Auction. Filed.

No. 389 – A communication was received from New York State Homes and Community Renewal submitting approval for contract extension request. Filed.

No. 390 – A communication was received from Hodgson Russ, LLP submitting PILOT Agreement between the IDA and Herkimer Solar, LLC. Filed.

No. 391 – A communication was received from Hodgson Russ, LLP submitting PILOT Agreement between the IDA and HCCC Solar, LLC. Filed.

No. 392 – A communication was received from the Sheriff requesting increase in Jail Barber fee. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 393 – A communication was received from the Director of Emergency Services requesting agreement to provide Text-to-911 Services. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 394 – A communication was received from the District Attorney requesting to hire a doctor to conduct a psychological forensic examination. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 395 – A communication was received from the Personnel Officer requesting contract with Risk Strategies Consulting Service. Referred to the Committee on Ways & Means.

No. 396 – A communication was received from the Commissioner of Social Services requesting discussion in connection with the Hard-To-Place Program. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 397 – A communication was received from the Budget Officer/Purchasing Agent requesting an appropriation of funds. Referred to the Committee on Ways & Means.

No. 398 – A communication was received from the Budget Officer/Purchasing Agent requesting payments in connection with American Rescue Plan funding. Referred to the Committee on Ways & Means.

No. 399 – A communication was received from the Personnel Officer requesting authorization for the Chairman to sign MOA's with the Unions. Referred to the Committee on Ways & Means.

No. 400 – A communication was received from the Budget Officer/Purchasing Agent requesting amendment to the budget and the creation of a new project in connection with a System of Care Grant in Public Health. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 401 – A communication was received from the County Property Agent requesting permission for issuance of Certificate of Prospective Cancellation of certain properties. Referred to the Committee on County Properties and the Committee on Ways & Means.

No. 402 – A communication was received from the Highway Superintendent requesting approval of 2023/2024 capital construction project and Bridge NY Project. Referred to the Committee on Highways.

No. 403 – A communication was received from the Budget Officer/Purchasing Agent requesting amendment to Resolution No. 224 of 2023 to change account number. Referred to the Committee on County Planning & Development and the Committee on Ways & Means.

No. 404 – A communication was received from the Budget Officer/Purchasing Agent requesting an appropriation of funds in connection with the Bridge NY Project in the Highway Department. Referred to the Committee on Ways & Means.

No. 405 – A communication was received from the Budget Officer/Purchasing Agent requesting a contract and appropriation of funds for Special Inspection and Construction Materials Engineering and Testing Services for the 108 Court Street property. Referred to the Committee on County Properties and the Committee on Ways & Means.

No. 406 – A communication was received from the Director of Real Property Tax Services requesting County Auditor to process Refunds and Corrections for the year 2024. Referred to the Committee on Ways & Means.

No. 407 – A communication was received from the Director of Real Property Tax Services submitting Equalization Rates. Referred to the Committee on Ways & Means.

No. 408 – A communication was received from the Budget Officer/Purchasing Agent requesting approval for purchase of furniture at HCCC, an appropriation of funds, creation of an account and project, and budget amendment. Referred to the Committee on Education and the Committee on Ways & Means.

No. 409 – A communication was received from the Budget Officer/Purchasing Agent requesting creation of projects, amendments to the 2023 budget and the appropriation of funds for HCCC Capital Projects. Referred to the Committee on Education and the Committee on Ways & Means.

No. 410 – A communication was received from the Budget Officer/Purchasing Agent requesting an appropriation of funds for a feasibility study with the Herkimer County IDA. Referred to the Committee on County Planning & Development and the Committee on Ways & Means.

No. 411 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment for additional funding for two grants in Board of Elections. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 412 – A communication was received from the County Attorney submitting Notice of Claim. Filed.

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

The Chairman continued with the Regular Agenda.

On motion of Mr. Gaworecki, seconded by Mr. Malta, Report and Resolution No. 297 sponsored by the Committee on Ways & Means authorizing County Auditor to process Real Property tax refund applications and to correct errors on tax rolls was handed up; voted on and adopted by voice vote:

For: Ayes (11).

Against: None.

Absent: Schrader, Keeler, Ackerman, Donley, Shaw, Weakley (6).



HERKIMER COUNTY LEGISLATURE

No. 297

REPORT AND RESOLUTION AUTHORIZING COUNTY AUDITOR TO PROCESS REAL PROPERTY TAX REFUND APPLICATIONS AND TO CORRECT ERRORS ON TAX ROLLS

Sponsored by: Committee on Ways and Means

WHEREAS, Section 556 (8) of the Real Property Tax Law authorizes this Legislature to delegate, by resolution, to an appropriate official who is either empowered to authorize payment of bills without prior audit by this Legislature or to an official responsible for the payment of bills upon audit by this Legislature to perform the duties set forth in said section related to the refund of taxes, when the refund recommended by the Director of Real Property Tax Service is \$2,500 or less; and

WHEREAS, Section 554 (9) of the Real Property Tax Law authorizes this Legislature to, by resolution, delegate the authority to perform corrections of errors in the tax roll to an appropriate official who is either empowered to authorize payment of bills without prior audit by this Legislature or to an official responsible for the payment of bills upon audit by this Legislature, provided said correction is \$2,500 or less; and

WHEREAS, by letter dated August 25, 2023, the Director of the Real Property Tax Service Agency has requested approval for said procedures for the year 2024; now, therefore, be it

RESOLVED:

1. That pursuant to Real Property Tax Law Section 556(8) the County Auditor is hereby authorized to perform the duties set forth in Section 556 of the Real Property Tax Law for the Legislature to perform, when the refund recommended by the Director of Real Property Tax Services is \$2,500 or less;
2. That pursuant to Real Property Tax Law Section 554(9) the County Auditor is hereby authorized to perform the duties set forth in Section 554 of the Real Property Tax Law when the recommended correction is \$2,500 or less;
3. That the County Auditor, in performing such duties, shall be governed by the provisions of Real Property Tax Law Section 554 and Section 556 and shall make reports to the Legislature as provided in said Sections;
4. That certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, and Director of Real Property Tax Services.

Dated: October 4, 2023.

On motion of Mr. Gaworecki, seconded by Mr. Russell, Report and Resolution No. 298 sponsored by the Committee on Ways & Means fixing percentages which the assessed valuation of Real Property bear to the full or true valuation of the various towns of the County and the City of Little Falls was handed up; voted on and adopted by voice vote:

For: Ayes (11).

Against: None.

Absent: Schrader, Keeler, Ackerman, Donley, Shaw, Weakley (6).



HERKIMER COUNTY LEGISLATURE

No. 298

REPORT AND RESOLUTION FIXING PERCENTAGES WHICH THE ASSESSED VALUATION OF REAL PROPERTY BEAR TO THE FULL OR TRUE VALUATION OF THE VARIOUS TOWNS OF THE COUNTY AND THE CITY OF LITTLE FALLS

Sponsored by: Committee on Ways and Means

WHEREAS, your Committee on Ways and Means, to which was referred the communication from the Director of Real Property Tax Services, submitting the State Board established Herkimer County Equalization Rates to be used in the apportionment of the 2024 Tax Levy pursuant to Title 2 of Article 8 of the Real Property Tax Law, do respectfully report that we have examined said report and offer the following Resolution:

RESOLVED, that pursuant to Title 2 of Article 8 of the Real Property Tax Law the ratio of percentage which the assessed valuation of real property in each district bears to its full value is hereby established as follows:

County Equalization Rates for the 2023 Assessment Rolls for Municipalities in the County of Herkimer

City of Little Falls	13.50
Town of Columbia	62.00
Town of Danube	60.00
Town of Fairfield	56.00
Town of Frankfort	51.00
Town of German Flatts	55.00
Town of Herkimer	68.00
Town of Litchfield	62.00
Town of Little Falls	57.00
Town of Manheim	56.00
Town of Newport	67.00
Town of Norway	49.00
Town of Ohio	73.00
Town of Russia	75.00
Town of Salisbury	77.80
Town of Schuyler	58.75
Town of Stark	44.27
Town of Warren	46.75
Town of Webb	71.70
Town of Winfield	62.00

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Director of Real Property Tax Services and each town and the City of Little Falls.

Dated: October 4, 2023.

On motion of Mr. Campione, seconded by Mr. Johnson, Report and Resolution No. 299 sponsored by the Committee on Highways authorizing the implementation and funding of 100% of the costs of a transportation project, of which qualified costs may be reimbursed from Bridge NY funds was handed up; voted on and adopted by voice vote:

For: Ayes (11). Against: None.

Absent: Schrader, Keeler, Ackerman, Donley, Shaw, Weakley (6).



HERKIMER COUNTY LEGISLATURE

No. 299

REPORT AND RESOLUTION AUTHORIZING THE IMPLEMENTATION AND FUNDING OF 100% OF THE COSTS OF A TRANSPORTATION PROJECT, OF WHICH QUALIFIED COSTS MAY BE REIMBURSED FROM BRIDGE NY FUNDS

Sponsored by: Committee on Highways

WHEREAS, a project for the Large Culvert LC142-10 Replacement, Hardscrabble Road, CR 142 over City Brook, Town of Norway, P.I.N. 2754.77 (the "Project") is eligible for reimbursement of qualified costs from Bridge NY funding that calls for the post-reimbursement apportionment of the qualified costs to be borne at the ratio of 100% Bridge NY funds and 0% non-Bridge NY funds; and

WHEREAS, Barton & Loguidice of 443 Electronics Parkway, Liverpool, NY 13088 will design, let, and administer all phases of the Project; and

WHEREAS, the County of Herkimer desires to advance the Project by making a commitment of 100% of the costs of design, construction & construction inspection work for the Project or portions thereof; now, therefore, be it

RESOLVED, the Herkimer County Legislature, duly convened does hereby approve the Project; and, be it further

RESOLVED, that the Herkimer County Legislature hereby authorizes the County of Herkimer to pay 100% of the cost of design, construction & construction inspection work for the Project or portions thereof, with the understanding that qualified costs will be reimbursed from Bridge NY funding; and, be it further

RESOLVED, that the sum of \$1,498,966 is hereby appropriated from the County Road Fund and made available to cover the cost of participation in the above phases of the Project; and, be it further

RESOLVED, that the Herkimer County Legislature hereby agrees that the County of Herkimer shall be responsible for all costs of the Project, including costs which exceed the amount of reimbursement available from the NY Bridge Funding awarded to the Herkimer County Department of Highways; and, be it further

RESOLVED, that in the event the costs of the Project exceed the amount appropriated above, the Herkimer County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Herkimer County Department of Highways thereof; and, be it further

RESOLVED, that the Herkimer County Legislature hereby agrees that the Herkimer County Department of Highways hereby commits that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature of the County of Herkimer be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests with NYSDOT for State Aid and/or Bridge NY funding on behalf of the Herkimer County Department of Highways in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's funding of the Project costs; and, be it further

RESOLVED, that the Herkimer County Department of Highways will be responsible for all maintenance of the Project; and, be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and, be it further

RESOLVED, this Resolution shall take effect immediately; 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: October 4, 2023.

On motion of Mr. Campione, seconded by Mr. Brezinski, Report and Resolution No. 300 sponsored by the Committee on Highways approving project under Article 6, Section 116 of the Highway Law was handed up; voted on and adopted by voice vote:

For: Ayes (11).

Against: None.

Absent: Schrader, Keeler, Ackerman, Donley, Shaw, Weakley (6).



HERKIMER COUNTY LEGISLATURE

No. 300

REPORT AND RESOLUTION APPROVING PROJECT UNDER ARTICLE 6, SECTION 116 OF THE HIGHWAY LAW

Sponsored by: Committee on Highways

WHEREAS, your Committee on Highways, to which was referred the letter from Mark Nagele, County Superintendent of Highways, dated September 11, 2023, submitting three copies each of statement under Article 6 of the Highway Law designating work to be done with County Road Fund monies during the year 2023/2024, covering one project involved in the Capital Construction Program, respectfully reports that we have examined said statements contained in said communication from and signed by the County Superintendent of Highways, recommend its adoption, and offer the following Resolution:

RESOLVED, that the statements under Article 6 of the Highway Law which designates work to be done with County Road Fund monies be, and hereby are, approved by the County Legislature of the County of Herkimer for the following project involved in the Capital Construction Program, to be funded as listed:

PROJECT NO.	ROAD/LOCATION	TYPE OF PROJECT	ESTIMATED CONSTRUCTION COST
429	Hardscrabble Rd CR142 over City Brook T/Norway P.I.N. 2754.77	Engineering & Design Services for Large Culvert Replacement LC 142-10	\$255,000.00

and, be it further

RESOLVED, that this project will be funded through Bridge NY; and, be it further

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

Dated: October 4, 2023.

On motion of Mr. Campione, seconded by Mr. Hollum, Report and Resolution No. 301 sponsored by the Committee on Ways & Means creating project and authorizing appropriation of funds was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Hollum, Johnson, Stephens, Brezinski, Manno, Swartz, Bono, Campione, Russell (11).

Against: None. Absent: Schrader, Keeler, Ackerman, Donley, Shaw, Weakley (6).



HERKIMER COUNTY LEGISLATURE

No. 301

REPORT AND RESOLUTION CREATING PROJECT 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 September 20, 2023, submitting a request for appropriation of funds and the creation of a project in connection with the Highway Department's Bridge NY Program; 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 a project be created and an appropriation be made as follows:

\$255,000 From: A909, Fund Balance
To: H5197.40000, Hwy Equip & Capital Outlay, Proj: 429

and, be it further

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

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

Dated: October 4, 2023.

On motion of Mr. Manno, seconded by Mr. Johnson, Report and Resolution No. 302 sponsored by the Committee on Ways & Means regarding Introductory Local Law E for 2023 was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Hollum, Johnson, Stephens, Brezinski, Manno, Swartz, Bono, Campione, Russell (11).

Against: None. Absent: Schrader, Keeler, Ackerman, Donley, Shaw, Weakley (6).



HERKIMER COUNTY LEGISLATURE

No. 302

REPORT AND RESOLUTION REGARDING INTRODUCTORY LOCAL LAW E FOR 2023

Sponsored by: Committee on Ways and Means

WHEREAS, your Committee on Ways and Means of the Herkimer County Legislature desires to report that on the 4th day of October, 2023, pursuant to Resolution No. 290, it held a public hearing on the adoption of Introductory Local Law E for 2023 entitled, "A LOCAL LAW TO IMPOSE A MORTGAGE RECORDING TAX WITHIN THE COUNTY OF HERKIMER", and that there were no appearances and no objections at 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 E for 2023 be adopted in form attached hereto.

Dated: October 4, 2023.

INTRODUCTORY LOCAL LAW E – 2023

LOCAL LAW NO. 8 – 2023

A LOCAL LAW TO IMPOSE A MORTGAGE RECORDING TAX WITHIN THE COUNTY OF HERKIMER

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

Section 1. Imposition of Tax

Pursuant to Section 253-u of the Tax Law, as amended by Chapter 332 of the Laws of 2023, there is hereby imposed in the County of Herkimer a tax of \$0.25 for each \$100 and each remaining major fraction thereof of principal debt or obligation, which is or under any contingency may be secured at the date of execution thereof or at any time thereafter, by a mortgage on real property situated within the County of Herkimer and recorded on and after December 1, 2023, and a tax of \$0.25 on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than \$100.00. This local law

hereby continues without interruption the imposition of the Herkimer County Mortgage Recording Tax as authorized by Herkimer County Local Law No. 3 for 2005.

Section 2. Applicability

The taxes imposed under the authority of this local law shall be administered and collected in the same manner as the taxes imposed under Section 253.1 and Section 255.1(b) of the Tax Law.

Section 3. Additional Taxes

A tax imposed pursuant to this local law shall be in addition to the taxes imposed by Section 253 of the Tax Law.

Section 4. Payment of Taxes

The tax imposed pursuant to this local law shall be payable on the recording of each mortgage of real property subject to taxes thereunder. Such tax shall be paid to the recording officer of the county in which the real property or any part thereof is situated. Where such property is situated within and without the county imposing this tax, the recording officer of the jurisdiction in which the mortgage is first recorded shall be required to collect the taxes imposed herein. It shall be the duty of such recording officer to endorse upon each mortgage a receipt for the amount of the tax so paid. Any mortgage so endorsed may thereupon or thereafter be recorded by any recording officer and the receipt of such tax endorsed upon each mortgage shall be recorded therewith. The record of such receipt shall be conclusive proof that the amount of tax stated therein has been paid upon such mortgage.

Section 5. Real Property Located in More than One County

Where real property covered by the mortgage subject to the tax imposed pursuant to this local law is situated in the State of New York but within and without the County of Herkimer, the amount of such tax due and payable to the County of Herkimer shall be determined in a manner similar to that prescribed in the first paragraph of Section 260 of the Tax Law.

Where such property is situated both within Herkimer County and without the State, the amount due and payable in Herkimer County shall be determined in the manner prescribed in the second paragraph of such Section 260.

Section 6. Disposition of Taxes

Notwithstanding any provision of Article 11 of the Tax Law to the contrary, the balance of all monies paid to the recording officer of the County of Herkimer during each month upon account of the tax imposed pursuant to this local law, after deduction of the necessary expenses of his office as provided in Section 262 of the Tax Law, except taxes paid upon mortgages which under the provisions of this local law or Section 260 of the Tax Law are first to be apportioned by the New York State Commissioner of Taxation and Finance, shall be paid over by such officer on or before the tenth day of each succeeding month to the Treasurer of the County of Herkimer and, after the deduction by such Treasurer of the necessary expenses of his or her office provided in Section 262 of the Tax Law, shall be deposited in the General Fund of the County of Herkimer for expenditure on any county purpose. Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property

situated in two or more counties, which under the provisions of this local law or Section 260 of the Tax Law are first to be apportioned by the Commissioner of Taxation and Finance, shall be paid over by the recording officer receiving the same as provided by the determination of the Commissioner.

Section 7. Expiration Date

The tax imposed by this local law shall be effective from December 1, 2023 to December 1, 2025.

Section 8. Effective Date

This local law shall become effective on the first day of December, 2023, provided that a certified copy thereof is mailed by registered or certified mail to the Commissioner of Taxation and Finance at the Commissioner's Office in Albany at least thirty days prior to the date the local law shall take effect. Certified copies of any local law described in this section shall also be filed with the Herkimer County Clerk, the Secretary of State and the State Comptroller within five days after the local law is duly enacted.

Dated: October 4, 2023.

On motion of Mr. Johnson seconded by Mr. Russell, Report and Resolution No. 303 sponsored by the Committee on County Planning & Development and the Committee on Ways & Means amending Resolution No. 224 of 2023 was handed up; voted on and adopted by voice vote:

For: Ayes (11).

Against: None.

Absent: Schrader, Keeler, Ackerman, Donley, Shaw, Weakley (6).



HERKIMER COUNTY LEGISLATURE

No. 303

REPORT AND RESOLUTION AMENDING RESOLUTION NO. 224 OF 2023

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

WHEREAS, Resolution No. 224 of 2023 awarded bids for broadband projects, amended the budget, created accounts, created projects, and appropriated funds; and

WHEREAS, by letter dated September 20, 2023 from Sheri A. Ferdula, Budget Officer/Purchasing Agent, she has requested that Resolution No. 224 of 2023 be amended to change the original account number from A6989 to A8780 due to the State recently releasing guidance on account codes for broadband; now, therefore, be it

RESOLVED, that Resolution No. 224 of 2023 is hereby amended to change all of the account numbers originally listed as A6989 to account A8780; and, be it further

RESOLVED, that in all other respects, Resolution No. 224 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, and Budget Officer.

Dated: October 4, 2023.

On motion of Mr. Gaworecki, seconded by Mr. Manno, Report and Resolution No. 304 sponsored by the Committee on County Properties and the Committee on Ways & Means directing prospective cancellation of taxes on certain parcels was handed up; voted on and adopted by voice vote:

For: Ayes (11).

Against: None.

Absent: Schrader, Keeler, Ackerman, Donley, Shaw, Weakley (6).



HERKIMER COUNTY LEGISLATURE

No. 304

REPORT AND RESOLUTION DIRECTING PROSPECTIVE CANCELLATION OF TAXES ON CERTAIN PARCELS

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

WHEREAS, the County of Herkimer has, for many years, enforced the collection of delinquent real estate taxes pursuant to Real Property Tax Law, Article 11, Title 3, Foreclosure of Tax Lien by Proceeding In Rem; and

WHEREAS, Real Property Tax Law Section 1138, provides methods to withdraw parcels of property from foreclosure and in certain instances, cancel said taxes; and

WHEREAS, by letter dated September 12, 2023, from Jennifer L. Casey, County Property Agent, this Legislature is advised that parcels have been withdrawn from the County's list of delinquent taxes because if the County were to acquire the parcels, there is a significant risk that the County might be exposed to a liability substantially in excess of the amount that could be recovered by enforcing the tax lien; and

WHEREAS, action can be taken by the Legislature pursuant to Real Property Tax Law Section 1138-(6)(d) to direct the enforcing officer to issue a certificate of prospective cancellation; and

WHEREAS, the issuance of such a certificate of prospective cancellation renders the parcel involved exempt from taxation until it is determined by the Legislature that the parcel should be restored to the taxable portion of the tax roll; now, therefore, be it

RESOLVED, that the Legislature hereby determines that there is no practical method to enforce the collection of delinquent tax liens arising hereafter against the parcels listed on Exhibit A attached hereto and made a part hereof; and, be it further

RESOLVED, that the Enforcing Officer is directed to issue a certificate of prospective cancellation for the parcels set forth on Exhibit A; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Property Agent, and Director of Real Property Tax Services.

Dated: October 4, 2023.

<u>EXHIBIT A</u>				
TOWN	TAX MAP#	OWNER	LOCATION	DESCRIPTION
City of Little Falls	114.67-1-7	Krawecki, John	10 Marco Terrace	Dilapidated Building
		Rohacek, Jonathan		
Ilion- Village	120.45-2-65	Springer, Harold/Carol	54 Lester Avenue	Dilapidated Building
	120.45-2-66	Springer, Harold/Carol	56 Lester Avenue	Dilapidated Building
	119.52-3-11	Wayne Whitaker et al Trustee	164 Otsego Street	Dilapidated Building
		Gail Whitaker SN Trust		
Dolgeville- Village	108.52-5-89	Valley View NY Realty Inc	11-13 Van Buren St	Dilapidated Building
Manheim-Town	115.4-1-27	Bowman, David J Jr.	310 E Bidleman Rd	Dilapidated Building

On motion of Mr. Hollum, seconded by Mr. Malta, Report and Resolution No. 305 sponsored by the Committee on Human Resources and the Committee on Ways & Means accepting grant funding, authorizing signatures, creating project number, and amending 2023 budget was handed up; voted on and adopted by voice vote:

For: Ayes (11).

Against: None.

Absent: Schrader, Keeler, Ackerman, Donley, Shaw, Weakley (6).



HERKIMER COUNTY LEGISLATURE

No. 305

REPORT AND RESOLUTION ACCEPTING GRANT FUNDING, AUTHORIZING SIGNATURES, CREATING PROJECT NUMBER, AND AMENDING 2023 BUDGET

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

WHEREAS, by letter dated September 14, 2023, Christina Cain, Director of Public Health has advised of a Substance Abuse and Mental Health Services Administration "System of Care" Grant Funding for the period of September 30, 2023 to September 29, 2027 with years 1-3 being in the amount of \$999,995 per year and year 4 at \$750,000; and

WHEREAS, by letter dated September 14, 2023 from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that Project PH20-6 be established for these funds and that the 2023 budget be amended; now, therefore, be it

RESOLVED, that the above described grant is hereby accepted and that the 2023 budget be amended as follows:

Revenue:

A4189N.4489N, Care Exp. and Sus. Grant, Federal, Proj PH20-6

From: \$0

To: \$999,995

Expense:

A4189N.44000, Care Exp. And Sus. Grant, Contracted Svs,
Proj. PH 20-6

From: \$0

To: \$999,995

and, be it further

RESOLVED, that the Chairman of the Legislature be authorized to e-sign the grant document; and, be it further

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

Dated: October 4, 2023.

On motion of Mr. Gaworecki, seconded by Mr. Malta, Report and Resolution No. 306 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 (11). Against: None.

Absent: Schrader, Keeler, Ackerman, Donley, Shaw, Weakley (6).



HERKIMER COUNTY LEGISLATURE

No. 306

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 September 15, 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:

Poland Volunteer Fire	\$20,000	Russell	Repairs
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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: October 4, 2023.

On motion of Mr. Gaworecki, seconded by Mr. Hollum, Report and Resolution No. 307 sponsored by the Committee on Ways & Means authorizing appropriation of funds was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Hollum, Johnson, Stephens, Brezinski, Manno, Swartz, Bono, Campione, Russell (11).

Against: None. Absent: Schrader, Keeler, Ackerman, Donley, Shaw, Weakley (6).



HERKIMER COUNTY LEGISLATURE

No. 307

REPORT AND RESOLUTION 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 September 11, 2023, submitting a request for an appropriation of funds necessary to cover anticipated expenses through the end of the year from the New York State Office of Mental Health, 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 an appropriation be made as follows:

\$200,000 From: A909, Fund Balance
To: A3170.44000-453, Correctional Institution, Mental Health

and, be it further

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

Dated: October 4, 2023.

On motion of Mr. Russell, seconded by Mr. Campione, Report and Resolution No. 308 sponsored by the Committee on Ways & Means authorizing Chairman to sign Memorandum of Agreements with Unions was handed up; voted on and adopted by voice vote:

For: Ayes (11). Against: None.

Absent: Schrader, Keeler, Ackerman, Donley, Shaw, Weakley (6).



HERKIMER COUNTY LEGISLATURE

No. 308

REPORT AND RESOLUTION AUTHORIZING CHAIRMAN TO SIGN MEMORANDUM OF AGREEMENTS WITH UNIONS

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated September 12, 2023, from Steven R. Billings, Personnel Officer, this Legislature is advised of a request to authorize the Chairman to enter into separate Memorandum of Agreements with CSEA Local 1000, UPSEU (Herkimer County Sheriff's Department Unit), and the Teamsters Local 294; and

WHEREAS, these Memorandum of Agreements will establish a new procedure for pay, accrued leave time and health insurance for both employees that have left employment with Herkimer County and wish to return, and for employees that transfer to Herkimer County from another New York State municipality; now, therefore, be it

RESOLVED, that it is authorized for the Chairman to enter into Memorandum of Agreements with the above stated Unions to establish a new procedure for pay, accrued leave time and health insurance for both employees that have left employment with Herkimer County and wish to return, and for employees that transfer to Herkimer County from another New York State municipality; and, be it further

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

Dated: October 4, 2023.

On motion of Mr. Manno, seconded by Mr. Malta, Report and Resolution No. 309 sponsored by the Committee on County Properties and the Committee on Ways & Means awarding contract in connection with the remodel of the 108 Court Street building and appropriating funds was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Hollum, Brezinski, Manno, Swartz, Bono, Campione, Russell (9).

Against: Johnson, Stephens (2).

Absent: Schrader, Keeler, Ackerman, Donley, Shaw, Weakley (6).



HERKIMER COUNTY LEGISLATURE

No. 309

REPORT AND RESOLUTION AWARDING CONTRACT IN CONNECTION WITH 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 September 13, 2023, Sheri A. Ferdula, Budget Officer/Purchasing Agent, has advised that proposals have been received for special inspection and construction materials, engineering and testing services for the remodel of the 108 Court Street property; and

WHEREAS, said letter advises it is the recommendation of Alesia & Crewell Architects that the contract be awarded to the lowest proposer, CME Associates, 6035 Corporate Drive, East Syracuse, NY 13057, in the amount of \$7,722.91; and

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

RESOLVED, that the bids be awarded to the aforementioned contractor, in the amount listed; and, be it further

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

\$7,722.91	From: A909, Fund Balance
	To: A889N, Capital Buildings Reserve
\$7,722.91	From: A889N, Capital Buildings Reserve
	To: H1620.40000, Capital Buildings, Proj.: 16-4

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, CME Associates, and Alesia & Crewell Architects.

Dated: October 4, 2023.

On motion of Mr. Manno, seconded by Mr. Malta, Report and Resolution No. 310 sponsored by the Committee on County Planning & Development and the Committee on Ways & Means appropriating funds in connection with the Industrial Development Agency was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Hollum, Stephens, Brezinski, Manno, Swartz, Bono, Campione, Russell (10).

Against: Johnson (1).

Absent: Schrader, Keeler, Ackerman, Donley, Shaw, Weakley (6).



HERKIMER COUNTY LEGISLATURE

No. 310

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

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

WHEREAS, by letter dated September 21, 2023 from the Budget Officer/Purchasing Agent, this Legislature is advised of a request to approve an appropriation of funds to the Herkimer County Industrial Development Agency to move forward with the next phase of a feasibility study; now, therefore, be it

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

\$78,750 From: A909, Fund Balance
 To: A1340.44000, Budget & Purchasing, Contracted Services

and, be it further

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

Dated: October 4, 2023.

On motion of Mr. Hollum, seconded by Mr. Malta, Report and Resolution No. 311 sponsored by the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means accepting additional grant funding and amending budget in Board of Elections was handed up; voted on and adopted by voice vote:

For: Ayes (11).

Against: None.

Absent: Schrader, Keeler, Ackerman, Donley, Shaw, Weakley (6).



HERKIMER COUNTY LEGISLATURE

No. 311

REPORT AND RESOLUTION ACCEPTING ADDITIONAL GRANT FUNDING AND AMENDING BUDGET IN THE BOARD OF ELECTIONS

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

WHEREAS, Resolution No. 232 and Resolution No. 233 extended the Technology Innovation and Election Resource (TIER) Grant and the Absentee Ballot Pre-Paid Postage Grant in the Board of Elections; and

WHEREAS, by letter dated September 13, 2023, from the Commissioners of Elections, a request is being made to accept additional funding for the TIER Grant in the amount of \$61,632.44 and for the Postage Grant in the amount of \$21,094.82; and

WHEREAS, by letter dated September 13, 2023, from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that it will be necessary to amend the 2023 Herkimer County Budget to add the funds; now, therefore, be it

RESOLVED, that the additional funding for the TIER Grant in the amount of \$61,632.44 and the additional funding for the Postage Grant in the amount of \$21,094.82 is hereby accepted; and, be it further

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

A1450L.3089L, Tier Grant, State Aid	From: \$7,904.92
	To: \$69,537.36
A1450L.41000, Tier Grant, Supplies	From: \$7,904.92
	To: \$69,537.36
A1450.3089, BOE, State Aid	From: \$15,786.80
	To: \$36,881.62
A1450.46300-100, BOE, Prepaid Postage	From: \$15,786.80
	To: \$36,881.62

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: October 4, 2023.

On motion of Mr. Manno, seconded by Mr. Russell, Report and Resolution No. 312 sponsored by the Committee on Education and the Committee on Ways & Means approving purchase of new furniture at Herkimer County Community College, creating account, creating project, amending budget, and appropriating funds was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Hollum, Johnson, Stephens, Brezinski, Manno, Swartz, Bono, Campione, Russell (11).

Against: None. Absent: Schrader, Keeler, Ackerman, Donley, Shaw, Weakley (6).



HERKIMER COUNTY LEGISLATURE

No. 312

REPORT AND RESOLUTION APPROVING PURCHASE OF NEW FURNITURE AT HERKIMER COUNTY COMMUNITY COLLEGE, CREATING ACCOUNT, CREATING PROJECT, AMENDING BUDGET, AND APPROPRIATING FUNDS

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

WHEREAS, by letter dated September 11, 2023, Sheri Ferdula, Budget Officer/Purchasing Agent, has advised that Herkimer County Community College has secured \$125,000 in Capital funds from SUNY with a \$125,000 match from the County for a total of \$250,000 to be used for the purchase of new furniture for existing classrooms and offices throughout the campus, with the College also utilizing grant funding in the amount of \$30,000 to furnish three new classrooms; and

WHEREAS, said letter also requests to approve the purchase through Hummel's Office Plus, NYS Contract PC 68367 totaling \$279,050.84, an appropriation of funds, the creation of an account and project, and an amendment to the 2023 budget in order to complete the purchase; now, therefore, be it

RESOLVED, that the purchase of new furniture is approved through Hummel's Office Plus in the amount of \$279,050.84; and, be it further

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

Appropriate:

\$125,000 From: A909, Fund Balance
H2497.25000, Com. College Capital Project, Proj.: 116-1

Amend:

H3097, Gen. Gov. Cap. Project, Proj.: 116-1 From: \$0
To: \$155,000
H2497.25000, Com. College Capital Project, Proj.: 116-1 From: \$125,000

To: \$280,000

and, be it further

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

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

Dated: October 4, 2023.

On motion of Mr. Manno, seconded by Mr. Gaworecki, Report and Resolution No. 313 sponsored by the Committee on Education and the Committee on Ways & Means approving various capital projects at Herkimer County Community College, creating projects, amending budget and appropriating funds was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Hollum, Johnson, Stephens, Brezinski, Manno, Swartz, Bono, Campione, Russell (11).

Against: None. Absent: Schrader, Keeler, Ackerman, Donley, Shaw, Weakley (6).



HERKIMER COUNTY LEGISLATURE

No. 313

REPORT AND RESOLUTION APPROVING VARIOUS CAPITAL PROJECTS AT HERKIMER COUNTY COMMUNITY COLLEGE, CREATING PROJECTS, AMENDING BUDGET AND APPROPRIATING FUNDS

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

WHEREAS, by letter dated September 26, 2023 from Nicholas F. Laino, Senior Vice President for Administration and Finance of Herkimer County Community College, this Legislature is advised that the Board of Trustees by their Resolution Nos. 23-1, 23-2, 23-3, 23-4, 23-5, 23-6, and 23-7, have approved various capital projects including: replacement of the physical education building roof, parking lot/road reconstruction, locker room renovation, Technology Center chiller replacement, training room renovation, baseball field replacement, and softball field replacement; and

WHEREAS, Resolution No. 223 of 2023 authorized the commitment of up to \$12,113,646 in matching funding for the various capital projects; and

WHEREAS, by letter dated September 26, 2023, Sheri Ferdula, Budget Officer/Purchasing Agent has advised that an appropriation of funds, the creation of projects, and budget amendments to the 2023 Budget will be necessary for the upcoming projects; now, therefore, be it

BASEBALL FIELDS

\$2,303,541.50 From: A909, Fund Balance
To: H2497.40000, Com. College Capital Project, Proj.: 122-1

H3097, Gen. Gov. Cap. Project, Proj.: 122-1 From: \$0
To: \$2,303,541.50
H2497.40000, Com. College Capital Project, Proj.: 122-1 From: \$2,303,541.50
To: \$4,607,083.00

SOFTBALL FIELDS

\$1,794,223.00 From: A909, Fund Balance
To: H2497.40000, Com. College Capital Project, Proj.: 123-1

H3097, Gen. Gov. Cap. Project, Proj.: 123-1 From: \$0
To: \$1,794,223.00
H2497.40000, Com. College Capital Project, Proj.: 123-1 From: \$1,794,223.00
To: \$3,588,446.00

and, be it further

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

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

Dated: October 4, 2023.

On motion of Mr. Campione, seconded by Mr. Russell, Resolution No. 314 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 (11). Against: None.

Absent: Schrader, Keeler, Ackerman, Donley, Shaw, Weakley (6).



HERKIMER COUNTY LEGISLATURE

No. 314

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:

Title:	Standard Work Day: (Hrs/day) Min. 6 hrs Max. 8 hrs	Name: (First and Last)	Social Security Number: (Last 4 digits)	NYSLRS ID:	Tier 1 (Check only if member is Tier 1)	Current Term Begin & End Dates: (mm/dd/yyyy-mm/dd/yyyy)	Record of Activities Result	Not Submitted: (Check only if official did not submit their Record of Activities)
Appointed Officials								
Attorney for Sewer Board	6	Christopher Bray	████	████		02/28/20-02/27/25	1.56	

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: October 4, 2023.

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

At 2:12 p.m. on motion of Mr. Manno, seconded by Mr. Malta, the Legislature adjourned to Wednesday, October 25, 2023 at 7:00 p.m.

Brittney R. Viscomi, Clerk