

**MINUTES**  
**Herkimer County Legislature**  
**Fourth Quarter – Third Day**  
**Wednesday, October 25, 2023**  
**7:00 p.m.**

The Regular Session of the Herkimer County Legislature was called to order by Chairman Vincent J. Bono at 7:02 p.m.

Chairman Bono called on Derek, Cornell Cooperative Extension Government Intern, 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, Keeler, Brezinski, Manno, Swartz, Bono, Ackerman, Donley, Campione, Russell, Weakley (14).

Absent: Johnson, Stephens, Shaw (3).

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 October 4, 2023 and October 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. Mr. Malta requested Communication No. 417 be read.

No. 415 – A communication was received from the Herkimer County Soil & Water Conservation District advising of monthly meeting. Filed.

No. 416 – A communication was received from Theresa Fusco-Chamberlain submitting Disclosure of possible conflict of interest. Filed.

No. 417 – A communication was received from the County Attorney submitting Notice of Claim. Filed.

No. 418 – A communication was received from the County Treasurer/D’Arcangelo submitting 2022 Audit. Filed.

No. 419 – A communication was received from the Herkimer County IDA submitting notice of Public Hearing. Filed.

No. 420 – A communication was received from Chairman Bono submitting letter to Vice Chairman to preside in his absence. Filed.

No. 421 – A communication was received from the District Attorney requesting Suite Expansion. Referred to the Committee on County Properties, the Committee on Public Safety & Emergency Management, and the Committee on Ways & Means.

No. 422 – A communication was received from the Sheriff submitting August 2023 Monthly Report. Referred to the Committee on Public Safety & Emergency Management.

No. 423 – A communication was received from the Budget Officer/Purchasing Agent requesting contract with Davis-Ulmer Fire Protection. Referred to the Committee on County Properties, the Committee on Public Safety & Emergency Management, and the Committee on Ways & Means.

No. 424 – 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. 425 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer of funds. Referred to the Committee on Ways & Means.

No. 426 – A communication was received from the Personnel Officer requesting contract for dental insurance for County employees. Referred to the Committee on Ways & Means.

No. 427 – A communication was received from the County Treasurer submitting report of cancelled taxes. Referred to the Committee on Ways & Means.

No. 428 – A communication was received from the Director of Probation submitting 2023-2024 Probation Plan. Referred to the Committee on Public Safety & Emergency Management.

No. 429 – A communication was received from the Sheriff requesting renewal of contract with Black Creek Integrated Systems VMS Support Plan and Level One Service Plan. Referred to the Committee on County Properties, the Committee on Public Safety & Emergency Management, and the Committee on Ways & Means.

No. 430 – A communication was received from the Sheriff requesting renewal of contract with Power DMS. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 431 – A communication was received from the Sheriff requesting renewal of contract with Black Creek Integrated Systems. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 432 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in connection with 2023 Emergency Management Performance Grant in Emergency Services. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 433 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment and creation of projects in connection with 2023 State Homeland Security Grant and State Law Enforcement Terrorism Prevention Program Grant in Emergency Services. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 434 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment for funding from the NYS Highway Safety Program Grant in STOP-DWI. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 435 – A communication was received from the Budget Officer/Purchasing Agent requesting purchase of vehicles and transfer of funds in the Sheriff Department. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 436 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer of funds in connection with extension of State Homeland Security Grant in Emergency Services. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 437 – A communication was received from Michael J. Farmer, Town of Webb Tourism/Publicity Director requesting designation for the Town of Webb as Tourist Promotion Agency. Referred to the Committee on County Planning & Development.

No. 438 – A communication was received from the Personnel Officer requesting amendment to Salary Schedule No. II to create position within the Sheriff's Department. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 439 – A communication was received from the Personnel Officer requesting amendment to Salary Schedule No. III in DSS. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 440 – A communication was received from the Director of Community Services requesting amendment to contract due to an increase in state aid. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 441 – A communication was received from the Director of Community Services requesting contract with STI for Medical Billing. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 442 – A communication was received from the County Treasurer submitting request for refund of interest and penalties. Referred to the Committee on Ways & Means.

No. 443 – A communication was received from the Sheriff requesting contract for on-site dental care. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 444 – A communication was received from the Sewer District submitting Resolution for increase in chemical contract. Referred to the Committee on Natural Resources and the Committee on Ways & Means.

No. 445 – A communication was received from the Sewer District submitting Resolution for Public Hearing in connection with user rate increase and late payment fees. Referred to the Committee on Natural Resources and the Committee on Ways & Means.

No. 446 – A communication was received from the Capital District OTB submitting financial report for June and July 2023. Filed.

No. 447 – A communication was received from the Highway Superintendent/NYS DOT requesting adoption of new Bridge NY Project Resolution, with changes. Filed.

No. 448 – A communication was received from the Highway Superintendent requesting amendment to Resolution No. 11 of 2023. Referred to the Committee on Highways.

No. 449 – A communication was received from the Sewer District submitting Resolution for user rate increase. Referred to the Committee on Natural Resources and the Committee on Ways & Means.

Pursuant to Rule 6, Chairman Bono then proceeded with Reports of Standing Committees. Legislator Hollum, Chairman of the Administration/Veterans' Affairs Committee gave an update that early voting will be starting this Saturday at the Little Falls Library; Legislator Gaworecki, Chairman of the County Properties Committee gave an update of the current Herkimer County building projects.

On motion of Mr. Schrader, seconded by Mr. Campione, Resolution No. 316 – Resolution No. 318 were handed up; voted on and adopted by voice vote:

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

**Consent Agenda:**

- 316    WAYS & MEANS: Setting date for public hearing for Local Law
- 317    NAT. RESOURCES, WAYS & MEANS: Setting date for public hearing for Sewer District Assessment Roll
- 318    PUB. SFTY./EMER. MGMT.: Approving 2023/2024 Probation Plan



## HERKIMER COUNTY LEGISLATURE

No. 316

### **REPORT AND RESOLUTION SETTING DATE FOR PUBLIC HEARING FOR LOCAL LAW ESTABLISHING ANNUAL SALARIES OF SOME ELECTED OFFICIALS AND CERTAIN COUNTY OFFICERS APPOINTED FOR A FIXED TERM DURING THEIR TERM OF OFFICE**

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

We, the Committee on Ways and Means of the Herkimer County Legislature, are causing to be prepared and will present Introductory Local Law F for the year 2023 to establish annual salaries of some elected officials and certain county officers appointed for a fixed term during their term of office, and setting the date for the statutory public hearing thereon, and offer the following Resolution:

#### RESOLVED:

1. That a proposed local law establishing salaries of some elected officials and certain county officers will be prepared by this Committee, and that a public hearing will be held on the proposed local law at a meeting of the Herkimer County Legislature, on the 15<sup>th</sup> day of November, 2023, at 6:15 p.m. in the Legislative Chambers of the County Office Building in the Village of Herkimer, New York;
2. That this County Legislature designates the Committee on Ways and Means as the Committee to hold the public hearing on the adoption of said act;
3. That at least five days prior to such public hearing the Clerk of this Legislature shall post a notice of such hearing upon the bulletin board in the Courthouse and cause to be published said notice at least once in the *Times Telegram*;
4. That the Clerk of this Legislature shall place a copy of said act on the desks of the members of this County Legislature at least seven calendar days, exclusive of Sunday, prior to its final adoption;
5. That if said local law be finally adopted, the Clerk of this Legislature shall file one certified copy thereof in the Office of the County Clerk, one in the Office of the Secretary of State and publish said local law as required by law.

Dated: October 25, 2023.



## HERKIMER COUNTY LEGISLATURE

No. 317

### **REPORT AND RESOLUTION FIXING TIME AND PLACE FOR THE PUBLIC HEARING ON THE ASSESSMENT ROLL OF THE PART COUNTY SEWER DISTRICT**

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

WHEREAS, the Herkimer County Sewer District has prepared an assessment roll pursuant to the provisions of Section 271 of the County Law; and

WHEREAS, this Legislature has been advised that the assessment roll has been submitted to the Herkimer County Budget Officer together with the estimate of revenues and expenditures; and

WHEREAS, the Herkimer County Budget Officer has transmitted the assessment roll together with the tentative budget to the Clerk of the Legislature; now, therefore, be it

RESOLVED, that the Herkimer County Legislature shall cause a notice to be published stating the time, place and purpose of a public hearing on the said assessment roll; and, be it further

RESOLVED, that the Herkimer County Legislature shall hold such public hearing at the Legislative Chambers of the Herkimer County Office Building in the Village of Herkimer, County of Herkimer, New York, on the 15<sup>th</sup> day of November, 2023 at 6:17 p.m., pursuant to the provisions of Section 271 of the County Law.

Dated: October 25, 2023.



## HERKIMER COUNTY LEGISLATURE

No. 318

### **REPORT AND RESOLUTION APPROVING 2023/2024 PROBATION PLAN**

**Sponsored by: Committee on Public Safety/Emergency Management**

WHEREAS, your Committee on Public Safety/Emergency Management, to which was referred the 2023/2024 Probation Plan of the Herkimer County Probation Department,

respectfully reports that we have examined the same, recommend the approval of said plan, and offer the following Resolution:

RESOLVED, that the 2023/2024 Probation Plan of the Herkimer County Probation Department be approved and placed on file with the Herkimer County Legislature.

Dated: October 25, 2023.

The Chairman continued with the Regular Agenda.

On motion of Mr. Russell, seconded by Mr. Donley, Report and Resolution No. 319 sponsored by the Committee on Ways & Means authorizing transfers of funds in the 2023 budget was handed up; voted on and adopted by voice vote:

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



## HERKIMER COUNTY LEGISLATURE

No. 319

### REPORT AND RESOLUTION AUTHORIZING TRANSFERS OF FUNDS IN 2023 BUDGET

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

WHEREAS, your Committee on Ways and Means, to which was referred a communication from Sheri Ferdula, Budget Officer, dated October 4, 2023, submitting requests for transfers of funds in the 2023 budget, reports that we have examined said communication, inquired into the subject matters thereof, and recommend that said transfers be made and offer the following Resolution:

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized and directed to transfer the following sums from and to the following accounts:

\$27,750	From: A6010.10000-001, DSS Admin, Salaries
	To: A6010.10000-002, DSS Admin, Overtime
\$19,600	From: A6010.10000-001, DSS Admin, Salaries
	To: A6010.10100, DSS Admin, Temp Employees
\$18,572.58	From: A6010.10000-001, DSS Admin, Salaries
	To: A6010.43000, DSS Admin, Insurance
\$370.44	From: A6010.10000-001, DSS Admin, Salaries
	To: A6014.10000-002, Child Support, Overtime
\$6,872	From: A6010.10000-001, DSS Admin, Salaries
	To: A6014.10100, Child Support, Temp Employees
\$112,066	From: A6109.40000, Family Assistance, Contractual

\$1,300	To: A6140.40000, Safety Net, Contractual
	From: A6123.40000, Juvenile Delinquent, Contractual
\$60,500	To: A6141.46300, HEAP, Postage
	From: A6123.40000, Juvenile Delinquent, Contractual
\$20,000	To: A6142.40000, Emergency Aid to Adults, Contractual
	From: A6100.40000, Medicaid, Contractual
	To: A4074.41000, Biologicals, Supplies

and, be it further

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

Dated: October 25, 2023.

On motion of Mr. Schrader, seconded by Mr. Malta, Report and Resolution No. 320 sponsored by the Committee on Ways & Means authorizing payments for requests from American Rescue Plan funding was handed up; voted on and adopted by voice vote:

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



**HERKIMER COUNTY LEGISLATURE**

No. 320

**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 October 10, 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 Pop Warner	\$5,500	Gaworecki, Malta Schrader	Equipment
Herkimer Little League	\$3,500	Gaworecki, Malta Schrader	Bathrooms
Herkimer Youth Basketball	\$1,000	Gaworecki, Malta Schrader	Equipment

now, therefore, be it

RESOLVED, that authorization is given for payment to the above recipients 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 25, 2023.

On motion of Mr. Campione, seconded by Mr. Russell, Report and Resolution No. 321 sponsored by the Committee on Ways & Means authorizing refund of interest and penalties levied on 2022 Town and County tax bill due to error was handed up; voted on and adopted by voice vote:

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



## HERKIMER COUNTY LEGISLATURE

No. 321

### REPORT AND RESOLUTION AUTHORIZING REFUND OF INTEREST AND PENALTIES LEVIED ON 2022 TOWN AND COUNTY TAX BILL DUE TO ERROR

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

WHEREAS, by letter of Herkimer County Treasurer, Kimberlee Enea dated October 4, 2023, a taxpayer has made application for refund of interest and penalties levied on the 2022 Town and County tax bill for Tax Map Parcel No. 083.3-1-39 in the Town of Russia; and

WHEREAS, a typographical error on transfer forms submitted to the County of Herkimer created a mistaken transfer of ownership of the aforesaid property; and

WHEREAS, your Committee has caused to be reviewed said application and the report of the Herkimer County Treasurer and recommends approval of the application for refund; now, therefore, be it

RESOLVED:

1. That this Legislature finds a typographical error existed (now corrected) in the tax rolls for the parcel listed below:

Town: Russia	Base Amount: \$5,746.03
Tax Map No. 083.3-1-39	Paid Amount: \$7,255.77
Owner: Steve Samel	Refund Amount: \$1,509.74

2. That the Herkimer County Treasurer is directed to issue a refund of interest and penalties as set forth above to Steve Samel, 9757 State Route 28, Poland, New York.

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Auditor, County Property Agent, the Assessor for the Town of Russia, and Steve Samel.

Dated: October 25, 2023.

On motion of Mr. Weakley, seconded by Mr. Schrader, Report and Resolution No. 322 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing contract for billing service for Herkimer County Mental Health was handed up; voted on and adopted by voice vote:

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



## HERKIMER COUNTY LEGISLATURE

No. 322

### REPORT AND RESOLUTION AUTHORIZING CONTRACT FOR BILLING SERVICE FOR HERKIMER COUNTY MENTAL HEALTH

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

WHEREAS, by letter dated September 29, 2023 from Kristen Snyder-Branner, Director of Community Services, this Legislature is advised of a request to enter into a contract with STI (Service, Technology, Innovation) of Eagleville, PA 19403, for medical billing services to insurance companies; and

WHEREAS, the contract would include compensation of \$8.40 per encounter of service billed for Medicaid or Medicaid Managed Care and 7.5% of collections received for all other payers, and STI RCM revenue service recovery will be applicable for service dates prior to and after the date of the agreement; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be and he hereby is, authorized to execute a contract with STI (Service, Technology, Innovation), 2700 Van Buren Avenue, Eagleville, PA 19403, for medical billing services to insurance companies for Herkimer County Mental Health Services at a cost of \$8.40 per encounter of service billed for Medicaid or Medicaid Managed Care and 7.5% of collections received for all other payers, and STI RCM

revenue service recovery will be applicable for service dates prior to and after the date of the agreement; and, be it further

RESOLVED, that said agreement shall 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 Information Services, Director of Community Services, and STI.

Dated: October 25, 2023.

On motion of Mr. Ackerman, seconded by Mr. Weakley, Report and Resolution No. 323 sponsored by the Committee on Human Resources and the Committee on Ways & Means amending contract for Herkimer County Mental Health Services was handed up; voted on and adopted by voice vote:

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



## HERKIMER COUNTY LEGISLATURE

No. 323

### REPORT AND RESOLUTION AMENDING CONTRACT FOR HERKIMER COUNTY MENTAL HEALTH SERVICES

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

WHEREAS, Resolution No. 385 of 2022, authorized contracts for Herkimer County Mental Health Services; and

WHEREAS, by letter dated September 25, 2023, from Kristen Snyder-Branner, Director of Community Services, this Legislature is advised of a request to amend a contract due to an increase in state aid; and

WHEREAS, said contract shall be supported at the 100% state aid level; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute the amended contract with the following agency to provide services to Herkimer County Mental Health Services:

1. Neighborhood Center  
624 Elizabeth Street

Utica, NY 13501  
For a contract sum of \$486,593

and, be it further

RESOLVED, that in all other respects, Resolution No. 385 of 2022 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, Director of Community Services, and the above listed agency.

Dated: October 25, 2023.

On motion of Mr. Ackerman, seconded by Mr. Donley, Report and Resolution No. 324 sponsored by the Committee on Human Resources and the Committee on Ways & Means amending Salary Schedule No. III in the Department of Social Services was handed up; voted on and adopted by roll call vote:

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

Against: None. Absent: Johnson, Stephens, Shaw (3).



## HERKIMER COUNTY LEGISLATURE

No. 324

### REPORT AND RESOLUTION AMENDING SALARY SCHEDULE NO. III IN THE DEPARTMENT OF SOCIAL SERVICES

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

WHEREAS, by letter dated October 4, 2023, Timothy Seymour, Commissioner of Social Services, has requested to amend Salary Schedule III; and

WHEREAS, by letter dated October 13, 2023, Steven R. Billings, Personnel Officer, your Committees have been advised that Salary Schedule No. III should be amended to delete one position of Caseworker in Account A6010 and add one position of Social Welfare Examiner in Account A6010 at an annual base pay rate of \$36,177.00; now, therefore, be it

RESOLVED, that Salary Schedule No. III be amended to delete one position of Caseworker in Account A6010 and add one position of Social Welfare Examiner in Account A6010 at an annual base pay rate of \$36,177.00; and, be it further

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

Dated: October 25, 2023.

On motion of Mr. Weakley, seconded by Mr. Malta, Report and Resolution No. 325 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means extending grant for Emergency Services and transferring funds was handed up; voted on and adopted by voice vote:

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



## HERKIMER COUNTY LEGISLATURE

No. 325

### REPORT AND RESOLUTION EXTENDING GRANT FOR EMERGENCY SERVICES AND TRANSFERRING FUNDS

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

WHEREAS, pursuant to Resolution No. 251 of 2020, this Legislature accepted funding through a 2020 State Homeland Security Grant award in the amount of \$64,437.00 in the Department of Emergency Services; and

WHEREAS, by letter dated October 5, 2023 from John J. Raymond, Director of Emergency Services, your Committees have been advised that he would like to extend this grant to August 31, 2024; and

WHEREAS, by letter dated October 5, 2023 from Sheri Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that a transfer of funds is necessary; now, therefore, be it

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized and directed to transfer the following sum from and to the following accounts:

\$10,011.93    From: A3020A.25000, Emergency Mgmt, HS, Other Equipment, Proj. EM02-14  
                  To:    A3020A.44000, Emergency Mgmt, HS, Contracted Svs, Proj. EM02-14

and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to e-sign the grant documents for the extension to August 31, 2024 on behalf of the County of Herkimer for the 2020 State Homeland Security Grant; 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: October 25, 2023.

Chairman Bono dispensed with the regular session to welcome the students in attendance who are participating in the Cornell Cooperative Extension Government Intern Program and asked them to introduce themselves and the school districts they represent. Chairman Bono also asked the County Attorney to give a brief description of the difference between a voice vote and a roll call vote.

On motion of Mr. Ackerman, seconded by Mr. Malta, Report and Resolution No. 326 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means accepting grant funding, authorizing e-signature, creating projects, and amending 2023 budget was handed up; voted on and adopted by voice vote:

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



## HERKIMER COUNTY LEGISLATURE

No. 326

### **REPORT AND RESOLUTION ACCEPTING GRANT FUNDING, AUTHORIZING E-SIGNATURE, CREATING PROJECTS, AND AMENDING 2023 BUDGET**

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

WHEREAS, by letter dated September 18, 2023, John Raymond, Director of Emergency Services has advised of the State Homeland Security Program Grant (SHSP) and the State Law Enforcement Terrorism Prevention Program (SLETPP) Grant FY2023 in the amount of \$76,821.00, with the SHSP portion at \$49,931.00 and the SLETPP portion at \$26,890.00; and

WHEREAS, letter further advises that these grants are provided by the U.S. Department of Homeland Security and FEMA and will be managed by New York State Division of Homeland Security and Emergency Services for the period of September 1, 2023 through August 31, 2026; and

WHEREAS, by letter dated October 4, 2023, from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that Project EM02-17 and Project SH01-23 be established for these funds and that the 2023 budget be amended; now, therefore, be it

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

**Revenue:**

A3020A4389H, EM HSG, Federal, Proj: EM02-17

From: \$0  
To: \$49,931

**Expenses:**

A3020.A25000, EM HSG, Other Equipment, Proj: EM02-17

From: \$0  
To: \$12,631

A3020A.44000, EM HSG, Contracted Services, Proj: EM02-17

From: \$0  
To: \$37,300

**Revenue:**

A3110A.4389H, Sheriff, HSG, Federal Aid, Proj: SH01-23

From: \$0  
To: \$26,890

**Expense:**

A3110A.42100, Sheriff, HSG, Telephone, Proj: SH01-23

From: \$0  
To: \$26,890

and, be it further

RESOLVED, that the Chairman of the Legislature be authorized to e-sign the grant documents;  
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: October 25, 2023.

On motion of Mr. Donley, seconded by Mr. Weakley, Report and Resolution No. 327  
sponsored by the Committee on Public Safety & Emergency Management and the Committee on  
Ways & Means accepting grant funding, authorizing e-signature, creating project, and amending  
2023 budget was handed up; voted on and adopted by voice vote:

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



**HERKIMER COUNTY LEGISLATURE**

No. 327

**REPORT AND RESOLUTION ACCEPTING GRANT FUNDING, AUTHORIZING E-SIGNATURE, CREATING PROJECT, AND AMENDING 2023 BUDGET**

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

WHEREAS, by letter dated September 18, 2023, John J. Raymond, Director of  
Emergency Services has advised of an Emergency Management Program Grant FY2023 in the  
amount of \$26,171.00 provided by the U.S. Department of Homeland Security and FEMA and

will be managed by New York State Division of Homeland Security and Emergency Services;  
and

WHEREAS, letter further advises this is a 50/50 matching grant with a performance period of October 1, 2023 through September 30, 2025; and

WHEREAS, by letter dated October 4, 2023, from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that a project be established, and the 2023 budget must be amended; now, therefore, be it

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

A3020A.4389H, Emergency Mgmt, HS, Federal Aid, Proj. EM06-10	From: \$0
	To: \$26,171

A3020A.25000, Emergency Mgmt, HS, Other Equipment, Proj. EM06-10	From: \$0
	To: \$26,171

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 Emergency Services.

Dated: October 25, 2023.

On motion of Mr. Schrader, seconded by Mr. Hollum, Report and Resolution No. 328 sponsored by the Committee on Ways & Means relating to cancelled taxes and rejected taxes was handed up; voted on and adopted by voice vote:

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



## HERKIMER COUNTY LEGISLATURE

No. 328

### REPORT AND RESOLUTION RELATING TO CANCELLED TAXES AND REJECTED TAXES

Sponsored by: Committee on Ways and Means

WHEREAS, your Committee on Ways and Means, to which was referred the reports of the County Treasurer, with account attached thereto, showing the amounts of cancelled taxes and rejected taxes as of September 27, 2023 which should be charged back to the respective towns, municipalities and districts set forth on said account, does respectfully report that we have examined the same, inquired into the subject matter thereof, and offer the following Resolution:

RESOLVED, that the following amounts be charged to the respective towns, municipalities and districts as set forth on said account and that the portion of said cancelled taxes and rejected taxes be included in the various towns' tax levies for the coming year as follows:

<u>TOWN</u>	<u>CANCELLED TAXES</u>	<u>REJECTED TAXES</u>	<u>TOTAL</u>	<u>TOWN PORTION FOR LEVY</u>
<b>City of Little Falls</b>	246.41		246.41	0.00
<b>Ilion – Village</b>	43.96		43.96	41.86
<b>Totals</b>	290.37		290.37	41.86

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 25, 2023.

On motion of Mr. Campione, seconded by Mr. Weakley, Report and Resolution No. 329 sponsored by the Committee on Ways & Means as regards dental insurance for County employees was handed up; voted on and adopted by voice vote:

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



**HERKIMER COUNTY LEGISLATURE**

No. 329

**REPORT AND RESOLUTION AS REGARDS DENTAL INSURANCE FOR COUNTY EMPLOYEES**

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

WHEREAS, this Legislature has been informed by communication dated October 2, 2023 from Steven R. Billings, Personnel Officer, of a request for a contract with Excellus

BlueCross BlueShield for the County’s Self-Insured Dental Plan for the period of January 1, 2024 through December 31, 2026, with the administrative fee for 2024 at \$3.36 PEPM, for 2025 at \$3.42 PEPM, and for 2026 at \$3.49 PEPM; now, therefore, be it

RESOLVED, that the Herkimer County Legislature authorizes a contract with Excellus BlueCross BlueShield for the County’s Self-Insured Dental Plan for the period of January 1, 2024 through December 31, 2026, with the 2024 premium equivalent rates per month as follows:

<u>Division #4 (CSEA)</u>	<u>Division #3 (Highway)</u>	<u>Division #2 (Exempt)</u>
Single \$ 3.84	Single \$ 3.15	Single \$ 5.30
Family \$13.47	Family \$11.05	Family \$17.63

and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature be, and he hereby is, authorized, empowered and directed to execute any contract necessary with Excellus BlueCross BlueShield, to provide such dental insurance plan for 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, Personnel Officer, and Excellus BlueCross BlueShield.

Dated: October 25, 2023.

On motion of Mr. Malta, seconded by Mr. Gaworecki, Report and Resolution No. 330 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means accepting grant funds and amending budget in connection with receipt of STOP-DWI funding was handed up; voted on and adopted by voice vote:

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



## HERKIMER COUNTY LEGISLATURE

No. 330

### REPORT AND RESOLUTION ACCEPTING GRANT FUNDS AND AMENDING BUDGET IN CONNECTION WITH RECEIPT OF STOP-DWI FUNDING

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

WHEREAS, by letter dated October 4, 2023, from Michael L. Edwards, STOP-DWI Coordinator, he has requested this Legislature accept funding from the New York State Highway Safety Program Grant (High Visibility Engagement Campaign) in the amount of \$24,000 for the

period of October 1, 2023 through September 30, 2024, as a pass through funding stream administered by the County; and

WHEREAS, by letter dated October 4, 2023 from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that it is necessary to amend the 2023 Herkimer County Budget in connection with the receipt of said funding; now, therefore, be it

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

Revenue:	A3315A.4389G, Impaired Driving Det., Federal Aid, Project SD02-11	From: \$0 To: \$24,000
Expense:	A3315A.44000, Impaired Driving Det., Contracted Services, Project SD02-11	From: \$0 To: \$24,000

and, be it further

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

Dated: October 25, 2023.

On motion of Mr. Malta, seconded by Mr. Weakley, Report and Resolution No. 331 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means approving agreement for on-site dental care at Herkimer County Correctional Facility was handed up; voted on and adopted by voice vote:

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



## HERKIMER COUNTY LEGISLATURE

No. 331

### REPORT AND RESOLUTION APPROVING AGREEMENT FOR ON-SITE DENTAL CARE AT HERKIMER COUNTY CORRECTIONAL FACILITY

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

WHEREAS, by letter dated October 5, 2023 from Sheriff Scott F. Scherer, this Legislature is advised of a request to enter into an agreement with Dentserv Dental Services, P.C. to provide on-site dental care at the Herkimer County Correctional Facility, for a 24 month period, commencing October 1, 2023; and

WHEREAS, this contract will provide services once a month for a cost of \$1,200, which includes four hours of service, and an additional \$250 per extra hour; now, therefore, be it

RESOLVED, that a contract be entered into between the County of Herkimer and Dentserv Dental Services, P.C., 15 Canal Road, Pelham Manor, NY 10803, to provide on-site dental care at the Herkimer County Correctional Facility for a 24 month period, commencing October 1, 2023, with Dentserv Dental Services, P.C. providing services once per month at a cost of \$1,200 for four hours and \$250 per extra hour; and, be it further

RESOLVED, that annual renewals of said agreement are hereby authorized under the same or more favorable terms and conditions; and, be it further

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

Dated: October 25, 2023.

On motion of Mr. Schrader, seconded by Mr. Gaworecki, Report and Resolution No. 332 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means amending Salary Schedule No. II to create position was handed up; voted on and adopted by roll call vote:

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

Against: None. Absent: Johnson, Stephens, Shaw (3).



## HERKIMER COUNTY LEGISLATURE

No. 332

### **REPORT AND RESOLUTION AMENDING SALARY SCHEDULE NO. II TO CREATE POSITION**

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

WHEREAS, by letter dated October 4, 2023 from Scott Scherer, Sheriff, this Legislature is advised of a request to approve a full time LPN Position at the Herkimer County Jail; and

WHEREAS, by letter dated October 13, 2023 from Steven Billings, Personnel Officer, requests to amend Salary Schedule No. II by adding the position of Licensed Practical Nurse in Account A3150, for 40 hours per week, at an annual base salary of \$52,000 per year; and

WHEREAS, your Committees have taken this matter under consideration and recommend the establishment of the aforesaid position; now, therefore, be it

RESOLVED, that the 2023 Salary Schedule II is hereby amended in Account A3150 to establish the position of Licensed Practical Nurse, for 40 hours per week, at an annual base salary of \$52,000 per year; 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: October 25, 2023.

On motion of Mr. Gaworecki, seconded by Mr. Hollum, Report and Resolution No. 333 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means approving purchase of vehicles for Sheriff's Department and transferring funds was handed up; voted on and adopted by voice vote:

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



## HERKIMER COUNTY LEGISLATURE

No. 333

### REPORT AND RESOLUTION APPROVING PURCHASE OF VEHICLES FOR SHERIFF'S DEPARTMENT AND TRANSFERRING FUNDS

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

WHEREAS, by letter dated October 4, 2023, Scott F. Scherer, Sheriff, has requested approval to purchase two 2023 Dodge Durangos at a cost of \$42,977.00 each, with JPJ Electronic Communications Inc. installing the police equipment in both vehicles at a price of \$16,242.67, along with decals for one vehicle at a cost of \$700; and

WHEREAS, by letter dated October 4, 2023, Sheri Ferdula, Budget Officer/Purchasing Agent has advised the Durangos will be purchased from Main Motorcar, 224 Main Street, Johnstown, NY 12095, and that a transfer of funds will be necessary to complete the purchase; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby approves the above described purchases; and, be it further

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized and directed to transfer the following sum from and to the following accounts in the 2023 Budget:

\$102,896.67    From: A6100.40000, Medicaid, Contractual

To: A3110.23000, Sheriff, Motor Vehicles

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Sheriff, Main Motorcar, and JPJ Electronic Communications Inc.

Dated: October 25, 2023.

On motion of Mr. Ackerman, seconded by Mr. Russell, Report and Resolution No. 334 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means approving renewal of agreement for Sallyport Inmate Management System at Herkimer County Correctional Facility was handed up; voted on and adopted by voice vote:

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



## HERKIMER COUNTY LEGISLATURE

No. 334

### **REPORT AND RESOLUTION APPROVING RENEWAL OF AGREEMENT FOR SALLYPORT INMATE MANAGEMENT SYSTEM AT HERKIMER COUNTY CORRECTIONAL FACILITY**

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

WHEREAS, by Resolution No. 19 of 2009, this Legislature authorized an agreement to accept the SallyPort Jail Management System at the Herkimer County Correctional Facility, which agreement has been renewed by resolution thereafter; and

WHEREAS, by letter dated September 25, 2023 from Sheriff Scott F. Scherer, this Legislature is advised of a request to renew said agreement for support services for the SallyPort Inmate Management System for the period 1/1/2024 through 12/31/2024 at a cost of \$37,625.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute an agreement with Black Creek Integrated Systems, PO Box 101747, Irondale, AL 35210, for support services for the SallyPort Inmate Management System at the Herkimer County Correctional Facility with said agreement to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that said agreement shall be for the period of 1/1/2024 through 12/31/2024 at an annual cost of \$37,625.00; and, be it further

RESOLVED, that annual renewals of said agreement are hereby authorized under the same or more favorable terms and conditions; and, be it further

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

Dated: October 25, 2023.

On motion of Mr. Malta, seconded by Mr. Gaworecki, Report and Resolution No. 335 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means renewing contract in the Sheriff's Department was handed up; voted on and adopted by voice vote:

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



## HERKIMER COUNTY LEGISLATURE

No. 335

### REPORT AND RESOLUTION RENEWING CONTRACT IN THE SHERIFF'S DEPARTMENT

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

WHEREAS, by letter dated September 25, 2023, Scott F. Scherer, Sheriff, has requested approval to renew a contract with Power DMS, a policy and compliance management platform that lets the Sheriff's Department create, edit, organize, and distribute policies and procedures, at a cost of \$5,238.96 for the period of December 5, 2023 through December 4, 2024; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a contract with Power DMS, 101 S. Garland Ave., Ste. 300, Orlando, FL 32801, at a cost of \$5,238.96 for the period of December 5, 2023 through December 4, 2024; 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, Sheriff, and Power DMS.

Dated: October 25, 2023.

On motion of Mr. Malta, seconded by Mr. Donley, Report and Resolution No. 336 sponsored by the Committee on Public Safety & Emergency Management, the Committee on County Properties, and the Committee on Ways & Means approving renewal of agreement for VMS Support Plan and Level One Services Plan at Herkimer County Correctional Facility was handed up; voted on and adopted by voice vote:

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



## HERKIMER COUNTY LEGISLATURE

No. 336

### **REPORT AND RESOLUTION APPROVING RENEWAL OF AGREEMENT FOR VMS SUPPORT PLAN AND LEVEL ONE SERVICES PLAN AT HERKIMER COUNTY CORRECTIONAL FACILITY**

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

WHEREAS, by letter dated September 25, 2023 from Sheriff Scott F. Scherer, this Legislature is advised of a request to renew an agreement with Black Creek Integrated Systems for VMS Support Plan and Level One Service Plan for the period 1/1/2024 through 12/31/2024 at a cost of \$32,781.37; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute an agreement with Black Creek Integrated Systems, PO Box 101747, Irondale, AL 35210, for VMS Support Plan and Level One Service Plan at the Herkimer County Correctional Facility with said agreement to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that said agreement shall be for the period of 1/1/2024 through 12/31/2024 at an annual cost of \$32,781.37; and, be it further

RESOLVED, that annual renewals of said agreement are hereby authorized under the same or more favorable terms and conditions; and, be it further

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

Dated: October 25, 2023.

On motion of Mr. Gaworecki, seconded by Mr. Manno, Report and Resolution No. 337 sponsored by the Committee on Natural Resources and the Committee on Ways & Means

approving Sewer District Resolution for increase in chemical contract was handed up; voted on and adopted by voice vote:

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



## HERKIMER COUNTY LEGISLATURE

No. 337

### REPORT AND RESOLUTON APPROVING SEWER DISTRICT RESOLUTION FOR INCREASE IN CHEMICAL CONTRACT

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

WHEREAS, Resolution No. 190 of 2022 awarded a bid to Carus Chemical Company for the provision of Potassium Permanganate for the Herkimer County Sewer District at a cost of \$2.81 per pound; and

WHEREAS, by letter dated September 25, 2023, this Legislature is advised that by action on September 20, 2023, the Herkimer County Sewer District Board adopted a resolution approving a 5% price increase to its contract with Carus Chemical Company for Potassium Permanganate for 2024, resulting in a price of \$2.95 per pound; now, therefore, be it

RESOLVED, that the above-described resolution of the Herkimer County Sewer District Board is hereby approved for the 5% price increase to its contract with Carus Chemical Company for Potassium Permanganate for 2024, resulting in a price of \$2.95 per pound; 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 Carus Chemical Company.

Dated: October 25, 2023.

On motion of Mr. Schrader, seconded by Mr. Manno, Report and Resolution No. 338 sponsored by the Committee on Natural Resources and the Committee on Ways & Means adopting amended policy on payment of quarterly sewer bills for the Herkimer County Sewer District was handed up; voted on and adopted by voice vote:

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



# HERKIMER COUNTY LEGISLATURE

No. 338

## REPORT AND RESOLUTION ADOPTING AMENDED POLICY ON PAYMENT OF QUARTERLY SEWER BILLS FOR THE HERKIMER COUNTY SEWER DISTRICT

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

WHEREAS, by letter dated October 19, 2023, this Legislature is advised that by action on October 18, 2023, the Herkimer County Sewer District Board adopted a Resolution adopting an Amended Policy on Payment of Quarterly Sewer Bills, and said Resolution amending the Herkimer County Sewer District Policy on Payment of Quarterly Sewer Bills has been forwarded to the Herkimer County Legislature for approval; now, therefore, be it

RESOLVED, that the Herkimer County Sewer District Policy on Payment of Quarterly Sewer Bills adopted on February 16, 2022, as amended on October 18, 2023 is hereby adopted, as attached; and, be it further

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

Dated: October 25, 2023.

**Herkimer County Sewer District**  
**Policy on Payment of Quarterly Sewer Bills**  
**(Adopted February 16, 2022)**  
**(Amended October 18, 2023)**

The Herkimer County Sewer District (“HCS D”) provides Wastewater Management to the residents of the Towns of German Flatts and Frankfort and the Villages of Ilion, Mohawk and Frankfort. The following represents guidance established for sewer billing and payment.

**BILLING:**

Sewer bills are generated on a quarterly basis by HCS D, mailed to the property owner’s address on or about the last business day of January, April, July and October.

Payment is due within thirty days of that billing date.

HCS D does accept partial payments. If a partial payment results in a balance due and the balance due is not remitted by the bill due date, HCS D will assess a standard late fee. Overpayments received will be credited to the property owner’s account.

Sewer rates are set by the Herkimer County Sewer District Board (the “Board”) and adjusted from time to time. For more information on the current sewer rates, please contact HCS D at 315-866-6042.

All sewer bills are sent to property owners. HCSD cannot send bills to tenants.

If the property has been sold, please contact the municipal water department in the municipality where your property is located immediately. It is the buyer's responsibility to notify their water department of any ownership changes.

### **PAYMENT METHODS:**

HCSD is please to offer the following payment methods:

1. **In-Person:** Cash, personal check, money order paid in person to HCSD at 106 W. Main Street, Mohawk NY 13407. Currently HCSD is open to the public Monday – Friday, 8:00am – 3:30pm. Payment by credit/debit card is available in person (processing fees apply)  
Payments are also accepted at Adirondack Bank in Mohawk & Ilion and M&T Bank in Frankfort.
2. **By Mail:** Personal check or money order mailed to Herkimer County Sewer District, 106 W. Main Street, Mohawk, NY 13407. **Please do not mail cash payments.**
3. **Drop Box:** Personal check or money order dropped into the Drop Box located at the end of the driveway to the Herkimer County Sewer District, 106 W. Main Street, Mohawk, NY 13407. **Please do not leave cash in the Drop Box.**
4. **Online:** Visit <https://allpaid.com/payments#/plc-search/plc-details/a0010i> (processing fees apply)
5. **Bank Bill Pay Option:** set up through customer's bank or other financial institution – request that bank remit payments to Herkimer County Sewer District, 106 W. Main Street, Mohawk, NY 13407. (Bank fees may apply)

HCSD does not accept payments by telephone.

### **LATE PAYMENT FEES and RELEVY:**

Payments received after the billing due date are assessed a late payment fee. For quarterly bills of \$0-\$999.99, the late payment fee shall be a flat fee of \$25.00. For quarterly bills of more than \$1,000.00, the late payment fee shall be set at 5% of the amount billed.

Sewer charges that are not paid on or before the last business day in October are relevied to Herkimer County and appear on the real property tax bills issued the following January. Customers may see additional fees associated with such relevy.

### **RETURNED CHECK POLICY :**

HCSD is pleased to allow customers to pay using personal check. Payment by personal check is a privilege and not a right.

If a check is returned for any reason, a returned check fee of \$25.00 will be immediately added to that customer's billing. Further, HCSD will suspend that customer's privilege to pay by personal check indefinitely. That customer must remit all future payments utilizing an alternative and acceptable payment method as set forth herein.

The customer's privilege to pay by personal check may be reinstated as follows:

1. Should the customer believe the returned check was not the error of the customer, the customer may request a review of the account by the Board at a regular meeting of that body. The customer should request such a review by contacting HCSD and requesting to be added to the meeting agenda no later than 24 hours before a regular meeting. The customer may present any and all evidence to the Board as to why the privilege should be reinstated. The customer is encouraged to bring evidence that independently substantiates the customer's position. The Board will render a decision by letter to the customer. The decision of the Board will be considered final.

2. Following timely payment by the customer on six (6) consecutive billings of the account, the customer may make written application to have the privilege reinstated by writing a letter to the Board for consideration. The Board will review such letter application at the following regular meeting of the Board. The customer may request to be added to the agenda and may address the Board but that is not required. The Board will render a decision by letter to the customer. The decision of the Board will be considered final.

The Board meets regularly on the third Wednesday of each month (except the months of August and December) at 6:00pm at the HCSD Office, 106 W. Main Street, Mohawk, NY 13407.

#### **SPECIAL RULES FOR NON-MUNICIPAL WATER USERS:**

HCSD acknowledges that some customers within the Herkimer County Sewer District do not have municipal water accounts but rather have a well system for water supply. As HCSD relies upon the municipal water accounts to determine accurate billing for sewer services, HCSD policy for non-municipal water users requires the customer to complete a Sewer Use Affidavit and file same with HCSD. HCSD relies upon this sworn statement of the number of individuals residing at the property location so that HCSD may accurately bill the property owner.

Failure by the property owner to complete and file a Sewer Use Affidavit will result in the property owner being assessed a usage at the rate of five hundred (500) gallons per day.

#### **SEARCHES AND STATEMENTS:**

HCSD has established the following Schedule of Fees related to customer requests for account history, searches and statements:

1. Sewer Search on account (typically related to real estate sale) - \$25.00
2. Annual Account Statement - \$10.00

#### **EXCEPTIONAL CIRCUMSTANCES:**

HCSD also acknowledges that certain property owners may have exceptional circumstances that require more individualized attention by the HCSD for accurate billing of sewage use. Should a property owner believe that he/she/it has an exceptional circumstance, that property owner must submit a written request to the HCSD Board for review of the account to engage in discussions to determine an accurate method of billing. The written request must include (but not be limited to) the following information:

1. Property owner name
2. Property address
3. Summary of exceptional circumstances affecting sewage use
4. Proposed plan for accurate billing

All written requests will be reviewed by HCSD Board at a regular meeting of that body. The Board will render a decision by letter to the customer. The decision of the Board will be considered final.

On motion of Mr. Gaworecki, seconded by Mr. Donley, Report and Resolution No. 339 sponsored by the Committee on Natural Resources and the Committee on Ways & Means approving Sewer District Resolution concerning sewer user rate increase was handed up; voted on and adopted by roll call vote:

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

Against: None. Absent: Johnson, Stephens, Shaw (3).



## HERKIMER COUNTY LEGISLATURE

No. 339

### REPORT AND RESOLUTION APPROVING SEWER DISTRICT RESOLUTION CONCERNING SEWER USER RATE INCREASE

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

WHEREAS, by letter dated October 19, 2023, this Legislature is advised that by action on October 18, 2023, the Herkimer County Sewer District Board adopted a resolution approving an increase to the per-gallon user rate/sewer rent from \$3.25 per unit (one thousand gallons) to \$3.35 per unit (one thousand gallons) effective January 1, 2024; and

WHEREAS, this Resolution has been forwarded to the Herkimer County Legislature for approval prior to it becoming effective; now, therefore, be it

RESOLVED, that this Legislature hereby approves a resolution duly adopted by the Herkimer County Sewer District Board on October 18, 2023, approving an increase to the per-gallon user rate/sewer rent from \$3.25 per unit (one thousand gallons) to \$3.35 per unit (one thousand gallons); and, be it further

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

Dated: October 25, 2023.

On motion of Mr. Donley, seconded by Mr. Russell, Report and Resolution No. 340 sponsored by the Committee on County Planning & Development designating the Town of Webb as Tourist Promotion Agency was handed up; voted on and adopted by voice vote:

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



## HERKIMER COUNTY LEGISLATURE

No. 340

### REPORT AND RESOLUTION DESIGNATING THE TOWN OF WEBB AS TOURIST PROMOTION AGENCY

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

WHEREAS, the New York State Tourist Promotion Act provides that the State of New York will match funds with the applicant tourist promotion agency, which may include radio, television, newspapers and magazine advertising; and

WHEREAS, by letter received October 12, 2023, the Town of Webb Tourism/Publicity Director has contacted your Committee and requested that it be designated by the Herkimer County Legislature as a tourist promotion agency within the meaning of the New York State Tourist Promotion Act for the year 2024; now, therefore, be it

RESOLVED, that the Chairman of the Herkimer County Legislature is hereby authorized to send a letter to the New York State Division of Tourism "I Love NY" Campaign to guarantee Herkimer County's 2024 matching funds; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Town of Webb and the New York State I Love NY Program.

Dated: October 25, 2023.

On motion of Mr. Russell, seconded by Mr. Ackerman, Report and Resolution No. 341 sponsored by the Committee on County Planning & Development and the Committee on Ways & Means authorizing application for matching funds under the New York State Tourist Promotion Act was handed up; voted on and adopted by voice vote:

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



**HERKIMER COUNTY LEGISLATURE**

No. 341

**REPORT AND RESOLUTION AUTHORIZING APPLICATION FOR MATCHING FUNDS UNDER THE NEW YORK STATE TOURIST PROMOTION ACT**

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

WHEREAS, the New York State Tourist Promotion Act provides that the State of New York will match funds with the applicant tourist promotion agency, which may include radio, television, newspapers, and magazine advertising; and

WHEREAS, Tourist Promotion Agency means any not-for-profit corporation or other non-profit organization, association or agency, which shall be designated by resolution of the County Legislature as the agency specified in the New York State Tourist Promotion Act, provided that the applicant has operated a tourist promotion program for at least three years prior to the enactment of the Act; and

WHEREAS, the Town of Webb has contacted your Committee by communication dated October

12, 2023, and requested that it be designated by the Herkimer County Legislature as a tourist promotion agency within the meaning of the New York State Tourist Promotion Act for the year 2024; and

WHEREAS, the Town of Webb has advised your Committee that it will appropriate the necessary funds to match the state funds for this Program; now, therefore, be it

RESOLVED:

1. That the Herkimer County Legislature hereby designates the Town of Webb as a tourist promotion agency within the County of Herkimer effective this date within the meaning of the New York State Tourist Promotion Act; and

2. That the Herkimer County Legislature hereby authorizes the Town of Webb to make application for and to receive matching funds under the New York State Tourist Promotion Act for the calendar year 2024; and

3. That the Herkimer County Legislature hereby certifies that the Town of Webb has acted as a Tourist Promotion Agency and has been in operation in such capacity prior to the enactment of the said Act; and

4. That certified copies of this Resolution be forwarded to the Town of Webb and the New York State I Love NY Program.

Dated: October 25, 2023.

On motion of Mr. Campione, seconded by Mr. Weakley, Report and Resolution No. 342 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 (13).          Against: None.          Absent: Johnson, Stephens, Shaw (3).

Abstain: Gaworecki (1).

\*This resolution replaces Resolution No. 299 of 2023.



## HERKIMER COUNTY LEGISLATURE

No. 342

**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, the County of Herkimer 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 Highway Superintendent 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 25, 2023.

On motion of Mr. Campione, seconded by Mr. Donley, Report and Resolution No. 343 sponsored by the Committee on Highways amending Resolution No. 11 of 2023 approving projects under Article 6, Section 116 of the Highway Law was handed up; voted on and adopted by voice vote:

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



## HERKIMER COUNTY LEGISLATURE

No. 343

### **REPORT AND RESOLUTION AMENDING RESOLUTION NO. 11 OF 2023 APPROVING PROJECTS UNDER ARTICLE 6, SECTION 116 OF THE HIGHWAY LAW**

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

WHEREAS, by Resolution No. 11 of 2023, this Legislature approved the use of County Road Fund monies for Project No. 420, Big Moose Road, in the amount of \$2,650,000.00; and

WHEREAS, by letter dated October 20, 2023, Mark A. Nagele, P.E., Herkimer County Highway Superintendent, has advised that additional funds are required for this project, and he has requested an increase in the appropriated amount to \$2,725,000.00; now, therefore, be it

RESOLVED, that Resolution No. 11 of 2023 is hereby amended to increase the estimated cost for the project to \$2,725,000.00, and that County Road Fund monies in that amount are hereby approved for that project; 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 25, 2023.

On motion of Mr. Russell, seconded by Mr. Hollum, Resolution No. 344 sponsored by the Committee on Administration/Veterans' Affairs demanding New York State reduce the cost of state-mandated programs on local taxpayers was handed up; discussion was held; voted on and adopted by voice vote:

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



## HERKIMER COUNTY LEGISLATURE

No. 344

### **RESOLUTION DEMANDING NEW YORK STATE REDUCE THE COST OF STATE-MANDATED PROGRAMS ON LOCAL TAXPAYERS**

**Sponsored by: Committee on Administration/Veterans' Affairs**

WHEREAS, despite the state capping the local share of Medicaid – and assuming the growth – New York State continues to rely on county taxpayers to balance its books; and

WHEREAS, even with this Medicaid growth cap in place, the 57 counties and New York City have provided \$139 billion in local taxes to pay for the state designed and controlled program since 2005. Each year going forward, counties will need to raise \$7.6 billion in local taxes to pay a share of the costs of the state's Medicaid program that is growing at an unsustainable rate and has been for many years; and

WHEREAS, this state mandated local share is unprecedented nationwide and more than all counties in the country combined are forced to pay for general Medicaid program costs; and

WHEREAS, New York State is one of only a few that require counties to pay the bulk of the costs of the state general assistance program (Safety Net). Since 2005, counties and New York City have provided \$25.2 billion in local tax revenues to support the state's Safety Net Program; and

WHEREAS, since 2005, counties and New York City have provided \$7.5 billion in local taxes to support indigent defense services, a federal and state constitutional requirement the state has shifted to counties and New York City; and

WHEREAS, only 15 states require their counties to pay a significant share of indigent defense costs, and few come close to the share and amount of local funds required of New York counties; and

WHEREAS, since 2005, counties and New York City have provided \$12.6 billion in local tax revenues to support the state's Preschool special education program. Counties pay just over 40 percent of Preschool Special Education costs for 3-5 year-olds, in addition to 10 percent of summer school special education services for K-12 students. Few counties nationwide pay for or provide educational services; and

WHEREAS, counties and New York City also provide local tax revenues in support of the state budget for dozens of other programs, many of which have seen lower state funding matches since the Great Recession; and

WHEREAS, the state legislature and Governor have shifted a record amount of new costs to county taxpayers in the last few years, forcing local taxpayers to spend \$14 billion in locally raised taxes this year to pay for a significant portion of the costs of state designed and controlled programs, a 17 percent increase since SFY 2021; and

WHEREAS, the record amount of locally generated taxes paid by New Yorkers that directly fund state programs each year is more than the entire general fund spending of 29 individual states; and

WHEREAS, for the 57 counties outside of New York City, the new cost shifts and added spending requirements imposed over the last two years by the state will approach \$600 million annually. These recurring costs include the intercept of federal Medicaid funding that for 20 years has been set aside by congress for county fiscal relief, state imposed double digit rate increases for preschool, special education and foster care programs, a doubling of rates for criminal indigent defense costs, and higher pension costs; and

WHEREAS, these increases are equal to 11 percent of the entire county property tax levy for SFY 2023 and will have to be supported with higher local taxes or service cuts; and

WHEREAS, as recent as 2021, New York State has shifted the entire cost of Criminal Procedure Law (CPL) 730 exams and placements onto county taxpayers; and

WHEREAS, since 2005, counties and New York City have been required under state law to raise over \$184 billion in local taxes to pay for state programs that most counties across the country do not fund, hindering New York's economic competitiveness, driving significant job and population loss that has been accelerating in recent years, and fueled New York's housing affordability crisis; and

WHEREAS, all of these cost shifts have been used to provide relief to the state financial plan but does so by essentially substituting more regressive local taxes for the more progressive state tax structure, which has a direct and negative impact on local taxpayers and affordability in New York State; now, therefore, be it

RESOLVED, that this Herkimer County Legislature urges the State Legislature and Governor Hochul, at minimum, to freeze local costs for all state mandated programs, and further, to include significant new funding to reduce or eliminate the \$14 billion in annual payments

counties make for state-mandated programs as part of the SFY 2024-25 Budget and beyond; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Governor Kathy Hochul, Assemblyman Brian Miller, Assemblyman Robert Smullen, Senator Mark Walczyk, Senator Joseph A. Griffo, and New York State Association of Counties.

Dated: October 25, 2023.

On motion of Mr. Ackerman, seconded by Mr. Weakley, Resolution No. 345 sponsored by the Committee on County Planning & Development supporting the formation of a Local Development Corporation by officials of the Herkimer County Industrial Development Agency was handed up; voted on and adopted by voice vote:

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



## HERKIMER COUNTY LEGISLATURE

No. 345

### RESOLUTION SUPPORTING THE FORMATION OF A LOCAL DEVELOPMENT CORPORATION BY OFFICIALS OF THE HERKIMER COUNTY INDUSTRIAL DEVELOPMENT AGENCY

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

WHEREAS, the Herkimer County Industrial Development Agency (the “Agency”) was established by the State Legislature for the benefit of the County of Herkimer and the inhabitants thereof as set forth in Section 898 of the General Municipal Law (the “GML”); and

WHEREAS, the Agency is endowed with certain purposes and powers by the State Legislature in GML § 858, and among the Agency’s powers includes the following powers: (a) “[t]o acquire by purchase, grant, lease, gift, pursuant to the provisions of the eminent domain procedure law, or otherwise and to use, real property or rights or easements therein necessary for its corporate purposes . . . .”; (b) “to make contracts and leases, and to execute all instruments necessary or convenient to or with any person, firm, partnership or corporation, either public or private . . . .”; (c) “[t]o acquire, construct, reconstruct, lease, improve, maintain, equip or furnish one or more projects; (d) “[t]o accept gifts, grants, loans, or contributions from, and enter into contracts or other transactions with, the United States and the state or any agency of either of them, any municipality, any public or private corporation or any other legal entity”; and (e) “[t]o do all things necessary or convenient to carry out its purposes and exercise the powers expressly given [in GML § 858]”; and

WHEREAS, the Agency, in exercising its powers to acquire real property, to make contracts, to enter into projects, has communicated its need and desire to the Legislature to structure transactions appropriately to mitigate risk to the Agency; and

WHEREAS, by resolution adopted by the members of the Agency on August 29, 2023 (the “Approving Resolution”), the members of the Agency agreed to request the consent and authorization of the Legislature to form a local development corporation under Section 1411 of the New York State Not For Profit Corporation Law (the “NFPCL”); and

WHEREAS, local development corporations formed under the NFPCL are created to assist, among others, not for profit corporations that are undertaking projects that further any of the following purposes for which local development corporations are created: (1) relieving and reducing unemployment, (2) promoting and providing for additional and maximum employment, (3) bettering and maintaining job opportunities, (4) instructing or training individuals to improve or develop their capabilities for such jobs, (5) carrying on scientific research for the purpose of aiding a community or geographical area by attracting new industry to the community or area or by encouraging the development of, or retention of, an industry in the community or area, and (6) lessening the burdens of government and acting in the public interest; and

WHEREAS, in furtherance of the public purposes set forth above, a local development corporation formed under the NFPCL is empowered to take the following actions: (1) to construct, acquire, rehabilitate and improve for use by others industrial or manufacturing plants in the territory in which its operations are principally to be conducted, (2) to assist financially in such construction, acquisition, rehabilitation and improvement, to maintain such plants for others in such territory, (3) to disseminate information and furnish advice, technical assistance and liaison with federal, state and local authorities with respect thereto, (4) to acquire by purchase, lease, gift, bequest, devise or otherwise real or personal property or interests therein, (5) to borrow money and to issue negotiable bonds, notes and other obligations therefor, and (6) to sell, lease, mortgage or otherwise dispose of or encumber any such plants or any of its real or personal property or any interest therein upon such terms as it may determine to be suitable; and

WHEREAS, pursuant to Section 1411(a) of the NFPCL, the Agency has requested the Legislature adopt a resolution (a) supporting the Agency in formation of a local development corporation; now, therefore, be it

RESOLVED, by the Legislature as follows:

Section 1. The Legislature supports the Agency and its officers in forming a local development corporation in accordance with Section 1411 of the NFPCL.

Section 2. The Legislature supports the form and substance of the certificate of incorporation presented at this meeting and attached hereto as **Schedule A**, all in substantially the form thereof presented to this meeting.

Section 3. This resolution shall take effect immediately.

Dated: October 25, 2023.

**SCHEDULE "A"**  
**PROPOSED CERTIFICATE OF INCORPORATION**

**[SEE ATTACHED]**

CERTIFICATE OF INCORPORATION  
of  
HERKIMER LOCAL DEVELOPMENT CORPORATION

A Not-For-Profit Local Development Corporation  
Under Section 402 and 1411 of the Not-For-Profit  
Corporation Law of the State of New York

THE UNDERSIGNED, being over the age of eighteen years, for the purpose of forming a not-for-profit local development corporation pursuant to Section 1411 of the Not For Profit Corporation Law of the State of New York (the “N-PCL”), hereby certifies as follows:

FIRST: The name of the corporation is Herkimer Local Development Corporation (hereinafter referred to as the “Corporation”).

SECOND: The Corporation will be a corporation as defined in subparagraph (a)(5) of Section 102 of the N-PCL and, as provided in Section 1411(b) of the N-PCL, will be a Type C Corporation as defined in Section 201 of the N-PCL.

THIRD: The purpose for which the Corporation is to be formed and operated exclusively for charitable purposes of:

(a) promoting community and economic development and the creation of jobs for the citizens of Herkimer County, New York (the “County”) by, among other things, facilitating the purchase of real property; and

(b) undertaking projects and activities within the County for the purpose of relieving and reducing unemployment, bettering and maintaining job opportunities, carrying on scientific research for the purpose of aiding the County by attracting new industry to the County or by encouraging the development of, or retention of, an industry in the County, and lessening the burdens of government and acting in the public interest.

By means of engaging in the following activities:

(a) entering into contracts with any other economic development organizations to help achieve the purposes described in paragraph (a) and (b) above; and

(b) in general, performing any and all acts and things, and exercise and any and all powers which may now or hereafter be lawful for the Corporation to do or exercise under and pursuant to the laws of the State of New York for the purpose of accomplishing any of the foregoing purposes of the Corporation.

FOURTH: The activities referred to in subparagraph (a) of paragraph THIRD above will achieve the lawful public objective of lessening the burdens of government, the carrying out of such purposes and the exercise of the powers conferred on the Corporation being the performance of an essential governmental function, it being understood that the performance of such activities

will assist the County in reducing unemployment and promoting additional job growth and economic development.

FIFTH: The operations of the Corporation will be conducted within the territory of the County. Notwithstanding any other provision of this Certificate of Incorporation, the by-laws and any provision of law, so long as any Obligations remain outstanding, the Corporation will not do any of the following:

(a) engage in any business or activity other than as set forth in paragraph THIRD;

(b) without the consent of the Herkimer County Industrial Development Agency and the affirmative vote of two thirds of the members of the Board of Directors of the Corporation, (i) dissolve or liquidate, in whole or in part, or institute proceedings to be adjudicated bankrupt or insolvent, (ii) consent to the institution of bankruptcy or insolvency proceedings against it, (iii) file a petition seeking or consent to reorganization or relief under any applicable federal or state law relating to bankruptcy or insolvency, (iv) consent to the appointment of a receiver, liquidator, assignee, trustee, sequestrator or other similar official of the Corporation or a substantial part of its property, (v) make a general assignment for the benefit of creditors, (vi) admit in writing its inability to pay its debts generally as they become due or (vii) take any corporate action in furtherance of the actions set forth in clauses (i) through (vi) of this paragraph; or

(c) without the consent of the Herkimer County Industrial Development Agency and the affirmative vote of two thirds of the members of the Board of Directors of the Corporation, merge or consolidate with any other corporation, company or entity or, except to the extent contemplated by paragraph THIRD hereof, sell all or substantially all of its assets or acquire all or substantially all of the assets or capital stock or other ownership interest of any other corporation, company or entity.

SIXTH: Pursuant to the requirements of Section 1411(e) of the Not-For-Profit Corporation Law:

(a) All income and earnings of the Corporation will be used exclusively for its corporate purposes or accrue and, subject to the Corporation's responsibilities under the Obligations, be paid to the New York Job Development Authority.

(b) No part of the income or earnings of the Corporation will inure to the benefit or profit of, nor will any distribution of its property or assets be made to, any member, director or officer of the Corporation, or private person, corporate or individual, or to any other private interest, except that the Corporation may repay loans made to it and may repay contributions (other than dues) made to it to the extent that any such contribution may not be allowable as a deduction in computing taxable income under the Internal Revenue Code of 1986, as amended.

(c) If the Corporation accepts a mortgage loan or loans from the New York Job Development Authority, the Corporation will dissolve in accordance with the provisions of paragraph (g) of Section 1411 of the N-PCL upon the repayment or other discharge in full by the Corporation or all such loans.

SEVENTH: (a) The Corporation will not attempt to influence legislation by propaganda or otherwise, or participate in or intervene, directly or indirectly, any political campaign on behalf of or in opposition to any candidate for public office.

(b) The Corporation will not engage in any activities not permitted to be carried on by an organization exempt from federal income taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder.

(c) The Corporation will not accept a mortgage loan or loans from the New York Job Development Authority.

EIGHTH: In the event of the dissolution of the Corporation or the winding up of its affairs, the Board of Directors will, after paying or making provision for the payment of all of the liabilities of the Corporation, distribute all of the remaining assets and property of the Corporation to the Herkimer County Industrial Development Agency, so that the Herkimer County Industrial Development Agency can use such assets and property to accomplish the purposes set forth in Section 1411(a) of the N-PCL. Any of such assets not so disposed of will be disposed of by order of the Supreme Court of the State of New York pursuant to Section 1008 of the N-PCL.

NINTH: The office of the Corporation will be located in Herkimer County, New York.

(a) The Corporation will, upon request by the Herkimer County Industrial Development Agency, make available any and all books and records of the Corporation for inspection by the Members of the Herkimer County Industrial Development Agency.

(b) The Corporation will submit to the Herkimer County Industrial Development Agency an annual financial report together with a report of the operations and accomplishments of the Corporation for such annual period.

(c) The governing body of the Herkimer County Industrial Development Agency will have the right to conduct an annual audit of the books and records of the Corporation.

TENTH: The Herkimer County Industrial Development Agency is the sole member of the Corporation.

ELEVENTH: The Corporation will be managed by a Board of Directors, who are to be comprised of those persons named in paragraph TWELFTH hereof (the "Directors"). Each of the Directors will serve at the pleasure of the Herkimer County Industrial Development Agency and continue to hold office until his successor is appointed by the Herkimer County Industrial Development Agency.

The Corporation is deemed to be a public body (as such term is defined in the Open Meetings Law) and, as such, each meeting of the Board of Directors of the Corporation will be conducted in the manner prescribed by the Open Meetings Law. The Directors will not receive compensation for services provided to or on behalf of the Corporation.

TWELFTH: The Corporation will consist of not less than three nor more than seven Directors. The Directors will be appointed by the Herkimer County Industrial Development Agency.

(a) The names and addresses of the initial Directors of the Corporation are as follows:

(i) Vincent Jim Bono, Herkimer Local Development Corporation, 420 East German Street, Suite 101A, Herkimer, New York 13350.

(ii) Cory Albrecht, Herkimer Local Development Corporation, 420 East German Street, Suite 101A, Herkimer, New York 13350.

(iii) Ann Gaworecki, Herkimer Local Development Corporation, 420 East German Street, Suite 101A, Herkimer, New York 13350.

(iv) Alana Basloe, Herkimer Local Development Corporation, 420 East German Street, Suite 101A, Herkimer, New York 13350.

(v) Tim Day, Herkimer Local Development Corporation, 420 East German Street, Suite 101A, Herkimer, New York 13350.

(vi) Michael Werenczak, Herkimer Local Development Corporation, 420 East German Street, Suite 101A, Herkimer, New York 13350.

(vii) John Scarano, Herkimer Local Development Corporation, 420 East German Street, Suite 101A, Herkimer, New York 13350.

THIRTEENTH: The Corporation will be subject to the Public Authorities Accountability Act of 2005 (the "Act"). As such, the Corporation will be required to, among other things: (1) undergo annual independent audits and submit the results of such audits to the County and the New York State Authority Budget Office, (2) prepare and submit its annual budget to the County and the New York State Authority Budget Office, (3) adopt the various ethical, reporting, property disposition and disclosure policies required by the Act, and (4) form governance and audit committees to ensure the Corporation is in compliance with the Act and any other applicable laws.

FOURTEENTH: The Secretary of State of the State of New York is designated as agent of the Corporation upon whom process against it may be served. The post office address to which the Secretary of State will mail a copy of any process against the Corporation served upon him or her is Herkimer Local Development Corporation, 420 East German Street, Suite 101A, Herkimer, New York 13350.

FIFTEENTH: The By-laws of the Corporation may be adopted, amended or repealed by a majority of the Directors of the Corporation upon 10 days notice to all of the Directors, provided, however, that the Corporation will not amend, alter, change or repeal any provision of the adopted

By-laws without the consent of the Chairman of the Herkimer County Industrial Development Agency.

SIXTEENTH: The Corporation reserves the right to amend, alter, change or repeal any provision contained in this Certificate of Incorporation, in any manner now or hereafter provided herein or by statute; provided, however, that (1) the Corporation will not amend, alter, change or repeal any provision of this Certificate of Incorporation without the affirmative vote of two-thirds of the members of the Board of Directors of the Corporation and the consent of the Chairman of the Herkimer County Industrial Development Agency, and (2) the Corporation will not amend or change any provision of this Certificate of Incorporation without first providing the Chairman of the Herkimer County Industrial Development Agency and the Directors with 10 days advance notice of any proposed amendment, alteration, change or repeal.

IN WITNESS WHEREOF, this certificate has been subscribed by the undersigned this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

---

Charles W. Malcomb II, Incorporator  
Hodgson Russ LLP  
677 Broadway, Suite 401  
Albany, New York 12207

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

At 7:21 p.m. on motion of Mr. Manno, seconded by Mr. Weakley, the Legislature adjourned to Wednesday, November 15, 2023 at 7:00 p.m., with a Public Hearing on Introductory Local Law F at 6:15 p.m. and a Public Hearing on the Sewer District Assessment Roll at 6:17 p.m.

Brittney R. Viscomi, Clerk