

MINUTES
Herkimer County Legislature
Second Quarter – Second Day
Wednesday, April 24, 2024
7:00 p.m.

Public Hearing

The Public Hearing on the Open Enrollment Period for 2024 for Inclusion in Agricultural District No. 1 was called to order at 6:15 p.m. by William E. Keeler, Sr., Chairman of the Natural Resources Committee. The Clerk read the Notice. Mr. Keeler then asked if there was anyone wishing to speak on the hearing. There were no requests to speak, and the hearing was declared closed at 6:16 p.m.

Brittney R. Viscomi, Clerk
Herkimer County Legislature

**NOTICE OF
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN, that the Herkimer County Legislature will hold a Public Hearing on the proposed modifications of Herkimer County Agricultural District No. 1. The Public Hearing will be held on Wednesday, April 24, 2024 at 6:15 p.m., in the Herkimer County Legislature Chambers in Herkimer, New York.

Two (2) landowners have submitted a request in 2024 for inclusion of predominantly viable agricultural land within a certified agricultural district, and these requests have been filed with the Herkimer County Legislature pursuant to Section 303-b of the NYS Agriculture and Markets Law. The parcels are located in the Town of Manheim, Town of Little Falls, and Town of Danube which are part of or adjacent to Agricultural District No. 1.

The public hearing shall be held to consider these landowners' requests and the recommendations of the Herkimer County Agricultural and Farmland Protection Board.

Dated: April 15, 2024.

Brittney R. Viscomi, Clerk
Herkimer County Legislature

Public Hearing

The Public Hearing on Introductory Local Law A for 2024 was called to order at 6:17 p.m. by William Weakley, Chairman of the Human Resources Committee. The Clerk read the notice of the meeting. Mr. Weakley then asked if there was anyone wishing to speak on the local law. There were no requests to speak and the hearing was declared closed at 6:17 p.m.

Brittney R. Viscomi, Clerk
Herkimer County Legislature

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that there has been presented to the County Legislature of the County of Herkimer, State of New York, on the 3rd day of April, 2024, Introductory Local Law A for the year 2024 entitled, “A LOCAL LAW EXPANDING THE RESIDENCY REQUIREMENTS FOR HERKIMER COUNTY SOCIAL SERVICES ATTORNEYS”.

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 Human Resources. The Public Hearing will be held in the Legislative Chambers at the County Office Building, 109 Mary Street, Herkimer, New York, on the 24th day of April, 2024 at 6:17 p.m. at which time all persons interested will be heard.

Dated: April 15, 2024.

By Order of the Herkimer County Legislature

The Regular Session of the Herkimer County Legislature was called to order by Chairman Robert D. Hollum at 7:00 p.m.

Chairman Hollum called on Brittney Viscomi, Clerk and Jennifer Williams, Deputy Clerk to lead the Legislature in the Pledge of Allegiance.

Chairman Hollum 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, Bennett, Keeler, Brezinski, Bick, Swartz, Beach, Ackerman, Donley, Campione, Russell, Weakley (15).

Absent: Brewer, Shaw (2).

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Hollum asked if there were any objections or corrections to the minutes of April 3, 2024. There were none, and the Chairman ordered them approved.

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

Chairman Hollum 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. 168 – A communication was received from the Solid Waste Authority submitting minutes and resolutions. Filed.

No. 169 – A communication was received from the Herkimer County Soil & Water Conservation District advising of monthly meeting. Filed.

No. 170 – A communication was received from the County Clerk submitting filing of Commissioner of Elections Resolution. Filed.

No. 171 – A communication was received from the Highway Superintendent requesting SEQRA on North Gage Road Project. Referred to the Committee on Highways.

No. 172 – A communication was received from the Highway Superintendent requesting discussion of CDL Training Program reimbursement. Referred to the Committee on Highways.

No. 173 – A communication was received from the Director of Emergency Services requesting agreement for security system. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 174 – A communication was received from the STOP-DWI Coordinator submitting 2023 Annual Report. Referred to the Committee on Public Safety & Emergency Management.

No. 175 – A communication was received from the Budget Officer/Purchasing Agent awarding bid for bus service to Old Forge for Youth Bureau. Referred to the Committee on County Planning & Development and the Committee on Ways & Means.

No. 176 – A communication was received from the Budget Officer/Purchasing Agent requesting payment in connection with American Rescue Plan funding. Referred to the Committee on Ways & Means.

No. 177 – A communication was received from the Budget Officer/Purchasing Agent requesting appropriation of funds for contract with C&D Advertising. Referred to the Committee on County Planning & Development and the Committee on Ways & Means.

No. 178 – A communication was received from the Personnel Officer requesting authorization to enter into a contract with Adirondack Financial Services. Referred to the Committee on Ways & Means.

No. 179 – A communication was received from the Highway Superintendent requesting approval for 5 year agreement for snow and ice. Referred to the Committee on Highways and the Committee on Ways & Means.

No. 180 – A communication was received from the Highway Superintendent requesting amendment to Resolution No. 111 of 2023. Referred to the Committee on Highways.

No. 181 – A communication was received from the Budget Officer/Purchasing Agent requesting appropriation of funds. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 182 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in the Treasurer Department. Referred to the Committee on Ways & Means.

No. 183 – A communication was received from the Budget Officer/Purchasing Agent requesting appropriation of funds in the Sheriff's Department. Referred to the Committee on Ways & Means.

No. 184 – A communication was received from the Budget Officer/Purchasing Agent requesting amendment to Resolution No. 72 of 2024 in connection with roof replacement of 108 Court Street. Referred to the Committee on County Properties and the Committee on Ways & Means.

No. 185 – A communication was received from the Sheriff requesting amendment to laundry list for increase in dues. Referred to the Committee on Ways & Means.

No. 186 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in OFA. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 187 – A communication was received from the Commissioner of Social Services requesting to accept funding under NYS Rental Supplement Program and authorize agreement with Catholic Charities. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 188 – A communication was received from the Commissioner of Social Services requesting revised agreement with Catholic Charities. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 189 – A communication was received from the Budget Officer/Purchasing Agent requesting to award proposals for architectural and engineering services for construction of children's center and appropriation of funds. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 190 – A communication was received from the Commissioner of Social Services requesting contract for paternity/DNA testing. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 191 – A communication was received from the Director of Public Health requesting authorization for Public Health to oversee the payment of Doulas participating in the grant. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 192 – A communication was received from the Personnel Officer requesting new procedure for Salary Schedule No. 1, No. II, and No. VI. Referred to the Committee on Ways & Means.

No. 193 – A communication was received from the Director of the Office for the Aging requesting to assign contract with Senior Network Health to VNS Health. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 194 – A communication was received from the Director of Employment & Training requesting agreement with LevelAll. Referred to the Committee on County Planning & Development and the Committee on Ways & Means.

No. 195 – A communication was received from the County Attorney requesting resolution for litigation in connection with insulin. Referred to the Committee on Ways & Means.

Pursuant to Rule 6, Chairman Hollum then proceeded with Reports of Standing Committees. Legislator Russell, Chairman of the Ways & Means Committee advised that there would be a meeting for legislators to see how the budget process goes, and Legislator Schrader, Chairman of the Administration/Veterans' Affairs Committee requested everyone to try and contact students to work as poll workers for the General Election.

On motion of Mr. Donley, seconded by Mr. Weakley, Report and Resolution No. 127 sponsored by the Committee on Public Safety & Emergency Management adopting annual report of Herkimer County STOP-DWI Program was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brewer, Shaw (2).



HERKIMER COUNTY LEGISLATURE

No. 127

REPORT AND RESOLUTION ADOPTING ANNUAL REPORT OF HERKIMER COUNTY STOP-DWI PROGRAM

Sponsored by: Committee on Public Safety/Emergency Management

WHEREAS, your Committee on Public Safety and Emergency Management, to which was referred the Annual Report of the Herkimer County STOP-DWI Program for the year 2023, respectfully reports that we have examined said report and recommend that it be approved, and offer the following Resolution:

RESOLVED, that the Annual Report of the Herkimer County STOP-DWI Program for the year 2023 be approved and placed on file in the Office of the Herkimer County Legislature.

Dated: April 24, 2024.

On motion of Mr. Gaworecki, seconded by Mr. Beach, Report and Resolution No. 128 sponsored by the Committee on County Planning & Development and the Committee on Ways & Means authorizing an agreement with LevelAll in Employment & Training was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brewer, Shaw (2).



HERKIMER COUNTY LEGISLATURE

No. 128

REPORT AND RESOLUTION AUTHORIZING AN AGREEMENT WITH LEVELALL IN EMPLOYMENT & TRAINING

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

WHEREAS, by letter dated March 26, 2024 from Nicole Wilson, Director of Employment & Training, this Legislature is advised of a request to enter into an agreement with LevelAll, an online platform geared toward youth and young adults to help with goal planning and action steps; and

WHEREAS, said letter further advises that this program is free of charge and will be for a term of one year; now, therefore, be it

RESOLVED, that the above described agreement between Herkimer County Employment & Training and LevelAll is hereby approved, at no cost, for a term of one year; and, be it further

RESOLVED, that authorization is given 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, Director of Employment and Training, and LevelAll.

Dated: April 24, 2024.

On motion of Mr. Campione, seconded by Mr. Weakley, Report and Resolution No. 129 sponsored by the Committee on Ways & Means authorizing reimbursement and/or payment of meals for county employees attending training sessions was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brewer, Shaw (2).



HERKIMER COUNTY LEGISLATURE

No. 129

REPORT AND RESOLUTION AUTHORIZING REIMBURSEMENT AND/OR PAYMENT OF MEALS FOR COUNTY EMPLOYEES ATTENDING TRAINING SESSIONS

Sponsored by: Committee on Ways and Means

WHEREAS, Catholic Charities will be providing voluntary adult mental health first aid training for county employees; and

WHEREAS, the training is two days per session, five hours each day, with four training sessions to be held on: April 16 and April 17, April 30 and May 1, May 14 and May 15, and June 26 and June 27; and

WHEREAS, request has been made to provide lunch for the employees attending these training sessions; now, therefore, be it

RESOLVED, that authorization is given for reimbursement and/or payment for the lunch provided during the above mental health first aid training sessions on the dates listed, with dates subject to change, not exceeding eight days; and, be it further

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

Dated: April 24, 2024.

On motion of Ms. Bennett, seconded by Mr. Donley, Report and Resolution No. 130 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing contract with iCircle, creating account, and amending the budget in Office for the Aging was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brewer, Shaw (2).



HERKIMER COUNTY LEGISLATURE

No. 130

REPORT AND RESOLUTION AUTHORIZING CONTRACT WITH ICIRCLE, CREATING ACCOUNT, AND AMENDING THE BUDGET IN OFFICE FOR THE

AGING

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

WHEREAS, by letter dated April 3, 2024, from Kathy L. Fox, Director of the Office for the Aging, this Legislature is advised of a request to authorize a contract with iCircle for the provision of home delivered meals to their clients, with iCircle reimbursing Office for the Aging \$10.00 per meal;

WHEREAS, the contract will run from April 1, 2024 to March 31, 2025; and

WHEREAS, by letter dated April 5, 2024, from the Budget Officer/Purchasing Agent, this Legislature is advised that it is necessary to create an account and amend the 2024 Budget; now, therefore, be it

RESOLVED, that the 2024 Herkimer County Budget is hereby amended, and an account is created as follows:

Revenue: (create)

A6776.1979B, Aging, CII, ICircle \$3,000

Expense:

A6776.44000, Aging, CII, Contracted Services From: \$100,000
To: \$103,000

and, be it further

RESOLVED, that the Chairman of this Legislature is further authorized to enter into an annual renewal of said contract 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, Director of the Office for the Aging, and iCircle.

Dated: April 24, 2024.

On motion of Mr. Schrader, seconded by Mr. Gaworecki, Report and Resolution No. 131 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing contract with VNS Health in Office for the Aging was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brewer, Shaw (2).



HERKIMER COUNTY LEGISLATURE

No. 131

REPORT AND RESOLUTION AUTHORIZING CONTRACT WITH VNS HEALTH IN OFFICE FOR THE AGING

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

WHEREAS, Resolution No. 390 of 2022, authorized the renewal of a contract with Senior Network Health, LLC of Utica, New York for the Office for the Aging to provide contracted services to the clients of Senior Network Health in Herkimer County; and

WHEREAS, by letter dated April 1, 2024 from Kathy L. Fox, Director of the Office for the Aging, this Legislature is advised of a request to assign the contractual agreement with Senior Network Health, LLC to VNS Health; and

WHEREAS, the contract will remain the same and the Office for the Aging will provide home delivered meals, congregate meals, nutritional counseling, and case conferencing, with said services to be reimbursed at \$9.80 per meal and \$45.00 per hour for counseling and case conferencing; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a contract with VNS Health, 1650 Champlin Ave., Utica, NY 13502, to provide contracted services by the Herkimer County Office for the Aging as above described from April 1, 2024 to October 31, 2025; and

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, Director of the Office for the Aging, and VNS Health.

Dated: April 24, 2024.

On motion of Mr. Gaworecki, seconded by Mr. Schrader, Report and Resolution No. 132 sponsored by the Committee on County Properties and the Committee on Ways & Means amending Resolution No. 72 of 2024 awarding contract for roof replacement and appropriating funds was handed up; discussion was held; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Bennett, Keeler, Brezinski, Bick, Swartz, Beach, Ackerman, Donley, Campione, Russell, Weakley (15).

Against: None.

Absent: Brewer, Shaw (2).



HERKIMER COUNTY LEGISLATURE

No. 132

REPORT AND RESOLUTION AMENDING RESOLUTION NO. 72 OF 2024 AWARDING CONTRACT FOR ROOF REPLACEMENT AND APPROPRIATING FUNDS

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

WHEREAS, Resolution No. 72 of 2024 awarded a contract for roof replacement of the 108 Court Street building, created a project, and appropriated funds; and

WHEREAS, by letter dated April 9, 2024 from Sheri Ferdula, Budget Officer/Purchasing Agent, she has requested an amendment to Resolution No. 72 of 2024 changing the award to the second lowest bidder, Nelson Associates Architectural Engineering, in the amount of \$19,988; now, therefore, be it

RESOLVED, that a contract be awarded to Nelson Associates Architectural Engineering, 1 North Park Row, Clinton, NY 13323 in the amount of \$19,988 for the roof replacement of the 108 Court Street building; and, be it further

RESOLVED, that the Legislature of Herkimer County approves an appropriation of funds as follows:

\$3,988	From: A889N, Buildings Reserve
	To: H1620.40000, Project 16-5

and, be it further

RESOLVED, the Treasurer be authorized to make the necessary interfund transfers; and, be it further

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

Dated: April 24, 2024.

On motion of Mr. Malta, seconded by Mr. Russell, Report and Resolution No. 133 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, Schrader, Hollum, Bennett, Keeler, Brezinski, Bick, Swartz, Beach, Ackerman, Donley, Campione, Russell, Weakley (15).

Against: None. Absent: Brewer, Shaw (2).



HERKIMER COUNTY LEGISLATURE

No. 133

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 April 3, 2024, submitting a request for an appropriation of funds from the Jail Commissary Reserve, with the funds to be used for exercise bikes for the recreation yards, 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:

\$13,000 From: A889S, Jail Commissary Reserve
To: A3150C.25000, Jail Commissary, Other Equipment

and, be it further

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

Dated: April 24, 2024.

Chairman Hollum dispensed with the regular session to welcome the students in attendance and asked them to introduce themselves and the school districts they represent. Chairman Hollum 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. Donley, seconded by Mr. Campione, Report and Resolution No. 134 sponsored by the Committee on Ways & Means amending Resolution No. 389 of 2023 authorizing payment of dues during the year 2024 was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brewer, Shaw (2).



HERKIMER COUNTY LEGISLATURE

No. 134

REPORT AND RESOLUTION AMENDING RESOLUTION NO. 389 OF 2023 AUTHORIZING PAYMENT OF DUES DURING THE YEAR 2024

Sponsored by: Committee on Ways and Means

WHEREAS, on December 13, 2023 this Legislature adopted Resolution No. 389 authorizing payment of dues for municipal officers and employees during the year 2024; and

WHEREAS, by communication dated April 2, 2024 from Scott F. Scherer, Sheriff, this Legislature is advised that the New York State Sheriff's Association has increased their membership dues from \$270.00 to \$350.00, and the National Sheriff's Association has increased their membership dues from \$150.00 to \$250.00 and further requests said Resolution No. 389 of 2023 be amended to reflect said change; now, therefore, be it

RESOLVED, that Resolution No. 389 adopted on December 13, 2023 be amended under the Sheriff, to increase the membership dues for the New York State Sheriff's Association from \$270.00 to \$350.00 and the National Sheriff's Association from \$150.00 to \$250.00; and, be it further

RESOLVED, that in all other respects, Resolution No. 389 of 2023 shall remain in full force and effect; and, be it further

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

Dated: April 24, 2024.

On motion of Mr. Schrader, seconded by Mr. Weakley, Report and Resolution No. 135 sponsored by the Committee on Ways & Means amending 2024 Budget was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brewer, Shaw (2).



HERKIMER COUNTY LEGISLATURE

No. 135

REPORT AND RESOLUTION AMENDING 2024 BUDGET

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated April 1, 2024 from Sheri A. Ferdula, Budget Officer, your Committee is advised that a budget amendment is necessary in the 2024 Budget to account for funds received from the Village of Mohawk; now, therefore, be it

RESOLVED, that the 2024 Herkimer County Budget is amended as follows:

A2690, Other Compensation for Loss \$5,300

and, be it further

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

Dated: April 24, 2024.

On motion of Mr. Gaworecki, seconded by Mr. Beach, Report and Resolution No. 136 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means authorizing appropriation of funds was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Bennett, Keeler, Brezinski, Bick, Swartz, Beach, Ackerman, Donley, Campione, Russell, Weakley (15).

Against: None. Absent: Brewer, Shaw (2).



HERKIMER COUNTY LEGISLATURE

No. 136

REPORT AND RESOLUTION AUTHORIZING APPROPRIATION OF FUNDS

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

WHEREAS, your Committees have received a communication from Sheri A. Ferdula, Budget Officer/Purchasing Agent, dated April 4, 2024, submitting a request for an appropriation of funds, reports that we have examined said communication, inquired into the subject matter thereof, and recommend that said appropriation be made and offer the following Resolution:

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

\$25,000 From: A1990.46000, Contingent Fund, Misc. Exp.

To: A1930.46000, Judgments & Claims, Misc. Exp.

and, be it further

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

Dated: April 24, 2024.

On motion of Mr. Weakley, seconded by Mr. Donley, Report and Resolution No. 137 sponsored by the Committee on Human Resources and the Committee on Ways & Means accepting grant and authorizing contract in Department of Social Services for Rental Supplement Program was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brewer, Shaw (2).



HERKIMER COUNTY LEGISLATURE

No. 137

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

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

WHEREAS, by letter dated March 26, 2024 from Timothy J. Seymour, Commissioner of Social Services, this Legislature is advised that the Department of Social Services has been notified that they are eligible to receive an allocation in the amount of \$154,406 under New York State's Rental Supplement Program (RSP), with the funds providing rental supplements to eligible individuals and families experiencing homelessness or facing an imminent loss of housing; and

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

RESOLVED, that this Legislature accepts funding in the amount of \$154,406 under New York State's Rental Supplement Program and authorizes an agreement between Catholic Charities of Herkimer County, 61 West Street, Ilion, New York, and the Herkimer County Department of Social Services; and, be it further

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

RESOLVED, that said program shall continue so long as 100% reimbursement is available from the State of New York; and, be it further

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

Dated: April 24, 2024.

On motion of Mr. Schrader, seconded by Mr. Gaworecki, Report and Resolution No. 138 sponsored by the Committee on Human Resources and the Committee on Ways & Means amending Resolution No. 369 of 2023 authorizing contract in Department of Social Services for Residential Domestic Violence Program was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brewer, Shaw (2).



HERKIMER COUNTY LEGISLATURE

No. 138

REPORT AND RESOLUTION AMENDING RESOLUTION NO. 369 OF 2023 AUTHORIZING CONTRACT IN DEPARTMENT OF SOCIAL SERVICES FOR RESIDENTIAL DOMESTIC VIOLENCE PROGRAM

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

WHEREAS, Resolution No. 369 of 2023 authorized a contract in the Department of Social Services for the Residential Domestic Violence Program; and

WHEREAS, by letter dated March 26, 2024 from Timothy J. Seymour, Commissioner of Social Services, this Legislature is advised of a request to amend Resolution No. 369 of 2023 due to an increase in the per diem cost to \$111.85, which is set by New York State; now, therefore, be it

RESOLVED, that this authorizes a revised agreement between Catholic Charities of Herkimer County, 61 West Street, Ilion, New York, and the Herkimer County Department of Social Services, for the provision of Residential Domestic Violence Services, for the period beginning January 1, 2024 to December 31, 2024, at a per diem cost of \$111.85; and, be it further

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

RESOLVED, that 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, Commissioner of Social Services, and Catholic Charities of Herkimer County.

Dated: April 24, 2024.

On motion of Ms. Bennett, seconded by Mr. Malta, Report and Resolution No. 139 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing contract in Department of Social Services was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brewer, Shaw (2).



HERKIMER COUNTY LEGISLATURE

No. 139

REPORT AND RESOLUTION AUTHORIZING CONTRACT IN DEPARTMENT OF SOCIAL SERVICES

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

WHEREAS, by letter dated March 26, 2024 from Timothy J. Seymour, Commissioner of Social Services, this Legislature is advised of a request to enter into a contract with DNA Diagnostic Center, Inc., One DDC Way Fairfield, Ohio 45014, for the provision of paternity/DNA testing services; and

WHEREAS, the cost would be \$47 per person tested, with the fee including provision of an onsite phlebotomist, complete test results along with certified chain of custody documents, and Expert Witness Services, with a term of January 1, 2024 through December 31, 2024; now, therefore, be it

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

RESOLVED, that 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, Commissioner of Social Services, and DNA Diagnostic Center, Inc.

Dated: April 24, 2024.

On motion of Mr. Campione, seconded by Mr. Swartz, Report and Resolution No. 140 sponsored by the Committee on Highways amending Resolution No. 111 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 (15).

Against: None.

Absent: Brewer, Shaw (2).



HERKIMER COUNTY LEGISLATURE

No. 140

REPORT AND RESOLUTION AMENDING RESOLUTION NO. 111 OF 2023 APPROVING PROJECTS UNDER ARTICLE 6, SECTION 116 OF THE HIGHWAY LAW

Sponsored by: Committee on Highways

WHEREAS, by Resolution No. 111 of 2023, this Legislature approved the use of County Road Fund monies for Project No. 426, Bellinger Road, in the amount of \$1,700,000.00; and

WHEREAS, by letter dated March 26, 2024, 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 \$2,100,000.00; now, therefore, be it

RESOLVED, that Resolution No. 111 of 2023 is hereby amended to increase the estimated cost for the project to \$2,100,000.00, 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: April 24, 2024.

On motion of Mr. Campione, seconded by Mr. Weakley, Report and Resolution No. 141 sponsored by the Committee on Highways and the Committee on Ways & Means authorizing agreements with local governments for removal of snow and ice and the sanding and salting of county roads was handed up; discussion was held; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brewer, Shaw (2).



HERKIMER COUNTY LEGISLATURE

No. 141

REPORT AND RESOLUTION AUTHORIZING AGREEMENTS WITH LOCAL GOVERNMENTS FOR REMOVAL OF SNOW AND ICE AND THE SANDING AND SALTING OF COUNTY ROADS

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

WHEREAS, pursuant to Resolution No. 307 adopted on October 25, 1999, this Legislature authorized contracts with local governments for the removal of snow and ice from county roads and for sanding and salting of said roads for a period of ten years, which contracts were extended by Resolutions, most recently Resolution No. 87 of 2019 for a period of five years to expire December 31, 2024; and

WHEREAS, by letter dated March 26, 2024, Mark A. Nagele, County Highway Superintendent, has requested said contracts be extended for a five year period under the same terms and conditions; now, therefore, be it

RESOLVED, that the Chairman of this Legislature and the County Superintendent of Highways are hereby authorized to enter into agreements with local governments for the removal of snow and ice and the sanding and salting of county roads for a period of five years commencing January 1, 2025 and expiring December 31, 2029, with contracts to be prepared and approved by the Herkimer County Attorney; and, be it further

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

Dated: April 24, 2024.

On motion of Mr. Weakley, seconded by Mr. Swartz, Report and Resolution No. 142 sponsored by the Committee on Highways designating the County as lead agency, determining the significance of an action, and issuing a negative declaration in connection with the reconstruction of North Gage Road was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brewer, Shaw (2).



HERKIMER COUNTY LEGISLATURE

No. 142

REPORT AND RESOLUTION DESIGNATING THE COUNTY AS LEAD AGENCY, DETERMINING THE SIGNIFICANCE OF AN ACTION, AND ISSUING A NEGATIVE DECLARATION IN CONNECTION WITH THE RECONSTRUCTION OF NORTH GAGE ROAD

Sponsored by: Committee on Highways

WHEREAS, by Resolution No. 111 adopted on April 5, 2023, this Legislature approved Project No. 427, highway engineering & design services for the proposed reconstruction of North Gage Road, County Road No. 65, located in the Town of Newport; and

WHEREAS, the State Environmental Quality Review Act (SEQRA) requires that certain procedures be followed and that certain determinations be made prior to said reconstruction Project; and

WHEREAS, the County has reviewed the procedural and substantive requirements, criteria and factors under SEQRA relative to (i) classifying the type of action to be undertaken (ii) agency review and (iii) lead agency determination; and

WHEREAS, the County has prepared and submitted all documents and information with respect to the determination of environmental significance of the North Gage Road Project in conjunction with its consultants; and

WHEREAS, the County has considered, reviewed and analyzed such documents and information; now, therefore, be it

RESOLVED, that the County of Herkimer hereby determines that the North Gage Road Project, previously authorized by Resolution No. 111 of 2023, is an unlisted action for purposes of SEQRA; and, be it further

RESOLVED, that upon the consideration, review and analysis of all the SEQRA documents and information relative to the reconstruction of said roadway in recognition of the criteria and standards in SEQRA concerning the making of such determination, the County hereby finds and declares that the identified environmental effects regarding the reconstruction of said roadway, as specified in the negative declaration, will not be significant; and, be it further

RESOLVED, that in making such determination, the County hereby recognizes and declares that in accordance with 6 NYCRR Part 617, it is acting in its capacity as lead agency; and, be it further

RESOLVED, that in making such determination and given the nature of the proposed unlisted action, the County, as lead agency, hereby states that the coordinated agency review and notice procedures set forth in 6 NYCRR Part 617 are unnecessary and shall not be implemented; and, be it further

RESOLVED, that as a consequence of such finding and declaration and in compliance with the

requirements of SEQRA, the County, as lead agency, hereby issues a negative declaration and directs that the Chairman of this Legislature file and make available the same in accordance with the requirements of SEQRA Law; and, be it further

RESOLVED, that certified copies of this Resolution be filed as required by Part 617 of Title 6 of the New York State Code of Rules and Regulations.

Dated: April 24, 2024.

On motion of Mr. Keeler, seconded by Mr. Donley, Report and Resolution No. 143 sponsored by the Committee on Highways authorizing North Gage Road engineering, design and road rehabilitation project, authorizing public hearings and proposals for a contract for appraisals in connection with said project was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brewer, Shaw (2).



HERKIMER COUNTY LEGISLATURE

No. 143

REPORT AND RESOLUTION AUTHORIZING NORTH GAGE ROAD ENGINEERING, DESIGN AND ROAD REHABILITATION PROJECT AUTHORIZING PUBLIC HEARINGS AND PROPOSALS FOR A CONTRACT FOR APPRAISALS IN CONNECTION WITH SAID PROJECT

Sponsored by: Committee on Highways

WHEREAS, by communication dated March 15, 2024, the County Superintendent of Highways has advised of a highway project under the capital construction program to be done with county road fund monies during the year 2024, said project being as follows:

1. \$200,000 covering project No. 427, including but not limited to surveying, wetland delineation, highway engineering & design, permitting, right of way mapping, appraisals & property acquisition for the proposed rehabilitation of 2.34 miles of North Gage Road, County Road No. 67, Town of Newport. Proposed highway rehabilitation will include but not limited to: tree removal, milling of existing pavement, gravel subbase, drainage improvements, asphalt surface, designated road realignment.

WHEREAS, in connection with said projects, it is necessary to acquire certain parcels of land; and

WHEREAS, it is required by the statutes of the State of New York that public hearings shall be conducted at locations reasonably accessible to the property owners whose property might be acquired, said public hearings to be conducted to inform the public and to review the public use to be served and further to consider the impact on the environment and the residents

of the localities; and

WHEREAS, it is also required by the statutes of the State of New York that an appraisal-estimate of value be obtained for said property to be acquired; and

WHEREAS, it is required by the statutes of the State of New York that after the approval of such appraisals-estimates by the County, offers be made in approved amounts to the owners of said parcels in an attempt to negotiate said acquisition by purchase; now, therefore, be it

RESOLVED, that this Legislature hereby approves the following project and directs the Superintendent of Highway to prepare all necessary plans and specifications therefore:

1. \$200,000 covering project No. 427, including but not limited to surveying, wetland delineation, highway engineering & design, permitting, right of way mapping, appraisals & property acquisition for the proposed rehabilitation of 2.34 miles of North Gage Road, County Road No. 67, Town of Newport.

and, be it further

RESOLVED, that the Superintendent of Highways of the County of Herkimer be, and he hereby is, authorized and empowered to conduct public hearings at locations to be designated by him, said locations to be reasonably accessible to the property owners whose property might be acquired for such project and to give public notices thereof pursuant to Article 2 of the Eminent Domain Procedure Law; and, be it further

RESOLVED, that said Superintendent of Highways shall make reports of the County of Herkimer within ninety days after the conclusion of the public hearings, publish brief synopses of the determination and findings pursuant to Article 2 of the Eminent Domain Procedure Law; and, be it further

RESOLVED, that in making such determination and given the nature of the proposed unlisted action, the County, as lead agency, hereby states that the coordinated agency review and notice procedures set forth in 6 NYCRR Part 617 are unnecessary and shall not be implemented; and, be it further

RESOLVED, that the County Superintendent of Highways is hereby authorized to solicit proposals and the Chairman of the Legislature is authorized and empowered to enter into a contract for the preparation of the necessary appraisals-estimates of value, for land acquisition in connection with the aforesaid projects; and, be it further

RESOLVED, that upon completion of the said appraisals-estimates of value, the Committee on Highways be, and hereby is, authorized and empowered to approve such appraisals-estimated of value and to authorize negotiations with the owners on behalf of the County of Herkimer for the purchase of said parcels necessary for this project; and the Chairman of the Legislature is authorized and empowered to enter into contracts for the purchase of said parcels within amounts budgeted for land acquisition; and, be it further

RESOLVED, that parcels not purchased through negotiation shall be taken through the Eminent Domain process pursuant to Article 2 of the Eminent Domain Procedure Law; and be it further

RESOLVED, that the Chairman of the Herkimer County Legislature and the County Superintendent of Highways be authorized to execute any necessary documents to complete the process of Eminent Domain of any parcels not purchased through negotiations; and, be it further

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

Dated: April 24, 2024.

On motion of Mr. Keeler, seconded by Mr. Russell, Report and Resolution No. 144 sponsored by the Committee on County Planning & Development and the Committee on Ways & Means authorizing contract and appropriating funds was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Bennett, Keeler, Brezinski, Bick, Swartz, Beach, Ackerman, Donley, Campione, Russell, Weakley (15).

Against: None. Absent: Brewer, Shaw (2).



HERKIMER COUNTY LEGISLATURE

No. 144

REPORT AND RESOLUTION AUTHORIZING CONTRACT AND APPROPRIATING FUNDS

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

WHEREAS, by letter dated April 5, 2024 from Vincent J. Bono, Community Development Director, this Legislature is advised of a request to enter into an agreement with C & D Advertising to develop and implement a comprehensive and cohesive social media marketing campaign for Herkimer County, for the period of January 1, 2024 through December 31, 2024 at a cost not to exceed \$12,600.00; and

WHEREAS, by letter dated April 4, 2024, from Sheri Ferdula, Budget Officer/Purchasing Agent, she has advised that an appropriation is necessary; 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:

\$15,000 From: A1990.46000, Contingent Fund, Misc. Expense
 To: A1010B.44000, Community Development, Contracted Services

and, be it further

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

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Community Development Director, and C & D Advertising.

Dated: April 24, 2024.

On motion of Mr. Schrader, seconded by Mr. Malta, Report and Resolution No. 145 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 (15). Against: None. Absent: Brewer, Shaw (2).



HERKIMER COUNTY LEGISLATURE

No. 145

REPORT AND RESOLUTION AUTHORIZING PAYMENT 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 April 1, 2024 from Sheri A. Ferdula, Budget Officer/ Purchasing Agent, she has advised that a communication has been received requesting funding and has been approved for payment by the Legislator receiving the request for payment as follows:

Fort Herkimer Amateur Radio Association, Inc. \$1,000 Malta

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: April 24, 2024.

On motion of Mr. Russell, seconded by Mr. Ackerman, Report and Resolution No. 146 sponsored by the Committee on County Planning & Development and the Committee on Ways & Means awarding bid for bus service for the Old Forge area transportation program for the 2024 Summer Youth Employment Program was handed up; voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Brewer, Shaw (2).

Abstain: Schrader (1).



HERKIMER COUNTY LEGISLATURE

No. 146

REPORT AND RESOLUTION AWARDED BID FOR BUS SERVICE FOR THE OLD FORGE AREA TRANSPORTATION PROGRAM FOR THE 2024 SUMMER YOUTH EMPLOYMENT PROGRAM

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

WHEREAS, pursuant to Resolution No. 114 for the year 1993, the Herkimer County Budget Officer/Purchasing Agent is authorized to advertise for bids, on an annual basis, for the Old Forge Area Transportation Program in relation to the Summer Youth Employment Program; and

WHEREAS, by communication dated March 13, 2024, the Budget Officer has advised this Legislature that bids were received, opened and read in accordance with law for bus services in connection with the 2024 Summer Youth Employment Program to provide transportation to the Old Forge Area; and

WHEREAS, the Budget Officer has advised that it is the recommendation of your Committees and the Youth Bureau that a contract be awarded to the lowest bidder, Birnie Bus Service Inc., in the sum of \$667.36 per bus, per day, for 143 regular runs and 1 run for orientation, for a total of \$96,099.84; now, therefore, be it

RESOLVED, that the Herkimer County Legislature awards a contract to Birnie Bus Service Inc., 1300 Floyd Ave., Rome, NY 13441, for bus service for the Old Forge Area

Transportation Program for the 2024 Summer Youth Employment Program, in the sum of \$667.36 per bus, per day, for 143 regular runs and 1 run for orientation, for a total of \$96,099.84; and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature is hereby authorized to execute said contract on behalf of the County of Herkimer, 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, Executive Director of the Youth Bureau, and Birnie Bus Service Inc.

Dated: April 24, 2024.

On motion of Mr. Weakley, seconded by Ms. Bennett, Report and Resolution No. 147 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing Public Health Nursing to oversee the payment of Doulas was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brewer, Shaw (2).



HERKIMER COUNTY LEGISLATURE

No. 147

REPORT AND RESOLUTION AUTHORIZING PUBLIC HEALTH NURSING TO OVERSEE THE PAYMENT OF DOULAS

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

WHEREAS, Resolution No. 27 of 2024 accepted a grant to develop a Doula program in Herkimer County; and

WHEREAS, by letter dated April 5, 2024, Christina Cain, Director of Public Health, she has requested that Herkimer County Public Health Nursing oversee the payment of Doulas participating in the grant with Public Health Nursing to ensure all participating Doulas have met all program and documentation requirements including but not limited to: training completion, attainment of all appropriate insurances, and required client program documentation; and

WHEREAS, assuming Doulas meet all requirements, Public Health will issue payments to Doulas for non-medical birth support services rendered, not to exceed \$600 per client, and for the Doulas first year of DONA membership, not to exceed \$300 total; now, therefore, be it

RESOLVED, that the Herkimer County Public Health Nursing is authorized to oversee the payment of Doulas participating in the grant with Public Health Nursing, ensuring the Doulas have met all program and documentation requirements, and once all requirements are met, Public Health will issue payments as listed above; 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: April 24, 2024.

On motion of Mr. Campione, seconded by Mr. Gaworecki, Report and Resolution No. 148 sponsored by the Committee on Natural Resources to provide that the additions to the existing Agricultural District for the year 2024 pursuant to Section 303-b of the Agriculture and Markets Law is in compliance with the provisions of the New York State Environmental Quality Review Act was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brewer, Shaw (2).



HERKIMER COUNTY LEGISLATURE

No. 148

REPORT AND RESOLUTION TO PROVIDE THAT THE ADDITIONS TO THE EXISTING AGRICULTURAL DISTRICT FOR THE YEAR 2024 PURSUANT TO SECTION 303-b OF THE AGRICULTURE AND MARKETS LAW IS IN COMPLIANCE WITH THE PROVISIONS OF THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT

Sponsored by: Committee on Natural Resources

WHEREAS, the State of New York has enacted the State Environmental Quality Review Act (SEQRA), Article 8 of the NYS Environmental Conservation Law and Part 617 of Title 6, New York Code Rules and Regulations (6NYCRR) to incorporate the consideration of environmental factors into existing planning, review and decision-making processes of local government agencies; and

WHEREAS, SEQRA requires that all agencies determine whether the actions they directly undertake, fund, or approve may have a significant effect on the environment; and

WHEREAS, the Herkimer County Legislature has under consideration a request from one landowner pursuant to Resolution 146 of 2004, which established the month of January of each year as the 30-day period in which landowners may petition Herkimer County for inclusion of parcels within the existing agricultural district; and

WHEREAS, your Committee has designated the project as an Unlisted Action pursuant to SEQRA and completed an uncoordinated review of the proposed modifications of the agricultural districts; and

WHEREAS, your Committee has fully considered, assessed and discussed the information

contained within the Environmental Assessment Form; now, therefore, be it

RESOLVED, that based on the information provided and discussed, the Herkimer County Legislature has determined that the proposed action will not result in any significant adverse environmental impacts; and, be it further

RESOLVED, that the reasons supporting this determination are documented on the Environmental Assessment Form, within a packet of attachments to the forms, and on additional supporting documentation; and, be it further

RESOLVED, that as a consequence of such findings and declaration, and in compliance with the requirements of SEQRA, the County, as lead agency, hereby issues a negative declaration and directs that the Chairman of the Legislature file and make available the same in accordance with the requirements of SEQRA Law.

Dated: April 24, 2024.

On motion of Mr. Keeler, seconded by Mr. Gaworecki, Report and Resolution No. 149 sponsored by the Committee on Natural Resources approving additions to the existing Agricultural District for the year 2024 was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brewer, Shaw (2).



HERKIMER COUNTY LEGISLATURE

No. 149

REPORT AND RESOLUTION APPROVING ADDITIONS TO THE EXISTING AGRICULTURAL DISTRICT FOR THE YEAR 2024

Sponsored by: Committee on Natural Resources

WHEREAS, Section 303-b of the New York State Agriculture and Markets Law provides for requests by landowners for the inclusion of viable agricultural land within a certified agricultural district prior to the county established review period; and

WHEREAS, upon recommendation of the Agricultural and Farmland Protection Board, the Herkimer County Legislature established the month of January as the 30-day period in which landowners may petition Herkimer County for inclusion of parcels within the existing agricultural district during the year 2024; and

WHEREAS, Herkimer County received requests from two landowners for inclusion of 17 parcels of land within the existing agricultural district; and

WHEREAS, the Herkimer County Agricultural & Farmland Protection Board determined that said parcels proposed for inclusion in the agricultural district consist predominately of viable

agricultural land, and that the inclusion of such land would serve the public interest by assisting in maintaining a viable agricultural industry within the agricultural district; and

WHEREAS, the Agricultural & Farmland Protection Board recommended that said parcels listed on the attached list be included in the agricultural district as viable agricultural land; and

WHEREAS, the Herkimer County Legislature held a public hearing on April 24, 2024; and

WHEREAS, the Herkimer County Legislature has determined pursuant to the State Environmental Quality Review Act, that the proposed action will not have a significant impact on the environment; now, therefore, be it

RESOLVED, that the Herkimer County Legislature does hereby approve the 17 parcels listed on the attached list for inclusion in agricultural district as viable agricultural land.

Dated: April 24, 2024.

HERKIMER COUNTY NYS AGRICULTURAL DISTRICTS OPEN ENROLLMENT 2024

<u>OWNER</u>	<u>PARCEL NUMBER</u>	<u>ACRES</u>	<u>MUNICIPALITY</u>	<u>DISTRICT</u>
TIMMERMAN, RONALD SR.	115.4-1-88	29.8	MANHEIM	1
TIMMERMAN, RONALD SR.	115.4-1-89.1	77.6	MANHEIM	1
TIMMERMAN, RONALD SR.	115.4-1-61	136.3	MANHEIM	1
TIMMERMAN, RONALD SR.	115.4-1-29.1	105.2	MANHEIM	1
TIMMERMAN, RONALD SR.	115.2-1-2.2	102.8	MANHEIM	1
TIMMERMAN, RONALD SR.	108.4-2-30.1	77.5	MANHEIM	1
CASLER, MARK	121.2-3-23.3	0.1	LITTLE FALLS	1
CASLER, MARK	121.4-2-30	226.1	LITTLE FALLS	1
CASLER, MARK	121.2-3-23.1	45.1	LITTLE FALLS	1
CASLER, MARK	122.3-1-41	59.9	DANUBE	1
CASLER, MARK	122.1-1-33.4	6.0	DANUBE	1
CASLER, MARK	122.1-1-33.3	5.1	DANUBE	1
CASLER, MARK	122.3-1-40	26.3	DANUBE	1
CASLER, MARK	121.4-1-7	6.6	DANUBE	1
CASLER, MARK	122.1-1-33.2	5.0	DANUBE	1
CASLER, MARK	122.1-1-32	37.1	DANUBE	1
CASLER, MARK	122.1-1-33.1	48.7	DANUBE	1

On motion of Mr. Beach, seconded by Mr. Schrader, Report and Resolution No. 150 sponsored by the Committee on Ways & Means authorizing contract with Adirondack Financial Services was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brewer, Shaw (2).



HERKIMER COUNTY LEGISLATURE

No. 150

REPORT AND RESOLUTION AUTHORIZING CONTRACT WITH ADIRONDACK FINANCIAL SERVICES

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated March 27, 2024, Steven R. Billings, Personnel Officer has requested authorization to enter into a contract with Adirondack Financial Services; and

WHEREAS, Adirondack Financial Services will perform health insurance consultant services in the areas of risk management, ongoing analysis, review, and evaluation of current County health insurance plans, as well as solicitation of proposals and quotes from insurance providers as to renewal of existing insurance policies; and

WHEREAS, the contract will run from August 1, 2024 through July 31, 2027 at a cost of \$32,700 per year; now, therefore, be it

RESOLVED, that a contract be entered into with Adirondack Financial Services, to perform health insurance consultant services in the areas of risk management, ongoing analysis, review, and evaluation of current County health insurance plans, as well as solicitation of proposals and quotes from insurance providers as to renewal of existing insurance policies at a cost of \$32,700 per year for the time period of August 1, 2024 through July 31, 2027, with terms and conditions of said contract to be subject to the approval of the County Attorney; and, be it further

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

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

Dated: April 24, 2024.

On motion of Mr. Russell, seconded by Mr. Campione, Report and Resolution No. 151 sponsored by the Committee on Ways & Means authorizing a new procedure for pay, accrued leave time and health insurance for Salary Schedule I, II, and VI was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brewer, Shaw (2).



HERKIMER COUNTY LEGISLATURE

No. 151

REPORT AND RESOLUTION AUTHORIZING A NEW PROCEDURE FOR PAY, ACCRUED LEAVE TIME AND HEALTH INSURANCE FOR SALARY SCHEDULE I, II AND VI

Sponsored by: Committee on Ways and Means

WHEREAS, the past practice has been that when a full-time employee leaves employment and is off payroll for a full payroll period, and said employee wishes to be reemployed by the County, their seniority date for pay, health insurance and accrued leave time is reset to reflect an anniversary date according to their rehire date; and

WHEREAS, the County's past practice for when an individual that transfers to Herkimer County from another NYS municipality has always been that said employee begins at the base pay rate and their anniversary date for health insurance and accruals is the first day of employment with Herkimer County; and

WHEREAS, by letter dated April 16, 2024, from Steven R. Billings, Personnel Officer, this Legislature is advised of a request to authorize a new procedure for pay, accrued leave time and health insurance for Salary Schedule I, II and VI employees that have left county employment and for employees that transfer to Herkimer County from another municipality; and

WHEREAS, said letter further requests to establish the following new practice:

Procedures for pay, accrued leave time and health insurance for a Herkimer County employee that resigns from Herkimer County.

1. A full-time employee that is rehired within 1 year of resignation will have their anniversary date go back to the original date of full-time hire with an adjustment made for time not served with Herkimer County for pay, accrued leave time, and contribution rate for health insurance purposes. Said employee will still be required to have a waiting period for Health Insurance as described in the Summary Plan Description for Herkimer County. No accrued leave time will be added for months not worked with Herkimer County.

Procedures for pay, accrued leave time, and health insurance for an individual that transfers to Herkimer County from another municipality.

1. An employee that transfers from another NYS municipality to Herkimer County shall be granted credit for the time served in the transfer title with the other municipality as follows:

The County will give 80% credit for each year served in that title rounded down to the nearest whole year. For example, an Assistant District Attorney transfers from Oneida County to Herkimer County with 5 years' experience as an Assistant District Attorney in Oneida County. Herkimer County would grant 4 years (5 years x 80%) of seniority for pay, accrued leave time, and contribution rate towards health insurance. Said employee will still be required to have a waiting period as described in the Summary Plan Description for Herkimer County.

and,

WHEREAS, this will include any Salary Schedule No. I, No. II, or No. VI employee that returned to Herkimer County employment, from January 1, 2023 forward, no retroactive pay will be part of this resolution, and any employee covered by this new practice will only be allowed to be covered by this practice one time; now, therefore, be it

RESOLVED, that it is authorized for the above-described new procedure for pay, accrued leave time, and health insurance for Salary Schedule No. I, No. II, and No. VI employees that have left county employment and for employees that transfer to Herkimer County from another municipality; and, be it further

RESOLVED, this includes any employee that has returned to Herkimer County employment from January 1, 2023 forward, no retroactive pay will be part of this resolution, and any employee covered by this practice will only be allowed to be covered by this practice one time; 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: April 24, 2024.

On motion of Mr. Gaworecki, seconded by Mr. Weakley, Report and Resolution No. 152 sponsored by the Committee on Human Resources and the Committee on Ways & Means approving contract for architectural and engineering services and appropriating funds was handed up; discussion was held; voted on and adopted by roll call vote:

For: Gaworecki, Schrader, Hollum, Bennett, Keeler, Brezinski, Bick, Swartz, Beach, Donley, Campione, Russell, Weakley (13).

Against: Malta, Ackerman (2). Absent: Brewer, Shaw (2).



HERKIMER COUNTY LEGISLATURE

No. 152

REPORT AND RESOLUTION APPROVING CONTRACT FOR ARCHITECTURAL AND ENGINEERING SERVICES, CREATING ACCOUNT, AND APPROPRIATING FUNDS

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

WHEREAS, by letter dated April 12, 2024 from Sheri Ferdula, Budget Officer/Purchasing Agent this Legislature is advised that a proposal has been received for architectural and engineering services for the construction of a children’s center in Ilion NY; and

WHEREAS, the complete proposal consists of the following:

\$232,000	IN-Architects
\$140,000	Argus Engineering (MEP)
<u>\$74,000</u>	<u>Ryan Biggs, Structural</u>
\$446,000	

and

WHEREAS, said letter advises there is an additional proposal from Keplinger Freeman Associates for \$46,000 for all site conditions, drainage and utility, environmental, SWIPP and landscaping, and that it is necessary to create an account and appropriate funds to award the contracts; now, therefore, be it

RESOLVED, that an account is hereby created and an appropriation within the 2024 budget be made as follows:

Expense:	
\$500,000	From: A1989A.46000, ARPA, Miscellaneous
	To: H8989.40000, Children’s Center, Capital, Contractual, Project 31-1

Revenue:	
\$500,000	From: A4089, Federal Aid, ARPA
	To: H4097 Federal Aid, Capital Proj.: 31-1

and, be it further

RESOLVED, that the proposals be awarded to the aforementioned contractors, in the amounts listed; 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, Director of Public Health, Commissioner of Social Services, County Administrator, and IN-Architects.

Dated: April 24, 2024.

On motion of Mr. Gaworecki, seconded by Mr. Donley, Report and Resolution No. 153 sponsored by the Committee on Ways & Means authorizing a retainer agreement with Simmons Hanly Conroy, LLP concerning potential litigation in reference to insulin and diabetes medications was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brewer, Shaw (2).



HERKIMER COUNTY LEGISLATURE

No. 153

REPORT AND RESOLUTION AUTHORIZING A RETAINER AGREEMENT WITH SIMMONS HANLY CONROY, LLP CONCERNING POTENTIAL LITIGATION IN REFERENCE TO INSULIN AND DIABETES MEDICATIONS

Sponsored by: Committee on Ways & Means

WHEREAS, the County of Herkimer has been informed of the pendency of litigation brought by other municipalities around the country against manufacturers of insulin and diabetes medications and pharmacy benefit managers working with said manufacturers who are alleged to have acted in concert to dictate availability and pricing of insulin and diabetes medications from most of the U.S. market, including the County of Herkimer; and

WHEREAS, the County wishes to retain outside counsel to investigate and if appropriate, commence litigation against such Manufacturers and Pharmacy Benefit Managers, with all work to be performed on a contingency fee basis and without the County advancing costs and expenses for such litigation; now, therefore, be it

RESOLVED, that the County of Herkimer will retain Simmons Hanly Conroy, LLP to investigate, and if appropriate, bring an action against said above Manufacturers and Pharmacy Benefit Managers; and, be it further

RESOLVED, that said retainer agreement with Simmons Hanly Conroy, LLP shall cover the period from April, 2024 until the termination of the litigation or termination of legal services rendered, whichever is sooner, and further that the County may terminate said agreement upon at least 10 days notice, but in the event of recovery by the County against defendants after termination, Simmons Hanly Conroy, LLP would have rights to recover fees, costs and expenses reasonably allocable to its work; and, be it further

RESOLVED, that there shall be no fee for representation unless a monetary recovery acceptable to the County is obtained, and at that time the County agrees that the maximum contingent attorneys' fees for representation shall be a 33.33% gross fee of the recovery, with the recovery amount reduced by costs and disbursements advanced by Simmons Hanly Conroy, LLP as stated in the Retainer Agreement; and, be it further

RESOLVED, that no monies shall be paid to Simmons Hanly Conroy, LLP for any work performed, costs incurred or disbursements made by Simmons Hanly Conroy, LLP in the event that there is no monetary recovery to the County; and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature is authorized to sign any Retainer Agreement with Simmons Hanly Conroy, LLP; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, County Attorney, Herkimer County Personnel Officer, and Simmons Hanly Conroy, LLP.

Dated: April 24, 2024.

On motion of Mr. Bick, seconded by Mr. Weakley, Resolution No. 154 sponsored by the Committee on Human Resources adopting Introductory Local Law A for 2024 was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Bennett, Keeler, Brezinski, Bick, Swartz, Beach, Ackerman, Donley, Campione, Russell, Weakley (15).

Against: None. Absent: Brewer, Shaw (2).



HERKIMER COUNTY LEGISLATURE

No. 154

RESOLUTION ADOPTING INTRODUCTORY LOCAL LAW A FOR 2024

Sponsored by: Committee on Human Resources

WHEREAS, your Committee on Human Resources of the Herkimer County Legislature desires to report that on the 24th day of April, 2024, pursuant to Resolution No. 104, it held a public hearing on the adoption of Introductory Local Law A for 2024 entitled, "A LOCAL LAW EXPANDING THE RESIDENCY REQUIREMENTS FOR HERKIMER COUNTY SOCIAL SERVICES ATTORNEYS" and that there were (no) appearances and (no) objections at the said public hearing; that your Committee advises the adoption and enactment of the said Introductory Local Law and offers the following Resolution:

RESOLVED, that Introductory Local Law A for 2024 be adopted in form attached hereto.

Dated: April 24, 2024.

INTRODUCTORY LOCAL LAW A - 2024

LOCAL LAW NO. 2 - 2024

A LOCAL LAW EXPANDING THE RESIDENCY REQUIREMENTS FOR HERKIMER COUNTY SOCIAL SERVICES ATTORNEYS

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

SECTION 1: LEGISLATIVE INTENT

The intent of this local law is to define the residency requirement as it pertains to the Herkimer County Social Services Attorneys. It is the intent of this local law to supersede the provisions of New York State Public Officers Law Section 3(1) with respect said public officers.

SECTION 2: RESIDENCY REQUIREMENT: SOCIAL SERVICES ATTORNEYS

The provisions of Section 3(1) of the New York State Public Officers Law requiring a person to be a resident of the political subdivision or municipal corporation of the state for which he or she shall be chosen or within which his or her official functions are required to be exercised, shall not prevent a person from holding the office of Social Services Attorney of the County of Herkimer, provided that such person resides in Herkimer County or an adjoining county within the State of New York.

SECTION 3: SEVERABILITY

If any clause, sentence, paragraph or section of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph or section directly involved in the controversy in which judgment shall have been rendered.

SECTION 4: EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State in accordance with Article 3, §27 of the Municipal Home Rule Law.

Dated: April 24, 2024.

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

At 7:22 p.m. on motion of Mr. Malta, seconded by Mr. Schrader, the Legislature adjourned to Wednesday, May 15, 2024 at 7:00 p.m.

Brittney R. Viscomi, Clerk