

MINUTES
Herkimer County Legislature
Fourth Quarter – First Day
Wednesday, October 2, 2024
2:00 p.m.

The Regular Session of the Herkimer County Legislature was called to order by Chairman Robert D. Hollum at 2:01 p.m.

Chairman Hollum called on Patrick E. Russell, Law 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, Brewer, Bennett, Bick, Swartz, Beach, Ackerman, Donley, Campione, Haehl, Weakley (14).

Absent: Keeler, Brezinski, Conover (3).

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 September 11, 2024. There were none, and the Chairman ordered them approved.

Pursuant to Rule 11, Chairman Hollum opened the floor for public comment. 1) Charles E. Crandall, III, Herkimer – County Salaries.

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. Mr. Malta requested Communication Nos. 422, 424, 425, and 426 be read.

No. 420 – A communication was received from the family of John M. Bick expressing thanks. Filed.

No. 421 – A communication was received from the Herkimer County Soil & Water Conservation District advising of monthly meeting. Filed.

No. 422 – A communication was received from the County Attorney submitting complaint. Filed.

No. 423 – A communication was received from the Brookfield Renewable Energy Group submitting Final License Application. Filed.

No. 424 – A communication was received from the County Attorney submitting complaint. Filed.

No. 425 – A communication was received from the County Attorney submitting notice of claim. Filed.

No. 426 – A communication was received from the County Attorney submitting notice of claim. Filed.

No. 427 – A communication was received from the Solid Waste Authority submitting Resolutions and minutes. Filed.

No. 428 – A communication was received from the Sewer District submitting Resolution for public hearing. Filed.

No. 429 – A communication was received from the Sewer District submitting Resolution for MOU. Filed.

No. 430 – A communication was received from the County Treasurer/D'Arcangelo submitting 2023 Audit. Filed.

No. 431 – A communication was received from the Personnel Officer requesting contract with Risk Strategies Consulting Service. Referred to the Committee on Ways & Means.

No. 432 – A communication was received from the Director of Information Services requesting approval of purchase. Referred to the Committee on Information Services and the Committee on Ways & Means.

No. 433 – A communication was received from the Director of Information Services requesting maintenance agreement for software. Referred to the Committee on Information Services and the Committee on Ways & Means.

No. 434 – A communication was received from the Budget Officer/Purchasing Agent requesting transfers in DSS. Referred to the Committee on Ways & Means.

No. 435 – A communication was received from the Director of the Office for the Aging requesting appointments for OFA Advisory Council. Referred to the Committee on Human Resources.

No. 436 – A communication was received from the Highway Superintendent requesting approval of 2025 capital construction project. Referred to the Committee on Highways.

No. 437 – A communication was received from the Personnel Officer requesting to renew contract with Benetech, Inc. to provide third party workers' compensation administrative services. Referred to the Committee on Ways & Means.

No. 438 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in connection with Childhood Lead Poisoning Prevention Grant in Public Health. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 439 – A communication was received from the Budget Officer/Purchasing Agent requesting amendment to the budget and the creation of a new project in connection with a System of Care Grant in Public Health. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 440 – A communication was received from the Budget Officer/Purchasing Agent requesting a transfer of funds in connection with purchase in Information Services. Referred to the Committee on Information Services and the Committee on Ways & Means.

No. 441 – A communication was received from the Budget Officer/Purchasing Agent requesting authorization for the Chairman to sign a voucher in connection with American Rescue Plan funding. Referred to the Committee on Ways & Means.

No. 442 – A communication was received from the Sewer District submitting Resolution appointing board member. Referred to the Committee on Natural Resources.

No. 443 – A communication was received from the Sewer District submitting Resolution for laboratory services contract. Referred to the Committee on Natural Resources and the Committee on Ways & Means.

No. 444 – A communication was received from the Budget Officer/Purchasing Agent requesting appropriation of funds and creation of project in connection with Highway project. Referred to the Committee on Highways and the Committee on Ways & Means.

No. 445 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer of funds for settlement. Referred to the Committee on Ways & Means.

No. 446 – A communication was received from the Budget Officer/Purchasing Agent requesting appropriation of funds to install new data drops. Referred to the Committee on County Properties and the Committee on Ways & Means.

Pursuant to Rule 6, Chairman Hollum then proceeded with Reports of Standing Committees. Legislator Gaworecki, Chairman of the County Properties Committee gave an update on the current projects and Legislator Schrader, Chairman of the Administration/Veterans' Affairs Committee gave an update on Early Voting.

On motion of Mr. Donley, seconded by Mr. Ackerman, Report and Resolution No. 316 sponsored by the Committee on Human Resources confirming appointment and reappointments to the Herkimer County Office for the Aging Advisory Council was handed up; voted on and adopted by voice vote:

For: Ayes (14). Against: None. Absent: Keeler, Brezinski, Conover (3).



HERKIMER COUNTY LEGISLATURE

No. 316

REPORT AND RESOLUTION CONFIRMING APPOINTMENT AND REAPPOINTMENTS TO THE HERKIMER COUNTY OFFICE FOR AGING ADVISORY COUNCIL

Sponsored by: Committee on Human Resources

WHEREAS, the Chairman of the Herkimer County Legislature, by letter dated September 11, 2024, has made an appointment and reappointments to the Office for the Aging Advisory Council; now, therefore, be it

RESOLVED, that the following appointment and reappointments to the Office for the Aging Advisory Council be, and hereby are ratified and confirmed:

New appointment for term of 10/2024-10/2027

Janice Branck, Frankfort, NY 13340

Reappointment for term of 10/2024 – 10/2027

Dave Warner, Little Falls, NY 13365

Reappointment for term of 10/2024 – 10/2027

Bette Collier, Cold Brook, NY 13324

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Director of the Herkimer County Office for the Aging and each appointee.

Dated: October 2, 2024.

On motion of Mr. Gaworecki, seconded by Mr. Schrader, Report and Resolution No. 317 sponsored by the Committee on Natural Resources designating member to Herkimer County Sewer Board was handed up; voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Keeler, Brezinski, Conover (3).



HERKIMER COUNTY LEGISLATURE

No. 317

REPORT AND RESOLUTION DESIGNATING MEMBER TO HERKIMER COUNTY SEWER BOARD

Sponsored by: Committee on Natural Resources

WHEREAS, the Legislature of the County of Herkimer, by Resolution No. 100 for the year 1986, determined that the administrative body of the Herkimer County Sewer District should thereafter be a five member board, and appointed the chief executives, or their designees, of the Villages of Ilion, Frankfort and Mohawk, and the Towns of Frankfort and German Flatts, as members of said Board for terms of five years; and

WHEREAS, by Resolution No. 235 of 2021, Richard D. Adams, Jr. was last appointed as a member of the Herkimer County Sewer Board for a term to expire February 28, 2026; and

WHEREAS, by letter dated September 19, 2024, from the Herkimer County Sewer Board, this Legislature is advised that the Village of Frankfort has named Justin E. Smithson, Village Mayor, to replace Richard D. Adams, Jr., on the Herkimer County Sewer Board for a term to expire February 28, 2026; now, therefore, be it

RESOLVED, that Justin E. Smithson of Frankfort, New York, is hereby appointed as a member of the Herkimer County Sewer Board as designee of the Village of Frankfort, for a term to expire February 28, 2026; and, be it further

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

Dated: October 2, 2024.

On motion of Mr. Donley, seconded by Mr. Weakley, Report and Resolution No. 318 sponsored by the Committee on Ways & Means authorizing transfer of funds in Department of Social Services was handed up; voted on and adopted by voice vote:

For: Ayes (14). Against: None. Absent: Keeler, Brezinski, Conover (3).



HERKIMER COUNTY LEGISLATURE

No. 318

REPORT AND RESOLUTION AUTHORIZING TRANSFER OF FUNDS IN DEPARTMENT OF SOCIAL SERVICES

Sponsored by: Committee on Ways & Means

WHEREAS, your Committee on Ways and Means, to which was referred a communication from Sheri A. Ferdula, Budget Officer/Purchasing Agent, dated September 13, 2024, submitting a request for a transfer of funds, reports that we have examined said communication, inquired into the subject matter thereof, and recommend that said transfer 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 sum from and to the following accounts in the 2024 Budget:

\$76,776	From: A6119A.40000, Foster Care, Contractual To: A6119B.40000, Committee of the Handicapped, Contractual
\$94,325	From: A6123.40000, Juvenile Delinquent, Contractual To: A6010.10000-001, DSS Admin., Salaries
\$44,525	From: A6014.10000-001, Child Support, Salaries To: A6011.10000-001, SNAP, Salaries
\$37,889	From: A6123.40000, Juvenile Delinquent, Contractual To: A6010A.10000-001, WMS, Salaries

and, be it further

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

Dated: October 2, 2024.

On motion of Mr. Schrader, seconded by Mr. Malta, Report and Resolution No. 319 sponsored by the Committee on Ways & Means authorizing the Chairman to sign a voucher in connection with American Rescue Plan funding was handed up; voted on and adopted by voice vote:

For: Ayes (14). Against: None. Absent: Keeler, Brezinski, Conover (3).



HERKIMER COUNTY LEGISLATURE

No. 319

REPORT AND RESOLUTION AUTHORIZING THE CHAIRMAN TO SIGN A VOUCHER IN CONNECTION WITH AMERICAN RESCUE PLAN FUNDING

Sponsored by: Committee on Ways & Means

WHEREAS, by letter dated August 26, 2024, Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised of a request from the Guardians of Freedom

Memorial, for funding in the amount of \$11,000 from the County through the American Rescue Plan Funding; and

WHEREAS, letter further requests permission to have the Chairman sign the voucher for the expense out of account A1989A.46000, ARP Funding, Miscellaneous Expense; now, therefore, be it

RESOLVED, that the Chairman of the Legislature is authorized to sign the voucher for funding in the amount of \$11,000 from the County through the American Rescue Plan Funding; and, be it further

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

Dated: October 2, 2024.

On motion of Mr. Campione, seconded by Mr. Weakley, Report and Resolution No. 320 sponsored by the Committee on Highways approving project under Article 6, Section 116 of the Highway Law was handed up; voted on and adopted by voice vote:

For: Ayes (14). Against: None. Absent: Keeler, Brezinski, Conover (3).



HERKIMER COUNTY LEGISLATURE

No. 320

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

Sponsored by: Committee on Highways

WHEREAS, your Committee on Highways, to which was referred the letter from Mark Nagele, County Superintendent of Highways, dated September 9, 2024, submitting three copies each of statement under Article 6 of the Highway Law designating work to be done with County Road Fund monies during the year 2025, covering one project involved in the Capital Construction Program, respectfully reports that we have examined said statements contained in said communication from and signed by the County Superintendent of Highways, recommend its adoption, and offer the following Resolution:

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

PROJECT NO.	ROAD/LOCATION	TYPE OF PROJECT	ESTIMATED CONSTRUCTION COST
438	Newport Rd CRS 115, 128, 154 Towns of Schuyler & Newport	Guiderail Replacement	\$350,000.00

and, be it further

RESOLVED, that these projects will be funded by CHIPS monies; 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 2, 2024.

On motion of Mr. Beach, seconded by Mr. Donley, Report and Resolution No. 321 sponsored by the Committee on Ways & Means approving contract for third party claims administration services for the former Herkimer County Self-Insurance Plan and Stand Alone Plan was handed up; voted on and adopted by voice vote:

For: Ayes (14). Against: None. Absent: Keeler, Brezinski, Conover (3).



HERKIMER COUNTY LEGISLATURE

No. 321

REPORT AND RESOLUTION APPROVING CONTRACT FOR THIRD PARTY CLAIMS ADMINISTRATION SERVICES FOR THE FORMER HERKIMER COUNTY SELF-INSURANCE PLAN AND STAND ALONE PLAN

Sponsored by: Committee on Ways and Means

WHEREAS, by Resolution No. 313 of 2008 this Legislature authorized a contract with Benetech, Inc., for third party administration services for the former Herkimer County Self-Insured Workers' Compensation Plan; and

WHEREAS, by letter dated September 11, 2024, Steven R. Billings, Personnel Officer, has requested a three year contract from January 1, 2025 through December 31, 2027, with the annual cost for the County Stand-Alone coverage to be at a rate of \$28,555.00 for the year 2025, \$29,412.00 for the year 2026, and \$30,294.00 for the year 2027 and the former Herkimer County Self-Insurance Plan cost will be on a per claim basis of \$125.00 per medical only claim and \$406.00 per indemnity claim for 2025, 2026, and 2027; now, therefore, be it

RESOLVED, that an agreement with Benetech, Inc., One Dodge Street, PO Box 348, Wynantskill, NY 12198, for third party administrative services to the former Herkimer County

Self-Insurance Plan and for the County's Stand-Alone coverage be approved for the period January 1, 2025 through December 31, 2027, at the above rates, with the terms and conditions of said contract to be subject to the approval of the County Attorney; and, be it further

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

Dated: October 2, 2024.

On motion of Mr. Bick, seconded by Mr. Swartz, Report and Resolution No. 322 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing renewal of contract for funding of Childhood Lead Poisoning Prevention Screening Services Grant and amending budget was handed up; voted on and adopted by voice vote:

For: Ayes (14). Against: None. Absent: Keeler, Brezinski, Conover (3).



HERKIMER COUNTY LEGISLATURE

No. 322

REPORT AND RESOLUTION AUTHORIZING RENEWAL OF CONTRACT FOR FUNDING OF CHILDHOOD LEAD POISONING PREVENTION SCREENING SERVICES GRANT AND AMENDING BUDGET

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

WHEREAS, by Resolution No. 228 for the year 1990, this Legislature authorized a contract with the New York State Department of Health to provide grant funding for the Childhood Lead Poisoning Prevention Program screening services and to increase public knowledge about lead poisoning and its prevention, which contract has been continued for each year thereafter; and

WHEREAS, by letter dated August 29, 2024, from Christina Cain, Director of Public Health, your Committees have been advised of a request to renew said agreement with the New York State Department of Health for the term commencing October 1, 2023 and ending September 30, 2024, with funding for this period to be in the amount of \$38,000.00; and

WHEREAS, by letter dated September 13, 2024, from Sheri A. Ferdula, Budget Officer, this Legislature is advised of a request to amend the 2024 Budget in connection with the receipt of funding for the Childhood Lead Poisoning Prevention Program for the Herkimer County Public Health Nursing Service for the period October 1, 2023 through September 30, 2024 in the total amount of \$38,000.00; now, therefore, be it

RESOLVED, that the Chairman of the Legislature be authorized to e-sign the grant document in the amount of \$38,000.00 with the New York State Department of Health to continue the Childhood Lead Poisoning Prevention Program in the County of Herkimer for the period October 1, 2023 to September 30, 2024, unless terminated in accordance with the terms thereof; and, be it further

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

Revenue Account:	A4189L.4489B, Lead Prevention, Federal Aid	From:	\$0
		To:	\$38,000
Expense Account:	A4189L.10000-001, Lead Prev., Salaries	From:	\$0
		To:	\$17,000
	A4189L.41000, Lead Prev., Supplies	From:	\$0
		To:	\$3,500
	A4189L.42100, Lead Prev., Phone	From:	\$0
		To:	\$1,100
	A4189L.43000, Lead Prev., Insurance	From:	\$0
		To:	\$1,000
	A4189L.44000, Lead Prev., Contracted	From:	\$0
		To:	\$2,000
	A4189L.44000-370, Lead Prev., Copier	From:	\$0
		To:	\$600
	A4189L.44000-521, Lead, Rent	From:	\$0
		To:	\$2,000
	A4189L.46100, Lead Prev., Mileage	From:	\$0
		To:	\$300
	A4189L.46300, Lead Prev., Postage	From:	\$0
		To:	\$500
	A4189L.86000, Lead Prev., Health Ins.	From:	\$0
		To:	\$10,000

and, be it further

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

Dated: October 2, 2024.

On motion of Mr. Schrader, seconded by Ms. Bennett, Report and Resolution No. 323 sponsored by the Committee on Human Resources and the Committee on Ways & Means accepting grant funding, authorizing signatures, creating project number, and amending 2024 Budget was handed up; voted on and adopted by voice vote:

For: Ayes (14). Against: None. Absent: Keeler, Brezinski, Conover (3).



HERKIMER COUNTY LEGISLATURE

No. 323

REPORT AND RESOLUTION ACCEPTING GRANT FUNDING, AUTHORIZING SIGNATURES, CREATING PROJECT NUMBER, AND AMENDING 2024 BUDGET

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

WHEREAS, by letter dated September 13, 2024, Christina Cain, Director of Public Health has advised of a Substance Abuse and Mental Health Services Administration “System of Care” Grant Funding for the period of September 30, 2023 to September 29, 2027 with years 1-3 being in the amount of \$999,995 per year and year 4 at \$750,000, and requests to amend the budget for year 2 funding; and

WHEREAS, by letter dated September 14, 2024 from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that Project PH20-7 be established for these funds and that the 2024 Budget be amended; now, therefore, be it

RESOLVED, that the above described grant is hereby accepted and that the 2024 Budget be amended as follows:

Revenue:

A4189N.4489N, Care Exp. and Sus. Grant, Federal, Proj. PH20-7	From: \$0
	To: \$999,995

Expense:

A4189N.44000, Care Exp. And Sus. Grant, Contracted Svs., Proj. PH 20-7	From: \$0
	To: \$999,995

and, be it further

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

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

Dated: October 2, 2024.

On motion of Mr. Swartz, seconded by Mr. Beach, Report and Resolution No. 324 sponsored by the Committee on Information Services and the Committee on Ways & Means authorizing purchase and transferring funds in Information Services was handed up; voted on; and adopted by voice vote:

For: Ayes (14). Against: None. Absent: Keeler, Brezinski, Conover (3).



HERKIMER COUNTY LEGISLATURE

No. 324

REPORT AND RESOLUTION AUTHORIZING PURCHASE AND TRANSFERRING FUNDS IN INFORMATION SERVICES

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

WHEREAS, by letter dated September 12, 2024, Michael Testa, Director of Information Services, has requested to purchase panic button software that works in conjunction with the phone system; and

WHEREAS, a quote was received from ConvergeOne for 250 devices, in the amount of \$21,358.60, with a licensing fee in the amount of \$3,500 each year after the third year; and

WHEREAS, by letter dated September 20, 2024, from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that transfers of funds will be necessary for said purchase; now, therefore, be it

RESOLVED, that the above-described purchase in the amount of \$21,358.60 is approved; 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 2024 Budget:

\$21,358.60	From: A4089, Federal Aid, ARPA
	To: A1680A.4089A, Information Services, ARPA

\$21,358.60	From: A1989A.46000, ARPA, Miscellaneous Expense
	To: A1680A.22000, IS, ARPA, Computer Equipment

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, and ConvergeOne.

Dated: October 2, 2024.

On motion of Mr. Campione, seconded by Ms. Bennett, Report and Resolution No. 325 sponsored by the Committee on Natural Resources and the Committee on Ways & Means awarding contract for laboratory services for the Herkimer County Sewer District was handed up; voted on and adopted by voice vote:

For: Ayes (14). Against: None. Absent: Keeler, Brezinski, Conover (3).



HERKIMER COUNTY LEGISLATURE

No. 325

REPORT AND RESOLUTON AWARDING CONTRACT FOR LABORATORY SERVICES FOR THE HERKIMER COUNTY SEWER DISTRICT

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

WHEREAS, Resolution No. 359 of 2023, awarded a contract for Laboratory Services to Life Science Laboratories of East Syracuse, New York; and

WHEREAS, by letter dated September 19, 2024, this Legislature is advised that by action on September 18, 2024, the Herkimer County Sewer District Board adopted a Resolution to terminate their contract with Life Science Laboratories effective immediately due to them losing their licenses to conduct business, and awarding a contract to Pace Analytical, for a one year term, in the amount of \$33,286.00, which met the minimum specifications with the lowest price, and said Resolution has been forwarded to the Herkimer County Legislature for approval prior to becoming effective; now, therefore, be it

RESOLVED, that a contract for the provision of laboratory services for the Herkimer County Sewer District be awarded to Pace Analytical, in the amount of \$33,286.00; 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 Pace Analytical.

Dated: October 2, 2024.

On motion of Mr. Haehl, seconded by Mr. Weakley, Report and Resolution No. 326 sponsored by the Committee on Highways and the Committee on Ways & Means creating project and authorizing appropriation of funds was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Brewer, Bennett, Bick, Swartz, Beach, Ackerman, Donley, Campione, Haehl, Weakley (14).

Against: None.

Absent: Keeler, Brezinski, Conover (3).



HERKIMER COUNTY LEGISLATURE

No. 326

REPORT AND RESOLUTION CREATING PROJECT AND AUTHORIZING APPROPRIATION OF FUNDS

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

WHEREAS, your Committee on Ways and Means, to which was referred a communication from Sheri A. Ferdula, Budget Officer/Purchasing Agent, dated September 18, 2024, submitting a request for appropriation of funds and the creation of a project to complete a project on Bull Hill Road; and

WHEREAS, Sheri Ferdula, Budget Officer/Purchasing Agent has advised that funds have been verified and are available for this appropriation; now, therefore, be it

RESOLVED, that a project be created and an appropriation be made as follows:

\$400,000 From: D889, Emergency Disaster Work, Reserve, Project 81-1
 To: H5197.40000, Project 81-1

and, be it further

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

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

Dated: October 2, 2024.

On motion of Mr. Schrader, seconded by Mr. Campione, Report and Resolution No. 327 sponsored by the Committee on Ways & Means approving settlement and transferring funds was handed up; voted on and adopted by toll call vote requested by Mr. Malta:

For: Malta, Schrader, Hollum, Brewer, Bennett, Bick, Swartz, Beach, Ackerman, Donley, Campione, Haehl, Weakley (13).

Against: Gaworecki (1).

Absent: Keeler, Brezinski, Conover (3).



HERKIMER COUNTY LEGISLATURE

No. 327

REPORT AND RESOLUTION APPROVING SETTLEMENT AND TRANSFERRING FUNDS

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated September 25, 2024, Steven R. Billings, Personnel Officer, has requested authorization for a settlement in the amount of \$20,000.00 to settle all past, present, and future employment claims related to an individual's employment with Herkimer County; and

WHEREAS, by letter dated September 24, 2024, Sheri Ferdula, Budget Officer/Purchasing Agent, has advised that a transfer of funds is necessary; and

WHEREAS, Sheri Ferdula, Budget Officer/Purchasing Agent, has advised that funds have been verified and are available for this transfer; 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:

\$20,000	From: A1990.46000, Contingent Fund, Misc. Expense
	To: A1930.46000, Judgements & Claims, Misc. Expense.

and, be it further

RESOLVED, that the Chairman of the Legislature is authorized to sign the settlement agreement with the individual; and, be it further

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

Dated: October 2, 2024.

On motion of Mr. Donley, seconded by Mr. Ackerman, Resolution No. 328 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Administration/Veterans' Affairs advocating against OSHA reforms in New York State for firefighters was handed up; voted on and adopted by voice vote:

For: Ayes (14). Against: None. Absent: Keeler, Brezinski, Conover (3).



HERKIMER COUNTY LEGISLATURE

No. 328

RESOLUTION ADVOCATING AGAINST OSHA REFORMS IN NEW YORK STATE FOR FIREFIGHTERS

**Sponsored by: Committee on Public Safety & Emergency Management
Committee on Administration/Veterans' Affairs**

WHEREAS, Herkimer County, nestled in the heart of New York State, is a rural county with a population of 60,139 individuals spread across 1,458 square miles, relying heavily on the essential services provided by its twenty-one (21) independent fire departments and two (2) ambulance corps; and

WHEREAS, these twenty-one (21) fire departments, comprised of eighteen (18) entirely volunteer organizations and three (3) paid departments and two (2) ambulance agencies, serve as the lifeblood of our community, dutifully responding to 17,787 emergency calls in the preceding year, embodying the spirit of selflessness and dedication that defines Herkimer County; and

WHEREAS, the personnel of these departments, comprised of 600 volunteers, 49 career firefighters, and 9 coordinators, form the backbone of our emergency response apparatus, tirelessly working to ensure the safety, security, and well-being of our residents, often at great personal sacrifice; and

WHEREAS, Herkimer County acknowledges, with gratitude, the commendable efforts of the Occupational Safety and Health Administration (OSHA) in initiating measures aimed at enhancing the safety and welfare of our invaluable emergency responders; and

WHEREAS, notwithstanding the strides made in bolstering emergency responder safety, Herkimer County harbors legitimate concerns regarding the future accessibility, affordability, and efficacy of emergency services within our jurisdiction; now, therefore, be it

RESOLVED, that Herkimer County, mindful of its responsibility to safeguard the interests and welfare of its constituents, hereby expresses its reservations and respectfully requests that OSHA, in conjunction with our esteemed state and national officials, give due consideration to the following points of contention and areas of improvement pertaining to the current proposed OSHA 1910.156 document:

1. Extending the public comment period beyond the prescribed deadline of June 21, 2024 by a minimum of 45 days, thereby affording our officials adequate time to meticulously review the voluminous 608-page document and formulate comprehensive, fact-based comments reflective of our community's unique needs and circumstances;
2. Facilitating the organization and conduct of in-person public comment sessions to provide a platform for stakeholders to voice their concerns, insights, and recommendations in a transparent and inclusive manner;

3. Ensuring equitable and substantive representation of volunteer firefighters in the proposal process, proportionate to their significant contribution to emergency services nationwide, thereby fostering a balanced and representative discourse that accounts for the diverse perspectives and interests at play;
4. Simplifying and expediting the incorporation of referenced standards (22 in total) into the proposed standard to enhance clarity, accessibility, and comprehension, thereby facilitating widespread dissemination and implementation across our diverse emergency response landscape;
5. Reevaluating the intended audience and scope of the standard to accommodate the varying regulatory frameworks and classifications of volunteer firefighters across different states, ensuring equitable treatment and compliance with applicable laws and regulations;
6. Transforming the proposed standard into a dynamic, adaptive "living document" capable of evolving in tandem with emerging national needs, technological advancements, and best practices, thereby obviating the need for periodic overhauls and updates to address obsolescence and inefficiency;
7. Identifying and prioritizing additional safety measures and protocols that can be expeditiously implemented with minimal resource expenditure and manpower requirements, thereby augmenting the resilience and effectiveness of our emergency response infrastructure;
8. Collaborating closely with stakeholders to develop a standardized framework that strikes a judicious balance between economic feasibility and technical efficacy, thereby ensuring the sustainability and viability of our emergency response initiatives in the long run;
9. Instituting a formal, structured negotiation process characterized by transparency, accountability, and active engagement, thereby fostering a culture of collaboration, consensus-building, and mutual respect among all parties involved;
10. Embracing these recommendations and initiatives in a concerted effort to uphold the safety, well-being, and resilience of our dedicated emergency responders, while concurrently safeguarding the interests and resources of our taxpaying constituents.

and, be it further

RESOLVED, that in adopting this resolution, the Herkimer County Legislature reaffirms its unwavering commitment to the principles of safety, equity, and inclusivity, and pledges to work collaboratively with all relevant stakeholders to address the pressing concerns and challenges confronting our emergency response infrastructure in the pursuit of a safer, more resilient, and prosperous future for all; 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, NYSAC, OSHA, and the National Advisory Committee on Occupational Safety and Health.

Dated: October 2, 2024.

On motion of Mr. Brewer, seconded by Mr. Gaworecki, Report and Resolution No. 329 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, Brewer, Bennett, Bick, Swartz, Beach, Donley, Campione, Haehl, Weakley (13).

Against: Ackerman (1).

Absent: Keeler, Brezinski, Conover (3).



HERKIMER COUNTY LEGISLATURE

No. 329

REPORT AND RESOLUTION AUTHORIZING APPROPRIATION OF FUNDS

Sponsored by: Committee on Ways & Means

WHEREAS, your Committee on Ways and Means, to which was referred a communication from Sheri A. Ferdula, Budget Officer/Purchasing Agent, dated September 24, 2024, submitting a request for an appropriation of funds to install data drops in the new space at the 108 Court Street location; 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:

\$12,500 From: A889N, Building Reserve
 To: H1620.40000, Buildings, Contractual, Project 16-4

and, be it further

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

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

Dated: October 2, 2024.

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

At 2:17 p.m. on motion of Mr. Gaworecki, seconded by Mr. Schrader, the Legislature adjourned to Wednesday, October 23, 2024 at 7:00 p.m.

Brittney R. Viscomi, Clerk