

HERKIMER COUNTY LEGISLATURE MEETING

Wednesday, January 22, 2025

7:00 p.m.

PLEDGE OF ALLEGIANCE

Moment of Silence in Recognition of All Veterans, Past and Present

ROLL CALL

Communications:

26	Hodgson Russ, LLP. – Submitting Lease Agreement in connection with Masonic Project	FILE
27	Capital District OTB – Submitting financial reports for July-September 2024	FILE
28	County Attorney – Advising of appointment	FILE
29	HC Soil & Water Conservation District – Advising of monthly meeting	FILE
30	Director, Office for the Aging – Requesting bid advertising for meals	FILE
31	Director of Information Services – Requesting renewal of annual maintenance agreement for cisco umbrella	INFO. SVCS. WAYS & MEANS
32	Director of Information Services – Requesting renewal of annual maintenance agreement for Redsky software	INFO. SVCS. WAYS & MEANS
33	Executive Director of the Youth Bureau – Submitting 2024 Annual Report	CO. PLNG. & DEV.
34	Budget Officer/Purchasing Agent – Requesting adoption of the County’s Purchasing Policy	WAYS & MEANS
35	Budget Officer/Purchasing Agent – Requesting appropriation of funds for the College Corps Program	WAYS & MEANS
36	Budget Officer/Purchasing Agent – Requesting transfers in the 2024 Budget	WAYS & MEANS
37	Commissioner of Social Services – Requesting contract for supervised visitation services	HUMAN RES. WAYS & MEANS
38	Commissioner of Social Services – Requesting contract with ICAN	HUMAN RES. WAYS & MEANS
39	Director of Emergency Services – Submitting EMS Advisory Appointments	PUB. SFTY./ EMER. MGMT.
40	Clerk of the Legislature – Requesting amendment to Resolution No. 402 of 2024	WAYS & MEANS
41	Budget Officer/Purchasing Agent – Requesting an appropriation of funds in the Sewer District	WAYS & MEANS

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| 42 | Budget Officer/Purchasing Agent – Requesting budget amendment in connection with funding received in the Office for the Aging | HUMAN RES.
WAYS & MEANS |
| 43 | Director of Community Services – Requesting to enter into a contract for Assisted Outpatient Treatment | HUMAN RES.
WAYS & MEANS |
| 44 | Director of Public Health – Requesting to amend current Preschool Program for Special Education Related Services with Frankfort-Schuyler School | HUMAN RES.
WAYS & MEANS |
| 45 | Director of Public Health – Requesting to enter into contracts for Preschool Program for Special Education Related Services with Central Valley Academy and Richfield Springs Central School | HUMAN RES.
WAYS & MEANS |
| 46 | Budget Officer/Purchasing Agent – Requesting an appropriation of funds for the IDA | CO. PLNG. & DEV.
WAYS & MEANS |
| 47 | County Attorney – Requesting authorization to bring suit against Peter Macri Paving | WAYS & MEANS |
| 48 | County Attorney – Requesting adoption of FOIL Policy | ADMIN./VETS. |

Consent Agenda:

- | | | |
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| 24 | NAT. RESOURCES: Appointing representatives of Intercounty Legislative Committee of the Adirondacks | VOICE |
| 25 | WAYS & MEANS: Amending Res. No. 402 of 2024 authorizing payment of dues for municipal officers and employees during the year 2025 | VOICE |
| 26 | PUB. SFTY./EMER. MGMT.: Appointing members to EMS Advisory Board | VOICE |
| 27 | WAYS & MEANS: Authorizing transfers of funds in 2024 Budget | VOICE |
| 28 | WAYS & MEANS: Adopting policies and procedures for purchase of goods and services | VOICE |
| 29 | CO. PLNG. & DEV.: Adopting Annual Report of Herkimer County Youth Bureau | VOICE |

Regular Agenda:

Reports and Resolutions:

- | | | |
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| 30 | HUMAN RES., WAYS & MEANS: Authorizing contracts for Preschool Program for Special Education related services in Public Health | VOICE |
| 31 | HUMAN RES., WAYS & MEANS: Authorizing amendment to contract in Public Health | VOICE |
| 32 | HUMAN RES., WAYS & MEANS: Authorizing contract for Assisted Outpatient Treatment evaluations for Herkimer County Mental Health | VOICE |
| 33 | HUMAN RES., WAYS & MEANS: Authorizing contract renewal for Office for the Aging for MIPPA/ADRC funding and amending budget | VOICE |

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| 34 | WAYS & MEANS: Authorizing appropriation of funds in Herkimer County Sewer District | ROLL CALL |
| 35 | HUMAN RES., WAYS & MEANS: Authorizing contract with ICAN in DSS | VOICE |
| 36 | HUMAN RES., WAYS & MEANS: Authorizing contract with Catholic Charities for the provision of supervised visitation services in DSS | VOICE |
| 37 | WAYS & MEANS: Authorizing appropriation of funds | ROLL CALL |
| 38 | CO. PLNG. & DEV., WAYS & MEANS: Appropriating funds in connection with the IDA and authorizing Chairman to sign an amended agreement | ROLL CALL |
| 39 | WAYS & MEANS: Approving standard work day and retirement reporting for elected and appointed officials | VOICE |
| 40 | WAYS & MEANS: Authorizing and approving litigation against Peter Macri Paving | VOICE |
| 41 | ADMIN./VETS. AFFAIRS: Adopting Freedom of Information Policy | VOICE |
| 42 | ADMIN./VETS. AFFAIRS, WAYS & MEANS: Imposing Hotel or Motel Taxes | ROLL CALL |

**Adjourn to Wednesday, February 12, 2025
at 7:00 p.m.**



HERKIMER COUNTY LEGISLATURE

No. 24

RESOLUTION APPOINTING REPRESENTATIVES OF INTERCOUNTY LEGISLATIVE COMMITTEE OF THE ADIRONDACKS

Sponsored by: Committee on Natural Resources

WHEREAS, the Counties of Essex, Hamilton, Herkimer, Lewis, St. Lawrence, Washington, Saratoga, Clinton, Franklin, Fulton and Warren have established the Intercounty Legislative Committee of the Adirondacks for the purpose, among other things, of initiating and taking positions on pending legislation affecting the Adirondack area; now, therefore, be it

RESOLVED, that Bob D. Hollum, Chairman of the Herkimer County Legislature, Peter J. Campione, Vice-Chairman of the Herkimer County Legislature, Legislator William Weakley, Legislator Ray Donley, Legislator Donald Haehl, James W. Wallace, County Administrator, be and hereby are designated as representatives of the County of Herkimer on the Intercounty Legislative Committee of the Adirondacks during the year 2025; and, be it further

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

Dated: January 22, 2025.



HERKIMER COUNTY LEGISLATURE

No. 25

REPORT AND RESOLUTION AMENDING RESOLUTION NO. 402 OF 2024 AUTHORIZING PAYMENT OF DUES FOR MUNICIPAL OFFICERS AND EMPLOYEES DURING THE YEAR 2025

Sponsored by: Committee on Ways and Means

WHEREAS, on December 11, 2024 this Legislature adopted Resolution No. 402 authorizing payment of dues for municipal officers and employees during the year 2025; and

WHEREAS, by communication dated January 6, 2025, from Brittney R. Viscomi, Clerk of the Legislature, request is made to increase the annual membership fee for the New York State Association of Clerks of County Legislative Boards (NYSACCLB) Dues from \$100 to \$300; now, therefore, be it

RESOLVED, that Resolution No. 402 adopted on December 11, 2024, be amended under Clerk of the Legislature, to increase the annual membership for the NYSACCLB Dues from \$100 to \$300; and, be it further

RESOLVED, that in all other respects Resolution No. 402 of 2024 shall remain in full force and effect; and, be it further

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

Dated: January 22, 2025.



HERKIMER COUNTY LEGISLATURE

No. 26

REPORT AND RESOLUTION APPOINTING MEMBERS TO EMS ADVISORY BOARD

Sponsored by: Committee on Public Safety/Emergency Management

WHEREAS, by Resolution No. 275 of 1993 this Legislature established an Emergency Medical Services Advisory Board in Herkimer County and appointed five members to serve on said board; and

WHEREAS, by Resolution No. 46 of 2013 this Legislature increased the membership to 9, for 3 year terms, pursuant to County Law, Section 223-b; and

WHEREAS, by letter dated December 31, 2024, Albert J. Moxham, Jr., Director of Emergency Services, has requested the appointment of individuals to maintain the EMS Mutual Aid Plan and EMS related issues throughout the county; now, therefore, be it

RESOLVED, that the following named persons be, and hereby are, appointed as members of the Herkimer County EMS Advisory Board, with the term expiring December 31, 2027:

Robert Perry – MOVAC/Schuyler Fire Department
Andrew Vandawalker – Ilion Fire Department
Robert Berie – Cedarville Ambulance
Anthony Dishavi – Kuyahora Ambulance
Danielle Hoepfl – Old Forge Ambulance
James “Chad” Smith – Priority (Kunkel) Ambulance
Michael Grann – West Winfield Ambulance
John Stagner – AMR
Joseph Jennings – Edwards Ambulance

and, be it further

RESOLVED, that certified copies of said Resolution be forwarded to the Director of Emergency Services and the above-named appointees.

Dated: January 22, 2025.



HERKIMER COUNTY LEGISLATURE

No. 27

REPORT AND RESOLUTION AUTHORIZING TRANSFERS OF FUNDS IN 2024 BUDGET

Sponsored by: Committee on Ways & Means

WHEREAS, your Committee on Ways and Means, to which was referred a communication from Sheri Ferdula, Budget Officer/Purchasing Agent, dated January 2, 2025, submitting requests for transfers of funds in the 2024 budget, reports that we have examined said communication, inquired into the subject matters thereof, and recommend that said transfers be made and offer the following Resolution:

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized and directed to transfer the following sums from and to the following accounts in the 2024 budget:

\$6,924.82	From: A6776.46100, Aging, CII, Mileage To: A6776.44000, Aging, CII, Contracted Services
\$14,234.89	From: A6776A.46100, Aging, SNAP, Mileage To: A6776.44000, Aging, CII, Contracted Services
\$8,951.92	From: A6786C.46100, Aging, Unmet Needs, Mileage To: A6776.44000, Aging, CII, Contracted Services
\$3,000	From: A6775.46100, Aging, CSE, Mileage To: A6776.44000, Aging, CII, Contracted Services
\$7.41	From: CD6290.42100, ET01-24, ETA Admin., Telephone To: CD6294.42100, One Stop Center, Telephone
\$19.53	From: CD6292.42100, ET03-24, Adult, Telephone To: CD6294.42100, One Stop Center, Telephone
\$19.53	From: CD6292A.3002.42100, ET02-23, Youth out of School, Telephone To: CD6294.42100, One Stop Center, Telephone
\$20.86	From: CD6300.42100, ET05-23, Dislocated Worker, Telephone To: CD6294.42100, One Stop Center, Telephone
\$13,809.65	From: CD6292.44000, ET03-23, Adult, Contracted Services To: CD6292.44000, ET03-24, Adult, Contracted Services
\$6.42	From: CD6290.44000-370, ET01-24, ETA Admin., Copier To: CD6292.44000-370, ET03-24, Adult, Copier
\$16.92	From: CD6292A.3002.44000-370, ET02-23, Youth out of School, Copier To: CD6292.44000-370, ET03-24, Adult, Copier
\$18.09	From: CD6300.44000-370, ET05-23, Dislocated Worker, Copier To: CD6292.44000-370, ET03-24, Adult, Copier
\$13.46	From: CD6290.44000-370, ET01-24, ETA Admin., Copier To: CD6292.44000-370, ET03-24, Adult, Copier

\$35.48	From: CD6292A.3002.44000-370, ET02-23, Youth out of School, Copier To: CD6292.44000-370, ET03-24, Adult, Copier
\$37.91	From: CD6300.44000-370, ET05-23, Dislocated Worker, Copier To: CD6292.44000-370, ET03-24, Adult, Copier
\$26.72	From: CD6290.44000-370, ET01-24, ETA Admin, Copier To: CD6292.44000-370, ET03-24, Adult, Copier
\$70.44	From: CD6292A.3002.44000-370, ET02-23, Youth out of School, Copier To: CD6292.44000-370, ET03-24, Adult, Copier
\$75.28	From: CD6300.44000-370, ET05-23, Dislocated Worker, Copier To: CD6292.44000-370, ET03-24, Adult, Copier
\$10,000	From: A6014.10000-001, Child Support, Salaries To: A6010.10000-001, DSS Admin, Salaries
\$7,000	From: A6014.10000-001, Child Support, Salaries To: A6010.10000-002, DSS Admin., Overtime
\$4,000	From: A6010.10100, DSS Admin., Temp Employees To: A6010A.10000-001, WMS, Salaries.
\$12,000	From: A6010.10100, DSS Admin., Temp Employees To: A6011.10000-001, SNAP, Salaries

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, Director of Employment & Training, and Commissioner of Social Services.

Dated: January 22, 2025.



HERKIMER COUNTY LEGISLATURE

No. 28

REPORT AND RESOLUTION ADOPTING POLICIES AND PROCEDURES FOR PURCHASE OF GOODS AND SERVICES

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated January 2, 2025 from Sheri Ferdula, Budget Officer/
Purchasing Agent, this Legislature is advised of a request to adopt the Herkimer County
Purchasing Policy for 2025; now, therefore, be it

RESOLVED, that the attached Policies and Procedures for Purchase of Goods and
Services be, and hereby are, adopted as the official policies of the County of Herkimer; and, be it
further

RESOLVED, that certified copies of this Resolution be forwarded to each department
head in the County.

Dated: January 22, 2025.

January 22, 2025
HERKIMER COUNTY
POLICIES AND PROCEDURES FOR PURCHASE OF GOODS AND SERVICES

These procedures are adopted to assure the prudent and economical use of public money, and to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost and to guard against favoritism, extravagance, fraud and corruption.

MONETARY THRESHOLDS

Purchase Contracts less than \$20,000:

\$1-\$2,000 \$1-\$5,000 Highway	At the discretion of the Purchasing Department
\$2,001-\$10,000 \$5,001-\$10,000 Highway	Documented verbal quotes from at least three separate vendors (if available) and consultation with the Purchasing Department to determine delivered or installed costs
\$10,001-\$20,000	Documented written quotes from at least three separate vendors (if available) and consultation with the Purchasing Department and appropriate Committee of the Legislature, (to include State Contract Purchases) to determine delivered or installed costs
Over \$20,000	Sealed bids in conformance with the General Municipal Law.

Public Works Contracts less than \$35,000:

\$1 - \$2,000	At the discretion of Purchasing Department
\$2,001 - \$10,000	Documented verbal quotes from at least three separate sources (if available) and consultation with the Purchasing Department.
\$10,001 - \$35,000	Documented written quotes from at least three separate sources and consultation with the Committee of the Legislature involved.
Over \$35,000	Sealed bids in conformance with the General Municipal Law.

Purchase Contracts are contracts for the purchases of services, supplies, commodities or equipment.

Public Works are defined as labor or construction costs and building service contracts. Construction and labor contracts and building service contracts in excess of \$1,500 are also subject to **NYS Prevailing Wage**.

The above policies apply also to the Highway Department except that the requirement to consult with the Purchasing Department applies only to purchases requiring the specific authorization of the Legislature.

COMPETITIVE BIDDING

All contracts for Public Works involving an expenditure of more than Thirty-five Thousand Dollars (\$35,000.00) and all purchase contracts involving an expenditure of more than Twenty Thousand Dollars (\$20,000.00), unless excepted by statute or an appropriate resolution of this Legislature, are subject to competitive bidding and shall be awarded to the lowest responsible bidder as provided by Article 5-A of the General Municipal Law.

Exceptions to Competitive Bidding:

Emergency Purchases – to qualify as an emergency the purchase must meet one of the following criteria:

- The purchase must arise from an accident or unforeseen circumstance
- The purchase must affect life, health or safety issues
- The purchase must require immediate action and justification must be provided as to why the bidding process cannot be followed.
- Emergency purchases must be approved by the Department Head, County Administrator or Purchasing/Deputy Purchasing Agent and all documentation must be submitted as soon as possible.

Surplus or Second Hand Equipment Purchases – may be purchased without a competitive bid if purchased from the Federal or State Government or any political subdivision within New York State. Purchases from private sources do not qualify.

Professional Services – Professional Services are considered to be:

- Services requiring specialized skills, licensing, training or expertise
- Services requiring professional judgement or discretion
- Services requiring a high level of creativity
- When contracts for Professional Services will be more than \$10,000 a Request for Proposals should be developed between the department head and the purchasing department to solicit the vendor with the most cost effective services.
- Contracts for Professional Services

III. AWARDING PURCHASES

- A. Proper documentation is required when the quote is not awarded to the vendor giving the lowest price. Quotes will be awarded to the lowest responsible and responsive vendor providing the goods are of equal values.
- B. Use of alternative purchasing methods including NYS Contracts, Contracts of other New York State Municipalities, "Piggybacking" on other governmental contracts, federal contracts, cooperative purchasing, preferred source, sole source and emergency purchases shall be governed by the provisions of New York State General Municipal Law, Sections 103, 104 or 104-B or State Finance Law, Section 162 or other applicable provisions of law and properly documented.
- C. Best Value: The specific non-price criteria to be used for Best Value purchases must be detailed in the price solicitation and the analysis of the resulting quotes or bids using the specified criteria must be documented. The documentation should include cost benefit analysis where possible. Award for purchases can then be made to the bidder deemed to be the Best Value to the County with all of the aspects of the Purchasing Policy remaining the same, as per Herkimer County Local Law.

- IV. A. All purchases of goods or services (except transcription services, utilities, unscheduled repairs and otherwise authorized services) require a purchase order.

Contracts (not included professional services) up to \$10,000 may be signed by the department head provided all other purchasing policies, laws and resolutions of the Legislature are complied with and documented. All such contracts must be reviewed and signed off on by Purchasing Department and County Attorney for compliance prior to signing. The originating department shall retain the original fully executed contract and a copy with the sign off sheet should be forwarded to the County Auditor

V. PROFESSIONAL SERVICES PROCUREMENT POLICY

Purchases of professional services are defined as services involving specialized skill, training and expertise, and use of professional judgment or discretion. In many cases, cost is only one element to consider when awarding a professional service contract. These contracts are not required to be bid by State law, and shall be governed by the following principles and practices:

- A. Contracts shall be executed for professional services, when appropriate, to delineate the services to be rendered and the method and amount of payment.

- B. Staff who seek approval to purchase professional services must seek to generate proposals to perform these services that are as appropriate to the County's needs and as cost-competitive as possible, by use of RFP's or RFQ's, etc. RFQ's may be used prior to RFP's or independently.
- C. The process to be followed in each new or renewal contract for professional services shall be proposed by the departmental staff person responsible for the services to the appropriate committee of the Legislature. The Purchasing Department must be copied (except for Highway fund requests) prior to consideration and approval by the appropriate Committee. The hiring of those professionals may be authorized by the appropriate committee up to \$10,000. The full Legislature must approve professional services over \$10,000 annually or if additional funds must be appropriated (such as with grants).
- D. Where alternative quotes or proposals are obtained, awards to an entity other than the lowest proposer must be properly documented with the rationale/reason for rejection of the lowest price.
- E. For certain types of procurements of professional services, the solicitation of alternative proposals or quotations would not be in the best interest of the County, for example, highly specialized services for which the number of qualified and available professionals is limited. In those instances, the hiring of those professionals may be authorized by the appropriate committee up to \$10,000 annually. The full Legislature must approve the contract if over \$10,000 annually without alternative quotes or RFP's after presentation to the committee of the justification for such a determination with the appropriate documentation.
- F. Any and all procedures not specifically addressed in this policy shall be governed by Section 103 or 104-b of the General Municipal Law.

VI. Any purchases of goods or services from an employee of Herkimer County or an immediate family member must be approved by the appropriate committees of the Legislature in addition to all other requirements.

VII. The following employees are authorized to make general purchases for Herkimer County (The list must be updated bi-annually):
S. Ferdula, Budget Officer/Purchasing Agent
P. Lumia, Deputy Purchasing Agent
M. Nagele, County Highway Superintendent
S. Tyoe, Deputy County Highway Superintendent
K. Enea, Treasurer (credit card only)

PROCUREMENT REQUIREMENTS FOR FEDERAL AWARDS

All purchases from new federal awards and incremental funding to existing awards must comply with Uniform Guidance requirements outlined in Title 2 of the Code of Federal Regulations, Subtitle A, Chapter II, Part 200. The following procedures will be incorporated and in addition to the Herkimer County Purchasing Policy.

STANDARDS OF CONDUCT

- No employee, officer, or agent will participate in the selection, award, or administration of a contract supported by federal monies if he or she or any member of his or her immediate family is employed or about to be employed, or a partner, officer or agent in the contracting organization or has a financial or other interest in or will receive a tangible personal benefit from a firm considered for the contract.
- Officers, employees and agents must neither solicit nor accept gratuities, favors or any item of monetary value from contractors or parties to subcontracts.

PRE - PROCUREMENT PROCEDURES

- Measures must be taken to avoid any duplicate or unnecessary purchases of services, equipment or supplies.
- Look for opportunities to consolidate or split up purchases to save money or time and document your findings.
- Weigh the options of leasing and purchasing to discover which is more economical.
- Utilize State and Federal contracts to obtain the best aggregate pricing.
- Investigate State and Federal surplus auctions.

COMPETITION

- Procurements must be conducted in a manner providing full and open competition.
- In order to eliminate unfair competitive advantages the following restrictive practices are prohibited:
 - Placing unreasonable requirements on firms in order for them to qualify to do business
 - Requiring unnecessary experience and excessive bonding
 - Noncompetitive pricing practices between firms or between affiliated companies
 - Noncompetitive contracts to consultants that are on retainer contracts
 - Organizational conflicts of interest
 - Specifying a "brand name" product instead of allowing an equal product to be offered and describing the performance or other relevant requirements of the procurement
 - Any arbitrary action in the process.

PROCUREMENT METHODS

- Purchases up to \$3,000 (Micro Purchases)
 - The purchase of supplies or services where the aggregate amount does not exceed \$3,000 should follow normal Herkimer County Purchasing Policy procedures.
- Purchases between \$3,000 and \$150,000 (Small Purchases)
 - Procedure should be based on existing Herkimer County Purchasing Policy procedures.
- Purchases over \$150,000
 - Sealed bids
 - Complete, adequate, realistic specifications
 - Two or more bidders must be willing and able to compete for the business
 - The procurement must lead to a firm fixed price contract and selection must be based on price.
 - Competitive Proposals
 - Used when conditions are not appropriate for sealed bids
 - Requests for proposals must be publicized and identify evaluation factors and their importance.
 - Must be solicited from an adequate number of sources
 - Must have a written method for technical evaluations and selection
 - To be used for qualifications based procurement of architectural/engineering professional services
 - Non-Competitive Proposals
 - Proposal from only one source
 - The item or service is only available from one source
 - An emergency for the requirement will not permit a delay resulting from competitive solicitation
 - After solicitation from a number of sources, competition is determined inadequate.

SMALL, MINORITY AND WOMENS BUSINESS ENTERPRISES OR LABOR SURPLUS FIRM

- Affirmative action steps must be taken to assure that minority and women owned enterprises and labor surplus area firms are used whenever possible.
 - Place small and minority businesses and women owned businesses on solicitation lists
 - Assure small and minority businesses and women owned businesses are solicited when they are potential bidders.
 - Divide contract requirements into smaller tasks or quantities to permit maximum participation
 - Establish delivery schedules that encourage small and minority businesses and women owned businesses
 - Utilize the Small Business Administration and the Minority Business Development Agency and the Department of Commerce
 - Require prime contractors to take affirmative steps when dealing with subcontractors.

RECOVERED MATERIALS

- Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, requires Political Subdivisions to procure only items designated in the guidelines of the Environmental Protection Agency at 40 CFR part 247. Items exceeding \$10,000 in purchase price or value, must contain the highest percentage of recovered materials consistent with maintaining a satisfactory level of competition

CONTRACTS COST AND PRICE

- Every procurement in excess of the Simplified Acquisition Threshold (\$150,000) must have a cost or price analysis including modifications to existing contracts. An estimate should be created before proposals are solicited.
- Profit must be negotiated as a separate element of the price for contracts in which there is no price competition and in every case where cost analysis is performed
- Costs or prices based on estimations are only allowable to the extent that costs incurred or cost estimates included in negotiated prices are allowable if the County has requested prior approval which should include the timeframe or scope of the agreement and be submitted not less than 30 days before the requested action is set to occur.
- Adjustments to the indirect cost rates resulting from a determination of unallowable costs being included in the rate proposal may result in the reissuance of the negotiated rate agreement.
- Financial records, supporting documents, statistical records and all other records pertaining to the award must be retained for a period of three years from the date of submission of the final expenditure report, or, for awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, as reported to the Federal awarding agency or pass through entity in the case of a sub recipient. The following exceptions apply:
 - If a litigation, claim or audit is started or filed in the three year period, records must be kept until it has been resolved
 - When notified by the Federal Agency to extend the retention
 - Records for real property and equipment must be retained for 3 years after disposal
 - If records are transferred to or maintained by the Federal awarding agency or pass through entity
 - Program income transactions after the period of performance must be retained starting from the end of the County's fiscal year in which the program income is earned.
 - Negotiated indirect cost rate proposals, cost allocations plans and similar reports must be retained for the 3 year period from the date of submission
 - Non negotiated reports must be retained for 3 years from the end of the fiscal year covered by the plan.

FEDERAL AWARDING AGENCY OR PASS THROUGH ENTITY REVIEW

- The County must make available upon request the technical specifications on proposed procurements where the Federal awarding agency or pass-through believes such a review is needed to ensure the item or service is the one being proposed.
- The County must make available pre procurement documents when:
 - Procurement procedures or operations fail to comply with standards
 - The procurement exceeds the Simplified Acquisition Threshold and is to be awarded without competition
 - The procurement specifies a “brand name”
 - The contract is to be awarded to any other than the low bidder
 - A modification changes the scope of a contract or increases the amount by more than the Simplified Acquisition Threshold
- The County may request a review to ensure compliance with the standard.
- The County may “self-certify” its procurement system, however, such certification must not limit the Federal agency’s right to survey the system.

BONDING REQUIREMENTS

- The County bonding policy for construction or facility improvement contracts or sub contracts exceeding the Simplified Acquisition Threshold may be accepted by the Federal awarding agency if they make the determination that the Federal interests are protected.
- Bids must contain a bid bond, certified check or other negotiable instrument equivalent to 5% of the bid as a guarantee .
- Performance bonds covering 100% of the contract must be issues in the event the contractor defaults.
- Payment bonds covering 100% of the contract to ensure payment of all persons supplying labor and materials.

REQUIREMENTS FOR PASS THROUGH ENTITIES

- The County may receive concurrent Federal awards as a recipient, a sub recipient and a contractor depending on its agreements with the Federal Agency and pass through entity. A determination must be made on a case by case basis whether agreements made for distribution of program funds cast the party receiving the funds in the role of a sub recipient or a contractor.
 - Sub recipients – the County must identify:
 - Name
 - Entity identifier (EIN)
 - Federal Award Identification Number
 - Period of performance
 - Amount of Federal Funds Obligated to the sub recipient
 - Total amount of Federal funds obligated to the sub recipient including the current award
 - Federal award project description
 - Name of the Federal awarding agency, pass through entity and contact information of awarding official of the pass through entity.

- The dollar amount of each Federal award and the CFDA number at the time of Disbursement
 - Whether the award is R & D and indirect cost
 - All requirements imposed by the County on the sub recipient so that the Federal award is used in accordance with Federal statutes, regulations and the terms and conditions of the award.
 - Any additional requirements to meet the County's own responsibility to the Federal Agency
 - An approved federally recognized indirect cost rate negotiated between the sub recipient and the Federal Government, or if no rate exists, the rate negotiated between the County and the sub recipient
 - A requirement that the sub recipient permit the County and auditors to have access to the sub recipients records and financials as necessary
 - Appropriate terms and conditions concerning closeouts.
- The County must evaluate each sub recipient's risk of noncompliance for the purpose of determining the appropriate monitoring which may include factors such as:
 - Prior experience with same or similar sub awards
 - Previous audit results
 - Changes in personnel or systems
 - Results of the Federal Award agency monitoring – if sub recipient receives other awards
- The County should consider imposing specific conditions upon the sub recipient if appropriate
- The County should monitor the activities of the sub recipient to ensure the sub award is used for the intended purpose and goals are achieved by:
 - Monitoring financial statements and performance reports
 - Follow up on deficiencies notes through audits, review and other means.
 - Issue a Management Decision for findings pertaining to the award
- The following monitoring tools may be helpful to ensure proper accountability and compliance:
 - Providing sub recipients with training and technical assistance on program related matters
 - Performing on site reviews of the sub recipients program operations
 - Arranging for agreed upon procedure engagements
- The County should verify that every sub recipient is audited as required by Subpart F – Audit requirements set forth in 200.501
- The County should consider whether or not the sub recipients audit results, on site reviews or other monitoring indicate conditions that necessitate adjustments to the County's own records.
- Take enforcement action against non-compliant sub recipients as described in 200.338.

CONTRACT PROVISIONS

- The County contracts must contain the applicable provisions described in Appendix II to Part 200, Contract Provisions for Non-Federal Entity Contracts (attached).



HERKIMER COUNTY LEGISLATURE

No. 29

REPORT AND RESOLUTION ADOPTING ANNUAL REPORT OF HERKIMER COUNTY YOUTH BUREAU

Sponsored by: Committee on County Planning and Development

WHEREAS, your Committee on County Planning and Development, to which was referred the Annual Report of the Herkimer County Youth Bureau for the year 2024 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 Youth Bureau for the year 2024 be approved and placed on file in the Office of the Herkimer County Legislature.

Dated: January 22, 2025.



HERKIMER COUNTY LEGISLATURE

No. 30

REPORT AND RESOLUTION AUTHORIZING CONTRACTS FOR PRESCHOOL PROGRAM FOR SPECIAL EDUCATION RELATED SERVICES IN PUBLIC HEALTH

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

WHEREAS, by letter dated December 20, 2024, from Christina Cain, Director of Public Health, this Legislature is advised of a request to enter into contracts for Preschool Program for Special Education Related Services with Central Valley Academy, 111 Frederick St., Ilion, NY 13357 and Richfield Springs Central School, 93 W. Main St., Richfield Springs, NY 13439, under Resolution No. 86 of 2004; and

WHEREAS, said letter further advises they are approved to provide this service under NYS Education Law, Section 4410; now, therefore, be it

RESOLVED, that the Chairman of the Legislature is authorized to sign the above described contracts with Central Valley Academy and Richfield Springs; 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, Central Valley Academy, and Richfield Springs Central School.

Dated: January 22, 2025.



HERKIMER COUNTY LEGISLATURE

No. 31

REPORT AND RESOLUTION AUTHORIZING AMENDMENT TO CONTRACT IN PUBLIC HEALTH

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

WHEREAS, by letter dated December 20, 2024, from Christina Cain, Director of Public Health, this Legislature is advised of a request to amend the current Preschool Program for Special Education Related Services contract with Frankfort-Schuyler School; and

WHEREAS, said letter further advises they are requesting to add the additional related service of 1:1/shared aides to their contract, they are approved to provide this service under NYS Education Law, Section 4410 and will be responsible for the hiring and subsequent supervision of aides that are retained with regard to this contracted service; now, therefore, be it

RESOLVED, that the agreement be amended with Frankfort-Schuyler School to add the additional related service of 1:1/shared aides to their contract; 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 Frankfort-Schuyler School.

Dated: January 22, 2025.



HERKIMER COUNTY LEGISLATURE

No. 32

REPORT AND RESOLUTION AUTHORIZING CONTRACT FOR ASSISTED OUTPATIENT TREATMENT EVALUATIONS FOR HERKIMER COUNTY MENTAL HEALTH

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

WHEREAS, by letter dated December 27, 2024 from Kristen Snyder-Branner, Director of Community Services, this Legislature is advised of a request to enter into a contract with Lawrence Farago, MD, PO Box 357, New Hartford, NY 13413, for the purposes of performing Assisted Outpatient Treatment (AOT) Evaluations for the County, at a cost of \$175 per hour; and

WHEREAS, said letter further advises the Director of Community Services is mandated to investigate AOT referrals within the County and needs a doctor to perform the evaluations and testify in court as needed; now, therefore, be it

RESOLVED, that authorization is given to execute a contract with Lawrence Farago, MD, for the purposes of performing Assisted Outpatient Treatment (AOT) Evaluations for the County, at a cost of \$175 per hour; and, be it further

RESOLVED, that said agreement shall be subject to the approval of the Herkimer County Attorney; and, be it further

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

Dated: January 22, 2025.



HERKIMER COUNTY LEGISLATURE

No. 33

REPORT AND RESOLUTION AUTHORIZING CONTRACT RENEWAL FOR OFFICE FOR THE AGING FOR MIPPA/ADRC FUNDING AND AMENDING BUDGET

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

WHEREAS, by letter dated December 27, 2024 from Kathy Fox, Director of the Office for the Aging, this Legislature is advised of a request to submit an additional application to receive MIPPA (Medicare Improvements for Patients & Providers Act)/ADRC (Aging and Disabilities Resource Center) funding; the purpose of this funding is to provide health insurance information, counseling and assistance to older individuals and their families; MIPPA/ADRC is specifically designed to outreach and provide direct application assistance to Medicare beneficiaries who are likely to be eligible for the Medicare Part D Low-Income Subsidy, the Medicare Savings Program, and to provide information about wellness/prevention programs; a portion of the funding is allocated to NY Connects under the ADRC portion of the grant; a portion of the funds (\$500) will be used by the Office for the Aging to provide community presentations and to distribute information about the programs; the grant period is from September 1, 2024 through August 31, 2025, with an estimated award to be \$23,254.00; and

WHEREAS, said letter further requests a contract with Catholic Charities of Herkimer County to administer said program in the amount of \$22,754.00 to be used for the Health Insurance Information and Counseling Program (HIICAP); and

WHEREAS, by letter dated January 2, 2025, from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that it is necessary to amend the Herkimer County Budget for 2025 in connection with the receipt of said funding; now, therefore, be it

RESOLVED, that the 2025 Budget be amended as follows:

A6780B.4780B, MIPPA, Federal Aid	From: \$15,500
	To: \$38,754
A6780B.44000, MIPPA, Contracted Services	From: \$15,000
	To: \$38,254

and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute all necessary documents in connection with the receipt of funding for the MIPPA/ADRC Program in the amount of \$23,254.00, with said grant period to be from September 1, 2024 through August 31, 2025; and, be it further

RESOLVED, that the Chairman of this Legislature is further authorized to execute a contract with Catholic Charities of Herkimer County, 61 West Street, Ilion, New York, in the amount of \$22,754.00 to administer said Program; 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 Catholic Charities of Herkimer County.

Dated: January 22, 2025.



HERKIMER COUNTY LEGISLATURE

No. 34

REPORT AND RESOLUTION AUTHORIZING APPROPRIATION OF FUNDS IN HERKIMER COUNTY SEWER DISTRICT

Sponsored by: Committee on Ways & Means

WHEREAS, your Committees were referred a communication from Sheri A. Ferdula, Budget Officer/Purchasing Agent, dated January 7, 2025, submitting a request for appropriation of funds for the Hypo Tank Project, 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:

\$70,919.81 From: G909, Sewer, Fund Balance (capital account)
 To: H8130.40000, Sewer, Capital, Project 72-2

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 Herkimer County Sewer District.

Dated: January 22, 2025.



HERKIMER COUNTY LEGISLATURE

No. 35

REPORT AND RESOLUTION AUTHORIZING CONTRACT WITH ICAN IN THE DEPARTMENT OF SOCIAL SERVICES

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

WHEREAS, by letter dated December 31, 2024 from Timothy J. Seymour, Commissioner of Social Services, this Legislature is advised of a request to renew a contract with Integrated Community Alternative Network (ICAN), 310 Main Street, Utica, NY 13501, to provide coordination and direct services to twenty-four (24) cases on a continuous basis with services provided including but not limited to, preventing out of home placement, family reunification and assessment to return home early from placement, with all cases assigned by the Herkimer County case manager supervising this agreement; and

WHEREAS, letter further states the period of this contract would be from January 1, 2025 through December 31, 2025, in the amount of \$410,268 (which includes \$21,218 allocated to Service Provision for Individual Needs (SPIN) funds; now, therefore, be it

RESOLVED, that this Legislature approves the above requests for the Department of Social Services, and authorizes the Chairman to sign the agreement with ICAN to provide coordination and direct services to twenty-four (24) cases on a continuous basis with services provided including but not limited to, preventing out of home placement, family reunification and assessment to return home early from placement, with all cases assigned by the Herkimer County case manager supervising this agreement for the period of January 1, 2025 through December 31, 2025, in the amount of \$410,268 (which includes \$21,218 allocated to Service Provision for Individual Needs (SPIN) funds; 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, Commissioner of Social Services, and ICAN, Inc.

Dated: January 22, 2025.



HERKIMER COUNTY LEGISLATURE

No. 36

REPORT AND RESOLUTION AUTHORIZING CONTRACT WITH CATHOLIC CHARITIES FOR THE PROVISION OF SUPERVISED VISITATION SERVICES IN DEPARTMENT OF SOCIAL SERVICES

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

WHEREAS, by letter dated December 31, 2024, Timothy Seymour, Commissioner of Social Services, has requested an agreement with Catholic Charities of Herkimer County for the provision of Supervised Visitation Services, with the period of performance and financial terms as follows: not to exceed \$84,060.00 for the period of January 1, 2025 through December 31, 2025, the unit cost per visit shall be \$167, for up to 468 visits annually; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an agreement with Catholic Charities of Herkimer County, for the provision of Supervised Visitation Services with the period of performance and financial terms as follows: not to exceed \$84,060.00 for the period of January 1, 2025 through December 31, 2025, the unit cost per visit shall be \$167, for up to 468 visits annually; 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, Commissioner of Social Services, and Catholic Charities.

Dated: January 22, 2025.



HERKIMER COUNTY LEGISLATURE

No. 37

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 December 31, 2024, submitting a request for appropriation of funds to reimburse the Employment and Training Department for the College Corps Program; and

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

RESOLVED, that an appropriation be made as follows:

\$13,740.35 From: A909, Fund Balance
 To: CD 8689.5031, ETA College Corp Program, College Corps.

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 Employment & Training.

Dated: January 22, 2025.



HERKIMER COUNTY LEGISLATURE

No. 38

REPORT AND RESOLUTION APPROPRIATING FUNDS IN CONNECTION WITH THE INDUSTRIAL DEVELOPMENT AGENCY AND AUTHORIZING CHAIRMAN TO SIGN AN AMENDED AGREEMENT

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

WHEREAS, by letter dated November 21, 2024 from John J. Piseck, Chief Executive Officer of the Herkimer County IDA, he has requested an increase in the PILOT Increment Financing Agreement between the IDA, Dolgeville Central School District, the Town of Manheim, Village of Dolgeville, and Herkimer County, as well as authorization for the Chairman to sign an amended agreement in connection with the increase; and

WHEREAS, by letter dated January 13, 2025 from the Budget Officer/Purchasing Agent, this Legislature is advised of a request to approve an appropriation of funds to the Herkimer County Industrial Development Agency for infrastructure, including a ground water storage tank at the Manheim Business Park; now, therefore, be it

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

\$800,000	From: A909, Fund Balance
	To: A6420.40000, IDA, Contractual

and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute the amended agreement allocating PILOT payments; and, be it further

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

Dated: January 22, 2025.



HERKIMER COUNTY LEGISLATURE

No. 39

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

Sponsored by: Committee on Ways and Means

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

Title:	Standard Work Day: (Hrs/day) Min. 6 hrs Max. 8 hrs	Name: (First and Last)	Social Security Number: (Last 4 digits)	NYSLRS ID:	Tier 1 (Check only if member is Tier 1)	Current Term Begin & End Dates: (mm/dd/yy-mm/dd/yy)	Record of Activities Result	Not Submitted: (Check only if official did not submit their Record of Activities)
Elected Officials								
County Treasurer	6	Kimberlee A. Enea	████	████████		01/01/25-12/31/28	20.41	
District Attorney	6	Jeffrey S. Carpenter	████	████████		01/01/25-12/31/28	25.77	
Appointed Officials								
Commissioner, Board of Elections	7	Robert J. Hoyt	████	████████		01/01/25-12/31/26	23.92	
Assistant Dist. Attorney	7	Robert Calli	████	████████		01/01/25-12/31/28	23.11	
Assistant Dist. Attorney	6	Clifford Eisenhut	████	████████		01/01/25-12/31/28	3.91	
Assistant Dist. Attorney	7	Michael Johnson	████	████████		01/01/25-12/31/28	21.97	
Assistant Dist. Attorney	7	Karen A. Mowers	████	████████		01/01/25-12/31/28	23.23	

and, be it further

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

Dated: January 22, 2025.



HERKIMER COUNTY LEGISLATURE

No. 40

REPORT AND RESOLUTION AUTHORIZING AND APPROVING LITIGATION AGAINST PETER MACRI PAVING

Sponsored by: Committee on Ways & Means

WHEREAS, by letter from Lorraine Lewandrowski, Herkimer County Attorney, dated January 3, 2025, a recommendation has been made that Herkimer County bring suit against Peter Macri Paving; and

WHEREAS, the Herkimer County Highway Department paid \$3,196.78 for damages to a roadway alleged to be caused by Peter Macri Paving; and

WHEREAS, the Office of the Herkimer County Attorney sent a letter to Peter Macri Paving on December 2, 2024 seeking reimbursement of damages; and

WHEREAS, no reply has been received from Peter Macri Paving to date; now, therefore, be it

RESOLVED, that the Office of the Herkimer County Attorney commence legal action against Peter Macri Paving seeking reimbursement of funds expended to repair said road damages; and be it further

RESOLVED, that the Chairman of the Herkimer County Legislature be authorized to sign any pleadings therein, if necessary; and, be it further

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

Dated: January 22, 2025.



HERKIMER COUNTY LEGISLATURE

No. 41

REPORT AND RESOLUTION ADOPTING FREEDOM OF INFORMATION POLICY

Sponsored by: Committee on Administration/Veterans' Affairs

WHEREAS, by letter dated January 3, 2025, Herkimer County Attorney Lorraine Lewandrowski requests adoption of a County policy for Freedom of Information requests; and

WHEREAS, by recent amendment to Public Offices Law Section 87, the New York State Legislature requires the governing body of each public corporation to adopt rules and regulations related to availability of public records; and

WHEREAS, Public Officers Law Section 87 sets forth specific requirements to be addressed by such municipal Freedom of Information policy; now, therefore, be it

RESOLVED, that Herkimer County hereby adopts the attached Freedom of Information Policy setting forth rules related to document access, costs, designating a Freedom of Information Officer, process for filing a FOIL request, time frames for replies, among other policies; and, be it further

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

Dated: January 22, 2025.

PUBLIC ACCESS TO RECORDS OF HERKIMER COUNTY

Section 1: Purpose and scope:

(a) These regulations provide information concerning the procedures by which records may be obtained. The County shall adhere to requirements of Public Officers Law.

Section 2: Designation of Records Access Officer:

(a) Herkimer County designates the following person(s) as Record Access Officer:

Herkimer County Attorney
109 Mary Street, Suite 1320
Herkimer, NY 13350
Phone: (315) 867-1123
Fax: (315) 867-1492

Section 3: Requests for Public access to records:

(a) A written request should be submitted to the Record Access Officer. A request may be made for records to be provided electronically.

(b) A response shall be given within five business days of receipt of a request by:

(1) informing a person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;

(2) granting or denying access to records in whole or in part;

(3) acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request.

(c) In determining a reasonable time for granting or denying a request under the circumstances of a request, Herkimer County shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the agency, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.

(d) If Herkimer County determines to grant a request in whole or in part and if circumstances prevent disclosure to the requestor within twenty business days from the date of the acknowledgement of the receipt of the request, Herkimer County shall state in writing, both the reason for the inability to grant the request within twenty business days and a date certain within

reasonable period, depending on the circumstances, when the request will be granted in whole or in part.

(e) Upon payment of, or offer to pay, the fee prescribed therefor, Herkimer County shall provide a copy of such record and to certify to correctness of such copy of so requested, or shall certify that it does not have possession of such record or that such record cannot be found after diligent search.

Section 4: Disciplinary records:

(a) In the event there is a request for a former or current employee's disciplinary record, that employee shall be notified in writing of the request. The notification shall include a copy of the FOIL request and the documents being sent to the requestor.

Section 5: Denial of access to records:

(a) Denial of access to records shall be in writing stating the reason therefor and advising the requester of the right to appeal to the individual or body established to determine appeals, who shall be identified by name, title, business address and business phone number.

(b) A person denied access to a record may within thirty days appeal in writing such denial to the person designated to hear appeals, who shall within ten business days of the receipt of such appeal fully explain in writing to the person requesting the record the reasons for further denial, or provide access to the record sought.

(c) The following person or persons or body shall determine appeals regarding denial of access to records under the Freedom Of Information Law:

Herkimer County Administrator
James W. Wallace, Jr.
109 Mary Street, Suite 1310

Section 6: Fees:

(1) the fee for copying records shall be 25 cents per page for photocopies not exceeding 9 by 14 inches or the amount allowed under Public Officer Law §87.

(2) the fee for reproduction of any other record shall be the actual cost of reproduction and may include:

(i) an amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two hours of the employee's time is necessary to do so;

(ii) the actual cost of the storage devices or media provided to the person making the request in complying with such request;

(iii) the actual cost to Herkimer County of engaging an outside professional service to prepare a copy of a record, but only when an agency's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.

(iv) fees may be included for information sent electronically.

(3) Herkimer County shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of an agency employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.

(4) Herkimer County may require that the fee for copying or reproducing record be paid in advance of the preparation of such copy.



HERKIMER COUNTY LEGISLATURE

No. 42

REPORT AND RESOLUTION IMPOSING HOTEL OR MOTEL TAXES

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

WHEREAS, counties and other municipalities in the State of New York have been authorized by the New York State Legislature to enact local laws imposing hotel or motel taxes which are imposed upon persons occupying rooms in hotels or motels and short term rentals in such counties; and

WHEREAS, the County of Herkimer cannot impose such a tax without receiving authorization of the New York State Legislature; and

WHEREAS, it is the opinion of this Legislature that the imposition of such a tax would be in the best interest of the County of Herkimer since it would enable the County and local governments to promote tourism, economic development and other directly related and supporting activities; now, therefore, be it

RESOLVED, that this Legislature requests the Assemblymen and State Senators elected to represent Herkimer County in the New York State Legislature to cause to be introduced in the Assembly and in the Senate a bill to allow the County of Herkimer to impose a hotel and motel tax at the rate of 5% of the per diem rental rate for each hotel and motel room, including short term rentals (i.e. VRBO and Airbnb); and, be it further

RESOLVED, that such tax shall not be applicable to a permanent resident with "permanent resident" being defined as a person occupying any room or rooms in a hotel, motel or other short term rental for at least thirty days; and, be it further

RESOLVED, that such local law shall provide then any tax imposed, shall be paid by the person liable, therefore to the owner of the hotel or motel room occupied or to the person entitled to be paid the rent or charged for the hotel or motel room occupied for, in an account of the County of Herkimer and that such owner or person entitled to be paid the rent or charged shall be liable for the collection and payment of the tax; and, be it further

RESOLVED, that said authorizing legislation shall also contain such other necessary and customary provisions to provide for the collection and distribution of said tax proceeds as typically described in New York State Tax Law and any regulations promulgated thereunder; and, be it further

RESOLVED, that said authorizing legislation and local law shall provide that revenues resulting from the imposition of tax authorized by the resolution shall be paid into the treasury of the County of Herkimer and thereafter may be allocated at the discretion of the board of Legislators of the County of Herkimer; and, be it further

RESOLVED, that net collections shall thereafter be allocated by the Herkimer County Legislature for the promotion of tourism development, economic development, and also other directly related and supporting activities by a not-for-profit and/or a public benefit corporation under contract with Herkimer County; and, be it further

RESOLVED, that promotion of tourism and conventions shall be defined as “retaining of staff for the purpose of placing and purchasing of advertising promoting Herkimer County and engaging in such other efforts as are designed to induce tourist and convention attraction to Herkimer County”; and, be it further

RESOLVED, that our representatives in the State Legislature make every effort to secure prompt passage of said legislation to the end so Herkimer County may receive the benefits of said legislation at the earliest date possible; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Assemblyman Brian Miller, Assemblyman Robert Smullen, Senator Mark Walczyk, and Senator Joseph A. Griffo.

Dated: January 22, 2025.