

MINUTES
Herkimer County Legislature
Third Quarter – First Day
Wednesday, July 11, 2018
2:00 p.m.

The Third Quarterly Session of the Herkimer County Legislature was called to order by Bernard Peplinski, Sr., Chairman of the Legislature at 2:00 p.m.

Chairman Peplinski called on Kimberlee Enea, County Treasurer, to lead the legislature in the Pledge of Allegiance.

Chairman Peplinski called for a moment of Silence in recognition of all veterans, past and present.

Roll Call: the following answering the roll. Quorum present.

Present: Malta, Schrader, Hollum, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Peplinski, Campione, Shaw, Russell, Weakley (15).

Absent: Gaworecki, Ackerman (2).

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Peplinski asked if there were any objections or corrections to the minutes of June 13, 2018. With no objections, Chairman Peplinski ordered the minutes approved.

At this time Chairman Peplinski dispensed with the regular session for a presentation and recognition of the Volunteer Income Tax Assistance (VITA) workers of the Department of Social Services. Chairman Peplinski called on Legislator Frederick Shaw to present certificates to the following Department of Social Services employees: Cathy Lowell, Christine Marsden, April Galletta, Debbie Smith, Martha Caliguire, Kim Collis, Andrea Mancuso, Eva Kirchberg and Corinne Wilson. Commissioner Timothy Seymour was present for the awards and gave statistics regarding the program.

Pursuant to Rule 11, Comments by Residents, with no one signed up, Chairman Peplinski continued.

Pursuant to Rule 6, Chairman Peplinski then proceeded with Reports of Standing Committees. With no Chairmen wishing to report, Chairman Peplinski continued with the regular session.

Chairman Peplinski stated that the communications received by the Legislature and the committees to which they were referred were listed on the agenda and asked if any member of the

Legislature requested mention of any particular communication. Legislator Johnson asked for No. #285 and #286 to be read. The Clerk read the titles. Chairman Peplinski continued with the session.

No. 284 –A communication was received from the Family of Richard Mosher expressing appreciation for Resolution. Filed.

No. 285 - A communication was received from the County Attorney Office submitting Notice of Claim. Filed.

No. 286 - A communication was received from the County Attorney Office submitting Notice of Claim. Filed.

No. 287 - A communication was received from the County Attorney's Office requesting retainer agreement for obtaining funds for Contaminated In Rem parcels. Referred to the Committee on County Properties and the Committee on Ways & Means.

No. 288 - A communication was received from the Director of Emergency Services requesting Agreement for NY- Alert Program. Submitted to the Committee on Public Safety/Emergency Management.

No. 289 - A communication was received from the Budget Officer/Purchasing Agent submitting request for Petty Cash Account. Referred to the Committee on Ways & Means.

No. 290 - A communication was received from the Director of the Office for the Aging requesting contract for EISEP Program. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 291 - A communication was received from the Chairman of Agricultural and Farmland Protection Board advising of vote for Consolidation of Ag Districts in Herkimer County. Referred to the Committee Natural Resources.

No. 292 - A communication was received from the Commissioner of Social Services requesting renewal of contract with Office for the Aging for HEAP Administration. Referred to the Committees on Human Resources and Ways & Means.

No. 293 - A communication was received from the NYSDOT Office of Civil Rights advising Compliance for Herkimer County. Ordered filed.

No. 294 - A communication was received from the Budget Officer/Purchasing Agent requesting Budget Amendment for additional HealthNet Grant Funding. Referred to the Committee on Ways & Means.

No. 295 – A communication was received from the Chairman of the Legislature making appointments to the Regional Fish and Wildlife Management Board. Referred to the Committee on Natural Resources.

No. 296 – A communication was received from the Chairman of the Legislature submitting resignation from the Cornell Cooperative Extension Board of Directors. Referred to the Committees on Natural Resources.

No. 297 – A communication was received from the Chairman of the Legislature submitting resignation from the Regional Fish & Wildlife Management Board. Referred to the Committee on Natural Resources.

No. 298 – A communication was received from Bruce Weakley submitting resignation from the Regional Fish & Wildlife Management Board. Referred to the Committee on Natural Resources.

No. 299 - A communication was received from the Personnel Officer submitting review of County Clerk position change. Referred to the Committees on Administration/Veterans' Affairs and Ways & Means.

No. 300 - A communication was received from the Herkimer County Clerk requesting temporary position change. Referred to the Committees on Administration/Veterans' Affairs and Ways & Means.

No. 301 - A communication was received from the Herkimer County Treasurer submitting land auction results. Referred to the Committee on County Properties.

No. 302 - A communication was received from the Senior VP for Administration and Finance at HCCC requesting Public Hearing on 2018-19 Budget. Referred to the Committee on Education.

No. 303 - A communication was received from the Commissioner of Social Services submitting Report of 2017 Volunteer Income Tax Assistance Program (VITA). Filed.

No. 304 - A communication was received from the Sheriff submitting Monthly Report for March, 2018. Filed.

No. 305 - A communication was received from the Sheriff submitting Monthly Report for April, 2018. Filed.

No. 306 - A communication was received from NYSDOT submitting FTA Fund Projects from 5311 Grant Application. Filed.

No. 307 - A communication was received from the HC Treasurer submitting Annual Financial Report. Referred to the Committee on Ways & Means.

No. 308 - A communication was received from Capital District OTB submitting Report for March, 2018. Filed.

No. 309 - A communication was received from Capital District OTB submitting Report for April, 2018. Filed.

No. 310 – A communication was received from the Oneida –Herkimer Solid Waste Authority submitting Resolutions and Minutes. Filed.

No. 311 - A communication was received from the Executive Director IDA requesting authorization for Chairman to sign documents and schedule public hearing for CDBG Grant Application. Referred to the Committee on County Planning & Development.

With that being all the communications, the Chairman continued with Reports and Resolutions on the Consent Agenda.

The Clerk read the titles of the Resolutions.

Report and Resolution No. 225 sponsored by the Committee on Natural Resources Designating the County Representative on the Board of Directors of Cornell Cooperative Extension Services of Herkimer County.

Report and Resolution No. 226 appointing Members to Regional Fish and Wildlife Management Board.

Report and Resolution No. 227 adopting Annual Financial Report of the Herkimer County Treasurer.

On motion of Johnson, seconded by Mr. Hollum, the consent Agenda was adopted by voice vote:

Ayes: (15). Against: None.

Absent: Gaworecki, Ackerman (2).

The Chairman continued with the Regular Agenda.

On motion of Mr. Stephens, seconded by Mr. Shaw, Report and Resolution No. 228 sponsored by the Committees on Education and Ways & Means setting Public Hearing on Herkimer County Community College Budget was handed up; voted on and adopted by voice vote:

Ayes: (15). Against: None.

Absent: Gaworecki, Ackerman (2).

On motion of Mr. Shaw, seconded by Mr. Bono, Report and Resolution No. 229 sponsored by the Committee on Ways & Means amending budget in connection with Herkimer County HealthNet, Inc. was handed up, voted on and adopted by voice vote:

Ayes: (15). Against: None.

Absent: Gaworecki, Ackerman (2).

On motion of Mr. Smith, seconded by Mr. Weakley, Report and Resolution No. 230 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing Memorandum of Understanding between the Herkimer County Department of Social Services and the Herkimer County Office for the Aging for Home Energy Assistance Program Services was handed up; voted on and adopted by voice vote:

Ayes: (15).

Against: None.

Absent: Gaworecki, Ackerman (2).

On motion of Mr. Campione, seconded by Mr. Weakley, Report and Resolution No. 231 sponsored by the Committees on Human Resources and Ways and Means concerning services in connection with the Expanded In-Home Services for the Elderly Program was handed up; voted on and adopted by voice vote:

Ayes: (15).

Against: None.

Absent: Gaworecki, Ackerman (2).

On motion of Mr. Stephens, seconded by Mr. Keeler, Report and Resolution No. 232 sponsored by the Committee on Public Safety/Emergency Management authorizing User Agreement for Herkimer County to sign a NY-Alert User Agreement was handed up; voted on and adopted by voice vote:

Ayes: (15).

Against: None.

Absent: Gaworecki, Ackerman (2).

On motion of Mr. Weakley, seconded by Mr. Bono, Report and Resolution No. 233 sponsored by the Committee on Ways & Means amending Resolution No. 126 of 2016 regarding County Petty Cash Accounts was handed up; voted on and adopted by voice vote:

Ayes: (15).

Against: None.

Absent: Gaworecki, Ackerman (2).

On motion of Mr. Bono, seconded by Mr. Johnson, Report and Resolution No. 234 sponsored by the Committee on Public Safety/Emergency Management and Committee on Ways & Means authorizing Retainer of Environmental Counsel was handed up; voted on and adopted by voice vote:

Ayes: (15).

Against: None.

Absent: Gaworecki, Ackerman (2).

On motion of Mr. Stephens, seconded by Mr. Shaw, Report and Resolution No. 235 sponsored by the Committee on Ways & Means approving temporary full time status in Herkimer County Clerk's Office was handed up; voted on and adopted by the following roll call vote:

For: Malta, Schrader, Hollum, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Peplinski, Campione, Shaw, Russell, Weakley (15).

Against: None.

Absent: Gaworecki, Ackerman (2).

On motion of Mr. Weakley, seconded by Mr. Manno, Report and Resolution No. 236 sponsored by the Committee on County Planning & Development approving Lead Based Plan for Herkimer County was handed up; voted on and adopted by voice vote:

Ayes: (15).

Against: None.

Absent: Gaworecki, Ackerman (2).

On motion of Mr. Campione, seconded by Mr. Keeler, Report and Resolution No. 237 sponsored by the Committee on County Properties authorizing extension of time to complete purchase of In Rem Parcel was handed up; voted on and adopted by voice vote:

Ayes: (15).

Against: None.

Absent: Gaworecki, Ackerman (2).

On motion of Mr. Keeler, seconded by Mr. Schrader, Report and Resolution No. 238 sponsored by the Committee on County Properties authorizing grant application for Restoration and Rehabilitation of the Exterior Façade of the Historic 1834 Jail was handed up; discussion held; voted on and adopted by voice vote:

Ayes: (15).

Against: None.

Absent: Gaworecki, Ackerman (2).

On motion of Mr. Stephens, seconded by Mr. Malta, Report and Resolution No. 239 sponsored by the Committee on Ways & Means amending Resolution No. 147 of 2018 approving Standard Work Day and Retirement Reporting for Elected and Appointed Officials was handed up; voted on and adopted by voice vote:

Ayes: (15).

Against: None.

Absent: Gaworecki, Ackerman (2).

On motion of Mr. Russell, seconded by Mr. Weakley, Report and Resolution No. 240 sponsored by the Committee on County Planning & Development authorizing Public Hearing in connection with an Application for Economic Development Assistance to the Office of Community Renewal was handed up; voted on and adopted by voice vote:

Ayes: (15).

Against: None.

Absent: Gaworecki, Ackerman (2).

On motion of Mr. Campione, seconded by Mr. Bono, Report and Resolution No. 241 In Memoriam of J. Keith Davy; was handed up; discussion was held and voted on and adopted by voice vote:

Ayes: (15).

Against: None.

Absent: Gaworecki, Ackerman (2).

Pursuant to Rule 6, Chairman Peplinski asked if any members of the Legislature wished to comment. The following legislator had comments: Bono. With no further comment, Chairman Peplinski requested a motion to adjourn the meeting.

At 2:22 p.m., on motion of Mr. Manno, seconded by Mr. Stephens, this Session of the Herkimer County Legislature was adjourned to Wednesday, August 8, 2018 at 7:00 p.m.

Sally I. Deming, Clerk



HERKIMER COUNTY LEGISLATURE

No. 225

REPORT AND RESOLUTION DESIGNATING THE COUNTY REPRESENTATIVE ON THE BOARD OF DIRECTORS OF CORNELL COOPERATIVE EXTENSION SERVICES OF HERKIMER COUNTY

Sponsored by: Committee on Natural Resources

WHEREAS, the Constitution of the Herkimer County Cooperative Extension Services, enacted pursuant to the provisions of Section 224 of the County Law, provides among other things, that the county governing body shall annually appoint one legislator to serve on the Association's Board of Directors; now, therefore, be it

RESOLVED, that the Herkimer County Legislature of hereby appoints Frederick J. Shaw, Jr., as the legislative representative of the County of Herkimer to serve on the Board of Directors of Cornell Cooperative Extension Services of Herkimer County, to fill a vacancy, for a term shall to expire on December 31, 2018; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Cornell Cooperative Extension Services of Herkimer County and Frederick J. Shaw, Jr.

Dated: July 11, 2018.



HERKIMER COUNTY LEGISLATURE

No. 226

REPORT AND RESOLUTION APPOINTING MEMBERS TO REGIONAL FISH AND WILDLIFE MANAGEMENT BOARD

Sponsored by: Committee on Natural Resources

RESOLVED, that the appointment of William Keeler, Sr., 144 Purdy Road, Mohawk, New York, 13407 as landowner representative to the Regional Fish and Wildlife Management Board, made by the Chairman of the Legislature, by letter dated June 25, 2018, be and hereby is, ratified and confirmed, which term shall expire on December 31, 2018; and, be it further

RESOLVED, that the appointment of John Stephens, 211 Second Street, Ilion, New York 13357 as the Legislative representative to the Regional Fish and Wildlife Management Board, made by the Chairman of the Legislature, by letter dated June 25, 2018, be and hereby is, ratified and confirmed, which term shall expire on December 31, 2019; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Regional Supervisor of Fish and Wildlife at Region 6 of the New York State Department of Environmental Conservation, William Keeler, and John Stephens.

Dated: July 11, 2018.



HERKIMER COUNTY LEGISLATURE

No. 227

REPORT AND RESOLUTION ADOPTING ANNUAL FINANCIAL REPORT OF THE HERKIMER COUNTY TREASURER

Sponsored by: Committee on Ways and Means

Your Committee on Ways and Means, to which was referred the Annual Financial Report of the Herkimer County Treasurer for the year 2017, respectfully reports that we have examined the same, recommend its adoption and offer the following Resolution:

RESOLVED, that the Annual Financial Report of the Herkimer County Treasurer for the year 2017 be adopted and placed on file with the Herkimer County Legislature for the year 2017.

Dated: July 11, 2018.



HERKIMER COUNTY LEGISLATURE

No. 228

REPORT AND RESOLUTION FIXING THE TIME AND PLACE FOR PUBLIC HEARING ON HERKIMER COUNTY COMMUNITY COLLEGE BUDGET

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

WHEREAS, your Committee on Education is advised by letter dated June 21, 2018, from Nicholas F. Laino, Senior Vice President for Administration and Finance, that the Herkimer County Board of Trustees will meet on July 11, 2018 to approve the proposed 2018-2019 Operating Budget of the College and requests that the Herkimer County Legislature set a public hearing to consider said budget; now, therefore, be it

RESOLVED, that a public hearing upon said Tentative Budget to be conducted by the Committee on Education shall be held at the Legislators' Chambers in the Village of Herkimer, New York, on the 8th day of August, 2018, at 6:15 p.m. pursuant to the provisions of Section 359 of the County Law and Section 6304(5-a) of the Education Law.

Dated: July 11, 2018.



HERKIMER COUNTY LEGISLATURE

No. 229

REPORT AND RESOLUTION AMENDING BUDGET IN CONNECTION WITH HERKIMER COUNTY HEALTHNET, INC.

Sponsored by: Committee on Ways and Means

WHEREAS, by Resolution No. 102 adopted April 4, 2018, this Legislature approved a budget amendment in connection with the receipt of pass through State grant funding in the amount of \$73,859 for Herkimer County HealthNet, Inc.; and

WHEREAS, by Resolution No. 190 of 2018 this Legislature approved additional grant funding for a 20% increase through the New York State Department of Health for the Rural Health Network Grant ending December 31, 2018, bringing the total to \$92,324.00; and

WHEREAS, by letter dated June 25, 2018 from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised of an additional increase from the New York State Department of Health bringing the total of the grant funding to \$119,515.00 and the following amendment to the 2018 budget is necessary to incorporate the funds; now therefore be it

RESOLVED, that the Chairman of the Legislature be authorized to sign the grant extension and that the 2018 budget be amended as follows:

Revenue:

A4018.3418, Health Care Network	From: \$ 92,324.00
	To: \$ 119,515.00

Expense:

A4018.44000, Health Care Network	From: \$ 92,324.00
	To: \$ 119,515.00

and, be it further

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

Dated: July 11, 2018.



HERKIMER COUNTY LEGISLATURE

No. 230

REPORT AND RESOLUTION AUTHORIZING MEMORANDUM OF UNDERSTANDING BETWEEN THE HERKIMER COUNTY DEPARTMENT OF SOCIAL SERVICES AND THE HERKIMER COUNTY OFFICE FOR THE AGING FOR HOME ENERGY ASSISTANCE PROGRAM SERVICES

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

WHEREAS, your Committees have been informed by letter dated June 18, 2018 from Timothy Seymour, Commissioner of Social Services, that a proposed memorandum of understanding has been submitted to and accepted for the Herkimer County Office for the Aging to provide services to the Herkimer County Department of Social Services under the Home Energy Assistance Program (HEAP) for applicants 60 years and older for the 2018-2019 season; and

WHEREAS, the Herkimer County Department of Social Services agrees to pay the Herkimer County Office for the Aging 25% of the Department of Social Services HEAP administrative allocation for the Home Energy Assistance Program for the 2018-2019 season; and

WHEREAS, the Home Energy Assistance Program is 100% federally funded and there are sufficient monies budgeted for said services; now, therefore, be it

RESOLVED, that this Legislature hereby authorizes a Memorandum of Understanding between the Herkimer County Department of Social Services and the Herkimer County Office for the Aging which will provide for the Office for the Aging to provide services for the Home Energy Assistance Program for applicants 60 years and older and the Herkimer County Department of Social Services will pay the Office for the Aging 25% of the Department of Social Services HEAP administrative funds for said services; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to sign said Memorandum of Understanding as an indication of the approval of the same by this Legislature; and, be it further

RESOLVED, that should any further additional funds be received for the 2018-2019 HEAP season, the Herkimer County Department of Social Services is hereby authorized to pass those funds on to the Office for the Aging on a pro-rated basis; and, be it further

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

Dated: July 11, 2018.



HERKIMER COUNTY LEGISLATURE

No. 231

REPORT AND RESOLUTION CONCERNING SERVICES IN CONNECTION WITH THE EXPANDED IN-HOME SERVICES FOR THE ELDERLY PROGRAM

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

WHEREAS, pursuant to resolutions previously adopted, contracts were authorized between the Herkimer County Office for the Aging and various contractors to provide services for the Expanded In-Home Services for the Elderly Program (EISEP); and

WHEREAS, by communication dated June 19, 2018, from Kathy L. Fox, Director of the Office for the Aging, this Legislature is advised of a request to enter into a contract with Complete Companion Care, LLC., to provide aide services for the period of July 11, 2018 to March 31, 2019, with funding at 75/25%, with the Office for Aging to provide the local match for aide services; now, therefore, be it

RESOLVED:

1. That a contract be entered into between the Herkimer County Office for the Aging and Complete Companion Care, LLC, PO Box 107, Westmoreland, N.Y. 13490 to provide services for the Expanded In-Home Services for the Elderly Program (EISEP) as follows:
 - Complete Companion Care, LLC. will provide aide services in the estimated amount of \$15,000; the hourly rate will be \$20.00 for Level 1 and \$20.20 for Level 2.
2. That all contracts shall state that payments are based on availability of state aid and will include a 60 day cancellation of contract clause;
3. That the Chairman of this Legislature is hereby authorized to execute said agreement on behalf of the County of Herkimer;
4. That certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of the Office for the Aging and Complete Companion Care, LLC.

Dated: July 11, 2018.



HERKIMER COUNTY LEGISLATURE

No. 232

REPORT AND RESOLUTION AUTHORIZING USER AGREEMENT FOR HERKIMER COUNTY TO SIGN A NY-Alert USER AGREEMENT

Sponsored by: Committee on Public Safety/Emergency Management

WHEREAS, by letter dated June 8, 2018, Matthew Palumbo, Director of Emergency Services, has advised that Herkimer County does not currently have the ability to perform the reverse 911 service for Emergency Mass Notification; and

WHEREAS, NY-Alert is a free program through New York State that is being used across the state and requires a signed user agreement from the municipality; now, therefore, be it

RESOLVED, that the Chairman of the Legislature be authorized to execute by signature a user agreement for the NY-Alert Program on behalf of the County of Herkimer; and, be it further

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

Dated: July 11, 2018.



HERKIMER COUNTY LEGISLATURE

No. 233

REPORT AND RESOLUTION AMENDING RESOLUTION NO. 126 OF 2016 REGARDING COUNTY PETTY CASH ACCOUNTS

Sponsored by: Committee on Ways & Means

WHEREAS, by Resolution No. 126 of 2016, this Legislature approved adjustments to county petty cash accounts and that petty cash procedures be implemented; and

WHEREAS, by letter dated June 19, 2018, Sheri Ferdula, Budget Officer/Purchasing Agent has advised that petty cash accounts need to be established in the Personnel department and the Probation department; now, therefore, be it

RESOLVED, that Resolution No. 126 be amended to establish the following petty cash accounts for the departments and in the amounts listed:

	<u>Amount</u>
Probation Department	\$ 25.00
Personnel Department	\$ 50.00

and, be it further

RESOLVED, that in all other respects, Resolution No. 126 of 2016 be ratified and confirmed; and, be it further

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

Dated: July 11, 2018.



HERKIMER COUNTY LEGISLATURE

No. 234

REPORT AND RESOLUTION AUTHORIZING RETAINER OF ENVIRONMENTAL COUNSEL

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

WHEREAS, by letter dated May 30, 2018, Gary S. Bowitch, Esq. has described the services he can provide in connection with obtaining state funding for cleanup of tax delinquent petroleum contaminated sites in Herkimer County; and

WHEREAS, Herkimer County has identified a parcel in the Town of Schuyler having tax map number 104.7-1-88 consisting of .33 acres, which is an old gas station, which the County would like to use as a pilot project for these proposed services; and

WHEREAS, Gary S. Bowitch, Esq. has also forwarded a proposed retainer letter whereby his services would be retained at the rate of \$200.00 per hour in order to proceed with this process; now, therefore be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute the above described retainer letter regarding the parcel in question; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Auditor, County Property Agent, and Bowitch & Coffey, LLC.

Dated: July 11, 2018.



HERKIMER COUNTY LEGISLATURE

No. 235

REPORT AND RESOLUTION APPROVING TEMPORARY FULL TIME STATUS IN HERKIMER COUNTY CLERK'S OFFICE

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated June 8, 2018, Sylvia M. Rowan, County Clerk, has requested that the part-time Recording Clerk position held by Krystal Carbone be temporarily increased from 19.5 hours per week to 35 hours per week for an 8 week period, from July 9, 2018 to September 3, 2018 at the hourly rate of \$14.50 per hour; and

WHEREAS, by letter dated July 2, 2018 from Steven R. Billings, Personnel Officer, your committee has been advised that the appropriate salary for said position should be \$14.50 per hour and be effective as of July 9, 2018; now, therefore be it

WHEREAS, your Committees have taken this matter under advisement and recommend said change; now, therefore, be it

RESOLVED, that the part-time position of Recording Clerk, held by Krystal Carbone, in the County Clerk's department be temporarily increased from 19.5 hours per week to 35 hours per week for an 8 week period, from July 9, 2018 to September 3, 2018 at the hourly rate of \$14.50 per hour; and, be it further

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

Dated: July 11, 2018.



HERKIMER COUNTY LEGISLATURE

No. 236

RESOLUTION APPROVING LEAD BASED PLAN FOR HERKIMER COUNTY

Sponsored by: Committee on County Planning & Development

WHEREAS, Herkimer County has prepared a Lead Based Paint Compliance Plan in coordination with the Office of Community Renewal; and

WHEREAS, such plan provides the requirements for lead based paint compliance including standard treatments, abatement, lead hazard screening, paint testing, evaluation, and hazard reduction requirements; now, therefore be it

RESOLVED, that the Lead Based Plan for Herkimer County, as attached, be approved; and, be it further

RESOLVED, that such Plan be forwarded to the Herkimer-Oneida Counties Comprehensive Planning Department and the Program Director for the NYS Office of Community Renewal.

July 11, 2018.



Lead-Based Paint Plan

Hazards from lead-based paint may be related to exposure to lead from dust, lead-contaminated soil, lead-contaminated paint that is deteriorated or present in accessible surfaces or impact surfaces that would result in adverse human health effects as established by the appropriate Federal agency.

Production of lead-based paint was ended in 1957 and its use was banned in 1978. HUD suggests that housing constructed prior to 1978, where construction activities will disturb painted surfaces, be evaluated for lead-based paint hazards. The 2010 U.S. Census reports that out of the 33,832 housing units in Herkimer County, 73 percent of those housing units were built before 1979. The majority of these housing units are owner occupied structures.

For any future project where there is **potential impact** on a housing unit built before 1979, Herkimer County will ensure the scope of work requires completion of an Onsite LBP Hazards Risk Assessment Checklist (Exhibit A), and either OCR form 5-1 (for Rehab) or form 5-2 (home ownership/acquisition). All future projects will comply fully with all regulations cited in the Lead Safe Housing Rule, as amended June 21, 2004 and the EPA regulations cited at 40 CFR 745.80. If required, Form 5-9 (FRA calculations) and Form 5-8 (Notice of Completion) of the NYS Office of Community Renewal CDBG Grant Administration Manual will be completed and provided to the property owner as well as retained in the individual project files. Exhibit B will be signed by the owner/resident to certify that all records were received by the owner/resident.

All property owner/resident participants will be given information concerning lead based paint hazards, consistent with current regulations. A current copy of the EPA's pamphlet "Protect Your Family from Lead in Your Home" (Exhibit C) and a copy of the pamphlet titled, "The Lead-Safe Certified Guide to Renovate Right" (Exhibit D), will be distributed to each property owner proposed to be assisted under the program. If any housing units are occupied by households with children under the age of seven, the parents or guardians will be provided with the handout entitled "Children and Lead Based Paint" (Exhibit E) which includes contact information for the Herkimer County Lead Prevention Program. Each property owner will be asked to sign a statement verifying that he or she received the handout (Exhibit F). This statement will be maintained by the County as part of the case file for the project.

If a future project meets the level of assistance that requires abatement of all interior lead hazards, abatement must be performed in accordance with 40 CFR 745.227(e) and must be completed by achieving clearance in accordance with 24 CFR 35.1340. If encapsulation or enclosure is used as a method of abatement, ongoing lead-based paint maintenance activities shall be performed in accordance with 24CFR35.1355. Abatement of an intact, factory-applied prime coating on metal surfaces is not required unless the surface is a friction surface. Once work is completed, the home owner will receive a copy of clearance materials and sign a Receipt of LBP Clearance Report Certification (Exhibit G). A copy of the clearance materials and certification will be maintained by the County as part of the case file for the project.



Herkimer County Assistance Program

Exhibit A:

Onsite Lead Based Paint Hazards Checklist For Single-Family Owner-Occupied Residential Properties

Herkimer County Assistance Program

Property Address: _____

Date Completed: _____ Completed By: _____

General Requirements	Legislation	Regulation
To protect young children from lead-based paint hazards in housing that is receiving assistance from the Federal government.	Title X of the Housing and Community Development Act of 1992	24 CFR 35 40 CFR Part 745

1. Was the residential structure built prior to January 1, 1978?

___ No: STOP here. The Lead Safe Housing Rule requirements do not apply.

___ Yes: PROCEED to #2

2. Will any rehabilitation action or housing improvement disturb painted surfaces?

___ No: STOP here. The Lead Safe Housing Rule requirements do not apply. (Attach photos of surfaces to be disturbed to show no disturbance of paint)

___ Yes: PROCEED to #3

3. In cases where paint must be disturbed to successfully complete the scope of work, investment levels will be determined using the dual threshold approach as described at 24 CFR 35.915: either the total rehabilitation hard cost (regardless of source of funds) or the total federal investment, whichever is less.

___ The project costs are up to \$25,000: PROCEED to #4

___ The project costs are greater than \$25,000: PROCEED to #6

4. Conduct Lead Base Paint Inspection and Risk Assessment

For projects where paint must be disturbed with a total investment of less than \$25,000, a full LBP Inspection and Risk Assessment of the entire home will be performed after the initial inspection is complete and the initial scope of work is developed. Lead-safe work practices will be required of EPA-certified RRP Firms, including occupant protection. Property owners and occupants will be provided the written notification of the results.

Did the lead testing indicate the presence of lead based paint hazards?

___ No: STOP here. The Lead Safe Housing Rule requirements have been satisfied.

Herkimer County Assistance Program

Yes: PROCEED to #5

5. Implement Safe Work Practices and Eliminate Hazards

If Lead Based Paint was detected, interim controls designed to address all LBP hazards that are identified by the Inspection/Risk Assessment will be added to the scope of work as will notations regarding the presence of LBP in areas that must be disturbed in order to complete the initial scope of work. Lead-safe work practices will be required of EPA-certified RRP Firms, including occupant protection. Clearance of the entire residence will be undertaken upon completion of the work before payment is released. The owner and occupants will be provided with a written report of the clearance results.

Did clearance testing return negative results for lead?

No: Return to Step 5, and repeat measures in areas where the tests failed.

Yes: **This completes the Lead Based Paint Evaluation and Hazard Reduction Requirements. Keep this checklist and all other documents pertaining to Lead Based Paint Assessment and Hazard Reduction with the applicant files.**

6. Conduct Lead Based Paint Testing

For projects where paint must be disturbed with a total investment that exceeds \$25,000, a full LBP Inspection and Risk Assessment will be performed after the initial inspection is complete and the initial scope of work is developed. Property owners and occupants will be provided written notification of the results.

Did the lead testing indicate the presence of lead based paint hazards?

No: STOP here. The Lead Safe Housing Rule requirements have been satisfied.

Yes: PROCEED to #7

7. Implement Safe Work Practices and Eliminate Hazards

All LBP hazards will be addressed using methods designed to permanently eliminate the LBP hazard (abatement), except that interim controls will be acceptable on exterior surfaces that are not disturbed by rehabilitation and on LBP hazards that have an area smaller than the de minimis limits of Sec. 35.1350(d). If abatement of a paint-lead hazard is required, it will be necessary to abate only the surface area with hazardous conditions. Only EPA-certified Lead Abatement Contractors will be eligible to bid the work. Clearance of the entire residence will be undertaken upon completion of the work before payment is released. The owner and occupants will be provided with a written report of the clearance results.

Did clearance testing return negative results for lead?

No: Return to Step 7, and repeat measures in areas where the tests failed.

Yes: **This completes the Lead Based Paint Evaluation and Hazard Reduction Requirements. Keep this checklist and all other documents pertaining to Lead Based Paint Assessment and Hazard Reduction with the applicant files.**

Herkimer County Assistance Program

Form 5-1

CDBG LBP Compliance Plan Certification – Rehabilitation or Homeownership/Acquisition Assistance with Rehabilitation

Recipient Name _____	CDBG Project # _____
Certifications of Compliance	
1. Exemption If a property meets an exemption in 24 CFR 35.115, the grantee will certify and document the exemption and maintain evidence of the exemption within each project file. If exempt, no certifications below apply to the property.	<input type="checkbox"/>
2. Preliminary Work Scope The grantee will develop a preliminary scope of work and cost estimates for purposes of the Federal Rehabilitation Assistance calculation and will provide the scope of work to the risk assessor prior to completing a risk assessment. (if required).	<input type="checkbox"/>
3. Federal Rehabilitation Assistance (FRA) calculation The grantee will complete and document the per assisted unit Federal Rehabilitation Assistance calculation (GAM Exhibit 5-9) following the guidance in GAM Section V.F. prior to executing contracts. A completed Exhibit 5-9 will be retained with each project file.	<input type="checkbox"/>
4. Notices The grantee will provide the following notices to each owner and occupant: a. EPA Renovate Right – prior to work b. Protect Your Family From Lead in Your Home – prior to work c. (If inspection or risk assessment is conducted) Summary Notice (GAM Exhibit 5-8) d. (If clearance is done) Notice of Completion (GAM Exhibit 5-8) e. Evidence of receipt of each of the above items will be retained with each project file.	<input type="checkbox"/>
5. Evaluation The grantee will conduct and document for each housing rehabilitation project, one of the following: a. If the FRA calculation is less than or equal to \$5,000 per assisted unit, any painted surface to be disturbed will be tested for lead by an EPA-certified inspector or risk assessor per 24 CFR 35.1320(a) or, with the OCR prior concurrence, presumed to have lead. b. If the FRA calculation is above \$5,000 per assisted unit, an EPA certified risk assessor will be retained to conduct a risk assessment per 24 CFR 35.1320(b).	<input type="checkbox"/>
6. Contractor The grantee will hire EPA-certified Renovators under 40 CFR 745.226 for rehabilitation work in non-exempt properties. a. If abatement is required (the Federal Rehabilitation Assistance calculation exceeds \$25,000), an EPA abatement firm will be contracted to perform all abatement activities. b. Evidence of EPA certification for each contractor will be retained with each project file.	<input type="checkbox"/>
7. Occupant protection The grantee will ensure that the occupants and occupant belongings will be protected during any hazard control work per the requirements of 24 CFR 35.1345(a), including restricted access, protection of belongings, and temporary relocation if needed.	<input type="checkbox"/>
8. Clearance The grantee will require clearance by an EPA certified professional for all hazard control work in compliance with 24 CFR 35.1340, unless the total painted surfaces disturbed by rehabilitation are less than the de minimis levels of 24 CFR 35.1350(d), as follows: a. If the Federal Rehabilitation Assistance calculation does not exceed \$5,000, clearance of hazard worksites. b. If the Federal Rehabilitation Assistance calculation exceeds \$5,000, clearance of the unit/property.	<input type="checkbox"/>

Herkimer County Assistance Program

9. Monitoring The grantee will monitor each project for compliance with these requirements as part of its overall project monitoring.	<input type="checkbox"/>
10. Records The grantee will maintain records that fully document compliance with all requirements in this certification for a minimum period of five years from the closeout of this project.	<input type="checkbox"/>
Recipient Certification (Must be completed by the Recipient)	
Certification: The undersigned certifies that the Recipient will comply with the requirements of 24 CFR Part 35 and 40CFR Part 745 as summarized above for each property in the program, and agrees that failure to comply could result in requirements for the grantee to correct any non-compliance at its expense and/or repay the federal funds provided.	
Chief Elected Official: _____ (signature)	
Chief Elected Official: _____ (typed name)	
Title: _____	
Date: _____	
Subrecipient Certification (in addition to Recipient Certification, if applicable)	
Certification: The undersigned certifies that the Subrecipient, on behalf of the Recipient will comply with the requirements of 24 CFR Part 35 and 40 CFR Part 745 as summarized above for each property in the program, and agrees that failure to comply could result in requirements for the subrecipient on behalf of the Recipient to correct any non-compliance at its expense and/or repay the federal funds provided.	
Name of Subrecipient: _____	
Authorized Official: _____ (signature)	
Authorized Official: _____ (typed name)	
Title: _____	
Date: _____	

Form 5-2
CDBG LBP Compliance Plan Certification – Homeownership/Acquisition Assistance Only (No rehabilitation)

Recipient Name _____	CDBG Project # _____
Certifications of Compliance	
1. Exemption If a property meets an exemption in 24 CFR 35.115, the grantee will certify and document the exemption. If exempt, no certifications below apply to the property.	<input type="checkbox"/>
2. Visual Assessment The grantee will conduct a visual assessment by a person who has completed the HUD visual assessment online training (http://www.hud.gov/offices/lead/training/visualassessment/020101.cfm).	<input type="checkbox"/>
3. Notices The grantee will require that the following notices be provided to the buyer prior to or at closing: a. Protect Your Family From Lead b. Seller Disclosure of LBP & LBP Hazards	<input type="checkbox"/>
4. Painted surface repair If the visual assessment indicates deteriorated or deteriorating painted surfaces requiring repair, the grantee will require that surfaces be repaired following paint stabilization requirements in 24 CFR 35.1330(b) including: a. Repair will be conducted by a person or firm with interim control training under 24 CFR 35.1330 or EPA Renovator certification under 40 CFR 745.226. b. Safe work practices under 24 CFR 35.1350 will be followed, including occupant protections, unless the total painted surfaces disturbed by rehabilitation are less than the de minimis levels of 24 CFR 35.1350(d). c. Worksite clearance will be conducted by an EPA-certified professional under 24 CFR 35.1340, unless the total painted surfaces disturbed by rehabilitation are less than the de minimis levels of 24 CFR 35.1350(d).	<input type="checkbox"/>
5. Ongoing Maintenance (rental only) If the acquired property is a rental property subject to use restrictions, the grantee will require the owner to follow the ongoing maintenance requirements of 24 CFR 35.1355(a) for a period of five years after completion of the unit.	<input type="checkbox"/>
6. Records The grantee will maintain records that fully document compliance with all requirements in this certification for a period of five years from the date the project is closed out with the OCR.	<input type="checkbox"/>

Herkimer County Assistance Program

Recipient Certification (Must be completed by the Recipient)
Certification: The undersigned certifies that the Recipient will comply with the requirements of 24 CFR Part 35 and 40CFR Part 745 as summarized above for each property in the program, and agrees that failure to comply could result in requirements for the grantee to correct any non-compliance at its expense and/or repay the federal funds provided.
Chief Elected Official: _____ (signature)
Chief Elected Official: _____ (typed name)
Title: _____
Date: _____
Subrecipient Certification (in addition to Recipient Certification, if applicable)
Certification: The undersigned certifies that the Subrecipient, on behalf of the Recipient will comply with the requirements of 24 CFR Part 35 and 40 CFR Part 745 as summarized above for each property in the program, and agrees that failure to comply could result in requirements for the subrecipient on behalf of the Recipient to correct any non-compliance at its expense and/or repay the federal funds provided.
Name of Subrecipient: _____
Authorized Official: _____ (signature)
Authorized Official: _____ (typed name)
Title: _____
Date: _____

Herkimer County Assistance Program

FORM 5-9

CALCULATING THE LEVEL OF FEDERAL REHABILITATION ASSISTANCE

Total Number of Units in Building:		
Project Street Address:		
	Project	Average Per Assisted Unit
Step 1. Federal Housing Assistance		
CDBG Funds:		
HOME Funds:		
Other HUD Funds (list below):		
Other Federal Housing Assistance (list below):		
Average Federal Housing Assistance (per assisted unit)		
Step 2. Hard Cost of Rehabilitation		
Total estimated Rehabilitation Hard Cost:		
Exclude: Costs of LBP hazard control work (attach list of items)		
Average Hard Cost of Rehabilitation (per assisted unit)		
Step 3. Federal Rehabilitation Assistance (per assisted unit)		
Select the lesser of Steps 1 & 2 calculations (per assisted unit) and check applicable category below		
If less than or equal to \$5,000 per unit: <ul style="list-style-type: none"> • Test surfaces to be disturbed • Follow Safe Work Practices on disturbed surfaces • Clean & clear immediate work site with lab-tested dust wipes 		<input type="checkbox"/>
If above \$5,000 but less than \$25,000 per assisted unit: <ul style="list-style-type: none"> • Conduct risk assessment of unit • Follow 35.1340 interim controls for all hazards • Clean & clear entire unit 		<input type="checkbox"/>
If more than \$25,000 per assisted unit: <ul style="list-style-type: none"> • Conduct risk assessment of assisted unit & common areas • Abate interior hazards (interim controls permitted for exterior) • Clean & clear entire unit 		<input type="checkbox"/>
Prepared by:		
Signature:		
Date:		
CDBG Project #:		

Herkimer County Assistance Program

EXHIBIT 5-8

LEAD BASED PAINT SUMMARY NOTICES

Summary Notice of Lead-Based Paint Inspection

Address/location of property or structure(s) this summary notice applies to _____

Lead-based paint inspection description: _____

Date(s) of inspection: _____

Summary of inspection results (check all that apply)

(a) ___ No lead-based paint was found.

(b) ___ Lead-based paint was found.

(c) ___ A brief summary of the findings of the inspection is provided below (required if lead-based paint found).

Summary of where lead-based paint was found. List at least the housing unit numbers and common areas (for multi-family housing), and building components (including type of room or space, and the material underneath the paint):

Contact person for more information about the inspection:

Printed name: _____
Organization: _____
Street and city: _____
State: _____ ZIP: _____
Phone number: (____) _____

Person who prepared this summary notice:

Printed name: _____
Signature: _____
Date: _____
Organization: _____
Street and city: _____
State: _____ ZIP: _____
Phone number: (____) _____

Herkimer County Assistance Program

Summary Notice of Lead-Based Paint Risk Assessment

Address/location of property or structure(s) this summary notice applies to _____

Lead-based paint assessment description: _____

Date(s) of risk assessment: _____

Summary of risk assessment results (check all that apply)

- (a) No lead-based paint hazards were found.
- (b) Lead-based paint hazards were found.
- (c) A brief summary of the findings of the risk assessment is provided below (required if any lead-based paint hazards were found).

Summary of types and locations of lead-based paint hazards. List at least the housing unit numbers and common areas (for multifamily housing), bare soil locations, dust-lead locations, and/or building components (including type of room or space, and the material underneath the paint), and types of lead-based paint hazards found:

Contact person for more information about the risk assessment:

Printed name: _____

Organization: _____

Street and city: _____

State: _____ ZIP: _____

Phone number: (____) _____

Person who prepared this summary notice:

Printed name: _____

Signature: _____

Date: _____

Organization: _____

Street and city: _____

State: _____ ZIP: _____

Phone number: (____) _____

Herkimer County Assistance Program

Summary Notice of Completion of Lead-Based Paint Hazard Reduction Activity

Address/location of property or structure(s) this summary notice applies to _____

Summary of the hazard reduction activity: _____

Start and completion date(s): _____

Activity locations and types. List at least the housing unit numbers and common areas (for multi-family housing), bare soil locations, dust-lead locations, and/or building components (including type of room or space, and the material underneath the paint), and types of hazard reduction activities performed at the locations listed _____

Date(s) of clearance testing and/or soil analyses: _____

Locations of building components with lead-based paint remaining in the rooms, spaces or areas where activities were conducted _____

Summary of results of clearance testing and soil analyses

- (a) _____ No clearance testing was performed.
- (b) _____ Clearance testing showed clearance was achieved.
- (c) _____ Clearance testing showed clearance was not achieved.

Contact person for more information about the hazard reduction:

Printed name: _____
Organization: _____
Street and city: _____
State: _____ ZIP: _____
Phone number: (____) _____

Person who prepared this summary notice:

Printed name: _____
Signature: _____
Date: _____
Organization: _____
Street and city: _____
State: _____ ZIP: _____
Phone number: (____) _____

Herkimer County Assistance Program

Exhibit B:
Receipt of Herkimer County Lead Prevention Program Handout
Herkimer County Assistance Program

Date: _____

To: Herkimer County CDBG Program Administrator

From: _____

Address: _____

Dear Program Administrator:

Please accept this letter as acknowledgement that I/we have received a copy of the following forms:

___ Lead Based Paint Risk Assessment

___ Form 5-1 CDBG LBP Certification – Rehabilitation or Homeownership/Acquisition Assistance with Rehabilitation

Or

___ Form 5-2 CDBG LBP Certification – Homeownership/Acquisition Assistance Only (No rehabilitation)

And (as needed)

___ Form 5-8 LBP Summary Notice

___ Form 5-9 Calculating the Level of FRA for LBP




I/we also understand that if we have additional questions on Lead Based Paint, and/or require assistance in having the children in our home tested for lead, that we should contact the Herkimer County Lead Prevention Program at (315) 946-5749.

Sincerely,


Printed: _____

Signed: _____


Exhibit C




Protect Your Family From Lead in Your Home



United States
Environmental
Protection Agency



United States
Consumer Product
Safety Commission



United States
Department of Housing
and Urban Development

September 2013

Herkimer County Assistance Program

Exhibit D



Herkimer County Assistance Program

Exhibit E
Children and Lead Based Paint

Lead-based paint is hazardous to your health.

Lead-based paint is a major source of lead poisoning for children and can also affect adults. In children, lead poisoning can cause irreversible brain damage and can impair mental functioning. It can retard mental and physical development and reduce attention span. It can also retard fetal development even at extremely low levels of lead. In adults, it can cause irritability, poor muscle coordination, and nerve damage to the sense organs and nerves controlling the body. Lead poisoning may also cause problems with reproduction (such as a decreased sperm count). It may also increase blood pressure. Thus, young children, fetuses, infants, and adults with high blood pressure are the most vulnerable to the effects of lead.

Children should be screened for lead poisoning. Children should be tested for lead at ages 1 and 2 and at age 6 if not previously tested. Because the early symptoms of lead poisoning are easy to confuse with other illnesses, it is difficult to diagnose lead poisoning without medical testing. Early symptoms may include persistent tiredness, irritability, loss of appetite, stomach discomfort, reduced attention span, insomnia, and constipation. Failure to treat children in the early stages can cause long-term or permanent health damage.

People can be exposed to lead from paint and eating paint chips is one way young children are exposed to lead. It is not the most common way that people, in general, are exposed to lead. Ingesting and inhaling lead dust that is created as lead-based paint "chalks," chips, or peels from deteriorated surfaces can expose people to lead. Walking on small paint chips found on the floor, or opening and closing a painted frame window, can also create lead dust. Other sources of lead include deposits that may be present in homes after years of use of leaded gasoline and from industrial sources like smelting. People can also generate lead dust by sanding lead-based paint or by scraping or heating lead-based paint.

For more information on Lead Based Paint and how to have your children tested for lead, please contact:

Herkimer County Lead Prevention Program
Herkimer County Public Health
301 N. Washington Street, Suite 2300
Herkimer, NY 13350
(315) 867- 1167

Herkimer County Assistance Program

Exhibit F:
Receipt of Lead-Based Paint Handouts
Herkimer County Assistance Program

Date: _____

To: Herkimer County CDBG Program Administrator

From: _____

Address: _____

Dear Program Administrator:

Please accept this letter as acknowledgement that I/we have received a copy of the pamphlet titled:

_____ "Protect Your Family From Lead in Your Home", published by the US EPA

_____ "The Lead-Safe Certified Guide To Renovate Right", published by the US EPA.

_____ "Children and Lead Based Paint"

I/we also understand that if we have additional questions on Lead Based Paint, and/or require assistance in having the children in our home tested for lead, that we should contact the Herkimer County Lead Prevention Program at (315) 867-1176.

Sincerely,

Printed: _____

Signed: _____

Herkimer County Assistance Program

**Exhibit G:
Receipt of LBP Clearance Report Certification**

Herkimer County Assistance Program

Date: _____

To: Herkimer County CDBG Program Administrator

From: _____

Address: _____

Dear Program Administrator:

Please accept this letter as acknowledgement that I/we have received a copy of the documents certifying lead hazard control work was completed, cleaned, and that the unit meets the clearance requirements

I/we also understand that if we have additional questions on Lead Based Paint, and/or require assistance in having the children in our home tested for lead, that we should contact the Herkimer County Lead Prevention Program at (315) 946-5749.

Sincerely,

Printed: _____

Signed: _____



HERKIMER COUNTY LEGISLATURE

No. 237

RESOLUTION AUTHORIZING EXTENSION OF TIME TO COMPLETE PURCHASE OF IN REM PARCEL

Sponsored by: **Committee on County Properties**

WHEREAS, an auction was held on June 2, 2018 of the parcels taken by Herkimer County in connection with In Rem foreclosure for the 2016 taxes; and

WHEREAS, purchasers at that auction had until June 22, 2018 to complete the purchase by paying the balance due; and

WHEREAS, the bidder on the parcel located at 95 West Mill Street in the City of Little Falls, having tax map number 114.68-7-41, has requested an extension of time to complete this purchase in order to attempt resolve title issues in connection with the parcel; and

WHEREAS, it appears that the purchaser's request is reasonable, since there is a question about service of process on a prior owner; now, therefore be it

RESOLVED, that the successful purchaser at auction of the above described parcel shall have a 45 day extension of time to complete the above described purchase, thereby extending the time from June 22, 2018 to August 6, 2018, no later than 4:00 p.m., subject to the original auction terms and procedures; and, be it further

RESOLVED, that because of the question, regarding the title, if the purchaser has not made payment in full by that date, the purchasers deposit shall be returned, and the purchaser shall not be prohibited from bidding on parcels in future In Rem auctions or sales; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Auditor, County Property Agent, and Gerard J. Snyder, Esq.

Dated: July 11, 2018.



HERKIMER COUNTY LEGISLATURE

No. 238

RESOLUTION AUTHORIZING GRANT APPLICATION FOR RESTORATION AND REHABILITATION OF THE EXTERIOR FACADE OF THE HISTORIC 1834 JAIL

Sponsored by: **Committee on County Properties**

WHEREAS, by Resolution No. 215 of 2018, dated June 13, 2018, this Legislature extended a lease agreement with The Friends of Historic Herkimer County for the 1834 Jail premises for the period from December 1, 2018 through November 30, 2023; and

WHEREAS, The Friends of Historic Herkimer County will submit a 2018 Consolidated Funding Application for a grant of up to \$500,000 from the New York State Office of Parks, Recreation and Historic Preservation for the purpose of restoration and the rehabilitation of the exterior facade of the Historic 1834 Jail, and a condition of the receipt of such funds would be the execution of a preservation covenant by the County of Herkimer which would, for a period of twenty years, require that the public have access to the premises under specified conditions, and that the property be kept and maintained in accordance with State and Federal standards and would also restrict alterations, restoration and reconstruction for that period of time; and

WHEREAS, all contracts for repair and improvement of the premises are subject to the approval of the County of Herkimer and are also subject to the requirements of the New York State General Municipal Law in connection with competitive bidding; now, therefore be it

RESOLVED, that the Herkimer County Legislature authorizes the above described application for grant funding and further authorizes the Chairman of this Legislature to issue a letter so indicating, and indicating that the County of Herkimer shall sign the above described preservation covenant in the event that the grant is awarded and accepted; and be it further

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

Dated: July 11, 2018.

RAYMOND JOHNSON

WILLIAM E. KEELER

VINCENT J. BONO

PETER F. MANNO

KURT J. ACKERMAN

MARK GAWORECKI

Committee on County Properties



HERKIMER COUNTY LEGISLATURE

No. 238

RESOLUTION AUTHORIZING GRANT APPLICATION FOR RESTORATION AND REHABILITATION OF THE EXTERIOR FACADE OF THE HISTORIC 1834 JAIL

Sponsored by: Committee on County Properties

WHEREAS, by Resolution No. 215 of 2018, dated June 13, 2018, this Legislature extended a lease agreement with The Friends of Historic Herkimer County for the 1834 Jail premises for the period from December 1, 2018 through November 30, 2023; and

WHEREAS, The Friends of Historic Herkimer County will submit a 2018 Consolidated Funding Application for a grant of up to \$500,000 from the New York State Office of Parks, Recreation and Historic Preservation for the purpose of restoration and the rehabilitation of the exterior facade of the Historic 1834 Jail, and a condition of the receipt of such funds would be the execution of a preservation covenant by the County of Herkimer which would, for a period of twenty years, require that the public have access to the premises under specified conditions, and that the property be kept and maintained in accordance with State and Federal standards and would also restrict alterations, restoration and reconstruction for that period of time; and

WHEREAS, all contracts for repair and improvement of the premises are subject to the approval of the County of Herkimer and are also subject to the requirements of the New York State General Municipal Law in connection with competitive bidding; now, therefore be it

RESOLVED, that the Herkimer County Legislature authorizes the above described application for grant funding and further authorizes the Chairman of this Legislature to issue a letter so indicating, and indicating that the County of Herkimer shall sign the above described preservation covenant in the event that the grant is awarded and accepted; and be it further

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

Dated: July 11, 2018.



HERKIMER COUNTY LEGISLATURE

No. 239

RESOLUTION AMENDING RESOLUTION NO. 147 OF 2018 APPROVING STANDARD WORK DAY AND RETIREMENT REPORTING FOR ELECTED AND APPOINTED OFFICIALS

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

RESOLVED, that Resolution No. 147 duly adopted by the Herkimer County Legislature on April 25, 2018, which established the 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, is hereby amended to add the following officials:

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Appointed Officials							
Social Services Attorney	Kyle W. Crandall	██████	██████	6	No Term	N	9.80
Assistant County Attorney	Kyle W. Crandall	██████	██████	6	1/1/18 – 12/31/19	N	14.74
Assistant County Attorney	Lorraine Lewandrowski	██████	██████	6	1/1/18-12/31/19	N	12.87
Legislator	Mark Gaworecki	██████	██████	6	1/1/18-12/31/19	N	3.46

Dated: July 11, 2018.



HERKIMER COUNTY LEGISLATURE

No. 240

REPORT AND RESOLUTION AUTHORIZING PUBLIC HEARING IN CONNECTION WITH AN APPLICATION FOR ECONOMIC DEVELOPMENT ASSISTANCE TO THE OFFICE OF COMMUNITY RENEWAL

Sponsored by: Committee on County Planning & Development

WHEREAS, by letter dated July 11, 2018, from John J. Piseck, Executive Director of the Herkimer County Industrial Development Agency, this Legislature is advised of the proposed submission of a Small Cities CDBG application in the amount of \$200,000 for the Herkimer County Micro-Enterprise Program Project; and

WHEREAS, these Small Cities grant funds will be utilized to provide assistance to support small businesses with five or less employees, of whom one is the owner of the business; and

WHEREAS, it is necessary that a public hearing be held to hear public comment in regard to such application; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is authorized to execute all documents and certifications required as part of the submission of the application; and, be it further

RESOLVED, a Public Hearing will be held by the Committee on County Planning & Development on the 25th day of July, 2018 at 10:00 a.m. in the Legislature Chambers of the County Office Building in the Village of Herkimer, New York, for the purpose of hearing public comment upon the aforesaid application for economic development assistance to the Office of Community Renewal; and, be it further

RESOLVED, that a certified copy of this Resolution be forwarded to the Executive Director of the Herkimer County Industrial Development Agency.

Dated: July 11, 2018.



HERKIMER COUNTY LEGISLATURE

IN MEMORIAM

No. 240

- WHEREAS,** J. Keith Davy (Keith) departed this life on June 22, 2018; and
- WHEREAS,** Keith served his Country on active duty with the United States Army from 1952 through 1954, he was a graduate of the Maxwell School of Citizenship and Public Affairs, earning his Master's in Public Administration, at Syracuse University; and
- WHEREAS,** Keith was an outstanding man of integrity who had a sharp wit and excellent leadership skills, having spent his entire career in public service, Keith worked for the U.S. Atomic Energy Commission, the National Captioning Institute, the University of California and the Lawrence Livermore National Laboratory; and
- WHEREAS,** Keith served as Chairman and Vice-Chairman of the Herkimer County Industrial Development Agency for 21 years; he served on the Mohawk Valley Economic District Board from 2002 to 2012. In 2003 he was elected to the Herkimer County Legislature in District No. 12 for the City of Little Falls, serving until 2008, during his tenure he served as Chairman of the Administration/Veterans' Affairs Committee and the Education Committee, he was also a member of the Committees on County Personnel, County Planning & Development, Human Resources and Information Services of the Herkimer County Legislature; and
- WHEREAS,** Keith was a volunteer member of the Little Falls Hospital Board, Chairperson of the Little Falls First Presbyterian Church Becker Fund, Little Falls Community Outreach, Little Falls Historical Society and the Little Falls Civic Club; and
- WHEREAS,** Keith is survived by his wife of 67 years Marion, his children, Bryan, Bradley, Brenda, Brigitte and their families; and
- WHEREAS,** The County of Herkimer and its residents have sustained a great loss by the passing of this dedicated public servant and citizen; now, therefore, be it
- RESOLVED,** That the County Legislature does hereby express its deepest regrets at the decease of J. Keith Davy and hope that this expression of remembrance may in some manner help console his family in their bereavement; and be it further
- RESOLVED,** That a copy of this Resolution be sent to the family of J. Keith Davy, and that an additional copy be spread upon the minutes of this meeting.

Dated: July 11, 2018.