

MINUTES
Herkimer County Legislature
First Quarter – Fourth Day
Wednesday, March 14, 2018
7:30 p.m.

The Regular Session of the Herkimer County Legislature was called to order by Bernard Peplinski, Sr., Chairman of the Legislature at 7:30 p.m.

Chairman Peplinski called on John J. Piseck, Jr., Executive Director of the Herkimer County Industrial Development Agency, 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.

Present: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Campione, Russell, Shaw, Weakley (17).

Absent: None.

Quorum present.

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 February 14, 2018. With no objections, Chairman Peplinski ordered the minutes approved.

Pursuant to Rule 11, Chairman Peplinski suspended the regular session for a presentation by CABVI. Chairman Peplinski called on Legislator John Brezinski to introduce CABVI. Legislator Brezinski introduced Rudy D'Amico, President and CEO of CABVI and Steve Gannon, Director of Development for CABVI. Mr. D'Amico stated this presentation of a plaque to Herkimer County is with appreciation for the county to have members of their organization be heard by a government agency. Herkimer County has been the first county to do so. Mr. D'Amico stated it takes advocates like Herkimer County to get the word out about the CABVI organization.

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 Schrader asked that communication No. 106 and 107 be read. Chairman Peplinski continued with the session.

Pursuant to Rule 6, Chairman Peplinski then proceeded with Reports of Standing Committees. Legislator Bono, Chairman of the Committee on County Planning & Development stated the City of New York has recently passed a ban on plastic grocery bags. Legislator Bono

stated there has been talk of a ten cent charge for a plastic grocery bag as well. Legislator Bono stated that as a member of the Herkimer Oneida Solid Waste Authority he will keep all informed.

Legislator Russell stated that Herkimer County has been selected in a National Association of Counties (NACO) grant, one of 11 in the country. In 2012, Herkimer County was selected as one of 10 and the only rural county to be selected. Legislator Russell stated his thanks those department heads and staff who worked on this grant.

County Administrator Wallace thanked the legislature for always supporting this effort.

No. 97 – A communication was received from Legislator Ackerman submitting resignation from the Greater Mohawk Valley Land Bank Board of Directors. Filed.

No. 98 – A communication was received from John J. Piseck, Jr., submitting resignation from the IDA Board of Directors. Filed.

No. 99 – A communication was received Assemblyman Marc Butler acknowledging receipt of Resolution. Filed.

No. 100 - A communication was received from Herkimer Oneida County Solid Waste Authority submitting minutes of meeting. Filed.

No. 101 – A communication was received from the Commissioners of Elections advising of possible poll change. Filed.

No. 102 - A communication was received from the Director of Office for the Aging advising of renewal of meal contract. Filed

No. 103- A communication was received from the Director of Emergency Services submitting Deputy Fire Coordinator appointments. Filed.

No. 104 - A communication was received from the Commissioner of Social Services requesting renewal of contract. Referred to the Committee on Human Resources.

No. 105 – A communication was received from the County Attorney advising of Notice of Claim. Filed.

No. 106 - A communication was received from the Herkimer County Humane Society expressing appreciation for donation in the name of Legislator Korce. Filed.

No. 107 - A communication was received from the Korce family expressing appreciation for donation and Memorial resolution in honor of Dennis Korce. Filed.

No. 108 - A communication was received from the County Clerk submitting 2017 Annual Report. Referred to the Committee on Administration/Veterans' Affairs.

No. 109 - A communication was received from the Director of Community Services submitting 2017 Annual Report. Referred to the Committee on Human Resources.

No. 110 - A communication was received from the Director of Public Health submitting 2017 Annual Report. Referred to the Committee on Human Resources

No. 111 - A communication was received from the Highway Superintendent submitting 2017 Annual Report. Referred to the Committee on Highways.

No. 112 - A communication was received from the Personnel Officer requesting Resolution to form a Municipal Cooperative Health Benefit Plan. Referred to the Committees on Administration/Veterans' Affairs and Ways & Means.

No. 113 - A communication was received from the Budget Officer requesting transfer of funds in Emergency Services. Referred to the Committee on Ways & Means.

No. 114 - A communication was received from the Chairman of the Legislature submitting appointment for County Planning Board. Referred to the Committee on Natural Resources.

No. 115 - A communication was received from Chairman of the Legislature submitting appointment to Greater Mohawk Valley Landbank. Referred to the Committee on County Properties.

No. 116 - A communication was received from the Historical Society expressing appreciation for allocation. Filed.

No. 117 - A communication was received from the Personnel Officer requesting amendment to Salary Schedule No. 1 in Emergency Management. Referred to the Committee on Ways & Means.

No. 118 - A communication was received from the Commissioner of Social Services requesting agreement with Mohawk Homestead. Referred to the Committee on Human Resources.

No. 119 - A communication was received from the Personnel Officer requesting amendment to Salary Schedule III in Mental Health. Referred to the Committee on Ways & Means.

No. 120 - A communication was received from the Director of Community Services requesting to amend Salary Schedule III. Referred to the Committee on Ways & Means.

No. 121 - A communication was received from the Essex County Attorney submitting Resolutions. Referred to the Committee on Administration/Veterans' Affairs.

No. 122 - A communication was received from the Director of Community Services requesting approval to provide services for competency hearings. Referred to the Committees on Human Resources and Ways & Means.

No. 123 - A communication was received from the County Property Agent requesting tax parcel be restored to assessment roll. Referred to the Committee on Ways & Means.

No. 124 - A communication was received from the Senator James L. Seward advising of the need for a Home Rule Request regarding Mortgage Tax. Referred to the Committee on Ways & Means.

No. 125 – A communication was received from the Director of the Office for the Aging requesting a contract amendment with VNA Homecare Options LLC. Referred to the Committees on Human Resources and Ways & Means.

No. 126 – A communication was received from the Director of the Office for the Aging advising of additional funding for the Balance Incentive Program. Referred to the Committees on Human Resources and Ways & Means.

No. 127 - A communication was received from the Budget Officer requesting budget amendment for Balance Incentive Program in OFA. Referred to the Committee on Ways & Means.

No. 128 - A communication was received from the Office of Homeland Security advising of grant award for the Emergency Services Department. Filed.

No.129 - A communication was received from the Office of Homeland Security advising of grant award for the Emergency Services Department. Filed.

No. 130 - A communication was received from the County Administrator requesting to renew contract with Strategic Development Specialists. Referred to the Committee on Ways & Means.

No. 131 – A communication was received from the Director of the Office for the Aging requesting to renew a contract with Catholic Charities for the HIICAP Program. Referred to the Committees on Human Resources and Ways & Means.

No. 132 - A communication was received from the Director of the Office for the Aging regarding MIPPA funding. Referred to the Committees on Human Resources and Ways & Means.

No. 133 – A communication was received from the Budget Officer requesting budget amendment in OFA. Referred to the Committee on Ways & Means.

No. 134 - A communication was received from the Director of the Office for the Aging requesting to renew annual contracts for EISEP Program. Referred to the Committees on Human Resources and Ways & Means

No. 135 – A communication was received from the Executive Director of the IDA requesting to approve a Small Cities Grant. Referred to the Committee on County Planning & Development.

No. 136 – A communication was received for Basloe Library expressing appreciation for allocation. Filed.

No. 137 – A communication was received from the Highway Superintendent submitting Project to be done for 2018. Referred to the Committee on Highways.

No. 138 – A communication was received from the Highway Superintendent submitting parcels to be acquired as Right of Way for projects. Referred to the Committee on Highways.

No. 139 – A communication was received from the Highway Superintendent requesting Maintenance Agreement with NYSDOT for traffic signal. Referred to the Committee on Highways.

No. 140 – A communication was received from the Meyers Family submitting appreciation for proclamation. Filed.

No. 141 – CSEA advising of ratification of contract. Referred to the Committee on Ways & Means.

No. 142 – A communication was received from the Budget Officer advising of additional bus run in Public Health for the Education of Handicapped Children Program and requesting budget amendment. Referred to the Committees on Human Resources and Ways & Means.

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

On motion of Mr. Russell, seconded by Mr. Shaw, the following Consent Agenda was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

Consent Agenda:

68	ADM. VET. AFFRS.: Adopting Annual Report of Herkimer County Clerk	VOICE
69	HUM. RES.: Adopting Annual Report of Mental Health	VOICE
70	HUM. RES.: Adopting Annual Report of Public Health Department	VOICE
71	HWYS: Adopting Annual Report of Highway Superintendent	VOICE
72	WAYS & MEANS: Approving transfer of funds.	VOICE
73	COUNTY PLANNING & DEV.: Appointing Member to Planning Board	VOICE
74	CO. PROPERTIES: Appointing Member to Land Bank Board of Directors	VOICE

Chairman Peplinski continued with the Regular Agenda.

On motion of Mr. Smith, seconded by Mr. Bono, Report and Resolution No. 75 sponsored by the Committee on Human Resources and the Committee on Ways & Means approving agreement for

competency evaluations in Herkimer County Mental Health Department was handed up; voted on and adopted by voice vote:

Ayes: (17).

Against: None.

Absent: None.

On motion of Mr. Smith, seconded by Mr. Stephens, Report and Resolution No. 76 sponsored by the Committee on Ways & Means and the Committee on Human Resources amending Salary Schedule No. III for position changes in Herkimer County Mental Health Department was handed up; voted on and adopted by the following roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Campione, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

On motion of Mr. Stephens, seconded by Mr. Campione, Report and Resolution No. 77 sponsored by the Committee on Public Safety/Emergency Management and the Committee on Ways & Means amending Salary Schedule No. 1 to increase the base pay of the Director of Emergency Management was handed up; voted on and adopted by the following roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Campione, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

On motion of Mr. Bono, seconded by Mr. Johnson, Report and Resolution No. 78 sponsored by the Committee on County Planning & Development and the Committee on Ways & Means authorizing renewal agreement with Strategic Development Specialists to render Professional Services regarding Grant Writing to further Economic Development in Herkimer County was handed up; voted on and adopted by voice vote:

Ayes: (17).

Against: None.

Absent: None.

On motion of Mr. Schrader, seconded by Mr. Ackerman, Report and Resolution No.79 sponsored by the Committee on Ways and Means directing restoration of parcel in the Village of Herkimer to the taxable portion of the Assessment Roll was handed up, voted on and adopted by voice vote:

Ayes: (17).

Against: None.

Absent: None.

On motion of Mr. Shaw, seconded by Mr. Ackerman, Report and Resolution No. 80 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing contract with VNA Homecare Options for provision of Home Delivered meals was handed up; voted on and adopted by voice vote:

Ayes: (17). Against: None.

Absent: None.

On motion of Mr. Ackerman, seconded by Mr. Schrader, Report and Resolution No. 81 sponsored by the Committee on Human Resources and the Committee on Ways & Means amending budget in connection with additional funding for Balance Incentive Program – Caregiver Support Programs was handed up; voted on and adopted by voice vote:

Ayes: (17). Against: None.

Absent: None.

On motion of Mr. Bono, seconded by Mr. Ackerman, Report and Resolution No. 82 sponsored by the Committee on Human Resources and Committee on Ways & Means authorizing contract renewal for HIICAP funding in the Herkimer County Office for the Aging was handed up; voted on and adopted by voice vote:

Ayes: (17). Against: None.

Absent: None.

On motion of Mr. Bono, seconded by Mr. Ackerman, Report and Resolution No. 83 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing contract renewal for Office for the Aging for MIPPA/ADRC funding and amending 2018 budget was handed up; voted on and adopted by voice vote:

Ayes: (17). Against: None.

Absent: None.

On motion of Mr. Shaw, seconded by Mr. Bono, Report and Resolution No. 84 sponsored by the Committee on Human Resources and Committee on Ways & 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: (17). Against: None.

Absent: None.

On motion of Mr. Stephens, seconded by Mr. Gaworecki, Report and Resolution No. 90 sponsored by the Committee on Ways & Means ratifying Memorandum of Agreement between the County of Herkimer and the Herkimer County Unit of the Civil Service Employees' Association, Inc. was handed up; discussion held; voted on and adopted by the following roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Campione, Russell, Shaw, Weakley (16)

Abstain: Johnson (1).

Against: None.

Absent: None.

On motion of Mr. Smith, seconded by Mr. Malta, Report and Resolution No. 91 sponsored by the Committee on Human Resources and Committee on Ways & Means authorizing additional bus run for the Public Health Preschool Transportation Program, amending budget and transferring funds was handed up; voted on and adopted by voice vote:

Ayes: (17).

Against: None.

Absent: None.

On motion of Mr. Campione, seconded by Mr. Hollum, Resolution No. 92 sponsored by the Committee on Natural Resources setting Public Hearing on annual thirty day period for 2018 inclusion of viable agricultural land with a Certified Agricultural District was handed up; voted on and adopted by voice vote:

Ayes: (17).

Against: None.

Absent: None.

On motion of Mr. Stephens, seconded by Mr. Russell, Resolution No. 93 sponsored by the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means authorizing Home Rule Request was handed up; discussion was held, voted on and adopted by voice vote:

Ayes: (17).

Against: None.

Absent: None.

On motion of Mr. Russell, seconded by Mr. Weakley, Resolution No.94 sponsored by the Committee on Administration/Veterans' Affairs opposing Governor Cuomo's proposal to change the law regarding taxation of State Forest Preserve lands was handed up; voted on and adopted by voice vote:

Ayes: (17).

Against: None.

Absent: None.

On motion of Mr. Bono, seconded by Mr. Russell, Resolution No. 95 sponsored by the Committee on Administration and Veterans' Affairs, amending the Rules of the County Legislature of the County of Herkimer was handed up; voted on and adopted by voice vote:

Ayes: (17).

Against: None.

Absent: None.

On motion of Mr. Schrader, seconded by Mr. Smith, Resolution No. 96 sponsored by the Committee on Ways & Means transferring funds was handed up; voted on and adopted by voice vote:

Ayes: (17).

Against: None.

Absent: None.

Pursuant to Rule 6, Chairman Peplinski asked if any members of the Legislature wished to comment.

Legislator Russell announced the Annual St. Patrick's Day Parade would be held on Friday, March 15, 2018 in Old Forge.

At 8:08 p.m., on motion of Mr. Manno, seconded by Mr. Schrader, this Session of the Herkimer County Legislature was adjourned to Wednesday, April 4, 2018 at 2:00 p.m. for the Second Quarterly Session, with a Public Hearing at 1:15 p.m.

Sally I. Deming, Clerk



HERKIMER COUNTY LEGISLATURE

No. 68

REPORT AND RESOLUTION ADOPTING ANNUAL REPORT OF COUNTY CLERK

Sponsored by: Committee on Administration/Veterans' Affairs

WHEREAS, your Committee on Administration/Veterans' Affairs, to which was referred the Annual Report of Sylvia M. Rowan, County Clerk, pertaining to monies received by her office for the period ending December 31, 2017, respectfully reports and offers the following Resolution:

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

Dated: March 14, 2018.



HERKIMER COUNTY LEGISLATURE

No. 69

REPORT AND RESOLUTION ADOPTING ANNUAL REPORT OF HERKIMER COUNTY MENTAL HEALTH SERVICES

Sponsored by: Committee on Human Resources

WHEREAS, your Committee on Human Resources, to which was referred the 2017 Annual Report of the Herkimer County Mental Health Services Department, respectfully reports that we have examined the same, recommend the adoption of said report, and offer the following Resolution:

RESOLVED, that the 2017 Annual Report of the Herkimer County Mental Health Services Department be approved and placed on file with the Herkimer County Legislature for the year 2017.

Dated: March 14, 2018.



HERKIMER COUNTY LEGISLATURE

No. 70

REPORT AND RESOLUTION APPROVING ANNUAL REPORT OF PUBLIC HEALTH NURSING SERVICE

Sponsored by: Committee on Human Resources

WHEREAS, your Committee on Human Resources, to which was referred the Annual Report of the Herkimer County Public Health Nursing Service, respectfully reports that we have examined the same, recommend the adoption of said report, and offer the following Resolution:

RESOLVED, that the 2017 Annual Report of the Public Health Nursing Service be adopted and placed on file with the Herkimer County Legislature for the year 2017.

Dated: March 14, 2018.



HERKIMER COUNTY LEGISLATURE

No. 71

REPORT AND RESOLUTION ADOPTING ANNUAL REPORT OF COUNTY SUPERINTENDENT OF HIGHWAYS

Sponsored By: Committee on Highways

WHEREAS, your Committee on Highways, to which was referred the Annual Report for 2017 of the County Highway Superintendent, respectfully reports that we have examined the same, recommend the adoption of said report, and offer the following Resolution:

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

Dated: March 14, 2018.



HERKIMER COUNTY LEGISLATURE

No. 72

REPORT AND RESOLUTION AUTHORIZING TRANSFERS OF FUNDS

Sponsored by: Committee on Ways & Means

WHEREAS, your Committee on Ways and Means, to which was referred a communication from Sheri Ferdula, Budget Officer, dated February 9, 2018 submitting a request for transfers of funds, reports that we have examined said communication, inquired into the subject matter 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 sum from and to the following accounts in the 2018 Budget:

Transfer:

\$12,985 From: A3020A.25000, Emergency Management HSG, Other Equipment
 To: A3020A.44000, Emergency Management HSG, Contracted Services

and, be it further

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

Dated: March 14, 2018.



HERKIMER COUNTY LEGISLATURE

No. 73

REPORT AND RESOLUTION REAPPOINTING MEMBER TO THE HERKIMER COUNTY PLANNING BOARD AND CONFIRMING CHAIRMAN

Sponsored by: Committee on County Planning & Development

WHEREAS, pursuant to Local Law No. 2, Section I for the year 1963 a County Planning Board was established; and

WHEREAS, letter dated February 16, 2018, the Chairman of the Herkimer County Legislature has made a reappointment to the Herkimer County Planning Board, and named the Chairman; now, therefore, be it

RESOLVED, that the reappointment of Lester Stephens, 22 English Street, Ilion, NY 13357 to the Herkimer County Planning Board with the term as listed is hereby ratified and confirmed:

Reappointments:

Lester Stephens, 22 English St., Ilion, NY 13357

Term Expiration:

12/31/2022

and, be it further

RESOLVED, that Lester Stephens be named Chairman of the Herkimer County Planning Board for the aforesaid term; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer-Oneida County Comprehensive Planning Board and Lester Stephens.

Dated: March 14, 2018.



HERKIMER COUNTY LEGISLATURE

No. 74

REPORT AND RESOLUTION APPOINTING MEMBER TO THE GREATER MOHAWK VALLEY LAND BANK

Sponsored by: Committee on County Properties

WHEREAS, by Resolution No. 237 of 2016, this Legislature established the Greater Mohawk Valley Land Bank Corporation and appointed two representatives to the Board of Directors; and

WHEREAS, by letter dated February 14, 2018, Kurt J. Ackerman submitted his resignation from the Greater Mohawk Valley Land Bank Corporation; and

WHEREAS, by letter dated March 6, 2018, Bernard Peplinski, Chairman of the Herkimer County Legislature has made the appointment of John Stephens to fill the remainder of the two year term; now, therefore, be it

RESOLVED, that the appointment of John Stephens, Herkimer County Legislator, 211 Second Street, Ilion, NY 13357 to the Greater Mohawk Valley Land Bank Corporation with the term expiration as listed, is hereby ratified and confirmed:

Appointment:

John Stephens, 211 Second St., Ilion, NY 13357

Term Expiration:

10/4/2019

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Greater Mohawk Valley Land Bank Corporation and John Stephens.

Dated: March 14, 2018.



HERKIMER COUNTY LEGISLATURE

No. 75

REPORT AND RESOLUTION APPROVING AGREEMENT FOR COMPETENCY EVALUATIONS IN HERKIMER COUNTY MENTAL HEALTH DEPARTMENT

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

WHEREAS, by letter dated February 8, 2018, Kristen Snyder-Branner, LCSW-R, Director of Community Services, has requested approval to enter into an agreement for evaluations as required for court ordered 730 Competency Hearings; and

WHEREAS, the Director of Community Services has requested an agreement be entered into with Dr. Aaron Shupp to provide these services at a rate of \$135.00 per hour; now, therefore be it

RESOLVED, that an agreement with Dr. Aaron Shupp be entered into for evaluations as required for court ordered 730 Competency Hearings at a rate of \$135.00 per hour for the term of April 1, 2018 through March 31, 2019 with terms and conditions subject to the County Attorney; and, be it further

RESOLVED, that the Chairman of this Legislature is authorized to enter into annual renewals 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, Personnel Officer and Director of Community Services.

Dated: March 14, 2018.



HERKIMER COUNTY LEGISLATURE

No. 76

REPORT AND RESOLUTION AMENDING SALARY SCHEDULE NO. III FOR POSITION CHANGES IN HERKIMER COUNTY MENTAL HEALTH DEPARTMENT

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

WHEREAS, by letter dated February 8, 2018, Kristen Snyder-Branner, LCSW-R, Director of Community Services, has requested to amend Salary Schedule III to delete two positions of Community Health Nurse in Account A4320 and add two positions of Senior Community Health Nurse in Account A4320 in the 2018 Salary Schedule; and

WHEREAS, by letter dated January 31, 2018, Steven Billings, Personnel Officer states your committees have been advised that the appropriate salary for said position in Account A4320 for Senior Community Health Nurse should be \$45,000 base pay and be effective as of March 26, 2018; and

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

RESOLVED, that two full-time positions of Community Health Nurse in the 2018 Salary Schedule III are hereby deleted and two full-time positions of Senior Community Health Nurse are hereby established at the base annual salary of \$45,000 effective March 26, 2018; and, be it further

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

Dated: March 14, 2018.



HERKIMER COUNTY LEGISLATURE

No. 77

REPORT AND RESOLUTION AMENDING SALARY SCHEDULE NO. I TO INCREASE THE BASE PAY OF THE DIRECTOR OF EMERGENCY SERVICES

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

WHEREAS, by letter dated February 23, 2018, Steven Billings, Personnel Officer has requested an amendment to Salary Schedule No. 1 for an increase in the base pay of the Director of Emergency Services in Account A3020; and

WHEREAS, letter further states your committees have been advised that the appropriate salary for said position in A3020 should be \$58,000 base pay and be effective as of February 28, 2018; now, therefore be it

RESOLVED, that the salary of Director of Emergency Services in Account A3020 in the 2018 Salary Schedule I is increased from \$56,100 to \$58,000 effective February 28, 2018; and, be it further

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

Dated: March 14, 2018.



HERKIMER COUNTY LEGISLATURE

No. 78

REPORT AND RESOLUTION AUTHORIZING RENEWAL OF AGREEMENT WITH STRATEGIC DEVELOPMENT SPECIALISTS TO RENDER PROFESSIONAL SERVICES REGARDING GRANT WRITING TO FURTHER ECONOMIC DEVELOPMENT IN HERKIMER COUNTY

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

WHEREAS, by letter dated January 29, 2018, James W. Wallace, Jr., County Administrator, has requested a contract renewal of the current agreement entered into with Strategic Development Specialists of Syracuse, New York, to provide services in connection with grant writing for projects for the County, the IDA and the College to further economic development projects in the County, to extend said agreement for an additional twelve month period through April 4, 2019; and

WHEREAS, the cost for such services will be \$5,000 per month plus incidentals totaling \$3,000 annually, for the period April 5, 2018 through April 4, 2019, with all other terms of the agreement to remain in force and effect; now, therefore, be it

RESOLVED, that the Chairman of the Legislature is hereby authorized to enter into an amendment of the agreement with Strategic Development Specialists, P.O. Box 205, Syracuse, New York 13214, to provide professional services in connection with grant writing for projects for the County, the IDA and the College to further economic development projects in the County, at a cost of \$5,000 per month, plus incidentals totaling \$3,000 annually, to extend the contract for the period April 5, 2018 through April 4, 2019, with all other terms of the agreement to remain in full force and effect, and with said contract to be subject to 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 and Strategic Development Specialists.

Dated: March 14, 2018.



HERKIMER COUNTY LEGISLATURE

No. 79

REPORT AND RESOLUTION DIRECTING RESTORATION OF PARCEL IN THE VILLAGE OF HERKIMER TO THE TAXABLE PORTION OF THE ASSESSMENT ROLL

Sponsored by: Committee on Ways & Means

WHEREAS, by Resolution No. 28 dated January 20, 2016, this Legislature determined that there was no practical method to enforce the collection of a delinquent tax lien against premises located at 114 South Washington Street in the Village of Herkimer, having Tax Map No. 120.25-4-63.2, and further directed the enforcing officer to issue a certificate of prospective of cancellation for that parcel; and

WHEREAS, since that time a dilapidated structure located on the premises has been removed from the parcel, a parking lot has been installed, and the delinquent tax lien on the premises has been paid; and

WHEREAS, by letter dated February 27, 2018, from Jennifer Casey, County Property Agent, she has requested restoration of the parcel to the taxable portion of the assessment roll; now, therefore be it

RESOLVED, that for the above described reasons, the premises located at 114 South Washington Street in the Village of Herkimer, having Tax Map No. 120.25-4-63.2 shall be restored to the taxable portion of the assessment roll; and, be it further

RESOLVED, that the enforcing officer is hereby directed to issue a certificate of restoration setting forth the relevant facts with the Assessor and County Director of Real Property Tax Services; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Property Agent and Director of Real Property Tax Services.

Dated: March 14, 2018.



HERKIMER COUNTY LEGISLATURE

No. 80

REPORT AND RESOLUTION AUTHORIZING CONTRACT WITH VNA HOMECARE OPTIONS FOR PROVISION OF HOME DELIVERED MEALS

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

WHEREAS, VNA Homecare Options, LLC offers a Medicaid Managed Long Term Care plan for people residing in New York; and

WHEREAS, by letter dated February 15, 2018, Kathy L. Fox, Director of the Office for Aging, has requested that the Office for the Aging enter into a contract with VNA Homecare, Options, LLC, - Nascentia Health for the provision of home delivered meals to their clients, with VNA Homecare Options, LLC, -Nascentia Health to reimburse the Office for the Aging in the amount of \$9.00 per meal; now, therefore, be it

RESOLVED, that the Chairman of the Legislature is hereby authorized to execute a contract between the Herkimer County Office for the Aging and VNA Homecare Options, LLC,- Nascentia Health, 1050 West Genesee Street, Syracuse, NY 13204, for the provision of home delivered meals to their clients, with VNA Homecare Options, LLC-Nascentia Health to reimburse the Office for the Aging for \$9.00 per meal, and with said contract to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that said contract shall be for the period March 1, 2018 through December 31, 2018, with the option for annual renewals upon the same or more favorable terms and conditions; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of the Office for the Aging and VNA Homecare Options, LLC- Nascentia Health.

Dated: March 14, 2018.



HERKIMER COUNTY LEGISLATURE

No. 81

REPORT AND RESOLUTION AMENDING BUDGET IN CONNECTION WITH ADDITIONAL FUNDING FOR BALANCE INCENTIVE PROGRAM – CAREGIVER SUPPORT PROGRAM

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

WHEREAS, the Balance Incentive Program is a program to assist individuals who are Medicaid or Medicaid eligible in obtaining in-home services; and

WHEREAS, by letter dated February 2, 2018 from Kathy L. Fox, Director of the Office for the Aging, this Legislature is advised of an increased funding level for the year 2018, from \$176,000 to \$243,830; and

WHEREAS, by letter dated February 5, 2018 Sheri A. Ferdula, Budget Officer, has advised that the 2018 Budget will need to be amended to accept additional funding; now therefore be it

RESOLVED, that the 2018 Budget for this Program be amended as follows:

Revenue:

A6786A.4786, Aging, Balance Incentive	From: \$176,000
	To: \$243,830

Appropriation:

A6786A.10000-001, Aging, Balance Incentive, Salaries	From: \$103,850
	To: \$105,514
A6786A.22000, Aging, Balance Incentive, Comp Eq	From: \$0
	To: \$4,000
A6786A.40700, Aging, Balance Incentive, Software	From: \$0
	To: \$500
A6786A.41000, Aging, Balance Incentive, Supplies	From: \$1,280
	To: \$4,280
A6786A.42100, Aging, Balance Incentive, Telephone	From: \$1,000
	To: \$3,320
A6786A.43000, Aging, Balance Incentive, Insurance	From: \$1,680
	To: \$6,180
A6786A.44000, Aging, Balance Incentive, Cont. Svs	From: \$0
	To: \$37,500
A6786A.45000, Aging, Balance Incentive, Fees For Svs	From: \$1,860
	To: \$6,000
A6786A.46000, Aging, Balance Incentive, Misc. Expense	From: \$2,124
	To: \$6,253
A6786A.46100, Aging, Balance Incentive, Mileage	From: \$0
	To: \$500
A6786A.46300, Aging, Balance Incentive, Postage	From: \$2,000
	To: \$3,900
A6786A.81000, Aging, Balance Incentive, Retirement	From: \$12,640
	To: \$14,077

A6786A.83000, Aging, Balance Incentive, Social Security	From: \$6,438
	To: \$6,838
A6786A.83500, Aging, Balance Incentive , Medicare	From: \$1,506
	To: \$1,596
A6786A.84000, Aging, Balance Incentive, Workers Comp	From: \$2,096
	To: \$2,246
A6786A.86000, Aging, Balance Incentive, Health Ins.	From: \$39,000
	To: \$40,500
A6786A.86500, Aging, Balance Incentive, Dental	From: \$265
	To: \$365.

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

Dated: March 14, 2018.



HERKIMER COUNTY LEGISLATURE

No. 82

REPORT AND RESOLUTION AUTHORIZING CONTRACT RENEWAL FOR HIICAP FUNDING FOR THE HERKIMER COUNTY OFFICE FOR THE AGING

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

WHEREAS, by Resolution No. 76 of 2007, authorization to submit an application for the implementation of the HIICAP (Health Insurance Information, Counseling & Assistance Program) through the Herkimer County Office for the Aging was approved; and

WHEREAS, said Program is funded 100%, with no local match, has been administered on a subcontract basis by Catholic Charities of Herkimer County, and has been renewed each year thereafter; and

WHEREAS, by letter dated February 12, 2018, from Kathy L. Fox, Director of the Office for the Aging, this Legislature is advised of a request to renew the contract with Catholic Charities of Herkimer County for administration of the Health Insurance Information, Counseling & Assistance Program (HIICAP) for the program year commencing April 1, 2018 through March 31, 2019, with funding currently anticipated at \$32,667; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute said contract on behalf of the County of Herkimer as follows:

- HIICAP (Health Insurance Information, Counseling & Assistance Program) for the 4/1/2018– 3/31/2019 program year; funding is currently anticipated at \$32,667.00;
- Program shall be subcontracted to Catholic Charities of Herkimer County with said contract amount not to be more than the level of funding that is made available to the County of Herkimer;

And, be it further

RESOLVED, that the Chairman of this Legislature is further authorized to enter into an annual renewal of said contract after the expiration of the current agreement, upon the same or more favorable terms and conditions; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of the Office for the Aging and Catholic Charities.

Dated: March 14, 2018.



HERKIMER COUNTY LEGISLATURE

No. 83

REPORT AND RESOLUTION AUTHORIZING CONTRACT RENEWAL FOR OFFICE FOR AGING FOR MIPPA/ADRC FUNDING AND AMENDING 2018 BUDGET

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

WHEREAS, by letter dated February 12, 2018 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 (\$200) 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 30, 2017 through September 29, 2018, with an estimated award to be \$13,321.00; and

WHEREAS, said letter further requests a contract with Catholic Charities of Herkimer County to administer said Program in the amount of \$12,821.00 to be used for the Health Insurance Information and Counseling Program (HIICAP); and

WHEREAS, by letter dated February 13, 2018 from Sheri A. Ferdula, Budget Officer, your committee is advised that a budget amendment is necessary for this funding; now, therefore be it

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 \$13,321.00, with said grant period to be from September 30, 2017 through September 29, 2018; 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 \$12,821 to administer said Program; and, be it further

RESOLVED: that the 2018 Herkimer County Budget is amended as follows:

	<u>Revenue:</u>	
A6780B.4780	MIPPA	From: \$11,000
		To: \$13,321
	<u>Appropriation</u>	
A6780B.44000	MIPPA/ADRC, Contractual Services	From: \$10,500
		To: \$12,821

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of the Office for Aging and Catholic Charities of Herkimer County.

Dated: March 14, 2018.



HERKIMER COUNTY LEGISLATURE

No. 84

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 At Home Care, Inc., the Department of Social Services, Home Aide Services for Central Adirondacks (HASCA), Superior Home Health Care and Resource Center for Independent Living, and U.S. Care Systems for said contractors to provide services for the Expanded In-Home Services for the Elderly Program (EISEP); and

WHEREAS, by communication dated February 12, 2018, from Kathy L. Fox, Director of the Office for the Aging, this Legislature is advised of a request to enter into renewal of the aforesaid contracts for the period of April 1, 2018 to March 31, 2019, with funding at 75/25%, with the Office for Aging to provide the local match for aide services for At Home Care, RCIL, HASCA, US Care and Superior, and with DSS to provide the local match for their allocation; now, therefore, be it

RESOLVED:

1. That contracts be entered into between the Herkimer County Office for the Aging and the agencies listed to provide services for the Expanded In-Home Services for the Elderly Program (EISEP) as follows:

- At Home Care will be contracted for aide services estimated to be \$50,000; the hourly rate will be \$25.20 for Level 1 and \$26.25 for Level 2.
- DSS will provide case management services for up to a total amount of \$70,000 with state aid reimbursement of 75%, up to \$17,500.
- Superior Home Health Care will be contracted for aide services estimated to be \$78,000; the hourly rate is \$21.20.
- HASCA will be contracted for aide services estimated to be \$28,000; the hourly rate will be \$24.38
- Resource Center for Independent Living will be contracted for services estimated to be \$70,000; the hourly rates will be \$18.00 for the Basic and the Enhanced rate.
- U.S. Care Systems will be contracted for services estimated to be \$60,000; the hourly rate will be \$21.78.

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, Commissioner of Social Services, At Home Care, Inc., Superior Home Health Care, Home Aide Service of the Central Adirondacks, the Resource Center for Independent Living and U.S. Care Systems.

Dated: March 14, 2018.



HERKIMER COUNTY LEGISLATURE

No. 85

REPORT AND RESOLUTION IN SUPPORT OF AN APPLICATION FOR ECONOMIC DEVELOPMENT ASSISTANCE TO THE OFFICE OF COMMUNITY RENEWAL

Sponsored by: Committee on County Planning & Development

WHEREAS, by letter dated February 23, 2018, from John J. Piseck, Jr., Executive Director of the Herkimer County Industrial Development Agency, this Legislature is advised of a request for authorization for the Chairman of the Legislature to sign and certify the necessary documents in support of the county proposal to submit an application for economic development assistance on behalf of the Tractor Supply Company to the Office of Community Renewal; and

WHEREAS, this project is an application to the New York State Office of Home and Community Renewal on behalf of Tractor Supply Company in the total amount of \$750,000.00; and

WHEREAS, this grant request will consist of \$750,000.00 to be used for a grant to Tractor Supply Company for equipment; and

WHEREAS, this project is part of a \$80,000,000.00 project which will allow the company to create 350 new FTE jobs on 141.5 acres at the "Pumpkin Patch" in Frankfort, New York; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to sign and certify the necessary documents in support of the county proposal to submit an application for economic development assistance on behalf of the Tractor Supply Company to the Office of Community Renewal for a grant in the amount of \$750,000.00; 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: March 14, 2018.



HERKIMER COUNTY LEGISLATURE

No. 86

REPORT AND RESOLUTION REQUESTING LEGISLATION TO REMOVE THE BARRIERS TO FORMING MUNICIPAL COOPERATIVE HEALTH BENEFIT PLANS

Sponsored by: Committee on Administration/Veterans' Affairs

WHEREAS, state law requires that the Chief Elected Officer of each county prepares a property tax savings plan for shared, coordinated, and efficient services among the county, cities, towns, and villages within each county; and

WHEREAS, the Herkimer County Shared Services Panel, led by the Chairman of the Herkimer County Legislature, is currently exploring the formation of a Municipal Cooperative Health Benefit Plan; and

WHEREAS, it has been learned that there are substantial barriers to forming such a plan, which would require action at the state level to remove those barriers; now, therefore be it

RESOLVED, that the Herkimer County Legislature respectfully requests the Governor and representatives in the State Senate and State Assembly take action to remove various barriers to forming Municipal Cooperative Health Benefit plans including lowering the number of required covered employees, lowering the reserve requirements, and removing the requirement for purchasing aggregate stop-loss insurance, all of which will allow smaller municipalities to take advantage of such plans; and be it further

RESOLVED, that the Clerk of the Legislature shall send a certified copy of this Resolution to the Governor of the State of New York, Senate Majority Leader John Flanagan, Senator James L. Seward, Senator James Tedisco, Assemblyman Marc W. Butler, Assemblyman Brian Miller, Assemblyman Anthony J. Brindisi, New York State Association of Counties and InterCounty Legislative Committee of the Adirondacks.

Dated: March 14, 2018.



HERKIMER COUNTY LEGISLATURE

No. 87

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

Sponsored by: Committee on Highways

WHEREAS, your Committee on Highways, to which was referred the letter of Mark A. Nagele, P.E., County Superintendent of Highways, dated February 16, 2018 submitting three copies each of statements under Article 6 of the Highway Law designating work to be done with County Road Fund monies during the year 2018, respectfully reports that we have examined said statements contained in said communication from and signed by the County Superintendent of Highways, recommend its adoption and offer the following Resolution:

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

project no.	road/location	TYPE OF PROJECT (SEE ARTICLE 6)	estimated cost
381	Higby Road, CR 96 Town of Frankfort Intersection Improvements	Intersection Improvement including but not limited to: traffic signals, appraisals, ROW acquisition, construction and constructions inspections	\$800,000

and, be it further

RESOLVED, that this project will be funded by CHIPS, EWR and PAVE-NY; and, be it further

RESOLVED, that the Chairman of the Legislature be authorized to sign all contracts in regard to these projects, subject to the approval of the County Attorney's Office.

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

Dated: March 14, 2018.



HERKIMER COUNTY LEGISLATURE

No. 88

REPORT AND RESOLUTION WITH REGARD TO COMPLIANCE WITH ARTICLE 2 OF THE EMINENT DOMAIN PROCEDURE LAW IN CONNECTION WITH THE REPLACEMENT OF LARGE CULVERT ON SPINNERVILLE GULF ROAD, DR 15, TOWN OF GERMAN FLATTS

Sponsored by: Committee on Highways

WHEREAS, the Herkimer County Legislature has approved Project No. 380, Replacement of Large Culvert on Spinnerville Gulf Road, CR-15, Town of German Flatts; and

WHEREAS, certain acquisitions of land, are necessary to accomplish this project, including acquiring rights of way from two property owners; and

WHEREAS, as required by the statutes of the State of New York, the County of Herkimer, as condemnor, must comply with the provisions of Article 2 of the Eminent Domain Procedure Law; and

WHEREAS, the Superintendent of Highways of the County of Herkimer, by communication dated February 22, 2018, which is annexed to this Resolution, has recommended that the required land acquisitions are de minimus in nature and that the public interest will not be prejudiced by the construction of this project; now, therefore, be it

RESOLVED, that it is the opinion of this Legislature that the required land acquisitions for the bridge replacement project aforesaid are de minimus in nature and that the public interest will not be prejudiced by said project; and, be it further

RESOLVED, that the acquisitions of certain lands necessary for the project, in particular lands in which Janet L. Kipper and Christine Flint have an interest, are necessary for the public use herein and the Legislature authorizes the acquisitions of same by the condemnation process pursuant to the provisions of the Eminent Domain Procedure Law; and, be it further

RESOLVED, that the Chairman of the Legislature is authorized to negotiate and make offers to compensate said property owners the amounts so listed in the attached correspondence from the Superintendent of Highways dated February 22, 2018; and, be it further

RESOLVED, that the Chairman of the Legislature is authorized to sign any documents necessary for said acquisitions pursuant to the Eminent Domain Procedure Law; and, be it further

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

Dated: March 14, 2018.

HERKIMER COUNTY DEPARTMENT OF HIGHWAYS

313 THIRD AVENUE * HERKIMER, NEW YORK 13350 * (315) 867-1193 * FAX (315) 866-6793

February 22, 2018

Honorable Board of Legislature
109 Mary Street, Suite 1310
Herkimer, NY 13350

RECEIVED
2/22/18
Date _____
S
Clerk Herkimer County Legislature

RE: Project No. 380
Spinnerville Gulf Rd CR 15 over unknown creek, Town of German Flatts
Large Culvert Replacement LC015-20

Gentlemen:

On January 25, 2018, the legislature authorized by Resolution No. 19, Project 380, Replacement of Large Culvert of LC015-20 on Spinnerville Gulf Road, CR 15, Town of German Flatts.

The project involves replacement of a large culvert LC015-20. The replacement structure will be a 12' wide x 38' long x 7' high precast concrete box culvert with asphalt overlay. The replacement box culvert will be at a similar skew as the existing structure due to property boundaries and geographical constraints. The replacement box culvert will allow for (2) 10' travel lanes with 3' shoulders on each side with box beam guide railings at the edge of the shoulders. The box culvert has been designed to accommodate for the 50-year design flood frequency. The horizontal roadway alignment will be modified slightly in order to eliminate a slight curve in the roadway.

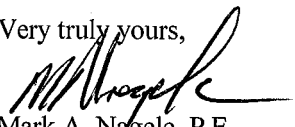
To do this project, property must be acquired outside the existing county right-of-way. Two parcels are proposed to be acquired in fee from two property owners as follows:

OWNER	MAP / PARCELS	TOTAL ACRES
Janet L. Kipper	1 / 1	.04
Christine Flint	2 / 1	.03

The parcels to be acquired are adjacent to the Large Culvert. No structures will be removed and no people or livestock are being displaced or relocated. The county acquisition will not have any significant affect on current use of land and the project will not have adverse environmental or aesthetic consequences.

On this basis, it is my opinion that this project is de minimus in nature so that the public intent will not be prejudiced by this construction.

Very truly yours,


Mark A. Nagele, P.E.
County Highway Superintendent

MAN: hsc

Copy: Raymond Smith, Chairman, Highway Committee
Patrick Russell, Chairman, Ways and Means
Robert Malone, County Attorney
James Wallace, County Administrator

MARK A. NAGELE, P.E.
COUNTY SUPERINTENDENT OF HIGHWAYS

JIM W. LINDHOLM, P.E.
DEPUTY COUNTY SUPERINTENDENT OF HIGHWAYS

HERKIMER COUNTY DEPARTMENT OF HIGHWAYS

313 THIRD AVENUE * HERKIMER, NEW YORK 13350 * (315) 867-1193 * FAX (315) 866-6793

February 22, 2018

Honorable Board of Legislature
109 Mary Street, Suite 1310
Herkimer, NY 13350

RECEIVED
Date 2/22/18
3
Clerk Herkimer County Legislature

RE: Project No. 380
Spinnerville Gulf Rd CR 15 over unknown creek, Town of German Flatts
Large Culvert Replacement LC015-20

Gentlemen:


On January 25, 2018, the legislature authorized by Resolution No. 19, Project 380, Replacement of Large Culvert of LC015-20 on Spinnerville Gulf Road, CR 15, Town of German Flatts.

The project involves replacement of a large culvert LC015-20. Construction will require the acquisition of private property. As part of the Right-of-Way work, the parcels to be acquired were appraised by a qualified real estate appraiser. The appraised amounts and parcels to be acquired in fee or by donation are as follows:

MAP	OWNER	PARCELS	TOTAL ACRES	APPRAISED COMPENSATION
1	Janet L. Kipper 3635 Hoch Trail Canastota, NY 13032	1	.04	\$823
2	Christine Flint 585 Spinnerville Gulf Rd N Ilion, NY 13357	1	.03	\$570

I am requesting legislature authorization to make offer to compensate the owners for the above amounts as fair and reasonable compensation for said acquisition pursuant to the Eminent Domain Procedure Law.

Very truly yours,


Mark A. Nagele, P.E.
County Highway Superintendent

MAN: hsc

Copy: Raymond Smith, Chairman, Highway Committee
Patrick Russell, Chairman, Ways and Means
Robert Malone, County Attorney
James Wallace, County Administrator

MARK A. NAGELE, P.E.
COUNTY SUPERINTENDENT OF HIGHWAYS

JIM W. LINDHOLM, P.E.
DEPUTY COUNTY SUPERINTENDENT OF HIGHWAYS



HERKIMER COUNTY LEGISLATURE

No. 89

REPORT AND RESOLUTION APPROVING MAINTENANCE AND OPERATION AGREEMENT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR TRAFFIC SIGNAL ON HIGBY ROAD C.R.96

Sponsored by: Committee on Highways

WHEREAS, your Committee on Highways, to which was referred the letter of Mark Nagele, P.E., County Superintendent of Highways, dated February 16, 2018, request is being made for Herkimer County to enter into an agreement with the New York State Department of Transportation to maintain and operate a traffic control signal on county owned property to be installed at the intersection of Higby Road (C.R.96) and Country Mile Road; now, therefore be it

RESOLVED, that the Herkimer County Legislature hereby approves the above subject maintenance and operations agreement; and, be it further

RESOLVED, that the Herkimer County Legislature, hereby authorizes the County of Herkimer to pay a yearly maintenance fee of not more than \$1,300 to the New York State Department of Transportation, on an annual basis; and, be it further

RESOLVED, that maintenance and operation expenses will be funded by County Road Fund monies through appropriation account D5110.41000-815; and, be it further

RESOLVED, that the Chairman of the Legislature be authorized to sign all contracts in this regard, subject to the approval of the County Attorney's Office; and, be it further

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

Dated: March 14, 2018.



HERKIMER COUNTY LEGISLATURE

No. 90

REPORT AND RESOLUTION RATIFYING MEMORANDUM OF AGREEMENT BETWEEN THE COUNTY OF HERKIMER AND THE HERKIMER COUNTY UNIT OF THE CIVIL SERVICE EMPLOYEES' ASSOCIATION, INC.

Sponsored by: Committee on Ways & Means

WHEREAS, the County has been negotiating with the Herkimer County Unit of the Civil Service Employees' Association, Inc. concerning the terms and conditions of those employees included or to be included in the Negotiating Unit represented by said Herkimer County Unit and has tentatively agreed on such terms and conditions of employment for the period from January 1, 2018 through December 31, 2020, subject to ratification by the Herkimer County Legislature; and

WHEREAS, said Memorandum of Agreement modifies, amends and/or replaces certain provisions of the 2017 Agreement between the County of Herkimer and the Herkimer County Unit of the Civil Service Employees' Association, Inc. and continues all other provisions of said Agreement; and

WHEREAS, your Committee has been informed by letter dated March 12, 2018 that the Herkimer County Unit of the Civil Service Employees' Association, Inc. has ratified said Memorandum of Agreement; and

WHEREAS, the terms expressed in said Memorandum of Agreement have been fully explained to the Herkimer County Legislature and the Legislature is satisfied that the ratification of this Memorandum of Agreement is in the best interests of both the County of Herkimer and its employees; now, therefore, be it

RESOLVED:

1. That the Herkimer County Legislature hereby ratifies the Memorandum of Agreement approved by the Committee on Ways and Means and the Herkimer County Unit of the Civil Service Employees' Association, Inc.;
2. That the terms of said Memorandum of Agreement be incorporated in a new Agreement with the Herkimer County Unit of the Civil Service Employees' Association, Inc. and the Chairman of this Legislature is authorized to execute said Agreement when prepared on behalf of the County of Herkimer;
3. That certified copies of this Resolution be forwarded to the Herkimer County Unit of the Civil Service Employees' Association, Inc., Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer, President of Herkimer County Community College and all other county department heads.

Dated: March 14, 2018



HERKIMER COUNTY LEGISLATURE

No. 91

REPORT AND RESOLUTION AUTHORIZING ADDITIONAL BUS RUN FOR THE PUBLIC HEALTH PRESCHOOL TRANSPORTATION PROGRAM, AMENDING BUDGET AND APPROVING TRANSFER OF FUNDS

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

WHEREAS, this Legislature is informed by communication dated March 5, 2018, from Sheri Ferdula, Budget Officer, that a change is required for the Preschool Transportation Program in the Public Health Nursing Department; and

WHEREAS, the letter further advises that an additional class has been added which will require an additional bus run for transportation; and

WHEREAS, the county is currently operating at the contract maximum of fourteen runs and the new run will add \$334 per day to the contract for a total of \$65,580, beginning on March 15, 2018; now, therefore be it

RESOLVED, that contract between the County of Herkimer and Birnie Bus Service, Inc., 248 Otis Street, Rome, New York, be increased for an additional run at \$334 per day for a total increase of \$65,580 through December 31, 2018, for preschool transportation services for the Public Health Preschool Transportation Program for the period commencing March 15, 2018 through December 31, 2018; and, be it further

RESOLVED, that the 2018 Herkimer County Budget be amended and a transfer be approved as follows:

Revenue:

A2960.3277, Education of Handicapped Children	From: \$1,445,724
(increase \$39,020)	To: \$1,484,744

Appropriation

A2960.44000, Education of Handicapped Children,	
Contractual Services	From: \$2,161,300
(increase \$39,020)	To: \$2,200,320

Transfer:

\$26,560	From: A4010.10000, Public Health Salaries
	To: A2960.44000, Ed. Of Handicapped Children, Contracted Services

RESOLVED, that the Chairman of this Legislature is hereby authorized to said contract, subject to 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 Public Health and Birnie Bus Service.

Dated: March 14, 2018.



HERKIMER COUNTY LEGISLATURE

No. 92

RESOLUTION SETTING PUBLIC HEARING ON ANNUAL THIRTY-DAY PERIOD FOR 2018 FOR INCLUSION OF VIABLE AGRICULTURAL LAND WITHIN A CERTIFIED AGRICULTURAL DISTRICT

Sponsored by: Committee on Natural Resources

WHEREAS, Section 303-b of the Agriculture and Markets Law provides that the County Legislature of a county containing a certified agricultural district must designate an annual 30 day period within which a landowner may submit a request for inclusion of land which is predominately viable agricultural land within a certified agricultural district; and

WHEREAS, Resolution No. 146 adopted by this Legislature on May 19, 2004 set the annual 30 day period from January 1 through January 31 of each year; and

WHEREAS, pursuant to statute, requests received during said 30 day period for 2018 were referred to the County Agricultural and Farmland Protection Board for their recommendation, and reports are now ready to be made and a public hearing may now be held; now, therefore, be it

RESOLVED, that a Public Hearing be held on the 4th of April, 2018 at 1:15 p.m. on the Annual 30-day Period for Additions to Agricultural Districts for the year 2018; and, be it further

RESOLVED, that the Clerk of this Legislature give proper notice thereof pursuant to Section 303-b of the Agriculture and Markets Law of the State of New York; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Soil and Water Conservation District, Cornell Cooperative Extension Services and the Herkimer-Oneida Counties Comprehensive Planning Program.

Dated: March 14, 2018.



HERKIMER COUNTY LEGISLATURE

No. 93

RESOLUTION AUTHORIZING HOME RULE REQUEST

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

WHEREAS, legislation has been introduced in the New York State Senate and the New York State Assembly entitled, "AN ACT to amend chapter 549 of the laws of 2005 amending the tax law, relating to authorizing the County of Herkimer to impose a county recording tax on obligations secured by a mortgage on real property, in relation to the expiration thereof"

In the Assembly	A.9791
In the Senate	S.7668

and

WHEREAS, it is now necessary to make a Home Rule Request pursuant to the Municipal Home Rule Law; now, therefore, be it

RESOLVED, that this Legislature hereby authorizes that a Home Rule Request be made, pursuant to Section 40 of the Municipal Home Rule Law, by the appropriate county officers and filed as required by said statute with the New York State Legislature.

Dated: March 14, 2018.



HERKIMER COUNTY LEGISLATURE

No. 94

RESOLUTION OPPOSING GOVERNOR CUOMO'S PROPOSAL TO CHANGE THE LAW REGARDING TAXATION OF STATE FOREST PRESERVE LANDS

Sponsored by: Committee on Administration/Veterans' Affairs

WHEREAS, New York State-owned lands are currently assessed by each local municipality substantially the same way as is private land and current law provides that this is the exclusive province of the municipality and its local assessors; and

WHEREAS, the Governor's 2018 Budget Review Bill proposes to change the local assessment of state forest preserve lands in the Adirondacks and Catskills from the current locally assessed system to a Payment in Lieu of Taxes (PILOT) method capped at 2% per year, or the increase in the level of assessment by means of an allowable levy growth factor, whichever is lower; and

WHEREAS, this method will be centrally controlled by the state, and be based upon a formula, rather than increases or decreases in the actual market value of the lands as is the current methodology; and

WHEREAS, the proposal would undermine the ability of local municipalities to assess and tax real property within their jurisdictions to raise revenue upon which they rely in order to provide important and necessary services to their constituencies; and

WHEREAS, this proposal will result in the loss of revenue by the local municipalities and will shift the tax burden to local tax payers; and

WHEREAS, recent state land purchases in the Adirondacks has increased state ownership to more than 2.6 million acres of the 6 million acre Adirondack Park; and

WHEREAS, the state controls an additional 800,000 acres by State conservation easements purchased in the last 40 years; and

WHEREAS, the residents, businesses and municipalities located within the Adirondack Park are already unreasonably and unfairly constrained and prohibited from using the vast majority of the property located in the park for commercial, industrial, and even residential purposes which has resulted in the inability of municipalities within the Adirondack Park to attract and sustain business and development resulting in extreme and unfair loss in tax revenue; and

WHEREAS, the State of New York has increasingly saddled its municipalities with state mandates expecting them to find ways to fund these mandates with little or no help from the state, and has placed a 2% tax cap on municipal budgets; and

WHEREAS, the NYS Real Property Tax Law has required the state to pay taxes on forest preserve lands, in part, in recognition of the negative impact of "Forever Wild" forest preserve lands on the economies of municipalities; now therefore, be it

RESOLVED, that the Herkimer County Legislature opposes the proposal to convert forest preserve taxation from the current municipal based assessment method to a capped Payment in Lieu of Taxes (PILOT) program and urges the New York State Legislature and Governor Cuomo to continue the current means of assessment of state forest preserve lands by the local municipalities; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Governor of the State of New York, Senator James L. Seward, Senator James Tedisco, Assemblyman Marc W. Butler, Assemblyman Brian Miller, Assemblyman Anthony J. Brindisi, New York State Association of Counties, and the InterCounty Legislative Committee of the Adirondacks.

Dated: March 14, 2018.



HERKIMER COUNTY LEGISLATURE

No. 95

RESOLUTION AMENDING THE RULES OF THE COUNTY LEGISLATURE OF THE COUNTY OF HERKIMER

Sponsored by: Committee on Administration/Veterans' Affairs

WHEREAS, it is the intent of this Legislature to amend Rule 5 of the Rules of the County Legislature of the County of Herkimer so that evening meetings begin at 7:00 p.m.; and

WHEREAS, a copy of this proposed amendment to said Rules has been given to each member of this Legislature at least one day prior to this meeting, as required by Rule 10 of said Rules; now, therefore, be it

RESOLVED, that Rule 5 as set for the in the Rules of the County Legislature of the County of Herkimer be, and hereby is, amended in the first line thereof so that it shall read as follows, "The Chairman shall take the chair at each day's evening session at 7:00 p.m."; and, be it further

RESOLVED, that except as amended herein, Rule 5 shall remain in full force and effect; and, be it further

RESOLVED, that said amendment shall take effect immediately.

Dated: March 14, 2018



HERKIMER COUNTY LEGISLATURE

No. 96

REPORT AND RESOLUTION AUTHORIZING TRANSFERS OF FUNDS

Sponsored by: Committee on Ways & Means

WHEREAS, your Committee on Ways and Means, to which was referred a communication from Kimberlee Enea, County Treasurer, dated March 14, 2018 submitting a request for transfer of funds, reports that we have examined said communication, inquired into the subject matter 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 sum from and to the following accounts in the 2018 Budget:

Transfer:

\$36,361.68 From: A200 General Fund, Cash Account located at M&T Bank
To: A2701 Refund of Prior Years Expenditures

and, be it further

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

Dated: March 14, 2018.