

**MINUTES**  
**Herkimer County Legislature**  
**Third Quarter – Second Day**  
**Wednesday, August 9, 2017**  
**7:30 p.m.**

**Public Hearing**

The Public Hearing on the 2017-2018 tentative Herkimer County Community College Budget was called to order at 7:15 p.m. by Kurt Ackerman, Chairman of the Committee on Education. The Clerk read the Notice. There were no speakers and the hearing was declared closed at 7:18 p.m.

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the County Legislature of the County of Herkimer, New York, will meet at the Legislators' Chambers at 7:15 p.m., on the 9<sup>th</sup> day of August, 2017 for the purpose of holding a public hearing on the tentative budget of Herkimer County Community College for the fiscal year September 1, 2017 through August 31, 2018. Further Notice is given that copies of said tentative budget are available at the office of the Clerk of the Herkimer County Legislature at Herkimer, New York, where they may be procured by any interested person during business hours.

Dated: July 26, 2017.

The Regular Session of the Herkimer County Legislature was called to order by Chairman Bernard Peplinski at 7:32 p. m.

Chairman Peplinski called on Clerk, Sally I. Deming and Deputy Clerk, Brittney R. Cotton, Herkimer County Legislature, 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: Quorum present, the following answering the roll:

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

Absent: Markwardt, Brezinski (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 July 12, 2017. There were none, and the Chairman ordered them approved.

Pursuant to Rule 11 Chairman Peplinski opened the floor for public comment. (1) Carl Streeter, 124 S. Third Ave., Ilion discussed the overcrowding at the correctional facility. He thanked the members for investing in the Herkimer County Community College as far as capital projects are concerned. He further urged the members to stop with plans to build a new jail.

Chairman Peplinski stated that the communications received by the Legislature and the committees to which they were referred were as listed on the agenda and asked if any member of the Legislature requested mention of any particular communication. There were no requests.

No. 241 – A communication was received from the NYS Canal Corporation Advising of opportunity for Projects. Ordered filed.

No. 241A – A communication was received from Nicholas F. Laino, Sr. Vice President for Administration & Finance, HCCC; submitting Board of Trustees Resolution of the 2017-2018 Proposed Budget. Referred to the Committees on Education and Ways & Means.

No. 242 - A communication was received from the NYS Department of Public Service Advising of Public Hearings. Ordered filed.

No. 243 - A communication was received from the Clerk of the Legislature Advising of Appointment of Brittney R. Cotton as Deputy Clerk. Ordered filed.

No. 244 - A communication was received from the Budget Officer/Purchasing Agent Submitting Request for Appropriation. Referred to the Committee on Ways & Means.

No. 245 - A communication was received from the Budget Officer/Purchasing Agent Submitting Request for Appropriation. Referred to the Committee on Ways & Means.

No. 246 – A communication was received from the Budget Officer/Purchasing Agent Submitting Request for Appropriation. Referred to the Committee on Ways & Means.

No. 247 - A communication was received from the Commissioner of Social Services Requesting MOU with Office for the Aging For Administration of HEAP Services. Referred to the Committees on Human Resources and Ways & Means.

No. 248 - A communication was received from the Commissioner of Social Services Requesting Submission of Plan to the NYS Office of Children and Family Services and Renew Contract with Kids Oneida. Referred to the Committees on Human Resources and Ways & Means.

No. 249 – A communication was received from the Commissioner of Social Services – Advising of Retirement of Social Services Attorney. Referred to the Committees on Human Resources and Ways & Means.

No. 250 - A communication was received from the Personnel Officer Submitting Correspondence Regarding Social Services Attorney Position Salary. Referred to the Committees on Human Resources and Ways & Means.

No. 251 - A communication was received from the Personnel Officer Requesting Adoption of the 2018 Herkimer County Self Insured Plan Budget. Referred to the Committee on Ways & Means.

No. 252 - A communication was received from the Executive Director Herkimer County Youth Bureau Requesting Authorization to enter into contracts with agencies for youth programs for 2017 program year. Referred to the Committees on County Planning & Development and Ways & Means.

No. 253 - A communication was received from the County Clerk Advising of retirement of Robert Vandawalker effective 7/21/17. Referred to the Committees on Public Safety/Emergency Management and Ways & Means.

No. 254 - A communication was received from the Chairman of Legislature Advising of decision of County-Wide Shared Services Tax Savings Plan Panel. Ordered filed.

No. 255 - A communication was received from the Co. Property Agent – Advising of results of sealed bids on county owned properties left from 2017 In Rem auction. Referred to the Committee on County Properties.

No. 256 - A communication was received from HCCC Submitting proposed operating budget for Fiscal Year 2017-2018. Referred to the Committees on Education and Ways & Means.

No. 257 - A communication was received from the Sheriff – Requesting renewal of maintenance agreement for fire alarm system at Jail. Referred to the Committees on Public Safety/Emergency Management and Ways & Means.

No. 258 - A communication was received from the Sheriff Requesting renewal of maintenance contract for voice recording Equipment at Jail. Referred to the Committees on Public Safety/Emergency Management and Ways & Means.

No. 259 – A communication was received from the Director of Public Health Requesting acceptance of Healthy Families Grant. Referred to the Committees on Human Resources and Ways & Means.

No. 260 - A communication was received from the Budget Officer Requesting budget amendment in connection with receipt of Healthy Families Grant. Referred to the Committees on Human Resources and Ways & Means.

No. 261 - A communication was received from the Department of State Advising of Local Law Filing. Ordered filed.

No. 262 - A communication was received from the Herkimer County Soil & Water District Submitting Conservation News. Ordered filed.

No. 263 - A communication was received from the Herkimer County Soil & Water District Advising of Monthly Meeting. Ordered filed.

No. 264 - A communication was received from the County Treasurer Submitting letters (2) requesting revision to Depositories. Referred to the Committee on Ways & Means.

No. 265 - A communication was received from the Personnel Officer Requesting Resolution for Appointment of Emergency Services. Referred to the Committees on Public Safety/Emergency Management and Ways & Means.

No. 266 - A communication was received from the Highway Superintendent Requesting Agreement and Appropriation for Tractor Supply. Referred to the Committees on County Planning & Development and Ways & Means.

No. 267 - A communication was received from the Budget Officer Requesting Appropriation and new Expense Account. Referred to the Committees on County Planning & Development and Ways & Means.

No. 268 - A communication was received from the Budget Officer with Request for Establishment of Reserve Account. Referred to the Committees on Education and Ways & Means.

No. 269 - A communication was received from the County Attorney Requesting Quit Claim Deed. Referred to the Committee on County Properties.

Pursuant to Rule 6, Chairman Peplinski then proceeded with Reports of Standing Committees. Legislator Kurt Ackerman, Chairman of the Committee on Education, gave an update on the 2017-18 proposed Herkimer County Community College budget. Raymond Johnson, Chairman of the Committee on County Properties, stated he is a representative of the Greater Mohawk Valley Land Bank and explained the legislature will be voting to turn 3 properties over to the land bank with the plan of these properties becoming part of the tax roll again.

Chairman Peplinski continued with the Regular Agenda.

On motion of Mr. Ackerman, seconded by Mr. Manno, Report and Resolution No. 177 sponsored by the Committees on Education and Ways and Means adopting the 2017-18 proposed Herkimer County Community College budget was handed up; was voted on and adopted by the following roll call vote:

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

Against: None

Absent: Markwardt, Brzezinski (2).

On motion of Mr. Shaw, seconded by Mr. Stephens, Report and Resolution No. 178 sponsored by the Committee on Ways and Means appropriating funds in connection with 2018 Assessment Fees for Hudson River-Black River Regulating District was handed up; voted on and adopted by roll call vote:

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

Against: None                      Absent: Markwardt, Brezinski (2).

On motion of Mr. Smith, seconded by Mr. Weakley, Report and Resolution No. 179 sponsored by the Committees on Human Resources and Ways and Means approving Memorandum of Understanding between Office for the Aging and Social Services for Home Energy Assistance Program was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.                      Absent: Markwardt, Brezinski (2).

On motion of Mr. Smith, seconded by Mr. Shaw, Report and Resolution No. 180 sponsored by the Committee on Human Resources and the Committee on Ways and Means Authorizing Plan Application and Contract in connection with funding for Supervision and Treatment Services for Juveniles Program was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.                      Absent: Markwardt, Brezinski (2).

On motion of Mr. Russell, seconded by Mr. Shaw, Report and Resolution No. 181 sponsored by the Committee on Human Resources and the Committee on Ways and Means Authorizing amendment in Salary Schedule No. 2 for Social Services Attorney was handed up; voted on and adopted by roll call vote:

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

Against: None                      Absent: Markwardt, Brezinski (2).

On motion of Mr. Shaw, seconded by Mr. Stephens, Report and Resolution No. 182 sponsored by the Committee on Ways and Means appropriating funds in connection with Court Ordered Settlement Payment was handed up; voted on and adopted by roll call vote:

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

Against: None                      Absent: Markwardt, Brezinski (2).

On motion of Mr. Russell, seconded by Mr. Ackerman, Report and Resolution No. 183 sponsored by the Committee on Ways and Means appropriating funds in connection with Capital Account was handed up; voted on and adopted by roll call vote:

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

Against: None                      Absent: Markwardt, Brezinski (2).

On motion of Mr. Campione, seconded by Mr. Ackerman, Report and Resolution No. 184 sponsored by the Committee on County Planning & Development and the Committee on Ways and Means authorizing Youth Programs for 2017 was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.                      Absent: Markwardt, Brezinski (2).

On motion of Mr. Bono, seconded by Mr. Russell, Report and Resolution No. 185 sponsored by the Committee on Ways and Means approving Annual Estimate and Apportionment for the Herkimer County Workers' Compensation Self-Insured Plan was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.                      Absent: Markwardt, Brezinski (2).

On motion of Mr. Johnson, seconded by Mr. Ackerman, Report and Resolution No. 186 sponsored by the Committee on County Properties approving sale of parcels acquired by In Rem Tax Foreclosures was handed up; voted on and adopted by roll call vote:

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

Against: None                      Absent: Markwardt, Brezinski (2).

On motion of Mr. Stephens, seconded by Mr. Bono, Report and Resolution No. 187 sponsored by the Committee on Public Safety/Emergency Management and the Committee on Ways and Means authorizing maintenance contract for Fire Alarm System at Correctional Facility was handed up; was voted on and adopted by voice vote:

For: Ayes (15).

Against: None.                      Absent: Markwardt, Brezinski (2).

On motion of Mr. Bono, seconded by Mr. Weakley, Report and Resolution No. 188 sponsored by the Committee on Public Safety/Emergency Management and the Committee on Ways and Means authorizing Annual Service Maintenance Agreement for Voice Recorder located at the Herkimer County Correctional Facility was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Markwardt, Brezinski (2).

On motion of Mr. Stephens, seconded by Mr. Shaw, Report and Resolution No. 189 sponsored by the Committee on Human Resources and the Committee on Ways & Means accepting grant and amending budget for Healthy Families Program was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Markwardt, Brezinski (2).

On motion of Mr. Russell, seconded by Mr. Bono, Report and Resolution No. 190 sponsored by the Committee on Ways and Means amending Resolution No. 1 of 2017 as Regards Designation of Depositories of County Funds for 2017 was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Markwardt, Brezinski (2).

On motion of Mr. Stephens, seconded by Mr. Manno, Report and Resolution No. 191 sponsored by the Committee on Public Safety/Emergency Management and the Committee on Ways and Means appointing Director of Emergency Services was handed up; discussion held; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Markwardt, Brezinski (2).

On motion of Mr. Bono, seconded by Mr. Campione, Report and Resolution No. 192 sponsored by the Committee on County Planning & Development and the Committee on Ways and Means approving contract, appropriating funds and establishing expense account for Design Services in connection with the Tractor Store Supply Distribution Center was handed up; voted on and adopted by roll call vote:

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

Against: None

Absent: Markwardt, Brezinski (2).

On motion of Mr. Ackerman, seconded by Mr. Manno, Report and Resolution No. 193 sponsored by the Committee on Education and the Committee on Ways and Means establishing Reserve Account in connection with the Herkimer County Community College Roof Repair was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Markwardt, Brezinski (2).

On motion of Mr. Johnson, seconded by Mr. Schrader, Report and Resolution No. 194 sponsored by the Committee on County Properties authorizing replacement deed for Frankfort Parcel was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Markwardt, Brezinski (2).

On motion of Mr. Ackerman, seconded by Mr. Bono, Report and Resolution No. 195 sponsored by the Committee on Ways and Means amending Resolution No. 175 of 2017 approving Standard Work Day and Retirement Reporting for Elected and Appointed Officials was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Markwardt, Brezinski (2).

On motion of Mr. Johnson, seconded by Mr. Shaw, Report and Resolution No. 196 sponsored by the Committee on County Properties transferring Premises in the Town of Winfield and Village of Herkimer to the Greater Mohawk Valley Land Bank, Inc. was handed up; voted on and adopted by voice vote:

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

Against: None

Absent: Markwardt, Brezinski (2).



On motion of Mr. Bono, seconded by Mr. Shaw, Report and Resolution No. 197 sponsored by the Committee on Public Safety/Emergency Management and the Committee on Ways and Means with Regard to the Eminent Domain Procedure Law in connection with the Construction of a new Herkimer County Correctional Facility was handed up; voted on and adopted by voice vote:

For: Ayes: (12).

Against: Malta, Schrader, Manno (3).

Absent: Markwardt, Brezinski (2).

On motion of Mr. Shaw, seconded by Mr. Campione, Report and Resolution No. 198 sponsored by the Committee on Ways and Means adopting Resolution of the Legislature of the County of Herkimer, Extending the Rate of Taxes on Sales and Uses of Tangible Personal Property and of Certain Services, and on Occupancy of Hotel Rooms and Amusement Charges, Pursuant to Article 29 of the Tax Law of the State of New York was handed up; voted on and adopted by roll call vote:

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

Against: None

Absent: Markwardt, Brezinski (2).

Chairman Peplinski stated that pursuant to Rule 6(12) they would proceed with comments by legislators. The following legislators made comments:

Legislator Bono stated today has been a historic day in Herkimer County with the Tractor Supply Distribution Center breaking ground at the 5S business Park. Legislator Bono thanked legislators past and present for a job well done since 1996; Legislator Bono thanked County Administrator James W. Wallace, Jr. for his work and dedication to this project over the years.

Legislator Ackerman announced the Annual Canal Days Celebration in Little Falls is ongoing through Sunday.

Legislator Manno announced the Herkimer County Fair opens on Tuesday, August 15<sup>th</sup>.

At 7:58 on motion of Mr. Manno, seconded by Mr. Wellington, the Legislature adjourned to Wednesday, September 13, 2017 at 7:30 p.m.

Sally Deming, Clerk  
Herkimer County Legislature



## HERKIMER COUNTY LEGISLATURE

No. 177

### REPORT AND RESOLUTION RELATIVE TO THE ADOPTION OF THE HERKIMER COUNTY COMMUNITY COLLEGE BUDGET

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

The Herkimer County Legislature, having conducted a Public Hearing on the tentative budget of the Herkimer County Community College on August 9, 2017, and after hearing all parties concerning the same, does hereby

RESOLVE, that the tentative budget of the Herkimer County Community College, for the year 2017-2018, in the total amount of \$ 23,015,807 of which the contribution of the County of Herkimer is \$ 1,730,612 be adopted; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, and President and Senior Vice President for Administration and Finance at Herkimer County Community College

Dated: August 9, 2017.



## HERKIMER COUNTY LEGISLATURE

No. 178

### **REPORT AND RESOLUTION APPROPRIATING FUNDS IN CONNECTION WITH 2018 ASSESSMENT FEES FOR THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT**

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

WHEREAS, by letter dated July 17, 2017, Sheri A. Ferdula, Budget Officer, has advised that an invoice has been received for assessment fees for 2018; and

WHEREAS, the fees are assessed pursuant to Chapter 899, Laws of 1983, for the operation and maintenance of storage reservoirs in the Black River Area; and

WHEREAS, said letter further advises that there is sufficient funding available in the Contingent Fund for an appropriation in connection with these fees; now, therefore, be it

RESOLVED, that the sum of \$13,634. is hereby appropriated from A1990.460, Contingent Fund, Miscellaneous Expense to A8732.46000, Conservation (Black River), Miscellaneous Expense; and, be it further

RESOLVED, that the Herkimer County Treasurer is hereby authorized and directed to transfer the said sums to the said accounts; and, be it further

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

Dated: August 9, 2017.



## HERKIMER COUNTY LEGISLATURE

No. 179

### **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 23, 2017 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 2017-2018 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 2017-2018 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 2017-2018 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: August 9, 2017.



## HERKIMER COUNTY LEGISLATURE

No. 180

### **REPORT AND RESOLUTION AUTHORIZING PLAN APPLICATION AND CONTRACT IN CONNECTION WITH FUNDING FOR SUPERVISION AND TREATMENT SERVICES FOR JUVENILES PROGRAM**

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

WHEREAS, Resolution No. 170 adopted on July 27, 2016, authorized the Chairman of the Legislature to approve the submission of a plan to the New York State Office of Children and Family Services, and execute a contract with Kids Oneida, Inc. for the provision of detention diversion services through the Supervision and Treatment Services for Juveniles Program (STSJP); and

WHEREAS, the 2017-2018 enacted State budget has re-appropriated funding for the seventh consecutive year to support the Supervision and Treatment Services for Juveniles Program (STSJP), the purpose of funding is to support detention/residential placement diversion, and incorporates reliance on least restrictive options consistent with public safety, while also meeting the needs of youth within the juvenile justice system; and

WHEREAS, by letter dated July 12, 2017 Timothy Seymour, Commissioner of Social Services, has requested authorization to submit a plan to the Office of Children and Family Services to obtain funding in the amount of \$79,620, with 62% state reimbursement, for the STSJP service year October 1, 2017 through September 30, 2018 and to renew the contract with Kids Oneida, Inc. to provide detention diversion services for the new period; now, therefore be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to review and approve the plan for submission seeking funding for the 2017-2018 Supervision and Treatment Services for Juveniles Program STSJP plan with the NYS Office of Children and Family Services covering the period of performance from October 1, 2017 through September 30, 2018; and, be it further

RESOLVED, that the STSJP Lead for Herkimer County is hereby authorized to sign and submit the 2017-2018 Supervision and Treatment Services for Juveniles Plan upon said review and approval by the Chairman of the Legislature: and

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a renewal of the contract with Kids Oneida, Inc., 310 Main St., Utica, New York, 13501, in the amount of \$79,620.00 to continue the provision of detention diversion under the Supervision and Treatment Services for Juveniles Program for the period October 1, 2017 through September 30, 2018; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Commissioner of Social Services, Kids Oneida, Inc. and the New York State Office of Children and Family Services.

Dated: August 9, 2017.



## HERKIMER COUNTY LEGISLATURE

No. 181

### REPORT AND RESOLUTION AUTHORIZING AMENDMENT IN SALARY SCHEDULE NO. 2 FOR SOCIAL SERVICES ATTORNEY

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

**WHEREAS**, by letter dated July 13, 2017, Timothy Seymour, Commissioner of Social Services has advised of the retirement of a Social Services attorney, effective August 31, 2017; and

**WHEREAS**, Commissioner Seymour has also requested that the salary of this non-union Salary Schedule II position be amended in an effort to balance salaries; and

**WHEREAS**, by letter dated July 18, 2017 from Steven R. Billings, Personnel Officer, your committees have been advised that the appropriate salary for said position should be \$47,295 base pay and be effective as of September 1, 2017; now, therefore be it

**RESOLVED**, that the salary of Social Services attorney in Salary Schedule II be and hereby is changed from \$52,032 to \$47,295 base pay, effective September 1, 2017; and be it further

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

Dated: August 9, 2017.



## HERKIMER COUNTY LEGISLATURE

No. 182

### REPORT AND RESOLUTION APPROPRIATING FUNDS IN CONNECTION WITH COURT ORDERED SETTLEMENT PAYMENT

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

**WHEREAS**, by Resolution No. 232 of 2016, this Legislature approved a payment under a settlement of Proof of Claim; and

**WHEREAS**, by letter dated July 18, 2017, Sheri A. Ferdula, Budget Officer, has advised that an appropriation is necessary to compensate for a the payment that is due on September 1, 2017; and

**WHEREAS**, said letter further advises that there is sufficient funding available in the Contingent Fund for an appropriation in connection with these fees; now, therefore, be it

**RESOLVED**, that the sum of \$50,000. is hereby appropriated from A889P, Reserve, Court Ordered Payments to A1930.46000, Judgement & Claims, Miscellaneous Expense; and, be it further

**RESOLVED**, that the Herkimer County Treasurer is hereby authorized and directed to transfer the said sums to the said accounts; and, be it further

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

Dated: August 9, 2017.



## HERKIMER COUNTY LEGISLATURE

No. 183

### REPORT AND RESOLUTION APPROPRIATING FUNDS IN CONNECTION WITH CAPITAL ACCOUNT

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

**WHEREAS**, by letter dated July 18, 2017, Sheri A. Ferdula, Budget Officer, has advised that an appropriation is necessary update the project budget 16-1 to reflect smaller projects and expenses over the last five years; and

**WHEREAS**, said letter further advises that there is sufficient funding available in the Reserve, County Building Improvements Fund for an appropriation in connection with this account; now, therefore, be it

**RESOLVED**, that the sum of \$50,000. is hereby appropriated from A889N, Reserve, County Building Improvements to H1620.40000, Capital Fund, Buildings; and, be it further

**RESOLVED**, that the Herkimer County Treasurer is hereby authorized and directed to transfer the said sums to the said accounts; and, be it further

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

Dated: August 9, 2017.





## HERKIMER COUNTY LEGISLATURE

No. 184

### REPORT AND RESOLUTION AUTHORIZING CONTRACTS FOR THE YOUTH PROGRAMS FOR 2017.

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

WHEREAS, by letter dated July 20, 2017 from Regina Giacovelli, Executive Director of the Herkimer County Youth Bureau, this Legislature is advised that the New York State Office of Children and Family Services has approved Herkimer County's Resource Allocation Plan (RAP) for 2017, which includes requested State aid in the amount of \$76,345; and

WHEREAS, by said letter the Executive Director of the Herkimer County Youth Bureau, advises that the Youth Bureau now desires to enter into contracts for 2017 with local agencies for the implementation of the Youth Development Programs; now, therefore be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute contracts, subject to reimbursement from the State of New York, with the following agencies in the amounts listed:

**Youth Development Program - (100% state funded)**

Little Falls YMCA, School's Out Scholarship Program - \$ 6,816

Little Falls YMCA, Unsupervised Youth Alternatives - \$4,477.00

*Little Falls Family YMCA, 15 Jackson St, Little Falls NY, 13365*

Catholic Charities of Herkimer County, Domestic Violence Program - \$3,850.00

*Catholic Charities of Herkimer County, 61 West St, Ilion, NY 13357*

Center for Family Life and Recovery, Short Term Prevention Services - \$6,790.00

*Center for Family Life and Recovery, 502 Court St., Suite 401, Utica, NY 13502*

Town of Frankfort Summer Recreation Program - \$800.00

*c/o Joseph Kinney, Supervisor, 140 S. Litchfield St., Frankfort, NY 13340*

Town of Russia Summer Recreation Program - \$750.00

*c/o Frances Donley, Supervisor, PO Box 126, 8916 N. Main St., Poland, NY 13431*

Richfield Springs Community Center - \$600.00

***Richfield Springs Youth Ministry Corp., PO Box 108 Richfield Springs, NY 13439***

KYAC – Kcommunity Youth Activity Center - \$650.00

***PO Box 214, 110 Crosby Lane, Old Forge, NY 13420***

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Executive Director of the Herkimer County Youth Bureau and the above listed agencies.

Dated: August 9, 2017.



## HERKIMER COUNTY LEGISLATURE

No. 185

### **REPORT AND RESOLUTION APPROVING 2018 ANNUAL ESTIMATE AND APPORTIONMENT FOR THE HERKIMER COUNTY WORKERS' COMPENSATION SELF-INSURED PLAN**

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

WHEREAS, your Committee has received from Steven R. Billings, Personnel Officer, the 2018 Annual Estimate and Apportionment for the Herkimer County Workers' Compensation Self-Insured Plan for the purposes of tail claims run-off; and

WHEREAS, your Committee on Ways and Means has considered said Estimate and Apportionment and has approved the same; now, therefore, be it

RESOLVED, that this Legislature hereby approves the Annual Estimate and Apportionment of the Herkimer County Workers' Compensation Self-Insured Plan for the purposes of tail claims run-off for the year 2018; and, be it further

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

Dated: August 9, 2017.



# HERKIMER COUNTY LEGISLATURE

No. 186

## REPORT AND RESOLUTION APPROVING SALE OF PARCELS ACQUIRED BY IN REM TAX FORECLOSURES

**Sponsored by: Committee on County Properties**

WHEREAS, by judgment of the Herkimer County Court filed and entered April 19, 2017 in the In Rem Tax Foreclosure Action for the year 2015 the County of Herkimer acquired title to certain parcels of property; and

WHEREAS, this Legislature has been advised that offers have been received for the parcels of property listed below; and

WHEREAS, your Committee has considered the offers, recommends their acceptance and offers the following Resolution:

RESOLVED, that the offers for the following listed parcels of land in the amounts listed be, and hereby are, accepted and the County Attorney's Office is hereby directed to prepare the usual deed of conveyance for said property to be delivered to the purchasers upon receipt by the County Treasurer of the offered sum, plus recording and transfer fees:

<u>Parcel</u>	<u>Purchaser</u>	<u>Offer</u>
City of Little Falls Tax Map No. 114.59-4-85 18 Pierce Street	Michael Baker 326 Burrell Road Little Falls, NY 13365	\$ 1,500.00
Town of Frankfort Tax Map No. 111.22-1-16 Rural lot, 10 acres or less, .33 acres	Gary Miller 240 West Main St. Frankfort, NY 13340	\$ 153.00
Town of Herkimer Tax Map No. 113.81-6-29 332 Prospect St.	Gary Miller 240 West Main St. Frankfort, NY 13357	\$ 2,600.00
Town of Herkimer Tax Map No. 120.26-1-10 321 Eastern Ave.	Gary Miller 240 West Main St. Frankfort, NY 13340	\$ 4,600.00
Town of Salisbury Tax Map No. 103.3-2-9 297 Dutchtown Road	Donald Darling 29 West Spofford Ave. Dolgeville, NY 13329	\$ 5,002.00
Town of Stark Tax Map No. 127.4-1-46.1 1459 Travis Road	Harvey Frasier, Jr. 1439 Travis Road Mohawk, NY 13407	\$ 2,750.00

Town of Warren  
Tax Map No. 133.4-2-6.2  
3247 Jordanville Road

Ronald and Audrey Fountain    \$20,100.00  
450 Brennan Road  
Ilion, NY 13357

and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized, upon receipt by the County Treasurer of the aforesaid sums, plus recording fees, to execute said deeds transferring said properties; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Property Agent, County Attorney and above listed purchasers.

Dated: August 9, 2017.



## HERKIMER COUNTY LEGISLATURE

No. 187

### REPORT AND RESOLUTION AUTHORIZING MAINTENANCE CONTRACT FOR FIRE ALARM SYSTEM AT CORRECTIONAL FACILITY

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

WHEREAS, by letter dated July 20, 2017, from Christopher P. Farber, Herkimer County Sheriff, your committees have been advised of a request to extend the service maintenance contract with SimplexGrinnell for the period August 1, 2017 to July 31, 2018, at the annual cost of \$2,222.95; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a service maintenance agreement with SimplexGrinnell, Dept. CH 10320, Palatine, IL 60055 for the fire alarm system at the Herkimer County Correctional Facility, at an annual cost of \$2,222.95 for the period August 1, 2017 to July 31, 2018; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute annual renewals of said agreement at 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, Sheriff and Simplex Grinnell.

Dated: August 9, 2017.



## HERKIMER COUNTY LEGISLATURE

No. 188

### **REPORT AND RESOLUTION AUTHORIZING ANNUAL SERVICE MAINTENANCE AGREEMENT FOR VOICE RECORDER LOCATED AT THE HERKIMER COUNTY CORRECTIONAL FACILITY**

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

WHEREAS, by Resolution No. 211 adopted on September 7, 2011 a contract was entered into with Business Electronics of Cheshire, Connecticut, for the installation of voice recorder and computer software updates located at the Herkimer County Correctional Facility; and

WHEREAS, by letter dated July 20, 2017, Christopher P. Farber, Sheriff, has requested approval of a service maintenance contract on said voice recorder system for the period October 1, 2017 through September 30, 2018 at a cost of \$3,525.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a service maintenance contract with Business Electronics, Inc., 6 Capital Drive, Wallingford, CT 06492 for the Verint Audiolog Voice Recorder and computer software updates on the Verint Tier II Remote; and; be it further

RESOLVED, that said contract shall be for the period October 1, 2017 through September 30, 2018 and shall be subject to the review and approval of the Herkimer 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, Sheriff and Business Electronics, Inc.

Dated: August 9, 2017.



# HERKIMER COUNTY LEGISLATURE

No. 189

## REPORT AND RESOLUTION ACCEPTING GRANT AND AMENDING BUDGET FOR HEALTHY FAMILIES PROGRAM

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

WHEREAS, by letter dated July 26, 2017, Christina Cain, Director of Public Health, has requested renewal of the grant for the Healthy Families New York Home Visiting Program, which grant will provide for home visit services to pregnant women before and after delivery, in an effort to improve health, development and wellness of infants, and has also requested authorization for the Chairman of the Legislature to sign said grant by electronic signature; and

WHEREAS, by letter dated July 25, 2017, from Sheri A. Ferdula, Budget Officer, this Legislature is advised that it will be necessary to amend the 2017 Herkimer County Budget in connection with the receipt of said grant in the amount of \$284,434.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to complete by electronic signature a contract with the New York State Department of Health to receive the 2017 Healthy Families Grant for Herkimer County in the amount of \$284,434.00 for the period September 1, 2017 to August 31, 2018; and, be it further

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

Revenue Account:	A4189H-4401-PH13-11	From:	\$0
		To:	\$284,434
Expense Account:	A4189H-41000-PH13-11	From:	\$0
		To:	\$400
	A4189H-44000-PH13-11	From:	\$0
		To:	\$283,934
	A4189H-46300-PH13-11	From:	\$0
		To:	\$100

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

Dated: August 9, 2017.





# HERKIMER COUNTY LEGISLATURE

No. 190

## REPORT AND RESOLUTION AMENDING RESOLUTION NO. 1 OF 2017 AS REGARDS DESIGNATION OF DEPOSITORIES OF COUNTY FUNDS FOR 2017

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

WHEREAS, by Resolution No. 1 of 2017, this Legislature authorized the Designation of Depositories of County Funds for the year 2017; and

WHEREAS, by letters dated July 28, 2017 and August 1, 2017, Kimberlee Enea, County Treasurer has requested to revise the current Designation of Depositories to make the following changes; and

WHEREAS, your committee has authorized the revision; now, therefore, be it

RESOLVED, that the County Legislature of the County of Herkimer does hereby designate the following banks for the amended deposits as requested by the Herkimer County Treasurer, to wit:

Adirondack Bank	\$45,000,000.00
JP Morgan Chase	\$10,000,000.00

and, be it further

RESOLVED, that the County Treasurer be, and she hereby is, authorized, empowered and directed to enter into an agreement with each of the said banks for and on behalf of and in the name of the County Legislature of the County of Herkimer, fixing rates of interest to be paid on the monies so deposited; and, be it further

RESOLVED, that before any monies be deposited in any bank, the County Treasurer accept from such bank either a depository bond in some good and solvent surety company or in lieu of such bond, bonds or certificates of the United States, of the State of New York, or any county, city and town of the State of New York, including bonds or certificates, and shall be deposited in a safe deposit box or safe deposit boxes by said County Treasurer in the name of the County of Herkimer or a properly executed certificate of escrow as authorized under the Laws of the State of New York, which certificate is approved by the County Attorney or in accordance with the County's Investment Policy, and the County Treasurer is hereby authorized and directed to enter into a collateral agreement with said banks, which agreement is to be first approved by the County Attorney; and, be it further

RESOLVED, that this Resolution be, and hereby is, made effective to and including August 9, 2017; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Attorney, County Clerk and the above named depositories.

Dated: August 9, 2017.



## HERKIMER COUNTY LEGISLATURE

No. 191

### REPORT AND RESOLUTION APPOINTING DIRECTOR OF EMERGENCY SERVICES

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

WHEREAS, by letter dated July 20, 2017, from Sylvia M. Rowan, Herkimer County Clerk, this Legislature has been advised of the retirement of Robert Vandawalker as Director of Emergency Services; and

WHEREAS, by letter dated August 1, 2017, from Steven Billings, Personnel Officer, he advises that your committees have made the following appointment; now, therefore be it

RESOLVED, that Matthew Palumbo, 119 Brice Road, Frankfort, New York 13340, be, and hereby is appointed Director of Emergency Services, effective August 28, 2017, at the base annual salary of \$55,000, with a review of such salary to be held by the Ways & Means Committee after six months; and be it further

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

Dated: August 9, 2017.



## HERKIMER COUNTY LEGISLATURE

No. 192

### REPORT AND RESOLUTION APPROVING CONTRACT, APPROPRIATING FUNDS AND ESTABLISHING EXPENSE ACCOUNT FOR DESIGN SERVICES IN CONNECTION WITH THE TRACTOR STORE SUPPLY DISTRIBUTION CENTER

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

WHEREAS, by letter dated August 1, 2017, Mark A. Nagele, P.E., County Highway Superintendent has requested a supplemental agreement with Barton & Loguidice, D.P.C., for additional work regarding the Tractor Supply Distribution Center – Ring Road and Cul-De-Sac project; and

WHEREAS, your committees have agreed, due to this agreement not being part of the County's capital project, and the need to account separately, that an appropriation of funds and new expense account be set up for accounting purposes; and

WHEREAS, by letter dated July 24, 2017, Sheri Ferdula, Budget Officer/Purchasing Agent has requested an appropriation and establishment of a new expense account; now, therefore be it

RESOLVED, that a supplemental agreement with Barton & Loguidice, D.P.C., **443 Electronics Blvd., Liverpool, New York, 13088**, for additional work regarding the Tractor Supply Distribution Center – Ring Road and Cul-De-Sac project is approved at a cost of \$34,700 and the Chairman of the Legislature is authorized to sign the agreement subject to the County Attorney's office; and, be it further

RESOLVED, that an appropriation and new expense account be approved as follows:

\$34,700      From: A1990.46000, Contingent Fund, Miscellaneous Expense  
                    To:   D5020.45000-683, Engineering Division, Fees For Services,  
                                    Engineering Fees

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Highway Superintendent and Barton & Loguidice, D.P.C.

Dated: August 9, 2017.



## HERKIMER COUNTY LEGISLATURE

No. 193

### REPORT AND RESOLUTION ESTABLISHING RESERVE ACCOUNT IN CONNECTION WITH THE HERKIMER COLLEGE ROOF REPAIR

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

WHEREAS, by letter dated July 31, 2017 from Sheri Ferdula, Budget Officer/Purchasing Agent, a request is being made for the establishment of a reserve account to maintain funds for the Herkimer College RMCC building roof repair slated for May, 2018 with the account to be opened and added to the 2017 Operating Budget; now, therefore be it

RESOLVED, that the following account be established in the 2017 Herkimer County Budget:

A878B          Reserve for Herkimer College Roof

and, be it further

RESOLVED, that certified copies of the Resolution be forwarded the Herkimer County Treasurer, Auditor, Budget Officer, President and Vice President of Finance and Administration at Herkimer County Community College.

Dated: August 9, 2017



## HERKIMER COUNTY LEGISLATURE

No. 194

### REPORT AND RESOLUTION AUTHORIZING REPLACEMENT DEED FOR FRANKFORT PARCEL

#### Sponsored by: Committee on County Properties

WHEREAS, by letter dated August 3, 2017 from County Attorney Robert J. Malone, he has advised that in 1946, Herkimer County took title to a small parcel fronting on Canal Street which abutted the rear property line of premises on 218 Mann Street in the Village of Frankfort; and

WHEREAS, in 1973 Nick J. Lille of 218 Mann Street in the Village of Frankfort purchased the premises from the County for the sum of \$25.00; and

WHEREAS, the deed from the county to Nick J. Lille was never recorded in the County Clerk's office and the original deed cannot be located; and

WHEREAS, the parcel in question has been and is assessed to the owners of 218 Mann Street, and the owners have not been able to convey clear title to their lot; and

WHEREAS, a request has been received for a replacement deed to the estate of Nick J. Lille, a/k/a Nicholas J. Lille, in order to clear the title; now, therefore be it

RESOLVED, that the County Treasurer is hereby authorized to execute and deliver a deed and all necessary documents to convey the above described premises to the estate of Nick J. Lille, a/k/a Nicholas J. Lille; and, be it further

RESOLVED, that certified copies of this Resolution shall be forwarded to the Herkimer County Treasurer, Auditor, County Attorney and the estate of Nick J. Lille.

Dated: August 9, 2017.



## HERKIMER COUNTY LEGISLATURE

No. 195

### RESOLUTION AMENDING RESOLUTION NO. 175 OF 2017 APPROVING STANDARD WORK DAY AND RETIREMENT REPORTING FOR ELECTED AND APPOINTED OFFICIALS

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

RESOLVED, that Resolution No. 175 duly adopted by the Herkimer County Legislature on July 12, 2017, 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)
<b>Elected Officials</b>							
Legislator	William Weakley	██████	██████	6	1/25/17 – 12/31/17	N	5.69
Commissioner Board of Elections	Kimberly Tranter	██████	██████	6	1/30/17 – 12/31/18	N	23.65

Dated: August 9, 2017.



## HERKIMER COUNTY LEGISLATURE

No. 196

### RESOLUTION TRANSFERRING PREMISES IN THE TOWN OF WINFIELD AND VILLAGE OF HERKIMER TO THE GREATER MOHAWK VALLEY LAND BANK, INC.

**Sponsored by: Committee on County Properties**

WHEREAS, premises located at 459 East Main Street and 503 Clapson Circle in the Town of Winfield, and at 135 North Main Street in the Village of Herkimer are included in the County's 2015 In Rem Tax Foreclosure Proceedings; and

WHEREAS, the County of Herkimer held those premises in abeyance and did not take title to them, or withdraw them from the In Rem Proceeding, pending action to be taken by the Greater Mohawk Valley Land Bank, Inc. (Land Bank); and

WHEREAS, the Board of Directors of the Land Bank at meetings held on May 2 and June 13, 2017, adopted resolutions to proceed with taking title to the above described parcels from the County of Herkimer; and

WHEREAS, unpaid taxes on 135 North Main Street in Herkimer are \$15,717.30, on 459 East Main Street in the Town of Winfield are \$8,382.76 and on 503 Clapson Circle in the Town of Winfield are \$5,844.68 as of July 26, 2017; now, therefore, be it

RESOLVED, that the County of Herkimer hereby agrees to restore these parcels to its In Rem Tax Proceedings and seek to take title to the premises, and thereafter transfer the premises to the Land Bank, so long as the Land Bank agrees to take title to those parcels and to indemnify the County and hold it harmless from any suit, claim, cause of action or cost of any kind or nature in connection with the premises, including any such issue related to environmental contamination or cleanup of or otherwise related to the premises; and, be it further

RESOLVED, that this Legislature further determines that there is no practical method to enforce the collection of taxes on the premises and that a supplementary proceeding to enforce collection will not be effective because of the dilapidated condition of the parcels; and, be it further

RESOLVED, that upon conveyance of the above described premises to the Land Bank, the delinquent tax liens on the premises shall be cancelled; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute all necessary contracts and deeds and related documents in connection with the accomplishment of the above transfer; and, be it further

RESOLVED, that upon such conveyance, the enforcing officer is hereby authorized to issue and file Certificate of Cancellation of the said taxes; and, be it further

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

Dated: August 9, 2017.



## HERKIMER COUNTY LEGISLATURE

No. 197

### **RESOLUTION WITH REGARD TO THE EMINENT DOMAIN PROCEDURE LAW IN CONNECTION WITH THE CONSTRUCTION OF A NEW HERKIMER COUNTY CORRECTIONAL FACILITY**

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

WHEREAS, the Herkimer County Legislature has approved and authorized bonding for the construction of a new Herkimer County Correctional Facility on a parcel of land located on the New York State Route 28 in the Village of Herkimer at the former P & C site in and for the County of Herkimer, New York, including land acquisition and site improvement pursuant to Resolution No. 41 passed on February 10, 2011; and

WHEREAS, acquisition of land is necessary to accomplish this project from the property owner, RAG Herkimer, Limited Liability Company, either by purchase or by proceedings under the Eminent Domain Procedure Law (EDPL); and

WHEREAS, the parcels to be acquired are located in the Village of Herkimer and Town of Herkimer, having tax map parcel numbers 113.65-2-5 and 113.65-2-6 in said village and number 113.3-1-11 in said town, consisting in all of approximately 26.9 acres; 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, following the preparation of Full Environmental Assessment Form analyzing the potential impacts of the new Correctional Facility at the former P&C Site, the Herkimer County Legislature classified the construction of the new Correctional Facility as a Type I action under the State Environmental Quality Review Act (SEQRA), Article 8 of the New York State Conservation Law and Part 617 of Title 6, Codes Rules and Regulations (6 NYCRR), and, following a Lead Agency dispute with the Village of Herkimer that was resolved by the Commissioner of the Department of Environmental Conservation confirming the authority of the County of Herkimer to serve as the Lead Agency under SEQRA, by Resolution No. 40, dated January 26, 2011, the Herkimer County Legislature determined that the construction of the proposed Correctional Facility at the former P&C Site will not result in any significant adverse environmental impacts and issued a Negative Declaration for the project at that location; and

WHEREAS, there have been no significant changes to the proposed project, the former P&C Site or environmental regulations applicable to the proposed project that would warrant reconsideration of the Negative Declaration adopted in January 2011; and



WHEREAS, by Resolution No. 92 adopted by this legislature on March 16, 2011, an offer to the owner of the premises was authorized in the amount of \$565,000, pursuant to an appraisal of the premises done at that time; and

WHEREAS, an updated appraisal as to the value of said land has been completed by Paul K. Hatzinger Associates which appraised the real property in the amount of \$584,000, less the cost of environmental remediation and pavement and concrete removal; and

WHEREAS, it is in the public interest that an offer be made in an approved amount to the owner of said parcel of property in attempting to negotiate the acquisition of the parcel by purchase; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be and hereby is authorized and empowered to offer the sum of \$584,000, less the cost of environmental remediation and pavement and concrete removal for purchase of the premises and to negotiate with the owner on behalf of the County of Herkimer for the purchase of the parcel of land necessary; and, it is further

RESOLVED, that in the event that is found to be impossible to acquire said property by purchase, the County Attorney is authorized and empowered to commence a proceeding under and pursuant to the Eminent Domain Procedure Law to acquire the property set forth and described above.

Dated: August 9, 2017.



## HERKIMER COUNTY LEGISLATURE

No. 198

### RESOLUTION OF THE LEGISLATURE OF THE COUNTY OF HERKIMER, EXTENDING THE RATE OF TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, AND ON OCCUPANCY OF HOTEL ROOMS AND AMUSEMENT CHARGES, PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK

Be it enacted by the Legislature of the County of Herkimer as follows:

SECTION 1. The first sentence of section two of Resolution No. 344 as enacted in nineteen hundred eighty-seven, as amended, is amended to read as follows:

Section 2. Imposition of sales tax.

On or after March 1, 1988, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing September 1, 1994, and ending November 30, 2020, there is hereby imposed and there shall be paid an additional tax of one percent upon:

SECTION 2. Subdivision (f) of section three of Resolution No. 344 as enacted in nineteen hundred eighty-seven, as amended, is amended to read as follows:

(f) With respect to the additional tax of one percent imposed for the period commencing September 1, 1994, and ending November 30, 2020, the provision of subdivisions (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to September 1, 1994, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to May 1, 1994, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to August 31, 1994. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to September 1, 1994, any transaction which may not be subject to the additional tax imposed effective on that date.

SECTION 3. Section four of Resolution No. 344 as enacted in nineteen hundred eighty-seven, as amended, is amended to read as follows:

Section 4. Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after September 1, 1994, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if the items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the

terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7), and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For the purposes of clause (A) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending November 30, 2020, the tax shall be at the rate of four percent, and on and after December 1, 2020, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of Clause (B) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending November 30, 2020, the tax shall be at the rate of four percent, and on and after December 1, 2020, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending November 30, 2020, the tax shall be at the rate of four percent, and on and after December 1, 2020, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for the purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of any addition or capital improvement to such real property, property or land.

(f) For the purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending November 30, 2020, the tax shall be at the rate of four percent, and on and after December 1, 2020, the tax shall be at the rate of three percent, of the consideration given, or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For the purposes of clause (F) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending November 30, 2020, the tax shall be at the rate of four percent, and on and after December 1, 2020, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.

SECTION 4. Section 4-A of Resolution No. 344 as enacted in nineteen hundred eighty-seven, as amended, is amended to read as follows:

Section 4-A. Imposition of additional rate of sales and compensating use taxes.

Pursuant to the authority of section 1210-E of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional one-quarter of one percent rate of such sales and compensating use taxes, for the period beginning December 1, 2007, and ending November 30, 2020. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

SECTION 5. Subdivision (k) of section six of Resolution No. 344 as enacted in nineteen hundred eighty-seven, as amended, is amended to read as follows:

(k) Exemption of certain energy sources and related services from additional one percent rate of tax. Notwithstanding any inconsistent provision of this resolution, receipts from the retail sale or use of fuel oil and coal used for residential purposes; the receipts from the retail sale or use of wood used for residential heating purposes; and the receipts from every sale, other than for resale, or use of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be exempt from the additional one percent rate of sales and compensating use taxes imposed by sections 2 and 4, respectively, of this resolution for the period commencing September 1, 1994, and ending November 30, 2020.

SECTION 6. Paragraphs (B) and (C) of subdivision one of section eleven of Resolution No. 344 as enacted in nineteen hundred eighty-seven, as amended, are amended to read as follows:

(B) With respect to the additional tax of one percent imposed for the period beginning September 1, 1994, and ending November 30, 2020, in respect to the use of property used by the purchaser in this County prior to September 1, 1994.

(C) With respect to the additional tax of one-quarter of one percent imposed for the period beginning December 1, 2007, and ending November 30, 2020, in respect to the use of property used by the purchaser in this County prior to December 1, 2007.

SECTION 7. Subdivisions (d) and (f) of section 14 of Resolution No. 344 of nineteen eighty-seven, as amended, are amended to read as follows:

SECTION 7. Subdivisions (d) and (f) of section 14 of Resolution No. 344 of nineteen eighty-seven, as amended, are amended to read as follows:

(d) During the period commencing June 1, 2006, and ending November 30, 2020, net collections from the additional one percent rate of tax shall be retained for county purposes.

(f) Notwithstanding any contrary provision of law, with respect to the additional one-quarter of one percent rate of sales and compensating use taxes imposed pursuant to the authority of section twelve hundred ten-E of the New York Tax Law for the period beginning December 1, 2007, and ending November 30, 2020, the county shall use all net collections from such additional one-quarter of one percent rate to pay the county's expenses for the construction of additional correctional facilities. Such net collections shall be deposited in a special fund to be created by the county separate and apart from any other funds and accounts of the county. Any and all remaining net collections from such additional tax, after the expenses of such construction are paid, shall be deposited by the county in the general fund of the county for any county purpose.

SECTION 8. This enactment shall take effect December 1, 2017.

Dated: August 9, 2017.