

(PLEASE NOTE: Full Resolutions are attached following minutes)

**MINUTES
Herkimer County Legislature
Second Quarter – Third Day
Wednesday, May 17, 2017
7:30 p.m.**

Public Hearing

The Public Hearing on the County-Wide Shared Services Initiative as adopted in the 2017-2018 New York State Budget was called to order at 6:15 p.m. by Bernard Peplinski, Sr., Chairman of the County Legislature. The Clerk read the Notice. Chairman Peplinski then asked if there was anyone wishing to speak on hearing. Reporters from the West Winfield Star – Jean and Mary Doremus had signed in, but did not request to speak. There were no other speakers, and the hearing was declared closed at 6:17 p.m.

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that public hearings will be held on Wednesday, May 17, 2017, Wednesday, June 14, 2017 and Wednesday, July 12, 2017, at 1:00 PM at the Legislature Chambers, County Office Building, 109 Mary Street, Herkimer, New York, regarding the County-Wide Shared Services Initiative as adopted in the 2017-2018 New York State Budget.

Dated: May 5, 2017.

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

Chairman Peplinski called on Kathy Wright, Acting Director of Information Services, 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, Markwardt, Schrader, Wellington, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Campione, Russell, Shaw, Weakley (17).

Absent: None.

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 April 26, 2017. There were none, and the Chairman ordered them approved.

Pursuant to Rule 11 Chairman Peplinski opened the floor for public comment. There were no comments.

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. 158 – A communication was received from Senator Seward concerning proposed cell phone surcharge on pre-paid cell phones. Placed on file.

No. 159 – A communication was received from Senator Seward acknowledging receipt of Herkimer County's Resolution No. 77. Placed on file.

No. 160 – A communication was received from the Oneida-Herkimer Solid Waste Authority Submitting 2016 Annual Report. Placed on file.

No. 161 – A communication was received from the Capital District OTB submitting financial reports for January and February 2017 and audits for years 2015 and 2016. Placed on file.

No. 162 – A communication was received from the Recording Officer and County Treasurer submitting Semi-Annual Mortgage Tax Report for October 2016 to March 2017. Referred to the Committee on Ways and Means.

No. 163 – A communication was received from the Budget Officer submitting recommendation for award of bid for Truck-Tractor Cab and Chassis for County Highway Department. Referred to the Committee on Highways.

No. 164 – A communication was received from the County Highway Superintendent requesting a staffing change. Referred to the Committee on Ways and Means.

No. 165 – A communication was received from the Personnel Officer requesting extension of appointment of Acting Director of Information Services. Referred to the Committee on Information Services and the Committee on Ways and Means.

No. 166 – A communication was received from the Director of Emergency Services requesting resolution supporting McCauley Mountain Communications Tower. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 167 – A communication was received from the County Highway Superintendent submitting 2017-2018 Capital Construction Projects. Referred to the Committee on Highways.

No. 168 – A communication was received from the Budget Officer submitting recommendation for award of bid for Rubber Tired Hydraulic Excavator for Highway Department. Referred to the Committee on Highways.

No. 169 – A communication was received from the Director of Public Health requesting renewal of contract with State for Rabies Program. Referred to the Committee on Human Resources and Ways and Means.

No. 170 – A communication was received from the Budget Officer submitting request for appropriation of funds in connection with Frankfort 5S South Business Park. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

No. 171 – A communication was received from the County Attorney concerning former Dolgeville premises. Referred to the Committee on County Properties.

No. 172 – A communication was received from the Director of Public Health concerning mandated contract for STD clinical services. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 173 – A communication was received from the County Attorney concerning SolarCity Project at HCCC. Referred to the Committee on Education and the Committee on Ways and Means.

No. 174 – A communication was received from the County Highway Superintendent submitting receipt of an email received 5/9/19 concerning conditions on Newport Road. Referred to the Committee on Highways.

No. 175 – A communication was received from the County Highway Superintendent submitting receipt of an email concerning letter sent in 2016 concerning conditions on Newport Road. Referred to the Committee on Highways.

No. 176 – A communication was received from the County Highway Superintendent submitting receipt of an email concerning conditions on Military Road. Referred to the Committee on Highways.

No. 177 – A communication was received from the Chairman of the Legislature advising of being out of town and authorizing Vice-Chairman to sign documents in his absence. Placed on file.

Pursuant to Rule 6, Chairman Peplinski then proceeded with Reports of Standing Committees. Legislator Vincent J. Bono gave an update on a recent meeting of the Oneida-Herkimer Solid Waste Authority Board, of which he is the Legislature member. He stated that the Authority has received a 2017 EPA Environmental Champion Award for Region 2, which is the highest recognition bestowed to the public by EPA, for their strong public information efforts, including the most recent “Am I Recyclable” Campaign. He added that the Authority is starting a 1.1 megawatt SolarCity project that will be operational on May 29th to provide power

for and is also seeking RFPs for excessive heat generated by the three turbines that could be used for electricity for a couple of wood molding companies. Mr. Manno, Chairman of the Information Services Committee, stated that the Committee is putting forth a resolution for an extension of the appointment of Kathy Wright as Acting Director of Information Services until August 1, 2017. and added that she is doing a great job. Raymond Johnson, Chairman of the Administration/Veterans' Affairs Committee, stated that school elections were held yesterday and 6 school districts used the county machines, there were no problems, and the new Commissioners did a great job.

Chairman Peplinski continued with the Regular Agenda.

On motion of Mr. Russell, seconded by Mr. Bono, Report and Resolution No. 120 sponsored by the Committee on Ways and Means apportioning Mortgage Tax was handed up; was voted on and adopted by roll call vote:

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

Against: None Absent: None.

On motion of Mr. Brezinski, seconded by Mr. Campione, Report and Resolution No. 121 sponsored by the Committee on Highways awarding bid for purchase of excavator for Highway Department was handed up; was voted on and adopted by voice vote:

For: Ayes (17).

Against: None. Absent: None.

On motion of Mr. Smith, seconded by Mr. Stephens, Report and Resolution No. 122 sponsored by the Committee on Highways awarding bid for purchase of truck-tractor cab and chassis for Highway Department was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None. Absent: None.

On motion of Mr. Campione, seconded by Mr. Weakley, Report and Resolution No. 123 sponsored by the Committee on Highways approving projects under Article 6 of Highway Law was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None. Absent: None.

On motion of Mr. Schrader, seconded by Mr. Stephens, Report and Resolution No. 124 sponsored by the Committee on Highways and the Committee on Ways and Means for staffing change in Highway Department was handed up; voted on and adopted by roll call vote:

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

Against: None Absent: None.

On motion of Mr. Smith, seconded by Mr. Stephens, Report and Resolution No. 125 sponsored by the Committee on Human Resources and the Committee on Ways and Means authorizing contract with State for Rabies Program expenses was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None. Absent: None.

On motion of Mr. Smith, seconded by Mr. Shaw, Report and Resolution No. 126 sponsored by the Committee on Human Resources and the Committee on Ways and Means authorizing contract for Public Health Nursing Service for treatment of Herkimer County residents was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None. Absent: None.

On motion of Mr. Smith, seconded by Mr. Johnson, Report and Resolution No. 127 sponsored by the Committee on County Properties concerning premises in the Village of Dolgeville was handed up; voted on and adopted by roll call vote:

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

Against: None. Absent: None.

On motion of Mr. Manno, seconded by Mr. Schrader, Report and Resolution No. 128 sponsored by the Committee on Information Services and the Committee on Ways and Means amending Resolution No. 99 of 2017 appointing Acting Director of Information Services was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None. Absent: None.

On motion of Mr. Stephens, seconded by Mr. Keeler, Report and Resolution No. 129 sponsored by the Committee on Human Resources and the Committee on Ways and Means supporting McCauley Mountain Tower Project was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None. Absent: None.

On motion of Mr. Schrader, seconded by Mr. Wellington, Report and Resolution No. 130 sponsored by the Committee on Education and the Committee on Ways and Means authorizing execution of Interconnection Agreement with Niagara Mohawk Power Corporation d/b/a National Grid and Related Hold Harmless Agreement with SolarCity/Tesla was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None. Absent: None.

Abstain: Ackerman (1).

On motion of Mr. Bono, seconded by Mr. Shaw, Report and Resolution No. 131 sponsored by the Committee on County Planning and Development and the Committee on Ways and Means appropriating funds and establishing account in connection with Industrial Development Agency was handed up; was voted on and adopted by roll call vote:

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

Against: None. Absent: None.

On motion of Mr. Johnson, seconded by Mr. Weakley, Resolution No. 132 sponsored by the Committee on Administration/Veterans' Affairs and the Committee on Public Safety and Emergency Management supporting the Towns of Webb and Inlet requesting a change in New York State Law allowing for the consolidation of adjoining police departments in separate counties was handed up; voted on, and adopted by voice vote:

For: Ayes (17).

Against: None. Absent: None.

Chairman Peplinski stated that pursuant to Rule 6(12) they would proceed with comments by legislators. Mr. Campione reminded everyone of the Town of Danube's 200th Celebration coming up on the weekend, with parade and barbecue on Saturday and car show on Sunday.

At 7:55 p.m. on motion of Mr. Manno, seconded by Mr. Wellington, the Legislature adjourned to Wednesday, June 14, 2017 at 7:30 p.m. A public hearing on the County-Wide Shared Services Initiative will be held at 6:15 p.m.

Carole LaLonde, Clerk



HERKIMER COUNTY LEGISLATURE

No. 120

REPORT AND RESOLUTION APPORTIONING MORTGAGE TAX

Sponsored by: Committee on Ways and Means

Your Committee on Ways and Means, to which was referred the report of the Recording Officer and County Treasurer showing the amounts received from the mortgage taxes, respectfully reports that we have examined the report containing the list of mortgages as kept by the Herkimer County Clerk, and herewith submit the following report showing the apportionment to the several towns, villages and the City in the County. Your Committee recommends that the Herkimer County Treasurer be authorized to draw warrants payable to the supervisors of the several towns and to the City of Little Falls, and to the Treasurers of the incorporated villages in an amount apportioned as indicated on the tabulated statement recommended by the Committee herewith, and your Committee offers the following Resolution:

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized and directed to draw warrants payable to the Supervisors of the several towns in Herkimer County and to the Treasurer of the City of Little Falls and the Treasurers of the incorporated villages in the County of Herkimer entitled to a portion thereof, in the amounts of mortgage taxes apportioned respectively, and that a certified copy of the Resolution be served by the Clerk of this Legislature on the Herkimer County Treasurer.

Dated: May 17, 2017.

APPORTIONMENT OF MORTGAGE TAX
October 1, 2016 – March 31, 2017

TOWNS	TOTAL TAX RECEIVED	TOWN SHARE	INCLUDING VILLAGES	VILLAGES SHARES
COLUMBIA	\$ 10,209.97	\$ 10,209.97		
DANUBE	18,046.17	18,046.17		
FAIRFIELD	6,957.32	6,413.53	MIDDLEVILLE	\$ 543.79
FRANKFORT	47,802.56	42,888.15	FRANKFORT	4,825.66
			ILION	88.75
GERMAN FLATTS	40,302.50	25,435.39	ILION	11,201.29
			MOHAWK	3,665.82
HERKIMER	29,384.30	20,141.75	HERKIMER	9,242.55
LITCHFIELD	5,586.30	5,586.30		
CITY OF LITTLE FALLS	14,034.80	14,034.80		
TOWN OF LITTLE FALLS	7,974.36	7,974.36		
MANHEIM	10,852.29	8,907.75	DOLGEVILLE	1,944.54
NEWPORT	15,351.23	13,121.37	MIDDLEVILLE	330.61
			NEWPORT	1,640.93
			POLAND	258.32
NORWAY	4,121.25	4,121.25		
OHIO	4,212.39	4,212.39		
RUSSIA	17,320.71	16,164.19	COLD BROOK	418.77
			POLAND	737.75
SALISBURY	9,051.69	9,051.69		
SCHUYLER	14,889.72	14,889.72		
STARK	3,786.57	3,786.57		
WARREN	10,070.25	10,070.25		
WEBB	85,466.42	85,466.42		
WINFIELD	7,605.93	6,530.01	WEST WINFIELD	1,075.92
TOTAL	\$ 363,026.73	\$327,052.03		\$35,974.70

Herkimer County Treasurer \$619.09



HERKIMER COUNTY LEGISLATURE

No. 121

REPORT AND RESOLUTION AWARDING BID FOR PURCHASE OF EXCAVATOR FOR HIGHWAY DEPARTMENT

Sponsored by: Committee on Highways

WHEREAS, Sheri Ferdula, Budget Officer/Purchasing Agent has advised by letter dated April 25, 2017 that sealed bids were received, opened and read in accordance with the law for the purchase of a used 2012 or newer Rubber Tired Hydraulic Excavator for the Herkimer County Highway Department; and

WHEREAS, the Budget Officer further advises that it is the recommendation of your Committee and the County Superintendent of Highways that a contract be awarded to Milton Cat of Syracuse, New York, which was the lowest responsible bidder which met bid specifications for a 2012 Caterpillar M318D Rubber Tired Hydraulic Excavator in the amount of \$148,955.00; and

WHEREAS, there are sufficient budgeted funds available for said purchase; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby awards a bid for the purchase of a 2012 Caterpillar M318D Rubber Tired Hydraulic Excavator for the Herkimer County Highway Department to Milton Cat, 294 Ainsley Drive, Syracuse, NY 13210, which was the lowest bidder who met bid specifications, in the total amount of \$148,955.00; and, be it further

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

Dated: May 17, 2017.



HERKIMER COUNTY LEGISLATURE

No. 122

REPORT AND RESOLUTION AWARDING BID FOR PURCHASE OF TRUCK-TRACTOR CAB AND CHASSIS FOR HIGHWAY DEPARTMENT

Sponsored by: Committee on Highways

WHEREAS, Sheri Ferdula, Budget Officer/Purchasing Agent has advised by letter dated April 25, 2017 that sealed bids were received, opened and read in accordance with law for the purchase of a Diesel Powered Truck-Tractor Cab and Chassis for the Herkimer County Highway Department; and

WHEREAS, the Budget Officer further advises that it is the recommendation of your Committee and the County Superintendent of Highways that a contract be awarded to Stadium International of Liverpool, New York, which was the low bidder, for a 2018 7600 SBA 6 x 4 2010 (SF667) Diesel Powered Truck-Tractor Cab and Chassis in the amount of \$117,520.00; and

WHEREAS, there are sufficient budgeted funds available for said purchase; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby awards a bid for the purchase of a 2018 7600 SBA 6 x 4 2010 (SF667) Diesel Powered Truck-Tractor Cab and Chassis for the Herkimer County Highway Department to Stadium International, 105 7th North Street, Liverpool, NY 13088, which was the low bidder, in the total amount of \$117,520.00; and, be it further

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

Dated: May 17, 2017.



HERKIMER COUNTY LEGISLATURE

No. 123

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 Nagele, County Superintendent of Highways, dated April 26, 2017 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 years 2017-2018 covering four projects involved in the Capital Construction Program, respectfully reports that we have examined said statements contained in said communication from and signed by the County Superintendent of Highways, recommend its adoption and offer the following Resolution:

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

project no.	road/location	TYPE OF PROJECT (SEE ARTICLE 6)	estimated cost
373	Jordanville Road, CR 18 Town of Columbia CR 43 to 3.15 mi East	3.15 miles road	\$1,600,000.00
374	Higby Road, CR 96 Town of Frankfort NYS Rte 5S Access Ramp to 1500' Westerly of Access Ramp	Engineering & design services	\$30,000.00
375	Pardeeville Road, CR 184 & CR 73 Town of Russia CR 151 to CR 90	2017 Preliminary Engineering & design and 2018 5.19 miles road rehabilitation	\$2,000,000.00
376	Chepachet Road, CR 75 & CR 177 Town of Winfield NYS Rt 51 to County Line	2017 Preliminary Engineering & design And 2018 1.30 miles road rehabilitation	\$250,000.00

And, be it further

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

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

Dated: May 17, 2017.



HERKIMER COUNTY LEGISLATURE

No. 124

REPORT AND RESOLUTION FOR STAFFING CHANGE IN HERKIMER COUNTY HIGHWAY DEPARTMENT

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated April 28, 2017, Mark Nagele, County Highway Superintendent, has requested a staffing change in the Herkimer County Highway Department; and

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

RESOLVED, that the 2017 Herkimer County Salary is hereby amended in Salary Schedule No. 3 to delete one position of Senior Account Clerk Typist and establish the position of Senior Account Clerk in D5110, Highway at the base rate of \$29,237.00; and, be it further

RESOLVED, that the foregoing change shall take effect July 1, 2017; and, be it further

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

Dated: May 17, 2017.



HERKIMER COUNTY LEGISLATURE

No. 125

REPORT AND RESOLUTION AUTHORIZING CONTRACT WITH STATE FOR RABIES PROGRAM EXPENSES

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

WHEREAS, by letter dated April 21, 2017, from Christina Cain, Director of Public Health, this Legislature is advised of a request to enter into a contract with New York State Department of Health, for reimbursement for the Herkimer County Public Health Nursing Service Rabies Program, which supports the provision of human rabies treatment, specimen collection, pet vaccination clinics, education and prevention; and

WHEREAS, said contract covers the period from April 1, 2017 to March 31, 2019, for a total contract amount of \$25,228.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute by electronic signature a contract with the New York State Department of Health to provide reimbursement for expenses incurred by the Herkimer County Public Health Nursing Service under the Rabies Program for the period from April 1, 2017 through March 31, 2019, for a total contract amount of \$25,228.00; and, be it further

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

Dated: May 17, 2017.



HERKIMER COUNTY LEGISLATURE

No. 126

REPORT AND RESOLUTION AUTHORIZING CONTRACT FOR PUBLIC HEALTH NURSING SERVICES FOR TREATMENT OF HERKIMER COUNTY RESIDENTS

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

WHEREAS, by Resolution No. 250 of 2016 a contract was entered into with Oneida County Health Department for mandated STD clinical services for Herkimer County residents at the Oneida County Health Department; and

WHEREAS, by letter dated May 1, 2017 from Christina Cain, Director of Public Health, this Legislature is advised that Oneida County has advised that it will no longer provide these services and only two agencies were willing to consider the provision of these services; now, therefore, be it

RESOLVED, that Resolution No. 250 adopted on October 26, 2016 is hereby rescinded effective the date that the Oneida County Department will no longer be providing STD clinical services for Herkimer County residents; and be it further

RESOLVED, that a contract be entered into with Planned Parenthood (Utica Center), to provide the aforesaid mandated services for Herkimer County residents, with the terms and conditions of said contract to be subject to the approval of the Herkimer County Attorney; and, be it further

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

Dated: May 17, 2017.



HERKIMER COUNTY LEGISLATURE

No. 127

REPORT AND RESOLUTION CONCERNING PREMISES IN THE VILLAGE OF DOLGEVILLE

Sponsored by: Committee on County Properties

WHEREAS by letter dated May 5, 2017 from Robert J. Malone, County Attorney, he has advised that Herkimer County took title to premises located at 44 South Main Street, Dolgeville, New York, having Tax Map Parcel No. 108.44-3-72 in the 2015 In Rem Tax Foreclosure Proceedings; and

WHEREAS, the Village of Dolgeville has expressed an interest in taking title to that parcel; now, therefore, be it

RESOLVED, that the County of Herkimer hereby agrees to transfer the premises to the Village of Dolgeville, with the Village indemnifying the County and holding 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 to pay over to the County any net proceeds it receives on a transfer of the premises up to the amount of the County's unpaid taxes; and, be it further

RESOLVED, that conveyance of the premises to the Village of Dolgeville upon the above terms and conditions is approved; and, be it further

RESOLVED, the Chairman of this Legislature is hereby authorized to execute all necessary contracts and instruments of transfer in connection with accomplishment of the above transfer; 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 Village of Dolgeville.

Dated: May 17, 2017.



HERKIMER COUNTY LEGISLATURE

No. 128

REPORT AND RESOLUTION AMENDING RESOLUTION NO. 99 OF 2017 APPOINTING ACTING DIRECTOR OF INFORMATION SERVICES

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

WHEREAS, by Resolution No. 99 adopted on April 5, 2017 this Legislature appointed Kathy Wright as Acting Director of Information Services through June 1, 2017; and

WHEREAS, by letter dated May 2, 2017, Steven R. Billings, Personnel Officer, has requested said appointment be extended through August 1, 2017; now, therefore, be it

RESOLVED, that Resolution No. 99 adopted on April 5, 2017 is hereby amended in the Third Whereas Clause and the First Resolved to delete "through June 1, 2017" and replace with "through August 1, 2017; and, be it further

RESOLVED, that in all other respects, said Resolution No. 99 of 2017 is hereby ratified and confirmed; and, be it further

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

Dated: May 17, 2017.



HERKIMER COUNTY LEGISLATURE

No. 129

REPORT AND RESOLUTION SUPPORTING McCauley Mountain Tower Project

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

WHEREAS, by Resolution No. 185 duly adopted on July 2, 2014 this Legislature authorized receipt of funding in the amount of \$899,462.00 from the Round 3 Statewide Interoperable Communications Grant, with part of the funding under said grant to be used for the construction of the McCauley Mountain Communications Tower in the Town of Webb; and

WHEREAS, the present tower owned by National Grid is overloaded causing inadequate spacing between the antennas, in turn causing RF desensitization and intermodulation issues; and

WHEREAS, with the large influx of visitors to the area and the numerous rescues performed on a yearly basis, it is imperative that public safety have efficient and reliable communications in this area; and

WHEREAS, by letter dated April 26, 2017, Robert Vandawalker, Director of Emergency Services, has requested a resolution in support of the McCauley Mountain Tower Project, which resolution will be included in the Adirondack Park Agency Permit Package; now, therefore, be it

RESOLVED, that the Herkimer County Legislature does hereby support the construction of the McCauley Mountain Communications Tower, which will be utilized to cover the Town of Webb, Town of Inlet, northern Town of Ohio and western Town of Long Lake to provide the best possible public safety in that area; and, be it further

RESOLVED, that a certified copy of this Resolution be forwarded to the Director of Emergency Services.

Dated: May 17, 2017.



HERKIMER COUNTY LEGISLATURE

No. 130

REPORT AND RESOLUTION AUTHORIZING EXECUTION OF INTERCONNECTION AGREEMENT WITH NIAGARA MOHAWK POWER CORPORATION d/b/a NATIONAL GRID AND RELATED HOLD HARMLESS AGREEMENT WITH SOLARCITY/TESLA

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

WHEREAS, by letter dated May 2, 2017 from Robert J. Malone, County Attorney, he has advised that the proposed Solar Project at Herkimer County Community College is being restarted, and in connection with that it is necessary for the County to sign an interconnection agreement with Niagara Mohawk Power Corporation d/b/a National Grid to perform an interconnection analysis between the project and the utility; and

WHEREAS, that interconnection agreement contains clauses requiring the County to be responsible for maintaining and operating the facility and paying certain capital costs; and

WHEREAS, SolarCity/Tesla has agreed to indemnify the County for any costs related to the interconnection agreement; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute the above described interconnection agreement and any related documents and the above described indemnification agreement with SolarCity/Tesla, also as above described; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, President of Herkimer County Community College and Senior Vice President for Administration and Finance of Herkimer County Community College, National Grid, SolarCity/Tesla.

Dated: May 17, 2017.



HERKIMER COUNTY LEGISLATURE

No. 131

REPORT AND RESOLUTION APPROPRIATING FUNDS AND AMENDING BUDGET IN CONNECTION WITH FRANKFORT 5S SOUTH BUSINESS PARK

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

WHEREAS, by letter dated May 16, 2017 from Sheri Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised of upcoming expenses at the Frankfort 5S South Business Park to accommodate Tractor Supply Company; and

WHEREAS, the County is anticipating receiving reimbursement for some of the costs from the following sources:

Senator Seward	\$750,000
DASNY	\$562,000
Assemblyman Brindisi	\$125,000
Total	\$1,437,000

and

WHEREAS, and in order to cover these costs and account for the revenue, a budget amendment and appropriation will be necessary in the 2017 County Budget ; now, therefore, be it

RESOLVED, that the 2017 Herkimer County Budget is hereby amended as follows:

Revenue:

A3789E, State Aid, Frankfort Business Park	From: \$0
	To: \$1,437,000

Expense:

A6420.40000, Industrial Development, Contractual Expense	From: \$ 65,000
	To: \$1,502,000

and, be it further

RESOLVED, that the sum of \$627,423 is hereby appropriated from A889L, Reserve/IDA Shell Building, to A6420.40000, Industrial Development, Contractual Expense; and, be it further

RESOLVED, that the Herkimer County Treasurer is hereby authorized and directed to transfer the said sum to the said account and, be it further

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

Dated: May 17, 2017.



HERKIMER COUNTY LEGISLATURE

No. 132

RESOLUTION SUPPORTING THE TOWNS OF WEBB AND INLET REQUESTING A CHANGE IN NEW YORK STATE LAW ALLOWING FOR THE CONSOLIDATION OF ADJOINING POLICE DEPARTMENTS IN SEPARATE COUNTIES

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

WHEREAS, financial pressures on local government budgets are forcing municipalities to examine how they deliver their services; and

WHEREAS, the Governor of New York State has encouraged all local governments to find efficiencies and reduce the number of agencies wherever possible; and

WHEREAS, the Towns of Webb and Inlet in Herkimer and Hamilton Counties are currently engaged in formal discussions regarding the possibilities of consolidating police protection services; and

WHEREAS, current New York State Law does not contain a provision allowing towns to consolidate police departments across county lines; and

WHEREAS, the communities believe it is now appropriate to explore this opportunity for enhanced efficiencies in municipal service delivery; and

WHEREAS, the elected officials and staff of both towns have had a longstanding practice of working together to resolve mutual problems; and

WHEREAS, the Towns of Webb and Inlet Police Departments have had an inter-agency agreement in place allowing for shared policing; they still have duplicated staffing as in separate police chiefs and equipment needs that could be streamlined; and

WHEREAS, the town supervisors, police chiefs and designated town board members serving on a jointly formed committee have been holding monthly meetings open to the public; and

WHEREAS, the Towns have gone as far as they can without New York State legislative approval passed in both the Assembly and Senate and then signed into law by the Governor; and

WHEREAS, both Towns believe the aforementioned issue can be resolved with support from our New York State Legislative Bodies and the Governor's Office; now, therefore, be it

RESOLVED, that the Herkimer County Legislature does hereby support the request of the Towns of Webb and Inlet in Herkimer and Hamilton Counties that the same consolidation privileges be allowed across shared county lines as those within county lines enjoy under New York State Law so that those two towns may consolidate police protection services; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Governor Andrew M. Cuomo, Senator James L. Seward, Senator James N. Tedisco, Assemblyman Marc W. Butler, Assemblyman Brian D. Miller, Assemblyman Anthony J. Brindisi, the New York State Association of Counties, the Town of Webb in Herkimer County and the Town of Inlet in Hamilton County.

Dated: May 17, 2017