

MINUTES
Herkimer County Legislature
Third Quarter – First Day
Wednesday, July 8, 2026
2:00 p.m.

Public Hearing

The Public Hearing on the proposed improvements to the facilities of the Herkimer County Sewer District was called to order at 1:15 p.m. by Legislator Rodney Swartz, Chairman of the Committee on Natural Resources. Legislator Swartz asked the Clerk of the Legislature to call the roll of Legislators. The Clerk called the roll, the following answered: Gaworecki, Schrader, Bennett, Bick, Swartz, Lucenti, Ackerman, Campione, Wares, Weakley (10). The Clerk read the notice of the hearing. Legislator Swartz asked that any person wishing to speak to state their name and address and limit comment to five minutes. There were no requests to speak and the hearing was declared closed at 1:17 p.m.

Brittney R. Viscomi, Clerk
Herkimer County Legislature

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the County Legislature of Herkimer County, New York, will meet at its Legislative Chambers in the Herkimer County Office Building, 109 Mary Street, Herkimer, New York, in said County, on July 8, 2026 at 1:15p.m., for the purpose of conducting a public hearing upon a proposal to improve the facilities of the Herkimer County Sewer District (the “District”), including, among other things, improvements to the District’s Wastewater Treatment Plant and Frankfort Pump Station to extend useful life and meet future anticipated State Pollution Discharge Elimination System (SPDES) Permit discharge limits, replacement of existing equipment and electrical systems, upgrades to influent pumps, screening equipment, grit removal equipment, clarifier equipment, aeration equipment, disinfection equipment, gravity thickening equipment, dewatering equipment and associated ancillary items, and construction of new structures to house said improvements (the “Project”), as further described in the report of Hazen and Sawyer, DPC dated May 2026 (the “Engineer’s Report”). The estimated maximum cost of the Project is \$79,361,000, and the estimated maximum annual net cost of the Project to the typical property in the District is estimated to be \$316. A copy of the Engineer’s Report, including the estimate of costs relating to the Project, is on file in the office of the Clerk of the County Legislature, where it may be examined during regular business hours.

At said public hearing, the County Legislature will hear all persons interested in said subject matter thereof.

BY ORDER OF THE COUNTY LEGISLATURE OF HERKIMER COUNTY, NEW YORK

Dated: June 26, 2026.
Herkimer, New York

Brittney R. Viscomi, Clerk
Herkimer County Legislature

The Regular Session of the Herkimer County Legislature was called to order by Chairman Peter J. Campione at 2:00 p.m.

Chairman Campione called on Legislator John Brezinski, to lead the Legislature in the Pledge of Allegiance.

Chairman Campione called for a moment of silence in recognition of all veterans, past and present.

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

Present: Gaworecki, Schrader, Wedemeyer, Brewer, Bennett, Keeler, Brezinski, Bick, Swartz, Lucenti, Ackerman, Campione, Wares, Weakley (14).

Absent: Malta, Donley, Haehl (3).

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Campione asked if there were any objections or corrections to the minutes of June 17, 2026. There were none, and the Chairman ordered them approved.

Pursuant to Rule 11, Chairman Campione opened the floor for public comment. 1) Cynthia Gabriel and Jennifer Adjoda-Evans – HCCC Support.

Chairman Campione 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 James W. Wallace, Jr. submitting thank you. Filed.

No. 242 – A communication was received from the Solid Waste Authority submitting meeting minutes and resolutions. Filed.

No. 243 – A communication was received from the IDA submitting PILOT Agreement. Filed.

No. 244 – A communication was received from Herman Katz LLP submitting Notice of Settlement. Filed.

No. 245 – A communication was received from the Sheriff submitting March, April, & May 2026 monthly reports. Filed.

No. 246 – A communication was received from the Commissioners of Elections requesting extension for TIER Grant. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 247 – A communication was received from the Commissioners of Elections requesting extension for Electronic Poll Book Grant. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 248 – A communication was received from the Commissioners of Elections requesting extension for Vote by Mail Grant. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 249 – A communication was received from the Commissioners of Elections requesting extension for Election Grant. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 250 – A communication was received from the Commissioners of Elections requesting extension for Cybersecurity Grant. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 251 – A communication was received from the Commissioners of Elections requesting extension for Ballot by Mail Grant. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 252 – A communication was received from the Personnel Officer requesting amendment to Resolution No. 99 of 2026. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 253 – A communication was received from the Director of Information Services requesting agreement with Quadsimia. Referred to the Committee on Information Services and the Committee on Ways & Means.

No. 254 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer of funds in Emergency Services. Referred to the Committee on Ways & Means.

No. 255 – A communication was received from the Director of Emergency Services requesting utilization of grant funds for purchase in Emergency Services. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 256 – A communication was received from the Director of Employment & Training requesting appointment and reappointments to Workforce Development Board. Referred to the Committee on County Planning & Development.

No. 257 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment for the Veterans Peer Support Program. Referred to the Committee on Human Resources, the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 258 – A communication was received from the Budget Officer/Purchasing Agent requesting appropriation of funds for purchase of pump and repairs to pump at jail. Referred to the Committee on Public Safety & Emergency Management, County Properties, and the Committee on Ways & Means.

No. 259 – A communication was received from the Budget Officer/Purchasing Agent requesting creation of accounts and budget amendment in connection with Discovery Reform Funding in the DA's office. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 260 – A communication was received from the Budget Officer/Purchasing Agent requesting creation of account and transfer of funds in the DA's office. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 261 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer of funds in connection with electrical repairs at Sewer Facility. Referred to the Committee on Natural Resources and the Committee on Ways & Means.

No. 262 – A communication was received from the Budget Officer/Purchasing Agent requesting creation of accounts and transfers within the System of Care Grant. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 263 – A communication was received from the Commissioners of Elections requesting establishment of compensation for Early Voting Poll Site facilities. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 264 – A communication was received from the Budget Officer/Purchasing Agent requesting replacement of doors and frames and appropriation of funds. Referred to the Committee on County Properties and the Committee on Ways & Means.

No. 265 – A communication was received from the Director of Emergency Services requesting upgrade to the internet at Emergency Services. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 266 – A communication was received from the President at HCCC requesting Public Hearing on 2026-2027 Budget. Referred to the Committee on Education and the Committee on Ways & Means.

No. 267 – A communication was received from the Personnel Officer requesting amendment to working hours in the Board of Elections. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 268 – A communication was received from the Budget Officer/Purchasing Agent requesting to award quote for repairs on the Washington Street parking lot and appropriation of funds. Referred to the Committee on County Properties and the Committee on Ways & Means.

No. 269 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer of funds in connection with the Humane Society. Referred to the Committee on Ways & Means.

No. 270 – A communication was received from the County Attorney requesting retainer agreement for Sewer Project. Referred to the Committee on Natural Resources and the Committee on Ways & Means.

No. 271 – A communication was received from the County Attorney requesting SEQRA review for Sewer Project. Referred to the Committee on Natural Resources and the Committee on Ways & Means.

No. 272 – A communication was received from the County Attorney requesting adoption of District Improvement Public Interest Order for Sewer Project. Referred to the Committee on Natural Resources and the Committee on Ways & Means.

No. 273 – A communication was received from the County Attorney requesting bond resolution for Sewer Project. Referred to the Committee on Natural Resources and the Committee on Ways & Means.

Pursuant to Rule 6, Chairman Campione then proceeded with Reports of Standing Committees. There were no reports.

On motion of Mr. Ackerman, seconded by Mr. Brezinski, Resolution No. 181 – Resolution No. 188 were handed up; voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Malta, Donley, Haehl (3).

Consent Agenda:

- 181 EDUCATION, WAYS & MEANS: Fixing time and place for public hearing on HCCC Budget
- 182 ADMIN./VETS., WAYS & MEANS: Extending contract for grant for Board of Elections
- 183 ADMIN./VETS., WAYS & MEANS: Extending contract for grant for Board of Elections
- 184 ADMIN./VETS., WAYS & MEANS: Extending contract for grant for Board of Elections
- 185 ADMIN./VETS., WAYS & MEANS: Extending contract for grant for Board of Elections
- 186 ADMIN./VETS., WAYS & MEANS: Extending contract for grant for Board of Elections
- 187 ADMIN./VETS., WAYS & MEANS: Extending contract for grant for Board of Elections
- 188 CO. PLNG. & DEV.: Concerning membership on the Workforce Development Board



HERKIMER COUNTY LEGISLATURE

No. 181

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

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

WHEREAS, your Committee on Ways and Means and Committee on Education are advised by letter dated June 25, 2026 from Dr. Terri Grates Day, President, that the Herkimer County Board of Trustees approved the proposed 2026-2027 Operating Budget of the College at its meeting held on June 22, 2026 and requests that the Herkimer County Legislature set a public hearing to consider said budget; now, therefore, be it

RESOLVED, that a public hearing upon said Tentative Budget to be conducted by the Committee on Education shall be held at the Legislators' Chambers in the Village of Herkimer, New York, on the 12th day of August, at 6:15 p.m. pursuant to the provisions of Section 359 of the County Law and Section 6304(5-a) of the Education Law.

Dated: July 8, 2026.



HERKIMER COUNTY LEGISLATURE

No. 182

REPORT AND RESOLUTION EXTENDING CONTRACT FOR GRANT FOR BOARD OF ELECTIONS

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

WHEREAS, Resolution No. 227 of 2020 accepted a Cyber Security Grant in the Board of Elections through December 31, 2021; and

WHEREAS, the Cyber Security Grant was most recently extended by Resolution No. 204 of 2025 through March 31, 2026; and

WHEREAS, by letter dated June 17, 2026 from the Commissioners of Elections, your Committees have been advised that the New York State Board of Elections has notified them that the Cyber Security Grant has been extended to March 31, 2027; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a grant extension to March 31, 2027 on behalf of the County of Herkimer with the New York State Board of Elections, in connection with the Cyber Security Grant for the remaining grant funds of \$7,438.13; and, be it further

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

Dated: July 8, 2026.



HERKIMER COUNTY LEGISLATURE

No. 183

REPORT AND RESOLUTION EXTENDING CONTRACT FOR GRANT FOR BOARD OF ELECTIONS

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

WHEREAS, pursuant to Resolution No. 341 of 2024, this Legislature approved funding in the Board of Elections for the Ballot by Mail Grant; and

WHEREAS, the Ballot by Mail Grant was most recently extended by Resolution No. 206 of 2025 through March 31, 2026; and

WHEREAS, by letter dated June 17, 2026 from the Commissioners of Elections, a request is being made to allow the Chairman of the Legislature to execute a grant extension of the Ballot by Mail Grant through March 31, 2027; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a grant extension through March 31, 2027 on behalf of the County of Herkimer for the Ballot by Mail Grant for the remaining funds of \$10,932.73; and, be it further

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

Dated: July 8, 2026.



HERKIMER COUNTY LEGISLATURE

No. 184

REPORT AND RESOLUTION EXTENDING CONTRACT FOR GRANT FOR BOARD OF ELECTIONS

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

WHEREAS, pursuant to Resolution No. 188 of 2021, this Legislature approved funding in connection with a Technology Innovation and Election Resource Grant in Board of Elections; and

WHEREAS, the Technology Innovation and Election Resource Grant was most recently extended by Resolution No. 205 of 2025 through March 31, 2026; and

WHEREAS, by letter dated June 17, 2026 from the Commissioners of Elections, a request is being made to allow the Chairman of the Legislature to execute a grant extension of the Technology Innovation and Election Resource Grant through March 31, 2027; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a grant extension through March 31, 2027 on behalf of the County of Herkimer for the Technology Innovation and Election Resource Grant for the remaining funds of \$16,441.68; and, be it further

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

Dated: July 8, 2026.



HERKIMER COUNTY LEGISLATURE

No. 185

REPORT AND RESOLUTION EXTENDING CONTRACT FOR GRANT FOR BOARD OF ELECTIONS

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

WHEREAS, pursuant to Resolution No. 342 of 2024, this Legislature approved funding in the Board of Elections for the E-Poll Book Grant; and

WHEREAS, the E-Poll Book Grant was most recently extended by Resolution No. 208 of 2026 through March 31, 2027; and

WHEREAS, by letter dated June 17, 2026 from the Commissioners of Elections, a request is being made to allow the Chairman of the Legislature to execute a grant extension of the E-Poll Book Grant through March 31, 2027; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a grant extension through March 31, 2027 on behalf of the County of Herkimer for the E-Poll Book Grant for the remaining funds of \$669.93; and, be it further

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

Dated: July 8, 2026.



HERKIMER COUNTY LEGISLATURE

No. 186

REPORT AND RESOLUTION EXTENDING CONTRACT FOR GRANT FOR BOARD OF ELECTIONS

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

WHEREAS, pursuant to Resolution No. 282 of 2025, this Legislature approved funding in the Board of Elections for the Vote by Mail Grant; and

WHEREAS, by letter dated June 17, 2026 from the Commissioners of Elections, a request is being made to allow the Chairman of the Legislature to execute a grant extension of the Vote by Mail Grant through March 31, 2027; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a grant extension through March 31, 2027 on behalf of the County of Herkimer for the Vote by Mail Grant for the remaining funds of \$11,177.00; and, be it further

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

Dated: July 8, 2026.



HERKIMER COUNTY LEGISLATURE

No. 187

REPORT AND RESOLUTION EXTENDING CONTRACT FOR GRANT FOR BOARD OF ELECTIONS

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

WHEREAS, pursuant to Resolution No. 281 of 2025, this Legislature approved funding in the Board of Elections for the Election Grant; and

WHEREAS, by letter dated June 17, 2026 from the Commissioners of Elections, a request is being made to allow the Chairman of the Legislature to execute a grant extension of the Election Grant through March 31, 2027; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a grant extension through March 31, 2027 on behalf of the County of Herkimer for the Election Grant for the remaining funds of \$910.33; and, be it further

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

Dated: July 8, 2026.



HERKIMER COUNTY LEGISLATURE

No. 188

REPORT AND RESOLUTION CONCERNING MEMBERSHIP ON THE WORKFORCE DEVELOPMENT BOARD

Sponsored by: Committee on County Planning and Development

WHEREAS, by letter dated June 18, 2026, the Herkimer County Chamber of Commerce has recommended reappointments and an appointment of representatives from the private business sector in Herkimer County to the Workforce Development Board; now, therefore, be it

RESOLVED, that the following individuals are hereby reappointed and appointed to the Workforce Development Board of Herkimer, Madison, and Oneida Counties as representatives from the private business sector of Herkimer County for the terms as listed:

Reappointment:

Robert Brenchley
Arrow National Bank
214 N. Washington St.
Herkimer, NY 13350
Term: 7/1/2026-6/30/2027

Lisa Betrus
Valley Health Services
690 West German Street
Herkimer, NY 13350
Term: 9/1/2026 – 8/31/2029

Appointment:

Kathy Glanovsky
Herkimer County Chamber of Commerce
420 E. German Street, Ext.
Herkimer, NY 13350
Term: 7/1/2026-6/30/2027

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Director of Employment & Training, Chairman of the Workforce Development Board, Chairman of the Madison County Board of Supervisors, Oneida County Executive, and the above listed appointees.

Dated: July 8, 2026.

The Chairman continued with the Regular Agenda.

On motion of Mr. Ackerman, seconded by Mr. Weakley, Report and Resolution No. 189 sponsored by the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means amending Resolution No. 99 of 2026 was handed up; voted on and adopted by roll call vote:

For: Gaworecki, Schrader, Wedemeyer, Brewer, Bennett, Keeler, Brezinski, Bick, Swartz, Lucenti, Ackerman, Campione, Wares, Weakley (14).

Against: None.

Absent: Malta, Donley, Haehl (3).



HERKIMER COUNTY LEGISLATURE

No. 189

REPORT AND RESOLUTION AMENDING RESOLUTION NO. 99 OF 2026

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

WHEREAS, Resolution No. 99 of 2026 appointed the County Administrator of the County of Herkimer to serve the remainder of the term, effective July 13, 2026 through February 11, 2027; and

WHEREAS, by letter dated June 19, 2026 from Steven R. Billings, Personnel Officer, it is requested to amend Resolution No. 99 of 2026 by changing the first resolved clause to read as follows:

RESOLVED, that Alvin Montana II, of Dolgeville, New York, be, and he hereby is, appointed County Administrator of the County of Herkimer to serve the remainder of the term, effective June 13, 2026 through February 11, 2027, at a 2026 base pay rate of \$120,000; and, be it further

now, therefore, be it

RESOLVED, that Resolution No. 99 of 2026 is hereby amended to change the first resolved clause to read as stated above; and, be it further

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

Dated: July 8, 2026.

On motion of Mr. Wedemeyer, seconded by Mrs. Wares, Report and Resolution No. 190 sponsored by the Committee on Information Services and the Committee on Ways & Means authorizing maintenance agreement with Quadsimia in the Information Services Department was handed up; voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Malta, Donley, Haehl (3).



HERKIMER COUNTY LEGISLATURE

**REPORT AND RESOLUTION AUTHORIZING MAINTENANCE AGREEMENT WITH
QUADSIMIA IN THE INFORMATION SERVICES DEPARTMENT**

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

WHEREAS, by letter dated June 19, 2026, from Sheri Ferdula, Budget Officer/
Purchasing Agent, this Legislature is advised of a request to enter into a maintenance agreement
with Quadsimia for technical support and web development for the County website and intranet;
and

WHEREAS, the letter further states that the maintenance agreement with Quadsimia, 412
Main Street, Utica, NY will be at a cost of \$22,000.00 for a one year period of May 1, 2026
through April 30, 2027; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to
execute a maintenance agreement with Quadsimia, 412 Main Street, Utica, NY, for technical
support and web development of the County website and intranet at a cost of \$22,000.00 for a
one year period of May 1, 2026 through April 30, 2027; and, be it further

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

Dated: July 8, 2026.

On motion of Mrs. Wares, seconded by Mr. Weakley, Report and Resolution No. 191
sponsored by the Committee on Ways & Means authorizing transfer of funds was handed up;
voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Malta, Donley, Haehl (3).



HERKIMER COUNTY LEGISLATURE

REPORT AND RESOLUTION AUTHORIZING TRANSFER OF FUNDS

Sponsored by: Committee on Ways & Means

WHEREAS, your Committee on Ways and Means, to which was referred a
communication from Sheri A. Ferdula, Budget Officer/Purchasing Agent, dated June 19, 2026,
submitting a request for a transfer of grant funding to allow for a purchase in Emergency

Services, reports that we have examined said communication, inquired into the subject matter thereof, and recommend that said transfer be made and offer the following Resolution:

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized to transfer the following sum from and to the following accounts:

\$30,560.79 From: H3020000 525000, Project 19 6, 911 Capital, Other Equipment
 To: H3020000 544000, Project 19 6, 911 Capital, Contracted Services

and, be it further

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

Dated: July 8, 2026.

On motion of Mr. Lucenti, seconded by Mr. Brewer, Report and Resolution No. 192 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means approving the utilization of grant funding for purchase in Emergency Services was handed up; voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Malta, Donley, Haehl (3).



HERKIMER COUNTY LEGISLATURE

No. 192

REPORT AND RESOLUTION APPROVING THE UTILIZATION OF GRANT FUNDING FOR PURCHASE IN EMERGENCY SERVICES

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

WHEREAS, by letter dated June 19, 2026, from Albert J. Moxham, Jr., Director of Emergency Services, this Legislature is advised of a request to purchase a Multi-Factor Authentication (MFA) solution for the Herkimer County 911 Center utilizing FY2024 Emergency Management Performance Grant (EMPG) funding; and

WHEREAS, letter further advises the purchase will be made through SHI International Corp., through Sourcwell cooperative purchasing, in the amount of \$25,546.95 for five years of service; now, therefore, be it

RESOLVED, that this Legislature approves the request for the purchase of a Multi-Factor Authentication (MFA) solution for the Herkimer County 911 Center utilizing FY2024 Emergency Management Performance Grant (EMPG) funding, through SHI International Corp., in the amount of \$25,546.95 for five years of service; and, be it further

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

Dated: July 8, 2026.

On motion of Mr. Wedemeyer, seconded by Mrs. Wares, Report and Resolution No. 193 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means authorizing contract with Spectrum in Emergency Services was handed up; voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Malta, Donley, Haehl (3).



HERKIMER COUNTY LEGISLATURE

No. 193

REPORT AND RESOLUTION AUTHORIZING CONTRACT WITH SPECTRUM IN EMERGENCY SERVICES

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

WHEREAS, by letter dated June 19, 2026, Albert J. Moxham, Jr., Director of Emergency Services, has requested to enter into a contract with Spectrum to improve their internet capabilities to support the demands of Next Generation 911 (NG911) services; and

WHEREAS, the letter further advises this will be at a cost of \$1,954 per month for two Gbps; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby awards a contract with Spectrum to improve Emergency Services internet capabilities to support the demands of Next Generation 911 (NG911), at a cost of \$1,954 per month; and, be it further

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

Dated: July 8, 2026.

On motion of Mr. Brezinski, seconded by Mr. Schrader, Report and Resolution No. 194 sponsored by the Committee on Human Resources, the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means authorizing Memorandum of Understanding between the Herkimer County Mental Health Department and the Herkimer County Veterans' Service Agency and amending budget was handed up; voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Malta, Donley, Haehl (3).



HERKIMER COUNTY LEGISLATURE

No. 194

REPORT AND RESOLUTION AUTHORIZING MEMORANDUM OF UNDERSTANDING BETWEEN THE HERKIMER COUNTY MENTAL HEALTH DEPARTMENT AND THE HERKIMER COUNTY VETERANS SERVICE AGENCY AND AMENDING BUDGET

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

WHEREAS, your Committees have been informed by letter dated June 18, 2026 from Kristen Snyder-Branner, Director of Community Services, that the New York State Office of Mental Health has awarded the Department \$109,732 for the PFC Joseph P. Dwyer Veteran Peer Support Program; and

WHEREAS, said letter further requests to enter into an MOU with the Herkimer County Veterans Service Agency, with services to be provided by the Herkimer County Veterans Service Agency for the term of July 1, 2026 through June 30, 2027; and

WHEREAS, by letter dated June 19, 2026 from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that it is necessary to amend the Herkimer County Budget for 2026 to utilize the funding; now, therefore, be it

RESOLVED, that this Legislature hereby authorizes a Memorandum of Understanding between the Herkimer County Mental Health Department and the Herkimer County Veterans Service Agency for the Veterans Service Agency to provide services for the PFC Joseph P. Dwyer Veteran Peer Support Program; and, be it further

RESOLVED, that the 2026 Herkimer County Budget is hereby amended as follows:

A6512000 423200, VPSP, Other Income	\$109,732
A6512000 541000, VPSP, Supplies	\$25,000
A6512000 544000, VPSP, Contracted Services	\$84,732

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 certified copies of this Resolution be forwarded to the County Treasurer, Auditor, Budget Officer, Director of the Veterans Service Agency, and the Director of Community Services.

Dated: July 8, 2026.

On motion of Mr. Lucenti, seconded by Mr. Weakley, Report and Resolution No. 195 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means accepting grant, creating accounts, and amending budget for Herkimer County District Attorney's Office was handed up; voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Malta, Donley, Haehl (3).



HERKIMER COUNTY LEGISLATURE

No. 195

REPORT AND RESOLUTION ACCEPTING GRANT, CREATING ACCOUNTS, AND AMENDING BUDGET FOR HERKIMER COUNTY DISTRICT ATTORNEY'S OFFICE

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

WHEREAS, by letter dated June 18, 2026 from the Herkimer County District Attorney's Office, this Legislature is advised of the receipt of a Criminal Justice Discovery Reform Grant which awards funding to offset discovery reform law costs incurred by the County and local law enforcement agencies; and

WHEREAS, said grant award is in the amount of \$189,037.00; and

WHEREAS, by letter dated June 19, 2026, from Sheri Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that it will be necessary to create accounts and amend the 2026 Budget; now, therefore, be it

RESOLVED, that accounts be created and the 2026 Budget be amended as follows:

A1169000 430890, Discovery Reform, State Aid	\$189,037
A1169000 510000, Discovery Reform, Salaries	\$171,496
A1169000 541000, Discovery Reform, Supplies	\$10,000
A1169000 544000, Discovery Reform, Contracted Services	\$5,721
A1169000 546000, Discovery Reform, Miscellaneous	\$1,820

and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to e-sign the grant on behalf of the County of Herkimer for the receipt by Herkimer County of a Criminal Justice Discovery Reform Grant in the amount of \$189,037.00; and, be it further

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

Dated: July 8, 2026.

On motion of Ms. Bennett, seconded by Mr. Swartz, Report and Resolution No. 196 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means creating account and transferring funds in the District Attorney's Office was handed up; voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Malta, Donley, Haehl (3).



HERKIMER COUNTY LEGISLATURE

No. 196

REPORT AND RESOLUTION CREATING ACCOUNT AND TRANSFERRING FUNDS IN THE DISTRICT ATTORNEY'S OFFICE

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

WHEREAS, by letter dated June 19, 2026 from the Budget Officer/Purchasing Agent, this Legislature is advised that it is necessary to create an account and transfer funds in the 2026 Budget to include previous years Discovery Reform Grant funding that was not carried over; now, therefore, be it

RESOLVED, that an account is created and that the Herkimer County Treasurer be, and she hereby is, authorized to transfer the following sum from and to the following accounts:

\$15,000	From: A0000001 541990, Contingent Fund
	To: A1169000 546000, Discovery Reform, Miscellaneous
\$6,368.75	From: A0000001 541990, Contingent Fund
	To: A1169000 541000, Discovery Reform, Supplies

and, be it further

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

Dated: July 8, 2026.

On motion of Mr. Keeler, seconded by Mr. Lucenti, Report and Resolution No. 197 sponsored by the Committee on County Properties, the Committee on Public Safety & Emergency Management, and the Committee on Ways & Means approving purchase and repair for Sheriff's Department and appropriating funds was handed up; voted on and adopted by roll call vote:

For: Gaworecki, Schrader, Wedemeyer, Brewer, Bennett, Keeler, Brezinski, Bick, Swartz, Lucenti, Ackerman, Campione, Wares, Weakley (14).

Against: None.

Absent: Malta, Donley, Haehl (3).



HERKIMER COUNTY LEGISLATURE

No. 197

REPORT AND RESOLUTION APPROVING PURCHASE AND REPAIR FOR SHERIFF'S DEPARTMENT AND APPROPRIATING FUNDS

**Sponsored by: Committee on County Properties
Committee on Public Safety & Emergency Management
Committee on Ways and Means**

WHEREAS, by letter dated June 18, 2026, Scott F. Scherer, Sheriff, has requested approval to purchase a Pentair Hydromatic pump at a cost of \$15,100 as well as repairs and reinstallation on an existing pump at a cost of \$5,634, for a total of \$20,734; and

WHEREAS, by letter dated June 18, 2026, Sheri Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that it is necessary to appropriate funds to complete the purchase, repair, and installation; and

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

RESOLVED, that an appropriation be made as follows:

\$20,734	From: A0000001 288913, Reserve, Correctional Facility Fund
	To: A3153000 525000, Commissary, Other Equipment

and, be it further

RESOLVED, that the Herkimer County Legislature hereby approves the above described purchase and repairs; and, be it further

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

Dated: July 8, 2026.

On motion of Mr. Swartz, seconded by Mr. Wedemeyer, Report and Resolution No. 198 sponsored by the Committee on Human Resources and the Committee on Ways & Means approving creation of accounts and transfer of funds was handed up; voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Malta, Donley, Haehl (3).



HERKIMER COUNTY LEGISLATURE

No. 198

REPORT AND RESOLUTION AUTHORIZING CREATION OF ACCOUNTS AND TRANSFER OF FUNDS

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

WHEREAS, your Committees, to which were referred a communication from Sheri A. Ferdula, Budget Officer/Purchasing Agent, dated June 8, 2026, submitting a request for the creation of accounts and transfer of funds in the 2026 Budget to allow for reimbursement of salary and benefits within the System of Care Grant, reports that we have examined said communication, inquired into the subject matter thereof, and recommend that said accounts be created and transfers be made and offer the following Resolution:

RESOLVED, that accounts be created and that the Herkimer County Treasurer be, and she hereby is, authorized and directed to transfer the following sum from and to the following accounts:

\$164,981	From: A4017000 544000, System of Care, Contracted To: A4017000 510000, System of Care, Salaries
\$10,229	From: A4017000 544000, System of Care, Contracted To: A4017000 583000, System of Care, Social Security
\$15,000	From: A4017000 544000, System of Care, Contracted To: A4017000 581000, System of Care, Retirement
\$2,393	From: A4017000 544000, System of Care, Contracted To: A4017000 583500, System of Care, Medicare
\$70,022	From: A4017000 544000, System of Care, Contracted To: A4017000 586000, System of Care, Health Insurance

and, be it further

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

Dated: July 8, 2026.

On motion of Mr. Gaworecki, seconded by Mr. Wedemeyer, Report and Resolution No. 199 sponsored by the Committee on County Properties and the Committee on Ways & Means approving purchase of doors and frames and appropriating funds was handed up; voted on and adopted by roll call vote:

For: Gaworecki, Schrader, Wedemeyer, Brewer, Bennett, Keeler, Brezinski, Bick, Swartz, Lucenti, Ackerman, Campione, Wares, Weakley (14).

Against: None.

Absent: Malta, Donley, Haehl (3).



HERKIMER COUNTY LEGISLATURE

No. 199

REPORT AND RESOLUTION APPROVING PURCHASE OF DOORS AND FRAMES AND APPROPRIATING FUNDS

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

WHEREAS, by letter dated June 19, 2026, Sheri Ferdula, Budget Officer/Purchasing Agent, she has requested approval to replace doors and frames as directed by the New York State Department of Codes, with the purchase being made through JM Door, 505 Broad Street, Utica, NY 13501, as follows:

\$8,491	Second Floor Social Services
\$4,106	Second Floor Stairwell Washington Street
\$8,430	3 rd Floor Mental Health
\$3,781	Roof Door on Mary Street
<u>\$1,315</u>	<u>Second Floor Bathroom.</u>
\$26,123	

and

WHEREAS, said letter further advises that it is necessary to appropriate funds to complete the purchase; and

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

RESOLVED, that an appropriation be made as follows:

\$26,123	From: A0000001 288905, Reserve County Buildings
	To: H1620000 544000 16-1, Buildings Capital, Contracted Services

and, be it further

RESOLVED, that the Herkimer County Legislature hereby approves the above described purchase; and, be it further

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

Dated: July 8, 2026.

On motion of Mr. Keeler, seconded by Ms. Bennett, Report and Resolution No. 200 sponsored by the Committee on Natural Resources and the Committee on Ways & Means

approving Sewer District Resolution approving electrical repairs, creating project, and appropriating funds was handed up; voted on and adopted by roll call vote:

For: Gaworecki, Schrader, Wedemeyer, Brewer, Bennett, Keeler, Brezinski, Bick, Swartz, Lucenti, Ackerman, Campione, Wares, Weakley (14).

Against: None.

Absent: Malta, Donley, Haehl (3).



HERKIMER COUNTY LEGISLATURE

No. 200

REPORT AND RESOLUTION APPROVING SEWER DISTRICT RESOLUTION APPROVING ELECTRICAL REPAIRS, CREATING PROJECT, AND APPROPRIATING FUNDS

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

WHEREAS, by letter dated June 19, 2026, the Sewer District has advised that Resolution HCSD 2026-11 was adopted on June 17, 2026, approving Johnson Electric, 363 5th Ave., Troy, NY 12182, to make emergency repairs to the main sludge pumps at the Mohawk facility, for a total price of \$25,106.41; and

WHEREAS, by letter dated June 19, 2026 from Sheri Ferdula, Budget Officer/Purchasing Agent, she has advised that the creation of a project and an appropriation of funds is necessary and that funds have been verified and are available for this appropriation; now, therefore, be it

RESOLVED, that Sewer District Resolution HCSD 2026-11 is approved for Johnson Electric to make emergency repairs to the main sludge pumps at the Mohawk Facility for a total price of \$25,106.41; and, be it further

RESOLVED, that the creation of a project and an appropriation of funds within the 2026 Budget be made as follows:

\$25,106.41	From: G0000000 300909, Sewer, Fund Balance, Project 79 3
	To: H8130000 544000, Sewer Capital Project 79 3

and, be it further

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

Dated: July 8, 2026.

On motion of Mr. Schrader, seconded by Mrs. Wares, Report and Resolution No. 201 sponsored by the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means establishing early voting payment was handed up; voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Malta, Donley, Haehl (3).



HERKIMER COUNTY LEGISLATURE

No. 201

REPORT AND RESOLUTION ESTABLISHING EARLY VOTING PAYMENT

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

WHEREAS, by letter dated June 11, 2026 from Teresa Robotham and Robert J. Hoyt, Commissioners of Elections, they have requested the establishment of compensation for the use of Early Voting Poll Site facilities; and

WHEREAS, letter further requests approval for payment in the amount of \$150 per day for each of the ten (10) days of the Early Voting period; now, therefore, be it

RESOLVED, that the Legislature of Herkimer County approves the payment of \$150 per day for each of the ten (10) days of the Early Voting period; and be it further

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

Dated: July 8, 2026.

On motion of Mr. Keeler, seconded by Mr. Weakley, Report and Resolution No. 202 sponsored by the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means amending working hours in the Board of Elections was handed up; voted on and adopted by roll call vote:

For: Gaworecki, Schrader, Wedemeyer, Brewer, Bennett, Keeler, Brezinski, Bick, Swartz, Lucenti, Ackerman, Campione, Wares, Weakley (14).

Against: None.

Absent: Malta, Donley, Haehl (3).



HERKIMER COUNTY LEGISLATURE

No. 202

REPORT AND RESOLUTION AMENDING WORKING HOURS IN THE BOARD OF ELECTIONS

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

WHEREAS, Resolution No. 208 of 2022 set a forty (40) hour work week for the two Deputy Commissioners of Elections; and

WHEREAS, by letter dated June 11, 2026, Teresa Robotham and Robert J. Hoyt, Commissioners of Elections, have requested to modify the work schedule of the Deputy Commissioners of Elections; and

WHEREAS, by letter dated June 26, 2026, Steven R. Billings, Personnel Officer, your Committees have been advised that the work week should be amended from forty (40) hours per week to thirty-five (35) hours per week for the two Deputy Commissioners of Elections, with the base pay rate for these two positions remaining at \$45,922.00 for 2026; now, therefore, be it

RESOLVED, that the Deputy Commissioners of Elections working hours are amended to thirty-five (35) hours per week, with the base pay rate for these two positions remaining at \$45,922.00, effective July 13, 2026; and, be it further

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

Dated: July 8, 2026.

On motion of Mr. Bick, seconded by Mr. Wedemeyer, Report and Resolution No. 203 sponsored by the Committee on County Properties and the Committee on Ways & Means approving repairs to Washington Street parking lot and appropriating funds was handed up; voted on and adopted by roll call vote:

For: Gaworecki, Schrader, Wedemeyer, Brewer, Bennett, Keeler, Brezinski, Bick, Swartz, Lucenti, Ackerman, Campione, Wares, Weakley (14).

Against: None.

Absent: Malta, Donley, Haehl (3).



HERKIMER COUNTY LEGISLATURE

No. 203

REPORT AND RESOLUTION APPROVING REPAIRS TO WASHINGTON STREET PARKING LOT AND APPROPRIATING FUNDS

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

WHEREAS, by letter dated June 19, 2026, Sheri A. Ferdula, Budget Officer/Purchasing Agent, has requested approval for repairs on the Washington Street parking lot; and

WHEREAS, said letter requests the following services to be done by PLS Asphalt Maintenance, 115 Reese Road, Frankfort, NY 13340, for a total of \$32,082.40:

Crackfill	\$3,500
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Striping	\$4,926.50
Sealcoat (1 st Coat)	\$15,770.60
Sealcoat (2 nd Coat)	\$7,885.30

now, therefore, be it

RESOLVED, that an appropriation be made as follows:

\$32,082.40	From: A0000001 288905, Reserve County Buildings
	To: H1620000 544000 16-1, Buildings Capital, Contracted Services

and, be it further

RESOLVED, that the Herkimer County Legislature hereby approves the above described repairs to the Washington Street parking lot; and, be it further

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

Dated: July 8, 2026.

On motion of Mr. Schrader, seconded by Ms. Bennett, Report and Resolution No. 204 sponsored by the Committee on Ways & Means authorizing transfer of funds was handed up; voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Malta, Donley, Haehl (3).



HERKIMER COUNTY LEGISLATURE

No. 204

REPORT AND RESOLUTION AUTHORIZING TRANSFER OF FUNDS

Sponsored by: Committee on Ways & Means

WHEREAS, your Committee on Ways and Means, to which was referred a communication from Sheri A. Ferdula, Budget Officer/Purchasing Agent, dated June 26, 2026, submitting a request for a transfer of funds due to the Humane Society requesting payment of previous years unused animal cruelty funding to assist in the payment of a settlement, reports that we have examined said communication, inquired into the subject matter thereof, and recommend that said transfer be made and offer the following Resolution:

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized to transfer the following sum from and to the following accounts:

\$15,000	From: A0000001 541990, Contingent Fund
	To: A6410000 543511, County Promotion, Humane Society

and, be it further

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

Dated: July 8, 2026.

On motion of Mr. Brewer, seconded by Mr. Swartz, Report and Resolution No. 205 sponsored by the Committee on Natural Resources and the Committee on Ways & Means authorizing retainer of bond counsel for county to issue serial bonds to finance the cost of improvements to the Herkimer County Sewer District facilities was handed up; voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Malta, Donley, Haehl (3).



HERKIMER COUNTY LEGISLATURE

No. 205

REPORT AND RESOLUTION AUTHORIZING RETAINER OF BOND COUNSEL FOR COUNTY TO ISSUE SERIAL BONDS TO FINANCE THE COST OF IMPROVEMENTS TO THE HERKIMER COUNTY SEWER DISTRICT FACILITIES

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

WHEREAS, the Herkimer County Sewer District (the "HCSD") has provided a proposal to the Herkimer County Legislature wherein Herkimer County would issue bonds of the County in the principal amount not to exceed \$79,361,000 to finance the cost of improvements to the HCSD Facilities; and

WHEREAS, by Resolution No. 128 of April 2, 2025, a retainer agreement with Bond, Schoeneck & King, One Lincoln Center, Syracuse, New York was approved to assist the County in statutory research and general assistance in the issuance of bonds; and

WHEREAS, by letter of Lorraine H. Lewandrowski, County Attorney dated June 10, 2026, a request has been made to retain Bond, Schoeneck & King as municipal bond counsel for transactional legal work associated with the issuance of bonds ("Bond Counsel Services"); and

WHEREAS, Bond, Schoeneck & King has provided the County with a proposed engagement letter dated June 18, 2026 (the "Retainer Letter") to provide the Bond Counsel Services on the fixed fee schedule or hourly rate, as applicable, as outlined in said engagement letter, a copy of which is attached hereto as Exhibit A; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute the

above described Retainer Letter regarding the Bond Counsel Services to be provided in connection with the issuance of bonds by the County; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, County Attorney, Herkimer County Sewer District, Christopher Bray, Esq., and Bond, Schoeneck & King, PLLC.

Dated: July 8, 2026.

MATTHEW N. WELLS
mwells@bsk.com P: 315.218.8174
F: 315.218.8474

June 18, 2026

VIA ELECTRONIC MAIL

Herkimer County
109 Mary Street
Herkimer, NY 13350
ATTN: Mr. Peter J. Campione
Chairman of the Herkimer County Legislature

Dear Chairman Campione:

This letter sets forth the terms of our engagement as bond counsel to Herkimer County (the "County") in connection with the WWTP Improvement Project involving an upgrade of the facilities of the Herkimer County Sewer District at a maximum estimated cost of \$80,000,000. We appreciate the opportunity to serve as the County's bond counsel.

Bond counsel is engaged as a recognized expert whose primary responsibility is to render an objective legal opinion with respect to the authorization and issuance of the County's bond and notes. As bond counsel, we will examine applicable law, prepare authorizing and operative documents, consult with the parties to the transaction prior to the issuance of the bond or notes, review certified proceedings and undertake such additional duties as we deem necessary to render our legal opinion. Phil Grommet and I will be primarily responsible for our bond counsel services to the County.

Subject to the completion of the proceedings to our satisfaction, we will render our opinion that:

1. the bond or notes are valid and binding general obligations of the County;
2. all taxable property in the territory of the County is subject to ad valorem taxation without limitation as to rate or amount to pay the bond or notes; and
3. the interest paid on the bond or notes will be (i) excluded from gross income for federal income tax purposes, and (ii) exempt from New York State income taxes (subject to certain limitations which may be expressed in the opinion).

Our opinion will be executed and delivered in written form on the date the bond or notes are exchanged for their purchase price and will be based on facts and law existing as of its date. In rendering our opinion, we will rely on the certified proceedings and other certifications of public officials and other persons furnished to us without undertaking to verify the same by independent investigation.

As bond counsel, we will not assume or undertake responsibility for the preparation of an official statement or any other disclosure document with respect to the bond or notes, nor are we responsible for performing an independent investigation to determine the accuracy, completeness or sufficiency of any such document. However, if a disclosure document will be adopted or approved by the County, our responsibility will include the preparation or review of any description therein of: (i) New York State and federal law pertinent to the validity of the bond or notes; (ii) the terms of the bond or notes; and (iii) our opinion.

We will bill the County on a fixed fee basis for each financing transaction and our fee for a particular financing is payable upon closing of the transaction. Our fee schedule for County bond counsel services is as follows:

Issue	Costs
Bonds	\$.80 per \$1,000 principal amount of the issue, subject to a minimum fee of \$25,000 and a maximum fee of \$50,000 per issue.
Notes	\$.65 per \$1,000 principal amount of the issue, subject to a minimum fee of \$12,500 and a maximum fee of \$20,000 per issue.
Preparation of bond resolutions, legal notices and related authorizing proceedings.	\$3,000 per bond resolution (including related notices).
New York State Comptroller's Approval Process (if required)	\$6,500

The fee schedule set forth above does not include services relating to the preparation or review of materials associated with State Environmental Quality Review Act ("SEQRA") compliance. We will bill for these services, and any other services requested by the County that are not related to a specific bond or note closing, at a blended rate of \$400/hour for all attorney time (members and associates).

The fee schedule set forth above does not include any refunding bonds that the County may issue to refinance outstanding bonds. Based on the unique nature and complexity of these financings, our bond counsel fee for refunding bonds will be determined on an issue-by-issue basis.

We will not charge for time spent traveling to County meetings or closings. Further, our firm does not bill for the time of our clerical support staff, such as word processing operators, supervisors, or secretaries. We would, however, expect to be reimbursed for our direct, out-of-pocket disbursements. These include long-distance telephone charges, travel expenses, courier messenger services, fees charged by computer research services (Lexis and Westlaw) and other direct,

out-of-pocket expenses. Our bills will detail our disbursements and supporting documentation would be available upon request.

If, for any reason, we commence work on a financing that is not consummated or is completed without the rendition of our opinion as bond counsel, we will expect to be compensated at the hourly rate set forth above for time actually spent, plus out-of-pocket expenses.

Our engagement as bond counsel to the County is also subject to the terms and conditions set forth in the attached Terms of Representation.

If the foregoing terms of this engagement letter are acceptable to the County, please so indicate by signing and returning to me a copy of this letter.

Thank you again for this opportunity to serve as the County's bond counsel. We look forward to working with you.

Very truly yours,

BOND, SCHOENECK & KING, PLLC



Matthew N. Wells

MNW/hme
Attachment

Accepted:

Herkimer County

.....
..... Dated:
Peter J. Campione
Chairman of the Herkimer County Legislature

cc: Lorraine H. Lewandrowski, Esq., County
Attorney Erin P. Gall, Esq., Assistant County Attorney

BOND, SCHOENECK & KING, PLLC TERMS OF REPRESENTATION

These Terms of Representation, together with the accompanying engagement letter, constitute the agreement between Bond, Schoeneck & King, PLLC ("Bond" or "Firm" or "we") and the client or clients identified in that engagement letter (the "Client" or "you"), under which Bond will represent Client in the matter or matters described in the engagement letter.

1. **Our Client.** Our representation extends solely to Client, as identified in the accompanying engagement letter, and not to its constituents (including its officers, managers, members, directors, shareholders or employees) or to any affiliated or related entities, or their constituents. There are no third party beneficiaries of this agreement. Client understands that, unless appropriate written consents are obtained, it should not provide us with confidential information regarding any constituent or affiliated/related entity during the course of this representation (and doing so will not make the constituent or affiliate/related entity a client of Bond).
2. **Our Services.** The scope of our services is described in and strictly limited by the accompanying engagement letter. Any changes in scope must be confirmed in writing. Unless otherwise provided in the engagement letter, Bond is not serving as Client's general counsel nor is it responsible for determining whether Client has insurance coverage in connection with our representation, the amounts and limits of any such coverage, or notifying any insurance carrier of the existence of coverage, or our involvement in a matter.

When we provide you with our opinion regarding a matter, it will be based on our best professional judgment. However, that judgment is limited by the facts provided by you and known to us at that time, as well as the law as it then exists. It is expressly acknowledged by you that any such opinions shall not be considered by you as representations, promises, or guarantees of results which might be obtainable, nor shall you consider any such opinions to be warranties or representations of a particular outcome or resolution of your matter.

3. **Client Responsibilities.** In order to ensure our ability to provide services to you, you agree to keep us informed of any relevant information or developments relating to your matter and to provide Bond with all pertinent information regarding the subject of our representation, or as otherwise reasonably requested by us. You also agree to cooperate fully, truthfully, and timely with us, including making you, your employees, or others available to us when necessary. You will keep us advised of how to contact you.

If, during the course of our representation of Client, Client affiliates with, acquires, is acquired by, or merges with another entity, Client agrees to provide us with sufficient notice to permit us to determine if that action gives rise to a conflict of interest with any of our other clients and, if so, Client agrees to waive such conflict of interest to permit Bond to continue to represent its existing client in a matter adverse to Client's affiliate so long as such a waiver is permissible under the applicable Rules of Professional Conduct.

4. **Fees and Expenses.** Unless otherwise provided in the accompanying engagement letter, our billings with respect to this matter will be based on the time (in quarter hour increments) that our attorneys, paralegals, and other service professionals devote to it. The hourly rates for those attorneys, paralegals, and other service professionals who will work on Client matters vary, with specific rates reflecting the knowledge, experience, and expertise of each individual assigned, time constraints imposed by the circumstances, the complexities of the matter, and other relevant factors. The currently applicable rates may be specified in the accompanying engagement letter. It is our practice to increase our hourly rates from time to time, including generally each October 1.

Your continued use of our services after the effective date of a rate change constitutes acceptance of the updated rates.

Our bills to Client, which will be on a monthly basis (unless otherwise agreed to in the accompanying engagement letter) and payable within 30 days, will also include any expenses (copying charges, postage, messenger services, mileage, long distance telephone charges, computerized-research, e-discovery and other electronic data charges, etc.) incurred or advanced by us on Client's account or which are due to be paid on Client's account. These expenses may be incurred in the normal course without advance approval from Client. In-house charges (such as copying charges, charges for processing, producing and/or storing e-discovery materials, etc.) will be billed at our standard charge rate. You agree that expenses incurred to third parties will either be forwarded to Client for direct payment or, if paid by our Firm, billed to you at the rate charged by those third parties. Payment of our bills is not conditioned upon and cannot be delayed until completion of the scope of our services, the closing of a transaction, the outcome of a matter or any other circumstance or event. If Client fails to make payment of our fees and disbursements as provided in this letter, consistent with our obligations to Client under the Rules of Professional Conduct, we may discontinue our representation of Client and/or take other appropriate action. Discontinuation of representation does not eliminate Client's responsibility for fees and expenses already incurred. In addition, we reserve the right to assess a monthly service charge of 2% per month on any accounts more than 30 days in arrears. In no event will the service charge be greater than that permitted by any applicable law. We also reserve the right to charge a service fee of no more than 2% for payment of fees and/or disbursements by credit card.

A Client may have insurance coverage that will apply to some or all of our fees and expenses. We will not permit any third-party payer to direct or regulate our professional judgment or the representation. We will obtain and document your informed consent to any third-party payment arrangement, and we will protect your confidential information as required. Regardless of the limits of that coverage (or its discontinuation), and unless contrary to the insurer's outside counsel guidelines, Client remains responsible for (a) any amounts not covered by insurance, including deductibles, co-payments, retentions, and coverage-denied items; (b) any difference between the insurer's approved or panel rates and the rates agreed to between Bond and the Client; and (c) any services or expenses the insurer declines to pay. We will invoice the insurer to the extent permitted and will invoice Client for any remaining amounts. Client authorizes us to share with Client's insurer, broker, or agents such information as is reasonably necessary to obtain coverage determinations, comply with insurer billing requirements, and process payment, while maintaining applicable privileges to the extent permitted by law. If the insurer imposes guidelines that are inconsistent with Client's objectives or our professional obligations, we will seek Client's direction; Client agrees that Client's payment obligations to us are not limited by insurer guidelines or coverage decisions.

We will bill Client for our time and expense in responding to subpoenas (or other judicial orders), auditor's letters or other proceedings, requests, and requirements arising out of or related to our representation of Client in any matter.

If requested, we will, if possible, provide you with an estimate and/or budget for a matter. Such estimates/budgets, however, cannot be predicted with certainty and therefore are not binding unless we have expressly agreed in writing to limit our fees accordingly.

If you disagree with any invoice, you must notify us of the nature of your dispute within 30 days of your receipt of that invoice. You agree that your failure to do so will result in that invoice becoming your final binding obligation. While we make every effort to bill fairly and clearly, occasionally fee disagreements arise between attorneys and their clients. If there is any dispute regarding our fees, Client may have the right to arbitrate that dispute including pursuant to Part 137 of the Rules of the Chief Administrative Judge (New York State Attorney-Client Fee Dispute Resolution Program).

5. **Dispute Resolution.** We appreciate the opportunity to serve as your attorneys and look forward to a productive and mutually rewarding relationship. If you become dissatisfied with our charges or services, we encourage you to bring that to our attention immediately. We believe that most problems of this nature can be resolved through good faith discussion. In the event that we cannot resolve a dispute through discussion, we retain the right to elect confidential binding arbitration of any dispute arising out of or in any way relating to the Firm's representation of you (except to the extent required otherwise by Part 137 as noted above). The place of arbitration shall be in the city and state of the Bond office where the legal work was substantially performed. The arbitrators shall have the power to grant any remedy for money damages or equitable relief that would be available to such party in a dispute before a court of law in the jurisdiction where the arbitration is being held.

6. **Communications.** During the course of this engagement, each of us agrees to communicate and/or otherwise make documents available electronically, including through e-mail and/or the use of cloud computing. Although the use of technology involves some risk that third parties may access confidential communications, we both understand and agree that the benefits of using this technology outweigh the risks of unintended disclosure. If there are specific communications that you wish sent only through encrypted and/or password protected (or other) means, you agree to advise us. You will make sure that any computer or device you use in communicating with us is private and secure, password protected and not accessible by a third party, as that could impact the attorney-client privilege.

7. **Use of Technology and Artificial Intelligence.** In providing legal services, the Firm may, in appropriate circumstances, utilize Firm-approved technologies, including software that uses machine learning and other forms of artificial intelligence ("AI"). Our attorneys maintain independent professional judgment and responsibility for all legal advice and work product. We do not delegate legal decision-making to AI. Client confidential information will not be used to train external AI models. Unless otherwise agreed in writing, fees will continue to be determined in accordance with the Client's billing arrangement with the Firm, and you agree that we may bill for lawyer time spent on AI-assisted work product, as well as for associated reasonable technology charges or vendor fees.

8. **In-Firm Privilege.** Our Firm has a General Counsel who provides legal advice to our lawyers and staff. If any of Bond's lawyers representing you communicate with Bond's General Counsel (or his or her designee, including outside counsel)

regarding our Firm's rights and obligations with respect to its representation of you, you agree that those are privileged and confidential communications of Bond and protected by the attorney-client privilege. You will not be billed for those communications.

9. **Application to Subsequent Matters.** The agreement reflected in these Terms of Representation, and in the accompanying engagement letter, applies to our present representation of you and to any subsequent matters which we agree to undertake on your behalf, unless we agree in writing to a different arrangement.

10. **Client File: Retention and Destruction.** Some materials related to our representation of Client (e.g., administrative records, time and expense reports, accounting records, internal work product (including notes, drafts, internal memoranda, research, etc.) prepared for the internal use of our lawyers) belong to us and will be handled in accordance with our document retention policy. We retain the right to destroy or dispose of these internal materials at any time, subject to applicable laws.

Other materials are considered client files and belong to the Client. Upon Client's request, the Firm will return files in connection with the representation to the Client (subject to the Firm's right to retain the files until outstanding fees and costs have been paid), while reserving the right to make and retain copies of such files at the Firm's expense. The Firm will release the files to the Client only following receipt by the Firm of an authorization requesting release of the files and containing appropriate directions. We reserve the right at any time to convert and return file materials in electronic format, at our discretion. Client may be charged reasonable costs associated with researching, retrieving, compiling, copying and/or delivering file contents in response to Client's request. It is the current practice of the Firm to maintain Client materials of significance according to the Firm's retention schedule and applicable laws, which is often a period of seven years following the conclusion of the matter. If the Client does not request a return of its files within the Firm's retention period, the Firm may, at the end of such period, destroy the files without further notice to you.

11. **Termination of Representation.** You have the right to terminate our representation at any time for any reason. However, termination does not affect your responsibility for our fees and expenses. We may terminate our representation of Client in accordance with the applicable Rules of Professional Conduct. Reasons for which we may terminate our representation of you include (but are not limited to): (1) nonpayment of our fees or expenses; (2) your failure or refusal to cooperate as needed; (3) your misrepresentation of or failure to disclose material facts; (4) your refusal to accept our advice; (5) discovery of a conflict with another client of Bond; (6) your material breach of our engagement letter and/or these Terms; or (7) any other reason permitted or required under the applicable Rules of Professional Conduct. In the event that we terminate this engagement before completion, we will take such steps as are reasonably practicable to protect your interests in the matter, and you agree to cooperate in any action necessary for our withdrawal. We will be entitled to be paid for all services rendered and other costs or expenses incurred on your behalf through the date of withdrawal. If withdrawal is subject to approval by a court or arbitration panel, we will promptly request such permission, and your consent to withdrawal shall not be unreasonably withheld.

Our representation of you will be considered terminated at the earlier of (a) your termination of our representation, (b) our

withdrawal from our representation of you, or (c) completion of services we were retained to provide. In the event there has been no work performed by our attorneys on your behalf for a period of twelve (12) consecutive months, Client agrees that our attorney-client relationship will have been terminated.

Upon termination of our involvement in a particular matter for which we were engaged, we will have no duty to perform ongoing services of any type or advise you as to the matter.

12. Governing Law and Venue. The rights and obligations of you and Bond arising under or in connection with our representation of you on this matter will be governed by the laws of the state of the Bond office where the legal work was substantially performed without regard to conflicts of laws principles. In the event that any part or parts of these Terms of Representation are deemed to be unlawful, all other provisions remain in full force and effect.

13. Advance Conflict of Interest Waiver for Non-Litigation Matters. Bond is a general-service law firm and we represent many other clients covering a wide range of matters. Some of these other clients may be your competitors, vendors, or customers. It is possible that some of our present or future clients will ask us to represent them in matters where their interests are adverse or potentially adverse to your interests during the time that we represent you. As an integral part of this engagement, Client agrees that Bond may, either now or in the future, represent other clients in non-litigation matters that are adverse to Client provided that (1) such adverse matters are not substantially related to the matters in which we represent Client; (2) the Firm believes that the exercise of its independent professional judgment on behalf of the Client will not be adversely affected; and (3) the Firm can properly maintain Client's confidential information. These matters could be adverse for any number of reasons, including because they involve Client's competitors or others with whom Client has a legal or business dispute. For clarity, this advance waiver applies only to non-litigation matters and does not permit us to oppose you in a lawsuit, arbitration, mediation, or government enforcement action, without your separate informed written consent at that time.

14. Acceptance of Terms of Representation. Your agreement to this engagement constitutes your knowing acceptance of the foregoing Terms of Representation, and an acknowledgement that you have had the right to consult with independent counsel regarding all of them. If any of them are unacceptable to you, please advise us now so that we can resolve any differences and proceed with a clear, complete, and consistent understanding of our relationship.

On motion of Mr. Schrader, seconded by Mr. Keeler, Report and Resolution No. 206 sponsored by the Committee on Natural Resources and the Committee on Ways & Means designating the County as Lead Agency, determining the significance of an action, and issuing a negative declaration in connection with the proposed upgrades and improvements to the Herkimer County Sewer District's Wastewater Treatment Plant Facilities was handed up; voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Malta, Donley, Haehl (3).



HERKIMER COUNTY LEGISLATURE

No. 206

REPORT AND RESOLUTION DESIGNATING THE COUNTY AS LEAD AGENCY, DETERMINING THE SIGNIFICANCE OF AN ACTION, AND ISSUING A NEGATIVE DECLARATION IN CONNECTION WITH THE PROPOSED UPGRADES AND IMPROVEMENTS TO THE HERKIMER COUNTY SEWER DISTRICT'S WASTEWATER TREATMENT PLANT FACILITIES

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

WHEREAS, by Resolution No. 193 adopted on June 11, 2025, this Legislature approved Sewer District Resolution HCSD 2025-09 to award a contract for architecture and engineering services to develop a long-range plan for the Wastewater Treatment Plant (the "WWTP") to determine where and how the facility should update its systems, to Hazen and Sawyer, D.P.C., for a total price of \$244,200.00; and

WHEREAS, the State Environmental Quality Review Act (SEQRA) requires that certain procedures be followed and that certain determinations be made prior to said WWTP Facilities Improvement Project (the "Project"); and

WHEREAS, the County has reviewed the procedural and substantive requirements, criteria and factors under SEQRA relative to (i) classifying the type of action to be undertaken (ii) agency review and (iii) lead agency determination; and

WHEREAS, the County has prepared and submitted all documents and information with respect to the determination of environmental significance of the Project in conjunction with its consultants; and

WHEREAS, the County has considered, reviewed and analyzed such documents and information; now, therefore, be it

RESOLVED, the County hereby recognizes and declares that in accordance with 6 NYCRR Part 617, it is lead agency; and, be it further

RESOLVED, that the County of Herkimer hereby determines that the Project is a Type 1 action for purposes of SEQRA; and, be it further

RESOLVED, that upon the consideration, review and analysis of all the SEQRA documents and information relative to the upgrades and improvement to the WWTP Facilities in recognition of the criteria and standards in SEQRA concerning the making of such determination, the County hereby finds and declares that the identified environmental effects regarding the reconstruction of said improvement project, as specified in the Full Environmental Assessment Form ("FEAF"), will not be significant; and, be it further

RESOLVED, that as a consequence of such finding and declaration and in compliance with the requirements of SEQRA, the County, as lead agency, hereby issues a negative declaration and directs the

execution of Part 3 of the FEAF and directs that the Chairman of this Legislature file and make available the same in accordance with the requirements of SEQRA Law; and, be it further

RESOLVED, that certified copies of this Resolution be filed as required by Part 617 of Title 6 of the New York State Code of Rules and Regulations; and, be it further

RESOLVED, that this Resolution shall take effective immediately.

Dated: July 8, 2026.

On motion of Mr. Gaworecki, seconded by Mr. Swartz, Resolution No. 207 sponsored by the Committee on Natural Resources and the Committee on Ways & Means approving the proposed upgrades and improvements to the Herkimer County Sewer District's Wastewater Treatment Plant Facilities was handed up; voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Malta, Donley, Haehl (3).



HERKIMER COUNTY LEGISLATURE

No. 207

RESOLUTION APPROVING THE PROPOSED UPGRADES AND IMPROVEMENTS TO THE HERKIMER COUNTY SEWER DISTRICT'S WASTEWATER TREATMENT PLANT FACILITIES

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

WHEREAS, by proceedings heretofore duly had and taken pursuant to Article 5-A of the County Law, the County Legislature of Herkimer County, New York (the "County Legislature"), established a county sewer district designated and known as Herkimer County Sewer District (the "District"); and

WHEREAS, the sewer facilities serving properties in the District are in need of improvement, as described in the report prepared by Hazen and Sawyer, DPC (the "Engineers") prepared and on file in accordance with County Law Section 268 (the "Engineer's Report"); and

WHEREAS, the proposed improvements to the District sewer facilities includes, among other things, improvements to the District's Wastewater Treatment Plant and Frankfort Pump Station to extend useful life and meet future anticipated State Pollution Discharge Elimination System (SPDES) Permit discharge limits, replacement of existing equipment and electrical systems, upgrades to influent pumps, screening equipment, grit removal equipment, clarifier equipment, aeration equipment, disinfection equipment, gravity thickening equipment, dewatering equipment and associated ancillary items, and construction of new structures to house said improvements (the "Project"); and

WHEREAS, the cost of the Project is proposed to be financed through the issuance of bonds by Herkimer County on behalf of the District and the County is also pursuing grant opportunities; and

WHEREAS, the estimated maximum cost of the Project is \$79,361,000; and

WHEREAS, the estimated maximum annual net cost to the typical property in the District for the Project is estimated to be \$316.00; and

WHEREAS, the County Legislature has previously determined that the Project is a “Type I Action” under the State Environmental Quality Review Act and the regulations thereunder, and that the Project will have no significant impact on the environment; and

WHEREAS, on June 17, 2026 the County Legislature duly adopted a resolution calling a public hearing regarding the proposal to construct the Project at the maximum estimated cost described above; and

WHEREAS, notice of the public hearing was duly published in the manner provided by law; and

WHEREAS, the public hearing was duly held at the Legislative Chambers in the Herkimer County Office Building located at 109 Mary Street, Herkimer, New York on July 8, 2026 at 1:15 p.m.; now, therefore, be it

RESOLVED, that it is hereby found and determined that it is in the public interests of the people of the County of Herkimer residing within the boundaries of the District to proceed with the Project, all as more fully described in the preambles hereof and in the Engineer’s Report, and such increase and improvement of District facilities is hereby authorized at an estimated maximum cost of \$79,361,000; and, be it further

RESOLVED, that the cost of the Project will be financed, in whole or in part, by the issuance of bonds of the County in the principal amount not to exceed \$79,361,000, and the costs of the Project including the payment of principal of and interest on said bonds, shall be apportioned in accordance with the District’s annual scale of charges for the collection, conveyance, treatment, and disposal of sewage and wastewater from public corporations, improvement districts, commercial and industrial users and individuals, as such scale of charges currently exists and will be amended and adopted on an annual basis, with the expectation that any funds received by the District from grants shall be used to pay a part of the cost of the project or to pay debt service on bonds issued to finance the project or shall be budgeted as an offset to such assessments to be levied and collected; and, be it further

RESOLVED, if and to the extent that the approval of the New York State Comptroller is required pursuant to County Law Section 268, the appropriate County officers and staff are hereby directed to prepare an application to the New York State Comptroller in the manner provided by law; and, be it further

RESOLVED, that the financing of the Project shall not occur until the County Legislature has adopted a Bond Resolution in accordance with the New York Local Finance Law; and, be it further

RESOLVED, that this Resolution shall take effect immediately; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, County Attorney, Herkimer County Sewer District, Christopher Bray, Esq., and Bond, Schoeneck & King, PLLC.

Dated: July 8, 2026.

On motion of Mr. Weakley, seconded by Mr. Brewer, Resolution No. 208 sponsored by the Committee on Natural Resources and the Committee on Ways & Means authorizing the issuance of not to exceed \$79,361,000 serial bonds of the County of Herkimer to finance the cost of improvements to the Herkimer County Sewer District Facilities was handed up; voted on and adopted by roll call vote:

For: Gaworecki, Schrader, Wedemeyer, Brewer, Bennett, Keeler, Brezinski, Bick, Swartz, Lucenti, Ackerman, Campione, Wares, Weakley (14).

Against: None.

Absent: Malta, Donley, Haehl (3).



HERKIMER COUNTY LEGISLATURE

No. 208

BOND RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$79,361,000 SERIAL BONDS OF THE COUNTY OF HERKIMER TO FINANCE THE COST OF IMPROVEMENTS TO THE HERKIMER COUNTY SEWER DISTRICT FACILITIES

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

WHEREAS, the County Legislature of the County of Herkimer, New York (the "County") wishes to (1) authorize the expenditure and appropriation of funds in connection with the construction and reconstruction of improvements to the facilities of the Herkimer County Sewer District (the "District"), including but not limited to, the District's Wastewater Treatment Plant and Frankfort Pump Station to extend useful life and meet future anticipated State Pollution Discharge Elimination System (SPDES) Permit discharge limits, replacement of existing equipment and electrical systems, upgrades to influent pumps, screening equipment, grit removal equipment, clarifier equipment, aeration equipment, disinfection equipment, gravity thickening equipment, dewatering equipment and associated ancillary items, and construction of new structures to house said improvements (the "Project"); and (ii) authorize the issuance of Serial Bonds of the County to finance such appropriation; now, therefore, be it

RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the County Legislature of the County as follows:

Section 1. The County is hereby authorized to undertake the Project at an estimated maximum cost not to exceed \$79,361,000.

Section 2. The plan for financing such maximum authorized cost of \$79,361,000 shall be by the issuance of \$79,361,000 of Serial Bonds (the “Bonds”) of the County, which is hereby authorized to be issued pursuant to this resolution.

Section 3. It is hereby determined that the period of probable usefulness for the aforesaid object or purpose is forty (40) years pursuant to paragraph 4 of Section 11.00(a) of the Local Finance Law.

Section 4. Pursuant to Section 107.00(d)(9) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available funds of the County, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds, and any bond anticipation notes issued in anticipation of the Bonds. An annual appropriation shall be made in the budget of the County for (a) the amortization and redemption of the Bonds and bond anticipation notes to mature in such year, and (b) the payment of interest to be due and payable in such year. There shall annually be assessed and levied upon the real property of users connected to the District's sewer system, in accordance with the District's annual scale of charges for the collection, conveyance, treatment and disposal of sewage and wastewater from public corporations, improvement districts, commercial and industrial users and individuals, as such scale of charges currently exists and as it will be amended and adopted on an annual basis, an amount sufficient to pay the principal of and interest on such obligations as the same become due and payable, but if not paid from such source, all the taxable real property in the County shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal and interest on such obligations when due.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00, and 56.00 to 63.00, inclusive, of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to issue bonds providing for substantially level or declining annual debt service, is hereby delegated to the County Treasurer.

Section 8. The Bonds, and any bond anticipation notes issued in anticipation of the Bonds, are hereby authorized to be consolidated, at the option of the County Treasurer, with the bonds and bond anticipation notes authorized by other bond resolutions approved by the County Legislature for purposes of sale into one or more bond or note issues aggregating an amount not to exceed the amount authorized in such resolutions. All matters regarding the sale of the bonds,

including the dated date of the bonds, the consolidation of the Bonds and bond anticipation notes with other issues of the County and the serial maturities of the Bonds are hereby delegated to the County Treasurer.

Section 9. This resolution shall constitute the declaration of the County’s “official intent” to reimburse the expenditures authorized by this resolution with the proceeds of the Bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

Section 10. The County Treasurer is hereby authorized to file an application with the New York State Comptroller pursuant to Section 124.10 of the Local Finance Law to exclude the proposed indebtedness authorized herein from the constitutional and statutory debt limits of the County.

Section 11. The County Treasurer is hereby further authorized, in their sole discretion, to execute a loan agreement, a project finance agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond anticipation note and/or serial bond issue of the County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 12. The validity of the Bonds or of any bond anticipation notes issued in anticipation of the sale of the Bonds may be contested only if:

(a) Such obligations are authorized for an object or purpose for which the County is not authorized to expend money; or

(b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(c) Such obligations are authorized in violation of the provisions of the Constitution of New York.

Section 13. The County Treasurer is hereby authorized to enter into an undertaking for the benefit of the holders of the Bonds from time to time, and any bond anticipation notes issued in anticipation of the sale of the bonds, requiring the County to provide secondary market disclosure as required by Securities and Exchange Commission Rule 15c2-12.

Section 14. In the absence of the County Treasurer, the Deputy Treasurer of the County is hereby specifically authorized to exercise the powers delegated to the County Treasurer in this resolution.

Section 15. This resolution, or a summary hereof, shall be published in the official newspapers of the County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 16. This resolution is not subject to a mandatory or permissive referendum.

Section 17. The County Legislature hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this resolution.

Section 18. Certified copies of the Resolution herein shall be sent to the Herkimer County Treasurer, Budget Officer, County Attorney, County Administrator, Herkimer County Sewer District, Christopher Bray, Esq., and Bond, Schoeneck & King, PLLC.

Section 19. This resolution shall take effect immediately upon its adoption.

Dated: July 8, 2026.

Chairman Campione stated that pursuant to Rule 6(12) they would proceed with comments by Legislators. There were no comments.

At 2:14 p.m. on motion of Mr. Weakley, seconded by Mr. Lucenti, the Legislature adjourned to August 12, 2026 at 7:00 p.m., with a Public Hearing on the HCCC Budget at 6:15 p.m.

Brittney R. Viscomi, Clerk