

MINUTES
Herkimer County Legislature
First Quarter – Fourth Day
Wednesday, March 13, 2019
7:00 p.m.

The Regular Session of the Herkimer County Legislature was called to order by Chairman Bernard Peplinski at 7:04 p.m.

Chairman Peplinski called on Sally Deming, Clerk of the Legislature, to lead the Legislature in the Pledge of Allegiance.

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

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

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

Absent: Brezinski (1).

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Peplinski asked if there were any objections or corrections to the minutes of February 13, 2019. There were none, and the Chairman ordered them approved.

Chairman Peplinski dispensed with the regular session to allow for the presentation of a plaque. Chairman Peplinski presented a plaque to Sally Deming, Clerk of the Legislature, upon her retirement, in recognition of her twenty four years of dedicated service to the residents of Herkimer County. Sally thanked the Legislature and staff for the past 24 years.

Pursuant to Rule 11, Chairman Peplinski opened the floor for public comment. (1) Susan Westfield, Mohawk – Travis Road. (2) Mrs. Averell, Mohawk - Travis Road. (3) Charles Westfield, Mohawk – Travis Road. (4) Robert Ruggerio, Mohawk - Travis Road. (5) Vivian Hertiel, Ilion – Travis Road.

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

No. 89 – A communication was received from the Alexander Hose Company #1 & Mohawk Volunteer Fire Department Expressing thanks to Legislature for donation in memory of Chief Robert N. Hyde. Filed.

No. 90 – A communication was received from the NYS Office of the State Comptroller acknowledging receipt for Local Law No. 2 of 2018. Filed.

No. 91 – A communication was received from the NYS Office of the State Comptroller acknowledging receipt for Local Law No. 3 of 2018. Filed.

No. 92 – A communication was received from the Little Mended Hearts expressing thanks to Legislature for Proclamation. Filed.

No. 93 – A communication was received from the Office of Community Renewal submitting notice of funding availability. Filed.

No. 94 – A communication was received from the Orange County Legislature submitting copy of Resolution. Filed.

No. 95 – A communication was received from the Commissioner of Elections notifying Legislature of informational sessions held regarding Election Law changes. Filed.

No. 96 – A communication was received from the Sheriff submitting Monthly Report for November 2018. Referred to the Committee on Public Safety & Emergency Management.

No. 97 – A communication was received from the Sheriff submitting Monthly Report for December 2018. Referred to the Committee on Public Safety & Emergency Management.

No. 98 – A communication was received from Chairman Peplinski authoring Vice Chairman to sign documents in his absence. Filed.

No. 99 – A communication was received from HC Soil & Water Conservation District submitting Annual Report for 2018. Filed.

No. 100 – A communication was received from the Director of Office for the Aging submitting resignation letter from OFA's Advisory Council. Filed.

No. 101 – A communication was received from the Highway Superintendent notifying Legislature of information meeting held regarding Project 383 – Travis Road . Referred to the Committee on Highways.

No. 102 – A communication was received from the Highway Superintendent notifying Legislature of request received for installation of a cattle crossing. Referred to the Committee on Highways.

No. 103 – A communication was received from the Commissioner of Elections submitting Annual Report for 2018. Referred to the Committee on Administration/Veterans' Affairs.

No. 104 – A communication was received from the County Clerk submitting Annual Report for 2018. Referred to the Committee on Administration/Veterans' Affairs.

No. 105 – A communication was received from the Director of Probation submitting Annual Report for 2018. Referred to the Committee on Public Safety & Emergency Services.

No. 106 – A communication was received from the Highway Superintendent submitting Annual Report for 2018. Referred to the Committee on Highways.

No. 107 – A communication was received from the Director of Real Property Tax Services submitting Annual Report for 2018. Referred to the Committee on Ways & Means.

No. 108 – A communication was received from Chairman Peplinski recommending appointment for the Regional Fish & Wildlife Management Board. Referred to the Committee on Natural Resources.

No. 109 – A communication was received from the HC County Sewer District recommending reappointment of board member. Referred to the Committee on Natural Resources.

No. 110 – A communication was received from the Director of Office of the Aging requesting renewal of contract for EISEP. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 111 – A communication was received from the Director of Office of the Aging requesting renewal of contract with DSS. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 112 – A communication was received from the Commissioner of Elections requesting approval for Chairman to sign contracts for Voter Education/Poll Worker Training & NYS Poll Site Access improvement. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 113 – A communication was received from the Budget Officer requesting approval to reject bids for aerial truck and approve purchase off of NYS contract. Referred to the Committee on Highways and the Committee on Ways & Means.

No. 114 – A communication was received from the Highway Superintendent requesting approval for 5 year agreement for snow and ice. Referred to the Committee on Highways and the Committee on Ways & Means.

No. 115 – A communication was received from the Commissioner of Social Services amending Resolution No. 388 of 2018 for contracts in DSS in connection with Flexible Funds. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 116 – A communication was received from the Director of Emergency Management requesting approval to assign 2015 Ford Explorer to the Deputy Director of Emergency Services. Referred to the Committee on Public Safety & Emergency Management.

No. 117 – A communication was received from the Director of Emergency Management requesting purchase from grant funding. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 118 – A communication was received from the Budget Officer amending 2019 Budget and creation of new project in Emergency Services. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 119 – A communication was received from the Budget Officer advising of grant in Emergency Services and requesting budget amendment. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 120 – A communication was received from the Director of Probation requesting amendment to the Laundry List. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 121 – A communication was received from the Sheriff requesting resolution authorizing renewal of contract with Black Creek Integrated System. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 122 – A communication was received from the Sheriff requesting resolution authorizing renewal of contract with Business Electronics, Inc. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 123 – A communication was received from the Sheriff requesting maintenance agreement for Finger Printing System. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 124 – A communication was received from the Budget Officer requesting transfer for Printer in Sheriff's department. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 125 – A communication was received from the Budget Officer requesting approval of Sewer District Resolution for mail sorting machine. Referred to the Committee on Natural Resources and the Committee on Ways & Means.

No. 126 – A communication was received from the Clerk of the Legislature advising of Retirement. Filed.

No. 127 – A communication was received from the Budget Officer requesting creation of project number and transfer of funds. Referred to the Committee on Ways & Means.

No. 128 – A communication was received from the Budget Officer requesting transfer for lawsuit settlement. Referred to the Committee on Ways & Means.

No. 129 – A communication was received from the Family of Robert E. VanDusen expressing appreciation for Memorial Resolution. Filed.

No. 130 - A communication was received from the Town of Arietta submitting Resolution requesting cell coverage plan. Filed.

No. 131 – A communication was received from the Sewer District Attorney submitting Resolution adopted by the Sewer District for engineering agreement for sewer study and requesting approval from the Legislature. Referred to the Committee on Natural Resources and the Committee on Ways & Means.

No. 132 – A communication was received from the County Clerk submitting resignation letter from Sally Deming. Filed.

No. 133 – A communication was received from the NYS Office of the State Comptroller acknowledging receipt for Local Law No. 2 for 2019. Filed.

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

Chairman Peplinski recognized the Cornell Cooperative Extension Government Intern Program Student attending the meeting.

The Chairman proceeded with Reports and Resolutions beginning with the consent agenda.

On motion of Mr. Stephens, seconded by Mr. Ackerman, Resolutions No. 76- Resolution No. 82 were handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Brezinski (1).

- 76 ADM./VET. AFFRS: Adopting Annual Report of Board of Elections
- 77 ADM./VET. AFFRS: Adopting Annual Report of County Clerk
- 78 PUB. SAF./EM. MANG: Adopting Annual Report of Probation
- 79 HIGHWAYS: Adopting Annual Report of Superintendent of Highways
- 80 WAYS & MEANS: Adopting Annual Report of Real Property Tax Office
- 81 NAT. RESOURCES: Appointing member to Regional Fish & Wildlife Management Board
- 82 NAT. RESOURCES: Reappointing member to Sewer District Board

On motion of Mr. Ackerman, seconded by Mr. Shaw, Report and Resolution No. 83 sponsored by the Committee on Human Resources and the Committee on Ways & Means concerning services in connection with the expanded In-Home Services for the Elderly Program was handed up; was voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Brezinski (1).

On motion of Mr. Smith, seconded by Mr. Malta, Report and Resolution No. 84 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing contract between Office for Aging and Department of Social Services in Connection with Balance Incentive Program was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Brezinski (1).

On motion of Mr. Stephens, seconded by Mr. Gaworecki, Report and Resolution No. 85 sponsored by the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means extending contract for grant for Board of Elections was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Brezinski (1).

On motion of Mr. Smith, seconded by Mr. Weakley, Report and Resolution No. 86 sponsored by the Committee on Highways and the Committee on Ways and Means rejecting all bids for bucket truck and awarding purchase off of state contract for purchase in Highway Department was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Brezinski (1).

On motion of Mr. Campione, seconded by Mr. Gaworecki, Report and Resolution No. 87 sponsored by the Committee on Highways and the Committee on Ways and Means authorizing agreements with local governments for removal of snow and ice of County roads was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Brezinski (1).

On motion of Mr. Shaw, seconded by Mr. Schrader, Report and Resolution No. 88 sponsored by the Committee on Human Resources and the Committee on Ways and Means amending Resolution No. 388 of 2018 for contracts in the Department of Social Services was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Brezinski (1).

On motion of Mr. Bono, seconded by Mr. Stephens, Report and Resolution No. 89 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways and Means approving purchase of equipment for the new IP based Radio/Microwave System in Emergency Services was handed up; was voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Brezinski (1).

On motion of Mr. Campione, seconded by Mr. Keeler, Report and Resolution No. 90 sponsored by the Committee on Public Safety & Emergency Services and the Committee on Ways and Means accepting SICG Target Grant funding, authorizing E Signature, creating project number, and amending 2019 budget in Emergency Services was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Brezinski (1).

On motion of Mr. Keeler, seconded by Mr. Hollum, Report and Resolution No. 91 sponsored by the Committee on Public Safety & Emergency Services and the Committee on Ways and Means accepting grant and amending budget in connection with receipt of STOP-DWI funding was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Brezinski (1).

On motion of Mr. Weakley, seconded by Mr. Stephens, Report and Resolution No. 92 sponsored by the Committee on Ways and Means amending Resolution No. 407 of 2018 authorizing attendance at conferences for municipal officers and employees during the year 2019 was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Brezinski (1).

On motion of Mr. Bono, seconded by Mr. Hollum, Report and Resolution No. 93 sponsored by Committee on Public Safety & Emergency Management and the Committee on Ways and Means approving renewal of agreement for Sallyport Inmate Management at the Correctional Facility was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Brezinski (1).

On motion of Mr. Bono, seconded by Mr. Smith, Report and Resolution No. 94 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means authorizing annual service maintenance agreement for voice recorder at the Correctional Facility was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Brezinski (1).

On motion of Mr. Keeler, seconded by Mr. Schrader, Report and Resolution No. 95 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means authorizing annual service maintenance agreement for Fingerprinting System was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Brezinski (1).

On motion of Mr. Stephens, seconded by Mr. Keeler, Report and Resolution No. 96 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means approving the utilization of grant funding from Emergency Management and funding in the Sheriff's Department for the purchase of a datacard printer and approving a transfer of funds was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Brezinski (1).

On motion of Mr. Campione, seconded by Mr. Smith, Report and Resolution No. 97 sponsored by the Committee on Natural Resources and the Committee on Ways & Means approving Sewer District Resolution HCSD-04 for purchase of mail sorter machine and approving transfer was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Brezinski (1).

On motion of Mr. Hollum, seconded by Mr. Stephens, Report and Resolution No. 98 sponsored by the Committee on Natural Resources and the Committee on Ways & Means approving Sewer District Resolution HCSD-2019-05 for approving contract for Inceptor Sewer System Inflow/Infiltration Investigation was handed up; discussion was held, voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Brezinski (1).

On motion of Mr. Bono, seconded by Mr. Gaworecki, Report and Resolution No. 99 sponsored by the Committee on Ways & Means authorizing transfer of funds in 2019 budget and creating project number for Space Utilization Study was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Brezinski (1).

On motion of Mr. Russell, seconded by Mr. Weakley, Report and Resolution No. 100 sponsored by the Committee on Ways & Means authorizing transfer of funds in 2019 budget for settlement of a lawsuit was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Brezinski (1).

On motion of Mr. Hollum, seconded by Mr. Shaw, Resolution No. 101 sponsored by the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means opposing the proposed and amended 2020 Executive State Budget impacting aid and incentives to municipalities and State cost shifts to Counties was handed up; discussion was held, voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Brezinski (1).

On motion of Mr. Bono, seconded by Mr. Keeler, Resolution No. 102 sponsored by the Committee on Public Safety & Emergency Management providing that the Forcemain installation and easement acquisition for the Herkimer County Jail is in compliance with the provisions of the New York State Environmental Quality Review Act was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Brezinski (1).

On motion of Mr. Smith, seconded by Mr. Keeler, Resolution No. 103 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways and Means Ratifying Resolution authorizing eminent domain proceedings and temporary easements for the jail sewer line was handed up; voted on and adopted by the following roll call vote at the request of Legislator Schrader:

For: Malta, Gaworecki, Hollum, Johnson, Stephens, Keeler, Smith, Bono, Ackerman, Peplinski, Campione, Russell, Shaw, Weakley (14).

Against: Schrader, Manno (2). Absent: Brezinski (1).

On motion of Mr. Bono, seconded by Mr. Gaworecki, Resolution No. 104 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means authorizing purchase of permanent and temporary easement for the jail sewer line was handed up; voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Brezinski (1).

On motion of Mr. Russell, seconded by Mr. Stephens, Resolution No. 105 sponsored by the Committee on Ways & Means authorizing settlement of Fair Labor Standards Act Litigation was handed up; discussion was held, voted on and adopted by voice vote:

For: Ayes (16). Against: None. Absent: Brezinski (1).

Chairman Peplinski called on Kathy Fox, HOOAD Co-Chair, who announced the Annual Meeting Wednesday, March 20, 2019, at 1:00 pm located at HCCC.

Chairman Peplinski stated that pursuant to Rule 6(12) they would proceed with comments by legislators. The following legislators made comments: Legislator Bono, Mark O'Clair, Gilbane Project Manager, Legislator Russell.

At 7:51 p.m. on motion of Mr. Manno, seconded by Mr. Stephens, the Legislature adjourned to Wednesday, April 3, 2019 at 2:00 p.m.

Brittney R. Viscomi, Deputy Clerk



HERKIMER COUNTY LEGISLATURE

No. 76

REPORT AND RESOLUTION ADOPTING ANNUAL REPORT OF THE HERKIMER COUNTY BOARD OF ELECTIONS

Sponsored by: Committee on Administration/Veterans' Affairs

WHEREAS, your Committee on Administration/Veterans' Affairs, to which was referred the Annual Report of the Herkimer County Board of Elections for the year 2018, respectfully reports that we have examined the same, recommend the adoption of said report, and offer the following Resolution:

RESOLVED, that the Annual Report of the Herkimer County Board of Elections be approved and placed on file with the Herkimer County Legislature for the year 2018.

Dated: March 13, 2019.



HERKIMER COUNTY LEGISLATURE

No. 77

REPORT AND RESOLUTION ADOPTING ANNUAL REPORT OF COUNTY CLERK

Sponsored by: Committee on Administration/Veterans' Affairs

WHEREAS, your Committee on Administration/Veterans' Affairs, to which was referred the Annual Report of Sylvia M. Rowan, County Clerk, pertaining to monies received by her office for the period ending December 31, 2018, respectfully reports and offers the following Resolution:

RESOLVED, that the Annual Report of the Herkimer County Clerk for the year 2018 be adopted and placed on file with the Herkimer County Legislature for the year 2018.

Dated: March 13, 2019.



HERKIMER COUNTY LEGISLATURE

No. 78

REPORT AND RESOLUTION ADOPTING ANNUAL REPORT OF THE HERKIMER COUNTY PROBATION DEPARTMENT

Sponsored by: Committee on Public Safety/Emergency Management

WHEREAS, your Committee on Public Safety/Emergency Management, to which was referred the Annual Report of the Herkimer County Probation Department for the year 2018, respectfully reports that we have examined the same, recommend the adoption of said report, and offer the following Resolution:

RESOLVED, that the Annual Report of the Herkimer County Probation Department be approved and placed on file with the Herkimer County Legislature for the year 2018.

Dated: March 13, 2019.



HERKIMER COUNTY LEGISLATURE

No. 79

REPORT AND RESOLUTION ADOPTING ANNUAL REPORT OF COUNTY SUPERINTENDENT OF HIGHWAYS

Sponsored By: Committee on Highways

WHEREAS, your Committee on Highways, to which was referred the Annual Report for 2018 of the County Highway Superintendent, respectfully reports that we have examined the same, recommend the adoption of said report, and offer the following Resolution:

RESOLVED, that the 2018 Annual Report of the County Superintendent of Highways be adopted and placed on file with the Herkimer County Legislature for the year 2018.

Dated: March 13, 2019.



HERKIMER COUNTY LEGISLATURE

No. 80

REPORT AND RESOLUTION APPROVING ANNUAL REPORT OF THE REAL PROPERTY TAX SERVICE AGENCY

Sponsored by: Committee on Ways and Means

WHEREAS, your Committee on Ways and Means, to which was referred the communication from the Director of the Real Property Tax Service Agency, submitting the 2018 Annual Report of the Herkimer County Real Property Tax Service Agency, respectfully reports that we have examined the said report, recommend that it be adopted and offer the following Resolution:

RESOLVED, that the 2018 Annual Report of the Herkimer County Real Property Tax Service Agency hereby is adopted and that a copy thereof be placed on file with the Herkimer County Legislature for the year 2018.

Dated: March 13, 2019.



HERKIMER COUNTY LEGISLATURE

No. 81

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

Sponsored by: Committee on Natural Resources

RESOLVED, that the appointment of William Weakley, Poland, New York, as the legislative representative to the Regional Fish and Wildlife Management Board, made by the Chairman of the Legislature, by letter dated February 21, 2019, be and hereby is, ratified and confirmed, which term shall expire on December 31, 2019; and, be it further

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

Dated: March 13, 2019.



HERKIMER COUNTY LEGISLATURE

No. 82

REPORT AND RESOLUTION DESIGNATING MEMBER TO HERKIMER COUNTY SEWER BOARD

Sponsored by: Committee on Natural Resources

WHEREAS, the Legislature of the County of Herkimer, by Resolution No. 100 for the year 1993 determined that the administrative body of the Herkimer County Sewer District should thereafter be a five member board and appointed the chief executive officer or their designees of the Villages of Ilion, Frankfort and Mohawk and the Towns of Frankfort and German Flatts as members of said Board; and

WHEREAS, by letter dated February 20, 2019, from the Herkimer County Sewer District, your Committee has been advised that the Town of Frankfort has submitted a letter for reappointment of Joseph Annese as designee of the Town for a five year term; now, therefore, be it

RESOLVED, that Joseph Annese is hereby re-appointed to the Herkimer County Sewer District Board for a five year term to expire on 2/28/2024; and, be it further

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

Dated: March 13, 2019.



HERKIMER COUNTY LEGISLATURE

No. 83

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

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

WHEREAS, pursuant to resolutions previously adopted, contracts were authorized between the Herkimer County Office for the Aging and At Home Care, Inc., the Department of Social Services, Home Aide Services for Central Adirondacks (HASCA), Superior Home Health Care and Resource Center for Independent Living, and U.S. Care Systems for said contractors to provide services for the Expanded In-Home Services for the Elderly Program (EISEP); and

WHEREAS, by communication dated February 5, 2019, from Kathy L. Fox, Director of the Office for the Aging, this Legislature is advised of a request to enter into renewal of the aforesaid contracts for the period of April 1, 2019 to March 31, 2020, with funding at 75/25%, with the Office for Aging to provide the local match for aide services for At Home Care, RCIL, HASCA, US Care and Superior, and with DSS to provide the local match for their allocation; now, therefore, be it

RESOLVED:

1. That contracts be entered into between the Herkimer County Office for the Aging and the agencies listed to provide services for the Expanded In-Home Services for the Elderly Program (EISEP) as follows:
 - At Home Care will be contracted for aide services estimated to be \$70,000; the hourly rate will be \$23.76 for Level 1 and \$24.07 for Level 2; \$106.98 RN Assessment (Initial assessment, 180 reassessment, change in condition).
 - DSS will provide case management services for up to a total amount of \$70,000 with state aid reimbursement of 75% up to \$52,500.
 - Superior Home Health Care will be contracted for aide services estimated to be \$78,000; the hourly rate is \$22.06.
 - HASCA will be contracted for aide services estimated to be \$18,000, the hourly rate will be \$25.12.
 - Resource Center for Independent Living will be contracted for services estimated to be \$90,000; the hourly rates will be \$18.00 for the Basic and Enhanced rate.
 - U.S. Care Systems will be contracted for services estimated to be \$30,000; the hourly rate will be \$22.53.
2. That all contracts shall state that payments are based on availability of state aid and will include a 60 day cancellation of contract clause;
3. That the Chairman of this Legislature is hereby authorized to execute said agreements on behalf of the County of Herkimer;

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4. That certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of the Office for the Aging, Commissioner of Social Services,

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

Dated: March 13, 2019.



HERKIMER COUNTY LEGISLATURE

No. 84

REPORT AND RESOLUTION AUTHORIZING CONTRACT BETWEEN OFFICE FOR AGING AND DEPARTMENT OF SOCIAL SERVICES IN CONNECTION WITH BALANCE INCENTIVE PROGRAM

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

WHEREAS, by letter dated February 5, 2019 from Kathy L. Fox, Director of the Office for the Aging, this Legislature is advised of a request to enter into a contract with the Department of Social Services in the amount of \$30,000 to provide services in connection with the implementation of the NY Connects Expansion & Enhancement (formerly known as Balance Incentive Program), which is a program to assist individuals who are Medicaid or Medicare eligible in obtaining in-home services to prevent nursing home placement; and

WHEREAS, said contract will be for the period from April 1, 2019 through March 31, 2020 and will be 100% funded by the NY Connects Expansion & Enhancement; now, therefore, be it

RESOLVED, that this Legislature authorizes a contract for the period April 1, 2019 through March 31, 2020, between the Herkimer County Office for the Aging and the Herkimer County Department of Social Services, for the provision services in connection with the implementation of the Balance Incentive Program, which is a program to assist individuals who are Medicaid or Medicare eligible in obtaining in-home services to prevent nursing home placement, in the amount of \$30,000; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute said contract on behalf of the County of Herkimer, with said contract subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that said program shall continue so long as 100% reimbursement is available from the State of New York; and, be it further

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

Dated: March 13, 2019.



HERKIMER COUNTY LEGISLATURE

No. 85

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. 51 of 2007, Resolution No. 342 of 2009, Resolution No. 65 of 2013, Resolution No. 71 of 2015 and Resolution 96 of 2017, this Legislature approved contracts and extensions of contracts with the State of New York to receive certain grant funding in connection with HHS 2009 Federal Accessibility Funds and Voter Education/Poll Worker Training; and

WHEREAS, by letter dated February 20, 2019 from the Commissioners of Elections your Committees have been advised that the New York State Board of Elections has notified them that the Voter Education/Poll Worker Grant has been extended to March 31, 2020; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a grant extension to March 31, 2020 on behalf of the County of Herkimer with the New York State Board of Elections in connection with the Voter Education/Poll Worker Training Program in the original contract amount of \$37,463; and, be it further

RESOLVED, that the Chairman of this Legislature is authorized to execute future extensions of the duration of said grant, so long as an unexpended balance remains and no other amendments to said grant are made; 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: March 13, 2019.



HERKIMER COUNTY LEGISLATURE

No. 86

REPORT AND RESOLUTION REJECTING ALL BIDS FOR AERIAL BUCKET TRUCK AND AWARDED PURCHASE OFF OF STATE CONTRACT FOR PURCHASE IN HIGHWAY DEPARTMENT

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

WHEREAS, by letter dated February 21, 2019, Sheri Ferdula, Budget Officer has advised that sealed bids were received, opened and read in accordance with law for the purchase of a Overcenter Articulating Aerial Bucket Truck for the Herkimer County Highway Department; and

WHEREAS, it is the recommendation of the Budget Officer and your committees that the bids be rejected and the purchase be made off of a New York State Contract from Altec Industries in the amount of \$146,280; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby rejects all bids and authorizes the purchase be made off of a New York State Contract for a Overcenter Articulating Aerial Bucket Truck for the Herkimer County Highway Department from Altec Industries in the amount of \$146,280; and, be it further

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

Dated: March 13, 2019.



HERKIMER COUNTY LEGISLATURE

No. 87

REPORT AND RESOLUTION AUTHORIZING AGREEMENTS WITH LOCAL GOVERNMENTS FOR REMOVAL OF SNOW AND ICE AND THE SANDING AND SALTING OF COUNTY ROADS

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

WHEREAS, pursuant to Resolution No. 307 adopted on October 25, 1999, this Legislature authorized contracts with local governments for the removal of snow and ice from county roads and for sanding and salting of said roads for a period of ten years, which contracts were extended by Resolution No. 230 of 2014 for a period of five years to expire December 31, 2019; and

WHEREAS, by letter dated February 21, 2019, Mark A. Nagele, County Highway Superintendent, has requested said contracts be extended for a five year period under the same terms and conditions; now, therefore, be it

RESOLVED, that the Chairman of this Legislature and the County Superintendent of Highways are hereby authorized to enter into agreements with local governments for the removal of snow and the sanding and salting of county roads for a period of five years commencing January 1, 2020 and expiring December 31, 2024, with contracts to be prepared and approved by the Herkimer County Attorney; and, be it further

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

Dated: March 13, 2019.



HERKIMER COUNTY LEGISLATURE

No. 88

REPORT AND RESOLUTION AMENDING RESOLUTION NO. 388 OF 2018 FOR CONTRACTS IN HERKIMER COUNTY DEPARTMENT OF SOCIAL SERVICES

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

WHEREAS, by Resolution No. 388 dated December 12, 2018, this Legislature approved contracts in connection with Flexible Funds for Family Services Plan with various agencies for the year 2018-19; and

WHEREAS, by letter dated February 15, 2019, from Timothy Seymour, Commissioner of Social Services, this Legislature is advised of a request to amend the agreement with Resource Center for Independent Living, Inc. (RCIL) to change the name to Living Independently is for Everyone at RCIL, Inc., and to increase the cost to \$49,480 annually, effective April 1, 2019 through December 31, 2019; now, therefore be it

RESOLVED, that the agreement be amended to change the name to Living Independently is for Everyone at RCIL, Inc., and to increase the cost to \$49,480 annually, effective April 1, 2019 through December 31, 2019, and that the Chairman of this Legislature is hereby authorized to execute said contract; and, be it further

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

Dated: March 13, 2019.



HERKIMER COUNTY LEGISLATURE

No. 89

REPORT AND RESOLUTION APPROVING PURCHASE OF EQUIPMENT FOR THE NEW IP BASED RADIO/MICROWAVE SYSTEM

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

WHEREAS, by letter dated February 14, 2019, from Matthew Palumbo, Director of Emergency Services, this Legislature is advised of a request to purchase required Nokia routers to be installed for the new IP based radio/microwave system; and

WHEREAS, all equipment will be purchased under New York State contract pricing using the 2017 & 2018 Interoperable Communications Grant funding; now, therefore be it

RESOLVED, that this Legislature approves the purchase of required Nokia routers to be installed for the new IP based radio/microwave system for a total of \$109,011.32 under New York State contract pricing and utilizing the 2017 & 2018 Interoperable Communications Grant funding; 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: March 13, 2019.



HERKIMER COUNTY LEGISLATURE

No. 90

REPORT AND RESOLUTION ACCEPTING SICG TARGET GRANT FUNDING, AUTHORIZING E SIGNATURE, CREATING PROJECT NUMBER, AND AMENDING 2019 BUDGET

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

WHEREAS, by letter dated February 12, 2019, Matthew Palumbo, Director of Emergency Services has advised of a 2018 Statewide Interoperable Communications Target Grant Funding in the amount of \$2,308,567; and

WHEREAS, by letter dated February 20, 2019 from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that Project No. 20-1 be established for these funds and requests the 2019 budget be amended; now, therefore be it

RESOLVED, that the above described grant is hereby accepted and that the 2019 budget be amended as follows:

CREATE:

Project 20-1, Interoperable Target Grant

AMEND:

H3097, Gen. Gov't capital	FROM:	\$0
	TO:	\$2,308,567
H3021.25000, Public Safety, Other Equipment	FROM:	\$0
	TO:	\$2,000,000
H3021.44000, Public Safety, Contracted Services	FROM:	\$0
	TO:	\$308,567

and, be it further

RESOLVED, that the Chairman of the Legislature be authorized to e-sign the grant document; 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: March 13, 2019.



HERKIMER COUNTY LEGISLATURE

No. 91

REPORT AND RESOLUTION ACCEPTING GRANT AND AMENDING BUDGET IN CONNECTION WITH RECEIPT OF STOP-DWI FUNDING

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

WHEREAS, by letter dated February 20, 2019, from Michael L. Edwards, STOP-DWI Coordinator, he has requested this Legislature accept additional funding from the New York State Highway Safety Program Grant (DWI Crackdown) in the amount of \$5,000 for the period of October 1, 2018 through September 30, 2019, as a pass through funding stream administered by the County; and

WHEREAS, by letter dated February 20, 2019 from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that it is necessary to amend the Herkimer County Budget for 2019 in connection with the receipt of said funding; now, therefore, be it

RESOLVED, that the 2019 Herkimer County Budget is hereby amended as follows:

REVENUE

A3315A.4389G, Impaired Driving Det., SDWI Crackdown, SD02-6	From: \$0
	To: \$5,000

EXPENSE

A3315A.44000, Impaired Driving Det., Contracted Services, SD02-6	From: \$0
	To: \$5,000

and, be it further

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

Dated: March 13, 2019.



HERKIMER COUNTY LEGISLATURE

No. 92

REPORT AND RESOLUTION AMENDING RESOLUTION NO. 407 OF 2018 AUTHORIZING ATTENDANCE AT CONFERENCES FOR MUNICIPAL OFFICERS AND EMPLOYEES DURING THE YEAR 2019

Sponsored by: Committee on Ways and Means

WHEREAS, on December 12, 2018 this Legislature adopted Resolution No. 407 authorizing attendance at conferences for municipal officers and employees during the year 2019; and

WHEREAS, by communication dated January 22, 2019, from Garry Murphy, Director of Probation, request is made to add the annual New York State Association of Incarcerated Education Programs, Inc., conference under Probation Director, and further requests said Resolution No. 407 of 2018 be amended to reflect said change; now, therefore, be it

RESOLVED, that Resolution No. 407 adopted on December 12, 2018 be amended under Probation Director, to add the annual New York State Association of Incarcerated Education Programs. Inc. conference; and, be it further

RESOLVED, that in all other respects Resolution No. 407 of 2018 shall remain in full force and effect; and, be it further

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

Dated: March 13, 2019.



HERKIMER COUNTY LEGISLATURE

No. 93

REPORT AND RESOLUTION APPROVING RENEWAL OF AGREEMENT FOR SALLYPORT INMATE MANAGEMENT SYSTEM AT HERKIMER COUNTY CORRECTIONAL FACILITY

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

WHEREAS, by Resolution No. 19 of 2009 this Legislature authorized an agreement to accept the SallyPort Jail Management System at the Herkimer County Correctional Facility; which agreement has been renewed by resolution thereafter; and

WHEREAS, by letter dated February 20, 2019 from Sheriff Christopher Farber, this Legislature is advised of a request to renew said agreement for support services for the SallyPort Inmate Management System for the period 1/1/2019 through 12/31/2019 at a cost of \$15,831.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute an agreement with Black Creek Integrated Systems, PO Box 101747, Irondale, AL 35210, for support services for the SallyPort Inmate Management System at the Herkimer County Correctional Facility with said agreement to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that said agreement shall be for the period of 1/1/2019 through 12/31/2019 at an annual cost of \$15,831.00; and, be it further

RESOLVED, that annual renewals of said agreement are hereby authorized for a period of three years under the same or more favorable terms and conditions; and, be it further

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

Dated: March 13, 2019.



HERKIMER COUNTY LEGISLATURE

No.94

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

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

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

WHEREAS, by letter dated February 20, 2019, Christopher P. Farber, Sheriff, has requested approval of a service maintenance contract on said voice recorder system for the period October 1, 2018 through September 30, 2019 at a cost of \$3,700.00; now, therefore, be it

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

RESOLVED, that said contract shall be for the period October 1, 2018 through September 30, 2019 and shall be subject to the review and approval of the Herkimer County Attorney; and, be it further

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

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

Dated: March 13, 2019.



HERKIMER COUNTY LEGISLATURE

No. 95

REPORT AND RESOLUTION AUTHORIZING ANNUAL SERVICE MAINTENANCE AGREEMENT FOR FINGERPRINTING SYSTEM

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

WHEREAS, by letter dated February 20, 2019, Christopher P. Farber, Sheriff, has requested approval of a service maintenance contract for fingerprinting system for the period December 14, 2018 through December 31, 2019 at a cost of \$3,882.18; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a service maintenance contract with Idemia Identity & Security, 5705 W. Old Shakopee Road, Suite #100, Bloomington, MN 55437-3107 for the fingerprinting system; and; be it further

RESOLVED, that said contract shall be for the period December 14, 2018 through December 31, 2019 and shall be subject to the review and approval of the Herkimer County Attorney; and, be it further

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

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

Dated: March 13, 2019.



HERKIMER COUNTY LEGISLATURE

No. 96

REPORT AND RESOLUTION APPROVING THE UTILIZATION OF GRANT FUNDING FROM EMERGENCY MANAGEMENT AND FUNDING IN THE SHERIFF'S DEPARTMENT FOR THE PURCHASE OF A DATACARD PRINTER AND APPROVING A TRANSFER OF FUNDS

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

WHEREAS, by letter received February 21, 2019, from Christopher P. Farber, Herkimer County Sheriff, this Legislature is advised of a request to purchase, at a price of \$7,654.67, a printer from Linstar to provide ID and Proximity Cards for county employees, fire departments, police department and county contractors by utilizing Department of Homeland Security funding from the Office of Emergency Management EM02-12 grant funds and the Sheriff's department account; and

WHEREAS, by letter dated February 21, 2019, Sheri A. Ferdula, Budget Officer/Purchasing Agent has requested the Sheriff's account be listed under EM02-12 and transfers in the departments for proper accounting purposes as follows:

\$3,827.33	From: A3020A.22000, Em. Management HS, Computer Equipment EM02-12 To: A3110.22000, Sheriff, Computer Equipment, EM02-12
\$3,827.34	From: A3110.44000, Sheriff, Contracted Services To: A3110.22000, Sheriff, Computer Equipment

now, therefore be it

RESOLVED, that the above described purchase in the amount of \$7,654.67, and the above described transfers are approved; and, be it further

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

Dated: March 13, 2019.



HERKIMER COUNTY LEGISLATURE

No. 97

REPORT AND RESOLUTION APPROVING SEWER DISTRICT RESOLUTION HCSD-04 FOR PURCHASE OF MAIL SORTER MACHINE AND APPROVING TRANSFER

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

WHEREAS, by letter dated January 22, 2019, this Legislature is advised that by action on February 20, 2019 the Herkimer County Sewer District Board adopted a resolution, approving the purchase of mail sorter machine and a transfer of funds; and

WHEREAS, by letter dated February 20, 2019, Sheri Ferdula, Budget Officer, has submitted a request for transfer of funds in the 2019 budget for said purchase; now, therefore, be it

RESOLVED, that the above described resolution is hereby approved 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 in the 2019 Budget:

\$12,500	From: G8130.44000-540, Sewer Treatment Plant, Contracted Services
	To: G8110.25000, Sewer District, Other Equipment
\$1,700	From: G8130.44000-540, Sewer Treatment Plant, Contracted Services
	To: G8110.44000-442, Sewer District, Contracted Services.

and, be it further

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

Dated: March 13, 2019.



HERKIMER COUNTY LEGISLATURE

No. 98

REPORT AND RESOLUTION APPROVING SEWER DISTRICT RESOLUTION HCSD-2019-05 FOR APPROVING CONTRACT FOR INCEPTOR SEWER SYSTEM INFLOW/INFILTRATION INVESTIGATION

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

WHEREAS, this Legislature is advised that by action on February 20, 2019 the Herkimer County Sewer District Board adopted a resolution, approving an agreement with Barton and Loguidice, D.P.C, for an Interceptor Sewer System Inflow/Infiltration Investigation; and

WHEREAS, it is necessary to enter into an agreement with an engineering firm to proceed with a grant application to seek funding for this project; now, therefor be it

RESOLVED, that the Herkimer County Legislature approves Sewer District Board resolution HCSD-2019-05 approving an agreement with Barton and Loguidice, D.P.C., for an Interceptor Sewer System Inflow/Infiltration Investigation; and, be it further

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

Dated: March 13, 2019.



HERKIMER COUNTY LEGISLATURE

No. 99

REPORT AND RESOLUTION AUTHORIZING TRANSFER OF FUNDS IN 2019 BUDGET AND CREATING PROJECT NUMBER FOR SPACE UTILIZATION STUDY

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 February 20, 2019, submitting a request for transfer of funds and creation of a project for space utilization study, reports that we have examined said communication, inquired into the subject matter thereof, and recommend that said transfers be made and project be created, and offer the following Resolution:

RESOLVED, that the above described project 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 in the 2019 Budget:

CREATE:

Project 5-5, Space Utilization

TRANSFER:

\$23,140 From: H3150.44000, Jail, Contracted Services, Project 5-1
 To: H3150.44000, Jail, Contracted Services, Space Utilization, Project 5-5

and, be it further

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

Dated: March 13, 2019.



HERKIMER COUNTY LEGISLATURE

No. 100

REPORT AND RESOLUTION AUTHORIZING TRANSFERS OF FUNDS IN 2019 BUDGET FOR SETTLEMENT OF A LAWSUIT

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 February 27, 2019, submitting a request for transfer of funds, reports that we have examined said communication, inquired into the subject matter thereof, and recommend that said transfers be made and offer the following Resolution:

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized and directed to transfer the following sum from and to the following accounts in the 2019 Budget:

TRANSFER:

\$13,000

From: A3150.10000-001, Jail, Salaries

To: A1930.46000, Judgement & Claims, Miscellaneous Expense

and, be it further

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

Dated: March 13, 2019.



HERKIMER COUNTY LEGISLATURE

No. 101

RESOLUTION OPPOSING THE PROPOSED AND AMENDED 2020 EXECUTIVE STATE BUDGET IMPACTING AID AND INCENTIVES TO MUNICIPALITIES AND STATE COST SHIFTS TO COUNTIES

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

WHEREAS, on February 15, 2019, Governor Cuomo announced a 30-Day Amendment to the 2020 Executive Budget making impacted towns and villages whole from changes to AIM funding by utilizing revenue from county sales tax; and

WHEREAS, instead of restoring AIM with State funding and signifying a desire by the State to act as partners with local governments, this budget amendment requires counties to make up for lost AIM funding with sales tax revenue, imposing a new mandate on counties; and

WHEREAS, already-existing unfunded State mandates are the cause of high local taxes in New York State; and

WHEREAS, counties were granted the authority to levy a local sales tax in the late 1960s to help pay for Medicaid, indigent legal defense services, and other state mandates on counties; and

WHEREAS, requiring counties to make up for the State's cut in AIM funding to villages and towns sets an unsustainable precedent and unnecessarily shifts the State's burden to local taxpayers who already pay some of the highest property taxes in the nation; and

WHEREAS, currently nine state mandated programs placed on counties equals more than 90 percent of the typical county property tax levy, and these mandated costs continue to grow; and

WHEREAS, cutting AIM funding in the first place is a tax-shift from broad-based State income taxes to regressive local property taxes; and

WHEREAS, replacing what had been State AIM assistance with funding from county revenues is simply a tax-shift that will ultimately result in higher property taxes; now, therefore be it

RESOLVED, that the Herkimer County Legislature supports full restoration of this state aid program to local government and urges the Governor and State Legislature to fully restore this state funding in the final 2019/2020 state budget; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Governor of the State of New York, Senator James L. Seward, Senator James Tedisco, Assemblyman Robert

Smullen, Assemblyman Brian Miller, Assemblywoman Marianne Buttenschon, New York State Association of Counties, and the InterCounty Legislative Committee of the Adirondacks.

Dated: March 13, 2019.



HERKIMER COUNTY LEGISLATURE

No. 102

RESOLUTION PROVIDING THAT THE FORCEMAIN INSTALLATION AND EASEMENT ACQUISITION FOR THE HERKIMER COUNTY JAIL IS IN COMPLIANCE WITH THE PROVISIONS OF THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT

Sponsored by: Committee on Public Safety & Emergency Management

WHEREAS, Herkimer County has proposed construction of a new County Jail on a parcel of land in the Town and Village of Herkimer west of Route 28; and

WHEREAS, the environmental impacts associated with construction of the jail facility were reviewed in accordance with the State Environmental Quality Review Act (SEQRA), and a Negative Declaration was issued for the project by the County, in its capacity as the Lead Agency, in January 2011; and

WHEREAS, an alternative of connecting the new County Jail to the Village of Herkimer collection system for wastewater disposal was included in the 2011 SEQRA review;

WHEREAS, since the time that the SEQRA process was closed, adjustments to the alignment for the sanitary forcemain have been made to accommodate project needs and other factors; and

WHEREAS, the forcemain alignment currently proposed (+/- 698 linear feet) would follow an existing utility easement with the exception of an area where it would be routed across four privately-owned parcels; and

WHEREAS, Herkimer County proposes to utilize eminent domain to obtain new temporary and/or permanent easements across the four privately-owned parcels (tax id #113.73-1-2, tax id #113.73-1-4, tax id #113.73-1-6, and tax id #113.73-1-5); and

WHEREAS, environmental impacts associated with the construction of the forcemain and the acquisition of the easements by eminent domain have been assessed using the short Environmental Assessment Form (EAF) and no moderate or large significant adverse impact on the environment have been identified; now, therefore be it

RESOLVED, that Herkimer County hereby classifies the project to construct the forcemain and to acquire the necessary easements by eminent domain as an Unlisted Action under SEQRA; and, be it further

RESOLVED, that Herkimer County hereby declares that it will serve as Lead Agency for the environmental review of this action in compliance with SEQRA. As the County has not identified other Involved Agencies under SEQRA, an uncoordinated review has been undertaken; and, be it further

RESOLVED, that Herkimer County hereby accepts the Environmental Assessment and short EAF prepared by its environmental consultant LaBella Associates, DPC.; and, be it further

RESOLVED, that Herkimer County hereby declares that, based on the above-referenced Environmental Assessment and short EAF, the action would not result in any moderate or large environmental impacts, and therefore, would not have a significant adverse impact on the environment. A Negative Declaration under SEQRA is therefore issued for this action.

Dated: March 13, 2019.



HERKIMER COUNTY LEGISLATURE

No. 103

RESOLUTION RATIFYING RESOLUTION AUTHORIZING EMINENT DOMAIN PROCEEDINGS IN CONNECTION WITH THE PERMANENT AND TEMPORARY EASEMENTS FOR THE JAIL SEWER LINE

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

WHEREAS, by Resolution No. 358 adopted on November 14, 2018, this Legislature authorized eminent domain proceedings in connection with the acquisition of permanent and temporary easements for the jail sewer line; and

WHEREAS, by Resolution No. 102, this Legislature has determined that the installation of a forcemain along an adjusted alignment for the Herkimer County jail premises and the acquisition of easements for that installation is in compliance with the provisions of the New York State Environmental Quality Review Act, and has issued a negative declaration for that action; now, therefore, be it

RESOLVED, that this Legislature hereby ratifies and confirms Resolution No. 358 dated November 14, 2018, which authorizes actions necessary for those acquisitions pursuant to the Eminent Domain Procedure Law; and, therefore, be it

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

Dated: March 13, 2019.



HERKIMER COUNTY LEGISLATURE

No. 104

RESOLUTION AUTHORIZING PURCHASE OF PERMANENT AND TEMPORARY EASEMENT FOR THE JAIL SEWER LINE

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

WHEREAS, by Resolution No. 358 adopted on November 14, 2018, this Legislature authorized acquisition of land necessary to install a jail sewer line, including acquiring permanent and temporary easements from property owners in the impacted area; and

WHEREAS, the County entered into negotiations with William S. Hubbard, for the purchase of temporary and permanent easements across his premises; now, therefore, be it

RESOLVED, that this Legislature hereby approves the purchase of permanent and temporary easements from William S. Hubbard across premises having Tax Map No. 113.73-1-2 for the above purposes, for the sum of \$3,002.00; and, be it further

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

Dated: March 13, 2019.



HERKIMER COUNTY LEGISLATURE

No. 105

RESOLUTION AUTHORIZING SETTLEMENT OF FAIR LABOR STANDARDS ACT LITIGATION

Sponsored by: Committee on Ways and Means

WHEREAS, litigation has been commenced against the County of Herkimer by cooks at the Herkimer County Correctional Facility seeking the payment of overtime compensation for hours worked; and

WHEREAS, it appears that for many years cooks at the Herkimer County Correctional Facility had worked a flexible schedule which involved them working 44 hours in one week and 36 hours the next, which totaled 80 hours over 2 weeks, which appears to have been implemented at the request of cooks who were employed by the county at the time the schedule was implemented, and about which the County had received no complaint up to the time the litigation was commenced; and

WHEREAS, it appears that despite any agreement by the parties, the cooks are entitled to receive overtime pay for hours worked over 40 hours in any week, plus attorney fees in the event that litigation is commenced; and

WHEREAS, the parties have entered into settlement discussions, and it appears that it would be in the County's best interest to reach a settlement of this matter; now, therefore, be it

RESOLVED, that the County hereby approves the payment of the sum of \$21,500 as payment in full for all claims, expenses and attorney fees in connection with this matter and the Chairman of the Legislature is hereby authorized to execute any and all documents necessary to achieve a settlement on that basis; and, be it further

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

Dated: March 13, 2019.