

**MINUTES**  
**Herkimer County Legislature**  
**First Quarter – Second Day**  
**Wednesday, January 27, 2021**  
**7:00 p.m.**

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

This session was held via Zoom in connection with COVID-19.

Chairman Bono called on Congresswoman Elise Stefanik to lead the Legislature in the Pledge of Allegiance.

Chairman Bono 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, Hollum, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (16).

Absent: Malta (1).

Chairman Bono dispensed with the regular session to allow for a presentation from Congresswoman Elise Stefanik.

Chairman Bono suspended the public comment period due to COVID-19 and stated that any interested individuals could submit comments by mail: 109 Mary Street, Suite 1310, Herkimer, NY 13350 or by email: [hcl legislature@herkimercounty.org](mailto:hcl legislature@herkimercounty.org).

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Bono asked if there were any objections or corrections to the minutes of January 6, 2021. There were none, and the Chairman ordered them approved.

Chairman Bono 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. 17 – A communication was received from Oneida-Herkimer Solid Waste Authority submitting 2021 budget summary. Filed.

No. 18 – A communication was received from the Soil and Water Conservation District submitting notice of meeting. Filed.

No. 19 – A communication was received from the NYS Dept. of State advising of Filing of Local Law No. 4 for 2020. Filed.

No. 20 – A communication was received from the Budget Officer/Purchasing Agent requesting transfers and budget amendments in the 2021 budget. Referred to the Committee on Ways & Means.

No. 21 – A communication was received from the Budget Officer/Purchasing Agent requesting transfers and budget amendments in the 2020 budget. Referred to the Committee on Ways & Means.

No. 22 – A communication was received from the Budget Officer/Purchasing Agent requesting adoption of the County's Purchasing Policy. Referred to the Committee on Ways & Means.

No. 23 – A communication was received from the Budget Officer/Purchasing Agent submitting 2020 Annual Report. Referred to the Committee on Ways & Means.

No. 24 – A communication was received from the Personnel Officer submitting 2020 Annual Report for Herkimer County Self- Insured Worker's Compensation Plan. Referred to the Committee on Ways & Means.

No. 25 – A communication was received from the Personnel Officer submitting 2020 Annual Report for the Stand Alone Workers Compensation self-insurance coverage. Referred to the Committee on Ways & Means.

No. 26 – A communication was received from the Probation Director requesting to accept grant funding and authorize Chairman to e-sign. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 27 – A communication was received from the County Treasurer requesting to renew contract with Tyler Technologies. Referred to the Committee on Ways & Means.

No. 28 – A communication was received from the Director of Public Health requesting to amend Res. No. 363 of 2020 to increase dues in Public Health. Referred to the Committee on Ways & Means.

No. 29 – A communication was received from the Director of Real Property requesting resolution for Corrected Tax Roll. Referred to the Committee on Ways & Means.

No. 30 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment for grant funding in Public Health. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 31 – A communication was received from the Personnel Officer requesting to amend hourly salary schedule in Public Health. Referred to the Committee on Ways & Means.

No. 32 – A communication was received from the Budget Officer/Purchasing Agent requesting appropriation for the purchase of a hot water heater. Referred to the Committee on Ways & Means.

No. 33 – A communication was received from the County Highway Superintendent requesting resolution to accept land donation for highway purposes. Referred to the Committee on Highways.

No. 34 – A communication was received from the Director of Public Health requesting a contract with Bassett Medical Center. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 35 – A communication was received from the Personnel Officer requesting authorization for the Chairman to enter into a Stipulation of Settlement with CSEA, Local 1000. Referred to the Committee on Ways & Means.

No. 36 – A communication was received from the County Treasurer requesting to settle court ordered lawsuit payment. Referred to the Committee on Ways & Means.

No. 37 – A communication was received from the County Highway Superintendent requesting consent for easement to Town of Herkimer for pump station. Referred to the Committee on Highways.

No. 38 – A communication was received from the Executive Director, IDA requesting resolution concerning lead agency status and environmental review for Community Development Block Grant for HPK Industries. Referred to the Committee on County Planning & Development.

No. 39 – A communication was received from the Executive Director, IDA requesting a Public Hearing in connection with an application for Community Planning Assistance to the Office of Community Renewal. Referred to the Committee on County Planning & Development.

Pursuant to Rule 6, Chairman Bono then proceeded with Reports of Standing Committees.

On motion of Mr. Stephens, seconded by Mr. Russell, the following consent agenda was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Malta (1).

**Consent Agenda:**

- 16 WAYS & MEANS: Adopting Annual Report of Purchasing Agent
- 17 WAYS & MEANS: Adopting Annual Report of Former Herkimer Co. Self Ins. Plan
- 18 WAYS & MEANS: Adopting Annual Report of Herkimer Co. Stand Alone Workers' Compensation Plan
- 19 WAYS & MEANS: Adopting Policies and Procedures for Purchase of Goods and Services

- 20 WAYS & MEANS: Amending Res. No. 363 of 2020 authorizing payment of dues during the year 2021
- 21 WAYS & MEANS: Authorizing transfers of funds and amending budget for 2021
- 22 WAYS & MEANS: Appointing members to the Herkimer County Board of Ethics

The Chairman continued with the Regular Agenda.

On motion of Mr. Ackerman, seconded by Mr. Schrader, Report and Resolution No. 23 sponsored by the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means reappointing County Administrator was handed up; discussion was held; voted on and adopted by voice vote:

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

On motion of Mr. Ackerman, seconded by Mr. Shaw, Report and Resolution No. 24 sponsored by the Committee on Ways & Means authorizing transfers of funds and amending budget was handed up; voted on and adopted by voice vote:

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

On motion of Mr. Weakley, seconded by Mr. Donley, Report and Resolution No. 25 sponsored by the Committee on Ways & Means correcting tax roll in the Town of Russia was handed up; voted on and adopted by voice vote:

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

On motion of Mr. Smith, seconded by Mr. Shaw, Report and Resolution No. 26 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing contract with Bassett Medical Center in the Public Health Department was handed up; voted on and adopted by voice vote:

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

On motion of Mr. Schrader, seconded by Mr. Smith, Report and Resolution No. 27 sponsored by the Committee on Human Resources and the Committee on Ways & Means accepting funding and amending budget in Public Health was handed up; voted on and adopted by voice vote:

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

On motion of Mr. Russell, seconded by Mr. Smith, Report and Resolution No. 28 sponsored by the Committee on Ways & Means amending Resolution No. 307 of 2020 was handed up; voted on and adopted by roll call vote:

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

Against: None. Absent: Malta (1).

On motion of Mr. Campione, seconded by Mr. Weakley, Report and Resolution No. 29 sponsored by the Committee on Ways & Means appropriating funds was handed up; voted on and adopted by roll call vote:

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

Against: None. Absent: Malta (1).

On motion of Mr. Shaw, seconded by Mr. Smith, Report and Resolution No. 30 sponsored by the Committee on Ways & Means authorizing execution of annual accounting system maintenance agreement was handed up; voted on and adopted by voice vote:

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

On motion of Mr. Weakley, seconded by Mr. Hollum, Report and Resolution No. 31 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means in connection with receipt of Ignition Interlock Monitoring Device Grant was handed up; voted on and adopted by voice vote:

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

On motion of Mr. Smith, seconded by Mr. Campione, Report and Resolution No. 32 sponsored by the Committee on Highways authorizing acceptance of conveyance of land for highway purposes was handed up; voted on and adopted by voice vote:

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

On motion of Mr. Schrader, seconded by Mr. Gaworecki, Report and Resolution No. 33 sponsored by the Committee on Highways authorizing easement to Town of Herkimer for construction of pump station within County right-of-way was handed up; discussion was held; voted on and adopted by roll call vote:

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

Against: None. Absent: Malta (1).

On motion of Mr. Stephens, seconded by Mr. Donley, Report and Resolution No. 34 sponsored by the Committee on Ways & Means authorizing the Chairman to enter into a stipulation of settlement with CSEA, Local 1000 was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Malta (1).

On motion of Mr. Shaw, seconded by Mr. Stephens, Report and Resolution No. 35 sponsored by the Committee on County Planning & Development concerning lead agency status and adopting environmental review for Community Development Block Grant for HPK Industries, Inc. was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Malta (1).

On motion of Mr. Campione, seconded by Mr. Schrader, Report and Resolution No. 36 sponsored by the Committee on Ways & Means authorizing settlement agreement of claims in Northern District United States Bankruptcy Court was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Malta (1).

On motion of Mr. Ackerman, seconded by Mr. Stephens, Resolution No. 37 sponsored by the Committee on County Planning & Development setting a public hearing in connection with an application for Community Planning Assistance to the Office of Community Renewal was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Malta (1).

Chairman Bono stated that pursuant to Rule 6(12) they would proceed with comments by legislators.

At 7:52 p.m. on motion of Mr. Manno, seconded by Mr. Stephens, the Legislature adjourned to Wednesday, February 17, 2021 at 7:00 p.m., with a public hearing for CDBG at 6:45 p.m.

Brittney R. Viscomi, Clerk



## HERKIMER COUNTY LEGISLATURE

No. 16

### **REPORT AND RESOLUTION ADOPTING ANNUAL REPORT OF PURCHASING AGENT FOR THE YEAR 2020**

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

WHEREAS, your Committee on Ways and Means, to which was referred the communication from the Budget Officer and Purchasing Agent, submitting the report of the Purchasing Department the months of January through December, 2020, respectfully reports that we have examined said report, recommend its adoption and offer the following resolution:

RESOLVED, that the Annual Report of the Purchasing Agent for the year 2020 be adopted and filed with the Herkimer County Legislature.

Dated: January 27, 2021.



## HERKIMER COUNTY LEGISLATURE

No. 17

### **REPORT AND RESOLUTION ADOPTING ANNUAL REPORT OF FORMER HERKIMER COUNTY SELF-INSURANCE PLAN**

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

WHEREAS, your Committee on Ways and Means, to which was referred the Annual Report of the Former Herkimer County Self-Insurance Plan for the year 2020, respectfully reports that we have examined said report, inquired into the subject matter thereof, and offer the following Resolution:

RESOLVED, that the Annual Report of the Former Herkimer County Self-Insurance Plan for the year 2020 be adopted and filed with the Herkimer County Legislature.

Dated: January 27, 2021.





## HERKIMER COUNTY LEGISLATURE

No. 18

### **REPORT AND RESOLUTION ADOPTING ANNUAL REPORT OF HERKIMER COUNTY STAND ALONE WORKERS' COMPENSATION PLAN**

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

WHEREAS, your Committee on Ways and Means, to which was referred the Annual Report of the Herkimer County Stand Alone Workers' Compensation Plan for the year 2020, respectfully reports that we have examined said report, inquired into the subject matter thereof, and offer the following Resolution:

RESOLVED, that the Annual Report of the Herkimer County Stand Alone Workers' Compensation Plan for the year 2020 be adopted and filed with the Herkimer County Legislature.

Dated: January 27, 2021.



## HERKIMER COUNTY LEGISLATURE

No. 19

### **REPORT AND RESOLUTION ADOPTING POLICIES AND PROCEDURES FOR PURCHASE OF GOODS AND SERVICES**

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

WHEREAS, by letter dated January 4, 2021, from Sheri Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised of a request to adopt the Herkimer County Purchasing Policy for 2021; now, therefore, be it

RESOLVED, that the attached Policies and Procedures for Purchase of Goods and Services be, and hereby are, adopted as the official policies of the County of Herkimer; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to each department head in the County.

Dated: January 27, 2021.

**HERKIMER COUNTY**  
**POLICIES AND PROCEDURES FOR PURCHASE OF GOODS AND SERVICES**

**I.** All contracts for public works involving an expenditure of more than Thirty-five Thousand Dollars (\$35,000.00) and all purchase contracts involving an expenditure of more than Twenty Thousand Dollars (\$20,000.00), unless excepted by statute or an appropriate resolution of this Legislature, shall be awarded to the lowest responsible bidder as provided by Article 5-A of the General Municipal Law.

**II.** All contracts for public works involving an expenditure of less than Thirty-Five Thousand Dollars (\$35,000.00) and all purchase contracts involving an expenditure of less than Twenty Thousand Dollars (\$20,000.00), unless excepted by statute or an appropriate resolution of this Legislature or purchased off of State Contract, shall be procured in compliance with the following procedures:

- A. These procedures are adopted to assure the prudent and economical use of public money, and to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost and to guard against favoritism, extravagance, fraud and corruption.
- B. The Purchasing Agent, and any other officer or employee of Herkimer County authorized to make or recommend purchase of goods and services, in cooperation with the Purchasing Agent, shall, in all appropriate cases, survey the marketplace to determine the probable cost of any goods and/or services required by the County. If it is deemed probable that the cost will exceed the aforesaid limits of \$20,000.00 and \$35,000.00 paragraph "I" shall control. In all other cases, these procedures shall be followed. The Purchasing Agent shall document action taken to make such determination when appropriate.
- C. Dollar limits for purchase of goods and services are adopted as follows:

**DOLLAR LIMIT**

**PROCEDURE**

\$1 - \$2,000

At the discretion of the Purchasing Department.

\$2,001 - \$10,000

Documented verbal quotes from at least three separate vendors (if available) and consultation with the Purchasing Department to determine delivered or installed costs.

\$10,001-\$20,000	Documented written quotes from at least three separate vendors (if available) and consultation with the Purchasing Department and appropriate Committee of the Legislature, (to include State Contract Purchases) to determine delivered or installed costs.
Over \$20,000	Sealed bids in conformance with the General Municipal Law.

D. Dollar limits for purchase of public works are adopted as follows:

**DOLLAR LIMIT**

**PROCEDURE**

\$1 - \$2,000	At the discretion of Purchasing Department
\$2,001 - \$10,000	Documented verbal quotes from at least three separate sources (if available) and consultation with the Purchasing Department.
\$10,001 - \$35,000	Documented written quotes from at least three separate sources and consultation with the Committee of the Legislature involved.
Over \$35,000	Sealed bids in conformance with the General Municipal Law.

E. The above policies apply also to the Highway Department except that the requirement to consult with the Purchasing Department applies only to purchases requiring the specific authorization of the Legislature.

**III. AWARDING PURCHASES**

- A. Proper documentation is required when the quote is not awarded to the vendor giving the lowest price. Quotes will be awarded to the lowest responsible and responsive vendor providing the goods are of equal values.
- B. Use of alternative purchasing methods including NYS Contracts, Contracts of other New York State Municipalities, “Piggybacking” on other governmental contracts, federal contracts, cooperative purchasing, preferred source, sole source and emergency purchases shall be governed by the provisions of New York State General Municipal Law, Sections 103, 104 or 104-B or State Finance Law, Section 162 or other applicable provisions of law and properly documented.
- C. Best Value: The specific non-price criteria to be used for Best Value purchases must be detailed in the price solicitation and the analysis of the resulting quotes or bids using the specified criteria must be documented. The documentation should include cost benefit analysis where possible. Award for purchases can then be

made to the bidder deemed to be the Best Value to the County with all of the aspects of the Purchasing Policy remaining the same, as per Herkimer County Local Law.

- IV. A. All purchases of goods or services (except transcription services, utilities, unscheduled repairs and otherwise authorized services) require a purchase order. Contracts up to \$10,000 may be signed by the department head provided all other purchasing policies, laws and resolutions of the Legislature are complied with and documented. All such contracts must be reviewed by Purchasing Department for compliance with Purchasing Policy prior to signing.

V. **PROFESSIONAL SERVICES PROCUREMENT POLICY**

Purchases of professional services, which are not required to be bid by State law, shall be governed by the following principles and practices:

- A. Contracts shall be executed for professional services, when appropriate, to delineate the services to be rendered and the method and amount of payment.
- B. Staff who seek approval to purchase professional services must seek to generate proposals to perform these services that are as appropriate to the County's needs and as cost-competitive as possible, by use of RFP's or RFQ's, etc. RFQ's may be used prior to RFP's or independently.
- C. The process to be followed in each new or renewal contract for professional services shall be proposed by the departmental staff person responsible for the services to the appropriate committee of the Legislature. The Purchasing Department must be copied (except for Highway fund requests) prior to consideration and approval by the appropriate Committee. The hiring of those professionals may be authorized by the appropriate committee up to \$10,000. The full Legislature must approve professional services over \$10,000 annually or if additional funds must be appropriated (such as with grants).
- D. Where alternative quotes or proposals are obtained, awards to an entity other than the lowest proposer must be properly documented with the rationale/reason for rejection of the lowest price.
- E. For certain types of procurements of professional services, the solicitation of alternative proposals or quotations would not be in the best interest of the County, for example, highly specialized services for which the number of qualified and available professionals is limited. In those instances, the hiring of those professionals may be authorized by the appropriate committee up to \$10,000 annually. The full Legislature must approve the contract if over \$10,000

annually without alternative quotes or RFP's after presentation to the committee of the justification for such a determination with the appropriate documentation.

- F. Any and all procedures not specifically addressed in this policy shall be governed by Section 103 or 104-b of the General Municipal Law.

**VI.** Any purchases of goods or services from an employee of Herkimer County or an immediate family member must be approved by the appropriate committees of the Legislature in addition to all other requirements.

- VII.** The following employees are authorized to make general purchases for Herkimer County (The list must be updated bi-annually):
- S. Ferdula, Budget Officer/Purchasing Agent
  - P. Lumia, Deputy Purchasing Agent
  - M. Nagele, County Highway Superintendent
  - S. Tyoe, Deputy County Highway Superintendent
  - K. Enea, Treasurer (credit card only)

## **PROCUREMENT REQUIREMENTS FOR FEDERAL AWARDS**

All purchases from new federal awards and incremental funding to existing awards must comply with Uniform Guidance requirements outlined in Title 2 of the Code of Federal Regulations, Subtitle A, Chapter II, Part 200. The following procedures will be incorporated and in addition to the Herkimer County Purchasing Policy.

### **STANDARDS OF CONDUCT**

- No employee, officer, or agent will participate in the selection, award, or administration of a contract supported by federal monies if he or she or any member of his or her immediate family is employed or about to be employed, or a partner, officer or agent in the contracting organization or has a financial or other interest in or will receive a tangible personal benefit from a firm considered for the contract.
- Officers, employees and agents must neither solicit nor accept gratuities, favors or any item of monetary value from contractors or parties to subcontracts.

### **PRE - PROCUREMENT PROCEDURES**

- Measures must be taken to avoid any duplicate or unnecessary purchases of services, equipment or supplies.
- Look for opportunities to consolidate or split up purchases to save money or time and document your findings.
- Weigh the options of leasing and purchasing to discover which is more economical.
- Utilize State and Federal contracts to obtain the best aggregate pricing.
- Investigate State and Federal surplus auctions.

### **COMPETITION**

- Procurements must be conducted in a manner providing full and open competition.
- In order to eliminate unfair competitive advantages the following restrictive practices are prohibited:
  - Placing unreasonable requirements on firms in order for them to qualify to do business
  - Requiring unnecessary experience and excessive bonding
  - Noncompetitive pricing practices between firms or between affiliated companies
  - Noncompetitive contracts to consultants that are on retainer contracts
  - Organizational conflicts of interest
  - Specifying a "brand name" product instead of allowing an equal product to be offered and describing the performance or other relevant requirements of the procurement
  - Any arbitrary action in the process.

### **PROCUREMENT METHODS**

- Purchases up to \$3,000 (Micro Purchases)
  - The purchase of supplies or services where the aggregate amount does not exceed \$3,000 should follow normal Herkimer County Purchasing Policy procedures.
- Purchases between \$3,000 and \$150,000 (Small Purchases)
  - Procedure should be based on existing Herkimer County Purchasing Policy procedures.
- Purchases over \$150,000

- Sealed bids
  - Complete, adequate, realistic specifications
  - Two or more bidders must be willing and able to compete for the business
  - The procurement must lead to a firm fixed price contract and selection must be based on price.
- Competitive Proposals
  - Used when conditions are not appropriate for sealed bids
  - Requests for proposals must be publicized and identify evaluation factors and their importance.
  - Must be solicited from an adequate number of sources
  - Must have a written method for technical evaluations and selection
  - To be used for qualifications based procurement of architectural/engineering professional services
- Non-Competitive Proposals
  - Proposal from only one source
  - The item or service is only available from one source
  - An emergency for the requirement will not permit a delay resulting from competitive solicitation
  - After solicitation from a number of sources, competition is determined inadequate.

### **SMALL, MINORITY AND WOMENS BUSINESS ENTERPRISES OR LABOR SURPLUS FIRM**

- Affirmative action steps must be taken to assure that minority and women owned enterprises and labor surplus area firms are used whenever possible.
  - Place small and minority businesses and women owned businesses on solicitation lists
  - Assure small and minority businesses and women owned businesses are solicited when they are potential bidders.
  - Divide contract requirements into smaller tasks or quantities to permit maximum participation
  - Establish delivery schedules that encourage small and minority businesses and women owned businesses
  - Utilize the Small Business Administration and the Minority Business Development Agency and the Department of Commerce
  - Require prime contractors to take affirmative steps when dealing with subcontractors.

### **RECOVERED MATERIALS**

- Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, requires Political Subdivisions to procure only items designated in the guidelines of the Environmental Protection Agency at 40 CFR part 247. Items exceeding \$10,000 in purchase price or value, must contain the highest percentage of recovered materials consistent with maintaining a satisfactory level of competition



## **CONTRACTS COST AND PRICE**

- Every procurement in excess of the Simplified Acquisition Threshold (\$150,000) must have a cost or price analysis including modifications to existing contracts. An estimate should be created before proposals are solicited.
- Profit must be negotiated as a separate element of the price for contracts in which there is no price competition and in every case where cost analysis is performed
- Costs or prices based on estimations are only allowable to the extent that costs incurred or cost estimates included in negotiated prices are allowable if the County has requested prior approval which should include the timeframe or scope of the agreement and be submitted not less than 30 days before the requested action is set to occur.
- Adjustments to the indirect cost rates resulting from a determination of unallowable costs being included in the rate proposal may result in the reissuance of the negotiated rate agreement.
- Financial records, supporting documents, statistical records and all other records pertaining to the award must be retained for a period of three years from the date of submission of the final expenditure report, or, for awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, as reported to the Federal awarding agency or pass through entity in the case of a sub recipient. The following exceptions apply:
  - If a litigation, claim or audit is started or filed in the three year period, records must be kept until it has been resolved
  - When notified by the Federal Agency to extend the retention
  - Records for real property and equipment must be retained for 3 years after disposal
  - If records are transferred to or maintained by the Federal awarding agency or pass through entity
  - Program income transactions after the period of performance must be retained starting from the end of the County's fiscal year in which the program income is earned.
  - Negotiated indirect cost rate proposals, cost allocations plans and similar reports must be retained for the 3 year period from the date of submission
  - Non negotiated reports must be retained for 3 years from the end of the fiscal year covered by the plan.

## **FEDERAL AWARDING AGENCY OR PASS THROUGH ENTITY REVIEW**

- The County must make available upon request the technical specifications on proposed procurements where the Federal awarding agency or pass-through believes such a review is needed to ensure the item or service is the one being proposed.
- The County must make available pre procurement documents when:
  - Procurement procedures or operations fail to comply with standards
  - The procurement exceeds the Simplified Acquisition Threshold and is to be awarded without competition
  - The procurement specifies a "brand name"
  - The contract is to be awarded to any other than the low bidder
  - A modification changes the scope of a contract or increases the amount by more than the Simplified Acquisition Threshold

- The County may request a review to ensure compliance with the standard.
- The County may “self-certify” its procurement system, however, such certification must not limit the Federal agency’s right to survey the system.

### **BONDING REQUIREMENTS**

- The County bonding policy for construction or facility improvement contracts or sub contracts exceeding the Simplified Acquisition Threshold may be accepted by the Federal awarding agency if they make the determination that the Federal interests are protected.
- Bids must contain a bid bond, certified check or other negotiable instrument equivalent to 5% of the bid as a guarantee
- Performance bonds covering 100% of the contract must be issues in the event the contractor defaults.
- Payment bonds covering 100% of the contract to ensure payment of all persons supplying labor and materials.

### **REQUIREMENTS FOR PASS THROUGH ENTITIES**

- The County may receive concurrent Federal awards as a recipient, a sub recipient and a contractor depending on its agreements with the Federal Agency and pass through entity. A determination must be made on a case by case basis whether agreements made for distribution of program funds cast the party receiving the funds in the role of a sub recipient or a contractor.
  - Sub recipients – the County must identify:
    - Name
    - Entity identifier (EIN)
    - Federal Award Identification Number
    - Period of performance
    - Amount of Federal Funds Obligated to the sub recipient
    - Total amount of Federal funds obligated to the sub recipient including the current award
    - Federal award project description
    - Name of the Federal awarding agency, pass through entity and contact information of awarding official of the pass through entity.
    - The dollar amount of each Federal award and the CFDA number at the time of Disbursement
    - Whether the award is R & D and indirect cost
    - All requirements imposed by the County on the sub recipient so that t the Federal award is used in accordance with Federal statutes, regulations and the terms and conditions of the award.
    - Any additional requirements to meet the County’s own responsivity to the Federal Agency
    - An approved federally recognized indirect cost rate negotiated between the sub recipient and the Federal Government, or if no rate exists, the rate negotiated between the County and the sub recipient
    - A requirement that the sub recipient permit the County and auditors to have access to the sub recipients records and financials as necessary
    - Appropriate terms and conditions concerning closeouts.

- The County must evaluate each sub recipient's risk of noncompliance for the purpose of determining the appropriate monitoring which may include factors such as:
  - Prior experience with same or similar sub awards
  - Previous audit results
  - Changes in personnel or systems
  - Results of the Federal Award agency monitoring – if sub recipient receives other awards
- The County should consider imposing specific conditions upon the sub recipient if appropriate
- The County should monitor the activities of the sub recipient to ensure the sub award is used for the intended purpose and goals are achieved by:
  - Monitoring financial statements and performance reports
  - Follow up on deficiencies notes through audits, review and other means.
  - Issue a Management Decision for findings pertaining to the award
- The following monitoring tools may be helpful to ensure proper accountability and compliance:
  - Providing sub recipients with training and technical assistance on program related matters
  - Performing on site reviews of the sub recipients program operations
  - Arranging for agreed upon procedure engagements
- The County should verify that every sub recipient is audited as required by Subpart F – Audit requirements set forth in 200.501
- The County should consider whether or not the sub recipients audit results, on site reviews or other monitoring indicate conditions that necessitate adjustments to the County's own records.
- Take enforcement action against non-compliant sub recipients as described in 200.338.

## **CONTRACT PROVISIONS**

- The County contracts must contain the applicable provisions described in Appendix II to Part 200, Contract Provisions for Non-Federal Entity Contracts (attached).



## HERKIMER COUNTY LEGISLATURE

No. 20

### **REPORT AND RESOLUTION AMENDING RESOLUTION NO. 363 OF 2020 AUTHORIZING PAYMENT OF DUES DURING THE YEAR 2021**

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

WHEREAS, on December 16, 2020 this Legislature adopted Resolution No. 363 authorizing payment of dues for municipal officers and employees during the year 2021; and

WHEREAS, by communication dated January 5, 2021, from Christina Cain, Director of Public Health, this Legislature is advised that the New York State Association of County Health Officials has increased their membership dues from \$1,944.38 to \$2,434.72, and further requests said Resolution No. 363 of 2020 be amended to reflect said change; now, therefore, be it

RESOLVED, that Resolution No. 363 adopted on December 16, 2020 be amended under Director of Public Health, to increase the membership dues for the New York State Association of County Health Officials from \$1,944.38 to \$2,434.72; and, be it further

RESOLVED, that in all other respects Resolution No. 363 of 2020 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 Director of Public Health.

Dated: January 27, 2021.



## HERKIMER COUNTY LEGISLATURE

No. 21

### REPORT AND RESOLUTION AUTHORIZING TRANSFERS OF FUNDS AND AMENDING BUDGET

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

WHEREAS, your Committee on Ways and Means, to which was referred a communication from Sheri Ferdula, Budget Officer, January 8, 2021, submitting requests for transfers of funds and to amend the 2021 budget, reports that we have examined said communications, inquired into the subject matters 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 sums from and to the following accounts:

\$30,000	From: H3150.44000, Proj. 5-4, New Jail, Contracted Services
	To: H3150.25000, Proj. 5-4, New Jail, Other Equipment
\$2,000	From: A6010.10000-001, Social Services Admin., Salaries
	To: A6010.22000, Social Services Admin, Comp. Equip.
\$12,100	From: A4189N.44000, SOC, Proj: PH20-1, Contracted Services
	To: A4189N.22000, SOC, Proj: PH20-1, Computer Equip. (create)
\$6,000	From: A4189N.44000, SOC, Proj: PH20-1, Contracted Services
	To: A4189N.41000, SOC, Proj: PH20-1, Supplies (create)

and, be it further

RESOLVED, that the 2021 budget be amended as follows:

A6777.10100, Aging, HEAP, Temp. Emp.	From: \$0
	To: \$16,000
A3150C.2450C, Jail Commissary, Jail Com.	From: \$0
	To: \$3,000
A3150C.25000, Jail Commissary, Other Equip.	From: \$0
	To: \$2,000
A3150C.41000, Jail Commissary, Supplies	From: \$0
	To: \$1,000

and, be it further

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

Dated: January 27, 2021.



## HERKIMER COUNTY LEGISLATURE

No. 22

### RESOLUTION APPOINTING MEMBERS TO THE HERKIMER COUNTY BOARD OF ETHICS

#### Sponsored by: Committee on Ways & Means

WHEREAS, the Ethics Law adopted by the Herkimer County Legislature provides for three year terms of members of the Herkimer County Board of Ethics; and

WHEREAS, the Herkimer County Board of Ethics shall consist of three members, one of whom shall be nominated by the Majority Leader of the Herkimer County Legislature, one of whom shall be nominated by the Minority Leader of the Herkimer County Legislature and one of whom shall be nominated by the Chairman of the Herkimer County Legislature; now, therefore, be it

RESOLVED, that the appointment of the below individuals to the Herkimer County Board of Ethics with the terms as listed are hereby ratified and confirmed:

<u>Appointments:</u>	<u>Term Expiration:</u>
Michael Edwards, Herkimer, NY 13350 (Chairman Appointment)	12/31/2021
Gregory Warchal, Frankfort, NY 13340 (Minority Leader Appointment)	12/31/2022
Richard Risley, Old Forge, NY 13420 (Majority Leader Appointment)	12/31/2023

and, be it further

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

Dated: January 27, 2021.

**RESOLUTION APPOINTING MEMBERS TO THE HERKIMER COUNTY BOARD OF ETHICS**

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

WHEREAS, the Ethics Law adopted by the Herkimer County Legislature provides for three year terms of members of the Herkimer County Board of Ethics; and

WHEREAS, the Herkimer County Board of Ethics shall consist of three members, one of whom shall be nominated by the Majority Leader of the Herkimer County Legislature, one of whom shall be nominated by the Minority Leader of the Herkimer County Legislature and one of whom shall be nominated by the Chairman of the Herkimer County Legislature; now, therefore, be it

RESOLVED, that the appointment of the below individuals to the Herkimer County Board of Ethics with the terms as listed are hereby ratified and confirmed:

<u>Appointments:</u>	<u>Term Expiration:</u>
Michael Edwards, Herkimer, NY 13350 (Chairman Appointment)	12/31/2021
Gregory Warchal, Frankfort, NY 13340 (Minority Leader Appointment)	12/31/2022
Richard Risley, Old Forge, NY 13420 (Majority Leader Appointment)	12/31/2023

and, be it further

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

Dated: January 27, 2021.



## HERKIMER COUNTY LEGISLATURE

No. 23

### RESOLUTION REAPPOINTING COUNTY ADMINISTRATOR

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

WHEREAS, by Local Law No. 3 for 1976, this Legislature established the position of County Administrator; now, therefore, be it

RESOLVED, that James W. Wallace, Jr., of Mohawk, New York, be and he hereby is, reappointed County Administrator of the County of Herkimer for a term of three years commencing February 12, 2021, at the base annual salary of \$108,321; 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 James W. Wallace, Jr.

Dated: January 27, 2021.





## HERKIMER COUNTY LEGISLATURE

No. 24

### REPORT AND RESOLUTION AUTHORIZING TRANSFERS OF FUNDS AND AMENDING BUDGET

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

WHEREAS, your Committee on Ways and Means, to which was referred a communication from Sheri Ferdula, Budget Officer, January 8, 2021, submitting requests for transfers of funds and to amend the 2020 budget, reports that we have examined said communications, inquired into the subject matters 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 sums from and to the following accounts:

\$274	From: A1010.46100, Legislature, Mileage To: A1010.10000-001, Legislature, Salaries
\$4,820	From: A1010.46100, Legislature, Mileage To: A1010.10000-003, Legislature, In Lieu
\$215	From: A1040.41000, Clerk of the Legislature, Supplies To: A1040.10000-001, Clerk of the Legislature, Salaries
\$395	From: A1170.45000, Public Defender, Fees for Services To: A1185.10000-001, Coroner, Salaries
\$55,601	From: A1170.45000, Public Defender, Fees for Services To: A1185.45000, Coroner, Fees for Services
\$36.14	From: A1170.45000, Public Defender, Fees for Services To: A1185.81000, Coroner, Retirement
\$7.02	From: A1320.86000, Auditor, Health Insurance To: A1320.10000-001, Auditor, Salaries
\$692	From: A1326.46300, County Property Tax, Postage/Freight To: A1326.10000-001, County Property Tax, Salaries
\$7	From: A1340.41000, Budget & Purchasing, Supplies To: A1340.10000-001, Budget & Purchasing, Salaries
\$622	From: A1420.45000, County Attorney, Fees For Services To: A1420.10000-001, County Attorney, Salaries
\$525	From: A1450.41000, BOE, Supplies To: A1450.10000-001, BOE, Salaries
\$2,220	From: A3020.41000, Public Safety, Supplies To: A3020.10000-001, Public Safety, Salaries
\$14,310	From: A3110.86000, Sheriff, Health Insurance To: A3110.10000-001, Sheriff, Salaries

\$77,250	From: A1170.45000, Public Defender, Fees for Services To: A4010.10000-002, Public Health, Overtime
\$1,892	From: A6510.86000, Veteran's, Health Insurance To: A6510.10000-001, Veteran's, Salaries
\$1,794	From: A6610.86000, Weights & Measures, Health Insurance To: A6610.10000-001, Weights & Measures, Salaries
\$29,030	From: D5110.86000, Maintenance Division, Health Ins. To: D5110.46000, Maintenance Division, Misc. Expense
\$633.05	From: A4188.81000, Proj: PH01-18, Bioterrorism, Ret. To: A4188.25000, Proj: PH01-18, Bioterrorism, Equip.
\$6,892	From: A4188.86000, Proj: PH01-18, Bioterrorism, HI. To: A4188A.10000-001, COVID 2, Salaries
\$6,519	From: A4188A.86000, COVID 2, Health Insurance To: A4188A.41000, COVID 2, Supplies
\$100	From: A4188A.86000, COVID 2, Health Insurance To: A4188A.42100-295, COVID 2, Telephones
\$71	From: A4188.86000, PH01-18, Bioterrorism, HI. To: A4188.41000, PH01-18, Bioterrorism, Supplies

and, be it further

RESOLVED, that the 2020 budget be amended as follows:

A1985.1110, Jail, Sales Tax, Jail	From: \$1,750,000.00 To: \$2,017,965.44
A9901.90000, Interfund Transfers	From: \$2,450,326.00 To: \$2,718,291.44

and, be it further

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

Dated: January 27, 2021.



## HERKIMER COUNTY LEGISLATURE

No. 25

### REPORT AND RESOLUTION CORRECTING TAX ROLL IN THE TOWN OF RUSSIA

#### Sponsored by: Committee on Ways & Means

WHEREAS, by letter dated January 11, 2021 from Beth Sadlon, Director of Real Property Tax Services, this Legislature is informed that an error was made on the 2021 Tax Roll in the Town of Russia on property listed below in that an incorrect assessment was placed in error; and

WHEREAS, application has been made to correct said tax roll by the reduction of said tax bill; and

WHEREAS, your Committee has caused to be reviewed said application and the report of the Real Property Tax Director and recommends approval of the application for the parcel set forth below; now, therefore, be it

#### RESOLVED:

1. That this Legislature finds an error exists in the tax roll for the Town of Russia for the parcel listed below:

Town: Russia  
Tax Map No. 083.3-2-23.1

Owners: Haley, Clayton  
Address: 379 Russia Road  
Poland, NY 13431

Amount Billed: \$3,968.00

Corrected Tax: \$1,446.31

2. That this Legislature approves the application to correct the error by making notation on the application and the copies thereof that the application is approved and by entering thereon the correct amount of taxes;

3. That an order is hereby made that the corrected tax is as set forth on the application form and the officer having jurisdiction of the indicated tax roll is directed to correct such roll;

4. That the Clerk of the Legislature is directed to transmit immediately to the collector of taxes of the indicated town the application and a copy of this Resolution and mail notice to the applicant that the application has been approved, and file the copy of this application with the records of the tax levying body;

5. That certified copies of this Resolution be forwarded to the Director of Real Property Tax Services, the Herkimer County Treasurer, the tax collector of the Town of Russia and the above listed applicant.

Dated: January 27, 2021.



## HERKIMER COUNTY LEGISLATURE

No. 26

### **REPORT AND RESOLUTION AUTHORIZING CONTRACT WITH BASSETT MEDICAL CENTER IN THE PUBLIC HEALTH DEPARTMENT**

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

WHEREAS, by letter dated January 5, 2021, Christina Cain, Director of Public Health, has requested a contract be entered into with Bassett Medical Center, using funds from the SAMHSA System of Care grant received by Public Health in 2019, with the amount of the contract in the amount of \$2,500, covered entirely by federal grant funds; and

WHEREAS, letter further advises that in December 2020 students from Herkimer County school districts completed the Youth Risk Behavior Survey online, as part of youth needs assessments required for the System of Care grant, Bassett will compile, analyze the data, and provide reports to Herkimer County as well as our school districts; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby authorizes a contract with Bassett Medical Center, using funds from the SAMHSA System of Care grant received by Public Health in 2019, with the amount of the contract in the amount of \$2,500, covered entirely by federal grant funds to compile, analyze data, and provide reports to Herkimer County as well as our school districts; and, be it further

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

Dated: January 27, 2021.



## HERKIMER COUNTY LEGISLATURE

No. 27

### REPORT AND RESOLUTION ACCEPTING FUNDING AND AMENDING BUDGET IN PUBLIC HEALTH

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

WHEREAS, by letter dated January 4, 2021 from Christina Cain, Director of Public Health, this Legislature is advised that the Herkimer County Public Health Department will be receiving funding from the New York State Association of Public Health Officials for flexible funding available for rurally based local health departments to fund COVID-19 emergency response efforts, in the amount of \$1,785.00 to be used to purchase personal protective equipment and supplies for local daycares; and

WHEREAS, by letter dated January 8, 2021 from Sheri Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that the 2021 budget will need to be amended to allow for use of these funds; now, therefore, be it

RESOLVED, that the 2021 Herkimer County Budget is hereby amended in the amounts listed:

#### **Revenue**

A4010.2706, Public Health, Grant from Local Gov't	From: \$0
	To: \$1,785

#### **Expenses**

A4010.41000, Public Health, Supplies	From: \$4,200
	To: \$5,985

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: January 27, 2021.



## HERKIMER COUNTY LEGISLATURE

No. 28

### REPORT AND RESOLUTION AMENDING RESOLUTION NO. 307 OF 2020

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

WHEREAS, Resolution No. 307 of 2020 adopted the hourly salary schedule; and

WHEREAS, it has been requested to amend the hourly salary schedule to add the title of Licensed Practical Nurse (COVID Testing) in Account A4010 at an hourly rate of \$26.14 per hour, effective January 1, 2021; and

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

RESOLVED, that the hourly salary schedule be amended to add the title of Licensed Practical Nurse (COVID Testing) in Account A4010 at an hourly rate of \$26.14 per hour, effective January 1, 2021; and, be it further

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

Dated: January 27, 2021.



## HERKIMER COUNTY LEGISLATURE

No. 29

### REPORT AND RESOLUTION APPROPRIATING FUNDS

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

WHEREAS, by letter dated January 8, 2021, Sheri Ferdula, Budget Officer/Purchasing Agent, has advised that it is necessary to purchase a hot water heater in the current correctional facility in the amount of \$10,600.00; and

WHEREAS, the letter further advises that an appropriation in the 2021 budget will be necessary to provide the funding for the purchase and that funds have been verified and are available for this appropriation; now, therefore, be it

RESOLVED, that an appropriation be made as follows:

\$10,600.00      From: A889H, Correctional Facility Reserve  
                    To:    A3150.44000-525, Jail, 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: January 27, 2021.





## HERKIMER COUNTY LEGISLATURE

No. 30

### **REPORT AND RESOLUTION AUTHORIZING EXECUTION OF ANNUAL ACCOUNTING SYSTEM MAINTENANCE AGREEMENT**

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

WHEREAS, by Resolution No. 173 of 2003, a contract was awarded to New World Systems for financial management payroll software, training, support service and maintenance on said software package; and

WHEREAS, by Resolution No. 144 of 2016, a maintenance agreement was executed with Tyler Technologies, who acquired New World Systems; and

WHEREAS, by letter dated January 8, 2021, Kim Enea, County Treasurer, has requested that a new agreement be entered into with Tyler Technologies for the year 2021 at a cost of \$47,790.24; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute an agreement with Tyler Technologies, 840 West Long Lake Road, Troy, Michigan 48098 for a one year maintenance agreement of the County's Logos Accounting, for the year 2021 in the amount of \$47,790.24; and, be it further

RESOLVED, that the terms and provisions of said agreement shall be subject to the approval of the Herkimer County Attorney; and, be it further

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

Dated: January 27, 2021.



## HERKIMER COUNTY LEGISLATURE

No. 31

### **REPORT AND RESOLUTION IN CONNECTION WITH RECEIPT OF IGNITION INTERLOCK MONITORING DEVICE GRANT**

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

WHEREAS, by Resolution No. 317 adopted on December 14, 2011, and pursuant to the provisions of Leandra's Law, an Ignition Interlock Monitoring Program was established in Herkimer County through a grant received from the New York State Division of Criminal Justice Services, with said grant being renewed by resolution each year thereafter; and

WHEREAS, by letter dated January 5, 2021, from Garry Murphy, Director of Probation, this Legislature is advised of the request for acceptance of a grant from the State Division of Criminal Justice Services, for the period from October 1, 2020 through September 30, 2021, in the total amount of \$4,880.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute by e-signature a contract with the New York State Division of Criminal Justices to receive an Ignition Interlock Device Monitoring Project Grant for the period from October 1, 2020 through September 30, 2021, in the total amount of \$4,880.00, with said contract to be subject to the approval of the Herkimer County Attorney; and, be it further

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

Dated: January 27, 2021.



## HERKIMER COUNTY LEGISLATURE

No. 32

### REPORT AND RESOLUTION AUTHORIZING ACCEPTANCE OF CONVEYANCE OF LAND FOR HIGHWAY PURPOSES

#### **Sponsored by: Committee on Highways**

WHEREAS, the County of Herkimer desires to construct bank stabilization located on Cook Hill Road, County Road 87, at tax parcel number 100.1-1-17 which is located in the Town of Newport; and

WHEREAS, Patrick Maxwell has executed a statement of donation in order to transfer ownership of certain real property to the County of Herkimer, to wit, 0.036 ± acres;

WHEREAS, by letter dated January 5, 2021, Mark Nagele, County Highway Superintendent, has advised that the acquisition of this land is necessary for the construction of bank stabilization located on Cook Hill Road, County Road 87, at tax parcel number 100.1-1-17; now, therefore, be it

RESOLVED, that the County of Herkimer accept a donation of real property from Patrick Maxwell, said premises being approximately 0.036 ± acres in size in order to construct bank stabilization located on Cook Hill Road, County Road 87, at tax parcel number 100.1-1-17; and, be it further

RESOLVED, that the Chairman of the County Legislature is authorized to execute any documents necessary for the transfer of said premises from Patrick Maxwell in order to effectuate said transfer and record the conveyance in the Office of the Herkimer County Clerk; and, be it further

RESOLVED, that a certified copy of this resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, County Attorney, and County Highway Superintendent.

Dated: January 27, 2021.



## HERKIMER COUNTY LEGISLATURE

No. 33

### **REPORT AND RESOLUTION AUTHORIZING EASEMENT TO TOWN OF HERKIMER FOR CONSTRUCTION PUMP STATION WITHIN COUNTY RIGHT-OF-WAY**

**Sponsored by: Committee on Highways**

WHEREAS, by letter of Herkimer County Highway Superintendent Mark A. Nagele, P.E. dated January 7, 2021, a recommendation was made to authorize consent to provide an easement to the Town of Herkimer to construct a pump station within the County right-of-way as part of the Town of Herkimer's Water System Improvement Project, contingent upon receiving permission from landowners who own the property where the County's right-of-way is located; and

WHEREAS, the Herkimer County Highway Superintendent has reviewed the proposed location and finds it is acceptable in regard to highway safety and maintenance; and

WHEREAS, all work to be performed within the County right-of-way shall be subject to Herkimer County Highway Department permitting; now, therefore, be it

RESOLVED, that an easement for placement of a pump station, together with the right to access, repair and maintain the pump station and associated waterlines and electricity be given to the Town of Herkimer for no consideration as shown on the attached map; and, be it further

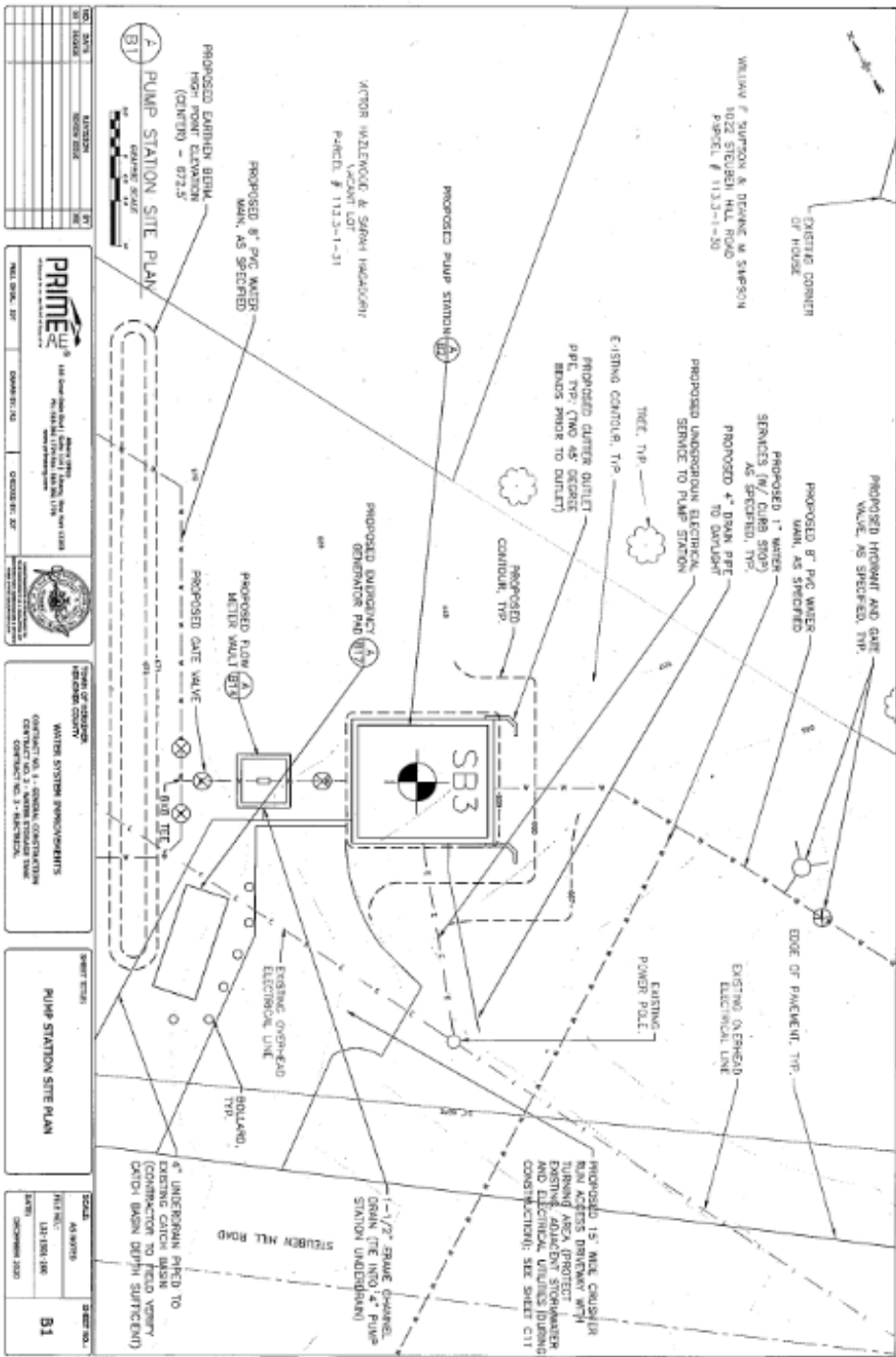
RESOLVED, that said easement for pump station shall provide that the Town of Herkimer shall agree to defend, indemnify and hold harmless the County of Herkimer from any and all costs, liabilities and expenses in relation to the pump station; and, be it further

RESOLVED, that the Chairman of this Legislature is authorized to execute all necessary documents, which shall be subject to the approval of the County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution shall be forwarded to the County Highway Superintendent, County Attorney, and the Town of Herkimer.

Dated: January 27, 2021.





NO.	DATE	REVISION
1	08/11/2010	ISSUED FOR PERMIT
2	08/11/2010	ISSUED FOR PERMIT
3	08/11/2010	ISSUED FOR PERMIT
4	08/11/2010	ISSUED FOR PERMIT
5	08/11/2010	ISSUED FOR PERMIT
6	08/11/2010	ISSUED FOR PERMIT
7	08/11/2010	ISSUED FOR PERMIT

**PRIME AE**  
 101 South Main Street, Suite 100  
 Portland, Oregon 97204  
 Phone: 503.228.1111  
 Fax: 503.228.1112  
 Website: www.primeae.com

OWNER: WATERS SYSTEMS IMPROVEMENTS  
 CONTRACT NO. 1 - GENERAL CONTRACTOR  
 CONTRACT NO. 2 - ELECTRICAL

**PUMP STATION SITE PLAN**

SCALE:	AS SHOWN
DRAWN:	LD/MLK
CHECKED:	LD/MLK
DATE:	08/11/2010
SHEET NO.:	<b>B1</b>



## HERKIMER COUNTY LEGISLATURE

No. 34

### **REPORT AND RESOLUTION AUTHORIZING THE CHAIRMAN TO ENTER INTO A STIPULATION OF SETTLEMENT WITH CSEA, LOCAL 1000**

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

WHEREAS, by letter dated January 12, 2021, from Steven Billings, Personnel Officer, he has requested authorization for the Chairman to enter into a Stipulation of Settlement with CSEA, Local 1000; and

WHEREAS, this letter further advises that in July 2020, CSEA filed for binding arbitration under the collective bargaining agreement with regards to how the Public Health nurses are compensated for call ins under Article XXXIII; and

WHEREAS, this Stipulation of Settlement will reimburse the Public Health nurses 50% of money claimed for call ins from April 2020 through July 2020 and will have terms clarifying call in pay in the Public Health Department going forward; now, therefore, be it

RESOLVED, that the Chairman of the Legislature is authorized to enter into the above described Stipulation of Settlement with CSEA, Local 1000; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer, Director of Public Health, and CSEA Local 1000.

Dated: January 27, 2021.



## HERKIMER COUNTY LEGISLATURE

No. 35

### **REPORT AND RESOLUTION CONCERNING LEAD AGENCY STATUS AND ADOPTING ENVIRONMENTAL REVIEW FOR COMMUNITY DEVELOPMENT BLOCK GRANT FOR HPK INDUSTRIES, INC.**

**Sponsored by: Committee on County Planning & Development**

WHEREAS, by letter of John J. Piseck, Jr., Executive Director of the Herkimer County Industrial Development Agency, dated January 8, 2021, a resolution is requested to authorize Herkimer County to serve as lead agency to complete appropriate state and federal environmental reviews regarding the Community Development Block Grant (hereafter “CDBG”) award of \$450,000 for HPK Industries, Inc.; and

WHEREAS, by Resolution No. 236 of 2020, the Chairman of the Herkimer County Legislature was authorized to execute a CDBG grant agreement between the County and the Office of Community Renewal (hereafter “OCR”) and all related documents associated with the OCR grant; and

WHEREAS, the New York State CDBG Agreement for Project No. 528ED960-20 requires environmental review of the proposed project, the award of \$450,000 for working capital and program delivery for assistance to HPK Industries, Inc. in Frankfort, New York for the creation of thirty new jobs; and

WHEREAS, by Resolution No. 36 of 2020, the County of Herkimer designated Vincent J. Bono, Chairman of the Herkimer County Legislature, as Certifying Officer for environmental reviews pursuant to the National Environmental Policy Act (NEPA) of 1969; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQRA), the County of Herkimer is the sole Involved Agency because the proposed project is not subject to approval of any other permitting or authorizing entities; and

WHEREAS, the project is categorically excluded from NEPA review pursuant to 24 CFR 58.35(b)(3) as a project providing operating capital and assistance for employee recruitment and job creation; and

WHEREAS, the County of Herkimer has caused a short form Environmental Assessment Form (“EAF”) for the proposed recruitment and hiring of new employees at HPK Industries, Inc. in Frankfort, New York and operating funds for same; and



WHEREAS, the Herkimer County Legislature has reviewed the EAF for the proposed project and has identified and taken a hard look at the relevant areas of environmental concern; now, therefore, be it

RESOLVED, that Chairman of the Herkimer County Legislature be authorized to certify that the proposed project is categorically excluded from NEPA review and any further NEPA certifications; and, be it further

RESOLVED, that the County of Herkimer assumes lead agency status pursuant to SEQRA with respect to the review of the proposed CDBG Agreement for assistance to HPK Industries, Inc. for job creation; and, be it further

RESOLVED, that the action be classified as an Unlisted Action pursuant to SEQRA; and, be it further

RESOLVED, that the County of Herkimer makes a determination of significance of a negative declaration and that the proposed action will not result in any significant adverse environmental impacts and hereby adopts the annexed Negative Declaration; and, be it further

RESOLVED, that certified copies of the resolution be sent to the Herkimer County Industrial Development Agency, the Office of Community Renewal, and HPK Industries, Inc.

Dated: January 27, 2021.



## HERKIMER COUNTY LEGISLATURE

No. 36

### **REPORT AND RESOLUTION AUTHORIZING SETTLEMENT AGREEMENT OF CLAIMS IN NORTHERN DISTRICT UNITED STATES BANKRUPTCY COURT**

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

WHEREAS, by letter of Herkimer County Treasurer, Kimberlee Enea, dated January 8, 2021, a recommendation was made to enter into settlements with the Selbach Law Offices, P.C., 8809 Daylight Drive, Liverpool, New York 13090, in the total amount of \$2,775.00; and

WHEREAS, the terms and conditions of the proposed settlements are satisfactory to the Herkimer County Treasurer and the Herkimer County Ways & Means Committee; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby approves proposed Stipulation, Settlement and Release Agreements with Selbach Law Offices, P.C. in relation to the two cases in the Northern District United States Bankruptcy Court, Case No. 20-60345 in the amount of \$1,575.00 and Case No. 20-60023 in the amount of \$1,200.00, subject to terms and conditions approved by the County Attorney; and, be it further

RESOLVED, that the Herkimer County Legislature hereby authorizes the Chairman of the Legislature to sign any documents necessary to achieve the settlement agreement, subject to the terms and conditions of the County Attorney's Office; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, and Selbach Law Offices, P.C.

Dated: January 27, 2021.



## HERKIMER COUNTY LEGISLATURE

No. 37

### **RESOLUTION SETTING A PUBLIC HEARING IN CONNECTION WITH AN APPLICATION FOR COMMUNITY PLANNING ASSISTANCE TO THE OFFICE OF COMMUNITY RENEWAL**

**Sponsored by: Committee on County Planning & Development**

WHEREAS, by letter dated January 21, 2021, from John J. Piseck, Executive Director of the Herkimer County Industrial Development Agency, this Legislature is advised of the proposed submission of a Community Development Block Grant Community Planning program application in the amount of \$50,000 to assess the potential to attract agricultural food product producers to the County; and

WHEREAS, these CDBG grant funds will be utilized to hire a consultant to study the County's potential to attract these types of businesses; and

WHEREAS, it is necessary that a public hearing be held to hear public comment in regards to this application; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is authorized to execute all documents and certifications required as part of the submission of the application; and, be it further

RESOLVED, that a Public Hearing be held by the Committee on County Planning and Development on the 17<sup>th</sup> day of February, 2021 at 6:45 p.m., via teleconference, Phone Number: 1-978-990-5000, Access Code: 548560, with written comments submitted to 109 Mary Street, Suite 1310, Herkimer, NY 13350 for the purpose of hearing public comment upon the aforesaid application; and, be it further

RESOLVED, that a certified copy of this Resolution be forwarded to the Executive Director of the Herkimer County Industrial Development Agency.

Dated: January 27, 2021.