

**MINUTES**  
**Herkimer County Legislature**  
**Second Quarter – Second Day**  
**Wednesday, April 22, 2026**  
**7:00 p.m.**

**Public Hearing**

The Public Hearing on the Open Enrollment Period for 2026 for Inclusion in Agricultural District No. 1 was called to order at 6:15 p.m. by Legislator Rodney Swartz, Chairman of the Natural Resources Committee. The Clerk read the Notice. Mr. Swartz then asked if there was anyone wishing to speak on the hearing. There were no requests to speak, and the hearing was declared closed at 6:16 p.m.

Brittney R. Viscomi, Clerk  
Herkimer County Legislature

**NOTICE OF  
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN, that the Herkimer County Legislature will hold a Public Hearing on the proposed modifications of Herkimer County Agricultural District No. 1. The Public Hearing will be held on Wednesday, April 22, 2026 at 6:15 p.m., in the Herkimer County Legislature Chambers in Herkimer, New York.

Four (4) landowners have submitted a request in 2026 for inclusion of predominantly viable agricultural land within a certified agricultural district, and this request has been filed with the Herkimer County Legislature pursuant to Section 303-b of the NYS Agriculture and Markets Law. The parcels are located in the Town of Columbia, Town of Fairfield, Town of Winfield, and the Town of Manheim, which are part of or adjacent to Agricultural District No. 1.

The public hearing shall be held to consider these landowners' requests and the recommendations of the Herkimer County Agricultural and Farmland Protection Board.

Dated: April 13, 2026.

**Public Hearing**

The Public Hearing on Introductory Local Law A for 2026 was called to order at 6:17 p.m. by Legislator Kurt J. Ackerman, Chairman of the Ways & Means Committee. The Clerk read the notice of the hearing. Legislator Ackerman then asked if there was anyone wishing to speak on the local law. There were no requests to speak and the hearing was declared closed at 6:18 p.m.

Brittney R. Viscomi, Clerk  
Herkimer County Legislature

## LEGAL NOTICE

NOTICE IS HEREBY GIVEN that there has been presented to the County Legislature of the County of Herkimer, State of New York, on the 1<sup>st</sup> day of April, 2026, Introductory Local Law A for the year 2026 entitled, “A LOCAL LAW AMENDING LOCAL LAW NO. 3 FOR 1995, MOST RECENTLY AMENDED BY LOCAL LAW NO. 4 FOR 2020, TO PROVIDE FOR THE EXEMPTION FROM TAXATION BY THE COUNTY OF HERKIMER TO THE EXTENT OF FIFTY PER CENTUM OF THE ASSESSED VALUATION OF REAL PROPERTY OWNED BY ONE OR MORE PERSONS, EACH OF WHOM IS 65 YEARS OF AGE OR OVER, OR REAL PROPERTY OWNED BY A LEGALLY MARRIED COUPLE, OR SIBLINGS, ONE OF WHOM IS 65 YEARS OF AGE OR OVER”.

NOTICE IS FURTHER GIVEN that the County Legislature of the County of Herkimer will hold a public hearing on the aforesaid proposed Local Law, to be conducted by the Committee on Ways and Means, in the Legislative Chambers at the County Office Building, Herkimer, New York, on the 22<sup>nd</sup> day of April, 2026 at 6:17 p.m. at which time all persons interested will be heard.

Dated: April 13, 2026.

By Order of the Herkimer County Legislature

Brittney R. Viscomi, Clerk  
Herkimer County Legislature

The Regular Session of the Herkimer County Legislature was called to order by Chairman Peter J. Campione at 7:01 p.m.

Chairman Campione called on Legislator William Keeler, Sr., to lead the Legislature in the Pledge of Allegiance.

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

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

Present: Malta, Gaworecki, Schrader, Wedemeyer, Brewer, Bennett, Keeler, Brezinski, Bick, Swartz, Lucenti, Ackerman, Donley, Campione, Wares, Weakley (16).

Absent: Haehl (1).

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Campione asked if there were any objections or corrections to the minutes of April 1, 2026. There were none, and the Chairman ordered them approved.

Pursuant to Rule 11, Chairman Campione opened the floor for public comment. 1) Charles Crandall, Herkimer – Image Mate Upgrade/IQS.

Chairman Campione dispensed with the regular session to welcome the student in attendance and asked him to introduce himself and the school district he represented and asked the County Attorney to give a brief description of the difference between a voice vote and a roll call vote.

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

No. 144 – A communication was received from the County Auditor submitting tax corrections for the month of March 2026. Filed.

No. 145 – A communication was received from Judey Gokey, Town of Norway Supervisor advising of unsafe road conditions on Dairy Hill Road. Filed.

No. 146 – A communication was received from the Herkimer County Soil & Water Conservation District advising of monthly meeting. Filed.

No. 147 – A communication was received from the Solid Waste Authority submitting 2025 Annual Report. Filed.

No. 148 – A communication was received from the IDA submitting Notice of Project Inducement and Public Hearing. Filed.

No. 149 – A communication was received from the IDA submitting Notice of Project Inducement and Public Hearing. Filed.

No. 150 – A communication was received from the Director of Public Health advising of correction in contract with ICAN. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 151 – A communication was received from the Sheriff submitting February 2026 monthly report. Referred to the Committee on Public Safety & Emergency Management.

No. 152 – A communication was received from the Herkimer County Land Bank Director requesting cancellation of taxes on parcel. Referred to the Committee on County Properties and the Committee on Ways & Means.

No. 153 – A communication was received from the Highway Superintendent requesting discussion on truck #5 repair failure. Referred to the Committee on Highways.

No. 154 – A communication was received from the Highway Superintendent requesting discussion on highway office roof replacement. Referred to the Committee on Highways.

No. 155 – A communication was received from the Director of Public Health requesting contract for the provision of Preschool Special Education Related Services. Referred to the Committee on Human Resources.

No. 156 – A communication was received from the Sewer District Chief Plant Operator submitting information for discussion on capital project. Referred to the Committee on Natural Resources and the Committee on Ways & Means.

No. 157 – A communication was received from the Co-Chair, Herkimer County Democratic Committee submitting recommendation for reappointment of Election Commissioner. Referred to the Committee on Administration/Veterans' Affairs.

No. 158 – A communication was received from the Highway Superintendent requesting resolution for reimbursement by Marchiselli funding. Referred to the Committee on Highways.

No. 159 – A communication was received from the Highway Superintendent requesting approval of 2026-2027 capital construction project. Referred to the Committee on Highways.

No. 160 – A communication was received from the Personnel Officer requesting amendment to Salary Schedule IV in the Highway Department. Referred to the Committee on Highways and the Committee on Ways & Means.

No. 161 – A communication was received from the Personnel Officer requesting MOA with CSEA, Local 1000. Referred to the Committee on Ways & Means.

No. 162 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer of funds for purchase of time and attendance system at HCCC. Referred to the Committee on Education and the Committee on Ways & Means.

No. 163 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer of funds for fireworks event at HCCC. Referred to the Committee on Ways & Means.

No. 164 – A communication was received from the County Administrator requesting approval for Deputy County Administrator to attend conference. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 165 – A communication was received from the Budget Officer/Purchasing Agent requesting transfers in connection with digitization of records. Referred to the Committee on Information Services and the Committee on Ways & Means.

No. 166 – A communication was received from the County Attorney requesting approval for Consent Order and Judgement in connection with Tractor Supply Tax Certiorari. Referred to the Committee on Ways & Means.

No. 167 – A communication was received from the County Attorney requesting authorization for Chairman to sign an opioid settlement. Referred to the Committee on Ways & Means.

No. 168 – A communication was received from the Sewer District submitting Resolution for appointment of Chief Plant Operator. Referred to the Committee on Natural Resources and the Committee on Ways & Means.

No. 169 – A communication was received from the Budget Officer/Purchasing Agent requesting change order in connection with HCCC project. Referred to the Committee on Education and the Committee on Ways & Means.

No. 170 – A communication was received from the Budget Officer/Purchasing Agent awarding bid for bus service to Old Forge for Youth Bureau. Referred to the Committee on County Planning & Development and the Committee on Ways & Means.

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

The Chairman continued with the Regular Agenda.

On motion of Mr. Swartz, seconded by Mrs. Wares, Report and Resolution No. 110 sponsored by the Committee on Natural Resources to provide that the additions to the existing Agricultural District for the year 2026 pursuant to Section 303-b of the Agriculture and Markets Law 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: Haehl (1).



## HERKIMER COUNTY LEGISLATURE

No. 110

### **REPORT AND RESOLUTION TO PROVIDE THAT THE ADDITIONS TO THE EXISTING AGRICULTURAL DISTRICT FOR THE YEAR 2026 PURSUANT TO SECTION 303-b OF THE AGRICULTURE AND MARKETS LAW IS IN COMPLIANCE WITH THE PROVISIONS OF THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT**

#### **Sponsored by: Committee on Natural Resources**

WHEREAS, the State of New York has enacted the State Environmental Quality Review Act (SEQRA), Article 8 of the NYS Environmental Conservation Law and Part 617 of Title 6, New York Code Rules and Regulations (6NYCRR) to incorporate the consideration of environmental factors into existing planning, review and decision-making processes of local government agencies; and

WHEREAS, SEQRA requires that all agencies determine whether the actions they directly undertake, fund, or approve may have a significant effect on the environment; and

WHEREAS, the Herkimer County Legislature has under consideration a request from four landowners pursuant to Resolution 146 of 2004, which established the month of January of each year as the 30-day period in which landowners may petition Herkimer County for inclusion of parcels within the existing agricultural district; and

WHEREAS, your Committee has designated the project as an Unlisted Action pursuant to SEQRA and completed an uncoordinated review of the proposed modifications of the agricultural districts; and

WHEREAS, your Committee has fully considered, assessed and discussed the information

contained within the Environmental Assessment Form; now, therefore, be it

RESOLVED, that based on the information provided and discussed, the Herkimer County Legislature has determined that the proposed action will not result in any significant adverse environmental impacts; and, be it further

RESOLVED, that the reasons supporting this determination are documented on the Environmental Assessment Form, within a packet of attachments to the forms, and on additional supporting documentation; and, be it further

RESOLVED, that as a consequence of such findings and declaration, and in compliance with the requirements of SEQRA, the County, as lead agency, hereby issues a negative declaration and directs that the Chairman of the Legislature file and make available the same in accordance with the requirements of SEQRA Law.

Dated: April 22, 2026.

On motion of Mr. Keeler, seconded by Mr. Lucenti, Report and Resolution No. 111 sponsored by the Committee on Natural Resources approving additions to the existing Agricultural District for the year 2026 was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Haehl (1).



## HERKIMER COUNTY LEGISLATURE

No. 111

### **REPORT AND RESOLUTION APPROVING ADDITIONS TO THE EXISTING AGRICULTURAL DISTRICT FOR THE YEAR 2026**

#### **Sponsored by: Committee on Natural Resources**

WHEREAS, Section 303-b of the New York State Agriculture and Markets Law provides for requests by landowners for the inclusion of viable agricultural land within a certified agricultural district prior to the county established review period; and

WHEREAS, upon recommendation of the Agricultural and Farmland Protection Board, the Herkimer County Legislature established the month of January as the 30-day period in which landowners may petition Herkimer County for inclusion of parcels within the existing agricultural district during the year 2026; and

WHEREAS, Herkimer County received requests from four landowners for inclusion of five parcels of land within the existing agricultural district; and

WHEREAS, the Herkimer County Agricultural & Farmland Protection Board determined that said parcels proposed for inclusion in the agricultural district consist predominately of viable agricultural land, and that the inclusion of such land would serve the public interest by assisting in maintaining a viable agricultural industry within the agricultural district; and

WHEREAS, the Agricultural & Farmland Protection Board recommended that said parcels listed on the attached list be included in the agricultural district as viable agricultural land; and

WHEREAS, the Herkimer County Legislature held a public hearing on April 22, 2026; and

WHEREAS, the Herkimer County Legislature has determined pursuant to the State Environmental Quality Review Act, that the proposed action will not have a significant impact on the environment; now, therefore, be it

RESOLVED, that the Herkimer County Legislature does hereby approve the five parcels listed on the attached list for inclusion in agricultural district as viable agricultural land.

Dated: April 22, 2026.

| #            | Land Owner             | Parcel number(s) | Acres      | Municipality | District |
|--------------|------------------------|------------------|------------|--------------|----------|
| 1            | Amy Hoyt               | 125.4-1-55.1     | 89.848882  | COLUMBIA     | 1        |
| 2            | Justin Burkholder      | 106.4-1-6.1      | 116.404137 | FAIRFIELD    | 1        |
|              |                        | 106.2-3-12.1     | 2.52542    | FAIRFIELD    | 1        |
| 3            | Fred and Debrah Jones  | 130.2-1-5.1      | 119.946648 | WINFIELD     | 1        |
| 4            | Wilbur and Nancy Hills | 115.1-1-3        | 200.432337 | MANHIEM      | 1        |
| Total acers: |                        |                  | 529.157424 |              |          |

On motion of Mr. Gaworecki, seconded by Mr. Wedemeyer, Report and Resolution No. 112 sponsored by the Committee on Information Services and the Committee on Ways & Means authorizing subscription and transferring funds in connection with digitization of records was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Haehl (1).



## HERKIMER COUNTY LEGISLATURE

No. 112

### REPORT AND RESOLUTION AUTHORIZING SUBSCRIPTION AND TRANSFERRING FUNDS IN CONNECTION WITH DIGITIZATION OF RECORDS

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

WHEREAS, Resolution No. 90 of 2026 awarded a proposal for the digitization of records to Toshiba Business Solutions; and



## Committee on Ways and Means

WHEREAS, by letter dated April 8, 2026, from James W. Wallace, Jr., County Administrator, this Legislature is advised of a request to allow the Deputy County Administrator to attend NYSAC's finance school in Glens Falls on May 20 and 21, 2026, and requests the authorization for registration (\$225.00), one night overnight, and mileage to and from the event; now, therefore, be it

RESOLVED, that authorization is given for the Deputy County Administrator to attend NYSAC's finance school in Glens Falls on May 20 and 21, 2026, with a registration fee of \$225.00, one night overnight, and mileage to and from the event; and, be it further

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

Dated: April 22, 2026.

On motion of Ms. Bennett, seconded by Mr. Malta, Report and Resolution No. 114 sponsored by the Committee on Ways & Means transferring funds for event at Herkimer County Community College was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Haehl (1).



## HERKIMER COUNTY LEGISLATURE

No. 114

### REPORT AND RESOLUTION TRANSFERRING FUNDS FOR EVENT AT HERKIMER COUNTY COMMUNITY COLLEGE

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

WHEREAS, by letter dated April 10, 2026, Sheri Ferdula, Budget Officer/Purchasing Agent has advised that the Ways & Means Committee has approved up to \$10,000 of funding to support the fireworks event at Herkimer County Community College; and

WHEREAS, said letter further requests a transfer of funds; now, therefore, be it

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:

\$10,000                      From: A0000001 541990 Contingent Fund, Miscellaneous Expense  
To:        A1010000 544000, Legislature, Contracted Services

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, President of Herkimer County Community College, and Chief of Staff and Director of Operations at Herkimer County Community College.

Dated: April 22, 2026.

On motion of Ms. Bennett, seconded by Mr. Weakley, Report and Resolution No. 115 sponsored by the Committee on Education and the Committee on Ways & Means transferring funds for Herkimer County Community College was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Haehl (1).



## HERKIMER COUNTY LEGISLATURE

No. 115

### REPORT AND RESOLUTION TRANSFERRING FUNDS FOR HERKIMER COUNTY COMMUNITY COLLEGE

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

WHEREAS, by letter dated April 2, 2026, Sheri Ferdula, Budget Officer/Purchasing Agent is advised that the President of Herkimer County Community College is requesting capital funds be re-appropriated for the purchase of a time and attendance system through ADP in the amount of \$46,647.40; and

WHEREAS, said letter further requests a transfer of funds; now, therefore, be it

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:

|             |   |
|-------------|---|
| \$46,647.40 | From: H2499000 544000, Parking Lot, Contracted Services |
|             | To: H2505000 544000, Switch, Contracted Services        |

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, President of Herkimer County Community College, and Chief of Staff and Director of Operations at Herkimer County Community College.

Dated: April 22, 2026.

On motion of Mrs. Wares, seconded by Mr. Wedemeyer, Report and Resolution No. 116 sponsored by the Committee on Ways & Means authorizing Chairman to sign Memorandum of Agreement with Union was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Wedemeyer, Brewer, Bennett, Keeler, Brezinski, Bick, Swartz, Lucenti, Ackerman, Donley, Campione, Wares, Weakley (16).

Against: None.

Absent: Haehl (1).



## HERKIMER COUNTY LEGISLATURE

No. 116

### REPORT AND RESOLUTION AUTHORIZING CHAIRMAN TO SIGN MEMORANDUM OF AGREEMENT WITH UNION

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

WHEREAS, by letter dated March 31, 2026 from Steven R. Billings, Personnel Officer, this Legislature is advised of a request to authorize the Chairman to enter into a Memorandum of Agreement with CSEA Inc., Local 1000; and

WHEREAS, this Memorandum of Agreement will authorize a change to Article XI, Section 2 and Article XIV, Section 5 to adjust the procedures for leave for Campus Safety Officers; now, therefore, be it

RESOLVED, that it is authorized for the Chairman to enter into a Memorandum of Agreement with CSEA Inc., Local 1000 to authorize a change to Article XI, Section 2 and Article XIV, Section 5 to adjust the procedures for leave for Campus Safety Officers at Herkimer County Community College; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer, President of Herkimer County Community College, Chief of Staff and Director of Operations at Herkimer County Community College, and CSEA Inc., Local 1000.

Dated: April 22, 2026.

On motion of Mr. Weakley, seconded by Mr. Gaworecki, Report and Resolution No. 117 sponsored by the Committee on Highways and the Committee on Ways & Means amending Salary Schedule No. IV in the Highway Department was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Wedemeyer, Brewer, Bennett, Keeler, Brezinski, Bick, Swartz, Lucenti, Ackerman, Donley, Campione, Wares, Weakley (16).

Against: None.

Absent: Haehl (1).



## HERKIMER COUNTY LEGISLATURE

No. 117

### REPORT AND RESOLUTION AMENDING SALARY SCHEDULE NO. IV IN THE HIGHWAY DEPARTMENT

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

WHEREAS, by letter dated April 7, 2026 from Steven R. Billings, Personnel Officer, he has requested to amend Salary Schedule No. IV to increase the base pay rate of the title Assistant Civil Engineer to \$68,000; now, therefore, be it

RESOLVED, that Salary Schedule No. IV be amended to increase the base pay rate of the title Assistant Civil Engineer to \$68,000; and, be it further

RESOLVED, this change will be effective April 27, 2026; and, be it further

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

Dated: April 22, 2026.

On motion of Mr. Brewer, seconded by Mr. Donley, Report and Resolution No. 118 sponsored by the Committee on Highways authorizing the implementation and funding in the first instance 100% of the federal aid and state "Marchiselli" program aid eligible costs, of a transportation federal aid project, and appropriating funds was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Haehl (1).



## HERKIMER COUNTY LEGISLATURE

No. 118

### REPORT AND RESOLUTION AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL AID PROJECT, AND APPROPRIATING FUNDS

**Sponsored by: Committee on Highways**

WHEREAS, a project for the Roadway Safety Enhancements, P.I.N. 2755.14.121 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 95% federal funds and 5% non-federal funds; and

WHEREAS, the County of Herkimer desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Preliminary Engineering and detailed design; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby approves the above-subject project; and, be it further

RESOLVED, that the Herkimer County Legislature hereby authorizes the County of Herkimer to pay in the first instance 100% of the federal and non-federal share of the cost of Preliminary Engineering and detailed design work for the Project or portions thereof; and, be it further

RESOLVED, that the sum of \$131,000 is hereby appropriated from the County Road Fund and made available to cover the cost of participation in the above phase of the Project; and, be it further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Herkimer County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Herkimer County Highway Department thereof; and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature of the County of Herkimer be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for federal aid and/or Marchiselli Aid on behalf of the County of Herkimer with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal aid and state aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and, be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and, be it further

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

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

Dated: April 22, 2026.

On motion of Mr. Gaworecki, seconded by Mr. Swartz, Report and Resolution No. 119 sponsored by the Committee on Highways approving project under Article 6, Section 116 of the Highway Law was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Haehl (1).



## HERKIMER COUNTY LEGISLATURE

No. 119

**REPORT AND RESOLUTION APPROVING PROJECT UNDER ARTICLE 6,  
SECTION 116 OF THE HIGHWAY LAW**

**Sponsored by: Committee on Highways**

WHEREAS, your Committee on Highways, to which was referred letters from Mark Nagele, County Superintendent of Highways, dated March 26, 2026, submitting three copies each of statement under Article 6 of the Highway Law designating work to be done with County Road Fund monies during the year 2026-2027, covering one project involved in the Capital Construction Program, respectfully reports that we have examined said statements contained in said communication from and signed by the County Superintendent of Highways, recommend its adoption, and offer the following Resolution:

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

| <b>PROJECT NO.</b> | <b>ROAD/LOCATION</b>  | <b>TYPE OF PROJECT</b>      | <b>ESTIMATED CONSTRUCTION COST</b> |
|--------------------|---|-----------------------------|------------------------------------|
| 452                | Roadway Departure Safety Action Plan (RwDSAP) Various Locations | Roadway Safety Enhancements | \$131,000.00                       |

and, be it further

RESOLVED, that this project will be funded through Federal and CHIPS monies; and, be it further

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

Dated: April 22, 2026.

On motion of Mr. Brezinski, seconded by Mr. Malta, Report and Resolution No. 120 sponsored by the Committee on Administration/Veterans' Affairs making reappointment of Commissioner of Elections was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Haehl (1).



**HERKIMER COUNTY LEGISLATURE**

No. 120

## **REPORT AND RESOLUTION MAKING REAPPOINTMENT OF COMMISSIONER OF ELECTIONS**

**Sponsored by: Committee on Administration/Veterans' Affairs**

WHEREAS, Robert Drumm, Co-Chair of the Herkimer County Democratic Committee, has filed a certificate from the Herkimer County Democratic Committee, in conformity with the provisions and requirements of Section 3-204 of the Election Law of the State of New York, recommending Robert J. Hoyt, a resident and qualified voter of the County of Herkimer, to be a fit and proper person to be reappointed as Commissioner of Elections for the term commencing January 1, 2027 and ending December 31, 2030; now, therefore, be it

RESOLVED, that Robert J. Hoyt, Jordanville, New York, 13361, be, and he hereby is, reappointed as Commissioner of Elections of the County of Herkimer as so recommended for the term commencing January 1, 2027 and ending December 31, 2030; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the County Treasurer, Auditor, Budget Officer, Personnel Officer, Robert J. Hoyt, and Clerk of the County of Herkimer, who shall immediately notify the State Commissioner of Elections of this appointment.

Dated: April 22, 2026.

On motion of Mr. Lucenti, seconded by Mr. Bick, Report and Resolution No. 121 sponsored by the Committee on Ways & Means authorizing and approving a settlement agreement with six regional opioid distributors was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Haehl (1).



### **HERKIMER COUNTY LEGISLATURE**

No. 121

## **REPORT AND RESOLUTION AUTHORIZING AND APPROVING A SETTLEMENT AGREEMENT WITH SIX REGIONAL OPIOID DISTRIBUTORS**

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

WHEREAS, Herkimer County has been notified by Simmons Hanly Conroy, one of the county opioid attorneys, that there is pending a proposed settlement agreement with six regional opioid distributors; and

WHEREAS, Simmons Hanly Conroy has recommended that Herkimer County participate in this settlement with the estimated settlement being \$11,664.50; and

WHEREAS, the proceeds of this settlement must be used for opioid abatement; and

WHEREAS, it is in the best interest of the County of Herkimer to resolve this matter with the six small regional opioid distributors; and

WHEREAS, Simmons Hanly Conroy has provided the settlement document entitled “Six (6) Remnant Defendants’ Combined Subdivision Participation and Release Form” [hereafter “Combined Participation Form,”]; now, therefore, be it

RESOLVED, that Herkimer County agree to settlement with the six regional opioid distributors; and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature be authorized to execute the Combined Participation Form; and, be it further

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

Dated: April 22, 2026.

On motion of Mr. Bick, seconded by Mrs. Wares, Report and Resolution No. 122 sponsored by the Committee on Ways & Means approving settlement of tax certiorari proceedings brought by Tractor Supply Company #771 was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Haehl (1).



## HERKIMER COUNTY LEGISLATURE

No. 122

### REPORT AND RESOLUTION APPROVING SETTLEMENT OF TAX CERTIORARI PROCEEDINGS BROUGHT BY TRACTOR SUPPLY COMPANY #771

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

WHEREAS, Tractor Supply Company #771, (“Tractor Supply”) filed tax certiorari petitions in 2024 and 2025 (“Proceedings”), challenging the assessment of its property located at 1938 Country Mile in the Town of Frankfort, Tax Parcel No. 112.3-3-31; and

WHEREAS, Tractor Supply has proposed settlement of the Proceedings upon the following terms:

| ASSESSMENT YEAR | TOWN/COUNTY TAX YEAR | SCHOOL TAX YEAR | ORIGINAL ASSESSMENT | REDUCTION | FINAL ASSESSMENT |
|-----------------|----------------------|-----------------|---------------------|-----------|------------------|
|-----------------|----------------------|-----------------|---------------------|-----------|------------------|

|      |      |         |              |              |              |
|------|------|---------|--------------|--------------|--------------|
| 2024 | 2025 | 2024/25 | \$57,800,000 | \$18,640,500 | \$39,159,500 |
| 2025 | 2026 | 2025/26 | \$57,800,000 | \$18,887,000 | \$38,913,000 |

WHEREAS, a settlement has been proposed as follows:

- a. Herkimer County will issue credits as opposed to refunds for the county taxes to Tractor Supply over the course of three years in the total amount of \$224,509.32 as follows:

| <u>Payment for Which Credit Shall be Applied</u>  | <u>Amount of Credit</u> |
|---|-------------------------|
| Payment in Lieu of Town/County Taxes<br>For the 2026 Assessment year<br>(2027 Town/County Tax year) | \$ 74,836.44            |
| Payment in Lieu of Town/County Taxes<br>For the 2027 Assessment year<br>(2028 Town/County Tax year) | \$ 74,836.44            |
| Payment in Lieu of Town/County Taxes<br>For the 2028 Assessment year<br>(2029 Town/County Tax year) | \$ 74,836.44            |
| <b>TOTAL CREDITS APPLIED</b>  | <b>\$224,509.32</b>     |

- b. The PILOT bills will be adjusted to reflect the issuance of tax credits;
- c. The 2026 assessment year will be reduced so that all future assessments will reflect an equalized market value of \$90,000,000; and
- d. The terms of RPTL §727 shall apply to the settlement in all respects for the 2026, 2027 and 2028 assessment years, each reflecting an equalized market value in the amount of \$90,000,000.

RESOLVED, that the County of Herkimer is willing to settle the proceedings pursuant to the terms outlined above, contingent upon all other parties agreeing to said settlement; and be it further

RESOLVED, that the Chairman of the Legislature, or his designee, is authorized to sign the settlement agreement with the individual; 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: April 22, 2026.

On motion of Mr. Swartz, seconded by Mr. Wedemeyer, Report and Resolution No. 123 sponsored by the Committee on Natural Resources and the Committee on Ways & Means approving Sewer District Resolution for permanent appointment of Chief Plant Operator was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Haehl (1).



## HERKIMER COUNTY LEGISLATURE

No. 123

### REPORT AND RESOLUTION APPROVING SEWER DISTRICT RESOLUTION FOR PERMANENT APPOINTMENT OF CHIEF PLANT OPERATOR

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

WHEREAS, by letter dated April 16, 2026 this Legislature is advised that by action on April 15, 2026, the Herkimer County Sewer District Board adopted a resolution making a permanent appointment of Philip Hall as Chief Plant Operator for the Herkimer County Sewer District; and

WHEREAS, this Resolution has been forwarded to the Herkimer County Legislature for approval prior to its becoming effective; now, therefore, be it

RESOLVED, that this Legislature hereby approves a resolution duly adopted by the Herkimer County Sewer District Board on April 15, 2026 making a permanent appointment of Philip Hall as Chief Plant Operator for the Herkimer County Sewer District at the base annual salary of \$79,030, effective May 11, 2026; 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 Philip Hall.

Dated: April 22, 2026.

On motion of Mr. Ackerman, seconded by Mr. Gaworecki, Report and Resolution No. 124 sponsored by the Committee on Ways & Means adopting Introductory Local Law A for 2026 was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Wedemeyer, Brewer, Bennett, Keeler, Brezinski, Bick, Swartz, Lucenti, Ackerman, Donley, Campione, Wares, Weakley (16).

Against: None.

Absent: Haehl (1).



## HERKIMER COUNTY LEGISLATURE

No. 124

**REPORT AND RESOLUTION ADOPTING INTRODUCTORY LOCAL LAW A FOR 2026**

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

Your Committee on Ways & Means of the Herkimer County Legislature desires to report that on the 22<sup>nd</sup> day of April, 2026, pursuant to Resolution No. 101, it held a public hearing on the adoption of Introductory Local Law A for 2026 entitled, “A LOCAL LAW AMENDING LOCAL LAW NO. 3 FOR 1995, MOST RECENTLY AMENDED BY LOCAL LAW NO. 4 FOR 2020, TO PROVIDE FOR THE EXEMPTION FROM TAXATION BY THE COUNTY OF HERKIMER TO THE EXTENT OF FIFTY PER CENTUM OF THE ASSESSED VALUATION OF REAL PROPERTY OWNED BY ONE OR MORE PERSONS, EACH OF WHOM IS 65 YEARS OF AGE OR OVER, OR REAL PROPERTY OWNED BY A LEGALLY MARRIED COUPLE, OR SIBLINGS, ONE OF WHOM IS 65 YEARS OF AGE OR OVER”; and that there were (no) appearances and (no) objections at the said public hearing; that your Committee advises the adoption and enactment of the said Introductory Local Law and offers the following Resolution:

RESOLVED, that Introductory Local Law A for 2026 be adopted in form attached hereto.

Dated: April 22, 2026.

**INTRODUCTORY LOCAL LAW A – 2026**

**LOCAL LAW NO. 2 – 2026**

**A LOCAL LAW AMENDING LOCAL LAW NO. 3 FOR 1995, MOST RECENTLY AMENDED BY LOCAL LAW NO. 4 FOR 2020, TO PROVIDE FOR THE EXEMPTION FROM TAXATION BY THE COUNTY OF HERKIMER TO THE EXTENT OF FIFTY PER CENTUM OF THE ASSESSED VALUATION OF RESIDENTIAL REAL PROPERTY OWNED BY ONE OR MORE PERSONS, EACH OF WHOM IS 65 YEARS OF AGE OR OVER, OR REAL PROPERTY OWNED BY A LEGALLY MARRIED COUPLE, OR SIBLINGS, ONE OF WHOM IS 65 YEARS OF AGE OR OVER**

BE IT ENACTED by the Legislature of the County of Herkimer, New York, as follows:

Section 1. That residential real property owned by one or more persons, each of whom is 65 years of age or over, or real property owned by a legally married couple, one of whom is 65 years of age or over, or real property owned by siblings (as defined in Section 467(1)(a) of the Real Property Tax Law), one of whom is 65 years of age or over, shall be exempt from taxation by the County of Herkimer to the extent of 50 per centum of the assessed valuation thereof. This exemption shall apply only to property used exclusively for residential purposes and owned by at least one of its owners for a minimum of 12 consecutive months prior to application for exemption. No exemption is allowed from special ad valorem levies or special assessments and no exemption will be granted to property currently receiving an exemption pursuant to RPTL Sec. 467-c.

Section 2. The real property tax exemption on real property in the County of Herkimer owned by a legally married couple, one of whom is 65 years of age or older, once granted, shall not be rescinded by the County solely because of the death of the older spouse, so long as long as the surviving spouse is at least 62 years of age. If title to the property is solely in a spouse's name, the incomes of both spouses must be combined to satisfy the income requirement, even if both do not reside on the property.

Section 3. The real property tax exemption on real property in the County of Herkimer owned by siblings, one of whom is 65 years of age or older, once granted, shall be rescinded in the event of the death of the sibling(s) who are 65 years of age or older. A sibling is defined as a brother or sister, whether related by whole blood, half blood or adoption for purposes of this senior citizens exemption.

Section 4. For the purpose of the senior citizens exemption if the occupant of the property is legal life tenant entitled for his or her life to its possession and use, or if the title to the real property is held by a trustee or trustees, the property is eligible for a property tax exemption if the life tenant or all of trustees or trust beneficiaries are otherwise qualified.

Section 5. The income to qualify for the above exemption shall be the combined income of all owners, even if any of the owners do not reside on the property.

Section 6. No exemption, as described in Section 1 hereof, shall be granted by the County of Herkimer unless there is compliance with the provisions of Section 467 of the Real Property Tax Law of the State of New York.

Section 7. No exemption, as described in Section 1 hereof, shall be granted in the event that the income of the owner, or the combined income of the owners of the property, for the tax year immediately preceding the date of making application for exemption exceeds the sum of \$24,000 in the first year and \$24,000 plus the applicable COLA in subsequent years.

Section 8. The income ceiling set forth above shall be increased annually by the prior year's COLA percentage as determined by the Social Security Administration and such COLA will be added to the \$24,000 annually.

Section 9. Applications for the above senior exemption shall be made prior to March 1, 2027 and if granted would take effect for the county tax effective January 1, 2028. In subsequent years, applications for senior exemption shall be submitted prior to March 1 annually.

Section 10: This local law shall take effect immediately.

Dated: April 22, 2026.

On motion of Ms. Bennett, seconded by Mrs. Wares, Report and Resolution No. 125 sponsored by the Committee on Education and the Committee on Ways & Means concerning change order at Herkimer County Community College was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Haehl (1).



## HERKIMER COUNTY LEGISLATURE

No. 125

### REPORT AND RESOLUTION CONCERNING CHANGE ORDER AT HERKIMER COUNTY COMMUNITY COLLEGE

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

WHEREAS, by letter dated April 17, 2026, Sheri Ferdula, Budget Officer/Purchasing Agent, has advised that a change order has been received from Pike Construction, 1 Circle Street, Rochester, NY 14607, to provide eight (8) new doors, hardware and installation, for an additional \$37,863.75; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby approves the above listed change order for eight (8) new doors, hardware, and installation in the amount of \$37,863.75; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, President of Herkimer County Community College, Chief of Staff and Director of Operations at Herkimer County Community College, and Pike Construction.

Dated: April 22, 2026.

On motion of Mr. Brewer, seconded by Mr. Malta, Report and Resolution No. 126 sponsored by the Committee on County Planning & Development and the Committee on Ways & Means awarding bid for bus service for the Old Forge area transportation program for the 2026 Summer Youth Employment Program was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: Schrader (1).

Absent: Haehl (1).



## HERKIMER COUNTY LEGISLATURE

No. 126

### REPORT AND RESOLUTION AWARDING BID FOR BUS SERVICE FOR THE OLD FORGE AREA TRANSPORTATION PROGRAM FOR THE 2026 SUMMER YOUTH EMPLOYMENT PROGRAM

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

WHEREAS, pursuant to Resolution No. 114 for the year 1993, the Herkimer County Budget Officer/Purchasing Agent is authorized to advertise for bids, on an annual basis, for the

Old Forge Area Transportation Program in relation to the Summer Youth Employment Program; and

WHEREAS, by communication dated April 6, 2026, the Budget Officer has advised this Legislature that bids were received, opened and read in accordance with law for bus services in connection with the 2026 Summer Youth Employment Program to provide transportation to the Old Forge Area; and

WHEREAS, the Budget Officer has advised that it is the recommendation of your Committees and the Youth Bureau that a contract be awarded to the lowest bidder, Hale Transportation, in the sum of \$750.00 per bus, per day, for 171 regular runs and 2 runs for orientation, for a total of \$129,750.00; now, therefore, be it

RESOLVED, that the Herkimer County Legislature awards a contract to Hale Transportation, 37 Kirkland Ave., Clinton, NY 13323, for bus service for the Old Forge Area Transportation Program for the 2026 Summer Youth Employment Program, in the sum of \$750.00 per bus, per day, for 171 regular runs and 2 runs for orientation, for a total of \$129,750.00; and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature is hereby authorized to execute said contract on behalf of the County of Herkimer, 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, Executive Director of the Youth Bureau, and Hale Transportation.

Dated: April 22, 2026.

Chairman Campione stated that pursuant to Rule 6(12) they would proceed with comments by Legislators. The following Legislators made a comment: Legislator Weakley and Legislator Malta.

At 7:18 p.m. on motion of Mr. Malta, seconded by Mr. Weakley, the Legislature adjourned to May 20, 2026 at 7:00 p.m.

Brittney R. Viscomi, Clerk