

Minutes  
Herkimer County Legislature  
Wednesday, January 23, 2019  
6:30 p.m.

The Public Hearing on proposed modifications of Herkimer County Agricultural Districts #2 and #3 as well as the consolidation of existing Agricultural Districts #1, #2, #3, #4 and #6 into a new Consolidated District #1, was called to order at 6:30 p.m. by County Administrator James W. Wallace, Jr., County Administrator. County Administrator Wallace read the Notice of the Public Hearing. With no one wishing to speak, County Administrator Wallace declared the Public Hearing closed at 6:32 p.m.

Sally I. Deming, 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 Districts #2 and #3. The Public Hearing will be held on Wednesday, January 23, 2019 at 6:30 p.m., in the Herkimer County Legislature Chambers, 109 Mary Street, Herkimer, New York.

NOTICE

The proposed modifications are the consolidation of existing Agricultural Districts # 1, # 2, # 3, # 4 and # 6 into a new Consolidated District # 1. The County Agricultural and Farmland Protection Board has recommended this consolidation, with the new anniversary date for the consolidated district to be January 30, 2027.

Consolidated Agricultural District #1 will include properties throughout the county from Russia and Ohio in the north to the Otsego County Line in the south, and to the Oneida County Line to the west and the Montgomery County Line to the East.

The public hearing shall be held to consider the recommendation of the Herkimer County Agricultural and Farmland Protection Board for consolidation of all existing districts.

**MINUTES**  
**Herkimer County Legislature**  
**First Quarter – Second Day**  
**Thursday, January 24, 2019**  
**7:00 p.m.**

The Regular Session of the Herkimer County Legislature was called to order by Chairman Bernard Peplinski at 7:00 p.m.

Chairman Peplinski called on Deputy Clerk Jennifer Williams to lead the Legislature in the Pledge of Allegiance.

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

Chairman Peplinski dispensed with the regular session to allow for the presentation of a plaque. Chairman Peplinski presented a plaque to Jeri Frederick, County Auditor, upon her retirement, in recognition of her over thirty years of dedicated service to the residents of Herkimer County.

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

Present: Malta, Gaworecki, Schrader, Hollum, Johnson, Keeler, Brezinski, Manno, Bono, Peplinski, Campione, Russell, Shaw, Weakley (14).

Absent: Stephens, Smith, Ackerman (3).

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Peplinski asked if there were any objections or corrections to the minutes of January 2, 2019. There were none, and the Chairman ordered them approved.

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

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

No. 29 – A communication was received from Oneida-Herkimer Solid Waste Authority submitting minutes of November Meeting and December Resolutions. Filed.

No. 30 – A communication was received from HC Soil & Water Conservation District submitting Newsletter; Winter, 2019. Filed.

No. 31 – A communication was received from NYSAC submitting copy of letter to Governor regarding Rural Cell Coverage. Filed.

No. 32 – A communication was received from Capital District Off Track Betting Corp. submitting Financial Reports for October and November, 2018. Filed.

No. 33 – A communication was received from Village of Ilion Mayor submitting letter regarding Properties in the Village. Filed.

No. 34 – A communication was received from the Budget Officer/Purchasing Agent submitting Annual Report for 2018. Referred to the Committee on Ways & Means.

No. 35 – A communication was received from the Highway Superintendent requesting Approval for large equipment purchases. Referred to the Committee on Highways.

No. 36 – A communication was received from the Personnel Officer submitting Annual Report for the stand alone Workers' Comp coverage. Referred to the Committee on Ways & Means.

No. 37 – A communication was received from the Personnel Officer submitting Annual Report for the HC Self-Insured Workers' Comp Plan. Referred to the Committee on Ways & Means.

No. 38 – A communication was received from the Budget Officer submitting transfers for Resolution. Referred to the Committee on Ways & Means.

No. 39 – A communication was received from the Budget Officer requesting appropriation for Display Case. Referred to the Committee on Ways & Means.

No. 40 – A communication was received from the Commissioner of Social Services submitting request for Leave of Absence for Employee. Referred to the Committee on Ways & Means.

No. 41 – A communication was received from the Director of Emergency Services requesting purchase using 2018 Interoperable Grant Funding. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways & Means.

No. 42 – A communication was received from the Director of Emergency Services requesting purchase using 2018 Interoperable Grant Funding. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways & Means.

No. 43 – A communication was received from the Budget Officer requesting budget amendment for grant in Sheriff's Department. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways & Means.

No. 44 – A communication was received from the Herkimer County Sheriff requesting acceptance of 2017 SCAAP award. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways & Means.

No. 45 – A communication was received from the Budget Officer requesting contract renewal for Accounting System. Referred to the Committee on Ways & Means.

No. 46 – A communication was received from the County Attorney requesting an agreement for Indigent Representation. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways & Means.

No. 47 – A communication was received from the Budget Officer requesting budget amendment and account establishment. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways & Means.

No. 48 – A communication was received from the Budget Officer requesting escrow agreement with US Bank relative to a Jersen Construction. Referred to the Committee on Ways & Means.

No. 49 – A communication was received from the Herkimer County Sheriff submitting Monthly Report of October, 2018. Referred to the Committee on Public Safety/Emergency Management.

No. 50 – A communication was received from HC Coroner Harry Enea advising of time out of town and coverage during period. Filed.

No. 51 – A communication was received from the Budget Officer requesting appropriation to the IDA. Referred to the Committee on Ways & Means.

No. 52 – A communication was received from the Personnel Officer requesting approval of HC Sheriff's Department Bargaining Contract with UPSEU. Referred to the Committee on Ways & Means.

No. 53 – A communication was received from the Director of Information Services requesting approval of Agreement For Backup System. Referred to the Committee on Information Services and the Committee on Ways & Means.

No. 54 – A communication was received from the County Administrator requesting the Chairman be designated as Certifying Officer regarding CDBG funding. Filed.

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

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

On motion of Mr. Russell, seconded by Mr. Bono, Resolutions No. 23- Resolution No. 28 were handed up; voted on and adopted by voice vote:

For: Ayes (14).          Against: None.          Absent: Stephens, Smith, Ackerman (3).

- 23      WAYS & MEANS: Adopting Annual Report of Purchasing Agent for 2018
- 24      WAYS & MEANS: Adopting Annual Report of Stand Alone Workers' Compensation Plan
- 25      WAYS & MEANS: Adopting Annual Report of Former HC Self Ins. Plan
- 26      NAT. RESOURCES: Appointing members to Intercounty for 2019
- 27      WAYS & MEANS: Approving transfers in 2018 Budget
- 28      WAYS & MEANS: Setting date for Public Hearing on Intro. Local Law A

On motion of Mr. Bono, seconded by Mr. Keeler, Report and Resolution No. 29 sponsored by the Committee on County Properties amending Resolution No. 17 of 2019 was handed up; was voted on and adopted by voice vote:

For: Ayes (14).      Against: None.      Absent: Stephens, Smith, Ackerman (3).

On motion of Mr. Bono, seconded by Mr. Schrader, Report and Resolution No. 30 sponsored by the Committee on County Properties authorizing Chairman of the Legislature to execute documents relating to NASA Memorabilia was handed up, discussion was held, voted on and adopted by voice vote:

For: Ayes (14).      Against: None.      Absent: Stephens, Smith, Ackerman (3).

On motion of Mr. Russell, seconded by Mr. Schrader, Report and Resolution No. 31 sponsored by the Committee on Ways & appropriating funds relating to display case was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Keeler, Brezinski, Manno, Bono, Peplinski, Campione, Russell, Shaw, Weakley (14).

Against: None.      Absent: Stephens, Smith, Ackerman (3).

On motion of Mr. Russell, seconded by Mr. Shaw, Report and Resolution No. 32 sponsored by the Committee on Ways and Means approving additional leave of absence was handed up; voted on and adopted by voice vote:

For: Ayes (14).      Against: None.      Absent: Stephens, Smith, Ackerman (3).

On motion of Mr. Keeler, seconded by Mr. Hollum, Report and Resolution No. 33 sponsored by the Committee on Public Safety/Emergency Management and the Committee on Ways and Means authorizing purchase of service for Spohn Hill Tower Site was handed up, discussion was held; voted on and adopted by voice vote:

For: Ayes (14).      Against: None.      Absent: Stephens, Smith, Ackerman (3).

On motion of Mr. Campione, seconded by Mr. Keeler, Report and Resolution No. 34 sponsored by the Public Safety/Emergency Management and the Committee on Ways and Means authorizing purchase of equipment for Spohn Hill Tower Site was handed up; voted on and adopted by voice vote:

For: Ayes (14).      Against: None.      Absent: Stephens, Smith, Ackerman (3).

On motion of Mr. Bono, seconded by Mr. Schrader, Report and Resolution No. 35 sponsored by the Committee on Public Safety/Emergency Management and the Committee on Ways and Means approving budget amendment in connection with grant funding in Sheriff's Office was handed up; was voted on and adopted by voice vote:

For: Ayes (14).      Against: None.      Absent: Stephens, Smith, Ackerman (3).

On motion of Mr. Russell, seconded by Mr. Gaworecki, Report and Resolution No. 36 sponsored by the Committee on Ways and Means approving Maintenance Agreement for Accounting System was handed up, discussion was held.

On motion of Mr. Russell, seconded by Mr. Bono, an amendment to Resolution No. 36 in the First Whereas Clause to replace payroll with financial was handed up, voted on and adopted by voice vote:

For: Ayes (17).      Against: None.      Absent: Stephens, Smith, Ackerman (3).

Resolution No. 36, as amended, was then voted on and adopted by voice vote:

For: Ayes (17).      Against: None.      Absent: Stephens, Smith, Ackerman (3).

On motion of Mr. Russell, seconded by Mr. Bono, Report and Resolution No. 37 sponsored by the Committee on Ways and Means appropriating funds for HC Industrial Development Agency was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Keeler, Brezinski, Manno, Bono, Peplinski, Campione, Russell, Shaw, Weakley (14).

Against: None.      Absent: Stephens, Smith, Ackerman (3).

On motion of Mr. Russell, seconded by Mr. Bono, Report and Resolution No. 38 sponsored by the Committee on Ways and Means ratifying agreement between Herkimer County and UPSEU was handed up; discussion was held, voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Keeler, Brezinski, Manno, Bono, Peplinski, Campione, Russell, Shaw, Weakley (14).

Against: None.      Absent: Stephens, Smith, Ackerman (3).

On motion of Mr. Malta, seconded by Mr. Weakley, Report and Resolution No. 39 sponsored by the Committee on Information Services and the Committee on Ways and Means approving purchases and contract for backup system in Information Services was handed up; voted on and adopted by voice vote:

For: Ayes (14).      Against: None.      Absent: Stephens, Smith, Ackerman (3).

On motion of Mr. Shaw, seconded by Mr. Bono, Report and Resolution No. 40 sponsored by the Committee on Public Safety/Emergency Management and the Committee on Ways & Means authorizing contract for Indigent Representation Improvements was handed up; voted on and adopted by voice vote:

For: Ayes (14).      Against: None.      Absent: Stephens, Smith, Ackerman (3).

On motion of Mr. Shaw, seconded by Mr. Schrader, Report and Resolution No. 41 sponsored by the Committee on Ways & Means creating account and amending budget in connection with Indigent Legal Services was handed up, discussion was held; was voted on and adopted by voice vote:

For: Ayes (14).      Against: None.      Absent: Stephens, Smith, Ackerman (3).

On motion of Mr. Keeler, seconded by Mr. Malta, Report and Resolution No. 42 sponsored by the Committee on Public Safety & Emergency Management and the Committee on

Ways & Means authorizing Escrow Agreement in connection with Correctional Facility was handed up; was voted on and adopted by voice vote:

For: Ayes (14).      Against: None.      Absent: Stephens, Smith, Ackerman (3).

On motion of Mr. Hollum, seconded by Mr. Keeler, Resolution No. 43 sponsored by the Committee on County Properties transferring properties to Land Bank was handed up; was voted on and adopted by voice vote:

For: Ayes (14).      Against: None.      Absent: Stephens, Smith, Ackerman (3).

On motion of Mr. Campione, seconded by Mr. Weakley, Resolution No. 44 sponsored by the Committee on Natural Resources Approving SEQRA Compliance for Agricultural Districts was handed up; was voted on and adopted by voice vote:

For: Ayes (14).      Against: None.      Absent: Stephens, Smith, Ackerman (3).

On motion of Mr. Campione, seconded by Mr. Gaworecki, Resolution No. 45 sponsored by the Committee on Natural Resources Approving Consolidation of Agricultural Districts was handed up; was voted on and adopted by voice vote:

For: Ayes (14).      Against: None.      Absent: Stephens, Smith, Ackerman (3).

On motion of Mr. Bono, seconded by Mr. Malta, Resolution No. 46 sponsored by the Committee on County Planning & Development authorizing Designation of Certifying Officer for NEPA was handed up; was voted on and adopted by voice vote:

For: Ayes (14).      Against: None.      Absent: Stephens, Smith, Ackerman (3).

Chairman Peplinski stated that pursuant to Rule 6(12) they would proceed with comments by legislators. Legislator Brezinski made a comment.

At 7:21 p.m. on motion of Mr. Manno, seconded by Mr. Campione, the Legislature adjourned to Wednesday, February 13, 2019 at 7:00 p.m.

Brittney R. Viscomi, Deputy Clerk



## HERKIMER COUNTY LEGISLATURE

No. 23

### **REPORT AND RESOLUTION ADOPTING ANNUAL REPORT OF PURCHASING AGENT FOR THE YEAR 2018**

**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 for the months of January through December, 2018, 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 2018 be adopted and filed with the Herkimer County Legislature.

Dated: January 24, 2019.





## **HERKIMER COUNTY LEGISLATURE**

No. 24

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

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

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 2018, 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 2018 be adopted and filed with the Herkimer County Legislature.

Dated: January 24, 2019.



## **HERKIMER COUNTY LEGISLATURE**

No. 25

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

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

Your Committee on Ways and Means, to which was referred the Annual Report of the Former Herkimer County Self Insurance Plan for the year 2018, 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 2018 be adopted and filed with the Herkimer County Legislature.

Dated: January 24, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 26

### **RESOLUTION APPOINTING REPRESENTATIVES OF INTERCOUNTY LEGISLATIVE COMMITTEE OF THE ADIRONDACKS**

**Sponsored by: Committee on Natural Resources**

WHEREAS, the Counties of Essex, Hamilton, Herkimer, Lewis, St. Lawrence, Washington, Saratoga, Clinton, Franklin, Fulton and Warren have established the Intercounty Legislative Committee of the Adirondacks for the purpose, among other things, of initiating and taking positions on pending legislation affecting the Adirondack area; now, therefore, be it

RESOLVED, that Bernard Peplinski, Sr., Chairman of the Herkimer County Legislature, Vincent J. Bono, Vice-Chairman of the Herkimer County Legislature, Legislator Raymond Smith, Legislator Patrick E. Russell, Legislator Frederick Shaw, and James W. Wallace, County Administrator, be and hereby are designated as representatives of the County of Herkimer on the Intercounty Legislative Committee of the Adirondacks during the year 2019; and be it further

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

Dated: January 24, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 27

### REPORT AND RESOLUTION AUTHORIZING TRANSFERS OF FUNDS IN 2018 BUDGET

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

WHEREAS, your Committee on Ways and Means, to which was referred communications from Sheri A. Ferdula, Budget Officer/Purchasing Agent, dated December 17, 2018 and January 3, 2019, submitting requests for transfer of funds, reports that we have examined said communications, inquired into the subject matter thereof, and recommend that said transfers be made and offer the following Resolution:

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized and directed to transfer the following sum from and to the following accounts in the 2018 Budget:

**Transfer:**

\$14,657.00	From: A6786A.10000, Aging, Balance Incentive, Salaries To: A6775A.44000, Aging, EISEP, Contracted Services.
\$ 4,618.50	From: A3150.42100, Jail, Telephone To: A3150.22000, Jail, Computer Equipment.
\$ 900.00	From: A1680.44000-442, Information Services, Maintenance Contracts To: A1680.22000, Information Services, Computer Equipment.

and, be it further

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

Dated: January 24, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 28

### REPORT AND RESOLUTION SETTING DATE FOR PUBLIC HEARING ON INTRODUCTORY LOCAL LAW A FOR 2019

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

We, the Committee on Ways & Means of the Herkimer County Legislature are causing to be prepared and will present Introductory Local Law A for the year 2019 entitled, "A LOCAL LAW AMENDING LOCAL LAW NO. 2 OF 2008 TO EXTEND THE TAX EXEMPTION FOR COLD WAR VETERANS FOR AS LONG AS THEY REMAIN QUALIFYING OWNERS OF QUALIFYING REAL PROPERTY"; now, therefore be it

RESOLVED, that a Public Hearing will be held before the Herkimer County Legislature on the adoption of said proposed local law, to be conducted by the Committee on Ways & Means on the 13<sup>th</sup> day of February, 2019 at 6:30 p.m. in the Legislative Chambers of the County Office Building, Herkimer, New York; and, be it further

RESOLVED, that at least five days prior to such hearing the Clerk of the Legislature shall post a notice of said hearing on the bulletin board in the Courthouse and cause to publish said notice at least once in the Times/Telegram; and, be it further

RESOLVED, that the Clerk of this Legislature place a copy of said local law on the desk of each of the members of the County Legislature at least seven calendar days, exclusive of Sunday, prior to its adoption; and be it further

RESOLVED, that if said local law shall be finally adopted, the Clerk of this Legislature shall file one certified copy thereof in the Office of the County Clerk, one certified copy in the Office of the Secretary of State and print and publish a synopsis of said local law in the official newspaper of the County of Herkimer pursuant to law.

Dated: January 24, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 29

### REPORT AND RESOLUTION AMENDING RESOLUTION NO. 17 OF 2019 APPROVING CONTRACT FOR LAND AUCTION

**Sponsored by: Committee on County Properties**

WHEREAS, by Resolution No. 17 of 2019 this Legislature approved a contract to conduct the auction for In Rem Tax Foreclosure parcels for the years 2019, 2020 and 2021; and

WHEREAS, your committee on County Properties approved the contract with the option for two one year extensions; now, therefore be it

RESOLVED, that Resolution No. 17 of 2019 be amended in the first Resolved Clause to read:

“that the Chairman of the Legislature is hereby authorized to enter into a three year contract, with the option for two one year extensions, with Michael W. Knapp, Jr., 9164 Jones Road, Marcy, New York 13403, to conduct the auction for the In Rem Tax Foreclosure parcels for the years 2019, 2020, 2021 (2017,2018, 2019 In Rem) sale year, with said contract to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that Resolution No. 17 of 2019, as amended, is hereby ratified and confirmed; and, be it further

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

Dated: January 24, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 30

### **REPORT AND RESOLUTION AUTHORIZING CHAIRMAN OF THE LEGISLATURE TO EXECUTE DOCUMENTS IN RELATION TO NASA MEMORABILIA**

**Sponsored by: Committee on County Properties**

WHEREAS, your Committee on County Properties has approved the placement of a display case in the New County Office Building to display memorabilia relating to Mohawk native and Challenger Astronaut Gregory B. Jarvis; and

WHEREAS, it may be necessary to sign documents in connection with the loan and usage of such memorabilia; now, therefore be it

RESOLVED, that the Chairman of the Herkimer County Legislature is hereby authorized to execute such documents subject to the approval of the County Attorney's office; and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the County Administrator, County Attorney, Budget Officer and Maintenance Foreman.

Dated: January 24, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 31

### REPORT AND RESOLUTION APPROPRIATING FUNDS FOR DISPLAY CASE

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

WHEREAS, by letter dated December 31, 2018, the Herkimer County Budget Officer has advised an appropriation is needed to cover the purchase of a display case to house memorabilia from NASA; and

WHEREAS, the Budget Officer, further advises that funds have been verified and are available for this appropriation; now, therefore, be it

RESOLVED, that an appropriation within the 2018 budget be made as follows:

#### **Appropriation:**

\$3,940.00      From: A1990.46000, Contingent Fund, Miscellaneous Expense  
                    To:    A1340.41000, Budget & Purchasing, Supplies

and, be it further

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

Dated: January 24, 2019.





## HERKIMER COUNTY LEGISLATURE

No. 32

### REPORT AND RESOLUTION GRANTING AN ADDITIONAL LEAVE OF ABSENCE

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

WHEREAS, by Resolution No. 370 for the year 1986, a leave with pay was granted to Mary Sullivan extending to July 1, 1988, so that she could serve in a statewide office with the Civil Service Employees' Association; and

WHEREAS, said leave with pay was extended by resolutions thereafter, most recently by Resolution No. 15 of 2018; and

WHEREAS, by letter dated January 2, 2019, Timothy Seymour, Commissioner of Social Services has advised that by letter dated December 31, 2018, Mary Sullivan has requested said leave be extended; now, therefore, be it

RESOLVED, that a leave of absence with pay be granted to Mary Sullivan under the terms and conditions set forth in Resolution No. 370 for the Year 1986 for the period from July 1, 2019 through June 30, 2020, with the Civil Service Employees' Association, Inc. to furnish insurance in form and amount satisfactory to the Herkimer County Administrator to protect the County if held liable for any damages arising from act or omission by such employee during the period of such leave and with the County to be reimbursed for the total cost for the full salary and total cost for fringe benefits for said Mary Sullivan; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer, Commissioner of Social Services, Mary Sullivan and the Civil Service Employees' Association, Inc. of New York State.

Dated: January 24, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 33

### REPORT AND RESOLUTION APPROVING GEOTECHNICAL SOILS INVESTIGATION AT THE SPOHN HILL COMMUNICATION TOWER

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

WHEREAS, by letter dated January 3, 2019, from Matthew Palumbo, Director of Emergency Services, this Legislature is advised of a request to approve a proposal from Mid-State Communications for the service of geotechnical soil investigation in order to construct a new 90 foot tower at the Spohn Hill tower site; and

WHEREAS, said geotechnical soil investigation proposal is in the amount of \$11,360.00 with the 2018 Interoperable Communications Grant funding being utilized; now, therefore be it

RESOLVED, that this Legislature approves the proposal from Mid- State Communications for a geotechnical soil investigation in the amount of \$11,360.00, utilizing the 2018 Interoperable Communications Grant funding; and, be it further

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

Dated: January 24, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 34

### **REPORT AND RESOLUTION APPROVING PURCHASE OF EQUIPMENT FOR IMPROVED COMMUNICATION ON THE SPOHN HILL COMMUNICATION TOWER**

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

WHEREAS, by letter dated January 3, 2019, from Matthew Palumbo, Director of Emergency Services, this Legislature is advised of a request to purchase a Ceragon 6ghz IP microwave system to be installed at the Spohn Hill communication tower which will replace the current UHF link which is outdated; by adding the microwave/radio system, county communications will be standardized and allow for simulcast across the southern tier towers; and

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

RESOLVED, that this Legislature approves the purchase of a Ceragon 6ghz IP microwave system which will improve communications in the southern tier area for a total of \$211,667.34 under New York State contract pricing and utilizing the 2018 Interoperable Communications Grant funding; and, be it further

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

Dated: January 24, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 35

### REPORT AND RESOLUTION AMENDING BUDGET IN CONNECTION WITH FUNDING IN SHERIFF'S OFFICE

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

WHEREAS, by letter dated January 3, 2019 from Christopher Farber, Herkimer County Sheriff, this Legislature is advised of a request for the Chairman of the Legislature to e-sign an agreement regarding the receipt of funding in the amount of \$12,623.00 from the U.S. Department Justice for a State Criminal Alien Assistance Program (SCAAP) ; and

WHEREAS, by letter dated January 8, 2019 from Sheri Ferdula, Budget Officer, this Legislature is advised that in anticipation of the SCAAP award \$10,000 was budgeted for 2019; however, it is necessary to amend the 2019 Budget in connection with the additional \$2,623.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute and e-sign an agreement to receive a grant award in the amount of \$12,623.00 for a State Criminal Alien Assistance Program (SCAAP), with said agreement to be subject to the approval of the Herkimer County Attorney; and, be it further

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

REVENUE:

A3150.4388, Jail, Alien Assistance	From:	\$10,000
	To:	\$12,623

EXPENSE:

A3150.44000, Jail, Contracted Services	From:	\$42,000
	To:	\$54,623

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 24, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 36

### 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, through 1/31/19; and

WHEREAS, by letter dated January 4, 2019, Sheri A. Ferdula, Budget Officer/Purchasing Agent has advised that Tyler Technologies has requested that the County sign a new annual maintenance agreement for the period February 1, 2019 through January 31, 2020 at a cost of \$46,389; 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 as follows:

<u>Period Covered</u>	<u>Annual Amount</u>
2/1/2019 to 1/31/2020	\$46,389

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 24, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 37

### REPORT AND RESOLUTION APPROPRIATING FUNDS FOR HERKIMER COUNTY IDA

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

WHEREAS, by letter dated January 3, 2019, the Herkimer County Budget Officer has advised an appropriation to the Herkimer County Industrial Development Agency has been approved; and

WHEREAS, the Budget Officer, further advises that funds have been verified and are available for this appropriation; now, therefore, be it

RESOLVED, that an appropriation within the 2019 be made as follows:

#### **Appropriation:**

\$730,000      From A909, Fund Balance  
                    To:   A6420.40000, IDA, Contractual Expense.

and, be it further

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

Dated: January 24, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 38

### **REPORT AND RESOLUTION RATIFYING AGREEMENT BETWEEN THE COUNTY OF HERKIMER AND THE UNITED PUBLIC SERVICE EMPLOYEES UNION**

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

WHEREAS, your Committee on Ways and Means has negotiated the terms and conditions of employment of those employees of the Herkimer County Sheriff's Department represented by the United Public Service Employees Union (UPSEU) and your Committee has tentatively agreed to such terms and conditions of employment for the period January 1, 2018 to December 31, 2020, subject to ratification of the Herkimer County Legislature; and

WHEREAS, this Legislature has been informed by letter dated January 11, 2019 from the County Personnel Office, that such tentative agreement has been ratified by the UPSEU; and

WHEREAS, the terms of said agreement have been fully explained to the Herkimer County Legislature; and

WHEREAS, the Herkimer County Legislature is satisfied that the ratification of this agreement is in the best interests of both the County of Herkimer and its employees; now, therefore, be it

#### RESOLVED:

1. That the Herkimer County Legislature hereby ratifies and approves the tentative agreement between the Committee on Ways and Means and the United Public Service Employees Union;
2. That the Chairman of the Herkimer County Legislature be, and he hereby is, authorized to execute said agreement on behalf of the County of Herkimer;
3. That certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer, Sheriff and the United Public Services Employees Union.

Dated: January 24, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 39

### **REPORT AND RESOLUTION APPROVING PURCHASE OF HARDWARE, SOFTWARE AND APPROVING AGREEMENT FOR SYSTEMS ENGINEER IN INFORMATION SERVICES DEPARTMENT**

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

WHEREAS, by letter dated January 8, 2019 Kathy Wright, Director of Information Services has advised an upgrade is needed to the nightly upgrade system in the Information Services department; and

WHEREAS, the letter further advises that the costs of the purchase of the hardware and software through Synergy IT and the installation by a system engineer through ConvergeOne are as follows:

Hardware – 2 servers with additional memory and service agreement for 3 years through Synergy IT One - \$16,181.26  
Veeam Essentials Plus software with backup & replication for four servers and five workstations through ConvergeOne - \$7,517.20  
Systems Engineer, onsite installation and support; configuration of servers and installation of Veeam backup and replication through ConvergeOne - \$6,501.44  
Project total: \$30,199.90

now, therefore be it

RESOLVED, that the purchase of the above hardware from Synergy IT One is approved in the amount of \$16,181.26, that the Chairman of the Legislature is authorized to sign an agreement with ConvergeOne, subject to the approval of the County Attorney's office, for the purchase of software services and of a systems engineer for an upgrade to the backup system in Information Services in the amount of \$14,018.64 at a project total of \$30,199.90; and, be it further

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

Dated: January 24, 2019.





## HERKIMER COUNTY LEGISLATURE

No. 40

### **REPORT AND RESOLUTION AUTHORIZING CONTRACT WITH ATTORNEY KEITH BOWERS TO PROVIDE SERVICES AS ADMINISTRATOR FOR OVERSIGHT OF INDIGENT REPRESENTATION IMPROVEMENTS**

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

WHEREAS, by letter dated January 4, 2019 from Robert J. Malone, Herkimer County Attorney, he has advised that Attorney Keith Bowers, who is presently the Herkimer County Assigned Council Administrator through an agreement with the Herkimer County Bar Association, has agreed to provide services to Herkimer County which are mandated by the State of New York in connection with indigent representation improvements; and

WHEREAS, those services would include three major areas, which are quality improvement, case load relief, and counsel at arraignment, for the sum of \$30,000 per year, with the State to provide funding for these services, and with either party having the right to terminate the agreement upon 60 days' written notice; now, therefore be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute an agreement with Attorney Keith Bowers upon the above terms and conditions, with the contract to be subject to the approval 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, Budget Officer, County Attorney, and Keith Bowers.

Dated: January 24, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 41

### REPORT AND RESOLUTION AMENDING BUDGET AND CREATING ACCOUNT IN CONNECTION WITH INDIGENT LEGAL SERVICES

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

WHEREAS, by letter dated January 8, 2019 from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised the Department of Indigent Legal Services is providing funding over a five year period for Counties to develop and implement mandated criminal defense representation, with Herkimer County's share over the five years being \$1,329,953.00 which equates to \$265,991.00 per year;

WHEREAS, letter further states an account number needs to be established to properly account for the funds and the following amendment to the 2019 budget is necessary to incorporate the funds; now therefore be it

RESOLVED, that the 2019 budget be amended as follows:

**CREATE:**

A1170B.3035B, ILS	\$265,991
A1170B.10000, ILS, Salaries	\$38,110
A1170B. 41000, ILS, Supplies	\$3,000
A1170B.44000, ILS, Contracted Services	\$200,000
A1170B.46000, ILS, Miscellaneous Expense	\$4,110
A1170B.46100, ILS, Mileage	\$2,000
A1170B.81000, ILS, Retirement	\$5,000
A1170B.83000, ILS, Social Security	\$2,362
A1170B.83500, ILS, Medicare	\$552
A1170B.84000, ILS, Workers Comp	\$857
A1170B.86000, ILS, Health Insurance	\$10,000

and, be it further

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

Dated: January 24, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 42

### **REPORT AND RESOLUTION AUTHORIZING RETAINAGE ESCROW AGREEMENT IN CONNECTION WITH HERKIMER COUNTY CORRECTIONAL FACILITY PROJECT**

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

WHEREAS, by letter dated January 11, 2019 from Sheri A. Ferdula, County Budget Officer and Purchasing Agent, she has requested authorization for the Chairman to sign and execute an agreement with US Bank to allow Jersen Construction Group, LLC., to post securities against the amount of any retainage held in connection with the construction contract for the new Herkimer County correctional facility, pursuant to General Municipal Law Section 106; and

WHEREAS, pursuant to that agreement, US Bank would hold designated securities with a market value of at least the amount of any retainage on that contract, thereby allowing retainage funds to be released, at no cost to the county; now, therefore be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute the above described agreement upon the above terms and conditions, with the final form of the agreement to be subject to the approval of the Herkimer County Attorney's Office; and, be it further

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

Dated: January 24, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 43

### **RESOLUTION TRANSFERRING PREMISES IN THE CITY OF LITTLE FALLS AND VILLAGE OF ILION TO THE GREATER MOHAWK VALLEY LAND BANK CORPORATION**

#### **Sponsored by: Committee on County Properties**

WHEREAS, premises located at 208 Loomis Street and 55 Glen Avenue in the City of Little Falls, and at 82 Lester Avenue in the Village of Ilion are included in the County's 2015 In Rem Tax Foreclosure Proceedings; and

WHEREAS, the County of Herkimer held those premises in abeyance and did not take title to them, or withdraw them from the In Rem Proceeding, pending action to be taken by the Greater Mohawk Valley Land Bank, Corporation (Land Bank); and

WHEREAS, the Board of Directors of the Land Bank at meetings held September 6, 2018 and November 8, 2018, adopted resolutions to proceed with taking title to the above described parcels from the County of Herkimer; and

WHEREAS, unpaid taxes on 208 Loomis Street in the City of Little Falls are \$24,127.40, on 55 Glen Avenue in the City of Little Falls are \$12,558.66 and on 82 Lester Avenue in the Village of Ilion are \$9,383.53 as of December 6, 2018; now, therefore, be it

RESOLVED, that the County of Herkimer hereby agrees to restore these parcels to its In Rem Tax Proceedings and seek to take title to the premises, and thereafter transfer the premises to the Land Bank, so long as the Land Bank agrees to take title to those parcels and to indemnify the County and hold it harmless from any suit, claim, cause of action or cost of any kind or nature in connection with the premises, including any such issue related to environmental contamination or cleanup of or otherwise related to the premises; and, be it further

RESOLVED, that this Legislature further determines that there is no practical method to enforce the collection of taxes on the premises and that a supplementary proceeding to enforce collection will not be effective because of the dilapidated condition of the parcels; and, be it further

RESOLVED, that upon conveyance of the above described premises to the Land Bank, the delinquent tax liens on the premises shall be cancelled; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute all necessary contracts and deeds and related documents in connection with the accomplishment of the above transfer; and, be it further

RESOLVED, that upon such conveyance, the enforcing officer is hereby authorized to issue and file a Certificate of Cancellation of the said taxes; and, be it further

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

Dated: January 24, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 44

### **RESOLUTION TO PROVIDE THAT THE CONSOLIDATION OF AGRICULTURAL DISTRICTS IN HERKIMER COUNTY 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 the consolidation of Agricultural Districts in Herkimer County; and

WHEREAS, your Committee has designated the project as an Unlisted Action pursuant to SEQRA and completed an uncoordinated review of the proposed district; 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: January 24, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 45

### RESOLUTION APPROVING CONSOLIDATION OF AGRICULTURAL DISTRICTS IN HERKIMER COUNTY

**Sponsored by: Committee on Natural Resources**

WHEREAS, Pursuant to the authority granted by Article 25 of the Agriculture and Markets Law, the Legislature established Agricultural Districts #1, #2, #3, #4, and #6; and

WHEREAS, Agricultural Districts #2 and #3 are currently undergoing review pursuant to the procedure established in the Agriculture and Markets Law; and

WHEREAS, the Agriculture and Market Law allows the consolidation of existing Agricultural Districts with an existing district undergoing review; and

WHEREAS, the Herkimer County Agricultural and Farmland Protection Board has prepared a report regarding the proposed consolidation and has recommended that all agricultural districts in Herkimer County be consolidated into a consolidated Agricultural District #1; and

WHEREAS, the Natural Resources committee has conducted a public hearing on the said proposal, and all parties attending said hearing having been given the opportunity to be heard; now, therefore be it

RESOLVED, that there is hereby established consolidated Agricultural District #1 for the County of Herkimer, and all existing agricultural districts in Herkimer County are hereby consolidated into the said consolidated Agricultural District #1, with the new anniversary date for the new consolidated district to be January 29, 2027; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Attorney, Farmland Protection Board, NYS Department of Ag and Markets, and Herkimer Oneida Counties Comprehensive Planning.

Dated: January 24, 2019.



## HERKIMER COUNTY LEGISLATURE

No. 46

### **RESOLUTION AUTHORIZING THE DESIGNATION OF CERTIFYING OFFICER FOR RESPONSIBLE ENTITY FOR ENVIRONMENTAL REVIEW PURPOSES AS REQUIRED UNDER PROGRAMS ADMINISTERED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

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

WHEREAS, to receive Community Development Block Grant (CDBG) funds and other funds administered by the United States Department of Housing and Urban Development (HUD), the County of Herkimer must comply with the requirements of the National Environmental Policy Act (NEPA) of 1969, and related federal environmental laws and executive orders; and

WHEREAS, Environmental Assessments, Requests for Release of Funds, Certifications, and other related documents must be approved and signed by a designated Certifying Officer, as that person is defined in Section 102 of NEPA and related statutory provisions, who is authorized to assume the status of responsible official under NEPA and related authorities; now therefore, be it

RESOLVED, that the County of Herkimer names Bernard Peplinski, Sr., Chairman of the Herkimer County Legislature, as Certifying Officer and hereby authorizes him to take and direct all actions necessary and proper to comply with the environmental review regulations contained in NEPA.

Dated: January 24, 2019.