

INTRODUCTORY LOCAL LAW NO. 1 - 2005

LOCAL LAW NO. 1 - 2005

A LOCAL LAW TO REVISE AN EMPIRE ZONE FORMERLY KNOWN AS AN ECONOMIC DEVELOPMENT ZONE

WHEREAS, New York State has created the Economic Development Zone Program to encourage industrial and commercial development in selected municipalities across the State; and

WHEREAS, Oneida County, as an eligible municipality, received designation of an Economic Development Zone on June 3, 1998, made up of sub-zones including portions of the Town and Village of Frankfort, Village of Illion, Town of Whitestown, Town of New Hartford, City of Rome; and

WHEREAS, Oneida County and Herkimer County subsequently revised and amended the original Economic Development Zone sub-zone boundaries (now referred to as Empire Zones) on June 15, 2002 and June 12, 2003; and

WHEREAS, Oneida County intends to revise the Empire Zone's boundaries to encourage industrial and commercial development and to allow for the creation of an additional sub-zones in the County of Herkimer; and

WHEREAS, The County of Herkimer wishes to support and concur with the Empire Zone revision application; now, therefore,

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

Section 1. That the boundary of the Oneida Herkimer Empire Zone shall be amended to delete and include properties described in Attachment A.

Section 2. That the Herkimer County Legislature, in its capacity as governing body of the County, does hereby support and concur with the Oneida Herkimer Counties Empire Zone revision application.

Section 3. This local law shall take effect immediately.

Dated: March 16, 2005.

INTRODUCTORY LOCAL LAW NO. 2 - 2005

LOCAL LAW NO. 2 - 2005

A LOCAL LAW TO PROVIDE FOR THE ABANDONMENT OF THE HERKIMER COUNTY SELF-INSURANCE PLAN PURSUANT TO WORKERS' COMPENSATION LAW, ARTICLE 5

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

Section 1. The Herkimer County Self-Insurance Plan, established under the authority of Local Law No. 3 for the year 1956, is hereby abandoned, pursuant to Section 73 of the Workers' Compensation Law, with such abandonment to be effective at midnight on December 31, 2005.

Section 2. The Herkimer County Self-Insurance Plan, however, shall continue to operate thereafter until all liabilities of the plan incurred prior to such effective date shall have been satisfied and all advances to the Herkimer County Self-Insurance Plan shall have been repaid.

Section 3. Such Plan, during the time that it continues to operate as above described, shall continue to be administered by an Administrator who shall be the duly appointed Personnel Officer of the County of Herkimer.

Section 4. Rules and Regulations for the administration of the Herkimer County Self-Insurance Plan, to be effective commencing on January 1, 2006 shall be as follows:

A. APPORTIONMENT OF COSTS:

The apportioned share of each participant in the abandoned Herkimer County Self-Insurance Plan for the purpose of paying all liabilities of the Plan and advances to the Herkimer County Self-Insurance fund as above described, as well as all administration and other costs incurred in the operation of the Plan, shall be the assessment percentage for such participant shown in the final annual assessment and apportionment of costs which was levied upon each participant prior to the abandonment of the Plan, which was the amount levied for payment of the 2005 Plan costs. This assessment percentage shall remain constant during such participant's participation in the Herkimer County Self-Insurance Plan.

B. PAYMENT BY PARTICIPANTS:

Each participant shall pay the Herkimer County Treasurer within 30 days after the commencement of its fiscal year the amount billed as its share of the annual estimate of the Plan. Failure to pay shall result in all penalties imposed by these Rules and Regulations and collection may take place pursuant to these Rules and Regulations and all applicable statutory provisions.

C. WITHDRAWAL OF PARTICIPANTS:

A participant may withdraw from the Herkimer County Self-Insurance Plan effective at the end of the Plan's fiscal year, by filing with the administrator by the preceding July 1st written notice of such withdrawal. The assessment percentage for such participant shown in the final annual estimate and apportionment of costs prior to the abandonment of the Plan shall be applied to the amount of the Plan's outstanding liabilities at the date of withdrawal, to produce the amount payable by the participant.

The amount payable by a participant upon withdrawal shall be collected in full, or in such installments and at such dates as the County Legislature may determine.

D. RESERVE:

A reserve of \$600,000.00 is hereby established for the Plan. Such amount may be accumulated by including in each annual estimate a sum not to exceed \$60,000.00. When the amount of the reserve is the maximum amount, any amount expended therefrom shall be restored by including in subsequent annual estimates a sum not to exceed \$60,000.00

When, in the opinion of the administrator of the Plan, a larger amount is necessary in any one year to maintain the reserve, the administrator may apply to the Herkimer County Legislature for payment in any one year greater than \$60,000.00, but, in no event, greater than \$100,000.00

E. COOPERATION BY PARTICIPANTS:

Participants in the Herkimer County Self-Insurance Plan shall cooperate with the Plan by promptly filing all required reports, by aiding the investigation of claims and by furnishing any additional aid or information that may be required to carry out the provisions and the intent of the Workers' Compensation Law and this Local Law.

F. MEDICAL EXAMINATION OF EMPLOYEES:

The participants shall make available to the Administrator, upon request, personnel files of employees, including reports of medical examinations for employment and medical reports of injuries.

G. REPORTS BY PARTICIPANTS:

Each participant shall maintain a record of all injuries received by employees during the course of their employee. The following or equivalent reports required to be filed with the Workers' Compensation Board pursuant to the Workers' Compensation Law shall be filed promptly, and copies thereof shall be filed at the same time with the plan:

Employer's Report of Injury (form C-2, VF-2 or VAW-2)

Employer's Report of Injured Employee's Change in Employment Status Resulting from Injury (Form C-11)

Employer's Statement of Wage Earnings Preceding Date of Accident (Form C-240)

Employer's Request for Reimbursement

Such other reports as may be requested by the Plan shall be filed promptly by participants.

Forms for reports to be filed by participants pursuant to this subdivision shall be furnished by, and be an expense to, the plan.

The Administrator shall report to the Personnel Committee of the Legislature failure of a participant to file required reports. The Committee shall consider the matter and make a recommendation to the Legislature which may take such action as it deems proper, as provided herein.

H. PENALTIES:

(1) The Administrator of the Self-Insurance Plan shall impose the following penalty on participants:

(a) For failure of a participant to pay its share of an annual estimate within thirty (30) days after the commencement of its fiscal year, two (2) percent of the estimate for such participant for the first month or any part thereof, and

(b) One (1) percent of the estimate for such participant for each month or any part thereof after the first month.

(2) Each annual estimate mailed to a participant shall have typed or printed thereon in solid caps the following: FOR FAILURE TO PAY THE ASSESSMENT WITHIN THIRTY (30) DAYS AFTER COMMENCEMENT OF THE PARTICIPANT'S FISCAL YEAR THE FOLLOWING PENALTY SHALL BE IMPOSED: TWO (2) PERCENT OF THE ESTIMATE FOR THE FIRST MONTH OR ANY PART THEREOF, ONE (1) PERCENT OF THE ESTIMATE FOR EACH SUCCEEDING MONTH OR ANY PART THEREOF.

\$ _____ ESTIMATE AND PENALTY FOR THE FIRST MONTH

\$ _____ ESTIMATE AND PENALTY FOR SECOND MONTH

One (1) percent shall be added for each additional month of a part thereof of non-payment.

(3) The Legislature may by resolution impose the following penalties on participants:

(a) For failure to file complete and timely reports - \$50.00

(b) For failure to require medical examinations when requested -- \$50.00

(c) In the event the Plan is fined by the State Workers' Compensation Board or any appropriate agency, the Administrator, if of the opinion that some omission or commission by a participant was responsible for the fine, shall recommend to the Personnel Committee of the Legislature that it hold a hearing thereon

with the participant and recommend to the Legislature that the fine be paid by the Plan or that the fine be charged to the Participant.

- (4) A participant subject to a fine or penalty under the rules and regulations may bring action against the public official responsible for incurring the penalty. The amount of the penalty may be withheld from his salary or other compensation.
- (5) The double penalties provided in Sec. 14A of the Worker's Compensation Law for illegally hiring minors under 18 is the sole responsibility of the participant so violating.
- (6) The Legislature may by resolution expel a participant for failure to observe the rules and regulations adopted, or for any violation of the provisions of the Worker's Compensation Law, provided, however, that a participant shall be notified in writing, at least thirty days prior to the effective date of expulsion; and, further provided that expulsion shall not relieve a participant from paying its share of the outstanding liabilities of the plan at the date of expulsion.

I. PURCHASE OF INSURANCE:

The Legislature may authorize the Administrator to purchase Employers' Liability Insurance and/or excess or catastrophe insurance, the cost of which shall be an administrative expense of the Plan.

J. DISTRIBUTION OF ASSETS:

Any assets of the Plan remaining after all liabilities have been satisfied shall be distributed to all remaining participants in the Plan at the time that all liabilities have been satisfied in accordance with their final annual estimate and apportionment of costs prior to the abandonment of the Plan.

K. REPEAL OF LOCAL LAWS:

It is the intent of this Local Law to repeal and supersede all Local Laws heretofore enacted by the Board of Supervisors and/or the County Legislature of the County of Herkimer which established and/or continued the Herkimer County Self-Insurance Plan, except that any questions or issues which involve participation in and/or withdrawal from the Herkimer County Self-Insurance Plan prior to its abandonment shall continue to be governed by all Local Laws and/or Rules and Regulations which are presently in effect.

L. EFFECTIVE DATE:

This Local Law shall take effect immediately.

Dated: June 15, 2005.

INTRODUCTORY LOCAL LAW NO. 4 - 2005

LOCAL LAW NO. 3 - 2005

A LOCAL LAW TO IMPOSE A MORTGAGE RECORDING TAX WITHIN THE COUNTY OF HERKIMER

Be it enacted by the County Legislature of the County of Herkimer as follows:

Section 1. Imposition of Tax

Pursuant to Section 253-1 of the Tax Law, Chapter 549 of the Laws of 2005, there is hereby imposed in the County of Herkimer a tax of \$0.25 for each \$100 and each remaining major fraction thereof of principal debt or obligation, which is or under any contingency may be secured at the date of execution thereof or at any time thereafter, by a mortgage on real property situated within the County of Herkimer and recorded after November 1, 2005, and a tax of \$0.25 on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than \$100.00.

Section 2. Applicability

The taxes imposed under the authority of this local law shall be administered and collected in the same manner as the taxes imposed under Section 253.1 and Section 255.1(b) of the Tax Law.

Section 3. Additional Taxes

A tax imposed pursuant to this local law shall be in addition to the taxes imposed by Section 253 of the Tax Law.

Section 4. Payment of Taxes

The tax imposed pursuant to this local law shall be payable on the recording of each mortgage of real property subject to taxes thereunder. Such tax shall be paid to the recording officer of the county in which the real property or any part thereof is situated. Where such property is situated within and without the county imposing this tax, the recording officer of the jurisdiction in which the mortgage is first recorded shall be required to collect the taxes imposed herein. It shall be the duty of such recording officer to endorse upon each mortgage a receipt for the amount of the tax so paid. Any mortgage so endorsed may thereupon or thereafter be recorded by any recording officer and the receipt of such tax endorsed upon each mortgage shall be recorded therewith. The record of such receipt shall be conclusive proof that the amount of tax stated therein has been paid upon such mortgage.

Section 5. Real Property Located in More than One County

Where real property covered by the mortgage subject to the tax imposed pursuant to this local law is situated in the State of New York but within and without the County of Herkimer, the amount of such tax due and payable to the County of Herkimer shall be determined in a manner similar to that prescribed in the first paragraph of Section 260 of the Tax Law.

Where such property is situated both within Herkimer County and without the State, the amount due and payable in Herkimer County shall be determined in the manner prescribed in the second paragraph of such Section 260.

Section 6. Disposition of Taxes

Notwithstanding any provision of Article 11 of the Tax Law to the contrary, the balance of all monies paid to the recording officer of the County of Herkimer during each month upon account of the tax imposed pursuant to this local law, after deduction of the necessary expenses of his office as provided in Section 262 of the Tax Law, except taxes paid upon mortgages which under the provisions of this local law or Section 260 of the Tax Law are first to be apportioned by the New York State Commissioner of Taxation and Finance, shall be paid over by such officer on or before the tenth day of each succeeding month to the Treasurer of the County of Herkimer and, after the deduction by such Treasurer of the necessary expenses of his or her office provided in Section 262 of the Tax Law, shall be deposited in the General Fund of the County of Herkimer for expenditure on any county purpose. Notwithstanding the provisions of the preceding sentence, the tax

so imposed and paid upon mortgage covering real property situated in two or more counties, which under the provisions of this local law or Section 260 of the Tax Law are first to be apportioned by the Commissioner of Taxation and Finance, shall be paid over by the recording officer receiving the same as provided by the determination of the Commissioner.

Section 7. Expiration Date

The tax imposed by this local law shall be effective for a period of three (3) years, from November 1, 2005 to October 31, 2008.

Section 8. Effective Date

This local law shall become effective on the first day of November, 2005, provided that a certified copy thereof is mailed by registered or certified mail to the Commissioner of Taxation and Finance at the Commissioner's Office in Albany at least thirty days prior to the date the local law shall take effect. Certified copies of any local law described in this section shall also be filed with the Herkimer County Clerk, the Secretary of State and the State Comptroller within five days after the local law is duly enacted.

Dated: September 21, 2005.

INTRODUCTORY LOCAL LAW NO. 5 - 2005

LOCAL LAW NO. 4 - 2005

A LOCAL LAW EXPANDING THE RESIDENCY REQUIREMENTS FOR HERKIMER COUNTY CORRECTION OFFICERS

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

Section 1. In the County of Herkimer, the provisions of Section 3 of the Public Officers Law requiring a person to be a resident of the political subdivision or municipal corporation of the state for which such person shall be chosen or within which such person's official functions are required to be exercised, shall not prevent a person from holding the office of Correction Officer in Herkimer County, provided, however, that such person performing the duties and functions of Correction Officer resides in the County of Herkimer or in any village which is located partly within and partly outside of the boundaries of the County of Herkimer.

Section 2. This local law shall take effect immediately.

Dated: October 5, 2005.

INTRODUCTORY LOCAL LAW NO. 8 - 2005

LOCAL LAW NO. 5 - 2005

A LOCAL LAW AUTHORIZING THE COUNTY OF HERKIMER TO MAKE APPLICATION FOR REDESIGNATION OF CERTAIN AREAS WITHIN THE COUNTY OF HERKIMER AS AN EMPIRE ZONE

WHEREAS, By Resolution No. 302 of 1997 this Legislature concurred with the execution and submittal of the application authorized by Oneida County Local Law No. 5 of 1997 for designation of an Empire Zone pursuant to Section 961 of the General Municipal Law, which included sub-zones in portions of the Town and Village of Frankfort and Village of Ilion in Herkimer County and such Zone was formally designated by the Empire Zones Designation Board on June 15, 1998; and

WHEREAS, By Resolution No. 90 of 1999, Local Law No. 2 of 2003 and Local Law No. 1 of 2005, the Herkimer County Legislature approved and concurred with Oneida County's application for revisions to the boundaries of the Oneida-Herkimer Empire Zone; and

WHEREAS, Herkimer County has received its own empire zone designation status from the State of New York; and

WHEREAS, pursuant to Article 18-B of the General Municipal Law, the Herkimer County Legislature, by Resolution NO. 205 adopted on August 17, 2005, established the Herkimer County Empire Zone Administrative Board and authorized the Chairman of the Legislature to appoint said members; and

WHEREAS, the New York State Legislature and the Governor have enacted into law changes to the Empire Zones program, whereby each existing Empire Zone must configure its existing zone acreage into six "distinct and contiguous" areas; and

WHEREAS, THE Herkimer County Zone Administrative Board has demonstrated the need for a seventh "distinct and separate contiguous" area as provided for within the emergency regulations, Part 10, Section 10.4 Eligibility, subdivision (h), paragraphs (1), (2) and (3); and

WHEREAS, pursuant to Sections 961 and 957(d) of the General Municipal Law, as amended the Herkimer County Legislature hereby authorizes the County of Herkimer to prepare and submit Herkimer County's application for redesignation of the existing Empire Zone into seven "distinct and contiguous" areas, including a description of the area identified for such redesignation, to the New York State Commissioner of Economic Development for ultimate approval by the Empire Zones Designation Board; and

WHEREAS, such redesignation could greatly benefit Herkimer County in that new businesses would be encouraged to expand in the zone area, and new and expanded businesses would generate new jobs for Herkimer County residents; and

WHEREAS, a draft of the amended Zone Development Plan is hereby authorized to be submitted along with the redesignation application to the New York State Commissioner of Economic Development; now, therefore, be it

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

Section 1. Herkimer County is hereby authorized and empowered to submit an application for redesignation of certain areas within Herkimer County as an Empire Zone, provided, however, that such authorization and empowerment shall be conditioned upon the concurrence, through properly adopted resolution(s) with respect to such application, of the governing bodies of any and all cities, towns and villages in which such zone is located.

Section 2. The boundaries of said areas to be included in said Empire Zone shall be as set forth on Schedule A, which is attached hereto and made a part hereof.

Section 3. Pursuant to the requirements of Section 963(a) of the General Municipal Law, Herkimer County shall serve as the Local Empire Zone Certification Officer of the Herkimer County Empire Zone, and shall, pursuant to the regulations promulgated pursuant to Article 18-B of the General Municipal Law, perform the following duty, to wit: certify, jointly with the New York State Commissioner of Economic Development and the New York State Commissioner of Labor, those businesses that are eligible to receive the benefits referred to in Section 966 of the General Municipal Law, and any other applicable statutes.

Section 4. This Local Law shall take effect immediately.

Dated: December 14, 2005.

X	Y	Region Name
510225.130152063	4764116.32298003	Little Falls Industrial Area
510217.373416056	4764101.30787602	Little Falls Industrial Area
510208.463016047	4764091.27549201	Little Falls Industrial Area
510190.17744803	4764069.37955599	Little Falls Industrial Area
510161.599400004	4764031.31081995	Little Falls Industrial Area
510133.491623977	4763994.19741192	Little Falls Industrial Area
510108.662759954	4763961.36931589	Little Falls Industrial Area
510082.42371993	4763927.08528386	Little Falls Industrial Area
510073.503655922	4763917.09097985	Little Falls Industrial Area
510063.705511912	4763899.51171583	Little Falls Industrial Area
510049.478887899	4763877.18294781	Little Falls Industrial Area
510044.816295895	4763868.6232678	Little Falls Industrial Area
510027.554279879	4763836.33533177	Little Falls Industrial Area
510009.744871862	4763814.40432375	Little Falls Industrial Area
509992.816807846	4763799.60157174	Little Falls Industrial Area
509974.025895829	4763781.01629172	Little Falls Industrial Area
509952.873639809	4763762.4170597	Little Falls Industrial Area
509920.853479779	4763742.68694768	Little Falls Industrial Area
509919.420839778	4763741.80246768	Little Falls Industrial Area
509906.227879766	4763734.60112368	Little Falls Industrial Area
509889.25917575	4763725.01603567	Little Falls Industrial Area
509866.632615729	4763712.50217966	Little Falls Industrial Area
509846.82640771	4763702.90013165	Little Falls Industrial Area
509831.709351696	4763699.00131564	Little Falls Industrial Area
509772.252327641	4763684.66857963	Little Falls Industrial Area
509757.596135627	4763681.72457963	Little Falls Industrial Area
509723.111399595	4763672.91133162	Little Falls Industrial Area
509689.983911564	4763671.22857962	Little Falls Industrial Area
509653.56413553	4763667.62185961	Little Falls Industrial Area
509610.959527491	4763666.33981161	Little Falls Industrial Area
509602.008743482	4763696.71933164	Little Falls Industrial Area
485108.456400671	4769341.8431769	West Frankfort Industrial Park
485211.307984767	4769513.58564106	West Frankfort Industrial Park
485245.563856799	4769488.76592903	West Frankfort Industrial Park
485247.2329768	4769494.71767304	West Frankfort Industrial Park
485249.016016802	4769500.67018505	West Frankfort Industrial Park
485250.894800804	4769506.54692105	West Frankfort Industrial Park
485252.869072806	4769512.42416906	West Frankfort Industrial Park
485254.957520807	4769518.26404106	West Frankfort Industrial Park
485257.141712809	4769524.06653707	West Frankfort Industrial Park
485267.678928819	4769543.85892109	West Frankfort Industrial Park
485268.48865682	4769545.38724109	West Frankfort Industrial Park