

**MINUTES**  
**Herkimer County Legislature**  
**Second Quarter – Third Day**  
**Wednesday, May 15, 2024**  
**7:00 p.m.**

The Regular Session of the Herkimer County Legislature was called to order by Chairman Robert D. Hollum at 7:01 p.m.

Chairman Hollum called on Timothy Seymour, Commissioner of Social Services, to lead the Legislature in the Pledge of Allegiance.

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

Chairman Hollum called for a moment of silence in memory of Legislator Frederick J. Shaw, Jr.

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

Present: Malta, Gaworecki, Schrader, Hollum, Bennett, Keeler, Brezinski, Bick, Swartz, Beach, Ackerman, Donley, Campione, Russell, Weakley (15).

Absent: Brewer, Shaw (2).

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Hollum asked if there were any objections or corrections to the minutes of April 24, 2024. There were none, and the Chairman ordered them approved.

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

Chairman Hollum 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. 196 – A communication was received from the County Auditor submitting extradition expenses. Filed.

No. 197 – A communication was received from the Solid Waste Authority submitting 2023 Annual Report. Filed.

No. 198 – A communication was received from the IDA submitting notice of public hearing, notice of Project Inducement, and Inducement Resolution. Filed.

No. 199 – A communication was received from the Sheriff submitting March 2024 Monthly Report. Referred to the Committee on Public Safety & Emergency Management.

No. 200 – A communication was received from the Personnel Officer requesting contract for drug and alcohol testing. Referred to the Committee on Ways & Means.

No. 201 – A communication was received from the Director of Public Health requesting to renew existing STI contract. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 202 – A communication was received from the Director of Emergency Services requesting part time position. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 203 – A communication was received from the Budget Officer/Purchasing Agent requesting payment in connection with American Rescue Plan funding. Referred to the Committee on Ways & Means.

No. 204 – A communication was received from the County Clerk submitting Semi-Annual Mortgage Tax Report. Referred to the Committee on Ways & Means.

No. 205 – A communication was received from the County Treasurer submitting Apportionment of Mortgage Tax. Referred to the Committee on Ways & Means.

No. 206 – A communication was received from the County Treasurer submitting 2023 Annual Report. Referred to the Committee on Ways & Means.

No. 207 – A communication was received from the Commissioner of Social Services submitting 2023 Annual Report. Referred to the Committee on Human Resources.

No. 208 – A communication was received from the Sheriff submitting 2023 Annual Report. Referred to the Committee on Public Safety & Emergency Management.

No. 209 – A communication was received from the Budget Officer/Purchasing Agent requesting appropriation of funds for grit chain system repairs at Sewer District. Referred to the Committee on Natural Resources and the Committee on Ways & Means.

No. 210 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment, transfer, and creation of project in connection with purchase in the Sheriff's Dept. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 211 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in Employment & Training. Referred to the Committee on Ways & Means.

No. 212 – A communication was received from the County Property Agent submitting listing of properties acquired by In Rem procedures. Referred to the Committee on County Properties.

No. 213 – A communication was received from the County Attorney requesting sale for In Rem properties. Referred to the Committee on County Properties.

No. 214 – A communication was received from the Budget Officer/Purchasing Agent requesting budget transactions for the construction of a Children’s Center. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 215 – A communication was received from the Personnel Officer requesting amendment to Salary Schedule No. II in the County Attorney’s Office. Referred to the Committee on Ways & Means.

No. 216 – A communication was received from the Personnel Officer requesting amendment to Salary Schedule No. II in the Department of Social Services. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 217 – A communication was received from the Budget Officer/Purchasing Agent requesting purchase of financial system and transfer of funds. Referred to the Committee on Ways & Means.

No. 218 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in Public Health. Referred to the Committee on Ways & Means.

No. 219 – A communication was received from the County Administrator requesting resolution for Chairman to sign the Round 4 Septic System Replacement Program grant. Referred to the Committee on Natural Resources and the Committee on Ways & Means.

No. 220 – A communication was received from the County Administrator requesting resolution to enter into a contract with the Herkimer County Landbank Corporation. Referred to the Committee on Administration/Veterans’ Affairs and the Committee on Ways & Means.

No. 221 – A communication was received from the IDA requesting Temporary Incidents of Ownership on parcel in the Village of Herkimer. Referred to the Committee on County Properties.

No. 222 – A communication was received from the County Clerk advising of vacancy in Legislative District 16. Filed.

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

On motion of Mr. Gaworecki, seconded by Mr. Malta, Resolution No. 155 – Resolution No. 158 were handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brewer, Shaw (2).

On motion of Mr. Gaworecki, seconded by Mr. Schrader, Report and Resolution No. 159 sponsored by the Committee on County Properties authorizing sale of property acquired by In Rem procedures was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Bennett, Keeler, Brezinski, Bick, Swartz, Beach, Ackerman, Donley, Campione, Russell, Weakley (15).

Against: None.

Absent: Brewer, Shaw (2).



## HERKIMER COUNTY LEGISLATURE

No. 159

### **RESOLUTION AUTHORIZING SALE OF PROPERTY ACQUIRED BY IN REM PROCEDURES**

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

WHEREAS, in an action brought on to enforce collection of delinquent taxes for the tax year 2021, a Judgment was made by the County Court of the County of Herkimer on the 1<sup>st</sup> day of April, 2024 and was filed and entered in the Herkimer County Clerk's Office on April 1, 2024, pursuant to which properties listed therein became the property of the County; and

WHEREAS, pursuant to said Judgment, the County Treasurer of the County of Herkimer deeded all parcels listed in said Judgment to the County of Herkimer by deed dated April 1, 2024 and recorded on April 2, 2024, in the Herkimer County Clerk's Office as Instrument No. RP2024-1387; and

WHEREAS, the County owns other parcels obtained in previous In Rem tax foreclosure actions, which properties did not sell at prior auctions; and

WHEREAS, the court has retained jurisdiction over several parcels included in the foreclosure which parcels are the subject of further court proceedings, which proceedings may result in title to some of such parcels being conveyed to the County of Herkimer prior to the date of this year's land auction; and

WHEREAS, the County now desires to sell the parcels conveyed to the County in the aforesaid deed as well as any parcels from prior foreclosures which may also need to be sold and any parcels which may be conveyed to the County prior to this year's land auction; and

WHEREAS, it is necessary that terms and conditions of sale of said properties by the County be established; now, therefore, be it

RESOLVED:

1. That pursuant to Section 1166 of the Real Property Tax Law, this Legislature now desires to provide for the sale of said parcels. Such sale shall be by public auction, and it is directed that such sale be held virtually on the website of Auctions International Inc. (<https://www.auctionsinternational.com>). Auction shall begin on June 26, 2024, and end on July 10, 2024;
2. That this sale by auction be held under the direction of the County Treasurer;
3. That such sale shall be conducted on the terms, conditions and procedures annexed hereto which include an Administration fee of \$400 for each successful bid;
4. That in addition, all sales of such property shall be subject to a buyer's premium of ten percent (10%) of the amount of the successful bid;
5. That all persons be entitled to bid at such sale on said parcels of property, except those persons prohibited by the attached Auction Terms and Procedures or by state or local law.
6. That the Treasurer is hereby authorized, when it seems advantageous, to divide any parcel on the auction list into two or more parcels and to offer said divided parcels individually or to join any two or more parcels on the auction list into one parcel and to offer said joined parcels as one parcel;
7. That following the auction sale, the Committee on County Properties and the County Treasurer report to this Legislature with their recommendations for the conveyance of the various parcels of property to the successful bidders thereon;
8. That certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Property Agent, and County Attorney.

Dated: May 15, 2024.

## AUCTION TERMS AND PROCEDURES

- 1. Registration:** Individuals interested in bidding must register and be assigned a bidder's number, which you will use when bidding on property. Registration will occur online through the Auctioneer's website ([www.auctionsinternational.com](http://www.auctionsinternational.com)). A record of all successful bids will be maintained, with each successful bidder's number assigned to the property bid accordingly.
- 2. Eligible Bidders:** All persons, including, but not limited to, corporations, partnerships, limited liability companies and limited liability partnerships are entitled to bid at such sale on said parcels of property

**EXCEPT:**

1. officers and employees of the County of Herkimer, including any legal entity in which the officer or employee of the County of Herkimer has an interest;
2. persons who have defaulted on any bid to purchase property from the County of Herkimer within the last five (5) years;
3. persons who have defaulted in payment of real property taxes on a parcel of property within Herkimer County which resulted in a judgment granting title to such parcel of property to the County of Herkimer within the last five (5) years or the spouse of such person;
4. persons or family members of persons who are owners of an unredeemed parcel included in the 2021 Tax Foreclosure;
5. the person or a family member of the person whose name appears on the Assessment Roll as the owner of each said parcel at the time of nonpayment of taxes which resulted in acquisition of such parcel by the County;
6. town officers, including town board members and assessors, with respect to property located within the town they serve;
7. legal entities, including but not limited to, corporations, partnerships, limited liability companies, and limited liability partnerships, in which any of the foregoing persons or legal entities has an interest.

**3. Purchase Agreement:** A successful bidder will be required to sign a purchase agreement when a deposit is made. Also, at this time, the successful bidder will be required to list the Name, Address and Social Security Number of the individual(s) or EIN of the legal entity purchasing the property. All purchase agreements will include a certification that the purchaser is not prohibited from bidding by reason of the exclusions set forth in Paragraph 2 above.

**4. Prospective Bidders:** All prospective bidders are invited to inspect the premises they are interested in prior to the Auction. Inspections are only done on improved properties that are unoccupied. Information regarding property inspections will be available in the auction brochure or by contacting Auctions International at (800)536-1401.

**5. Conditions of Sale:** Each of the parcels is sold “as is”. If a parcel is occupied, it is the responsibility of the purchaser to terminate the occupancy. The County has not entered into any lease agreement, nor has it consented to any occupancy, nor has it received any rent from any occupant of any parcel. **PURCHASER WILL OBTAIN OWNERSHIP OF THE PROPERTY WHEN THE DEED IS RECORDED IN THE COUNTY CLERK’S OFFICE AND SHALL NOT TAKE POSSESSION UNTIL SUCH TIME.** Any trespassing on County property prior to the deed transfer could result in cancellation of the sale. The County of Herkimer and its officials and agents make no representation as to the condition of any parcel of

said property or of the improvements on any improved parcel. Lot sizes, including frontage, depth and acreage, are for assessment purposes only. The County makes no representations regarding the actual dimensions or acreage of the parcels, environmental and or other conditions.

For parcels improved by a mobile home or manufactured home, the County of Herkimer is conveying **ONLY** the interest of the County in the real property and makes no representations or warranties with regard to title to such mobile home or manufactured home.

The County will not be responsible for any defects or conditions whatsoever in or on the property or in any improvements, or any equipment, mechanical or otherwise, included therein.

All deeds will be subject to the following condition, and covenant: This conveyance is made pursuant to a resolution of the Herkimer County Legislature and this conveyance is made subject to the condition and covenant that the County of Herkimer shall in no event be or become liable for any defects in title conveyed hereby, for any cause whatsoever, and that no claim, demand or suit of any nature shall ever be made by the party of the second part hereto, or by said party's heirs, successors and assigns against said County of Herkimer arising from such sale or this conveyance.

**All properties subject to Federal Tax Liens are sold subject to the right of redemption of the United States of America.**

**6. Administration Fee:** An administration fee will be added to each successful bid. The administration fee will be \$400.00 for each successful bid.

**7. Buyer's Premium:** In addition to the administration fee, a buyer's premium of 10% of the amount of the successful bid will be added to the purchase price of each successful bid.

**8. Required Bid Deposit:** A **\$50.00 or 10% deposit** (cash or check) whichever is greater, is required at the time of the Auction on each property for which you are the successful bidder. Successful bids of \$50.00 or less must be paid in full. Deed recording fees are also required to be paid at this time for bids of \$50.00 or less. If you are the successful bidder of more than one parcel, a single check will be accepted to cover all deposit requirements. Make checks payable to **Kimberlee A. Enea, Herkimer County Treasurer**.

**9. Full Payment of Bids:** The balance of the purchase price on any property, together with Cover Sheet (\$5.00), Deed Recording Fees (\$45.00/deed), Transfer Gains Affidavit Filing Fee (\$5.00), and Real Property Transfer Report Fee (\$125.00 for residential or farm property and \$250.00 for all other property) must be made to the Herkimer County Treasurer, **WITH CASH, MONEY ORDER OR CASHIERS CHECK, no later than 4:00 pm, August 2, 2024.**

**10. Deed Recordings:** All deeds are Quit Claim Deeds, conveying the interest that the County of Herkimer has in the property to the successful bidder. The County Property Agent will record all deeds as soon as possible, once final approval has been received by the County Legislature. You will receive your deed(s) by mail, through the County Clerk's Office. Any changes in the deed will be the responsibility of the purchaser after the deed is recorded.

**11. Tax Information:** Total annual taxes are listed under each parcel. Delinquent taxes were absorbed and paid by the County. Purchasers will be responsible for all future taxes.

**12. Default by Purchaser:** Default by the Purchaser or failure to meet the terms and procedures of this Auction will result in **forfeiture of the required deposit.**

**13. Confirmation and Approval of Sales:** All sales are subject to confirmation by the County Properties Committee and final approval of the Herkimer County Legislature.

**14. THE COUNTY OF HERKIMER RESERVES THE RIGHT TO REJECT ANY AND ALL BIDS.**

\*\*\*\*\*Auction information also available on the web:

**[www.herkimercounty.org](http://www.herkimercounty.org) and [www.auctionsinternational.com](http://www.auctionsinternational.com)**

On motion of Mr. Weakley, seconded by Mr. Schrader, Report and Resolution No. 160 sponsored by the Committee on Human Resources and the Committee on Ways & Means amending Salary Schedule No. II in the Department of Social Services was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Bennett, Keeler, Brezinski, Bick, Swartz, Beach, Ackerman, Donley, Campione, Weakley (14).

Against: None.

Absent: Brewer, Shaw (2).

Abstain: Russell (1).



## **HERKIMER COUNTY LEGISLATURE**

No. 160

### **REPORT AND RESOLUTION AMENDING SALARY SCHEDULE NO. II IN THE DEPARTMENT OF SOCIAL SERVICES**

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

WHEREAS, by letter dated May 3, 2024 from Steven Billings, Personnel Officer, requests to amend Salary Schedule No. II to add the position of Law Clerk in Account A6010 at an annual base salary of \$76,665.00 per year, 35 hours per week; now, therefore, be it

RESOLVED, that the 2024 Salary Schedule II is hereby amended to add the position of Law Clerk in Account A6010 at an annual base salary of \$76,665.00 per year, for 35 hours per week; and, be it further



RESOLVED, this position will be effective May 20, 2024; and, be it further

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

Dated: May 15, 2024.

On motion of Mr. Donley, seconded by Mr. Campione, Report and Resolution No. 161 sponsored by the Committee on Ways & Means amending Salary Schedule No. II in the County Attorney's Office was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Bennett, Keeler, Brezinski, Bick, Swartz, Beach, Ackerman, Donley, Campione, Weakley (14).

Against: None.

Absent: Brewer, Shaw (2).

Abstain: Russell (1).



## HERKIMER COUNTY LEGISLATURE

No. 161

### REPORT AND RESOLUTION AMENDING SALARY SCHEDULE NO. II IN THE COUNTY ATTORNEY'S OFFICE

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

WHEREAS, by letter dated May 3, 2024 from Steven Billings, Personnel Officer, requests to amend Salary Schedule No. II to add the position of Law Clerk in Account A1420 with a base pay of \$46,000 per year, for 21 hours per week; and

WHEREAS, this position will have full health insurance benefits and pro-rated accrued leave time; now, therefore, be it

RESOLVED, that the 2024 Salary Schedule II is hereby amended to add the position of Law Clerk in Account A1420 with a base pay rate of \$46,000 per year, for 21 hours per week, with full health insurance benefits and pro-rated accrued leave time; and, be it further

RESOLVED, this position will be effective May 20, 2024; 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 Attorney.

Dated: May 15, 2024.

On motion of Mr. Campione, seconded by Mr. Gaworecki, Report and Resolution No. 162 sponsored by the Committee on Ways & Means apportioning mortgage tax was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brewer, Shaw (2).



## HERKIMER COUNTY LEGISLATURE

No. 162

### REPORT AND RESOLUTION APPORTIONING MORTGAGE TAX

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

WHEREAS, your Committee on Ways and Means, to which was referred the report of the Recording Officer and County Treasurer showing the amounts received from the mortgage taxes, respectfully reports that we have examined the report containing the list of mortgages as kept by the Herkimer County Clerk, and herewith submit the following report showing the apportionment to the several towns, villages and the City in the County. Your Committee recommends that the Herkimer County Treasurer be authorized to draw warrants payable to the Supervisors of the several towns and to the City of Little Falls, and to the Treasurers of the incorporated villages in an amount apportioned as indicated on the tabulated statement recommended by the Committee herewith, and your Committee offers the following Resolution:

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized and directed to draw warrants payable to the Supervisors of the several towns in Herkimer County and to the Treasurer of the City of Little Falls and the Treasurers of the incorporated villages in the County of Herkimer entitled to a portion thereof, in the amounts of mortgage taxes apportioned respectively, and that a certified copy of the Resolution be served by the Clerk of this Legislature on the Herkimer County Treasurer.

Dated: May 15, 2024.

APPORTIONMENT OF MORTGAGE TAX  
October 1, 2023 - March 31, 2024

TOWNS	TOTAL TAX RECEIVED	TOWN SHARE	INCLUDING VILLAGES	VILLAGES SHARES
COLUMBIA	\$ 14,049.40	14,049.40		
DANUBE	730.67	730.67		
FAIRFIELD	4,970.66	4,604.98	MIDDLEVILLE	\$ 365.68
FRANKFORT	70,013.82	62,541.29	FRANKFORT	7,345.42
			ILION	127.11
GERMAN FLATTS	48,739.56	31,103.07	ILION	13,187.99
			MOHAWK	4,448.50
HERKIMER	77,492.15	53,339.37	HERKIMER	24,152.78
LITCHFIELD	11,527.58	11,527.58		
C/O LITTLE FALLS	12,651.02	12,651.02		
T/O LITTLE FALLS	8,816.23	8,816.23		
MANHEIM	8,588.81	7,156.09	DOLGEVILLE	1,432.72
NEWPORT	18,855.74	16,244.65	MIDDLEVILLE	386.13
			NEWPORT	1,920.74
			POLAND	304.22
NORWAY	4,345.55	4,345.55		
OHIO	3,724.00	3,724.00		
RUSSIA	15,978.35	14,906.31	COLD BROOK	381.88
			POLAND	690.16
SALISBURY	7,714.46	7,714.46		
SCHUYLER	43,663.06	43,663.06		
STARK	5,132.94	5,132.94		
WARREN	4,669.33	4,669.33		
WEBB	93,102.32	93,102.32		
WINFIELD	13,288.01	11,642.46	WEST WINFIELD	1,645.55
<b>TOTAL</b>	<b>\$ 468,053.66</b>	<b>\$411,664.78</b>		<b>\$56,388.88</b>

Herkimer County Treasurer \$619.09

On motion of Mr. Bick, seconded by Mr. Donley, Report and Resolution No. 163 sponsored by the Committee on Ways & Means authorizing the Chairman to sign a voucher in connection with American Rescue Plan funding was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brewer, Shaw (2).



**HERKIMER COUNTY LEGISLATURE**

No. 163

**REPORT AND RESOLUTION AUTHORIZING THE CHAIRMAN TO SIGN A  
VOUCHER IN CONNECTION WITH AMERICAN RESCUE PLAN FUNDING**

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

WHEREAS, by letter dated April 15, 2024, Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised of a request from the Beaver River Association of Snowmobilers and Skiers, for funding in the amount of \$10,000 from the County through the American Rescue Plan Funding; and

WHEREAS, letter further requests permission to have the Chairman sign the voucher for the expense out of account A1989A.46000, ARP Funding, Miscellaneous Expense; now, therefore, be it

RESOLVED, that the Chairman of the Legislature is authorized to sign the voucher for funding in the amount of \$10,000 from the County through the American Rescue Plan Funding; and, be it further

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

Dated: May 15, 2024.

On motion of Mr. Beach, seconded by Mr. Swartz, Report and Resolution No. 164 sponsored by the Committee on Natural Resources and the Committee on Ways & Means authorizing appropriation of funds in Herkimer County Sewer District was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Bennett, Keeler, Brezinski, Bick, Swartz, Beach, Ackerman, Donley, Campione, Russell, Weakley (15).

Against: None. Absent: Brewer, Shaw (2).



**HERKIMER COUNTY LEGISLATURE**

No. 164

**REPORT AND RESOLUTION AUTHORIZING APPROPRIATION OF FUNDS IN  
HERKIMER COUNTY SEWER DISTRICT**

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

WHEREAS, your Committees were referred a communication from Sheri A. Ferdula, Budget Officer/Purchasing Agent, dated April 29, 2024, submitting a request for appropriation of funds for the grit chamber replacement project, reports that we have examined said

communication, inquired into the subject matter thereof, recommend that said appropriation be made; and

WHEREAS, Sheri Ferdula, Budget Officer/Purchasing Agent has advised that funds have been verified and are available for this appropriation; now, therefore, be it

RESOLVED, that an appropriation be made as follows:

\$172,672            From: G909, Sewer, Fund Balance (capital account)  
                         To:    H8130.40000, Sewer, Capital, Project 72-2

and, be it further

RESOLVED, that the Treasurer is authorized to make any necessary adjustments to the interfund transfer accounts; and, be it further

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

Dated: May 15, 2024.

On motion of Mr. Donley, seconded by Mr. Malta, Report and Resolution No. 165 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means approving purchase for Sheriff's Department, amending budget, creating project, and transferring funds was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brewer, Shaw (2).



## HERKIMER COUNTY LEGISLATURE

No. 165

### **REPORT AND RESOLUTION APPROVING PURCHASE FOR SHERIFF'S DEPARTMENT, AMENDING BUDGET, CREATING PROJECT, AND TRANSFERRING FUNDS**

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

WHEREAS, by letter dated March 25, 2024, Scott F. Scherer, Sheriff, has requested approval to purchase 11 Point Blank threat level II vests with carriers and strike plates for a total price of \$9,531.53, with the total cost to have a 100% reimbursement for first time vest users and a 50% reimbursement for any other user; and

WHEREAS, by letter dated April 25, 2024, Sheri Ferdula, Budget Officer/Purchasing Agent has advised that an amendment to the 2024 Budget, a transfer of funds, and the creation of a project will be necessary to complete the purchase; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby approves the above described purchase; and, be it further

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, amend the budget, and create a project in the 2024 Budget:

**Transfer:** (Project SH02-3)

\$5,531.53 From: A3110.41000-081, Sheriff, Ammunition  
To: A3189.41000, Bullet Proof Vest Grant, Supplies

**Amend:** (Project SH02-3)

A3189.3389V, Bullet Proof Vest Grant, State Aid From: \$0  
To: \$2,500

A3189.4389C, Bullet Proof Vest Grant, Federal Aid From: \$0  
To: \$1,500

A3189.41000, Bullet Proof Vest Grant, Supplies From: \$5,531.53  
To: \$9,531.53

and, be it further

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

Dated: May 15, 2024.

On motion of Mr. Keeler, seconded by Mr. Beach, Report and Resolution No. 166 sponsored by the Committee on Ways & Means amending 2024 Budget was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brewer, Shaw (2).



**HERKIMER COUNTY LEGISLATURE**

No. 166

**REPORT AND RESOLUTION AMENDING 2024 BUDGET**

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

WHEREAS, by letter dated April 25, 2024 from Sheri A. Ferdula, Budget Officer, your Committee is advised that a budget amendment is necessary in the 2024 Budget in Employment and Training for Trade Adjustment Assistance; now, therefore, be it

RESOLVED: that the 2024 Herkimer County Budget is amended as follows:

**REVENUE**

CD6295.4797, ET10-22, Trade Adjustment Assistance	From: \$201,000
	To: \$420,000

**EXPENSE**

CD6295.46000-712, ET 10-22, OJT	From: \$100,000
	To: \$300,000
CD6295.46000-734, ET 10-22, Supportive Services	From: \$500.00
	To: \$10,000
CD6295.46100-759, ET10-22, Mileage	From: \$500
	To: \$10,000

and, be it further

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

Dated: May 15, 2024.

On motion of Ms. Bennett, seconded by Mr. Weakley, Report and Resolution No. 167 sponsored by the Committee on Human Resources and the Committee on Ways & Means establishing construction budget for Children’s Center was handed up; discussion was held; and voted on.

For: Malta, Gaworecki, Hollum, Bennett, Keeler, Bick, Beach, Donley, Campione, Russell, Weakley (11).

Against: Schrader, Brezinski, Swartz, Ackerman (4).      Absent: Brewer, Shaw (2).

Discussion held during the vote required that the vote be retaken.

On motion of Ms. Bennett, seconded by Mr. Weakley, Report and Resolution No. 167 sponsored by the Committee on Human Resources and the Committee on Ways & Means establishing construction budget for Children’s Center was handed up; voted on; and adopted by roll call vote:

For: Malta, Gaworecki, Hollum, Bennett, Keeler, Bick, Beach, Donley, Campione, Russell, Weakley (11).

Against: Schrader, Brezinski, Swartz, Ackerman (4).

Absent: Brewer, Shaw (2).



## HERKIMER COUNTY LEGISLATURE

No. 167

### REPORT AND RESOLUTION ESTABLISHING CONSTRUCTION BUDGET FOR CHILDREN'S CENTER

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

WHEREAS, by letter dated April 25, 2024 from Sheri Ferdula, Budget Officer/  
Purchasing Agent, this Legislature is advised that revenues will be received from Empire State  
Development (\$1,400,000), Congresswoman Stefanik (\$2,750,000), Congressman Schumer  
(\$315,000), The Community Foundation (\$500,000), and \$50,000 from ARPA; and

WHEREAS, said letter further advises that a construction budget with applicable  
revenues and expenses will need to be established, as well as an appropriation of funds, transfers,  
and budget amendments; now, therefore, be it

RESOLVED, that budget transactions are approved as follows:

**Appropriate:**

\$1,485,000

From: A909, Fund Balance

To: H8989.40000, CC, Capital

**Transfer:**

\$50,000

From: A4089, Federal Aid, ARPA

To: H4097, Fed. Aid, Capital Project

\$50,000

From: A1989A.46000, ARPA, Miscellaneous

To: H8989.40000, CC Capital

**Amendments:**

H2389C, Other Home and Community

From: \$0

To: \$500,000 (Community Foundation)

H3097, Gen. Govt. Capital Project

From: \$0

To: \$1,400,000 (ESD/MVREDC)

H4097, Fed. Aid, Capital Project

From: \$550,000

To: \$3,615,000 (Schumer/Stefanik)

H8989.40000, CC Capital

From: \$2,035,000



To: \$7,000,000

and, be it further

RESOLVED, that all transactions should be booked under Project 31-1, Children’s Center; and, be it further

RESOLVED, the current budget is set at \$7,000,000, with adjustments to the fund balance appropriation amounts to be made once final bids and expenses have been established; and, be it further

RESOLVED, that the Treasurer is authorized to make any necessary adjustments to the interfund transfer accounts and to advance monies from the General Fund to Capital when necessary; and, be it further

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

Dated: May 15, 2024.

On motion of Mr. Keeler, seconded by Mr. Russell, Report and Resolution No. 168 sponsored by the Committee on Ways & Means authorizing purchase and transferring funds was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brewer, Shaw (2).



**HERKIMER COUNTY LEGISLATURE**

No. 168

**REPORT AND RESOLUTION AUTHORIZING PURCHASE AND TRANSFERRING FUNDS**

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

WHEREAS, Resolution No. 265 of 2021 appropriated funds in the amount of \$399,508 for the purchase of a new financial system; and

WHEREAS, by letter dated April 26, 2024 from Sheri Ferdula, Budget Officer/ Purchasing Agent, this Legislature is advised of a request to purchase the Munis Financial Solution from Tyler Technologies; and

WHEREAS, the cost of the new system will be \$621,721, with an additional \$28,770 for travel expenses, and the yearly maintenance for years one through three will be \$246,140 per year; and

WHEREAS, an additional transfer of funds from ARPA for the balance is necessary; now, therefore, be it

RESOLVED, that the above described purchase of the Munis Financial Solution from Tyler Technologies in the amount of \$621,721, with an additional \$28,770 for travel expenses, and yearly maintenance for years one through three at \$246,140 per year is approved; and, be it further

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized and directed to transfer the funds as follows:

\$989,403	From: A1989A.46000, ARPA Miscellaneous
	To: A1325A.44000, Treasurer ARPA, Contracted Services
\$989,403	From: A4089, Federal Aid, ARP Funding
	To: A1325A.4089A, Treasurer ARP

and, be it further

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

Dated: May 15, 2024.

On motion of Mr. Gaworecki, seconded by Mr. Schrader, Report and Resolution No. 169 sponsored by the Committee on County Properties authorizing the Herkimer County Treasurer, on behalf of Herkimer County to re-commence and/or commence In Rem tax foreclosure proceedings against a parcel pursuant to Real Property Tax Law and authorizing the commencement of an action to obtain temporary incidents of ownership pursuant to the provisions of Environmental Conservation Law Article 56 to conduct Environmental Restoration Investigations was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brewer, Shaw (2).



## HERKIMER COUNTY LEGISLATURE

No. 169

**REPORT AND RESOLUTION AUTHORIZING THE HERKIMER COUNTY TREASURER ON BEHALF OF HERKIMER COUNTY TO RE-COMMENCE AND/OR COMMENCE IN REM TAX FORECLOSURE PROCEEDINGS AGAINST A PARCEL**

**PURSUANT TO REAL PROPERTY TAX LAW AND AUTHORIZING THE COMMENCEMENT OF AN ACTION TO OBTAIN TEMPORARY INCIDENTS OF OWNERSHIP PURSUANT TO THE PROVISIONS OF ENVIRONMENTAL CONSERVATION LAW ARTICLE 56 TO CONDUCT ENVIRONMENTAL RESTORATION INVESTIGATIONS**

**Sponsored by: Committee on County Properties**

WHEREAS, the premises known as Tax Map Parcel No. 120.25-1-38 in the Village of Herkimer was the subject of the In Rem proceedings brought by the County of Herkimer for the tax year 2013; and

WHEREAS, the County Properties Committee has recommended that the Herkimer County Attorney and the Herkimer County Treasurer on behalf of Herkimer County re-commence and/or commence an In Rem Tax Foreclosure against the above parcel as set forth below pursuant to the provisions of Article 11 of the Real Property Tax Law and within those proceedings seek to obtain temporary incidents of ownership pursuant to Environmental Conservation Law Article 56 of the aforementioned premises known as Tax Map Parcel No. 120.25-1-38 known as 131 North Main Street, Herkimer, New York, with owner of record of said premises being Herkimer Suites, LLC; and

WHEREAS, in order to gain access to the aforementioned tax parcel for the purposes of conducting environmental restoration investigations, the County Attorney is requesting authority to re-commence and/or commence In Rem Tax Foreclosure proceedings in the appropriate Herkimer County Court and authority to seek to obtain temporary incidents of ownership of the aforementioned parcel; now, therefore, be it

RESOLVED, the County Attorney and the County Treasurer are authorized to re-commence and/or commence In Rem Tax Foreclosure proceedings against the above parcel pursuant to RPTL Article 11 and within those proceedings seek to obtain temporary incidents of ownership of the above parcel for the purposes of conducting an environmental restoration investigation pursuant to the provisions of ECL Article 56; and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature is authorized to enter into an agreement with the Herkimer County Industrial Development Agency [hereafter "IDA"] who will retain appropriate environmental firms to conduct environmental restoration investigations pursuant to ECL Article 56, with said agreement to further provide that the cost of such environmental restoration investigations to be paid for by the IDA; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Auditor, County Property Agent, Herkimer County Industrial Development Agency, and the Village of Herkimer.

Dated: May 15, 2024.

On motion of Ms. Bennett, seconded by Mr. Ackerman, Report and Resolution No. 170 sponsored by the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means authorizing contract with Herkimer County Landbank Corporation was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brewer, Shaw (2).



## HERKIMER COUNTY LEGISLATURE

No. 170

### REPORT AND RESOLUTION AUTHORIZING CONTRACT WITH HERKIMER COUNTY LANDBANK CORPORATION

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

WHEREAS, by letter dated May 7, 2024 from James W. Wallace, Jr., County Administrator, this Legislature is advised of a request to enter into a contract with the Herkimer County Landbank Corporation; now, therefore, be it

RESOLVED, that this authorizes an agreement between Herkimer County and the Herkimer County Landbank Corporation, subject to the approval of the County Attorney and signature of the Herkimer County Chairman, with funding set at \$269,275 for the 2024 calendar year; and, be it further

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

Dated: May 15, 2024.

On motion of Mr. Campione, seconded by Mr. Swartz, Report and Resolution No. 171 sponsored by the Committee on Natural Resources and the Committee on Ways & Means authorizing Chairman to sign Round 4 Septic System Replacement Program Grant was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brewer, Shaw (2).



## HERKIMER COUNTY LEGISLATURE

No. 171

**REPORT AND RESOLUTION AUTHORIZING CHAIRMAN TO SIGN ROUND 4 SEPTIC SYSTEM REPLACEMENT PROGRAM GRANT**

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

WHEREAS, by letter dated May 7, 2024 from James W. Wallace, Jr., County Administrator, this Legislature is advised of a request to authorize the Chairman to sign the Round 4 Septic System Replacement Program grant agreement with New York State; and

WHEREAS, this program will allow Herkimer County up to \$75,000 to be used incrementally up to \$5,000 in matching grants for septic systems that meet the guidelines along the water bodies in the attachment; now, therefore, be it

RESOLVED, that this authorizes the Chairman of the Legislature to sign the Round 4 Septic System Replacement Program grant agreement with New York State to allow up to \$75,000 to be used incrementally up to \$5,000 in matching grants for septic systems that meet the guidelines along the water bodies in the attachment; 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: May 15, 2024.

On motion of Mr. Campione, seconded by Mr. Bick, Resolution No. 172 sponsored by the Committee on County Properties and the Committee on Ways & Means authorizing the County of Herkimer to enter into an agreement with the Herkimer County Industrial Development Agency concerning provision of certain administrative services to the County was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brewer, Shaw (2).



**HERKIMER COUNTY LEGISLATURE**

No. 172

**RESOLUTION AUTHORIZING THE COUNTY OF HERKIMER TO ENTER INTO AN AGREEMENT WITH THE HERKIMER COUNTY INDUSTRIAL DEVELOPMENT AGENCY CONCERNING PROVISION OF CERTAIN ADMINISTRATIVE SERVICES TO THE COUNTY**

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

WHEREAS, the County of Herkimer has taken title to certain real property at 4360 Acme Road known as Tax Map Parcels No. 119.27-1-13 and 14 in the Town of Frankfort, and the County further intends to take title to adjoining premises known as Tax Map Parcel No. 119.27-1-15 in the Town of Frankfort; and

WHEREAS, the County of Herkimer and the New York State Environmental Protection and Spill Compensation Fund of the Office of the New York State Comptroller, have entered into an Agreement Regarding Tax Foreclosure Sale (hereafter “Agreement”), dated April 3, 2024 concerning Tax Parcels Nos. 119.27-1-13 and 119.27-1-14, with said Agreement setting forth specific responsibilities of the County in reference to initial site preparatory obligations prior to potential remedial action; and

WHEREAS, the Herkimer County Industrial Development Agency (IDA) has the ability to provide administrative services to the County in the County’s completion of necessary preparatory activities as required by the above Agreement; now, therefore, be it

RESOLVED, that the Chairman of the County Legislature is authorized to execute an agreement with the IDA to provide administrative services to the County in the performance of the County’s obligations with respect to the Property as identified in the Agreement, including completion of grant application(s) to the Mohawk Valley Economic Development Growth Enterprises Corporation and/or any other grant opportunities, remediation and redevelopment of the above parcels, administration on behalf of the County of any grant funds received, working with consultant(s) and/or contractor(s) to complete work required under the above Agreement, obtaining necessary permits and licenses and assisting the County with compliance with all applicable laws, codes ordinances and regulations, with said agreement being subject to the approval of the County Attorney; and, be it further

RESOLVED, that the services of the IDA shall be at no cost to the County; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Auditor, County Property Agent, Herkimer County Industrial Development Agency, and the Village of Frankfort.

Dated: May 15, 2024.

On motion of Mr. Ackerman, seconded by all, Resolution No. 173 In Memoriam of Frederick J. Shaw, Jr. was handed up; discussion was held; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Brewer, Shaw (2).



## HERKIMER COUNTY LEGISLATURE

No. 173

### IN MEMORIAM

**WHEREAS,** *Frederick J. Shaw, Jr., departed this life on May 2, 2024; and*

**WHEREAS,** *Frederick J. Shaw, Jr., was an outstanding citizen, devoted husband, Father, grandfather, and great-grandfather; and*

**WHEREAS,** *Frederick J. Shaw, Jr. served with distinction as a member of the Herkimer County Legislature, representing District 16 from 2008 until his passing; he served on many committees and was the Chairman of the Natural Resources Committee from 2012 through 2017, and the Chairman of the Human Resources Committee from 2018 through 2021, where he presided with fairness and integrity; and*

**WHEREAS,** *Frederick J. Shaw, Jr. was a community-minded person who gave his time and talents as an active unionist with the National Farmers Organization for twenty years; and*

**WHEREAS,** *The County of Herkimer and its residents have sustained a great loss with the passing of this dedicated public servant and citizen; now, therefore, be it*

**RESOLVED,** *That the County Legislature does hereby express its deepest regrets at the decease of Frederick J. Shaw, Jr., and hope that this expression of remembrance may in some manner help console his family in their bereavement; and, be it further*

**RESOLVED,** *That a copy of this Resolution be sent to the family of Frederick J. Shaw, Jr., and that an additional copy be spread upon the minutes of this meeting.*

**Dated: May 15, 2024.**

Mr. Wallace and Members of the Legislature shared memories and stories of Mr. Shaw.

Chairman Hollum stated that pursuant to Rule 6(12) they would proceed with comments by Legislators. There were no comments.

At 7:18 p.m. on motion of Mr. Malta, seconded by Mr. Campione, the Legislature adjourned to Wednesday, June 12, 2024 at 7:00 p.m.

Brittney R. Viscomi, Clerk