

**MINUTES**  
**Herkimer County Legislature**  
**Third Quarter – Third Day**  
**Wednesday, August 12, 2020**  
**7:00 p.m.**

**Public Hearing**

The Public Hearing on the 2020-2021 tentative Herkimer County Community College Budget was called to order at 6:15 p.m. by Peter F. Manno, Chairman of the Committee on Education. The Clerk read the Notice. There were no speakers and the hearing was declared closed at 6:16 p.m.

**NOTICE OF HEARING**  
**ON TENTATIVE COLLEGE BUDGET**

**NOTICE IS HEREBY GIVEN** that the County Legislature of the County of Herkimer, New York, will hold a public hearing on the tentative budget of Herkimer County Community College for the fiscal year September 1, 2020 through August 31, 2021. The Public Hearing will be held on Wednesday, August 12, 2020 at 6:15 p.m., via teleconference: Phone Number: 1-978-990-5000, Access Code: 548560.

**FURTHER NOTICE IS HEREBY GIVEN** that copies of said tentative budget are available at the office of the Clerk of the Herkimer County Legislature, 109 Mary Street, Suite 1310, Herkimer, New York, where they may be procured by any interested person during business hours.

By Order of the Herkimer County Legislature.

Dated: 8/5/20.

Brittney R. Viscomi, Clerk

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

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

Chairman Bono lead the Legislature in the Pledge of Allegiance.

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

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

Present: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (17).

Absent: None.

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

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Bono asked if there were any objections or corrections to the minutes of July 1, 2020 or July 21, 2020. There were none, and the Chairman ordered them approved.

Chairman Bono: "I just wanted to make a quick comment before we get going. For those of you that tried to call into our 5:30 committee meeting, that meeting was rescheduled for down the road. We had some last minute information for that meeting and there was a change of plans there. So we postponed that to a later date."

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

No. 254 – A communication was received from Capital District OTB submitting financial report for January 2020. Filed.

No. 255 – A communication was received from Capital District OTB submitting financial report for February 2020. Filed.

No. 256 – A communication was received from Capital District OTB submitting financial report for March 2020. Filed.

No. 257 – A communication was received from the State Parks, Recreation and Historic Preservation advising of Hildreth Homestead being listed on National Register. Filed.

No. 258 – A communication was received from Fulton County submitting resolution requesting APA to change policy for siting of telecommunications towers. Filed.

No. 259 – A communication was received from the Executive Director of the Historical Society expressing appreciation for County's allocation. Filed.

No. 260 – A communication was received from the Soil and Water Conservation District submitting notice of meeting. Filed.

No. 261 – A communication was received from Congressman Anthony Brindisi submitting acknowledgement of Herkimer County's concern of the recent bail reform laws in NYS. Filed.

No. 262 – A communication was received from Congressman Anthony Brindisi acknowledging receipt of June 10, 2020 Resolution. Filed.

No. 263 – A communication was received from Senator Tedisco and Senator Seward submitting letter to Governor Cuomo regarding the opening of Enchanted Forest Water Safari. Filed.

No. 264 – A communication was received from the Director of Real Property submitting renewal contract for the Town of Stark. Filed.

No. 265 – A communication was received from the Herkimer County IDA submitting notice of Public Hearing. Filed.

No. 266 – A communication was received from the Sheriff submitting corrected November 2019 Sheriff Report. Referred to the Committee on Public Safety & Emergency Management.

No. 267 – A communication was received from the Senior VP for Administration & Finance of HCCC submitting Resolution adopting 2020-2021 Proposed College Operating Budget. Referred to the Committee on Education and the Committee on Ways & Means.

No. 268 – A communication was received from the County Treasurer requesting advance of funds to the County Road Fund. Referred to the Committee on Highways and the Committee on Ways & Means.

No. 269 – A communication was received from the Budget Officer/Purchasing Agent submitting recommendation for award of bid for installation of a concrete shelter. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 270 – A communication was received from the Personnel Officer requesting adoption of the 2021 Herkimer County Self-Insured Plan Budget. Referred to the Committee on Ways & Means.

No. 271 – A communication was received from the Executive Director of the Chamber of Commerce – Recommending appointment and reappointments to Workforce Development Board. Referred to the Committee on County Planning & Development.

No. 272 – A communication was received from the Sewer District submitting Resolution for Legislature approval. Referred to the Committee on Natural Resources and the Committee on Ways & Means.

No. 273 – A communication was received from the Highway Superintendent requesting 2020/2021 Capital Construction Projects. Referred to the Committee on Highways.

No. 274 – A communication was received from the Budget Officer/Purchasing Agent requesting transfers of funds in the Sheriff's Department for the purchase of a license plate reader/speed trailer. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 275 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in OFA. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 276 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer in OFA for purchase of a van. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 277 – A communication was received from the Budget Officer/Purchasing Agent requesting accepting additional funds and a Budget amendment in OFA. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 278 – A communication was received from the Commissioner of DSS requesting MOU with Office for the Aging for Administration of HEAP Services. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 279 – A communication was received from the Commissioner of DSS requesting renewal of contract with Catholic Charities for the provision of services under the TREATY Program. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 280 – A communication was received from the Budget Officer/Purchasing Agent requesting to renew grant and amend budget in Public Health. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 281 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer in Public Health. Referred to the Committee on Ways & Means.

No. 282 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer. Referred to the Committee on Ways & Means.

No. 283 – A communication was received from the Personnel Officer requesting to extend temporary position in Emergency Services. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 284 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in connection with grant in Emergency Services. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 285 – A communication was received from the Highway Superintendent requesting purchase of AfterTreatment One Box. Referred to the Committee on Highways and the Committee on Ways & Means.

No. 286 – A communication was received from the Commissioners of Elections requesting Village of Ilion to use voting machines. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 287 – A communication was received from the Highway Superintendent requesting authorization to replace culvert pipe in Town of Webb. Referred to the Committee on Highways.

No. 288 – A communication was received from the Highway Superintendent requesting payment of professional license for Deputy Highway Superintendent. Referred to the Committee on Highways.

No. 289 – A communication was received from HCCC submitting proposed operating budget overview. Referred to the Committee on Education and the Committee on Ways & Means.

No. 290 – A communication was received from the Budget Officer/Purchasing Agent requesting to award bid for snow plowing contract for the new correctional facility. Referred to the Committee on County Properties and the Committee on Ways & Means.

No. 291 – A communication was received from the Personnel Officer requesting amendment to Administrative Services Contract with Excellus Health Plan. Referred to the Committee on Ways & Means.

No. 292 – A communication was received from the Sheriff requesting amendment to the inmate telephone services agreement. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 293 – A communication was received from the Highway Superintendent requesting contract for Invasive Species Control. Referred to the Committee on Highways and the Committee on Ways & Means.

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

Legislator Manno: “We had an Education meeting last week, we went over the Herkimer County Community College budget and we passed it unanimously.”

The Chairman continued with the Regular Agenda.

On motion of Mr. Manno, seconded by Mr. Gaworecki, Report and Resolution No.184 sponsored by the Committee Education and the Committee on Ways & Means relative to the adoption of the Herkimer County Community College Budget was handed up; discussion was held; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

Legislator Manno: “There is no increase in the amount that the County is contributing, that is remaining flat.”

Chairman Bono: “Correct.”

On motion of Mr. Smith, seconded by Mr. Ackerman, Report and Resolution No. 185 sponsored by the Committee on Highways and the Committee on Ways and Means authorizing advance of funds to the County Road Fund was handed up; voted on and adopted by voice vote:

For: Ayes (17).                      Against: None.                      Absent: None.

On motion of Mr. Ackerman, seconded by Mr. Schrader, Report and Resolution No. 186 sponsored by the Committee on Highways approving projects under Article 6, Section 116 of the Highway Law was handed up; voted on and adopted by voice vote:

For: Ayes (17).                      Against: None.                      Absent: None.

On motion of Mr. Campione, seconded by Mr. Gaworecki, Report and Resolution No. 187 sponsored by the Committee on Highways and the Committee on Ways & Means authorizing agreement with Herkimer County Soil and Water Conservation District for invasive species control was handed up; voted on and adopted by voice vote:

For: Ayes (17).                      Against: None.                      Absent: None.

On motion of Mr. Hollum, seconded by Mr. Stephens, Report and Resolution No. 188 sponsored by the Committee on Administration/Veterans’ Affairs and the Committee on Ways & Means authorizing use of voting machines and equipment by the Village of Ilion was handed up; voted on and adopted by voice vote:

For: Ayes (17).                      Against: None.                      Absent: None.

On motion of Mr. Russell, seconded by Mr. Ackerman, Report and Resolution No. 189 sponsored by the Committee on Ways & Means authorizing transfer of funds was handed up; voted on and adopted by voice vote:

For: Ayes (17).                      Against: None.                      Absent: None.

On motion of Mr. Stephens, seconded by Mr. Gaworecki, Report and Resolution No. 190 sponsored by the Committee on Ways & Means authorizing transfer of funds in the Public Health Department was handed up; voted on and adopted by voice vote:

For: Ayes (17).                      Against: None.                      Absent: None.

On motion of Mr. Schrader, seconded by Mr. Malta, Report and Resolution No. 191 sponsored by the Committee on Human Resources and the Committee on Ways & Means

amending budget and authorizing contract in connection with receipt of grant funding for Public Health Emergency Preparedness was handed up; voted on and adopted by voice vote:

For: Ayes (17).                      Against: None.                      Absent: None.

On motion of Mr. Russell, seconded by Mr. Ackerman, Report and Resolution No. 192 sponsored by the Committee on Ways & Means approving 2021 annual estimate and apportionment for the Herkimer County Workers' Compensation Self-Insured Plan was handed up; voted on and adopted by voice vote:

For: Ayes (17).                      Against: None.                      Absent: None.

On motion of Mr. Russell, seconded by Mr. Gaworecki, Report and Resolution No. 193 sponsored by the Committee on Ways & Means amending Resolution No. 386 of 2018 concerning contract with Excellus Health Plan, Inc. for administrative services was handed up; voted on and adopted by voice vote:

For: Ayes (17).                      Against: None.                      Absent: None.

On motion of Mr. Campione, seconded by Mr. Brezinski, Report and Resolution No. 194 sponsored by the Committee on Natural Resources and the Committee on Ways & Means authorizing an agreement to assist the Herkimer County Sewer District in soliciting bids was handed up; voted on and adopted by voice vote:

For: Ayes (17).                      Against: None.                      Absent: None.

On motion of Mr. Gaworecki, seconded by Mr. Ackerman, Report and Resolution No. 195 sponsored by the Committee on County Planning & Development concerning membership on the Workforce Development Board was handed up; voted on and adopted by voice vote:

For: Ayes (17).                      Against: None.                      Absent: None.

On motion of Mr. Schrader, seconded by Mr. Malta, Report and Resolution No. 196 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing accepting additional funding, establishing account and amending budget for Respite Services under the Unmet Needs Funding Program was handed up; voted on and adopted by voice vote:

For: Ayes (17).                      Against: None.                      Absent: None.

On motion of Mr. Ackerman, seconded by Mr. Campione, Report and Resolution No. 197 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing purchase of handicapped accessible van for Office for the Aging and transferring funds was handed up; voted on and adopted by voice vote:

For: Ayes (17).                      Against: None.                      Absent: None.

On motion of Mr. Schrader, seconded by Mr. Gaworecki, Report and Resolution No. 198 sponsored by the Committee on Human Resources and the Committee on Ways & Means accepting funding for the Coronavirus Aid Relief, and Economic Security (CARES) Act, creating accounts and amending the budget in Office for the Aging was handed up; voted on and adopted by voice vote:

For: Ayes (17).                      Against: None.                      Absent: None.

On motion of Mr. Shaw, seconded by Mr. Stephens, Report and Resolution No. 199 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing Memorandum of Understanding between the Herkimer County Department of Social Services and the Herkimer County Office for the Aging for Home Energy Assistance Program Services was handed up; voted on and adopted by voice vote:

For: Ayes (17).                      Against: None.                      Absent: None.

On motion of Mr. Shaw, seconded by Mr. Johnson, Report and Resolution No. 200 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing extension of contract with Catholic Charities of Herkimer County and the Department of Social Services for a Youth Violence Prevention Program for schools in Herkimer County was handed up; voted on and adopted by voice vote:

For: Ayes (17).                      Against: None.                      Absent: None.

On motion of Mr. Stephens, seconded by Mr. Malta, Report and Resolution No. 201 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means amending Resolution No. 114 of 2020 to extend temporary part time position in Emergency Services was handed up; discussion was held; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (17).

Against: None.                      Absent: None.

Legislator Stephens: "I just wanted to point out Mr. Chairman that this is funded through a grant which was received from our Director of Emergency Services."

On motion of Mr. Campione, seconded by Mr. Gaworecki, Report and Resolution No. 202 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means awarding bid for installation of a concrete equipment shelter was handed up; voted on and adopted by voice vote:

For: Ayes (17).                      Against: None.                      Absent: None.



On motion of Mr. Ackerman, seconded by Mr. Schrader, Report and Resolution No. 203 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means accepting grant, creating account, creating project, and amending the budget in Emergency Services was handed up; voted on and adopted by voice vote:

For: Ayes (17).                      Against: None.                      Absent: None.

On motion of Mr. Stephens, seconded by Mr. Malta, Report and Resolution No. 204 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means approving purchase of a license plate reader/speed trailer in Sheriff's Department and transferring funds was handed up; discussion was held; voted on and adopted by voice vote:

For: Ayes (17).                      Against: None.                      Absent: None.

Legislator Russell: "I was just curious, why do we need this?"

Sheriff Scherer: "Back in 2017 when Sheriff Farber was in office, we received Homeland Security money through the Federal Government that had to be used towards terrorism. We came up with a license plate reader (LPR) for any missing children or terrorists. This is 100% paid for by the Federal Government using these funds that were allocated for this back in 2017."

Legislator Russell: "Is it one unit?"

Sheriff Scherer: "That is correct, it is one unit. It is Wi-Fi connected and reports back to a computer live time if a car goes by and it is a wanted car, a terrorism suspect, or a missing child, so forth."

Legislator Gaworecki: "Will this issue speeding tickets?"

Sheriff Scherer: "It will not issue speeding tickets. It will give the speed that they are going, but the LPR part of it is what made it apply for the Homeland Security funds because it is a terrorist lookout for vehicles. It gives live feedback time if someone is looking for that vehicle that it just went by a certain location. They are used in border patrol a lot, and some other counties have one or two."

On motion of Mr. Stephens, seconded by Mr. Gaworecki, Report and Resolution No. 205 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means authorizing an amendment to agreement with Global Tel\*Link was handed up; voted on and adopted by voice vote:

For: Ayes (17).                      Against: None.                      Absent: None.

On motion of Mr. Hollum, seconded by Mr. Brezinski, Resolution No. 206 sponsored by the Committee on Administration/Veterans' Affairs recommending actions to strengthen the

Clean Drained and Dry Aquatic Invasive Species (AIS) Spread Prevention was handed up; voted on and adopted by voice vote:

For: Ayes (17).                      Against: None.                      Absent: None.

On motion of Mr. Weakley, seconded by Mr. Hollum, Resolution No. 207 sponsored by the Committee on Administration/Veterans' Affairs requesting review and change of APA policy on agency review of proposals for new telecommunications towers and other tall structures in the Adirondack Park was handed up; voted on and adopted by voice vote:

For: Ayes (17).                      Against: None.                      Absent: None.

On motion of Mr. Russell, seconded by Mr. Shaw, Resolution No. 208 sponsored by the Committee on Ways & Means extending the rate of taxes on sales and uses of tangible personal property and of certain services, and on occupancy of hotel rooms and amusement charges, pursuant to Article 29 of the Tax Law of the State of New York was handed up; voted on and adopted roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (17).

Against: None.                      Absent: None.

On motion of Mr. Ackerman, seconded by Mr. Stephens, Resolution No. 209 sponsored by the Committee on Ways & Means approving standard work day and retirement reporting for elected and appointed officials was handed up; voted on and adopted by voice vote:

For: Ayes (17).                      Against: None.                      Absent: None.

On motion of Mr. Stephens, seconded by Mr. Brezinski, Resolution No. 210 In Memoriam of Victor B. "Vic" Norman, former Herkimer County Legislator and former Herkimer County Administrator, was handed up; discussion was held; voted on and adopted by voice vote:

For: Ayes (17).                      Against: None.                      Absent: None.

Legislator Brezinski: "I'd like to say a couple of words. Those were the days and I can tell you he was a total gentleman."

Chairman Bono: "I agree."

Legislator Johnson: "Just to go off of what Mr. Brezinski said, he was a gentleman, always friendly, always had the time to speak with you. He lived in my district. He was a great man, he will be missed."

Chairman Bono: "Thank you. Our prayers and condolences to his family."

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

Legislator Russell: “Do we know when we are going to be able to go into regular meetings?”

Jim Wallace: “It is extended through September 4<sup>th</sup>.”

Legislator Russell: “But that means it can be extended again.”

Chairman Bono: “I think when September comes, with the kids going back to school, I think you are going to get a good feel if this will be extended or not. If there are hiccups there, you will probably see an extension.”

Legislator Russell: “If they don’t extend it, is there any way that our people can still do it via teleconference?”

Chairman Bono: “I don’t believe so.”

Legislator Russell: “What would have to change to be able to do that?”

Chairman Bono: “I will ask our County Attorney.”

Lorraine Lewandrowski: “Yeah I would have to research that Mr. Russell to see if we could, maybe we could adopt a resolution or something to allow that.”

Legislator Russell: “I was just wondering, I worry about some of us coming in.”

Chairman Bono: “That is definitely a concern. I think they are writing this as it goes. Again, I think September is going to be critical to see how the schools are handled and that will give you a good feel on it.”

Legislator Schrader: “I just want to thank the Legislature for supporting the food giveaway. People are really appreciating that as well as the masks that the 911 center is donating and the hand sanitizer at the last one. It was a great event. We are having another one August 26 at the College, it will start at 11:00. We have about 2,400 pounds of produce and about 5,000 gallons of milk.”

Chairman Bono: “While you are at it, I would like to thank you and Mr. Donley and the other Legislators who took part in all of these.”

Legislator Schrader: “Yes and I want to thank everybody that showed up and all the volunteers.”

Legislator Russell: “I did find a person who has a refrigerated truck.”

Legislator Schrader: “Perfect, just be down there and we will hook you up.”

Chairman Bono: “We do have our department heads that are at our weekly COVID meeting on the line. Are there any questions for those department heads that are dealing with this, any comments you may have about the pandemic and what is going on? Our numbers seem to be stable right now. We’re getting a lot of numbers out of the nursing home. Out of the 35 active, probably 60% of those or so are out of the nursing home. The 15 remaining, one or two of those are singles, the rest are family settings, so it is pretty much contained within those family units and nursing homes. To say it is out in the general public, obviously it is out there, it is hidden well. Some people are asymptomatic. We are still treating it as it is everywhere. Certainly we are not going to let our guard down. Jim and I are on daily conference calls with the Governor’s control meeting. We get the same answers, we are making progress in some areas and for the most part its wait and see.”

Legislator Gaworecki: “Any word on when gyms can open?”

Chairman Bono: “Gyms don’t look like they are going to open any time soon. Neither are movie theaters or anything like that. There are still questions on weddings and things. The 50 rule is going to stay on any event, not just weddings. Those lawsuits were specific to those events, those specific weddings. It did not blanket all weddings. There were two weddings that were challenged and they won but that doesn’t mean that everybody can have a wedding or an event with over 50 people.”

Jim Wallace: “The Governor’s office is also appealing that just so you guys know.”

Chairman Bono: “We understand your frustration and the businesses, what they are going through. Enchanted Forest is obviously closed because of that and still have not received an official closing from the state, even though we asked for that.”

Legislator Ackerman: “Where does that leave us with the contract for the bus?”

Jim Wallace: “They were great. There was no pushback or anything.”

Legislator Russell: “I just wanted to thank you and Jim and everybody else that have been on those phone calls. I know it has been relentless for the past few months.”

Chairman Bono: “I appreciate that it is part of the job, we are getting through. We are getting used to it.”

Legislator Russell: “I don’t think people realize how many phone calls you make on a daily basis.”

Chairman Bono: “Yes we are dealing with it. If anyone on the phone has any questions regarding health issues or reporting or anything you can call the Public Health Department. The

number is 315-867-1176. You can call that number and that department will help you with any questions you may have.”

At 7:32 p.m. on motion of Mr. Manno, seconded by Mr. Stephens, the Legislature adjourned to Wednesday, September 16, 2020 at 7:00 p.m.

Brittney R. Viscomi, Clerk



## HERKIMER COUNTY LEGISLATURE

No. 184

### **REPORT AND RESOLUTION RELATIVE TO THE ADOPTION OF THE HERKIMER COUNTY COMMUNITY COLLEGE BUDGET**

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

WHEREAS, the Herkimer County Legislature, having conducted a Public Hearing on the tentative budget of the Herkimer County Community College on August 12, 2020, and after hearing all parties concerning the same; now, therefore be it

RESOLVED, that the tentative budget of the Herkimer County Community College, for the year 2020-2021, in the total amount of \$22,981,578, of which the contribution of the County of Herkimer is \$1,830,612, be adopted; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, and President and Senior Vice President for Administration and Finance at Herkimer County Community College.

Dated: August 12, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 185

### REPORT AND RESOLUTION AUTHORIZING ADVANCE OF FUNDS TO THE COUNTY ROAD FUND

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

WHEREAS, by letter dated June 17, 2020, Kimberlee Enea, Herkimer County Treasurer, has advised that New York State has changed the procedure by which they process reimbursement for the CHIPS, Pave-NY and Extreme Winter Recovery (EWR) projects back to the County Highway Department, and further requests advance of funds as needed from the General Fund to the County Road Fund, with General Fund reimbursement being made as funds are received from New York State; now, therefore, be it

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized to advance up to \$4,000,000 as needed, from A200-ADK, General Fund to D200, County Road Fund; and, be it further

RESOLVED, that any funds advanced shall be repaid to the General Fund before accounts are closed for the fiscal year; and, be it further

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

Dated: August 12, 2020.



# HERKIMER COUNTY LEGISLATURE

No. 186

## REPORT AND RESOLUTION APPROVING PROJECTS UNDER ARTICLE 6, SECTION 116 OF THE HIGHWAY LAW

**Sponsored by: Committee on Highways**

WHEREAS, your Committee on Highways, to which was referred the letter of Mark Nagele, County Superintendent of Highways, dated November 20, 2019, submitting three copies each of statements under Article 6 of the Highway Law designating work to be done with County Road Fund monies during the years 2020/2021 covering three projects involved in the Capital Construction Program, respectfully reports that we have examined said statements contained in said communication from and signed by the County Superintendent of Highways, recommend its adoption and offer the following Resolution:

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

PROJECT NO.	ROAD/LOCATION	TYPE OF PROJECT	ESTIMATED CONSTRUCTION COST
402	Hopson Road, CR164 BIN3308050 Over Spruce Creek, Town of Salisbury	Bridge Replacement	\$1,500,000.00
403	White Creek Road, CR60 Along White Creek, Town of Newport	Bank Stabilization	\$400,000.00
404	Cook Hill Road, CR87 Town of Newport	Bank Stabilization	\$250,000.00
405	Emmonsburg Road, CR130, Town of Salisbury	Bank Armoring	\$300,000.00
406	Chepachet Road, CR75 and CR177, Town of Winfield	Pavement Overlay	\$350,000.00
407	Fisher Road, CR 73 and CR 112, Town of Ohio/Russia	Reconstruction/ Rehabilitation	\$1,600,000.00
408	Black Creek Road, CR147 Town of Norway/Ohio	Reconstruction/ Rehabilitation	\$1,800,000.00
409	Summit Road, CR58, LC058-20 Newport Road, CR154, LC154-20, Town of Newport / Schuyler	Large Culvert Repair	\$600,000.00

and, be it further

RESOLVED, that these projects will be funded by FEMA, CHIPS, EWR, and PAVE-NY monies; and, be it further

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



Dated: August 12, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 187

### **REPORT AND RESOLUTION AUTHORIZING AGREEMENT WITH HERKIMER COUNTY SOIL AND WATER CONSERVATION DISTRICT FOR INVASIVE SPECIES CONTROL**

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

WHEREAS, by letter dated July 21, 2020, Mark A. Nagele, County Highway Superintendent, has requested an agreement with Herkimer County Soil and Water Conservation District for Invasive Species Control to assist the County in controlling Japanese Knotweed along the county road rights-of-way; and

WHEREAS, this agreement will be at no cost to the County and will be a one year contract which will renew automatically under the same terms and conditions; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to sign an agreement with Herkimer County Soil and Water Conservation District for Invasive Species Control to assist the County in controlling Japanese Knotweed along the county road rights-of-way; and, be it further

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

Dated: August 12, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 188

### REPORT AND RESOLUTION AUTHORIZING USE OF VOTING MACHINES AND EQUIPMENT BY THE VILLAGE OF ILION

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

WHEREAS, the New York State Election Law allows the use of county voting machines and equipment by municipalities; and

WHEREAS, by letter dated July 16, 2020 from Kim Tranter, Republican Election Commissioner and Anthony C. Fumarola, Democratic Election Commissioner, this Legislature is advised of a similar request from the Village of Ilion for use of county voting machines for upcoming village elections to be held on September 15, 2020; now, therefore, be it

RESOLVED, that the County hereby approves the use of county voting machines, privacy booths, equipment and personnel under the following terms:

1. The County will supply available voting machines, privacy booths if needed, equipment, and supplies for the machines at a cost of \$65 per machine; technicians at the rate of \$25 per hour each; training for village appointed personnel at the rate of \$25 per person and transportation of voting machines and privacy booths at the rate of \$350 per election; the County shall print and assemble poll books for the user upon the receipt of a timely request; and the County shall program the voting machines.
2. The Village of Ilion shall design, secure printing and pay for ballots and submit the final ballot to the County for testing of the machine in a timely manner; shall use election inspectors and coordinators already trained by the County or provide a list of candidates to be trained by the County no later than thirty days before the election; the Village of Ilion shall pay poll workers for their services; shall reimburse the County for all recoverable expenses including supplies, damage, parts and repairs; shall take all necessary steps to secure the voting machines; shall control all matters relating to the voting process on the day of the election, conduct the election and be responsible solely for the same; shall be responsible and liable for the care and custody of the voting machines and other supplies while they are in its possession; and shall be liable for any voting machine or equipment failure during the election and any cost incurred as a result of such failures; and, be it further

RESOLVED, that the Chairman of this Legislature is authorized to sign an agreement with the Village of Ilion containing the above terms and conditions, with final form of the contract to be subject to the approval of the County Attorney; and, be it further

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

Dated: August 12, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 189

### REPORT AND RESOLUTION AUTHORIZING TRANSFER OF FUNDS

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

WHEREAS, your Committee on Ways and Means, to which was referred a communication from Sheri A. Ferdula, Budget Officer/Purchasing Agent, dated June 19, 2020, submitting a request for a transfer of funds, reports that we have examined said communication, 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 2020 Budget:

\$20,112.27	From: A3150.10000-001, Jail, Salaries
	To: A1620.10000-001, Buildings, Salaries
\$6,200	From: A3150.81000, Jail, Retirement
	To: A1620.81000, Buildings, Retirement
\$1,246.96	From: A3150.83000, Jail, Social Security
	To: A1620.83000, Buildings, Social Security
\$291.62	From: A3150.83500, Jail, Medicare
	To: A1620.83500, Buildings, Medicare
\$11,415	From: A3150.86000, Jail, Health Insurance
	To: A1620.86000, Buildings, Health Insurance
\$452.52	From: A3150.86500, Jail, Dental
	To: A1620.86500, Buildings, Dental

and, be it further

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

Dated: August 12, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 190

### REPORT AND RESOLUTION AUTHORIZING TRANSFER OF FUNDS IN THE PUBLIC HEALTH DEPARTMENT

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

WHEREAS, your Committee on Ways and Means, to which was referred a communication from Sheri A. Ferdula, Budget Officer/Purchasing Agent, dated June 19, 2020, submitting a request for a transfer of funds, reports that we have examined said communication, 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 2020 Budget:

**Transfer:**

\$1,873.74            From: A4188.41000, PH01-17, Emergency Preparedness, Supplies  
                         To:    A4188.10000-001, PH01-17, Emergency Preparedness, Salaries

and, be it further

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

Dated: August 12, 2020.



# HERKIMER COUNTY LEGISLATURE

No. 191

## REPORT AND RESOLUTION AMENDING BUDGET AND AUTHORIZING CONTRACT IN CONNECTION WITH RECEIPT OF GRANT FUNDS FOR PUBLIC HEALTH EMERGENCY PREPAREDNESS

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

WHEREAS, by letter dated July 13, 2020, Christina Cain, Director of Public Health, has advised of receipt of a Public Health Emergency Preparedness Grant for the period from July 1, 2020 to June 30, 2021 in the amount of \$49,625 and requests a contract with the State of New York to provide reimbursement of expenses incurred by Herkimer County in the development of plans under said grant; and

WHEREAS, by letter dated July 13, 2020 from Sheri Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised of a request to amend the 2020 Operating Budget in connection with the receipt of said funding; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a contract with the State of New York for a Public Health Emergency Preparedness Grant for the period from July 1, 2020 to June 30, 2021 in the amount of \$49,625, to provide reimbursement for expenses incurred by Herkimer County in the development of a Public Health Emergency Preparedness Plan; and, be it further

RESOLVED, that the 2020 Herkimer County Budget is hereby amended as follows:

**REVENUE:**

A4188.4403-PH01-18	From: \$0
	To: \$49,625

**EXPENSE:**

A4188.10000-001-PH01-18, Bioterrorism Grant, Salaries	From: \$0
	To: \$24,410
A4188.41000-PH01-18, Bioterrorism Grant, Supplies	From: \$0
	To: \$5,851
A4188.46000-PH01-18, Bioterrorism Grant, Misc. Expense	From: \$0
	To: \$1,800
A4188.46100-PH01-18, Bioterrorism Grant, Mileage	From: \$0
	To: \$1,000
A4188.81000-PH01-18, Bioterrorism Grant, Retirement	From: \$0
	To: \$8,282
A4188.86000-PH01-18, Bioterrorism Grant, Health Insurance	To: \$0
	From: \$8,282

and, be it further

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

Dated: August 12, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 192

### **REPORT AND RESOLUTION APPROVING 2021 ANNUAL ESTIMATE AND APPORTIONMENT FOR THE HERKIMER COUNTY WORKERS' COMPENSATION SELF-INSURED PLAN**

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

WHEREAS, your Committee has received from Steven R. Billings, Personnel Officer, the 2021 Annual Estimate and Apportionment for the Herkimer County Workers' Compensation Self-Insured Plan for the purposes of tail claims run-off; and

WHEREAS, your Committee on Ways and Means has considered said Estimate and Apportionment and has approved the same; now, therefore, be it

RESOLVED, that this Legislature hereby approves the Annual Estimate and Apportionment of the Herkimer County Workers' Compensation Self-Insured Plan for the purposes of tail claims run-off for the year 2021; and, be it further

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

Dated: August 12, 2020.





## HERKIMER COUNTY LEGISLATURE

No. 193

### **REPORT AND RESOLUTION AMENDING RESOLUTION NO. 386 OF 2018 CONCERNING CONTRACT WITH EXCELLUS HEALTH PLAN, INC. FOR ADMINISTRATIVE SERVICES**

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

WHEREAS, Resolution No. 386 of 2018 authorized an Administrative Services Contract with Excellus Health Plan, Inc., 12 Rhoads Drive, Utica, New York 13502, for group health care benefits for officers and employees of the county in the amounts as listed above, to be effective January 1, 2019 through December 31, 2021; and

WHEREAS, by letter dated July 9, 2020, from Steven R. Billings, Personnel Officer, this Legislature is advised of a request for an amendment to the contract to add an RX Concierge Program to the Administrative Services Contract at a cost of \$1.75 per employee per month, which focuses on controlling prescription costs by driving appropriate utilization of medications; and

WHEREAS, letter further advises Excellus has guaranteed the County will experience claims savings at least equal to \$1.75 per employee per month and if the guarantee is not met, Excellus will reimburse the difference between the program fee and the actual program savings; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an Administrative Services Contract with Excellus Health Plan, Inc., 12 Rhoads Drive, Utica, New York 13502, for group health care benefits for officers and employees of the county in the amounts as listed above, to be effective January 1, 2019 through December 31, 2021; and, be it further

RESOLVED, that the above described Administrative Services Contract is amended to add an RX Concierge Program; and, be it further

RESOLVED, that in all other respects Resolution No. 386 of 2018 shall remain in full force and effect; and, be it further

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

Dated: August 12, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 194

### REPORT AND RESOLUTION AUTHORIZING AN AGREEMENT TO ASSIST THE HERKIMER COUNTY SEWER DISTRICT IN SOLICITING BIDS

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

WHEREAS, by letter dated July 16, 2020, this Legislature is advised that by action on July 15, 2020, the Herkimer County Sewer District Board adopted a Resolution for an agreement with GHD Consulting Services, Inc., to assist the Herkimer County Sewer District in soliciting bids for the hauling and beneficial reuse of biosolids, with the current agreement expiring in April, 2021; now, therefore, be it

RESOLVED, that an agreement be entered into with GHD Consulting Services, Inc. to assist the Herkimer County Sewer District in soliciting bids for the hauling and beneficial reuse of biosolids, for a cost of \$9,100; 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: August 12, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 195

### REPORT AND RESOLUTION CONCERNING MEMBERSHIP ON THE WORKFORCE DEVELOPMENT BOARD

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

WHEREAS, by letter dated July 27, 2020, the Herkimer County Chamber of Commerce has recommended reappointments and an appointment of representatives from the private business sector in Herkimer County to the Workforce Development Board; now, therefore, be it

RESOLVED, that the following individuals are hereby reappointed/appointed to the Workforce Development Board of Herkimer, Madison, and Oneida Counties as representatives from the private business sector of Herkimer County for the terms as listed:

Reappointment:

Robert Brenchley, Regional President  
Adirondack Bank  
214 N. Washington St.  
Herkimer, NY 13350  
Term: 7/1/2020-6/30/2023

Cheryl Zumbo, Client Manager  
Staffworks  
Herkimer Office – Herkimer Working Solutions Career Center  
320 North Prospect St.  
Herkimer, NY 13350  
Term: 7/1/2020 – 6/30/2023

Appointment:

Lisa Betrus, President  
Valley Health Services  
690 West German Street  
Herkimer, NY 13350  
Term: 9/1/2020 – 8/31/2023

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Director of Employment & Training, Chairman of the Workforce Development Board, Chairman of the Madison County Board of Supervisors, Oneida County Executive and the above listed appointees.

Dated: August 12, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 196

### REPORT AND RESOLUTION AUTHORIZING ACCEPTING ADDITIONAL FUNDING, ESTABLISHING ACCOUNT AND AMENDING BUDGET FOR RESPITE SERVICES UNDER THE UNMET NEEDS FUNDING PROGRAM

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

WHEREAS, by letter dated July 2, 2020 from Kathy L. Fox, Director of the Office for the Aging, this Legislature is advised of additional funds from carryover of unused funds for the Unmet Needs Funding Program; and

WHEREAS, Office for the Aging was unable to utilize all of the funds for this program as of March 31, 2020 and NYS Office for the Aging has allowed for a carryover of these funds until September 30, 2020; and

WHEREAS, by letter dated July 14, 2020, the Budget Officer has advised that it is necessary to amend the 2020 Herkimer County Budget in connection with the carryover of unused funding and establish an account; now, therefore, be it

RESOLVED, that the 2020 Herkimer County Budget is hereby amended to establish the following accounts in the amounts listed:

**Revenue:**

A6786C.3786C, Unmet Needs Funding, State Aid	From: \$43,688
	To: \$82,688

**Expense: (create)**

A6786C.23000, Unmet Needs Funding, Motor Vehicles	From: \$0
	To: \$39,000

and, be it further

RESOLVED, that said services shall continue so long as 100% funding is available; and, be it further

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

Dated: August 12, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 197

### REPORT AND RESOLUTION AUTHORIZING PURCHASE OF HANDICAPPED ACCESSIBLE VAN FOR OFFICE FOR THE AGING AND TRANSFERRING FUNDS

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

WHEREAS, by letter dated July 22, 2020, from Kathy Fox, Director of the Office for the Aging, this Legislature is advised of a request to purchase a 2019 Ford E-350 Cutaway van with a 138 inch wheelbase, 8 passenger with one wheelchair position from Shard Bro., Inc. at a cost of \$55,000 using Unmet Needs funding; and

WHEREAS, by letter dated July 14, 2020, from Sheri Ferdula, Budget Officer/Purchasing Agent has requested a transfer to complete the above purchase; now, therefore, be it

RESOLVED, that the purchase of a 2019 -350 Cutaway van for the Herkimer County Office for the Aging, at a cost \$55,000, be authorized and that the treasurer be authorized to make the following transfer to complete the purchase:

**TRANSFER:**

\$20,000                      From: A6786C.44000, Unmet Needs Funding, Contracted Services  
                                    To:     A6786C.23000, Unmet Needs Funding, Motor Vehicles

and, be it further

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

Dated: August 12, 2020.



# HERKIMER COUNTY LEGISLATURE

No. 198

## REPORT AND RESOLUTION ACCEPTING FUNDING FOR THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT, CREATING ACCOUNTS, AND AMENDING THE BUDGET IN OFFICE FOR THE AGING

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

WHEREAS, by letter dated July 2, 2020 from Kathy Fox, Director of the Office for the Aging, this Legislature is advised that the Herkimer County Office for the Aging will be receiving funding for the Coronavirus Aid, Relief, and Economic Security (CARES) Act for the Aging & Disability Resource Center (ADRC) to assist individuals over the age of 60 during the pandemic, for the period of April 1, 2020 to September 30, 2021; and

WHEREAS, letter further advises the CARES Act for Aging & Disability Resource Center (ADRC) will provide assistance for services to individuals of any age and is in the amount of \$27,679; and

WHEREAS, by letter dated July 14, 2020, from Sheri Ferdula, Budget Officer/Purchasing Agent, she has advised that it is necessary to amend the 2020 Herkimer County Budget and create accounts in connection with the receipt of said funding; now, therefore, be it

RESOLVED, that the 2020 Herkimer County Budget is hereby amended in the amounts listed:

**REVENUE:**

A6786E.4786E, Cares Act, Federal Aid \$27,679

**EXPENSE:**

A6786E.10000-001, Cares Act, Salaries	\$15,000
A6786E.41000, Cares Act, Supplies	\$2,000
A6786E.46000, Cares Act, Miscellaneous Expense	\$2,938
A6786E.46100, Cares Act, Mileage	\$300
A6786E.81000, Cares Act, Retirement	\$1,950
A6786E.83000, Cares Act, Social Security	\$937
A6786E.83500, Cares Act, Medicare	\$217
A6786E.84000, Cares Act, Workers Comp	\$337
A6786E.86000, Cares Act, Health Insurance	\$4,000

and, be it further

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

Dated: August 12, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 199

### **REPORT AND RESOLUTION AUTHORIZING MEMORANDUM OF UNDERSTANDING BETWEEN THE HERKIMER COUNTY DEPARTMENT OF SOCIAL SERVICES AND THE HERKIMER COUNTY OFFICE FOR THE AGING FOR HOME ENERGY ASSISTANCE PROGRAM SERVICES**

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

WHEREAS, your Committees have been informed by letter dated June 15, 2020 from Timothy Seymour, Commissioner of Social Services, that a proposed Memorandum of Understanding has been submitted to and accepted for the Herkimer County Office for the Aging to provide services to the Herkimer County Department of Social Services under the Home Energy Assistance Program (HEAP) for applicants 60 years and older for the 2020-2021 season; and

WHEREAS, the Herkimer County Department of Social Services agrees to pay the Herkimer County Office for the Aging 25% of the Department of Social Services HEAP administrative allocation for the Home Energy Assistance Program for the 2020-2021 season; and

WHEREAS, the Home Energy Assistance Program is 100% federally-funded and there are sufficient monies budgeted for said services; now, therefore be it

RESOLVED, that this Legislature hereby authorizes a Memorandum of Understanding between the Herkimer County Department of Social Services and the Herkimer County Office for the Aging which will provide for the Office for the Aging to provide services for the Home Energy Assistance Program for applicants 60 years and older and the Herkimer County Department of Social Services will pay the Office for the Aging 25% of the Department of Social Services HEAP administrative funds for said services; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to sign said Memorandum of Understanding as an indication of the approval of the same by this Legislature; and, be it further

RESOLVED, that should any further additional funds be received for the 2020-2021 HEAP season, the Herkimer County Department of Social Services is hereby authorized to pass those funds on to the Office for the Aging on a pro-rated basis; and, be it further



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

Dated: August 12, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 200

### **REPORT AND RESOLUTION AUTHORIZING EXTENSION OF CONTRACT WITH CATHOLIC CHARITIES OF HERKIMER COUNTY AND THE DEPARTMENT OF SOCIAL SERVICES FOR A YOUTH VIOLENCE PREVENTION PROGRAM FOR SCHOOLS IN HERKIMER COUNTY**

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

WHEREAS, by Resolution No. 147 for the year 2010, this Legislature authorized a contract between Catholic Charities of Herkimer County and the Herkimer County Department of Social Services for the provision of the TREATY Program (Teaching Reconciliation in Education to Administrators, Teachers and Youth) in an effort to help reduce the threat of bullying and youth violence in local schools; and

WHEREAS, said contract has been renewed each year, the most recent being by Resolution No. 215 of 2019; and

WHEREAS, by letter dated July 10, 2020 from Timothy Seymour, Commissioner of Social Services, this Legislature is advised of a request to enter into an extension of said contract with Catholic Charities of Herkimer County, to provide said TREATY Program for the 2020-2021 school year, at a total contract cost of \$34,100; now, therefore, be it

RESOLVED, that this Legislature hereby approves an extension of a contract with Catholic Charities of Herkimer County, 61 West Street, Ilion, New York, and the Herkimer County Department of Social Services, for the provision of the TREATY Program for the 2020-2021 school year to help control the threat of youth violence in schools, at a cost of \$34,100; and, be it further

RESOLVED, that under this contract sufficient funds have been budgeted and all schools in Herkimer County will be invited to participate in said TREATY Program; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute said contract on behalf of the County of Herkimer, with said contract 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, Commissioner of Social Services, Executive Director of the Youth Bureau, and Catholic Charities of Herkimer County.

Dated: August 12, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 201

### **REPORT AND RESOLUTION AMENDING RESOLUTION NO. 114 OF 2020 TO EXTEND TEMPORARY PART TIME POSITION IN EMERGENCY SERVICES**

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

WHEREAS, Resolution No. 114 of 2020 established a temporary, part-time position of Emergency Management Coordinator in Account A3021; and

WHEREAS, by letter dated July 14, 2020, John J. Raymond, Director of Emergency Services has requested that the temporary, part-time position established in connection with COVID-19 be extended; and

WHEREAS, by letter dated July 17, 2020, Steven R. Billings, Personnel Officer, states your committees have been advised that a temporary, part-time position of Emergency Management Coordinator be extended in Account A3021 through July 31, 2021 at an hourly rate of \$14.28; now, therefore, be it

RESOLVED, that a temporary, part-time position of Emergency Management Coordinator be extended in Account A3021 through July 31, 2021 at an hourly rate of \$14.28; and, be it further

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

Dated: August 12, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 202

### **REPORT AND RESOLUTION AWARDING BID FOR INSTALLATION OF A CONCRETE EQUIPMENT SHELTER**

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

WHEREAS, by letter dated July 13, 2020, from Sheri Ferdula, Budget Officer/Purchasing Agent, she has advised that bids were open and read aloud on July 13, 2020 for the installation of a concrete shelter at the Spohn Hill Communications Tower; and

WHEREAS, said letter further states it is the recommendation of John Raymond, Director of Emergency Services that the bid be awarded to the lowest bidder, Fred A. Nudd Corporation, 1743 Route 104, PO Box 577, Ontario, NY 14519, in the amount of \$19,500; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby awards a bid for the installation of a concrete equipment shelter for the Spohn Hill Tower, in the amount of \$19,500, using 2019 State Interoperable Communications Grant funding (Project 19-5) for the Emergency Services Department; and, be it further

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

Dated: August 12, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 203

### REPORT AND RESOLUTION ACCEPTING GRANT, CREATING ACCOUNT, CREATING PROJECT, AND AMENDING THE BUDGET IN EMERGENCY SERVICES

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

WHEREAS, by letter dated July 14, 2020, John Raymond, Director of Emergency Services, has advised this Legislature of the receipt of an Emergency Management Program Grant 2020 COVID-19 Supplemental (EMPG-S) provided by the U.S. Department of Homeland Security and FEMA, managed by the New York State Division of Homeland Security and Emergency Services, in the amount of \$14,105, for the period of January 27, 2020 through July 31, 2021; and

WHEREAS, said letter further advises this is a 50/50 matching grant; and

WHEREAS, by letter dated July 16, 2020, Sheri Ferdula, Budget Officer/Purchasing Agent has requested that an account and project be created and the 2020 Herkimer County Budget be amended in connection with the receipt of said grant; now, therefore, be it

RESOLVED, that the 2020 Herkimer County Budget is hereby amended as follows:

A3020A.4389H, EM Homeland Security Grant, Project EM06-6	From: \$0
	To: \$14,105

A3020A.10000-001, EM Homeland Security Grant, Salaries, Project EM06-6	From: \$0
	To: \$14,105

and, be it further

RESOLVED, that the Chairman of the Legislature be authorized to sign all documents relating to this grant; 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: August 12, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 204

### REPORT AND RESOLUTION APPROVING PURCHASE OF A LICENSE PLATE READER/SPEED TRAILER IN SHERIFF'S DEPARTMENT AND TRANSFERRING FUNDS

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

WHEREAS, by letter received July 7, 2020, from Scott Scherer, Sheriff, this Legislature is advised of a request to purchase a License Plate Reader/Speed Trailer from All Traffic Solutions in the amount of \$24,500, using FY17 and FY18 SLETPP grant funding; and

WHEREAS, by letter dated July 13, 2020, Sheri A. Ferdula, Budget Officer/Purchasing Agent has requested a transfer to complete the above purchase as follows:

**Transfer:**

\$2,006	From: A3110A.42100, Homeland Security Grant, Telephone, Project SH18-1 To: A3110A.25000, Homeland Security Grant, Other Equipment, Project SH18-1
\$22,494	From: A3110A.42100, Homeland Security Grant, Telephone, Project SH17-1 To: A3110A.25000, Homeland Security Grant, Other Equipment, Project SH17-1.

now, therefore, be it

RESOLVED, that the Herkimer County Legislature approves the purchase of a License Plate Reader/Speed Trailer from All Traffic Solutions in the amount of \$24,500 and approves the above transfer; and, be it further

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

Dated: August 12, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 205

### REPORT AND RESOLUTION AUTHORIZING AN AMENDMENT TO AGREEMENT WITH GLOBAL TEL\*LINK

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

WHEREAS, by communication dated July 9, 2020, Scott F. Scherer, Herkimer County Sheriff, has requested an amendment to the Inmate Telephone Service Agreement with Global Tel\*Link Corporation of Reston, Virginia; and

WHEREAS, Global Tel\*Link Corporation will be providing tablets at no cost to Herkimer County and pay a commission as follows; Commission on revenue from voice communications completed and billable video visitation using tablets at a sum equal to 20%, any other use of the tablet will pay Herkimer County a commission of 80% minus taxes and fees; now, therefore, be it

RESOLVED, that the above described agreement with Global Tel\*Link Corporation is amended; and, be it further

RESOLVED, that in all other respects the agreement shall remain in full force and effect; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Sheriff, County Attorney, and Global Tel\*Link.

Dated: August 12, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 206

### **RESOLUTION RECOMMENDING ACTIONS TO STRENGTHEN THE CLEAN DRAINED AND DRY AQUATIC INVASIVE SPECIES (AIS) SPREAD PREVENTION LAW**

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

WHEREAS, in 2019 local government, lake associations, and environmental groups met with Senator Todd Kaminsky to discuss the Adirondack Council's proposal for an Adirondack-wide mandatory boat inspection and wash program to prevent the introduction of Aquatic Invasive Species; and

WHEREAS, local governments know that the Lake George mandatory boat inspection and boat wash program was the result of a coordinated effort by the Lake George Park Commission, local governments and environmental groups, and that coordinated effort has not yet happened in support of an Adirondack-wide mandatory program; and

WHEREAS, Lake George is unique because it is governed by the Lake George Park Commission, which is the only lake-specific regulatory body in New York State and, was, therefore, in a position to adopt enforceable regulations requiring that trailered power boats be inspected and washed, if not clean, drained and dry; and

WHEREAS, Dave Wick, the Park Commission's Executive Director spoke at dozens of meetings throughout the Lake George region and was able to achieve universal support and buy-in for the program; and

WHEREAS, that advocacy effort has not yet happened regarding the proposal for an Adirondack-wide mandatory program; and

WHEREAS, local governments and the Fund for Lake George stepped up and pledged to pay half the cost (\$350,000) of the Lake George mandatory program each year; and

WHEREAS, local governments and environmental groups also created a Memorandum of Understanding (MOU) in support of the Lake George mandatory program, which was signed by Warren County and most of the towns around Lake George; and

WHEREAS, local governments, lake associations, and environmental groups also lobbied state government in support of the Lake George mandatory program; and

WHEREAS, there has been no such pledge of financial support, or MOUs for an Adirondack-wide mandatory program; and



WHEREAS, local governments and the Fund for Lake George, working with the SAVE Lake George group, created a second MOU in support of a voluntary Adirondack wide boat wash program, which was signed by the APA, DEC, the Lake George Park Commission, numerous towns, counties, lake associations and environmental groups - a total of more than 53 in all; and

WHEREAS, Governor Cuomo cited this unprecedented agreement in a press release in March 2015; and

WHEREAS, there has been no such broad expression of support for an Adirondack-wide mandatory program; and

WHEREAS, in summary, none of the steps taken to create a successful Lake George mandatory boat inspection and boat wash program on Lake George have been taken in support of the proposal for an Adirondack-wide mandatory program; and

WHEREAS, fortunately, there is a better alternative, by increasing the effectiveness of current Environmental Conservation Law Section 9-1710 entitled *Aquatic Invasive Species; Spread Prevention*, which provides that:

“No person shall launch a watercraft or floating dock unless it can be demonstrated that reasonable precautions such as removal of any visible plant or animal matter, washing, draining or drying as defined by the department pursuant to rules and regulations, have been taken”, and

WHEREAS, unfortunately, there has been no enforcement of that law; now, therefore, be it

RESOLVED, that the Review Board recommends that DEC take the following additional actions to increase the effectiveness of that law:

- Begin enforcing the law; and
- Add the requirements of the spread prevention law to the curriculum of the boater safety class, that all boat operators in New York will be required to take next year; and
- Rejuvenate the group that signed the 2015 Memorandum of Understanding and request sign-on to a new MOU in support of the current spread prevention law; and
- Engage prisms throughout the state to educate the public on the requirements of the law and to provide outreach to user groups and marine trades businesses; and
- Provide signage on the requirements of the law at the many informal boat launches throughout the Adirondacks; and
- Review the DEC comprehensive aquatic invasive species plan to ensure that it is consistent with the intent of the spread prevention law and that it is implemented; and
- Seek the support of major business groups, such as the New York State Business Council and the Marine Trades Association; and

- Seek the support of sportsmen's groups such as the New York State Conservation Council; and
- Build on the success of the original Adirondack Park Invasive Plant Program Advisory Group; and
- Provide inspection and decontamination facilities for boat washing upon retrieval of boats from major AIS source waters in New York State to prevent the spread of AIS to other water bodies, including those in the Adirondacks; and
- Seek the support of non-resident anglers fishing in New York waters and publicize their support; and
- Seek the support of the private sector and publicize its support; and
- Work with the Adirondack Lakes Alliance and marine trade groups to tag frozen boats and thereby remove them from the lines of boats that require decontamination at boat launches and inspection sites; and
- Advance education for visitors through online portals for vacation rentals like VRBO, Airbnb and other private sector lodging and rental resources

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Governor of the State of New York, Senator James L. Seward, Senator James Tedisco, Assemblyman Robert Smullen, Assemblyman Brian Miller, Assemblywoman Marianne Buttenschon, New York State Association of Counties, the InterCounty Legislative Committee of the Adirondacks, and Adirondack Park Local Government Review Board.

Dated: August 12, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 207

### **RESOLUTION REQUESTING REVIEW AND CHANGE OF APA POLICY ON AGENCY REVIEW OF PROPOSALS FOR NEW TELECOMMUNICATIONS TOWERS AND OTHER TALL STRUCTURES IN THE ADIRONDACK PARK**

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

WHEREAS, government's primary responsibility is to protect the health, safety and welfare of the public; and

WHEREAS, cellular telephone (cell phone) service and emergency telecommunication systems are increasingly critical to the health, safety and welfare of Adirondack residents and visitors; and

WHEREAS, cell phone service and smart phones allow users, including business people and students, to participate in remote meetings and educational classes using Zoom or similar services; and

WHEREAS, cell phones are a crucially important tool used by emergency response personnel, including forest rangers, police, fire and ambulance services to receive reports of incidents, to provide life saving instructions to lost or injured people, and to locate them through triangulation or the location feature of their phones; and

WHEREAS, users may send text messages to emergency response personnel, even when signal strength is insufficient for voice communications; and

WHEREAS, life threatening incidents have occurred in the Adirondacks during which the lack of cell phone and emergency radio service have led to delays in response, and to worse outcomes for the people involved; and

WHEREAS, cell phone service has enabled forest rangers to help lost and injured people in the Adirondacks avoid serious injury; and

WHEREAS, radio communication is based on the "line of sight" transmission of radio waves from transmitting antennas to receivers, including cell phones and emergency radio receivers; and

WHEREAS, radio transmissions can only be received within a limited range of the transmitter, with the range depending on transmitter power, antenna radiation pattern, receiver sensitivity, noise level, and presence of obstructions between transmitter and receiver, including trees, buildings, mountains, and other obstructing topography; and

WHEREAS, radio transmitting antennas, outside the Adirondacks, are often sited in locations that avoid obstructions to provide maximum transmission range for radio waves, including cell phone signals and emergency radio transmissions; and

WHEREAS, currently cell phone service is unavailable in many areas of the Adirondacks; and

WHEREAS, Adirondack local governments believe that the unavailability of cell and emergency radio service in many areas of the Adirondacks is the foreseeable result of the fact that the towers supporting the antennas for those services have been required by the APA policy on towers to be “substantially invisible”, and consequently substantially lower than such towers elsewhere in New York State, and at, or very near, the height of obstructing tree canopies, and below the height of surrounding topography, which reduces the range of the radio waves; and

WHEREAS, the “substantial invisibility” standard is fundamentally incompatible with optimum essential cell phone and emergency radio service for Adirondack residents and visitors; and

WHEREAS, the Covid-19 pandemic has shown the importance of cell service and the internet, which have become indispensable for distance learning and telemedicine vital to residents and visitors attempting to work from home and school children and college students attempting to continue their education by learning at home with technology; and

WHEREAS, the Review Board believes that the APA’s current “tower policy” results in cell carriers settling for lower towers than they would build outside the Adirondacks, because they are aware of the limited maximum height the agency will require to approve their permits; and

WHEREAS, the lower towers result in shorter transmission range, which negatively affects public health, safety, welfare, education, and the economy; and

WHEREAS, the Review Board firmly believes that, with careful planning and siting, APA staff is capable of balancing protection of the viewshed with the cellular needs of residents and visitors; and

WHEREAS, the Review Board believes that the APA cell tower policy should be amended to allow and encourage improved cell phone and emergency radio communications, while recognizing the need to protect the Adirondack’s resources; and

WHEREAS, the current definition of “substantial invisibility” requires that towers not be “readily apparent” as to size, composition or color and that the structures will, to the maximum extent practicable, blend with the background vegetation, other structures or other landscape features as seen from all significant potential public viewing points; and

WHEREAS, the Review Board believes that “not readily apparent” is a more reasonable standard considering the pressing need for improved cell service; now, therefore, be it

RESOLVED, that the Review Board respectfully requests that the APA review and modify its tower policy and adopt “not readily apparent” as the new standard, and also add the following incentives and exceptions for specific sites:

- encourage vertical collocation of carrier’s antennas, by offering a height incentive of 10 to 15 feet above the tree height to encourage vertical collocation and reduce the proliferation of towers horizontally collocated with other towers, which would have the added benefit of reducing carrier’s costs, and
- offer general permits for cell carrier antennas on existing tall structures such as water towers, hotels, ski lift towers, inside church steeples and on government buildings, provided they meet certain specified conditions, and

- allow cell carrier antennas of some height, such as 20 feet above existing structures within the APA Hamlet classification, and
- offer a height bonus of 10 to 20 feet above the tree canopy for new towers serving currently unserved areas, in recognition of the pressing need vividly illustrated by Covid-19 restrictions on meetings, and
- add a requirement to its policy that staff and commissioners ask cell tower applicants for information, including a map, showing how a higher tower would expand coverage and benefit residents and travelers, which would enable APA commissioners to weigh the visibility cost against the public benefit

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Governor of the State of New York, Senator James L. Seward, Senator James Tedisco, Assemblyman Robert Smullen, Assemblyman Brian Miller, Assemblywoman Marianne Buttenschon, New York State Association of Counties, the InterCounty Legislative Committee of the Adirondacks, and Adirondack Park Local Government Review Board.

Dated: August 12, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 208

### **RESOLUTION OF THE LEGISLATURE OF THE COUNTY OF HERKIMER, EXTENDING THE RATE OF TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, AND ON OCCUPANCY OF HOTEL ROOMS AND AMUSEMENT CHARGES, PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK**

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

SECTION 1. The first sentence of section two of Resolution No. 344 as enacted in nineteen hundred eighty-seven, as amended, is amended to read as follows:

Section 2. Imposition of sales tax.

On or after March 1, 1988, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing September 1, 1994, and ending November 30, 2023, there is hereby imposed and there shall be paid an additional tax of one percent upon:

SECTION 2. Subdivision (f) of section three of Resolution No. 344 as enacted in nineteen hundred eighty-seven, as amended, is amended to read as follows:

(f) With respect to the additional tax of one percent imposed for the period commencing September 1, 1994, and ending November 30, 2023, the provision of subdivisions (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to September 1, 1994, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to May 1, 1994, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to August 31, 1994. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to September 1, 1994, any transaction which may not be subject to the additional tax imposed effective on that date.

SECTION 3. Section four of Resolution No. 344 as enacted in nineteen hundred eighty-seven, as amended, is amended to read as follows:

Section 4. Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after September 1, 1994, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if the items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or

land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7), and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For the purposes of clause (A) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending November 30, 2023, the tax shall be at the rate of four percent, and on and after December 1, 2023, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of Clause (B) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending November 30, 2023, the tax shall be at the rate of four percent, and on and after December 1, 2023, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending November 30, 2023, the tax shall be at the rate of four percent, and on and after December 1, 2023, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for the purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of any addition or capital improvement to such real property, property or land.

(f) For the purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending November 30, 2023, the tax shall be at the rate of four percent, and on and after December 1, 2023, the tax shall be at the rate of three percent, of the consideration given, or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For the purposes of clause (F) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending November 30, 2023, the tax shall be at the rate of four percent, and on and after December 1, 2023, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.

SECTION 4. Section 4-A of Resolution No. 344 as enacted in nineteen hundred eighty-seven, as amended, is amended to read as follows:

Section 4-A. Imposition of additional rate of sales and compensating use taxes.

Pursuant to the authority of section 1210-E of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional one-quarter of one percent rate of such sales and compensating use taxes, for the period beginning December 1, 2007, and ending November 30, 2023. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

SECTION 5. Subdivision (k) of section six of Resolution No. 344 as enacted in nineteen hundred eighty-seven, as amended, is amended to read as follows:

(k) Exemption of certain energy sources and related services from additional one percent rate of tax. Notwithstanding any inconsistent provision of this resolution, receipts from the retail sale or use of fuel oil and coal used for residential purposes; the receipts from the retail sale or use of wood used for residential heating purposes; and the receipts from every sale, other than for resale, or use of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be exempt from the additional one percent rate of sales and compensating use taxes imposed by sections 2 and 4, respectively, of this resolution for the period commencing September 1, 1994, and ending November 30, 2023.

SECTION 6. Paragraphs (B) and (C) of subdivision one of section eleven of Resolution No. 344 as enacted in nineteen hundred eighty-seven, as amended, are amended to read as follows:

(B) With respect to the additional tax of one percent imposed for the period beginning September 1, 1994, and ending November 30, 2023, in respect to the use of property used by the purchaser in this County prior to September 1, 1994.

(C) With respect to the additional tax of one-quarter of one percent imposed for the period beginning December 1, 2007, and ending November 30, 2023, in respect to the use of property used by the purchaser in this County prior to December 1, 2007.



SECTION 7. Subdivisions (d) and (f) of section 14 of Resolution No. 344 of nineteen eighty-seven, as amended, are amended to read as follows:

(d) During the period commencing June 1, 2006, and ending November 30, 2023, net collections from the additional one percent rate of tax shall be retained for county purposes.

(f) Notwithstanding any contrary provision of law, with respect to the additional one-quarter of one percent rate of sales and compensating use taxes imposed pursuant to the authority of section twelve hundred ten-E of the New York Tax Law for the period beginning December 1, 2007, and ending November 30, 2023, the county shall use all net collections from such additional one-quarter of one percent rate to pay the county's expenses for the construction of additional correctional facilities. Such net collections shall be deposited in a special fund to be created by the county separate and apart from any other funds and accounts of the county. Any and all remaining net collections from such additional tax, after the expenses of such construction are paid, shall be deposited by the county in the general fund of the county for any county purpose.

SECTION 8. This enactment shall take effect December 1, 2020.

Dated: August 12, 2020.



## HERKIMER COUNTY LEGISLATURE

No. 209

### RESOLUTION APPROVING STANDARD WORK DAY AND RETIREMENT REPORTING FOR ELECTED AND APPOINTED OFFICIALS

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

RESOLVED, that the Herkimer County Legislature hereby establishes the following as standard work days for elected and appointed officials to report days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body:

<b>Title:</b>	<b>Standard Work Day: (Hrs/day) Min. 6 hrs Max. 8 hrs</b>	<b>Name: (First and Last)</b>	<b>Social Security Number: (Last 4 digits)</b>	<b>NYSLRS ID:</b>	<b>Tier 1 (Check only if member is Tier 1)</b>	<b>Current Term Begin &amp; End Dates: (mm/dd/yyyy-mm/dd/yyyy)</b>	<b>Record of Activities Result</b>	<b>Not Submitted: (Check only if official did not submit their Record of Activities)</b>
<b>Elected Officials</b>								
Legislator	6	Mark Gaworecki	████	██████████		01/01/20-12/31/21	3.46	
Legislator	6	Robert J. Schrader	████	██████████		01/01/20-12/31/21	18.86	
Legislator	6	Bob D. Hollum	████	██████████		01/01/20-12/31/21	5.64	
Legislator	6	Raymond Johnson	████	██████████		01/01/20-12/31/21	24.67	
Legislator	6	John L. Brezinski	████	██████████		01/01/20-12/31/21	6.65	
Legislator	6	Peter F. Manno	████	██████████		01/01/20-12/31/21	4.42	
Legislator	6	Vincent J. Bono	████	██████████		01/01/20-12/31/21	16.60	
Legislator	6	Kurt J. Ackerman	████	██████████		01/01/20-12/31/21	5.14	
Legislator	6	Peter J. Campione	████	██████████		01/01/20-12/31/21	2.92	
Legislator	6	Patrick E.	████	██████████		01/01/20-	13.28	

		Russell				12/31/21		
Legislator	6	William Weakley				01/01/20-12/31/21	5.69	
Coroner	6	Vincent J. Enea				01/01/17-12/31/20	7.03	
<b>Appointed Officials</b>								
Assistant County Atty.	6	Kyle Crandall				01/01/20-12/31/21	9.80	
Assistant County Atty.	6	Karen Mowers				01/01/20-12/31/21	15.13	
Assistant Dist. Attorney	6	Michael Johnson				01/21/20-12/31/20	25.63	
Attorney for Sewer Board	6	Christopher Bray				02/28/20-02/27/25	1.94	
Social Services Attorney	6	Kyle Crandall				01/01/18-09/30/21	14.74	
Undersheriff	7	Scott Leskovar				01/01/20-12/31/23	22.98	

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Personnel Officer, and Principal Account Clerk in the Treasurer's Office.

Dated: August 12, 2020.



## HERKIMER COUNTY LEGISLATURE

### IN MEMORIAM

No. 210

- WHEREAS,** Victor B. “Vic” Norman departed this life on July 23, 2020; and
- WHEREAS,** Victor was the owner and operator of Norman’s Roofing and Siding in Ilion; and
- WHEREAS,** Victor was elected to the Herkimer County Legislature in District No. 6, serving from 1968 through 1976. During his tenure he served as Chairman of the County Legislature from 1972 through 1976. Prior to that, he was Chairman of the County Building Committee and the Equalization Committee, he was also a member of the Committees on Agriculture, Charities, Finance, and Highways; and
- WHEREAS,** Victor was hired as the first Herkimer County Administrator serving from 1977 through 1986; and
- WHEREAS,** Victor is survived by his children, three grandchildren and several great-grandchildren; and
- WHEREAS,** The County of Herkimer and its residents have sustained a great loss by 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 Victor Norman 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 Victor Norman, and that an additional copy be spread upon the minutes of this meeting.

*Dated: August 12, 2020.*