

**MINUTES**  
**Herkimer County Legislature**  
**Second Quarter – Fourth Day**  
**Wednesday, June 9, 2021**  
**7:00 p.m.**

**Public Hearing**

The Public Hearing on Introductory Local Law A for 2021 was called to order at 6:45 p.m. by Bob D. Hollum, Chairman of the Administration/Veterans' Affairs Committee. The Clerk read the notice of the meeting. Legislator Hollum then asked if there was anyone wishing to speak on the local law. There were no requests to speak and the hearing was declared closed at 6:46 p.m.

Brittney R. Viscomi, Clerk  
Herkimer County Legislature

**NOTICE OF  
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN, that the Herkimer County Legislature will hold a Public Hearing, conducted by the Committee on Administration/Veterans' Affairs, on Introductory Local Law A of 2021 entitled, "A LOCAL LAW ADOPTING A PILOT YOUTH DEER HUNTING PROGRAM."

The Public Hearing will be held on Wednesday, June 9, 2021 at 6:45 p.m., in the Legislature Chambers, Room 311, 109 Mary Street, Herkimer, New York 13350, where all interested parties will be heard.

Dated: May 28, 2021.

Brittney R. Viscomi, Clerk  
Herkimer County Legislature

The Regular Session of the Herkimer County Legislature was called to order by Chairman Vincent J. Bono at 7:02 p.m.

Chairman Bono called on Legislator Frederick J. Shaw, Jr. to 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.

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

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 May 19, 2021. There were none, and the Chairman ordered them approved.

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. 161 – A communication was received from Lois Contino submitting thank you for donation in memory of Domiano “Dip” Contino as well as Memorial Resolution. Filed.

No. 162 – A communication was received from NYS Agriculture & Markets certifying the inclusion of predominantly viable agricultural land. Filed.

No. 163 – A communication was received from Mary Eileen Ucekay submitting thank you for Proclamation. Filed.

No. 164 – A communication was received from the County Sheriff requesting to hire a Psychiatric Nurse Practitioner for the jail. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 165 – A communication was received from the Assessor of the Town of Herkimer submitting appraisal information. Referred to the Committee on Ways & Means.

No. 166 – A communication was received from the Director of Public Health requesting Chairman to sign contracts with various agencies and contracted therapists. Referred to the Committee on Human Resources.

No. 167 – A communication was received from the County Attorney requesting discussion for outstanding real property tax bills. Referred to the Committee on Ways & Means.

No. 168 – A communication was received from the County Treasurer submitting 2020 Annual Report. Referred to the Committee on Ways & Means.

No. 169 – A communication was received from the Director of Information Services requesting approval for purchase of hardware, software, and professional services to update Firewall System. Referred to the Committee on Information Services and the Committee on Ways & Means.

No. 170 – A communication was received from the Budget Officer/Purchasing Agent requesting appropriation of funds in connection with the settlement of litigation with the Village of Herkimer. Referred to the Committee on Ways & Means.

No. 171 – A communication was received from the Budget Officer/Purchasing Agent requesting to accept funding, amend budget, and create accounts in Office for the Aging. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 172 – A communication was received from the Budget Officer/Purchasing Agent requesting to accept funding, amend budget, and create accounts in Office for the Aging. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 173 – A communication was received from the Budget Officer/Purchasing Agent requesting to accept funding, amend budget, and create accounts in Office for the Aging. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 174 – A communication was received from the Director of the Office for the Aging requesting to enter into contract for EISEP. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 175 – A communication was received from the County Highway Superintendent requesting to go out to bid for large equipment purchases. Referred to the Committee on Highways.

No. 176 – A communication was received from the County Highway Superintendent requesting approval of 2021 capital construction project. Referred to the Committee on Highways.

No. 177 – A communication was received from the Executive Director of the IDA requesting Public Hearing for CDBG project. Referred to the Committee on County Planning & Development.

No. 178 – A communication was received from the Commissioners of Elections requesting grant extension. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 179 – A communication was received from the Sewer District submitting resolution for refinancing of bonds. Referred to the Committee on Natural Resources and the Committee on Ways & Means.

Pursuant to Rule 6, Chairman Bono then proceeded with Reports of Standing Committees. Legislator Smith, Chairman of the Committee on Highways gave an update on the last Highways Committee meeting and how it went well being held at the Highway Garage; Legislator Campione, Chairman of the Committee on Natural Resources, gave an update on the Soil and Water Conservation District.

The Chairman continued with the Regular Agenda.

On motion of Mr. Ackerman, seconded by Mr. Russell, Report and Resolution No. 130 sponsored by the Committee on Ways & Means adopting Annual Financial Report of the Herkimer County Treasurer was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



## HERKIMER COUNTY LEGISLATURE

No. 130

### REPORT AND RESOLUTION ADOPTING ANNUAL FINANCIAL REPORT OF THE HERKIMER COUNTY TREASURER

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

WHEREAS, Your Committee on Ways and Means, to which was referred the Annual Financial Report of the Herkimer County Treasurer for the year 2020, respectfully reports that we have examined the same, recommend its adoption and offer the following Resolution:

RESOLVED, that the Annual Financial Report of the Herkimer County Treasurer for the year 2020 be adopted and placed on file with the Herkimer County Legislature.

Dated: June 9, 2021.

On motion of Mr. Stephens, seconded by Mr. Schrader, Report and Resolution No. 131 sponsored by the Committee on Information Services and the Committee on Ways & Means authorizing purchase of hardware, software, and professional services in the Information Services Department was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



## HERKIMER COUNTY LEGISLATURE

No. 131

### REPORT AND RESOLUTION AUTHORIZING PURCHASE OF HARDWARE, SOFTWARE, AND PROFESSIONAL SERVICES IN THE INFORMATION SERVICES DEPARTMENT

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

WHEREAS, by letter dated May 20, 2021, Kathy Wright, Director of Information Services, has requested authorization to purchase hardware, software, and professional services to update the current firewall system at the County Office Building and the E911 Center; and

WHEREAS, letter further advises that they will be purchasing this from ConvergeOne, in the amount of \$47,675.10, to be reimbursed by the U.S. Department of Homeland Security's State Homeland Security Grant Program, with the cost breakdown as follows:

	<b>Main County System</b>	<b>E911 Center</b>
Hardware	\$10,320.62	\$ 1,132.02
Software	\$ 6,581.08	\$ 899.38
Professional Services	\$16,687.00	\$11,125.00
Cisco Maintenance	\$ 930.00	
<b>Total</b>	<b>\$34,518.70</b>	<b>\$13,156.40</b>

now, therefore, be it

RESOLVED, that the above purchase of hardware, software, and professional services to update the current firewall system at the County Office Building and the E911 Center in the amount of \$47,675.10 is hereby approved; and, be it further

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

Dated: June 9, 2021.

On motion of Mr. Russell, seconded by Mr. Schrader, Report and Resolution No. 132 sponsored by the Committee on Ways & Means approving settlement with the Village of Herkimer and appropriating funds 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.



## **HERKIMER COUNTY LEGISLATURE**

No. 132

### **REPORT AND RESOLUTION APPROVING SETTLEMENT WITH THE VILLAGE OF HERKIMER AND APPROPRIATING FUNDS**

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

WHEREAS, by letter dated May 19, 2021, Steven Billings, Personnel Officer, has requested authorization for a settlement with the Village of Herkimer; and

WHEREAS, letter further advises the agreement would authorize the administrator of the former Herkimer County Self-Insurance Plan to settle the current litigation with the Village of Herkimer, Index No. EFCA2009-001984, in the amount of \$400,000 in exchange for the Village dropping all claims against the County and Plan in this matter; and

WHEREAS, by letter dated May 27, 2021, Sheri Ferdula, Budget Officer/Purchasing Agent, has advised that an appropriation in the 2021 budget is necessary; and

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

RESOLVED, that an appropriation be made as follows:

\$400,000      From: S853, Self Insurance, Contributed Reserve  
                    To:    S1710.46000, Self Insurance, Miscellaneous Expense

and, be it further

RESOLVED, that the administrator of the former Herkimer County Self-Insurance Plan is authorized to sign and settle the current litigation with the Village of Herkimer, Index No. EFCA2009-001984; and, be it further

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

Dated: June 9, 2021.

On motion of Mr. Shaw, seconded by Mr. Ackerman, Report and Resolution No. 133 sponsored by the Committee on Human Resources and the Committee on Ways & Means accepting funding, amending budget, and creating accounts in Office for the Aging was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



## HERKIMER COUNTY LEGISLATURE

No. 133

### REPORT AND RESOLUTION ACCEPTING FUNDING, AMENDING BUDGET, AND CREATING ACCOUNTS IN OFFICE FOR THE AGING

Sponsored by: Committee on Human Resources

**Committee on Ways and Means**

WHEREAS, by letter dated May 19, 2021 from Kathy Fox, Director of the Office for the Aging, this Legislature is advised of a request to accept funds for HDC5 of the Consolidated Appropriations Act, to be utilized to provide additional funds for the Home Delivered Meals program for a period beginning December 27, 2020 through September 30, 2022, in the amount of \$34,298; and

WHEREAS, by letter dated May 20, 2021 from Sheri Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that the 2021 budget will need to be amended to allow for use of these funds as well as creating accounts; now, therefore, be it

RESOLVED, that the 2021 Herkimer County Budget is hereby amended in the amounts listed:

**REVENUE:**

A6776E.4776E, HDC5 \$34,298

**EXPENSES:**

A6776E.10000-001, HDC5, Salaries \$5,000  
A6776E.41000, HDC5, Supplies \$1,324  
A6776E.44000, HDC5, Contracted Services \$24,000  
A6776E.46000, HDC5, Miscellaneous Expense \$500  
A6776E.46100, HDC5, Mileage and Travel \$2,000  
A6776E.81000, HDC5, Retirement \$500  
A6776E.83000, HDC5, Social Security \$420  
A6776E.83500, HDC5, Medicare \$217  
A6776E.84000, HDC5, Workers Comp \$337

and, be it further

RESOLVED, that the above described funding is accepted for HDC5 of the Consolidated Appropriations Act, to be utilized to provide additional funds for the Home Delivered Meals program; 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: June 9, 2021.

On motion of Mr. Gaworecki, seconded by Mr. Smith, Report and Resolution No. 134 sponsored by the Committee on Human Resources and the Committee on Ways & Means accepting funding, amending budget, and creating accounts in Office for the Aging was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



# HERKIMER COUNTY LEGISLATURE

No. 134

## REPORT AND RESOLUTION ACCEPTING FUNDING, AMENDING BUDGET, AND CREATING ACCOUNTS IN OFFICE FOR THE AGING

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

WHEREAS, by letter dated May 19, 2021 from Kathy Fox, Director of the Office for the Aging, this Legislature is advised of a request to accept funds for Vac-5 Expanding Access to COVID-19 Vaccines via the Aging Network, to be utilized to provide vaccination assistance, outreach, and transportation to increase assisting older adults, people with disabilities, and their caregivers to get vaccinated for a period beginning April 1, 2021 through September 30, 2022, in the amount of \$10,510; and

WHEREAS, by letter dated May 20, 2021 from Sheri Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that the 2021 budget will need to be amended to allow for use of these funds as well as creating accounts; now, therefore, be it

RESOLVED, that the 2021 Herkimer County Budget is hereby amended in the amounts listed:

**REVENUE:**

A6772I.4772I, Vac5, Federal Aid \$10,510

**EXPENSES:**

A6772I.41000, Vac5, Supplies \$750  
A6772I.46000, Vac5, Miscellaneous Expense \$9,010  
A6772I.46100, Vac5, Mileage and Travel \$750

and, be it further

RESOLVED, that the above described funding is accepted for Vac-5 Expanding Access to COVID-19 Vaccines via the Aging Network, to be utilized to provide vaccination assistance; 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: June 9, 2021.

On motion of Mr. Shaw, seconded by Mr. Weakley, Report and Resolution No. 135 sponsored by the Committee on Human Resources and the Committee on Ways & Means accepting funding, amending budget, and creating accounts in Office for the Aging was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



## HERKIMER COUNTY LEGISLATURE

No. 135

### REPORT AND RESOLUTION ACCEPTING FUNDING, AMENDING BUDGET, AND CREATING ACCOUNTS IN OFFICE FOR THE AGING

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

WHEREAS, by letter dated May 19, 2021 from Kathy Fox, Director of the Office for the Aging, this Legislature is advised of a request to accept funds for Aging and Disability Resource Centers/No Wrong Door COVID-19 Vaccine Supplemental Funding Program funded by the Coronavirus Response and Relief Act Supplemental Appropriations Act, 2021, to be utilized to provide vaccination assistance, outreach, and transportation to increase the number of older adults, and people with disabilities for a period beginning April 1, 2021 through September 30, 2022, in the amount of \$15,177; and

WHEREAS, by letter dated May 20, 2021 from Sheri Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that the 2021 budget will need to be amended to allow for use of these funds as well as creating accounts; now, therefore, be it

RESOLVED, that the 2021 Herkimer County Budget is hereby amended in the amounts listed:

**REVENUE:**

A6772H.4772H, ADRC-Vac, Federal Aid	\$15,177
-------------------------------------	----------

**EXPENSES:**

A6772H.41000, ADRC-Vac, Supplies	\$1,000
A6772H.46000, ADRC-Vac, Miscellaneous Expense	\$13,177
A6772H.46100, ADRC-Vac, Mileage and Travel	\$1,000

and, be it further

RESOLVED, that the above described funding is accepted for Aging and Disability Resource Centers/No Wrong Door COVID-19 Vaccine Supplemental Funding Program funded by the Coronavirus Response and Relief Act Supplemental Appropriations Act, 2021, to be utilized to provide vaccination assistance, outreach, and transportation to increase the number of older adults, and people with disabilities; 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: June 9, 2021.

On motion of Mr. Manno, seconded by Mr. Shaw, Report and Resolution No. 136 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing contract with Plan It Staffing was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



## HERKIMER COUNTY LEGISLATURE

No. 136

### REPORT AND RESOLUTION AUTHORIZING CONTRACT WITH PLAN IT STAFFING IN THE OFFICE FOR THE AGING

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

WHEREAS, by letter dated May 19, 2021, from Kathy L. Fox, Director of the Office for the Aging, this Legislature is advised of a request to enter into a contract with Plan It Staffing, 2614 Genesee Street, Utica, NY 13502, for the Expanded In-Home Services for the Elderly Program (EISEP); and

WHEREAS, said contract will be for the period from April 1, 2021 through March 31, 2022, with funding at 75/25%; and

WHEREAS, Plan It Staffing will be contracted for services estimated to be \$20,000, with the hourly rate to be \$21.00 per hour; now, therefore, be it

RESOLVED, that this Legislature authorizes a contract for the period of April 1, 2021 through March 31, 2022, between the Herkimer County Office for the Aging and Plan It Staffing, for the EISEP Program, estimated to be \$20,000, with the hourly rate to be \$21.00 per hour; 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, Director of the Office for the Aging, and Plan It Staffing.

Dated: June 9, 2021.

On motion of Mr. Smith, seconded by Mr. Campione, Report and Resolution No. 137 sponsored by the Committee on Highways approving project under Article 6, Section 116 of the Highway Law was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



## HERKIMER COUNTY LEGISLATURE

No. 137

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

**Sponsored by: Committee on Highways**

WHEREAS, your Committee on Highways, to which was referred a letter from Mark A. Nagele, P.E., County Superintendent of Highways, dated May 18, 2021 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 year 2021, respectfully reports that we have examined said statements contained in said communication from and signed by the County Superintendent of Highways, recommend its adoption and offer the following Resolution:

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

PROJECT NO.	ROAD/LOCATION	TYPE OF PROJECT	ESTIMATED COST
412	North Winfield Road, CR119 Town of Winfield	Reconstruction / Rehabilitation including Topographic Survey and Wetland Delineation	\$850,000

and, be it further

RESOLVED, that this project will be funded by CHIPS, EWR and PAVE-NY; and, be it further

RESOLVED, that the Chairman of the Legislature be authorized to sign all contracts in regard to this project, subject to the County Attorney's Office; 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: June 9, 2021.

On motion of Mr. Hollum, seconded by Mr. Gaworecki, Report and Resolution No. 138 sponsored by the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means extending contract for Grant for Board of Elections was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



## HERKIMER COUNTY LEGISLATURE

No. 138

### REPORT AND RESOLUTION EXTENDING CONTRACT FOR GRANT FOR BOARD OF ELECTIONS

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

WHEREAS, pursuant to Resolution No. 188 of 2019 this Legislature approved funding for the implementation of early voting expenses for the Board of Elections for the Localities Grant Program which will fund operational expenses such as payroll and supplies; and

WHEREAS, by letter dated May 24, 2021 from the Commissioners of Elections, a request is being made to allow the Chairman of the Legislature to execute the grant extension of the Localities Grant Program through January 28, 2022; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a grant extension through January 28, 2022 on behalf of the County of Herkimer for the Localities Grant Program which will fund operational expenses such as payroll and supplies; and, be it further

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

Dated: June 9, 2021.

On motion of Mr. Hollum, seconded by Mr. Keeler, Resolution No. 139 sponsored by the Committee on County Planning & Development setting a Public Hearing in connection with an application for economic development assistance to the Office of the Community Renewal was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



## HERKIMER COUNTY LEGISLATURE

No. 139

### **RESOLUTION SETTING A PUBLIC HEARING IN CONNECTION WITH AN APPLICATION FOR ECONOMIC DEVELOPMENT ASSISTANCE TO THE OFFICE OF COMMUNITY RENEWAL**

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

WHEREAS, by letter dated May 25, 2021, from John J. Piseck, Executive Director of the Herkimer County Industrial Development Agency, this Legislature is advised of the proposed submission of a Community Development Block Grant Community Planning program application in the maximum amount of \$105,000 for the benefit of Crash's Metal Recovery, Inc.; and

WHEREAS, these CDBG grant funds will be utilized to provide assistance to Crash's Metal Recovery, Inc. to establish the business and create new full-time jobs; and

WHEREAS, it is necessary that a public hearing be held to hear public comment in regards to this application; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is authorized to execute all documents and certifications required as part of the submission of the application; and, be it further

RESOLVED, that a Public Hearing be held by the Committee on County Planning and Development on the 7<sup>th</sup> day of July, 2021 at 1:45 p.m., in the Legislature Chambers of the County Office Building in the Village of Herkimer, New York for the purpose of hearing public comment on the aforesaid application for economic development assistance to the Office of Community Renewal; and, be it further

RESOLVED, that a certified copy of this Resolution be forwarded to the Executive Director of the Herkimer County Industrial Development Agency.

Dated: June 9, 2021.

On motion of Mr. Weakley, seconded by Mr. Hollum, Resolution No. 140 sponsored by the Committee on Administration/Veterans' Affairs adopting Introductory Local Law A for 2021 was handed up; 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.



## HERKIMER COUNTY LEGISLATURE

No. 140

### RESOLUTION ADOPTING INTRODUCTORY LOCAL LAW A FOR 2021

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

Your Committee on Administration/Veterans' Affairs of the Herkimer County Legislature desires to report that on the 9<sup>th</sup> day of June, 2021, pursuant to Resolution No. 126 of 2021, it held a public hearing on the adoption of Introductory Local Law A for 2021 entitled, "A LOCAL LAW ADOPTING A PILOT YOUTH DEER HUNTING PROGRAM"; and that there were (no) appearances and (no) objections at the said public hearing; that your Committee advises the adoption and enactment of the said Introductory Local Law and offers the following Resolution:

RESOLVED, that Introductory Local Law A for 2021 be adopted in form attached hereto.

Dated: June 9, 2021.

### INTRODUCTORY LOCAL LAW A – 2021

#### LOCAL LAW NO. 3 – 2021

#### A LOCAL LAW ADOPTING A PILOT YOUTH DEER HUNTING PROGRAM

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

##### Section 1. Title

This Local Law shall be known as "A Local Law Adopting a Pilot Youth Deer Hunting Program."

##### Section 2. Purpose

Consistent with the provisions of Environmental Conservation Law Section 11-0935, this Local Law is adopted to authorize the expansion of youth hunting and allow licensed hunters ages 12 or 13 to hunt deer with a crossbow, rifle, shotgun or muzzle-loading firearm when accompanied by a parent, legal guardian, or mentor.

##### Section 3. Authority

This Local Law is adopted under the authority granted by:

1. Article IX of the New York State Constitution, § 2[c];
2. New York Municipal Home Rule Law, § 10; and
3. New York Environmental Conservation Law, § 11-0935.

#### Section 4. Definitions

1. “Eligible area” means any county within the State of New York that has enacted a local law authorizing participation in a youth hunting pilot program, and has notified the New York State Department of Environmental Conservation of such participation.
2. “Hunting license holder” means a person legally responsible for a minor participating in the Pilot Youth Deer Hunting Program who currently holds a valid hunting license issued by the New York State Department of Environmental Conservation and has at least three years of prior experience hunting deer as a hunting license holder.
3. “Legal guardian” means a person legally responsible for a minor participating in the Pilot Youth Deer Hunting Program who currently holds a valid hunting license issued by the New York State Department of Environmental Conservation and has at least three years of prior experience hunting deer as a hunting license holder.
4. “Mentor” means a person who (a) currently holds a valid hunting license issued by the New York State Department of Environmental Conservation, (b) is twenty-one years of age or older, (c) has at least three years of prior experience hunting deer as a hunting license holder, and (d) has been designated in writing by a minor’s parent or a legal guardian on a form prescribed by the New York State Department of Environmental Conservation to serve as a mentor to said minor for purposes of the Pilot Youth Deer Hunting Program.
5. “Minor” means a youth twelve or thirteen years of age who currently holds a valid hunting license issued by the New York State Department of Environmental Conservation to hunt deer with a crossbow, rifle, shotgun, or muzzle-loading firearm within an eligible area.
6. “Parent” means a person who currently holds a valid hunting license issued by the New York State Department of Environmental Conservation, has at least three years of prior experience hunting deer as a hunting license holder, and is the parent of the minor participating in the Pilot Youth Deer Hunting Program.
7. “Physical control” means that the physical proximity of a minor to a parent, legal guardian or mentor and is such that the parent, legal guardian or mentor is (a) reasonably able to issue verbal directions and instructions, (b) maintain constant

visual contact, and (c) otherwise able to provide guidance and supervision to the minor.

#### Section 5. Opt-In Authorization

The youth hunting opportunities authorized by Environmental Conservation Law section 11-0935 shall be applicable within the boundaries of the County of Herkimer upon (a) the adoption of this Local Law by the County Legislature for the County of Herkimer, State of New York, and (b) notice provided to the New York State Department of Environmental Conservation of the adoption of this Local Law.

Herkimer County hereby elects to participate in a Pilot Youth Deer Hunting Program to allow minors ages 12 or 13 to hunt deer with a crossbow, rifle, shotgun, or muzzle-loading firearm when accompanied by a parent, legal guardian or mentor.

#### Section 6. Eligibility and Requirements

1. A minor aged 12 or 13 may hunt deer with a crossbow, rifle, shotgun, or muzzle-loading firearm within the County of Herkimer when accompanied by, and is under the physical control of, a parent, legal guardian or mentor as those terms are defined by Section 4 of this Local Law.
2. A minor participating in the Pilot Youth Deer Hunting Program in an eligible area must be in possession of a valid New York State hunting license and valid tags, as appropriate, while afield at all times. The accompanying parent, legal guardian or mentor must also be in possession of a valid New York State hunting license at all times when supervising a minor participating in the Pilot Youth Deer Hunting Program.
3. A minor and the accompanying parent, legal guardian or mentor must display either a minimum total of two hundred fifty square inches of solid fluorescent orange or pink or patterned fluorescent orange or pink consisting of no less than fifty percent fluorescent orange or pink material worn above the waist and visible from all directions, or a hat or cap with no less than fifty percent of the exterior consisting of solid fluorescent orange or pink material and visible from all directions.
4. A minor aged 12 or 13 participating in the Pilot Youth Deer Hunting Program must remain at ground level at all times when hunting deer with a crossbow, rifle, shotgun, or muzzle-loading firearm.
5. A minor participating in the Pilot Youth Deer Hunting Program must remain within the physical proximity of a parent, legal guardian or mentor which means they must be capable of receiving verbal directions and instructions, and be in constant visual contact with the supervising parent, legal guardian or mentor at all times.

6. A minor participating in the Pilot Youth Deer Hunting Program must abide by all other federal, state and local laws, rules and regulation applicable to hunting including, but not limited to, manner of take, bag limits, hunting hours, geographical or general implement restrictions, hunting seasons, tagging, transporting and reporting requirements.

Section 7. Filing

In accordance with ECL § 11-0935.2, a copy of this Local Law shall be filed with the New York State Department of Environmental Conservation. And in accordance with Municipal Home Rule § 27, a copy shall be filed with the New York State Department of State.

Section 8. Severability

Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so determined to be unconstitutional or invalid.

Section 9. Repeal

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 10. Effective Date

This Local Law shall be effective upon its filing with the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Dated: June 9, 2021.

Adopted: June 9, 2021.

On motion of Mr. Gaworecki, seconded by Mr. Shaw, Resolution No. 141 sponsored by the Committee on Administration/Veterans' Affairs opposing New York State Senate Bill S4264-A/Assembly Bill 6967 was handed up; discussion was held; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



**HERKIMER COUNTY LEGISLATURE**

No. 141

**RESOLUTION OPPOSING NEW YORK STATE SENATE BILL S4264-A/ASSEMBLY BILL 6967**

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

WHEREAS, this Legislative Body has a record of advocating for the best interests of the people of Herkimer County, including the protection of taxpayers in the County; and

WHEREAS, both the Senate and Assembly are considering legislation that if passed, analysts predict would add a \$.55 or more per gallon tax to fuel at the gas pumps and increase the cost of heating residential homes by 25 percent for residents in NYS; and

WHEREAS, the cost of fuel is already high and has escalated in the past year; and

WHEREAS, these new proposed taxes will only add to the financial burden of already struggling residents; and

WHEREAS, New Yorkers are already forced to pay higher taxes and fees for many services and purchases; and

WHEREAS, New Yorkers are already dealing with the effects of the pandemic, loss of jobs and economic hardships across the State; now, therefore, be it

RESOLVED, that the Herkimer County Legislature opposes New York Senate Bill 4264-A/Assembly Bill 6967 and urges the Senate and Assembly to consider the financial and economic impact these increases would have on the residents of New Yorkers; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Governor of the State of New York, Senator Peter Oberacker, Senator James Tedisco, Assemblyman Robert Smullen, Assemblyman Brian Miller, Assemblywoman Marianne Buttenschon, New York State Association of Counties, and the InterCounty Legislative Committee of the Adirondacks.

Dated: June 9, 2021.

On motion of Mr. Stephens, seconded by Mr. Weakley, Resolution No. 142 sponsored by the Committee on Administration/Veterans' Affairs in support of rescinding the New York State fiber right-of-way fee Senate Bill 8858/Assembly Bill 10932 (2020) was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



**HERKIMER COUNTY LEGISLATURE**

No. 142

**RESOLUTION IN SUPPORT OF RESCINDING THE NEW YORK STATE FIBER RIGHT-OF-WAY FEE SENATE BILL 8858/ASSEMBLY BILL 10932 (2020)**

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

WHEREAS, the 2019-2020 New York State budget contained language that enacted a right-of-way use and occupancy fee for any fiber optic cables located in or crossing a state-controlled right-of-way and authorized the New York State Department of Transportation (DOT) to require fee-bearing permits with fiber optic installers; and

WHEREAS, the 2019-2020 State budget also added Section 7 of the Transportation Corporation Law, allowing the DOT to charge fiber optic corporations installing and operating the utility lines for fair-market use and occupancy of the state right-of-way; and

WHEREAS, in early 2020 organizations, businesses, Legislators and residents of Herkimer County, New York became aware of the fee because the DOT started charging the fee; and

WHEREAS, in Herkimer County it is virtually impossible to install fiber optic cables for any distance without utilizing or crossing a state right-of-way; and

WHEREAS, the coronavirus pandemic has caused more people to be working from home and more students to be learning from home, and has increased the use of telemedicine, thus magnifying the need for additional broadband services in unserved and underserved areas so rural residents can engage in everyday activities; and

WHEREAS, Governor Cuomo, in his 2021 State of the State Address championed his Connectivity Agenda which includes, among other provisions, enactment of a requirement for affordable Internet for low-income families and a series of actions to promote broadband build-out and market competition; and

WHEREAS, the Governor said, "Without affordable broadband, people are not just disconnected, they are disenfranchised. Broadband must be available to everyone, everywhere, and, in New York, we will make sure it is"; and

WHEREAS, the DOT fiber right-of-way fee is acting as a significant financial deterrent to broadband build-out in rural areas, with some projects already cancelled and others put on hold due to the fact that these fees will cost providers hundreds of thousands, and in some cases, millions of dollars annually; and

WHEREAS, earlier laws have been enacted that hinder the expansion of broadband into unserved and underserved communities; and

WHEREAS, legislation has been introduced in the Legislature to repeal these counterproductive sections of law that prevent the expansion of affordable broadband services in unserved and underserved communities across New York; and

WHEREAS; at the 2021 NYS Association of Counties Legislative Conference, the Standing Committee on Economic Development, Environment Energy adopted a resolution requesting rescinding of the NYS fiber right-of-way fee and is encouraging member counties to enact similar resolutions; now, therefore, be it

RESOLVED, the Herkimer County Legislature formally opposes the enactment of the DOT right-of-way fees on fiber optic cables and urges the Governor and the New York State Legislature to rescind the right-of-way use and occupancy fees on fiber optic cables immediately so that the Governor’s pledge can be fulfilled and the expansion of the fiber network in Herkimer County can continue in order to serve critically unserved and underserved areas; and, be it further

RESOLVED, that the Herkimer County supports passage of New York Senate Bill 8858/Assembly Bill 10932 (2020) to repeal Section 24-e of the Highway Law and Section 7 of the Transportation Corporation Law in relation to reducing the cost of expanding broadband access; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Governor of the State of New York, Senator Peter Oberacker, Senator James Tedisco, Assemblyman Robert Smullen, Assemblyman Brian Miller, Assemblywoman Marianne Buttenschon, New York State Association of Counties, and the InterCounty Legislative Committee of the Adirondacks.

Dated: June 9, 2021.

On motion of Mr. Campione, seconded by Mr. Hollum, Resolution No. 143 sponsored by the Committee on Natural Resources and the Committee on Ways & Means authorizing the issuance pursuant to Section 90.00 or Section 90.10 of the Local Finance Law of refunding bonds of the County of Herkimer, New York, to be designated substantially “public improvement refunding (serial) bonds”, and providing for other matters in relation thereto and the payment of the bonds to be refunded thereby 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.



## HERKIMER COUNTY LEGISLATURE

No. 143

**RESOLUTION AUTHORIZING THE ISSUANCE PURSUANT TO SECTION 90.00 OR SECTION 90.10 OF THE LOCAL FINANCE LAW OF REFUNDING BONDS OF THE COUNTY OF HERKIMER, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY “PUBLIC IMPROVEMENT REFUNDING (SERIAL) BONDS”, AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY**

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

WHEREAS, the County of Herkimer, New York (hereinafter, the “County”) heretofore issued \$1,975,000 Public Improvement (Serial) Bonds, 2009, dated November 15, 2009, pursuant to a duly authorized bond resolution dated July 1, 2009 to pay the cost of Herkimer County Sewer District improvements, and a bond determinations certificate of the County Treasurer (hereinafter referred to as the “Refunded Bond Certificate”), such Public Improvement (Serial) Bonds, 2009, now outstanding in the amount of \$1,110,000, maturing on November 15 annually in each of the years 2021 to 2029, both inclusive, as more fully described in the Refunded Bond Certificate; and

WHEREAS, it would be in the public interest to refund all or a portion of the \$1,110,000 outstanding principal balance of said bonds maturing in the years 2021 to 2029, both inclusive (the “Refunded Bonds”) by the issuance of refunding bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law; and

WHEREAS, such refunding will result in present value savings in debt service as so required by Section 90.10 of the Local Finance Law; now, therefore, be it

RESOLVED, by the County Legislature of the County of Herkimer, New York, as follows:

Section 1. For the object or purpose of refunding the \$1,110,000 outstanding principal balance of the Refunded Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, (iv) the redemption premium payable on the Refunded Bonds, and (v) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$1,200,000 refunding serial bonds of the County

pursuant to the provisions of Section 90.00 or Section 90.10 of the Local Finance Law (the “County Refunding Bonds” or the “Refunding Bonds”), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$1,065,000, as provided in Section 4 hereof. The County Refunding Bonds shall each be designated substantially “PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND” together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-21 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the County Treasurer pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law and pursuant to subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the County Treasurer shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the County by lot in any customary manner of selection as determined by the County Treasurer.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York (“DTC”), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the County shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to The Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the County Treasurer as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the County maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or last business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the County Treasurer providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the County Treasurer as fiscal agent of the County for the Refunding Bonds (collectively the "Fiscal Agent").

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount.

Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The County Treasurer, as chief fiscal officer of the County, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he or she shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said County, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the County, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the County Treasurer is also hereby authorized to name the County Clerk as the Fiscal Agent in connection with the Refunding Bonds.

The County Treasurer is hereby further delegated all powers of this County Legislature with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the County by the manual or facsimile signature of the County Treasurer, and a facsimile of its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph g of Section 90.00 of the Local Finance Law or subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law, as applicable, and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the County Treasurer shall determine. It is hereby determined that it is to the financial advantage of the County not to

impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that:

- (a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;
- (b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds, for the objects or purposes financed by the Refunded Bonds, pursuant to paragraph a of Section 11.00 of the Local Finance Law, is as described in Exhibit A attached hereto and hereby made a part hereof;
- (c) the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of the objects or purposes for which said Refunded Bonds were issued in accordance with the provisions of subdivision 1 of paragraph a of Section 90.00 of the Local Finance Law or subdivision 1 of paragraph c of Section 90.10 of the Local Finance Law, as applicable;
- (d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, if any, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the aggregate of the refundings authorized by this resolution (collectively, the “Refunding Financial Plan”), showing the sources and amounts of all moneys required to accomplish such refundings, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit B attached hereto and hereby made a part hereof. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series to refund all of the Refunded Bonds in the principal amount of \$1,065,000, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in said Exhibit B. This County Legislature recognizes that the Refunding Bonds may be issued in one or more series, and for all of the Refunded Bonds, or portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the County will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit B. The County Treasurer is hereby authorized and directed to determine which of the Refunded Bonds will be refunded and at what time, the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding

Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the County Treasurer; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.00 or Section 90.10 of the Local Finance Law as applicable. The County Treasurer shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Clerk of the County Legislature not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The County Treasurer is hereby authorized and directed to enter into an escrow contract or contracts (collectively the “Escrow Contract”) with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said County Treasurer shall designate (collectively the “Escrow Holder”) for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said County of Herkimer, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall be annually levied on all the taxable real property in said County a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the County to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the County irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the County shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an “arbitrage bond” as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, in the event such bonds are refunded, the County hereby elects to call in and redeem each of the Refunded Bonds which the County Treasurer shall determine to be refunded in accordance with the provisions of Section 4 hereof and with regard to which the right of early redemption exists. The sum to be paid therefor on such redemption date shall be the par value thereof, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the County in the manner and within the times provided in the Refunded Bond Certificate. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at private sale to Roosevelt & Cross Incorporated (the "Underwriter") as heretofore appointed for purchase prices to be determined by the County Treasurer, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds. Subject to the approval of the terms and conditions of such private sale by the State Comptroller as may be required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, the County Treasurer is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the County providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter if sold at private sale. After the Refunding Bonds have been duly executed, they shall be delivered by the County Treasurer to the purchaser or to the underwriter in accordance with said purchase contract upon the receipt by the County of said the purchase price, including accrued interest.

Section 11. The County Treasurer and all other officers, employees and agents of the County are hereby authorized and directed for and on behalf of the County to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the County Treasurer and all powers in connection thereof are hereby delegated to the County Treasurer. The County Treasurer shall be further authorized to issue said Refunding Bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law as said officer shall determine necessary.

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. A summary of this resolution, which takes effect immediately, shall be published in the official newspapers of said County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Chief Plant Operator of the Herkimer County Sewer District, and Orrick, Herrington & Sutcliffe LLP.

Dated: June 9, 2021.

#### **EXHIBIT A**

#### **REFUNDED BOND ISSUES OBJECTS OR PURPOSES AND PERIODS OF PROBABLE USEFULNESS**

\$1,975,000 Public Improvement (Serial) Bonds, 2009

Herkimer County sewer district improvements, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith. Specific object or purpose. Period of probable usefulness: 40 years pursuant to subdivision 4 of Section 11.00 of the Local Finance Law, computed from November 15, 2009, the date of the first obligations issued therefor for the object or purpose. Bond resolution adoption date: July 1, 2009.

**EXHIBIT B**

PRELIMINARY REFUNDING FINANCIAL PLAN

COUNTY OF HERKIMER, NEW YORK

---

TABLE OF CONTENTS

County of Herkimer, New York  
Refunding Bonds  
Refunding of 11/15/2009 bonds (11/15/2021 - 2029)  
\*\*\*  
(Uninsured Aa3); (BQ); (Non-Callable)

Report	Page
Sources and Uses of Funds . . . . .	1
Summary of Refunding Results . . . . .	2
Savings . . . . .	3
Bond Pricing . . . . .	4
Bond Debt Service . . . . .	5
Escrow Requirements . . . . .	6
Escrow Descriptions . . . . .	7
Escrow Statistics . . . . .	8
Summary of Bonds Refunded . . . . .	9
Prior Bond Debt Service . . . . .	10
Proof of Arbitrage Yield . . . . .	11
Bond Summary Statistics . . . . .	12

---

SOURCES AND USES OF FUNDS

County of Herkimer, New York  
Refunding Bonds  
Refunding of 11/15/2009 bonds (11/15/2021 - 2029)  
(Uninsured Aa3); (BQ); (Non-Callable)

Dated Date 05/17/2021  
Delivery Date 05/17/2021

Sources:

---

Bond Proceeds:	
Par Amount	1,065,000.00
Premium	137,816.55
	<hr/>
	1,202,816.55

---

Uses:

---

Refunding Escrow Deposits:	
Cash Deposit	20.07
SLGS Purchases	1,114,228.00
	<hr/>
	1,114,248.07
Delivery Date Expenses:	
Cost of Issuance	65,000.00
Underwriter's Discount	23,000.00
	<hr/>
	88,000.00
Other Uses of Funds:	
Additional Proceeds	570.48
	<hr/>
	570.48
	<hr/>
	1,202,816.55

---

---

SUMMARY OF REFUNDING RESULTS

County of Herkimer, New York  
Refunding Bonds  
Refunding of 11/15/2009 bonds (11/15/2021 - 2029)  
--  
(Uninsured Aa3); (BC); (Non-Callable)

Dated Date	05/17/2021
Delivery Date	05/17/2021
Arbitrage yield	1.172864%
Escrow yield	0.020388%
Bond Par Amount	1,065,000.00
True Interest Cost	1.610997%
Net Interest Cost	1.733847%
All-in TIC	2.919316%
Average Coupon	4.000000%
Average Life	4.757
Par amount of refunded bonds	1,110,000.00
Average coupon of refunded bonds	4.359605%
Average life of refunded bonds	4.747
PV of prior debt to 05/17/2021 @ 1.172864%	1,271,795.40
Net PV Savings	69,549.33
Percentage savings of refunded bonds	6.265705%

SAVINGS

County of Herkimer, New York  
 Refunding Bonds  
 Refunding of 11/15/2009 bonds (11/15/2021 - 2029)  
 - -  
 (Uninsured Aa3); (BQ); (Non-Callable)

Date	Prior Debt Service	Refunding Debt Service	Savings	Annual Savings	Present Value to 05/17/2021 @ 1.1728644%
11/15/2021	128,878.13	121,063.33	7,814.80		7,769.74
12/31/2021				7,814.80	
05/15/2022	21,778.13	19,300.00	2,478.13		2,449.48
11/15/2022	131,778.13	124,300.00	7,478.13		7,348.57
12/31/2022				9,956.26	
05/15/2023	19,578.13	17,200.00	2,378.13		2,323.30
11/15/2023	134,578.13	127,200.00	7,378.13		7,166.01
12/31/2023				9,756.26	
05/15/2024	17,062.50	15,000.00	2,062.50		1,991.52
11/15/2024	137,062.50	130,000.00	7,062.50		6,779.71
12/31/2024				9,125.00	
05/15/2025	14,437.50	12,700.00	1,737.50		1,658.20
11/15/2025	134,437.50	127,700.00	6,737.50		6,392.52
12/31/2025				8,475.00	
05/15/2026	11,812.50	10,400.00	1,412.50		1,332.38
11/15/2026	136,812.50	130,400.00	6,412.50		6,013.43
12/31/2026				7,825.00	
05/15/2027	9,078.13	8,000.00	1,078.13		1,005.14
11/15/2027	144,078.13	138,000.00	6,078.13		5,633.60
12/31/2027				7,156.26	
05/15/2028	6,125.00	5,400.00	725.00		688.06
11/15/2028	141,125.00	135,400.00	5,725.00		5,244.60
12/31/2028				6,450.00	
05/15/2029	3,171.88	2,800.00	371.88		338.69
11/15/2029	148,171.88	142,800.00	5,371.88		4,863.90
12/31/2029				5,743.76	
	1,339,965.67	1,267,663.33	72,302.34	72,302.34	68,978.85

Savings Summary

PV of savings from cash flow	68,978.85
Plus: Refunding funds on hand	570.48
Net PV Savings	69,549.33

**BOND PRICING**

County of Herkimer, New York  
 Refunding Bonds  
 Refunding of 11/15/2009 bonds (11/15/2021 - 2029)  
 --  
 (Uninsured Aa3); (BQ); (Non-Callable)

Bond Component	Maturity Date	Amount	Rate	Yield	Price
<b>Serial Bonds:</b>					
	11/15/2021	100,000	4.000%	0.650%	101.851
	11/15/2022	105,000	4.000%	0.650%	104.974
	11/15/2023	110,000	4.000%	0.720%	108.094
	11/15/2024	115,000	4.000%	0.840%	110.859
	11/15/2025	115,000	4.000%	0.930%	113.482
	11/15/2026	120,000	4.000%	1.040%	115.767
	11/15/2027	130,000	4.000%	1.210%	117.375
	11/15/2028	130,000	4.000%	1.350%	118.828
	11/15/2029	140,000	4.000%	1.480%	120.045
		<b>1,065,000</b>			

Dated Date	05/17/2021	
Delivery Date	05/17/2021	
First Coupon	11/15/2021	
Par Amount	1,065,000.00	
Premium	137,816.55	
Production	1,202,816.55	112.940521%
Underwriter's Discount	-23,000.00	-2.159624%
Purchase Price	1,179,816.55	110.780897%
Accrued Interest		
Net Proceeds	1,179,816.55	

**BOND DEBT SERVICE**

County of Herkimer, New York  
 Refunding Bonds  
 Refunding of 11/15/2009 bonds (11/15/2021 - 2029)  
 (Uninsured Aa3); (BQ); (Non-Callable)

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
11/15/2021	100,000	4.000%	21,063.33	121,063.33	
12/31/2021					121,063.33
05/15/2022			19,300.00	19,300.00	
11/15/2022	105,000	4.000%	19,300.00	124,300.00	
12/31/2022					143,600.00
05/15/2023			17,200.00	17,200.00	
11/15/2023	110,000	4.000%	17,200.00	127,200.00	
12/31/2023					144,400.00
05/15/2024			15,000.00	15,000.00	
11/15/2024	115,000	4.000%	15,000.00	130,000.00	
12/31/2024					145,000.00
05/15/2025			12,700.00	12,700.00	
11/15/2025	115,000	4.000%	12,700.00	127,700.00	
12/31/2025					140,400.00
05/15/2026			10,400.00	10,400.00	
11/15/2026	120,000	4.000%	10,400.00	130,400.00	
12/31/2026					140,800.00
05/15/2027			8,000.00	8,000.00	
11/15/2027	130,000	4.000%	8,000.00	138,000.00	
12/31/2027					146,000.00
05/15/2028			5,400.00	5,400.00	
11/15/2028	130,000	4.000%	5,400.00	135,400.00	
12/31/2028					140,800.00
05/15/2029			2,800.00	2,800.00	
11/15/2029	140,000	4.000%	2,800.00	142,800.00	
12/31/2029					145,600.00
	1,065,000		202,863.33	1,267,863.33	1,267,663.33

---

ESCROW REQUIREMENTS

County of Herkimer, New York  
Refunding Bonds  
Refunding of 11/15/2009 bonds (11/15/2021 - 2029)  
--  
(Uninsured Aa3); (BQ); (Non-Callable)

Period Ending	Interest	Principal Redeemed	Total
06/17/2021	4,245.00	1,110,000.00	1,114,245.00
	4,245.00	1,110,000.00	1,114,245.00

ESCROW DESCRIPTIONS

County of Herkimer, New York  
Refunding Bonds  
Refunding of 11/15/2009 bonds (11/15/2021 - 2029)

(Uninsured Aa3); (BQ); (Non-Callable)

Type of Security	Type of SLGS	Maturity Date	First Int. Pmt Date	Par Amount	Rate	Max Rate
May 17, 2021:						
SLGS	Certificate	06/17/2021	06/17/2021	1,114,226	0.020%	0.020%
				1,114,226		

SLGS Summary

SLGS Rates File 11MAR21  
Total Certificates of Indebtedness 1,114,226.00

ESCROW STATISTICS

County of Herkimer, New York  
 Refunding Bonds  
 Refunding of 11/15/2009 bonds (11/15/2021 - 2029)  
 --  
 (Uninsured Aa3); (BQ); (Non-Callable)

	Total Escrow Cost	Modified Duration (years)	Yield to Receipt Date	Yield to Disbursement Date	Perfect Escrow Cost	Value of Negative Arbitrage	Cost of Dead Time
Global Proceeds Escrow:	1,114,246.07	0.083	0.020388%	0.020388%	1,113,179.64	1,066.41	0.02
	1,114,246.07				1,113,179.64	1,066.41	0.02

Delivery date 05/17/2021  
 Arbitrage yield 1.172864%

SUMMARY OF BONDS REFUNDED

County of Herkimer, New York  
 Refunding Bonds  
 Refunding of 11/15/2009 bonds (11/15/2021 - 2029)  
 -  
 (Uninsured Aa3); (BQ); (Non-Callable)

Bond	Maturity Date	Interest Rate	Par Amount	Call Date	Call Price
2009, 2009, BOND:					
	11/15/2021	4.000%	105,000.00	06/17/2021	100.000
	11/15/2022	4.000%	110,000.00	06/17/2021	100.000
	11/15/2023	4.375%	115,000.00	06/17/2021	100.000
	11/15/2024	4.375%	120,000.00	06/17/2021	100.000
	11/15/2025	4.375%	120,000.00	06/17/2021	100.000
	11/15/2026	4.375%	125,000.00	06/17/2021	100.000
	11/15/2027	4.375%	135,000.00	06/17/2021	100.000
	11/15/2028	4.375%	135,000.00	06/17/2021	100.000
	11/15/2029	4.375%	145,000.00	06/17/2021	100.000
			1,110,000.00		

PRIOR BOND DEBT SERVICE  
 County of Herkimer, New York  
 Refunding Bonds  
 Refunding of 11/15/2009 bonds (11/15/2021 - 2029)  
 (Uninsured Aa3); (BO); (Non-Callable)

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
11/15/2021	105,000	4.000%	23,878.13	128,878.13	
12/31/2021					128,878.13
05/15/2022			21,778.13	21,778.13	
11/15/2022	110,000	4.000%	21,778.13	131,778.13	
12/31/2022					153,556.26
05/15/2023			19,578.13	19,578.13	
11/15/2023	115,000	4.375%	19,578.13	134,578.13	
12/31/2023					154,156.26
05/15/2024			17,062.50	17,062.50	
11/15/2024	120,000	4.375%	17,062.50	137,062.50	
12/31/2024					154,125.00
05/15/2025			14,437.50	14,437.50	
11/15/2025	120,000	4.375%	14,437.50	134,437.50	
12/31/2025					148,875.00
05/15/2026			11,812.50	11,812.50	
11/15/2026	125,000	4.375%	11,812.50	136,812.50	
12/31/2026					148,625.00
05/15/2027			9,078.13	9,078.13	
11/15/2027	135,000	4.375%	9,078.13	144,078.13	
12/31/2027					153,156.26
05/15/2028			6,125.00	6,125.00	
11/15/2028	135,000	4.375%	6,125.00	141,125.00	
12/31/2028					147,250.00
05/15/2029			3,171.88	3,171.88	
11/15/2029	145,000	4.375%	3,171.88	148,171.88	
12/31/2029					151,343.76
	1,110,000		229,965.67	1,339,965.67	1,339,965.67

On motion of Mr. Stephens, seconded by Mr. Johnson, Resolution No. 144 sponsored by the Committee on Administration/Veterans' Affairs urging the New York State Governor to not sign New York State Senate Bill S7196/Assembly Bill A6762 into law was handed up; discussion was held; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.



## HERKIMER COUNTY LEGISLATURE

No. 144

### **RESOLUTION URGING THE NEW YORK STATE GOVERNOR TO NOT SIGN NEW YORK STATE SENATE BILL S7196/ASSEMBLY BILL A6762 INTO LAW**

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

WHEREAS, Rem Arms LLC (formerly known as Remington Arms) is a major employer in Upstate New York, a significant manufacturing success story in recent years, and a company which the Herkimer County Legislature has been proud to support and will continue to support; and

WHEREAS, Rem Arms LLC is a major contributor to the viability and stability of our economy; and

WHEREAS, Rem Arms LLC provides for many families to live a middle class lifestyle; and

WHEREAS, Senate Bill S7196/Assembly Bill A6762 seeks to impose liability on firearms manufacturers who lawfully design, manufacture, market, distribute, import, and sell firearms in compliance with all federal, state, and local laws; and

WHEREAS, the US Supreme Court has ruled the Second Amendment protects the right of individuals to keep and bear arms and that the Second Amendment applies to the States; and

WHEREAS, Senate Bill S7196/Assembly Bill A6762 seeks to impose liability on law-abiding firearms business for the criminal misuse of firearms which is contrary to the will of Congress which enacted the Protection of Lawful Commerce in Arms Act (PLCAA); and

WHEREAS, this may set a negative precedent of liability on other lawful businesses (i.e.: car companies, beer and marijuana sales, etc.); now, therefore, be it

RESOLVED, the Herkimer County Legislature, on behalf of the employees of Rem Arms LLC, the company, local businesses, and the residents of Herkimer County urge the Governor of the State of New York to not sign this bill into law; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Governor of the State of New York, Congresswoman Elise Stefanik, Congresswoman Claudia Tenney, Senator Peter Oberacker, 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, Village of Ilion, Town of German Flatts, Rem Arms LLC, and United Mine Workers, Local 717.

Dated: June 9, 2021.

Chairman Bono stated that pursuant to Rule 6(12) they would proceed with comments by Legislators. The following legislators made a comment: Legislator Hollum, Legislator Smith, Chairman Bono, and Legislator Russell.

At 7:20 p.m. on motion of Mr. Manno, seconded by Mr. Stephens, the Legislature adjourned to Wednesday, July 7, 2021 at 2:00 p.m. with a Public Hearing for a CDBG application at 1:45 p.m.

Brittney R. Viscomi, Clerk