

MINUTES
Herkimer County Legislature
Third Quarter – Third Day
Wednesday, September 15, 2021
7:00 p.m.

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

Chairman Bono called on Legislator William Weakley 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, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (16).

Absent: Stephens (1).

Pursuant to Rule 11, Chairman Bono opened the floor for public comment. (1) Carl Streeter, Ilion – Accountability. (2) Brion Carroll, Herkimer – Herkimer 9. (3) Scott Flansburg, Herkimer – Herkimer 9.

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 August 11, 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. 268 – A communication was received from the County Attorney submitting Notice of Intent to File a Claim and Notice of Claim. Filed.

No. 269 – A communication was received from the Office of Temporary and Disability Assistance acknowledging receipt and filing of reappointment of Timothy Seymour as Commissioner of Social Services. Filed.

No. 270 – A communication was received from the Soil and Water Conservation District submitting notice of meeting. Filed.

No. 271 – A communication was received from State Parks, Recreation and Historic Preservation advising of Van Slyke House being listed on National Register. Filed.

No. 272 – A communication was received from National Grid submitting Semi-Annual PCB Inventory Report. Filed.

No. 273 – A communication was received from the Herkimer County IDA submitting Notice of Public Hearing. Filed.

No. 274 – A communication was received from the Herkimer County IDA submitting Notice of Public Hearing. Filed.

No. 275 – A communication was received from D’Arcangelo submitting Audit for year ended 12/31/2020. Filed.

No. 276 – A communication was received from the County Sheriff submitting June Monthly Report. Referred to the Committee on Public Safety & Emergency Management.

No. 277 – A communication was received from the Director of Community Services requesting amendment to contract with the Neighborhood Center. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 278 – A communication was received from the Herkimer County District Attorney requesting to accept grant from Division of Criminal Justice Services for District Attorney’s Office. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 279 – A communication was received from the Probation Director requesting approval of 2021-2022 Probation Plan. Referred to the Committee on Public Safety & Emergency Management.

No. 280 – 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. 281 – A communication was received from the Budget Officer/Purchasing Agent advising of award of Crime Victims Services Grant and requesting budget amendment and creation of project. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 282 – A communication was received from the STOP-DWI Coordinator requesting to approve STOP-DWI plan for 2022. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 283 – A communication was received from the County Attorney submitting request for Opioid Settlement. Referred to the Committee on Ways & Means.

No. 284 – A communication was received from the Director of Employment & Training requesting Lease Agreement for One-Stop Center. Referred to the Committee on County Planning & Development and the Committee on Ways & Means.

No. 285 – A communication was received from the County Sheriff submitting 2020 Annual Report. Referred to the Committee on Public Safety & Emergency Management.

No. 286 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer in the County Clerk Department. Referred to the Committee on Ways & Means.

No. 287 – A communication was received from the Commissioner of Social Services submitting request for approval to submit plan and contract with ICAN for STSJP. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 288 – A communication was received from the Budget Officer/Purchasing Agent requesting acceptance of American Rescue Plan funding, budget amendment, and creation of accounts. Referred to the Committee on Ways & Means.

No. 289 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment, creation of an account and a project in connection with Highway equipment purchases. Referred to the Committee on Ways & Means.

No. 290 – A communication was received from the Budget Officer/Purchasing Agent requesting amendment to Resolution No. 154 of 2021. Referred to the Committee on Ways & Means.

No. 291 – A communication was received from the Budget Officer/Purchasing Agent requesting amendment to Resolution No. 162 of 2021. Referred to the Committee on Ways & Means.

No. 292 – A communication was received from the Director of Public Health requesting contracts in connection with System of Care Grant. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 293 – A communication was received from the County Attorney requesting Resolution to authorize retention of counsel. Referred to the Committee on Public Safety & Emergency Management and the Committee on Ways & Means.

No. 294 – A communication was received from the Budget Officer/Purchasing requesting appropriation of funds for the Herkimer County IDA. Referred to the Committee on County Planning & Development and the Committee on Ways & Means.

No. 295 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer of funds and creation of a new account for purchase of new financial accounting system. Referred to the Committee on Ways & Means.

No. 296 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer of funds and creation of a new account for purchases to upgrade existing computer

equipment. Referred to the Committee on Information Services and the Committee on Ways & Means.

No. 297 – A communication was received from the Budget Officer/Purchasing Agent requesting transfer of funds to upgrade switches in the Information Services Department. Referred to the Committee on Information Services and the Committee on Ways & Means.

No. 298 – A communication was received from the Commissioners of Elections requesting reimbursement to Blessed Sacrament Church. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means.

No. 299 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in connection with Upper Limit Payment. Referred to the Committee on Human Resources and the Committee on Ways & Means.

No. 300 – A communication was received from the Personnel Officer requesting amendment to hourly salary schedule. Referred to the Committee on Ways & Means.

No. 301 – A communication was received from the Personnel Officer requesting a contract for health insurance stop loss coverage. Referred to the Committee on Ways & Means.

No. 302 – A communication was received from the County Attorney requesting to approve a Settlement Agreement in Bankruptcy Court in relation to an action relating to the opioid crisis. Referred to the Committee on Ways & Means.

Pursuant to Rule 6, Chairman Bono then proceeded with Reports of Standing Committees. Legislator Johnson, Chairman of the Committee on County Properties gave an update on the Governor's extension and not being able to move forward with the In Rem process; Legislator Russell, Chairman of the Committee on Ways & Means, gave an update on starting the budget process with the full Legislature soon.

On motion of Mr. Ackerman, seconded by Mr. Schrader, Resolution No. 209 – Resolution No. 212 were handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Stephens (1).

Consent Agenda:

- 209 PUB. SFTY./EMER. MGMT.: Approving Annual Report of the Sheriff
- 210 WAYS & MEANS: Authorizing transfer of funds in the County Clerk Department
- 211 PUB. SFTY./EMER. MGMT., WAYS & MEANS: Approving 2022 STOP-DWI Plan
- 212 PUB. SFTY./EMER. MGMT.: Approving 2021/2022 Probation Plan



HERKIMER COUNTY LEGISLATURE

No. 209

REPORT AND RESOLUTION APPROVING ANNUAL REPORT OF THE SHERIFF

Sponsored by: Committee on Public Safety and Emergency Management

WHEREAS, your Committee on Public Safety & Emergency Management, to which was referred the communication from the Herkimer County Sheriff submitting the 2020 Annual Report of the Sheriff's Office, respectfully reports that we have examined the said report, recommend that it be adopted and offer the following Resolution:

RESOLVED, that the 2020 Annual Report of the Sheriff's Office is hereby adopted and that a copy thereof be placed on file with the Herkimer County Legislature for the year 2020.

Dated: September 15, 2021.



HERKIMER COUNTY LEGISLATURE

No. 210

REPORT AND RESOLUTION AUTHORIZING TRANSFER OF FUNDS IN THE COUNTY CLERK 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 August 25, 2021, 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 2021 Budget:

Transfer:

\$12,000

From: A1410.10000-001, County Clerk, Salaries

To: A1410.46300, County Clerk, Postage

and, be it further

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

Dated: September 15, 2021.



HERKIMER COUNTY LEGISLATURE

No. 211

REPORT AND RESOLUTION APPROVING 2022 STOP-DWI PLAN

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

WHEREAS, the New York State Legislature, by Chapter 913 of the Laws of 1981, established a Special Traffic Options Program for Driving While Intoxicated; and

WHEREAS, the said Law provides for the establishment of such a program by the counties of the State of New York; and

WHEREAS, the Herkimer County Legislature authorized by Resolution No. 270 for the year 1981, participation by the County of Herkimer in the STOP-DWI Program; and

WHEREAS, by letter dated August 25, 2021, Michael L. Edwards, STOP-DWI Coordinator, has submitted the STOP-DWI Plan for the year 2022 for approval by this Legislature; now, therefore, be it

RESOLVED:

1. That the Herkimer County Legislature hereby approves the STOP-DWI Plan for 2022;
2. That the funds accrued in the year 2021 and prior thereto be expended for the continuance of the STOP-DWI Program;
3. That the STOP-DWI Coordinator and Advisory Board submit timely reports regarding revenue obtained and expended within limits previously approved, to the appropriate committees of the County Legislature;
4. That the previous resolutions regarding the STOP-DWI Program be continued as resolved;
5. That certified copies of this Resolution be forwarded to the County Treasurer, Auditor, Budget Officer, STOP-DWI Coordinator, and the New York State Department of Motor Vehicles.

Dated: September 15, 2021.



HERKIMER COUNTY LEGISLATURE

No. 212

REPORT AND RESOLUTION APPROVING 2021/2022 PROBATION PLAN

Sponsored by: Committee on Public Safety/Emergency Management

WHEREAS, your Committee on Public Safety/Emergency Management, to which was referred the 2021/2022 Probation Plan of the Herkimer County Probation Department, respectfully reports that we have examined the same, recommend the approval of said plan, and offer the following Resolution:

RESOLVED, that the 2021/2022 Probation Plan of the Herkimer County Probation Department be approved and placed on file with the Herkimer County Legislature.

Dated: September 15, 2021.

The Chairman continued with the Regular Agenda.

On motion of Mr. Smith, seconded by Mr. Gaworecki, Report and Resolution No. 213 sponsored by the Committee on Ways & Means creating account, creating project, and amending budget in connection with Highway equipment purchases was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Stephens (1).



HERKIMER COUNTY LEGISLATURE

No. 213

REPORT AND RESOLUTION CREATING ACCOUNT, CREATING PROJECT, AND AMENDING BUDGET IN CONNECTION WITH HIGHWAY EQUIPMENT PURCHASES

Sponsored by: Committee on Ways and Means

WHEREAS, Resolution No. 206 of 2021 authorized the purchase of \$1,447,932.70 in equipment for the Herkimer County Highway Department, funded through CHIPS; and

WHEREAS, by communication dated August 25, 2021 from Sheri Ferdula, Budget Officer, this Legislature is advised that in order to properly account for these purchases, an

amendment to the 2021 budget and the creation of an account and a project will be necessary; now, therefore, be it

RESOLVED, that the 2021 budget be amended as follows:

Create:

Project 80-1, Chips Equipment
H5197.25000, Hwy Equip. & Capital Outlay, Other Equip.

Amend:

Revenue:

H5031, Interfund Transfers, Proj: 80-1	From: \$0
	To: \$1,447,932.70

Expense:

H5197.25000, Hwy Equip. & Capital Outlay, Other Equip. Proj: 80-1	From: \$0
	To: \$1,447,932.70

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: September 15, 2021.

On motion of Mr. Shaw, seconded by Mr. Campione, Report and Resolution No. 214 sponsored by the Committee on Human Resources and the Committee on Ways & Means amending contract for Herkimer County Mental Health Services was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Stephens (1).



HERKIMER COUNTY LEGISLATURE

No. 214

REPORT AND RESOLUTION AMENDING CONTRACTS FOR HERKIMER COUNTY MENTAL HEALTH SERVICES

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

WHEREAS, Resolution No. 326 of 2019, authorized contracts for Herkimer County Mental Health Services; and

WHEREAS, by letter dated August 20, 2021, from Kristen Snyder-Branner, Director of Community Services, this Legislature is advised of a request to amend a contract due to unspent 2020 OMH funds that the state then allocated for crisis services; and

WHEREAS, said contract shall be supported at the 100% state aid level; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute amended contracts with the following agency to provide services to Herkimer County Mental Health Services:

1. The Neighborhood Center
624 Elizabeth Street
Utica, NY 13501
For a contract sum of \$164,302

and, be it further

RESOLVED, that in all other respects, Resolution No. 326 of 2019 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, Director of Community Services, and the above listed agency.

Dated: September 15, 2021.

On motion of Mr. Ackerman, seconded by Mr. Weakley, Report and Resolution No. 215 sponsored by the Committee on County Planning & Development and the Committee on Ways & Means authorizing extension of lease agreement for One-Stop Center was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Stephens (1).



HERKIMER COUNTY LEGISLATURE

No. 215

REPORT AND RESOLUTION AUTHORIZING EXTENSION OF LEASE AGREEMENT FOR ONE STOP CENTER

Sponsored by: Committee on County Planning and Development

Committee on Ways and Means

WHEREAS, pursuant to Resolution No. 101 of 2001, the County of Herkimer entered into a three year lease agreement with Cale Development Company, Inc. of the former Wards Building located at 320 N. Prospect Street, Herkimer, for the purposes of housing the Working Solutions One-Stop Career Center, which lease was renewed by resolution thereafter, most recently by Resolution No. 279 of 2018 for a three year period; and

WHEREAS, by letter dated August 25, 2021, Karin Piseck, Employment and Training Director, has requested a new lease agreement be entered into with Castle Enterprises of Herkimer, LTD (formerly Cale Development Co., Inc.) of the former Wards Building located at 320 N. Prospect Street, Herkimer, for the purposes of housing the Working Solutions One-Stop Career Center at an annual rent of \$130,436.82, to be paid in monthly installments of \$10,869.74; and

WHEREAS, said monthly rent shall be offset by payments made pursuant to agreements with partners in the Working Solutions One-Stop Career Center, which include the State Department of Labor, Herkimer County BOCES, Herkimer County Community College, Herkimer County Department of Social Services, ACCES-VR, Staffworks, Bassett Healthcare and Morphotrust; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a lease agreement of the former Wards Building located at 320 North Prospect Street, Herkimer, New York, with Castle Enterprises of Herkimer, LTD, for the purposes of housing the Working Solutions One-Stop Career Center, under the following terms and conditions:

- That the lease agreement shall be for a term of three years effective from October 1, 2021 to September 30, 2024;
- That the lease agreement shall reflect an occupied square footage of 9,598;
- That the price shall be \$10.44/square foot for base rent plus an additional \$3.15/square foot to cover taxes, assessments and utilities, for a total of \$13.59/square foot, with total annual rent to be \$130,436.82 to be paid in monthly installments of \$10,869.74, with a final payment of \$10,869.68;
- That tenant does repairs that are under \$150; landlord responsible for all others;
- 60 designated parking spaces;
- Landlord to maintain parking lot, including snow and ice removal;
- That the lease agreement shall be subject to the approval of the Herkimer County Attorney;

and, be it further

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

Dated: September 15, 2021.

On motion of Mr. Hollum, seconded by Mr. Manno, Report and Resolution No. 216 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 (16).

Against: None.

Absent: Stephens (1).



HERKIMER COUNTY LEGISLATURE

No. 216

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 August 3, 2021 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 2021-2022 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 2021-2022 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 2021-2022 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: September 15, 2021.

On motion of Mr. Gaworecki, seconded by Mr. Schrader, Report and Resolution No. 217 sponsored by the Committee on Human Resources and the Committee on Ways & Means authorizing submission of the Supervision and Treatment Services for Juveniles Program (STSJP) to the NYS Office of Children and Family Services and authorizing contract renewal with ICAN to provide services was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Stephens (1).



HERKIMER COUNTY LEGISLATURE

No. 217

REPORT AND RESOLUTION AUTHORIZING SUBMISSION OF THE SUPERVISION AND TREATMENT SERVICES FOR JUVENILES PROGRAM (STSJP) TO THE NYS OFFICE OF CHILDREN AND FAMILY SERVICES AND AUTHORIZE CONTRACT RENEWAL WITH ICAN TO PROVIDE SERVICES

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

WHEREAS, Resolution No. 276 of 2020 authorized the Chairman of the Legislature to approve the submission of a STSJP plan to the NYS Office of Children and Family Services, and execute a contract with Integrated Community Alternatives Network (ICAN), for the provision of detention diversion services; and

WHEREAS, by letter dated August 25, 2021, Timothy Seymour, Commissioner of Social Services has advised the 2021-22 enacted State budget has again appropriated funding to assist with STSJP; and

WHEREAS, the funding request for the continuation of this program is \$79,620 for the period of performance commencing October 1, 2021 through September 30, 2022, this sum has a 62% state reimbursement and the program continues capped detention services allocation which is reimbursed at 49% state share; now, therefore, be it

RESOLVED, that this Legislature hereby authorizes the Commissioner of Social Services to submit a STSJP plan to the NYS Office of Children and Family Services for approval and authorizes the Chairman of the Legislature to renew a contract with ICAN, 310 Main Street, Utica, NY 13501 to provide detention diversion/early intervention services for the period of the plan; 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, and ICAN.

Dated: September 15, 2021.

On motion of Mr. Ackerman, seconded by Mr. Hollum, Report and Resolution No. 218 sponsored by the Committee on County Planning & Development and the Committee on Ways & Means appropriating funds in connection with Industrial Development Agency was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (16).

Against: None.

Absent: Stephens (1).



HERKIMER COUNTY LEGISLATURE

No. 218

REPORT AND RESOLUTION APPROPRIATING FUNDS IN CONNECTION WITH INDUSTRIAL DEVELOPMENT AGENCY

**Sponsored by: Committee on County Planning & Development
Committee on Ways and Means**

WHEREAS, by letter dated August 25, 2021 from the Budget Officer/Purchasing Agent, this Legislature is advised of a request to approve an appropriation of funds to the Herkimer County Industrial Development Agency for infrastructure at the Schuyler Business Park; now, therefore, be it

RESOLVED, that an appropriation of funds be authorized as follows:

\$1,000,000	From: A909, Fund Balance
	To: A6420.40000, IDA, Contractual Expense

and, be it further

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

Dated: September 15, 2021.

On motion of Mr. Campione, seconded by Mr. Donley, Report and Resolution No. 219 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means accepting grant from Division of Criminal Justice Services for Herkimer County District Attorney's Office was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Stephens (1).



HERKIMER COUNTY LEGISLATURE

No. 219

REPORT AND RESOLUTION ACCEPTING GRANT FROM DIVISION OF CRIMINAL JUSTICE SERVICES FOR HERKIMER COUNTY DISTRICT ATTORNEY'S OFFICE

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

WHEREAS, by letter dated August 20, 2021 from the Herkimer County District Attorney's Office, this Legislature is advised of the receipt of an Aid to Prosecution Grant from the New York State Division of Criminal Justice Services; and

WHEREAS, said grant award is in the amount of \$30,200.00, and shall be effective for the term April 1, 2021 to March 31, 2022; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to e-sign the grant on behalf of the County of Herkimer with the New York State Division of Criminal Justice Services for the receipt by Herkimer County of an Aid to Prosecution Grant in the amount of \$30,200.00 for the period from April 1, 2021 to March 31, 2022; and, be it further

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

Dated: September 15, 2021.

On motion of Mr. Malta, seconded by Mr. Weakley, Report and Resolution No. 220 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means authorizing contracts and amending budget in connection with Crime Victim Services Grant for District Attorney's Office was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Stephens (1).



HERKIMER COUNTY LEGISLATURE

No. 220

REPORT AND RESOLUTION AUTHORIZING CONTRACTS AND AMENDING BUDGET IN CONNECTION WITH CRIME VICTIM SERVICES GRANT FOR DISTRICT ATTORNEY’S OFFICE

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

WHEREAS, by communication dated August 25, 2021 from Sheri Ferdula, Budget Officer, this Legislature is advised that the New York State Office of Victim Services has approved an award for a period from October 1, 2021 through September 30, 2022 for the Herkimer County Victim Services Program; and

WHEREAS, by said letter, the Budget Officer has advised of a request to amend the 2021 Budget and create a project DA02-19, when said grant awards are received for the Victim Services Program in the Office of the District Attorney’s Office; now, therefore, be it

RESOLVED, that the Chairman of the Legislature is hereby authorized to execute and e-sign the contract for the Herkimer County Victim Services Program in the amount of \$48,839.82 for the period of October 1, 2021 to September 30, 2022; and, be it further

RESOLVED, that the above described grant is hereby accepted and that the 2021 budget be amended as follows:

Revenue:

A1169.4389I, Crime Victims Coordinator, Federal Aid	From: \$0
	To: \$48,839.82

Appropriation:

A1169.10000-001, Victims Services Coordinator, Salaries	From: \$0
	To: \$37,665
A1169.81000, Victims Services Coordinator, Retirement	From: \$0
	To: \$3,502
A1169.83000, Victims Services Coordinator, Social Security	From: \$0
	To: \$2,335
A1169.83500, Victims Services Coordinator, Medicare	From: \$
	To: \$546
A1169.84000, Victims Services Coordinator, Workers Comp	From: \$0
	To: \$848
A1169.86000, Victims Services Coordinator, Health Insurance	From: \$0
	To: \$3,943.82

and, be it further

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

Dated: September 15, 2021.

On motion of Mr. Manno, seconded by Mr. Donley, Report and Resolution No. 221 sponsored by the Committee on Human Resources and the Committee on Ways & Means

authorizing contracts in connection with System of Care Grant in Public Health was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Stephens (1).



HERKIMER COUNTY LEGISLATURE

No. 221

REPORT AND RESOLUTION AUTHORIZING CONTRACTS IN CONNECTION WITH SYSTEM OF CARE GRANT IN PUBLIC HEALTH

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

WHEREAS, Public Health received a System of Care Grant which runs from September 30, 2019 through September 29, 2023 and it is necessary to enter into agreements in order to fulfill the requirements and goals of the grant; and

WHEREAS, by letter dated August 26, 2021 from Christina Cain, Director of Public Health, she has requested to enter into the following contracts:

1. **Bassett Healthcare** – Mary Imogene Bassett Hospital, DBA Bassett Medical Center, 1 Atwell Rd, Cooperstown NY 13326
 - \$2,500 - Data analysis of Youth Risk Behavior Survey (YRBS)
2. **BOCES** – Sandy Sherwood, 352 Gros Blvd., Herkimer, NY 13350
 - Up to \$35,000 to renew DESSA licenses (number of licenses is dependent on the number of students, so will vary from year to year)
3. **ICAN** – Steve Bulger, 310 Main St., Utica, NY 13501
 - \$492,492 for Project Director, Lead Family Contact, Lead Referral Supervisor, System of Care Support Coordinator, Behavioral Health Clinician, SPIN Services (Support Service Provision for Individual Needs), Marketing Coordinator (0.1 %), CEO (0.15%), Training, Outreach, Office Space, and Administrative fees.
4. **SUNY Poly** – 35 State St., Albany, NY 12203 (Research Foundation for SUNY Poly)
 - \$150,000 for evaluation of data required by the grant
5. **The Neighborhood Center** – Sandra Soroka, 624 Elizabeth St., Utica, NY 13501
 - \$70,455 for Mobile Crisis Assessment Team (0.25%) 24 hour on-call service and a part-time Social Worker and Psychiatric Nurse Practitioner
6. **The Paige Group** – Carrie McMurray, Paige Marketing Communications Group, Inc., 258 Genesee Street, Suite 204, Utica, NY 13502
 - \$20,000 for continuation of the Social Marketing campaign, as required by SAMHSA
7. **Catholic Charities of Herkimer County** - Maureen Petrie, 61 West St., Ilion, NY 13357

- \$84,000 for the services of a full-time Youth Engagement Specialist and costs associated with events and activities connected to the System of Care Project
8. **Cornell Cooperative Extension of Oneida County, Child Care Council** - Mary Beth McEwen, Executive Director, 121 Second Street, Oriskany, NY 13424.
- \$125,000 for a full time Subject Educator, and expenses related to the grant position (travel, supplies)

now, therefore, be it

RESOLVED, that the above contracts are approved contingent upon County Attorney approval, and that the Chairman is authorized to execute said contracts; and, be it further

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

Dated: September 15, 2021.

On motion of Mr. Hollum, seconded by Mr. Gaworecki, Report and Resolution No. 222 sponsored by the Committee on Administration/Veterans' Affairs and the Committee on Ways & Means authorizing reimbursement to Blessed Sacrament Church was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Stephens (1).



HERKIMER COUNTY LEGISLATURE

No. 222

REPORT AND RESOLUTION AUTHORIZING REIMBURSEMENT TO BLESSED SACRAMENT CHURCH

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

WHEREAS, by letter dated August 30, 2021 from Kim S. Tranter and Robert A. Drumm, Commissioners of Elections, this Legislature is advised of a request to reimburse Blessed Sacrament Church for installation of a handrail and improvement to a handicap accessible ramp for early voting; now, therefore, be it

RESOLVED, that authorization is given for reimbursement to Blessed Sacrament Church for installation of a handrail and improvement to a handicap accessible ramp for early voting in the amount of \$2,700; 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: September 15, 2021.

On motion of Mr. Schrader, seconded by Mr. Russell, Report and Resolution No. 223 sponsored by the Committee on Ways & Means accepting funding, amending budget, and creating accounts in connection with American Rescue Plan funding was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Stephens (1).



HERKIMER COUNTY LEGISLATURE

No. 223

REPORT AND RESOLUTION ACCEPTING FUNDING, AMENDING BUDGET, AND CREATING ACCOUNTS IN CONNECTION WITH AMERICAN RESCUE PLAN FUNDING

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated August 25, 2021 from Sheri Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that it is necessary to accept the American Rescue Plan funding, amend the budget and create accounts; now, therefore, be it

RESOLVED, that the above described funding is accepted and the 2021 Herkimer County Budget is hereby amended in the amounts listed as follows:

Create:

Revenue:

A4089, Federal Aid, ARP	\$5,955,248.50
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Expense:

A1989A.46000, ARP Funding, Miscellaneous Expense	\$5,955,248.50
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and, be it further

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

Dated: September 15, 2021.

On motion of Mr. Russell, seconded by Mr. Gaworecki, Report and Resolution No. 224 sponsored by the Committee on Ways & Means amending Resolution No. 154 of 2021 was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Stephens (1).



HERKIMER COUNTY LEGISLATURE

No. 224

REPORT AND RESOLUTION AMENDING RESOLUTION NO. 154 OF 2021

Sponsored by: Committee on Ways and Means

WHEREAS, Resolution No. 154 of 2021 established accounts and amended the budget for funding provided to Public Health from the American Rescue Plan; and

WHEREAS, by communication dated August 30, 2021 from Sheri Ferdula, Budget Officer, this Legislature is advised that new guidance is requiring a different method of distribution for this funding; now, therefore, be it

RESOLVED, that Resolution No. 154 of 2021 be amended to read as follows:

Create:

A4010A.4089A, PH ARP, Federal Aid

A4010A.44000, PH ARP, Contracted Services

Transfer:

\$95,000 From: A4089A, Federal Aid, ARP Funding
To: A4010A.4089A, PH ARP, Federal Aid

\$95,000 From: A1989A.46000, ARP, Miscellaneous Expense
To: A4010A.44000, PH ARP, Contracted Services

and, be it further

RESOLVED, that in all other respects, Resolution No. 154 of 2021 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, and Budget Officer.

Dated: September 15, 2021.

On motion of Mr. Russell, seconded by Mr. Donley, Report and Resolution No. 225 sponsored by the Committee on Ways & Means amending Resolution No. 162 of 2021 was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Stephens (1).



HERKIMER COUNTY LEGISLATURE

No. 225

REPORT AND RESOLUTION AMENDING RESOLUTION NO. 162 OF 2021

Sponsored by: Committee on Ways and Means

WHEREAS, Resolution No. 162 of 2021 established accounts and amended the budget for funding provided to the District Attorney from the American Rescue Plan; and

WHEREAS, by communication dated August 30, 2021 from Sheri Ferdula, Budget Officer, this Legislature is advised that new guidance is requiring a different method of distribution for this funding; now, therefore, be it

RESOLVED, that Resolution No. 162 of 2021 be amended to read as follows:

Create:

A1165C.4089A, DA ARP, Federal Aid

A1165C.40000, DA ARP, Contractual

Transfer:

\$25,000 From: A4089A, Federal Aid, ARP Funding
To: A1165C.4089A, DA ARP, Federal Aid

\$25,000 From: A1989A.46000, ARP, Miscellaneous Expense
To: A1165C.40000, DA ARP, Contractual

and, be it further

RESOLVED, that in all other respects, Resolution No. 162 of 2021 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, and Budget Officer.

Dated: September 15, 2021.

On motion of Mr. Schrader, seconded by Mr. Keeler, Report and Resolution No. 226 sponsored by the Committee on Information Services and the Committee on Ways & Means authorizing purchase, creating account, and transferring funds was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Stephens (1).



HERKIMER COUNTY LEGISLATURE

No. 226

REPORT AND RESOLUTION AUTHORIZING PURCHASE, CREATING ACCOUNT, AND TRANSFERRING FUNDS

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

WHEREAS, by letter dated July 22, 2021, Michael Testa, Deputy Director of Information Services, has requested purchases to upgrade existing computer equipment; and

WHEREAS, the quote consists of Virtual server replacement, switches for the servers, core switch replacement between the buildings, new fiber runs between the building core switches and up to the data center, and upgrading the Microsoft licensing for the server, at a total cost of \$363,438; and

WHEREAS, by letter dated August 25, 2021, from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that the creation of a new account and transfers of funds will be necessary for said purchase; now, therefore, be it

RESOLVED, that the above described purchase in the amount of \$363,438 is approved; and, be it further

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized and directed to create an account and to transfer the following sum from and to the following accounts in the 2021 Budget:

\$363,438	From: A4089, Federal Aid, ARP Funding
	To: A1680A.4089A, IS ARP (create)
\$363,438	From: A1989A.46000, ARP Funding, Miscellaneous Expense
	To: A1680A.22000, IS ARP, Computer Equipment (create)

and, be it further

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

Dated: September 15, 2021.

On motion of Mr. Ackerman, seconded by Mr. Schrader, Report and Resolution No. 227 sponsored by the Committee on Information Services and the Committee on Ways & Means authorizing purchase and transferring funds in Information Services was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Stephens (1).



HERKIMER COUNTY LEGISLATURE

No. 227

REPORT AND RESOLUTION AUTHORIZING PURCHASE AND TRANSFERRING FUNDS IN INFORMATION SERVICES

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

WHEREAS, by letter dated August 25, 2021, Kathy Wright, Director of Information Services, has requested to purchase 27 new switches to be placed throughout the County buildings; and

WHEREAS, the quote was received from Network Craze to replace all 27 switches for a total of \$112,530, which includes the cost of the switches and software and maintenance on all the units for five years; and

WHEREAS, by letter dated August 25, 2021, from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that transfers of funds will be necessary for said purchase; now, therefore, be it

RESOLVED, that the above described purchase in the amount of \$112,530 is approved; and, be it further

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized and directed to transfer the following sum from and to the following accounts in the 2021 Budget:

\$112,530 From: A4089, Federal Aid, ARP Funding
 To: A1680A.4089A, IS ARP

\$112,530 From: A1989A.46000, ARP Funding, Miscellaneous Expense
 To: A1680A.22000, IS ARP, Computer Equipment

and, be it further

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

Dated: September 15, 2021.

On motion of Mr. Campione, seconded by Mr. Donley, Report and Resolution No. 228 sponsored by the Committee on Public Safety & Emergency Management and the Committee on Ways & Means authorizing retention of counsel in connection with appeal by RAG Herkimer, LLC of fair market value determination of real property taken by eminent domain for construction of new Herkimer County Correctional Facility was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Stephens (1).



HERKIMER COUNTY LEGISLATURE

No. 228

REPORT AND RESOLUTION AUTHORIZING RETENTION OF COUNSEL IN CONNECTION WITH APPEAL BY RAG HERKIMER, LLC OF FAIR MARKET VALUE DETERMINATION OF REAL PROPERTY TAKEN BY EMINENT DOMAIN FOR CONSTRUCTION OF NEW HERKIMER COUNTY CORRECTIONAL FACILITY

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

WHEREAS, by Resolution No. 287 of November 15, 2017, the West Firm, 677 Broadway, 8th Floor, Albany, NY 12207 was retained to render legal services in connection with the eminent domain process for construction of the new Herkimer County Correctional Facility on the former "P & C" site; and

WHEREAS, by Resolution No. 287 of 2017, the West Firm was retained for eminent domain proceedings at the rate of \$350 per hour for partner time and \$225 and \$210 per hour for associate time; and

WHEREAS, this Legislature has been informed that RAG Herkimer, LLC has filed a Notice of Appeal of the Decision of Hon. Charles Merrell on April 23, 2021 that set a value for the former "P & C" site of \$575,600.00; and

WHEREAS, legal counsel will be necessary to defend the above valuation in the appellate courts; now, therefore, be it

RESOLVED, that the West Firm continue to be retained to render legal services at the above rates, with the maximum amount of \$25,000.00 in the appeal of RAG Herkimer, LLC of the valuation of the former “P & C” site; and, be it further

RESOLVED, that copies of this Resolution be sent to the County Treasurer, Auditor, Budget Officer, County Attorney, and the West Firm.

Dated: September 15, 2021.

On motion of Mr. Shaw, seconded by Mr. Hollum, Report and Resolution No. 229 sponsored by the Committee on Ways & Means authorizing and approving a settlement agreement to an action relating to the opioid crisis was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Stephens (1).



HERKIMER COUNTY LEGISLATURE

No. 229

REPORT AND RESOLUTION AUTHORIZING AND APPROVING A SETTLEMENT AGREEMENT TO AN ACTION RELATING TO THE OPIOID CRISIS

Sponsored by: Committee on Ways & Means

WHEREAS, there is pending the matter of County of Suffolk v. Purdue Pharma L.P., et al, under Index No. 400000/2017 in the Supreme Court, Suffolk County, regarding the opioid addition crisis, in which the County of Herkimer is a named Plaintiff in the action (the “Action”); and

WHEREAS, the Action is against several defendants, including Manufacturers of Opioids, Distributors of Opioids and Retail Chain Pharmacies; and

WHEREAS, the Action alleges several causes of action against defendants Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc. and Janssen Pharmaceutica, Inc. (“J & J”) based on claims that J & J contributed to the opioid epidemic by falsely promoting prescription opioids it manufactured and sold and by falsely promoting the increased use of opioids directly and generally through various “front groups” and failing to implement measures to prevent diversion of prescription opioids in connection with distribution of its products, all of which contributed to a public health crisis in Herkimer County; and

WHEREAS, J & J has offered to settle the County of Herkimer’s claims against it by paying the sum of between approximately \$164,043.60 (Worst Case Scenario Value) and

\$382,840.91 (Best Case Scenario Value) over ten (10) years to be used for restitution and abatement and agreeing to not manufacture, sell or promote opioids; and

WHEREAS, it is in the best interest of the County of Herkimer to resolve this matter with respect to J & J without further litigation and enter into the proposed Settlement Agreement and Release (“Agreement”) together with other such documents as may be necessary and appropriate, to avoid protracted litigation; now, therefore, be it

RESOLVED, that the Chairman of the Herkimer County Legislature is authorized, subject to County Attorney approval, to execute the proposed Agreement in a form substantially similar thereto and to execute such other documents as may be necessary and appropriate to effectuate the settlement with J & J; and, be it further

RESOLVED, that this Legislature declares itself as lead agency pursuant to State Environmental Quality Review Act (SEQRA) and hereby finds and determines that the adoption of this resolution constitutes a Type II action pursuant to 6 NYCRR Sections 617.5(c) (26) and (33) and Environmental Conservation Law Section 8-0109(2) with a determination of no environmental significance, and that no further environmental review is required; and, be it further

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

Dated: September 15, 2021.

On motion of Mr. Keeler, seconded by Mr. Donley, Report and Resolution No. 230 sponsored by the Committee on Human Resources and the Committee on Ways & Means amending budget in connection with Upper Payment Limit was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Stephens (1).



HERKIMER COUNTY LEGISLATURE

No. 230

REPORT AND RESOLUTION AMENDING BUDGET IN CONNECTION WITH UPPER PAYMENT LIMIT

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

WHEREAS, by letter dated September 9, 2021, from Timothy Seymour, Commissioner of Social Services, this Legislature is advised that the Centers for Medicare & Medicaid Services

(CMS) has approved a Medicaid State Plan Amendment that has authorized Upper Payment Limit (UPL) payments in New York; which applies to County operated free standing clinics which Herkimer County's Mental Health Clinic qualifies for; and

WHEREAS, by letter dated September 8, 2021 from Sheri Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that the payment amount for Herkimer County is \$40,835.31, and in order to receive this amount, a local share of \$20,417.66 must be submitted to the New York State Department of Health, and that an amendment to the 2021 budget is necessary; now, therefore, be it

RESOLVED, that the 2021 Herkimer County Budget is hereby amended as follows:

A4320.3490, Mental Health, State Aid	From: \$375,819
	To: \$396,236.66
A4320.4490, Mental Health, Federal Aid	From: \$80,000
	To: \$100,417.65
A4320.46000, Mental Health, Miscellaneous Expense	From: \$400
	To: \$20,817.66

and, be it further

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

Dated: September 15, 2021.

On motion of Mr. Malta, seconded by Mr. Hollum, Report and Resolution No. 231 sponsored by the Committee on Ways & Means amending Resolution No. 307 of 2020 was handed up; voted on and adopted by roll call vote:

For: Malta, Gaworecki, Schrader, Hollum, Johnson, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Donley, Campione, Russell, Shaw, Weakley (16).

Against: None.

Absent: Stephens (1).



HERKIMER COUNTY LEGISLATURE

No. 231

REPORT AND RESOLUTION AMENDING RESOLUTION NO. 307 OF 2020

Sponsored by: Committee on Ways and Means

WHEREAS, Resolution No. 307 of 2020 adopted the hourly salary schedule; and

WHEREAS, by letter dated September 8, 2021, Kimberlee A. Enea, County Treasurer, has requested to amend the hourly salary schedule in the Treasurer's Department; and

WHEREAS, by letter dated September 9, 2021, Steven R. Billings, Personnel Officer, this Legislature is advised of a request to amend Resolution No. 307 of 2020 to add an Account Clerk position in Account A1326 at an hourly pay rate of \$16.25; and

WHEREAS, your Committee has taken this matter under advisement and recommend said change; now, therefore, be it

RESOLVED, that the hourly salary schedule be amended to add an Account Clerk position in Account A1326 at an hourly pay rate of \$16.25; and, be it further

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

Dated: September 15, 2021.

On motion of Mr. Russell, seconded by Mr. Gaworecki, Report and Resolution No. 232 sponsored by the Committee on Ways & Means concerning Stop-Loss coverage for Health Insurance was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Stephens (1).



HERKIMER COUNTY LEGISLATURE

No. 232

REPORT AND RESOLUTION CONCERNING STOP-LOSS COVERAGE FOR HEALTH INSURANCE

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated September 9, 2021, from Steven R. Billings, Personnel Officer, this Legislature is advised and your Committee has determined that stop-loss insurance coverage for the County's health insurance plans for 2022 would best be provided by Excellus Health Plan, Inc.; now, therefore, be it

RESOLVED, that a contract be entered into with Excellus Health Plan, Inc., Utica Business Park, 12 Rhoads Drive, Utica, NY 13502, for health insurance stop-loss coverage for the County of Herkimer for the period January 1, 2022 through December 31, 2022 at a quoted annual premium of \$34.10 per participant per month, with an annual deductible of \$225,000; 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; 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: September 15, 2021.

On motion of Mr. Gaworecki, seconded by Mr. Campione, Report and Resolution No. 233 sponsored by the Committee on Ways & Means authorizing and approving a settlement agreement in Bankruptcy Court with Mallinckrodt plc in relation to an action relating to the opioid crisis was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Stephens (1).



HERKIMER COUNTY LEGISLATURE

No. 233

REPORT AND RESOLUTION AUTHORIZING AND APPROVING A SETTLEMENT AGREEMENT IN BANKRUPTCY COURT WITH MALLINCKRODT PLC IN RELATION TO AN ACTION RELATING TO THE OPIOID CRISIS

Sponsored by: Committee on Ways & Means

WHEREAS, there is pending the matter of County of Herkimer v. Purdue Pharma, L.P., et al., under Index No. 400008/2017 in the Supreme Court, Suffolk County, regarding the opioid addition crisis, in which the County of Herkimer ("County") is the named plaintiff in the action (hereinafter known as "the Action"); and

WHEREAS, defendant Mallinckrodt plc and its affiliates in the above action declared bankruptcy in September of 2020; and

WHEREAS, by letter of Lorraine H. Lewandrowski, Herkimer County Attorney, dated September 9, 2021, this Legislature has been advised of a potential settlement by private and government plaintiffs with defendant Mallinckrodt plc; and

WHEREAS, the proposed settlement before the bankruptcy court will provide for Mallinckrodt plc to make structured payments to plaintiffs over eight years with the right to make prepayment at a future date; and

WHEREAS, approximately \$1.203 billion will be allocated pursuant to the proposed settlement to government plaintiffs or approximately \$818 million if the prepayment option is chosen, with 5.39% of settlement funds going to New York State to be shared with local municipal plaintiffs pursuant to an allocation formula; and

WHEREAS, the law firm retained by Herkimer County in the above litigation, Simmons Hanly Conroy, has advised that it will vote on behalf of municipal plaintiff clients in bankruptcy court concerning the proposed settlement by a Master Ballot; and

WHEREAS, it is in the best interest of the County of Herkimer to resolve this matter with respect to Mallinckrodt plc without further litigation; now, therefore, be it

RESOLVED, that Simmons Hanly Conroy be authorized to submit a vote in favor of the above proposed settlement on behalf of Herkimer County; and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature is authorized, subject to County Attorney approval, to execute any proposed settlement Agreement and to execute such other documents as may be necessary and appropriate to effectuate the settlement with Mallinckrodt plc; and, be it further

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

Dated: September 15, 2021.

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

At 7:28 p.m. on motion of Mr. Manno, seconded by Mr. Weakley, the Legislature adjourned to Wednesday, October 6, 2021 at 2:00 p.m.

Brittney R. Viscomi, Clerk