



MINUTES

September 5, 2019

**Herkimer County Industrial Development Agency Board of Directors Special Meeting held at the Herkimer County Industrial Development Agency Office, 420 E. German Street, Suite 101A, Herkimer, NY 13350.**

STAFF

JOHN J. PISECK, JR.  
Executive Director

STACEY J. HOLLERAN  
Office Manager

VICTORIA L. ADAMS  
Administrative Assistant

After the Pledge of Allegiance, Chairman Vincent (Jim) Bono called the meeting to order at 8:00 AM.

BOARD OF DIRECTORS

VINCENT J. BONO  
Chairman

DAVID M. CHLUS  
Vice Chairman

JOHN SCARANO  
Secretary

MICHAEL WERENCZAK  
Treasurer

CORY ALBRECHT  
Director

CATHERINE RICCI  
Director

ANN GAWORECKI  
Director

**The following members answered the roll call:** Vincent (Jim) Bono, David Chlus, Ann Gaworecki, Michael Werenczak, Cory Albrecht, John Scarano. Quorum Present.

**Members Absent:** Catherine (Cate) Ricci

**Staff Present:** John Piseck, Stacey Holleran, Victoria Adams. **Also Present:** Joseph Scott, Charles Malcolm, Anthony Hallak, James Wallace, Bernard Peplinski

**Executive Session:** Michael Werenczak moved, seconded by John Scarano, to enter in to executive session to discuss current litigation with the Village of Herkimer. Motion carried. All board members, Joseph Scott, Charles Malcolm, Anthony Hallak, James Wallace, Bernard Peplinski, John Piseck, Stacey Holleran, and Victoria Adams were invited to stay.

**Michael Werenczak moved, seconded by Ann Gaworecki to end executive session at 9:06 AM. Motion carried.**

**Litigation with the Village of Herkimer:** The Supreme Court of the State of New York, Appellate Division, Fourth Department's August 22, 2019 order held that the IDA is liable for water charges incurred by a bankrupt recipient of IDA benefits. As emphasized in a vigorous dissent by two of the five justices, the order is contrary to well-established legal precedent because, among other reasons, it makes the IDA personally liable for the debt of another for which it never contracted. The IDA is therefore confident that the order will be reversed on appeal.

**David Chlus moved, seconded by Cory Albrecht to move forward with an appeal of the Fourth Department's 3-2 ruling. Motion passed unanimously.**

Being no other business, **David Chlus moved, seconded by Ann Gaworecki to adjourn at 9:13 AM.**

Respectfully Submitted,

A handwritten signature in black ink that reads "Victoria Adams".

Victoria Adams  
Administrative Assistant

**420 E. German Street, Box 1 Suite 101A, Herkimer, NY 13350 315-866-3000**

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