

**(PLEASE NOTE: Full Resolutions are attached following minutes)**

**MINUTES**  
**Herkimer County Legislature**  
**Organizational Session**  
**Monday, January 4, 2016**  
**2:00 p.m.**

The Organizational Session of the Herkimer County Legislature was called to order by Carole L. LaLonde, Clerk of the Legislature at 2:00 p.m.

The Clerk called the roll by district:

Present: District 1 – Gregory Malta, Sr.  
District 2 – George L. Markwardt  
District 3 – Robert J. Schrader  
District 4 – Bob Wellington  
District 5 – Raymond Johnson  
District 6 – John P. Stephens  
District 7 – William E. Keeler, Sr.  
District 8 – John L. Brezinski  
District 9 – Peter F. Manno  
District 10 – Raymond Smith  
District 11 – Vincent J. Bono  
District 12 – Kurt J. Ackerman  
District 13 – Bernard Peplinski, Sr.  
District 14 – Peter J. Campione  
District 15 – Patrick E. Russell  
District 16 – Frederick J. Shaw, Jr.  
District 17 – Bruce Weakley

At this time the Clerk called for nominations of a Temporary Chairman. On motion of Mr. Ackerman, seconded by Mr. Johnson, Legislator Manno was nominated as Temporary Chairman. With no other nominations, Mr. Russell made a motion, seconded by Mr. Stephens and Mr. Johnson, to close nominations.

Legislator Manno was named Temporary Chairman.

Ayes: (17).

Opposed: None.

Absent: None.

Temporary Chairman Manno called on Carol Peplinski to lead the Legislature in the Pledge of Allegiance.

Father Terence Healy, Sacramental Minister of the Holy Family Parish of Little Falls and St. Joseph's Church in Dolgeville gave the Invocation.

Temporary Chairman Manno requested everyone to remain standing for a moment of silence in recognition and honor of all the current and past veterans of Herkimer County.

At this time, Temporary Chairman Manno called on Honorable Marcia Mickle, Town Justice of the Town of Winfield, to administer the oaths of office. Judge Mickle asked the Legislators to stand and repeat the Oath of Office.

At this time, Temporary Chairman Manno called for the election of Chairman of the Legislature for the years 2016-2017. Temporary Chairman Manno opened the nominations. Legislator Smith nominated Bernard Peplinski as Chairman for the 2016-2017 term of the Legislature. The nomination was seconded by Legislator Bono. On motion of Mr. Russell, seconded by Mr. Shaw the nominations for Chairman were closed.

Legislator Peplinski was elected Chairman of the Legislature by the following roll call vote:

For: Malta, Markwardt, Schrader, Wellington, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Campione, Russell, Shaw, Weakley (16).

Against: None. Abstain: Peplinski (1).

Absent: None.

Legislators Patrick Russell and Raymond Smith escorted Chairman Peplinski to the Chairman's seat. Honorable Marcia Mickle administered the Oath of Office to Chairman Peplinski with Carol Peplinski holding the bible.

Chairman Peplinski, expressed his appreciation for being elected as Chairman, and outlined his goals for the Legislature and the County for the next two years. (full address is included with the record of minutes of the Legislature).

The Chairman continued by opening the nominations for Vice Chairman. On motion of Mr. Shaw, seconded by Mr. Brezinski, nomination was made for Legislator Bono as Vice Chairman. With no other nominations, Legislator Bono was elected Vice Chairman by the following roll call vote:

For: Malta, Markwardt, Schrader, Wellington, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Ackerman, Peplinski, Campione, Russell, Shaw, Weakley (16).

Against: None. Abstain: Bono (1).

Absent: None.

Mr. Bono expressed his appreciation and stated he looked forward to working with Chairman Peplinski in the ensuing legislature term.

At this time, Chairman Peplinski opened nominations for Clerk of the Legislature. On motion of Mr. Stephens, seconded by Brezinski, nomination was made for Carole LaLonde as Clerk of the Legislature. With no other nominations, the Chairman called for a voice vote:

All ayes: (17).

Against: None.

Absent: None.

Mrs. LaLonde expressed and stated that she and Mrs. Deming looked forward to working for the Legislature for the next term.

Chairman Peplinski then called on outgoing Chairman Vincent J. Bono to receive a gavel plaque in recognition of his dedication and service as Chairman of the Legislature for the past four years. Mr. Bono expressed his appreciation for the honor and a special thanks to his family.

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Peplinski asked if there were any objections or corrections to the minutes of December 16, 2015. Being none, Chairman Peplinski ordered the minutes approved.

Chairman Peplinski stated that the communications received by the Legislature and the committees to which they were referred were listed on the agenda and asked if any member of the Legislature requested mention of any particular communication. Mr. Smith requested Communications No. 2 and No. 3 be read.

No. 1 – A communication was received from the Director of the Real Property Tax Service Agency requesting approval for Auditor to process refunds and corrections under \$2,500. Referred to the Committee on Ways and Means.

No. 2 – A communication was received from the Republican Legislators naming Patrick E. Russell as Majority Leader for the term 2016-2017. Placed on file.

No. 3 – A communication was received from the Democratic Legislator naming John L. Brezinski as Minority Leader for the term 2016-2017. Placed on file.

With that being all the communications, the Chairman continued with Reports and Resolutions beginning with No. 1.

On motion of Mr. Bono, seconded by Mr. Shaw, Resolution No. 1 adopting the Rules of the Legislature was handed up; voted on and adopted by voice vote:

Ayes: (17).

Against: None.

Absent: None.

On motion of Mr. Ackerman, seconded by Mr. Brezinski, Resolution No. 2 appointing Robert J. Malone as Herkimer County Attorney was handed up; voted on and adopted by voice vote:

The resolution was adopted by voice vote:

Ayes: (17).

Against: None.

Absent: None.

Mr. Malone thanked the Legislature for the appointment and recognized the staff and all departments for their dedication.

On motion of Mr. Manno, seconded by Mr. Bono, Resolution No. 3 appointing Jeri Frederick as the Herkimer County Auditor was handed up; voted on and adopted by voice vote:

All ayes: (17).

Opposed: None.

Absent: None.

Mrs. Frederick thanked the Legislature for the appointment.

On motion of Mr. Weakley, seconded by Mr. Brezinski and Mr. Russell, Resolution No. 4 appointing Sheri A. Ferdula as Herkimer County Budget Officer/Purchasing Agent was handed up; voted on and adopted by voice vote:

Ayes: (17).

Opposed: None.

Absent: None.

Ms. Ferdula thanked the Legislature for the appointment and stated she looked forward to working with the Legislature in the next two years.

On motion of Mr. Russell, seconded by Mr. Bono, Report and Resolution No. 5 of the Committee on Ways and Means as regards designation of depositories of county funds for 2016 was handed up, Mr. Russell made a motion, seconded by Mr. Bono, to amend the resolution to add Berkshire Bank and Community Bank at the rates of \$5,000,000 each, the motion was approved by voice vote:

All ayes: (17).

Opposed: None.

Absent: None.

Resolution No. 5 was then voted on and adopted by voice vote:

All ayes: (17).

Opposed: None.

Absent: None.

On motion of Mr. Stephens, seconded by Mr. Johnson, Resolution No. 7 designating The Times Telegram as the official newspaper of the County of Herkimer was handed up; voted on and adopted by voice vote:

Ayes: (17).

Against: None.

Absent: None.

At 2:33 p.m., on motion of Mr. Manno, seconded by Mr. Wellington, this Session of the Herkimer County Legislature was adjourned to Wednesday, January 20, 2016 at 7:30 p.m.

Carole LaLonde, Clerk



## HERKIMER COUNTY LEGISLATURE

No. 1

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

RESOLVED, that the Rules, as last amended by Resolution No. 198 of 2012, including Rules 1 through 47, be and they hereby are, adopted as the Rules of the County Legislature of the County of Herkimer for the ensuing two years.

Dated: January 4, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 2

RESOLVED, that Robert J. Malone of Little Falls, New York, be, and he hereby is, appointed County Attorney for the County of Herkimer pursuant to the provisions of Article 11, Section 500 of the County Law, being Chapter 691 of the Laws of 1950.

Dated: January 4, 2016.

KURT J. ACKERMAN



**HERKIMER COUNTY LEGISLATURE**

No. 3

RESOLVED, that Jeri Frederick of Frankfort, New York, be and she hereby is, appointed County Auditor of the County of Herkimer, pursuant to County Law, Article 15, Section 600 and Local Law No. 1 for the year 1932, said term to begin on the first day of January, 2016 and ending December 31, 2017.

Dated: January 4, 2016.

PETER F. MANNO

STATE OF NEW YORK )  
COUNTY OF HERKIMER ) ss.  
LEGISLATURE CHAMBERS )

I, CAROLE L. LaLONDE, Clerk of the Legislature of Herkimer County, do hereby certify that I have compared the foregoing copy of Resolution No. 3 with the original duly adopted by the Herkimer County Legislature at a regular session held on the 4th day of January, 2016, and that the same is a true copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said Legislature on This 5th day of January, 2016.

L.S.

*Carole L. LaLonde* Clerk



## HERKIMER COUNTY LEGISLATURE

No. 4

RESOLVED, that Sheri A. Ferdula of Frankfort, New York, be, and she hereby is, appointed Budget Officer and Purchasing Agent of the County of Herkimer pursuant to County Law, Article 16, Section 625 and Local Law No. 1 for the year 1933, said term to begin on the first day of January, 2016 and ending December 31, 2017.

Dated: January 4, 2016.

PETER F. MANNO



## HERKIMER COUNTY LEGISLATURE

No. 5

### REPORT AND RESOLUTION AS REGARDS DESIGNATION OF DEPOSITORIES OF COUNTY FUNDS FOR 2016

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

RESOLVED, that the County Legislature of the County of Herkimer does hereby designate the following banks for the deposits of all monies received by the Herkimer County Treasurer, to wit:

M & T Bank	25,000,000.00
NBT	1,000,000.00
Key Bank	1,500,000.00
Adirondack Bank	30,000,000.00
Chase Manhattan	4,000,000.00

and, be it further

RESOLVED, that the County Treasurer be, and she hereby is, authorized, empowered and directed to enter into an agreement with each of the said banks for and on behalf of and in the name of the County Legislature of the County of Herkimer, fixing rates of interest to be paid on the monies so deposited; and, be it further

RESOLVED, that before any monies be deposited in any bank, the County Treasurer accept from such bank either a depository bond in some good and solvent surety company or in lieu of such bond, bonds or certificates of the United States, of the State of New York, or any county, city and town of the State of New York, including bonds or certificates, and shall be deposited in a safe deposit box or safe deposit boxes by said County Treasurer in the name of the County of Herkimer or a properly executed certificate of escrow as authorized under the Laws of the State of New York, which certificate is approved by the County Attorney; and the County Treasurer is hereby authorized and directed to enter into a collateral agreement with said banks, which agreement is to be first approved by the County Attorney; and, be it further

RESOLVED, that this Resolution be, and hereby is, made effective to and including December 31, 2016; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Attorney, County Clerk and the above named depositories.

Dated: January 4, 2016.

Amended: January 4, 2016.

Amendment: In First Resolved to add the following banks in the amounts listed:

Berkshire Bank	\$5,000,000.00
Community Bank, Old Forge	\$5,000,000.00



## HERKIMER COUNTY LEGISLATURE

No. 6

### REPORT AND RESOLUTION AUTHORIZING COUNTY AUDITOR TO PROCESS REAL PROPERTY TAX REFUND APPLICATIONS AND TO CORRECT ERRORS ON TAX ROLLS

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

WHEREAS, Section 556 (8) of the Real Property Tax Law authorizes this Legislature to delegate, by resolution, to an appropriate official who is either empowered to authorize payment of bills without prior audit by this Legislature or to an official responsible for the payment of bills upon audit by this Legislature to perform the duties set forth in said section related to the refund of taxes, when the refund recommended by the Director of Real Property Tax Service is less than \$2,500.00; and

WHEREAS, Section 554 (9) of the Real Property Tax Law authorizes this Legislature to, by resolution, delegate the authority to perform corrections of errors in the tax roll to an appropriate official who is either empowered to authorize payment of bills without prior audit by this Legislature or to an official responsible for the payment of bills upon audit by this Legislature, provided said correction is \$2,500 or less; and

WHEREAS, by letter dated November 18, 2015, the Director of the Real Property Tax Service Agency has requested approval for said procedures for the year 2016; now, therefore, be it

#### RESOLVED:

1. That pursuant to Real Property Tax Law Section 556(8) the County Auditor is hereby authorized to perform the duties set forth in Section 556 of the Real Property Tax Law for the Legislature to perform, when the refund recommended by the Director of Real Property Tax Services is \$2,500 or less;
2. That pursuant to Real Property Tax Law Section 554(9) the County Auditor is hereby authorized to perform the duties set forth in Section 554 of the Real Property Tax Law when the recommended correction is \$2,500 or less;
3. That the County Auditor, in performing such duties, shall be governed by the provisions of Real Property Tax Section 554 and Section 558 and shall make reports to the Legislature as provided in said Sections;
4. That certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor and Director of Real Property Tax Services.

Dated: January 4, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 7

### **RESOLUTION THAT THE TIMES TELEGRAM BE DESIGNATED THE OFFICIAL NEWSPAPER OF THE COUNTY OF HERKIMER FOR THE YEAR 2016**

RESOLVED, that this Legislature names the *Times Telegram*, as the official newspaper of the County of Herkimer, and that that paper have published therein all legal notices, local laws and other matters required to be published.

Dated: January 4, 2016.