

PLEASE NOTE: Full Resolutions are attached following minutes

**MINUTES
Herkimer County Legislature
Second Quarter – First Day
Wednesday, April 13, 2016
2:00 p.m.**

The Second Quarterly Session of the Herkimer County Legislature was called to order by Chairman Bernard Peplinski, Sr. at 2:00 p. m.

Chairman Peplinski called on Brynn Shepardson a 3rd Grader from Benton Hall Academy, Little Falls School, and Aiden Davies, a 4th Grader from Dolgeville Elementary School, to lead the Legislature in the Pledge of Allegiance.

Chairman Peplinski 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, Schrader, Wellington, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Peplinski, Campione, Russell, Shaw, Weakley (15).

Absent: Markwardt, Ackerman (2).

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 March 16, 2016. There were none, and the Chairman ordered them approved.

Chairman Peplinski dispensed with the Regular Session to allow for a presentation and called upon Legislator John Brezinski to make the introductions. Mr. Brezinski first asked for a moment of silence in honor of the 7 astronauts, including Gregory B. Jarvis of Mohawk, who died in the Shuttle Challenger disaster thirty years ago. Legislator Brezinski then introduced Frankfort native Scott Wilson, Engineer and Production Manager for NASA's Orion Program, Lee Morin, NASA Astronaut, and Debbie Sharp, Orion Communications with the NASA Johnson Space Center. Mr. Wilson first thanked Legislator Brezinski, Chairman Peplinski and County Administrator Wallace for extending the invitation for them to come before the County Legislature. He also thanked Mayor Leonard of Ilion, Mayor Lyon of Dolgeville and Mayor Blask of Little Falls for their attendance. He stated that Herkimer County has a long history of support for the space program, going back to Gregory Jarvis of Mohawk and including others like Herkimer native Mike Sarafin, who is mission manager for the exploration project, and Joe Farley, also a Frankfort native, who works for a contractor at the Kennedy Space Center that helped to build the International Space Station. He recognized John Piseck, of CTM Corporation, whose company in Frankfort builds things that are 230 million miles away from us on Mars. Mr. Wilson stated that during the morning they were sharing their experiences with over 500 students at both Frankfort Jr./Sr. High School and the Gregory B. Jarvis Middle School in Mohawk.

Their goal was to inspire and encourage students to pursue careers in science, technology, engineering and math (STEM), adding that the students were very enthusiastic and asked many interesting questions. Mr. Wilson gave a presentation on Orion, scheduled for launch in 2018 from the Kennedy Space Center, which is NASA's new Space Launch System, and will be the most powerful rocket ever built and will enable astronauts in the Orion spacecraft to travel deeper into the solar system than ever before. Mr. Wilson then introduced Lee Morin, a veteran NASA Astronaut since April 1996. Astronaut Morin shared some of his experiences during his over 250 hours, both in space shuttles and doing space walks. He gave a very detailed description of what it felt like to be in the space rocket during the launch process. Astronaut Morin concluded by saying that it is important for our youth to start learning technology at a very early age. Mr. Brezinski called on Nicholas Peretti a student from Rome, New York, who was invited to attend this presentation due to his passion and interest in pursuing a career in the space program. Mr. Brezinski then recognized Nancy Wilson to announce the winners of the NASA Art Contest for elementary students which was entitled "Journey to Mars – My Trip to Space". The two winners were Brynn Shepardson, a third grader from Benton Hall Academy in Little Falls and Aiden Davies a fourth grader from Dolgeville Elementary School, and their artwork will be on display at the Kennedy Space Center in Florida. Scott Wilson presented a citation plaque to Chairman Peplinski and Legislator Brezinski for the citizens of Herkimer County on behalf of the many men and women who were educated in Herkimer County and have gone on to be a part of the NASA space program. The plaque was in recognition of Herkimer County's long standing support and many contributions to the workforce of the NASA Space program. John Piseck from CTM Corporation in Frankfort was called on. He described his company's involvement in the design of the scoop that was made for the Mars Land Rover Project and several other NASA projects his company worked on. Legislator Brezinski thanked the NASA team for attending the session and for their presentation and in closing stated that we should remember "it's all about the kids".

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

Chairman Peplinski 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. 112 – A communication was received from the Family of Nancy Kinville expressing thanks for expression of sympathy. Placed on file.

No. 113 – A communication was received from Donald Bronson submitting his resignation from the Ethics Board. Referred to the Committee on Ways and Means.

No 114 – A communication was received from the Senior Vice President for Administration and Finance at HCCC requesting approval of a contract for an architect for the Campus Master Plan Update. Referred to the Committee on Education and the Committee on Ways and Means.

No. 115 – A communication was received from the Employment and Training Director requesting extension of Office Space Permit Agreement with Bassett Medical Center. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 116 – A communication was received from Senator Seward acknowledging receipt of resolution. Placed on file.

No. 117 – A communication was received from the U.S. Department of the Interior advising of nomination of the Barge Canal for designation as a National Historic Landmark. Placed on file.

No. 118 – A communication was received from the Director of Real Property Tax Services requesting amendment of agreement for assessment services for the Town of Danube. Referred to the Committee on Ways and Means.

No. 119 – A communication was received from the Budget Officer recommending award of a contract with Mid-State Communications for McCauley Mountain Communications Tower. Referred to the Committee on Public Safety and Emergency Management and the Committee on Ways and Means.

No. 120 – A communication was received from the Director of Emergency Services requesting an agreement for soil testing and stamped drawings in connection with the McCauley Tower Site in the Town of Webb. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 121 – A communication was received from the Director of Public Health requesting contract for consultant in connection with Maternal Child Health Booster Grant. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 122 – A communication was received from the Budget Officer concerning contract for purpose of collecting unpaid DWI fines by debit or credit card. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 123 – A communication was received from the District Attorney requesting contract with GovPayNet for collecting unpaid DWI fines by debit or credit card. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 124 – A communication was received from the Director of Probation requesting approval of Alternatives to Incarceration Plan Contracts. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 125 – A communication was received from the Budget Officer submitting request for transfer of funds. Referred to the Committee on Ways and Means.

No. 126 – A communication was received from the Chairman of the Legislature appointing Debbie Smith to serve on Mohawk Valley Community Action Agency. Placed on file.

No. 127 – A communication was received from the Herkimer County IDA submitting Financial Statements for 2014 and 2015. Placed on file.

No. 128 – A communication was received from NYSAC acknowledging receipt of resolutions. Placed on file.

No. 129 – A communication was received from the County Highway Superintendent submitting the 2015 Annual Report. Referred to the Committee on Highways.

No. 130 – A communication was received from the Town of Manheim expressing opposition to recent proposal from Village of Herkimer concerning placement of new county correctional facility. Referred to the Committee on Public Safety and Emergency Management.

No. 131 – A communication was received from the Town of Schuyler expressing opposition to recent proposal from Village of Herkimer concerning placement of new county correctional facility. Referred to Committee on Public Safety and Emergency Management.

No. 132 – A communication was received from the County Auditor advising of approval of corrected tax application for month of February. Placed on file.

No. 133 – A communication was received from the Sewer District advising of recommendation to reappoint Richard Adams, Jr. to serve as representative of Village of Frankfort on the Sewer Board. Referred to the Committee on Natural Resources.

No. 134 – A communication was received from the Commissioners of Elections requesting permission for attendance of voting machine maintenance technician at training class. Referred to the Committee on Ways and Means.

No. 135 – A communication was received from the Personnel Officer requesting amendment of Salary Schedule I in connection with mandated increase in salary for position of District Attorney. Referred to the Committee on Ways and Means.

No. 136 – A communication was received from the Violet Festival Parade Directors extending an invitation to county legislators to participate in parade to be held on June 11, 2016. Placed on file.

No. 137 – A communication was received from ProAct, Inc. submitting prescription discount card utilization report for March. Placed on file.

No. 138 – A communication was received from the Director of Public Health requesting change in action levels under the Lead Poison Prevention Program. Referred to the Committee on Human Resources.

No. 139 – A communication was received from the Budget Officer advising of sufficient funding for an appropriation of funds in connection with mandated increase in salary of District Attorney.

For: Ayes (15).

Against: None.

Absent: Markwardt, Ackerman (2).

On motion of Mr. Smith, seconded by Mr. Shaw, Report and Resolution No. 102 sponsored by the Committee on Human Resources authorizing change in Herkimer County Public Health's Lead Poison Prevention Program Action Level was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Markwardt, Ackerman (2).

On motion of Mr. Russell, seconded by Mr. Weakley, Report and Resolution No. 103 sponsored by the Committee on Ways and Means authorizing amendment of contract with Town of Danube to provide assessment services was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Markwardt, Ackerman (2).

On motion of Mr. Manno, seconded by Mr. Stephens, Report and Resolution No. 104 sponsored by the Committee on Education and the Committee on Ways and Means approving agreement for architect for Campus Master Plan Update was handed up; was voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Markwardt, Ackerman (2).

On motion of Mr. Wellington, seconded by Mr. Smith, Report and Resolution No. 105 sponsored by the Committee on Ways and Means amending Salary Schedule and authorizing an appropriation in connection with the mandated salary increase for the position of District Attorney was handed up discussion was held; was voted on and adopted by roll call:

For: Malta, Schrader, Wellington, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Peplinski, Campione, Russell, Shaw, Weakley (15).

Against: None.

Absent: Markwardt, Ackerman (2).

On motion of Mr. Russell, seconded by Mr. Stephens, Report and Resolution No. 106 sponsored by the Committee on Public Safety/Emergency Management and the Committee on Ways and Means authorizing contract in connection with McCauley Mountain Communications Tower was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Markwardt, Ackerman (2).

On motion of Mr. Schrader, seconded by Mr. Keeler, Report and Resolution No. 107 sponsored by the Committee on Ways and Means amending Resolution No. 306 authorizing attendance at conferences during the year 2016 for the Commissioners of Elections Office was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Markwardt, Ackerman (2).

On motion of Mr. Campione, seconded by Mr. Shaw, Report and Resolution No. 108 sponsored by the Committee on Human Resources and the Committee on Ways and Means authorizing contract in connection with Health Foundation Grant was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Markwardt , Ackerman (2).

On motion of Mr. Bono, seconded by Mr. Keeler, Report and Resolution No. 109 sponsored by the Committee on Public Safety and Emergency Management and the Committee on Ways and Means authorizing contract for payment of unpaid DWI fines by credit or debit card to the Herkimer County District Attorney's Office was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Markwardt, Ackerman (2).

On motion of Mr. Shaw, seconded by Mr. Smith, Report and Resolution No. 110 sponsored by the Committee on County Planning and Development and the Committee on Ways and Means authorizing Office Space Permit Agreement with Mary Imogene Bassett Hospital d/b/a Bassett Medical Center at the Working Solutions Career Center was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Markwardt, Ackerman (2).

On motion of Mr. Johnson, seconded by Mr. Malta, Report and Resolution No. 111 sponsored by the Committee on Administration/Veterans Affairs and the Committee on Ways

Chairman Peplinski stated that pursuant to Rule 6(12) they would proceed with comments by legislators. The following legislators had comments: Legislator Schrader, Chairman Peplinski.

At 3:15 p.m., on motion of Mr. Manno, seconded by Mr. Wellington, the Legislature adjourned to Wednesday, May 11, 2016 at 7:30 p.m., with a public hearing on the 2016 Open Enrollment for Agricultural Districts at 7:15 p.m.

Carole L. LaLonde, Clerk



HERKIMER COUNTY LEGISLATURE

No. 97

REPORT AND RESOLUTION ADOPTING ANNUAL REPORT OF COUNTY SUPERINTENDENT OF HIGHWAYS

Sponsored By: Committee on Highways

Your Committee on Highways, to which was referred the Annual Report for 2015 of Jay W. Ewanyk, County Highway Superintendent, respectfully reports that we have examined the same, recommend the adoption of said report, and offer the following Resolution:

RESOLVED, that the 2015 Annual Report of the County Superintendent of Highways be adopted and placed on file with the Herkimer County Legislature for the year 2015.

Dated: April 13, 2016.



HERKIMER COUNTY LEGISLATURE

No. 98

REPORT AND RESOLUTION DESIGNATING MEMBER TO HERKIMER COUNTY SEWER BOARD

Sponsored by: Committee on Natural Resources

WHEREAS, the Legislature of the County of Herkimer, by Resolution No. 100 for the year 1993 determined that the administrative body of the Herkimer County Sewer District should thereafter be a five member board and appointed the chief executive officer or their designees of the Villages of Ilion, Frankfort and Mohawk and the Towns of Frankfort and German Flatts as members of said Board; and

WHEREAS, by letter dated March 30, 2016 from the Herkimer County Sewer District, your Committee has been advised that the Village of Frankfort has submitted a letter for reappointment of Richard D. Adams, Jr. as designee of the Village of Frankfort for a five year term; now, therefore, be it

RESOLVED, that the Richard D. Adams, Jr., 324 Fourth Ave., Frankfort, New York, is hereby re-appointed to the Herkimer County Sewer District Board for a five year term to expire on 2/28/2021; and, be it further

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

Dated: April 13, 2016.



HERKIMER COUNTY LEGISLATURE

No. 99

REPORT AND RESOLUTION AUTHORIZING TRANSFERS OF FUNDS IN THE 2015 BUDGET

Sponsored by: Committee on Ways & Means

WHEREAS, your Committee on Ways and Means, to which was referred communication from Sheri Ferdula, Budget Officer, dated March 29, 2016, submitting requests for transfers of funds, reports that we have examined said communication, inquired into the subject matters 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 sums from and to the following accounts in the 2015 Budget:

\$ 243.00	From: A3140.10000-001, Probation, Salaries To: A1165.10000-001, District Attorney, Salaries
\$1,400.00	From: A3140.10000-001, Probation, Salaries To: A1355.10000-001, Real Property, Salaries
\$3,700.00	From: A3140.10000-001, Probation, Salaries To: A1620.10000-001, Buildings, Salaries
\$ 500.00	From: A3140.10000-001, Probation, Salaries To: A3141.10000-001, Alter to Incarceration, Salaries
\$2,069.00	From: A3140.10000-001, Probation, Salaries To: A4320.10000-001, Mental Health, Salaries
\$ 500.00	From: A3140.10000-001, Probation, Salaries To: A6510.10000-001, Veterans, Salaries
\$ 537.00	From: A6774.10000-001, Aging, CI To: A6772.10000-001, Aging IIIB

and, be it further,

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

Dated: April 13, 2016.



HERKIMER COUNTY LEGISLATURE

No. 100

RESOLUTION SETTING PUBLIC HEARING ON ANNUAL THIRTY-DAY PERIOD FOR 2015 FOR INCLUSION OF VIABLE AGRICULTURAL LAND WITHIN A CERTIFIED AGRICULTURAL DISTRICT

Sponsored by: Committee on Natural Resources

WHEREAS, Section 303-b of the Agriculture and Markets Law provides that the County Legislature of a county containing a certified agricultural district must designate an annual 30 day period within which a landowner may submit a request for inclusion of land which is predominately viable agricultural land within a certified agricultural district; and

WHEREAS, Resolution No. 146 adopted by this Legislature on May 19, 2004 set the annual 30 day period from January 1 through January 31 of each year; and

WHEREAS, pursuant to statute, requests received during said 30 day period for 2016 were referred to the County Agricultural and Farmland Protection Board for their recommendation, and reports are now ready to be made and a public hearing may now be held; now, therefore, be it

RESOLVED, that a Public Hearing be held on the 11th of May, 2016 at 7:15 p.m. on the Annual 30-day Period for Additions to Agricultural Districts for the year 2016; and, be it further

RESOLVED, that the Clerk of this Legislature give proper notice thereof pursuant to Section 303-b of the Agriculture and Markets Law of the State of New York; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Soil and Water Conservation District, Cornell Cooperative Extension Services and the Herkimer-Oneida Counties Comprehensive Planning Program.

Dated: April 13, 2016.



HERKIMER COUNTY LEGISLATURE

No. 101

REPORT AND RESOLUTION AUTHORIZING EXECUTION OF ALTERNATIVES TO INCARCERATION CONTRACTS

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

WHEREAS, by communication dated March 28, 2016, Garry Murphy, Director of Probation, advises that the State of New York Division of Criminal Justice Services has approved the 2016-2017 Alternatives to Incarceration Plan and awards for the Pretrial Program in the amount of \$6,622.00 and the Community Service Program in the amount of \$6,466.00, and requests authorization for the Chairman of the Legislature to execute by e-signature said contracts; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute and e-sign the annual contracts for the Pre-Trial and Community Service Programs for the period July 1, 2016 through June 30, 2017; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Probation and the New York State Division of Criminal Justice Services.

Dated: April 13, 2016.



HERKIMER COUNTY LEGISLATURE

No. 102

REPORT AND RESOLUTION AUTHORIZING CHANGE IN HERKIMER COUNTY PUBLIC HEALTH'S LEAD POISON PREVENTION PROGRAM ACTION LEVEL

Sponsored by: Committee on Human Resources

WHEREAS, Herkimer County Public Health presently has a Lead Poisoning Prevention Program which provides that certain actions be taken when a child's venous blood levels are at 10 mcg/dl; and

WHEREAS, by letter dated March 22, 2016 from Christina Cain, Director of Public Health, a request has been made that the action level be reduced from 10 mcg/dl to 5 mcg/dl in response to information received from the Centers for Disease Control that the lead levels in the range of 5 to 9 mcg/dl are also considered dangerous and they have potentially lasting effects; now, therefore, be it

RESOLVED, that Herkimer County Public Health's Lead Poison Prevention be reduced from 10 mcg/dl to 5 mcg/dl; and, be it further

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

Dated: April 13, 2016.



HERKIMER COUNTY LEGISLATURE

No. 103

REPORT AND RESOLUTION AMENDING RESOLUTION NO. 12 OF 2016 AUTHORIZING EXTENSION OF CONTRACT WITH THE TOWN OF DANUBE TO PROVIDE ASSESSMENT SERVICES

Sponsored by: Committee on Ways and Means

WHEREAS, this Legislature has authorized by resolution, contracts with certain towns of the County, whereby the County would provide assessment services to the towns for the sum of \$15.00 for each parcel on the final assessment roll of the town; and

WHEREAS, by Resolution No. 47 adopted February 18, 2015, this Legislature authorized changes in fees for said assessment services; and

WHEREAS, by Resolution No. 12 adopted January 20, 2016 an agreement was entered into to provide assessment services to the Town of Danube for the sum of \$12.00 for each parcel on the final assessment roll of the town, for the period from March 17, 2016 to March 17, 2017; and

WHEREAS, by letter dated March 14, 2016, Beth Sadlon, Director of the Real Property Tax Service Agency, has requested an amendment of said resolution to change the term of the agreement for assessment services from March 17, 2016 to December 31, 2016; now, therefore, be it

RESOLVED, that Resolution No. 12 adopted on January 20, 2016 is hereby amended in the First Resolved Clause to delete "for the period from March 17, 2016 to March 17, 2017, and replace with "for the period from March 17, 2016 to December 31, 2016; and, be it further

RESOLVED, that the Chairman of the Legislature is hereby authorized to execute an amendment of said agreement subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that all other terms and conditions of said Resolution No. 12 adopted January 20, 2016 are hereby ratified and confirmed; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Real Property Tax Services and the Town of Danube.

Dated: April 13, 2016.



HERKIMER COUNTY LEGISLATURE

No. 104

REPORT AND RESOLUTION APPROVING AGREEMENT FOR ARCHITECT FOR CAMPUS MASTER PLAN UPDATE

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

WHEREAS, by Resolution No. 303 duly adopted on December 16, 2015 this Legislature approved the Campus Master Plan Update in the projected amount of \$100,000 to be funded 50% by the State and 50% from the Herkimer County College Foundation, with no financial cost to Herkimer County; and

WHEREAS, by letter dated March 25, 2016 from Nicholas F. Laino, Senior Vice President for Administration and Finance at Herkimer County Community College, recommendation is being made for the Herkimer County Legislature to approve Board of Trustees Resolution No. 15-12 dated March 24, 2016 which authorizes a contract with Envision Architects of Albany to provide architectural services for the Campus Master Plan Update in the amount of \$99,500 plus reimbursable expenses in the amount of \$5,000, with \$5,000 to be paid from college operating funds; now, therefore, be it

RESOLVED:

1. That the Herkimer County Legislature hereby approves a contract for architectural services for the Campus Master Plan Project at Herkimer County Community College with Envision Architects, 52 James Street, Albany, New York 12207 in the amount of \$99,500, plus reimbursable expenses in the amount of \$5,000, with \$4,500 to be paid from college operating funds; and, be it further

2. That the Chairman of this Legislature is hereby authorized to execute the aforesaid contract on behalf of the County of Herkimer;

3. That certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, President of Herkimer County Community College and Vice President for Administration and Finance of Herkimer County Community College and Envision Architects.

Dated: April 13, 2016.



HERKIMER COUNTY LEGISLATURE

No. 105

REPORT AND RESOLUTION FOR AMENDMENT OF SALARY SCHEDULE AND APPROPRIATION OF FUNDS IN CONNECTION WITH MANDATED SALARY OF DISTRICT ATTORNEY

Sponsored by: Committee on Ways and Means

WHEREAS, by letter dated April 5, 2016 from Steven R. Billings, Personnel Officer, this Legislature is advised that, pursuant to state legislation which requires that the salary of a county district attorney must be equal to or higher than the salary for a county judge, effective April 1, 2016, the salary of the Herkimer County District Attorney will increase; and

WHEREAS, said letter further advises that it will be necessary to amend the 2016 Herkimer County Salary Schedule I in connection with said salary increase; and

WHEREAS, by letter dated April 6, 2016 from Sheri Ferdula, Budget Officer, this Legislature is advised that there is sufficient funding available for an appropriation from the Contingency Fund in connection with said increase in salary; now, therefore, be it

RESOLVED, that the 2016 Herkimer County Salary Schedule I is hereby amended in Account A1165, District Attorney, to delete the salary of \$152,500, and replace with the salary of \$183,000, effective April 1, 2016; and, be it further

RESOLVED, that the sum of \$22,875 is hereby appropriated from A1990.46000, Contingency Fund – Miscellaneous Expense to A1165.10000-001, District Attorney – Salaries; and, be it further

RESOLVED, that other mandated salary increases for the District Attorney shall automatically be reflected in future years in Herkimer County Salary Schedule I; and, be it further

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

Dated: April 13, 2016.



HERKIMER COUNTY LEGISLATURE

No. 106

REPORT AND RESOLUTION AWARDING CONTRACT IN CONNECTION WITH McCAULEY MOUNTAIN COMMUNICATIONS TOWER

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

WHEREAS, by Resolution No. 185 duly adopted on July 2, 2014 this Legislature authorized receipt of funding in the amount of \$899,462.00 from the Round 3 Statewide Interoperable Communications Grant; and

WHEREAS, by letter dated March 25, 2016, Robert Vandawalker, Director of Emergency Services, has requested to expend funds from said Grant for the purpose of obtaining a Geotechnical Soil Test Investigation and Stamped Drawings for the McCauley Mountain Communications Tower in the Town of Webb; and

WHEREAS, by letter dated March 28, 2016, the Budget Officer/Purchasing Agent has advised that Mid-State Communications, Inc. is the only company in the Central New York area performing these types of services, and has submitted a quotation of \$13,535.00 for the Geotechnical Soil Investigation and \$1,950.00 for the Stamped Drawings; now, therefore, be it

RESOLVED, that the a contract be entered into with Mid-State Communications, Inc., 185 Clear Road, Oriskany, New York 14324, for the provision of Geotechnical Soil Investigation at a cost of \$13,535.00 and for the provision of Stamped Drawings at a cost of \$1,950.00, which are required to completed for the new McCauley Mountain Communications Tower in the Town of Webb; and, be it further

RESOLVED, that Chairman of the Legislature is hereby authorized to execute said contract on behalf of the County of Herkimer, with said contract to 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, Director of Emergency Services and Mid-State Communications, Inc.

Dated: April 13, 2016.



HERKIMER COUNTY LEGISLATURE

No. 107

REPORT AND RESOLUTION AMENDING RESOLUTION NO. 306 OF 2015 AUTHORIZING ATTENDANCE AT CONFERENCES DURING THE YEAR 2016 FOR THE BOARD OF ELECTIONS

Sponsored by: Committee on Ways and Means

WHEREAS, on December 16, 2015 this Legislature adopted Resolution No. 306 authorizing payment of dues for municipal officers and employees during the year 2016; and

WHEREAS, by letter dated April 4, 2016, Louis P. Christie and Connie L. Shepherd, Commissioners of Elections, have requested amendment of said resolutions to authorize attendance of the Republican Scanner Voting Machine Maintenance Technician at the Tech 1 and 2 Training Class to be held from May 3, 2016 through May 6, 2016 at Dominion Voting's Endicott Training Facility, which attendance and training is vital to the successful operation of the Board of Elections Office; now, therefore, be it

RESOLVED, that Resolution No. 306 of 2015 is hereby amended to authorize attendance of the Republican Scanner Voting Machine Maintenance Technician at the Tech 1 and 2 Training Class to be held from May 3, 2016 through May 6, 2016 at Dominion Voting's Endicott Training Facility, 104 North Duane Street, Endicott, New York, and that his necessary expenses incurred pertaining to said training class be audited, allowed and paid the same as other claims against the County of Herkimer are paid; and, be it further

RESOLVED, that Resolution No. 306 of 2015 is hereby amended to allow for the above attendance; and, be it further

RESOLVED, that in all other respects Resolution No. 306 of 2015, as amended, 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 and Commissioners of Elections.

Dated: April 13, 2016.



HERKIMER COUNTY LEGISLATURE

No. 108

REPORT AND RESOLUTION AUTHORIZING CONTRACT IN CONNECTION WITH HEALTH FOUNDATION GRANT

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

WHEREAS, by Resolution No. 284 adopted on December 16, 2015, a Maternal Child Health Booster Grant in the amount of \$10,000 was received from the Health Foundation of Central and Western New York, which funding would supplement or enhance the services already provided to the families of Herkimer County by the Healthy Families Program; and

WHEREAS, by letter dated March 28, 2016, Christina Cain, Director of Public Health, has advised that proposals were received to hire a consultant to fulfill objectives identified for the Maternal Child Health Booster Grant and recommends that a contract be entered into with Next Wave, Inc. of Albany, New York in the amount of \$10,000; now, therefore, be it

RESOLVED, that the Chairman of the Legislature is hereby authorized to execute a contract with Next Wave, Inc., 24 Madison Ave. Extension, Albany, New York 12203, in the amount of \$10,000 to provide consultant services under a Maternal Child Health Booster Grant for the Herkimer County Public Health Nursing Service; 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 and Next Wave, Inc. of Albany, New York.

Dated: April 13, 2016.



HERKIMER COUNTY LEGISLATURE

No. 109

REPORT AND RESOLUTION AUTHORIZING CONTRACT FOR PAYMENT OF UNPAID DWI CONVICTION FINES BY CREDIT OR DEBIT CARD TO THE HERKIMER COUNTY DISTRICT ATTORNEY'S OFFICE

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

WHEREAS, by letter dated March 18, 2016 from Jeffrey S. Carpenter, Herkimer County District Attorney, this Legislature is advised of a request to enter into a contract with Government Payment Services, Inc. (GovPayNet.com) of Indiana for the purpose of collecting unpaid fines related to driving while intoxicated; and

WHEREAS, use of this system will be at no expense to the County and will allow for a more expedited collection of these fees; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby authorizes a contract for the provision of payment of fines related to driving while intoxicated convictions in Herkimer County Court by credit or debit card with Government Payment Services, Inc. (GovPayNet.com), 7102 Lakeview Parkway West Drive, Indianapolis, Indiana, with said contract to be subject to approval by the Herkimer County Attorney; 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, District Attorney and Government Payment Services, Inc.

Dated: April 13, 2016.



HERKIMER COUNTY LEGISLATURE

No. 110

REPORT AND RESOLUTION AUTHORIZING OFFICE SPACE PERMIT AGREEMENT WITH THE MARY IMOGENE BASSETT HOSPITAL d/b/a BASSETT MEDICAL CENTER AT THE WORKING SOLUTIONS CAREER CENTER

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

WHEREAS, Resolution No. 293 adopted on December 11, 2013, this Legislature authorized an Office Space Permit Agreement with the Mary Imogene Bassett Hospital d/b/a Bassett Medical Center to provide office space at the Working Solutions One Stop Center, with payment to the County to be in the amount of \$7,000 annually; and

WHEREAS, by Resolutions No. 38 and No. 241 of 2014 and Resolution No. 89 of 2015, this Legislature authorized contracts for additional years and additional lease of space by Mary Imogene Bassett Hospital d/b/a Bassett Medical Center at the Working Solutions One Stop Center

WHEREAS, by letter dated March 29, 2016 Karin Zipko, Director of Employment and Training has advised of a request to enter into a new Office Space Permit Agreement with the Mary Imogene Bassett Hospital for the period of January 1, 2016 to December 31, 2016 in the amount of \$30,000, which includes lease of additional office space; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute an Office Space Permit Agreement on behalf of the County of Herkimer to provide office space at the Working Solutions One Stop Center for use by The Mary Imogene Bassett Hospital d/b/a Bassett Medical Center in the amount of \$30,000 for the time period of January 1, 2016 to December 31, 2016, with terms and conditions 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 Employment and Training and the Mary Imogene Bassett Hospital d/b/a Bassett Medical Center.

Dated: April 13, 2016.



HERKIMER COUNTY LEGISLATURE

No. 111

REPORT AND RESOLUTION AUTHORIZING TEMPORARY EXTENSION OF CONTRACT FOR IMAGING SYSTEM FOR HERKIMER COUNTY CLERK'S OFFICE

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

WHEREAS, by Resolution No. 19 adopted on January 20, 2010 a contract was authorized between the County of Herkimer and ACS Enterprise Solutions Inc. for the provision of electronic imaging services and microfilm for the Herkimer County Clerk's Office; and

WHEREAS, by letter dated April 7, 2016 from Sylvia Rowan, County Clerk, this Legislature is advised that the contract has expired, and services have continued on a month to month basis since September 30, 2015; and

WHEREAS, ACS Enterprise Solutions, LLC, has offered to enter into a short term extension of a contract, to expire on June 30, 2016, unless terminated, at a cost of \$3,520 per month, plus four cents per image to film services and \$1.45 per roll per year for film storage; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute an agreement extending the above described contract for electronic imaging services as above described, with said agreement to 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, County Clerk and ACS Enterprise Solutions, LLC.

Dated: April 13, 2016.



HERKIMER COUNTY LEGISLATURE

No. 112

RESOLUTION AMENDING RESOLUTION NO. 188 OF 2014, AS AMENDED BY RESOLUTION NO. 332 OF 2014, RESOLUTION NO. 163 OF 2015 AND RESOLUTION NO. 38 OF 2016, APPROVING STANDARD WORK DAY AND RETIREMENT REPORTING FOR ELECTED AND APPOINTED OFFICIALS

Sponsored by: Committee on Ways and Means

RESOLVED, that Resolution No. 188 duly adopted by the Herkimer County Legislature on July 2, 2014, as amended by Resolution No. 332 of 2014, Resolution No. 163 of 2015 and Resolution No. 38 of 2016, which established the standard work days for elected and appointed officials to report days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body, is hereby amended to add the following official:

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Appointed Officials							
Attorney for Sewer Board	Christopher R. Bray	████	████	6	10/8/15 (no term)	N	1.94

Dated: April 13, 2016.



HERKIMER COUNTY LEGISLATURE

No. 113

RESOLUTION AUTHORIZING REDEMPTION OF PARCELS TAKEN UNDER IN REM TAX FORECLOSURE

Sponsored by: Committee on County Properties

WHEREAS, the County of Herkimer has completed its 2014 In Rem Tax Foreclosure proceedings and has taken title to various parcels of real property; and

WHEREAS, this Legislature has decided to allow property owners to redeem their properties and receive the deeds to those properties from the County upon the payment of three times the 2014 and 2015 taxes plus interest and penalties as of the date of payment, and to also pay the 2016 taxes at that time; and

WHEREAS, there may also be parcels from prior foreclosures which were not included in prior sales but which may be included in this year's foreclosure sale which will also be allowed to be redeemed upon payment of three times the taxes for the appropriate years and pay the current taxes; now, therefore, be it

RESOLVED, that the County of Herkimer hereby authorizes redemption as described above with payment to be made to the County of Herkimer by cash or certified funds on or before Friday, June 3, 2016 at 3:00 p.m.; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute any and all documents necessary to effectuate such transfers; and, be it further

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

Dated: April 13, 2016.



HERKIMER COUNTY LEGISLATURE

No. 114

RESOLUTION AUTHORIZING SALE OF PROPERTY ACQUIRED BY IN REM PROCEDURES

Sponsored by: **Committee on County Properties**

WHEREAS, in an action brought on to enforce collection of delinquent taxes for the tax year 2014, a Judgment was made by the County Court of the County of Herkimer on the 12th day of April, 2016 and was filed and entered in the Herkimer County Clerk's Office on April 12, 2016, pursuant to which properties listed therein became the property of the County; and

WHEREAS, pursuant to said Judgment, the County Treasurer of the County of Herkimer deeded all parcels listed in said Judgment to the County of Herkimer by deed dated April 12, 2016 and recorded on April 12, 2016, in the Herkimer County Clerk's Office in Instrument No. 2016-00197738 in Book 1603 of Deeds at Page 939; and

WHEREAS, the county owns other parcels obtained in previous In Rem tax foreclosure actions, which properties did not sell at prior auctions; and

WHEREAS, the County now desires to sell said parcels as well as any parcels from prior foreclosures which may also need to be sold; and

WHEREAS, it is necessary that terms and conditions of sale of said properties by the County be established; now, therefore, be it

RESOLVED:

1. That pursuant to Section 1166 of the Real Property Tax Law this Legislature now desires to provide for the sale of said parcels. Such sale shall be by public auction, and it is directed that such sale be held on Saturday, June 4, 2016 at 11:00 a.m. in the Auditorium at Herkimer County Community College;
2. That this sale by auction be held under the direction of the County Treasurer;
3. That such sale shall be conducted on the terms, conditions and procedures annexed hereto which include an Administration fee of \$200 for each successful bid;
4. That in addition, all sales of such property shall be subject to a buyer's premium of ten percent (10%) of the amount of the successful bid;
5. That all persons be entitled to bid at such sale on said parcels of property, except those persons prohibited by the attached Auction Terms and Conditions or by state or local law.
6. That the Treasurer is hereby authorized, when it seems advantageous, to divide any parcel on the auction list into two or more parcels and to offer said divided parcels individually or to join any two or more parcels on the auction list into one parcel and to offer said joined parcels as one parcel;
7. That following the auction sale, the Committee on County Properties and the County Treasurer report to this Legislature with their recommendations for the conveyance of the various parcels of property to the successful bidders thereon;
8. That certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Property Agent and County Attorney.

Dated: April 13, 2016.

AUCTION TERMS AND PROCEDURES

- 1. Registration:** Individuals interested in bidding must register and be assigned a bidder's number, which you will use when bidding on property. Registration will take place the day of the Auction. A record of all successful bids will be maintained, with each successful bidder's number assigned to the property bid accordingly.
- 2. Eligible Bidders:** All persons are entitled to bid at such sale on said parcels of property, except officers and employees of the County of Herkimer, persons who have defaulted on any bid to purchase property from the County of Herkimer within the last five (5) years, legal entities, including but not limited to, corporations, partnerships, limited liability companies, and limited liability partnerships, in which any of the foregoing persons has an interest, persons or family members of persons who are owners of an unredeemed parcel or parcels included in the 2014 Tax Foreclosure and the person or a family member of the person whose name appears on the Assessment Roll as the owner of each said parcel at the time of nonpayment of taxes which resulted in acquisition of each parcel by the County. Town officers, including town board members and assessors, are not eligible to bid on property located within the town they serve.
- 3. Purchase Agreement:** A successful bidder will be required to sign a purchase agreement when a deposit is made. Also at this time, the successful bidder will be required to list the Name, Address and Social Security Number of the individual(s) or legal entity purchasing the property.
- 4. Prospective Bidders:** All prospective bidders are invited to inspect the premises they are interested in prior to the Auction. Inspections are only done on improved properties that are unoccupied. Information regarding property inspections will be available in the auction brochure or by contacting Michael Knapp at (315) 939-0770 or auctionsbyknapp@gmail.com
- 5. Conditions of Sale:** Each of the parcels is sold "as is". If a parcel is occupied, it is the responsibility of the purchaser to terminate the occupancy. The County has not entered into any lease agreement, nor has it consented to any occupancy, nor has it received any rent from any occupant of any parcel. Purchaser will obtain ownership of the property when the deed is recorded in the County Clerk's Office and shall not take possession until such time. The County of Herkimer and its officials and agents make no representation as to the condition of any parcel of said property or of the improvements on any improved parcel. Lot sizes, including frontage, depth and acreage, are for assessment purposes only. The County makes no representations regarding the actual dimensions or acreage of the parcels.

For parcels improved by a mobile home or manufactured home, the County of Herkimer is conveying ONLY the interest of the County in the real property and makes no representations or warranties with regard to title to such mobile home or manufactured home.

Auction Terms & Procedures (cont'd)

The County will not be responsible for any defects or conditions whatsoever in or on the property or in any improvements, or any equipment, mechanical or otherwise, included therein.

All deeds will be subject to the following condition, and covenant: This conveyance is made pursuant to a resolution of the Herkimer County Legislature and this conveyance is made subject to the condition and covenant that the County of Herkimer shall in no event be or become liable for any defects in title conveyed hereby, for any cause whatsoever, and that no claim, demand or suit of any nature shall ever be made by the party of the second part hereto, or by said party's heirs, successors and assigns against said County of Herkimer arising from such sale or this conveyance.

All properties subject to Federal Tax Liens are sold subject to the right of redemption of the United States of America.

6. Administration Fee: An administration fee will be added to each successful bid. The administration fee will be \$200.00 for each successful bid.

7. Buyer's Premium: In addition to the administration fee, a buyer's premium of 10% of the amount of the successful bid will be added to the purchase price of each successful bid.

8. Required Bid Deposit: A **\$50.00 or 10% deposit** (cash or check) whichever is greater, is required at the time of the Auction on each property for which you are the successful bidder. Successful bids of \$50.00 or less must be paid in full. Deed recording fees are also required to be paid at this time for bids of \$50.00 or less. If you are the successful bidder of more than one parcel, a single check will be accepted to cover all deposit requirements. Make checks payable to **Kimberlee A. Enea, Herkimer County Treasurer.**

9. Full Payment of Bids: The balance of the purchase price on any property, together with Cover Sheet (\$5.00), Deed Recording Fees (\$45.00/deed), Transfer Gains Affidavit Filing Fee (\$5.00), and Real Property Transfer Report Fee (\$125.00 for residential or farm property and \$250.00 for all other property) must be made to the Herkimer County Treasurer, **WITH CASH, MONEY ORDER OR CERTIFIED CHECK**, no later than **4:00 pm, June 24, 2016.**

10. Deed Recordings: All deeds are Quit Claim Deeds, conveying the interest that the County of Herkimer has in the property to the successful bidder. The County Property Agent will record all deeds as soon as possible, once final approval has been received by the County Legislature. You will receive your deed(s) by mail, through the County Clerk's Office. Any changes in the deed will be the responsibility of the purchaser after the deed is recorded.

Auction Terms & Procedures (cont'd)

11. Tax Information: Total annual taxes are listed under each parcel. Delinquent taxes were absorbed and paid by the County. Purchasers will be responsible for current 2016-2017 City, Village, School and future taxes/utilities.

12. Default by Purchaser: Default by the Purchaser or failure to meet the terms and procedures of this Auction will result in **forfeiture of the required deposit.**

13. Confirmation and Approval of Sales: All sales are subject to confirmation by the County Properties Committee and final approval of the Herkimer County Legislature.

14. THE COUNTY OF HERKIMER RESERVES THE RIGHT TO REJECT ANY AND ALL BIDS.

*****Auction information also available on the web:

www.herkimercounty.org and www.auctionbyknapp.com



HERKIMER COUNTY LEGISLATURE

No. 115

REPORT AND RESOLUTION AUTHORIZING FUNDS TO PROVIDE A FIBER OPTIC TELECOMMUNICATIONS INFRASTRUCTURE FOR THE FRANKFORT 5S SOUTH BUSINESS PARK

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

WHEREAS, by letter dated April 7, 2016, Steven R. Smith, Executive Director of the Herkimer County Industrial Development Agency, requested funds in the amount of \$20,000 to provide a fiber optic telecommunications infrastructure for the Frankfort 5S South Business Park; and

WHEREAS, the Herkimer County IDA sent out a request for proposals in February 2016 and Northland Communications gave a quote of \$20,000 to establish an appropriate broadband telecommunications infrastructure; and

WHEREAS, the Herkimer County IDA advises that this one time installation fee will insure future marketability of the Frankfort 5S South Business Park since parcels are being marketed to technology and manufacturing based companies; and

WHEREAS, by letter dated April 7, 2016 from Sheri Ferdula, Budget Officer, this Legislature is advised that there is sufficient funding available for an appropriation from the Contingency Fund in connection with said request; now, therefore, be it

RESOLVED, that it is hereby authorized that the sum of \$20,000 be paid to the Herkimer County Industrial Development Agency to provide a fiber optic telecommunications infrastructure for the Frankfort 5S South Business Park to be installed by Northland Communications; and, be it further

RESOLVED, that the sum of \$20,000 is hereby appropriated from A1990.46000, Contingency Fund – Miscellaneous Expense to A6420.40000, Industrial Development – Contractual Expense; and, be it further

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

Dated: April 13, 2016.