

(PLEASE NOTE: Full Resolutions are attached following minutes)

**MINUTES
Herkimer County Legislature
Third Quarter – Fourth Day
Wednesday, September 16, 2015
7:30 p.m.**

Public Hearing

The Public Hearing on the Eight Year Review of Agricultural District No. 4 within the Towns of Columbia, Stark and Warren was called to order at 7:00 p.m. by Frederick Shaw, Chairman of the Committee on Natural Resources. The Clerk read the notice of the meeting. Mr. Shaw then asked if there was anyone wishing to speak on the eight year review. Gerry Smithson, District Manager of the Herkimer County Soil and Water Conservation District gave a brief overview of the review process and indicated that this agricultural district had grown substantially since the last review. There were no other requests to speak and the hearing was declared closed at 7:05 p.m.

**COUNTY LEGISLATIVE BODY NOTICE OF
HEARING ON EIGHTH YEAR REVIEW
OF AN AGRICULTURAL DISTRICT**

NOTICE is hereby given that a public hearing will be held by the County Legislature of Herkimer County, State of New York, at the County Office Building, in the Village of Herkimer, on the 16th day of September, 2015 at 7:00 p.m. on said day upon the Agricultural District No. 4 within the Towns of Columbia, Stark and Warren, to consider the recommendations of the Farmland Protection Board, and any proposed modifications of the district.

A description and map of the district, proposed modifications, and recommendations of the Farmland Protection Board may be examined in the Office of the Clerk of the County Legislative body.

All persons in interest and citizens will be heard by the County Legislature of the County of Herkimer at the public hearing.

Dated: September 3, 2015.

Carole LaLonde, Clerk
Herkimer County Legislature

The Public Hearing on Introductory Local Law No. 4 for the year 2015 was called to order at

7:15 p.m. by Patrick E. Russell, Chairman of the Ways and Means Committee. The Clerk read the notice of the meeting. Mr. Russell then asked if there was anyone wishing to speak on the Local Law. There were no other requests to speak and the hearing was declared closed at 7:18 p.m.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that there has been presented to the County Legislature of the County of Herkimer, State of New York, on the 12th day of August, 2015, Introductory Local Law No. 4 for the year 2015 entitled, "A LOCAL LAW TO DESIGNATE THE OFFICE OF COUNTY ATTORNEY AS A FULL-TIME OFFICE".

NOTICE IS FURTHER GIVEN that the County Legislature of the County of Herkimer will hold a public hearing on the aforesaid proposed Local Law, to be conducted by the Committee on Ways and Means at the Legislative Chambers in the County Office Building, Herkimer, New York, on the 16th day of September, 2015 at 7:15 p.m. at which time all persons interested will be heard.

Dated: September 3, 2015.

By Order of the Herkimer County Legislature

The Regular Session of the Herkimer County Legislature was called to order by Chairman Vincent Bono at 7:33 p. m.

Chairman Bono called on Kenneth Dodge, Supervisor of the Town of Schuyler, 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: Luppino, Rose, Schrader, Wellington, Johnson, Stephens, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (17).

Absent: None.

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 12, 2015. There were none, and the Chairman ordered them approved.

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

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. 247 – A communication was received from ProAct, Inc. submitting the Herkimer County Discount Prescription Card Report for July, 2015. Placed on file.

No. 248 – A communication was received from the Director of Real Property Tax Services submitting the State Board established Herkimer County Equalization Rates. Referred to the Committee on Ways and Means.

No. 249 – A communication was received from the Oneida-Herkimer Solid Waste Authority submitting information on the Regional Demolition Program. Placed on file.

No. 250 – A communication was received from the Herkimer County Farmland Protection Board submitting the report on the eight year review of Herkimer County Agricultural District No. 4 in the Towns of Columbia, Stark and Warren. Referred to the Committee on Natural Resources.

No. 251 – A communication was received from Director of the Office for the Aging requesting continuation of position under the Balance Incentive Program Grant. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 252 – A communication was received from the County Clerk requesting authorization to pay increase in membership dues for National Safety Council. Referred to the Committee on Ways and Means.

No. 253 – A communication was received from the Personnel Officer requesting amendment of Salary Schedule I and transfer of funds concerning position of Director of Emergency Services. Referred to the Committee on Ways and Means.

No. 254 – Two communications were received from the Director of the Office for the Aging requesting contracts with individuals for provision of Tai Chi classes under Title IIID Program. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 255 – A communication was received from the Director of Emergency Services requesting approval and e-signature of 2015 SHSP Homeland Security Grant. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 256 – A communication was received from the Director of Emergency Services requesting approval and e-signature of 2015 EMPG Homeland Security Grant. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 257 – A communication was received from the Budget Officer submitting request for transfer of funds. Referred to the Committee on Ways and Means.

No. 258 – A communication was received from the Executive Director of the Youth Bureau submitting request for contracts with various agencies under Youth Bureau funding. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

No. 259 – A communication was received from the Personnel Officer requesting contract with Benetech, Inc. for services to former Self Insurance Plan and County's stand-alone coverage. Referred to the Committee on Ways and Means.

No. 260 – A communication was received from the Department of State acknowledging receipt and filing of Local Law No. 3 for 2015. Placed on file.

No. 261 – A communication was received from the City of Utica submitting recently adopted resolution endorsing six county land bank. Placed on file.

No. 262 – A communication was received from the Director of Emergency Services requesting Renewal of lease for Tower Communications Site. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

263 – A communication was received from the Soil and Water Conservation District submitting minutes of 8/4/15. Placed on file.

No. 264 – A communication was received from the Budget Officer requesting budget amendment in connection with receipt of Homeland Security Grant. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 265 – A communication was received from the County Administrator concerning funding support of the College Now Program. Referred to the Committee on Education and the Committee on Ways and Means.

No. 266 – A communication was received from the Budget Officer advising of appropriation of funds available for funding of College Now Program. Referred to the Committee on Education and the Committee on Ways and Means.

No. 267 – A communication was received from the Director of the Office for the Aging requesting agreement with the Resource for Independent Living. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 268 - A communication was received from the Personnel Officer submitting request to Re-establish a Safety Committee. Referred to the Committee on Ways and Means.

No. 269 – A communication was received from the Budget Officer requesting amendment of Capital Reserve Accounts for computer systems. Referred to the Committee on Ways and Means.

No. 270 – A communication was received from the Commissioner of Social Services requesting agreement for drug and alcohol screening testing. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 271 – A communication was received from the Budget Officer requesting transfer of funds. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 272 – A communication was received from the Budget Officer requesting budget amendment in connection with funding for Social Services. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 273 – A communication was received from National Grid submitting the semi-annual PCB report. Placed on file.

No. 274 – A communication was received from the County Clerk requesting a staffing change. Referred to the Committee on Ways and Means.

No. 275 – A communication was received from the Director of Emergency Services requesting approval for utilization of grant funding for upgrade to Computer Aided Mobile Dispatch System. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 276 – A communication was received from the Budget Officer concerning purchase of equipment and software for a Computer Aided Dispatch Mobile Data Upgrade. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 277 – A communication was received from the STOP-DWI Coordinator requesting permission to send additional people to attend a conference. Referred to the Committee on Ways and Means.

No. 278 – A communication was received from Raymond Smith submitting his resignation as representative on the Herkimer County Jury Board. Referred to the Committee on Public Safety and Emergency Management.

Pursuant to Rule 6, Chairman Bono then proceeded with Reports of Standing Committees. Patrick Russell, Chairman of the Committee on Ways and Means, advised that budget meetings will begin on September 25, 2015 and all are invited to attend.

Chairman Bono acknowledged the students attending the meeting and asked them to rise and state their name and what school they were attending.

Chairman Bono continued with the Regular Agenda.

On motion of Mr. Peplinski, seconded by Mr. Russell, Report and Resolution No. 195 sponsored by the Committee on Ways and Means adopting Introductory Local Law No. 4 for

2015 was handed up; discussion was held. Mr. Smith made a motion, seconded by Mr. Peplinski, to move the question. The motion was approved by voice vote:

For: Ayes (16). Against: Rose (1).

The resolution was voted on and adopted by roll call vote:

For: Luppino, Wellington, Johnson, Stephens, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski Russell, Shaw, Weakley (14).

Against: Rose, Schrader, Korce (3). Absent: None.

On motion of Mr. Hyde, seconded by Mr. Peplinski, Report and Resolution No. 196 sponsored by the Committee on Natural Resources to provide that the Eight Year Review of Agricultural District No. 4 is in compliance with the provisions of the State Environmental Quality Review Act was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None. Absent: None.

On motion of Mr. Peplinski, seconded by Mr. Hyde, Report and Resolution No. 197 sponsored by the Committee on Natural Resources as to the Eight Year Review of Agricultural District No. 4 in the Towns of Columbia, Stark and Warren was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None. Absent: None.

On motion of Mr. Hyde, seconded by Mr. Brezinski, Report and Resolution No. 198 sponsored by the Committee on Administration/Veterans' Affairs adopting annual report of the County Clerk was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None. Absent: None

On motion of Mr. Stephens, seconded by Mr. Shaw, Report and Resolution No. 199 sponsored by the Committee on Human Resources and the Committee on Ways and Means authorizing agreements for services under Title IIID in the Herkimer County Office for the Aging was handed up; was voted on and adopted by voice vote:

For: Ayes (17).

Against: None. Absent: None.

On motion of Mr. Smith, seconded by Mr. Johnson, Report and Resolution No. 200 sponsored by the Committee on Human Resources and the Committee on Ways and Means authorizing extension of temporary staffing in Herkimer County Office for Aging was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Peplinski, seconded by Mr. Shaw, Report and Resolution No. 201 sponsored by the Committee on Human Resources and the Committee on Ways and Means authorizing contract with Resource Center for Independent Living in Connection with Title III Caregiver Support Program was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Luppino, seconded by Mr. Johnson, Report and Resolution No. 202 sponsored by the Committee on Human Resources and the Committee on Ways and Means authorizing contract for provision of screening services to Department of Social Services was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Shaw, seconded by Mr. Hyde, Report and Resolution No. 203 sponsored by the Committee on Human Resources and the Committee on Ways and Means amending budget in connection with the receipt of funding for co-location/collaboration of Behavioral Health and Child Protective Services was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Russell, seconded by Mr. Peplinski, Report and Resolution No. 204 sponsored by the Committee on Ways and Means fixing percentages which the assessed valuation of real property bear to the full or true valuation of the various towns of the County and the City of Little Falls was handed up; was voted on and adopted by roll call vote:

For: Luppino, Rose, Schrader, Wellington, Johnson, Stephens, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

On motion of Mr. Russell, seconded by Mr. Peplinski, Report and Resolution No. 205 sponsored by the Committee on Ways and Means authorizing transfer of funds was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Peplinski, seconded by Mr. Shaw, Report and Resolution No. 206 of the Committee on County Planning and Development and the Committee on Ways and Means authorizing contracts for the Youth Programs for 2015 was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Hyde, seconded by Mr. Stephens, Report and Resolution No. 207 sponsored by the Committee on Public Safety/Emergency Management and the Committee on Ways and Means in connection with receipt of Homeland Security Funding was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Peplinski, seconded by Mr. Hyde, Report and Resolution No. 208 sponsored by the Committee on Public Safety/Emergency Management and the Committee on Ways and Means approving lease for Communications System Tower Site was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Stephens, seconded by Mr. Luppino, Report and Resolution No. 209 of the Committee on Public Safety/Emergency Management and the Committee on Ways and Means authorizing expenditure of Homeland Security funding for Computer Aided Dispatch System was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Hyde, seconded by Mr. Johnson, Report and Resolution No. 210 sponsored by the Committee on Public Safety/Emergency Management and the Committee on Ways and Means in connection with receipt of Emergency Management Performance Grant funding was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Peplinski, seconded by Mr. Russell, Report and Resolution No. 211 sponsored by the Committee on Ways and Means for salary change in Department of Emergency Services and transferring funds was handed up; voted on and adopted by roll call vote:

For: Luppino, Rose, Schrader, Wellington, Johnson, Stephens, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

On motion of Mr. Russell, seconded by Mr. Stephens, Report and Resolution No. 212 sponsored by the Committee on Ways and Means amending Resolution No. 331 of 2014 authorizing payment of dues during the year 2015 was handed up; discussion was held. Mrs. Rose requested and the resolution was adopted by the following voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Russell, seconded by Mr. Hyde, Report and Resolution No. 213 sponsored by the Committee on Ways and Means approving contract for Third Party Claims Administration Services for the former Herkimer County Self-Insurance Plan and Stand Alone Plan was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None

On motion of Mr. Stephens, seconded by Mr. Peplinski, Report and Resolution No. 214 sponsored by the Committee on Ways and Means amending Resolution No. 395 of 1997, as amended by Resolution No. 291 of 2004, authorizing a capital reserve fund for computer systems, was handed up; discussion was held, was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Stephens, seconded by Mr. Johnson, Report and Resolution No. 215 sponsored by the Committee on Ways and Means amending Resolution No. 229 of 2004 establishing Safety Program for Herkimer County government was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Manno, seconded by Mr. Peplinski, Report and Resolution No. 216 sponsored by the Committee on Education and the Committee on Ways and Means supporting College Now Program at Herkimer County Community College was handed up; discussion was held, was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Weakley, seconded by Mr. Ackerman, Report and Resolution No. 217 sponsored by the Committee on Ways and Means amending Resolution No. 330 of 2014 authorizing attendance at conferences for municipal officers and employees during the year 2015 was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Shaw, seconded by Mr. Smith, Report and Resolution No. 218 sponsored by the Committee on Ways and Means amending Resolution No. 325 of 2014 adjusting wages for hourly employees was handed up; voted on and adopted by roll call vote:

For: Luppino, Rose, Schrader, Wellington, Johnson, Stephens, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

On motion of Mr. Ackerman, seconded by Mr. Brezinski, Resolution No. 219 In Memoriam for Theodore S. Wind was handed up. Several legislators paid tribute to Mr. Wind for his long career in public service and his many accomplishments. The resolution was then adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None

Chairman Bono stated that pursuant to Rule 6(12) they would proceed with comments by legislators. There were no comments.

At 8:20 p.m. on motion of Mr. Manno, seconded by Mr. Wellington, the Legislature adjourned to Wednesday, October 7, 2015 at 2:00 p.m.