

**MINUTES**  
**Herkimer County Legislature**  
**First Quarter – Third Day**  
**Wednesday, March 20, 2013**  
**7:30 p.m.**

The Regular Session of the Herkimer County Legislature was called to order by Chairman Vincent Bono at 7:30 p. m.

Chairman Bono called on Jeffrey Carpenter, Herkimer County District Attorney, to lead the Legislature in the Pledge of Allegiance.

Chairman Bono called for a moment of silence in reflection and prayer for the tragic events that took place last week in the Villages of Mohawk and Herkimer.

Roll Call: Quorum present, the following answering the roll:

Present: Hartman, Schrader, Maneen, Johnson, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Shaw, (13).

Absent: Rose, Hendrix, Russell, Weakley (4).

Chairman Bono dispensed with the regular order of the session and made a motion to act on Resolution No. 84 which was a special resolution in Memoriam and Recognition of the tragedies that occurred in the Villages of Mohawk and Herkimer on March 13, 2013 and which declared Monday, March 25, 2013 as a “County-wide Day of Remembrance” to offer thoughts of healing and prayer for the victims and their families. The Resolution was unanimously seconded by all members present; voted on and adopted by voice vote:

For: All ayes (13).

Against: None.

Absent: Rose, Hendrix, Russell, Weakley (4).

No. 84

**IN MEMORIAM AND RECOGNITION**

***WHEREAS, On Wednesday, March 13, 2013, tragedies occurred in the Villages of Mohawk and Herkimer caused by a senseless act of violence.***

***WHEREAS, The violence that started with a fire and escalated to a shooting***

*spree with four men being shot and killed, and two men being seriously injured has shocked and saddened not only all the residents of Herkimer County and our surrounding communities, but has been felt nationwide; and*

**WHEREAS,** *We mourn the loss of the deceased: Harry Montgomery, Michael Renshaw, Michael Ransear and Thomas Stefka, who was a former employee of the County of Herkimer; and*

**WHEREAS,** *The Herkimer County Legislature wishes to express its deepest appreciation for the professionalism and heroism of the law enforcement agencies who responded at all levels, including our local police officers, the Herkimer County Sheriff's Department, the New York State Police, and the Federal Bureau of Investigation, whose combined resources protected our employees and public from any further harm, and were able to bring the standoff to a close; now, therefore be it*

**RESOLVED,** *That we commend and honor the heroic acts of the FBI K-9, "Ape" who lost his life to protect his partners; and*

**RESOLVED,** *That in Memoriam and Recognition of this tragic event and the loss of precious lives in our community, the County Legislature encourages all the residents of Herkimer County to recognize Monday, March 25, 2013, as a COUNTY-WIDE DAY OF REMEMBRANCE, to take time to offer thoughts of healing and prayer for the victims and their families, and to express gratitude for all our local, state and federal law enforcement agencies and emergency responders for their monumental support.*

**Dated: March 20, 2013.**

**VINCENT J. BONO  
JOHN L. BREZINSKI  
GARY M. HARTMAN  
ROBERT J. SCHRADER  
ROBERT N. HYDE  
KURT J. ACKERMAN  
FREDERICK J. SHAW**

**BERNARD PEPLINSKI, SR.  
RAYMOND SMITH  
JEAN E. MANEEN  
RAYMOND JOHNSON  
PETER F. MANNO  
DENNIS KORCE**

Chairman Bono expressed his deep appreciation to all the agencies who responded to this incident for their professionalism and heroism.

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 February 13, 2013. 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.

69 – A communication was received from the Herkimer County Humane Society expressing thanks for the county's allocation. Placed on file.

70 – A communication was received from the Director of Weights and Measures submitting his annual report. Referred to the Committee on Natural Resources.

71 – A communication was received from the Department of State advising of the filing of Local Law No. 1 for 2013. Placed on file.

72 – A communication was received from the Adirondack North country Association expressing thanks for the county's allocation. Placed on file.

73 – A communication was received from the New York State Association of counties acknowledging receipt of two resolutions. Placed on file.

74 – A communication was received from ProAct, Inc. submitting the discount prescription card report for January. Placed on file.

75 – A communication was received from the Employment & Training Director concerning membership on Workforce Investment board. Referred to the Committee on County Planning and Development.

76 – A communication was received from the District Attorney designating his line of succession. Placed on file.

77 – A communication was received from Jane Collins expressing thanks for the memorial resolution for James Collins. Placed on file.

78 – A communication was received from the State Department of Agriculture and Markets advising of the approval of the renewal of Agricultural District No. 6. Placed on file.

79 – A communication was received from the Historical Society expressing thanks for the county's allocation. Placed on file.

80 – A communication was received from J. Keith Davy submitting his resignation from the IDA Board. Referred to the County Planning and Development.

81 – A communication was received from the Soil and Water Conservation District submitting their 2012 Annual Report. Placed on file.

82 – A communication was received from the Budget Officer submitting request for an appropriation of funds. Placed on file.

83 – A communication was received from the Budget Officer requesting renewal of contract for reimbursement of court cleaning expenses. Referred to the Committee on Ways and Means.

84 – A communication was received from the County Highway Superintendent requesting conveyance of property no longer needed for highway purposes. Referred to the Committee on Highways.

85 – A communication was received from the Budget Officer submitting recommendation for award of bid for dump truck for Highway Department. Referred to the Committees on Highways and Ways and Means.

86 – A communication was received from the Commissioners of Elections requesting extension of grants. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways and Means.

87 – A communication was received from the Soil and Water Conservation District submitting minutes of meeting held on 2/13/13. Placed on file.

88 – A communication was received from the Town of Russia supporting the county's resolution in opposition to the New York Safe Act. Placed on file.

89 – A communication was received from the County Auditor submitting report of refunds of taxes for February. Placed on file.

90 – A communication was received from the Director of Community Services submitting update of Mental Health Services for February. Placed on file.

91 – A communication was received from the Personnel Officer requesting amendment of salary schedule for mandated increase of annual salary of District Attorney. Referred to the Committee on Ways and Means.

92 – A communication was received from the Employment & Training Director requesting lease with Castle Enterprises for space for Working Solutions One Stop Career Center. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

93 – A communication was received from the Commissioners of Elections requesting establishment of payment schedule for election workers. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways and Means.

94 – A communication was received from the Vice President for Administration and Finance at Herkimer County Community College submitting Board of Trustees resolutions for approval. Referred to the Committees on Education and Ways and Means.

95 – A communication was received from the County Highway Superintendent requesting an engineering agreement for Hawthorne Road over Sterling Creek Project. Referred to the Committees on Highways and Ways and Means.

96 – A communication was received from the County Highway Superintendent requesting an engineering agreement for Bush Road over Sterling Creek Bridge Replacement Project. Referred to the Committee on Highways and the Committee on Ways and Means.

97 – A communication was received from the Budget Officer submitting recommendation for award of bid for provision of meals for Office for Aging for West Winfield area. Referred to the Committees on Human Resources and Ways and Means.

98 – A communication was received from the Acting Director of Public Health requesting change on contract for Healthy Families Grant implementation. Referred to the Committees on Human Resources and Ways and Means.

99 – A communication was received from the Acting Director of Public Health requesting termination of lease in connection with Healthy Families Grant. Referred to the Committee on Human Resources.

100 – A communication was received from the Budget Officer submitting recommendation for agreement to provide cost allocation services for Herkimer County. Referred to the Committee on Ways and Means.

101 – A communication was received from the Ilion Public Library expressing appreciation for county's allocation. Placed on file.

102 – A communication was received from the County Highway Superintendent requesting agreement for Lighting Program. Referred to the Committees on Highways and Ways and Means.

103 – A communication was received from the Budget Officer submitting requests for transfers of funds. Referred to the Committee on Ways and Means.

104 – A communication was received from the Sewer District submitting resolution appointing Chairman of the Sewer District. Referred to the Committee on Natural Resources.

105 – A communication was received from the Town of German Flatts appointing Frank Spatto to the Sewer Board. Referred to the Committee on Natural Resources.

106 – A communication was received from the Sewer District submitting a resolution approving refinancing of Sewer District bonds. Referred to the Committee on Natural Resources and Ways and Means.

107 - A communication was received from the Town of Newtown, Connecticut, expressing appreciation for the Legislature’s expression of comfort and support. Placed on file.

108 – A communication was received from the Assessor, Town of Herkimer, requesting county’s contribution to the defense of an assessment challenge. Referred to the Committee on Ways and Means.

Pursuant to Rule 6, Chairman Bono then proceeded with Reports of Standing Committees. There were no reports.

On motion of Mr. Shaw, seconded by Mr. Hyde, the following Consent Agenda was handed up; voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Rose, Hendrix, Russell, Weakley (4).

**Consent Agenda:**

- |    |   |       |
|----|---|-------|
| 59 | NAT. RESOURCES: Adopting annual Report of Director of Weights Measures                    | VOICE |
| 60 | CO. PLANNING & DEV.: Concerning membership on Workforce Investment Board                  | VOICE |
| 61 | WAYS & MEANS: Transferring funds  | VOICE |
| 62 | NAT. RESOURCES: Designating member to Sewer board and appointment of Sewer Board Chairman | VOICE |
| 63 | WAYS & MEANS: Approving agreement for reimbursement for court cleaning                    | VOICE |

No. 59

**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES  
ADOPTING ANNUAL REPORT OF DIRECTOR OF WEIGHTS AND MEASURES**

WHEREAS, your Committee on Natural Resources, to which was referred the Annual Report of the Director of Weights and Measures for the year 2012, reports that we have examined said report, recommend its adoption and offer the following Resolution:

RESOLVED, that the Annual Report of the Herkimer County Director of Weights and measures be adopted and printed in the Proceedings of the Herkimer County Legislature for the year 2012.

Dated: March 20, 2013.

FREDERICK J. SHAW, JR.  
DENNIS KORCE  
BERNARD PEPLINSKI, SR.  
PETER F. MANNO  
ROBERT N. HYDE  
JOHN L. BREZINSKI  
**Committee on Natural Resources**

No. 60

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT CONCERNING MEMBERSHIP ON THE WORKFORCE INVESTMENT BOARD**

WHEREAS, by letter dated February 25, 2013 from Karin Zipko, Employment & Training Director, this Legislature is advised that certain reappointments to the Workforce Investment Board have expired and requests a new appointment to said Board; now, therefore, be it

RESOLVED, that the following named individuals shall be reappointed as members of the Workforce Investment Board through December 31, 2016:

James W. Wallace, Jr., Herkimer County Administrator  
Mark Feane, Executive Director, Herkimer County IDA  
Mark Vivacqua, Superintendent, Herkimer County BOCES  
Robin O'Brien, Executive Director, U.S. Care Systems, Inc.

And, be it further

RESOLVED, that Jennifer Crandall, Human Resource Manager at Burrows Paper Company is hereby appointed as a member of the Workforce Investment Board through December 31, 2016; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Director of Employment & Training, Chairman of the Workforce Investment Board, Chairman of the





**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES  
DESIGNATING MEMBER TO HERKIMER COUNTY SEWER BOARD AND  
APPROVING SEWER DISTRICT RESOLUTION APPOINTMENT OF CHAIRMAN OF  
SEWER BOARD**

WHEREAS, the legislature of the County of Herkimer, by Resolution No. 100 of 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 January 18, 2013, the Town of German Flatts has advised of the appointment of Frank P. Spatto to the Herkimer County Sewer Board effective February 1, 2013, for a term ending February 28, 2015; and

WHEREAS, by letter dated March 7, 2013, this Legislature is advised that the Herkimer County Sewer Board adopted a resolution on February 20, 2013, appointing Frank P. Spatto as Chairman of the Sewer Board: now, therefore, be it

RESOLVED, that Frank P. Spatto, Supervisor of the Town of German Flatts, is hereby appointed to the Herkimer County Sewer District Board effective February 1, 2013, for a term ending February 28, 2015; and, be it further

RESOLVED, that the Legislature approves a resolution duly adopted by the Herkimer County Sewer District Board on February 20, 2013 appointing Frank P. Spatto to the position of Chairman of the Sewer Board; and, be it further

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

Dated: March 20, 2013.

FREDERICK J. SHAW, JR.  
DENNIS KORCE  
BERNARD PEPLINSKI, SR.  
PETER F. MANNO  
ROBERT N. HYDE  
JOHN L. BREZINSKI  
**Committee on Natural Resources**

No. 63

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS & MEANS IN  
CONNECTION WITH CONTRACT WITH THE NEW YORK STATE OFFICE OF**

**COURT ADMINISTRATION TO PROVIDE CLEANING AND MINOR REPAIRS OF COURT FACILITIES**

WHEREAS, by Resolution No. 294 duly adopted on October 22, 2008, this Legislature authorized an agreement with the New York State Unified Court System for the cleaning of court facilities, as well as minor and emergency repairs thereof, for a maximum of five years beginning April 1, 2008 through March 31, 2013; and

WHEREAS, by letter dated February 9, 2012 from Bernard E. Decker, Budget Officer and Purchasing Agent this Legislature is advised that the State of New York Unified Court System has requested that an Annual Renewal Letter and Budget be approved and signed for the period commencing April 1, 2012 through March 31, 2013, with the maximum compensation for said period to be \$83,207.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute the Annual Renewal Letter and Budget for the period April 1, 2012 through March 31, 2013 with the New York State Unified Court System for the cleaning of court facilities, as well as minor and emergency repairs thereof, for a maximum compensation of \$83,207.00 for said period; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer and New York State Office of Court Administration.

Dated: March 20, 2013.

PATRICK E. RUSSELL  
DENNIS KORCE  
RAYMOND SMITH  
BRUCE WEAKLEY  
BERNARD PEPLINSKI, SR.  
KURT J. ACKERMAN  
**Committee on Ways and Means**

On motion of Mr. Peplinski, seconded by Mr. Shaw, Report and Resolution No. 64 of the Committee on Ways and Means and the Committee on Human Resources awarding contracts for Meals on Wheels and congregate meals programs for the West Winfield area was handed up; was voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Rose, Hendrix, Russell, Weakley (4).

No. 64

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS AND MEANS AWARDING CONTRACTS FOR MEALS ON WHEELS AND CONGREGATE MEALS PROGRAMS FOR THE WEST WINFIELD AREA**

WHEREAS, this Legislature is informed by communication dated March 6, 2013 from Bernard E. Decker, Budget Officer, that the Herkimer County Office for the Aging, through federal grants received and local sharing, has funds for the Meals on Wheels Programs and reports that the lowest bid price, including the cost of transportation and delivery, has been calculated by and provided by the Office for the Aging; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby authorizes a catering contract for the Meals on Wheels and Congregate Meals programs for the West Winfield area for the period April 1, 2013– March 31, 2014, with said contracts to have an option for a one-year contract renewal with a cost of living adjustment, and with said contract to contain a 60 day termination of contract provision:

<b>Area:</b>	<b>Number of meals:</b>	<b>Cost:</b>
<i>West Winfield area:</i> Red Door Dairy Store, LLC 417 Brace Road West Winfield, NY 13491	Up to 60 meals/day	\$5.94/meal up to \$90,525.00 annually; plus \$3.50 /day for delivery

And, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature is hereby authorized to execute said contracts 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, Director of the Office for the Aging and the above listed agency.

Dated: March 20, 2013.

RAYMOND SMITH  
 FREDERICK SHAW, JR.  
 JEAN E. MANEEN  
 LEONARD HENDRIX  
 PATRICK E. RUSSELL  
 PETER F. MANNO  
**Committee on Human Resources**

PATRICK E. RUSSELL  
 DENNIS KORCE  
 RAYMOND SMITH  
 BRUCE WEAKLEY  
 BERNARD PEPLINSKI  
 KURT ACKERMAN  
**Committee on Ways and Means**

On motion of Mrs. Maneen, seconded by Mr. Johnson, Report and Resolution No. 65 of the Committees on Administration/Veterans' Affairs and Ways and Means extending contracts for grants for Board of Elections was handed up; voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Rose, Hendrix, Russell, Weakley (4).

No. 65

**REPORT AND RESOLUTION OF THE COMMITTEE ON  
ADMINISTRATION/VETERANS AFFAIRS AND THE COMMITTEE ON WAYS AND  
MEANS EXTENDING CONTRACTS FOR GRANTS FOR BOARD OF ELECTIONS**

WHEREAS, pursuant to Resolution No. 51 of 2007, and Resolution No. 342 of 2009, this Legislature approved contracts with the State of New York to receive certain grant funding in connection with HHS 2009 Federal Accessibility Funds and Voter Education/Poll Worker Training; and

WHEREAS, by letter dated February 4, 2013 from the Commissioners of Election your Committees have been advised that the New York State Board of Elections has notified them that the Voter Education/Poll Worker Grant has been extended to March 31, 2014 and the HHS 2009 Federal Accessibility Grant has been extended to September 30, 2014; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a grant extension to March 31, 2014 on behalf of the County of Herkimer with the New York State Board of Elections in connection with the Voter Education/Poll Worker Training Program in the amount of \$37,463; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a grant extension to September 30, 2014 on behalf of the County of Herkimer with the New York State Board of Elections in connection with the HHS 2009 Federal Accessibility Funds ,in the amount of \$2,962; 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: March 20, 2013

JEAN E. MANEEN  
BRUCE WEAKLEY  
FREDERICK J. SHAW  
ROBERT N. HYDE  
PETER F. MANNO  
RAYMOND JOHNSON  
**Committee on Administration/**

**Veterans Affairs**

PATRICK E. RUSSELL  
DENNIS KORCE  
RAYMOND SMITH  
BRUCE WEAKLEY  
BERNARD PEPLINSKI  
KURT J. ACKERMAN  
**Committee on Ways and Means**

On motion of Mrs. Maneen , seconded by Mr. Johnson, Report and Resolution No. 66 of the Committee on Administration/Veterans Affairs and the Committee on Ways and Means establishing payment amounts to election workers pursuant to the Help America Vote Act of 2002 was handed up; voted on and adopted by roll call vote:

For: Hartman, Schrader, Maneen, Johnson, Hyde, Brezinski, Smith, Bono, Ackerman, Peplinski, Korce, Shaw (12).

Against: None. Absent: Rose, Hendrix, Russell, Weakley (4).

Abstain: Manno (1).

No. 66

**REPORT AND RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS’ AFFAIRS AND THE COMMITTEE ON WAYS AND MEANS ESTABLISHING PAYMENT AMOUNTS TO ELECTION WORKERS PURSUANT TO THE HELP AMERICA VOTE ACT OF 2002**

WHEREAS, by letter dated February 13, 2013, Kathleen Farber and Audrey Dunning, Commissioners of Elections, have requested the establishment of certain payment amounts to election workers pursuant to the Help America Vote Act of 2002; and

WHEREAS, your Committees have considered said request and recommend the establishment of the requested payments at the amounts recommended; now, therefore, be it

RESOLVED, that the following payment amounts are hereby established for the election workers as listed:

Election Inspectors (238)	\$100 – Primary Election \$150 – General Election
Election Inspector Chairs (59)	\$20.00 per election
Poll Site Coordinators (58)	\$15.00 per hour
Voting Machine Technicians(2)	\$25.00 per hour
Election Night Tally Staff (8)	\$25.00 per election

Recanvass Staff (4)

\$15.00 per hour

\*(recanvass staff increases to 8 every 4 years for Presidential Election)

and, be it further

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

Dated March 20, 2013.

JEAN E. MANEEN  
BRUCE WEAKLEY  
FREDERICK J. SHAW  
ROBERT N. HYDE  
PETER F. MANNO  
RAYMOND JOHNSON  
**Committee on Administration/  
Veterans Affairs**

PATRICK E. RUSSELL  
DENNIS KORCE  
RAYMOND SMITH  
BRUCE WEAKLEY  
BERNARD PEPLINSKI  
KURT ACKERMAN  
**Committee on Ways and Means**

On motion of Mr. Korce, seconded by Mr. Peplinski, Report and Resolution No. 67 of the Committee on Ways and Means authorizing contract in connection with countywide cost allocation plan was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Rose, Hendrix, Russell, Weakley (4).

No. 67

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
AUTHORIZING CONTRACT IN CONNECTION WITH COUNTYWIDE COST  
ALLOCATION PLAN**

WHEREAS, by letter dated March 6, 2013, from Bernard E. Decker, Budget Officer and Purchasing Agent, this Legislature has been advised that proposals have been received to provide county wide cost allocation services and a maintenance in lieu of rent plan to maximize all

federal and New York State reimbursement available and minimize the cost to Herkimer County taxpayers; and

WHEREAS, by said letter, the Budget Officer has recommended that an agreement be entered into with Jack Venesky and Company of Cicero, New York, to provide the aforesaid services for reports covering fiscal years 2012, 2013 and 2014, at a cost of \$14,000 per year; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby approves entering into a contract with Jack Venesky and Company, 6114 Route 31, Cicero, New York 13039, to provide professional services for indirect cost recovery for the years 2012-2014, at a per year cost of \$14,000 for a Countywide Cost Allocation Plan and Maintenance in Lieu of Rent allocation, with said contract to be approved by the County Attorney; and, be it further

RESOLVED, that the Chairman of the 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, County Attorney, Commissioner of Social Services and Jack Venesky and Company.

Dated: March 20, 2013.

PATRICK E. RUSSELL  
DENNIS KORCE  
RAYMOND SMITH  
BRUCE WEAKLEY  
BERNARD PEPLINSKI  
KURT ACKERMAN  
**Committee on Ways and Means**

On motion of Mr. Korce, seconded by Mr. Peplinski, Report and Resolution No. 68 of the Committees on Highways and Ways and Means authorizing contract for engineering services in connection with Hawthorne Road over Sterling Creek Bridge Replacement was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Rose, Hendrix, Russell, Weakley (4).

No. 68

**REPORT AND RESOLUTION OF THE COMMITTEES ON HIGHWAYS AND WAYS  
AND MEANS AUTHORIZING CONTRACT FOR ENGINEERING SERVICES IN**

**CONNECTION WITH HAWTHORNE ROAD OVER STERLING CREEK, BRIDGE REPLACEMENT**

WHEREAS, by Resolution No. 311 duly adopted on December 19, 2012, this Legislature approved Project No. 343, Hawthorne Road over Sterling Creek Bridge Replacement in the amount of \$850,000.00; and

WHEREAS, by letter dated February 27, 2013, Jay Ewanyk, County Highway Superintendent, has advised that said project requires construction services related to the bridge replacement project and recommends the firm of Barton and Loguidice, P.C. of Syracuse, New York to perform said services for a cost of \$42,900.00; and

WHEREAS, funding source for this project will be CHIPS; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an agreement with Barton and Loguidice, P.C., 290 Elwood Davis Road, Box 3107, Syracuse, New York 13220 to perform construction services in connection with County Highway Project No. 343, Hawthorne Road over Sterling Creek Bridge Replacement, for a cost of \$42,900.00, with said agreement to be subject to 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 Highway Superintendent and Barton and Loguidice, P.C.

Dated: March 20, 2013.

BRUCE WEAKLEY  
DENNIS KORCE  
PATRICK E. RUSSELL  
RAYMOND SMITH  
BERNARD PEPLINSKI  
FREDERICK J. SHAW, JR.  
**Committee on Highways**

PATRICK E. RUSSELL  
DENNIS KORCE  
RAYMOND SMITH  
BRUCE WEAKLEY  
BERNARD PEPLINSKI  
KURT ACKERMAN  
**Committee on Ways and Means**

On motion of Mr. Korce, seconded by Mr. Ackerman, Report and Resolution No. 69 of the Committees on Highways and Ways and Means authorizing contract for engineering services in connection with Bush road over Sterling Creek Bridge Replacement was handed up; voted on and adopted by voice vote:



For: Ayes (13).

Against: None.

Absent: Rose, Hendrix, Russell, Weakley (4).

No. 69

**REPORT AND RESOLUTION OF THE COMMITTEES ON HIGHWAYS AND WAYS  
AND MEANS AUTHORIZING CONTRACT FOR ENGINEERING SERVICES IN  
CONNECTION WITH BUSH ROAD OVER STERLING CREEK BRIDGE  
REPLACEMENT**

WHEREAS, by Resolution No. 311 duly adopted on December 19, 2012, this Legislature approved Project No. 344, Bush Road over Sterling Creek Bridge Replacement in the amount of \$50,000.00; and

WHEREAS, by letter dated February 15, 2013, Jay Ewanyk, County Highway Superintendent, has advised that said project requires engineering services related to the bridge replacement project and recommends the firm of Lochner Engineering, P.C. of Utica, New York to perform said services for a cost of \$38,000.00; and

WHEREAS, funding source for this project will be CHIPS; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an agreement with Lochner Engineering, P.C., 181 Genesee St., Suite 300, Utica, New York 13501 to perform engineering services in connection with County Highway Project No. 344, Bush Road over Sterling Creek Bridge Replacement, for a cost of \$38,000.00, with said agreement to be subject to 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 Highway Superintendent and Lochner Engineering, P.C.

Dated: March 20, 2013.

BRUCE WEAKLEY  
DENNIS KORCE  
PATRICK E. RUSSELL  
RAYMOND SMITH  
BERNARD PEPLINSKI  
FREDERICK J. SHAW, JR.  
**Committee on Highways**

PATRICK E. RUSSELL  
DENNIS KORCE  
RAYMOND SMITH

BRUCE WEAKLEY  
BERNARD PEPLINSKI  
KURT ACKERMAN  
**Committee on Ways and Means**

On motion of Mr. Korce, seconded by Mr. Ackerman, Report and Resolution No. 70 of the Committee on Ways and means making appropriation of funds from County Road Fund Balance was handed up; was voted on and adopted by roll call vote:

For: Hartman, Schrader, Maneen, Johnson, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Shaw (13).

Against: None.

Absent: Rose, Hendrix, Russell, Weakley (4).

No. 70

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
MAKING APPROPRIATION OF FUNDS FROM COUNTY ROAD FUND BALANCE**

WHEREAS, by letter dated March 5, 2013, the Herkimer County Budget Officer has advised this Legislature that there are sufficient funds in Account D909, County Road Fund Balance, to allow for an appropriation to fund a highway capital improvement project; now, therefore, be it

RESOLVED, that the sum of \$15,000.00 is hereby appropriated from D909, County Road Fund Balance to H5197.40000, Highway Equipment & Capital Outlay, Project #18 – Highway Energy Conservation; and, be it further

RESOLVED, that the Herkimer County Treasurer is hereby authorized and empowered to transfer the said sum to the said account; 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: March 20, 2013.

PATRICK E. RUSSELL  
DENNIS KORCE  
RAYMOND SMITH  
BRUCE WEAKLEY  
BERNARD PEPLINSKI  
KURT J. ACKERMAN  
**Committee on Ways and Means**

On motion of Mr. Korce, seconded by Mr. Shaw, Report and Resolution No. 71 of the Committee on Highways awarding bid for purchase of equipment for Highway Department was handed up; was voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Rose, Hendrix, Russell, Weakley (4).

No. 71

**REPORT AND RESOLUTION OF THE COMMITTEE ON HIGHWAYS AWARDING BID FOR PURCHASE OF EQUIPMENT FOR HIGHWAY DEPARTMENT**

WHEREAS, the Budget Officer/Purchasing Agent has advised by letter dated March 4, 2013 that sealed bids were received, opened and read in accordance with law for the purchase of used, 2008 or newer 10-wheel dump truck for the Herkimer County Highway Department; and

WHEREAS, the Budget Officer further advises that it is the recommendation of your Committee and the County Superintendent of Highways that a contract be awarded to Tracey Road Equipment of East Syracuse, New York ,who was the only bidder, for the purchase of a 2008 Western Star 4900 10-Wheel Dump Truck in the amount of \$87,699, minus \$2,712 for trade- in, for a net amount of \$84,497; and

WHEREAS, there are sufficient funds available for said purchase; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby awards a bid for the purchase of a 2008 Western Star 4900 10-Wheel Dump Truck for the Herkimer County Highway Department to Tracey Road Equipment, 6803 Manlius Center Road East Syracuse, New York 13057 ,who was the only bidder, in the amount of \$87,699, minus \$2,712 for trade- in, for a net amount of \$84,497; and, be it further

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

Dated: March 20, 2013.

BRUCE WEAKLEY  
DENNIS KORCE  
PATRICK E. RUSSELL  
RAYMOND SMITH  
BERNARD PEPLINSKI  
FREDERICK J. SHAW, JR.  
**Committee on Highways**

On motion of Mr. Hyde, seconded by Mr. Peplinski, Report and Resolution No. 72 of the Committees on Highways and Ways and Means approving a lighting energy conservation program through National Grid for the Highway Department was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Rose, Hendrix, Russell, Weakley (4).

## No. 72

### **REPORT AND RESOLUTION OF THE COMMITTEES ON HIGHWAYS & WAYS AND MEANS APPROVING A LIGHTING ENERGY CONSERVATION PROGRAM THROUGH NATIONAL GRID FOR THE HIGHWAY DEPARTMENT**

WHEREAS, by letter dated February 8, 2013, Jay Ewanyk, County Highway Superintendent, has requested a contract be entered into with National Grid for a lighting upgrade plan for the highway department administration building, highway garage and storage building; and

WHEREAS, the cost of the plan, an energy conservation program is estimated to be \$34,137.65 with National Grid contributing an estimated cost contribution of \$20,473.84 and Herkimer County contributing an estimated cost contribution of \$13,663.81, with an eighteen month payback period for investment and annual savings of \$9,172.61; and

WHEREAS, your committees have considered and approved this matter; now, therefore be it

RESOLVED, that a contract be entered into with National Grid for an energy conservation program estimated to be \$34,137.65 with National Grid contributing an estimated cost contribution of \$20,473.84 and Herkimer County contributing an estimated cost contribution of \$13,663.81 and that the terms and conditions of the contract be subject to the approval of the County Attorney's office; and be it further

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

Dated: March 20, 2013.

PATRICK E. RUSSELL  
DENNIS KORCE  
RAYMOND SMITH  
BRUCE WEAKLEY  
BERNARD PEPLINSKI, SR.  
KURT J. ACKERMAN  
Committee on Ways & Means

BRUCE WEAKLEY  
DENNIS KORCE  
PATRICK E. RUSSELL  
RAYMOND SMITH  
BERNARD PEPLINSKI, JR.  
FREDERICK J. SHAW, JR.  
**Committee on Highways**

On motion of Mr. Korce, seconded by Mr. Ackerman, Report and Resolution No. 73 of the Committee on Highways authorizing conveyance of property to abutting property owners was handed up; voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Rose, Hendrix, Russell, Weakley (4).

No. 73

**REPORT AND RESOLUTION OF THE COMMITTEE ON HIGHWAYS  
AUTHORIZING CONVEYANCE OF PROPERTY TO ABUTTING PROPERTY  
OWNERS**

WHEREAS, by letter dated February 26, 2013, Jay W. Ewanyk, County Superintendent of Highways, has submitted a recommendation for conveyance of certain pieces of County Highway Right of Way located on Cosby Manor Road, County Road No. 243, in the Town of Schuyler, pursuant to Section 118-a of the Highway Law as set forth below; and

WHEREAS, said parcels are described on Schedule A attached hereto\* and made a part hereof; and

WHEREAS, the County Superintendent of Highways has advised this Legislature that said properties are a portion of Cosby Manor Road and are no longer needed for highway purposes, and that he recommends their conveyance to the abutting property owners in accordance with Section 118-a of the Highway Law, for an amount of \$100 each, together with any and all costs associated with the preparation, filing and recording of all necessary transfer of their respective documents; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized and empowered to execute a release or quit claim deed to the property owners listed for an amount of \$100 each, together with any and all costs associated with the preparation, filing and recording of all necessary transfer of their respective documents, for the properties described on the attached Schedule A as follows:

1. Map No. 1C, Parcel No. 1 - A portion of County property acquired in fee to be conveyed to Emily M. Sullivan.
2. Map No. 2C, Parcel No. 1 – A portion of County property acquired in fee to be conveyed to Walter E. Misiaszek.

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Superintendent of Highways and the above listed property owners.

Dated: March 20, 2013.

BRUCE WEAKLEY  
 DENNIS KORCE  
 PATRICK E. RUSSELL  
 RAYMOND SMITH  
 BERNARD PEPLINSKI  
 FREDERICK J. SHAW, JR.  
**Committee on Highways**

\*Note: Schedule A included at end of minutes

On motion of Mr. Hyde, seconded by Mr. Shaw, Resolution No. 74 of the Committee on Ways and Means calling for a public hearing on consideration of the expenditure toward the cost of the replacement of equipment within the Herkimer County Sewer District in and for the County of Herkimer was handed up; Mr. Hyde made a motion, seconded by Mr. Ackerman, to delete the last sentence in Exhibit A – Public Hearing Notice; the motion was approved by voice vote:

For: Ayes (13).

Against: None.

Absent: Rose, Hendrix, Russell, Weakley (4).

The resolution was then adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Rose, Hendrix, Russell, Weakley (4).

No. 74

**RESOLUTION OF COMMITTEE ON NATURAL RESOURCES AND THE COMMITTEE ON WAYS AND MEANS CALLING FOR A PUBLIC HEARING IN CONSIDERATION OF THE EXPENDITURE TOWARD THE COST OF THE REPLACEMENT OF EQUIPMENT WITHIN THE HERKIMER COUNTY SEWER DISTRICT IN AND FOR THE COUNTY OF HERKIMER, NEW YORK**

WHEREAS, the County Legislature of the County of Herkimer, New York, has under consideration the expenditure of \$1,640,000.00 toward the cost of the replacement of the following equipment within the Herkimer County Sewer District Plant: The Belt Filter Press; the Potassium Permanganate chemical feed system; the sludge transfer pumps; the electrical motors and gears boxes on two sludge conveyors and a line conveyor; the electrical controls, together with equipment, machinery, apparatus, appurtenances, and incidental and ancillary improvements in connection therewith of the Herkimer County Sewer District (hereinafter, the “Sewer District”); and

WHEREAS, it is now desired to call a public hearing on the consideration of the expenditure toward the cost of the replacement of the equipment of said Sewer District in the manner described above, and to hear all persons interested in the subject thereof, concerning the same, in accordance with the provisions of Section 268 and 254 of the County Law; now, therefore, it is hereby

RESOLVED, by the County Legislature of the County of Herkimer, New York, as follows:

Section 1. A public hearing will be held at the County Legislature, in the Legislature Chambers, in Herkimer, New York, on April 3, 2013 at 1:45 o’clock P.M., Prevailing Time, on the question of the increase and improvement of the facilities of the Herkimer County Sewer District, in the manner described in the preambles hereof, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.

Section 2. The Clerk of the Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in the official newspaper not less than ten, nor more than twenty days before the date designated for the hearing.

Section 3. The notice of public hearing shall be in substantially the form attached hereto as Exhibit A to be a part hereof:

Section 4. This resolution takes effect immediately.

Dated: March 20, 2013.

FREDERICK J. SHAW, JR.  
DENNIS KORCE  
BERNARD PEPLINSKI, SR.  
PETER F. MANNO  
ROBERT N. HYDE  
JOHN L. BREZINSKI  
**Committee on Natural Resources**

PATRICK E. RUSSELL  
DENNIS KORCE  
RAYMOND SMITH  
BRUCE WEAKLEY  
BERNARD PEPLINSKI, SR.  
KURT J. ACKERMAN  
**Committee on Ways and Means**

Exhibit A

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the County Legislature of the County of Herkimer, New York, will meet at the County Legislative Chambers, in Herkimer, New York, on April 3, 2013 at 1:45 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing in relation to the proposed replacement of the following equipment within the Herkimer County Sewer District Plant: The Belt Filter Press; the Potassium Permanganate chemical feed system; the sludge transfer pumps; the electrical motors and gears boxes on two sludge conveyors and a line conveyor; the electrical controls, together with equipment, machinery, apparatus, appurtenances, and incidental and ancillary improvements in connection therewith of the Herkimer County Sewer District at a maximum estimated cost of \$1,640,000.00. The estimated annual cost to the typical property owner in the District as a result thereof is \$9.23. Such improvements have been determined to be "Unlisted Actions" as defined under the regulations of the State Environmental Quality Review Act ("SEQRA") promulgated pursuant thereto, which, it has been determined, will not have any significant adverse impact upon the environment and SEQRA documentation materials are on file in the office of the clerk where it may be inspected during regular office hours.

Dated: Herkimer, New York.  
March 25, 2013.

BY ORDER OF THE COUNTY  
LEGISLATURE OF THE COUNTY  
OF HERKIMER, NEW YORK.  
Carole L. LaLonde, Clerk  
Herkimer County Legislature

On motion of Mr. Johnson, seconded by Mr. Peplinski, Resolution No. 75 of the Committee on County Planning and Development and the Committee on Ways and Means authorizing lease agreement for One Stop Career Center was handed up; voted on and adopted by voice vote:



For: Ayes (13).

Against: None.

Absent: Rose, Hendrix, Russell, Weakley (4).

No. 75

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING LEASE AGREEMENT FOR ONE STOP CENTER**

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 through December 31, 2012; and

WHEREAS, by letter dated February 26, 2013, Karin Zipko, Employment and Training Director, has requested a new three year 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 commencing January 1, 2013, at an annual rent of \$118,439.32, to be paid in monthly installments of \$9,860.94; and

WHEREAS, said monthly rent shall be offset by payments made pursuant to agreements with partners in the Working Solutions which include the State Department of Labor, Herkimer County BOCES, Herkimer County Community College, Herkimer County Department of Social Services, ACCES-VR and Herkimer RCIL; 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:

1. That the lease agreement shall be for a term of three years effective from January 1, 2013 to December 31, 2015;
2. That the lease agreement shall reflect an occupied square footage of 9,598;
3. That the price shall be \$9.19/square foot for base rent plus an additional \$3.15/square foot to cover taxes, assessments and utilities, for a total of \$12.34/square foot, with total annual rent to be \$118,439.32 to be paid in monthly installments of \$9,860.94;
4. That tenant does repairs that are under \$150; landlord responsible for all others;
5. 60 designated parking spaces;
6. Landlord to maintain parking lot, including snow and ice removal;
7. Landlord shall perform necessary repairs;
8. 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: March 20, 2013.

BERNARD PEPLINSKI, SR.  
RAYMOND SMITH  
PATRICK E. RUSSELL  
FREDERICK J. SHAW  
KURT J. ACKERMAN  
RAYMOND JOHNSON  
**Committee on County Planning and  
Development**

PATRICK E. RUSSELL  
DENNIS KORCE  
RAYMOND SMITH  
BRUCE WEAKLEY  
BERNARD PEPLINSKI  
KURT ACKERMAN  
**Committee on Ways and Means**

On motion of Mr. Korce, seconded by Mr. Ackerman, Resolution No. 76 of the Committee on Ways and Means for amendment of Salary Schedule in connection with mandated salary of District Attorney was handed up; voted on and adopted by roll call vote:

For: Hartman, Schrader, Maneen, Johnson, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Shaw, (13).

Against: None.

Absent: Rose, Hendrix, Russell, Weakley (4).

No. 76

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS FOR  
AMENDMENT OF SALARY SCHEDULE IN CONNECTION WITH MANDATED  
SALARY OF DISTRICT ATTORNEY**

WHEREAS, by letter dated February 27, 2013 from Steven R. Billings, Personnel Officer, this Legislature is advised that the annual salary of the Herkimer County District will increase effective April 1, 2013 due to mandated 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 ; and

WHEREAS, said letter further advises that it will be necessary to amend the 2013 Herkimer County Salary Schedule I in connection with said salary increase; now, therefore, be it

RESOLVED, that the 2013 Herkimer County Salary Schedule I is hereby amended in Account A1165, District Attorney, to delete the salary of \$140,300, and replace with the salary of \$146,400, effective April 1, 2013; and, be it further

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

Dated: March 20, 2013.

PATRICK E. RUSSELL

DENNIS KORCE  
RAYMOND SMITH  
BRUCE WEAKLEY  
BERNARD PEPLINSKI  
KURT ACKERMAN  
**Committee on Ways and Means**

On motion of Mr. Smith, seconded by Mrs. Maneen, Resolution No. 77 of the Committee on Ways and Means concerning contract in connection with Healthy Families Grant program was handed up; was voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Rose, Hendrix, Russell, Weakley (4).

No. 77

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS CONCERNING CONTRACT IN CONNECTION WITH HEALTHY FAMILIES GRANT PROGRAM**

WHEREAS, by Resolution No. 192 of 2012, this Legislature authorized a contract with the Family Nurturing Center of Utica, New York in connection with the implementation of the Healthy Families New York Grant administered by the Herkimer County Public Health Nursing Service; and

WHEREAS, by letter dated February 23, 2013 from Christina Cain, Acting Director of Public Health, this Legislature is advised that the Family Nurturing Center has been acquired by Kids Oneida and she requests an agreement with Kids Oneida to continue said services for the period March 1, 2013 through August 31, 2013, with said amount adjusted to the effective date of the contract with Kids Oneida; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an agreement for the period March 1, 2013 through August 31, 2013 with Kids Oneida, Inc., 310 Main St., Utica, NY 13501, in connection with the implementation of the Healthy Families New

York Grant administered by the Herkimer County Public Health Nursing Service, with an amended grant year total of \$197,872.00, adjusted to the effective date of the contract with Kids Oneida, with the terms of said agreement 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, Act Director of Public Health Kids Oneida, Inc.

Dated: March 20, 2013.

RAYMOND SMITH  
FREDERICK SHAW, JR.  
JEAN E. MANEEN  
LEONARD HENDRIX  
PATRICK E. RUSSELL  
PETER F. MANNO  
**Committee on Human Resources**

PATRICK E. RUSSELL  
DENNIS KORCE  
RAYMOND SMITH  
BRUCE WEAKLEY  
BERNARD PEPLINSKI  
KURT ACKERMAN  
**Committee on Ways and Means**

On motion of Mr. Smith, seconded by Mr. Peplinski, Resolution No. 78 of the Committees on Human Resources and Ways and Means authorizing termination of lease in connection with Healthy Families Program was handed up; voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Rose, Hendrix, Russell, Weakley (4).

No. 78

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES  
AND WAYS AND MEANS AUTHORIZING TERMINATION OF LEASE IN  
CONNECTION WITH HEALTHY FAMILIES PROGRAM**

WHEREAS, by Resolution No. 193 dated August 15, 2012, the Herkimer County Legislature authorized an extension the lease with Cale-Glens Falls, Inc. for program space located at 257 North Main Street, Herkimer, New York, in connection with the implementation

of the Healthy Families New York Grant administered by the Herkimer County Public Health Nursing Service; and

WHEREAS, by letter dated March 6, 2013, Christina Cain, Acting Director of Public Health, has requested the termination of said lease effective April 16, 2013; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby terminates the above described lease with the Cale-Glens Falls, Inc. for program space effective April 16, 2013; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Acting Director of Public Health and Cale-Glens Falls, Inc.

Dated: March 20, 2013.

RAYMOND SMITH  
FREDERICK SHAW, JR.  
JEAN E. MANEEN  
LEONARD HENDRIX  
PATRICK E. RUSSELL  
PETER F. MANNO  
**Committee on Human Resources**

PATRICK E. RUSSELL  
DENNIS KORCE  
RAYMOND SMITH  
BRUCE WEAKLEY  
BERNARD PEPLINSKI  
KURT J. ACKERMAN  
**Committee on Ways and Means**

On motion of Mr. Manno, seconded by Mrs. Maneen, Report and Resolution No. 79 of the Committees on Education and Ways and Means approving agreement for architect for renovation of Robert McLaughlin College Center Cafeteria/Alumni Hall project at Herkimer County Community College was handed up; voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Rose, Hendrix, Russell, Weakley (4).

No. 79

**REPORT AND RESOLUTION OF THE COMMITTEES ON EDUCATION AND WAYS AND MEANS APPROVING AGREEMENT FOR ARCHITECT FOR RENOVATION OF ROBERT MCLAUGHLIN COLLEGE CENTER CAFETERIA/ALUMNI HALL PROJECT AT HERKIMER COUNTY COMMUNITY COLLEGE**

WHEREAS, by Resolution No. 252 duly adopted on October 24, 2012 this Legislature approved the establishment of the Renovation Of Robert McLaughlin College Center (RMCC) Cafeteria/Alumni Hall Project in the amount of \$1,000,000, which project will allow the College to provide a facility to accommodate the increased usage by the students, create easier access to the cafeteria by allowing a better flow of traffic, provide for installation of air conditioning to the area as well as Alumni Hall, and provide for some minor renovations to Alumni Hall; and

WHEREAS, by letter dated March 1, 2013 from Nicholas Laino, Vice President for Administration and Finance, this Legislature is advised that the Board of Trustees of Herkimer County Community College has, by their Resolution No. 12-11, approved a contract with CS Arch of Albany, New York , to perform architectural services for said Project in the total amount of \$112,700, who was the low bidder; now, therefore, be it

**RESOLVED:**

1. That the Herkimer County Legislature hereby awards a contract for architectural services for the Renovation of of the Robert McLaughlin College Center Cafeteria/Alumni Hall at Herkimer County Community College to CS Arch, 40 Beaver Street, Albany, New York 12207, in the total amount of \$112,700;

2. That the Chairman of this Legislature is hereby authorized to execute the aforesaid contracts 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 and Vice President for Administration and Finance of Herkimer County Community College and CS Arch.

Dated: March 20, 2013.

PETER F. MANNO  
LEONARD R. HENDRIX  
DENNIS KORCE  
JEAN E. MANEEN  
KURT J. ACKERMAN  
RAYMOND SMITH  
**Committee on Education**

PATRICK E. RUSSELL  
DENNIS KORCE  
RAYMOND SMITH  
BRUCE WEAKLEY  
BERNARD PEPLINSKI, SR.

KURT J. ACKERMAN  
**Committee on Ways and Means**

On motion of Mr. Manno, seconded by Mr. Ackerman, Report and Resolution No. 80 of the Committees on Education and Ways and Means establishing pool filter and equipment replacement project at Herkimer County Community College and awarding a contract was handed up; voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Rose, Hendrix, Russell, Weakley (4).

No. 80

**REPORT AND RESOLUTION OF THE COMMITTEES ON EDUCATION AND WAYS AND MEANS ESTABLISHING POOL FILTER AND EQUIPMENT REPLACEMENT PROJECT AT HERKIMER COUNTY COMMUNITY COLLEGE AND AWARDS A CONTRACT**

WHEREAS, by letter dated March 14, 2013 from Nicholas F. Laino, Vice President for Administration and Finance at Herkimer County Community College, this Legislature is advised that there was an unforeseen failure of the filtration system of the swimming pool at the College, and it is necessary to make immediate repairs to protect the health and safety of users of the pool; and

WHEREAS, by said letter, this Legislature is further advised that the capital budget for the Swimming Pool Filter and Equipment Replacement is \$120,000.00, with 50% of the local share coming from the Herkimer County College Foundation and 50% from the state, with no additional funds being requested from the County; and

WHEREAS, the Board of Trustees of Herkimer County Community College has, by Resolution No. 12-12, approved award of the contract for the Swimming Pool Filter and Equipment Replacement Project to Clardon Swimming Pool Service & Excavation of Schenectady, New York for a total amount of \$120,000.00; now, therefore, be it

RESOLVED, that the Swimming Pool Filter and Equipment Replacement Project at Herkimer County Community College is hereby established in the amount of \$120,000.00, and said Project shall be funded with 50% of the local share coming from the Herkimer County College Foundation and 50% from the state, with no additional funds being requested from the County; and, be it further

RESOLVED, that the Herkimer County Legislature hereby awards a contract for the Swimming Pool Filter and Equipment Replacement Project, including engineering services, to Clardon Swimming Pool Service & Excavation, Inc., 2199 Central Avenue, Schenectady, NY 12304 in the amount of \$120,000.00 ; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, President and Vice President for Administration and Finance at Herkimer County Community College.

Dated: March 20, 2013.

PETER F. MANNO  
LEONARD R. HENDRIX  
DENNIS KORCE  
JEAN E. MANEEN  
KURT J. ACKERMAN

RAYMOND SMITH  
**Committee on Education**

PATRICK E. RUSSELL  
DENNIS KORCE  
RAYMOND SMITH  
BRUCE WEAKLEY  
BERNARD PEPLINSKI  
KURT ACKERMAN  
**Committee on Ways and Means**

On motion of Mr. Korce, seconded by Mr. Peplinski, Report and Resolution No. 81 of the Committee on Ways and Means authorizing contribution to the defense of Assessment Challenge for five parcels in the Town of Herkimer was handed up; voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Rose, Hendrix, Russell, Weakley (4).

No. 81

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
AUTHORIZING CONTRIBUTION TO THE DEFENSE OF ASSESSMENT  
CHALLENGE FOR FIVE PARCELS IN THE TOWN OF HERKIMER**

WHEREAS, this Legislature has been advised by communication dated February 6, 2013 from John Macri, Sole Assessor of the Town of Herkimer, advising that he will be going to court for the purpose of maintaining assessments for five parcels, all of which are in the Town of Herkimer, Village of Herkimer, County of Herkimer and Herkimer Central School District, and requests the County to share in the cost of court mandated appraisals for these parcels; and

WHEREAS, this Legislature has a policy of contributing, if so recommended by the Ways and Means Committee, funds for defense of this type of litigation, provided that all other jurisdictions that receive a share of tax payments under said assessment, contribute in accord with each jurisdiction's share of the aggregate tax rate; now, therefore, be it



RESOLVED, that in the tax proceeding involving five parcels in the Town of Herkimer, this Legislature will contribute to the cost of court ordered appraisals incurred by the Town of Herkimer in an amount computed to be the County's share of the aggregate tax rate, provided that all other jurisdictions that receive a share of tax payments under said assessment, contribute in an amount which is at least in accord with each jurisdiction's share of the aggregate tax rate; and, be it further

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

Dated: March 20, 2013.

PATRICK E. RUSSELL  
DENNIS KORCE  
RAYMOND SMITH  
BRUCE WEAKLEY  
BERNARD PEPLINSKI  
KURT ACKERMAN  
**Committee on Ways and Means**

On motion of Mr. Shaw, seconded by Mr. Ackerman, Resolution No. 82 of the Committees on Ways and Means, Education and Natural Resources authorizing the issuance pursuant to Section 90.10 of the Local Finance Law of refunding bonds of the County of Herkimer, New York, to be designated substantially "Public Improvement Refunding (Serial) Bonds", and providing for other matters in relation thereto and the payment of the bonds to be refunded thereby, was handed up; voted on and adopted by voice vote:

For: Ayes (13).

Against: None.

Absent: Rose, Hendrix, Russell, Weakley (4).

No. 82

**RESOLUTION OF THE COMMITTEES ON WAYS AND MEANS, EDUCATION AND NATURAL RESOURCES AUTHORIZING THE ISSUANCE PURSUANT TO SECTION 90.10 OF THE LOCAL FINANCE LAW OF REFUNDING BONDS OF THE COUNTY OF HERKIMER, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BONDS", AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY.**

WHEREAS, the County of Herkimer, New York (hereinafter, the "County") heretofore issued an aggregate \$4,250,000 Public Improvement (Serial) Bonds, 1997, pursuant to a bond determinations certificate (the "1997 Bond Certificate"), to finance the cost of the

construction/reconstruction of Herkimer County Community College in and for said County as further described in the 1997 Bond Certificate, such Public Improvement (Serial) Bonds, 1997, being dated September 15, 1997 with remaining maturities partially not refunded as of the date hereof on September 15 in the years 2013 through 2016, both inclusive (the "1997 Bonds"); and

WHEREAS, the County of Herkimer, New York (hereinafter, the "County") heretofore issued an aggregate \$2,479,300 Public Improvement (Serial) Bonds, 2004 Series A, pursuant to a bond determinations certificate dated July 29, 2004 (the "2004A Bond Certificate"), to finance the local share of the capital improvement program at the Herkimer County Community College in and for said County as further described in the 2004A Bond Certificate, such Public Improvement (Serial) Bonds, 2004 Series A, being dated July 15, 2004 with remaining maturities on July 15 in each of the years 2013 through 2024, both inclusive (the "2004A Bonds"); and

WHEREAS, the County of Herkimer, New York (hereinafter, the "County") heretofore issued an aggregate \$3,425,000 Public Improvement (Serial) Bonds, 2006, pursuant to a bond determinations certificate dated July 20, 2006 (the "2006 Bond Certificate"), to finance the cost of the reconstruction of and construction of an addition to the Herkimer County Community College Library in and for said County as further described in the 2006 Bond Certificate, such Public Improvement (Serial) Bonds, 2006, being dated July 15, 2006 with remaining maturities on July 15 in the each of the years 2013 through 2026, both inclusive (the "2006 Bonds"); and

WHEREAS, the County of Herkimer, New York (hereinafter, the "County") heretofore issued an aggregate \$700,000 Sewer Improvement (Serial) Bonds, 2006, pursuant to a bond determinations certificate dated August 15, 2006 (the "2006S Bond Certificate"), to finance the cost of the increase and improvement of the facilities of the Herkimer County Sewer District in and for said County as further described in the 2006 Bond Certificate, such Sewer Improvement (Serial) Bonds, 2006, being dated August 15, 2006 with remaining maturities on August 15 in the each of the years 2013 through 2021, both inclusive (the "2006S Bonds"); and

WHEREAS, it would be in the public interest to refund all, or one or more, or a portion of one or more, of the \$300,000 outstanding principal balance of the 1997 Bonds maturing in the years 2014 through 2016, both inclusive (the "1997 Refunded Bonds"), the \$1,605,000 outstanding principal balance of the 2004A Bonds maturing in the years 2014 through 2024, both inclusive (the "2004A Refunded Bonds"), the \$2,245,000 outstanding principal balance of the 2006 Bonds maturing in the years 2016 through 2026, both inclusive (the "2006 Refunded Bonds"), and the \$735,000 outstanding principal balance of the 2006S Bonds maturing in the years 2016 through 2021, both inclusive (the "2006S Refunded Bonds"), each by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law; and

WHEREAS, the 1997, 2004A, 2006 and 2006S Refunded Bonds are hereinafter sometimes referred to collectively as the "Refunded Bonds"; and

WHEREAS, each of such refundings will individually result in present value savings in debt service as so required by Section 90.10 of the Local Finance Law; NOW, THEREFORE, BE IT

RESOLVED, by the County Legislature of the County of Herkimer, New York, as follows:

Section 1. For the object or purpose of refunding the outstanding aggregate \$4,485,000 principal balance of the Refunded Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, (iv) the redemption premium to be paid on the Refunded Bonds which are to be called prior to their respective maturities, and (v) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$5,125,000 refunding serial bonds of the County pursuant to the provisions of Section 90.10 of the Local Finance Law (the "County Refunding Bonds" or the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$4,565,000, as provided in Section 4 hereof. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding serial bond issues. The County Refunding Bonds shall each be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-13 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the County Treasurer pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph a of Section 57.00 of the Local Finance Law pursuant to subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller. The County Treasurer is hereby also authorized to issue said Refunding Bonds, or any portion thereof, pursuant to Section 90.00 of the Local Finance Law to the extent permissible thereby.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the County Treasurer shall prescribe, which terms shall be in compliance

with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the County by lot in any customary manner of selection as determined by the County Treasurer.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York (“DTC”), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the County shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to DTC, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the County Clerk as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the County maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or first business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the County Treasurer providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the County Treasurer as fiscal agent of the County for the Refunding Bonds (collectively the “Fiscal Agent”).

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount.

Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The County Treasurer, as chief fiscal officer of the County, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or

banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said County, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the County, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the County Treasurer is also hereby authorized to name the County Clerk as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

The County Treasurer is hereby further delegated all powers of this County Legislature with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the County by the manual or facsimile signature of the County Treasurer, and a facsimile of its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the County Treasurer shall determine. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the respective Refunded Bonds, for each of the objects or purposes for which such respective Refunded Bonds were issued is as set forth in Exhibit A;

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the period of probable usefulness of each of the objects or purposes for which said respective Refunded Bonds were issued in accordance with the provisions of subdivision 1 of paragraph c of Section 90.10 of the Local Finance Law;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, if any, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, with regard to each of the Respective Series of Refunded Bonds, is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the aggregate of the refundings authorized by this resolution (collectively, the “Refunding Financial Plan”), showing the sources and amounts of all moneys required to accomplish such refundings, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit B attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series to refund all of the Refunded Bonds in the principal amount of \$4,565,000, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth on Exhibit B attached hereto and made a part of this resolution. This County Legislature recognizes that the Refunding Bonds may be issued in one or more series, and for only one or more of the Refunded Bonds, or portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the County will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit B. The County Treasurer is hereby authorized and directed to determine which of the Refunded Bonds will be refunded and at what time, the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the County Treasurer; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The County Treasurer shall file a copy of his certificates determining the details of the Refunding Bonds and the final Refunding Financial Plan with the County Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The County Treasurer is hereby authorized and directed to enter into an escrow contract or contracts (collectively the “Escrow Contract”) with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said County Treasurer shall designate (collectively the “Escrow Holder”) for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said County of Herkimer, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall be annually levied on all the taxable real property in said County a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the County to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the County irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the County shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, in the event such bonds are refunded, the County hereby elects to call in and redeem each respective series of Refunded Bonds which the County Treasurer shall determine to be refunded in accordance with the provisions of Section 4 hereof and with regard to which the right of early redemption exists. The sum to be paid therefor on such redemption date shall be the par value thereof plus the redemption premium, and the accrued interest to such redemption date. The Escrow Agent for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the County in the manner and within the times provided in the Refunded Bonds. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at private sale to Roosevelt & Cross, Inc. (the "Underwriter") for purchase prices to be determined by the County Treasurer, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds. Subject to the approval of the terms and conditions of such private sale by the State Comptroller as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, the County Treasurer, is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the County

providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter. After the Refunding Bonds have been duly executed, they shall be delivered by the County Treasurer to the Underwriter in accordance with said purchase contract upon the receipt by the County of said purchase price, including accrued interest.

Section 11. The County Treasurer and all other officers, employees and agents of the County are hereby authorized and directed for and on behalf of the County to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the County Treasurer and all powers in connection thereof are hereby delegated to the County Treasurer.

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. A summary of this resolution, which takes effect immediately, shall be published in the official newspapers of said County, together with a notice of the County Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Dated: March 20, 2013.

PATRICK E. RUSSELL  
DENNIS KORCE  
RAYMOND SMITH  
BRUCE WEAKLEY  
BERNARD PEPLINSKI  
KURT ACKERMAN  
**Committee on Ways and Means**

PETER F. MANNO  
LEONARD R. HENDRIX  
DENNIS KORCE  
JEAN E. MANEEN  
KURT J. ACKERMAN



RAYMOND SMITH  
**Committee on Education**

FREDERICK J. SHAW, JR.  
DENNIS KORCE  
BERNARD PEPLINSKI, SR.  
PETER F. MANNO  
ROBERT N. HYDE  
JOHN L. BREZINSKI  
**Committee on Natural Resources**

On motion of Mr. Johnson, seconded by Mr. Peplinski, Resolution No. 83 of the Committee on County Planning and Development relative to appointment of member to the Oneida-Herkimer Solid Waste Management Authority was handed up; voted on and adopted by voice vote:

For: Ayes (12).

Against: None.

Absent: Rose, Hendrix, Russell, Weakley (4).

Abstain: Bono (1).

No. 83

**RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT RELATIVE TO APPOINTMENT OF MEMBER TO THE ONEIDA-HERKIMER SOLID WASTE MANAGEMENT AUTHORITY**

WHEREAS, there presently exists a vacancy of a representative of Herkimer County on the Oneida-Herkimer Solid Waste Authority; and

WHEREAS, it is necessary to make an appointment to fill said vacancy; now, therefore, be it

RESOLVED, that Vincent J. Bono, 141 Millers Grove Road, Frankfort, New York is hereby appointed as a representative of Herkimer County on the Oneida-Herkimer Solid Waste Management Authority, to fill a vacancy presently existing, which term shall expire December 31, 2013; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer, the Oneida-Herkimer Counties Solid Waste Management Authority and Vincent J. Bono.

Dated: March 13, 2013.

BERNARD PEPLINSKI, SR.  
RAYMOND SMITH  
PATRICK E. RUSSELL  
FREDERICK J. SHAW  
KURT J. ACKERMAN  
RAYMOND JOHNSON  
**Committee on County Planning and  
Development**

Chairman Bono stated that pursuant to Rule 6(12) they would proceed with comments by legislators. The following legislators had further comments: Gary Hartman, Fred Shaw, Jean Maneen.

Chairman Bono asked if the District Attorney Jeffrey Carpenter and Director of Emergency Services Robert Vandawalker would like to speak on the events of Wednesday, March 13, 2013. District Attorney Carpenter expressed his appreciation to all the responders and gave a special thanks to the E911 dispatchers for their professionalism during the situation. Robert Vandawalker also expressed his gratitude to his staff and all the agencies involved for their resources.

On 8:10 p.m on motion of Mr. Manno, seconded by Mr. Ackerman, the Legislature adjourned to Wednesday, April 3, 2013 at 2:00 p.m.