

**MINUTES**  
**Herkimer County Legislature**  
**Second Quarter – Second Day**  
**Wednesday, April 24, 2013**  
**7:30 p.m.**

**Public Hearing**

The Public Hearing on the submission of Herkimer County's applications to the New York State Homes and Community Renewal from the 2013 New York State Community Block Grant (CDBG) Program was called to order at 7:00 p.m. by Bernard Peplinski, Sr., Chairman of the Committee on County Planning and Development. The clerk read the notice of the hearing. Chairman Peplinski asked if anyone wished to speak at the hearing. There were no appearances, and the hearing was declared closed at 7:04 p.m.

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held **on Wednesday, April 24, 2013 at 7:00 PM at the Legislature Chambers of the Herkimer County Office Building, 109 Mary Street, Village of Herkimer, New York** regarding the submission of Herkimer County's applications to the New York State Homes and Community Renewal for \$1,086,000 from the 2013 New York State Community Development Block Grant (CDBG) Program. Funding is proposed for the following: \$600,000 – Manufactured Housing Rehabilitation Program in the County of Herkimer; \$90,000 – Burrows Paper Corp. Equipment Upgrade in the City of Little Falls; \$265,000 – Northern Safety Inc. Project in the Town of Frankfort; \$86,000 – Ruby Lake Glass LLC Project in the Town of Frankfort; \$45,000 – Hummel's Office Equipment Co. in the Town of Herkimer.

VINCENT J. BONO, Chairman  
Herkimer County Legislature

DATED: April 12, 2013

## **Public Hearing**

The Public Hearing on the proposed modifications of Herkimer County Agricultural District #2 under the Open Enrollment Period for 2013 was called to order at 7:15 p.m. by Frederick J. Shaw, Jr., Chairman of the Committee on Natural Resources. The clerk read the notice of the hearing. Chairman Shaw asked if anyone wished to speak at the hearing. There were no appearances, and the hearing was declared closed at 7:17 p.m.

### **NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN, that the Herkimer County Legislature will hold a Public Hearing on the proposed modifications of Herkimer County Agricultural District # 2. The Public Hearing will be held on April 24, 2013 at 7:15 p.m. in the Herkimer County Legislature Chambers in Herkimer, New York.

One landowner has submitted a request in 2013 for inclusion of predominantly viable agricultural land within a certified agricultural district, and this request has been filed with the Herkimer County Legislature pursuant to Section 303-b of the NYS Agriculture and Markets Law. This landowner has a parcel located in the Town of Frankfort, which is part of or adjacent to Agricultural District No 2.

The public hearing shall be held to consider this landowner's request and the recommendations of the Herkimer County Agricultural and Farmland Protection Board.

Dated at Herkimer, New York  
April 12, 2013

Carole LaLonde, Clerk  
Herkimer County Legislature

The Regular Session of the Herkimer County Legislature was called to order by Vice-Chairman Bernard Peplinski at 7:30 p. m.

Vice-Chairman Peplinski called on Wendy Richardson of Cornell Cooperative Extension Services, to lead the Legislature in the Pledge of Allegiance.

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

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

Present: Hartman, Rose, Schrader, Maneen, Johnson, Hendrix, Hyde, Brezinski, Manno, Smith, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (16).

Absent: Bono (1).

Vice-Chairman Peplinski dispensed with the regular order of the session and called upon Legislator John Brezinski to make a presentation. Mr. Brezinski recognized Zachary Slade and his parents. Zachary is a nine-year old gifted pianist who has participated in many musical competitions, and he has performed at many charity benefits including one for the Galisano Children's Hospital in Syracuse. Zachary performed several pieces of music for the Legislature. Vice-Chairman Peplinski read a proclamation naming Thursday, April 25, 2013 as "Zachary Slade Day" in Herkimer County to congratulate Zachary on his accomplishments.

Pursuant to Rule 8 of the Rules of the County Legislature, Vice-Chairman Peplinski asked if there were any objections or corrections to the minutes of April 3, 2013. There were none and they were ordered approved.

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

Vice-Chairman Peplinski stated that the communications received by the Legislature and the committees to which they were referred were as listed on the agenda and asked if any member of the Legislature requested mention of any particular communication. Mr. Korce requested Communication #124 and Mrs. Rose requested Communication #137 be read.

120 – A communication was received from the Oneida-Herkimer Solid Waste Authority submitting their Annual Report for 2012. Placed on file.

121 - A communication was received from the County Highway Superintendent submitting his Annual Report for 2012. Referred to the Committee on Highways.

122 – A communication was received from the Office of the State Comptroller advising of approval of agreement with the City of Little Falls regarding allocation of sales tax. Placed on file.

123(2) – Two communications were received from ProAct, Inc. submitting Prescription Drug Discount Reports for January through March. Placed on file.

124 – A communication was received from the County Attorney advising of the receipt of a Notice of Claim. Referred to the Committee on Ways and Means.

125 – A communication was received from Senator Seward advising of update on agricultural legislation. Placed on file.

126 – A communication was received from Assemblyman Butler concerning the New York SAFE Act. Placed on file.

127 – A communication was received from the Oneida-Herkimer Solid Waste Authority submitting minutes and recently adopted resolutions. Placed on file.

- 128 – A communication was received from the Budget Officer submitting request for an amendment of an insurance contract. Referred to the Committee on Ways and Means.
- 129 – A communication was received from the Budget Officer submitting request for transfer from Reserve Account. Referred to the Committee on Ways and Means.
- 130 – A communication was received from the Budget Officer submitting recommendation for rejection of bid and award of bid for equipment for Highway Department. Referred to the Committee on Highways and the Committee on Ways and Means.
- 131 – A communication was received from the Budget Officer submitting request for amendment in connection with receipt of pass through funding for Flood Mitigation. Referred to the Committee on Ways and Means.
- 132 – A communication was received from the County Auditor submitting report of refunds of taxes under \$2500 made for March. Placed on file.
- 133 – A communication was received from the Soil and Water Conservation District submitting minutes of 3/12/13. Placed on file.
- 134 – A communication was received from the Old Forge Library expressing appreciation for the county's allocation. Placed on file.
- 135 – A communication was received from the Herkimer County Agricultural and Farmland Protection Board submitting the report of the Open Enrollment for Agricultural Districts for 2013. Referred to the Committee on Natural Resources.
- 136 – A communication was received from the County Highway Superintendent submitting statements for consideration of three projects to be completed with county road funds during 2013. Referred to the Committee on Highways.
- 137 – A communication was received from the Director of Information Services requesting establishment of part-time position. Referred to the Committee on Information Services and the Committee on Ways and Means.
- 138 – A communication was received from the Budget Officer submitting recommendation for contract for medical billing services. Referred to the Committees on Human Resources and Ways and Means.
- 139 – A communication was received from the STOP-DWI Coordinator submitting recommendation for appointments and reappointments to the STOP-DWI Advisory Board. Referred to the Committee on Public Safety/Emergency Management.
- 140 – A communication was received from the Personnel Officer submitting request for adjustment of salary in 2013 Herkimer County Salary Schedule I. Referred to the Committee on Ways and Means.

141 – A communication was received from the Village of Ilion submitting nomination for appointment to Sewer Board. Referred to the Committee on Natural Resources.

142 – A communication was received from the Budget Officer submitting request to cancel grant and return deposited funds in Public Health Nursing Service. Referred to the Committees on Human Resources and Ways and Means.

143 – A communication was received from the Budget Officer submitting request for amendment of budget in connection with funding for Herkimer County HealthNet, Inc. Referred to the Committee on Human Resources and the Committee on Ways and Means.

144 – A communication was received from the Budget Officer submitting request for budget amendment in connection with additional CHIPS funding. Referred to the Committee on Highways and the Committee on Ways and Means.

145 – A communication was received from the VP for Admin. and Finance, HCCC submitting request for 4 day work week for Summer of 2013. Referred to the Committees on Education and Ways and Means.

146 – A communication was received from the Executive Director of HealthNet, Inc. advising of the receipt of the Creating Healthy Places to Live, Work and Play funding and requesting budget amendment. Referred to the Committees on Human Resources and Ways and Means.

147 – A communication was received from the Director of Probation requesting approval and e-signature of Alternatives to Incarceration Program funding. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

148 – A communication was received from the County Highway Superintendent requesting approval of Municipal Snow and Ice Agreement with New York State Department of Transportation. Referred to the Committee on Highways.

149 – A communication was received from the County Property Agent submitting list of properties for the In Rem Tax Foreclosure Proceedings. Referred to the Committee on County Properties.

150 – A communication was received from the County Clerk submitting her Annual Report for 2012. Referred to the Committee on Administration/Veterans' Affairs.

Pursuant to Rule 6, Vice-Chairman Peplinski then proceeded with Reports of Standing Committees. Vice-Chairman Peplinski reported on the recent meeting of the Committee on County Planning and Development.

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

For: Ayes (16).

Against: None.

Absent: Bono (1).

**Consent Agenda:**

- 99 HIGHWAYS: Adopting Annual Report of County Highway Superintendent
- 100 PUB. SFTY./EMER. MGMT: As Regards Membership on STOP-DWI Board
- 101 NAT. RESOURCES: Designating member to County Sewer Board
- 102 HIGHWAYS: Extending agreement with State for Snow and Ice Control
- 103 WAYS & MEANS: Amending Budget in Connection with Pass Through Funding for Flood Mitigation
- 104 WAYS & MEANS, HIGHWAYS: Amending budget in connection with Additional CHIPS funding for 2013
- 105 PUB. SFTY./EMER. MGMT, WAYS & MEANS: Authorizing execution of Alternatives to Incarceration Contracts

**No. 99**

**REPORT AND RESOLUTION OF THE COMMITTEE ON HIGHWAYS ADOPTING ANNUAL REPORT OF COUNTY SUPERINTENDENT OF HIGHWAYS**

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

RESOLVED, that the 2012 Annual Report of the County Superintendent of Highways be adopted and placed on file with the Herkimer County Legislature for the year 2012.

Dated: April 24, 2013.

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

No. 100

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AS REGARDS MEMBERSHIP ON THE STOP-DWI ADVISORY BOARD**

WHEREAS, a communication from Michael J. Edwards, STOP-DWI Coordinator, dated April 17, 2013 advises this Legislature that the STOP-DWI Advisory Board recommends the reappointment and appointment of certain members to the STOP-DWI Advisory Board; now, therefore, be it

RESOLVED, that the following individuals are hereby reappointed to the STOP-DWI Advisory Board to serve a term of three years commencing July 1, 2013 and ending June 30, 2016:

Joseph Malone, Herkimer/Mohawk Police Chief  
James W. Wallace, Jr., serving as County Administrator  
Vincent J. Bono, serving as Chairman of the Herkimer County Legislature

And, be it further

RESOLVED, that Timothy Rogers, HCCC Director of Campus Security, is hereby appointed to the STOP-DWI Advisory to serve a term of three years commencing July 1, 2013 and ending June 30, 2016; and, be it further

And, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Coordinator of the STOP-DWI Program and the appointees.

Dated: April 24, 2013.

LEONARD R. HENDRIX  
BRUCE WEAKLEY  
RAYMOND SMITH  
ROBERT N. HYDE  
DENNIS KORCE  
BERNARD PEPLINSKI, SR.  
**Committee on Public Safety and  
Emergency Management**

No. 101

**REPORT AND RESOLUTION OF THE COMMITTEES ON NATURAL RESOURCES DESIGNATING MEMBERS TO THE HERKIMER COUNTY SEWER BOARD**

WHEREAS, the Legislature of the County of Herkimer, by Resolution No. 100 for the year 1986, determined that the administrative body of the Herkimer County Sewer District should thereafter be a five member board, and appointed the Chief Executive, or their designees, of the Villages of Ilion, Frankfort and Mohawk and the Towns of Frankfort and German Flatts, as members of the said Board; and

WHEREAS, the term of the member representing the Village of Ilion expired February 28, 2013; and

WHEREAS, by letter dated April 12, 2013, this Legislature is advised that the Village of Ilion has approved the appointment of Mayor John Stephens for a term of five years, as the Village of Ilion's representative on the Herkimer County Sewer District Board; now, therefore, be it

RESOLVED, that Mayor John Stephens, 211 Second Street, Ilion, New York, is hereby appointed to the Herkimer County Sewer District Board, representing the Village of Ilion, for a term of five years commencing March 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, Herkimer County Sewer District, Village of Ilion and Mayor John Stephens.

Dated: April 24, 2013

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

No. 102

**REPORT AND RESOLUTION OF THE COMMITTEES ON HIGHWAYS EXTENDING AGREEMENT FOR SNOW AND ICE CONTROL WITH STATE OF NEW YORK**

WHEREAS, the County of Herkimer, pursuant to Section 12 of the Highway Law relating to plowing snow and to control snow and ice on state highways in the towns and incorporated villages of the County, has heretofore entered into an agreement dated July 1, 1974, with the State of New York for such purposes; and

WHEREAS, Sections 7 and 10 of said agreement provide a method of modification of the map of affected state highways and of annually updating the estimated expenditures; and

WHEREAS, by communication dated April 4, 2013, the County Superintendent of Highways has submitted contracts in form prepared by the State of New York to extend said agreement for an additional one year period, at an estimated payment from the State of \$1,396,821.40 for 2013-2014; now, therefore, be it

RESOLVED, that the Chairman of the Herkimer County Legislature is hereby authorized to execute such extension of said Snow and Ice Control Agreement for the year July 1, 2013 through June 30, 2014 at an estimated expenditure of \$1,396,821.40 for 2013-14; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Superintendent of Highways and New York State Department of Transportation.

Dated: April 24, 2013.

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

No. 103

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
AMENDING BUDGET IN CONNECTION WITH PASS THROUGH FUNDING FOR  
FLOOD MITIGATION**

WHEREAS, by letter dated April 17, 2013, from the Budget Officer/Purchasing Agent, this Legislature is advised that it is necessary to amend the 2013 Budget in connection with pass through Flood Mitigation grant funding for conservation work on Moyer, Steele and Fulmer Creeks; now, therefore, be it

RESOLVED, that the 2013 Herkimer County Budget is hereby amended as follows:

Revenue:

A8746.3989, State Aid, Flood Mitigation	From:	\$0
	To:	\$574,346

Appropriation

A8746.44000, Flood Mitigation, Cont. Serv.	From:	\$0
	To:	\$574,346

And, be it further

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

Dated: April 24, 2013.

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

No. 104

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AND THE COMMITTEE ON HIGHWAYS AMENDING BUDGET IN CONNECTION WITH ADDITIONAL CHIPS FUNDS FOR 2013**

WHEREAS, by letter dated April 16, 2013, from the Budget Officer/Purchasing Agent, this Legislature is advised that it is necessary to amend the 2013 Budget in connection with the receipt of additional CHIPS funds for 2013; now, therefore, be it

RESOLVED, that the 2013Herkimer County Budget is hereby amended as follows:

Revenue:

D9552.3501 St. Aid, CHIPS	From:	\$3,000,000
	To:	\$3,600,000

Appropriation

D9552.90200 Interfund Const., Prov. for Const.	From:	\$3,000,000
	To:	\$3,600,000

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: April 24, 2013.

PATRICK E. RUSSELL  
DENNIS KORCE

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

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

No. 105

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND  
EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS  
AUTHORIZING EXECUTION OF ALTERNATIVES TO INCARCERATION  
CONTRACTS**

WHEREAS, by communication dated April 1, 2013 from Josephine Sohn, Director of Probation, advises that the State of New York Division of Criminal Justice Services has approved the 2013-2014 Alternatives to Incarceration Plan and awards for the Pretrial Program in the amount of \$6,622.00 and the Community Service Program in the amount of \$6,466.00, and requests authorization for the Chairman of the Legislature to execute by e-signature said contracts; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute and e-sign the annual contracts for the Pre-Trial and Community Service Programs for the period July 1, 2013 through June 30, 2014; and, be it further

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

Dated: April 24, 2013.

LEONARD R. HENDRIX  
BRUCE WEAKLEY  
RAYMOND SMITH  
ROBERT N. HYDE  
DENNIS KORCE

BERNARD PEPLINSKI, SR.  
**Committee on Public Safety/  
Emergency Management**

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. Hyde, Report and Resolution No. 106 of the Committee on Natural Resources to provide that the additions to existing Agricultural Districts for the year 2013 pursuant to Section 303-b of the Agriculture and Markets Law is in compliance with the provisions of the New York State Environmental Quality Review Act was handed up; was voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Bono (1).

**No. 106**

**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES  
TO PROVIDE THAT THE ADDITIONS TO EXISTING AGRICULTURAL DISTRICTS  
FOR THE YEAR 2013 PURSUANT TO SECTION 303-b OF THE AGRICULTURE AND  
MARKETS LAW IS IN COMPLIANCE WITH THE PROVISIONS OF THE NEW  
YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT**

WHEREAS, the State of New York has enacted the State Environmental Quality Review Act (SEQRA), Article 8 of the NYS Environmental Conservation Law and Part 617 of Title 6, New York Code Rules and Regulations (6NYCRR) to incorporate the consideration of environmental factors into existing planning, review and decision-making processes of local government agencies; and

WHEREAS, SEQRA requires that all agencies determine whether the actions they directly undertake, fund, or approve may have a significant effect on the environment; and

WHEREAS, the Herkimer County Legislature has under consideration request from one landowner pursuant to Resolution 146 of 2004, which established the month of January of each

year as the 30-day period in which landowners may petition Herkimer County for inclusion of parcels within existing agricultural districts; and

WHEREAS, your Committee has designated the project as an Unlisted Action pursuant to SEQRA and completed an uncoordinated review of the proposed modifications of the agricultural districts; and

WHEREAS, your Committee has fully considered, assessed and discussed the information contained within the Environmental Assessment Form; now, therefore, be it

RESOLVED, that based on the information provided and discussed, the Herkimer County Legislature has determined that the proposed action will not result in any significant adverse environmental impacts; and, be it further

RESOLVED, that the reasons supporting this determination are documented on the Environmental Assessment Form, within a packet of attachments to the forms, and on additional supporting documentation; and, be it further

RESOLVED, that as a consequence of such findings and declaration, and in compliance with the requirements of SEQRA, the County, as lead agency, hereby issues a negative declaration and directs that the Chairman of the Legislature file and make available the same in accordance with the requirements of SEQRA Law.

Dated: April 24, 2013.

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. Shaw, seconded by Mr. Ackerman, Report and Resolution No. 107 of the Committee on Natural Resources approving additions to existing agricultural districts for the year 2013 was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Bono (1).

No. 107

**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES  
APPROVING ADDITIONS TO EXISTING AGRICULTURAL DISTRICTS FOR THE  
YEAR 2013**

WHEREAS, Section 303-b of the New York State Agriculture and Markets Law provides for the inclusion of viable agricultural land within a certified agricultural district prior to the county established review period; and

WHEREAS, upon recommendation of the Agricultural and Farmland Protection Board, the Herkimer County Legislature established the month of January as the 30-day period in which landowners may petition Herkimer County for inclusion of parcels within existing agricultural districts during the year 2013; and

WHEREAS, Herkimer County received requests from one landowner for inclusion of one parcel of land within an existing agricultural district; and

WHEREAS, the Herkimer County Agricultural & Farmland Protection Board determined that said parcel proposed for inclusion in the agricultural districts consists predominately of viable agricultural land, and that the inclusion of such land would serve the public interest by assisting in maintaining a viable agricultural industry within the agricultural districts; and

WHEREAS, the Agricultural & Farmland Protection Board recommended that said parcel listed on the attached be included in the agricultural districts as viable agricultural land; and

WHEREAS, the Herkimer County Legislature held a public hearing on April 24, 2013 and

WHEREAS, the Herkimer County Legislature has determined pursuant to the State Environmental Quality Review Act, that the proposed action will not have a significant impact on the environment; now, therefore, be it

RESOLVED, that the Herkimer County Legislature does hereby approve the one parcel listed on the attached list for inclusion in agricultural districts as viable agricultural land.

Dated: April 24, 2013.

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

ADDITIONS TO EXISTING AGRICULTURAL DISTRICTS  
PURSUANT TO SECTION 303-b OF THE AGRICULTURAL AND MARKETS LAW  
OPEN ENROLLMENT PERIOD – JANUARY 2013

<u>LANDOWNER</u>	<u>PIN</u>	<u>TOWN</u>	<u>ACRES</u>	<u>AG. DIST. # Part of or Adjacent to</u>
Collins Farm Realty, LLC	111.3-1-9	Frankfort	43.8	2

**Total Acres - 43.8**

On motion of Mr. Smith, seconded by Mr. Hendrix, Report and Resolution No. 108 of the Committees on Human Resources and Ways and Means authorizing contract with new York State Department of Health for Herkimer County HealthNet, Inc. and amending budget was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Bono (1).

No. 108

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS AND MEANS AUTHORIZING CONTRACT WITH NEW YORK STATE DEPARTMENT OF HEALTH FOR HERKIMER COUNTY HEALTHNET, INC. AND AMENDING BUDGET**

WHEREAS, by communication dated March 28, 2013 , Adam Hutchinson, Executive Director of the Herkimer County HealthNet, Inc. has advised that the New York State Department of Health has awarded a grant to Herkimer County HealthNet, Inc. for the period from April 1, 2013 through March 31, 2014, in the amount of \$175,000.00 for a program entitled “Creating Healthy Places to Live, Work and Play”; and

WHEREAS, it is now necessary to enter into a contract with the New York State Department of Health to receive said grant funding; and

WHEREAS, by letter dated April 17, 2013, Bernard E. Decker, Budget Officer, has advised that it is necessary to amend the Herkimer County Budget in connection with the receipt of said grant funding; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute a contract between the County of Herkimer and the New York State Department of

Health to receive \$175,000.00 in funding for the Herkimer County HealthNet, Inc. to implement a program entitled "Creating Healthy Places to Live, Work and Play", for the period April 1, 2013 through March 31, 2014; and, be it further

RESOLVED, that the 2013 Herkimer County Budget is hereby amended as follows:

Revenue:

A4018.3418A Healthy Places Grant	From:	\$0
	To:	\$175,000

Appropriation

A4018.44000 Herkimer County HealthNet, Cont. Serv.	From:	\$136,250
	To:	\$311,250

and, be it further

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

Dated: April 24, 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. Shaw, Report and Resolution No. 109 of the Committees on Human Resources and Ways and Means cancelling grant program and authorizing the return of funds deposited was handed up; was voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Bono (1).

No. 109

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS AND MEANS CANCELLING GRANT PROGRAM AND AUTHORIZING THE RETURN OF FUNDS DEPOSITED**

WHEREAS, Resolution No. 194 adopted by this Legislature on August 15, 2012 authorized the execution of a grant agreement with the Health Foundation for Western and Central New York for a Pregnancy Outreach and Parent Support Program; and

WHEREAS, by letter dated March 28, 2013 from Christina Cain, Acting Director of Public Health, this Legislature is advised that there is a request to cancel the grant and return an advance of \$15,000 from the Health Foundation for Western and Central New York, which had been deposited in Account A4189K.1689B on October 22, 2012; now, therefore, be it

RESOLVED, that cancellation of the grant and grant agreement and return of the \$15,000 advance to the Health Foundation for Western and Central New York are hereby approved; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute any and all necessary documents to cancel the grant agreement; 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 Health Foundation for Western and Central New York.

Dated: April 24, 2013.

RAYMOND SMITH  
FREDERICK J. SHAW  
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. Weakley, seconded by Mr. Shaw, Report and Resolution No. 110 of the Committees on Highways approving projects under Article 6, Section 116 of the Highway Law was handed up; was voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Bono (1).

No. 110

**REPORT AND RESOLUTION OF THE COMMITTEE ON HIGHWAYS APPROVING PROJECTS UNDER ARTICLE 6, SECTION 116 OF THE HIGHWAY LAW**

Your Committee on Highways, to which was referred the letter of Jay W. Ewanyk, County Superintendent of Highways, dated April 10, 2013, submitting three copies each of

statements under Article 6 of the Highway Law designating work to be done with County Road Fund monies during the year 2013 covering three projects involved in the Capital Construction Program, respectfully reports that we have examined said statement contained in said communication from and signed by the County Superintendent of Highways, recommend its adoption and offer the following Resolution:

RESOLVED, that the statement under Article 6 of the Highway Law which designates work to be done with County Road Fund monies be, and hereby is, approved by the County Legislature of the County of Herkimer for the following projects involved in the Capital Construction Program, to be funded as listed:

<b>project no.</b>	<b>road/location</b>	<b>type of project</b>	<b>estimated contracted cost</b>
345	Millers Mills Road, CR 85 Over Unadilla River (BIN 3307530) Town of Columbia	Bridge Replacement	\$500,000.00
346	White Creek, CR 60 Town of Newport	Superstructure Replacement	\$200,000.00
347	Shoemaker, CR 68 Town of German Flatts Henry Street North 0.56 miles	Rehabilitation Paving	\$200,000.00

Funding source for this project will be provided from CHIPS funds

And, be it further

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

Dated: April 24, 2013.

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

On motion of Mr. Weakley, seconded by Mr. Smith, Report and Resolution No. 111 of the Committee on Highways rejecting bid and awarding bid for equipment for Herkimer County Highway Department was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Bono (1).

No. 111

**REPORT AND RESOLUTION OF THE COMMITTEE ON HIGHWAYS REJECTING BID AND AWARDED BID FOR EQUIPMENT FOR HERKIMER COUNTY HIGHWAY DEPARTMENT**

WHEREAS, by letter dated March 26, 2013, the Budget Officer/Purchasing Agent has advised that bids were received, opened and read in accordance with law for the provision of a used 2007 or newer 4WD Rubber Tired Excavator for the Herkimer County Highway Department; and

WHEREAS, after review of the bid it is the recommendation of the County Highway Superintendent and that the low bid of Monroe Tractor be rejected for failing to meet specifications which called for a hydraulic pin-grabber coupler; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby rejects the bid of Monroe Tractor, 7300 Eastman Road, North Syracuse, NY 13212 for the provision of a used 2007 or newer 4WD Rubber Tired Excavator for the Herkimer County Highway Department, because it failed to meet specifications which called for a hydraulic pin-grabber coupler; and, be it further

RESOLVED, that the Herkimer County Legislature hereby awards a bid to the only other bidder, Milton Cat, 500 Commerce Drive, Clifton Park NY 12065 in the amount of \$143,000, minus trade-in of \$10,000, for a net bid price of \$133,000; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute said contract after approval by 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 Superintendent of Highways, Monroe Tractor and Milton Cat.

Dated: April 24, 2013

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

On motion of Mr. Smith, seconded by Mr. Weakley, Report and Resolution No. 112 of the Committee on Human Resources and the Ways and Means awarding bid for billing service for Public Health Nursing Service was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Bono (1).

No. 112

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES  
AND THE COMMITTEE ON WAYS AND MEANS AWARDING BID FOR  
BILLING SERVICE FOR PUBLIC HEALTH NURSING SERVICE**

WHEREAS, by letter dated April 16, 2013, the Budget Officer/Purchasing Agent has advised that one proposal was received in response to a Request for Proposals for medical billing services to insurance companies for the Public Health Nursing Service Immunization Service; and

WHEREAS, after review of the proposal, it is the recommendation of the Acting Director of Public Health and your Committee that a contract be awarded to MedCare Administrators, LLC, 587 Main Street, New York Mills, NY 13417, which contract would include compensation of 9.9% of collections plus \$1.97 for each charge entered (minimum of \$999.00 per month), and will further include provision for a start-up fee of \$2,700 and maintenance fees of \$50 per month per provider to maintain insurance participation agreements and additional fees for other services as detailed in the proposal; now, therefore, be

RESOLVED, that the Herkimer County Legislature hereby awards a contract for the provision of medical billing services for the Public Health Nursing Service Immunization Program to MedCare Administrators, LLC, 587 Main Street, New York Mills, NY 13417, which contract would include compensation of 9.9% of collections plus \$1.97 for each charge entered (minimum of \$999.00 per month), and will further include provision for a start-up fee of \$2,700 and maintenance fees of \$50 per month per provider to maintain insurance participation agreements and additional fees for other services as detailed in the proposal, with the terms of said contract to be subject to approval by 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, Acting Director of Public Health and MedCare Administrators, LLC.

Dated: April 24, 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. Ackerman, seconded by Mr. Russell, Report and Resolution No. 113 of the Committee on Ways and Means amending Resolution No. 283 of 2012 adjusting wages for hourly employees was handed up; Mrs. Rose made a motion, seconded by Mr. Shaw, to amend the resolution in the Second Whereas and First Resolved Clauses to delete “establish the position of” and replace with “increase the salary of the existing”. The motion was voted on and approved by voice vote:

For: Ayes (16).

Against: None.                      Absent: Bono (1).

The resolution as amended was voted on and adopted by voice vote:

For: Ayes (16).

Against: None.                      Absent: Bono (1).

No. 113

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
AMENDING RESOLUTION 283 OF 2012 ADJUSTING WAGES FOR HOURLY  
EMPLOYEES**

WHEREAS, by Resolution No. 283 of 2012, this Legislature established an hourly scale for graded employees and rates for positions for the year 2013; and

WHEREAS, by letter dated April 15, 2013, JoAnn Boyer, Director of Information Services, request has been made to establish the position of part-time Computer Operator at the base hourly rate of \$16.58 per hour which would equal the rates for established positions for 2013; and

WHEREAS, your Committee has considered said request; now, therefore, be it

RESOLVED, that Resolution No. 283 of 2012 be amended to establish the position of part time Computer Operator for the year 2013:

<u>Title</u>	<u>2013</u>
Part-Time Computer Operator	\$16.58

and, be it further

RESOLVED, that Resolution No. 283 of 2012 in all other respects is hereby ratified and confirmed; and, be it further

RESOLVED, that certified copies of this Resolution be sent to the County Treasurer, Auditor, Budget Officer and Director of Information Services.

Dated: April 24, 2013.

\_\_\_\_\_  
PATRICK E. RUSSELL

\_\_\_\_\_  
DENNIS KORCE

\_\_\_\_\_  
RAYMOND SMITH

\_\_\_\_\_  
BRUCE WEAKLEY

\_\_\_\_\_  
BERNARD PEPLINSKI

\_\_\_\_\_  
KURT ACKERMAN  
**Committee on Ways and Means**

On motion of Mr. Manno, seconded by Mr. Ackerman, Report and Resolution No. 114 of the Committees on Education and Ways and Means concerning 4 day work week at Herkimer County Community College was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (14).

Against: Smith (1).                      Absent: Bono (1).

Abstain: Johnson (1).

No. 114

**REPORT AND RESOLUTION OF THE COMMITTEES ON EDUCATION AND WAYS AND MEANS CONCERNING 4 DAY WORK WEEK AT HERKIMER COUNTY COMMUNITY COLLEGE**

WHEREAS, administrative officers at Herkimer County Community College have negotiated with Herkimer County Unit 7100 of the Civil Service Employees Association, herein called the CSEA, and Herkimer County Community College Professional Association concerning a Four Day Work Week on the Herkimer County Community College Campus for the summer of 2013 from Friday, July 5, 2013 through Friday, July 26, 2013; and

WHEREAS, memoranda of agreement have been signed by representatives of CSEA and the representatives of the Herkimer County Community College Professional Association concerning said Four Day Work Week and the options available to members of each association; and

WHEREAS, by communication dated April 8, 2013 from Nicholas F. Laino, Vice President for Administration and Finance at Herkimer County Community College, this Legislature is advised that said memoranda of agreement have been adopted by the Board of Trustees of Herkimer County Community College on March 21, 2013, as Resolution No. 12-14, and said resolution and the aforesaid memoranda of agreement have now been presented to this Legislature for approval; now, therefore, be it

RESOLVED, that this Legislature hereby approves Herkimer County Community College Board of Trustees Resolution No. 12-14 concerning the Four Day Work Week, subject to the conditions set forth in said memoranda of agreement and to the following:

1. This change in the work schedule for employees at Herkimer County Community College Campus shall be only for the period July 5, 2013 to July 26, 2013, and this approval by this Legislature does not extend or apply to any period beyond July 26, 2013;

2. The option (one of the options which may be selected by an employee) to work 8 hours and 45 minutes per day shall not entitle any employee to a claim for overtime, and said associations, by commencing work under these memoranda of agreement, hereby agree that they shall not pursue, aid or abet any overtime claim by any such employee;

and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute said memoranda of agreement 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, Personnel Officer, President of Herkimer County Community College, President of Herkimer County Unit 7100 of CSEA and President of Herkimer County Community College Professional Association.

Dated: April 24, 2013.

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

PATRICK E. RUSSELL  
DENNIS KORCE  
RAYMOND SMITH  
BRUCE WEAKLEY  
BERNARD PEPLINSKI  
KURT J. ACKERMAN

On motion of Mr. Hendrix, seconded by Mr. Weakley, Report and Resolution No. 115 of the Committee on Ways and Means adjusting 2013 Herkimer County Salary Schedule No. 1 was handed up; discussion was held; was voted on and adopted by roll call vote:

For: Hartman, Rose, Schrader, Maneen, Johnson, Hendrix, Hyde, Brezinski, Manno, Smith, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (16).

Against: None.

Absent: Bono (1).

No. 115

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
ADJUSTING 2013 HERKIMER COUNTY SALARY SCHEDULE NO. I**

WHEREAS, by letter dated April 18, 2013, Steven Billings, Personnel Officer, has requested an adjustment to the salary of the position of Director of Emergency Services in Account A3020, Public Safety Emergency Management; and

WHEREAS, your Committees have taken this matter under consideration and recommend the aforesaid change; now, therefore, be it

RESOLVED, that the 2013 Salary Schedule I is hereby amended to establish the base annual salary for the position of Director of Emergency Services in A3020, Public Safety Emergency Management, in the amount of \$21,723.00; and, be it further

RESOLVED, that the aforesaid change shall take effect April 29, 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 Director of Emergency Services.

Dated: April 24, 2013.

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

On motion of Mr. Russell, seconded by Mr. Hyde, Report and Resolution No. 116 of the Committee on Ways and Means amending Resolution No. 317 of 2012 authorizing insurance coverages was handed up; was voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Bono (1).

No. 116

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
AMENDING RESOLUTION NO. 317 OF 2012 AUTHORIZING INSURANCE  
COVERAGES**

WHEREAS, by Resolution No. 317 adopted on December 19, 2012, this Legislature authorized certain policies of insurance for coverage beginning December 9, 2012; and

WHEREAS, by letter dated April 16, 2013, Bernard E. Decker, Budget Officer/Purchasing Agent, has requested said resolution be amended to add \$5,000.11 to the Professional Liability-Occurrence line of payments to NYMIR, c/o Mang Insurance Agency, which amount represents the premium for the jail physician; now, therefore, be it

RESOLVED, that Resolution No. 317 of 2012 is hereby amended to increase the amount of coverage payment to NYMIR, c/o Mang Insurance Agency under Healthcare Professional Liability – occurrence, from \$10,123.27 to \$15, 123.38; and, be it further

RESOLVED, that in all other respects, Resolution No. 317 of 2012 is hereby ratified and confirmed; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget officer and NYMIR, c/o Mang Insurance Agency.

Dated: April 24, 2013.

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

On motion of Mr. Weakley, seconded by Mr. Johnson, Report and Resolution No. 117 of the Committee on Ways and Means making transfer of funds from Capital Reserve was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Bono (1).

No. 117

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
MAKING TRANSFER OF FUNDS FROM CAPITAL RESERVE**

WHEREAS, by Resolution No. 396 of 2000, Capital Reserve Fund D889, Reserve for Emergency Disaster Work, was established in order to reserve funds received from the State and Federal governments to reimburse the County for repair of damages from a natural disaster to the next construction season; and

WHEREAS, subsequently, Herkimer County has received reimbursement for several other natural disaster and the Herkimer County Highway Department has expended the extra funds from its regularly budgeted funds; and

WHEREAS, by letter dated April 16, 2013 the Herkimer County Budget Officer has requested that the amounts reserved in Account D889, representing reimbursement for work already performed by the Herkimer County Highway Department, be transferred to unreserved fund balance in Account D909, County Road Fund; now, therefore, be it

RESOLVED, that the amounts reserved in Account D889, representing reimbursement for work already performed by the Herkimer County Highway Department, currently \$1,541,095.54, be transferred to unreserved fund balance in Account D909, County Road Fund; 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 Superintendent of Highways.

Dated: April 24, 2013.

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

On motion of Mr. Ackerman, seconded by Mr. Brezinski, Resolution No. 118 of the Committee on County Planning and Development making appointment to the Herkimer County

Industrial Development Agency was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Bono (1).

No. 118

**RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT MAKING APPOINTMENT TO THE HERKIMER COUNTY INDUSTRIAL DEVELOPMENT AGENCY**

WHEREAS, this Legislature by Resolution No. 124 of 1970 established an Industrial Development Agency for the County of Herkimer, and by Resolution No. 104 for 1982 amended said resolution to increase membership of the Herkimer County Industrial Development Agency to seven members; and

WHEREAS, it is necessary to make an appointment to fill a vacancy on said Industrial Development Agency; now, therefore, be it

RESOLVED, that this Legislature hereby appoints John Scarano, 63 Woodside Ave., Little Falls, New York, to the Herkimer County Industrial Development Agency; and, be it further

RESOLVED, that said appointee shall serve on said Agency until a successor is appointed and qualified; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Industrial Development Agency, the Secretary of State of the State of New York and John Scarano.

Dated: April 24, 2013.

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

On motion of Mr. Hendrix, seconded by Mr. Hyde, Resolution No. 119 of the Committee on Public Safety/Emergency Management and Ways and Means updating and

amending fee schedule associated with Coroners' and Physicians' reporting was handed up; was voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Bono (1).

No.

**RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT AND WAYS & MEANS UPDATING AND AMENDING FEE SCHEDULE ASSOCIATED WITH CORONER'S AND PHYSICIANS REPORTING.**

WHEREAS, by Resolution No. 26 of 1966, the Board of Supervisors established fees for services associated with autopsies, use of morgues, reporting and related costs; and

WHEREAS, it is now recommended that certain changes be made to this schedule and offer the following fee schedule be established:

Autopsy-\$900

Removal-\$75

Pouch-\$30

Coroner's Physician-\$90/day

Coroners-\$118/case (sometimes one case will generate more than one payment if there is an autopsy)

External Exam by Physician-\$250

Pathologist's Assistance-\$100/case

Death Certificate-\$100

Lab fees, etc.

and, be it further

RESOLVED, that certified copies of this Resolution be sent to the County Treasurer, Auditor, Budget Officer and County Coroner's

Dated: April 24, 2013.

LEONARD HENDRIX  
BRUCE WEAKLEY  
RAYMOND SMITH  
ROBERT HYDE  
DENNIS KORCE  
BERNARD PEPLINSKI, SR.  
Committee on Public Safety/  
Emergency Management

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

On motion of Mr. Hyde, seconded by Mr. Shaw, Resolution No. 120 of the Committee on Natural Resources and the Committee on Ways and Means approving an increase and improvement of the facilities of the Herkimer County Sewer District in and for the County of Herkimer was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Bono (1).

No. 120

**RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES AND THE COMMITTEE ON WAYS AND MEANS APPROVING AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE HERKIMER COUNTY SEWER DISTRICT IN AND FOR THE COUNTY OF HERKIMER, NEW YORK**

WHEREAS, by proceedings heretofore duly had and taken pursuant to Article 5-A of the County Law, the County Legislature of the County of Herkimer, New York, has established a County Sewer District designated and known as Herkimer County Sewer District; and

WHEREAS, the Chairman of the Board of the Herkimer County Sewer District has duly caused a map and plan, together with an estimate of cost, to be prepared and filed with the County Legislature pursuant to Section 268 of the County Law in relation to a proposed increase and improvement of the facilities of said Sewer District; and

WHEREAS, said proposed increase and improvement of facilities of said Sewer District consists of 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, as more fully described in such map, plan and report including an estimate of cost, at a maximum estimated cost of \$1,640,000; and

WHEREAS, said County Legislature duly adopted a resolution on March 20, 2013, calling a public hearing on the aforesaid increase and improvement of the facilities in accordance with the provisions of Section 268 of the County Law, said public hearing to be held at the County Office Building, in Herkimer, New York, in said County, on the 3<sup>rd</sup> day of April 2013 at 1:45 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in the manner provided by law and proof thereof has been submitted to said County Legislature; and

WHEREAS, said public hearing was duly held at the time and place aforesaid; and

WHEREAS, said County Legislature has duly considered the evidence at said public hearing; and

WHEREAS, all necessary steps have been taken with respect to said improvements pursuant to the New York State Environmental Quality Review Act, said increase and improvements of facilities having been determined to be a Type II Action thereunder as to which it has been determined to be no significant adverse effect; and

WHEREAS, the authorized improvement to the Herkimer County Sewer District Plant, having a cost to the typical property served being \$9.23, which is in excess of the State Comptroller's threshold, at an estimated total cost of \$1,640,000, therefore requiring an application for Comptroller consent pursuant to Section 268(3) of the County Law and the applicable rules of the State Comptroller; now, therefore

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to increase and improve the facilities at the Herkimer County Sewer District in the County of Herkimer, New York as hereinbefore set forth and as more fully described in the aforesaid map and plan and report including an estimate of cost, and the same is hereby authorized at a maximum estimated cost of \$1,640,000, all as more fully described in the preambles hereto.

Section 2. That the attached application, in substantially the following form, has been prepared at the direction of the Herkimer County Legislature, the contents of which are believed to be accurate; that the Herkimer County Legislature has determined that the improvement and expenditure sought is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof; that the cost of the proposed improvements is to be assessed in whole or in part against the benefited area, that all real property to be assessed will be benefited by the proposed improvements and that no benefited property has been excluded.

Section 3. The Clerk of the County Legislature shall, within ten (10) days, cause a certified copy of such resolution to be recorded in the Office of the Clerk of the County of Herkimer and when so recorded such resolution shall be presumptive evidence of the regularity of the proceedings for the authorization of the increase and improvement of the facilities of said Herkimer County Sewer District as more fully described herein and of all other actions taken by the County Legislature in relation thereto.

Section 4. The Chairman of this Legislature is authorized to execute any necessary documents related to this project.

Section 5. This resolution shall take effect immediately.

Dated: April 24, 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  
KURT ACKERMAN  
**Committee on Ways and Means**

**(See Application for Permission of State Comptroller attached)**

On motion of Mrs. Maneen, seconded by Mr. Shaw, Resolution No. 121 of the Committee on Administration/Veterans' Affairs and the Committee on Ways and Means authorizing Home Rule Request was handed up; discussion was held; Mrs. Rose requested a roll call vote; was voted on and adopted by roll call vote:

For: Schrader, Maneen, Johnson, Hendrix, Hyde, Manno, Smith, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (13).

Against: Hartman, Rose (2)                      Absent: Brezinski, Bono (2).

\*Note: Mr. Brezinski was absent from the session at the time of this vote.

No. 121

**RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS AFFAIRS  
AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING HOME RULE  
REQUEST**

WHEREAS, legislation has been introduced in the New York State Senate and the New York State Assembly entitled, "AN ACT to amend the tax law, in relation to extending the period during which the county of Herkimer is authorized to impose additional sales and compensating use taxes"

In the Assembly	A.6614
In the Senate	S.4559

and

WHEREAS, it is now necessary to make a Home Rule Request pursuant to the Municipal Home Rule Law; now, therefore, be it

RESOLVED, that this Legislature hereby authorizes that a Home Rule Request be made, pursuant to Section 40 of the Municipal Home Rule Law, by the appropriate county officers and filed as required by said statute with the New York State Legislature.

Dated: April 24, 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. Hyde, seconded by Mr. Johnson, Resolution No. 122 of the Committee on County Properties authorizing sale of property acquired by In Rem Procedures was handed up; discussion was held; was voted on and adopted by roll call vote:

For: Hartman, Rose, Schrader, Maneen, Johnson, Hendrix, Hyde, Brezinski, Manno, Smith, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (16).

Against: None.

Absent: Bono (1).

No. 122

**RESOLUTION OF THE COMMITTEE ON COUNTY PROPERTIES AUTHORIZING SALE OF PROPERTY ACQUIRED BY IN REM PROCEDURES**

WHEREAS, in an action brought on to enforce collection of delinquent taxes for the tax year 2011, a Judgment was made by the County Court of the County of Herkimer on the 19th day of April, 2013 and was filed and entered in the Herkimer County Clerk's Office on April 22, 2013, pursuant to which properties listed therein became the property of the County; and

WHEREAS, pursuant to said Judgment, the County Treasurer of the County of Herkimer deeded all parcels listed in said Judgment to the County of Herkimer by deed dated April 22, 2013 and recorded on April 22, 2013, in the Herkimer County Clerk's Office in Instrument No. 2013-00178201 in Book 1483 of Deeds at Page 624; and

WHEREAS, the County now desires to sell said parcels; and

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

RESOLVED:

1. That pursuant to Section 1166 of the Real Property Tax Law this Legislature now desires to provide for the sale of said parcels. Such sale shall be by public auction, and it is directed that such sale be held June 1, 2013 at 11:00 a.m. in the Auditorium at Herkimer County Community College;
2. That this sale by auction be held under the direction of the County Treasurer;
3. That such sale shall be conducted on the terms, conditions and procedures annexed hereto which include an Administration fee of \$200 for each successful bid;
4. That in addition, all sales of such property shall be subject to a buyer's premium of ten percent (10%) of the amount of the successful bid;
5. That all persons be entitled to bid at such sale on said parcels of property, except officers and employees of the County of Herkimer and the person whose name appears on the assessment roll as the owner of each said parcel at the time of nonpayment of taxes which resulted in acquisition of each said parcel by the County;

6. That the Treasurer is hereby authorized, when it seems advantageous, to divide any parcel on the auction list into two or more parcels and to offer said divided parcels individually or to join any two or more parcels on the auction list into one parcel and to offer said joined parcels as one parcel;

7. That following the auction sale, the Committee on County Properties and the County Treasurer report to this Legislature with their recommendations for the conveyance of the various parcels of property to the successful bidders thereon;

8. That certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Property Agent and County Attorney.

Dated: April 24, 2013.

DENNIS KORCE  
BRUCE WEAKLEY  
ROBERT N. HYDE  
KURT J. ACKERMAN  
RAYMOND JOHNSON  
ROBERT J. SCHRADER  
**Committee on County Properties**

**(see Auction Terms and Procedures attached)**

On motion of Mr. Hyde, seconded by Mr. Johnson, Report and Resolution No. 123 of the Committee on County Properties authorizing redemption of parcels taken under In Rem Tax Foreclosure was handed up; discussion was held; Mr. Hyde made a motion, seconded by Mr. Weakley to move the question; Mrs. Rose requested a roll call vote: the motion was voted on and approved by roll call vote:

For: Schrader, Maneen, Johnson, Hendrix, Hyde, Manno, Smith, Ackerman, Peplinski, Shaw, Weakley (11).

Against: Hartman, Rose, Brezinski, Korce, Russell (5).

Absent: Bono (1).

The resolution was adopted by roll call vote:

For: Schrader, Maneen, Johnson, Hendrix, Hyde, Brezinski, Manno, Smith, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (14).

Against: Hartman, Rose (2).

Absent: Bono (1).

No. 123

**RESOLUTION OF THE COMMITTEE ON COUNTY PROPERTIES AUTHORIZING  
REDEMPTION OF PARCELS TAKEN UNDER IN REM TAX FORECLOSURE**

WHEREAS, the County of Herkimer has completed its 2011 In Rem Tax Foreclosure proceedings and has taken title to various parcels of real property; and

WHEREAS, this Legislature has decided to allow property owners to redeem their properties and receive the deeds to those properties from the County upon the payment of three times the 2011 and 2012 taxes plus interest and penalties as of the date of payment, and to also pay the 2013 taxes at that time; now, therefore, be it

RESOLVED, that the County of Herkimer hereby authorizes the redemption to be made to the County of Herkimer by cash or certified funds on or before Friday, May 31, 2013 at 3:00 p.m.; and, be it further

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

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

Dated: April 24, 2013.

DENNIS KORCE  
BRUCE WEAKLEY  
ROBERT N. HYDE  
KURT J. ACKERMAN  
RAYMOND JOHNSON  
ROBERT J. SCHRADER  
Committee on County Properties

Mr. Russell stated a point of order that during the roll call vote, an individual is supposed to say “aye” or “nay” and not comment on their vote, and referred the question on whether the vote should be taken over to the County Attorney. Mr. Malone stated that when discussion closes, it is time for the vote, and further comment during the vote can reopen discussion. In this circumstance there was a motion to end discussion and a member may have been out of order, but he did not believe it necessitated another vote.

Vice-Chairman Peplinski stated that pursuant to Rule 6(12) they would proceed with comments by legislators and called on Mr. Brezinski who introduced Mr. Charles Snyder and his wife. Mr. Snyder is the musical director of the Catskill- Schenectady Symphony, music director of the Glimmerglass Opera and served on the music facilities of SUNY Oneonta, Hartwick College, Colgate and Hamilton Colleges. Mr. Snyder expressed his appreciation for the invitation to meet Zachary Slade as a representative of the arts community. He encouraged everyone to support Zachary in the pursuit of his talents in the future.

Vice-Chairman asked if there were any further comments by legislators: The following legislators had comments: Mr. Hyde, Mrs. Rose, Mr. Hartman, Mr. Korce.

On 8:55 p.m on motion of Mr. Manno, seconded by Mr. Johnson, the Legislature adjourned to Wednesday, May 15, 2013 at 7:30 p.m.