

**MINUTES**  
**Herkimer County Legislature**  
**Second Quarter – Third Day**  
**Wednesday, May 15, 2013**  
**7:30 p.m.**

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

Chairman Bono called on Kathleen Carney, Principal of Herkimer Elementary School to lead the Legislature in the Pledge of Allegiance.

Chairman Bono 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, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (16).

Absent: Manno (1).

Chairman Bono dispensed with the regular order of the session and called upon Legislator Gary Hartman to make a presentation. Mr. Hartman presented a proclamation to Kathleen Carney, Principal of Herkimer Elementary School in recognition of her being named 2013 New York State Elementary School Principal of the Year and congratulated her on her accomplishments.

Chairman Bono presented another proclamation to Legislator Dennis Korce. The proclamation was given in recognition of the 100 years of the Herkimer County Humane Society. Chairman Bono expressed appreciation to Legislator Korce for his long time service to the Humane Society and its efforts.

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 April 24, 2013. There were none and they were ordered 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. Mrs. Rose requested Communication #174 be read. Chairman Bono requested Communication #172 be read per a request he had received from Mr. Manno.

151 – A communication was received from the Commissioner of Social Services submitting the Annual Report of the Department of Social Services for 2012. Referred to the Committee on Human Resources.

152 – A communication was received from the Capital District OTB submitting financial reports for January and February 2013 and audits for 2011 and 2012. Placed on file.

153 – A communication was received from the Recording Officer and County Treasurer submitting apportionment of mortgage tax. Referred to the Committee on Ways and Means.

154 – A communication was received from the Soil & Water Conservation District submitting the minutes of April 9, 2013. Placed on file.

155 – A communication was received from the Director of Community Services submitting the activities update for March/April of the Herkimer County Mental Health Services. Placed on File.

156 – A communication was received from the Acting Director of Public Health requesting renewal of contract for Immunization Grant. Referred to the Committee on Human Resources and the Committee on Ways and Means.

157 – A communication was received from the Director of the Office for the Aging requesting agreement with Upstate Cerebral Palsy. Referred to the Committee on Human Resources and the Committee on Ways and Means.

158 – A communication was received from the Director of Community Services requesting to fill a vacancy for part-time psychiatrist. Referred to the Committees on Human Resources and Ways and Means.

159 – A communication was received from Sheriff submitting the monthly report for March. Referred to the Committee on Public Safety and Emergency Management.

160 – A communication was received from the Commissioner of Social Services submitting the report on the completion of the 2013 Volunteer Income Tax Assistance Program. Placed on file.

161 – A communication was received from the Director of Emergency Services requesting an agreement with the Town of Long Lake for E911 services. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

162 – A communication was received from the Director of Emergency Services requesting participation in the Adirondack Regional Interoperable Communications Consortium. Referred to the Committee on Public Safety and Emergency Management.

163 – A communication was received from the Chairman of the Legislature making appointment to the Office for Aging Advisory Board. Referred to the Committee on Human Resources.

164 – A communication was received from ProAct, Inc. submitting County Discount Prescription Card report for April 2013. Placed on file.

165 – A communication was received from the Family of Eva Farber expressing appreciation for condolences. Placed on file.

166 – A communication was received from the Budget Officer submitting recommendation for award of bid for summer youth transportation services. Referred to the Committee on Human Resources and the Committee on Ways and Means.

167 – A communication was received from the Budget Officer requesting transfer of funds. Referred to the Committee on Ways and Means.

168 – A communication was received from the Budget Officer requesting amendment of the budget in connection with the receipt of an Immunization Grant. Referred to the Committee on Human Resources and the Committee on Ways and Means.

169 – A communication was received from the Budget Officer requesting adoption of updated Purchasing Policy. Referred to the Committee on Ways and Means.

170 – A communication was received from the Budget Officer requesting services of March Associates for Projects. Referred to the Committee on County Properties and the Committee on Ways and Means.

171 – A communication was received from the Youth Advisory Board expressing appreciation to the Legislature for the support of the Summer Employment Program. Placed on file.

172 – A communication was received from the New York State Thruway Authority regarding signage at Exit 30. Placed on file.

173 – A communication was received from the District Attorney requesting a salary adjustment for a position in his Office. Referred to the Committee on Ways and Means.

174 – A communication was received from Dr. Gregory O’Keefe submitting his resignation as Jail Physician. Referred to the Committee on Public Safety/Emergency Management and 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. Hyde, seconded by Mr. Ackerman, the following Consent Agenda was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Manno (1).

**Consent Agenda:**

- 124 HUMAN RES.: Annual Report of Dept. of Social Services
- 125 PUB. SFTY./EMER. MGMT.: Approving Monthly Report of Sheriff
- 126 HUMAN RES.: Confirming appointment to Office for Aging Advisory Council
- 127 WAYS & MEANS: Transferring funds

No. 124

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES  
ADOPTING ANNUAL REPORT OF DEPARTMENT OF SOCIAL SERVICES**

Your Committee on Human Resources, to which was referred the Annual Report of the Herkimer County Department of Social Services for the period January 1, 2012 through December 31, 2012, respectfully reports that we have examined the same, recommend the adoption of said report, and offer the following Resolution:

RESOLVED, that the Annual Report of the Herkimer County Department of Social Services, be approved and printed in the proceedings of the Herkimer County Legislature for the year 2012.

Dated: May 15, 2013.

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

No. 125

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC  
SAFETY/EMERGENCY MANAGEMENT APPROVING MONTHLY REPORT OF  
SHERIFF**

WHEREAS, your Public Safety & Emergency Management Committee, to which was referred the report of the Sheriff for the month of March, 2013, respectfully reports that we have examined said report, recommend that it be approved and offer the following Resolution:

RESOLVED, that the report of the Herkimer County Sheriff for the month of March, 2013, which report reflects an average daily population of 86.13 inmates, with an average of 53.33 inmates being boarded out in March, be approved and filed.

Dated: May 15, 2013.

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

No. 126

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN  
RESOURCES CONFIRMING APPOINTMENT TO THE HERKIMER COUNTY  
OFFICE FOR AGING ADVISORY COUNCIL**

WHEREAS, the Chairman of the Herkimer County Legislature, by letter dated May 8, 2013, has made an appointment to the Office for Aging Advisory Council; now, therefore, be it

RESOLVED, that the following appointment to the Office for the Aging Advisory Council be, and hereby are ratified and confirmed:

**New Appointment:**

**For term of 5/2013 – 10/2013**

**Joseph Lee, 528 Garden Street, Little Falls, NY 13365**

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Director of the Herkimer County Office for the Aging and Joseph Lee.

Dated: May 15, 2013.

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

No. 127

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS & MEANS  
TRANSFERRING FUNDS**

WHEREAS, your Committee on Ways and Means, to which was referred a communication from the Budget Officer and Purchasing Agent dated May 10, 2013, submitting a request for transfers of funds, reports that we have examined said communication, inquired into the subject matter thereof, recommend that said transfers be made, and offer the following Resolution:

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized and directed to transfer the following sums from and to the following accounts:

\$9,000.00	From: A3110A.25000, Homeland Security Grant – Other Equipment
	To: A3110A-42100, Homeland Security Grant – Telephone
\$5,000.00	From: DM5130.42000-830, Road Machinery – Electric
	To: DM5130.23000, Road Machinery – Motor Equipment

and, be it further

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

Dated: May 15, 2013.

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

On motion of Mr. Russell, seconded by Mr. Weakley, Report and Resolution No. 128 of the Committee on Ways and Means apportioning mortgage tax was handed up; was voted on and adopted by roll call vote:

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

Against: None.

Absent: Manno (1).

No. 128

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
APPORTIONING MORTGAGE TAX**

Your Committee on Ways and Means, to which was referred the report of the Recording Officer and County Treasurer showing the amounts received from the mortgage taxes, respectfully reports that we have examined the report containing the list of mortgages as kept by the Herkimer County Clerk, and herewith submit the following report showing the apportionment to the several towns, villages and the City in the County. Your Committee recommends that the Herkimer County Treasurer be authorized to draw warrants payable to the supervisors of the several towns and to the City of Little Falls, and to the treasurers of the incorporated villages in an amount apportioned as indicated on the tabulated statement recommended by the Committee herewith, and your Committee offers the following Resolution:

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized and directed to draw warrants payable to the Supervisors of the several towns in Herkimer County and to the Treasurer of the City of Little Falls and the Treasurers of the incorporated villages in the County of Herkimer entitled to a portion thereof, in the amounts of mortgage taxes apportioned respectively, and that a certified copy of the Resolution be served by the Clerk of this Legislature on the Herkimer County Treasurer.

Dated: May 15, 2013.

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

**(see Mortgage Tax Table attached at end of minutes)**

On motion of Mr. Smith, seconded by Mr. Hendrix, Report and Resolution No. 129 of the Committees on Human Resources and Ways and Means authorizing agreement for services of psychiatrist was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Manno (1).

No. 129

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING AGREEMENT FOR THE SERVICES OF PSYCHIATRIST**

WHEREAS, by letter dated April 30, 2013, Edgar Scudder, Director of Community Services, has requested an agreement for the services of a psychiatrist in the Herkimer County Mental Health Services to fill a vacancy due to an unexpected medical leave ; and

WHEREAS, said letter further requests that an agreement be entered into with Dr. Ann Menon to provide said services to the Herkimer County Mental Health Services at the rate of \$125.00 per hour for not to exceed eighteen hours per week; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an agreement with Dr. Ann Menon, to provide psychiatric services to the Herkimer County Mental Health Services at the rate of \$125.00 per hour for not to exceed eighteen hours per week, with said agreement to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer, Director of Community Services and Dr. Ann Menon.

Dated: May 15, 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. Weakley, seconded by Mr. Shaw, Report and Resolution No. 130 of the Committees on Human Resources and Ways and Means authorizing contract with Upstate Cerebral Palsy for Herkimer County Office for Aging was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (15).

Against: Rose (1).

Absent: Manno (1).

No. 130

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING CONTRACT WITH UPSTATE CEREBRAL PALSY FOR HERKIMER COUNTY OFFICE FOR THE AGING**

WHEREAS, by letter dated May 2, 2013 from Kathy L. Fox, Director of the Office for the Aging, this Legislature is advised of a request to enter into an agreement with Upstate Cerebral Palsy (UCP), to provide a “Shoppers Service” for senior residents in the Schuyler, Newport and Poland areas; and

WHEREAS, under said agreement, UCP consumers, accompanied by a staff member from UCP, would go to the senior’s home as much as one time per week or as needed to do their shopping, with no cost to the County for this service; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an agreement with Upstate Cerebral Palsy to provide a “Shoppers Service” for senior residents in the Schuyler, Newport and Poland areas, with the terms of said agreement to be subject to the approval of the Herkimer County Attorney; and, be it further

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

Dated: May 15, 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. Russell, seconded by Mr. Smith, Report and Resolution No. 131 of the Committees on Ways and Means authorizing renewal of contract with New York State Dept. of Health for Immunization Action Plan and amending budget was handed up; was voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Manno (1).

No. 131

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS AND MEANS AUTHORIZING RENEWAL OF CONTRACT WITH NEW YORK STATE DEPARTMENT OF HEALTH FOR IMMUNIZATION ACTION PLAN AND AMENDING BUDGET**

WHEREAS, by communication dated May 1, 2013, Christina Cain, Acting Director of Public Health, has advised that the New York State Department of Health has forwarded a contract for renewal of the grant agreement for the Immunization Action Plan for the period from April 1, 2013 through March 31, 2014, with the contract amount being \$32,259.00; and

WHEREAS, by letter dated May 9, 2013 from Bernard E. Decker, Budget Officer, this Legislature is advised of a request to amend the 2013 Budget in connection with the receipt of the amount of \$32,259.00 under said grant; now, therefore, be it

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

<u>Revenue</u>	<u>From</u>	<u>To</u>
A4189A.4489A, Federal Aid – Immunization	\$23,300.00	\$55,559.00

<u>Appropriation</u>		
A4189A.10000-01, Immunization Program- Salaries	\$ 2,097.38	\$24,141.38
A4189A.41010, Immunization Program – Supplies	\$ 331.21	\$ 1,131.21
A4189A.44000, Immunization Program –	\$ -0-	\$ 1,650.00

Contracted Services		
A4189A.46100, Immunization Program - Mileage	\$ 2.75	\$ 52.75
A4189A.44000-521 Immunization Program - Rent	\$ -0-	\$ 2,000.00
A4189A.81000, Immunization Program - Retirement	\$ 660.00	\$ 3,660.00
A4189A.83000, Immunization Program - Social Security	\$ 176.00	\$ 976.00
A4189A.83500, Immunization Program - Medicare	\$ 44.00	\$ 244.00
A4189A.85000, Immunization Program - Unemployment	\$ 26.00	\$ 146.00
A4189A.86000, Immunization Program - Health Insurance	\$ 308.55	\$ 1,903.55

and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a renewal of the contract between the County of Herkimer and the New York State Department of Health to receive \$32,259.00 in funding for the Immunization Action Plan for the period April 1, 2013 through March 31, 2014; and, be it further

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

Dated: May 15, 2013.

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

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

On motion of Mr. Russell, seconded by Mr. Peplinski, Report and Resolution No. 132 of the Committee on Ways and Means extending and amending policies and procedures for purchase of goods and services and professional services procurement policy was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (14).

Against: Hartman, Rose (2).

Absent: Manno (1).

No. 132

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
EXTENDING AND AMENDING POLICIES AND PROCEDURES FOR PURCHASE OF  
GOODS AND SERVICES AND PROFESSIONAL SERVICES PROCUREMENT  
POLICY**

WHEREAS, by letter dated May 9, 2013, from Bernard E. Decker, Budget Officer, this Legislature is advised of a request to adopt an extension and amendment of the Policies and Procedures for Purchase of Goods and Services and the Procurement Policy for Professional Service as the official policies of the County of Herkimer, as defined and determined by applicable New York State Law; now, therefore, be it

RESOLVED, that the attached Policies for Procedures for Purchase of Goods and Services and Professional Services Procurement Policy be, and hereby are, adopted as the official policies of the County of Herkimer; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to each department head in the County.

Dated: May 15, 2013.

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

**(See Purchasing Policy and Procurement Procedures attached at end of these minutes)**

On motion of Mr. Hyde, seconded by Mr. Ackerman, Report and Resolution No. 133 of the Committee on Public Safety/Emergency approving agreement between the County of Herkimer and the Town of Long Lake for E911 Services was handed up; was voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Manno (1).

No. 133

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND  
EMERGENCY MANAGEMENT APPROVING AGREEMENT BETWEEN THE  
COUNTY OF HERKIMER AND THE TOWN OF LONG LAKE FOR E911 SERVICES**

WHEREAS, the County of Herkimer, by Local Law No. 3 for 1994, established an Enhanced 911 Emergency Telephone System serving the County of Herkimer, which Local Law was approved by the voters of Herkimer County at the general election held in November 1994; and

WHEREAS, by Resolution No. 94 of 2008 this Legislature approved an Intermunicipal Agreement for a period of five years with the Town of Long Lake to provide 911 services for the hamlet of Raquette, which is adjacent to the Town of Inlet, where Herkimer County presently provides 911 services; and

WHEREAS, by letter dated May 6, 2013, from Robert Vandawalker, this Legislature is advised of a request to enter into a renewal of said Intermunicipal Agreement to provide the following services to the hamlet of Raquette Lake:

- Reception of 911 calls
- Dispatch of the Raquette Lake Fire Department
- Dispatch of the Raquette Lake Ambulance

now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter an Intermunicipal Agreement with the Town of Long Lake, whereby the County will provide enhanced emergency telephone services as outlined above to the residents of the hamlet of Raquette Lake located in the Town of Long Lake for a period of five (5) years at a cost of \$1.00 per phone line per month, with a 3% increase per year, with the terms and conditions of said agreement to be prepared by the County Attorney's Office; and, be it further

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

Dated: May 15, 2013.

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

On motion of Mr. Peplinski, seconded by Mr. Shaw, Report and Resolution No. 134 of the Committee on County Planning and Development and the Committee on Ways and Means awarding bid for bus service for the Old Forge Area Transportation Program for the 2013 Summer Youth Employment Program was handed up; Mrs. Rose made a motion, seconded by Mr. Hartman, to table; Mrs. Rose requested a roll call vote on the motion; the motion to table was defeated by the following roll call vote:

For: Hartman, Rose, Hyde, Brezinski (4).

Against: Schrader, Maneen, Johnson, Hendrix, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (12).

Absent: Manno (1).

The resolution was then voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Manno (1).

No. 134

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AND THE COMMITTEE ON WAYS AND MEANS AWARDED BID FOR BUS SERVICE FOR THE OLD FORGE AREA TRANSPORTATION PROGRAM FOR THE 2013 SUMMER YOUTH EMPLOYMENT PROGRAM**

WHEREAS, pursuant to Resolution No. 114 for the year 1993, the Herkimer County Budget Officer and Purchasing Agent is authorized to advertise for bids on an annual basis, for the Old Forge Area Transportation Program in relation to the Summer Youth Employment Program; and

WHEREAS, by communication dated May 9, 2013, the Budget Officer has advised this Legislature that bids were received, opened and read in accordance with law for bus services in connection with 2013 Summer Youth Employment Program to provide transportation to the Old Forge Area; and

WHEREAS, the Budget Officer advised that it is the recommendation of your Committees and the Executive Director of the Youth Bureau that a contract be awarded to the only bidder, Birnie Bus Service, Inc. of Rome, New York, in the sum of \$580.00 per bus, per day up to a maximum of 120 trips, plus orientation (total net price of \$69,600); now, therefore, be it

RESOLVED, that the Herkimer County Legislature awards a contract to Birnie Bus Service, Inc. 248 Otis Drive, P.O. Box 630, Rome, New York 13441, for bus service for the Old Forge Area Transportation Program for the 2013 Summer Youth Employment Program in the

sum of \$580.00 per bus, per day, up to a maximum of 120 trips, plus orientation (total net price of \$69,600.00); and, be it further

RESOLVED, that the Chairman of the Herkimer County 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, Executive Director of the Youth Bureau and Birnie Bus Service, Inc.

Dated: May 15., 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 J. ACKERMAN  
**Committee on Ways and Means**

On motion of Mr. Russell, seconded by Mr. Peplinski, Report and Resolution No. 135 of the Committee on Ways and Means amending 2013 Salary Schedule III was handed up; discussion was held; was voted on and adopted by roll call vote:

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

Against: None.

Absent: Manno (1).

No. 135

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
AMENDING 2013 SALARY SCHEDULE III**

WHEREAS, by letter dated May 10, 2013, Jeffrey Carpenter, Herkimer County District Attorney, has requested an amendment of the 2013 Salary Schedule III, to adjust the salary of the position of the Victims Service Coordinator in Account A1169A; now, therefore, be it

RESOLVED, that the 2013 Herkimer County Salary Schedule III is hereby amended to delete the base annual salary of \$37,274.00 for the position of Victim Services Coordinator and replace with the base annual salary of \$32,055.00 for 30 hours per week, effective this date; 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: May 15, 2013.

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

On motion of Mr. Hyde, seconded by Mr. Hendrix, Report and Resolution No. 136 of the Committee on Public Safety/Emergency Management authorizing participation in Adirondack Regional Interoperable Communications Consortium was handed up; was voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Manno (1).

No. 136

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AUTHORIZING PARTICIPATION IN ADIRONDACK REGIONAL INTEROPERABLE COMMUNICATIONS CONSORTIUM**

WHEREAS, by letter dated May 8, 2013, Robert Vandawalker, Director of Emergency Services, has advised that Herkimer County has been invited to join the Adirondack Regional Interoperable Communications Consortium, a group of counties, mainly comprised from the Adirondack region, which was formed to research, develop and implement solutions for a consortium-wide communications network; and

WHEREAS, the Consortium will apply for grants under federal and state programs that encourage regional projects and will comply with federal and state guidelines for funding, with no commitment of funding from Herkimer County; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a memorandum of understanding in connection with the official participation of Herkimer County in the Adirondack Regional Interoperable Communications Consortium, with said participation to be at no additional cost to Herkimer County; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Emergency Services and the Adirondack Regional Interoperable Communications Consortium.

Dated: May 15, 2013.

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

On motion of Mr. Hyde, seconded by Mr. Johnson, Report and Resolution No. 137 of the Committees on Ways and Means and County Properties regarding curtainwall at Herkimer County Office and Courts Facility was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Manno (1).

No. 137

**REPORT AND RESOLUTION OF THE COMMITTEES ON WAYS AND MEANS AND  
COUNTY PROPERTIES REGARDING CURTAINWALL AT HERKIMER COUNTY OFFICE  
AND COURTS FACILITY**

WHEREAS, this Legislature is informed by letter dated May 10, 2013 from Bernard E. Decker, Budget Officer, that a proposal has been received from March Associates, P.C. for asbestos removal and carpet replacement as well as renovations to the curtainwall entrance façade of the Herkimer County Office and Courts Facility; and

WHEREAS, said letter further advises that said project cost is a lump sum cost of \$22,100.00, not including bid documents and authorization is requested for a contract in the amount of \$22,100 with March Associates, P.C. of 258 Genesee Street, Utica, New York, for the design, preparation and advertisement of sealed bids for said construction project; now, therefore, be it

RESOLVED, that an agreement be entered into between the County of Herkimer and March Associates, P.C., 258 Genesee Street, Utica, New York, in the amount of \$22,100 for the design, preparation and advertisement of sealed bids for asbestos removal and carpet replacement as well as renovations to the curtainwall entrance façade of the Herkimer County Office and Courts Facility; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute 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 and March Associates, P.C.

Dated: May 15, 2013.

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

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

On motion of Mr. Smith, seconded by Mr. Shaw, Report and Resolution No. 138 of the Committee on Ways and Means authorizing settlement agreement and release with At Home Care, Inc. was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Manno (1).

No. 138

**RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS AND MEANS AUTHORIZING EXECUTION OF SETTLEMENT AGREEMENT AND RELEASE WITH AT HOME CARE, INC.**

WHEREAS, by Resolution No. 86 adopted on March 16, 2011, the Herkimer County Legislature authorized the sale of Herkimer County's operating certificate of a Certified Home Health Agency and Long Term Care Agency to At Home Care, Inc. and entered into an agreement with that agency to do that, and received a \$50,000 deposit, with a balance due of \$150,000; and

WHEREAS, the County also entered into an agreement with At Home Care, Inc. to provide for management services with said agency as well; and

WHEREAS, due to a change in regulations governing these types of agencies, At Home Care, Inc. was no longer interested in pursuing the purchase described above; and

WHEREAS, effective February 13, 2013, the County Certified Home Health Agency and Long Term Care programs have been terminated; and

WHEREAS, the County and At Home Care, Inc. desire to terminate the above described agreements and release any remaining claims; now, therefore, be it

RESOLVED, that At Home Care, Inc. shall pay to the County the balance of the purchase price of \$150,000, and upon such payment, the business agreements above described shall be terminated and that the County and At Home Care, Inc. shall release each other from any further claim in connection with the above described agreements; and, be it further

RESOLVED, that the Chairman of this Legislature is authorized to execute a settlement agreement and release with At Home Care, Inc. containing the above described provisions.

Dated: May 15, 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. Hyde, Resolution No. 139 of the Committee on Administration/Veterans' Affairs in opposition to the passage of legislation to allow early voting or to allow counties to opt-in to early voting opportunities and for the state to fully fund any increased costs associated with early voting was handed up; discussion was held; Mrs. Rose made a motion to amend the resolution, seconded by Mr. Hartman, to read in the heading "PENDING" LEGISLATION and to combine the First and Second Resolved Clauses "that the Herkimer County Legislature hereby opposes the passage of this pending legislation requiring the counties to implement early voting unless the state fully funds the cost of early voting for all counties that provide early voting". Discussion was held; the motion was defeated by the following requested roll call vote:

For: Hartman, Rose (2).

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

Absent: Manno (1).

The resolution was then adopted by voice vote:

For: Ayes (14).

Against: Hartman Rose (2).

Absent: Manno (1).

No. 139

**RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS' AFFAIRS IN OPPOSITION TO THE PASSAGE OF LEGISLATION TO ALLOW EARLY VOTING OR TO ALLOW COUNTIES TO OPT-IN TO EARLY VOTING OPPORTUNITIES AND FOR THE STATE TO FULLY FUND ANY INCREASED COSTS ASSOCIATED WITH EARLY VOTING**

WHEREAS, A.689(Silver)/S.1461 (Stewart-Cousins) has been introduced in the new York State Legislature establishing early voting in primary, general and special elections in the State of New York; and

WHEREAS, this bill would allow early voting to take place up to 14 days before a general election and up to a week before a primary or special election, from 8:00 a.m. until 7:00 p.m. on every early voting day including Saturday and Sunday; and

WHEREAS, county boards of elections would be required to select a minimum of five polling places throughout each county and provide election inspectors at each location; and

WHEREAS, county boards of election would also be required to follow the same polling place protocols that are observed on election day on all early voting days; and

WHEREAS, there will be substantial costs associated with staffing early voting locations, and printing and county paper ballots associated with early voting; and

WHEREAS, insufficient relief from state-imposed mandates has placed an unprecedented strain on local governments to provide more services with less funding; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby opposes the passage of legislation requiring counties to implement early voting; and, be it further

RESOLVED, that if the proposal is enacted, the State needs to fully fund the cost of early voting for those counties that provide early voting; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Governor Andrew M. Cuomo, Senator James L. Seward, Senator Hugh T. Farley, Assemblyman Marc W. Butler, Assemblyman Anthony J. Brindisi, Assemblywoman Claudia Tenney and the New York State Association of Counties.

Dated: May 15, 2013.

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

On motion of Mrs. Maneen, seconded by Mr. Hyde, Resolution No. 140 of the Committee on Administration/Veterans' Affairs and the Committee on Ways and Means declaring "Mayday for Mandate Relief" was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Manno (1).

#### **No. 140**

**RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS' AFFAIRS AND  
THE COMMITTEE ON WAYS AND MEANS DECLARING "MAYDAY FOR MANDATE  
RELIEF" AND URGING THE STATE TO ADOPT LAWS THAT DO NOT IMPOSE FURTHER  
FISCAL STRESS ON LOCAL GOVERNMENTS AND TAXPAYERS AND BUILD UPON  
RECENT EFFORTS TO REFORM COSTLY UNFUNDED MANDATES**

WHEREAS, counties are mandated to administer and finance dozens of state and federal programs; and

WHEREAS, many counties in New York State face significant fiscal challenges made worse by the recent recession and slow economic recovery; and

WHEREAS, these county fiscal challenges are also directly tied to state-imposed mandates and in recent years reduced state reimbursement; and

WHEREAS, the New York State Association of Counties has identified 9 state mandates that consume 90 percent of all county property taxes levied across the state (outside of New York City), representing over \$4 billion in county property taxes levied. These mandates include: Medicaid, Public Assistance Safety Net, Child Welfare Protective and Preventive Care, Special Education Pre-School, Early Intervention, Probation, Indigent Defense, Youth Detention, and Pensions; and

WHEREAS, these mandated and fixed employee costs can consume more than 80 percent of a county's total budget, leaving fewer local dollars that can be devoted to local programs and services; and

WHEREAS, these State mandates are the root cause of high county property and sales taxes in New York and have led to a decline in the delivery of important local services; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby declares the month of May to be "Mayday for Mandate Relief" to raise awareness that decisions made in Albany have a direct impact on the property tax levy and local community services here in Herkimer County; and, be it further

RESOLVED, that Herkimer County Legislature strongly encourages the Governor and State Legislature to continue working to enact meaningful mandate relief; and, be it further

RESOLVED, that Herkimer County Legislature calls on State Lawmakers to enact legislation preventing future unfunded mandates without corresponding state aid to pay for them; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Governor Mario M. Cuomo, Senator James L. Seward, Senator Hugh T. Farley, Assemblyman Marc W. Butler, Assemblyman Anthony J. Brindisi, Assemblywoman Claudia Tenney and the New York State Association of Counties.

Dated: May 15, 2013.

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

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

On motion of Mrs. Maneen, seconded by Mr. Johnson, Resolution No. 141 of the committee on Administration/Veterans' Affairs opposing boating safety legislation was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (15).

Against: Rose (1).

Absent: Manno (1).

No. 141

**RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS' AFFAIRS OPPOSING BOATING SAFETY LEGISLATION**

WHEREAS, your Committee has been advised that there is a bill in the State Assembly entitled A3471, which would amend the Navigation Law to require that all persons operating a mechanically propelled vessel to be a holder of a boater safety certificate; and

WHEREAS, passage of this legislation would have a detrimental economic impact on boat dealers, those that rent boats and the boating industry as a whole as well as impose a substantial burden on the hundreds of thousands of persons who presently operate boats in the State of New York and who are not presently required to have a boating safety certificate; and

WHEREAS, this legislation would amount to be a huge change in the present manner in which motor boats are operated in the State of New York, with no compelling reason to impose such a mandate; now, therefore, be it

RESOLVED, that the County Legislature opposes the passage of the above described proposed legislation; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Governor Andrew M. Cuomo, Senator James L. Seward, Senator Hugh T. Farley, Assemblyman Marc W. Butler, Assemblyman Anthony J. Brindisi, Assemblywoman Claudia Tenney and the New York State Association of Counties.

Dated: May 15, 2013.

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

On motion of Mr. Hyde, seconded by Mr. Ackerman, Resolution No. 142 of the Committee on Public Safety/Emergency Management and the Committee on Ways and Means appointing Jail Physician was handed up; discussion was held; Mr. Hyde made a motion, seconded by Mr. Johnson, to move the question. The motion was voted on and adopted by voice vote:

For: Ayes (16).

Against: None. Absent: Manno (1).

The resolution was then voted on and adopted by voice vote:

For: Ayes (16).

Against: None. Absent: Manno (1).

No. 142

**RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AND WAYS AND MEANS APPOINTING JAIL PHYSICIAN**

WHEREAS, Section 501 of the Correction Law of the State of New York requires that the Legislature appoint a physician duly authorized to practice medicine as the Physician to the Correctional Facility of the County of Herkimer; and

WHEREAS, Dr. Russell Zelman, is so qualified and it is your Committee's recommendation that Dr. Zelman be appointed as said jail physician; now, therefore, be it

RESOLVED, that Russell Zelman, MD, of Little Falls, New York, be and he hereby is, appointed jail physician for the Herkimer County Correctional Facility effective May 25, 2013, pursuant to a contract to be entered into with him such that he shall be an independent contractor and not an officer or employee of the County; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a contract with Dr. Russell Zelman for said services commencing May 25, 2012, terminable at any time by either party upon 30 days' notice, on a month to month basis at the rate of \$2,000 per month, with the monthly period to run from the 1<sup>st</sup> day of each month starting on June 1, 2013, with the County to provide medical malpractice coverage and hold Dr. Zelman harmless from any such claims, and with said contract to be subject to the approval of the Herkimer County Attorney; and, be it further

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

Dated: May 15, 2013.

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

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. Korce, Resolution No. 143 of the Committees on County Properties and Ways and Means authorizing action in connection with In Rem parcel located at 145 Litchfield Street in the Village of Frankfort was handed up; discussion was held; Mr. Brezinski stated he would abstain from this vote because he felt he did not have sufficient information for making a decision. At 8:45 p.m., on motion of Mr. Russell, seconded by Mr. Schrader , the Legislature went into execution session under the Open Meetings Law, proposed litigation.

At 9:18 , on motion of Mr. Peplinski, seconded by Mr. Shaw, the Legislature came out of Executive Session. There was further discussion and a request by Mr. Hyde for clarification of an abstention. County Attorney Malone advised that under Rule 34 it states that “any member who shall be present when a question is stated from the Chair shall vote thereon unless excused by unanimous consent of the Legislature or unless he or she be personally interested in this question, in which case he shall not be entitled to vote.” Mr. Malone further stated that under *Roberts Rules of Order* personal interest is discussed and states that “no member should vote on question in which he has a direct personal or pecuniary interest not common to other members of the organization...” and that is consistent with current statutory law, which says if you are personally interested in a contract or a contract of an immediate family member then you may not vote. Mr. Smith requested a roll call vote on the resolution. Mr. Peplinski made a motion to move the question, seconded by Mr. Hyde. The motion was approved by voice vote:

For: (14).

Against: Hartman, Rose (2)

Absent: Manno (1).

Mr. Brezinski requested unanimous consent from the Legislature for permission to abstain from the vote. Mrs. Rose objected to the unanimous consent.

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

For: Hartman, Rose, Schrader, Maneen, Johnson, Hendrix, Hyde, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (15).

Against: None. Abstain: Brezinski (1) Absent: Manno (1).

Legislator Russell made a point of order that the Mr. Brezinski did not receive unanimous consent to abstain on the vote.

By ruling of the Chairman a re-vote was taken on Resolution No. 143. The resolution was adopted by roll call vote:

For: Hartman, Rose, Schrader, Maneen, Johnson, Hendrix, Hyde, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (15).

Against: Brezinski (1). Absent: Manno (1).

No. 143

**RESOLUTION OF THE COMMITTEES ON COUNTY PROPERTIES AND WAYS & MEANS AUTHORIZING ACTION IN CONNECTION WITH IN REM PARCEL IN THE VILLAGE OF FRANKFORT**

WHEREAS, the County of Herkimer took title to a parcel of real property in the Village of Frankfort, on April 22, 2013, in connection with the County's foreclosure of taxes, that parcel specifically being located at 145 Litchfield Street, Frankfort, New York, having Tax Map #112.73-2-33; and

WHEREAS, it appears that after the County took title to the premises, bowling alley floors have been removed from the premises without the consent of the County and that other fixtures may have also been removed; now, therefore, be it

RESOLVED, that the Herkimer County Treasurer and the Herkimer County Attorney are authorized to take all necessary and appropriate action to refer this matter to the appropriate prosecuting officials, and the Herkimer County Attorney is hereby directed to proceed with any and all necessary civil litigation in connection with this matter; and, be it further

RESOLVED, that the appropriate county officials are hereby authorized to execute any and all necessary documents to proceed with such matters; and, be it further

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

Dated: May 15, 2013.

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

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

Chairman Bono stated that pursuant to Rule 6(12) they would proceed with comments by legislators. The following legislators had comments: Mr. Smith, Mr. Hartman, Mr. Russell, Mrs. Rose, Mr. Korce.

On 9:26 p.m on motion of Mr. Shaw, seconded by Mr. Hyde, the Legislature adjourned to Wednesday, June 12, 2013 at 7:30 p.m.