

**MINUTES**  
**Herkimer County Legislature**  
**Second Quarter – Fourth Day**  
**Wednesday, June 12, 2013**  
**7:30 p.m.**

The Regular Session of the Herkimer County Legislature was called to order by Chairman Vincent J. Bono at 7:34 p. m.

Chairman Bono called on Audrey Dunning, Commissioner of Elections, 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, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (17).

Absent: None.

Chairman Bono dispensed with the regular order of the session and called upon Legislator Fred Shaw, Chairman of the Natural Resources Committee, to make a presentation. Mr. Shaw presented a proclamation to Rebecca Jenkins, Dairy Princess and Victoria Treadwell, Alternate, naming the month of June as “Dairy Princess & Court Week” and “Dairy Month” in Herkimer County.

Chairman Bono then called on Legislator Robert Schrader to make another presentation. Mr. Schrader presented a “Certificate of Achievement” to Cristina Chilelli for winning the Congressional High School Art Competition.

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 May 15, 2013. There were none and they were ordered approved.

Pursuant to Rule 11, Chairman Bono opened the floor for public comment. Mr. Frank Marraccini of Brookfield, New York, spoke concerning sale of county property.

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. Mr. Manno requested Communication #194 be read.

175 – A communication was received from the Director of Community Services submitting the May activities update for the Herkimer County Mental Health Services. Placed on file.

176 – A communication was received from the Oneida-Herkimer Solid Waste Authority advising of landfill gas to electricity update. Placed on file.

177 – A communication was received from the Soil and Water Conservation District submitting minutes of 5/14/13. Placed on file

178 – A communication was received from the Director of Real Property Tax Services requesting renewal of data collection contract with the Town of Salisbury. Referred to the Committee on Ways and Means.

179 – A communication was received from the Executive Director of the Youth Bureau submitting the 2013 Youth Bureau Annual Report. Referred to the Committee on County Planning and Development.

180 – A communication was received from the Sheriff submitting the monthly report for April. Referred to the Committee on Public Safety/Emergency Management.

181 – A communication was received from the Budget Officer submitting the 2013 Annual Report of the Purchasing Department. Referred to the Committee on Ways and Means.

182 – A communication was received from the Chairman of the Legislature making nomination for reappointment to the Ethics Board. Referred to the Committee on Ways and Means.

183 – A communication was received from the New York State Commissioner of Agriculture and Markets advising of approval of modification of Agricultural District 2 pursuant to the Open Enrollment Period for 2013. Placed on file.

184 – A communication was received from Senator Seward acknowledging receipt of resolution concerning “Mayday for Mandate Relief”. Placed on file.

185 – A communication was received the Oneida-Herkimer Solid Waste Authority submitting recent minutes and resolutions. Placed on file.

186 – A communication was received from Herkimer County HealthNet, Inc. requesting approval of contracts for funding. Referred to the Committees on Human Resources and Ways and Means.

187 – A communication was received from the Budget Officer requesting budget amendment in connection with receipt of additional TANF funding. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

188 – A communication was received from the Budget Officer requesting budget amendment in connection with receipt of additional revenue for Employment & Training.

189 – A communication was received from the County Property Agent advising of the results of the county land auction. Referred to the Committee on County Properties.

190 – A communication was received from the Commissioners of Board of Elections requesting temporary staffing changes. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways and Means.

191 – A communication was received from the Budget Officer submitting recommendation of award of bid for Pre-K transportation services for the Public Health Department. Referred to the Committees on Human Resources and Ways and Means.

192 – A communication was received from the Acting Director of Public Health requesting agreement with accountant for cost reporting services. Referred to the Committees on Human Resources and Ways and Means.

193 – A communication was received from the Budget Officer requesting a budget amendment in connection with funding for Herkimer County HealthNet, Inc. Referred to the Committees on Human Resources and Ways and Means.

194 – A communication was received from Senator Seward submitting an update on current issues concerning agriculture. Placed on file.

195 – A communication was received from the Personnel Officer requesting contract for health insurance consultant. Referred to the Committee on Ways and means.

196 – Two communications were received from Assemblyman Butler acknowledging receipt of resolutions. Placed on file.

197 – A communication was received from NYSAC acknowledging receipt of resolutions. Placed on file.

198 – A communication was received from Assemblyman Butler acknowledging receipt of a recently adopted resolution. Placed on file.

199 – A communication was received from Capitol District Off-Track Betting Corp. submitting financial reports for March and April 2013. Placed on file.

200 – A communication was received from the Vice President for Administration and Finance at Herkimer County Community College requesting establishment of the public hearing on the 2013-2014 Proposed College Operating Budget. Referred to the Committees on Education and Ways and Means.

201 – A communication was received from the Vice President for Administration and Finance at Herkimer County Community College submitting recommendation for award of contracts for Renovation of Robert McLaughlin College Center Cafeteria/Alumni Project. Referred to the Committees on Education and Ways and Means.

202 – A communication was received from the Chairman of the Herkimer County Legislature making reappointment of representative to the Mohawk Valley Community Action Agency. Placed on file.

203 – A communication was received from the County Administrator submitting request for amendment of resolution awarding bid for bus service for Old Forge Summer Youth Program. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

204 – A communication was received from the Budget Officer submitting request for appropriation in connection with payment for special prosecutor. Referred to the Committee on Ways and Means.

Pursuant to Rule 6, Chairman Bono then proceeded with Reports of Standing Committees. Mr. Shaw presented an update from the Committee on Human Resources including the eight year renewal of the Schuyler Agricultural District, and Mr. Manno advised of the recent Education meeting and the College items that are on the agenda. Chairman Bono gave an update on the recent Solid Waste Authority meeting which he attended as the County's representative.

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

For: Ayes (17).

Against: None.

Absent: None.

**Consent Agenda:**

- 144 PUB. SFTY./EMER. MGMT.: Approving monthly report of Sheriff
- 145 CO. PLANNING & DEV.: Adopting Annual Report of Youth Bureau
- 146 WAYS & MEANS: Adopting Annual Report of Purchasing Dept.

No. 144

**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 April, 2013, respectfully reports that we have examined said, recommend that it be approved and offer the following Resolution:

RESOLVED, that the report of the Herkimer County Sheriff for the month of April, 2013, which report reflects an average daily population of 81.10 inmates, with an average of 50.83 inmates being boarded out in April, be approved and filed.

Dated: June 12, 2013.

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

No. 145

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT ADOPTING ANNUAL REPORT OF HERKIMER COUNTY YOUTH BUREAU**

Your Committee on County Planning and Development, to which was referred the Annual Report of the Herkimer County Youth Bureau, for the year 2012 respectfully reports that we have examined said report and recommend that it be approved, and offer the following Resolution:

RESOLVED, that the Annual Report of the Herkimer County Youth Bureau for the year 2012 be approved and placed on file in the Office of the Herkimer County Legislature.

Dated: June 12, 2013.

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

No. 146

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
ADOPTING ANNUAL REPORT OF PURCHASING AGENT FOR THE YEAR  
2013**

WHEREAS, your Committee on Ways and Means, to which was referred the communication from the Budget Officer and Purchasing Agent, submitting the report of the Purchasing Department the months of January through December, 2013, respectfully reports that we have examined said report, recommend its adoption and offer the following resolution:

RESOLVED, that the annual report of the Purchasing Agent be adopted and filed.

Dated: June 12, 2013.

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

On motion of Mr. Shaw, seconded by Mr. Russell, Report and Resolution No. 147 of the Committee on Ways and Means authorizing extension of contract with the Town of Salisbury for the County to provide data collection services was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

No. 147

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
AUTHORIZING EXTENSION OF CONTRACT WITH THE TOWN OF SALISBURY  
FOR THE COUNTY TO PROVIDE DATA COLLECTION SERVICES**

WHEREAS, by Resolution No. 164 of 2003 this Legislature approved a contract with the Town of Salisbury whereby the County would provide data collection to the Town of Salisbury for a period of one year for the sums as outlined in said Resolution, which resolution was amended and extended for additional one year periods; and

WHEREAS, by letter dated May 20, 2013, Beth Sadlon, Director of the Real Property Tax Service Agency, has requested said contract be extended for an additional one year period; and

WHEREAS, it is the opinion of your Committee that it is to the mutual benefit of the County of Herkimer and the Town of Salisbury for the County of Herkimer to continue to provide said data collection services to the Town; now, therefore, be it

RESOLVED, as follows:

1. The County of Herkimer is authorized to provide data collection services to the Town of Salisbury for the period June 18, 2013 through June 18, 2014 on the number of parcels to be designated by the Town for the sum of \$10.00 per parcel per visit for Agricultural, Residential, Vacant and Public Service parcels; a cost of \$32.00 per parcel per visit for Commercial, Recreation, Community Service, Industrial and Forest and Public Parks parcels. Trailer parks shall be charged as one parcel if the park owner provides the inventory of trailers in the park. In the event that the Data Collector must collect such information, the charge shall be \$3.00 per site. The County shall be further entitled to mileage each year.

2. The Chairman of this Legislature is authorized to enter into an extension and modification of said agreement with the Town of Salisbury for the period from June 18, 2013 to June 18, 2014 with the final form of said contract to be subject to the approval of the County Attorney;

3. Certified copies of this Resolution shall be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Real Property Tax Services and the Town of Salisbury.

Dated: June 12, 2013.

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

On motion of Mr. Peplinski, seconded by Mr. Ackerman, Report and Resolution No. 148 of the Committee on County Planning and Development and the Committee on Ways and Means amending budget in connection with receipt of TANF Summer Youth Funds was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

No. 148

**REPORT AND RESOLUTION OF THE COMMITTEES ON WAYS AND MEANS AND COUNTY PLANNING AND DEVELOPMENT AMENDING BUDGET IN CONNECTION WITH RECEIPT OF TANF SUMMER YOUTH FUNDS**

WHEREAS, by letter dated June 4, 2013 from the Budget Officer and Purchasing Agent, this Legislature is advised that it is necessary to amend the 2013 Budget to reflect TANF Summer Youth Program funds received from New York State; now, therefore, be it

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

<u>Revenue Account:</u>	<u>From</u>	<u>To</u>
CD6291.4795, ETA TANF	\$-0-	\$87,667.00
 <u>Appropriation Accounts:</u>		
CD6291, ETA TANF:		
.10100-001, Salaries	\$-0-	\$ 5,000.00
.10100-022, ETA Summer Temp.	\$-0-	\$66,000.00
.41000-160, Inventory	\$-0-	\$ 100.00
.41000-205, Printing	\$-0-	\$ 75.00
.44000, Contracted Services	\$-0-	\$ 5,000.00
.44000-370, Copier	\$-0-	\$ 150.00
.45000, Fees for Services	\$-0-	\$ 500.00
.46100-759, Mileage	\$-0-	\$ 1,450.00
.46300, Postage & Freight	\$-0-	\$ 242.00
.81000, Retirement	\$-0-	\$ 1,550.00
.83000, Social Security	\$-0-	\$ 4,350.00
.83500, Medicare	\$-0-	\$ 1,100.00
.84000, Workers Comp.	\$-0-	\$ 2,150.00

and, be it further

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

Dated: June 12, 2013.

BERNARD PEPLINSKI, SR.  
RAYMOND SMITH  
PATRICK E. RUSSELL  
FREDERICK J. SHAW  
KURT J. ACKERMAN

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

RAYMOND JOHNSON  
Committee on County Planning  
And Development

KURT J. ACKERMAN  
Committee on Ways and Means

On motion of Mr. Weakley, seconded by Mr. Shaw, Report and Resolution No. 149 of the Committees on County Planning and Development and Ways and Means amending budget in connection with receipt of additional funding in Employment and Training Administration was handed up; was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

No. 149

**REPORT AND RESOLUTION OF THE COMMITTEES ON WAYS AND MEANS AND COUNTY PLANNING AND DEVELOPMENT AMENDING BUDGET IN CONNECTION WITH RECEIPT OF ADDITIONAL FUNDING IN EMPLOYMENT AND TRAINING ADMINISTRATION**

WHEREAS, by letter dated June 4, 2013 from the Budget Officer and Purchasing Agent, this Legislature is advised that it is necessary to amend the 2013 Budget to reflect additional revenue received in the Employment and Training Administration Budget; now, therefore, be it

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

<u>Revenue Account:</u>	<u>From</u>	<u>To</u>
CD6295.4797, Trade Adjustment Assistance	\$50,000.00	\$100,000.00

<u>Appropriation Accounts:</u>		
CD6295.46000-683, ETA – Trade Adjustment Assistance - CRT	\$22,000.00	\$ 72,000.00

and, be it further

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

Dated: June 12, 2013.

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

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

**And Development**

On motion of Mr. Russell, seconded by Mr. Korce, Report and Resolution No. 150 of the Committee Ways and Means concerning health insurance broker services was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

No. 150

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
CONCERNING HEALTH INSURANCE BROKER SERVICES**

WHEREAS, by Resolution No. 172 of 2010, this Legislature authorized a contract with Gilroy, Kernan & Gilroy Insurance to perform health insurance consultant services in the areas of risk management, on going analysis, review, and evaluation of current county health insurance plans, as well as solicitation of proposals and quotes from insurance providers as to renewals of existing insurance for the time period August 1, 2010 through July 31, 2013; and

WHEREAS, by letter dated June 5, 2013, Steven R. Billings, Personnel Officer, has requested a new contract with Gilroy, Kernan & Gilroy to continue to perform health insurance consultant services to the County of Herkimer for the period from August 1, 2013 through July 31, 2016, at a cost of \$45,000.00 per year; now, therefore, be it

RESOLVED, that a contract be entered into with Gilroy, Kernan & Gilroy Insurance, 210 Clinton Road, P.O. Box 542, New Hartford, NY 13413, to perform health insurance consultant services in the areas of risk management, on going analysis, review, and evaluation of current county health insurance plans, as well as solicitation of proposals and quotes from insurance providers as to renewals of existing insurance for the time period August 1, 2013 through July 31, 2016, at a cost of \$45,000.00 per year, with the terms and conditions of said contract to be subject to the approval of the County Attorney; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute said contract on behalf of the County of Herkimer; and, be it further

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

Dated: June 12, 2013.

PATRICK E. RUSSELL  
DENNIS KORCE  
RAYMOND SMITH  
BRUCE WEAKLEY

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

On motion of Mr. Smith, seconded by Mr. Hendrix, Report and Resolution No. 151 of the Committee on Human Resources and the Committee on Ways and Means awarding bids for transportation of preschool handicapped children was handed up; was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

No. 151

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS AWARDING BIDS FOR TRANSPORTATION OF PRESCHOOL HANDICAPPED CHILDREN**

WHEREAS, this Legislature is informed by communication dated June 4, 2013 from Bernard E. Decker, Budget Officer, that certain bids were received and publicly opened for the transportation of preschool children under the Education of Handicapped Children Program for the period from July 1, 2013 to June 30, 2014; and

WHEREAS, it is the recommendation of his office and your Committees that a contract be awarded to Birnie Bus Service, Inc. of Rome, New York, which was the only bidder in the base amount of \$540,170.00, for the initial year commencing July 1, 2013 to June 30, 2014, with said contract to be adjusted an initial \$167.00 per run if the requested daily of runs exceeds 14 , with said contract price to increase or decrease based on the price of diesel fuel as per the specifications, and to include that the County will have four one year options to renew the contract , with an annual increase in the amount of any increase in the Consumer Price Index , or 2 ½ %, whichever is less; now, therefore, be it

RESOLVED, that a contract be awarded to Birnie Bus Service, Inc., PO Box 630, Rome, New York, in the amount of \$540,170.00, for preschool transportation services for the Public Health Education of Handicapped Children's Program for the initial year commencing July 1, 2013 to June 30, 2014, with said contract to be adjusted an initial \$167.00 per run if the requested daily of runs exceeds 14 ; with said contract price to increase or decrease based on the price of diesel fuel as per the specifications, and to include that the County will have four one year options to renew the contract, with an annual increase in the amount of any increase in the Consumer Price Index, or 2 ½%, whichever is less; and, be it further

RESOLVED, that the County of Herkimer shall be responsible for any medical technician required to monitor any of the student's equipment and that the final contract shall be subject to approval of the Herkimer County Attorney; and, be it further

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

Dated: June 12, 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. Russell, Report and Resolution No. 152 of the Committees on Human Resources and Ways and Means authorizing contract with accountant for cost reporting services for the Public Health Nursing Service was handed up; was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

No. 152

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING CONTRACT WITH ACCOUNTANT FOR COST REPORTING SERVICES FOR THE PUBLIC HEALTH NURSING SERVICE**

WHEREAS, by communication dated May 22, 2013 Christina Cain, Acting Director of Public Health, has requested a continuance for the services of D'Arcangelo & Co., LLP, Certified Public Accountants & Consultants to provide cost reporting services for the Herkimer County Public Health Nursing Service in connection with preparation and certification of certain

forms for the State Department of Health and the National Government Services Centers for Medicare and Medicaid Services; and

WHEREAS, it is desired to continue said contract with D’Arcangelo & Co., LLP, for the year 2013, for a total amount of \$13,932.00; now, therefore, be it

RESOLVED, that this Legislature authorizes a contract with D’Arcangelo & Co., LLP, 120 Lomond Court, Utica, NY 13502, to perform services for the Public Health Nursing Service in connection with the preparation and certification of certain forms for the State Department of Health and the National Government Services Centers for Medicare and Medicaid Services, for the year 2013, at a total fee of \$13,932.00; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute the necessary contract in connection with said services, with said contract to be subject to approval of the Herkimer County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Acting Director of Public Health and D’Arcangelo & Co., LLP.

Dated: June 12, 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. Manno, seconded by Mr. Johnson, Report and Resolution No. 153 of the committee on Administration/Veterans Affairs and the Committee on Ways and Means authorizing temporary staffing changes in County Board of Elections 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, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

No. 153

**REPORT AND RESOLUTION OF THE COMMITTEE ON  
ADMINISTRATION/VETERANS' AFFAIRS AND THE COMMITTEE ON WAYS AND  
MEANS AUTHORIZING TEMPORARY STAFFING CHANGES IN COUNTY BOARD  
OF ELECTIONS OFFICE**

WHEREAS, by letter dated May 17, 2013, the Herkimer County Board of Elections Commissioners have requested two temporary staffing adjustments in the Herkimer County Board of Elections for training purposes; and

WHEREAS, your Committees have considered said request and recommend said temporary changes; now, therefore, be it

RESOLVED, that a temporary part-time position in the Herkimer County Board of Elections to be established, for up to 19 ½ hours per week, at the rate of \$8.00 per hour for the period from July 1, 2013 through July 12, 2013, with said hourly rate to increase to \$14.67 for up to 19 ½ hours per week, from July 15, 2013 through August 30, 2013; and, be it further

RESOLVED, that a temporary part-time position in the Herkimer County Board of Elections be established for up to 19 1/2 hours per week at the rate of \$8.00 per hour for the period of November 18, 2013 through November 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 Commissioner of Elections.

Dated: June 12, 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. Smith, seconded by Mr. Shaw, Report and Resolution No. 154 of the Committee on Human Resources and the Committee on Ways and Means authorizing a renewal of contract with New York State Department of Health for Herkimer County HealthNet, Inc. and amending budget was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

No. 154

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

WHEREAS, by communication dated June 5, 2013 , Adam Hutchinson, Executive Director of Herkimer County HealthNet, Inc. has advised that the New York State Department of Health has forwarded a contract for renewal of the grant agreement for the period from April 1, 2013 through March 31, 2014, with the contract amount being \$156,000.00; and

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

WHEREAS, by letter dated June 5, 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 funding; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute a renewal of the contract between the County of Herkimer and the New York State Department of Health to receive \$156,000.00 in funding for Herkimer County HealthNet, Inc. for the period February 1, 2009 through January 31, 2010; and, be it further

RESOLVED, that the 2009 Herkimer County Budget is hereby amended as follows:

	<u>From:</u>	<u>To:</u>
<u>Revenue</u>		
A4018.3418, HealthCare network	\$-0-	\$156,000.00
<u>Appropriation</u>		
A4018.44000, Herkimer County HealthNet	\$311,250.00	\$467,250.00
\$142,521.00 -Contracted Services		

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: June 12, 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. Hyde, seconded by Mr. Peplinski, Report and Resolution No. 155 of the Committee on Ways and Means appointing member to Ethics Board was handed up; Mr. Hartman made a motion, seconded by Mrs. Rose to offer an amendment as follows: “WHEREAS, by letter dated October 15, 2012, John Brezinski, Minority Leader, nominated Donald T. Bronson, 1077 East German Street, Herkimer, New York to serve a three year term on the Herkimer County Ethics Board; now, therefore, be it RESOLVED, that upon the nomination of the Minority Leader of this Legislature, Donald T. Bronson, 1077 East German Street, Herkimer, New York, is hereby reappointed to the Herkimer County Ethics Board for a term to expire April 1, 2013; and, be it further RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Kathleen Eisenhut and Donald T. Bronson.; the amendment was defeated by the following roll call vote:

For: Hartman, Rose, Schrader, Brezinski, Ackerman, Korce (6).

Against: Maneen, Johnson, Hendrix, Hyde, Manno, Smith, Bono, Peplinski, Russell, Shaw, Weakley (11).

Absent: None.

After further discussion and on request by Mrs. Rose for a roll call vote, the Resolution was adopted by the following roll call vote:

For: Hartman, Rose, Schrader, Maneen, Johnson, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

No. 155

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
APPOINTING MEMBER TO ETHICS BOARD**

WHEREAS, pursuant to Resolution No. 239 adopted on September 10, 2008, Kathleen Eisenhut of Mohawk, New York, was appointed, pursuant to nomination of the Chairman of the Legislature, to the Herkimer County Ethics Board and was reappointed by Resolution No. 105 of 2010 for a term to expire April 1, 2013; and

WHEREAS, by letter dated June 4, 2013, Vincent J. Bono, Chairman of the Legislature, has re-nominated Kathleen Eisenhut of Mohawk, New York, to serve for a three year term on the Herkimer County Ethics Board ; now, therefore, be it

RESOLVED, that upon the nomination of the Chairman of this Legislature, Kathleen Eisenhut, 7 Columbia Drive, Mohawk, New York, is hereby reappointed to the Herkimer County Ethics Board for a term to expire April 1, 2016; and, be it further

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

Dated: June 12, 2013.

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

On motion of Mr. Korce, seconded by Mr. Hyde, Report and Resolution No. 156 of the Committee on County Properties approving sale of County Owned Tax Acquired Land was handed up; At 8:00 p.m. Mr. Korce made a motion, seconded by Mr. Hendrix, to request to go

into an executive session to receive the advice of counsel pursuant to Public Officers Law Section 105. The motion was approved by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

At 8:18 p.m. on motion of Mr. Russell, seconded by Mr. Hyde, the Legislature came out of executive session. After further discussion, Report and Resolution No. 156 was voted on and adopted by roll call vote:

For: Hartman, Rose, Schrader, Maneen, Johnson, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

No. 156

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PROPERTIES  
APPROVING SALE OF COUNTY OWNED TAX ACQUIRED LAND**

WHEREAS, by Resolution No. 122 for the year 2013 duly adopted on April 24, 2013, this Legislature authorized and directed the sale at public auction, after due advertisement, of certain county owned tax acquired real property under the direction of the County Treasurer; and

WHEREAS, the Properties Committee of this Legislature reports that said sale was duly held pursuant to said direction on June 1, 2013 at Herkimer, New York; and

WHEREAS, pursuant to the terms of sale the successful bidder on each parcel sold is required to pay the full purchase price together with recording fee and transfer tax by June 21, 2013; and

WHEREAS, the Properties Committee reports that 81 bids were received at the auction, and the total amount to be received on said sales is \$954,745.00 as shown on the lists made available to each Legislator and filed with the Clerk of the Legislature; and

WHEREAS, the Properties Committee recommends approval of each sale as set forth on the said list, and conveyance of each said parcel to the successful bidder thereon providing payment in full of the amount bid and required fees was received by the County Treasurer's Office; and

WHEREAS, the auction terms provide that default by a purchaser for failure to meet the terms of the auction shall result in forfeiture of the required deposit; now, therefore, be it

RESOLVED, that this Legislature approves the sales by auction reported by the Properties Committee and authorizes the County Treasurer to convey each said property to the successful bidder thereon, provided said bidder has paid the required purchase price and expenses to the County Treasurer, and to make conveyance by quit claim deed and to record each said deed; and, be it further

RESOLVED, that the County Property Agent is hereby instructed to advise the County Attorney's Office of defaults by purchasers, and the County Attorney's Office is hereby instructed to bring legal procedures if necessary to enforce said provision of the auction terms, reporting thereon to the Properties Committee of this Legislature, which shall have authority to confer with the County Attorney's Office as to any proposed settlement of said proceedings; and, be it further

RESOLVED, that the County Property Agent is hereby authorized to solicit sealed bids for the sale of any of the properties which were not conveyed based on the default of purchasers provided that said County Property Agent shall submit to the Committee on County Properties any and all bids, which bids shall be subject to the approval of the full Legislature; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Property Agent, Chairman of the Committee on County Properties and the County Attorney.

Dated: June 12, 2013.

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

On motion of Mr. Manno, seconded by Mr. Ackerman, Report and Resolution No. 157 of the Committees on Education and Ways and Means fixing time and place for public hearing on Herkimer County Community College was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

**REPORT AND RESOLUTION OF THE COMMITTEES ON EDUCATION AND WAYS AND MEANS FIXING THE TIME AND PLACE FOR PUBLIC HEARING ON HERKIMER COUNTY COMMUNITY COLLEGE BUDGET**

WHEREAS, your Committees on Ways and Means and Education are advised by letter dated June 11, 2013 from Nicholas Laino, Vice President for Administration and Finance, that the Herkimer County Board of Trustees approved the proposed 2013-2014 operating budget of the College at its meeting held on June 10, 2013 and requests that the Herkimer County Legislature set a public hearing to consider said budget; now, therefore, be it

RESOLVED, that a public hearing upon said Tentative Budget to be conducted by the Committee on Education shall be held at the Legislators' Chambers in the Village of Herkimer, New York, on the 3rd day of July, 2013 at 1:30 p.m. pursuant to the provisions of Section 359 of the County Law and Section 6304(5-a) of the Education Law.

Dated: June 12, 2013.

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

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

On motion of Mr. Manno, seconded by Mr. Johnson, Report and Resolution No. 158 of the Committees on Education and Ways and Means awarding contracts for Renovations of Robert McLaughlin College Center Cafeteria/Alumni Hall Project at Herkimer County Community College was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

**REPORT AND RESOLUTION OF THE COMMITTEES ON EDUCATION AND WAYS AND MEANS FIXING THE TIME AND PLACE FOR PUBLIC HEARING ON HERKIMER COUNTY COMMUNITY COLLEGE BUDGET**

WHEREAS, your Committees on Ways and Means and Education are advised by letter dated June 11, 2013 from Nicholas Laino, Vice President for Administration and Finance, that the Herkimer County Board of Trustees approved the proposed 2013-2014 operating budget of the College at its meeting held on June 10, 2013 and requests that the Herkimer County Legislature set a public hearing to consider said budget; now, therefore, be it

RESOLVED, that a public hearing upon said Tentative Budget to be conducted by the Committee on Education shall be held at the Legislators' Chambers in the Village of Herkimer, New York, on the 3rd day of July, 2013 at 1:30 p.m. pursuant to the provisions of Section 359 of the County Law and Section 6304(5-a) of the Education Law.

Dated: June 12, 2013.

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

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

On motion of Mr. Russell, seconded by Mr. Peplinski, Resolution No. 159 of the Committee on County Planning and Development and the Committee on Ways and Means amending Resolution No. 134 of 2013 awarding bid for bus service for the Old Forge Area Transportation Program for the 2013 Summer Youth Employment Program was handed up; Mr. Russell made a motion, seconded by Mr. Hartman, to delete the Third Resolved Clause. The amendment was approved by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

The resolution was then adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

No. 159

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AND THE COMMITTEE ON WAYS AND MEANS AMENDING RESOLUTION NO. 134 OF 2013 AWARDED BID FOR BUS SERVICE FOR THE OLD FORGE AREA TRANSPORTATION PROGRAM FOR THE 2013 SUMMER YOUTH EMPLOYMENT PROGRAM**

WHEREAS, by Resolution No. 134 adopted on May 15, 2013, this Legislature awarded a contract to Birnie Bus Service, Inc. to provide 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; and

WHEREAS, by letter dated June 11, 2013, from James W. Wallace, Jr., County Administrator, this Legislature is advised of a request for twelve (12) additional trips, and further advises that in addition, each youth will be charged \$1.00 per day; now, therefore, be it

RESOLVED, that Resolution No. 134 adopted on May 15, 2013 is hereby amended in the Third Whereas Clause and First Resolved Clause to delete "120 trips" and replace with "132 trips"; and, be it further

RESOLVED, that an additional Resolved Clause shall be added as follows:

"RESOLVED, that each youth shall be charged \$1.00 per day for said bus service; and, be it further"

RESOLVED, that in all other respects said Resolution No. 134 of 2013 shall remain in full force and effect, except as modified hereby; 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: June 12, 2013.

BERNARD PEPLINSKI, SR.  
RAYMOND SMITH  
PATRICK E. RUSSELL  
FREDERICK J. SHAW  
KURT J. ACKERMAN

RAYMOND JOHNSON  
**Committee on County Planning and  
Development**

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

**Amended: June 12, 2013**  
**Amended: To Delete Third**  
**Resolved Clause.**

On motion of Mr. Russell, seconded by Mr. Ackerman, Resolution No. 160 of the Committee on Ways and Means and the Committee on Public Safety/Emergency Management amending Resolution No. 28 of 2012 authorizing contract with Herkimer County Bar Association for the defense of indigent persons was handed; discussion was held; was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

No. 160

**RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AND THE  
COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT AMENDING  
RESOLUTION NO. 28 AUTHORIZING CONTRACT WITH HERKIMER COUNTY  
BAR ASSOCIATION FOR THE DEFENSE OF INDIGENT PERSONS**

WHEREAS, by Resolution No. 28 adopted on January 18, 2012, this Legislature authorized and approved the administration of the Herkimer County Bar Association Coordinated Plan for the Defense of Indigent Persons, which included the election of Keith D. Bowers, Esq. by said Bar Association as Administrator of the Plan; and

WHEREAS, said Resolution included that the County would continue to provide health insurance benefits and liability insurance in connection with his duties and activities while acting as Assigned Counsel Administrator; now, therefore, be it

RESOLVED, that Resolution No. 28 adopted on January 18, 2012, is hereby amended in the Third Whereas Clause to delete the following “together with the County’s continuing to provide health insurance benefits and liability insurance in connection with the duties and activities while acting as Assigned Counsel Administrator and, in the event the County is unable

to continue such coverage, he will be reimbursed for any increase in malpractice premiums resulting from lack of county coverage as well as any applicable deductibles”; and, be it further

RESOLVED, that in all other respects said Resolution No. 28 of 2012 shall remain in full force and effect, except as modified hereby; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Herkimer County Attorney, Herkimer County Bar Association and Keith D. Bowers, Esq.

Dated: June 12, 2013.

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

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

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

At 8:38 p.m. on motion of Mr. Russell, seconded by Mr. Hyde, request was made to go into executive session pursuant to Public Officers Law Section 105(e) and (d). The motion was approved by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

At 8:55 p.m. on motion of Mr. Hyde, seconded by Mr. Johnson, the Legislature came out of executive session.

On motion of Mr. Russell, seconded by Mr. Korce, request was made for unanimous consent for immediate consideration on Resolution No. 161 of the Committee on Ways and Means appropriating funds for payment of special prosecutor; discussion was held; was voted on and adopted by roll call vote:

For: Hartman, Rose, Schrader, Maneen, Johnson, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

No. 161

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
APPROPRIATING FUNDS FOR PAYMENT OF SPECIAL PROSECUTOR**

WHEREAS, by letter dated June 4, 2013 from the Budget Officer/Purchasing Agent this Legislature is advised that an invoice has been received in the amount of \$33,407.27 for the services of a special prosecutor, and sufficient funding is available for the following appropriation from the 2013 Contingency Fund; now, therefore be it

RESOLVED, that the sum of \$33,400.00 is hereby appropriated from A1990.46000, Contingency Fund – Miscellaneous Expense, to A1340.44000, Budget and Purchasing – Contracted Services; and, be it further

RESOLVED, that the Herkimer County Treasurer is hereby authorized and directed to transfer the said sums to the said accounts; and, be it further

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

Dated: June 12, 2013.

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

On 9:00 p.m on motion of Mr. Manno, seconded by Mr. Hyde, the Legislature adjourned to Wednesday, July 3, 2013 at 2:00 p.m., with a public hearing on the Herkimer County Community College Proposed 2013-2014 Operating Budget at 1:30 p.m.