

MINUTES
Herkimer County Legislature
First Quarter – Second Day
Wednesday, January 18, 2012
7:30 p.m.

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

Chairman Bono called on Bernard Decker, Budget Officer and Purchasing Agent, to lead the Legislature in the Pledge of Allegiance.

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).

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 January 3, 2012. There were no objections and the minutes were approved.

Chairman Bono dispensed with the regular session to allow for a presentation by Mang Insurance and called on Bill VanGorder. Mr. VanGorder called on Susan O'Rourke from NYMIR Ms. O'Rourke gave an update on claims for local government for 2011 and then presented Chairman Bono with a check in the amount of \$30,111.11 for return of capital contribution.

Pursuant to Rule 11, Chairman Bono opened the floor for public comment. The following individuals spoke on the following subjects: Joseph Chilelli: Committees; Carl Streeter – Opportunities.

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. Korce requested No. 5 be read. Communication No. 5 was from the County Attorney advising of the receipt of a Notice of Intent to File a Claim.

No. 4 – A communication was received from the Chairman of the Legislature appointing standing committees. Ordered filed.

No. 5 – A communication was received from the County Attorney advising of the receipt of a Notice of Intent to File a Claim. Ordered filed.

No. 6 – A communication was received from ProAct, Inc. submitting monthly prescription drug discount card report. Ordered filed.

No. 7 – A communication was received from the Clerk of the Legislature appointing Sally Deming as Deputy Clerk. Ordered filed.

No. 8 – A communication was received from the County Attorney advising of appointment of Assistant County Attorneys. Ordered filed.

No. 9 – A communication was received from the County Attorney designating line of succession. Ordered filed.

No. 10 – A communication was received from the Director of Community Services advising of the November activities update. Ordered filed.

No. 11 – A communication was received from the Oneida-Herkimer Solid Waste Authority submitting the 2012 Budget. Ordered filed.

No. 12 – A communication was received from the Oneida-Herkimer Solid Waste Authority submitting minutes of 11/21/11. Ordered filed.

No. 13 – A communication was received from the Oneida-Herkimer Solid Waste Authority submitting recently adopted resolutions. Ordered filed.

No. 14 – A communication was received from the County Highway Superintendent requesting approval of Capital construction projects for 2012. Referred to the Committee on Highways.

No. 15 – A communication was received from John H. Crandall submitting resignation as Herkimer County District Attorney. Ordered filed.

No. 16 – A communication was received from the Frankfort Free Library board of Trustees thanking the Legislature for its continued support on behalf of the library. Ordered filed.

No. 17 – A communication was received from the Herkimer County Soil and Water Conservation District submitting minute of 12/6/11 meeting. Ordered filed.

No. 18 – A communication was received from the Budget Officer/Purchasing Agent requesting budget amendment in Department of Social Services. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 19 – A communication was received from the Director of the Office for the Aging submitting notification of grant award and requesting a contract with the Home Ownership

Center and HOCCPP. Referred to the Committees on Human Resources and the Committees on Ways and Means.

No. 20 – A communication was received from the Budget Officer and Purchasing Agent requesting a budget amendment in the District Attorney’s office for a Law Enforcement Coordinator’s position. Referred to the Committee on Ways and Means and the Committee on Public Safety/Emergency Management.

No. 21 – A communication was received from the Budget Officer and Purchasing Agent requesting a budget amendment for the Community Development Block Grant account through the Office for the Aging. Referred to the Committee on Ways and Means.

No. 22 – A communication was received from the Budget Officer and Purchasing Agent requesting a budget amendment for STOA funding for transportation. Referred to the Committee on Human Resources.

No. 23 – A communication was received from the Director of Public Health requesting renewal of a contract for the Childhood Lead Poisoning Prevention program. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 24 – A communication was received from the Budget Officer submitting requests for transfers of funds. Referred to the Committee on Ways and Means.

No. 25 – A communication was received from the Director of Public Health requesting amendment of Resolution No. 301 to change grant funding amount. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 26 – A communication was received from the Vice-President for Administration and Finance at HCCC requesting approval of architect for Renovation of Science Labs and Roof Replacement Project at the College. Referred to the Committees on Education and Ways and Means.

No. 27 – A communication was received from the County Property Agent submitting results of sealed bids on county owned tax acquired property. Referred to the Committee on County Properties.

No. 28 – A communication was received from the Personnel Officer requesting agreement for an Employee Assistance program. Referred to the Committee on Ways and Means.

No. 29 – A communication was received from the Sheriff requesting approval of an amended agreement for a Homeland Security Grant. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 30 – A communication was received from the Commissioner of Social Services requesting approval of contracts under the Temporary Assistance for Needy Families. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 31 – A communication was received from the Commissioner of Social Services requesting a staffing change. Referred to the Committee on Human Resources and the Committee on Ways and Means.

Pursuant to Rule 6, Chairman Bono then proceeded with Reports of Standing Committees. Raymond Smith, Chairman of the Committee on Human Resources, reported on the Human Resources Committee held Thursday, January 12, 2012 and advised of the agenda items addressed by the committee. Patrick Russell, Chairman of the Committee on Ways and Means, reported on the Ways and Means Committee and the agenda items acted on by the committee, as well as an update from James Wallace, County Administrator, on the Medicaid issue. Bruce Weakley, Chairman of the Committee on Highways, reported on the Highway Committee meeting and the proposed capital highway projects. Frederick Shaw, Chairman of the Committee on Natural Resources, reported on the issuance of the dog quarantine order as requested by DEC and advised that in the near future there will be walk through scheduled at the Sewer District facility. Leonard Hendrix, Chairman of the Committee on Public Safety and Emergency Management, reported on the committee meeting and the agenda items acted upon.

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

For: Ayes (16).

Against: None.

Absent: Manno (1).

Consent Agenda:

8	WAYS & MEANS: Transferring funds	VOICE
9	HUMAN RES., WAYS & MEANS: Renewal of contract for funding for Childhood Lead Poisoning Prevention Screening Services	VOICE
10	HUMAN RES., WAYS & MEANS: Amending Resolution No. 301 Authorizing Contract with State for funding for Children with Special Health Care Needs Program	VOICE
11	WAYS & MEANS: Amending 2011 Budget in connection with Mass Transportation Funding	VOICE

No. 8

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

WHEREAS, your Committee on Ways & Means, to which was referred a communication from the Budget Officer and Purchasing Agent dated January 10, 2012 submitting requests 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:

\$70,000	From: A4010.10000-001 Pub. Health Nursing, Salaries
	To: A3150.10000-002 Jail, Overtime
\$95,000	From: A4010.10000-001 Pub. Health Nursing, Salaries
	To: A3170.44000 Correctional Inst. Cont. Serv.
\$200	From: A4010.10000-001 Pub. Health Nursing, Salaries
	To: A1325.10000-001 Co. Treas., Salaries
\$370	From: A4010.10000-001 Pub. Health Nursing, Salaries
	To: A2960.10000-001 Ed. Of Handicapped Child, Salaries
\$14,000	From: A6031.10000-001 Public Home Residents, Salaries
	To: A6010.10000-001 Soc. Serv. Adm., Salaries
\$4,000	From: CD6291.10000-001 ETA, TANF, Salaries
	To: CD6291.10000-022 ETA, TANF, ETA Summer Temp.
\$15	From: CD6291.41000-160 ETA, TANF, Inventory
	To: CD6291.10000-022 ETA, TANF, ETA Summer Temp.
\$77.14	From: CD6291.41000-205 ETA, TANF, Printing
	To: CD6291.10000-022 ETA, TANF, ETA Summer Temp.
\$32.57	From: CD6291.44000-370 ETA, TANF, Copier
	To: CD6291.10000-022 ETA, TANF, ETA Summer Temp.
\$951.96	From: CD6291.46100-759 ETA, TANF, Reg. Mileage
	To: CD6291.10000-022 ETA, TANF, ETA Summer Temp.
\$16.08	From: CD6291.46300 ETA, TANF, Postage
	To: CD6291.10000-022 ETA, TANF, ETA Summer Temp.
\$1,662.32	From: CD6291.81000 ETA, TANF, Retirement
	To: CD6291.10000-022 ETA, TANF, ETA Summer Temp.
\$3,100	From: CD6292.46000-683 ETA Adult Tr., CRT
	To: CD6292.81000 ETA Adult Tr. Retirement
\$900	From: CD6292.46000-683 ETA Adult Tr. CRT
	To: CD629.85000 ETA Adult Tr. Unemployment
\$5,000	From: CD6292.46000-683 ETA Adult Tr. CRT
	To: CD6292.86000 ETA Adult Tr. Health Ins.
\$202.11	From: A1340.44000-370 Budget & Purch., Copier
	To: A8026.46100 Ad. Park Rev. Bd., Mileage & Travel
\$50,000	From: A4010.10000-001 Pub. Health Nursing, Salaries
	To: A1930A.46000 Judgment, Cont. to Res., Misc.
\$2,900	From: A4010.10000-001 Pub. Health Nursing, Salaries
	To: A4012.44000 Long Term Care, Cont. Serv.
\$100	From: A4010.10000-001 Pub. Health Nursing, Salaries
	To: A4012.44000-448 Long Term Care, MOW
\$23,000	From: A1710.44000 Worker's Comp. Admin., Cont. Serv.
	To: A9040.84000 Worker's Comp.

and be it further,

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Sheriff, Director of Public Health, Employment & Training Director, Commissioner of Social Services and Personnel Officer.

Dated: January 18, 2012.

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

No. 9

REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING RENEWAL OF CONTRACT FOR FUNDING OF CHILDHOOD LEAD POISONING PREVENTION SCREENING SERVICES

WHEREAS, by Resolution No. 228 for the year 1990, this Legislature authorized a contract with the New York State Department of Health to provide grant funding for the Childhood Lead Poisoning Prevention Program screening services and to increase public knowledge about lead poisoning and its prevention, which contract has been continued for each year thereafter; and

WHEREAS, by letter dated December 28, 2011 from Gregory O'Keefe, MD, Director of Public Health, your Committees have been advised of a request to renew said agreement with the New York State Department of Health for the term commencing October 1, 2011 and ending September 30, 2012, with funding for this period to be in the amount of \$39,572.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute a contract in the amount of \$39,572.00 with the New York State Department of Health to continue the Childhood Lead Poisoning Prevention Program in the County of Herkimer for the period October 1, 2011 to September 30, 2012, unless terminated in accordance with the terms thereof; and, be it further

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute agreements with the State of New York setting forth an appropriate work plan and budget for each year of said contract; 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 the New York State Department of Health.

Dated: January 18, 2012.

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

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

No. 10

REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS AMENDING RESOLUTION NO. 301 AUTHORIZING CONTRACT WITH STATE OF NEW YORK FOR FUNDING FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS PROGRAM

WHEREAS, by Resolution No. 301 adopted on December 14, 2011, this Legislature authorized a contract with the New York State Department of Health to provide for renewal of the Children with Special Health Care Needs Grant for a period of three years, in the amount of \$18,329.00 per year; and

WHEREAS, by letter dated December 22, 2011, from Gregory O'Keefe, MD, Director of Public Health, this Legislature is advised that notification has been received from the New York State Department of Health that an incorrect total for the new grant was reported to Herkimer County; now, therefore, be it

RESOLVED, that Resolution No. 301 adopted on December 14, 2011 is hereby amended in the First Whereas and First Resolved Clauses to delete the amount of \$18,329.00 per year and replace with the amount of \$18,672.00 per year; and, be it further

RESOLVED, that in all other respects said Resolution No. 301 of 2011 is hereby ratified and confirmed; and, be it further

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

Dated: January 18, 2012.

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

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

No. 11

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
AMENDING 2011 BUDGET IN CONNECTION WITH MASS TRANSPORTATION
FUNDING**

WHEREAS, by letter dated January 11, 2012, from Bernard E. Decker, Budget Officer, this Legislature is advised of a request to amend the 2011 Budget in connection with the receipt of additional State Operating Assistance (STOA) funding for Mass Transportation for 2011; now, therefore, be it

RESOLVED, that the 2011 Herkimer County Budget is hereby amended as follows:

<u>Revenue:</u>	<u>From:</u>	<u>To:</u>
A5630.3700, State Aid - Mass Transportation	\$160,000.00	\$172,659.42
<u>Appropriation:</u>		
A5630.4000, Mass Transportation Contractual Expense	\$160,000.00	\$172,659.42

and, be it further

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

Dated: January 18, 2012

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

On motion of Mr. Weakley, seconded by Mr. Shaw, Report and Resolution No. 12 of the Committee on Highways approving projects under Article 6 of the Highway Law was handed up; debate was held, was voted on and adopted by voice vote:

For: All ayes: (16).

Against: None.

Absent: Manno (1).

No. 12

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

WHEREAS, your Committee on Highways, to which was referred the letter of Jay W. Ewanyk, County Superintendent of Highways, dated December 16, 2011, submitting three copies each of statements under Article 6 of the Highway Law designating work to be done with County Road Fund monies during the year 2012 covering six projects involved in the Capital Construction Program, respectfully reports that we have examined said statements contained in said communication from and signed by the County Superintendent of Highways, recommend its adoption and offer the following Resolution:

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

project no.	road/location	type of project	estimated contracted cost
332	South Shore Road, CR 54/118 Town of Webb Village to Gray Lake Road	0.77 miles road reconstruction	\$1,000,000.00
333	Emmonsburg Road, CR 130 Town of Salisbury	3.55 miles cold mix paving	\$ 650,000.00

	NYS Rt. 29A to County Line		
334	Hardscrabble Road, CR 142 Town of Fairfield Castle Rd to NYS Rt. 29	2.68 miles road rehabilitation	\$ 750,000.00
335	Hurricane Road, CR 48 Town of Norway NYS Rt. 8 to Burt Road	1.85 miles road rehabilitation	\$ 250,000.00
336	Murphy Road over Crum Creek BIN 3307750 Town of Manheim	Bridge deck replacement	\$ 250,000.00
337	Hawthorne Road over Sterling Creek BIN 3308160 Town of Schuyler	Engineering design services for bridge replacement	\$ 130,000.00

And, be it further

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

Dated: January 18, 2012.

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

On motion of Mr. Smith, seconded by Mr. Shaw, Report and Resolution No. 13 of the Committee on Human Resources and the Committee on Ways and Means amending 2011 budget in connection with Department of Social Services was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Manno (1).

No. 13

REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS AMENDING 2011 BUDGET IN CONNECTION WITH FUNDING FOR DEPARTMENT OF SOCIAL SERVICES

WHEREAS, by letter dated January 11, 2012 from the Budget Officer and Purchasing Agent, this Legislature is advised that it is necessary to amend the 2011 Budget in connection with the receipt of additional funding; now, therefore, be it

RESOLVED, that the 2011 Herkimer County Budget is hereby amended as follows:

Revenue:

A6010.3610 DSS Administration	From:	\$1,325,000
	To:	\$1,364,004

Appropriation

A6012.10000-001 Managed Care, Salaries	From:	\$321,542
	To:	\$360,546

And, be it further

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

Dated: January 18, 2012.

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

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. Peplinski, Mr. Hendrix and Mr. Hyde, Report and Resolution No. 14 of the Committees on Ways and Means and Human Resources authorizing acceptance of grant from the State Office of Community Renewal totaling \$750,000 to establish a Housing Rehabilitation Program for Seniors was handed up; debate was held, was voted on and adopted by voice vote:

For: All ayes: (16).

Against: None.

Absent: Manno (1).

No. 14

REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING ACCEPTANCE OF GRANT FROM THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL TOTALING \$750,000 TO ESTABLISH A HOUSING REHABILITATION PROGRAM FOR SENIORS – COUNTYWIDE AND AMENDING 2011 BUDGET

WHEREAS, by letter January 10, 2012, from Mary A. Scanlon, Director of the Office for the Aging, this Legislature is advised that of an award of a grant totaling \$750,000 from the State of New York Office of Homes and Community Renewal; and

WHEREAS, this Community Development Block Grant will provide funding assistance to establish a Housing Rehabilitation Program for Seniors - Countywide to assist elderly low income homeowners to address emergency repairs through a three-year forgivable loan program; and

WHEREAS, by letter dated January 11, 2012, Bernard E. Decker, Budget Officer and Purchasing Agent, has advised that is necessary to amend the 2011 Herkimer County Budget in connection with said Grant; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is authorized to execute a grant agreement, subject to the approval of the Herkimer County Attorney, with the Office of Community Renewal in connection with the receipt of a Community Development Block Grant in the total amount of \$750,000 which grant will be used to establish a Housing Rehabilitation Program for Seniors in Herkimer County; and, be it further

RESOLVED, that the Herkimer County 2011 Budget is hereby amended as follows:

Revenue:

A8668.4910 Community Development Act	From:	\$0
	To:	\$750,000

Appropriation

A8668.44000 Rehab Loans & Grants	From:	\$323,260
	To:	\$1,073,260

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of the Office for the Aging, Herkimer-Oneida Counties Comprehensive Planning Program and the Homeownership Center and the Office of Homes and Community Renewal.

Dated: January 18, 2012.

RAYMOND SMITH
FREDERICK J. SHAW, JR.
JEAN E. MANEEN

LEONARD R. HENDRIX
PATRICK E. RUSSELL
PETER F. MANNO
Committee on Human Resources

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 Mrs. Maneen and Mr. Hendrix, Report and Resolution No. 15 of the Committees on Human Resources and Ways and Means authorizing contracts in connection with implementation of Housing Rehabilitation Program for Seniors in Herkimer County was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes: (16).

Against: None.

Absent: Manno (1).

No. 15

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES
AND WAYS AND MEANS AUTHORIZING CONTRACTS IN CONNECTION WITH
IMPLEMENTATION OF HOUSING REHABILITATION PROGRAM FOR SENIORS
IN HERKIMER COUNTY**

WHEREAS, by letter dated January 10, 2012 from Mary A. Scanlon, Director of the Office for the Aging, this Legislature is advised of a request to enter into contracts with the Utica neighborhood Housing Service, Inc. (also known as The HomeOwnership Center) and the Herkimer-Oneida Counties Comprehensive Planning program to provide services in connection with the implementation of a Housing Rehabilitation program for Seniors – Countywide to assist elderly low income homeowners to address emergency repairs through a three-year forgivable loan program; and

WHEREAS, said program shall be provided through a grant totaling \$750,000 from the State of New York's Office of Homes and Community Renewal; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute agreements with the Utica neighborhood Housing Service (also known as The HomeOwnership Center) and the Herkimer-Oneida Counties Comprehensive Planning Program to provide services in connection with the implementation of a Housing Rehabilitation Program for Seniors

– Countywide, with said agreements 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, Herkimer-Oneida Counties Comprehensive Planning Program and the HomeOwnership Center.

Dated: January 18, 2012.

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

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

On motion of Mr. Smith, seconded by Mr. Shaw, Report and Resolution No. 16 of the Committee on Human Resources and the Committee on Ways and Means for staffing change in Department of Social Services was handed up; there being no debate, 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. 16

REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS AND MEANS FOR STAFFING CHANGE IN THE DEPARTMENT OF SOCIAL SERVICES

WHEREAS, by letter dated December 30, 2011, Timothy Seymour, Commissioner of Social Services, has requested a staffing adjustment be made in the Department of Social Services; and

WHEREAS, your Committees have taken this matter under advisement and recommend said change; now, therefore, be it

RESOLVED, that the 2012 Herkimer County Salary Schedule is hereby amended in Salary Schedule No. 3 to establish one position of Registered Nurse in Account A6012 at the base annual salary of \$36,070; and, be it further

RESOLVED, that the foregoing change shall take effect January 1, 2012; 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 Social Services.

Dated: January 18, 2012.

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

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

On motion Mr. Smith, seconded by Mrs. Maneen, Report and Resolution No. 17 of the Committee on Human Resources and the Committee on Human Resources for staffing change in the Public Health Nursing Service was handed up; debate was held, was voted on and adopted by roll call vote:

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

Against: Hartman, Rose, Brezinski (3). Absent: Manno (1).

On motion of Mr. Smith, seconded by Mrs. Maneen, Report and Resolution No. 18 of the Committees on Education and Ways and means approving agreement for architect for Renovation of Science Labs and Roof Replacement Project at Herkimer County Community College was handed up; debate was held, voted on and adopted by voice vote:

For: All ayes: (16).

Against: None.

Absent: Manno (1).

No. 17

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES
AND WAYS AND MEANS FOR STAFFING CHANGE IN THE PUBLIC HEALTH
NURSING SERVICE**

WHEREAS, by letter dated December 30, 2011, Gregory O’Keefe, Director of Public Health, has requested certain staffing adjustments be made in the Public Health Nursing Service; and

WHEREAS, your Committees have taken this matter under advisement and recommend said change; now, therefore, be it

RESOLVED, that the 2012 Herkimer County Salary Schedule is hereby amended in Salary Schedule No. 3 to delete one position of Registered Nurse and one position of Account clerk in Account A4012, Long Term Care, and establish one position of Account Clerk in Account A4010, Public Health; and, be it further

RESOLVED, that the foregoing changes shall take effect January 1, 2012; and, be it further

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

Dated: January 18, 2012.

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

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. Hendrix, Report and Resolution No. 19 of the Committees on Human Resources and Ways and Means authorizing contracts in connection with Flexible Funds for Family Services Plan (formerly known as Temporary Assistance to Needy Families – TANF) in the Department of Social Services was handed up; debate was held, was voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Abstain: Ackerman (1)

Absent: Manno (1).

No. 19

REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS AND MEANS AUTHORIZING CONTRACTS IN CONNECTION WITH FLEXIBLE FUNDS FOR FAMILY SERVICES PLAN (FORMERLY KNOWN AS TEMPORARY ASSISTANCE TO NEEDY FAMILIES – TANF) IN THE DEPARTMENT OF SOCIAL SERVICES

WHEREAS, by letter dated January 3, 2012 from Timothy Seymour, Commissioner of Social Services, this Legislature is advised that the State of New York has approved Herkimer County’s Flexible Funds for Family Services Plan (formerly known as Temporary Assistance to Needy Families - TANF) Plan for the year 2012; and

WHEREAS, Herkimer County will receive federally allocated grant funding in connection with the implementation of the Flexible Funds for Family Services Plan; and

WHEREAS, said letter further requests that contracts be entered into with the following agencies for the implementation of the aforesaid program; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute contracts with the following agencies in connection with the Herkimer County Department of Social Services Flexible Funds for Family Services Plan (formerly known as Temporary Assistance to Needy Families -TANF) Services Plan:

1. Herkimer County Department of Mental Health, 301 N. Washington Street, Suite 2470, Herkimer, NY, in the amount of \$21,000 to provide assessment of TANF and Safety Net clients who have indicators of alcohol and/or drug problems;

2. Center for Family Life and Recovery (formerly Family Services of the Mohawk Valley), 401 Columbia Street, Utica, NY 13502, in the amount of \$35,955, for management and coordination services

to make sure clients with alcohol and/or drug abuse issues receive and follow through with the services they need to overcome their barriers to self-sufficiency;

3. Catholic Charities of Herkimer County, 61 West Street, Ilion, NY 13357, in the amount of \$20,000 to screen and provide assessment of clients who may have domestic violence issues as a barrier to self-sufficiency or receipt of child support;

4. Kids Oneida, 1500 Genesee St., Utica, NY 13502, to provide preventive services by utilizing their experience in reviewing the placement of youth in institutions in an effort to allow them to return home or step down to a lower level of care; to provide out-patient psychosocial and social evaluations and to determine an appropriate level of care and to purchase selected preventive services, with said contract not to exceed \$218,700;

5. Resource Center for Independent Living, Inc., 409 Columbia St., PO Box 210, Utica, NY 13503, to work with clients who have medical exemptions, or limited exemptions, to bridge the gap between vocational services and disability support services to achieve employment, with said contract not to exceed \$45,000.

6. Legal Aid Society of Mid-New York, 255 Genesee Street, Utica, NY 13501, to assist TANF and Safety Net clients in the appeal process, who have been denied Social Security Disability or Supplemental Security Income benefits, with said contract not to exceed \$12,000;

7. Center for Family Life and Recovery (formerly Family Services of the Mohawk Valley), 401 Columbia St., Utica, NY 13502, to provide preventive services to the Family Support Persons in Need of Supervision Unit (PINS), with said contract not to exceed \$341,935;

8. Catholic Charities of Herkimer County, 61 West Street, Ilion, NY 13357, in the amount of \$38,500 to provide non-residential services to TANF clients and their families who are victims of domestic violence;

9. Berkshire Farm, 13640 Route 22, Canaan, NY 12029, to provide intensive case management preventive services for individuals and their families identified as having high-risk indicators for out-of-home placement, with said contract not to exceed \$145,000;

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer and Commissioner of Social Services and the above listed agencies.

Dated: January 18, 2012.

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

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

On motion of Mr. Hendrix, seconded by Mr. Russell, Report and Resolution No. 20 of the Committee on Ways and Means and the Committee on Public Safety/Emergency Management amending budget in connection with funding in District Attorney's office was handed up; debate was held, was voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Manno (1).

No. 20

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AND
THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT
AMENDING BUDGET IN CONNECTION WITH FUNDING IN DISTRICT
ATTORNEY'S OFFICE**

WHEREAS, by letter dated January 9, 2012, Jeffrey S. Carpenter, Assistant District Attorney, has advised that funding has been received from the YWCA of the Mohawk Valley for a Law Enforcement Coordinator's position in the District Attorney's Office; and

WHEREAS, by letter dated January 10, 2012 from the Budget Officer and Purchasing Agent, this Legislature is advised that it is necessary to amend the 2012 Budget in connection with the receipt of said funding ; now, therefore, be it

RESOLVED, that the 2012 Herkimer County Budget is hereby amended as follows:

Revenue:

A1165B.2260A YWCA Law Enforcement Coordinator	From:	\$0
	To:	\$30,000

Appropriation

A1165B.10000-001 Law Enforcement Coordinator- Salaries	From:	\$0
	To:	\$28,943

A1165B.83000 Law Enforcement Coordinator- Soc. Security	From:	\$0
	To:	\$700

A1165B.83500 Law Enforcement Coordinator- Medicare	From:	\$0
	To:	\$357

And, be it further

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

Dated: January 18, 2012.

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

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

On motion of Mr. Hyde, seconded by Mr. Hendrix, Report and Resolution No. 21 of the Committee on Public Safety/Emergency Management and the Committee on Ways and Means authorizing amendment of Homeland Security Grant under the Law Enforcement Terrorism Prevention Program was handed up; there being no debate, was adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Manno (1).

No. 21

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING AMENDMENT OF HOMELAND SECURITY GRANT UNDER THE LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM

WHEREAS, by Resolution No. 210 adopted on July 21, 2010, this Legislature authorized the execution of a contract with the New York State Office of Homeland Security for the receipt of an FY09 Homeland Security Grant in the amount of \$53,500.00 under the Law Enforcement Terrorism Prevention Program; and

WHEREAS, by letter dated January 9, 2012, from Christopher P. Farber, Herkimer County Sheriff, this Legislature is advised of a request to sign an amendment to said grant in connection with a budget reallocation; and

WHEREAS, by letter dated January 11, 2012, Bernard E. Decker, Budget Officer and Purchasing Agent, has submitted request for a transfer of funds in connection with said budget reallocation; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute an amendment of the contract with the New York State Office of Homeland Security to receive an FY09 Homeland Security Grant in the amount of \$53,500.00 under the Law Enforcement Terrorism Prevention Program; and, be it further

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:

\$17,906.18	From: A3110A.25000, Sheriff, Homeland Sec. - Other Equipment
	To: A3110A.42100, Sheriff, Homeland Sec.- Telephone
\$ 100.00	From: A3110A.41000, Sheriff, Homeland Sec.- Supplies & Materials
	To: A3110A.42100, Sheriff, Homeland Sec.- Telephone

And, be it further

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

Dated: January 18, 2012.

LEONARD R. HENDRIX

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

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

On motion of Mr. Weakley, seconded by Mr. Peplinski, Mr. Johnson and Mr. Ackerman, Report and Resolution No. 22 of the Committee on County Properties approving sale of parcel acquired by In Rem Tax Foreclosure was handed up; there being no debate, 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. 22

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PROPERTIES
APPROVING SALE OF PARCEL ACQUIRED BY IN REM TAX FORECLOSURES**

WHEREAS, by judgment of the Herkimer County Court filed and entered April 5, 2011 in the In Rem Tax Foreclosure Action for the year 2009 the County of Herkimer acquired title to certain parcels of property; and

WHEREAS, this Legislature has been advised that an offer has been received for the parcel of property listed below; and

WHEREAS, your Committee has considered the offers recommend its acceptance and offers the following Resolution:

RESOLVED, that the offer for the following listed parcel of land in the amount listed be, and hereby is, accepted and the County Attorney's Office is hereby directed to prepare the usual deed of conveyance for said property to be delivered to the purchasers upon receipt by the County Treasurer of the offered sum, plus recording and transfer fees:

<u>Parcel</u>	<u>Purchaser</u>	<u>Offer</u>
Village of Herkimer Tax Map 120.25-5-77 123 Mohawk Street	Joseph and Linda LaValla 238 Mann Street Frankfort, NY 13340 194 E. North Street Ilion, NY 13357	\$53,000.00

and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized, upon receipt by the County Treasurer of the aforesaid sum, plus recording fees, to execute said deed transferring said property; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Property Agent, County Attorney and above listed purchasers.

Dated: January 18, 2012.

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

On motion of Mr. Russell, seconded by Mr. Smith, Report and Resolution No. 23 of the Ccommittee on Ways and Means authorizing an agreement with Mohawk Valley Consulting Associates was handed up; debate was held, was voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Manno (1).

No. 23

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
AUTHORIZING AN AGREEMENT WITH MOHAWK VALLEY CONSULTING
ASSOCIATES**

WHEREAS, by letter dated December 20, 2011, Steven R. Billings, Personnel Officer, advises of a request to enter into an agreement with Mohawk Valley Consulting Associates of Utica, New York, to provide an Employee Assistance Program; and

WHEREAS, said agreement will provide short term interventions to resolve work-related or personal problems that may be affecting employees of Herkimer County, with the cost of said agreement to be \$7,610.50 for the period February 1, 2012 through January 30, 2013; now, therefore, be it

RESOLVED, that an agreement be entered into with Mohawk Valley Consulting Associates, 502 Court Street, Suite 401, Utica, New York 13502, to provide an Employee Assistance Program to employees of Herkimer County for a period of one year commencing February 1, 2012, at a total cost of \$7,610.50, 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 agreement on behalf of the County of Herkimer; and, be it further

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

Dated: January 18, 2012.

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

On motion of Mr. Hyde, seconded by Mr. Shaw, Report and Resolution No. 24 of the Committee on Natural Resources authorizing Chairman of the Legislature to sign and establish Dog Quarantine for 2012 was handed up; debate was held, was voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Manno (1).

No. 24

**RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES AUTHORIZING
CHAIRMAN OF THE LEGISLATURE TO SIGN AND ESTABLISH DOG
QUARANTINE FOR 2012**

WHEREAS, the deer population in the County of Herkimer may suffer depredation due to dogs attacking, chasing and worrying deer; now, therefore, be it

RESOLVED:

1. That the Herkimer County Legislature hereby determines that the deer population in the County of Herkimer is suffering depredation due to dogs attacking, chasing and worrying deer;
2. That pursuant to Section 122 of the Agriculture and Markets Law of the State of New York, the Herkimer County Legislature hereby authorizes the Chairman of the County Legislature to sign an Order requiring that all dogs in the County of Herkimer shall be securely confined during the period of time designated in the Order or until such time as the Order is revoked;
3. That notice of such Order shall be given by publication in the Herkimer Telegram, and the Little Falls Times, and by filing a copy of said Order in the office of each town clerk in the area affected by such Order;
4. That such Order shall be in full force and effect at the expiration of twenty four hours following publication of such order.
5. That certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer and each town clerk in the area affected by said Order.

Dated: January 18, 2012.

FREDERICK J. SHAW, JR.
DENNIS KORCE
JEAN E. MANEEN
PETER F. MANNO
ROBERT N. HYDE
JOHN L. BREZINSKI
Committee on Natural Resources

On motion of Mr. Hendrix, seconded by Mr. Hyde and Mr. Ackerman, Report and Resolution No. 25 of the Committee on Public Safety/Emergency Management amending Resolution No. 338 of 2011 appointing coroner was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes: (16).

Against: None.

Absent: Manno (1).

No. 25

**RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY
MANAGEMENT AMENDING RESOLUTION NO. 338 OF 2011 APPOINTING
CORONER**

RESOLVED, that Resolution No. 338 adopted on December 14, 2011 is hereby amended as follows:

Delete First Resolved Clause and replace with the following:

“RESOLVED, that the Herkimer County Legislature hereby appoints Vincent A. Enea, 102 Del Rose Lane, Herkimer, New York, to fill the vacancy created by the resignation of Daniel J. Enea, in accordance with the provisions of Section 400, subdivision 7 of the County Law, to hold said office until December 31, 2012; and, be it further”

RESOLVED, that in all other respects, said resolution is hereby ratified and confirmed; and, be it further

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

Dated: January 18, 2012.

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

On motion of Mr. Hyde, seconded by Mrs. Maneen, Mr. Korce, Mr. Smith, Mr. Weakley, Mr. Johnson Mr. Hendrix, Mr. Peplinski, Mr. Russell, Mr. Shaw, and Mr. Ackerman, Report and Resolution No. 26 of the Committee on Administration/Veterans Affairs reappointing County Administrator was handed up ; there being no debate, was voted on and adopted by voice vote:

For: All ayes: (16).

Against: None.

Absent: Manno (1).

Mr. Wallace expressed his appreciation for the reappointment.

RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS' AFFAIRS REAPPOINTING COUNTY ADMINISTRATOR

WHEREAS, by Local Law No. 3 for 1976, this Legislature established the position of County Administrator; now, therefore, be it

RESOLVED, that James W. Wallace, Jr., of Mohawk, New York, be and he hereby is, reappointed County Administrator of the County of Herkimer for a term of three years commencing February 12, 2012, at the base annual salary of \$87,410; and, be it further

RESOLVED, that Herkimer County Salary Schedule I is hereby amended to reflect said change; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer, County Clerk and James W. Wallace, Jr.

Dated: January 18, 2012.

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. Hendrix, seconded by Mr. Peplinski and Mr. Maneen, Report and Resolution No. 27 of the Committee on Public Safety/Emergency Management requesting student enrollment policy changes for volunteer emergency fire training courses was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes: (16).

Against: None.

Absent: Manno (1).

No. 27

RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT AND THE COMMITTEE ON ADMINISTRATION/VETERANS' AFFAIRS REQUESTING STUDENT ENROLLMENT POLICY CHANGES FOR VOLUNTEER EMERGENCY FIRE TRAINING COURSES

WHEREAS, most New York State outreach firefighter training courses require a minimum of 12-15 students to begin and maintain training; and

WHEREAS, because Herkimer County is a rural county, current demographics do not always allow volunteer emergency services agencies to meet and maintain these requirements; and

WHEREAS, course cancellations and re-scheduling have become critical problems affecting these volunteer emergency service agencies within our local area; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby requests the State to revise student enrollment policy requirements to meet the needs of the rural local volunteer emergency agencies in order for them to maintain compliance with current laws and safety standards; and, be it further

RESOLVED, that a certified copies of this Resolution be forwarded to Governor Andrew Cuomo, Senator James L. Seward, Assemblyman Marc Butler, the Firemen's Association of NYS, NYS Fire Chief's Association, the Herkimer County Fire Advisory Board and the Director of Emergency Services.

Dated: January 18, 2012.

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

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

On motion of Mr. Russell, seconded by Mr. Hendrix, Report and Resolution No. 28 of the Committee on Ways and Means and the Committee on Public Safety/Emergency Management authorizing contract with Herkimer County Bar Association for the Defense of

Indigent Persons, was handed up; debate was held, roll call vote was requested; was voted on and adopted by roll call vote:

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

Against: Rose, Brezinski (2).

Absent: Manno (1).

No. 28

RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AND THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT AUTHORIZING CONTRACT WITH HERKIMER COUNTY BAR ASSOCIATION FOR THE DEFENSE OF INDIGENT PERSONS

WHEREAS, the County of Herkimer provides counsel to persons charged with a crime or entitled to counsel in connection with other proceedings pursuant to state mandate; and

WHEREAS, in accordance with the Herkimer County Bar Association Coordinated Plan for the Defense of Indigent Persons, Keith D. Bowers, Esq. has been elected by the Bar Association as Administrator of the Plan; and

WHEREAS, the Administrator of the Plan is compensated in the amount of \$34,434.00 for his services, together with necessary and reasonable expenses, including postage and printing costs upon acceptable documentation and vouchering, together with the County's continuing to provide health insurance benefits and liability insurance in connection with his 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

WHEREAS, the duties to performed include those outlined in the above described Herkimer County Bar Association Coordinated Plan for the Defense of Indigent Persons, together with involvement in Herkimer County's application for state funds, assistance with applications for available grants, and assistance as needed in connection with pending or proposed state legislation pursuant to direction from the Herkimer County Administrator; now, therefore, be it

RESOLVED, administration of the Herkimer County Bar Association coordinated Plan for the Defense of Indigent Persons is hereby authorized as above described and the Chairman of this Legislature is hereby authorized to sign any and all legal documents in connection with the plan; 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: January 18, 2012.

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**

On motion of Mr. Hyde, seconded by Mr. Hendrix, Mr. Ackerman and Mr. Weakley, Report and Resolution No. 29 of the Committee on Public Safety/Emergency Management and the Committee on Ways and Means authorizing legal proceedings by the County of Herkimer against the Village of Herkimer in connection with proposed New Herkimer County Correctional Facility; debate was held, roll call vote was requested; was voted on and adopted by roll call vote:

For: Maneen, Hendrix, Hyde, Smith, Bono, Ackerman, Peplinski, Russell, Shaw, Weakley (10).

Against: Hartman, Rose, Schrader, Johnson, Brezinski, Korce (6).

Absent: Manno. (1).

No. 29

RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING LEGAL PROCEEDINGS BY THE COUNTY OF HERKIMER AGAINST THE VILLAGE OF HERKIMER IN CONNECTION WITH PROPOSED NEW HERKIMER COUNTY CORRECTIONAL FACILITY SITE

WHEREAS, by Resolution No. 250 adopted by this Legislature on October 5, 2011, the County of Herkimer authorized legal proceedings against the Village of Herkimer in connection with the denial by the Village of access to its sanitary sewer system for the proposed New Herkimer County Correctional Facility at the former P& C site on New York State Route 28 in the Village and the Town of Herkimer; and

WHEREAS, that litigation was commenced by Notice of Petition and Petition dated December 7, 2011; and

WHEREAS, thereafter, it came to the attention of the County of Herkimer, pursuant to notice published in the newspaper, that the Village of Herkimer had scheduled a public hearing on December 19, 2011 regarding amending its zoning ordinance, and said public hearing was held on December 19, 2011 by the Village of Herkimer at which time the Village Board voted to refer the matter to Oneida-Herkimer County Planning for further proceedings; and

WHEREAS, the County of Herkimer has obtained a copy of the proposed local law which would amend the Village's zoning ordinance to prohibit, at this late date, a correctional facility, correctional institution or jail on the proposed site for the New Herkimer County Correctional Facility;

WHEREAS, the County of Herkimer has expended substantial resources in connection with the acquisition and development of the proposed site, all of which have been known to the Village of Herkimer for many months; and

WHEREAS, proposed amendment of the Village's zoning ordinance could cause substantial expense and delay to the County of Herkimer if allowed to be enacted; now, therefore, be it

RESOLVED, that litigation is hereby authorized against the Village of Herkimer to obtain an order to prevent the Village of Herkimer from amending its zoning ordinance in order to attempt to prevent substantial damage to the taxpayers of the County of Herkimer, with the Chairman of this Legislature being authorized to sign all necessary legal documents to commence and proceed with this litigation; and, be it further

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

Dated: January 18, 2012.

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. Mrs. Rose made a motion, seconded by Mr. Hartman and Mr. Brezinski, to resolve into a Committee of the Whole to consider the minority's position to require that in the 10 committees that this Legislature has that a minority member be present on each committee. Debate was held. Mr. Peplinski made a motion, seconded by Mr. Weakley and Mr. Hendrix to move the question. The motion was carried by voice vote:

Ayes: (15).

Against: Rose (1).

Absent: Manno (1).

The motion to go into the Committee of the Whole was defeated by roll call vote:

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

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

Absent: Manno (1).

At 9:00 p.m. on motion of Mr. Korce, seconded by Mr. Hendrix, the Legislature went into Executive Session under Section 105(f) of the Open Meetings Law.

The Legislature went into Executive Session by the following roll call vote:

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

Against: Hartman, Rose, Brezinski (3).

Absent: Manno (1).

At 9:14 p.m. on motion of Mr. Korce, seconded by Mr. Hendrix, the Legislature came out of Executive Session.

The following legislators had further comments: Mrs. Rose, Mr. Hyde.

At 9: 17 p.m. on motion of Mr. Hyde and Mrs. Maneen, seconded by Mr. Schrader and Mr. Johnson, the Legislature adjourned to Wednesday, February 15, 2012 at 7:30 p.m.