

MINUTES
Herkimer County Legislature
Second Quarter – First Day
Wednesday, April 4, 2012
2:00 p.m.

The Public Hearing on the proposed modifications of Herkimer County Agricultural District #4 for the 2012 Open Enrollment Period for Inclusion in Agricultural Districts was called to order by Frederick J. Shaw, Chairman of the Committee on Natural Resources at 1:45 p.m.

Mr. Shaw asked the Clerk to read the notice of the hearing. Mr. Shaw asked if there was anyone wishing to speak. There were no requests, and the hearing was declared closed at 1:49 p.m.

The Second Quarterly Session of the Herkimer County Legislature was called to order by Chairman Vincent Bono at 2:00 p. m.

Chairman Bono called on Bernard Armata, Executive Director of Herkimer County Cornell Cooperative Extension, to lead the Legislature in the Pledge of Allegiance.

Chairman Bono called for a moment of silence in recognition of all veterans, past and present.

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.

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 March 21, 2012. There were no objections and the minutes were approved.

Pursuant to Rule 11, Chairman Bono opened the floor for public comment. The following individuals spoke on the following subjects: Tiffany Leiphart, Little Falls: Get Active Event; Carl Streeter, Ilion: reminder for requests.

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 that Communication No. 131 from Mary Scanlon, submitting her resignation as Director of the Office for the Aging be read, and he acknowledged and extended appreciation for her many years of service to Herkimer County.

No. 112 – A communication was received from the Frankfort Free Library expressing appreciation for the county's allocation. Ordered filed.

No. 113 – A communication was received from the Executive Director of the Herkimer County Industrial Development Agency requesting confirmation of findings of proposed projects. Referred to the Committee on County Planning and Development.

No. 114 – A communication was received from the Employment and Training director requesting extension of license agreement with the State. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

No. 115 – A communication was received from the Soil and Water Conservation District submitting minutes of 3/6/12. Ordered filed.

No. 116 – A communication was received from the President of HCCC extending congratulations on Herkimer County's recognition from the White House Council for Community Solutions. Ordered filed.

No. 117 – A communication was received from the County Treasurer concerning county land auction and contract for auctioneer. Referred to the Committee on County Properties.

No. 118 – A communication was received from the County Treasurer requesting a contract with D'Arcangelo and Company for additional services. Referred to the Committee on Ways and Means.

No. 119 – A communication was received from the Personnel Officer requesting staffing change. Referred to the Committee on Ways and Means.

No. 120 – A communication was received from the Personnel Officer requesting agreement with the Town of Columbia for compromise and settlement of the Self-Insurance Plan. Referred to the Committee on Ways and Means.

No. 121 – A communication was received from the Sheriff requesting acceptance of Homeland Security Grant. Referred to the Committee on Public Safety and Emergency Management and the Committee on Ways and Means.

No. 122 – A communication was received from the making appointments to Agricultural and Farmland Protection Board. Ordered filed.

No. 123 – A communication was received from the Herkimer County Agricultural and Farmland Protection Board submitting recommendation of addition to Agricultural District No. 4 for Open Enrollment. Referred to the Committee on Natural Resources

No. 124 – A communication was received from the Sheriff submitting the monthly report for February. Referred to the Committee on Public Safety and Emergency Management.

No. 125 – A communication was received from National Grid submitting the Semi-Annual PCB report. Ordered filed.

No. 126 – A communication was received from the Budget officer concerning award of bids for trucks for Highway Department. Referred to the Committee on Highways.

No. 127 – A communication was received from the Vice President for Administration and Finance at HCCC submitting request for appointment of construction management

for Science Labs/Roof Replacement. Referred to the Committees on Education, Ways and Means and County Properties.

No. 128 – A communication was received from the Vice President for Administration and Finance at HCCC submitting request for four day work week for Summer of 2012. Referred to the Committees on Education and Ways and Means.

No. 129 – A communication was received from the Budget Officer submitting proposal for provision of ATM at County Office Building. Referred to the Committee on Ways and Means.

No. 130 – A communication was received from the Budget Officer submitting request for budget amendment in connection with receipt of Homeland Security Grant for Sheriff's Department. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 131 – A communication was received from Mary Scanlon submitting her resignation as Director of the Office for the Aging effective April 27, 2012. Referred to the Committee on Human Resources.

No. 132 – A communication was received from the Chairman of the Agricultural and Farmland Protection Board submitting recommendation for inclusion of parcel under Open Enrollment Period for Agricultural Districts.

No. 133 – A communication was received from the County Property Agent submitting list of properties with unpaid taxes. Referred to the Committee on County Properties.

Pursuant to Rule 6, Chairman Bono then proceeded with Reports of Standing Committees. Patrick Russell, Chairman of the Committee on Ways and Means, reported on the Ways and Means Committee meetings advised of the agenda items addressed by the committee at each meeting, questions were answered and the information is within the resolutions. Jean Maneen, Chairman of the Committee on Administration and Veterans Affairs gave a brief update on the "Return the Favor Program", adding that there are over 61 businesses that are participating. The advised that this is a card for the retired and current military that they can receive through the Department of Motor Vehicles Department which will offer them discounts at the various businesses that are sponsors. Frederick Shaw, Chairman of the Committee on Natural Resources, reminded of the walkthrough of the Herkimer County Sewer District facility that is planned for next Wednesday, April 11th at 9:00 a.m. which will answer any questions anyone has.

Chairman Bono recognized the students participating in the Cornell Cooperative Extension Services Government Intern program and asked each student to stand and say their name and the school they are from.

On motion of Mr. Hyde, seconded by Mr. Smith and Mr. Ackerman, Report and Resolution No. 83 of the Committee on Public Safety and Emergency Management approving the monthly report of the Sheriff was handed up; discussion was held, was voted on and adopted by voice vote:

For: All ayes: (17).

Against: None.

Absent: None.

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 February, 2012, respectfully reports that we have examined said report, recommend that it be approved and offer the following Resolution:

RESOLVED, that the report of the Herkimer County Sheriff for the month of February, 2012, which report reflects an average daily population of 66.14 inmates, with an average of 37.03 inmates being boarded out in February, be approved and filed.

Dated: April 4, 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. Shaw, seconded by Mr. Hyde and Mr. Ackerman, Report and Resolution No. 84 of the Committee on Natural Resources to provide that the additions to existing Agricultural Districts for the year 2012 pursuant to Section 303-b of the Agriculture and Markets Law is in compliance with the provisions of the New York State Environmental Quality Review Act was handed up; discussion was held, was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

No. 84

REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES TO PROVIDE THAT THE ADDITIONS TO EXISTING AGRICULTURAL DISTRICTS FOR THE YEAR 2012 PURSUANT TO SECTION 303-b OF THE AGRICULTURE AND MARKETS LAW IS IN COMPLIANCE WITH THE PROVISIONS OF THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT

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

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

WHEREAS, the Herkimer County Legislature has under consideration requests from four landowners pursuant to Resolution 146 of 2004, which established the month of January of each year as the 30-day period in which landowners may petition Herkimer County for inclusion of parcels within existing agricultural districts; and

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

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

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

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

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

Dated: April 4, 2012.

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

On motion of Mr. Shaw, seconded by Mr. Peplinski, Report and Resolution No. 85 of the Committee on Natural Resources approving additions to existing agricultural districts for the year 2012 was handed up; there being no discussion, was voted on and adopted by voice vote:

For: All ayes: (17).

Against: None.

Absent: None.

No. 85

REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES APPROVING ADDITIONS TO EXISTING AGRICULTURAL DISTRICTS FOR THE YEAR 2012

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

WHEREAS, upon recommendation of the Agricultural and Farmland Protection Board, the Herkimer County Legislature established the month of January as the 30-day period in which landowners may petition Herkimer County for inclusion of parcels within existing agricultural districts during the year 2012; and

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

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

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

WHEREAS, the Herkimer County Legislature held a public hearing on April 4, 2012; and

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

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

Dated: April 4, 2012.

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

On motion of Mr. Peplinski, seconded by Mr. Johnson, Report and Resolution No. 86 of the Committees on County Planning and Development and Ways and Means authorizing entering into a License Agreement with the State of New York for the One-Stop Career Center was handed up; there being no discussion, was voted on and adopted by voice vote:

For: All ayes: (17).

Against: None.

Absent: None.

No. 86

REPORT AND RESOLUTION OF THE COMMITTEES ON COUNTY PLANNING AND DEVELOPMENT AND WAYS AND MEANS AUTHORIZING ENTERING INTO A LICENSE AGREEMENT WITH THE STATE OF NEW YORK FOR THE ONE-STOP CAREER CENTER

WHEREAS, by letter dated March 26, 2012, Karin Zipko, Employment & Training Director, has advised your Committees that the State of New York has forwarded a proposed license agreement to give the State the right to use and occupy space at the Herkimer County Working Solutions One Stop Career Center, with the State to pay an amount based on the presence of eight Department of Labor staff who occupy desk space at the One Stop Career Center, with this amount calculated to be \$30,525.79 per year, payable in equal monthly installments of \$2,543.82 per month for the time period of January 1, 2010 to December 31, 2012; and

WHEREAS, it is your Committee's opinion that it is in the best interest of Herkimer County to enter into such license agreement; now, therefore, be it

RESOLVED, that the County of Herkimer enter into a license agreement with the State of New York, whereby the State will to pay an amount based on the presence of eight Department of Labor staff who occupy desk space at the One Stop Career Center, with this amount calculated to be \$30,525.79 per year, payable in equal monthly installments of \$2,543.82 per month for the time period of January 1, 2010 to December 31, 2012, and with said license agreement subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute such agreement; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget officer, Employment & Training Director and State of New York Office of General Services.

Dated: April 4, 2012.

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

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

KURT J. ACKERMAN
Committee on Ways and Means

On motion of Mr. Shaw, seconded by Mr. Peplinski, Report and Resolution No. 87 of the Committee on County Planning and Development in connection with Herkimer County Industrial Development Agency Proposed Project was handed up; discussion was held; was voted on and adopted by voice vote:

For: All ayes: (17).

Against: None.

Absent: None.

No. 87

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY
PLANNING AND DEVELOPMENT IN CONNECTION WITH HERKIMER
COUNTY INDUSTRIAL DEVELOPMENT AGENCY PROPOSED PROJECT**

WHEREAS, the Herkimer County Industrial Development Agency has received a request from Sphere STP LLC. to provide financial assistance in the form of a straight lease arrangement in connection with the construction, renovation and equipping of a tractor supply retail facility located at 700 Mohawk Street (the Facility), Village of Herkimer, New York and that a public hearing was held on March 20, 2012 in connection with the project; and

WHEREAS, by letter dated March 20 2012, from Mark D. Feane, Executive Director of the Herkimer County Industrial Development Agency, this Legislature is advised of a request for authorization for the Chairman of the Legislature to confirm the findings of the IDA in connection with the proposed project; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to confirm the findings of the Herkimer County Industrial Development Agency in connection with the proposed Sphere STP, LLC proposed project as follows:

- (i) The predominant purpose of the project is to continue to make available goods or services which would not be, but for the project, reasonably accessible to the residents of the municipality where the project is located.
- (ii) The project will preserve permanent, private sector jobs and increase the overall number of permanent, private sector jobs in the State.

And, be it further

RESOLVED, that a certified copy of this Resolution be forwarded to the Executive Director of the Herkimer County Industrial Development Agency.

Dated: April 4, 2012.

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

**Committee on County Planning
and Development**

On motion of Mr. Hyde, seconded by Mr. Russell, Report and Resolution No. 88 of the Committee on Ways and Means authorizing the Compromise and Settlement of the Obligations of the Town of Columbia to the Herkimer County Self-Insurance Plan was handed up; discussion was held; was voted on and 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. 88

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
AUTHORIZING THE COMPROMISE AND SETTLEMENT OF THE OBLIGATIONS
OF THE TOWN OF COLUMBIA TO THE HERKIMER COUNTY SELF-INSURANCE
PLAN**

WHEREAS, by Report and Resolution No. 243 of the year 2006, as thereafter amended by Report and Resolution No. 313 of the year 2006, this Legislature authorized the Administrator of the Herkimer County Self-Insurance Plan to compromise and settle the respective obligations of the municipalities having withdrawn from the Herkimer County Self-Insurance Plan by one of two separate options, one of which was payment of 75% of the withdrawal fee; and

WHEREAS, fourteen municipalities have withdrawn from the Plan under these terms and conditions; and

WHEREAS, by letter dated March 16, 2012, Steven R. Billings, Personnel Officer, has advised that the Town of Columbia desires to accept such an offer ; now, therefore, be it

RESOLVED, that the Administrator of the Herkimer County Self-Insurance Plan be and he hereby is, authorized to accept the withdrawal fee of \$58,292.40, which is 75% of the withdrawal fee, from the Town of Columbia, if full payment is made by May 31, 2012, in full compromise and settlement of any obligation the Town of Columbia may have to the Herkimer County Self-Insurance Plan; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Administrator of the Herkimer County Self-Insurance Plan and the Herkimer County Attorney.

Dated: April 4, 2012.

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. Weakley and Mr. Korce, Report and Resolution No. 89 of the Committee on Ways and Means for Staffing Change in the

Herkimer County Personnel Department was handed up; discussion was held; was voted on and adopted by the following roll call vote:

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

Against: Hartman, Rose, Brezinski (3). Absent: None.

No. 89

REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS FOR STAFFING CHANGE IN THE HERKIMER COUNTY PERSONNEL DEPARTMENT

WHEREAS, by letter dated March 23, 2012, Steven R. Billings, Personnel Officer, has requested a staffing adjustment be made in the Herkimer County Personnel Department; and

RESOLVED, that the 2012 Herkimer County Salary Schedule is hereby amended in Salary Schedule No. II to delete one position of Personnel Clerk in Account A1430 and establish one position of Benefits Coordinator in A1430 at the base annual salary of \$32,000.00; and, be it further

RESOLVED, that the foregoing change shall take effect April 9, 2012; and, be it further

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

Dated: April 4, 2012.

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. Ackerman, Report and Resolution No. 90 of the Committees on Education and Ways and Means concerning 4 Day Work Week at Herkimer County Community College was handed up; discussion was held; was voted on and adopted by the following roll call vote:

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

Against: Smith (1). Abstain: Johnson (1). Absent: None.

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

WHEREAS, administrative officers at Herkimer County Community College have negotiated with Herkimer County Unit 7100 of the Civil Service Employees Association, herein called the CSEA, and Herkimer County Community College Professional Association concerning a Four Day Work Week on the Herkimer County Community College Campus for the summer of 2012 from Monday, June 25, 2012 through Friday, July 20, 2012; and

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

WHEREAS, by communication dated March 23, 2012 from Nicholas F. Laino, Vice President for Administration and Finance at Herkimer County Community College, this Legislature is advised that said memoranda of agreement have been adopted by the Board of Trustees of Herkimer County Community College on March 22, 2012, as Resolution No. 11-14, and said resolution and the aforesaid memoranda of agreement have now been presented to this Legislature for approval; now, therefore, be it

RESOLVED, that this Legislature hereby approves Herkimer County Community College Board of Trustees Resolution No. 11-14 concerning the Four Day Work Week, subject to the conditions set forth in said memoranda of agreement and to the following:

1. This change in the work schedule for employees at Herkimer County Community College Campus shall be only for the period June 25, 2012 to July 20, 2012, and this approval by this Legislature does not extend or apply to any period beyond July 20, 2012;
2. The option (one of the options which may be selected by an employee) to work 8 hours and 45 minutes per day shall not entitle any employee to a claim for overtime, and said associations, by commencing work under these memoranda of agreement, hereby agree that they shall not pursue, aid or abet any overtime claim by any such employee;

and, be it further

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

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer, President of Herkimer County Community College, President of Herkimer County Unit 7100 of CSEA and President of Herkimer County Community College Professional Association.

Dated: April 4, 2012.

PETER F. MANNO
LEONARD 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. Ackerman and Mr. Hendrix, Report and Resolution No. 91 of the Committees on Education, Ways and Means and County Properties concerning contract for Construction Administration/Management for Renovation of Science Labs and Roof Replacement Project at Herkimer County Community College was handed up; discussion was held; was voted on and adopted by the following roll call vote at the request of Legislator Rose:

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

Against: Hartman, Rose (2).

Absent: None.

No. 91

REPORT AND RESOLUTION OF THE COMMITTEES ON EDUCATION, WAYS AND MEANS AND COUNTY PROPERTIES CONCERNING CONTRACT FOR CONSTRUCTION ADMINISTRATION/MANAGEMENT FOR RENOVATION OF SCIENCE LABS AND ROOF REPLACEMENT PROJECT AT HERKIMER COUNTY COMMUNITY COLLEGE

WHEREAS, by Resolution No. 108 adopted April 7, 2010, the Renovation of Science Labs and Roof Replacement in Johnson Hall Project in the amount of \$2,600,000 was established; and

WHEREAS, by letter dated March 23, 2012 from Nicholas F. Laino, Vice President for Administration and Finance at Herkimer County Community College, this Legislature is advised that the Board of Trustees of Herkimer County Community College has, by Resolution No. 11-15, approved the award of a contract to CS Arch of Albany, New York as Construction Administration/Management for said project in the amount of \$47,200.00; and

WHEREAS, said resolution requests the Herkimer County Legislature to adopt a similar resolution to approve said contract; now, therefore, be it

RESOLVED, that this Legislature hereby approves Herkimer County Community College Board of Trustees Resolution No. 11-15 awarding a contract to CS Arch, 40 Beaver Street, Albany, New York 12207 for Construction Administration/Management for the Renovation of Science Labs and Roof Replacement in Johnson Hall, in the amount of \$47,200.00, with no additional funding being requested from the County; and, be it further

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

Dated: April 4, 2012.

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

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

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

On motion of Mr. Hendrix, seconded by Mr. Hyde, Report and Resolution No. 92 of the Committee on Public Safety and Emergency Management and the Committee on Ways and Means Accepting Grant and Amending Budget for Homeland Security Funding for Sheriff's Department was handed up; there being no discussion, was voted on and adopted by voice vote:

For: All ayes: (17).

Against: None.

Absent: None.

No. 92

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS ACCEPTING GRANT AND AMENDING BUDGET FOR HOMELAND SECURITY FUNDING FOR SHERIFF'S DEPARTMENT

WHEREAS, by letter dated March 23, 2012, from Christopher P. Farber, Sheriff, this Legislature is advised of the receipt of a FY2011SLETPP grant from the Department of Homeland Security in the amount of \$38,532.00, which grant is under the Law Enforcement Terrorism Prevention Program; and

WHEREAS, by letter dated March 30, 2012, from Bernard E. Decker, this Legislature is advised that it will be necessary to amend the 2012 Herkimer County Budget in connection with the receipt of said funding; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a contract with the New York State Office of Homeland Security to receive a FY 2011 SLETPP grant in the amount of \$38,532.00 through the Homeland Security Grant Program under the Law Enforcement Terrorism Prevention Program; and, be it further

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

Revenue:

A3389, State Aid, Homeland Security

From: \$0

To: \$

38,532.00

Appropriation

A3110A.25000 Homeland Security Grant- Other Equipment

From:

\$65,237.80

To:

\$91,512.80

A3110A.42100, Homeland Security Grant – Telephone

From:

\$19,486.12

To:

\$31,743.12

And, be it further

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

Dated: April 4, 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
KURT J. ACKERMAN
Committee on Ways and Means

On motion of Mr. Korce, seconded by Mr. Schrader and Mr. Smith, Report and Resolution No. 93 of the Committee on County Properties authorizing Contract with Auctioneer for In Rem Sale was handed up; there being no discussion, was voted on and adopted by voice vote:

For: Ayes: (16).

Against: Rose (1).

Absent: None.

No. 93

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY
PROPERTIES AUTHORIZING CONTRACT WITH AUCTIONEER FOR IN
REM SALE**

WHEREAS, the County of Herkimer conducts a yearly auction of parcels which, as a result of the County's annual In Rem Tax Foreclosure Proceedings, become titled in the County of Herkimer; and

WHEREAS, by letter dated March 27, 2012, Kimberlee Enea, County Treasurer, has advised that per the most recent RFP done in 2011, it is the recommendation of her office and your Committee that a contract be entered into with Auctions by Knapp of the Town of Schuyler to perform said services; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a contract with Knapp Auctions, 2478 State Route 5, Utica, NY 13502, to conduct the auction for the In Rem Tax Foreclosure parcels for the year 2010, with said contract to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that the contract will include the collection by the County of a \$200 per parcel transaction administration fee, with said fee to be paid to the auctioneer; and, be it further

RESOLVED, that the auctioneer shall assume responsibility for photographing In Rem parcels, designing of a brochure including photographs and posting the same on the auctioneer's website to be available to bidders over the internet, with the auctioneer also to arrange for and conduct inspections of parcels by prospective bidders, to register bidders at the auction sale and handle all bookkeeping duties, to answer appropriate questions by prospective bidders prior to the auction, to provide for a powerpoint presentation of auction parcels including photographs to be printed on the screen at the auction site; and with the County to pay for the cost of printing the above brochure, to be responsible for all advertising costs, to collect and handle all proceeds of the sale, together with such other and further provisions as are approved by the Herkimer County Attorney; and, be it further

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

Dated: April 4, 2012.

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

On motion of Mr. Ackerman, seconded by Mr. Russell, Resolution No. 94 of the Committee on Ways and Means accepting Proposal of D'Arcangelo & Company, LLP to Perform Additional Service was handed up; discussion was held; was voted on and adopted by voice vote:

For: All ayes: (17).

Against: None.

Absent: None.

No. 94

RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS ACCEPTING PROPOSAL OF D'ARCANGELO & CO., LLP TO PERFORM ADDITIONAL SERVICE

WHEREAS, by letter dated March 30, 2012, Kimberlee Enea, Herkimer County Treasurer, has advised that D'Arcangelo & Co., L.L.P., Certified Public Accountants & Consultants, with offices at 120 Lomond Court, Utica, New York, have made a proposal to perform additional services to the County in connection with the closing of the books for the year ended December 31, 2011; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to accept a proposal between the County of Herkimer and D'Arcangelo & Co., L.L.P. Certified Public Accountants & Consultants, with offices in Utica, New York, to perform additional services for the County in connection with the closing of the books for the year ended December 31, 2011, all in accordance with a proposal made by said firm to the County, at an hourly fee of \$100.00, with an estimate of 250 hours to complete these services, and with said proposal to be approved by the Herkimer County Attorney ; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer and D'Arcangelo & Co., L.L.P., Certified Public Accountants & Consultants.

Dated: April 4, 2012.

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

On motion of Mr. Weakley, seconded by Mr. Peplinski and Mr. Shaw, Report and Resolution No. 95 of the Committee on Highways Awarding Bid For Equipment for Herkimer County Highway Department was handed up; there being no discussion, was voted on and adopted by voice vote:

For: All ayes: (17).

Against: None.

Absent: None.

No. 95

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

WHEREAS, by letter dated March 30, 2012 the Budget Officer/Purchasing Agent has advised that bids were received, opened and read in accordance with law for the provision of three truck cabs and chassis with dump bodies for the Herkimer County Highway Department; and

WHEREAS, after review of the bids it is the recommendation of the County Highway Superintendent and your Committee that the low bid from Mohawk Valley Freightliner be rejected for non-compliance of specifications as follows:

The dump bodies offered with that bid (STS) did not meet the specifications for steel strength or vertical bracing requirement;

and

WHEREAS, the County Highway Superintendent and your Committee have recommended acceptance of the next lowest responsible bidder, from the same vendor, Mohawk Valley Freightliner, 703 Oriskany Boulevard, Yorkville, New York 13495 in the amount of \$78,982.00 each, with Wayne's Welding bodies, minus a total trade-in of \$7,650.00, for a total net price of \$229,296.00; now, therefore, be it

RESOLVED, that low bid of Mohawk Valley Freightliner, 703 Oriskany Blvd., Yorkville, New York 13495, for the provision of three truck cabs and chassis with dump bodies for the Herkimer County Highway Department be rejected by this Legislature for the reasons set forth above; and, be it further

RESOLVED, that the Herkimer County Legislature hereby awards a bid to the next lowest responsible bidder, which is the same vendor, Mohawk Valley Freightliner, 703 Oriskany Boulevard, Yorkville, New York 13495 in the amount of \$78,982.00 each,

with Wayne's Welding bodies, minus a total trade-in of \$7,650.00, for a total net price of \$229,296.00; and, be it further

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

Dated: April 4, 2012.

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

On motion of Mr. Russell, seconded by Mr. Hyde, Resolution No. 96 of the Committee on Ways and Means Accepting Proposal for Provision of ATM Machine at the County Office Building was handed up; there being no discussion, was voted on and adopted by voice vote:

For: All ayes: (17).

Against: None.

Absent: None.

No. 96

RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS ACCEPTING PROPOSAL FOR PROVISION OF ATM MACHINE AT THE COUNTY OFFICE BUILDING

WHEREAS, by letter dated March 30, 2012, Bernard E. Decker, Budget Officer and Purchasing Agent, has advised that one proposal was received in response to a request for proposals, to place an ATM in the County Office Building, and it is the recommendation of your Committee that Option B of this proposal, to establish an agreement with JR Associates of Ilion, New York, be accepted; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute an agreement with JR Associates, VISA/Master Card/ATM Sales & Service, 39 Richfield Street, Ilion, New York 13357, to provide one ATM in the County Office Building, with said machine to remain the sole property and responsibility of JR Associates, with Herkimer County to receive 30% of the surcharges from use of the machine, with said agreement to be subject to the approval of the Herkimer County Attorney ; and, be it further

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

Dated: April 4, 2012.

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 Mrs. Maneen, Resolution No. 97 of the Committee on Administration/Veterans' Affairs and the Committee on Ways and Means requesting Authority to Extend the Imposition of a Mortgage Recording Tax was handed up; discussion was held; was voted on and adopted by voice vote:

For: All ayes: (17).

Against: None.

Absent: None.

On motion of Mr. Korce, seconded by Mr. Ackerman and Mr. Peplinski, Resolution No. 98 of the Committee on County Properties authorizing Sale of Property Acquired by In Rem Procedures was handed up; there being no discussion, was voted on and adopted by voice vote:

For: All ayes: (17).

Against: None.

Absent: None.

No. 98

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

WHEREAS, in an action brought on to enforce collection of delinquent taxes for the tax year 2010, a Judgment was made by the County Court of the County of Herkimer on the 4th day of April , 2012 and was filed and entered in the Herkimer County Clerk's Office on April 4, 2012, pursuant to which properties listed therein became the property of the County; and

WHEREAS, pursuant to said Judgment, the County Treasurer of the County of Herkimer deeded all parcels listed in said Judgment to the County of Herkimer by deed dated April 4, 2012 and recorded on April 4, 2012, in the Herkimer County Clerk's Office in Instrument No. 2012-00170510 in Book 1433 of Deeds at Page 106; and

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

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

RESOLVED:

1. That pursuant to Section 1166 of the Real Property Tax Law this Legislature now desires to provide for the sale of said parcels. Such sale shall be by public auction, and it is directed that such sale be held June 2, 2012 at 11:00 a.m. in the Auditorium at Herkimer County Community College;
2. That this sale by auction be held under the direction of the County Treasurer;
3. That such sale shall be conducted on the terms, conditions and procedures annexed hereto which include an Administration fee of \$200 for each successful bid;
4. That in addition, all sales of such property shall be subject to a buyer's premium of ten percent (10%) of the amount of the successful bid;

5. That all persons be entitled to bid at such sale on said parcels of property, except officers and employees of the County of Herkimer and the person whose name appears on the assessment roll as the owner of each said parcel at the time of nonpayment of taxes which resulted in acquisition of each said parcel by the County;

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

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

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

Dated: April 4, 2012.

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

AUCTION TERMS AND PROCEDURES

1. **Registration:** Individuals interested in bidding must register and be assigned a bidder's number, which you will use when bidding on property. Registration will take place the day of the Auction. A record of all successful bids will be maintained, with each successful bidder's number assigned to the property bid accordingly.

2. **Eligible Bidders:** All persons are entitled to bid at such sale on said parcels of property, except officers and employees of the County of Herkimer, persons who have defaulted on any bid to purchase property from the County of Herkimer within the last five (5) years, and the person whose name appears on the Assessment Roll as the owner of each said parcel at the time of nonpayment of taxes which resulted in acquisition of each parcel by the County. Town officers, including town board members and assessors, are not eligible to bid on property located within the town they serve.

3. **Purchase Agreement:** A successful bidder will be required to sign a purchase agreement when a deposit is made. Also at this time, the successful bidder will be required to list the Name, Address and Social Security Number of the individual(s) as to how the deed should read when recorded.

4. **Prospective Bidders:** All prospective bidders are invited to inspect the premises they are interested in prior to the Auction. Inspections are only done on improved properties that are unoccupied. Information regarding property inspections will be available in the auction brochure or by contacting Michael Knapp at (315) 725-2042 or (315) 939-0770.

5. **Conditions of Sale:** Each of the parcels is sold "as is". If a parcel is occupied, it is the responsibility of the purchaser to terminate the occupancy. The County has not entered into

any lease agreement, nor has it consented to any occupancy, nor has it received any rent from any occupant of any parcel. Purchaser will obtain ownership of the property when the deed is recorded in the County Clerk's Office and shall not take possession until such time. The County of Herkimer and its officials and agents make no representation as to the condition of any parcel of said property or of the improvements on any improved parcel. Lot sizes, including frontage, depth and acreage, are for assessment purposes only. The County makes no representations regarding the actual dimensions or acreage of the parcels. The County will not be responsible for any defects or conditions whatsoever in or on the property or in any improvements, or any equipment, mechanical or otherwise, included therein. All properties subject to Federal Tax Liens are sold subject to the right of redemption of the United States of America.

6. Administration Fee: An administration fee will be added to each successful bid. The administration fee will be \$200.00 for each successful bid.

Auction Terms & Procedures (cont'd)

7. Buyer's Premium: In addition to the administration fee, a buyer's premium of 10% of the amount of the successful bid will be added to the purchase price of each successful bid.

8. Required Bid Deposit: A \$50.00 or 10% deposit (cash or check) whichever is greater, is required at the time of the Auction on each property for which you are the successful bidder. Successful bids of \$50.00 or less must be paid in full. Deed recording fees are also required to be paid at this time for bids of \$50.00 or less. If you are the successful bidder of more than one parcel, a single check will be accepted to cover all deposit requirements. Make checks payable to Kimberlee A. Enea, Herkimer County Treasurer.

9. Full Payment of Bids: . The balance of the purchase price on any property, together with Cover Sheet (\$5.00), Deed Recording Fees (\$45.00/deed), Transfer Gains Affidavit Filing Fee (\$5.00), and Real Property Transfer Report Fee (\$125.00 for residential or farm property and \$250.00 for all other property) must be made to the Herkimer County Treasurer, WITH CASH, MONEY ORDER OR CERTIFIED CHECK, no later than 4:00 pm, June 22, 2012.

10. Deed Recordings: All deeds are Quit Claim Deeds, conveying the interest that the County of Herkimer has in the property to the successful bidder. The County Property Agent will record all deeds as soon as possible, once final approval has been received by the County Legislature. You will receive your deed(s) by mail, through the County Clerk's Office. Any changes in the deed will be the responsibility of the purchaser after the deed is recorded.

11. Tax. Information: Total annual taxes are listed under each parcel. Delinquent taxes were absorbed and paid by the County. Purchasers will be responsible for current 2012-2013 City, Village, School and future taxes/utilities.

12. Default by Purchaser: Default by the Purchaser or failure to meet the terms and procedures of this Auction will result in forfeiture of the required deposit.

13. Confirmation and Approval of Sales: All sales are subject to confirmation by the County Properties Committee and final approval of the Herkimer County Legislature.

14. THE COUNTY OF HERKIMER RESERVES THE RIGHT TO REJECT ANY AND ALL BIDS.

Auction information also available on the web:

www.herkcounty.org and www.auctionsbyknapp.com

Chairman Bono stated that pursuant to Rule 6(12) they would proceed with comments by legislators. The following legislators had further comments: Legislator Hartman, Rose, Brezinski, Bono, Shaw and Russell.

At 3:05 p.m., on motion of Mr. Weakley, seconded by Mr. Hendrix, the Legislature was adjourned to Wednesday, April 25, 2012 at 7:30 p.m.