

**MINUTES**  
**Herkimer County Legislature**  
**Second Quarter – Third Day**  
**Wednesday, June 13, 2012**  
**7:30 p.m.**

The Regular Session of the Herkimer County Legislature was called to order by Chairman Vincent Bono at 7:32 p. m.

Chairman Bono called on Darlene Haman 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, Schrader, Maneen, Johnson, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, , Peplinski, Korce, Russell, Shaw, Weakley (15).

Absent: Rose, Ackerman (2).

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Bono asked if there were any objections or corrections to the minutes of May 16 and May 22, 2012. There were no objections and the minutes were approved.

Chairman dispensed with the regular session to allow for the presentation of a Proclamation and called on Legislator Peplinski to make the presentation. Mr. Peplinski called on Hannah Douglas, Herkimer County Dairy Princess, and presented her with a proclamation for “Dairy Princess and Court Week” and “June as Dairy Month”. Ms Douglas expressed her appreciation to the Legislature and gave a short presentation on her role as Dairy Princess and some upcoming events to recognize the dairy industry in Herkimer County.

Chairman Bono then called on Darlene Haman, Strategic Planning Coordinator, to make a presentation on the recent recognition Herkimer County received from the White House Council for Community Solutions for Disconnected Youth. Ms. Haman spoke about her recent invitation to attend the White House as a representative of Herkimer County and its collaborative planning initiative. At this event, Herkimer County was recognized as one of 12 communities across the country who have achieved needle moving change, and who through its Integrated Planning Teams long term commitment and efforts were able to see a 54% reduction in the number of children in foster care between 2003 and 2011. Ms. Haman expressed her appreciation to the County Administrator, Legislative Chairmen, past and present, and the entire

legislature for their leadership and for making an investment in prevention services that improve the lives of children and families in Herkimer County.

Mr. Smith was recognized by Chairman Bono and stated that the Legislature was not in order because a duly sworn legislator had not answered the roll. Chairman Bono asked Mrs. Rose if she was participating and she stated she was not present as a legislator, but as a citizen and resident and had signed in to speak under the public comment period. Chairman Bono requested an opinion from County Attorney Malone. Mr. Malone stated that Rule 11 is intended for comments by residents on topics and not for a legislator to ask for the right to make statements or speeches, and it was his opinion that it would be out of order. Chairman Bono concurred with the opinion of the County Attorney and Mrs. Rose was not allowed to speak at the public comment period.

Pursuant to Rule 11, Chairman Bono opened the floor for public comment. The following individuals spoke on the following subjects: Carl Streeter, Ilion: Jail Proposals Perceptions.

At 7:45 p.m. Mrs. Rose was marked present on the roll.

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.

No. 183 – A communication was received from the Sheriff submitting the Annual Report for 2011. Referred to the Committee on Public Safety/Emergency Management.

No. 184 – A communication was received from the Vice President for Administration and Finance at Herkimer County Community College submitting the Board of Trustees resolution approving the 2012-2013 Proposed College Operating Budget. Referred to the Committees on Education and Ways and Means.

No. 185 – A communication was received from the Soil and Water Conservation District submitting minutes of 5/8/12. Placed on file.

No. 186 – A communication was received from Jeri Frederick advising of notice of disclosure under General Municipal Law. Placed on file

No. 187 – A communication was received from the County Superintendent of Highways submitting the 2011 Annual Report. Referred to the Committee on Highways

No. 188 – A communication was received from the County Treasurer submitting the annual Financial Report. Placed on file.

No. 189 – A communication was received from the County Property Agent advising of the results of the county land auction. Referred to the Committee on County Properties.

No. 190 – A communication was received from the Employment and Training Director requesting budget amendment in connection with TANF Summer Youth Program funds. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

No. 191 – A communication was received from the Director of community Services requesting a staffing change. Referred to the Committee on Human Resources and Ways and Means.

No. 192 – A communication was received from the Director of Public Health requesting extension of Long Term Care Program. Referred to the Committee on Human Resources and Ways and Means.

No. 193 – A communication was received from the Budget Officer requesting budget amendment in connection with receipt of funding for Crime Victims Service Program. Referred to the Committees on Public Safety/Emergency Management and Ways and Means.

No. 194 – A communication was received from Senator Seward acknowledging receipt of resolution in support of mandate relief and action. Placed on file.

No. 195 – A communication was received from Herkimer County HealthNet requesting budget amendment and contract extension in connection with additional funding. Referred to the Committee on Human Resources.

No. 196 – A communication was received from the County Highway Superintendent submitting statement designating work to be done – Military Road Project. Referred to the Committee on Highways.

No. 197 – A communication was received from the Director of Probation submitting the 2012-13 Probation State Aid Plan and Application and Alternatives to Incarceration Service Plan and Application. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 198 – A communication was received from the County Highway Superintendent requesting approval of Release Agreement with Atlantic Wind LLC. Referred to the Committee on Highways and the Committee on Ways and Means.

No. 199 – A communication was received from the Assistant District Attorney requesting internship agreement with SUNY Oneonta. Referred to the Committee on Public Safety/Emergency Management.

No. 200 – A communication was received from the Sheriff submitting the monthly report for April. Referred to the Committee on Public Safety/Emergency Management.

No. 201 – A communication was received from the Director of Community Services submitting the monthly activities for May. Placed on file.

No. 202 – A communication was received from the County Auditor submitting report of refunds of taxes for April. Placed on file.

No. 203 – A communication was received from Assemblyman Butler concerning Hinckley Reservoir. Placed on file.

No. 204 – A communication was received from the Board of Trustees of the College submitting a resolution increasing capital budget amount for the Renovation of Science Labs and Roof Replacement Project. Placed on file.

No. 205 – A communication was received from the Sheriff requesting approval of acceptance of grant from NYS Thruway/Canal Corporation. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 206 – A communication was received from the Executive Director of the IDA submitting requests for submissions of applications for Small Cities Grants for economic development projects.

Pursuant to Rule 6, Chairman Bono then proceeded with Reports of Standing Committees Patrick Russell, Chairman of the Committee on Ways and Means stated that the Committee had met on the matters on the agenda and they have been moved forward for Resolution. Bernard Peplinski, Chairman of the County Planning and Development Committee, advised that the committee met and received a report from Karin Zipko, Director of Employment and Training, on the various summer youth programs administered through her office. He added that the Committee had also received a report from Mark Feane, Executive Director of the Industrial Development Agency, on three projects that are on the agenda for approval by the Legislature. As well as current projects that are underway. Leonard Hendrix, Chairman of the Committee on Public Safety/Emergency Management, advised that the Committee had met to approve items for the Sheriff's Department and Probation Department. Raymond Smith, Chairman of the Human Resources Committee stated that the committee had met to discuss items in the Department of Mental Health and Public Health Nursing Service.

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

For: Ayes (16).

Against: None.

Absent: Ackerman (1).

**Consent Agenda:**

- 132 HIGHWAYS: Adopting Annual Report of Highway Superintendent
- 133 PUB. SFTY./EMER. MGMT.: Adopting Annual Report

- 134 WAYS & MEANS: Adopting Annual Report of County Treasurer  
135 PUB. SFTY./EMER. MGMT.: Approving monthly report of Sheriff

**No. 132**

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

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

RESOLVED, that the 2011 Annual Report of the County Superintendent of Highways be adopted and printed in the Proceedings of the Herkimer County Legislature for the year 2011.

Dated: June 13, 2012.

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

**No. 133**

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY & EMERGENCY MANAGEMENT APPROVING ANNUAL REPORT OF THE SHERIFF**

WHEREAS, your Committee on Public Safety & Emergency Management, to which was referred the communication from the Herkimer County Sheriff submitting the 2011 Annual Report of the Sheriff's Office, respectfully reports that we have examined the said report, recommend that it be adopted and offer the following Resolution:

RESOLVED, that the 2011 Annual Report of the Sheriff's Office hereby is adopted and that a copy thereof be printed in the Proceedings of the Herkimer County Legislature for the year 2011.

Dated: June 13, 2012.

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

No. 134

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
ADOPTING ANNUAL FINANCIAL REPORT OF THE HERKIMER COUNTY  
TREASURER**

Your Committee on Ways and Means, to which was referred the Annual Financial Report of the Herkimer County Treasurer for the year 2011, respectfully reports that we have examined the same, recommend its adoption and offer the following Resolution:

RESOLVED, that the Annual Financial Report of the Herkimer County Treasurer for the year 2011 be adopted and printed in the Proceedings of the Herkimer County Legislature for the year 2011.

Dated: June 13, 2012.

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

No. 135

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

WHEREAS, your Public Safety & Emergency Management Committee, to which was referred the report of the Sheriff for the month of April, 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 April, 2012, which report reflects an average daily population of 82.33 inmates, with an average of 57 inmates being boarded out in April, be approved and filed.

Dated: June 13, 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. Hendrix, seconded by Mr. Smith and Mr. Hyde, Report and Resolution No. 136 of the Committee on Public Safety/Emergency Management authorizing affiliation agreement with the State University of New York College of Oneonta for student internships at the Herkimer County District Attorney's Office was handed up; voted on and adopted by voice vote:

For: All ayes: (16).

Against: None.

Absent: Ackerman (1).

No. 136

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT AUTHORIZING AFFILIATION AGREEMENT WITH THE STATE UNIVERSITY OF NEW YORK COLLEGE OF ONEONTA FOR STUDENT INTERNSHIPS AT THE HERKIMER COUNTY DISTRICT ATTORNEY'S OFFICE**

WHEREAS, the State University of New York, College at Oneonta, has requested placing student interns at the Herkimer County District Attorney's Office under the Crime Victims Services program and requested the execution of an affiliation agreement; now, therefore, be it

RESOLVED, that the execution of an affiliation agreement between the Herkimer County District Attorney's Office and the State University of New York College at Oneonta is hereby authorized and approved; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute said agreement, subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, District Attorney and the State University of New York, College at Oneonta.

Dated: June 13, 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. Peplinski, seconded by Mr. Weakley, Report and Resolution No. 137 of the Committees on Highways and Ways & Means authorizing the execution of a Release Agreement with Atlantic Wind, LLC was handed up; debate was held; was voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Ackerman.

No. 137

**REPORT AND RESOLUTION OF THE COMMITTEES ON HIGHWAYS AND WAYS  
& MEANS AUTHORIZING EXECUTION OF A RELEASE AGREEMENT WITH  
ATLANTIC WIND, LLC**

WHEREAS, the County of Herkimer and Atlantic Wind, LLC were parties to an Agreement for Road Use, Repair and Improvements in connection with the Hardscrabble Wind Farm project which provided for, among other things, appropriate repairs of any county highways damaged in connection with the installation and maintenance of the project; and

WHEREAS, by letter dated May 24, 2012 from Jay Ewanyk, County Highway Superintendent, this Legislature is advised that the parties have reached an agreement to terminate that agreement; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a Release Agreement terminating the Agreement for Road Use, Repair and Improvements which will provide, among other things, as follows:

- (1) Within 30 days of the execution of the agreement Atlantic Wind, LLC, will pay \$150,000 to the County, which will be in full satisfaction of their responsibility for any and all obligations to the County under the above described road agreement, for damage to county roads, including incurred before the date of the release;
- (2) The above described Road Use Agreement shall be terminated, with all parties having complied with their obligations;
- (3) The performance bond posted pursuant to the Road Use Agreement shall be released; and, be it further

RESOLVED, that said Release Agreement shall 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, County Highway Superintendent and Atlantic Wind, LLC.

Dated: June 13, 2012.

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

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. Smith and Mr. Shaw, Report and Resolution No. 138 of the Committees on Highways approving project under Article 6, Section 116 of Highway Law was handed up; discussion was held; was voted on and adopted by voice vote:

For: All ayes: (16).

Against: None.

Absent: Ackerman (1).

No. 138

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

Your Committee on Highways, to which was referred the letter of Jay W. Ewanyk, County Superintendent of Highways, dated May 29, 2012, submitting three copies each of a statement under Article 6 of the Highway Law designating work to be done with County Road Fund monies during the year 2012 covering one project involved in the Capital Construction Program, respectfully reports that we have examined said statement contained in said communication from and signed by the County Superintendent of Highways, recommend its adoption and offer the following Resolution:

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

<b>project no.</b>	<b>road/location</b>	<b>type of project</b>	<b>estimated contracted cost</b>
338	Military Road, CR 36 Town of Salisbury NYS 29 to Dairy Hill Road Bridge	1.5 miles road resurfacing	\$150,000.00

Funding source for this project will be provided from a settlement with Atlantic Wind Farm for road damages.

And, be it further

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

Dated: June 13, 2012.

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

On motion of Mr. Hendrix, seconded by Mr. Weakley, Report and Resolution No. 139 of the Committee on Ways and Means and the Committee on Public Safety/Emergency Management amending budget in connection with Crime Victims Grant for District Attorney's Office was handed up, discussion was held, was voted on and adopted by roll call vote:

For: All ayes (16).

Against: None.

Absent: Ackerman (1).

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AND THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AMENDING BUDGET IN CONNECTION WITH CRIME VICTIMS SERVICES GRANT FOR DISTRICT ATTORNEY’S OFFICE**

WHEREAS, by letter dated June 7, 2012, from Bernard E. Decker, Budget Officer, this Legislature is advised of a request to amend the 2012 Budget in connection with the receipt of funding for the Crime Victims Services Grant for the District Attorney’s Office for the period October 1, 2012 through September 30, 2013; now, therefore, be it

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

<u>Revenue:</u>	<u>From:</u>	<u>To:</u>
A1169.3389, Crime Victims Coordinator	\$ -0-	\$53,205.00
 <u>Appropriation:</u>		
A1169.10000-001, Crime Victims Coord.- Salaries	\$31,784.14	\$70,189.14
A1169.10000-003, Crime Victims Coord. – In Lieu Ins.	\$ -0-	\$ 2,760.00
A1169.41000, Crime Victims Coord.-Supplies	\$ 2,000.00	\$ 2,800.00
A1169.41000-160, Crime Victims Coord. – Inventory	\$ 137.00	\$ 230.00
A1169.42100, Crime Victims Coord. - Telephone	\$ 500.00	\$ 1,000.00
A1169.46300, Crime Victims Coord. - Postage	\$ 284.56	\$ 484.56
A1169.81000, Crime Victims Coord. -Retirement	\$ 1,161.50	\$ 7,306.50
A1169.83000, Crime Victims- Coord.- Social Security	\$ 970.49	\$ 4,352.49
A1169.83500, Crime Victims Coord.-Medicare	\$ 462.34	\$ 1,019.34
A1169.84000, Crime Victims Coord. – Workers Comp.	\$ 996.26	\$ 2,263.26
A1169.86500, Crime Victims Coord - Dental	\$ 102.00	\$ 198.00

and, be it further

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

Dated: June 13, 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. Smith, seconded by Mrs. Maneen and Mr. Shaw, Report and Resolution No. 140 of the Committee on Human Resources and the Committee on Ways and Means amending Resolution No. 63 of 2012 in connection with funding for Herkimer County HealthNet, Inc. was handed up; was voted on and adopted by voice vote:

For: Ayes: (16).

Against: None.

Absent: Ackerman (1).

No. 140

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS AMENDING RESOLUTION NO. 63 OF 2012 IN CONNECTION WITH FUNDING FOR HERKIMER COUNTY HEALTHNET, INC.**

WHEREAS, by Resolution No. 63 adopted on March 21, 2012, this Legislature authorized renewal of a contract between the County of Herkimer and the New York State Department of Health to receive \$134,825.00 in funding for the Herkimer County HealthNet for a the period February 1, 2012 through January 31, 2013; and

WHEREAS, by letter dated May 8, 2012 from Adam Hutchinson, Executive Director of the Herkimer County HealthNet, Inc., this Legislature is advised that the Office of Rural Health has advised of an increase in funding and new time frame for the Rural Health Development contract and requests authorization for the Chairman of the Legislature to execute amended contracts to reflect this change; and

WHEREAS, by letter dated June 8, 2012, from Bernard E. Decker, Budget Officer/Purchasing Agent, this Legislature is advised that is necessary to amend Resolution No. 63 of 2012 Herkimer County Budget to reflect said changes; now, therefore, be it

RESOLVED, that Resolution No. 63 adopted on March 21, 2012 is hereby amended to delete the First and Second Resolved Clauses and replace with the following:

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute amended contracts between the County of Herkimer and the New York State Department of Health to receive \$158,837.00 in funding for the Herkimer County HealthNet, Inc. for the period February 1, 2012 through March 31, 2013; and, be it further

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

<u>Revenue</u>	<u>From:</u>	<u>To:</u>
A4018.3418, Health Care Network	\$-0-	\$158,837.00
<u>Appropriation</u>		
A4018.44000, Herkimer County HealthNet – Contracted Services	\$-0-	\$158,837.00

and, be it further

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

Dated: June 13, 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. Hendrix, seconded by Mr. Peplinski and Mr. Hyde, Report and Resolution No. 141 of the Committee on Public Safety/Emergency Management approving Annual Probation State Aid Plan and Alternatives to Incarceration Plan for 2012-13 was handed up; voted on and adopted by voice vote:

For: Ayes: (16).

Against: None.

Absent: Ackerman (1).

No. 141

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT APPROVING ANNUAL PROBATION STATE AID PLAN AND ALTERNATIVES TO INCARCERATION PLAN FOR 2012-13**

WHEREAS, by communication from Josephine Sohn, Director of the Herkimer County Probation Department, dated June 4, 2012, this Legislature is requested to approve the 2012-13 Annual Probation State Aid Plan and Application and the 2012-13 Annual Alternatives to Incarceration Service Plan and Application and the commitment of funding by the County; now, therefore, be it

RESOLVED, that this Legislature hereby approves the 2012-13 Annual Probation State Aid Plan and Application; and, be it further

RESOLVED, that this Legislature hereby further approves the 2012-13 Annual Alternatives to Incarceration Service Plan and Application and agrees to the commitment of local tax levy dollars to fund the proposed program; and, be it further

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

Dated: June 13, 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. Peplinski, seconded by Mr. Johnson and Mr. Shaw, Report and Resolution No. 142 of the Committee on Ways and Means and the Committee on County Planning and Development amending budget in connection with the receipt of TANF Summer Youth Funds was handed up; was voted on and adopted by voice vote:

For: All ayes (16).

Against: None. Absent: Ackerman (1).

No. 142

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

WHEREAS, by letter dated June 7, 2012 from the Budget Officer and Purchasing Agent, this Legislature is advised that it is necessary to amend the 2012 Budget to reflect TANF Summer Youth Program funds received from New York State; now, therefore, be it

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

<u>Revenue Account:</u>	<u>From</u>	<u>To</u>
CD6291.4795 (ET 06-12), ETA TANF	\$-0-	\$86,333.00

Appropriation Accounts:

CD6291, ETA TANF:		
.10100-001, Salaries	\$-0-	\$ 4,500.00
.10100-022, ETA Summer Temp.	\$-0-	\$63,549.75
.41000-160, Supplies	\$-0-	\$ 339.60
.41000-205, Printing	\$-0-	\$ 250.00
.44000, Contracted Services	\$-0-	\$ 6,200.00
.44000-370, Copier	\$-0-	\$ 250.00
.45000, Fees for Services	\$-0-	\$ 1,000.00
.46100-759, Mileage	\$-0-	\$ 1,250.00
.46300, Postage & Freight	\$-0-	\$ 250.00
.81000, Retirement	\$-0-	\$ 1,428.30.
.83000, Social Security	\$-0-	\$ 4,219.08
.83500, Medicare	\$-0-	\$ 986.73
.84000, Workers Comp.	\$-0-	\$ 2,109.54

and, be it further

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

Dated: June 13, 2012.

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

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

On motion of Mr. Smith, seconded by Mr. Shaw and Mr. Hyde, Report and Resolution No. 143 of the Committees on Human Resources and Ways and Means amending budget and transferring funds in connection with funding for Long Term Care Program was handed up; voted on and adopted by voice vote:

Ayes: (16).

Against: None.

Absent: None.

No. 143

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS AMENDING BUDGET AND TRANSFERRING FUNDS IN CONNECTION WITH FUNDING FOR LONG TERM CARE PROGRAM**

WHEREAS, by letter dated May 30, 2012, Gregory O’Keefe, MD, Director of Public Health, has requested an extension in connection with the funding of the Long Term Care Program; and

WHEREAS, by letter dated June 7, 2012, from Bernard E. Decker, Budget Officer, this Legislature is advised that it will be necessary to amend the Budget and transfer funds in connection with said request; now, therefore, be it

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

<u>Revenue</u>	<u>From:</u>	<u>To:</u>
A4012.3402A, State Aid – Long Term Care	\$16,500.00	\$30,500.00
 <u>Appropriation</u>		
A4012.44000, Long Term Care - Contracted Services	\$ 7,200.00	\$13,200.00
A4012.44000-358, Long Term Care - Nurses	\$ 8,250.00	\$16,250.00

and, be it further

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

\$ 750.00      From: A4010.41000, Public Health Nurses - Supplies  
                     To:    A4012.44000, Long Term Care – MOW

and, be it further

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

Dated: June 13, 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. 144 of the Committee on Human Resources and the Committee on Ways and Means for staffing change in the Herkimer County Mental Health Services was handed up; voted on and adopted by roll call vote:

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

Against: None.

Absent: Ackerman (1).

No. 144

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS FOR STAFFING CHANGE IN THE HERKIMER COUNTY MENTAL HEALTH SERVICES**

WHEREAS, by letter dated May 18, 2012, Edgar Scudder, Director of Community Services, has requested establishment of a part-time position of alcohol abuse counselor in the Herkimer County Mental Health Services at the hourly rate of \$25.00 for no more than 8 hours per week; and

WHEREAS, said counselor shall assess public assistance applicants and recipients identified as alcohol/substance abusers that may require appropriate treatment, and funding is available for said position from the Department of Social Services; now, therefore,

RESOLVED, that the 2012 Herkimer County Part-time Salary Schedule is hereby amended to establish one position of Part-time Alcohol Abuse Counselor in Account A4320, Mental Health Department Programs, at the hourly rate of \$25.00 for no more than eight hours per week; and, be it further

RESOLVED, that the foregoing change shall take effect July 9, 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 Community Services.

Dated: June 13, 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. Hyde, seconded by Mr. Schrader and Mr. Johnson, Report and Resolution No. 145 of the Committee on County Properties approving sale of county owned tax acquired land was handed up; discussion was held, was voted on and adopted by roll call vote:

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

Against: None.

Absent: Ackerman (1).

No. 145

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

WHEREAS, by Resolution No. 98 for the year 2012 duly adopted on April 4, 2012, this Legislature authorized and directed the sale at public auction, after due advertisement, of certain county owned tax acquired real property under the direction of the County Treasurer; and

WHEREAS, the Properties Committee of this Legislature reports that said sale was duly held pursuant to said direction on June 2, 2012 at Herkimer, New York; and

WHEREAS, pursuant to the terms of sale the successful bidder on each parcel sold is required to pay the full purchase price together with recording fee and transfer tax by June 22, 2012; and

WHEREAS, the Properties Committee reports that 83 bids were received at the auction, and the total amount to be received on said sales is \$779,405.00 as shown on the lists made available to each Legislator and filed with the Clerk of the Legislature; and

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

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

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

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

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

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

Dated: June 13, 2012.

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

On motion of Mr. Hyde, seconded by Mr. Hendrix and Mr. Peplinski, Report and Resolution No. 146 of the Committee on Public Safety/Emergency Management accepting grant from New York State Thruway/Canal Corporation for funding for Sheriff's Department was handed up; voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Ackerman (1).

No. 146

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS ACCEPTING GRANT FROM NEW YORK STATE THRUWAY/CANAL CORPORATION FOR FUNDING FOR SHERIFF'S DEPARTMENT**

WHEREAS, by letter dated June 1, 2012, from Christopher P. Farber, Sheriff, this Legislature is advised of the receipt of a grant from the New York State Thruway Authority/New York State Canal Corporation in the amount of up to \$30,000.00, which grant is a 75% state, 25% county matching grant for navigation patrol; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a contract with the New York State Thruway Authority/New York State Canal Corporation to receive up to \$30,000.00, which is a 75% state, 25% county matching grant for navigation patrol, and with said contract 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 Sheriff.

Dated: June 13, 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. Hendrix, seconded by Mr. Hyde, Report and Resolution No. 147 of the Committee on Public Safety/Emergency Management standardizing purchases of locksets at the Herkimer County Correctional Facility was handed up; discussion was held, was voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Ackerman (1).

No. 147

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT STANDARDIZING PURCHASES OF LOCKSETS AT THE HERKIMER COUNTY CORRECTIONAL FACILITY**

WHEREAS, by letter dated June 7, 2012, from Christopher P. Farber, Herkimer County Sheriff, your Committee has been advised that it was in the best interest of the County to standardize the purchase of locksets at the Herkimer County Correctional Facility; and

WHEREAS, the reason for such standardization is that it is advisable to use only original equipment, replacement components and keys to maintain the factory integrity and performance of locks at the Herkimer County Correctional Facility; and

WHEREAS, the locks which are presently in the facility were manufactured by Southern Folger Detention Equipment Company; and

WHEREAS, it would be most economical and efficient for the County to standardize the purchase of these locksets in order to avoid potential costs and liability in connection with problems with the performance of the locks in the event that aftermarket products are used; now, therefore, be it

RESOLVED, that for reasons of efficiency and economy there is a need for standardization of the purchase of locksets at the Herkimer County Correctional Facility, and that Southern Folger Detention Equipment Company locksets are hereby specified as the product which will be used in connection with such replacement; and, be it further

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

Dated: June 13, 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 Mr. Hendrix, Report and Resolution No. 148 of the Committee on Public Safety/Emergency Management authorizing bids for purchase of locksets at Herkimer County Correctional Facility was handed up;

For: All ayes: (16).

Against: None.

Absent: Ackerman (1).

No. 148

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT AUTHORIZING BIDS FOR PURCHASE OF LOCKSETS AT HERKIMER COUNTY CORRECTIONAL FACILITY**

WHEREAS, this Legislature is informed by communication dated June 13, 2012 from Bernard E. Decker, Budget Officer/Purchasing Agent, that specifications are being prepared for the provision of seven replacement locks for the Herkimer County Jail requests permission to advertise for bids for said locks, with the bid to provide only Southern Folger Detention Equipment Company products as standardized pursuant to Resolution No. 147 as previously adopted; now, therefore, be it

RESOLVED, that the Herkimer County Budget Officer/ Purchasing Agent be, and he hereby is, authorized and directed to advertise for bids for the provision of seven replacement locks for the Herkimer County Jail, in accordance with specifications approved by your Committee, said advertisement to be in the official newspapers of the County, and bids to received and opened in the Office of the Purchasing Agent, with results thereof to be reported to this Legislature for approval and award; and, be it further

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

Dated: June 13, 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. Johnson, seconded by Mr. Shaw and Mr. Peplinski, Report and Resolution No. 149 of the Committee on County Planning and Development in support of an application for economic development assistance to the office of Community Renewal was handed up; discussion was held, was voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Ackerman (1).

No. 149

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT IN SUPPORT OF AN APPLICATION FOR ECONOMIC DEVELOPMENT ASSISTANCE TO THE OFFICE OF COMMUNITY RENEWAL**

WHEREAS, by letter dated June 12, 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 sign and certify the necessary documents in support of the county proposal to submit an application for economic development assistance on behalf of the Town of Frankfort to the Office of Community Renewal; and

WHEREAS, this project is an application to the New York State Office of Home and Community Renewal on behalf of DeIorio Food, Inc. in the total amount of \$416,000.00; and

WHEREAS, this grant request will consist of \$400,000.00 to be used for a grant to DeIorio Food, Inc. for the purchase of machinery and equipment, \$8,000.00 to be used for administration and \$8,000.00 for program delivery; and

WHEREAS, this project is part of a \$5,185,000.00 expansion project which will allow the company to create 55 new FTE jobs at 2200 Bleecker Street, Frankfort, New York; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to sign and certify the necessary documents in support of the county proposal to submit an application for economic development assistance on behalf of the Town of Frankfort to the Office of Community Renewal for a grant in the amount of \$416,000.00 for DeIorio Food; 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: June 13, 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. Johnson and Mr. Weakley, Report and Resolution No. 150 of the Committee on County Planning and Development in support of an application for economic development assistance to the Office of Community Renewal was handed up; was voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Ackerman (1)

No. 150

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT IN SUPPORT OF AN APPLICATION FOR ECONOMIC DEVELOPMENT ASSISTANCE TO THE OFFICE OF COMMUNITY RENEWAL**

WHEREAS, by letter dated June 12, 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 sign and certify the necessary documents in support of the county proposal to submit a Consolidated Funding Application (CFA) on behalf of the Town of Frankfort for economic development assistance to the Office of Community Renewal; and

WHEREAS, this project is an application to the New York State Office of Home and Community Renewal on behalf of Northern Safety Company, Inc. for a total of \$566,000.00

WHEREAS, this grant request will consist of \$550,000.00 to be used for a grant to Northern Safety Company, Inc. for the purchase of machinery and equipment, \$8,000.00 to be used for administration, and \$8,000.00 for program delivery; and

WHEREAS, this project is part of a \$3,638,547.00 expansion project which will allow the company to create 55 new FTE jobs at 126 Industrial Drive, Frankfort, New York; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to sign and certify the necessary documents in support of the county proposal to submit an application for economic development assistance on behalf of the Town of Frankfort to the Office of Community Renewal for a grant in the amount of \$566,000.00 for Northern Safety Company, Inc.; 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: June 13, 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. Peplinski, seconded by Mr. Shaw and Mr. Johnson, Report and Resolution No. 151 of the Committee on County Planning and Development in support of an application for economic development assistance to the Office of Community Renewal was handed up; voted on and adopted by voice vote:

For: All ayes (16).

Absent: None.

Absent: Ackerman (1).

No. 151

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT IN SUPPORT OF AN APPLICATION FOR ECONOMIC DEVELOPMENT ASSISTANCE TO THE OFFICE OF COMMUNITY RENEWAL**

WHEREAS, by letter dated June 12, 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 sign and certify the necessary documents in support of the county proposal to submit a Consolidated Funding Application (CFA) for Economic Development Assistance to the Office of Community Renewal; and

WHEREAS, this project is an application to the New York State Office of Home and Community Renewal on behalf of Gold Medal Packing for a total of \$750,000.00; and

WHEREAS, this grant request will consist of \$734,000.00 to be used for a grant to Gold Medal Packing, Inc. for the purchase of machinery and equipment, \$8,000.00 to be used for administration, and \$8,000.00 for program delivery; and

WHEREAS, this project is part of a \$10,000,000.00 expansion project which will allow the company to create 75 new jobs for a proposed facility in the 5S South Industrial Park, Frankfort, New York; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to sign and certify the necessary documents in support of the county proposal to submit an application for economic development assistance to the Office of Community Renewal for a grant in the amount of \$750,000.00 for Gold Medal Packing, Inc.; 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: June 13, 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. Smith, seconded by Mrs. Maneen and Mr. Hendrix, Report and Resolution No. 152 of the Committee on Human Resources and the Committee on Ways and Means exercising option for transportation of preschool handicapped children was handed up; voted on and adopted by voice vote:

For: All ayes (16).

Absent: None.

Absent: Ackerman (1).

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES  
AND WAYS AND MEANS CONCERNING TRANSPORTATION OF PRESCHOOL  
HANDICAPPED CHILDREN**

WHEREAS, by Resolution No. 166 adopted on June 10, 2009, this Legislature authorized a three year contract with Birnie Bus Service, with an option to renew for two additional years for the provision of transportation of preschool children under the Education of Handicapped Children Program; and

WHEREAS, by letter dated June 7, 2012, Bernard E. Decker, Budget Officer and Purchasing Agent, has requested said contract be extended for an additional two months through August 31, 2012 at a base cost of \$47,966 per month, plus or minus other adjustments as per the contract and further requests authorization to advertise for bids for said transportation of preschool children for a four year period commencing September 1, 2012; now, therefore, be it

RESOLVED, that the contract entered into pursuant to Resolution No. 166 of 2009 with Birnie Bus Service, Inc., PO Box 630, Rome, New York for preschool transportation services for the Education of Handicapped Children Program is hereby extended for an additional two months through August 31, 2012 at a base cost of \$47,966 per month, plus or minus other adjustments per the contract; and, be it further

RESOLVED, that the Budget Officer and Purchasing Agent is hereby authorized and directed to cause advertisement and notice to be published in the official newspapers of the County of Herkimer for the transportation of handicapped children for the period commencing September 1, 2012, said bids to be received in the Office of the Budget Officer and Purchasing Agent at the County Office Building, Herkimer, new York, subject to final approval by the Herkimer County Legislature; and, be it further

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

Dated: June 13, 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. Korce, seconded by Mr. Shaw and Mr. Russell, Resolution No. 153 in Memoriam to Charles M. Welden was read by the clerk; voted on and adopted by voice vote:

For: All ayes (16).

Absent: None.

Absent: Ackerman (1).

No. 153

**IN MEMORIAM**

- WHEREAS,** *Charles M. Welden departed this life on May 9, 2012; and*
- WHEREAS,** *Charles Welden was an outstanding man of integrity who served his community and the Town of Danube, first as tax assessor and then as Town Supervisor from 1998 until his untimely death; and*
- WHEREAS,** *Charles Welden was a science teacher for the Greenville Central School District in Greene County for 28 years, and over the years, gave freely of his time to other community organizations, including the board of directors of the Margaret Reaney Memorial Library in St. Johnsville and as an active member of the Indian Castle Church Restoration Society; and*
- WHEREAS,** *The County of Herkimer and its residents have sustained a great loss by the passing of this dedicated public servant and citizen; now, therefore, be it*
- RESOLVED,** *That the County Legislature does hereby express its deepest regrets at the decease of Charles M. Welden and hope that this expression of remembrance may in some manner help console his family in their bereavement; and be it further*
- RESOLVED,** *That a copy of this Resolution be sent to family of Charles Welden and that an additional copy be spread upon the minutes of this meeting.*

*Dated: June 13, 2012.*

Chairman Bono stated that pursuant to Rule 6(12) they would proceed with comments by legislators. Chairman Bono asked County Attorney Malone to read his recent memorandum concerning the proper procedure of this section of the agenda. The following legislators had further comments: Mr. Hartman, Mrs. Rose. At this time, Chairman Bono called Legislator Rose out of order and asked her to be seated. She refused and Chairman Bono requested that record state that Mrs. Rose was out of order. Mr. Smith made a motion to adjourn, seconded by Mrs. Maneen. The motion was approved by roll call vote:

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

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

Absent: Ackerman (1).

The meeting adjourned at 8:37 p.m.