

**MINUTES**  
**Herkimer County Legislature**  
**Third Quarter – Second Day**  
**Wednesday, August 15, 2012**  
**7:30 p.m.**

The Public Hearing on the 2012-2013 HCCC Budget was called to order at 7:00 p.m. by Peter F. Manno, Chairman of the Education Committee. The Clerk read the notice of the meeting. Mr. Manno then asked if there was anyone wishing to speak on the college budget. The following individuals spoke at the public Hearing: Robert Drumm, Legislator Rose, Legislator Hartman, Chairman Bono, Legislator Brezinski. There were no further requests to speak and the hearing was declared closed at 7:15 p.m.

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

Chairman Bono called on Donald Snyder, Chairman of the Board of Trustees of Herkimer County Community College, 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 July 11, 2012 and the amended minutes of June 13, 2012. There were none 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: Robert Drumm, Mohawk: Concerned Citizens.

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. There were no requests.

No. 233 – A communication was received from the Herkimer County Supervisors' Association expressing appreciation to legislators who attended the January meeting. Placed on file..

No. 234 – A communication was received from the Family of Carole Schrader Britten expressing thanks for the recent expression of sympathy. Placed on file.

No. 235 – A communication was received from the Herkimer County Community College Budget submitting the College's 2012-2013 Operating Budget. Referred to the Committees on Education and Ways and Means.

No. 236 – A communication was received the Director of Community Services submitting June activities update. Placed on file.

No. 237 – A communication was received from the Personnel Officer requesting amendment of contract for the County's employee assistance program. Referred to the Committee on Ways and Means.

No. 238 – A communication was received from the Assistant District Attorney requesting approval of the Aid to Prosecution Grant. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 239 – A communication was received from the County Treasurer requesting an amendment of the designation of depositories. Referred to the Committee on Ways and Means. Referred to the Committee on Ways and Means.

No. 240 – A communication was received from the Personnel Officer requesting adoption of an Americans with Disabilities/Section 504 Grievance Procedure for Herkimer County. Referred to the Committee on Ways and Means.

No. 241 – A communication was received from the Plan Administrator of the Herkimer County Self-Insured Plan submitting the 2013 Budget of the Plan. Referred to the Committee on Ways and Means.

No. 242 – A communication was received from Senator Seward acknowledging receipt of a resolution. Placed on file.

No. 243 – A communication was received from the Director of the Office for Aging submitting WRAP and HICAP reports. Placed on file.

No. 244 – A communication was received from Capitol District Off-Track Betting Corporation submitting their financial report for May. Placed on file.

No. 245 – A communication was received from the Director of Community Services requesting a temporary staffing adjustment. Referred to the Committees on Human Resources and Ways and Means.

No. 246 – A communication was received from the State Office of Real Property Tax Services submitting equalization rates for 2012. Referred to the Committee on Ways and Means.

No. 247 – A communication was received from National Grid submitting the Semi-Annual PCB report. Placed on file.

No. 248 – A communication was received the Director of Community Services submitting their July activities update. Placed on file.

No. 249 – A communication was received from the Probation Director requesting a staffing change. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 250 – A communication was received from the Sheriff requesting a staffing adjustment at the Correctional Facility. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 251 – A communication was received from the Commissioner of Social Services requesting a memorandum of understanding with the Office of Aging for the Home Energy Assistance program. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 252 – A communication was received from the New York State Association of Counties acknowledging receipt of a resolution. Placed on file.

No. 253 – A communication was received from the State Office of Homes and Community Renewal acknowledging receipt of application for Center City Redevelopment Program. Placed on file.

No. 254 – A communication was received from the County Attorney submitting a communication from the State Commission of Correction. Placed on file.

No. 255 – A communication was received from the Committee on Redistricting submitting the proposed redistricting plan. Placed on file.

No. 256 – A communication was received from the Director of Community Services submitting the 2013 Local Services Plan. Placed on file.

No. 257 – A communication was received from the Sheriff submitting the monthly report for June. Referred to the committee on Public Safety/Emergency Management.

No. 258 – A communication was received from the Soil and Water Conservation District submitting minutes of 7/10/12. Placed on file.

No. 259 – A communication was received from the Sewer District submitting resolution for appointment of legal counsel. Referred to the Committee on Natural Resources and the Committee on Ways and Means.

No. 260 – A communication was received from the Sewer District submitting a resolution for provisional appointment of Chief Plant Operator. Referred to the Committee on Natural Resources and the Committee on Ways and Means.

No. 261 – A communication was received from the County Property Agent submitting offers for sale of county owned properties. Referred to the Committee on County Properties.

No. 262 – A communication was received from the Executive Director of the Youth Bureau requesting approval of contracts for 2012 Program Year. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

No. 263 – A communication was received from the Sheriff requesting a contract with the State Department of Corrections Office of Nutritional Services. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 264 – A communication was received from Jeffrey Carpenter submitting designation of line of succession for District Attorney's Office. Placed on file.

No. 265 – A communication was received from the Director of Public Health requesting a contract with the Family Nurturing Center for the Healthy Families Program. Referred to the Committees on Human Resources and Ways and Means.

No. 266 – A communication was received from the Director of Public Health requesting renewal of lease for Healthy Families Program. Referred to the Committees on Human Resources and Ways and Means.

No. 267 – A communication was received from the County Treasurer requesting a temporary staffing adjustment. Referred to the Committee on Ways and Means.

No. 268 – A communication was received from the State Dept. of Agriculture and Markets advising of upcoming 8 year anniversary of Agricultural District No. 1 in the towns of Schuyler, Newport, Herkimer and Frankfort. Referred to the Committee on Natural Resources.

No. 269 – A communication was received from the Director of Public Health requesting acceptance of grant from Health Foundation of Western and Central New York. Referred to the Committees on Human Resources and Ways and Means.

No. 270 – A communication was received from the Budget Officer submitting requests for transfers of funds. Referred to the Committee on Ways and Means.

No. 271 – A communication was received from the Budget Officer submitting request for budget amendment in Department of Social Services. Referred to the Committee on Ways and Means.

No. 272 – A communication was received from the Budget Officer submitting budget amendment in connection with receipt of grant from Health Foundation for Western and Central New York. Referred to the Committees on Human Resources and Ways and Means.

No. 273 – A communication was received from the Budget Officer submitting budget amendment in connection with receipt of grant for Healthy Families Program. Referred to the Committees on Human Resources and Ways and Means.

No. 274 – A communication was received from the Director of Public Health requesting reappointment of medical consultant. Referred to the Committee on Human Resources

No. 275 – A communication was received from ProAct, Inc. submitting report of savings from the Herkimer County Discount Prescription card through July, 2012. Placed on File.

No. 276 – A communication was received from the Herkimer County Treasurer submitting request for a contract for e-payable service for Treasurer’s Office. Referred to the committee on Ways and Means.

No. 277 – A communication was received from the Sheriff submitting request for salary increase for part-time nurse at the Jail. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

Pursuant to Rule 6, Chairman Bono then proceeded with Reports of Standing Committees. There were no reports.

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

For: Ayes (17).

Against: None.

Absent: None.

**Consent Agenda:**

- 168 WAYS & MEANS: Adopting annual report of Purchasing Agent
- 169 PUB. SFTY./EMER. MGMT.: Monthly report of Sheriff for June
- 170 WAYS & MEANS: Amending designation of depositories
- 171 WAYS & MEANS: Amending Res. 23 of 2012 in connection with agreement with Mohawk Valley Consulting Associates
- 172 WAYS & MEANS: Transferring funds
- 173 HUMAN RES., WAYS & MEANS: Authorizing Memorandum of Understanding between Social Services and Office for Aging for HEAP
- 174 HUMAN RES, WAYS & MEANS: Amending Budget in Social Services

No. 168

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
ADOPTING ANNUAL REPORT OF PURCHASING AGENT FOR THE YEAR  
2011**

WHEREAS, your Committee on Ways and Means, to which was referred the communication from the Budget Officer and Purchasing Agent, submitting the report of the abstract of purchases and abstract of vouchers for the months of January through December, 2011, respectfully report that we have examined said report, recommend its adoption and offer the following resolution:

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

Dated: August 15, 2012.

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

No. 169

**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 June, 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 June, 2012, which report reflects an average daily population of 76 inmates, with an average of 49.87 inmates being boarded out in June, be approved and filed.

Dated: August 15, 2012.

LEONARD R. HENDRIX  
BRUCE WEAKLEY  
RAYMOND SMITH  
ROBERT N. HYDE

DENNIS KORCE  
BERNARD PEPLINSKI, SR.  
**Committee on Public Safety/  
Emergency Management**

No. 170

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
AMENDING DESIGNATION OF DEPOSITORIES**

WHEREAS, pursuant to Resolution No. 5 of 2012 this Legislature designated depositories of county funds for 2012; and

WHEREAS, by letter dated July 18, 2012, Kimberlee A. Enea, Herkimer County Treasurer, has requested an amendment of said resolution to increase the limit of J.P. Morgan Chase Bank to \$4,000,000 to take advantage of current interest rates; now, therefore, be it

RESOLVED, that Resolution No. 5 of 2012 is hereby amended to include J. P. Morgan Chase Bank up to a limit of \$4,000,000.00 as a bank designated for the deposit of moneys of the County of Herkimer for the year 2012; and, be it further

RESOLVED, that Resolution No. 5 of 2012 is hereby ratified and confirmed; and, be it further

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

Dated: August 15, 2012.

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

No. 171

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
AMENDING RESOLUTION NO. 23 OF 2012 IN CONNECTION WITH AGREEMENT  
WITH MOHAWK VALLEY CONSULTING ASSOCIATES**

WHEREAS, by Resolution No. 23 adopted on January 18, 2012 this Legislature authorized an agreement with Mohawk Valley Consulting Associates of Utica, New York, to provide an Employee Assistance Program; and

WHEREAS, by letter dated July 18, 2012 from Steven R. Billings, Personnel Officer, this Legislature is advised that Mohawk Valley Consulting Associates has changed its name to the Center for Family Life and Recovery, Inc. Employee Assistance Program and requests said contract be amended to reflect this change; now, therefore, be it

RESOLVED, that Resolution No. 23 adopted on January 18, 2012 is hereby amended to delete the words “Mohawk Valley Consulting Associates” and replace with “Center for Family Life and Recovery, Inc. Employee Assistance Program”; and, be it further

RESOLVED, that in all other respects, said Resolution No. 23 of 2012 is hereby ratified and confirmed; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer and Center for Family Life and Recovery, Inc.

Dated: August 15, 2012.

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

No. 172

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

WHEREAS, your Committee on Ways & Means, to which was referred a communication from the Budget Officer and Purchasing Agent dated August 9, 2012, submitting requests for transfers of funds, reports that we have examined said communication, inquired into the subject matter thereof recommend that said transfers be made and offer the following Resolution:

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

\$40,000.00	From: A6119B.40000 Committee on Handicapped, Contractual Expense
	To: A6140.40000 Safety Net, Contractual Expense
\$45,000.00	From: A6119B.40000 Committee on Handicapped, Contractual Expense

	To: A6142.40000 Emergency Aid to Adults, Contractual Expense
\$6,950.00	From: A6777.10000-001 Aging-HEAP, Salaries
	To: A6772.86000 Aging III B, Health Insurance
\$1,400.00	From: A6782.10000-001 Aging, Point of Entry, Salaries
	To: A6772.86000 Aging III B, Health Insurance
\$ 525.66	From: A3110A.10000-001 Homeland Security, Salaries
	To: A3110A.46000 Homeland Security, Miscellaneous Expense

and be it further

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

Dated: August 15, 2012.

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

No. 173

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS AND MEANS AUTHORIZING MEMORANDUM OF UNDERSTANDING BETWEEN THE HERKIMER COUNTY DEPARTMENT OF SOCIAL SERVICES AND THE HERKIMER COUNTY OFFICE FOR THE AGING FOR HOME ENERGY ASSISTANCE PROGRAM SERVICES**

WHEREAS, your Committee has been informed by letter dated July 30, 2012 from Timothy Seymour, Commissioner of Social Services, that a proposed memorandum of understanding has been submitted to and accepted for the Herkimer County Office for the Aging to provide services to the Herkimer County Department of Social Services under the Home Energy Assistance Program (HEAP) for applicants 60 years and older for the 2012-2013 season; and

WHEREAS, the Herkimer County Department of Social Services agrees to pay the Herkimer County Office for the Aging 25% of the Department of Social Services HEAP administrative allocation for the Home Energy Assistance Program for the year commencing August 1, 2012; and

WHEREAS, the Home Energy Assistance Program is 100% federally funded and there are sufficient monies budgeted for said services; now, therefore, be it

RESOLVED, that this Legislature hereby authorizes a Memorandum of Understanding between the Herkimer County Department of Social Services and the Herkimer County Office for the Aging which will provide for the Office for the Aging to provide services for the Home Energy Assistance Program for applicants 60 years and older commencing August 1, 2012 and the Herkimer County Department of Social Services will pay the Office for the Aging 25% of the Department of Social Services HEAP administrative funds for said services; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to sign said Memorandum of Understanding as an indication of the approval of the same by this Legislature; and, be it further

RESOLVED, that should any further additional funds be received for the 2012-2013 HEAP season, the Herkimer County Department of Social Services is hereby authorized to pass those funds on to the Office for the Aging on a pro-rated basis; and, be it further

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

Dated: August 15, 2012.

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

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

No. 174

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS AMENDING 2012 BUDGET IN CONNECTION WITH DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, by letter dated August 1, 2012 from the Budget Officer and Purchasing Agent, this Legislature is advised that it is necessary to amend the 2012 Budget in connection with a contractual obligation; now, therefore, be it

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

Revenue:

A6101.3601 Medical Assistance State Aid	From:	\$500,000.00
	To:	\$558,181.00

Appropriation:

A6010.44000 Social Services, Admin., Contracted Services	From:	\$613,599.00
	To:	\$671,780.00

And, be it further

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

Dated: August 15, 2012.

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

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

On motion of Mr. Manno, seconded by Mr. Hyde and Mr. Hendrix, Report and Resolution No. 175 of the Committee on Education and the Committee on Ways and Means adopting the Herkimer County Community College Budget for the year 2012-2013 was handed up; discussion was held, was voted on and adopted by roll call vote:

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

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

No. 175

**REPORT AND RESOLUTION OF THE COMMITTEES ON WAYS AND MEANS AND EDUCATION RELATIVE TO THE ADOPTION OF THE HERKIMER COUNTY COMMUNITY COLLEGE BUDGET**

The Herkimer County Legislature, having conducted a Public Hearing on the tentative budget of the Herkimer County Community College on August 15, 2012, and after hearing all parties concerning the same, does hereby

RESOLVE, that the tentative budget of the Herkimer County Community College, for the year 2012-2013, in the total amount of \$25,276,377, of which the contribution of the County of Herkimer is \$1,630,612, be adopted; and, be it further

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

Dated: August 15, 2012.

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

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

Dr. Ann Marie Murray, President of Herkimer County Community College, expressed her appreciation to the Legislature for its support of the College.

On motion of Mr. Russell, seconded by Mr. Peplinski, Report and Resolution No. 176 of the Committee on Ways and Means approving 2013 annual Estimate and Apportionment for the Herkimer County Workers Compensation Self-Insured Plan was handed up; Mrs. Rose made a motion, seconded by Mr. Korce, to add to the last Resolved Clause that certified copies of the Resolution be forwarded to Senator Seward and Assemblyman Butler with a request to investigate into the administration fees paid to the State for this Plan; the motion was approved by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

Resolution No. 176 was then adopted by voice vote:

For: All ayes (17).                      Against: None.

Absent: None.

No. 176

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
APPROVING 2013 ANNUAL ESTIMATE AND APPORTIONMENT FOR THE  
HERKIMER COUNTY WORKER'S COMPENSATION SELF-INSURED PLAN**

WHEREAS, your Committee has received from Steven R. Billings, Personnel Officer, the 2013 Annual Estimate and Apportionment for the Herkimer County Worker's Compensation Self-Insured Plan for the purposes of tail claims run-off; and

WHEREAS, your Committee on Ways and Means has considered said Estimate and Apportionment and has approved the same; now, therefore, be it

RESOLVED, that this Legislature hereby approves the Annual Estimate and Apportionment of the Herkimer County Worker's Compensation Self-Insured Plan for the purposes of tail claims run-off for the year 2013; and, be it further

RESOLVED, that a certified copy of this Resolution be forwarded to the Personnel Officer.

Dated: August 15, 2012.

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

**Amended: August 15, 2012.**

Amendment: to add to the last Resolved Clause that certified copies of this resolution be forwarded to Senator James Seward and Assemblyman Butler as a request for investigation into the administration fees paid to the state for this Plan.

On motion of Mr. Weakley, seconded by Mr. Smith, Report and Resolution No. 177 of the Committee on Ways and Means adopting an Americans With Disabilities/Section 504 Grievance Procedure for Herkimer County was handed up; voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 177

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
ADOPTING AN AMERICANS WITH DISABILITIES/SECTION 504 GRIEVANCE  
PROCEDURE FOR HERKIMER COUNTY**

WHEREAS, by letter dated July 19, 2012 from Steven R. Billings, Personnel Officer, this Legislature is advised of a request to adopt an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Americans with Disabilities Act (ADA) and by any federal agency regulations implementing Section 504 of the Rehabilitation Act of 1973, as amended; and

WHEREAS, Section 504 of the Rehabilitation Act of 1973, as amended provides that no qualified individual shall, solely by reason of his/her disability, be excluded from program participation, including employment, be denied program benefits or be subjected to discrimination; now, therefore, be it

RESOLVED, that the attached Americans with Disabilities/Section 504 Grievance Procedure for Herkimer County is hereby adopted; and, be it further

RESOLVED, that Steven R. Billings is hereby designated as Program Coordinator for the ADA/Section 504 compliance in Herkimer County; and, be it further

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

Dated: August 15, 2012.

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

## **HERKIMER COUNTY**

### **ADA/Section 504 Grievance Procedure**

Herkimer County has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Americans with Disabilities Act (ADA) and by any federal agency regulations implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794). Section 504 states, in part, that “no otherwise qualified individual with a disability ... shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance...”.

Complaints should be addressed to: **Herkimer Co Personnel Officer, Herkimer Co. Personnel Office, 109 Mary St. Suite 1304, Herkimer, NY 13350, Tel No. 315-867-1115**, who has been designated to coordinate ADA/Section 504 compliance efforts.

1. A complaint should be filed in writing or verbally, contain the name and address of the person filing the complaint, and briefly describe the alleged violation of the regulations.
2. A complaint should be filed within 10 days after the complainant becomes aware of the alleged violation.
3. An investigation, as may be appropriate, will follow a filing of complaint. The investigation will be conducted by the Herkimer Co. Personnel Officer or his/her designee. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
4. A written determination as to the validity of the complaint and a description of the resolution, if any, will be issued by the Herkimer Co. Personnel Officer and a copy forwarded to the complainant no later than 45 days after its filing.
5. The ADA/Section 504 coordinator will maintain the files and records of Herkimer County relating to the complaints filed.
6. The complainant can request a reconsideration of the case in instances where he/she is dissatisfied with the resolution. The request for reconsideration should be made within 30 days of receiving an initial determination and addressed to: **Herkimer Co. Administrator, 109 Mary St. Suite 1312, Herkimer, NY 13350, Tel No. 315-867-1112.**
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder will not be impaired by the person’s pursuit of other remedies such as filing of a Section 504 or ADA complaint with the responsible federal department or agency. Using this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules will be construed to protect the substantive rights of interested persons, meet the appropriate due process standards and assure that Herkimer County complies with the ADA, Section 504 and their implementing regulations.

On motion of Mr. Smith, seconded by Mr. Shaw, Report and Resolution No. 178 of the Committee on Human Resources concerning reappointment of medical personnel at the Herkimer County Public Health Nursing Service was handed up; voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 178

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES  
CONCERNING REAPPOINTMENT OF MEDICAL PERSONNEL AT THE  
HERKIMER COUNTY PUBLIC HEALTH NURSING SERVICE**

WHEREAS, by letter dated June 27, 2012, Dr. Gregory O’Keefe, Director of Public Health, has advised that pursuant to Section III, (8) (b) (12) of the By-Laws of the Herkimer County Public Health Nursing Service, certain medical personnel who have clinical privileges at the Herkimer County Public Health Nursing Service must be reappointed every two years; now, therefore, be it

RESOLVED, that Richard Nocella, DO, Medical Consultant, is hereby reappointed for clinical privileges limited to his area of licensure and specialization at the Herkimer County Public Health Nursing Service; and, be it further

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

Dated: August 15, 2012.

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

On motion of Mr. Peplinski, seconded by Mr. Johnson and Mr. Ackerman, Report and Resolution No. 179 of the Committee on County Planning and Development and the Committee on Ways and Means authorizing contracts for the Youth Programs for 2012 was handed up; voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 179

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING CONTRACTS FOR THE YOUTH PROGRAMS FOR 2012**

WHEREAS, by letter dated July 30, 2012 from Regina Giacovelli, Executive Director of the Herkimer County Youth Bureau, this Legislature is advised that the New York State Office of Children and Family Services has approved Herkimer County's Resource Allocation Plan (RAP) for 2012, which includes requested State aid in the amount of \$64,989.00; and

WHEREAS, by said letter the Executive Director of the Herkimer County Youth Bureau, advises that the Youth Bureau now desires to enter into contracts for 2012 with local agencies for the implementation of Youth Initiatives, the Youth Development and Delinquency Prevention Program, the Special Delinquency Prevention program and the Runaway and Homeless Youth Program; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute contracts, subject to reimbursement from the State of New York, with the following agencies in the amounts listed:

**Youth Initiatives (50% state aid/50% agency match)**

1. Little Falls YMCA  
15 Jackson Street, Little Falls, NY  
To provide a School's Out Scholarship Program for a sum not to exceed \$2,909.00
2. Little Falls YMCA  
15 Jackson Street, Little Falls, NY  
To provide a program titled Community Service Youth Volunteer for a sum not to exceed \$2,283.00

**Youth Development and Delinquency Prevention (50% state aid/50% agency)**

3. Center for Family Life and Recovery  
502 Court Street, Suite 401, Utica, NY  
To provide a program titled Short Term Preventive Services  
For a sum not to exceed \$2,795.00
4. YMCA of the Mohawk Valley  
83 E. Main St., Mohawk, NY  
To provide a program titled Unsupervised Youth Alternatives  
For a sum not to exceed \$1,938.00

**Special Delinquency Prevention Programs (SDPP) (100% state aid)**

5. Catholic Charities of Herkimer County  
61 West St., Ilion, NY  
To provide a program titled Domestic Violence Program  
For a sum not to exceed \$1,451.00
  
6. Center for Family Life and Recovery  
502 Court Street, Suite 401, Utica, NY  
To provide a program titled PINS Diversion  
For a sum not to exceed \$7,544.00

**Runaway and Homeless Youth (60% state funding, 20% agency match, 20% county match)**

7. Catholic Charities of Herkimer County  
61 West St., Ilion, NY  
To provide a program titled Runaway and Homeless Youth  
Program - \$10,977.00-state share, \$3,659.00 Catholic Charities  
match, \$3,659.00 Herkimer County match  
Total contract amount = \$18,295.00

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Executive Director of the Herkimer County Youth Bureau and the above listed agencies.

Dated: August 15, 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, SR.  
KURT J. ACKERMAN  
**Committee on Ways and Means**

On motion of Mr. Shaw, seconded by Mr. Hyde, Report and Resolution No. 180 of the Committee on Natural Resources and the Committee on Ways and Means approving Sewer District resolution for provisional appointment of Chief Plant Operator was handed up; discussion was held; was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 180

**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES  
AND WAYS AND MEANS APPROVING SEWER DISTRICT RESOLUTION FOR  
PROVISIONAL APPOINTMENT OF CHIEF PLANT OPERATOR**

WHEREAS, by letter dated August 2, 2012 this Legislature is advised that by action on July 18, 2012, the Herkimer County Sewer District Board adopted a resolution making a provisional appointment of James Rathbun as Chief Plant Operator appointing for the Herkimer County Sewer District; and

WHEREAS, this Resolution has been forwarded to the Herkimer County Legislature for approval prior to its becoming effective; now, therefore, be it

RESOLVED, that this Legislature hereby approves a resolution duly adopted by the Herkimer County Sewer District Board on July 18, 2012 making a provisional appointment of James Rathbun as Chief Plant Operator for the Herkimer County Sewer District at the base annual salary of 56,232, effective July 19, 2012; and, be it further

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

Dated: August 15, 2012.

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

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. Ackerman, Report and Resolution No. 181 of the Committee on Natural Resources and the Committee on Ways and Means approving Sewer District resolution and amending salary schedule for appointment of legal counsel for Sewer District was handed up; discussion was held; was voted on and adopted by roll call vote:

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

Against: None.

Absent: None.

No. 181

**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES  
AND WAYS AND MEANS APPROVING SEWER DISTRICT RESOLUTION AND  
AMENDING SALARY SCHEDULE FOR APPOINTMENT OF LEGAL COUNSEL FOR  
THE SEWER DISTRICT**

WHEREAS, by letter dated July 24, 2012 this Legislature is advised that by action on July 18, 2012, the Herkimer County Sewer District Board adopted a resolution appointing Thaddeus J. Luke as the Attorney for the Herkimer County Sewer District at an annual salary of \$17,500; and

WHEREAS, this Resolution has been forwarded to the Herkimer County Legislature for approval prior to its becoming effective; now, therefore, be it

RESOLVED, that this Legislature hereby approves a resolution duly adopted by the Herkimer County Sewer District Board on July 18, 2012 appointing Thaddeus J. Luke, as Attorney for the Herkimer County Sewer District at an annual salary of \$17,500; and, be it further

RESOLVED, that the 2012 Herkimer County Salary Schedule is hereby amended in Salary Schedule II to establish the base annual salary of the Attorney in Account G8110, Sewer District, in the amount of \$17,500, effective July 18, 2012; and, be it further

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

Dated: August 15, 2012.

FREDERICK J. SHAW, JR.  
DENNIS KORCE  
BERNARD PEPLINSKI, SR.  
PETER F. MANNO  
ROBERT N. HYDE  
JOHN L. BREZINSKI  
Committee on Natural 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. Hendrix, Report and Resolution No. 182 of the Committee on Public Safety/Emergency Management and Ways and Means accepting grant from Division of Criminal Justice Services for Herkimer County District Attorney's Office was handed up; was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 182

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS ACCEPTING GRANT FROM DIVISION OF CRIMINAL JUSTICE SERVICES FOR HERKIMER COUNTY DISTRICT ATTORNEY'S OFFICE**

WHEREAS, by letter dated July 9, 2012 from the Herkimer County District Attorney's Office, this Legislature is advised of the receipt of an Aid to Prosecution Grant from the New York State Division of Criminal Justice Services, said grant to be used by the Herkimer County District Attorney's Office to expedite the processing of repeat violent and serious felony offenders; and

WHEREAS, said grant award is in the amount of \$29,200.00, with no local match required and shall be effective for the term April 1, 2012 to March 31, 2013 now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute a grant agreement on behalf of the County of Herkimer with the New York State Division of Criminal Justice Services for the receipt by Herkimer County of an Aid to Prosecution Grant in the amount of \$29,200.00 for the period from April 1, 2012 to March 31, 2013; and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature is hereby further authorized to execute any necessary documents and e-sign the contract for funding in connection with the receipt of additional grant funds; and, be it further

RESOLVED, that said program shall continue so long as 100% NYS funding is available; and, be it further

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

Dated: August 15, 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. Ackerman and Mr. Hyde, Report and Resolution No. 183 of the committee on Public Safety/Emergency Management and the Committee on Ways and Means authorizing a contract for sale of food products between the New York State Department of Correctional Services and the County of Herkimer was handed up; was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 183

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING A CONTRACT FOR SALE OF FOOD PRODUCTS BETWEEN NEW YORK STATE DEPARTMENT OF CORRECTIONAL SERVICES AND THE COUNTY OF HERKIMER**

WHEREAS, by Resolution No. 155 of 2009 this Legislature authorized a contract for the purchase of food products by the County of Herkimer from the New York State Department of Correctional Services' Office of Nutritional Services, located in Rome, New York, for the period of May 1, 2009 through April 30, 2012; and

WHEREAS, by letter dated July 31, 2012, Christopher P. Farber, Herkimer County Sheriff, has requested approval of a new five year contract for said service for the period May 1, 2012 through April 30, 2017; and

WHEREAS, this contract will give the County the opportunity to purchase various food products for the purpose of feeding its inmate population and will give the Herkimer County Sheriff's Department the opportunity to take advantage of cost savings in connection with those products; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a contract with the New York State Department of Correctional Services for the purchase of food products as requested by Herkimer County, to be invoiced on a weekly basis and with payment for products to be made on a monthly basis, with the contract to take effect as of May 1, 2012 and to terminate on April 30, 2017, with either party having the right to terminate the agreement with ninety days written notice; 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 New York State Department of Correctional Services.

Dated: August 15, 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. Ackerman, Report and Resolution No. 184 of the Committee on Public Safety/Emergency Management and the Committee on Ways and Means for temporary staffing adjustment in the Sheriff's Department was handed up; voted on and adopted by roll call vote:

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

Against: None.

Absent: None.

No. 184

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS FOR TEMPORARY STAFFING ADJUSTMENT IN HERKIMER COUNTY SHERIFF'S DEPARTMENT**

WHEREAS, by letter dated July 12, 2012, Christopher P. Farber, Herkimer County Sheriff, has requested that a temporary additional cook position be established at the County Correctional Facility through August 30, 2012, in order to provide for two full time cooks at said Correctional Facility until the effective retirement date of one cook, who is currently on sick leave; and

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

RESOLVED, that an additional position of full-time cook under the 2012 Sheriff's Department Salary Schedule V is hereby established on a temporary basis effective through August 30, 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 Herkimer County Sheriff.

Dated: August 15, 2012.

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

KURT J. ACKERMAN  
**Committee on Ways and Means**

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

On motion of Mr. Korce, seconded by Mr. Schrader and Mr. Johnson, Report and Resolution No. 185 of the Committee on County Properties approving sale of parcels acquired by In Rem Tax Foreclosures was handed up; discussion was held, was voted on and adopted by roll call vote:

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

Against: None.

Absent: None.

No. 185

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

WHEREAS, by judgment of the Herkimer County Court filed and entered April 4, 2012 in the In Rem Tax Foreclosure Action for the year 2010 the County of Herkimer acquired title to certain parcels of property; and

WHEREAS, this Legislature has been advised that an offers have been received for the parcels of property listed below; and

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

RESOLVED, that the offers for the following listed parcels of land in the amounts listed be, and hereby are, accepted and the County Attorney's Office is hereby directed to prepare the usual deeds of conveyance for said properties to be delivered to the purchasers upon receipt by the County Treasurer of the offered sums, plus recording and transfer fees:

<u>Parcel</u>	<u>Purchaser</u>	<u>Offer</u>
City of Little Falls Tax Map No. 115.53-1-81 27 N. William St.	Kareem Earle 4156 Baychester Ave. Bronx, NY 10466	\$5,000.00

Village of Ilion Tax Map No. 120.37-3-70 4 East St.	Holly Mason PO Box 564 Ilion, NY 13357	\$7,500.00
Village of Herkimer Tax Map No. 120.33-2-63 Steele Street	Timothy Leonard 333 Dewey Ave. Herkimer, NY 13357	\$ 151.00
Town of Norway Tax Map No. 090.4-1-19 Rural Lot, 125' x 125'	George & Lori Everson 185 Guideboard Road Newport, NY 13416	\$ 215.00
Town of Webb Tax Map No. 041.43-2-1 thru -26 Residential vacant land	Steve Duesler 8119 State Hwy. 5 St. Johnsville, NY 13452	\$ 101.00
Town of Webb Tax Map No. 042.30-5-12 State Route 28, vacant land	Steve Duesler 8119 State Hwy. 5 St. Johnsville, NY 13452	\$ 102.00
Town of Webb Tax Map No. 042.37-2-7 State Route 28, vacant land	Steve Duesler 8119 State Hwy. 5 St. Johnsville, NY 13452	\$ 103.00

and, be it further

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

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

Dated: August 15, 2012.

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

On motion of Mr. Russell, seconded by Mr. Peplinski, Report and Resolution No. 186 of the Committee on Ways and Means regarding temporary staffing change in County Treasurer's Department was handed up; was voted on and adopted by roll call vote:

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

Against: None.

Absent: None.

No. 186

**REPORT AND RESOLUTION OF THE COMMITTEE WAYS AND MEANS REGARDING  
TEMPORARY STAFFING CHANGE IN COUNTY TREASURER'S DEPARTMENT**

WHEREAS, by Resolution No. 94 of 2012 this Legislature authorized an agreement with D'Arcangelo & Co., LLP, Certified Public Accountants & Consultants, to perform additional services for the County in connection with the closing of the books for the year ended December 31, 2011; and

WHEREAS, by letter dated July 5, 2012, Kimberlee A. Enea, County Treasurer has requested permission for a retired employee to work on a temporary, hourly basis, as needed and not to exceed 150 hours, to complete the training necessary in the Treasurer's Office, in conjunction with D'Arcangelo & Co.; and

WHEREAS, your Committee has considered said matter and recommend said temporary change; now, therefore, be it

RESOLVED, that this Legislature hereby authorizes a temporary position in the Herkimer County Treasurer's Office, at the rate of \$21.10 per hour, not to exceed 150 hours for 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 County Treasurer.

Dated: August 15, 2012.

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 and Mrs. Maneen, Report and Resolution No. 187 of the Committees on Human Resources and Ways and Means authorizing temporary coverage in Mental Health Services was handed up; discussion was held; was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 187

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES  
AND WAYS AND MEANS AUTHORIZING TEMPORARY COVERAGE IN MENTAL  
HEALTH SERVICES**

WHEREAS, Dr. Vinay Patil is a psychiatrist under contract to provide services to the Herkimer County Mental Health Services; and

WHEREAS, by letter dated July 18, 2012, Edgar Scudder, Director of Community Services, has requested Dr. Ann Menon be employed, on a temporary basis, for no more than nine days, to provide psychiatric coverage while Dr. Patil is on vacation; and

WHEREAS, there are sufficient funds available Budget to allow for this expense; and

WHEREAS, your Committees have taken this matter under consideration and recommend temporary staffing; now, therefore, be it

RESOLVED, that Dr. Ann Menon is hereby authorized to provide psychiatric services to regularly scheduled clients of the Herkimer County Mental Health Services from September 9, 2012 to September 21, 2012, at the hourly rate of \$122.50; and, be it further

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

Dated: February 15, 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. Hyde, Report and Resolution No. 188 of the Committees on Ways and Means and Public Safety/Emergency Management for staffing change in Probation Department was handed up; discussion was held; was voted on and adopted by roll call vote:

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

Against: None.

Absent: None.

No. 188

**REPORT AND RESOLUTION OF THE COMMITTEES ON WAYS AND MEANS AND PUBLIC SAFETY/EMERGENCY MANAGEMENT FOR STAFFING CHANGE IN PROBATION DEPARTMENT**

WHEREAS, by letter dated 2012, Josephine Sohn, Director of Probation, has requested a staffing change in the Probation Department; and

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

RESOLVED, that the 2012Herkimer County Salary Schedule III is hereby amended to delete one position of Probation Officer Trainee in Account A3140, Probation Department, and establish one position of Probation Officer at the base annual salary set forth for said position; and, be it further

RESOLVED, that said change shall take effect September 6, 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 Probation.

Dated: August 15, 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. Shaw, seconded by Mr. Manno, Resolution No. 189 of the Committee on Natural Resources setting date for hearing on Eight-Year Review of Agricultural District No. 6 was handed up; voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 189

**RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES SETTING DATE FOR HEARING ON EIGHT-YEAR REVIEW OF AGRICULTURAL DISTRICT NO. 6**

WHEREAS, certain agricultural districts have been established in this County pursuant to Article 25-AA of the Agriculture and Markets Law; and

WHEREAS, such statute requires an eight-year review of said agricultural districts; and

WHEREAS, said review is being conducted under the guidance of the Natural Resources Committee and the Herkimer County Agricultural Farmland Protection Board; and

WHEREAS, reports are now ready to be made pursuant to said statute and a public hearing held; now, therefore, be it

RESOLVED, that a Public Hearing be held on the 12<sup>th</sup> day of September, 2012 at 7:00 p.m. in the Herkimer County Legislature Chambers on the Eight-Year Review of Herkimer County Agricultural District No. 6, located in the Towns of Fairfield, Newport, Norway and Russia; and, be it further

RESOLVED, that the Clerk of this Legislature give proper notice thereof pursuant to Section 303-a of the Agriculture and Markets Law of the State of New York; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Soil and Water Conservation District, Cooperative Extension Services and Herkimer-Oneida Counties Comprehensive Planning Program.

Dated: August 15, 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 Mrs. Maneen, seconded by Mr. Hyde and Mr. Johnson, Report and Resolution No. 190 of the Committee on Administration/Veterans' Affairs setting public hearing on Introductory Local Law No. 1 for 2012 was handed up; discussion was held, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None

Absent: None.

No. 190

**REPORT AND RESOLUTION OF THE COMMITTEE ON  
ADMINISTRATION/VETERANS' AFFAIRS SETTING PUBLIC HEARING ON  
INTRODUCTORY LOCAL LAW NO. 1 FOR 2012**

We, the Committees on Administration/Veterans' Affairs, are causing to be prepared and will present Introductory Local Law No. 1 for 2012 entitled "A LOCAL LAW DETERMINING LEGISLATIVE DISTRICTS IN AND FOR THE COUNTY OF HERKIMER" and offer the following Resolution:

RESOLVED, that a Public Hearing will be held before the Herkimer County Legislature on the adoption of said proposed Local Law, to be conducted by the Committee on Administration/Veterans' Affairs on the 12<sup>th</sup> day of September, 2012 at 7:15 p.m., in the Legislature Chambers of the County Office Building, Herkimer, New York; and, be it further

RESOLVED, that at least five days prior to such public hearing the Clerk of this Legislature shall post a notice of such hearing upon the bulletin board in the Courthouse and cause to be published said notice at least once in the Little Falls Times and the Herkimer Telegram; and, be it further

RESOLVED, that the Clerk of this Legislature shall place a copy of said act on the desks of the members of this County Legislature at least seven calendar days, exclusive of Sunday, prior to its final adoption; and, be it further

RESOLVED, that if said local law be finally adopted, the Clerk of this Legislature shall file one certified copy thereof in the Office of the County Clerk, one in the Office of the Secretary of State and publish said local law as required by law.

Dated: August 15, 2012.

JEAN E. MANEEN  
BRUCE WEAKLEY  
FREDERICK J. SHAW  
ROBERT N. HYDE  
PETER F. MANNO

RAYMOND JOHNSON  
**Committee on Administration/  
Veterans' Affairs**

On motion of Mr. Smith, seconded by Mr. Shaw, Report and Resolution No. 191 of the Committee on Human Resources and the Committee on Ways and Means accepting grant and amending budget for Healthy Families Program was handed up; discussion was held; was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 191

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS ACCEPTING GRANT AND AMENDING BUDGET FOR HEALTHY FAMILIES PROGRAM**

WHEREAS, by letter dated August 8, 2012, Dr. Gregory O'Keefe, MD, Director of Public Health, has requested renewal of the grant for the Healthy Families New York Home Visiting Program, which will be used to improve the health and well being of children and families in Herkimer County, and further requests authorization for the Chairman of the Legislature to sign said grant by electronic signature; and

WHEREAS, by letter dated August 8, 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 grant in the amount of \$284,434.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to complete by electronic signature a contract with the New York State Department of Health to receive the 2012 Healthy Families Grant for Herkimer County in the amount of \$284,434.00 for the period September 1, 2012 to August 31, 2013; and, be it further

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

Revenue:

A4189H.4401 Healthy Families Grant	From:	\$0
	To:	\$284,434.00

Appropriation:

A4189H.10000-001 Healthy Families, Salaries	From:	\$31,564.49
	To:	\$78,412.49
A4189H.41000 Healthy Families, Supplies	From:	\$11,873.37
	To:	\$16,708.37
A4189H.44000 Healthy Families, Contractual Services	From:	\$186,578.50
	To:	\$377,373.50
A4189H.44000-521 Healthy Families, Rent	From:	\$9,518.00
	To:	\$22,718.00
A4189H.46000-704 Healthy Families, Dues	From:	\$542.16

A4189H.46300 Healthy Families, Postage	To: \$1,144.16
	From: \$78.56
A4189H.81000 Healthy Families, Retirement	To: \$2,296.56
	From: \$941.50
A4189H.83000 Healthy Families, Social Security	To: \$8,941.50
	From: \$2,047.24
A4189H.83500 Healthy Families, Medicare	To: \$4,547.24
	From: \$476.98
A4189H.84000 Healthy Families, Worker's Comp.	To: \$976.98
	From: \$1,245.58
A4189H.85000 Healthy Families, Unemployment	To: \$2,945.58
	From: \$381.00
A4189H.86000 Healthy Families, Health Insurance	To: \$881.00
	From: \$6447.00
and, be it further	To: \$19,183.00

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

Dated: August 15, 2012.

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

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

On motion of Mr. Smith, seconded by Mrs. Maneen, Report and Resolution No. 192 of the Committees on Human Resources and Ways and Means authorizing contract with Family Nurturing Center of Central New York, Inc. in connection with Healthy Families Grant Program was handed up; voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 192

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS AND MEANS AUTHORIZING CONTRACT WITH FAMILY NURTURING CENTER OF CENTRAL NEW YORK, INC. IN CONNECTION WITH HEALTHY FAMILIES GRANT PROGRAM**

WHEREAS, by letter dated July 30, 2012 from Gregory O’Keefe, MD, Director of Public Health, this Legislature is advised of a request for approval to enter into a contract to implement the Healthy Families New York Home Visiting Program with the Family Nurturing Center of Central New York, Inc., in the amount of \$190,795.00, said contract to be for the period from September 1, 2012 to August 31, 2013; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a contract with the Family Nurturing Center of Central New York, Inc., 209 Elizabeth Street, Utica, New York, in the amount of \$190,795.00, in connection with the implementation of the Healthy Families New York Grant administered by the Herkimer County Public Health Nursing Service, said contract to be for the period September 1, 2012 to August 31, 2013, with the terms subject to the approval of the County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Public Health, and the Family Nurturing Center of Central New York, Inc.

Dated: August 15, 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. Hendrix, Report and Resolution No. 193 of the Committees on Human Resources and Ways and Means authorizing extension of lease in connection with Healthy Families Program was handed up; discussion was held, was voted on and adopted by voice vote:

For: Ayes (16).

Against: Rose (1).

Absent: None.

No. 193

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES  
AND WAYS AND MEANS AUTHORIZING EXTENSION OF LEASE IN  
CONNECTION WITH HEALTHY FAMILIES PROGRAM**

WHEREAS, by Resolution No. 226 adopted on September 7, 2011, this Legislature authorized a one-year lease with Cale-Glens Falls, Inc. for program space located at 257 North Main Street, Herkimer, New York, in connection with the implementation of the Healthy Families New York Grant administered by the Herkimer County Public Health Nursing Service; and

WHEREAS, by letter dated June 26, 2012, from Gregory O’Keefe, Director of Public Health, this Legislature is advised of a request to enter into a two-year extension of said lease with Cale-Glens Falls, Inc. at an annual cost of \$10,800.00, with all other terms of said original lease to remain unchanged, and with said costs to be 100% funded through the Healthy Families Grant; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a two year extension of the lease agreement with Cale-Glens Falls, Inc. for program space located at 257 North Main Street, Herkimer, New York, in connection with the implementation of the Healthy Families New York Grant administered by the Herkimer County Public Health Nursing Service, said lease extension to be in the annual amount of \$10,800.00, with terms subject to the approval of the County Attorney; and, be it further

RESOLVED, that said lease extension shall continue so long as 100% funding is provided through the Healthy Families Program Grant; 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 Cale-Glens Falls, Inc.

Dated: August 15, 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. Smith, Report and Resolution No. 194 of the Committee on Human Resources and the Committee on Ways and Means accepting Health Foundation Grant and amending budget was handed up; discussion was held; was voted on and adopted by a request for a roll call vote:

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

Against: Rose, Schrader, Brezinski (3).

No. 194

### **REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS ACCEPTING HEALTH FOUNDATION GRANT AND AMENDING BUDGET**

WHEREAS, by letter dated August 7, 2012, Dr. Gregory O'Keefe, MD, Director of Public Health, has requested acceptance of a grant in the amount of \$50,000 from the Health Foundation for Western and Central New York for a Pregnancy Outreach and Parent Support Program to add facilitated medical and support services, transportation and expand the services of the Healthy Families Program in Herkimer County; and

WHEREAS, by letter dated August 8, 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 grant in the amount of \$50,000; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a grant agreement with Health Foundation for Western and Central New York for a Pregnancy Outreach and Parent Support Program which will add facilitated medical and support services, transportation and expand the services of the Healthy Families Program; and, be it further

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

Revenue:

A4189K.1689B Health Foundation POPS Grant	From:	\$0
	To:	\$50,000.00

Appropriation:

A4189K.10000-001 Health Foundation POPS, Salaries	From:	\$0
	To:	\$13,083.00
A4189K.23000 Health Foundation POPS, Motor Vehicles	From:	\$0
	To:	\$25,017.00
A4189K.41000 Health Foundation POPS, Supplies	From:	\$0
	To:	\$1,600.00
A4189K.44000 Health Foundation POPS, Contractual Services	From:	\$0
	To:	\$5,076.00
A4189K.81000 Health Foundation POPS, Retirement	From:	\$0

A4189K.83000 Health Foundation POPS, Social Security	To: \$2,434.00
	From: \$0
A4189K.83500 Health Foundation POPS, Medicare	To: \$812.00
	From: \$0
A4189K.84000 Health Foundation POPS, Worker's Comp.	To: \$190.00
	From: \$0
A4189K.85000 Health Foundation POPS, Unemployment	To: \$406.00
	From: \$0
A4189K.86000 Health Foundation POPS, Health Insurance	To: \$300.00
	From: \$0
A4189K.86500 Health Foundation POPS, Dental	To: \$1,017.00
	From: \$0
	To: \$65

and, be it further

RESOLVED, that said Program shall continue so long as 100% funding is available; 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 Health Foundation for Western and Central New York.

Dated: August 15, 2012.

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

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

On motion of Mr. Russell, seconded by Mr. Peplinski, Report and Resolution No. 195 of the Committee on Ways and Means accepting proposal for provision of E-Payables Service for County Treasurer's Office was handed up; discussion was held, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 195

**RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS ACCEPTING PROPOSAL FOR PROVISION OF E-PAYABLES SERVICE FOR COUNTY TREASURER'S OFFICE**

WHEREAS, by letter dated August 10, 2012, Kimberlee A. Enea, Herkimer County Treasurer, has advised that, based on the goal of converting paper checks to more efficient and cost effective credit card payments, proposals were received for provision of an e-payables service for the Herkimer County Treasurer's Office; and

WHEREAS, it is the recommendation of your Committee that the proposal of Bank of America, Merrill Lynch be accepted; now, therefore, be it

RESOLVED, that the Herkimer County Treasurer is hereby authorized to execute an agreement with Bank of America, Merrill Lynch, 100 Federal Street, Boston, MA 02110, to provide an e-payables service to the Herkimer County Treasurer's Office, with said agreement to be subject to the approval of the Herkimer County Attorney, and with the Herkimer County Treasurer to have authority to adjust these charges and rebates as necessary; and, be it further

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

Dated: August 15, 2012.

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. Smith, Report and Resolution No. 196 of the Committees on Human Resources and Ways and Means amending Resolution No. 326 of 2011 adjusting wages for hourly employees was handed up; discussion was held, was voted on and adopted by roll call vote:

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

Against: Hartman, Rose (2).

Absent: None.

No. 196

**REPORT AND RESOLUTION OF THE OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS AMENDING RESOLUTION NO. 326 OF 2011 ADJUSTING WAGES FOR HOURLY EMPLOYEES**

WHEREAS, by Resolution No. 326 adopted on December 14, 2011 this Legislature established the wages of all employees of the County of Herkimer paid pursuant to the hourly scale for the year 2012; and

WHEREAS, by letter dated June 27, 2012, Christopher P. Farber, Sheriff, has requested the position of the position of Part-Time Registered Professional Nurse at the Jail be included in said resolution and be increased for the 2012; now, therefore, be it

RESOLVED, that Resolution No. 326 of 2011 is hereby amended in the Second Resolved Clause to establish the following additional position:

<u>Title</u>	<u>2011 Rate</u>	<u>2012 Rate</u>
Part-time Registered Professional Nurse (Jail)	\$18.61	\$18.98

RESOLVED, that the foregoing change shall take effect this date; and, be it further

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

Dated: August 15, 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. Russell, seconded by Mr. Smith, Resolution No. 197 of the Committee on Ways and Means to implement and comply with Governmental Accounting Standards Board (GASB) Statement No. 54 entitled Fund Balance Reporting and Governmental Fund Type Definitions was handed up; voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 197

**RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS TO IMPLEMENT AND COMPLY WITH GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB) STATEMENT NO. 54 ENTITLED FUND BALANCE REPORTING AND GOVERNMENTAL FUND TYPE DEFINITIONS**

WHEREAS, the Governmental Accounting Standards Board (GASB) issued Statement No. 54, Fund Balance Report and Governmental Fund Type Definitions (GASB 54), which changes the terminology and reclassifies the components of fund balance; and

WHEREAS, Herkimer County desires to demonstrate sound fiscal management by implementing GASB Statement No. 54 at fiscal year ending December 31, 2011; and

WHEREAS, the Ways and Means Committee has met and reviewed said request with a majority of members voting approval; now, therefore, be it

RESOLVED, that the Herkimer County Legislature is the highest level of decision-making authority and may commit, assign and appropriate portions of fund balance by adopted Resolution; and, be it further

RESOLVED, that the County will expend funds in the following order: Restricted first, then Committed, then Assigned and lastly, Unassigned; and, be it further

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

Dated: August 15, 2012.

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

On motion of Mrs. Maneen, seconded by Mr. Brezinski and Mr. Johnson Resolution No. 198 of the Committee on Administration/Veterans' Affairs to amend the Rules of the County Legislature of the County of Herkimer was handed up; discussion was held; was voted on and adopted by roll call vote:

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

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

Absent: None.

No. 198

**RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS' AFFAIRS TO AMEND THE RULES OF THE COUNTY LEGISLATURE OF THE COUNTY OF HERKIMER**

WHEREAS, it is the intent of this Legislature to amend Rule 23 (C) of the Rules of the County Legislature of the County of Herkimer; and

WHEREAS, a copy of this proposed amendment to said Rules has been given to each member of this Legislature at least one day previous to this meeting, as required by Rule 10 of said Rules; now, therefore, be it

RESOLVED, that Rule 23 (C) as set forth in the Rules of the County Legislature of the County of Herkimer be, and here by is, amended to add under duties assigned to the County Planning and Development Committee as follows: "All matters concerning the Mohawk Valley Water Authority, and all matters involving water from the Hinckley Reservoir and/or the West Canada Creek "; and, be it further

RESOLVED, that said amendment shall take effect immediately.

Dated: August 15, 2012.

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

On motion of Mr. Russell, seconded by Mr. Ackerman, Resolution No. 199 of the Committee on Ways and Means amending Resolution No. 167 of 2012 approving standard workday and retirement reporting for elected and appointed officials was handed up; discussion was held; was voted on and adopted by roll call vote:

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

Against: Hartman, Rose (2).

Absent: None.

**No. 199**

**RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AMENDING RESOLUTION NO. 167 OF 2012 APPROVING STANDARD WORK DAY AND RETIREMENT REPORTING FOR ELECTED AND APPOINTED OFFICIALS**

RESOLVED, that Resolution No. 167 duly adopted by the Herkimer County Legislature on July 11, 2012 which established the standard work days for elected and appointed officials to report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body, is hereby amended to add the following officials:

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
<b>Appointed Officials</b>							
Jacqueline M. Asnoe	DSS Attorney	████	██████	6	10/1/11-10/1/16	N	16.15
Jacqueline M. Asnoe	Assistant District Attorney	████	██████	6	1/1/11 – 12/31/12	N	8.51
Robert P. McGraw	Assistant District Attorney	████	██████	6	2/28/12-12/31/12	N	28.42

And, be it further

RESOLVED, that in all other respects, said Resolution No. 167 adopted on July 11, 2012 is hereby ratified and confirmed.

Dated: August 15, 2012.

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

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

On 8:45 p.m. on motion of Mr. Manno, seconded by Mr. Hyde, the Legislature adjourned to September 12, 2012 at 7:30 p.m., with a public hearing on the 8 Year Review of Agricultural

District No. 6 at 7:00 p.m. and a public hearing on Introductory Local Law No. 1 for 2012 at 7:15 p.m.