

MINUTES
Herkimer County Legislature
Third Quarter – Third Day
Wednesday, September 12, 2012
7:30 p.m.

The Public Hearing on the Eight Year Review of Agricultural District No. 6 was called to order at 7:00 p.m. by Frederick Shaw, Chairman of the Committee on Natural Resources. The Clerk read the notice of the meeting. Mr. Shaw then asked if there was anyone wishing to speak. There were no requests to speak and the hearing was declared closed at 7:04 p.m.

The Public Hearing on Introductory Local Law No. 1 for 2012 was called to order at 7:15 p.m. by Jean Maneen, Chairman of the Committee on Administration/Veterans' Affairs. The Clerk read the notice of the meeting. Mrs. Maneen then asked if there was anyone wishing to speak. There were no requests to speak and the hearing was declared closed at 7:17 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 County Administrator Wallace 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 August 15, 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: Carl Streeter: communication.

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. 278 - A communication was received from Sheriff Christopher Farber submitting the monthly report for July. Referred to the Committee on Public Safety/Emergency Management.

No. 279 – A communication was received from Senator Seward submitting a special sportsmen’s update. Placed on file.

No. 280 – A communication was received from the Director of Real Property Tax Services requesting renewals of contracts for assessment services for the Towns of Columbia, Frankfort, Litchfield, Winfield and the City of Little Falls.

No. 281 – A communication was received from the State Division of Criminal Justice Services advising of approval of the County’s 2012-2013 Probation Annual State Aid Plan and application. Placed on file.

No. 282 – A communication was received from the Sheriff requesting renewal of contract with Black Creek Integrated Systems for inmate management system. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 283 – A communication was received from the Herkimer County Farmland Protection Board submitting report of findings for Eight Year Review of Agricultural District No. 6. Referred to the Committee on Natural Resources.

No. 284 – A communication was received from the Soil and Water Conservation District submitting minutes of 8/14/2012. Placed on file.

No. 285 – A communication was received from the Director of Real Property Tax Services submitting State Board established equalization rates. Referred to the Committee on Ways and Means.

No. 286 – A communication was received from the Director of the Office for the Aging requesting renewal of contract with Senior Network Health. Referred to the Committees on Human Resources and Ways and Means.

No. 287 – A communication was received from the Executive Director of the Herkimer County IDA requesting dissolution of the Herkimer County Local Development Corporation. Referred to the Committee on County Planning and Development.

No. 288 – A communication was received from the County Treasurer recommending sale of county owned property. Referred to the Committee on County Properties.

No. 289 – A communication was received from the State Division of Homeland Security and Emergency Services advising of award of grant. Placed on file.

No. 290 – A communication was received from the Director of Community Services submitting August activities update. Placed on file.

No. 291 – A communication was received from the Director of Community Services submitting the 2011 Annual Report of Mental Health Services. Referred to the Committee on Human Resources.

No. 292 – A communication was received from the YWCA of the Mohawk Valley advising of abolishment of the law enforcement coordinator position for the Child Advocacy Center. Placed on file.

No. 293 – A communication was received from the Director of Employment & Training requesting approval of the workforce Investment Act Local Plan. Referred to the Committee on County Planning and Development.

No. 294 – A communication was received from the Director of Employment and Training requesting approval of agreement with BOCES for services to WIA eligible out of school youth in Herkimer County. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

No. 295 – A communication was received from the Director of Real of Real Property Tax Services requesting renewal of contract with Town of Salisbury for data collection. Referred to the Committee on Ways and Means.

No. 296 – A communication was received from the Director of Real Property Tax Services requesting renewal of contract with Town of Herkimer for data collection. Referred to the Committee on Ways and Means.

No. 297 – A communication was received from the Oneida-Herkimer Solid Waste Authority concerning Regional Demolition Program. Placed on file.

No. 298 – A communication was received from the Employment & Training Director requesting office space permit with Office of Adult Career and Continuing Education Services. Referred to the Committee on County Planning and Development.

No. 299 – A communication was received from the Budget Officer submitting request for transfer of funds. Referred to the Committee on Ways and Means.

No. 300 – A communication was received from the Budget Officer requesting right of entry agreement with Time Warner Cable in connection with additional internet bandwidth for Herkimer County. Referred to the Committee on Ways and Means.

No. 301 – A communication was received from the County Attorney advising of the receipt of a Notice of Claim. Referred to the Committee on Ways and Means.

Pursuant to Rule 6, Chairman Bono then proceeded with Reports of Standing Committees. Legislator Korce commented that the Ways and Means Committee is beginning its 2013 budget deliberations.

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

For: Ayes (17).

Against: None.

Absent: None.

Consent Agenda:

- 200 HUMAN RES.: Adopting Annual Report of Mental Health Services
- 201 PUB. SFTY./EMER. MGMT.: Approving Monthly Report of Sheriff
- 202 WAYS & MEANS: Authorizing contract with Town of Herkimer for County to provide Data Collection Services
- 203 WAYS & MEANS: Authorizing extension of contract with Town of Salisbury for County to provide Data Collection Services
- 204 WAYS & MEANS: Authorizing Contract with City of Little Falls to provide Assessment Services
- 205 WAYS & MEANS: Authorizing extension of contracts with Towns of Columbia Litchfield and Winfield to provide assessment services
- 206 WAYS & MEANS: Extending contract with Town of Frankfort to provide assessment services
- 207 WAYS & MEANS: Transferring funds

No. 200

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES
ADOPTING ANNUAL REPORT OF HERKIMER COUNTY MENTAL HEALTH
SERVICES**

Your Committee on Human Resources, to which was referred the 2010-2011 Local Governmental Unit Annual Report of Mental Hygiene Services for Herkimer County, respectfully reports that we have examined the same, recommend the adoption of said report, and offer the following Resolution:

RESOLVED, that the 2010-2011 Local Governmental Unit Annual Report of Mental Hygiene Services for Herkimer County be approved and placed on file in the proceedings of the Herkimer County Legislature for the year 2011.

Dated: September 12, 2012.

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

No. 201

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 July, 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 July, 2012, which report reflects an average daily population of 68.74 inmates, with an average of 43.87 inmates being boarded out in July, be approved and filed.

Dated: September 12, 2012.

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

No. 202

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

WHEREAS, by Resolution No. 371 of 2006 this Legislature approved a contract with the Town of Herkimer whereby the County would provide data collection to the Town of Herkimer for a period of one year for the sums as outlined in said Resolution, which resolution was amended and extended for additional one year periods; and

WHEREAS, by letter dated August 30, 2012, Beth Sadlon, Director of the Real Property Tax Service Agency, has requested said contract be extended for an additional one year period; and

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

RESOLVED as follows:

1. The County of Herkimer is authorized to provide data collection services to the Town of Herkimer for the period November 20, 2012 through November 20, 2013 on the number of parcels to be designated by the Town for the sum of \$10.00 per parcel per visit for Agricultural, Residential, Vacant and Public Service parcels; a cost of \$32.00 per parcel per visit for Commercial, Recreation, Community Service, Industrial and Forest and Public Parks parcels. Trailer parks shall be charged as one parcel if the park owner provides the inventory of trailers in the park. In the event that the Data Collector must collect such information, the charge shall be \$3.00 per site.

2. The Chairman of this Legislature is authorized to enter into an agreement with the Town of Herkimer for a period of one year through November 20, 2013, with the final form of said contract to be subject to the approval of the County Attorney;

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

Dated: September 12, 2012.

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

No. 203

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

WHEREAS, by Resolution No. 164 of 2003 this Legislature approved a contract with the Town of Salisbury whereby the County would provide data collection to the Town of Salisbury

for a period of one year for the sums as outlined in said Resolution, which resolution was amended and extended for additional one year periods; and

WHEREAS, by letter dated August 30, 2012, Beth Sadlon, Director of the Real Property Tax Service Agency, has requested said contract be extended for an additional one year period; and

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

RESOLVED, as follows:

1. The County of Herkimer is authorized to provide data collection services to the Town of Salisbury for the period June 18, 2012 through June 18, 2013 on the number of parcels to be designated by the Town for the sum of \$10.00 per parcel per visit for Agricultural, Residential, Vacant and Public Service parcels; a cost of \$32.00 per parcel per visit for Commercial, Recreation, Community Service, Industrial and Forest and Public Parks parcels. Trailer parks shall be charged as one parcel if the park owner provides the inventory of trailers in the park. In the event that the Data Collector must collect such information, the charge shall be \$3.00 per site. The County shall be further entitled to mileage each year.

2. The Chairman of this Legislature is authorized to enter into an extension and modification of said agreement with the Town of Salisbury for the period from June 18, 2012 to June 18, 2013 with the final form of said contract to be subject to the approval of the County Attorney;

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

Dated: September 12, 2012.

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

No. 204

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
AUTHORIZING CONTRACT WITH THE CITY OF LITTLE FALLS TO PROVIDE
ASSESSMENT SERVICES**

WHEREAS, this Legislature has authorized by resolution, a contract with the City of Little Falls, whereby the County would provide assessment services to the City for the sum of \$10.00 for each parcel on the final assessment roll of the City; and

WHEREAS, by letter dated August 18, 2012, Beth Sadlon, Director of the Real Property Tax Service Agency, has requested approval of extension of the contract to provide assessment services to the City of Little Falls through December 31, 2013; and

WHEREAS, it is the opinion of your Committee that it is to the mutual benefit of the County of Herkimer and the City of Little Falls for the County of Herkimer to provide said assessment services to the City; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an extension of the agreement to provide assessment services to the City of Little Falls through December 31, 2013, for the sum of \$10.00 for each parcel on the final assessment roll of the town, with the final form of said agreement to be 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 Real Property Tax Services and the City of Little Falls.

Dated: September 12, 2012.

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

No. 205

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
AUTHORIZING EXTENSION OF CONTRACTS WITH THE TOWNS OF COLUMBIA,
LITCHFIELD AND WINFIELD TO PROVIDE ASSESSMENT SERVICES**

WHEREAS, this Legislature has authorized by resolution, contracts with certain towns of the County, whereby the County would provide assessment services to the towns for the sum of \$15.00 for each parcel on the final assessment roll of the town; and

WHEREAS, by letter dated August 18, 2012, Beth Sadlon, Director of the Real Property Tax Service Agency, has requested approval of renewal of the contracts to provide assessment services to the Towns of Columbia, Litchfield and Winfield; and

WHEREAS, it is the opinion of your Committee that it is to the mutual benefit of the County of Herkimer and the aforesaid towns for the County of Herkimer to continue to provide said assessment services to said towns; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into extensions of the agreements to provide assessment services to the Towns of Columbia, Litchfield and Winfield for the period from December 31, 2012 to December 31, 2013, with the final form of said agreements to be 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 Real Property Tax Services and the Towns of Columbia, Litchfield and Winfield.

Dated: September 12, 2012

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

No. 206

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
EXTENDING CONTRACT WITH THE TOWN OF FRANKFORT TO PROVIDE
ASSESSMENT SERVICES TO THE TOWN**

WHEREAS, this Legislature has authorized by resolution, a contract with the Town of Frankfort, whereby the County would provide assessment services to the Town for the sum of \$9.00 for each parcel on the final assessment roll of the Town; and

WHEREAS, by letter dated August 18, 2012, Beth Sadlon, Director of the Real Property Tax Service Agency, has requested approval of extension of the contract to provide assessment services to the Town of Frankfort through December 31, 2013; and

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

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an extension of the agreement to provide assessment services to the Town of Frankfort through December 31, 2013, for the sum of \$9.00 for each parcel on the final assessment roll of the town, with the final form of said agreement to be 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 Real Property Tax Services and the Town of Frankfort.

Dated: September 12, 2012.

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

No. 207

**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 September 6, 2012, submitting a request for transfer of funds, reports that we have examined said communication, inquired into the subject matter thereof recommend that said transfer 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 sum from and to the following account:

\$145,000.00 From: DM5130.10000-001, Co. Road Machinery - Salaries
 To: D5110.10000-001, County Road Maintenance Division -
 Salaries

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

Dated: September 12, 2012.

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

On motion of Mr. Hyde, seconded by Mr. Shaw, Report and Resolution No. 208 of the Committee on Natural Resources to provide that the Eight Year Review of Agricultural District No. 6 in the Towns of Fairfield, Newport, Norway, Russia, Salisbury, Schuyler and Ohio be in Compliance with the provisions of New York State SEQRA was handed up; was voted on and adopted by voice vote:

For: All ayes (17).

Against: None. Absent: None.

No. 208

REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES TO PROVIDE THAT THE EIGHT YEAR REVIEW OF AGRICULTURAL DISTRICT NO. 6 IN THE TOWNS OF FAIRFIELD, NEWPORT, NORWAY, RUSSIA, SALISBURY, SCHUYLER AND OHIO BE IN COMPLIANCE WITH THE PROVISIONS OF THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT

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

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

WHEREAS, the Herkimer County Legislature has under consideration the extension, for eight additional years, of Herkimer County Agricultural District No. 6 in the Towns of Fairfield, Newport, Norway, Russia, Salisbury, Schuyler and Ohio; and

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

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

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

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

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

Dated: September 12, 2012

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

On motion of Mr. Shaw, seconded by Mr. Hyde, Report and Resolution No. 209 of the Committee on Natural Resources as to the Eight Year Review of Agricultural District No. 6 in the Towns of Fairfield, Newport, Norway, Russia, Salisbury, Schuyler and Ohio was handed up; was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 209

REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES AS TO THE EIGHT-YEAR REVIEW OF AGRICULTURAL DISTRICT NO. 6 IN THE TOWNS OF FAIRFIELD, NEWPORT, NORWAY, RUSSIA, SALISBURY, SCHUYLER AND OHIO

WHEREAS, the Agriculture and Markets Law of the State of New York provides for an eight-year review of each agricultural district; and

WHEREAS, the said review process has been undertaken for Agricultural District No. 6 and reference has been had to the Agricultural and Farmland Protection Board and the Herkimer County Planning Board; and

WHEREAS, the Agricultural and Farmland Protection Board and the Herkimer County Planning Board, by communication dated August 31, 2012, have advised this Legislature of their approval of the continuation of the subsequent eight years of Herkimer County Agricultural District No. 6 ; and

WHEREAS, the Committee on Natural Resources has, on the 12th day of September, 2012, held a Public Hearing in connection with the eight-year review of said Agricultural District, said Public Hearing having been held upon proper notice and all parties attending such hearing having been heard; now, therefore, be it

RESOLVED:

1. That the County Legislature of the County of Herkimer hereby endorses the continuation of said Agricultural District No. 6 in the Towns of Fairfield, Newport, Norway, Russia, Salisbury, Schuyler and Ohio.
2. That the Clerk of this Legislature is hereby authorized and directed to forward a certified copy of this Resolution, together with all other necessary documentation, to the Commissioner of Agriculture and Markets of the State of New York.

Dated: September 12, 2012.

FREDERICK J. SHAW
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. Johnson and Mr. Hyde, Report and Resolution No. 210 of the Committee on Administration/Veterans' Affairs adopting Introductory Local Law No. 1 for 2012 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. 210

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

Your Committee on Administration/Veteran' Affairs of the Herkimer County Legislature desires to report that on the 15th day of August, pursuant to Resolution No. 190 for the year 2012, held a public hearing on the adoption of Introductory Local Law No. 1 for 2012 entitled, "A LOCAL LAW DETERMINING LEGISLATIVE DISTRICTS IN AND FOR THE COUNTY OF HERKIMER," and that there were no appearances and no objections at the said public hearing; that your Committee advises the adoption and enactment of the said Introductory Local Law and offers the following Resolution:

RESOLVED, that Introductory Local Law No.1 for 2012 be adopted in form attached hereto.

Dated: September 12, 2012.

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

INTRODUCTORY LOCAL LAW NO. 1 – 2012

LOCAL LAW NO. – 2012

A LOCAL LAW DETERMINING LEGISLATIVE DISTRICTS IN AND FOR THE COUNTY
OF HERKIMER

BE IT ENACTED by the County Legislature of the County of Herkimer as follows:

Section 1. There shall be seventeen (17) legislative districts in the County of Herkimer.

Section 2. The seventeen (17) legislative districts within the County of Herkimer shall be as follows:

DESCRIPTION OF LEGISLATIVE DISTRICTS

Note: All descriptions herein are based on the U.S. Census 2010 map geography.

HERKIMER COUNTY LEGISLATIVE DISTRICTS

All descriptions of the Herkimer County Legislative Districts follow the centerline of the mentioned feature unless otherwise stated.

Legislative District 1	<p>Beginning at the point of intersection of the Town of Herkimer, Town of German Flatts and Town of Little Falls boundary; then southerly along the Town of German Flatts, Town of Little Falls boundary to the intersection of Quinn Road; then westerly and southwesterly along Quinn Road to the intersection of Old Shoemaker Hill Road; then southwesterly along Old Shoemaker Hill Road to the intersection of Shoemaker Hill Road; then northwesterly along Shoemaker Hill Road to the intersection of Shoemaker Hill Road and Griffin Road; then westerly and southerly along Shoemaker Hill Road to the intersection of Shoemaker Road; then northwesterly along Shoemaker Road to a point on the eastern Village of Mohawk boundary at the intersection of Shoemaker Road and Hillview Drive; then along the eastern Village of Mohawk boundary to the intersection of NYS Route 5S; then westerly along NYS Route 5S to the intersection of E. Main Street (Village of Mohawk); then southwesterly along E. Main Street (Village of Mohawk) to the intersection of Bellinger Street; then southeasterly along Bellinger Street to the intersection of Marhsall Ave; then southwesterly along Marshall Ave to the intersection of Church Street; then southerly along Church Street to the intersection of Michigan Street; then westerly along Michigan Street to the intersection of Walnut Street; then southerly along Walnut Street to the intersection of Johnson Ave; then westerly along Johnson Ave to the intersection of Columbia Street; then northerly along Columbia Street to the intersection of Otsego Street; then northerly on Otsego Street to the intersection of W. Main Street (Village of Mohawk); then westerly along W. Main Street to the intersection of N. Richfield Street; then northerly along N. Richfield Street to the intersection of the abandoned railroad right-of-way; then westerly along the abandoned railroad right-of-way to the intersection of Fulmer Creek; then northerly along Fulmer Creek to the intersection of the Village of Mohawk boundary; then westerly along the Village of Mohawk boundary to the intersection of boundary of Election District 3, Election District 2 and Election District 9 of the Town of German Flatts; then northerly, westerly, and northerly along the boundary of Election District 2 and Election District 9 of the Town of German Flatts to the intersection of the Town of German Flatts, Town of Herkimer boundary; then easterly along Town of German Flatts, Town of Herkimer boundary 4635 feet to the intersection of a stream, (the</p>
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	<p>boundary of Election District 5 and Election District 9 of the Town of Herkimer); then northerly along the stream to the intersection of Maple Grove Ave; then easterly along Maple Grove Ave to the intersection of W. German Street; then northeasterly along W. German Street to the intersection of Henry Street; then southeasterly along Henry Street to the intersection of Church Street; then southwesterly along Church Street to the intersection of Margaret Street; then southeasterly along Margaret Street and then easterly along the boundary of Election District 3 and Election District 8 of the Town of Herkimer to the intersection of W. State Street; then northeasterly along W. State Street and E. State Street to the intersection of Wires Ave; then southerly along Wires Ave to the intersection of Eastern Ave; then westerly along Eastern Ave to the intersection of King Street; then southeasterly along King Street to the intersection of Steele Street; then southwesterly along Steele Street to the intersection of S. Washington Street; then southeasterly along S. Washington Street to the intersection of the Town of Herkimer, Town of German Flatts boundary; then easterly along the Town of Herkimer, Town of German Flatts boundary to the point of beginning.</p>
Legislative District 2	<p>Beginning at a point at the intersection of the southerly boundary of the Town of Fairfield and the westerly bank of the West Canada Creek; then easterly along the Town of Herkimer, Town of Fairfield boundary to the northeast corner of the Town of Herkimer; then southerly along the Town of Herkimer, Town of Little Falls boundary to a point at the intersection of the Town of Herkimer, Town of Little Falls and Town of German Flatts boundary; then westerly along the Town of Herkimer, Town of German Flatts boundary to the intersection of S. Washington Street; then northerly along S. Washington Street to the intersection of Steele Street; then easterly along Steele Street to the intersection of King Street; then northerly along King Street to the intersection of Eastern Ave; then easterly along Eastern Ave to the intersection of Wires Ave; then northerly along Wires Ave to the intersection of E. State Street; then southwesterly along E. State Street and W. State Street to the intersection of the boundary of Election District 8 and Election District 3 of the Town of Herkimer; then westerly and northerly along the boundary of Election District 8 and Election District 3 of the Town of Herkimer and Margaret Street to the intersection of Church Street; then northeasterly along Church Street to the intersection of N. Main Street; then northwesterly along Main Street to the intersection of Court Street; then northeasterly along Court Street to the intersection of N. Washington Street; then northwesterly along N. Washington Street to the intersection of Suiter Street; then northeasterly along Suiter Street to the intersection of Steuben Street; then northerly along Steuben Street to the intersection of Steuben Ave; then northeasterly along Steuben Ave to the intersection of Harter Street; then</p>

	northwesterly along Harter Street to the intersection of E. German Street; then northerly along E. German Street to the northerly boundary of Election District 2 of the Town of Herkimer; then easterly along the northerly boundary of Election District 2 of the Town of Herkimer to the intersection of Election District 1, Election District 6, and Election District 2 of the Town of Herkimer; then northerly along the boundary between Election District 1 and Election District 6 in the Town of Herkimer to the point of beginning.
Legislative District 3	Beginning at a point at the intersection of the Town of Herkimer, Town of Newport and Town of Schuyler boundary; then southeasterly along the Town of Herkimer and Town of Newport boundary to a point at the Town of Herkimer, Town of Newport and Town of Fairfield boundary; then southerly along the Town of Herkimer and Town of Fairfield boundary to a point at the intersection of the Town of Fairfield and Town of Herkimer Election District 1 and Election District 6 boundary; then southerly along the boundary of the Town of Herkimer Election District 1 and Election District 6 to a point of intersection of the Town of Herkimer Election District 1, Election District 6 and Election District 2; then westerly along the boundary of the Town of Herkimer Election District 2 and Election District 6 to the intersection of E. German Street; then southerly along E. German Street to the intersection of Harter Street; then southeasterly along Harter Street to the intersection of Steuben Ave; the westerly along Steuben Ave to the intersection of Steuben Street; then southerly along Steuben Street to the intersection of Suiter Street; then westerly along Suiter Street to the intersection of N. Washington Street; then southeasterly along N. Washington Street to the intersection of Court Street; then southwestly along Court Street to the intersection of N. Main Street; then southerly along N. Main Street to the intersection of Church Street; then southwestly along Church Street to the intersection of Henry Street; then northwesterly along Henry Street to the intersection of W. German Street; then southwestly along W. German Street to the intersection of Maple Grove Ave; then westerly along Maple Grove Ave to a stream; then southerly along said stream to the intersection of the Town of Herkimer, Town of German Flatts boundary; then westerly along the Town of Herkimer, Town of German Flatts boundary; to a point at the intersection of the Town of Herkimer, Town of German Flatts and Town of Frankfort boundary; then westerly and northerly along the Town of Herkimer, Town of Frankfort boundary to a point of the intersection of the Town of Herkimer, Town of Frankfort and Town of Schuyler boundary; then northerly along the Town of Herkimer, Town of Schuyler boundary to the point of beginning.
Legislative District 4	Beginning at the point of intersection of the Town of German Flatts, Town of Herkimer and Town of Frankfort boundary; then easterly along the Town of German Flatts, Town of Herkimer boundary to the

	<p>intersection of the point of Election District 9 and Election District 2 of the Town of German Flatts and the Town of German Flatts, Town of Herkimer boundary; then southerly, easterly and then southerly again along the boundary of Election District 2 and Election District 9 of the Town of German Flatts to the intersection of the Village of Mohawk boundary; then easterly along the Village of Mohawk boundary to the intersection of Fulmer Creek; then southerly along Fulmer Creek to the intersection of the abandoned railroad right-of-way; then easterly along abandoned (Note: Richfield Street does not seem to go all the way to abandoned railroad) railroad right-of-way to the intersection of N. Richfield Street; then southerly along N. Richfield Street to the intersection of W. Main Street (Village of Mohawk); then east on W. Main Street to the intersection of Otsego Street; then southerly on S. Otsego Street to the intersection of Columbia Street; then southerly along Columbia Street to the intersection of Hammond Street; then southeasterly along Hammond Street - NYS Route 168 to the intersection of Fulmer Creek; then westerly along Fulmer Creek approximately 620 feet to a stream; then southerly and southwesterly along the stream to intersection of NYS Route 28; then southerly along NYS Route 28 to the intersection of the Town of German Flatts, Town of Columbia boundary; then northwesterly along the Town of German Flatts, Town of Columbia boundary to the intersection of Warren Road; then northerly along Warren Road to W. Main Street (Village of Mohawk); then westerly along W. Main Street (Village of Mohawk) and E. Main Street (Village of Ilion) to the intersection of Main Street (Village of Ilion); then northwesterly along Main Street to the intersection of E. Clark Street (Village of Ilion); then northwesterly along E. Clark Street (Village of Ilion) to the intersection of W. Main Street (Village of Ilion); then westerly and northwesterly along W. Main Street to the intersection of the Town of German Flatts, Town of Frankfort boundary; then northerly along the Town of German Flatts, Town of Frankfort boundary to the point of beginning.</p>
Legislative District 5	<p>Beginning at the intersection of W. Main Street and Warren Road (Village of Mohawk); then southerly along Warren Road to the intersection of the Town of German Flatts, Town of Columbia boundary; then northwesterly along the Town of German Flatts, Town of Columbia, Town of Litchfield boundary to the point of intersection of the Town of German Flatts, Town of Litchfield and Town of Frankfort boundary; then northeasterly along the Town of German Flatts, Town of Frankfort boundary to the intersection of the Village of Ilion boundary; then easterly along the Village of Ilion boundary to the intersection of Barringer Road and Concord Street; then easterly along Concord Street to the intersection of Cross Street; then southerly along Cross Street to the intersection of Wilson Street; then southeasterly along Wilson Street to the intersection of Woodland</p>

	<p>Ave; then southerly along Woodland Ave to the intersection of Ward Street; then easterly along Ward Street to the intersection of S. 4th Ave; then northerly along S. 4th Ave to the intersection of Grove Street; then easterly along Grove Street to the intersection of Prospect Ave; then southerly along Prospect Ave to the intersection of Center Street; then easterly along Center Street to the intersection of John Street; then southerly along John Street to the intersection of Otsego Street; then northeasterly along Otsego Street to the intersection of Morgan Street; then northerly along Morgan Street to the intersection of 1st Street; then easterly along 1st Street to the intersection of Otsego Street; then northeasterly along Otsego Street and Central Ave to the intersection of E. Clark Street; then southeasterly along E. Clark Street to the intersection of Main Street (Village of Ilion); then southeasterly along Main Street to the intersection of E. Main Street (Village of Ilion); then easterly along E. Main Street and W. Main Street (Village of Mohawk) to the point of beginning.</p>
Legislative District 6	<p>Beginning at the point of intersection of W. Main Street (Village of Ilion) and the Town of German Flatts, Town of Frankfort boundary; then southeasterly along W. Main Street to the intersection of Central Ave (Village of Ilion); then southwestly along Central Ave and Otsego Street to the intersection of 1st Street; then westerly along 1st Street to the intersection of Morgan Street; then southerly along Morgan Street to the intersection of Otsego Street; then southerly along Otsego Street to the intersection of John Street; then northerly along John Street to the intersection of Center Street; then westerly along Center Street to the intersection of Prospect Ave; then northerly along Prospect Ave to the intersection of Grove Street; then westerly along Grove Street to the intersection of S. 4th Ave; then southerly along S. 4th Ave to the intersection of Ward Street, then westerly along Ward Street to the intersection of Woodland Ave; then northerly along Woodland Ave to the intersection of Wilson Street; then northwesterly along Wilson Ave and Cross Street to the intersection of Concord Street; then westerly along Concord Street to the intersection of Barringer Road and the Village of Ilion boundary; then westerly along the village of Ilion boundary to the intersection of the Town of German Flatts, Town of Frankfort, Village of Ilion boundary; then northeasterly along the Town of German Flatts, Town of Frankfort boundary to the point of beginning.</p>
Legislative District 7	<p>All of the Town of Warren, that portion of the Town of Columbia described as Election District 1 as follows: Beginning at a point the intersection of Jordanville Road and the Town of Litchfield, Town of Columbia boundary; then northeasterly along the Town of Columbia, Town of Litchfield boundary to the northwest corner of the Town of Columbia; then southeasterly and easterly along the Town of Columbia, Town of German Flatts boundary to the northeast corner of the Town of Columbia; then southwestly along the Town of</p>

	<p>Columbia, Town of Warren boundary to the southeast corner of the Town of Columbia, then northwesterly along the Town of Columbia, Otsego County boundary to the intersection of Prey Hill Road; then northerly along Prey Hill Road to the intersection of Mc Koons Road; then westerly and northerly along Mc Koons Road to the intersection of Jordanville Road, then westerly along Jordanville Road to the point of beginning.</p> <p>Also, all that portion of the Town of German Flatts described as follows: Beginning at the intersection of NYS Routes 5S and 28; then easterly along NYS Route 5S to the intersection of the eastern Village of Mohawk boundary; then southerly along the eastern Village of Mohawk boundary to the intersection of Shoemaker Road and Hillview Drive; then southeasterly along Shoemaker Road to the intersection of Shoemaker Hill Road; then northeasterly along Shoemaker Hill Road to the intersection of Griffin Road and Shoemaker Hill Road; then southeasterly along Shoemaker Hill Road to the intersection of Old Shoemaker Hill Road; then northeasterly along Old Shoemaker Hill Road to the intersection of Quinn Road; then northeasterly along Quinn Road to the intersection of the Town of German Flatts, Town of Little Falls boundary; then southerly along the Town of German Flatts and Town of Little Falls boundary to a point of the towns of German Flatts, Stark and Warren boundary; then westerly along the towns of German Flatts, Warren and Columbia boundary to the intersection of NYS Route 28; then northerly along NYS Route 28 approximately 570 feet to the intersection of a stream; then northeasterly and northerly along said stream to the intersection of Fulmer Creek, then easterly along Fulmer Creek to the intersection of NYS Route 168; then northwesterly along NYS Route 168 to the intersection of NYS Route 28; then northerly along NYS Route 28 to the intersection of Johnson Ave; then easterly along Johnson Ave to the intersection of Walnut Street; then northerly along Walnut Street to the intersection of Michigan Street; then easterly along Michigan Street to the intersection of Marshall Ave; then northeasterly along Marshall Ave to the intersection of Bellinger Street; then northerly along Bellinger Street to the intersection of E. Main Street (Village of Mohawk); then northeasterly along E. Main Street to the point of beginning.</p>
Legislative District 8	<p>Beginning at the intersection of the Herkimer County, Oneida County, Town of Schuyler and Town of Frankfort boundaries; then easterly along the Town of Frankfort and Schuyler boundary to the intersection of Marina Park Drive; then southeasterly along Marina Park Drive to the intersection of the abandoned railroad right-of-way; then southeasterly along abandoned railroad right-of-way to the intersection of Railroad Street; then southeasterly along Railroad Street; then</p>

	<p>southwesterly along Railroad Street to the intersection of E. Orchard Street; then southeasterly along E. Orchard Street to the intersection of N. Frankfort Street; then southwesterly along North and South Frankfort Street to the intersection of Pleasant Ave; then northwesterly along Pleasant Ave to the intersection of S. Litchfield Street and NYS Route 171; then southerly and westerly along S. Litchfield Street-NYS route 171 to the intersection of Ball Road; then southerly along Ball Road to the towns of Frankfort and Litchfield boundary; then westerly along said boundary to a point at the intersection of the Herkimer County, Oneida County, Town of Litchfield and Town of Frankfort boundaries; then northerly and northeasterly along the Town of Frankfort boundary to the point of beginning.</p>
Legislative District 9	<p>Beginning at the point of intersection of Marina Park Drive, Town of Frankfort and Town of Schuyler boundary; then northeasterly and then southeasterly along the Town of Frankfort, Town of Schuyler boundary to the point at the intersection of the Town of Frankfort, Town of Herkimer and Town of German Flatts boundaries; then southwesterly along the Town of Frankfort, Town of German Flatts boundary to the point at the intersection of the town of Frankfort, Town of German Flatts and Town of Litchfield boundaries; then northwesterly along the Town of Frankfort, town of Litchfield boundary to the intersection of Ball Road; then northerly along Ball Road to the intersection of NYS Route 171; then northeasterly along NYS Route 171-Litchfield Street to the intersection of Pleasant Ave; then easterly along Pleasant Ave to the intersection of S. Frankfort Street; then northeasterly along South and North Frankfort Street to the intersection of E. Orchard Street; then northwesterly along E. Orchard Street to the intersection of Railroad Street; then northeasterly along Railroad Street to the intersection of the abandoned railroad right-of-way; then northwesterly along the abandoned railroad right-of-way to the intersection of Marina Park Drive; then northwesterly and northerly along Marina Park Drive to the point of beginning.</p>
Legislative District 10	<p>All of the Town of Manheim and Election District 3-2 of the City of Little Falls described as follows: Beginning at the intersection of Salisbury Road and the City of Little Falls, Town of Manheim boundary; then easterly and southerly along said boundary to the intersection of Loomis Street; then westerly along Loomis Street to the intersection of Ray Street; then southerly along Ray Street to the intersection of Burwell Street; then northwesterly along Burwell Street to the intersection of Salisbury Street; then northerly along Salisbury Street to the intersection of E. Monroe Street; then easterly and northerly along E. Monroe Street to the intersection of Salisbury Road; then northeasterly along Salisbury Road to the point of beginning.</p>
Legislative District 11	<p>All of the Town of Schuyler.</p>
Legislative District 12	<p>All of the City of Little Falls except Election District 3-2, said Election District 3-2 described as follows: Beginning at the</p>

	<p>intersection of Salisbury Road and the City of Little Falls, Town of Manheim boundary; then easterly and southerly along said boundary to the intersection of Loomis Street; then westerly along Loomis Street to the intersection of Ray Street; then southerly along Ray Street to the intersection of Burwell Street; then northwesterly along Burwell Street to the intersection of Salisbury Street; then northerly along Salisbury Street to the intersection of E. Monroe Street; then easterly and northerly along E. Monroe Street to the intersection of Salisbury Road; then northeasterly along Salisbury Road to the point of beginning.</p>
Legislative District 13	<p>All of the towns of Litchfield, Winfield and that portion of the Town of Columbia described as Election District 2 as follows: Beginning at a point at the intersection of the centerline of Jordanville Road and the Town of Litchfield, Town of Columbia boundary; then easterly along Jordanville Road to the intersection of Mc Koons Road; then southerly then easterly along said Mc Koons Road to the intersection of Prey Hill Road; then southerly along Prey Hill Road to the Town of Columbia, Otsego County boundary; then northwesterly along the Town of Columbia, Otsego County, and Town of Winfield boundary to the southwest corner of the Town of Columbia; then northeasterly along the Town of Columbia, Town of Winfield, Town of Litchfield boundary to the point of beginning.</p>
Legislative District 14	<p>All of the towns of Little Falls, Danube and Stark</p>
Legislative District 15	<p>All of the towns of Webb, Ohio and that portion of the Town of Russia described as Election District 2 as follows: Beginning at a point at the intersection of Military Road and the Herkimer County, Oneida County boundary; then southeasterly along Military Road to the intersection of Black Creek Road; then easterly and northeasterly along Black Creek Road to the intersection of Pardeeville road; then southeasterly along Pardeeville Road to Sunset Lodge Road, then easterly along Sunset Lodge Road to the Town of Russia, Town of Ohio boundary; then northerly and then westerly along the Town of Russia, Town of Ohio boundary to the Town of Russia, Oneida County boundary; then southerly and westerly along said boundary to the point of beginning.</p>
Legislative District 16	<p>All of the towns of Salisbury, Norway and Fairfield.</p>
Legislative District 17	<p>All of the town of Newport and those portions of the Town of Russia described as Election District 1 and Election District 3:</p> <p>Election District 1 as follows: Beginning at a point at the southeast corner of the Town of Russia, said point also being the southeast corner of Russia Election District #1, thence westerly along the southerly municipal boundary of the Town of Russia to a point at the intersection of the easterly municipal boundary of the Village of Poland, thence northerly along the easterly municipal boundary of the Village of Poland to the northeast corner of the Village of Poland, thence westerly along the northerly municipal boundary of the Village</p>

	<p>of Poland to the northwest corner of the Village of Poland, thence generally northerly along the municipal boundary of the Town of Russia to the intersection of Military Road, thence southeasterly along Military Road to the intersection of Black Creek Road, thence generally easterly along Black Creek Road to the intersection of Pardeeville Road, thence southeasterly along Pardeeville Road to the intersection of Sunset Lodge Road, thence southeasterly along Sunset Lodge Road to the intersection of the municipal boundary of the Town of Russia, thence southerly along the municipal boundaries of the Town of Russia, the Town of Ohio, and the Town of Norway to the point of beginning.</p> <p>Election District 3 as follows: Beginning at a point at the northwest corner of the Village of Poland, thence running easterly along the Village of Poland municipal boundary to the northeast corner of the Village of Poland, thence southerly along the eastern municipal boundary of the Village of Poland to the intersection of the municipal boundary between the Towns of Russia and Newport, thence westerly through the Village of Poland and along the municipal boundary of the Towns of Russia and Newport to the West Canada Creek, thence northwesterly along the West Canada Creek to the point of beginning.</p>
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Section 3. This local law shall take effect forty-five days after its adoption.

Dated: September 12, 2012.

On motion of Mr. Weakley, seconded by Mr. Russell, Report and Resolution No. 211 of the Committee on Ways and Means fixing the percentages which the assessed valuation of real property bear to the full or true valuation of the various towns of the county and the City of Little Falls was handed up; voted on and adopted by roll call:

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

Against: None. Absent: None.

No. 211

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
FIXING PERCENTAGES WHICH THE ASSESSED VALUATION OF THE REAL**

PROPERTY BEAR TO THE FULL OR TRUE VALUATION OF THE VARIOUS TOWNS OF THE COUNTY AND THE CITY OF LITTLE FALLS

WHEREAS, your Committee on Ways and Means, to which was referred the communication from the Director of Real Property Tax Services, submitting the State Board established Herkimer County Equalization Rates to be used in the apportionment of the 2013 Tax Levy pursuant to Title 2 of Article 8 of the Real Property Tax Law, do respectfully report that we have examined said report and offer the following Resolution:

RESOLVED, that pursuant to Title 2 of Article 8 of the Real Property Tax Law the ratio of percentage which the assessed valuation of real property in each district bears to its full value is hereby established as follows:

County Equalization Rates for the 2012 Assessment Rolls
for Municipalities in the County of Herkimer

City of Little Falls	20.00
Town of Columbia	92.00
Town of Danube	89.00
Town of Fairfield	82.00
Town of Frankfort	75.00
Town of German Flatts	77.00
Town of Herkimer	94.00
Town of Litchfield	92.00
Town of Little Falls	70.00
Town of Manheim	70.00
Town of Newport	107.50
Town of Norway	72.50
Town of Ohio	100.00
Town of Russia	100.00
Town of Salisbury	100.00
Town of Schuyler	90.00
Town of Stark	60.00
Town of Warren	69.00
Town of Webb	100.00
Town of Winfield	92.00

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Director of Real Property Tax Services and each town and the City of Little Falls.

Dated: September 12, 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. Hyde, Report and Resolution No. 212 of the Committee on Public Safety/Emergency Management and the Committee on Ways and Means approving renewal of agreement for Sallyport Inmate Management System at Herkimer County Correctional Facility was handed up; voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 212

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND
EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS
APPROVING RENEWAL OF AGREEMENT FOR SALLYPORT INMATE
MANAGEMENT SYSTEM AT HERKIMER COUNTY CORRECTIONAL FACILITY**

WHEREAS, by Resolution No. 19 of 2009 this Legislature authorized an agreement to accept the SallyPort Jail Management System at the Herkimer County Correctional Facility; and

WHEREAS, by letter dated August 21, 2012 from Sheriff Christopher Farber, this Legislature is advised of a request to renew said agreement for support services for the SallyPort Inmate Management System for the period 1/1/2013 through 12/31/2013 at a cost of \$10,225.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute an agreement with Black Creek Integrated Systems, PO Box 101747, Irondale, AL 35210, for support services for the SallyPort Inmate Management System at the Herkimer County Correctional Facility, with said agreement to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that said agreement shall be for the period of 1/1/2013 through 12/31/2013 at an annual cost of \$10,225.00; and, be it further

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

Dated: September 12, 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. 213 of the Committee on Human Resources and the Committee on Ways and Means authorizing renewal of contract with Senior Network Health was handed up; was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 213

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES
AND WAYS AND MEANS AUTHORIZING RENEWAL OF CONTRACT WITH
SENIOR NETWORK HEALTH**

WHEREAS, by letter dated August 8, 2012 from Kathy L. Fox, Director of the Office for the Aging this Legislature is advised of a request to enter into a contract renewal with Senior Network Health, LLC of Utica, New York, for the Office for the Aging to provide contracted services to the clients of Senior Network Health in Herkimer County; and

WHEREAS, the Office for the Aging will provide home delivered meals, congregate meals, nutrition education, nutritional counseling, as well as attend meetings as necessary, with said services to be reimbursed at 100%; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a renewal of the contractual arrangement with Senior Network Health, LLC, 430 Court Street, Utica, New York 13502, to provide contracted services by the Herkimer County Office for the Aging as above described from November 1, 2012 to October 31, 2013, with the renewal of one additional term of one year by written consent of the parties on the same or more favorable terms and conditions to the County of Herkimer; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of the Office for the Aging and Senior Network Health, LLC.

Dated: September 12, 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. Johnson and Mr. Schrader, Report and Resolution No. 214 of the Committee on County Properties approving sale of Parcel acquired by In Rem Tax Foreclosures 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. 214

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

WHEREAS, by judgment of the Herkimer County Court filed and entered April 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, by Resolution No. 185 adopted on August 15, 2012, this Legislature approved the sale of certain parcels acquired by said In Rem Tax Foreclosure Action; and

WHEREAS, by letter dated August 29, 2012 from Pamela J. Putch, County Property Agent, this Legislature has been advised that one of the purchasers that was approved on said resolution has defaulted and recommends that the next highest bid for said parcel be accepted; now, therefore, be it

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

<u>Parcel</u>	<u>Purchaser</u>	<u>Offer</u>
Village of Ilion Tax Map No. 120.37-3-70 4 East Street	Kareem Earle 4156 Baychester Ave. Bronx, NY 10466	\$5,000.00

and, be it further

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

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

Dated: September 12, 2012.

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

On motion of Mr. Johnson, seconded by Mr. Hendrix, Report and Resolution No. 215 of the Committee on County Planning and Development approving Herkimer-Madison-Oneida Workforce Investment Act Local Plan for Program year 2012-2013 was handed up; was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 215

REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT APPROVING THE HERKIMER-MADISON-ONEIDA WORKFORCE INVESTMENT ACT LOCAL PLAN FOR PROGRAM YEAR 2012-2013

WHEREAS, by letter dated August 22, 2012, Karin Zipko, Employment & Training Director, has advised that the Workforce Investment Board has prepared and submitted the Herkimer-Madison-Oneida Workforce Investment Act Local Plan for Program Year 2012-2013; and

WHEREAS, the New York State Department of Labor requires approval of said plan by the Chief Elected Officials of Herkimer, Madison and Oneida Counties, and said plan sets performance goals for Workforce Investment Act funded programs operated by the Herkimer County and Madison County Employment and Training offices, and the Oneida County Workforce Development; now, therefore, be it

RESOLVED, that the execution by the Chairman of this Legislature is approved of the Herkimer-Madison-Oneida Workforce Investment Act Local Plan for Program Year 2012-2013; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Employment & Training Director, Oneida County Executive, Chairman of the Madison County Board of Supervisors. Director of the Workforce Investment Board and the New York State Department of Labor.

Dated: September 12, 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. Shaw, seconded by Mr. Peplinski, Report and Resolution No. 216 of the Committee on County Planning and Development and the Committee on Ways and Means authorizing an agreement with Herkimer County BOCES for services for WIA –eligible out of school youth in Herkimer County was handed up; was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 216

REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING AN AGREEMENT WITH HERKIMER COUNTY BOCES FOR SERVICES FOR WIA-ELIGIBLE OUT OF SCHOOL YOUTH IN HERKIMER COUNTY

WHEREAS, by letter dated August 14, 2012 from Karin Zipko, Director of Employment & Training, your Committees have been advised of a request to enter into an agreement between Herkimer County, referred to as the Herkimer-Madison-Oneida Consortium, with Herkimer County BOCES, referred to as Herkimer-Fulton-Hamilton-Otsego BOCES, for the period July 1, 2012 through June 30, 2013; and

WHEREAS, the purpose of said agreement will be to provide services to WIA-eligible, out of school youth in Herkimer County who are in need of remediation, instruction and career guidance; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute an agreement on behalf of the County of Herkimer, as part of the Herkimer-Madison-Oneida Consortium, with the Herkimer –Fulton-Hamilton-Otsego BOCES to provide services to WIA-eligible out of school youth in Herkimer County, with said agreement to be for the period July 1, 2012 through June 30, 2013, and with the terms and conditions of said agreement to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Employment and Training, and Herkimer-Fulton-Hamilton-Otsego BOCES.

Dated: September 12, 2012.

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

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

On motion of Mr. Peplinski, seconded by Mr. Johnson, Report and Resolution No. 217 of the Committee on County Planning and Development authorizing dissolution of the Herkimer County Local Development Corporation was handed up; discussion was held; was voted on and adopted voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 217

REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AUTHORIZING DISSOLUTION OF THE HERKIMER COUNTY LOCAL DEVELOPMENT CORPORATION

WHEREAS, by Resolution No. 29 adopted on January 20, 2010, and by Resolution No. 90 adopted on March 10, 2010, this Legislature established a Herkimer County Local Development Corporation pursuant to Section 1411 of the Not-for-Profit Corporation Law, for the purpose of promoting community and economic development and undertaking projects and activities within the County; and

WHEREAS, by communication dated August 7, 2012 from Mark Feane, Executive Director of the Herkimer County Industrial Development Agency, this Legislature has been advised that the Herkimer County Industrial Development Agency Board of Directors has requested that the County no longer consider the IDA as an administering entity of the LDC and consider dissolving the LDC in its current state; and

WHEREAS, the reason specified by the IDA Board of Directors is that other counties that have created LDC's for these purposes have recently been notified that performing work for the LDC's could result in loss of retirement benefits for employees; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby approves the dissolution, effective immediately, of the Herkimer County Local Development Corporation established by the above resolutions, and states that the Herkimer County Industrial Development Agency will not be considered as the administering entity of the Herkimer County Local Development Corporation and authorizes the Chairman of this Legislature to execute any and all necessary documents to accomplish such dissolution; and, be it further

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

Dated: September 12, 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. Shaw, seconded by Mr. Johnson and Mr. Peplinski, Report and Resolution No. 218 of the Committee on County Planning and Development authorizing office space permit agreement with Office of Adult Career and Continuing Education Services – Vocational Rehabilitation was held, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 218

REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AUTHORIZING OFFICE SPACE PERMIT AGREEMENT WITH THE OFFICE OF ADULT CAREER AND CONTINUING EDUCATION SERVICES

WHEREAS, by letter dated September 6, 2012 from Karin Zipko, Director of Employment and Training, your Committee has been advised that it is necessary to enter into an office space permit agreement with the Office of Adult Career and Continuing Education Services – Vocational Rehabilitation (ACCES-VR) for use of office space at the Working Solutions One Stop Center located at 320 North Prospect Street, Herkimer, New York; and

WHEREAS, said agreement would be for a term of one year commencing July 1, 2012 through June 30, 2013 and would provide a cubicle of office space in the Working Solutions One Stop Center for use by the Office of Adult Career and Continuing Education Services – Vocational Rehabilitation for the purpose of assisting and serving its customers, with payment to the County to be in the amount of \$7,000 annually; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute an Office Space Permit Agreement on behalf of the County of Herkimer with the Office of Adult Career and Continuing Education Services – Vocational Rehabilitation, containing the above terms and conditions, with further terms and conditions subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that the Chairman of this Legislature is further authorized to enter into annual renewals of said office space permit agreement, after the expiration of the current agreement, upon the same or more favorable terms and conditions; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Employment and Training and the Office of Adult Career and Continuing Education Services – Vocational Rehabilitation.

Dated: September 12, 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. Russell, seconded by Mr. Ackerman, Report and Resolution No. 219 of the Committee on Ways and Means authorizing right of entry agreements with Time Warner Cable was handed up; was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 219

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
AUTHORIZING RIGHT OF ENTRY AGREEMENTS WITH TIME WARNER CABLE**

WHEREAS, by Resolution No. 126 adopted May 16, 2012 this Legislature authorized a contract with Northland Communications for the provision of additional internet bandwidth and connectivity to remote offices for Herkimer County; and

WHEREAS, by letter dated September 6, 2012, Bernard E. Decker, Budget Officer/Purchasing Agent, has request authorization for Right of Entry Agreements with Time Warner Cable to allow Time Warner to install infrastructure in county facilities relating to the County's contract with Northland Communications; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into Right of Entry Agreements with Time Warner Cable, 6601 Kirkville Road, East Syracuse, NY 13057, for the installation of infrastructure in county facilities relating to the County's contract with Northland Communications for additional internet bandwidth for Herkimer County; and, be it further

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

Dated: September 12, 2012.

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

On motion of Mr. Peplinski, seconded by Mr. Russell, Resolution No. 220 of the Committee on Ways & Means setting date for Public Hearing on Local Law No. 2 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.

RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS SETTING DATE FOR PUBLIC HEARING ON INTRODUCTORY LOCAL LAW NO. 2 FOR 2012

We, the Committee on Ways and Means of the Herkimer County Legislature are causing to be prepared and will present Introductory Local Law No. 2 for the year 2012 entitled, “A LOCAL LAW TO IMPOSE A MORTGAGE RECORDING TAX WITHIN THE COUNTY OF HERKIMER”; now, therefore, be it

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 Ways and Means on the 3rd day of October at 1:15 p.m. in the Legislative Chambers of the County Office Building, Herkimer, New York; and, be it further

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

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

RESOLVED, that if said local law shall be finally adopted, the Clerk of this Legislature shall file one certified copy thereof in the Office of the County Clerk, one certified copy in the

Office of the Secretary of State and print and publish said local in the official newspapers of the County of Herkimer pursuant to law.

Dated: September 12, 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. Peplinski, Mr. Korce and Mr. Johnson, Report and Resolution No. 221 of the Committees on Human Resources, County Properties and Ways and Means authorizing sale of Country Manor was handed up for discussion:

On motion of Mr. Russell, seconded by Mr. Weakley, motion was made to move the question and adopted by voice vote:

For: All ayes (15).

Against: Hartman, Rose (2). Absent: None.

The Resolution was voted on and adopted by roll call vote:

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

Against: Hartman, Rose, Brezinski (3). Abstain: Hyde (1).

Absent: None.

No.

RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES, COUNTY PROPERTIES AND WAYS AND MEANS AUTHORIZING SALE OF COUNTRY MANOR

WHEREAS, Advanced Healthcare Management, LLC, has submitted a proposal to the County of Herkimer to purchase the Country Manor premises located on the east side of New York State Route 28 in the Town of Herkimer; and

WHEREAS, that contract calls for a purchase price of \$335,000.00, to be paid as follows: if purchaser defaults, sells or closes the facility within the first year from the execution of a promissory note in that amount, the amount due and owing would be \$335,000.00; in the event of a default, sale or closing the facility between one and two years, the principal amount due and owing would be \$268,000.00; in the event of a default, sale or closing of the facility within two and three years, the principal due and owing would be \$201,000.00; in the event of a default, sale or closing of the facility between three and four years from the execution of a promissory note, the amount due and owing would be \$134,000; in the event of a default, sale or closing of the facility between four and five years from the execution of a promissory note, the amount due and owing would be \$67,000.00; and

WHEREAS, the contract will further provide that in the event there is no event of default, sale of the property or closure of the facility during the five year term of the promissory note, then the note will be deemed to be of no further force and effect; and

WHEREAS, the contract will further provide for a mortgage on the premises in the amount of the Note; payments of a transition fee of \$18,000.00 per month for the term of one year to be memorialized by a promissory note; that the purchaser at its option may elect to offer employment after the closing to employees of the seller but is under no obligation to do so and is not bound by any collective bargaining agreement or employee benefit plan of the County; that the closing would take place within seven months of the date of the agreement in the Village of Herkimer, Herkimer County, New York; that equipment and inventory and the premises be sold in "as is" condition; that the purchase is subject to the obtaining of necessary permits and approvals from the New York State Department of Health; that the purchaser would have forty-five days to make any and all necessary examinations and investigations; that the purchase is subject to purchaser obtaining a twenty year abatement of property taxes for the property from the Herkimer County Industrial Development Agency; that purchaser may cancel the agreement for any reason during the forty-five day inspection period; and that purchaser will allow the current residents of the facility to remain residents of the facility so long as their needs can be met in accordance with all state and federal health care regulations; and

WHEREAS, this Legislature believes that accepting the proposal would accomplish the dual purposes of limiting the disruptions to the lives of the residents of the Country Manor and their families by allowing them to remain in the facility, but at the same time achieving substantial savings for the taxpayers of the County by avoiding future substantial deficits which would result from continuing to operate the facility, and it is therefore in the best interests of Herkimer County and the residents of the Country Manor to enter into such a contract; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an Asset Purchase Agreement containing the above terms and conditions, together with such other terms and conditions which are consistent with the above as shall be negotiated with the approval of the County Attorney regarding the specifics of the agreement; and, be it further

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

Dated: September 12, 2012.

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

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

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: Mr. Hyde, Mrs. Maneen, Mr. Peplinski.

On 8:30 p.m. on motion of Mr. Manno, seconded by Mr. Shaw, the Legislature adjourned to October 3, 2012 at 2:00 p.m., with a public hearing on Introductory Local Law No. 2 for 2012 at 1:15 p.m.