

MINUTES
Herkimer County Legislature
First Quarter– First Day
Wednesday, January 5, 2011
2:00 p.m.

This Session of the Herkimer County Legislature was called to order by Chairman Raymond Smith at 2:00 p.m.

Chairman Smith called on Ilion Police Chief Tim Parisi to lead the Legislature in the Pledge of Allegiance.

Roll Call: Quorum present, the following answering the roll:

Present: Piseck, Rose, Keblish, Maneen, Stone, 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 Smith asked if there were any objections or corrections to the minutes of December 15, 2010. There were no objections and the minutes were approved.

Chairman Smith dispensed with the regular session to allow for a presentation by County Highway Superintendent Jay Ewanyk. Mr. Ewanyk gave a review of the thirteen highway projects, including two bridge projects, completed in 2010.

Pursuant to Rule 11, Chairman Smith opened the floor for public comment. The following police chiefs spoke concerning the Herkimer County Jail: Ilion Police Chief Tim Parisi and Little Falls Police Chief Michael Masi.

The clerk continued with the communications, beginning with No. 1.

No. 1 – A communication was received from the Soil and Water Conservation District submitting minutes of 11/9/10. Ordered filed.

No. 2 – A communication was received from the Director of Real Property Tax Services requesting permission for the County Auditor to process corrected tax rolls and refunds under \$2,500. Referred to the Committee on Ways and Means.

No. 3 – A communication was received from the Assemblyman Butler acknowledging receipt of a resolution. Ordered filed.

No. 4 – A communication was received from the Oneida-Herkimer Solid Waste Authority submitting a copy of the adopted 2011 Budget. Ordered filed.

No. 5 – A communication was received from the Director of Public Health requesting a change for certain nursing fees. Referred to the Committee on Human Resources.

No. 6 – A communication was received from the Sheriff requesting a contract for credit check services. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 7 – A communication was received from the Personnel Officer requesting an agreement for administrative services for the Early Retiree Reinsurance Program. Referred to the Committee on Ways and Means.

No. 8 – A communication was received from the Personnel Officer requesting amendment of the 2011 salary schedules. Referred to the Committee on Ways and Means.

No. 9 – A communication was received from the Director of Community Services requesting contracts with agencies. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 10 – A communication was received from the Sheriff requesting renewal of Court Security Contract. Referred to the Committee on Public Safety/Emergency Management.

No. 11 – A communication was received from the Director of Real Property requesting renewal of contract with the Town of Winfield to provide assessment services. Referred to the Committee on Ways and Means.

No. 12 – A communication was received from the Budget Officer submitting request for a budget amendment. Referred to the Committee on Ways and Means.

No. 13 – A communication was received from the Budget Officer submitting request for transfer of funds. Referred to the Committee on Ways and Means.

No. 14 – A communication was received from Cornell Cooperative Extension Services submitting their 2010 Annual Report. Ordered filed.

No. 15 – A communication was received from the Budget Officer submitting request for a budget amendment for pass through transportation funding. Referred to the Committee on Ways and Means.

No. 16 – A communication was received from the Budget Officer submitting request for a budget amendment for Office for Aging funding. Referred to the Committee on Ways and Means.

On motion of Mr. Russell, seconded by Mr. Bono, Report and Resolution No. 1 of the Committee on Ways and Means as regards designation of depositories of county funds was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

No. 1

REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AS REGARDS DESIGNATION OF DEPOSITORIES OF COUNTY FUNDS FOR 2011

RESOLVED, that the County Legislature of the County of Herkimer does hereby designate the following banks for the deposits of all monies received by the Herkimer County Treasurer, to wit:

Bank of America	10,000,000.00
M & T Bank	18,000,000.00
NBT	10,000,000.00
First Niagara	10,000,000.00
Citizens Bank	5,000,000.00
Adirondack Bank	15,000,000.00

and, be it further

RESOLVED, that the County Treasurer be, and she hereby is, authorized, empowered and directed to enter into an agreement with each of the said banks for and on behalf of and in the name of the County Legislature of the County of Herkimer, fixing rates of interest to be paid on the monies so deposited; and, be it further

RESOLVED, that before any monies be deposited in any bank, the County Treasurer accept from such bank either a depository bond in some good and solvent surety company or in lieu of such bond, bonds or certificates of the United States, of the State of New York, or any county, city and town of the State of New York, including bonds or certificates, which shall be deposited in a safe deposit box or safe deposit boxes by said County Treasurer in the name of the County of Herkimer or a properly executed certificate of escrow as authorized under the Laws of the State of New York, which certificate is approved by the County Attorney; and the County Treasurer is hereby authorized and directed to enter into a collateral agreement with said banks, which agreement is to be first approved by the County Attorney; and, be it further

RESOLVED, that this Resolution be, and hereby is, made effective to and including December 31, 2011; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Attorney, County Clerk and the above named depositories.

Dated: January 5, 2011.

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

On motion of Mr. Korce, seconded by Mr. Bono and Mr. Shaw, Report and Resolution No. 2 of the Committee on Ways and Means authorizing County Auditor to process real property tax refund applications and to correct errors on tax rolls was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

No. 2

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
AUTHORIZING COUNTY AUDITOR TO PROCESS REAL PROPERTY TAX
REFUND APPLICATIONS AND TO CORRECT ERRORS ON TAX ROLLS**

WHEREAS, Section 556 (8) of the Real Property Tax Law authorizes this Legislature to delegate, by resolution, to an appropriate official who is either empowered to authorize payment of bills without prior audit by this Legislature or to an official responsible for the payment of bills upon audit by this Legislature to perform the duties set forth in said section related to the refund of taxes, when the refund recommended by the Director of Real Property Tax Service is less than \$2,500.00; and

WHEREAS, Section 554 (9) of the Real Property Tax Law authorizes this Legislature to, by resolution, delegate the authority to perform corrections of errors in the tax roll to an appropriate official who is either empowered to authorize payment of bills without prior audit by this Legislature or to an official responsible for the payment of bills upon audit by this Legislature, provided said correction is \$2500 or less; and

WHEREAS, by letter dated January 3, 2011 the Director of the Real Property Tax Service Agency has requested approval for said procedures for the year 2011; now, therefore, be it

RESOLVED:

1. That pursuant to Real Property Tax Law Section 556(8) the County Auditor

is hereby authorized to perform the duties set forth in such section for the the Legislature to perform, when the refund recommended by the Director of Real Property Tax Services is \$2,500 or less;

2. That pursuant to Real Property Tax Law Section 554(9) the County Auditor is hereby authorized to perform the duties set forth in Section 554 of the Real Property Tax Law when the recommended correction is \$2500 or less;
3. That the County Auditor, in performing such duties, shall be governed by the provisions of Real Property Tax Law Section 554 and Section 558 and shall make reports to the Legislature as provided in said Sections;
4. That certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor and Director of Real Property Tax Services.

Dated: January 5, 2011.

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

On motion of Mr. Peplinski, seconded by Mr. Russell and Mr. Weakley, Report and Resolution No. 3 of the Committee on Ways and Means authorizing extension of contract with the Town of Winfield to provide assessment services was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

No. 3

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
AUTHORIZING EXTENSION OF CONTRACT WITH THE TOWN OF 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 town for the sum of \$15.00 for each parcel on the final assessment roll of the town; and

WHEREAS, by letter dated December 17, 2010, Mary Ann Barbuto, Director of the Real Property Tax Service Agency, has requested approval of renewal of the contract to provide assessment services to the Town of 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 town 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 an extension of the agreement to provide assessment services to the Town of Winfield for the period from December 31, 2010 to December 31, 2011, 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 Winfield.

Dated: January 5, 2011.

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways and Mean

On motion of Mr. Hendrix, seconded by Mr. Hyde, Report and Resolution No. 4 of the Committee on Public Safety and Emergency Management approving amendment to Court Security Contract was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

No. 4

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT APPROVING AMENDMENT TO COURT SECURITY CONTRACT

WHEREAS, by Resolution No. 11 adopted on January 20, 2010, this Legislature authorized a five year contract with the New York State Office of Court Administration to obtain reimbursement for expenses incurred in providing court security; and

WHEREAS, said contract provides for renegotiations of the maximum reimbursement amount on an annual basis; and

WHEREAS, this Legislature has been advised by Sheriff Christopher P. Farber by letter dated December 14, 2010, that the Office of Court Administration has submitted an amendment to said Court Security Contract Renewal covering the period from April 1, 2010 through March 31, 2011, for the actual reimbursable costs in the amount of \$70,000; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute an Amendment of the Court Security Contract Renewal with the Office of Court Administration for the period from April 1, 2010 through March 31, 2011, with the actual reimbursement for said period in the amount of \$70,000; and, be it further

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

Dated: January 5, 2011.

LEONARD R. HENDRIX
VINCENT J. BONO
JEFFREY M. STONE
DENNIS KORCE
ROBERT N. HYDE
BRUCE WEAKLEY
**Committee on Public Safety and
Emergency Management**

On motion of Mr. Bono, seconded by Mr. Stone and Mrs. Maneen, Report and Resolution No. 5 of the Committees on Human Resources and Ways and means authorizing contracts for Herkimer County Mental Health Services was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (17). Against: None.

Absent: None.

No. 5

REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS AND MEANS AUTHORIZING CONTRACTS FOR HERKIMER COUNTY MENTAL HEALTH SERVICES

WHEREAS, by letter dated December 23, 2010 from Edgar Scudder, Director of Community Services, this Legislature is advised of a request to enter into contracts for the year 2011 with various agencies to provide a variety of mental health services for county residents; and

WHEREAS, said contracts shall be supported at the 100% state aid level; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute contracts for the year 2011 with the following agencies to provide services to the Herkimer County Mental Health Services:

1. Upstate Cerebral Palsy Association
1020 Mary Street
Utica, NY 13501
For a contract sum of \$550,000
2. Herkimer ARC
333 South Main Street
Herkimer, NY 13350
For a contract sum of \$220,000
3. Family Services of the Mohawk Valley
401 Columbia Street
Utica, NY 13502
For a contract sum of \$155,000
4. Catholic Charities
61 West Street
Ilion, NY 13357
For a contract sum of \$465,000
5. Neighborhood Center
615 Mary Street
Utica, NY 13501
For a contract sum of \$104,000
6. Cornell Cooperative Extension
5657 State Route 5
Herkimer, NY 13350
For a contract sum of \$5,500

and, be it further

RESOLVED, that said above contracts shall be for a period of one year and shall end whenever state funds for said purposes are no longer available; and, be it further

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

Dated: January 5, 2011.

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN. J. PISECK, JR.

BERNARD PEPLINSKI, SR.
Committee on Ways and Means

VINCENT J. BONO
JOHN J. PISECK, JR.
JEAN E. MANEEN
PETER F. MANNO
LEONARD R. HENDRIX
PATRICK E. RUSSELL
Committee on Human Resources

On motion of Mr. Bono, seconded by Mr. Hendrix, Report and Resolution No. 6 of the Committee on Human Resources amending Resolution No. 191 of 2008 setting charges for services in the Public Health Nursing Service was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

No. 6

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES
AMENDING RESOLUTION NO. 191 OF 2008 SETTING CHARGES FOR SERVICES
IN THE PUBLIC HEALTH NURSING SERVICE**

WHEREAS, by Resolution No. 191 duly adopted on July 2, 2008, this Legislature established per visit charges for services rendered by the Public Health Nursing Service, which resolution was last amended by Resolution No. 188 of 2010; and

WHEREAS, by letter dated December 20, 2010, Dr. Gregory O’Keefe, Director of Public Health, has recommended an adjustment to certain charges upon the recommendation of the Agency Review Report by Jack Venesky & Associates; now, therefore, be it

RESOLVED, that Resolution No. 191 of 2008, as amended, is hereby amended in the First Resolved Clause to establish per visit charges for services as follows:

Skilled Nursing	\$180.00/visit
Speech Therapy	\$125.00/visit
Occupational Therapy	\$125.00/visit

And, be it further

RESOLVED, that in all other respects, said Resolution No. 191 of 2008, as amended by Resolution No. 188 of 2010, 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 Director of Public Health.

Dated: January 5, 2011.

VINCENT J. BONO
JOHN J. PISECK, JR.
JEAN E. MANEEN
PETER F. MANNO
LEONARD R. HENDRIX
PATRICK E. RUSSELL

Committee on Human Resources

On motion of Mr. Shaw, seconded by Mr. Russell and Mr. Bono, Report and Resolution No. 7 of the Committee on Ways and Means approving contract with Excellus Health Plan, Inc. for administrative services for Early Retiree Reinsurance Program was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (17). Against: None.

Absent: None.

No. 7

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
APPROVING CONTRACT WITH EXCELLUS HEALTH PLAN, INC. FOR
ADMINISTRATIVE SERVICES FOR EARLY RETIREE REINSURANCE PROGRAM**

WHEREAS, by letter dated December 16, 2010, from Steven R. Billings, Personnel Officer, this Legislature is advised of a request for an Administrative Services Agreement with Excellus Health Plan, Inc., for the Early Retiree Reinsurance Program authorized by the United States Department of Health and Human Services; and

WHEREAS, under said agreement Excellus Health Plan will be responsible for compiling and submitting claims data to the Department of Health and Human Services on a periodic basis for eligible participants of Herkimer County; and

WHEREAS, under said agreement Excellus Health Plan will provide up to twenty hours of work at no charge to Herkimer County, with all work in excess of twenty hours to be at the rate of \$150.00 per hour, but only upon prior authorization for such additional hours from the County Personnel Officer; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter an Administrative Services Agreement with Excellus Health Plan, Inc., 165 Court Street, Rochester New York 14647, for Administrative Services for the Early Retiree Reinsurance Program authorized by the United States Health and Human Services, with said agreement to continue until December 31, 2014; and, be it further

RESOLVED, that the terms and conditions of said contract 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, Personnel Officer and Excellus Health Plan, Inc.

Dated: January 5, 2011.

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

On motion of Mr. Hendrix, seconded by Mr. Hyde, Report and Resolution No. 8 of the Committee on Public Safety/Emergency Management and the Committee on Ways and Means approving contract for credit check services for Herkimer County Sheriff's Department was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (17). Against: None.

Absent: None.

No. 8

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS APPROVING CONTRACT FOR CREDIT CHECK SERVICES FOR HERKIMER COUNTY SHERIFF'S DEPARTMENT

WHEREAS, by letter dated December 23, 2010, from Christopher P. Farber, Sheriff, this Legislature is advised of a request to authorize the Chairman of the Legislature to enter into an agreement with CBC Innovis Employment Screening Services, to provide credit check services for the Herkimer County Sheriff's Department; and

WHEREAS, the cost for said services shall be in the amount of \$10.50 per credit report, and there shall be an annual membership fee of \$25.00 and an \$80.00 account set up fee to begin service; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute an agreement with CBC Innovis Employment Screening Services, 250 E. Town St., Columbus, Ohio, to provide credit check services to the Herkimer County Sheriff's Department, at a cost of \$10.50 per credit report, with an annual membership fee of \$25.00 and an initial account set up fee of \$80.00, and with said agreement to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the County Treasurer, Auditor, Budget Officer, Herkimer County Sheriff and CBC Innovis Employment Screening Services

Dated: January 5, 2011.

LEONARD R. HENDRIX
VINCENT J. BONO
JEFFREY M. STONE
DENNIS KORCE
ROBERT N. HYDE
BRUCE WEAKLEY
**Committee on Public Safety and
Emergency Management**

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

On motion of Mr. Russell, seconded by Mr. Bono, Report and Resolution No. 9 of the Committee on Ways and Means for amendment of 2011 Salary Schedules was handed up; debate was held, was voted on and adopted by voice vote:

All ayes: (17). Against: None.

Absent: None.

No. 9

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS FOR
AMENDMENT OF 2011 SALARY SCHEDULES**

WHEREAS, by letter dated December 17, 2010, Steven R. Billings, Personnel Officer has advised that an amendment to the 2011 Salary Schedules No. III and V is being requested, based upon the Deputy Sheriff's Association rejection of a title/position in their bargaining unit; and

WHEREAS, your Committee has taken this matter under advisement and recommend said changes; now, therefore, be it

RESOLVED, that the 2011 Herkimer County Salary Schedule No. V is hereby amended to delete the position of Senior Building Maintenance Mechanic; and, be it further

RESOLVED, that the 2011 Herkimer County Salary Schedule No. III is hereby amended to establish the position of Senior Building Maintenance Mechanic in Account A3110, at the base annual salary of \$31,500 for a 40 hour work week; and, be it further

RESOLVED, that the foregoing change shall take effect January 10, 2011; 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: January 5, 2011.

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

On motion of Mr. Shaw, seconded by Mr. Russell, Report and Resolution No. 10 of the Committee on Ways and Means and the Committee on Natural Resources transferring funds in the Sewer District for 2010 was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

No.10

REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AND THE COMMITTEE ON NATURAL RESOURCES TRANSFERRING FUNDS IN THE SEWER DISTRICT FOR 2010

WHEREAS, your Committee on Finance, to which was referred a communication from the Budget Officer and Purchasing Agent dated December 30, 2010 submitting a request for transfer of funds for the Herkimer County Sewer District, 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 sums from and to the following accounts:

\$ 500.00 From: G8130.23000, Wastewater Treatment Plant – Motor
Vehicles
To: G8130.444000-540, Wastewater Treatment Plant – Solids Handling
\$3,000.00 From: G8130.25000, Wastewater Treatment Plant – Other Equipment
To: G8130.444000-540, Wastewater Treatment Plant – Solids Handling

and be it further,

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

Dated: January 5, 2010.

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

BERNARD PEPLINSKI, SR.
FREDERICK J. SHAW
DENNIS KORCE
BRUCE WEAKLEY
PETER F. MANNO
JOHN L. BREZINSKI
Committee on Natural Resources

On motion of Mr. Bono, seconded by Mrs. Maneen and Mr. Shaw, Report and Resolution
No. 11 of the Committees on Ways and Means and Human Resources amending budget in
connection with funding for the Herkimer County Office for the Aging was handed up; debate
was held, was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

No. 11

REPORT AND RESOLUTION OF THE COMMITTEES ON WAYS AND MEANS AND HUMAN RESOURCES AMENDING BUDGET IN CONNECTION WITH FUNDING FOR THE HERKIMER COUNTY OFFICE FOR THE AGING

WHEREAS, by letter dated December 30, 2010 from the Budget Officer and Purchasing Agent, this Legislature is advised that it is necessary to amend the 2011 Budget in connection with the receipt of additional MIPPA funding for the Office for the Aging; now, therefore, be it

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

<u>Revenue</u>	<u>From</u>	<u>To</u>
A6780B.4780, Federal Aid MIPPA/ADRC	\$-0-	\$13,580.00
<u>Appropriation</u>		
A6780B.44000, MIPPA/ADRC - Contracted Services	\$-0-	\$13,580.00

And, be it further

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

Dated: January 5, 2011.

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

VINCENT J. BONO
JOHN J. PISECK, JR.
JEAN E. MANEEN
PETER F. MANNO
LEONARD R. HENDRIX
PATRICK E. RUSSELL
Committee on Human Resources

On motion of Mr. Russell, seconded by Mr. Peplinski, Report and Resolution No. 12 of the Committees on Ways and Means amending budget in connection with pass through transportation funding was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

No. 12

**REPORT AND RESOLUTION OF THE COMMITTEES ON WAYS AND MEANS
AMENDING 2010 BUDGET IN CONNECTION WITH PASS THROUGH
TRANSPORTATION FUNDING**

WHEREAS, by letter dated December 30, 2010 from the Budget Officer and Purchasing Agent, this Legislature is advised that it is necessary to amend the 2010 Budget in connection with the receipt of pass through funding for STOA (Public Transportation); now, therefore, be it

RESOLVED, that the 2010 Herkimer County Budget is hereby amended as follows:

<u>Revenue</u>	<u>From</u>	<u>To</u>
A5630.3700, State Aid Mass Transportation	\$130,000.00	\$150,177.55
<u>Appropriation</u>		
A5630.40000, Mass Transportation - Contractual Expense	\$130,000.00	\$150,177.55

And, be it further

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

Dated: January 5, 2011.

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee On Ways and Means

On motion of Mr. Peplinski, seconded by Mr. Shaw, Resolution No. 13 of the Committee on Natural Resources setting date for hearing on eight year review of Agricultural Districts No. 2 and No. 3 was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES SETTING DATE FOR HEARING ON EIGHT-YEAR REVIEW OF AGRICULTURAL DISTRICTS NO. 2 AND NO. 3

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 26th day of January, 2011 at 7:00 p.m. on the Eight Year Reviews of Herkimer County Agricultural Districts No. 2 and No. 3; and, be it further

RESOLVED, that the Clerk of the 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, Cornell Cooperative Extension Services and Herkimer-Oneida Counties Comprehensive Planning Program.

Dated: January 5, 2011.

BERNARD PEPLINSKI, SR.
FREDERICK J. SHAW
DENNIS KORCE
BRUCE WEAKLEY
PETER F. MANNO
JOHN L. BREZINSKI
Committee on Natural Resources

On motion of Mr. Stone, seconded by Mr. Hyde, Resolution No. 14 designating the official newspapers of the County of Herkimer for the year 2011 was handed up; there being no debate, was voted on and adopted by voice vote:

Ayes: (16).

Against: Russell (1).

Absent: None.

No. 14

RESOLUTION THAT THE HERKIMER TELEGRAM AND THE LITTLE FALLS TIMES BE DESIGNATED THE OFFICIAL NEWSPAPERS OF THE COUNTY OF HERKIMER FOR THE YEAR 2011

RESOLVED, that this Legislature names the Herkimer Telegram of Herkimer, New York, and the Little Falls Times of Little Falls, New York, as the official newspapers of the County of Herkimer, and that those papers have published therein all legal notices, local laws and other matters required to be published.

Dated: January 5, 2011.

JOHN J. PISECK, JR.
HELEN T. ROSE
STEPHEN N. KEBLISH, JR.
JEAN MANEEN
JEFFREY M. STONE
LEONARD R. HENDRIX
ROBERT N. HYDE
JOHN L. BREZINSKI

PETER F. MANNO
RAYMOND SMITH
VINCENT J. BONO
KURT J. ACKERMAN
BERNARD PEPLINSKI, SR.
DENNIS KORCE
PATRICK E. RUSSELL
FREDERICK J. SHAW, JR.
BRUCE WEAKLEY

On motion of Mr. Hyde, seconded by Mr. Peplinski, Resolution No. 15 of the Committee on Natural Resources authorizing Chairman of the Legislature to sign and establish dog quarantine for 2011 was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

No. 15

RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES AUTHORIZING CHAIRMAN OF THE LEGISLATURE TO SIGN AND ESTABLISH DOG QUARANTINE FOR 2011

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

RESOLVED:

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

Dated: January 5, 2011.

BERNARD PEPLINSKI, SR.
FREDERICK J. SHAW
DENNIS KORCE
BRUCE WEAKLEY
PETER F. MANNO
JOHN L. BREZINSKI
Committee on Natural Resources

On motion of Mr. Korce, seconded by Mr. Hendrix, Resolution No. 16 in memoriam to former County Legislator John B. Collis was handed up and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

**No. 16
IN
MEMORIAM**

- WHEREAS,** *John B. Collis departed this life on January 2, 2011;
and*
- WHEREAS,** *John Collis was an outstanding citizen, devoted husband,
father and grandfather and was the founder of Collis True Value
Hardware, running the business for over 30 years; and*
- WHEREAS,** *John Collis was a proud veteran of World War II, serving his
Country in the United States Navy and was the recipient of the Victory
Medal and the American and European Theatre Medals; and*
- WHEREAS,** *John Collis was an outstanding man of integrity who served
his community as a member of the Town of Herkimer Board
and as a member of the Herkimer County Legislature from 1979
to 1987; and*
- WHEREAS,** *Over the years, John gave freely of his time and talents to many other
community organizations including serving as a life member of
the Herkimer VFW Michael S. Pliseck Post and the East Herkimer
Fish and Game Club; and*
- WHEREAS,** *The County of Herkimer and its residents have sustained a great loss by
the passing of this dedicated public servant and citizen; now, therefore,
be it*
- RESOLVED,** *That the County Legislature does hereby express its deepest regrets at
the decease of John B. Collis and hope that this expression of
remembrance may in some manner help console his family in their
bereavement; and be it further*
- RESOLVED,** *That a copy of this Resolution be sent to the family of John Collis
and that an additional copy be spread upon the minutes
of this meeting.*

Dated: January 5, 2011.

JOHN J. PISECK, JR.
HELEN T. ROSE
STEPHEN N. KEBLISH, JR.
JEAN MANEEN
JEFFREY M. STONE

PETER F. MANNO
RAYMOND SMITH
VINCENT J. BONO
KURT J. ACKERMAN
BERNARD PEPLINSKI, SR.

LEONARD R. HENDRIX
ROBERT N. HYDE
JOHN L. BREZINSKI

DENNIS KORCE
PATRICK E. RUSSELL
FREDERICK J. SHAW, JR.
BRUCE WEAKLEY

Chairman Smith stated that pursuant to Rule 6(12) they would proceed with comments by legislators. The following legislators had comments: Mrs. Rose, Chairman Smith, Mr. Hendrix and Mr. Russell.

At 2:40 p.m., on motion of Mr. Manno, seconded by Mr. Stone, the Legislature adjourned to Wednesday, January 26, 2011 at 7:30 p.m., with a public hearing on Agricultural Districts No. 2 and No. 3 and 7:00 p.m.