

MINUTES
Herkimer County Legislature
First Quarter– Second Day
Wednesday, January 26, 2011
7:30 p.m.

The Public Hearing on the Eight Year Reviews of Herkimer County Agricultural Districts No. 2 and No. 3 was called to order at 7:00 p.m. by Bernard Peplinski, Chairman of the Committee on Natural Resources. The clerk read the notice of the public hearing. Mr. Peplinski asked if there was anyone who wished to speak at the public hearing. There were no requests, and the hearing was declared closed.

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

Chairman Smith called on Dr. Ann Marie Murray, President of Herkimer County Community College, to lead the Legislature in the Pledge of Allegiance.

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

Present: Rose, Keblish, Maneen, Stone, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (16).

Absent: Piseck (1).

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.

Pursuant to Rule 11, Chairman Smith opened the floor for public comment. There were no appearances for public comment.

The clerk continued with the communications, beginning with No. 17

No. 17 – A communication was received from the Sheriff submitting the monthly report for November 2010. Referred to the Committee on Public Safety and Emergency Management.

No. 18 – A communication was received from the Director of the Office for the Aging submitting recommendation for appointment to the Office for Aging Advisory Board. Referred to the Committee on Human Resources.

No. 19 – A communication was received from the County Auditor requesting a staffing change. Referred to the Committee on Ways and Means.

No. 20 – A communication was received from the Chairman of the Legislature making appointment to the Office for Aging Advisory Board. Referred to the Committee on Human Resources.

No. 21 – A communication was received from the Commissioner of Social Services submitting request for extension of leave of absence. Referred to the Committee on Human Resources.

No. 22 – A communication was received from the Soil and Water Conservation District submitting minutes of 12/22/10 meeting. Ordered filed.

No. 23 – A communication was received from the Personnel Officer requesting an agreement for an employee assistance program. Referred to the Committee on Ways and Means.

No. 24 – A communication was received from the Budget Officer requesting a highway budget amendment. Referred to the Committees on Highways and Ways and Means.

No. 25 – A communication was received from the Budget Officer requesting a budget amendment in connection with a Law Enforcement Coordinator Grant. Referred to the Committee on Public Safety and Emergency Management and the Committee on Ways and Means.

No. 26 – A communication was received from the Director of Public health requesting renewal of Childhood Lead Poisoning Prevention Program Grant. Referred to the Committee on Human Resources and Ways and Means.

No. 27 – A communication was received from the Director of Public health requesting a staffing change. Referred to the Committees on Human Resources and Ways and Means.

No. 28 – A communication was received from the Personnel Officer requesting an appropriation from the Workers' Comp. Reserve Account. Referred to the Committee on Ways and Means.

No. 29 – A communication was received from Carl Streeter concerning the disposition of Jail. Ordered filed.

No. 30 – A communication was received from the Soil and Water conservation District submitting an overview of the construction season. Ordered filed.

No. 31 – A communication was received from ProAct, Inc. submitting report of Herkimer County Drug Discount Card for December. Ordered filed.

No. 32 – A communication was received from Capital District OTB submitting Financial Reports for October and November. Ordered filed.

No. 33 – A communication was received from the Budget Officer requesting amendment in Social Services Budget. Referred to the Committee on Ways and Means.

No. 34 – A communication was received from the Director of Emergency Services concerning the Town of Webb Microwave Link. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 35 - A communication was received from the Director of Community Services submitting the 2010 Annual Report. Referred to the Committee on Human Resources.

No. 36 – A communication was received from the Budget Officer submitting renewal of the court cleaning contract. Referred to the Committee on Ways and Means.

No. 37 – A communication was received from the County Treasurer submitting apportionment of dog licensing fees for 2010. Referred to the Committee on Natural Resources and the Committee on Ways and Means.

No. 38 – A communication was received from the Budget Officer submitting request for renewal of maintenance agreement for New World System software. Referred to the Committee on Ways and Means.

No. 39 – A communication was received from the Budget Officer requesting change order on contract with JPJ Electronic communications for microwave radio system. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 40 – A communication was received from the Budget Officer requesting budget amendment in connection with Law Enforcement Coordinator Grant. Referred to the Committee on Public Safety/Emergency Management.

No. 41 – A communication was received from the Budget Officer submitting request for transfer of funds. Referred to the Committee on Ways and Means.

No. 42 – A communication was received from the Budget officer requesting appropriation from Self Insurance Reserve Fund. Referred to the Committee on Ways and Means.

No. 43 – A communication was received from the Farmland Protection Board recommending continuation of Agricultural District No. 2. Referred to the Committee on Natural Resources.

No. 44 – A communication was received from the Farmland Protection board recommending the continuation of Agricultural District No. 3. Referred to the Committee on Natural Resources.

No. 45 – A communication was received from the Probation Director requesting a staffing change. Referred to the Committee on Public Safety/Emergency management and the Committee on Ways and Means.

No. 46 – A communication was received from the Personnel Officer submitting request for salary adjustment in A3150, Jail. Referred to the Committee on Ways and Means and the Committee on Public Safety and Emergency Management.

No. 47 – A communication was received from the County Administrator submitting request for agreement in connection with Route 5S South Business Park. Referred to the Committee on Ways and Means.

No. 48 – A communication was received from the Budget Officer submitting request for appropriations. Referred to the Committee on Ways and Means.

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

For: All ayes (16).

Against: None.

Absent: Piseck (1).

Consent Agenda:

- 17 NAT. RESOURCES: To provide that the 8 Year Review of Agricultural VOICE
District No. 2 in the Towns of Columbia, Frankfort, German Flatts, Litchfield And Winfield be in compliance with the provisions of the New York State Environmental Quality Review Act
- 18 NAT. RESOURCES: To provide that the 8 year Review of Agricultural VOICE
District No. 3 in the Towns of Columbia, Danube, Fairfield, German Flatts, Little Falls, Manheim and Stark be in compliance with the provisions of New York State Environmental Quality Review Act
- 19 NAT. RESOURCES: As to the Eight-Year Review of Agricultural District VOICE
No. 2 in the Towns of Columbia, Frankfort, German Flatts, Litchfield and Winfield
- 20 NAT. RESOURCES: As to the Eight-Year Review of Agricultural District VOICE
No. 3 in the Towns of Columbia, Danube, Fairfield, German Flatts, Little Falls, Manheim and Stark
- 21 PUB. SFTY./EMER. MGMT.: Approve Monthly Report of Sheriff for Nov. VOICE
- 22 NAT. RESOURCES: Confirming appointment to Office for Aging Advisory VOICE
Council

No. 17

REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES TO PROVIDE THAT THE EIGHT YEAR REVIEW OF AGRICULTURAL DISTRICT

**NO. 2 IN THE TOWNS OF COLUMBIA, FRANKFORT, GERMAN FLATTS,
LITCHFIELD AND WINFIELD 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. 2 in the Towns of Columbia, Frankfort, German Flatts, Litchfield and Winfield; 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: January 26, 2011.

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

No. 18

REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES TO PROVIDE THAT THE EIGHT YEAR REVIEW OF AGRICULTURAL DISTRICT NO. 3 IN THE TOWNS OF COLUMBIA, DANUBE, FAIRFIELD, GERMAN FLATTS, LITTLE FALLS, MANHEIM AND STARK 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. 3 in the Towns of Columbia, Danube, Fairfield, German Flatts, Little Falls, Manheim and Stark; 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: January 26, 2011.

BERNARD PEPLINSKI, SR.
FREDERICK J. SHAW
DENNIS KORCE

BRUCE WEAKLEY
PETER F. MANNO
JOHN L. BREZINSKI
Committee on Natural Resource

No. 19

REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES AS TO THE EIGHT-YEAR REVIEW OF AGRICULTURAL DISTRICT NO. 2 IN THE TOWNS OF COLUMBIA, FRANKFORT, GERMAN FLATTS, LITCHFIELD AND WINFIELD

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. 2 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 January 24, 2011, have advised this Legislature of their approval of the continuation of the subsequent eight years of Herkimer County Agricultural District No. 2 ; and

WHEREAS, the Committee on Natural Resources has, on the 26th day of January, 2011, 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. 2 in the Towns of Columbia, Frankfort, German Flatts, Litchfield and Winfield.

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: January 26, 2011.

BERNARD PEPLINSKI, SR.
FREDERICK J. SHAW

DENNIS KORCE
BRUCE WEAKLEY
PETER F. MANNO
JOHN L. BREZINSKI
Committee on Natural Resources

No. 20

REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES AS TO THE EIGHT-YEAR REVIEW OF AGRICULTURAL DISTRICT NO. 3 IN THE TOWNS OF COLUMBIA, DANUBE, FAIRFIELD, GERMAN FLATTS, LITTLE FALLS, MANHEIM AND STARK

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. 3 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 January 24, 2011, have advised this Legislature of their approval of the continuation of the subsequent eight years of Herkimer County Agricultural District No. 3 ; and

WHEREAS, the Committee on Natural Resources has, on the 26th day of January, 2011, 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. 3 in the Towns of Columbia, Danube, Fairfield, German Flatts, Little Falls, Manheim and Stark.

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: January 26, 2011.

BERNARD PEPLINSKI, SR.
FREDERICK J. SHAW

DENNIS KORCE
BRUCE WEAKLEY
PETER F. MANNO
JOHN L. BREZINSKI
Committee on Natural Resources

No. 21

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 November, 2010 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 November, 2010, which report reflects an average daily population of 58.57 inmates, with an average of 30.93 inmates being boarded out in November, be approved and filed.

Dated: January 26, 2011.

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

No. 22

REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES CONFIRMING APPOINTMENT AND REAPPOINTMENTS TO THE HERKIMER COUNTY OFFICE FOR AGING ADVISORY COUNCIL

WHEREAS, the Chairman of the Herkimer County Legislature, by letter dated January 13, 2011, has made an appointment to the Office for Aging Advisory Council; now, therefore, be it

RESOLVED, that the following appointment to the Office for the Aging Advisory Council be, and hereby is ratified and confirmed:

Appointment:

For term of 10/2011 – 10/2012:

Vanessa Marucci, LMSW
Alpine Rehabilitation and Nursing Center
755 East Monroe Street
Little Falls, NY 13365

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Director of the Herkimer County Office for the Aging and Vanessa Marucci.

Dated: January 26, 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. Korce, seconded by Mr. Russell, Report and Resolution No. 23 of the Committee on Ways and Means granting an additional leave of absence was handed up; there being no debate, was voted on and adopted by voice vote:

Ayes: (15). Against: Hendrix (1).

Absent: Piseck (1).

No. 23

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
GRANTING AN ADDITIONAL LEAVE OF ABSENCE**

WHEREAS, by Resolution No. 370 for the year 1986, a leave with pay was granted to Mary Sullivan extending to July 1, 1988, so that she could serve in a statewide office with the Civil Service Employees' Association; and

WHEREAS, said leave with pay was extended by resolutions thereafter, most recently by Resolution No. 67 of 2010 to expire June 30, 2011; and

WHEREAS, by letter dated January 5, 2011, Ervin J. Fuller, Commissioner of Social Services had advised that by letter dated January 3, 2011, Mary Sullivan has requested said leave be extended; now, therefore, be it

RESOLVED, that a leave of absence with pay be granted to Mary Sullivan under the terms and conditions set forth in Resolution No. 370 for the year 1986 for the period from July 1, 2011 through June 30, 2012, with the Civil Service Employees' Association, Inc. to furnish insurance in form and amount satisfactory to the Herkimer County Administrator to protect the County if held liable for any damages arising from act or omission by such employee during the period of such leave and with the County to be reimbursed for the full salary and total cost for fringe benefits for said Mary Sullivan; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer, Commissioner of Social Services, Mary Sullivan and the Civil Service Employees' Association, Inc. of New York State.

Dated: January 26, 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. Russell, seconded by Mr. Peplinski, Report and Resolution No. 24 of the Committee on Ways and Means for staffing change in the County Auditor's Office, was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (16).

Against: None.

Absent: Piseck (1).

No. 24

REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS FOR STAFFING CHANGE IN THE COUNTY AUDITOR'S DEPARTMENT

WHEREAS, by letter dated January 10, 2011, Jeri Frederick, County Auditor, has advised of a request for a staffing change; and

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

RESOLVED, that the 2011 Herkimer County Salary Schedule is hereby amended in Salary Schedule No. III to delete the position of Senior Account Clerk in Account A1320 and establish the position of full-time Account Clerk at the base annual salary of \$25,029; and, be it further

RESOLVED, that the foregoing change shall take effect January 24, 2011; and, be it further

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

Dated: January 26, 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. Weakley, seconded by Mr. Russell, Report and Resolution No. 25 of the Committee on Ways and Means making appropriation of funds in connection with Workers' Compensation Fund was handed up; there being no debate, was voted on and adopted by roll call vote:

For: Rose, Keblish, Maneen, Stone, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (16).

Against: None.

Absent: Piseck (1).

No. 25

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
MAKING APPROPRIATION OF FUNDS IN CONNECTION WITH WORKERS'
COMPENSATION FUND**

WHEREAS, by letter dated January 20, 2011, the Herkimer County Budget Officer has advised this Legislature that there are sufficient funds in Account S853, Workers' Comp. Reserve, to allow for an appropriation to cover year end expenses; now, therefore, be it

RESOLVED, that the sum of \$40,000.00 is hereby appropriated from S853, Self Insurance Fund – Contributed Res., to S1710.45000, Workers' Comp. Admin. – Fees for Services; and, be it further

RESOLVED, that the Herkimer County Treasurer is hereby authorized and empowered to transfer the said sum to the said account; and, be it further

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

Dated: January 26, 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. Bono, seconded by Mrs. Maneen, Report and Resolution No. 26 of the Committee on Ways and Means and the Committee on Human Resources for staffing change in the Public Health Nursing Service was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Piseck (1).

No. 26

REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AND THE COMMITTEE ON HUMAN RESOURCES FOR STAFFING CHANGE IN THE PUBLIC HEALTH NURSING SERVICE

WHEREAS, by letter dated January 13, 2011, Gregory O'Keefe, M.D., Director of Public Health, has requested a staffing change in the Public Health Nursing Service; and

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

RESOLVED, that the 2011 Herkimer County Salary Schedule is hereby amended in Salary Schedule No. III to delete the position of full-time Registered Nurse in Account A4059, Early Intervention, and establish an additional position of full-time Registered Nurse in Account A4010, Public Health Nurses, at the base annual salary of \$35,013; and, be it further

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

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

Dated: January 26, 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. 27 of the Committee on Ways and Means authorizing renewal of contract for funding of Childhood Lead Poisoning Prevention Screening Services was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Piseck (1).

No. 27

REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING RENEWAL OF CONTRACT FOR FUNDING OF CHILDHOOD LEAD POISONING PREVENTION SCREENING SERVICES

WHEREAS, by Resolution No. 228 for the year 1990, this Legislature authorized a contract with the New York State Department of Health to provide grant funding for the Childhood Lead Poisoning Prevention Program screening services and to increase public knowledge about lead poisoning and its prevention, which contract has been continued for each year thereafter; and

WHEREAS, by letter dated January 12, 2011 from Gregory O'Keefe, MD, Director of Public Health, your Committees have been advised of a request to renew said agreement with the

New York State Department of Health for a six month term commencing October 1, 2010 and ending September 30, 2011, with funding for this period to be in the amount of \$23,732; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute a contract in the amount of \$23,732.00 with the New York State Department of Health to continue the Childhood Lead Poisoning Prevention Program in the County of Herkimer for the period October 1, 2010 to September 30, 2011, unless terminated in accordance with the terms thereof; and, be it further

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute agreements with the State of New York setting forth an appropriate work plan and budget for each year of said contract; and, be it further

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

Dated: January 26, 2011.

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

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. Hyde, seconded by Mr. Stone, Report and Resolution No. 28 of the Committee on Ways and Means and the Committee on Public Safety/Emergency Management amending budget in connection with funding in District Attorney's Office was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (16).

Against: None.

Absent: Piseck (1).

No. 28

REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AND THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT AMENDING BUDGET IN CONNECTION WITH FUNDING IN DISTRICT ATTORNEY'S OFFICE

WHEREAS, by letter dated January 4, 2011, John H. Crandall, Sr., District Attorney, has advised that funding has been received from the YWCA of the Mohawk Valley for a Law Enforcement Coordinator's position in the District Attorney's Office; and

WHEREAS, by letter dated January 20, 2011 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 said funding ; 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>
A1165B.2260A, YWCA Law Enforcement Grant	\$-0-	\$30,000.00
 <u>Appropriation</u>		
A1165B.100000-001, YWCA Law Enforcement Coordinator-Salaries	\$-0-	\$27,015.00
A1165B.83000, YWCA Law Enforcement Coordinator – Social Security	\$-0-	\$ 1,675.00
A1165B.8400-, YWCA Law Enforcement Coordinator-Workers' comp.	\$-0-	\$ 918.00
A1165B.83500, YWCA Law Enforcement Coordinator – Medicare	\$-0-	\$ 392.00

And, be it further

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

Dated: January 26, 2011.

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

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. Korce, seconded by Ackerman, Report and Resolution No. 29 of the Committee on Highways and the Committee on Ways and Means amending budget in connection with State Snow Plowing program was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Piseck (1).

No. 29

**REPORT AND RESOLUTION OF THE COMMITTEE ON HIGHWAYS AND THE
COMMITTEE ON WAYS AND MEANS AMENDING BUDGET IN CONNECTION
WITH STATE SNOW PLOWING PROGRAM**

WHEREAS, by letter dated January 20, 2011, from Bernard E. Decker, Budget Officer, this Legislature is advised of a request to amend the 2010 Budget in connection with the receipt of additional funding from New York State for the operation of the 2010 State Road Snow Plowing Program; 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>
D5144.2302, Snow Removal – State	\$1,200,000.00	\$1,265,755.02
<u>Appropriation</u>		
D5144.44000, State Snow Removal	\$1,160,000.00	\$1,225,755.02
Contracted Services		

And, be it further

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

Dated: January 26, 2011.

DENNIS KORCE
VINCENT J. BONO
PATRICK E. RUSSELL
BRUCE WEAKLEY
JEFFREY M. STONE
BERNARD PEPLINSKI, SR.
Committee on Highways

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. Peplinski, Report and Resolution No. 30 of the Committee on Ways and Means authorizing an agreement with Mohawk Valley Consulting Associates was handed up; debate was held, was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Piseck (1).

No. 30

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
AUTHORIZING AN AGREEMENT WITH MOHAWK VALLEY CONSULTING
ASSOCIATES**

WHEREAS, by letter dated January 7, 2011, Steven R. Billings, Personnel Officer, advises of a request to enter into an agreement with Mohawk Valley Consulting Associates of Utica, New York, to provide an Employee Assistance Program; and

WHEREAS, said agreement will provide short term interventions to resolve work-related or personal problems that may be affecting employees of Herkimer County, with the cost of said agreement to be \$8,439.75 for a one year period commencing February 1, 2011; now, therefore, be it

RESOLVED, that an agreement be entered into with Mohawk Valley Consulting Associates, 502 Court Street, Suite 401, Utica, New York 13502, to provide an Employee Assistance Program to employees of Herkimer County for a period of one year commencing February 1, 2011, at a total cost of \$8,439.75, with the terms and conditions of said contract to be subject to the approval of the County Attorney; and, be it further

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

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

Dated: January 26, 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. Russell, seconded by Mr. Shaw, Report and Resolution No. 31 of the Committee on Ways and Means in connection with contract with the New York State Office of Court Administration to provide cleaning and minor repairs of court facilities was handed up; debate was held, was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Piseck (1).

No. 31

REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS & MEANS IN CONNECTION WITH CONTRACT WITH THE NEW YORK STATE OFFICE OF COURT ADMINISTRATION TO PROVIDE CLEANING AND MINOR REPAIRS OF COURT FACILITIES

WHEREAS, by Resolution No. 294 duly adopted on October 22, 2008, this Legislature authorized an agreement with the New York State Unified Court System for the cleaning of court facilities, as well as minor and emergency repairs thereof, for a maximum of five years beginning April 1, 2008 through March 31, 2013; and

WHEREAS, by letter dated January 20, 2011 from Bernard E. Decker, Budget Officer and Purchasing Agent this Legislature is advised that the State of New York Unified Court System has requested that an Annual Renewal Letter and Budget be approved and signed for the period commencing April 1, 2010 through March 31, 2011, with the maximum compensation for said period to be \$76,069.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute the Annual Renewal Letter and Budget for the period April 1, 2010 through March 31, 2011 with the New York State Unified Court System for the cleaning of court facilities, as well as minor and emergency repairs thereof, for a maximum compensation of \$76,079.00 for said period; and, be it further

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

Dated: January 26, 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. Bono, seconded by Mr. Peplinski, Report and Resolution No. 32 of the Committee on Ways and Means amending 2010 Budget in connection with funding in Department of Social Services was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Piseck (1).

No. 32

**REPORT AND RESOLUTION OF THE COMMITTEES ON WAYS AND MEANS
AMENDING 2010 BUDGET IN CONNECTION WITH FUNDING IN DEPARTMENT
OF SOCIAL SERVICES**

WHEREAS, by letter dated January 20, 2011, from Bernard E. Decker, Budget Officer, this Legislature is advised of a request to amend the 2010 Budget in connection with HEAP endof the year payments in the Department of Social Services; 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>
A6141.1841, HEAP - Repayment	\$-0-	\$ 25,000.00
<u>Appropriation</u>		
A6141.44000, HEAP – Contracted Services	\$96,216.00	\$121,216.00

and, be it further

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

Dated: January 26, 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. Russell, seconded by Mr. Hendrix, Mr. Weakley and Mr. Hyde, Report and Resolution No. 33 of the Committees on Ways and Means and Public Safety/Emergency Management in connection with town of Webb Microwave Link System and authorizing change order on contract with JPJ Electronic Communications was handed up; debate was held, was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Piseck (1).

No. 33

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS IN CONNECTION WITH TOWN OF WEBB MICROWAVE LINK SYSTEM AND AUTHORIZING CHANGE ORDER ON CONTRACT WITH JPJ ELECTRONIC COMMUNICATIONS

WHEREAS, by letter dated January 18, 2011 from Robert A. Vandawalker, Director of Emergency Services, your Committees have been advised that negotiations have been held with the Oneida County Office of Emergency Services for a co-location at one of their tower sites (Starr Hill Communications Tower) which is in the Town of Steuben, Oneida County, which location is imperative to complete the multi-hop microwave path to alleviate interference presently had with the McCauley Mountain transmitter site; and

WHEREAS, by letter dated January 20, 2011, Bernard E. Decker, Budget Officer, has advised that changes in engineering for the Point-to-Point Radio System will require a change order in the contract for this system with JPJ Electronic Communications as follows:

- Credit \$1,762.50 for cabling and amplifiers per original engineering which will be returned
- Add \$5,754.14 for cabling and amplifiers placed an additional 110 feet higher on the tower

for an additional expense in the amount of \$3,991.64; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is authorized enter into an agreement, at no rental cost to Herkimer County, with the County of Oneida for a co-location at one of their tower sites (Starr Hill Communications Tower), which is in the Town of Steuben, Oneida

County, which is imperative to complete the multi-hop microwave path to alleviate interference presently had with the McCauley Mountain transmitter site, with said agreement to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that the Chairman of this Legislature is further authorized to sign a change order in connection with the contract with JPJ Electronic Communications, 1 West Whitesboro Street, Yorkville, NY 13495, in the amount of \$3,991.64, for an increase in the total contract amount from \$32,616.46 to \$36,608.12; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Emergency Services, the Oneida County Office of Emergency Services and JPJ Electronic Communications.

Dated: January 26, 2011.

LEONARD R. HENDRIX
VINCENT J. BONO
JEFFREY M. STONE
DENNIS KORCE
ROBERT N. HYDE
BRUCE WEAKLEY
**Committee on Public Safety/
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. Peplinski, Report and Resolution No. 34 of the Committee on Ways and Means transferring funds was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Piseck (1).

No. 34

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

WHEREAS, your Committee on Ways and Means, to which was referred a communication from the Budget Officer and Purchasing Agent dated January 20, 2011 submitting requests for transfer of funds from the Director of Public Health, reports that we have examined said communication, inquired into the subject matter thereof, recommend that said transfers be made and offer the following Resolution:

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

\$37,947.00 From: A4059.10000-001 Early Intervention, Salaries
 To: A4010.10000-001 Public Health Nurses, Salaries
 \$2,801.00 From: A4059.10000-003 Early Intervention, In-Lieu
 To: A4010.10000-003 Public Health, In-Lieu
 \$2,822.00 From: A4059.81000 Early Intervention, Retirement
 To: A4010.81000 Public Health Nurses, Retirement
 \$2,527.00 From: A4059.83000 Early Intervention, Social Security
 To: A4010.83000 Public Health Nurses, Social Security
 \$ 591.00 From: A4059.83500 Early Intervention, Medicare
 To: A4010.83500 Public Health Nurses, Social Security
 \$1,427.00 From: A4059. 84000 Early Intervention, Worker's Compensation
 To: A4010.84000 Public Health Nurses, Worker's Compensation
 \$ 265.00 From: A4059.86500 Early Intervention, Dental
 To: A4010.86500 Public Health Nurses, Dental

and be it further,

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

Dated: January 26, 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. Stone, seconded by Mr. Hyde, Report and Resolution No. 35 of the committee on Ways and Means authorizing renewal of service agreement for New World Accounting System was handed up; debate was held, was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Piseck (1).

No. 35

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS & MEANS
AUTHORIZING RENEWAL OF SERVICE AGREEMENT FOR NEW WORLD
ACCOUNTING SYSTEM**

WHEREAS, by Resolution No. 173 of 2003, this Legislature awarded a contract with New World Systems for a Financial Management, payroll software, training, support services and maintenance on said software package for a five year term, which maintenance agreement was extended for a one year period by Resolution No. 43 of 2009; and

WHEREAS, by letter dated January 20, 2011, from Bernard E. Decker, Budget Officer, this Legislature is advised of a request to renew the maintenance agreement for a three year period as follows:

2/1/11-1/31/12:	\$27,012
2/1/12-1/31/13:	\$28,903
2/1/13-1/31/14:	\$30,926

Now, therefore, be it

RESOLVED, that a Maintenance Agreement with New World Systems, 888 W. Big Beaver Road, Suite 600, Troy, Michigan 48084-4749 be entered into for a period of three years as follows:

2/1/11-1/31/12:	\$27,012
2/1/12-1/31/13:	\$28,903
2/1/13-1/31/14:	\$30,926

And, be it further

RESOLVED, that the Chairman of this Legislature be authorized to execute such agreement and that such agreement be subject to the County Attorney's approval; and, be it further

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

Dated: January 26, 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. Russell, seconded by Mr. Hendrix and Mr. Peplinski, Report and Resolution No. 36 adjusting salary of position in Salary Schedule II was handed up; debate was held, was voted on and adopted by roll call vote:

For: Keblish, Maneen, Stone, Hendrix, Hyde, Manno, Smith, Bono, Ackerman, Peplinski, Shaw, Weakley (13).

Against: Rose, Brezinski, Korce (3).

Absent: Piseck (1).

No. 36

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
ADJUSTING SALARY OF POSITION IN SALARY SCHEDULE NO. II**

WHEREAS, by letter dated January 25, 2011, Steven R. Billings, Personnel Officer, has advised of a request to adjust the salary of the position of Captain in Account A3150 under Salary Schedule No. II; and

WHEREAS, your Committee has taken this matter under consideration and recommend the aforesaid change; now, therefore, be it

RESOLVED, that Herkimer County Salary Schedule No. II is hereby amended to establish the base annual salary for the position of Captain in A3150, Jail, in the amount of \$41,773.00; and, be it further

RESOLVED, that said change shall be retroactive to January 1, 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 Sheriff.

Dated: January 26, 2011.

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

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

Dated: January 26, 2011.

Amended: January 26, 2011.

Amendment: In First Whereas Clause

Delete \$800,000 and replace with

“up to \$800,000”.

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. Weakley, Report and Resolution No. 38 of the Committee on Ways and Means appropriating funds in connection with Industrial Development Agency was handed up; debate was held, was voted on and adopted by roll call vote:

For: Rose, Keblish, Maneen, Stone, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (16).

Against: None.

Absent: Piseck (1).

No. 38

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
APPROPRIATING FUNDS IN CONNECTION WITH INDUSTRIAL DEVELOPMENT
AGENCY**

WHEREAS, by letter dated January 26, 2011 from the Budget Officer/Purchasing Agent this Legislature is advised that the Committee on Ways and Means approved funding to the Industrial Development Agency; now, therefore be it

RESOLVED, that appropriation of sums be authorized as follows:

Appropriation

\$400,000	From: A889G – Reserve, IDA Promissory Notes
	To: A6420.44000 IDA, Cont. Serv.
\$360,850	From: A889L – Reserve, IDA Shell Bldg.

To: A6420.44000 IDA, Cont. Serv.
\$39,150 From: A909 – General Fund Balance
To: A6420.44000 IDA, Cont. Serv.

and, be it further

RESOLVED, that the Herkimer County Treasurer is hereby authorized and directed to transfer the said sums to the said account; and, be it further

RESOLVED, that the funds will be used to reimburse acceptable expenditures by the Village of Frankfort, Herkimer County IDA, National Grid and the County for the establishment of electric and gas services on the Route 5S South Business Park; and, be it further

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

Dated: January 26, 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 Mrs. Maneen and Mr. Weakley, Resolution No. 39 of the Committee on Administration/Veterans' Affairs in support of re-opening of Middleville Post Office was handed up; debate was held, was voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Piseck (1).

No. 39

RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS' AFFAIRS IN SUPPORT OF RE-OPENING OF MIDDLEVILLE POST OFFICE

WHEREAS, in July of 2010 the building that housed the Middleville Post Office was damaged by flooding and deemed structurally unsafe by engineers; and

WHEREAS, since that time, post office customers have had to travel great distances to get their mail and do business at the Newport Post Office, which has become a major hardship for some residents; and

WHEREAS, the Mayor of the Village of Middleville has held a public information session for residents to voice their concerns about the delay in reopening the post office within the Village limits, and has contacted elected representatives in effort to relay the situation to U.S. Post Office officials; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby supports the timely re-opening of the Village of Middleville Post Office within the Village limits, and urges our elected federal and state representatives to contact the United States Post Office to address this situation and alleviate this undue burden on the residents of this County; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Deb Labello, District Manager, United States Post Office; U.S. Congressman Richard Hanna; U.S. Senator Charles Schumer; U.S. Senator Kirstin Gillibrand; New York State Senator James L. Seward; New York State Assemblyman Marc W. Butler and Elizabeth Schrader, Mayor of the Village of Middleville.

Dated: January 26, 2011.

JEAN E. MANEEN
BRUCE WEAKLEY
FREDERICK J. SHAW
PETER F. MANNO
STEPHEN N. KEBLISH, JR.
JOHN L. BREZINSKI
**Committee on Administration/Veterans'
Affairs**

On motion of Mr. Hendrix, seconded by Mr. Bono, Resolution No. 40 of the Committee on Public Safety and Emergency to provide that the construction of a New Correctional Facility on a site in the Town and Village of Herkimer on the west side of New York State Route 28 be in compliance with the provisions of the New York State Environmental Quality Review Act, was handed up; debate was held, was voted on and adopted by roll call vote:

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

Against: Rose, Brezinski, Korce (3).

Absent: Piseck (1).

No. 40

RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT TO PROVIDE THAT THE CONSTRUCTION OF A NEW CORRECTIONAL FACILITY ON A SITE IN THE TOWN AND VILLAGE OF HERKIMER ON THE WEST SIDE OF NEW YORK STATE ROUTE 28 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 construction of a New Correctional Facility at an approximate 26 acre site in the Town and Village of Herkimer, on the west side of New York State Route 28; and

WHEREAS, your Committee has made a classification of the project as a Type I Action pursuant to SEQRA; and

WHEREAS, the County has been established as the lead agency under SEQRA responsible for conducting a coordinated review of the proposed action; and

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

RESOLVED, that based on the information provided and discussed, the Herkimer County Legislature concurs in the classification of the proposed action as a Type I Action under SEQRA and 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, including attachments thereto, supporting documentation, and the SEQRA Negative Declaration Notice of Determination of Non-Significance which is attached and incorporated within this Resolution as Exhibit "A"; 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: January 26, 2011.

LEONARD R. HENDRIX

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

Chairman Smith stated that pursuant to Rule 6(12) they would proceed with comments by legislators. The following legislators had comments: Mr. Russell, Mrs. Rose, Mr. Shaw Mr. Bono (read a prepared statement in response to an editorial in the Observer Dispatch – filed with original minutes).

At 8:47 p.m. Mr. Russell made a motion, seconded by Mr. Stone, to go into executive session regarding collective bargaining unit proposals; the motion was approved by voice vote:

All ayes: (16). Against: None.

Absent: Piseck (1).

At 9:04 p.m., Mr. Weakley made a motion, seconded by Mr. Hyde, to come out of executive session.

At 9:06 p.m. on motion of Mr. Manno, seconded by Mr. Stone, the Legislature adjourned to Wednesday, February 16, 2011 at 7:30 p.m.