

**MINUTES**  
**Herkimer County Legislature**  
**First Quarter– Third Day**  
**Wednesday, April 6, 2011**  
**2:00 p.m.**

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

Chairman Smith called on Mark Nagele, Deputy County Highway Superintendent, 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, , Manno, Smith, Bono, Ackerman, Peplinski, , Russell, Shaw, Weakley (14).

Absent: Hyde, Brezinski, Korce (3).

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 March 16, 2011. There were no objections and the minutes were approved.

Chairman Smith dispensed with the regular session for a presentation of a proclamation and called on Legislator Jean Maneen to present the proclamation. Mrs. Maneen presented the proclamation to County Clerk Sylvia Rowan and her staff in recognition of their efforts to promote “National Donating Life Month in Herkimer County”.

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

Chairman Smith 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. 116 – A communication was received from the Director of Real Property Tax Services requesting renewal of contract with Town of Danube for assessment services. Referred to the Committee on Ways and Means.

No. 117 – A communication was received from the Executive director of the Youth Bureau requesting a contract for an educational school assembly program through the Youth Violence Prevention Program. Referred to the Committee on County Planning and Development.

No. 118 – A communication was received from the Sheriff submitting the monthly report for February. Referred to the Committee on Public Safety and Emergency Management.

No. 119 – A communication was received from the Highway Superintendent submitting his 2010 Annual Report. Referred to the Committee on Highways.

No. 120 – A communication was received from the County Attorney requesting an amendment of a resolution concerning a bankruptcy proceeding. Referred to the Committee on Ways and Means.

No. 121 – A communication was received from the County Auditor submitting report of approval of corrected tax applications. Referred to the Committee on Ways and Means.

No. 122 – A communication was received from the Director of Public Health requesting renewal of Immunization Grant. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 122 – A communication was received from the Director of Public Health requesting renewal of Immunization Grant. Referred to the Committee on Human Resources and Ways and Means.

No. 123 – A communication was received from Harley Ruppert submitting his resignation from the Herkimer County IDA Board. Referred to the Committee on County Planning and Development.

No. 124 – A communication was received from the Commissioner of social Services requesting a staffing change. Referred to the Committees on Human Resources and Ways and Means.

No. 125 – A communication was received from the Director of the Office for the Aging requesting approval of a grant from the Community Foundation of Herkimer & Oneida counties. Referred to the Committees on Human Resources and Ways and Means.

No. 126 – 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. 127 – A communication was received from the Director of Community Services submitting March activities update. Ordered filed.

No. 128 – A communication was received from the Budget Officer submitting recommendation for budget amendment in connection with Homeland Security Grant in Sheriff's Department. Referred to the Committee on Public Safety and Emergency Management and the Committee on Ways and Means.

No. 129 – A communication was received from the Budget officer submitting requests for transfers of funds. Referred to the Committee on Ways and Means.

No. 130 – A communication was received from the Budget Officer recommending budget amendment in connection with receipt of funding from Community Foundation for the Office for the Aging. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 131 – A communication was received from the Budget Officer recommending budget amendment in connection with receipt of Training Center/Server Grant for Sheriff's Department. Referred to the Committee on Public Safety and Emergency Management.

No. 132 – A communication was received from the Budget Officer requesting renewal of contract for provision of gas cards for county vehicles and authorization to advertise for bids. Referred to the Committee on Ways and Means

No. 133 – A communication was received from the Budget Officer concerning contract for auctioneer services for annual sale of tax acquired properties. Referred to the Committee on County Properties.

No. 134 – A communication was received from the Executive Director of the Youth Bureau advising of the receipt of grant from State Office of Children and Family Services. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

No. 135 – A communication was received from the Budget Officer recommending a budget amendment in connection with the receipt of funding for the Youth Bureau. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

No. 136 – A communication was received from the Sheriff requesting acceptance of Homeland Security Grant. Referred to the Committee on Public Safety and Emergency Management and the Committee on Ways and Means.

No. 137 – A communication was received from the Budget Officer submitting recommendation for award of bid for Highway Department equipment. Referred to the Committee on Highways.

No. 138 – A communication was received from the Executive Director of the Herkimer County IDA requesting a public hearing be scheduled in connection with an application for a Small cities grant. Referred to the Committee on County Planning and Development.

139 – A communication was received from the County Treasurer submitting her Annual Financial Report for 2010. Referred to the Committee on Ways and Means.

140 – A communication was received from the County Property Agent submitting the list of parcels for the In Rem Tax Sale. Referred to the Committee on County Properties.

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

For: All ayes (14).

Against: None.

Absent: Hyde, Brezinski, Korce (3).

**Consent Agenda:**

- 94 PUB. SFTY./EMER. MGMT.: Monthly Report of Sheriff
- 95 WAYS & MEANS: Authorizing extension of contract with Town of Danube for Assessment Services
- 96 HUMAN RES., WAYS & MEANS: Authorizing renewal of contract with New York State Dept. of Health for Immunization Grant

No. 94

**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 February, 2011, 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 February, 2011, which report reflects an average daily population of 55.57 inmates, with an average of 28.00 inmates being boarded out in February, be approved and filed.

Dated: April 6, 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. 95

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
AUTHORIZING EXTENSION OF CONTRACT WITH THE TOWN OF DANUBE TO  
PROVIDE ASSESSMENT SERVICES**

WHEREAS, by letter dated March 14, 2011, 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 Danube; 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 Danube for the County of Herkimer to continue to provide said assessment services to said 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 Danube for the period from March 17, 2011 through March 16, 2012 for the sum of \$15.00 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 Danube.

Dated: April 6, 2011

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

No. 96

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES  
AND WAYS AND MEANS AUTHORIZING RENEWAL OF CONTRACT WITH NEW  
YORK STATE DEPARTMENT OF HEALTH FOR IMMUNIZATION ACTION PLAN**

WHEREAS, by communication dated March 14, 2011, Gregory O'Keefe, MD, Director of Public Health, has advised that the New York State Department of Health has forwarded a contract for renewal of the grant agreement for the Immunization Action Plan for the period from April 1, 2011 through March 31, 2012, with the contract amount being \$31,865.00; and

WHEREAS, it is now necessary to enter into a contract with the New York State Department of Health renewing said grant funding agreement; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a renewal of the contract between the County of Herkimer and the New York State Department of Health to receive \$31,865.00 in funding for the Immunization Action Plan for the period April 1, 2011 through March 31, 2012; 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: April 6, 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. Bono, seconded by Mrs. Maneen, Report and Resolution No. 97 of the Committees on Human Resources and Ways and Means for staffing change in the Department of Social Services was handed up; debate was held, was voted on and adopted by voice vote:

Ayes: (14).

Against: None.

Absent: Hyde, Brezinski, Korce (3).

No. 97

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES  
AND WAYS AND MEANS FOR STAFFING CHANGE IN THE DEPARTMENT OF  
SOCIAL SERVICES**

WHEREAS, by letter dated March 22, 2011, Ervin J. Fuller, Commissioner of Social Services has requested a staffing adjustment be made in the Department of Social Services; 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. 3 to delete one position of Clerk in Account A6010 and establish an additional position of Typist at the base annual salary of \$23,561; and, be it further

RESOLVED, that the foregoing change shall take effect May 2, 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 Commissioner of Social Services.

Dated: April 6, 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. Russell, seconded by Mr. Weakley, Report and Resolution No. 98 of the Committee on Ways and Means amending Resolution No. 88 of 2010 in connection with outside counsel for an In Rem bankruptcy proceeding was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (14).                      Against: None.

Absent: Hyde, Brezinski, Korce (3).

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
AMENDING RESOLUTION NO. 88 OF 2010 IN CONNECTION WITH OUTSIDE  
COUNSEL FOR AN IN REM BANKRUPTCY PROCEEDING**

WHEREAS, by Resolution No. 88 dated March 10, 2010, as amended by Resolution No. 308 adopted on November 17, 2010, this Legislature authorized the retention of Mark Swan of Swan Law Firm, West Valley City, Utah, to represent Herkimer County in connection with a bankruptcy proceeding pending in United States Bankruptcy Court in Salty Lake City as a result of the County In Rem Tax Auction, with a maximum fee to be paid to be not in excess of \$2,000; and

WHEREAS, by memorandum dated March 24, 2011, from Robert J. Malone, County Attorney, this Legislature is advised that there have been extensive negotiations in an attempt to get this matter resolved, and he requests an amendment to said Resolution No. 88 of 2010 to expend an additional \$1,150.00 in this effort; now, therefore, be it

RESOLVED, that Resolution No. 88 adopted on March 10, 2010, as amended by Resolution No. 308 dated November 17, 2010, is hereby amended in the First Resolved Clause to authorize a maximum fee to be paid to be not in excess of "\$3,150.00"; and, be it further

RESOLVED, that in all other respects, said Resolution No. 88 of 2010, as amended, 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, County Attorney and Mark Swan of Swan Law Firm, PLLC of West Valley City, Utah.

Dated: April 6, 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. Hendrix, Report and Resolution No. 99 of the Committees on County Planning and Development and Ways and Means authorizing contract with Motivational Media Assemblies for motivational program for schools throughout Herkimer County was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (14).

Against: None.

Absent: Hyde, Brezinski, Korce (3).

No. 99

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING  
DEVELOPMENT AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING  
CONTRACT WITH MOTIVATIONAL MEDIA ASSEMBLIES FOR MOTIVATIONAL  
PROGRAM FOR SCHOOLS THROUGHOUT HERKIMER COUNTY**

WHEREAS, by letter dated March 8, 2010, from Regina Giacovelli, Executive Director of the Herkimer County Youth Bureau, this Legislature is advised of a request to enter into a contract with Motivational Media Assemblies of Burbank, California, to provide motivational assemblies dealing with positive choices to every elementary, middle and high school in Herkimer County in the 2011-2012 school year, which is an on-going initiative through the Youth Violence Prevention Committee; and

WHEREAS, said contract will be in the amount of \$10,530.00, with shared funding being provided by the Herkimer County Youth Bureau, Herkimer County STOP-DWI and community grant sources secured by the committee; and, be it further

RESOLVED, that this Legislature hereby approves a contract with Motivational Media Assemblies, 2000 West Magnolia Boulevard #207, Burbank, CA 91506 for the provision of services in connection with motivational programming for the Herkimer County Youth Violence Prevention Committee, at a cost of \$10,530.00; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute said contract 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, Executive Director of the Herkimer County Youth Bureau and Motivational Media Assemblies.

Dated: April 6, 2011.

JOHN J. PISECK  
VINCENT J. BONO  
PATRICK E. RUSSELL  
BERNARD PEPLINSKI, SR.  
FREDERICK J. SHAW, JR.  
KURT J. ACKERMAN  
**Committee on County Planning and  
Development**

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. Russell, Report and Resolution No. 100 of the Committee on Human Resources and the Committee on Ways and Means concerning staffing change in Public Health Nursing Service was handed up; debate was held; was voted on and adopted by voice vote:

All ayes: (14).                      Against: None.

Absent: Hyde, Brezinski, Korce (3).

No. 100

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES  
AND WAYS AND MEANS CONCERNING STAFFING CHANGE IN PUBLIC HEALTH  
NURSING SERVICE**

WHEREAS, by Resolution No. 316 adopted on November 17, 2010, this Legislature approved the establishment of a temporary position of Family Services Specialist under the mandated Program for Children with Special Health Care Needs in the Public Health Nursing Service; and

WHEREAS, by letter dated March 21, 2011, Gregory O’Keefe, MD, has requested said position be made permanent; and

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

RESOLVED, that the Herkimer County Salary Schedule No. 3 is hereby amended to delete the temporary position of Family Services Specialist in Account A4059, Early Care Intervention, and establish a full-time position of Family Services Specialist at the base annual salary of \$25,000.00, 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, Personnel Officer and Director of Public Health

Dated: April 6, 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. Bono, seconded by Mr. Hendrix, Report and Resolution No. 101 of the Committee on Human Resources and the Committee on Ways and Means amending Budget in connection with receipt of funds for van for Senior Transportation Program was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (14).                      Against: None.

Absent: Hyde, Brezinski, Korce (3).

No. 101

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS AMENDING BUDGET IN CONNECTION WITH RECEIPT OF FUNDS FOR VAN FOR SENIOR TRANSPORTATION PROGRAM**

WHEREAS, by letter dated March 21, 2011, Mary A. Scanlon, Director of the Office for the Aging, has advised that the Community Foundation of Herkimer & Oneida Counties has approved a grant in the amount of \$30,000, which funds will be used for replacing the van used for the Senior Transportation Program in the Office for the Aging; and

WHEREAS, by letter dated March 28, 2011 from Bernard E. Decker, Budget Officer, has submitted a request for an amendment of the 2011 Budget in connection therewith; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a grant acceptance letter from the Community Foundation of Herkimer & Oneida Counties in connection with the receipt of \$30,000 in funding to be used to replace the van used for the Senior Transportation Program in the Herkimer County Office for the Aging; and, be it further

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



**MEANS AMENDING BUDGET IN CONNECTION WITH RECEIPT OF FUNDS FOR SHERIFF'S GRANT**

WHEREAS, by Resolution No. 82 adopted on March 16, 2011, this Legislature authorized the Chairman of the Legislature to electronically sign a grant application in the amount of \$7,500.00 to be used to replace the roof on the Herkimer County Sheriffs Training Center on Route 28, repair the ceiling on the inside and replace the main server at the Correctional Facility; and

WHEREAS, by letter dated March 28, 2011, from Bernard E. Decker, Budget Officer and Purchasing Agent, this Legislature is advised that it is necessary to amend the 2011 Herkimer County Budget in connection with the receipt of said grant; now, therefore, be it

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

Revenue:

A3189L.3389L State of NY Training Ctr./Server Grant	From: \$0
	To: \$7,500.00

Appropriation

A3189L.22000 Training Ctr./Server Grant	From: \$0
	To: \$4,000.00
A3189L.44000 Training Ctr./Server Grant	From: \$0
	To: \$3,500.00

And, be it further

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

Dated: April 6, 2011.

LEONARD R. H ENDRIX  
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. Bono, seconded by Mr. Weakley, Report and Resolution No. 103 of the Committee on County Properties authorizing contract with auctioneer for 2009 In Rem Sale was handed up; debate was held; Mrs. Rose requested a roll call vote; was voted on and adopted by roll call vote:

For: Keblish, Maneen, Hendrix, Smith, Bono, Ackerman, Peplinski, Russell, Shaw, Weakley (10).

Against: Piseck, Rose, Stone, Manno (4).

Absent: Hyde, Brezinski, Korce (3).

No. 103

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PROPERTIES  
AUTHORIZING CONTRACT WITH AUCTIONEER FOR 2009 IN REM SALE**

WHEREAS, the County of Herkimer conducts a yearly auction of parcels which, as a result of the County's annual In Rem Tax Foreclosure Proceedings, become titled in the County of Herkimer; and

WHEREAS, by letter dated March 28, 2011, Bernard E. Decker, Budget Officer and Purchasing Agent, has advised that requests for proposals have been solicited and received for a professional auctioneer to conduct the auction and the preliminary proceedings leading up to the auction, and it is the recommendation of your Committee that a contract be entered into with Knapp Auctions of the Town of Schuylers to perform said services; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a contract with Knapp Auctions, 2478 State Route 5, Utica, NY 13502, to conduct the auction for the In Rem Tax Foreclosure parcels for the year 2009; and, be it further

RESOLVED, that the contract will include the collection by the County of a \$200 per parcel transaction administration fee, with said fee to be paid to the auctioneer; and, be it further

RESOLVED, that the auctioneer shall assume responsibility for photographing In Rem parcels, designing of a brochure including photographs and posting the same on the auctioneer's website to be available to bidders over the internet, with the auctioneer also to arrange for and conduct inspections of parcels by prospective bidders, to register bidders at the auction sale and handle all bookkeeping duties, to answer appropriate questions by prospective bidders prior to the auction, to provide for a powerpoint presentation of auction parcels including photographs to

be printed on the screen at the auction site; and with the County to pay for the cost of printing the above brochure, to be responsible for all advertising costs, to collect and handle all proceeds of the sale, together with such other and further provisions as are approved by the Herkimer County Attorney; and, be it further

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

Dated: April 6, 2011.

BRUCE WEAKLEY  
JOHN J. PISECK, JR.  
VINCENT J. BONO  
JEAN E. MANEEN  
JEFFREY M. STONE  
KURT J. ACKERMAN  
**Committee on County Properties**

On motion of Mr. Russell, seconded by Mr. Peplinski, Report and Resolution No. 104 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: (14).                      Against: None.

Absent: Hyde, Brezinski, Korce (3).

No. 104

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
TRANSFERRING 2011 FUNDS**

WHEREAS, your Committee on Ways and Means, to which was referred a communication from the Budget Officer and Purchasing Agent dated March 28, 2011 submitting requests 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:

\$800.00                      From: A1340.44000 Budget & Purchasing, Cont. Services  
To:                      A8026.46100 Adirondack Park Review Bd., Mileage &  
Travel

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

Dated: April 6, 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. 105 of the Committee on Ways and Means concerning provision of fuel for county vehicles was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (14).                      Against: None.

Absent: Hyde, Brezinski, Korce (3).

No. 105

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
CONCERNING PROVISION OF FUEL FOR COUNTY VEHICLES**

WHEREAS, pursuant Resolution No. 328 of 2008, as amended by Resolution No. 79 of 2009, this Legislature award a contract to Champlain Oil Company of Burlington, Vermont, for the provision of fuel at-the-pump (gas cards) for Herkimer County vehicles, exclusive of the Herkimer County Highway Department, for a bid price of daily laid in cost of fuel, plus \$0.119 per gallon, with an additional rebate of \$0.02 per gallon at participating Clifford Fuel Nice-N-Easy retail locations, with said contract to provide for two one year extensions at the current terms and conditions; and

WHEREAS, by letter dated March 28, 2011, Bernard E. Decker, Budget Officer and Purchasing Agent, has requested said contract be extended for the period of April 1, 2011 through March 31, 2012, under the current terms and conditions, and further requests permission to advertise for bids to reinvestigate the market for the provision of gasoline at the pump (gas cards) for Herkimer County vehicles; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute an extension of the agreement with Champlain Oil Company, PO Box 2126, South Burlington, VT 05407, for the provision of fuel at-the-pump (gas cards) for Herkimer County vehicles at the current terms and conditions, said extension to be for the period April 1, 2011 through March 31, 2012; and, be it further

RESOLVED, that the Herkimer County Purchasing Agent be, and he hereby is, authorized and directed to advertise for bids for the provision of gasoline at the pump (gas cards) for Herkimer County vehicles, exclusive of the Herkimer County Highway Department, in accordance with specifications approved by your Committee, said advertisement to be in the official newspapers of the County, and bids to be received and opened in the Office of the Purchasing Agent, with results thereof to be reported to this Legislature for approval and award; and, be it further

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

Dated: April 6, 2011.

BRUCE WEAKLEY  
JOHN J. PISECK, JR.  
VINCENT J. BONO  
JEAN E. MANEEN  
JEFFREY M. STONE  
KURT J. ACKERMAN  
**Committee on Ways and Means**

On motion of Mr. Keblish, seconded by Mr. Piseck, Report and Resolution No. 106 of the Committee on County Planning and Development and the Committee on Ways and Means amending budget in connection with receipt of additional funds for Youth Bureau was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (14).                      Against: None.

Absent: Hyde, Brezinski, Korce (3).

No. 106

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AND THE COMMITTEE ON WAYS AND MEANS AMENDING BUDGET IN CONNECTION WITH RECEIPT OF ADDITIONAL FUNDS FOR YOUTH BUREAU**

WHEREAS, by letter dated March 30, 2011, Gina Giacobelli, Executive Director of the Youth Bureau, has advised that additional youth programming funding (“Ready by 21”) in the amount of \$35,000.00 has been received from the New York State Office of Children and Family Services; and

WHEREAS, said funding will be utilized for training of county personnel and evaluating programs in the areas of program performance and participant outcomes; now, therefore, be it

WHEREAS, by letter dated March 28, 2011 from Bernard E. Decker, Budget Officer, has submitted a request for an amendment of the 2011 Budget in connection therewith; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a grant agreement with the New York State Office of Children and Family Services to accept \$35,000 in funding

("Ready by 21") to be used for training of county personnel and evaluating programs in the areas of program performance and participant outcomes in the Herkimer County Youth Bureau; and, be it further

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

Revenue:

A7310.3820B State Aid, Youth Bureau	From:	\$140,137
	To:	\$175,137

Appropriation

A7310.44000 Youth Bureau, Cont. Serv.	From:	\$195,018
	To:	\$230,018

And, be it further

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

Dated: April 6, 2011.

JOHN J. PISECK  
VINCENT J. BONO  
PATRICK E. RUSSELL  
BERNARD PEPLINSKI, SR.  
FREDERICK J. SHAW, JR.  
KURT J. ACKERMAN  
**Committee on County Planning and  
Development**

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. Peplinski and Mr. Stone, Report and Resolution No. 107 of the Committee on Public Safety/Emergency Management and the Committee on Ways and Means accepting grant and amending budget for Homeland Security funding for Sheriff's Department was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (14).                      Against: None.

Absent: Hyde, Brezinski, Korce (3).

No. 107

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS ACCEPTING GRANT AND AMENDING BUDGET FOR HOMELAND SECURITY FUNDING FOR SHERIFF'S DEPARTMENT**

WHEREAS, by letter dated March 23, 2011, from Christopher P. Farber, Sheriff, this Legislature is advised of the receipt of a FY2010 SLETPP grant from the Department of Homeland Security in the amount of \$59,727.00, which grant is under the Law Enforcement Terrorism Prevention Program; and

WHEREAS, by letter dated March 28, 2011, from Bernard E. Decker, this Legislature is advised that it will be necessary to amend the 2011 Herkimer County Budget in connection with the receipt of said funding; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a contract with the New York State Office of Homeland Security to receive a FY 2010 SLETPP grant in the amount of \$59,727.00 through the Homeland Security Grant Program under the Law Enforcement Terrorism Prevention Program; and, be it further

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

Revenue:

A3110A.3389F Homeland Sec., Sheriff	From:	\$0
	To:	\$ 59,727.00

Appropriation

A3110A.25000 Homeland Security Grant, Other Equipment	From:	\$ 46,746.69
	To:	\$106,473.69

And, be it further

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

Dated: April 6, 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. Peplinski, seconded by Mr. Stone and Mr. Ackerman, Report and Resolution No. 108 of the Committee on Highways awarding bid for purchase of equipment for Highway Department was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (14).                      Against: None.

Absent: Hyde, Brezinski, Korce (3).

No. 108

**REPORT AND RESOLUTION OF THE COMMITTEE ON HIGHWAYS AWARDING  
BID FOR PURCHASE OF EQUIPMENT FOR HIGHWAY DEPARTMENT**

WHEREAS, the Budget Officer/Purchasing Agent has advised by letter dated April 1, 2011 that sealed bids were received, opened and read in accordance with law for the purchase of two steel dump bodies for the Herkimer County Highway Department, pursuant to Resolution No. 88 adopted March 16, 2011; and

WHEREAS, the Budget Officer further advises that it is the recommendation of your Committee and the County Superintendent of Highways that a contract be awarded to Wayne's Welding, Inc. of Yorkville, New York ,who was the low bidder, in the amount of \$29,000.00; and

WHEREAS, there are sufficient funds available for said purchase; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby awards a bid for the purchase of two steel dump bodies for the Herkimer County Highway Department to Wayne's Welding, Inc. 66 Calder Ave., Yorkville, NY 13495 in the amount of \$29,000.00; and, be it further

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

Dated: April 6, 2011.

DENNIS KORCE  
VINCENT J. BONO

PATRICK E. RUSSELL  
BRUCE WEAKLEY  
JEFFREY M. STONE  
BERNARD PEPLINSKI, SR.  
**Committee on Highways**

On motion of Mr. Piseck, seconded by Mr. Shaw, Report and Resolution No. 109 of the Committee on County Planning and Development authorizing public hearing in connection with an application for economic development assistance to the Office of Community Renewal was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (14).                      Against: None.

Absent: Hyde, Brezinski, Korce (3).

No. 109

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AUTHORIZING PUBLIC HEARING IN CONNECTION WITH AN APPLICATION FOR ECONOMIC DEVELOPMENT ASSISTANCE TO THE OFFICE OF COMMUNITY RENEWAL**

WHEREAS, by letter dated April 1, 2011, from Mark D. Feane, Executive Director of the Herkimer County Industrial Development Agency, this Legislature is advised of the proposed submission of a Small Cities CDBG application in the amount of \$91,000 on behalf of Precisionmatics Company, Inc.

WHEREAS, these Small Cities grant funds will be utilized as part of an \$860,375 expansion project which will allow the company to create five new jobs at the West Winfield, New York facility; and

WHEREAS, it is necessary that a public hearing be held to hear public comment in regard to such application; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is authorized to execute all documents and certifications required as part of the submission of the application; and, be it further

RESOLVED, a Public Hearing be held by the Committee on County Planning and Development on the 27<sup>th</sup> day of April, 2011 at 7:00 p.m. in the Legislature Chambers of the County Office Building in the Village of Herkimer, New York, for the purpose of hearing public comment upon the aforesaid application for economic development assistance to the Office of Community Renewal; and, be it further

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

Dated: April 6, 2011.

JOHN J. PISECK  
VINCENT J. BONO  
PATRICK E. RUSSELL  
BERNARD PEPLINSKI, SR.  
FREDERICK J. SHAW, JR.  
KURT J. ACKERMAN  
**Committee on County Planning and  
Development**

On motion of Mrs. Maneen, seconded by Mr. Shaw, Resolution No. 110 of the Committees on Administration/Veterans' Affairs and Ways and Means requesting legislation authorizing the extension of the additional sales and compensating use tax was handed up; debate was held, was voted on and adopted by voice vote:

Ayes (14).

Against: Rose (1).

Absent: Hyde, Brezinski, Korce (3).

No. 110

**RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS' AFFAIRS AND THE COMMITTEE ON WAYS AND MEANS REQUESTING LEGISLATION AUTHORIZING THE EXTENSION OF THE ADDITIONAL SALES AND COMPENSATING USE TAX**

WHEREAS, the legislature of the State of New York adopted and the Governor signed into law as Chapter 111 of the Laws of 2009 authorization for the County of Herkimer to extend the imposition of an additional One and One Quarter Percent (1 ¼ %) sales and compensating use tax for the period beginning December 1, 2009 and ending November 30, 2011 and

WHEREAS, in order for this additional sales and compensating use tax to be extended new legislation by the Legislature of the State of New York shall be required; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby requests its Assemblyman and Senator to introduce into the New York State Legislature bills which would seek a two year extension and amendment of the statutory authorization for Herkimer County to impose an additional 1 ¼ % sales and compensating use tax, with the new period to commence December

1, 2011 and with the additional ¼% to be dedicated to the costs of the construction and financing of a new correctional facility; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Senator James L. Seward and Assemblyman Marc W. Butler.

Dated: April 6, 2011.

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

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. Keblish and Mr. Ackerman, Resolution No. 111 of the Committee on County Planning and Development making appointment to the Herkimer County Industrial Development Agency was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (14).                      Against: None.

Absent: Hyde, Brezinski, Korce (3).

No. 111

**RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND  
DEVELOPMENT MAKING APPOINTMENT TO THE HERKIMER COUNTY  
INDUSTRIAL DEVELOPMENT AGENCY**

WHEREAS, this Legislature by Resolution No. 124 of 1970 established an Industrial Development Agency for the County of Herkimer, and by Resolution No. 104 for 1982 amended said resolution to increase membership of the Herkimer County Industrial Development Agency to seven members; and

WHEREAS, it is necessary to make an appointment to fill a vacancy on said Industrial Development Agency; now, therefore, be it

RESOLVED, that this Legislature hereby appoints David Chlus, 388 Myers Road, Little Falls, New York, to the Herkimer County Industrial Development Agency; and, be it further

RESOLVED, that said appointee shall serve on said Agency until a successor is appointed and qualified; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Industrial Development Agency, the Secretary of State of the State of New York and David Chlus.

Dated: April 6, 2011.

JOHN J. PISECK  
VINCENT J. BONO  
PATRICK E. RUSSELL  
BERNARD PEPLINSKI, SR.  
FREDERICK J. SHAW, JR.  
KURT J. ACKERMAN  
**Committee on County Planning and  
Development**

On motion of Mr. Bono, seconded by Mr. Stone and Mr. Hendrix, Report and Resolution No. 112 of the Committee on Administration/Veterans' Affairs in opposition to New York State Senate Bill S.2994, "An act to amend the Penal Law, in relation to the registration of firearms" was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (14).                      Against: None.

Absent: Hyde, Brezinski, Korce (3).

No. 112

**RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS'  
AFFAIRS IN OPPOSITION TO NEW YORK SENATE BILL S.2994, "AN ACT TO  
AMEND THE PENAL LAW, IN RELATION TO THE REGISTRATION OF FIREARMS**

WHEREAS, proposed Senate Bill S.2994 provides for the registration of firearms by the owner thereof, at the county clerk's office of the county where the owner resides, except in New York City; and

WHEREAS said bill would impose an annual registration of \$10 per firearm on legally owned firearms including an initial \$15 registration fee, as well as impose a new unfunded mandate upon the operation of the county clerk offices; and

WHEREAS, S.2994 directs the collection of registration information including not only firearm serial numbers, but personal information about the owners of said firearms, including the precise location in which said firearms will be stored while not in use; now, therefore, be it

RESOLVED, that the Herkimer County Legislature opposes Senate Bill S.2994 and urges the New York State Assembly and Governor to oppose the same; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Governor Andrew M. Cuomo, Senator James Seward, Assemblyman Marc W. Butler and the New York State Association of Counties.

Dated: April 6, 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. Russell, Mrs. Maneen and Mr. Shaw, seconded by Mr. Hendrix , Resolution No. 113 of the Committee on Administration/Veterans' Affairs in opposition to state purchase of former Finch and Follensby Pond lands in the Adirondack Park was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (14).                      Against: None.

Absent: Hyde, Brezinski, Korce (3).

No. 113

**RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS AFFAIRS  
IN OPPOSITION TO STATE PURCHASE OF FORMER FINCH AND FOLLENSBY  
POND LANDS IN THE ADIRONDACK PARK**

WHEREAS, the State of New York has indicated its desire to purchase more than 60,000 acres of the former Finch timberlands and an additional 15,000 acres of the Follensby Pond timberlands; and

WHEREAS, the former Finch and Follensby Pond lands are both highly productive forest lands. with neither threatened by imminent development, and if the 75,000 acres of the former Finch and Follensby Pond lands are purchased by the State, 300 forestry related jobs would be lost; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby records its opposition to the acquisition by the State of New York of the former Finch and Follensby lands, and respectfully requests Governor Andrew Cuomo to order a study of the economic and social impacts of state land acquisitions in the Adirondacks prior to authorization of any additional purchases; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Governor Andrew M. Cuomo, United States Senators Charles Schumer and Kirsten Gillibrand, Congressman Richard Hanna, Senate Majority Leader Dean Skelos, Senator James L. Seward, Assembly Speaker Sheldon Silver, Assemblyman Marc W. Butler, NYSDEC Commissioner Joe Martens, DEC Region 6 Director Judy Drabicki, the Adirondack Park Agency, the New York State Association of Counties and the Intercounty Legislative Committee of the Adirondacks.

Dated: April 6, 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. Weakley, seconded by Mr. Ackerman, Resolution No. 114 of the Committee on County Properties authorizing sale of property acquired by In Rem Procedures was handed up; debate was held, was voted on and adopted by roll call vote:

For: Piseck, Rose, Keblish, Maneen, Stone, Hendrix, Manno, Smith, Bono, Ackerman, Peplinski, Russell, Shaw, Weakley (14).

Against: None.

Absent: Hyde, Brezinski, Korce (3).

**RESOLUTION OF THE COMMITTEE ON COUNTY PROPERTIES AUTHORIZING SALE OF PROPERTY ACQUIRED BY IN REM PROCEDURES**

WHEREAS, in an action brought on to enforce collection of delinquent taxes for the tax year 2009, a Judgment was made by the County Court of the County of Herkimer on the 5<sup>th</sup> day of April, 2011 and was filed and entered in the Herkimer County Clerk's Office on April 5, 2011, pursuant to which properties listed therein became the property of the County; and

WHEREAS, pursuant to said Judgment, the County Treasurer of the County of Herkimer deeded all parcels listed in said Judgment to the County of Herkimer by deed dated April 5, 2011 and recorded on April 5, 2011 in the Herkimer County Clerk's Office in Book 1393 of Deeds at Page 505; and

WHEREAS, the County now desires to sell said parcels; and

WHEREAS, it is necessary that terms and conditions of sale of said properties by the County be established; now, therefore, be it

**RESOLVED:**

1. That pursuant to Section 1166 of the Real Property Tax Law this Legislature now desires to provide for the sale of said parcels. Such sale shall be by public auction, and it is directed that such sale be held June 4, 2011 at 11:00 a.m. in the Auditorium at Herkimer County Community College;
2. That this sale by auction be held under the direction of the County Treasurer;
3. That such sale shall be conducted on the terms, conditions and procedures annexed hereto which include an Administration fee of \$200 for each successful bid;
4. That in addition, all sales of such property shall be subject to a buyer's premium of ten percent (10%) of the amount of the successful bid;
5. That all persons be entitled to bid at such sale on said parcels of property, except officers and employees of the County of Herkimer and the person whose name appears on the assessment roll as the owner of each said parcel at the time of nonpayment of taxes which resulted in acquisition of each said parcel by the County;
6. That the Treasurer is hereby authorized, when it seems advantageous, to divide any parcel on the auction list into two or more parcels and to offer said divided parcels individually or to join any two or more parcels on the auction list into one parcel and to offer said joined parcels as one parcel;
7. That following the auction sale, the Committee on County Properties and the County Treasurer report to this Legislature with their recommendations for the conveyance of the various parcels of property to the successful bidders thereon;
8. That certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Property Agent and County Attorney.

Dated: April 6, 2011.

BRUCE WEAKLEY

JOHN J. PISECK, JR.  
VINCENT J. BONO  
JEAN E. MANEEN  
JEFFREY M. STONE  
KURT J. ACKERMAN  
**Committee on County Properties**

At 2:25 p.m. Legislator Korce entered the meeting and was marked present on the roll.

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

At 2:30 p.m. on motion of Mr. Manno, seconded by Mr. Stone, the Legislature adjourned to Wednesday, April 27, 2011 at 7:30 p.m.