

MINUTES
Herkimer County Legislature
First Quarter– Third Day
Wednesday, May 18, 2011
7:30 p.m.

The Public Hearing on Introductory Local Law No. 1 for 2011 was called to order at 7:07 p.m. by Bernard Peplinski, Chairman of the Committee on Natural Resources. The clerk read the notice of the public hearing. Mr. Peplinski asked anyone who wished to speak, to state their name and address. There were no appearances, 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 Marty Smith to lead the Legislature in the Pledge of Allegiance.

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

Present: Piseck, Rose, Keblish, Maneen, Stone, Hendrix, Hyde ,Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce , Russell, Shaw, Weakley (17).

Absent: None.

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Smith asked if there were any objections or corrections to the minutes of April 27, 2011 and the minutes of the executive session held on April 27, 2011. There were no objections and the minutes were approved.

Chairman Smith dispensed with the regular to allow for the presentation of a proclamation. He called upon Legislator Jean Maneen who presented a proclamation to Marty Smith, in honor and recognition of her retirement as Commissioner of Elections. Ms. Smith thanked the Legislature for the proclamation.

Pursuant to Rule 11, Chairman Smith opened the floor for public comment. The following individual spoke at the public comment period: Carl Streeter – on the topic of “apology”.

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. Mrs. Rose requested

communications no. 174, 176 and 180 be read. Mr. Brezinski requested communication no. 181 be read. Mr. Hyde requested communication no. 182 be read.

No. 165 – A communication was received from Oneida-Herkimer Solid Waste Authority submitting recently adopted minutes and resolutions. Ordered filed.

No. 166 – A communication was received from the Herkimer County Soil and Water Conservation District submitting minutes of 4/12/11. Ordered filed.

No. 167 – A communication was received from the Director of community Services submitting April activities update. Ordered filed.

No. 168 – A communication was received from the Herkimer County Humane Society submitting the Spring newsletter. Ordered filed.

No. 169 – A communication was received from the Executive Director of the Herkimer County Ida requesting approval for a loan from the Small Cities Revolving Loan fund. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

No. 170 – A communication was received from the County Highway Superintendent requesting amendment of county highway road project. Referred to the Committee on Highways.

No. 171 – A communication was received from the Recording officer & Co. Treasurer submitting Semi-Annual Mortgage Tax Report. Referred to the Committee on Ways and Means.

No. 172 – A communication was received from the Chairwoman of the Republican Party submitting recommendation for appointment of Commissioner of Elections. Referred to the Committee on Administration/Veterans' Affairs.

No. 173 – A communication was received from ProAct, Inc. submitting report of Herkimer County Prescription Drug Card use for April. Ordered filed.

No. 174 – Two communications were received from the Commissioner of Social Services requesting approval for contract and state notification in connection with At Home Care to provide services to Medicaid clients. Referred to the Committee on Human Resources.

No. 175 – A communication was received from the County Treasurer requesting amendment of County Investment Policy and Designation of Depositories to include additional bank. Referred to the Committee on Ways and Means.

No. 176 – A communication was received from the Director of the office for the Aging requesting contract with At Home Care for EISEP program. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 177 – A communication was received from the Director of the Office for the Aging requesting expenditure in connection with Nutrition Site. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 178 – A communication was received from the County Attorney concerning retention of environmental counsel in connection with New County Correctional Facility. Referred to the Committee on Ways and Means.

No. 179 – A communication was received from the Budget Officer/Purchasing Agent recommending exercising of option in connection with Old Forge area transportation program for summer youth employment program. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

No. 180 – A communication was received from the Director of Public requesting agreements in connection with Certified Home Health Agency and Long Term Care Program. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 181 – A communication was received from the State Office of Parks & Historic Recreation advising of listing of Frankfort Hill district #10 School on State Register of Historic Places. Ordered filed.

No. 182 – A communication was received from the Village of Herkimer concerning proposed new county correctional facility at former P & C site. Referred to the Committee on Public Safety/Emergency Management.

No. 183 – A communication was received from Terry Inkawich, CFO & VP of Birnie Bus Co. declining contract extension at current option pricing. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

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

For: All ayes (17).

Against: None.

Absent: None.

Consent Agenda:

- 129 HUMAN RES.: Adopting Annual Report of Dept. of Social Services
- 130 PUB. SFTY./EMER. MGMT.: Approving Annual Report of Sheriff
- 131 CO. PLANNING & DEV.: Adopting Annual Report of Youth Bureau

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES
ADOPTING ANNUAL REPORT OF DEPARTMENT OF SOCIAL SERVICES**

Your Committee on Human Resources, to which was referred the Annual Report of the Herkimer County Department of Social Services for the period January 1, 2010 through December 31, 2010, respectfully reports that we have examined the same, recommend the adoption of said report, and offer the following Resolution:

RESOLVED, that the Annual Report of the Herkimer County Department of Social Services, be approved and included in the proceedings of the Herkimer County Legislature for the year 2010.

Dated: May 18, 2011.

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

No. 130

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY &
EMERGENCY MANAGEMENT APPROVING ANNUAL REPORT OF THE
SHERIFF**

WHEREAS, your Committee on Public Safety & Emergency Management, to which was referred the communication from the Herkimer County Sheriff submitting the 2010 Annual Report of the Sheriff's Office, respectfully reports that we have examined the said report, recommend that it be adopted and offer the following Resolution:

RESOLVED, that the 2010 Annual Report of the Sheriff's Office hereby is adopted and that a copy thereof be included in the Proceedings of the Herkimer County Legislature for the year 2010.

Dated: May 18, 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. 131

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND
DEVELOPMENT ADOPTING ANNUAL REPORT OF HERKIMER COUNTY YOUTH
BUREAU**

Your Committee on County Planning and Development, to which was referred the Annual Report of the Herkimer County Youth Bureau, for the year 2010, respectfully reports that we have examined said report and recommend that it be approved, and offer the following Resolution:

RESOLVED, that the Annual Report of the Herkimer County Youth Bureau for the year 2010 be approved and included in the Office of the Herkimer County Legislature.

Dated: May 18, 2011.

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

On motion of Mr. Peplinski, seconded by Mr. Shaw, Report and Resolution No. 132 of the Committees on Natural Resources and Ways and Means adopting Introductory Local Law No. 1 for 2011 was handed up; debate was held; was voted on and adopted by roll call vote:

For: Piseck, Rose, Keblish, Maneen, Stone, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

No. 132

**REPORT AND RESOLUTION OF THE COMMITTEES ON NATURAL RESOURCES
AND WAYS AND MEANS ADOPTING INTRODUCTORY LOCAL LAW NO. 1 for 2011**

Your Committees on Natural Resources and Ways and Means of the Herkimer County Legislature desire to report that on the 18th day of May, 2011, pursuant to Resolution No. 123,

they held a public hearing on the adoption of Introductory Local Law No. 1 for 2011 entitled, “A LOCAL LAW AMENDING LOCAL LAW NO. 2 FOR 2007, SECTION 603, LOCAL POLLUTANT DISCHARGE LIMITATIONS, TO CHANGE MERCURY AND NICKEL LIMITS.” and that there were (no) appearances and (no) objections at the said public hearing; that your Committee advises the adoption and enactment of the said Introductory Local Law and offers the following Resolution:

RESOLVED, that Introductory Local Law No.1 for 2011 be adopted in form attached hereto.

Dated: May 18, 2011.

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

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

INTRODUCTORY LOCAL LAW NO. 1 – 2011

LOCAL LAW NO. 1 – 2011

A LOCAL LAW AMENDING LOCAL LAW NO. 2 FOR 2007, SECTION 603, LOCAL POLLUTANT DISCHARGE LIMITATIONS, TO CHANGE MERCURY AND NICKEL LIMITS

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

Section 1. Local Law No. 2 for the year 2007 of this County entitled “A LOCAL LAW REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER, DISPOSAL, INSTALLATION AND CONNECTION OF BUILDING LATERALS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEMS; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF; IN THE HERKIMER COUNTY SEWER DISTRICT, COUNTY OF HERKIMER, STATE OF NEW YORK AND REPEALING LOCAL LAW NO. 2 FOR THE YEAR 1984” is hereby amended as follows: in Section 603, Local Pollutant Discharge Limitations, the Daily Maximum

Effluent Concentration Limit (mg/l) for the substance Mercury shall be changed from 0.003 to 0.0005, and the Daily Maximum Effluent Concentration Limit (mg/l) for the substance Nickel shall be changed from 0.007 to 0.088.

Section 2. This Local Law shall take effect immediately upon filing with the Secretary of State.

Dated: May 18, 2011.

On motion of Mr. Piseck, seconded by Mr. Ackerman, Report and Resolution No. 133 of the Committee on County Planning and Development and the Committee on Ways and Means approving loan from the Herkimer County Small Cities Revolving Loan Fund was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

No. 133

REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AND THE COMMITTEE ON WAYS AND MEANS APPROVING LOAN FROM THE HERKIMER COUNTY SMALL CITIES REVOLVING LOAN FUND

WHEREAS, a request has been received from Mark Feane, Executive Director of the Herkimer County Industrial Development Agency, dated April 27, 2011 requesting from the Herkimer County Small Cities Revolving Loan Fund a loan in the amount of \$75,000 to Precisionmatics Co., Inc. of West Winfield, New York; and

WHEREAS, your Committees have examined said matter and recommend the approval of a loan from said funds as set forth in the communication dated April 27, 2011 from Mark Feane, Executive Director of the Herkimer County Industrial Development Agency; now, therefore, be it

RESOLVED, that this Legislature approves a loan to be made from the Herkimer County Small Cities Revolving Loan Fund to Precisionmatics Co., Inc. of West Winfield, New York, in the amount of \$75,000, which will assist them with a proposed business expansion and the purchase of new equipment, said loan to be for a term of seven years, at an interest rate of 3%; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Herkimer County Industrial Development Agency and Precisionmatics Co., Inc.

Dated: May 18, 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. Russell, seconded by Mr. Shaw, Report and Resolution No. 134 of the Committee on Ways and Means apportioning mortgage tax was handed up; there being no debate, was voted on and adopted by roll call vote:

For: Piseck, Rose, Keblish, Maneen, Stone, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

No. 134

REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS APPORTIONING MORTGAGE TAX

Your Committee on Ways and Means, to which was referred the report of the Recording Officer and County Treasurer showing the amounts received from the mortgage taxes, respectfully reports that we have examined the report containing the list of mortgages as kept by the Herkimer County Clerk, and herewith submit the following report showing the apportionment to the several towns, villages and the City in the County. Your Committee recommends that the Herkimer County Treasurer be authorized to draw warrants payable to the supervisors of the several towns and to the City of Little Falls, and to the treasurers of the incorporated villages in an amount apportioned as indicated on the tabulated statement recommended by the Committee herewith, and your Committee offers the following Resolution:

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized and directed to draw warrants payable to the Supervisors of the several towns in Herkimer County and to the Treasurer of the City of Little Falls and the Treasurers of the incorporated villages in

the County of Herkimer entitled to a portion thereof, in the amounts of mortgage taxes apportioned respectively, and that a certified copy of the Resolution be served by the Clerk of this Legislature on the Herkimer County Treasurer.

Dated: May 18, 2011.

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

APPORTIONMENT OF MORTGAGE TAX
 October 1,2010- March 31,2011

TOWNS	TOTAL TAX RECEIVED	TOWN SHARE	INCLUDING VILLAGES VILLAGES SHARES
COLUMBIA	\$5,424.86	\$ 5,424.86	
DANUBE	2,010.70	2,010.70	
FAIRFIELD.	4,936.68	4,525.96	MIDDLEVILLE \$ 410~72
FRANKFORT	60,301.41	53,662.27	FRANKFORT 6,530.74
			ILION 108.40
GERMAN FLATTS	70,107.01	44,034.29	ILION 19,535.87
			MOHAWK 6,536.85
HERKIMER	28,498.25	19,550.46	HERKIMER 8,947.79
LITCHFIELD	7,686.28	7,686.28	
CITY OF LITTLE FALLS	17,094.06	17,094.06	
TOWN OF LITTLE FALLS	7,472.14	7,472.14	
MANHEIM	6,330.76	5,134.85	DOLGEVILLE 1,195.91
NEWPORT	10,077.58	8,516.34	MIDDLEVILLE 232.44
			NEWPORT 1,087.11
			POLAND 241.69
NORWAY	3,832.76	3,832.76	
OHIO	7,197.57	7,197.57	
RUSSIA	15,609.15	14,571.11	COLDBROOK 384ITI
			POLAND 654.03
SALISBURY	5,634.92	5,634.92	
SCHUYLER	11,983.92	11,983.92	
STARK	4,589.05	4589.05.	
WARREN	1,906.48	1,906.48	
WEBB	95,858.39	95,858.39	
WINFIELD	8,377.28	7,164.22	WEST WINFIELD 1,213.06

\$ 374,929.25

\$ 327,850.63

\$47,078.62

Herkimer County Treasurer \$619.09.

On motion of Mr. Korce, seconded by Mr. Piseck, Report and Resolution No. 135 of the Committee on Administration/Veterans' Affairs making appointment of Commissioner of Elections was handed up; there being no debate, was voted on and adopted by voice vote

All ayes: (17).

Against: None.

Absent: None.

Kathleen Farber expressed her appreciation to the Legislature for the appointment.

No. 135

**REPORT AND RESOLUTION OF THE COMMITTEE ON
ADMINISTRATION/VETERANS AFFAIRS MAKING APPOINTMENT OF
COMMISSIONER OF ELECTIONS**

WHEREAS, Mary L. Smith, who was reappointed Commissioner of Elections by Resolution No. 350 for the year 2008 has resigned that position effective May 15, 2011; and

WHEREAS, the Chairperson of the Herkimer County Republican Committee, has filed a certificate of conformity with provisions and requirements of Section 3210 of the Election Law of the State of New York, recommending Kathleen A. Farber, a resident and qualified voter of the County of Herkimer to be a fit and proper person to be appointed a Commissioner of Elections for the balance of the term for which Mary L. Smith was appointed, which term will expire on December 31, 2012; now, therefore, be it

RESOLVED, that Kathleen A. Farber, 1670 State Route 5S, Little Falls, New York, New York, be and she hereby is, appointed a Commissioner of Elections of the County of Herkimer as so recommended for the term commencing June 6, 2011 and ending December 31, 2012; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the County Treasurer, Auditor, Budget Officer, Personnel Officer, Kathleen A. Farber and Clerk of the County of Herkimer who shall immediately notify the State Commissioner of Elections of this appointment.

Dated: May 18, 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., seconded by Mr. Peplinski and Mr. Shaw, Report and Resolution No. 136 of the Committee on Ways and Means amending county investment policy and designation of depositories in connection with state regulations for the Herkimer County Department of Social Services was handed up; there being no debate; was voted on and adopted by voice vote:

All ayes: (17). Against: None.

Absent: None.

No. 136

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
AMENDING COUNTY INVESTMENT POLICY AND DESIGNATION OF
DEPOSITORIES IN CONNECTION WITH STATE REGULATIONS FOR THE
HERKIMER COUNTY DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, pursuant to Resolution No. 177 of 2009 an Investment Policy of the County of Herkimer was adopted, which included the banks and trust companies authorized for the deposit of moneys of the County of Herkimer; and

WHEREAS, pursuant to Resolution No. 1 of 2011 this Legislature designated depositories of county funds for 2011; and

WHEREAS, by letter dated May 9, 2011, Kimberlee A. Enea, Herkimer County Treasurer, has advised that due to regulations regarding adoption subsidy payments through New York State to the Herkimer County Department of Social Services, it is necessary to establish a new and separate bank account and requests the aforesaid resolutions be amended to include Chase Bank with a limit of \$1,000,000.00 to comply with said regulations; now, therefore, be it

RESOLVED, that Resolution No. 177 of 2009 is hereby amended on page 2 of the “Investment Policy of the County of Herkimer”, under the heading Designation of Depositories, to read as follows:

“The banks and trust companies authorized for the deposit of moneys shall

be as listed and in the amounts indicated on the resolution adopted annually for the Designation of Depositories of County Funds.”

And, be it further

RESOLVED, that Resolution No. 1 of 2011 is hereby are amended to include Chase Bank up to a limit of \$1,000,000.00 as a bank designated for the deposit of moneys of the County of Herkimer for the year 2011; and, be it further

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

Dated: May 18, 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. Manno, seconded by Mr. Keblish, Resolution No. 137 of the Committees on Education and Ways and Means concerning 4 day work week at Herkimer County Community College was handed up; debate was held, was voted on and adopted by roll call vote:

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

Against: Piseck, Brezinski, Smith (3).

Absent: None.

On motion of Mr. Piseck, seconded by Mr. Bono, Report and Resolution No. 138 of the Committees on Ways and Means and Human Resources authorizing expenditure of funds in connection with Office for the Aging Nutrition Site was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (17). Against: None.

Absent: None.

No. 138

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES
AND WAYS AND MEANS AUTHORIZING EXPENDITURE OF FUNDS IN
CONNECTION WITH OFFICE FOR THE AGING NUTRITION SITE**

WHEREAS, the County utilizes various sites rent free throughout the County as pack-out sites for home delivered meals and congregate dining for seniors in connection with the Office for the Aging Nutrition Program; and

WHEREAS, by letter dated May 2, 2011, Mary A. Scanlon, Director of the Office for the Aging, has advised that the nutrition site located at Mid Town Apartments in Herkimer, is in need of assistance for replacement of a grease trap and drain clean-out at a cost of \$1,387.00; and

WHEREAS, the Director of the Office for the Aging is requesting that approval be granted to authorize payment for said installation, with 90% of said cost to be state reimbursable; now, therefore, be it

RESOLVED, that approval is granted to authorize payment to Mid Town Apartments, a Herkimer Housing Authority facility, located on North Prospect Street, Herkimer, which is a Herkimer County Office for Aging nutrition program meal site, to assist said facility for the installation of a grease trap and drain clean-out in the kitchen area at a cost of \$1,387.00; and, be it further

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

Dated: May 18, 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. Hendrix, Report and Resolution No. 139 of the Committee on Ways and Means authorizing retention of environmental counsel in connection with New County Correctional Facility was handed up; debate was held, was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

No. 139

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
AUTHORIZING RETENTION OF ENVIRONMENTAL COUNSEL IN CONNECTION
WITH NEW COUNTY CORRECTIONAL FACILITY**

WHEREAS, this County has begun the process of acquiring land for the construction of a New Correctional Facility; and

WHEREAS, a number of environmental issues have arisen in connection with the acquisition and it is deemed expedient to engage an attorney versed in environmental law to advise the County in connection with this matter; and

WHEREAS, by letter dated May 10, 2011, from Robert J. Malone, Herkimer County Attorney, Gary S. Bowitch, Esq. of 119 Washington Avenue, Albany, New York, has been recommended for said services; now, therefore, be it

RESOLVED, that Gary S. Bowitch, Esq., is retained to render legal services in connection with environmental issues in the acquisition process for land for the proposed New Herkimer County Correctional Facility, at the rate of \$185.00 per hour, with expenditures for those services to be limited to \$2,500, except upon further approval of this Legislature; and, be it further

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

Dated: May 18, 2011.

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO

BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways and Mean

On motion of Mr. Bono, seconded by Mrs. Maneen, Report and Resolution No. 140 of the Committees on Ways and Means and Human Resources authorizing contract with At Home Care Partners, Inc. for the provision of professional services was handed up; debate was held; Mrs. Rose offered an amendment, seconded by Mr. Brezinski, to the Third Resolved Clause as follows: delete “until December 31, 2012”, replace with “until September 30, 2011”, the amendment was voted on and defeated by roll call vote:

For: Rose, Keblish, Stone, Hyde, Brezinski, Manno (6).

Against: Piseck, Maneen, Hendrix, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (11).

Absent: None.

The resolution was then voted on and adopted by roll call vote:

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

Against: Rose, Brezinski, Manno (3).

Absent: None.

No. 140

REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS AND MEANS AUTHORIZING CONTRACT WITH AT HOME CARE PARTNERS, INC. FOR THE PROVISION OF PROFESSIONAL SERVICES

WHEREAS, Resolution No. 86 adopted on March 16, 2011 authorized the sale of Herkimer County’s operating Certificate of a Certified Home Health Agency (CHHA) and Long Term Care (LTC) Agency to At Home Care, Inc. of the Bassett Healthcare Network; and

WHEREAS, the sale of Herkimer County’s operating Certificate of a Certified Home Health Agency (CHHA) and Long Term Care (LTC) Agency will require approval by the State of New York; and

WHEREAS, patients of the Herkimer County Certified Home Health Agency and the Long Term Care Agency will continue to require services during the transition period; and

WHEREAS, by letter dated April 26, 2011, Dr. Gregory O’Keefe, III, Director of Herkimer County Public Health Nursing requests authorization to contract with At Home Care Partners, Inc. for the provision of services for patients of the Herkimer County Certified Home Health Agency (CHHA) and Long Term Care during the transition period prior to approval of the aforesaid sale; and

WHEREAS, it is desired that reciprocal agreements be entered into between the agencies which will allow either agency to retain and use the staff of the other agency on an as needed basis; now, therefore, be it

RESOLVED that Herkimer County through its Public Health Nursing Service enter into an agreement with At Home Care Partners, Inc., a licensed home care services agency to provide services to patients of Herkimer County Public Health Nursing Service; and, be it further

RESOLVED, that Herkimer County Public Health Nursing Service shall pay to At Home Care Partners, Inc. the following fees:

\$75.00 per visit for physical therapy, respiratory therapy, speech therapy, and registered nursing;

\$21.63 per hour for licensed practical nursing;

\$18.50 per hour for PCA, HHA, Respite and Home Maintenance Chore and Other Tasks;

and, be it further

RESOLVED, that the services agreement shall be effective upon execution and shall continue until December 31, 2012, unless terminated earlier; and, be it further

RESOLVED, that the services agreement is subject to the approval of the Herkimer County Attorney; and, be it further

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

Dated: May 18, 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. Russell, Report and Resolution No. 141 of the Committees on Human Resources and Ways and Means authorizing contract with At Home Care, Inc. for the transitional provision of professional services by the Herkimer County Public Health Nursing Service was handed up; debate was held; was voted on and adopted by voice vote:

Ayes: (15).

Against: Rose, Brezinski (2).

Absent: None.

No. 141

REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS AND MEANS AUTHORIZING CONTRACT WITH AT HOME CARE, INC. FOR THE TRANSITIONAL PROVISION OF PROFESSIONAL SERVICES BY THE HERKIMER COUNTY PUBLIC HEALTH NURSING SERVICE

WHEREAS, Resolution No. 86 adopted on March 16, 2011 authorized the sale of Herkimer County's operating Certificate of a Certified Home Health Agency (CHHA) and Long Term Care (LTC) Agency to At Home Care, Inc. of the Bassett Healthcare Network; and

WHEREAS, the sale of Herkimer County's operating Certificate of a Certified Home Health Agency (CHHA) and Long Term Care (LTC) Agency will require approval by the State of New York; and

WHEREAS, patients of the Herkimer County Certified Home Health Agency and the Long Term Care Agency will continue to require services during the transition period; and

WHEREAS, by letter dated April 26, 2011, Dr. Gregory O'Keefe, III, Director of Herkimer County Public Health Nursing requests authorization for Herkimer County Public Health Nursing Service to contract with At Home Care Partners, Inc. for the provision of services for patients of the Herkimer County Certified Home Health Agency (CHHA) and Long Term Care during the transition period prior to approval of the aforesaid sale; and

WHEREAS, it is desired that reciprocal agreements be entered into between the agencies which will allow either agency to retain and use the staff of the other agency on an as needed basis; now, therefore, be it

RESOLVED that Herkimer County Public Health Nursing Service enter into a services agreement with At Home Care Partners, Inc., to provide services to patients of **At Home Care Partners**, Inc.; and, be it further

RESOLVED, that At Home Care Partners, Inc. shall pay to the Herkimer County Public Health Nursing Service the following fees:

\$75.00 per visit for physical therapy, respiratory therapy, speech therapy, and registered nursing;

\$21.63 per hour for licensed practical nursing;

\$18.50 per hour for PCA, HHA, Respite and Home Maintenance Chore and Other Tasks;

and, be it further

RESOLVED, that the services agreement shall be effective upon execution and shall continue until December 31, 2012, unless terminated earlier; and, be it further

RESOLVED, that the services agreement is subject to the approval of the Herkimer County Attorney; and, be it further

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

Dated: May 18, 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 and Mr. Russell, Report and Resolution No. 142 of the Committee on Human Resources and the Committee on Ways and Means approving management services agreement with At Home Care, Inc. was handed up; debate was held, was voted on and adopted by voice vote:

Ayes: (16).

Against: Rose (1).

Absent: None.

No. 142

REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND WAYS AND MEANS APPROVING MANAGEMENT SERVICES AGREEMENT WITH AT HOME CARE, INC.

WHEREAS, by Resolution No. 86 of 2011 the Herkimer County Legislature approved of the sale of Herkimer County's Operating Certificate of a Certified Home Health Agency (CHHA) and Long Term Care (LTC) Agency to At Home Care, Inc. ; and

WHEREAS, the sale of Herkimer County's Operating Certificate of a Certified Home Health Agency (CHHA) and Long Term Care (LTC) Agency to At Home Care, Inc. is subject to approval by the New York State Department of Health; and

WHEREAS, it is necessary to enter into a transitional management agreement with At Home Care, Inc. during the period required for approval for certain management services to assist in the planning and delivery of home health services to the elderly and disabled of Herkimer County through the Certified Home Health Agency and Long Term Care Program; and

WHEREAS, At Home Care, Inc. is capable of rendering management and related services to the elderly and disabled of Herkimer County through the Certified Home Health Agency and Long Term Care Program; now, therefore, be it

RESOLVED, that the Chairman of the Herkimer County Legislature is authorized to enter into an agreement with At Home Care, Inc. to provide basic and additional services as needed; and, be it further

RESOLVED, that At Home Care shall provide basic services to the County including assistance to the Certified Home Health Agency and Long Term Care programs with day-to-day operations, supervision of clinical staff, establishment and review of procedures, coordination of delivery of services and administration, informing the County Legislature of performance of their roles, assistance and maintenance of appropriate licensure and certifications, maintenance of medical records and monitoring of quality of services; and, be it further

RESOLVED, that the fee for basic services provided by At Home Care, Inc. pursuant to the transitional maintenance agreement shall be the sum of \$1.00 for the term of the agreement; and, be it further

RESOLVED, that the transitional management agreement shall provide that At Home Care may provide additional services in exchange for payment of additional compensation; and, be it further

RESOLVED, that additional services shall provide that At Home Care shall establish and monitor billing and collection procedures on behalf of the Certified Home Health Agency for the collection of monies due to the Agency for the performance of services and/or providing of equipment, product, supplies and materials, and that At Home Care shall assist the Certified Home Health Agency in the preparation of the Agency's costs reports, statistical reports, LHCSA policy and procedure and applications, closure reports and any other filings required by law or regulation; and, be it further

RESOLVED, that the fee for said additional services shall be at the rate of \$150.00 per hour, plus expenses to be invoiced monthly; and, be it further

RESOLVED, that the term of the transitional management agreement shall begin upon approval of the agreement by the Commissioner of the New York State Department of Health and shall continue until the earlier of the consummation of the transactions set forth in the Asset

Purchase Agreement, the termination of the Asset purchase Agreement, the termination of the Management Agreement, or 15 months from the date that the Management Agreement is approved by the Commissioner of the New York State Department of Health; and, be it further

RESOLVED, that the management services agreement is subject to the approval of the Herkimer County Attorney; and, be it further

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

Dated: May 18, 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. Weakley, Report and Resolution No. 143 of the Committees on Human Resources and the Committees on Ways and Means authorizing contract with At Home Care, Inc. in connection with Expanded In-Home Services for the Elderly Program was handed up; debate was held, was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

No. 143

REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS AND MEANS AUTHORIZING CONTRACT WITH AT HOME CARE, INC. IN CONNECTION WITH EXPANDED IN-HOME SERVICES FOR THE ELDERLY PROGRAM

WHEREAS, pursuant to Resolution No. 64 adopted on February 16, 2011 this Legislature authorized a contract be entered into between the Herkimer County office for the Aging and the Herkimer County Public Health Nursing Service to provide services for the Expanded In-Home Services for the Elderly Program (EISEP); and

WHEREAS, Resolution No. 86 adopted on March 16, 2011 authorized the sale of Herkimer County's operating Certificate of a Certified Home Health Agency (CHHA) and Long Term Care (LTC) Agency to At Home Care Partners, Inc. of the Bassett Healthcare Network; and

WHEREAS, by letter dated April 29, 2011, Mary A. Scanlon, Director of the Office for the Aging, has requested authorization to contract with At Home Care, Inc. for EISEP aide services for the balance of the EISEP program year; now, therefore, be it

RESOLVED, that the Chairman of the Legislature is hereby authorized to execute a contract between the Herkimer County Office for the Aging and At Home Care Partners, Inc. of the Bassett Healthcare Network, 297 Main Street, Oneonta, NY 13820, for the provision of aide services for the Expanded In-Home Services for the Elderly Program, at an hourly rate of \$18.50, with said rate to be renegotiated once At Home Care receives a Medicaid rate from the New York State Department of Health, and with said contract to be subject to the approval of the Herkimer County Attorney; and, be it further

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

Dated: May 18, 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. Peplinski, Report and Resolution No. 144 of the Committees on Human Resources and Ways and Means authorizing contract with At Home Care, Inc. and submission of necessary notification to Department of Health in connection with provision of personal care services to Medicaid clients was handed up; debate was held, was voted on and adopted by voice vote:

All ayes: (17). Against: None.

Absent: None.

No. 144

REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS AND MEANS AUTHORIZING CONTRACT WITH AT HOME CARE, INC. AND SUBMISSION OF NECESSARY NOTIFICATION TO DEPARTMENT OF HEALTH IN CONNECTION WITH THE PROVISION OF PERSONAL CARE SERVICES TO MEDICAID CLIENTS

WHEREAS, Resolution No. 86 adopted on March 16, 2011 authorized the sale of Herkimer County's operating Certificate of a Certified Home Health Agency (CHHA) and Long Term Care (LTC) Agency to At Home Care Partners, Inc. of the Bassett Healthcare Network; and

WHEREAS, by letter dated May 5, 2011, Ervin J. Fuller, Commissioner of Social Services has requested authorization to submit to the New York State Department of Health the necessary "Notification of District Interest to Contract for the Provision of Personal Care" with At Home Care, Inc. of the Bassett Healthcare Network;

WHEREAS, by letter dated May 5, 2011, Ervin J. Fuller, Commissioner of Social Services, has requested authorization to contract with At Home Care Partners, Inc. for personal care services to Medicaid clients previously served by the Herkimer County Public Health Nursing Service; now, therefore, be it

RESOLVED, that the Herkimer County Department of Social Services is hereby authorized to submit a "Notification of District Interest to Contract for the Provision of Personal Care" with At Home Care, Inc. of the Bassett Healthcare Network to the New York State Department of Health, Bureau of Long Term Care Reimbursement, for the provision of personal care services to Medicaid clients previously served by the Herkimer County Public Health Nursing Service; and, be it further

RESOLVED, that the Chairman of the Legislature is hereby authorized to execute an agreement between the Herkimer County Department of Social Services and At Home Care Partners, Inc. of the Bassett Healthcare Network, 297 Main Street, Oneonta, NY 13820, for the provision of personal care services to Medicaid clients, with said agreement to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that rates for said services shall be at the Medicaid rates as established by the New York State Department of Health; and, be it further

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

Dated: May 18, 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. Korce, seconded by Mr. Peplinski, Report and Resolution No. 145 of the Committee on Highways amending Resolution No. 49 of 2011 approving project under Article 6, Section 116 of the Highway Law, was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (17). Against: None.

Absent: None.

No. 145

**REPORT AND RESOLUTION OF THE COMMITTEE ON HIGHWAYS AMENDING
RESOLUTION NO. 49 OF 2011 APPROVING PROJECT UNDER ARTICLE 6,
SECTION 116 OF THE HIGHWAY LAW**

WHEREAS, by Resolution No. 49 for 2011 this Legislature authorized capital projects under the capital construction program to be done with county road fund monies during the year 2011, which included \$200,000.00 covering project No. 326, Travis Road Rehabilitation, located in the Town of Stark; and

WHEREAS, by letter dated May 9, 2011 from Jay Ewanyk, County Superintendent of Highways, this Legislature is advised of a request to amend said project due to include additional contractual work in the amount of \$400,000.00 for said project; now, therefore, be it

RESOLVED, that Resolution No. 49 duly adopted on February 16, 2011 covering project No. 326, Travis Road Rehabilitation located in the Town of Stark, is hereby amended in the First Resolved Clause, to delete the amount of \$200,000.00 and replace with \$600,000.00, with CHIPS funds to be used for the additional funds; and, be it further

RESOLVED, that in all other respects, Resolution No. 49 of 2011 is hereby ratified and confirmed; and, be it further

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

Dated: May 18, 2011.

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

Committee on Highways

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

At 8:37 p.m. on motion of Mr. Manno, seconded by Mr. Stone, the Legislature adjourned to Wednesday, June 15, 2011 at 7:30 p.m.