

MINUTES
Herkimer County Legislature
Third Quarter– Second Day
Wednesday, July 27, 2011
7:30 p.m.

The Public Hearing on HCCC Budget was called to order at 7:00 p.m. by Peter F. Manno, Chairman of the Education Committee. The Clerk read the notice of the meeting. Mr. Manno then asked if there was anyone wishing to speak on the college budget. Dr. Ann Murray, President of Herkimer County Community College expressed appreciation for the Legislature's support of the college budget. There were no further requests to speak and the hearing was declared closed at 7:04 p.m.

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

Chairman Smith called on Nicholas Laino, Vice President for Administration and Finance at Herkimer County Community College, 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, , Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (16).

Absent: Brezinski (1).

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Smith asked if there were any objections or corrections to the minutes of July 6, 2011. There were no objections and the minutes were approved.

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

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. 239 – A communication was received from the Sheriff submitting the monthly reports for May and June, 2011. Referred to the Committee on Public Safety and Emergency Management.

No. 240 – A communication was received from the Sheriff requesting a maintenance contract for the fire alarm system at the Correctional Facility. Referred to the Committee on Public Safety/Emergency Management.

No. 241 – A communication was received from Oneida-Herkimer Solid Waste Authority submitting minutes and recently adopted resolutions. Ordered filed.

No. 242 – Two communications were received from the State Dept. of Agriculture and Markets advising of approval of eight year reviews of Agricultural Districts No. 2 and No. 3. Ordered filed.

No. 243 – A communication was received from the State Dept. of Agriculture and Markets advising of commencement of eight year review of Agricultural District No. 6. Referred to the Committee on Natural Resources.

No. 244 – A communication was received from Senator Schumer advising of applications for two grant programs. Ordered filed.

No. 245 – A communication was received from the Soil and Water Conservation District submitting minutes of 6/13/11. Ordered filed.

No. 246 – A communication was received from the Director of Probation requesting a staffing change. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 247 – A communication was received from the County Highway Superintendent requesting approval of Snow and Ice Agreement with the State. Referred to the Committee on Highways.

No. 248 – A communication was received from the Personnel Officer submitting the 2012 Annual Estimate and Apportionment for Self-Insured Workers' Compensation Plan. Referred to the Committee on Ways and Means.

No. 249 – A communication was received from the Personnel Officer requesting renewal of agreement for third party administrative services of the former Self Insurance Plan. Referred to the Committee on Ways and Means.

No. 250 – A communication was received from the Director of Public Health requesting approval for agreement with Office for Aging for provision of home delivered meals. Referred to the Committee on Human Resources.

No. 251 – A communication was received from the Director of Public Health requesting extension of Homeland Security Grant. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 252 – A communication was received from the Director of Public Health requesting permission for rabies immunizations at the Humane Society. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 253 – A communication was received from the Director of Public Health requesting amendment of Healthcare Monitoring Contract. Referred to the Committee on Human Resources.

No. 254 – A communication was received from the Village of Herkimer requesting support for grant for repair of the municipal pool. Referred to the Committee on Administration/Veterans' Affairs.

No. 255 – A communication was received from the Budget Officer submitting recommendation of award of bid for provision of fuel for county vehicles. Referred to the Committee on Ways and Means.

No. 256 – A communication was received from the Budget Officer submitting requests for transfers of funds. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 257 – A communication was received from the State Division of Human Rights advising of determination and order after investigation. Ordered filed.

No. 258 – A communication was received from the Budget Officer requesting amendment and extension of Purchasing Policy. Referred to the Committee on Ways and Means.

No. 259 – A communication was received from the Budget Officer submitting request for an appropriation in connection with equipment for Herkimer County Emergency Services. Referred to the Committee on Ways and Means.

No. 260 – A communication was received from Donald Kelly submitting resignation from the Herkimer County Planning Board. Referred to the Committee on County Planning and Development.

No. 261 – A communication was received from the Commissioner of Social Services requesting amendment of contract with Kids Oneida. Referred to the Committee on Ways and means and the Committee on Human Resources.

On motion of Mr. Bono, seconded by Mr. Russell, Report and Resolution No. 184 of the Committee on Ways and Means adopting annual report of the Budget Officer/Purchasing Agent was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes: (16)

Against: None.

Absent: Brezinski (1).

No. 184

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
ADOPTING ANNUAL REPORT OF BUDGET OFFICER AND PURCHASING
AGENT FOR THE YEAR 2010**

WHEREAS, your Committee on Ways and Means, to which was referred the communication from the Budget Officer and Purchasing Agent, submitting the report of the abstract of purchases and abstract of vouchers for the months of January through December, 2010, respectfully report that we have examined said report, recommend its adoption and offer the following resolution:

RESOLVED, that the annual report of the Budget Officer and Purchasing Agent be adopted and filed.

Dated: July 27, 2011.

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

On motion of Mr. Hyde, seconded by Mr. Ackerman, Report and Resolution No. 185 of the Committee on Public Safety/Emergency Management approving monthly reports of Sheriff was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes: (16).

Against: None.

Absent: Brezinski (1).

No. 185

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC
SAFETY/EMERGENCY MANAGEMENT APPROVING MONTHLY REPORTS OF
SHERIFF**

WHEREAS, your Public Safety & Emergency Management Committee, to which was referred the reports of the Sheriff for the months of May and June, 2011, respectfully reports that we have examined said reports, recommend that they be approved and offer the following Resolution:

RESOLVED, that the report of the Herkimer County Sheriff for the month of May, 2011, which report reflects an average daily population of 53.71 inmates, with an average of 25.39 inmates being boarded out in May, and the report of the Herkimer County Sheriff for the month of June, 2011, which report reflects an average daily population of 56 inmates, with 26.10 inmates being boarded out in June, be approved and filed.

Dated: July 27, 2011.

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

On motion of Mr. Korce, seconded by Mr. Peplinski, Report and Resolution No. 186 of the Committees on Highways extending agreement for Snow and Ice Control with State of New York was handed up; there being no discussion, was voted on and adopted by voice vote:

For: All ayes: (16).

Against: None.

Absent: Brezinski (1).

No. 186

REPORT AND RESOLUTION OF THE COMMITTEES ON HIGHWAYS EXTENDING AGREEMENT FOR SNOW AND ICE CONTROL WITH STATE OF NEW YORK

WHEREAS, the County of Herkimer, pursuant to Section 12 of the Highway Law relating to plowing snow and to control of snow and ice on state highways in the towns and incorporated villages of the County, has heretofore entered into an agreement dated July 1, 1974, with the State of New York for such purposes; and

WHEREAS, Sections 7 and 10 of said agreement provide a method of modification of the map of affected state highways and of annually updating the estimated expenditures; and

WHEREAS, by communication dated July 8, 2011, the County Superintendent of Highways has submitted contracts in form prepared by the State of New York to extend said

agreement for an additional one year period, at an estimated payment from the State of \$1,338,112.73 for 2012-2013; now, therefore, be it

RESOLVED, that the Chairman of the Herkimer County Legislature is hereby authorized to execute such extension of said Snow and Ice Control Agreement for the year July 1, 2012 through June 30, 2013 at an estimated expenditure of \$1,338,112.73 for 2012-2013; and, be it further

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

Dated: July 27, 2011.

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

On motion of Mr. Manno, seconded by Mr. Bono, Mr. Peplinski, Mr. Hyde and Mr. Ackerman, Report and Resolution No. 187 of the Committees on Ways and Means and Education relative to the adoption of the Herkimer County Community College Budget was handed up; debate was held; was voted on and adopted by roll call vote:

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

Against: None.

Absent: Brezinski (1).

No. 187

REPORT AND RESOLUTION OF THE COMMITTEES ON WAYS AND MEANS AND EDUCATION RELATIVE TO THE ADOPTION OF THE HERKIMER COUNTY COMMUNITY COLLEGE BUDGET

The Herkimer County Legislature, having conducted a Public Hearing on the tentative budget of the Herkimer County Community College on July 27, 2011, and after hearing all parties concerning the same, does hereby

RESOLVE, that the tentative budget of the Herkimer County Community College, for the year 2011-2012, in the total amount of \$23,100,621, of which the contribution of the County of Herkimer is \$1,630,612, be adopted; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, President and Vice President for Administration and Finance of Herkimer County Community College.

Dated: July 27, 2011.

PETER F. MANNO
JEFFREY M. STONE
LEONARD R. HENDRIX
FREDERICK J. SHAW, JR.
STEPHEN N. KEBLISH, JR.
BERNARD PEPLINSKI, SR.
Committee on Education

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. Russell, Report and Resolution No. 188 of the Committees on Ways and Means and Public Safety/Emergency Management for staffing change in Probation Dept. was handed up; debate was held; was voted on and adopted by roll call vote:

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

Against: None.

Absent: Brezinski (1).

No. 188

REPORT AND RESOLUTION OF THE COMMITTEES ON WAYS AND MEANS AND PUBLIC SAFETY/EMERGENCY MANAGEMENT FOR STAFFING CHANGE IN PROBATION DEPARTMENT

WHEREAS, by letter dated July 11, 2011, Josephine Sohnn, Director of Probation, has requested a staffing change in the Probation Department; 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 III is hereby amended to delete one position of Probation Officer in Account A3140, Probation Department, and establish one additional position of Probation Officer Trainee at the base annual salary set forth for said position; and, be it further

RESOLVED, that said 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 Probation.

Dated: July 27, 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 Mr. Hyde, seconded by Mr. Hendrix, Report and Resolution No. 189 of the Committee on Public Safety/Emergency Management and the Committee on Ways and Means authorizing maintenance contract for fire alarm system at Correctional Facility was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Brezinski (1).

No. 189

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND
EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS**

**AUTHORIZING MAINTENANCE CONTRACT FOR FIRE ALARM SYSTEM AT
CORRECTIONAL FACILITY**

WHEREAS, by letter dated July 5, 2011, from Christopher Farber, Herkimer County Sheriff, your committees have been advised of a request to extend the service maintenance contract with SimplexGrinnell for the period August 1, 2011 to Jul 30, 2012 at the annual cost of \$1,563.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a service maintenance agreement with SimplexGrinnell, Dept. CH 10320, Palatine, IL 60055 for the fire alarm system at the Herkimer County Correctional Facility at an annual cost of \$1,563.00 for the period August 1, 2011 to July 31, 2012; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute annual renewals of said agreement at the same or more favorable terms and conditions; and, be it further

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

Dated: July 27, 2011.

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

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

On motion of Mr. Russell, seconded by Mr. Peplinski and Mr. Shaw, Report and Resolution No. 190 of the Committee on Ways and Means approving 2012 Annual Estimate and Apportionment for the Herkimer County Workers' Compensation Self-Insured Plan was handed up; debate was held; was voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Brezinski (1).

No. 190

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
APPROVING 2012 ANNUAL ESTIMATE AND APPORTIONMENT FOR THE
HERKIMER COUNTY WORKER'S COMPENSATION SELF-INSURED PLAN**

WHEREAS, your Committee has received from Steven R. Billings, Personnel Officer, the 2012 Annual Estimate and Apportionment for the Herkimer County Worker's Compensation Self-Insured Plan for the purposes of tail claims run-off; and

WHEREAS, your Committee on Ways and Means has considered said Estimate and Apportionment and has approved the same; now, therefore, be it

RESOLVED, that this Legislature hereby approves the Annual Estimate and Apportionment of the Herkimer County Worker's Compensation Self-Insured Plan for the purposes of tail claims run-off for the year 2012; and, be it further

RESOLVED, that a certified copy of this Resolution be forwarded to the Personnel Officer.

Dated: July 27, 2011.

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

On motion of Mr. Bono, seconded by Mr. Hendrix, Report and Resolution No. 191 of the Committee on Ways and Means approving extension of Homeland Security Grant and Transferring funds was handed up; debate was held, was voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Brezinski (1).

No. 191

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND
THE COMMITTEE ON WAYS AND MEANS APPROVING EXTENSION OF
HOMELAND SECURITY GRANT AND TRANSFERRING FUNDS**

WHEREAS, by Resolution No. 294 of 2009 this Legislature authorized a contract with the New York State Office of Homeland Security to receive a grant in the amount of \$27,778 to be used to provide funds for the Public Health Nursing Service to support their health emergency preparedness efforts; and

WHEREAS, by letter dated July 20, 2011, Dr. Gregory O’Keefe, MD, has requested said grant be extended through December 31, 2011 to allow for expenditure of funds for emergency equipment usable in emergency shelters; and

WHEREAS, by letter dated July 22, 2011, Bernard E. Decker, Budget Officer and Purchasing Agent, has submitted requests for a transfers of funds in connection with said grant; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute an extension of the contract with the New York State Office of Homeland Security to receive a grant in the amount of \$27,778.00 through the FY09 State Homeland Security Program, with said grant to be extended through December 31, 2011; and, be it further

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

| | | |
|------------|-------|--|
| \$1,716.00 | From: | A4189E.41000 Homeland Sec., Supplies |
| | To: | A4189E.25000 Homeland Sec., Other Equipment |
| \$5,006.00 | From: | A4189E.46000 Homeland Sec., Misc. Expenses |
| | To: | A4189E.25000 Homeland Sec., Other Equipment |
| \$ 665.18 | From: | A4189E.46100 Homeland Sec., Mileage & Travel |
| | To: | A4189E.25000 Homeland Sec., Other Equipment |
| \$ 86.82 | From: | A4189E.44000 Homeland Sec., Cont. Services |
| | To: | A4189E.25000 Homeland Sec., Other Equipment |

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: July 27, 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. Bono, Report and Resolution No. 192 of the Committee on Ways and Means approving contract for third party claims for the Herkimer County Self-Insured Workers' Compensation Plan was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Brezinski (1).

No. 192

REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
APPROVING CONTRACT FOR THIRD PARTY CLAIMS FOR THE HERKIMER COUNTY
FORMER SELF-INSURED WORKERS' COMPENSATION PLAN

WHEREAS, by Resolution No. 313 of 2008 this Legislature authorized a contract with Benetech, Inc. for third party administration for the former Herkimer County Self-Insured Workers' Compensation Plan effective January 1, 2009 – December 31, 2011; and

WHEREAS, by letter dated July 22, 2011 from Steven R. Billings, Personnel Officer, has requested to amend the current agreement with Benetech to include services for the year 2012 at the same annual amount as 2011, thereby allowing the “plan” and the County Stand Alone thirty administrative services to end on December 31, 2012; now, therefore, be it

RESOLVED, that the current agreement with Benetech, Inc., One Dodge Street, PO Box 348 North Greenbush, NY 12198-0348, for third party administration for the former Herkimer County Self-Insured Workers' Compensation Plan, be approved, effective January 1, 2012 through December 31, 2012, with the terms and conditions of said contract 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, Personnel Officer and Benetech, Inc.

Dated: July 27, 2011.

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

On motion of Mr. Bono, seconded by Mrs. Maneen and Mr. Shaw, Report and Resolution No. 193 of the Committee on Human Resources approving amendment of contract for provision of services under Home Health Agency and Long Term Home Health Care Programs was handed up; there being no discussion, was voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Brezinski (1).

No. 193

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES
APPROVING AMENDMENT OF CONTRACT FOR PROVISION OF SERVICES
UNDER HOME HEALTH AGENCY AND LONG TERM HOME HEALTH CARE
PROGRAMS**

WHEREAS, by letter dated July 20, 2011, a request has been received from Gregory O’Keefe, MD, Director of Public Health, for approval of an amendment of the contract with Healthcare Monitoring Systems, Inc. of Richfield Springs, for the provision of LifeLine services to patients enrolled in the Public Health Nursing Service Home Health Agency and Long Term Home Health Care Programs; and

WHEREAS, said amendment will provide for conjoint and separate evaluation, monitoring and reporting of supplied equipment to Herkimer County residents under the care of said programs, with no change in fees or expenditures under said contract; now, therefore, be it

RESOLVED, that the Chairman of the Herkimer County Legislature is hereby authorized to execute an amended contract with Healthcare Monitoring Systems, Inc., 30 West Main Street, Richfield Springs, NY, to provide for conjoint and separate evaluation, monitoring and reporting of supplied equipment to Herkimer County residents under the care of the Herkimer County Public Health Nursing Service Home Health Agency and Long Term Home Health Care programs, 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 Public Health and Healthcare Monitoring Systems, Inc.

Dated: July 27, 2011.

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

PATRICK E. RUSSELL
Committee on Human Resources

On motion of Mr. Korce, seconded by Mr. Hendrix, Report and Resolution No. 194 of the Committee on Ways and Means approving request for immunization protection was handed up; debate was held, was voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Brezinski (1).

No. 194

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND
THE COMMITTEE ON WAYS AND MEANS APPROVING REQUEST FOR
IMMUNIZATION PROTECTION**

WHEREAS, by letter dated July 20, 2011, from Gregory O’Keefe, M.D., Director of Public Health, your Committees have been advised of a request from the Herkimer County Humane Society to provide two staff members with rabies vaccinations; and

WHEREAS, your Committees have taken this request under advisement and offer the following resolution:

RESOLVED, that the Herkimer County Public Health Nursing Service is hereby authorized to provide two staff members of the Herkimer County Humane Society with a one-time rabies vaccination for protection against rabies exposure, for a total cost of up to \$1,400.00, with \$504.00 of said cost to be funded through the Public Health Nursing Service, and up to \$900.00 to be paid by the Herkimer County Humane Society; and, be it further

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

Dated: July 27, 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. Shaw and Mr. Hendrix, Report and Resolution No. 195 of the Committee on Human Resources and the Committee on Ways and Means authorizing expenditure in connection with licensed home care service application was handed up; there being no discussion, was voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Brezinski (1).

No. 195

REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING EXPENDITURE IN CONNECTION WITH LICENSED HOME CARE SERVICE APPLICATION

WHEREAS, by letter dated July 20, 2011, from Gregory O'Keefe, MD, Director of Public Health, this Legislature is advised of a request to approve the expenditure of \$2,000 as part of the application to the New York State Department of Health Office of Health Systems Management for Licensed Home Care Services Agency (LHCSA) licensure; and

WHEREAS, said application is necessary as part of the Closure Plan for the Herkimer County Public Health Nursing Service Certified Home Health Agency and Long Term Home Health Care Program and the sale of the operating certificates to At Home Care, Inc., pursuant to Resolution No. 86 of 2011; now, therefore, be it

RESOLVED, that the expenditure of the sum of \$2,000.00 is hereby authorized in connection with the application to the New York State Department of Health, Office of Health Systems Management for Licensed Home Care Services Agency (LHCSA) licensure; 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: July 27, 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 and Mrs. Maneen, Report and Resolution No. 196 of the Committee on Human Resources concerning provision of home delivered meals for certified home health agency and long term health care program was handed up; debate was held, was voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Brezinski (1).

No. 196

REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES
CONCERNING PROVISION OF HOME DELIVERED MEALS FOR CERTIFIED HOME
HEALTH AGENCY AND LONG TERM HOME HEALTH CARE PROGRAM

WHEREAS, by letter dated July 20, 2011, this Legislature is advised of a request from Gregory O'Keefe, MD, Director of Public Health, for permission to enter into an Interdepartmental Agreement with the Herkimer County Office for the Aging for provision of home delivered meals to Herkimer County residents under the care of the Herkimer County Public Health Agency Home Health Agency and Long Term Home Health Care Program; and

WHEREAS, said agreement will include fees associated with costs of these meals, and monitoring, evaluation and reporting associated with nutritional and therapeutic goals of the meals prescribed by the physician; and

WHEREAS, sufficient funds have been budgeted for this purpose; now, therefore, be it

RESOLVED, that an Interdepartmental Agreement is hereby authorized between the Herkimer County Office for the Aging and the Herkimer County Public Health Nursing Service for the provision of home delivered meals to Herkimer County residents under the care of the

Herkimer County Public Health Nursing Service Certified Home Health Agency and Long Term Home Health Care Program; 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 Director of the Office for the Aging.

Dated: July 27, 2011.

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

On motion of Mr. Peplinski, seconded by Mr. Hyde, Report and Resolution No. 197 of the Committee on Natural Resources and the Committee on Ways and Means approving change order on raw sewage upgrade project for the Herkimer County Sewer District was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Brezinski (1).

No. 197

**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES
AND THE COMMITTEE ON WAYS AND MEANS APPROVING CHANGE ORDER
ON RAW SEWAGE UPGRADE PROJECT FOR THE HERKIMER COUNTY SEWER
DISTRICT**

WHEREAS, by letter dated October 26, 2009, Keneck Skibinski, Chief Plant Operator of the Herkimer County Sewer District, has advised that by action on July 20, 2011, the Herkimer County Sewer District Board adopted a resolution approving a change order on the Raw Sewage Pump VFD Project to include replacement of the roof mounted air conditioning system on the operations building at a cost of \$5,000.00; and

WHEREAS, this Resolution has been forwarded to the Herkimer County Legislature for approval prior to its becoming effective; now, therefore, be it

RESOLVED, that this Legislature hereby approves a resolution duly adopted by the Herkimer County Sewer District Board on July 20, 2011, approving a change order on the Raw

Sewage Pump VFD Project to include replacement of the roof mounted air conditioning system on the operations building at a cost of \$5,000.00; and, be it further

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

Dated: July 27, 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

On motion of Mr. Russell, seconded by Mr. Peplinski, Report and Resolution No. 198 of the Committee on Ways and Means extending and amending policies and procedures for purchase of goods and services and professional services procurement was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Brezinski (1).

No. 198

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
EXTENDING AND AMENDING POLICIES AND PROCEDURES FOR PURCHASE OF
GOODS AND SERVICES AND PROFESSIONAL SERVICES PROCUREMENT
POLICY**

WHEREAS, by letter dated July 22, 2011, from Bernard E. Decker, Budget Officer, this Legislature is advised of a request to adopt an extension and amendment of the Policies and

Procedures for Purchase of Goods and Services and the Procurement Policy for Professional Service as the official policies of the County of Herkimer, as defined and determined by applicable New York State Law; now, therefore, be it

RESOLVED, that the attached Policies for Procedures for Purchase of Goods and Services and Professional Services Procurement Policy be, and hereby are, adopted as the official policies of the County of Herkimer; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to each department head in the County.

Dated: July 27, 2011.

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

HERKIMER COUNTY

POLICIES AND PROCEDURES FOR PURCHASE OF GOODS AND SERVICES

I. All contracts for public works involving an expenditure of more than Thirty-five Thousand Dollars (\$35,000.00) and all purchase contracts involving an expenditure of more than Twenty Thousand Dollars (\$20,000.00), unless excepted by statute or an appropriate resolution of this Legislature, shall be awarded to the lowest responsible bidder as provided by Article 5-A of the General Municipal Law.

II. All contracts for public works involving an expenditure of less than Thirty-Five Thousand Dollars (\$35,000.00) and all purchase contracts involving an expenditure of less than Twenty Thousand Dollars (\$20,000.00), unless excepted by statute or an appropriate resolution of this Legislature, shall be procured in compliance with the following procedures:

- A. These procedures are adopted to assure the prudent and economical use of public money, and to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost and to guard against favoritism, extravagance, fraud and corruption.
- B. The Purchasing Agent, and any other officer or employee of Herkimer County authorized to make or recommend purchase of goods and services, in cooperation with the Purchasing Agent, shall, in all appropriate cases, survey the marketplace to determine the probable

cost of any goods and/or services required by the County. If it is deemed probable that the cost will exceed the aforesaid limits of \$20,000.00 and \$35,000.00 paragraph I shall control. In all other cases, these procedures shall be followed. The Purchasing Agent shall document action taken to make such determination when appropriate.

C. Dollar limits for purchase of goods and services are adopted as follows:

| DOLLAR LIMIT | PROCEDURE |
|---------------------|---|
| \$1 - \$2,000 | At the discretion of the Purchasing Department. |
| \$2,001 - \$10,000 | Documented verbal quotes from at least three separate vendors (if available) and consultation with the Purchasing Department to determine delivered or installed costs. |
| \$10,001-\$20,000 | Documented written quotes from at least three separate vendors (if available) and consultation with the purchasing department, to determine delivered or installed costs. |
| Over \$20,000 | Sealed bids in conformance with Municipal Law, Section 103. |

D. Dollar limits for purchase of public works are adopted as follows:

| DOLLAR LIMIT | PROCEDURE |
|---------------------|---|
| \$1 - \$2,000 | At the discretion of Purchasing Department |
| \$2,001 - \$10,000 | Documented verbal quotes from at least three separate sources (if available) and consultation with the Purchasing Department. |
| \$10,001 - \$35,000 | Documented written quotes from at least three separate sources and consultation with the Committee of the Legislature involved. |
| Over \$35,000 | Sealed bids in conformance with Municipal Law, Section 103. |

E. The above policies apply also to the Highway Department except that the requirement to consult with the Purchasing Department applies only to purchases requiring the specific authorization of the Legislature

III. Proper documentation is required when the quote is not awarded to the vendor giving the lowest price. Quotes will be awarded to the lowest responsible and responsive vendor providing the goods are of equal values.

IV. A. All purchases of goods or services (except transcription services, utilities, unscheduled repairs and otherwise authorized services) require a purchase order. Contracts, up to \$10,000 may be signed by the department head provided all other purchasing policies, laws and resolutions of the Legislature are complied with and documented.

V. PROFESSIONAL SERVICES PROCUREMENT POLICY

Purchases of professional services, which are not required to be bid by State law, shall be governed by the following principles and practices:

- A. Contracts shall be executed for professional services, when appropriate, to delineate the services to be rendered and the method and amount of payment.
- B. Staff who seek approval to purchase professional services must seek to generate proposals to perform these services that are as appropriate to the County's needs and as cost-competitive as possible, by use of RFP's or RFQ's, etc. RFQ's may be used prior to RFP's or independently.
- C. The process to be followed in each new or renewal contract for professional services shall be proposed by the departmental staff person responsible for the services to the appropriate committee of the Legislature. The Purchasing Department must be copied (except for Highway fund requests) prior to consideration and approval by the appropriate Committee. The full Legislature must approve professional services over \$10,000.
- D. Where alternative quotes or proposals are obtained, awards to an entity other than the lowest proposer must be properly documented with the rationale/reason for rejection of the lowest price.
- E. For certain types of procurements of professional services, the solicitation of alternative proposals or quotations would not be in the best interest of the County, for example, highly specialized services for which the number of qualified and available professionals is limited. In those instances, the hiring of those professionals may be authorized by the appropriate committee up to \$10,000 and the full Legislature if over \$10,000 without alternative quotes or RFP's after presentation to the committee of the justification for such a determination with the appropriate documentation.

F. Any and all procedures not specifically addressed in this policy shall be governed by Section 104-b of the General Municipal Law.

VI. Any purchases of goods or services from an employee of Herkimer County or an immediate family member must be approved by the appropriate committees of the Legislature in addition to all other requirements.

VII. The following employees are authorized to make general purchases for Herkimer County (The list must be updated bi-annually):
B. Decker, Budget Officer/Purchasing Agent
Philomena Lumia, Deputy Purchasing Agent
J. Ewanyk, County Highway Superintendent
M. Naegle, Deputy County Highway Superintendent
K. Enea, Treasurer (credit card only)

On motion of Mr. Piseck, seconded by Mr. Ackerman, Report and Resolution No. 199 of the Committee on Ways and Means awarding bid for provision of fuel for county vehicles was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Brezinski (1).

No. 199

**REPORT AND RESOLUTON OF THE COMMITTEE ON WAYS AND MEANS
AWARDING BID FOR PROVISION OF FUEL FOR COUNTY VEHICLES**

WHEREAS, by letter dated July 22, 2011, Bernard E. Decker, Budget Officer/Purchasing Agent, has advised that bids were received, opened and read in accordance with law for the provision of gasoline at the pump (gas cards) for Herkimer County vehicles, exclusive of the Herkimer County Highway Department, pursuant to Resolution No. 105 adopted April 6, 2011; and

WHEREAS, after review of the bids it is the recommendation of the Budget Officer/Purchasing that the only bid of Champlain Oil Co., Inc. (COCO-Voyager) at the amount of the Wholesale Reseller Rack price plus \$.10 per gallon, with an additional \$.02 per gallon discount at all Clifford Fuel Nice-N-Easy locations, be accepted; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby awards the bid for the provision of gasoline at the pump (gas cards) for Herkimer County vehicles, exclusive of the Herkimer County Highway Department to Champlain Oil Co., Inc. (COCO-Voyager), 2591 County Road 9, Scio, NY 14880,, at the amount of the Wholesale Reseller Rack price plus \$.10 per gallon, with an additional \$.02 per gallon discount at all Clifford Fuel Nice-N-Easy locations; and, be it further

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

Dated: July 27, 2011.

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

On motion of Mr. Russell, seconded by Mr. Peplinski, Report and Resolution No. 200 of the Committee on Ways and Means making appropriation of funds in connection with Emergency Management Services was handed up; debate was held; was voted on and adopted by roll call vote:

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

Against: None.

Absent: Brezinski (1).

No. 200

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
MAKING APPROPRIATION OF FUNDS IN CONNECTION WITH EMERGENCY
MANAGEMENT SERVICES**

WHEREAS, by letter dated July 22, 2011, the Herkimer County Budget Officer has advised this Legislature that there are sufficient funds in Account A909, General Fund Balance, to allow for an appropriation in connection with 2008 purchase orders for payment for completion and installation of narrowbanding equipment for the Herkimer County Emergency Services, which were delayed until 2011; now, therefore, be it

RESOLVED, that the sum of \$24,917.02 is hereby appropriated from A909, General Fund Balance, to A3020.25000, Emergency Management – Other Equipment; and, be it further

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

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

Dated: July 27, 2011.

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

On motion of Mr. Bono, seconded by Mrs. Maneen, Report and Resolution No. 201 of the Committees on Ways and Means amending contract in connection with flexible funds for Family Services Plan in the Department of Social Services was handed up; debate was held, was voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Brezinski (1).

No. 200

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
MAKING APPROPRIATION OF FUNDS IN CONNECTION WITH EMERGENCY
MANAGEMENT SERVICES**

WHEREAS, by letter dated July 22, 2011, the Herkimer County Budget Officer has advised this Legislature that there are sufficient funds in Account A909, General Fund Balance, to allow for an appropriation in connection with 2008 purchase orders for payment for completion and installation of narrowbanding equipment for the Herkimer County Emergency Services, which were delayed until 2011; now, therefore, be it

RESOLVED, that the sum of \$24,917.02 is hereby appropriated from A909, General Fund Balance, to A3020.25000, Emergency Management – Other Equipment; and, be it further

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

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

Dated: July 27, 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. Piseck, seconded by Mr. Keblish and Mrs. Maneen, Report and Resolution No. 202 of the Committee on Administration/Veterans' Affairs endorsing application of Village of Herkimer for funding from the State Office of Parks, Recreation and Historical Preservation was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Brezinski (1).

No. 202

RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS' AFFAIRS ENDORSING APPLICATION OF VILLAGE OF HERKIMER FOR FUNDING FROM THE STATE OFFICE OF PARKS, RECREATION AND HISTORICAL PRESERVATION

WHEREAS, by letter dated July 25, 2011, the County of Herkimer has received a request from the Village of Herkimer to support an application of the Village of Herkimer for funding from a 2011 New York State Office of Parks Recreation and Historical Preservation Grant to rehabilitate and upgrade the Herkimer Municipal Pool, which was built in the 1950's, and to upgrade and modernize pool facilities located at the Basloe Recreation Park on Harter Street; now, therefore, be it

RESOLVED, that the County of Herkimer supports the project identified above and the application of the Village of Herkimer for the purpose of making this project eligible for state funding, with no commitment of any county funds; and, be it further

RESOLVED, that a certified copy of this Resolution be forwarded to the New York State Office of Parks, Recreation and Historical Preservation and the Village of Herkimer.

Dated: July 27, 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. Manno, seconded by Mr. Stone and Mr. Shaw, Resolution No. 203 of the Committee on Education appointing trustee at Herkimer County Community College was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Brezinski (1).

No. 203

**RESOLUTION OF THE COMMITTEE ON EDUCATION APPOINTING TRUSTEE AT
HERKIMER COUNTY COMMUNITY COLLEGE**

WHEREAS, there presently exists a vacancy on the Board of Trustees due to the resignation of Timothy F. Dunn; and

WHEREAS, it is the recommendation of your Committee on Education that Robert E. Brenchley of Herkimer, New York, be appointed to fill said vacancy; now, therefore, be it

RESOLVED, that Robert E. Brenchley, 305 N. Bellinger St., Herkimer, New York, is hereby appointed as a member of the Board of Trustees of Herkimer County Community College, pursuant to Section 6306 of the Education Law of the State of New York, to fill the unexpired term of Timothy F. Dunn, which term shall expire on June 30, 2016; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Personnel Officer, Chancellor of the State University of New York, the Vice Chancellor for Two Year Colleges, Dean of Administration of Herkimer County Community College, Chairman of the Board of Trustees of Herkimer County Community College and Mr. Robert E. Brenchley.

Dated: July 27, 2011.

PETER F. MANNO
JEFFREY M. STONE
LEONARD R. HENDRIX
FREDERICK J. SHAW, JR.
STEPHEN N. KEBLISH, JR.
BERNARD PEPLINSKI, SR.
Committee on Education

On motion of Mr. Hendrix, seconded by Mrs. Maneen, Resolution No. 204 of the Committee on Administration/Veterans' Affairs and the Committee on Public Safety/Emergency Management supporting legislation regulating demonstrations at veterans funerals was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Brezinski (1).

No. 204

RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS' AFFAIRS AND THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT SUPPORTING LEGISLATION REGULATING DEMONSTRATIONS AT VETERAN FUNERALS

WHEREAS, although the U.S. Supreme Court has recognized that persons who protests at funerals of military personnel have constitutional rights, there is a compelling state interest in preserving and protecting the mourning families and friends of deceased persons, especially at so solemn a time as a military funeral; and

WHEREAS, A7697/S3901A would amend the General Municipal Law to add a new section that would authorize local governments to create a permitting system for demonstrations conducted within one thousand feet of a funeral, memorial service, wake or burial and establish a civil penalty for anyone found organizing such demonstration without first acquiring the required permit; and

WHEREAS, this bill would facilitate reasonable and constitutional regulation of the time, place, and manner of such demonstrations, in recognition of the sensitive circumstances and legitimate needs and interests of mourning family members, neighbors and friends; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby supports the enactment of A7697/S3901A which requires the development and implementation of a permit process for demonstrations at veteran and veteran family member funerals and authorizes the imposition of fines for failure to comply with permit provisions; and, be it further

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

Dated: July 27, 2011.

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

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

Chairman Smith stated that pursuant to Rule 6(12) they would proceed with comments by legislators. There were no comments.

At 7:55 p.m. on motion of Mr. Manno, seconded by Mr. Shaw, the Legislature adjourned to Wednesday, August 24, 2011 at 7:30 p.m.