

**MINUTES**  
**Herkimer County Legislature**  
**Fourth Quarter – Third Day**  
**Wednesday, November 16, 2011**  
**7:30 p.m.**

The Public Hearing on the Assessment Roll of the Herkimer County Sewer District was called to order at 7:15 p.m. by Bernard Peplinski, Chairman of the Committee on Natural Resources. The clerk read the notice of the meeting. Mr. Peplinski asked if there was anyone wishing to speak on the local law. There was one appearance, and the hearing was declared closed at 7:17 p.m.

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

Chairman Smith led the Legislature in the Pledge of Allegiance and asked for a moment of silence for those that gave their lives in the service of our Country.

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 October 5, 2011. There were no objections and the minutes were approved.

Chairman Smith dispensed with the regular session to allow for the presentation of a proclamation and called on Legislator Manno. Mr. Manno called on Herkimer County Community College President Dr. Ann Marie Murray, HCCC Director of Athletics Don Dutcher and the members of the 2011 HCCC Men's Soccer Team to receive a proclamation in honor of their winning the 2011 National Junior College Athletic Association Division III National Soccer Championship. President Murray and Mr. Dutcher expressed their appreciation for this recognition.

Chairman Smith dispensed with the regular session to allow for a presentation by Mark Kakufka of Labella Associates, P.C. Mr. Kakufka gave a Project Status Update on the Herkimer County Correctional Facility and Public Safety Building.

Pursuant to Rule 11, Chairman Smith opened the floor for public comment. The following individuals spoke on the following subjects: Carl Streeter: Communication.

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.

No. 360 – A communication was received from the Oneida-Herkimer Solid Waste Authority submitting proposed 2012 Budget. Ordered filed.

No. 361 – A communication was received from the Director of Community Services submitting the Mental Health Services activities update for October. Ordered filed.

No. 362 – A communication was received from the Soil and Water Conservation District submitting minutes of 10/5/11. Ordered filed.

No. 363 – A communication was received from the Recording Officer and County Treasurer submitting the Semi-Annual Mortgage Tax Report. Referred to the Committee on Ways and Means.

No. 364 – A communication was received from Cornell Cooperative Extension Services submitting their 2010 Annual Report. Ordered filed.

No. 365 – A communication was received from the Community Foundation advising of a grant award for van replacement for the Office for Aging Senior Transportation Services. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 366 – A communication was received from the Sheriff submitting the monthly report for September. Referred to the Committee on Public Safety and Emergency Management.

No. 367 – A communication was received from the Director of the Office for the Aging requesting a contract for the Webb Community Transportation Services. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 368 – A communication was received from the Executive Director of the Oneida-Herkimer Solid Waste Authority recommending Donald Gross be reappointment to the Solid Waste Authority Board. Referred to the Committee on County Planning and Development.

No. 369 – A communication was received from the Director of Real Property Tax Services requesting renewal of contracts with the Towns of Columbia, Litchfield and Winfield for assessment services. Referred to the Committees on Ways and Means.

No. 370 – A communication was received from the Director of Public Health advising of the receipt of additional funding under the American Recovery and Reinvestment Act of 2009. Referred to the Committees on Human Resources and Ways and Means.

No. 371 – A communication was received from the Budget Officer recommending budget amendment in connection with additional funding to pay for financial recovery services. Referred to the Committee on Ways and Means and the Committee on Human Resources.

No. 372 – A communication was received from the Budget Officer submitting request for transfer of funds. Referred to the Committee on Ways and Means.

No. 373 – A communication was received from the Budget officer recommending budget amendment in connection with additional funding under the American Recovery and Reinvestment Act. Referred to the Committees on Human Resources and Ways and Means.

No. 374 – A communication was received from the Capital District Off Track Betting Corporation submitting the financial report for August and September. Ordered filed.

No. 375 – A communication was received from the Office of Community Renewal advising of successful completion of Block Grant project. Ordered filed.

No. 376 – A communication was received from the Chairman of the Legislature making an appointment to the Herkimer County Planning Board. Referred to the Committee on County Planning and Development.

No. 377 – A communication was received from Legislator Helen Rose requesting acknowledgment of correspondence. Ordered filed. Pursuant to Rule 27 the Chairman made a ruling to have a portion of the correspondence omitted from the record and gave his reasoning that the portion omitted took place outside the confines of the regular meeting of the County Legislature. Mrs. Rose made a motion, seconded by Mr. Brezinski, to appeal the decision of the Chair. Pursuant to said rule, the Chairman advised that no member shall speak more than once. Legislator Rose spoke once. The ruling the Chairman was sustained by the following roll call vote:

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

Against: Rose, Hyde, Brezinski.

No. 378 – A communication was received from the Personnel Officer concerning reinstatement of Town of Newport in the Herkimer County Self-Insurance Workers' Compensation Plan. Referred to the Committee on Ways and Means.

No. 379 - A communication was received from the Town of Newport submitting resolution requesting reinstatement in the Herkimer County Self-Insurance Workers' Compensation Plan. Referred to the Committee on Ways and Means.

No. 380 – A communication was received from the Budget Officer submitting the 2012 Tentative County Budget. Referred to the Committee on Ways and Means.

Chairman Smith requested the Cornell Cooperative Extension government students and other students in attendance to stand and state their name and school they attended.

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

For: Ayes (17).

Against: None.

**Consent Agenda:**

- 277 PUB. SFTY/EMER. MGMT: Monthly report of Sheriff for August
- 278 WAYS & MEANS: To provide assessment services to Towns of Columbia, Litchfield Winfield
- 279 CO. PLANNING & DEV.: Reappointment of member to Solid Waste Management Authority
- 280 WAYS & MEANS: Authorizing preparation of copies of budget
- 281 WAYS & MEANS: Setting Public Hearing on Budget

No. 277

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

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

RESOLVED, that the report of the Herkimer County Sheriff for the month of September, 2011, which report reflects an average daily population of 60.44 inmates, with an average of 30.47 inmates being boarded out in September, be approved and filed.

Dated: November 16, 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. 278

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
AUTHORIZING EXTENSION OF CONTRACTS WITH THE TOWNS OF COLUMBIA,  
LITCHFIELD AND WINFIELD TO PROVIDE ASSESSMENT SERVICES**

WHEREAS, this Legislature has authorized by resolution, contracts with certain towns of the County, whereby the County would provide assessment services to the town for the sum of \$15.00 for each parcel on the final assessment roll of the town; and

WHEREAS, by letter dated October 20, 2011, Mary Ann Barbuto, Director of the Real Property Tax Service Agency, has requested approval of renewal of the contracts to provide assessment services to the Towns of Columbia, Litchfield and Winfield; and

WHEREAS, it is the opinion of your Committee that it is to the mutual benefit of the County of Herkimer and the aforesaid towns for the County of Herkimer to continue to provide said assessment services to said towns; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into extensions of the agreements to provide assessment services to the Towns of Columbia, Litchfield and Winfield for the period from December 31, 2011 to December 31, 2012, with the final form of said agreements to be subject to the approval of the County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Real Property Tax Services and the Towns of Columbia, Litchfield and Winfield.

Dated: November 16, 2011.

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

No. 279

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND  
DEVELOPMENT RELATIVE TO REAPPOINTMENT OF MEMBER TO THE  
ONEIDA-HERKIMER SOLID WASTE MANAGEMENT AUTHORITY**

WHEREAS, the term of Donald Gross to the Oneida-Herkimer Solid Waste Management Authority appointed pursuant to Resolution No. 374 for the year 2006 shall expire on December 31, 2011; now, therefore, be it

RESOLVED, that Donald Gross, 2873 Welshbush Road, Frankfort, New York, be and he hereby is, reappointed for a five year term commencing January 1, 2012 as representative of Herkimer County on the Oneida-Herkimer Solid Waste Management Authority; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer, the Oneida-Herkimer Solid Waste Management Authority and Donald Gross.

Dated: November 16, 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**

No. 280

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
AUTHORIZING PREPARATION OF TENTATIVE COPIES OF BUDGET**

RESOLVED, that the Budget Officer of the County of Herkimer prepare seventy five (75) copies of the tentative budget for the County Legislature; and, be it further

RESOLVED, that the Committee on Finance of this Legislature is hereby designated as the Committee to review the tentative budget pursuant to the provisions of Section 357 of the County Law of the State of New York.

Dated: November 16, 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. Bono, Report and Resolution No. 282 of the Committee on Ways and Means transferring funds was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes: (17).

Against: None.

Absent: None.

No. 282

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

WHEREAS, your Committee on Ways & Means, to which was referred a communication from the Budget Officer and Purchasing Agent dated November 10, 2011 submitting requests for transfers of funds, reports that we have examined said communication, inquired into the subject matter thereof recommend that said transfers be made and offer the following Resolution:

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

\$1,830.00	From:	A4188.25000 (PH01-9) Bioterrorism Grant, Other Equip
	To:	A4188.41000 (PH01-9) Bioterrorism Grant, Supplies
\$15,170.00	From:	A4188.25000 (PH01-9) Bioterrorism Grant, Other Equip
	To:	A4188.44000 (PH01-9) Bioterrorism Grant, Cont Services
\$1,150.00	From:	A3140.10000-001 Probation, Salaries
	To:	A1450.10000-001 BOE, Salaries
\$1,630.00	From:	A1340.44000 Budget & Purchasing, Cont Services
	To:	A1340.10000-001, Budget & Purchasing Salaries
\$3,170.00	From:	A1040.41000 Clerk of the Legislature, Supplies
	To:	A1040.10000-001 Clerk of the Legislature, Salaries
\$21,582.45	From:	A1170.10000-001 Public Defender, Salaries
	To:	A1170.45000 Public Defender, Fees for Services
\$675.00	From:	A1170.83000 Public Defender, Social Security
	To:	A1170.45000 Public Defender, Fees for Services
\$4,000.00	From:	A1170.81000 Public Defender, Retirement
	To:	A1165.10000-001 District Attorney, Salaries
\$3,000.00	From:	A1340.44000 Budget & Purchasing, Cont Services
	To:	A1165.46200, District Attorney, Auto Expense
\$2,800.00	From:	A1340.44000 Budget & Purchasing, Cont Services
	To:	A1420.10000-001, County Attorney, Salaries
\$670.00	From:	A3020.46100 Public Safety, Mileage & Travel
	To:	A3020.10000-001 Public Safety, Salaries

\$15,000.00	From: A1680.10000-001 Info Services, Salaries
	To: A3021.10000-001 Public Safety Comms, Salaries
\$32,000.00	From: A1680.10000-001 Info Services, Salaries
	To: A3150.44000 Jail, Cont Services
\$4,000.00	From: A1320.10000-001 Co Auditor, Salaries
	To: A3150.10000-001 Jail, Salaries
\$34,000.00	From: A3140.10000-001 Probation, Salaries
	To: A3110.10000-001 Sheriff, Salaries
\$1,250.00	From: A6510.10000-001 Veteran's Services Salaries
	To: A6610.10000-001 Sealer of W&M, Salaries
\$28,000.00	From: A3140.10000-001 Probation, Salaries
	To: A6610.10000-001 Sealer of W&M, Motor Vehicles
\$17,000.00	From: A3140.10000-001 Probation, Salaries
	To: A6010.23000 Soc. Services Adm., Motor Vehicles
\$25,000.00	From: A3140.10000-001 Probation, Salaries
	To: A3150.23000 Jail, Motor Vehicles
\$2,000.00	From: A1340.44000 Budget & Purchasing, Cont Services
	To: A1450.44000 BOE, Cont Services
\$1,000.00	From: A1340.45000 Budget & Purchasing, Fees for Service
	To: A1450.44000 BOE, Cont Services

and be it further,

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

Dated: October 26, 2011.

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

On motion of Mr. Hyde, seconded by Mr. Shaw, Report and Resolution No. 283 of the Committee on Natural Resources and the Committee on Ways and Means adopting Assessment roll of the Herkimer County Sewer District 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.

**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES  
AND THE COMMITTEE ON WAYS AND MEANS ADOPTING ASSESSMENT ROLL  
OF HERKIMER COUNTY SEWER DISTRICT**

WHEREAS, the Herkimer County Sewer District has prepared and submitted an assessment roll pursuant to Section 271 of the County Law; and

WHEREAS, the Herkimer County Budget Officer has transmitted the said assessment roll with the tentative budget of the Herkimer County Sewer District for the year 2012 to the Clerk of the Herkimer County Legislature; and

WHEREAS, by Resolution No. 253 for 2011 the County Legislature of the County of Herkimer has provided for a public hearing on the said Sewer District Assessment Roll for November 16, 2011; and

WHEREAS, said public hearing has now been held pursuant to said notice; now, therefore, be it

**RESOLVED:**

1. That the Herkimer County Legislature hereby affirms and adopts the Assessment Roll to be used in the year 2012 as submitted by the Herkimer County Sewer District pursuant to Section 271 of the County Law;
2. That there shall be, and hereby is, levied and assessed the sum apportioned to each such lot or parcel of land within the boundaries of said Herkimer County Sewer District, at the time and in the manner provided by law for the levy of state, county and town taxes;
3. That certified copies of this Resolution be forwarded to the Herkimer County Treasurer and Herkimer County Sewer District.

Dated: November 16, 2011.

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

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

Mr. Manno requested the County Attorney to explain to the student present what resolutions require a roll call vote.

On motion of Mr. Bono, seconded by Mr. Peplinski, Report and Resolution No. 284 of the Committees on Human Resources and Ways and Means approving contract with Community Transportation Services for the Office for the Aging was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes: (17).

Against: None.

Absent: None.

No. 284

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING CONTRACT WITH COMMUNITY TRANSPORTATION SERVICES**

WHEREAS, by letter dated November 1, 2011 from Mary A. Scanlon, Director of the Office for the Aging, this Legislature is advised of a request to enter into an agreement with Community Transportation Services, Ltd., a not-for-profit organization, to provide transportation services to senior citizens who are residents of the Town of Webb, Herkimer County; and

WHEREAS, under said agreement, Community Transportation Services will perform said services for an annual charge not to exceed \$4,000.00, to be paid in equal quarterly installments and with Community Transportation Services to provide documentation of all rides provided to Herkimer County Town of Webb residents and submit properly completed vouchers to the Herkimer County Office for the Aging; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an agreement with Community Transportation Services, Ltd., PO Box 995, Old Forge, NY 13420, to provide transportation services to senior citizens who are residents of the Town of Webb, for an annual charge not to exceed \$4,000.00, with the terms of said agreement to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that the Chairman of this Legislature is further authorized to enter into an annual renewal of said contract after the expiration of the current agreement, upon 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, Director of the Office for the Aging and Community Transportation Services, Inc.

Dated: November 16, 2011.

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

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

On motion of Mr. Russell, seconded by Mr. Weakley, Report and Resolution No. 285 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. 285

## **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: November 16, 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

April 01, 2011 - September 30,2011

TOWNS	TOTAL TAX RECEIVED	TOWN SHARE	INCLUDING VILLAGES VILLAGES SHARES
COLUMBIA	\$4,582.11	\$ 4,582.11	
DANUBE	4,228.13	4,228.13	
FAIRFIELD	6,027.15	5,525.71	MIDDLEVILLE \$ 501.44
FRANKFORT	55,181.16	49,105.75	FRANKFORT 5,976.21 ILION 99.20
GERMAN FLATTS	47,864.19	30,063.55	ILION 13,337.73 MOHAWK 4,462.91
HERKIMER	32,187.30	22,081.24	HERKIMER 10,106.06
LITCHFIELD	9,860.90	9,860.90	
CITY OF LITTLE FALLS	10,890.26	10,890.26	
TOWN OF LITTLE FALLS	7,073.33	7,073.33	
MANHEIM	16,702.61	13,547.40	DOLGEVILLE 3,155.21
NEWPORT	5,778.90	4,780.52	MIDDLEVILLE 133.29 NEWPORT 623.40 POLAND 241.69
NORWAY	1,225.08	1,225.08	

OHIO	4,489.71	4,489.71		
RUSSIA	11,480.77	10,717.27	COLDBROOK	282.45
			POLAND	481.05
SALISBURY	6,514.62	6,514.62		
SCHUYLER	6,410.87	6,410.87		
STARK	2,182.94	2,182.94		
WARREN	5,191.74	5,191.74		
WEBB	52,251.31	52,251.31		
WINFIELD	6,974.90	5,964.91	WEST WINFIELD	1,009.99
	\$ 297,097.98	\$ 256,687.35		\$40,410.63

Herkimer County Treasurer  
\$619.09

On motion of Mr. Bono, seconded by Mrs. Maneen, Report and Resolution No. 286 of the Committee on Human Resources and the Committee on Ways and Means amending budget in connection with additional stimulus funding for the Herkimer County Public Health Nursing Service was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None. Absent: None

No. 286

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS AMENDING BUDGET IN CONNECTION WITH ADDITIONAL STIMULUS FUNDING FOR THE HERKIMER COUNTY PUBLIC HEALTH NURSING SERVICE**

WHEREAS, by Resolution No. 293 duly adopted on November 18, 2009, this Legislature authorized a contract and budget amendment in connection with the receipt of ARRA (American Recovery & Reinvestment Act) funding for increased immunization for adults and children and to improve vaccine storage and handling practices; and

WHEREAS, by letter dated November 9, 2011, from Gregory O’Keefe, MD, Director of Public Health, this Legislature is advised that the Public Health Nursing Program has received additional unexpended NY State-wide funds from the 2009 ARRA Grant in the amount of \$2,900.00; and

WHEREAS, by letter dated November 10, 2011, Bernard E. Decker, Budget Officer and Purchasing Agent, has advised that an amendment of the 2011 Budget is necessary in connection therewith; now, therefore, be it

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

<u>Revenue</u>	<u>From:</u>	<u>To:</u>
A4189I.4489I, Federal Aid - ARRA Immunization Grant	\$-0-	\$2,900.00
<u>Appropriation</u>		
A4189I.22000, ARRA Immunization - Computer Equipment	\$1,312.00	\$4,212.00

and, be it further

RESOLVED, that the Chairman of the Legislature is hereby authorized to execute the contract for the receipt of said additional funding, with the 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 and Director of Public Health.

Dated: November 16, 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 Mr. Russell, seconded by Mr. Bono, Report and Resolution No. 287 of the Committee on Human Resources amending budget in connection with funding for Department of Social Services was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 287

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND  
THE COMMITTEE ON WAYS AND MEANS AMENDING BUDGET IN  
CONNECTION WITH FUNDING FOR DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, by letter dated September 14, 2011 from the Budget Officer and Purchasing Agent, this Legislature is advised that it is necessary to amend the 2011 Budget in connection with additional funding received to allow for payment for financial recovery services; now, therefore, be it

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

Revenue:

A6101.3601 Medical Assistance, State Aid	From:	\$0
	To:	\$43,493.50

Appropriation

A6010.44000 Social Services Admin., Cont. Services	From:	\$734,105.71
	To:	\$777,599.21

And, be it further

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

Dated: November 16, 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. Piseck, seconded by Mr. Ackerman, Report and Resolution No. 288 of the Committee on County Planning and Development confirming membership to the Herkimer County Planning Board was handed up; debate was held, roll call vote was requested; was voted on and adopted by roll call vote:

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

Against: Rose (1).

Absent: None.

No. 288

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT CONFIRMING MEMBERSHIP TO THE HERKIMER COUNTY PLANNING BOARD**

WHEREAS, pursuant to Local Law No. 2 for the year 1963 and by letter dated November 14, 2011, the Chairman of the Herkimer County Legislature has made an appointment to fill a vacancy on the Herkimer County Planning Board; now, therefore, be it

RESOLVED, that the appointment of the following individual to the Herkimer County Planning Board to fill a vacancy to expire on December 31, 2018, is hereby ratified and confirmed:

Robert Drummond, 344 McIntyre Road, Frankfort, New York

And, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Chairman of the Planning Board and Robert Drummond.

Dated: November 16, 2011.

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

## **Development**

On motion of Mr. Russell, seconded by Mr. Peplinski and Mr. Ackerman, Report and Resolution No. 289 of the Committee on Ways and Means concerning Herkimer County Self Insurance Plan was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 289

### **REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS CONCERNING HERKIMER COUNTY SELF INSURANCE PLAN**

WHEREAS, by letter dated June 28, 2011, the Town of Newport submitted their withdrawal from the Herkimer County Self Insurance Workers' Compensation Plan effective January 1, 2012; and

WHEREAS, by letter dated November 14, 2011 from Steven R. Billings, Personnel Officer, this Legislature is advised that the Town of Newport, by their Resolution No. 27 adopted November 14, 2011 has requested reinstatement of the Town of Newport to participate in the Herkimer County Self Insurance Workers' Compensation Plan for the year 2012; now, therefore, be it

RESOLVED, that this Legislature hereby approves the reinstatement of the Town of Newport to participate in the Herkimer County Self Insurance Workers Compensation Plan; and, be it further

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

Dated: November 16, 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. Stone, Report and Resolution No. 290 of the Committee on Ways and Means authorizing execution of stipulation and order of settlement and discontinuance of action brought by the Civil Service Employees' Association was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: none.

On motion of

For: All ayes (17).

Against: None.

Absent: none.

No. 290

**RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AUTHORIZING EXECUTION OF STIPULATION AND ORDER OF SETTLEMENT AND DISCONTINUANCE OF ACTION BROUGHT BY THE CIVIL SERVICE EMPLOYEES ASSOCIATION, INC.**

WHEREAS, the Civil Service Employees Association, Inc. commenced litigation against the County of Herkimer and others in connection with the appointment of a probation officer by the County of Herkimer; and

WHEREAS, a proposal has been made to settle that litigation which appears to be in the best interests of the County of Herkimer; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a Stipulation and Order of Settlement and Discontinuance in connection with the above case which will provide that the County of Herkimer will vacate the appointment of the said employee to the position of probation officer, with the action to be discontinued without costs to either party, with such Stipulation to be subject to the approval of the Herkimer County Attorney's Office; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Personnel Officer, County Administrator, Director of Probation and Herkimer County Attorney.

Dated: November 16, 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. 291 of the Committee on Ways and Means rescinding Resolution No. 263 adopted on October 26, 2011 and substituting a new resolution clarifying settlement proposal was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (17).

Absent: None.

**No. 291**

**RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS RESCINDING  
RESOLUTION NO. 263 ADOPTED ON OCTOBER 26, 2011 AND SUBSTITUTING A  
NEW RESOLUTION CLARIFYING SETTLEMENT PROPOSAL**

WHEREAS, this Legislature adopted Resolution No. 263 of the Committee on Ways and Means authorizing settlement with the Villages of Ilion and Herkimer and Town of Frankfort regarding amounts owed to the Workers' Compensation Self-Insurance Plan; and

WHEREAS, issues have arisen concerning the resolution which are in the best interests of the Plan to address; now, therefore, be it

RESOLVED, that Resolution No. 263 duly adopted by the Herkimer County Legislature on October 26, 2011 is hereby rescinded and replaced with the following:

**RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AUTHORIZING  
SETTLEMENT WITH THE VILLAGES OF ILION AND HERKIMER AND TOWN OF  
FRANKFORT REGARDING AMOUNTS OWED TO THE WORKERS'  
COMPENSATION SELF-INSURANCE PLAN**

WHEREAS, on September 21, 2011 a final Judgment was entered in the six year legal challenge brought by local municipalities against the Herkimer County Self-Insurance Plan which awarded the amount of \$1,667,704.09 to the Workers' Compensation Self-Insurance Plan against the Village of Ilion, \$2,451,108.87 against the Village of Herkimer, and \$2,074,711.44 against the Town of Frankfort as of September 20, 2011; and

WHEREAS, in addition, those local municipalities will be responsible for paying statutory interest of 9% per year until such time as the Judgments are paid in full; and

WHEREAS, the County of Herkimer has been approached as Administrator of the Workers' Compensation Self-Insurance Plan in connection with proposed payment of the amounts due; and

WHEREAS, it appears that it may be necessary for the municipalities to bond to obtain those amounts, and it is the opinion of this Legislature that, in the interest of settlement a reasonable time be granted to those municipalities to pay the amounts due in full; and

WHEREAS, in the interest of fully and finally resolving this protracted litigation and also in the interest of saving significant additional expense not only to the plan but also to the taxpayers and residents of the Villages of Herkimer and Ilion and the Town of Frankfort in the event that an appeal of the judgment were pursued, now, therefore, be it

RESOLVED, that the Villages of Herkimer and Ilion and the Town of Frankfort shall be entitled to fully and finally settle their respective obligations to the plan, as determined by the judgment entered in the litigation between the parties on September 21, 2011, by executing and delivering a stipulation discontinuing any appeal of the judgment in this litigation, with prejudice, and by unconditionally paying the following amounts to the plan by January 5, 2012:

- Village of Herkimer - \$2,451,108.87
- Village of Ilion - \$1,667,704.09
- Town of Frankfort - \$2,074,711.44; and be it further

RESOLVED, that if a stipulation discontinuing any and all appeals of this judgment, and unconditional payment of the amount set forth above are not received by the County of Herkimer on or before January 5, 2012, from any of the above described municipalities, then this offer as to such municipality shall be withdrawn, and the amount due and owing by such municipality to the plan shall be the full amount of the Judgment plus the statutory rate of interest of 9% from September 20, 2011 until the date the amount is paid in full; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Administrator of the Herkimer County Workers' Compensation Self-Insurance Plan, the Village of Ilion, the Village of Herkimer and the Town of Frankfort.

Dated: November 16, 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. Korce, Report and Resolution No. 292 of the Committee on Ways and Means adopting salary schedules for the year 2012 was handed up; debate was held; was voted on and adopted by roll call vote:

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

Against: Rose (1).

Absent: None.

**No. 292**

**RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS ADOPTING SALARY SCHEDULES FOR THE YEAR 2012**

Your Committee on Ways and Means respectfully reports the following salary schedule for the year 2012:

We recommend that the county officers and employees be paid equal bi-weekly installments on Thursday, or as near thereto as holidays and other conditions permit, pursuant to the Rules and Regulations of the Herkimer County Legislature and the Herkimer County Personnel Civil Service Rules. These salary schedules reflect salaries for personnel as follows:

- |                         |                                       |
|-------------------------|---------------------------------------|
| Salary Schedule No. 1 - | 2012 Legislators and Department Heads |
| Salary Schedule No. 2 - | 2012 Officers & Non-Union             |
| Salary Schedule No. 3 - | 2012 CSEA                             |
| Salary Schedule No. 4 - | 2012 Highway                          |
| Salary Schedule No. 5 - | 2012 Deputy Sheriffs                  |

now, therefore, be it

RESOLVED, that the recommendations of the Committee on Ways and Means as set forth above be, and they hereby are adopted; and, be it further

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

Dated: November 16, 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. Bono and Mr. Weakley, Report and Resolution No. 293 of the Committee on Ways and Means establishing annual salaries of some elected officials and certain county officers appointed for a fixed term during their term of office and setting date for public hearing was handed up; roll call vote was requested, was voted on and adopted by roll call vote:

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

Against: Rose (1).

Absent: None.

No. 293

**RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS ESTABLISHING ANNUAL SALARIES OF SOME ELECTED OFFICIALS AND CERTAIN COUNTY OFFICERS APPOINTED FOR A FIXED TERM DURING THEIR TERM OF OFFICE AND SETTING DATE FOR PUBLIC HEARING**

We, the Committee on County Personnel of the Herkimer County Legislature, are causing to be prepared and will present Introductory Local Law No. 2 for the year 2011 to establish annual salaries of some elected officials and certain county officers appointed for a fixed term during their term of office, and setting the date for the statutory public hearing thereon, and offer the following Resolution:

**RESOLVED:**

1. That a proposed local law establishing salaries of some elected officials and certain county officers will be prepared by this Committee, and that a public hearing will be held on the proposed local law at a meeting of the Herkimer County Legislature, on the 14<sup>th</sup> day of December, 2011, at 7:00 p.m. in the Legislative Chambers of the County Office Building in the Village of Herkimer, New York;

2. That this County Legislature designates your Committee on Ways and Means as the Committee to hold the public hearing on the adoption of said act;

3. That at least five days prior to such public hearing the Clerk of this Legislature shall post a notice of such hearing upon the bulletin board in the Courthouse and cause to be published said notice at least once in the Little Falls Times and the Herkimer Telegram;

4. That the Clerk of this Legislature shall place a copy of said act on the desks of the members of this County Legislature at least seven calendar days, exclusive of Sunday, prior to its final adoption;

5. That if said local law be finally adopted, the Clerk of this Legislature shall file one certified copy thereof in the Office of the County Clerk, one in the Office of the Secretary of State and publish said local law as required by law.

Dated: November 16, 2011.

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

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

On motion of Mr. Manno, seconded by Mr. Stone, the Legislature adjourned at 8:25 p.m. to Wednesday, December 14, 2011 at 7:30 p.m. with a public hearing on Introductory Local Law No. 2 for 2011 at 7:00 p.m., and a public hearing on the 2012 Herkimer County Budget held on Wednesday, December 7, 2011 at 7:00 p.m. at Herkimer County Community College.