

**MINUTES**  
**Herkimer County Legislature**  
**Second Quarter – Third Day**  
**Wednesday, May 19, 2010**  
**7:30 p.m.**

The Public Hearing regarding NYS Office of Community Renewal for the MicroEnterprise Program was called to order by John J. Piseck, Chairman of the Committee on County Planning on Planning & Development, at 7:15 p.m. Chairman Piseck asked the Clerk of the Legislature to read the Notice of Public Hearing. The Clerk read the Notice. Chairman Piseck asked that any person wishing to speak to rise, state name and address and limit comment to five minutes. With no persons wishing to speak, the hearing was declared closed at 7:16 p.m.

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

Chairman Smith called on Mary Scanlon, Director of the Office for the Aging, 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, Shaw, Weakley (16).

Absent: Russell (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 April 28, 2010.

Chairman Smith dispensed with the regular order of the meeting to allow for a presentation

Chairman Smith introduced G. Lawrence Dillion, New York State Assistant Attorney General. Attorney Dillon gave a presentation on the State Attorney General's "Project Sunlight", which is a comprehensive database offering information and education on New York State. Mr. Dillon explained the website is at [www.sunlightny.org](http://www.sunlightny.org) and encouraged everyone to take a look at the site and the access the extensive government information that is available.

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

Chairman Smith stated that the communications received by the Legislature and the committees to which they were referred were listed on the agenda and asked if any member of the Legislature requested mention of any particular communication. Communication No. 172 was requested to be read.

No. 166A – A communication was received from Capital District OTB submitting financial reports for January, February and March 2010 and Audited Financial Statements for 2008 and 2009. Ordered filed.

No. 167 – A communication was received from the Herkimer County Mental Health Services advising of the receipt of recent donation of pediatric blood pressure cuffs from Mohawk Medical Supply to the clinic. Ordered filed.

No. 168 – A communication was received from the County Mental Health Services submitting April activities update. Ordered filed.

No. 169 – A communication was received from the State Dept. of Agriculture and Markets certifying inclusions of land to Agricultural District No. 3 under the Open Enrollment Period for 2010. Ordered filed.

No. 170 – A communication was received from the State Dept. of Agriculture and Marakets certifying inclusions of land to Agricultural District No. 6 under the Open Enrollment Period for 2010. Ordered filed.

No. 171 – A communication was received from Tom Montana advising of his retirement effective May 29, 2010. Ordered filed.

No. 172 – A communication was received from the Chairman of the Legislature submitting amended letter for appointment of Director of Probation. Ordered filed.

No. 173 – A communication was received from the Director of Public Health requesting a staffing change. Referred to the Committee on Human Resources and the committee on Ways and means.

No. 174 – A communication was received from the Director of Public Health requesting approval of amended contract with Healthcare Monitoring Systems, Inc. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 175 – A communication was received from the Director of the Office for the Aging requesting renewal of contract with Catholic Charities for HIICAP Program. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 176 – A communication was received from the Budget Officer submitting recommendation of award of bid for summer bus service to Old Forge/Eagle Bay area for Summer Youth Employment Program. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

No. 177 – A communication was received from the Director of the Office for the Aging requesting renewal of the contract with Catholic Charities of Herkimer County for MIPPA program. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 178 - A communication was received from the Executive Director of the Youth Bureau requesting approval of contracts with various agencies for the 2010 Program year. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 179 – A communication was received from the Sheriff requesting resolution for agreement with Rivetts Marine for dockage of Sheriff’s boat for summer of 2010. Referred to the Committee on Public Safety and Emergency Management and the committee on Ways and Means.

No. 180 – A communication was received from the State Division of Probation and Correctional Alternatives advising that Josephine Sohnn meets promotional qualification requirements and criteria for Director of Probation position. Ordered filed.

No. 181 – A communication was received from ProAct, Inc. submitting Herkimer County Discount card report for April. Ordered filed.

No. 182 – A communication was received from the Budget officer requesting budget amendment in connection with ARRA funding for special Early Intervention Program. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 183 – A communication was received from the Sheriff submitting the monthly report for March 2010. Referred to the Committee on Public Safety and Emergency Management.

No. 184 – A communication was received from the Director of Probation submitting the Annual Report for 2009. Referred to the Committee on Public Safety and Emergency Management.

No. 185 – A communication was received from the Budget Officer submitting recommendation for award of bid for paving of parking lot. Referred to the Committee on County Properties and the Committee on Ways and Means.

No. 186 – A communication was received from the Sheriff requesting agreement with Bald Mountain Colony for dockage of Sheriff’s boat for summer of 2010. Referred to the Committee on Public Safety and Emergency Management and the Committee on Ways and Means.

No. 187 – A communication was received from Linda Eykelhoff expressing appreciation for the memorial resolution for her husband. Ordered filed.

No. 188 – A communication was received from the Director of Public Health requesting a staffing change. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 189 – A communication was received from the Commissioner of Social Services requesting contract with Catholic Charities fro TREATY program. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 190 – A communication was received from the Budget Officer submitting request for transfer of funds. Referred to the Committee on Ways and Means.

No. 191 – A communication was received from the Recording Officer and County Treasurer submitting the Semi-Annual Report of Apportionment of Mortgage Taxes. Referred to the Committee on Ways and Means.

No. 192 – A communication was received from the Director of Public Health submitting the monthly report for April. Ordered filed.

No. 193 – A communication was received from the Sheriff requesting an extension of a Homeland Security Grant. Referred to the Committee on Public Safety and Emergency Management.

On motion of Mr. Hendrix, seconded by Mr. Stone and Mr. Hyde, Report and Resolution No. 135 of the Committee on Public Safety and Emergency Management approving the monthly report of the Sheriff was handed up; there being no discussion, was voted on and adopted by voice vote:

All Ayes: (16).

Against: None.

Absent: Russell (1).

No. 135

**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 March, 2010 respectfully reports that we have examined said report, recommend that it be approved and offer the following Resolution:

RESOLVED, that the report of the Herkimer County Sheriff for the month of March, 2010, which report reflects an average daily population of 51.10 inmates, with an average of 20.35 inmates being boarded out in March, be approved and filed; and, be it further

Dated: May 19, 2010.

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. Bono, seconded by Mr. Ackerman, Report and Resolution No. 136 of the Committee on Human Resources and the Committee on Ways and Means authorizing contract renewal for HIICAP funding for the Herkimer County Office for the Aging was handed up; there being no discussion, was voted on and adopted by voice vote:

All Ayes: (16).

Against: None.

Absent: Russell (1).

No. 136

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND  
THE COMMITTEE ON WAYS AND MEANS AUTHORIZING CONTRACT RENEWAL  
FOR HIICAP FUNDING FOR THE HERKIMER COUNTY OFFICE FOR THE AGING**

WHEREAS, by letter dated February 20, 2010, from Mary A. Scanlon, Director of the Office for the Aging, this Legislature is advised of a request to submit an application to receive Health Insurance Information, Counseling & Assistance program (HIICAP) funding; and

WHEREAS, said program shall be administered by the Office for the Aging on a subcontract basis; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute said contract on behalf of the County of Herkimer as follows:

- HIICAP (Health Insurance Information, Counseling & Assistance Program) for the 4/1/2010 – 3/31/2011 program year; funding is currently anticipated at \$30,000;
- Program shall be subcontracted to Catholic Charities of Herkimer County with said contract amount not to be more than the level of funding that is made available to the County of Herkimer;

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 Catholic Charities.

Dated: May 19, 2010.

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

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

On motion of Mr. Bono, seconded by Mrs. Maneen, Report and Resolution No. 137 of the Committee on Human Resources and the Committee on Ways and Means authorizing application for MIPPA Funding for Office for the Aging and authorizing contract with Catholic Charities was handed up; there being no discussion, was voted on and adopted by voice vote:

All Ayes: (16).

Against: None.

Absent: Russell (1).

No. 137

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS & MEANS AUTHORIZING APPLICATION FOR MIPPA FUNDING FOR OFFICE FOR THE AGING AND AUTHORIZING CONTRACT WITH CATHOLIC CHARITIES**

WHEREAS, by letter dated April 27, 2010, from Mary A. Scanlon, Director of the Office for the Aging, this Legislature is advised of a request to submit an application to receive MIPPA (Medicare Improvements for Patients & Providers Act) funding; the purpose of this agreement is to provide health insurance information, counseling and assistance to older individuals and their families, as defined in the MIPPA; MIPPA is specifically designed to outreach and provide direct application assistance to Medicare beneficiaries who are likely to be eligible for the Medicare Part D Low-Income Subsidy (LIS) or Medicare Savings Program (MSP); the specific goals for this project include a target of a minimum of 24 such above-mentioned Medicare beneficiaries during the **MIPPA program year of June 1, 2010 to May 31, 2011**; and

WHEREAS, this program shall be administered by the Office for the Aging on a subcontract basis; now, therefore, be it

RESOLVED, that the Chairman of the Legislature is hereby authorized to submit an application and act in connection with the application to provide such information as may be required to request and implement funding for the program as follows:

- MIPPA (Medicare Improvements for Patients & Providers Act) for the 6/1/2010 – 5/31/2011 program year; funding is currently anticipated at \$6,000.00;
- Program shall be subcontracted to Catholic Charities of Herkimer County with said contract amount not to be more than the level of funding that is made available to the county of Herkimer;

and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute all necessary documents in connection with the receipt and implementation of said funding on behalf of the County of Herkimer; and, be it further

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

Dated: May 19, 2010.

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

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

On motion of Mr. Shaw, seconded by Mr. Piseck, Report and Resolution No. 138 of the Committee on County Planning and Development and the Committee on Ways and Means awarding bid for bus service for the Old Forge Area Transportation program for the 2010 Summer Youth Employment Program was handed up; there being no discussion was voted on and adopted by voice vote:

All Ayes: (16).

Against: None.

Absent: Russell (1).

**No. 138**

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AND THE COMMITTEE ON WAYS AND MEANS AWARDING BID FOR**

**BUS SERVICE FOR THE OLD FORGE AREA TRANSPORTATION PROGRAM FOR THE 2010 SUMMER YOUTH EMPLOYMENT PROGRAM**

WHEREAS, pursuant to Resolution No. 114 for the year 1993, the Herkimer County Budget Officer and Purchasing Agent is authorized to advertise for bids, on an annual basis, for the Old Forge Area Transportation Program in relation to the Summer Youth Employment Program; and

WHEREAS, by communication dated May 5, 2010, the Budget Officer has advised this Legislature that bids were received, opened and read in accordance with law for bus services in connection with the 2010 Summer Youth Employment Program to provide transportation to the Old Forge Area; and

WHEREAS, The Budget Officer advised that it is the recommendation of your Committees and the Executive Director of the Youth Bureau that a contract be awarded to the lowest responsible bidder, Birnie Bus Service, Inc. of Rome, New York, in the sum of \$530.00 per bus, per day; and

WHEREAS, the Budget Officer further advises that sufficient funds are available for up to two buses per day, up to a maximum of \$72,000 in expenditures; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby awards a contract to Birnie Bus Service, Inc., 248 Otis Drive, P.O. Box 630, Rome, New York 13441, for bus service for the Old Forge Area Transportation Program for the 2010 Summer Youth Employment Program in the sum of \$530.00 per bus, per day, up to a maximum of \$72,000 in expenditures; and, be it further

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

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

Dated: May 19, 2010.

JOHN J. PISECK, JR.  
VINCENT J. BONO  
PATRICK E. RUSSELL  
BERNARD E. PEPLINSKI  
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. Weakley, seconded by Mr. Ackerman, Report and Resolution No. 139 of the Committee on Ways and Means awarding bid for provision of paving of parking lot was handed up; there being no discussion, was voted on and adopted by voice vote:

All Ayes: (16).

Against: None.

Absent: Russell (1).

No. 139

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PROPERTIES  
AND THE COMMITTEE ON WAYS AND MEANS AWARDING BID FOR PROVISION  
OF PAVING OF PARKING LOT**

WHEREAS, the Budget Officer/Purchasing Agent has advised by letter dated May 5, 2010, that sealed bids were received, opened and read in accordance with law for the provision of paving of the former Information Services Building site as a parking lot as authorized by Resolution No. 76 dated March 10, 2010; and

WHEREAS, the Budget Officer further advises that it is the recommendation of his office and your Committees that a contract be awarded to North Paving Company, Inc. of Utica, New York, who was the lowest bidder for a base bid of \$44,120.25; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby awards a bid to North Paving Co., Inc., 643 Elizabeth Street, Utica, New York 13501, for the paving of the former Information Services Building site as a parking lot for a base bid of \$44,120.25, with the form of 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 and Budget Officer.

Dated: May 19, 2010.

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

PATRICK E. RUSSELL  
DENNIS KORCE  
VINCENT J. BONO

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

On motion of Mr. Hendrix, seconded by Mr. Peplinski, Report and Resolution No. 140 of the Committee on Public Safety and Emergency Management approving boat housing contract was handed up; there being no discussion, was voted on and adopted by voice vote:

All Ayes: (16).

Against: None.

Absent: Russell (1).

No. 140

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND  
EMERGENCY MANAGEMENT APPROVING BOAT HOUSING CONTRACT**

WHEREAS, the Herkimer County Sheriff's Department maintains a boat patrol on the Fulton Chain of Lakes and has need to dock one patrol boat in the Old Forge area for the 2010 summer season; and

WHEREAS, by letter dated April 29, 2010, Christopher P. Farber, Sheriff, has advised that Rivett's Boat Livery has a boat slip available and requests that a contract be entered into with said Rivett's Boat Livery for the 2010 boating season; now, therefore, be it

RESOLVED, that a contract be entered into between the County of Herkimer and Rivett's Boat Livery for dockage of one patrol boat during the 2010 summer season running from May 15, 2010 to no later than October 15, 2010 for a sum not to exceed \$1,460.00, pursuant to a contract approved by the County Attorney's Office; and, be it further

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

RESOLVED, that the Chairman of this Legislature is further authorized to enter into annual renewals of said agreement, 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, County Attorney, Sheriff and Rivett's Boat Livery.

Dated: May 19, 2010.

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. Hendrix, seconded by Mr. Bono, Report and Resolution No. 141 of the Committee on Public Safety and Emergency Management approving boat housing contract was handed up; there being no discussion, was voted on and adopted by voice vote:

All Ayes: (16).

Against: None.

Absent: Russell (1).

No. 141

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND  
EMERGENCY MANAGEMENT APPROVING BOAT HOUSING CONTRACT**

WHEREAS, the Herkimer County Sheriff's Department maintains a boat patrol on the Fulton Chain of Lakes and has need to dock a patrol boat in the Old Forge area for the 2010 summer season;

WHEREAS, by letter dated May 4, 2010, Christopher P. Farber, Sheriff, has advised that Bald Mountain Colony, Old Forge, has a boathouse available and requests that a contract be entered into with said Bald Mountain Colony for the 2010 boating season; now, therefore, be it

RESOLVED, that a contract be entered into between the County of Herkimer and Bald Mountain Colony, Old Forge, New York, for dockage of one patrol boat during the 2010 summer season for a sum not to exceed \$650.00, pursuant to a contract approved by the County Attorney's Office; and, be it further

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

RESOLVED, that the Chairman of this Legislature is further authorized to enter into annual renewals of said agreement, 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, County Attorney, Sheriff and Bald Mountain Colony.

Dated: May 19, 2010.

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. Piseck, seconded by Mr. Ackerman and Mr. Peplinski, Report and Resolution No. 142 of the Committee on County Planning and Development and the Committee on Ways and Means authorizing contracts for the Youth Development and Delinquency Prevention Program was handed up; there being no discussion, was voted on and adopted by voice vote:

All Ayes: (16).

Against: None.

Absent: Russell (1).

**No. 142**

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING CONTRACTS FOR THE YOUTH PROGRAMS FOR 2010**

WHEREAS, by letter dated April 29, 2010, from Regina Giacobelli, Executive Director of the Herkimer County Youth Bureau, this Legislature is advised that the New York State Office of Children and Family Services has approved Herkimer County's Resource Allocation Plan (RAP) for 2010, which includes requested State aid in the amount of \$119,262.00; and

WHEREAS, by said letter the Executive Director of the Herkimer County Youth Bureau, advises that the Youth Bureau now desires to enter into contracts for 2010 with local agencies for the implementation of the Youth Development and Delinquency Prevention Program, the Special Delinquency Prevention program and the Runaway and Homeless Youth Program; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute contracts, subject to reimbursement from the State of New York, with the following agencies in the amounts listed:

**Youth Initiatives (50% state aid/50% agency match)**

1. Little Falls YMCA  
15 Jackson Street, Little Falls, NY  
To provide a School's Out Scholarship Program for a sum not to exceed \$2,209.00
2. Family Services of the Mohawk Valley, Inc.  
401 Columbia Street, Suite 200, Utica, NY  
To provide a program titled Short Term Preventive Services for Herkimer County Youth for a sum not to exceed \$4,708.00
3. Catholic Charities of Herkimer County  
61 West Street, Ilion, NY  
To provide a program titled Runaway and Homeless Youth Program for a sum not to exceed \$2,500.00

**Youth Development and Delinquency Prevention (50% state aid/50% agency)**

4. Little Falls YMCA  
15 Jackson St., Little Falls, NY  
To provide a School's Out Scholarship Program for A sum not to exceed \$1,725.00
5. Young Women's Christian Association (YWCA)  
1000 Cornelia St., Utica, NY  
To provide a program titled Rape Crisis Services Community Education for a sum not to exceed \$1,800.00
6. Little Falls YMCA  
15 Jackson St., Little Falls, NY  
To provide a program titled Community Service/Youth Volunteer Program for a sum not to exceed \$3,160.00
7. YMCA of the Mohawk Valley  
83 E. Main St., Mohawk, NY  
To provide a program titled Unsupervised Youth Alternatives For a sum not to exceed \$3,445.00

**Special Delinquency Prevention Programs (SDPP) (100% state aid)**

8. Catholic Charities of Herkimer County  
61 West St., Ilion, NY  
To provide a program titled Domestic Violence Program

For a sum not to exceed \$2,580.00

9. Family Services of the Mohawk Valley, Inc.  
401 Columbia St., Suite 200, Utica, NY  
To provide a program titled PINS Diversion  
For a sum not to exceed \$13,412.00
10. Herkimer County Youth Bureau/ Youth  
Violence Prevention Committee  
For a sum not to exceed \$3,242.00
11. The Peacemaker Program  
270 Genesee St., Utica, NY  
To provide services for Court Appointed Special  
Advocates for a sum not to exceed \$2,851.00
12. Catholic Charities of Herkimer County  
61 West St., Ilion, NY  
To provide a program titled TREATY Program  
For a sum not to exceed \$1,250.00
13. Catholic Charities TREATY Program –A7310.4400  
For a sum not to exceed \$2,700.00

**Runaway and Homeless Youth (60% state funding, 20% agency match, 20% county match)**

14. Catholic Charities of Herkimer County  
61 West St., Ilion, NY  
To provide a program titled Runaway and Homeless Youth  
Program - \$19,598.00-state share, \$6,533.00 Catholic Charities  
match, \$6,533.00 Herkimer County match  
Total contract amount = \$32,664.00

and, be it further

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

Dated: May 19, 2010.

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**

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

On motion of Mr. Bono, seconded by Mr. Hendrix, Report and Resolution No. 143 of the Committees on Human Resources and Ways and Means for staffing change in Public Health Nursing Service was handed up; there being no discussion was voted on and adopted by voice vote:

For: Piseck, Rose, Keblish, Maneen, Stone, Hendrix, Hyde, Brezinski, Manno, smith, bono, Ackerman, Peplinski, Korce, Shaw, Weakley (16).

Against: None.

Absent: Russell (1).

No. 143

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

WHEREAS, by letter dated April 23, 2010, Gregory O’Keefe, M.D., Director of Public Health has requested a staffing change in the Public Health Nursing Service; and

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

RESOLVED, that the 2010 Herkimer County Salary Schedule is hereby amended in Salary Schedule No. 3 to delete one position of Registered Nurse and establish one position of Community Health Nurse in Account A4010, Public Health Nurses; and, be it further

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

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

Dated: May 19, 2010.

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 Finance

On motion of Mr. Bono, seconded by Mr. Stone, Report and Resolution No. 144 of the Committee on Human Resources and the Committee on Ways and Means authorizing contract with State of New York for funding for Early Intervention Administration Program was handed up; discussion was held, was voted on and adopted by voice vote:

All Ayes: (16).

Against: None.

Absent: Russell (1).

No. 144

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND WAYS AND MEANS AUTHORIZING CONTRACT WITH THE STATE OF NEW YORK FOR FUNDING FOR EARLY INTERVENTION ADMINISTRATION PROGRAM**

WHEREAS, by letter dated April 23, 2010 from Gregory O'Keefe, MD, Director of Public Health, this Legislature is advised that the New York State Department of Health has submitted a contract providing for funding from the American Recovery and Reinvestment Act for a special Early Intervention Program in the total amount of \$24,644.00; and

WHEREAS, said agreements shall be for the term October 1, 2009 through September 30, 2011; and

WHEREAS, by letter dated May 6, 2010, the Budget Officer has advised that it is necessary to amend the 2010 Budget in connection with the receipt of said funding; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be and he hereby is, authorized to execute said contract in form prepared by the State of New York, on behalf of the County of Herkimer for funding from the American Recovery and Reinvestment Act for a special Early Intervention Program in the amount of \$26,644.00, with said grant to be for the period October 1, 2009 through September 30, 2011; and, be it further

RESOLVED, that the 2010 Herkimer County Budget is hereby amended as follows:

	<u>From:</u>	<u>To:</u>
<u>Revenue</u>		
A4059A.4451A, Federal Aid-Early Intervention ARRA	\$-0-	\$24,644.00
<u>Appropriation</u>		
A4059A.10000-001, Early Intervention, ARRA – Salaries	\$-0-	\$ 4,767.00
A4059A.41000, Early Intervention, ARRA – Supplies	\$-0-	\$17,187.00
A4059A.46000, Early Intervention, ARRA – Misc. Exp.	\$-0-	\$ 618.00
A4059A.81000, Early Intervention, ARRA – Retirement	\$-0-	\$ 1,000.00
A4059A.83000, Early Intervention, ARRA – Soc. Security	\$-0-	\$ 100.00
A4059A.83500, Early Intervention, ARRA – Medicare	\$-0-	\$ 100.00
A4059A.84000, Early Intervention, ARRA – Workers’ Comp.	\$-0-	\$ 100.00
A4059A.85000, Early Intervention, ARRA - Unemployment	\$-0-	\$ 100.00
A4059A.86000, Early Intervention, ARRA - Hospitalization	\$-0-	\$ 600.00
A4059A.86500, Early Intervention, ARRA – Dental	\$-0-	\$ 72.00

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 New York State Department of Health.

Dated: May 19, 2010.

PATRICK E. RUSSELL	VINCENT J. BONO
DENNIS KORCE	JOHN J. PISECK, JR.
VINCENT J. BONO	JEAN E. MANEEN
BRUCE WEAKLEY	PETER F. MANNO
JOHN J PISECK, JR.	LEONARD R. HENDRIX
BERNARD PEPLINSKI, SR.	PATRICK E. RUSSELL
Committee on Ways and Means	Committee on Human Resources

On motion of Mr. Bono, seconded by Mr. Manno, Report and Resolution No. 145 of the Committee on Human Resources approving amendment of contract for provision of Lifeline services under Long Term Home Health Care Program was handed up; there being no discussion, was voted on and adopted by voice vote:

All Ayes: (16).

Against: None.

Absent: Russell (1).

No. 145

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

WHEREAS, by letter dated May 10, 2010, 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 Long Term Home Health Care Program; and

WHEREAS, Healthcare Monitoring Systems, Inc. has requested an increase in the monthly service charge from \$24.00 to \$29.95, with the installation fee of \$75.00 to remain unchanged; 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 Lifeline services for the patients enrolled in the Public Health Nursing Services Long Term Home Health Care Program, at a monthly service charge of \$29.95, with the installation fee of \$75.00 to remain the same, 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: May 19, 2010.

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. Hendrix, seconded by Mr. Weakley, Report and Resolution No. 146 of the Committee on Public Safety and Emergency Management extending contract for Homeland Security Grant for the Sheriff’s Department was handed up; there being no discussion, was voted on and adopted by voice vote:

All Ayes: (16).

Against: None.

Absent: Russell (1).

No. 146

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT EXTENDING CONTRACT FOR HOMELAND SECURITY GRANT FOR THE SHERIFF'S DEPARTMENT**

WHEREAS, pursuant to Resolution No. 167 of 2008, this Legislature approved an agreement with the New York State Office of Homeland Security for the receipt of a Law Enforcement Terrorism Prevention Program Grant in the amount of \$59,000; and

WHEREAS, by letter dated May 11, 2010 from Christopher P. Farber, Sheriff, this Legislature is advised that an extension of said grant has been submitted to expend any unused funds through December 31, 2010; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a grant extension on behalf of the County of Herkimer with the New York State Office of Homeland Security, in connection with the receipt of an FY07 Law Enforcement Terrorism prevention Program Grant in the amount of \$59,000.00; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Emergency Services and the New York Office of Homeland Security.

Dated: May 19, 2010.

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. Bono, seconded by Mr. Stone, Report and Resolution No. 147 of the Committee on Human Resources authorizing contract with Catholic Charities of Herkimer County and the Department of Social Services for a Youth Violence Prevention program for schools in Herkimer County was handed up; there being no discussion, was voted on and adopted by voice vote:

All Ayes: (16).

Against: None.

Absent: Russell (1).

No. 147

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES  
AUTHORIZING CONTRACT WITH CATHOLIC CHARITIES OF HERKIMER  
COUNTY AND THE DEPARTMENT OF SOCIAL SERVICES FOR A YOUTH  
VIOLENCE PREVENTION PROGRAM FOR SCHOOLS IN HERKIMER COUNTY**

WHEREAS, by letter dated May 13, 2010, from Ervin J. Fuller, Commissioner of Social Services, this Legislature is advised of a request to enter into a contract with Catholic Charities of Herkimer County, to provide a TREATY Program (Teaching Reconciliation in Education to Administrators, Teachers and Youth) for the 2010-2011 school year, which is a youth violence prevention program with a curriculum goal to make schools safer and more supportive for students; and

WHEREAS, said contract will be in the amount of \$30,000 and there are sufficient monies budgeted for this purpose; now, therefore, be it

RESOLVED, that this Legislature hereby approves a contract with Catholic Charities of Herkimer County, 61 West Street, Ilion, New York, and the Herkimer County Department of Social Services, for the provision of the TREATY Program for the 2010-2011 school year to help control the threat of youth violence in schools, at a cost of \$30,000.00; and, be it further

RESOLVED, that under this contract and through funding from the Herkimer County Youth Bureau, all schools in Herkimer County will be invited to participate in said TREATY Program; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute said contract on behalf of the County of Herkimer, with said contract 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, Commissioner of Social Services and Catholic Charities of Herkimer County.

Dated: May 19, 2010.

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

On motion of Mr. Bono, seconded by Mr. Hendrix, Report and Resolution No. 148 of the Committees on Human Resources and Ways and Means for staffing change in Public Health Nursing Service was handed up; discussion 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, Shaw, Weakley (15).

Against: Rose (1).

Absent: Russell (1).

No. 148

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

WHEREAS, by letter dated May 13, 2010, Gregory O’Keefe, M.D., Director of Public Health has requested certain staffing changes in the Public Health Nursing Service; and

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

RESOLVED, that the 2010 Herkimer County Salary Schedule is hereby amended in Salary Schedule No. 3 to delete one position of Clerk, and establish one position of Account Clerk at the base annual salary for said position, effective this date; and, be it further

RESOLVED, that the 2010 Herkimer County Salary Schedule is hereby amended in Salary Schedule No. 3 to establish one position of part-time Senior Clerk, up to 19 ½ hrs. per week, at the hourly rate of \$17.36, for a period of six weeks effective May 31, 2010; and, be it further

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

Dated: May 19, 2010.

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. Piseck, Report and Resolution No. 149 of the Committee on Ways and Means transferring funds was handed up; there being no discussion, was handed up and adopted by voice vote:

All Ayes: (16).

Against: None.

Absent: Russell (1).

No. 149

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

WHEREAS, your Committee on Finance, to which was referred communication from the Budget Officer and Purchasing Agent dated May 17, 2010, submitting a request for transfer of funds, reports that we have examined said communication, inquired into the subject matter thereof, recommend that said transfer be made and offer the following Resolution:

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

\$17,355.00 From: A1670.10000-001, Central Printing – Salaries  
To: AA8688.4000, Village of Frankfort Engineering-  
Contractual Expense

and, be it further

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

Dated: May 19, 2010.

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. 150 of the Committee on Ways and Means apportioning mortgage tax, was handed up; there being no discussion, was adopted by roll call vote:

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

Against: None.

Absent: Russell (1).

No. 150

**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 19, 2010.

PATRICK E. RUSSELL  
DENNIS KORCE  
VINCENT J. BONO  
BRUCE WEAKLEY  
JOHN J. PISECK, JR.  
BERNARD PEPLINSKI, JR.

APPORTIONMENT OF MORTGAGE TAX  
October 1,2009- March 31, 2010

TOWNS	TOTAL TAX RECEIVED	TOWN SHARE	INCLUDING VILLAGES VILLAGES SHARES
COLUMBIA	\$3,745.50	\$ 3,745.50	
DANUBE	2,250.22	2,250.22	
FAIRFIELD	4,212.62	3,846.24	MIDDLEVILLE \$366.38
FRANKFORT	34,497.73	30,448.17	FRANKFORT 3,984.22 ILION 65.34
GERMAN FLATTS	40,677.30	25,047.37	ILION 11,637.83 MOHAWK 3,992.10 HERKIMER 9,861.76
HERKIMER	29,989.29	20,127.53	
LITCHFIELD	13,216.33	13,216.33	
CITY OF LITTLE FALLS	29,054.73	29,054.73	
TOWN OF LITTLE FALLS	5,500.96	5,500.96	
MANHEIM	12,677.21	10,177.58	DOLGEVILLE 2,499.63
NEWPORT	12,718.10	10,732.95	MIDDLEVILLE 304.59 NEWPORT 1,438.87 POLAND 241.69
NORWAY	3,043.74	3,043.74	
OIDO	2,107.24	2,107.24	
RUSSIA	9,581.79	8,836.84	COLD BROOK 264.34 POLAND 480.61
SALISBURY	8,527.38	8,527.38	
SCHUYLER	21,744.54	21,744.54	
STARK .	3,854.48	3,854.48	
WARREN	6,327.54	6,327.54	
WEBB	81,165.13	81,165.13	
WINFIELD	9,113.25	7,729.88	WEST WINFIELD 1,383.37
	\$ 334,005.08	\$ 297,484.35	\$36,520.73

Herkimer County Treasurer  
\$619.09

Mrs. Rose requested that the record show that she voted “no” on Resolution No. 149.

On motion of Mr. Piseck, seconded by Mr. Peplinski and Mr. Shaw, Resolution No. 151 of the Committee on Natural Resources appointing representative for Herkimer County on the Adirondack Park Local Government Review Board was handed up; there being no discussion, was voted on and adopted by voice vote:

All Ayes: (16).

Against: None.

Absent: Russell (1).

No. 151

**RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES APPOINTING REPRESENTATIVE FOR HERKIMER COUNTY ON THE ADIRONDACK PARK LOCAL GOVERNMENT REVIEW BOARD**

WHEREAS, the State of New York, by Section 803-a of the Executive law, established the Adirondack Park Local Government Review Board; and

WHEREAS, such Act authorized each county to appoint a member of such Board in the matter determined by the legislative body of each county, and further allowed the Herkimer County Legislature to authorize the designation by the appointee of an alternate to serve in his/her absence; and

WHEREAS, there currently exists a vacancy in Herkimer County’s appointment to the Adirondack Park Local Government Review Board due to the decease of Henry J. Eykelhoff; now, therefore, be it

RESOLVED, that Linda Eykelhoff, 358 Allen Road, Cold Brook, New York, is hereby appointed as representative from Herkimer County on the Adirondack Park Local Government Review Board for a term to expire December 31, 2011; and, be it further

RESOLVED, that said Linda Eykelhoff is hereby authorized to designate Fred Reuter, 2779 State Route 8, Cold Brook, New York, as alternate representative to serve in her absence; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, the Adirondack Park Local Government Review Board, Linda Eykelhoff and Fred Reuter.

Dated: May 19, 2010.

BERNARD PEPLINSKI, SR.  
FREDERICK J. SHAW, JR.

DENNIS KORCE

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

On motion of Mr. Korce, seconded by Mr. Shaw and Mr. Hendrix, Resolution No. 152 amending Resolution No. 347 of 2009 authorizing attendance at conferences for municipal officers and employees during the year 2010 was handed up; there being no discussion, was voted on and adopted by voice vote:

All Ayes: (16).

Against: None.

Absent: Russell (1).

No. 152

**RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AMENDING  
RESOLUTION NO. 347 OF 2009 AUTHORIZING ATTENDANCE AT CONFERENCES  
FOR MUNICIPAL OFFICERS AND EMPLOYEES DURING THE YEAR 2010**

WHEREAS, on December 16, 2009 this Legislature adopted Resolution No. 347 authorizing attendance at conferences for municipal officers and employees during the year 2010; and

WHEREAS, it has come to the attention of your committee that a change needs to be made for the Veterans' Director and Service Officer; now, therefore, be it

RESOLVED, that Resolution No. 347 of 2009 is hereby amended as follows:

VETERANS ' DIRECTOR AND SERVICE OFFICER: American Legion  
Basic Training

And, be it further

RESOLVED, that in all other respects, Resolution No. 347 of 2009 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 Veterans' Director and Service Officer.

Dated: May 19, 2010.

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 Mrs. Maneen, seconded by Mr. Keblish, Resolution No. 153 of the Committee on Administration/Veterans' Affairs to amend Rule 18E of the Rules of the County Legislature was handed up; there being no discussion was voted on and adopted by roll call vote:

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

Against: None.

Absent: Russell (1).

No. 153

**RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS' AFFAIRS TO AMEND THE RULE 18-E OF THE COUNTY LEGISLATURE OF THE COUNTY OF HERKIMER**

WHEREAS, it is the intent of this Legislature to amend Rule 18-E of the Rules of the County Legislature of the County of Herkimer; and

WHEREAS, a copy of this proposed amendment to said Rules has been given to each member of this Legislature at least one day previous to this meeting, as required by Rule 10 of said Rules; now, therefore, be it

RESOLVED, that Rule 18-E as set forth in the Rules of the County Legislature of the County of Herkimer be, and hereby is, amended after the word "mail" to add "and/or e-mail at the option of each legislator"...; and, be it further

RESOLVED, that said amendment shall take effect immediately.

Dated: May 19, 2010.

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

On motion of Mr. Hendrix, seconded by Mr. Bono, Resolution No. 154 of the Committee on Ways and Means approving settlement of litigation with Ward Halverson was handed up; discussion was held, was voted on and adopted by roll call vote:

For: Keblish, Maneen, Hendrix, Hyde, Smith, Bono, Ackerman, Peplinski, Korce, Shaw, Weakley (11).

Against: Piseck, Rose, Stone, Brezinski, Manno (5).

Absent: Russell (1).

### **No. 154**

#### **RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS APPROVING SETTLEMENT OF LITIGATION WITH WARD HALVERSON**

WHEREAS, the County of Herkimer is involved in litigation with Ward Halverson, who formerly provided mental health services at the Herkimer County Correctional Facility, regarding unpaid fees for services rendered and wrongful termination of a contract; and

WHEREAS, the contract was terminated on July 17, 2008; and

WHEREAS, it appears that a review of unpaid invoices submitted by Mr. Halverson indicates that the sum of \$29,810.00 was billed to the County of Herkimer for services rendered prior to the termination of the contract for services rendered at the Herkimer County Correctional Facility at a rate agreed upon by the Herkimer County Sheriff; now, therefore, be it

RESOLVED, that payment to Ward Halverson in the amount of \$29,810.00 is hereby authorized to settle pending litigation between the County of Herkimer and Ward Halverson; and, be it further

RESOLVED, that the Chairman of the Legislature and the County Attorney are hereby authorized to execute any and all necessary documents to conclude the litigation on the above basis; and, be it further

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

Dated: May 19, 2010.

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 Mrs. Maneen, seconded by Mr. Weakley and Mr. Piseck, Resolution No. 155 of the Committee on Administration/Veterans' Affairs and the Committee on Ways and Means authorizing Home Rule Request was handed up; discussion 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, Shaw, Weakley (16).

Against: None.

Absent: Russell (1).

No. 155

**RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS AFFAIRS  
AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING HOME RULE  
REQUEST**

WHEREAS, legislation has been introduced in the New York State Senate and the New York State Assembly entitled, "AN ACT to amend chapter 549 of the laws of 2005 amending the tax law, relating to authorizing the county of Herkimer to impose a county recording tax on obligation secured by a mortgage on real property, in relation to the expiration thereof"

In the Assembly	A.10975
In the Senate	S.7717

and

WHEREAS, it is now necessary to make a Home Rule Request pursuant to the Municipal Home Rule Law; now, therefore, be it

RESOLVED, that this Legislature hereby authorizes that a Home Rule Request be made, pursuant to Section 40 of the Municipal Home Rule Law, by the appropriate county officers and filed as required by said statute with the New York State Legislature.

Dated: May 19, 2010.

JEAN E. MANEEN  
BRUCE WEAKLEY  
FREDERICK J. SHAW  
PETER F. MANNO

PATRICK E. RUSSELL  
DENNIS KORCE  
VINCENT J. BONO  
BRUCE WEAKLEY

STEPHEN N. KEBLISH, JR.  
JOHN L. BREZINSKI  
Committee on Administration  
Veterans' Affairs

JOHN J. PISECK, JR.  
BERNARD PEPLINSKI, SR.  
Committee on Ways and Means

On motion of Mr. Bono, seconded by Mrs. Maneen and Mr. Keblish, Resolution No. 156 of the committee on Administration/Veterans' Affairs in opposition of Assembly Bill No. A.9911/S.6849 amending the Public Officers Law in relation to requiring certain records which are the subject of a discussion conducted at an open meeting be made available to the public at or prior to the meeting was handed up; discussion 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, Shaw, Weakley (15).

Against: Rose (1).

Absent: Russell (1).

No. 156

**RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS' AFFAIRS IN OPPOSITION OF ASSEMBLY BILL NO. A.9911/SENATE BILL S.6849 AMENDING THE PUBLIC OFFICERS LAW, IN RELATION TO REQUIRING CERTAIN RECORDS WHICH ARE THE SUBJECT OF A DISCUSSION CONDUCTED AT AN OPEN MEETING BE MADE AVAILABLE TO THE PUBLIC AT OR PRIOR TO THE MEETING**

WHEREAS, legislation has been introduced, NYS Assembly Bill No. A.9911 and NYS Senate Bill S.6849, requiring that certain Agency records which are scheduled to be the subject of discussion by a public body during an open meeting be made available, to the extent practicable, prior to or at the meeting during which such records will be discussed, and also requiring that such records be posted on the website of the agency with which the public body is affiliated, as soon as practicable, but not less than twenty-four hours prior to a meeting during which they will be discussed, and a reasonable number of copies of such records shall be made available, to extend practicable, at or prior to the meeting; and

WHEREAS, said legislation would apply to all agency boards, of which Herkimer County has approximately forty outside boards/committees that this may affect, along with the ten standing legislative committees and one county legislature board meeting; and

WHEREAS, this proposal would be another unfunded mandate imposed by the State Legislature on local government which would result in substantial additional clerical, administrative and out of pocket costs and burdens for the County of Herkimer; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby opposes Assembly Bill A.9911 and Senate Bill S.6849, and urges the New York State Senate to also oppose such bill as presented; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Assemblyman Marc W. Butler, Senator James L. Seward, the New York State Association of Counties and the Intercounty Legislative Committee of the Adirondacks.

Dated: May 19, 2010.

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

On motion of Mr. Piseck, seconded by Mr. Weakley and Mr. Bono, Resolution No. 157 of the Committee on Administration/Veterans' Affairs and the Committee on Public Safety and Emergency Management opposing anti-gun legislation in the New York State Legislature was handed up; there being no discussion was voted on and adopted by voice vote:

All Ayes: (16).

Against: None.

Absent: Russell (1).

No. 157

**RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS' AFFAIRS AND THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT OPPOSING ANTI-GUN LEGISLATION IN THE NEW YORK STATE LEGISLATURE**

WHEREAS, proposed Senate Bill S6005A and Assembly Bill A06468 in the New York Legislature requires semi-automatic hand guns manufactured or delivered to any licensed dealer in New York State to be capable of microstamping ammunition; and

WHEREAS, this is one of many anti-gun measures which have been proposed for passage in the New York State Legislature, which would increase the cost of the manufacture of hand guns, impinge upon the right to bear arms as guaranteed by the 2<sup>nd</sup> Amendment to the United States Constitution, and have little effect on law enforcement since law evaders could easily remove or deface such items in hand guns; now, therefore, be it

RESOLVED, that the Herkimer County Legislature opposes the passage of this legislation and urges the State Legislature and Governor to oppose the same; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded Governor David Paterson, Senator James Seward, Assemblyman Marc Butler, NYSAC and the Herkimer County Sheriff.

Dated: May 19, 2010.

JEAN E. MANEEN  
BRUCE WEAKLEY  
FREDERICK J. SHAW, JR.  
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**

On motion of Mr. Weakley, seconded by Mr. Piseck, Resolution No. 158 of the Committee on County Properties authorizing redemption of parcels taken under In Rem Tax Foreclosure was handed up.

Mr. Korce made a motion, seconded by Mr. Stone, to amend the First Resolved to change to “on or before 4:00 p.m. on Friday, May 21, 2010”. The amendment was approved by voice vote:

All Ayes: (16).

Against: None.

Absent: Russell (1).

The resolution, as amended, was adopted by roll call vote:

For: Piseck, Keblish, Maneen, Stone, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Shaw, Weakley (15).

Against: Rose (1).

Absent: Russell (1).

No. 158

**RESOLUTION OF THE COMMITTEE ON COUNTY PROPERTIES AUTHORIZING REDEMPTION OF PARCELS TAKEN UNDER IN REM TAX FORECLOSURE**

WHEREAS, the County of Herkimer has completed its 2008 In Rem Tax Foreclosure proceedings and has taken title to various parcels of real property; and

WHEREAS, this Legislature has decided to allow property owners to redeem their properties and receive the deeds to those properties from the County upon the payment of three times the 2008 and 2009 taxes plus interest and penalties as of the date of payment, and to also pay the 2010 taxes at that time; now, therefore, be it

RESOLVED, that the County of Herkimer hereby authorizes the redemption of parcels of real property, upon the above terms and conditions, with payment to be made to the County of Herkimer by cash or certified funds on or before Friday, May 21, 2010; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute any and all documents necessary to effectuate such transfers; and, be it further

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

Dated: May 19, 2010.

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

On motion of Mr. Ackerman, seconded by Mr. Weakley, Resolution No. 159 of the Committee on County Properties withdrawing parcels from In Rem Auction Sale was handed up; discussion was held, was voted on and adopted by roll call vote:

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

Against: Rose, Hyde (2).

Absent: Russell (1).

No. 159

**RESOLUTION OF THE COMMITTEE ON COUNTY PROPERTIES WITHDRAWING PARCELS FROM IN REM AUCTION SALE**

WHEREAS, the County of Herkimer has scheduled an auction of properties taken in connection with the 2008 In Rem Tax Foreclosure proceedings to take place June 5, 2010; and

WHEREAS, the City of Little Falls has expressed an interest in taking title to two parcels located in the Town of Fairfield on Beaver Road, having tax map #'s 101.2-1-5 and 101.2-1-6; and

WHEREAS, the circumstances of any such transfer will require further investigation and evaluation by the County Properties Committee and the County Legislature; now, therefore be it

RESOLVED, that the above described parcels shall be withdrawn from the above described auction, with their disposition to be subject to further action by this Legislature; and be it further

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

Dated: May 19, 2010.

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

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

At 8:30 p.m., on motion of Mr. Manno, seconded by Mr. Stone, the Legislature adjourned to Wednesday, June 16, 2010 at 7:30 p.m.

