

MINUTES
Herkimer County Legislature
Fourth Quarter – Third Day
Wednesday, November 17, 2010
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 were no appearances, and the hearing was declared closed at 7:17 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, 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 27, 2010. There were no objections and the minutes were approved.

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

Chairman Smith stated that the communications received by the Legislature and the committees to which they were referred were as listed on the agenda and asked if any member of the Legislature requested mention of any particular communication. Mrs. Rose requested Communication No 403 be read.

No. 395– A communication was received from the Department of State advising of filing of Local Law No. 1 for 2010. Ordered filed.

No. 396 – A communication was received from the Division of Homeland Security and Emergency Services advising of award of grants. Referred to the Committee on Public Safety and Emergency Management.

No. 397 – A communication was received from the Governor’s Office acknowledging receipt of a resolution. Ordered filed.

No. 398 – A communication was received from Senator Seward acknowledging receipt of a resolution. Ordered filed.

No. 399 – A communication was received from the Oneida-Herkimer Solid Waste Authority submitting the proposed 2011 Budget. Ordered filed.

No. 400 – A communication was received from the Office of Community Renewal advising of award of Community Development Block Grant to assist Remington Arms Company. Ordered filed.

No. 401 – A communication was received from the Soil & Water Conservation submitting minutes of 10/5/10. Ordered filed.

No. 402 – A communication was received from the Director of Community Services submitting the October activities update. Ordered filed.

No. 403 – A communication was received from the County Attorney advising of the receipt of verified complaint. Referred to the Committee on Ways and Means.

No. 404 – A communication was received from the State Department of Labor concerning Workforce Investment Board Incentive and Sanction Policy. Ordered filed.

No. 405 – A communication was received from the Executive Director of the Herkimer County IDA requesting approval for loan from the Small Cities Revolving Loan Fund. Referred to the Committee on County Planning and Development.

No. 406 – 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. 407 – A communication was received from the Director of the Office for the Aging requesting renewal of contracts under the Caregiver Support Program. Referred to the Committees on Human Resources and Ways and Means.

No. 408 – A communication was received from the Personnel Officer requesting administrative services contract with Excellus Health Plan. Referred to the Committee on Ways and Means.

No. 409 – A communication was received from the Personnel Officer requesting contract for dental insurance for county employees. Referred to the Committee on Ways and Means.

No. 410 - A communication was received from the Personnel Officer requesting contract for health insurance stop loss coverage. Referred to the Committee on Ways and Means.

No. 411 – A communication was received from the Personnel Officer requesting contract for administration of health reimbursement account plan. Referred to the Committee on Ways and Means.

No. 412 – A communication was received from the Budget Officer submitting recommendation for award of bids for Meals on Wheels Program. Referred to the Committees on Human Resources and Ways and Means.

No. 413 – A communication was received from New York State Association of Counties acknowledging receipt of a resolution. Ordered filed.

No. 414 – A communication was received from the County Attorney requesting amendment of Resolution No. 88 of 2010. Referred to the Committee on Ways and Means.

No. 415 – A communication was received from ProAct, Inc. submitting the Herkimer County Discount Drug Card report for October. Ordered filed.

No. 416 – A communication was received from the Budget officer submitting request for budget amendment in Social Services Department. Referred to the Committee on Ways and Means.

No. 417 – A communication was received from the Budget Officer submitting request for budget amendment for Youth Violence Prevention Program. Referred to the Committee on Ways and Means.

No. 418 – A communication was received from the Budget Officer submitting requests for transfers. Referred to the Committee on Ways and Means.

No. 419 – A communication was received from the Budget Officer submitting request to bind insurance coverages. Referred to the Committee on Ways and Means.

No. 420 – A communication was received from the Budget Officer requesting permission to have tentative budget printed. Referred to the Committee on Ways and Means.

No. 421 – A communication was received from the Budget Officer submitting request for Highway Budget Amendment. Referred to the Committees on Highways and Ways and Means.

No. 422 – A communication was received from the Budget Officer submitting recommendation for award of bid for document scanner for Real Property Tax Services. Referred to the Committee on Ways and Means.

No. 423 – A communication was received from the Budget Officer requesting establishment of reserve account for court ordered payments. Referred to the Committee on Ways and Means.

No. 424 – A communication was received from the Sheriff requesting extension of agreement to enable payment of bail at Correctional Facility by credit or debit cards. Referred to the Committee on Public Safety and Emergency Management.

No. 425 – A communication was received from the Budget Officer submitting tentative county budget for 2011. Referred to the Committee on Ways and Means.

No. 426 – A communication was received from the Director of Public Health requesting temporary staffing change. Referred to the Committee on Ways and Means and the Committee on Human Resources.

On motion of Mr. Peplinski, seconded by Mr. Hyde, Report and Resolution No. 295 of the Committee on Ways and Means adopting Assessment Roll of Herkimer County Sewer District was handed up; debate was held; was voted on and adopted by roll call vote:

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

Against: None.

Absent: None.

No. 295

**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 2011 to the Clerk of the Herkimer County Legislature; and

WHEREAS, by Resolution No. 287 for 2010 the County Legislature of the County of Herkimer has provided for a public hearing on the said Sewer District Assessment Roll for November 17, 2010; 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 2011 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 17, 2010.

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

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

On motion of Mr. Hyde, seconded by Mr. Hendrix, Report and Resolution No. 296 of the Committee on Public Safety/Emergency Management approving monthly report of Sheriff, was handed up; there being no debate, was voted on and adopted by voice 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. 296

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, 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 September, 2010, which report reflects an average daily population of 58.33 inmates, with an average of 29.40 inmates being boarded out in September, be approved and filed.

Dated: November 17, 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 and Mr. Stone, Report and Resolution No. 297 of the Committee on Public Safety/Emergency management and the Committee on Ways and Means authorizing renewal of contract for remote payment service for bail by credit card at Herkimer County Correctional Facility was handed up; debate was held, was handed up, voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 297

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING RENEWAL OF CONTRACT FOR REMOTE PAYMENT SERVICE FOR BAIL BY CREDIT CARD AT THE HERKIMER COUNTY CORRECTIONAL FACILITY

WHEREAS, pursuant to Resolution No. 119 adopted on May 18, 2005, this Legislature authorized a contract with Government Payment Services, Inc. for a remote payment service to enable payment of bail at the Herkimer County Correctional Facility by credit card, with the use of said system to be at no expense to the County; and

WHEREAS, by letter dated October 22, 2010, Christopher P. Farber, Herkimer County Sheriff, has requested said contract be renewed for an additional five years; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby authorizes renewal for an additional five years of a contract for the provision of remote payment service to enable payment of bail at the Herkimer County Correctional Facility by credit card to Government Payment Services, Inc., 7920 Georgetown Road, Suite 900, Indianapolis, IN 46268 , with said contract subject to approval by the Herkimer County Attorney; and, be it further

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

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

Dated: November 17, 2010.

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

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

On motion of Mr. Ackerman, seconded by Mr. Piseck, Report and Resolution No. 298 of the Committee on Ways and Means apportioning Mortgage Tax was handed up; debate was held, was voted on and adopted by voice 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. 298

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

Your Committee on Finance, 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 Treasurer of 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 17, 2010.

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 1, 2010- September 30, 2010

<u>TOWNS</u>	<u>TOTAL TAX RECEIVED</u>	<u>TOWN SHARE</u>	<u>INCLUDING VILLAGES VILLAGES SHARES</u>
COLUMBIA	\$3,364.59	\$ 3,364.59	
DANUBE	2,318.40	2,318.40	
FAIRFIELD	8,238.85	7,549.05	MIDDLEVILLE \$ 689.80
FRANKFORT	51,219.51	45,431.58	FRANKFORT 5,694.54
			ILION 93.39
GERMAN FLATTS	46,917.56	29,636.68	ILION 12,836.58
			MOHAWK 4,444.30
HERKIMER	24,069.44	16,449.96	HERKIMER 7,619.48
LITCHFIELD	12,256.73	12,256.73	
CITY OF LITTLE FALLS	13,549.13	13,549.13	
TOWN OF LITTLE FALLS	5,924.29	5,924.29	
MANHEIM	11,325.73	9,175.97	DOLGEVILLE 2,149.76
NEWPORT	12,139.30	10,295.64	MIDDLEVILLE 279.87
			NEWPORT 1,322.10
			POLAND 241.69
NORWAY	2,706.46	2,706.46	
OHIO	6,679.34	6,679.34	
RUSSIA	19,081.02	17,652.93	COLDBROOK 506.75
			POLAND 921.34
SALISBURY	6,033.67	6,033.67	
SCHUYLER	12,305.28	12,305.28	
STARK	2,605.74	2,605.74	
WARREN	5,725.06	5,725.06	
WEBB	64,110.22	64,110.22	
WINFIELD	6,138.90	5,241.83	WEST WINFIELD 897.07
	\$ 316,709.22	\$ 279,012.55	\$37,696.67

Herkimer County Treasurer \$619.09

On motion of Mr. Bono, seconded by Mr. Ackerman and Mr. Stone, Report and Resolution No. 299 of the Committees on Ways and Means and the Committee on Human Resources awarding contracts for meals on wheels for the Herkimer-Ilion Frankfort areas, was handed up; there debate was held, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 299

REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS AND MEANS AWARDED CONTRACTS FOR MEALS ON WHEELS FOR THE HERKIMER AND ILION-FRANKFORT AREAS

WHEREAS, this Legislature is informed by communication dated November 10, 2010 from Bernard E. Decker, Budget Officer, that the Herkimer County Office for the Aging, through federal grants received and local sharing, has funds for the Meals on Wheels Programs and reports that the lowest bid price, including the cost of transportation and delivery, has been calculated by and provided by the Office for the Aging; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby authorizes a catering contract for the Meals on Wheels and Congregate Meals programs for the year 2011 with an option for a one year renewal contract with a cost of living increase, and with said contracts to contain a 60 day termination of contract provision:

Area:	Number of meals:	Cost:
<i>Herkimer area:</i> Little Falls Motel Associates	up to 115 meals/day	\$4.00/meal, up to \$116,840.00 annually
<i>Ilion-Frankfort area:</i> Little Falls Motel Associates	up to 115 meals/day	\$4.00/meal up to \$116,840.00 annually

And, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature is hereby authorized to execute said contracts 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 the above listed agency.

Dated: November 17, 2010.

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

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

On motion of Mr. Bono, seconded by Mrs. Maneen and Mr. Hendrix, Report and Resolution No. 300 of the Committees on Human Resources and Ways and Means authorizing contracts for services under Caregiver Support Program was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 300

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES
AND WAYS AND MEANS AUTHORIZING CONTRACTS FOR SERVICES UNDER
CAREGIVER SUPPORT PROGRAM**

WHEREAS, by Resolution No. 142 duly adopted on May 16, 2001, this Legislature established a New York Elder Caregiver Support Program in the Herkimer County Office for the Aging; and

WHEREAS, by letter dated October 22, 2010, from Mary A. Scanlon, Director of the Office for the Aging, this Legislature is advised of a request to renew contracts with Herkimer County Public Health Nursing Service, Superior Home Health Care, HASCA, Folts Home and RCIL (Resource Center for Independent Living), for the provision of respite services, which is one of the requirements under said Caregiver Support Program; and

WHEREAS, respite is one of the requirements under the Caregiver Support Program and assists families to keep their loved ones at home rather than in a nursing home and said Program is 75/25% federal funding with no overmatch; now, therefore, be it

RESOLVED, that this Legislature hereby approves respite contracts with the agencies listed below under the Title III E, Caregiver Support Program of the Herkimer County Office for the Aging, for the period from January 1, 2011 through December 31, 2011, with services to be provided at the rates as outlined below:

Agency	Rate	Service
Herkimer County PHNS	\$18.50/hr	In-home respite
Superior Home Health Care	\$18.50/hr	In-home respite
HASCA	\$20.00/hr	In-home respite
Folts Homes	\$195/day	Institutional overnight stay
RCIL	\$60.00/day	Adult day care (T. Webb)

and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute said contracts 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 the agencies listed above.

Dated: November 17, 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. Russell, seconded by Mr. Shaw, Report and Resolution No. 301 of the Committee on Ways and Means as regards dental insurance for county employees was handed up; debate was held, was voted on and adopted by voice vote:

For: Ayes (16).

Against: Rose (1).

Absent: None.

No. 301

REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AS REGARDS DENTAL INSURANCE FOR COUNTY EMPLOYEES

WHEREAS, this Legislature has been informed by communication dated October 27, 2010 from Steven R. Billings, Personnel Officer, of a request for a contract with Excellus Benefit Resources (EBS-RMSCO, Inc.) for the County's Self-Insured Dental Plan for 2011; now, therefore, be it

RESOLVED, that the County of Herkimer extends its contract with Excellus Benefit Services, P.O. Box 4863, Syracuse, New York 13221, for the County's self-insured dental plan for the year 2011 at the following rates per month:

Division #4 (CSEA)	Division #3 (Highway)	Division #2 (Exempt)
Single \$ 3.84	Single \$ 3.15	Single \$ 5.30
Family \$13.47	Family \$11.05	Family \$17.63

The administrative fee charged by Excellus Benefit Services for 2010 will be at the rate of \$2.60 per month per contract; and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature be, and he hereby is, authorized, empowered and directed to execute any contract necessary with Excellus Benefit Services to provide such dental insurance plan for 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, Personnel Officer and Excellus Benefit Services.

Dated: November 17, 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. Russell, seconded by Mr. Peplinski, Report and Resolution No. 302 of the Committee on Ways and Means concerning services under Health Reimbursement Account Plan was handed up; debate was held, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 302

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
CONCERNING SERVICES UNDER HEALTH REIMBURSEMENT ACCOUNT PLAN**

WHEREAS, by letter dated October 22, 2010, Steven R. Billings, Personnel Officer, advises that it is the recommendation of your Committee that a contract for the year 2010 be entered into with Benefit Resources, Inc. for administration of a Health Reimbursement Account Plan under the Internal Revenue Code Section 105(h); and

WHEREAS, the Health Reimbursement Account is available to county employees that opt for health insurance under Excellus-Healthy Choices Plan and can be used to reimburse a portion of employee's out-of-pocket medical expenses; now, therefore, be it

RESOLVED, that a contract be entered into with Benefit Resources, Inc., 2320 Brighton-Henrietta Towline Road, Rochester, NY 14623, for the January 1, 2011 through December 31, 2011 to provide services in the area of administration of a Health Reimbursement Account Plan under the Internal Revenue Code Section 105(h), at a cost of \$3.25 per month per participant, with a compliance administration fee of \$450.00, with the terms and conditions of said contract to be subject to the approval of the County Attorney; and, be it further

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

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

Dated: November 17, 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. Russell, seconded by Mr. Peplinski, Report and Resolution No. 303 of the Committee on Ways and Means approving contract with Excellus Health Plan, Inc. for Administrative Service, was handed up; debate was held, was voted on and adopted by voice vote:

For: Ayes (16).

Against: Rose (1).

Absent: None.

No. 303

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
APPROVING CONTRACT WITH EXCELLUS HEALTH PLAN, INC. FOR
ADMINISTRATIVE SERVICE**

WHEREAS, by letter dated October 25, 2010, from Steven R. Billings, Personnel Officer, this Legislature is advised of a request for an Administrative Services Contract with Excellus Health Plan, Inc., to provide claims processing, administrative services, medical review and managed care services for the county's health insurance program; and

WHEREAS, said contract would be effective January 1, 2011; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter an Administrative Services Contract with Excellus Health Plan, Inc., 12 Rhoads Drive, Utica, New York 13502, for Administrative Services to be effective January 1, 2011, with the administrative fee for the Traditional Plan to be \$40.00 per employee per month, and \$42.61 per employee per month for the Blue Preferred PPO and Healthy Choices Plan, with the Medicare Supplement Plan for retirees to carry an administrative fee of \$32.08 per employee per month; and, be it further

RESOLVED, that the terms and conditions of said contract be subject to the approval of the County Attorney; and, be it further

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

Dated: November 17, 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. Russell, seconded by Mr. Bono, Report and Resolution No. 304 of the Committee on Ways and Means concerning stop loss coverage for health insurance was handed up; debate was held, was voted on and adopted by voice vote:

For: All Ayes (17).

Absent: None.

No. 304

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
CONCERNING STOP LOSS COVERAGE FOR HEALTH INSURANCE**

WHEREAS, by letter dated October 22, 2010 from Steven R. Billings, Personnel Officer, this Legislature is advised that your Committees have determined that stop-loss insurance coverage for the County's minimum premium health insurance plans for 2011 would best be provided by Excellus Health Plan, Inc.; now, therefore, be it

RESOLVED, that a contract be entered into with Excellus Health Plan, Inc., Utica Business Park, 12 Rhoads Drive, Utica, NY 13502, for health insurance stop loss coverage for the County of Herkimer for the period January 1, 2011 through December 31, 2011 at a quoted annual premium of \$21.80 per participant, with an annual deductible of \$180,000; and, be it further

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

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

Dated: November 17, 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. Russell, seconded by Mr. Bono, Report and Resolution No. 305 of the Committee on Ways and Means amending 2010 Budget in connection with funding in the 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. 305

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
AMENDING 2010 BUDGET IN CONNECTION WITH FUNDING IN DEPARTMENT
OF SOCIAL SERVICES**

WHEREAS, by letter dated November 23, 2009 from the Budget Officer and Purchasing Agent, this Legislature is advised that it is necessary to amend the 2010 Budget in connection with an increase in Day Care expenditures in the Department of Social Services; now, therefore, be it

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

<u>Revenue</u>	<u>From</u>	<u>To</u>
A3655, State Aid – Day Care	\$681,000.00	\$ 931,000.00
<u>Appropriation</u>		
A6055.440000, Day Care - Contractual Expense	\$750,000.00	\$1,000,000.00

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 17, 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. Russell, seconded by Mr. Shaw, Report and Resolution No. 306 of the Committee on Ways and Means concerning insurance coverages was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 306

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
CONCERNING INSURANCE COVERAGES**

WHEREAS, by letter dated November 12, 2010 Bernard E. Decker, Budget Officer and Purchasing Agent, has advised this Legislature that Herkimer County's insurance coverages are due to expire on December 9, 2010 and that coverages are being re-quoted with the New York Municipal Insurance Reciprocal (Mang Insurance Agency-broker) and Day, Scarafile and Read, Inc.; and

WHEREAS, by said letter the Budget Officer has requested that the Chairman of this Legislature be authorized to bind insurance coverages commencing December 9, 2010, subject to final approval by the County Legislature; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized and directed on behalf of the County of Herkimer, to bind insurance coverages commencing December 9, 2010, with the New York Municipal Insurance Reciprocal (Mang Insurance Agency-broker) and Day, Scarafile and Read, Inc. and, be it further

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

Dated: November 17, 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. Piseck, seconded by Mr. Bono, Report and Resolution No. 307 of the Committee on County Planning and Development and the Committee on Ways and Means was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 307

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND
DEVELOPMENT AND THE COMMITTEE ON WAYS AND MEANS APPROVING**

LOAN FROM THE HERKIMER COUNTY SMALL CITIES REVOLVING LOAN FUND

WHEREAS, a request has been received from Mark Feane, Executive Director of the Herkimer County Industrial Development Agency, dated November 1, 2010 requesting from the Herkimer County Small Cities Revolving Loan Fund a loan in the amount of \$150,000 to Gehring-Tricot Corporation, Inc. of Dolgeville, New York; and

WHEREAS, your Committees have examined into said matter and recommend the approval of a loan from said funds as set forth in the communication dated November 1, 2010 from Mark Feane, Executive Director of the Herkimer County Industrial Development Agency; now, therefore, be it

RESOLVED, that this Legislature approves a loan to be made from the Herkimer County Small Cities Revolving Loan Fund to Gehring-Tricot Corporation, Inc., Ransom Street, Dolgeville, New York, in the amount of \$150,000, which will allow for the creation of 20 new jobs over the next three to five years, as well as allow for the retention of the existing employment level of 80, said loan to be for a term of seven years, at an interest rate of 3%; and, be it further

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

Dated: November 17, 2010.

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

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

On motion of Mr. Russell, seconded by Mr. Piseck, Report and Resolution No. 308 of the Committee on Ways and Means amending Resolution No. 88 of 2010 in connection with outside counsel for an In Rem Bankruptcy proceeding was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 308

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

WHEREAS, by Resolution No. 88 adopted on March 10, 2010, this Legislature authorized the Herkimer County Attorney's Office to retain a bankruptcy attorney in connection with a bankruptcy proceeding pending in United States Bankruptcy Court in Salt Lake City as a result of the County In Rem Tax Auction; and

WHEREAS, by letter dated November 4, 2010, Robert J. Malone, County Attorney, has advised that there is an error in said resolution and requests amendment to reflect said correction; now, therefore, be it

RESOLVED, that Resolution No. 88 adopted on March 10, 2010 is hereby amended in the first Resolved Clause to delete the following "James W. Anderson, Esq. of the law firm of Miller Guymon of Salt Lake City" and replace with "Mark Swan of Swan Law Firm PLLC, 2240 South 5370 West, West Valley City, UT 84120; and, be it further

RESOLVED, that in all other respects, said Resolution No. 88 of 2010 is hereby ratified and confirmed; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, County Attorney and Mark Swan of Swan Law Firm, PLLC of West Valley City, Utah.

Dated: November 17, 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. Russell, seconded by Mr. Bono, Mr. Peplinski and Mr. Hyde, Report and Resolution No. 309 of the Committee on Ways and Means accepting tentative budget and fixing time and place for public hearing was handed up; debate was held; was voted on and adopted by voice vote:

For: Ayes (15).

Against: Rose, Brezinski (2).

Absent: None.

No. 309

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
ACCEPTING TENTATIVE BUDGET AND FIXING TIME AND PLACE FOR PUBLIC
HEARING**

Your Committee on Ways and Means, which was the Committee designated to review the tentative budget for the year 2011 pursuant to the provisions of Section 357 of the County Law, respectfully reports that there was transmitted to the Chairman of said Committee by the Clerk a copy of the tentative budget; now, therefore, be it

RESOLVED, that the County Legislature of the County of Herkimer accepts the tentative budget for the year 2011 as filed, and the Clerk of the Legislature shall cause a notice to be published stating the time and place and purpose of a public hearing on the tentative budget as filed; and, be it further

RESOLVED, that such public hearing shall be held at the Herkimer County Community College, Reservoir Road,, Village of Herkimer, County of Herkimer, State of New York, on the 8th day of December, 2010 at 7:00 p.m., pursuant to the provisions of Section 359 of the County Law.

Dated: November 17, 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. Russell, seconded by Mr. Shaw, Report and Resolution No. 310 of the Committee on Ways and Means authorizing preparation of tentative copies of Budget was handed up; there being no debate, was voted on and adopted by voice vote:

For: Ayes (15).

Against: Rose, Brezinski (2).

Absent: None.

No. 310

**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 17, 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. Russell, seconded by Mr. Korce and Mr. Peplinski, Report and Resolution No. 311 of the Committee on Ways and Means transferring funds was handed up; debate was held; was voted on and adopted by voice vote:

For: Ayes (16).

Against: Rose (1).

Absent: None.

No. 311

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, 2010 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:

\$83,000	From: A6119.40000 Foster Care, Cont. Exp. To: A6100.40000 Medicaid, Cont. Exp.
\$25,000	From: A6119.40000 Foster Care, Cont, Exp. To: A6101.40000 Medical Assistance, Cont. Exp.
\$42,000	From: A6119.40000 Foster Care, Cont. Exp. To: A6140.40000 Safety Net, Cont. Exp.
\$6,000	From: A6119.40000 Foster Care, Cont. Exp. To: A6142.40000 Emergency Aid to Adults, Cont. Exp.
\$3,000	From: A6119.40000 Foster Care, Cont. Exp. To: A6014.10000-003 Child Support Enf., In Lieu
\$65,000	From: A6119.40000 Foster Care, Cont. Exp. To: A6119A.40000 FC-Non Secure Detention, Cont. Exp.
\$1,500	From: A6129.40000 State Training School, Cont. Exp. To: A6010A.10000-001 WMS, Salaries
\$3,500	From: A6010A.41000 WMS, Supplies To: A6010.22000 Soc. Serv. Adm, Comp. Equip
\$3,500	From: A6010.40700 Soc. Serv. Adm., Software To: A6010.22000 Soc. Serv. Adm., Comp. Equip.
\$18,500	From: A6014.45000 Child Support Enf., Fees for Service To: A6010.23000 Soc. Serv. Adm., Motor Vehicles
\$9,880	From: A1355B.44000 Centralized Tax Admin., Cont. Serv. To: A1355B.25000 Centralized Tax Admin., Other Equip.
\$3,571.28	From: A4189A.10000-001 Immunization Program, Salaries To: A4189A.41000 Immunization Program, Supplies
\$2,000	From: A4189A.10000-001 Immunization Program, Salaries To: A4189A.44000-521 Immunization Program, Rent
\$50	From: A4189A.10000-001 Immunization Program, Salaries To: A4189A.46100 Immunization Program, Mileage
\$3,565	From: A4189A.10000-001 Immunization Program, Salaries To: A4189A.81000 Immunization Program, Retirement

\$1,445 From: A4189A.10000-001 Immunization Program, Salaries
 To: A4189A.83000 Immunization Program, Social Security
\$335 From: A4189A.10000-001 Immunization Program, Salaries
 To: A4189A.83500 Immunization Program, Medicare
\$136 From: A4189A.10000-001 Immunization Program, Salaries
 To: A4189A.84000 Immunization Program, Worker's Comp.
\$233 From: A4189A.10000-001 Immunization Program, Salaries
 To: A4189A.85000 Immunization Program, Unemployment

and be it further,

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Auditor, Treasurer, Budget Officer, Director of Public Health, Commissioner of Social Services and Director of Real Property Tax Services.

Dated: November 17, 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. Hyde, seconded by Mr. Russell and Mr. Shaw, Report and Resolution No. 312 of the Committee on Ways & Means awarding bids for document scanner for Herkimer County Real Property Tax Service Department was handed up; there being no debate, was voted on and adopted by voice vote

For: All ayes (17).

Against: None.

Absent: None.

No. 312

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
AWARDING BIDS FOR DOCUMENT SCANNER FOR THE HERKIMER COUNTY
REAL PROPERTY TAX SERVICE DEPARTMENT**

WHEREAS, by Resolution No. 227 of 2010, this Legislature authorized the Budget Officer/Purchasing Agent to advertise for the provision of a large format document scanner in the Department of Real Property Tax Services; and

WHEREAS, on Thursday, November 4, 2010, sealed bids were opened and read aloud for a document scanner and after review of the bids, it is the recommendation of the Herkimer

County Real Property Tax Service and the Budget Officer that the bid be awarded to the lowest bidder, EME Corporation, Large Document Solutions, 7318 S. Revere Parkway, Unit A, Centennial, CO 80112 in the amount of \$9,880.00 for a Colortime/Image Pro GX+T42C Color Scanner, associated software and equipment; now, therefore be it

RESOLVED, that Document Scanner for the Herkimer County Real Property Tax Service Department be awarded to EME Corporation, Large Document Solutions, 7318 S. Revere Parkway, Unit A, Centennial, CO 80112 in the amount of \$9,880.00 for a Colortime/Image Pro GX+T42C Color Scanner, associated software and equipment; and be it further

RESOLVED, that certified copies of this Resolution be sent to the Herkimer County Auditor, Treasurer, Budget Officer, Real Property Tax Director and EME Corporation.

Dated: November 17, 2010.

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. Piseck, seconded by Mr. Russell, Report and Resolution No. 313 of the Committee on Ways & Means amending budget in connection with additional funding for Youth Violence Prevention was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 313

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
AMENDING BUDGET IN CONNECTION WITH ADDITIONAL FUNDING FOR
YOUTH VIOLENCE PREVENTION**

WHEREAS, by letter dated November 5, 2010 from the Budget Officer and Purchasing Agent, this Legislature is advised that it is necessary to amend the 2010 Budget in connection with the receipt of additional funding for the Youth Violence Prevention Account; now, therefore, be it

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

<u>Revenue</u>	<u>From</u>	<u>To</u>
A7310B-3820C State Aid, Youth Violence	\$-0-	\$1,900.00
<u>Appropriation</u>		
A7310B.44000, Youth Violence Prevention – Contracted Services	\$6,046.00	\$7,946.00

And, be it further

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

Dated: November 17, 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. Weakley and Mr. Peplinski, Report and Resolution No. 314 of the Committee on Ways and Means and the Committee on Highways amending budget in connection with receipt of additional CHIPS Funding for the Highway Department 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 Mr. Russell, seconded by Mr. Piseck and Mr. Korce, Report and Resolution No. 315 of the Committee on Ways and Means establishing reserve account for court ordered payments was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 315

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
ESTABLISHING RESERVE ACCOUNT FOR COURT ORDERED PAYMENTS**

WHEREAS, by communication dated November 9, 2010 from Bernard E. Decker, Budget Officer, this Legislature is advised that it is necessary to establish a reserve account for payment of a judgment consisting of court ordered annual payments which will begin when the claimant reaches adult age; now, therefore, be

RESOLVED, that pursuant this Legislature does hereby establish Annual Court Ordered Payments Account A889P, Reserve and directs the County Treasurer to deposit any funds remaining in the operating budget account established for this purpose (A1930A.460000-Judgment, Contribution to Reserve) into Reserve Account A889P at the end of each fiscal year; and, be it further

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

Dated: November 17, 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. Bono, seconded by Mrs. Maneen, Report and Resolution No. 316 of the Committees on Human Resources and Ways and Means for staffing change in Public Health Nursing Service was handed up; debate was held; was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 316

**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 November 17, 2010, Gregory O’Keefe, M.D., Director of Public Health has requested a temporary staffing change under the mandated Program for Children with Special Health Care Needs 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 a temporary full-time position of Family Services Specialist in Account A4059, Early Care Intervention, is hereby established at the base annual salary of \$25,000.00, said position to continue for a period not to exceed six months; 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: November 17, 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. Russell, seconded by Mr. Ackerman, Resolution No. 317 of the Committee on Ways and Means setting date for public hearing on establishing annual salaries of some elected officials and certain county officers appointed for a fixed term during their term office was handed up; debate was held; was voted on and adopted by voice vote:

For: Piseck, Keblish, Maneen, Stone, Hendrix, Manno, smith, Bono, Ackerman, Peplinski, Russell, Shaw, Weakley (13).

Against: Rose, Hyde, Brezinski, Korce (4).

No. 317

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

We, the Committee on County Personnel of the Herkimer County Legislature, are causing to be prepared and will present Introductory Local Law No. 4 for the year 2010 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 15th day of December, 2010, 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 Evening Times and the Herkimer Evening 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 17, 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. Ackerman, seconded by Mr. Russell and Mr. Bono, Resolution No. 318 of the Committees on Public Safety/Emergency Management and Ways and Means approving contract for jail projections update was handed up; debate was held; Mrs. Rose made a motion, seconded by Mr. Brezinski, to amend the Resolution to add the following to Resolved No. 3: "Herkimer County will submit ancillary information, if provided by the citizens groups by 5:00 p.m., Friday, November 19, 2010, for review and consideration by the contractor, so long as it is at no additional cost to the County". The amendment was approved by roll call vote:

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

Against: Smith (1).

Absent: None.

The resolution, as amended, was voted on and adopted by voice vote:

For: Ayes (16).

Against: Smith (1).

Absent: None.

No. 318

**RESOLUTION OF THE COMMITTEES ON PUBLIC SAFETY/EMERGENCY
MANAGEMENT AND WAYS & MEANS APPROVING CONTRACT FOR JAIL
PROJECTIONS UPDATE**

WHEREAS, your committees have received a proposal from CRS Incorporated, a non-profit organization located in Gettysburg, Pennsylvania, to provide a comprehensive set of services that will help Herkimer County officials plan for future jail needs; and

WHEREAS, your committees have recommended said proposal be accepted, with the County to retain the ability to terminate said contract at any stage; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a contract with CRS Incorporated, 925 Johnson Drive, Gettysburg, Pennsylvania 17325, for a contract amount of \$4,700, in connection with the performance of comprehensive set of services that will help Herkimer County plan for future jail needs as follows:

1. Update the LaBella projections using their methodology.
2. Generate several other sets of projections using alternate methodologies that should be explored, including the analysis of crime, arrest, and court filing trends
3. Explore the underlying causes of jail population trends by visiting the county, collecting additional data and meeting with criminal justice and other officials; describe current policies and programs that reduce the demand for jail beds and identify other policies and practices that could safely reduce the use of the jail

; and, be it further

RESOLVED, that said contract shall 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 CRS Incorporated.

Dated: November 17, 2010.

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

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

Amended: November 17, 2010.

Amendment: To add to First Resolved Clause, No. 3: “Herkimer County will submit ancillary information, if provided by the citizens groups by 5:00 p.m. Friday, November 19, 2010, for review and consideration by the contractor, so long as it is at no additional cost to the County.

On motion of Mr. Ackerman, seconded by Mr. Russell, Resolution No. 319 of the Committee on Ways and Means adopting salary schedules for the year 2011 was handed up; debate was held; Mr. Brezinski made a motion, seconded by Mrs. Rose, to divide the resolution to vote separately – one vote on Salary Schedules No. 1 and 2, one vote on Salary Schedules 3, 4 and 5; the motion was defeated by roll call vote:

For: Rose, Hyde, Brezinski, Korce, Shaw (5).

Against: Piseck, Keblish, Maneen, Stone, Hendrix, Manno, Smith, Bono, Ackerman, Peplinski, Russell, Weakley (12).

Further debate was held; Resolution No. 319 was adopted by roll call vote:

For: Piseck, Keblish, Maneen, Stone, Hendrix, Smith, Bono, Ackerman, Peplinski, Russell, Shaw, Weakley (12).

Against: Rose, Hyde, Brezinski, Manno, Korce (5).

No. 319

RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS ADOPTING SALARY SCHEDULES FOR THE YEAR 2011

Your Committee on Ways and Means respectfully reports the following salary schedule for the year 2011:

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 - | 2011 Legislators and Department Heads |
| Salary Schedule No. 2 - | 2011 Officers & Non-Union |
| Salary Schedule No. 3 - | 2011 CSEA |
| Salary Schedule No. 4 - | 2011 Highway |
| Salary Schedule No. 5 - | 2011 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 17, 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. Piseck and Mr. Hyde, seconded by Mr. Korce, Resolution No. 320 In Memoriam to Robert T. Jorrey, was handed up; Chairman Smith requested the clerk to read the resolution; the resolution was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 320

IN MEMORIAM

- WHEREAS,** *Robert T. Jorrey departed this life on October 29, 2010; and*
- WHEREAS,** *Robert T. Jorrey served with the United States Navy during World War II and was awarded the American Theatre Medal, Asiatic Pacific Medal and Victory Medal; and*
- WHEREAS,** *Robert T. Jorrey was an outstanding man of integrity who served for twenty years as Supervisor of the Town of Salisbury from 1982 until his retirement in 2001; and*
- WHEREAS,** *Robert T. Jorrey was a community minded person who diligently worked for the betterment of the Town of Salisbury and under his leadership the Town progressed with many improvements; and*
- WHEREAS,** *The County of Herkimer and its residents have sustained a great loss by the passing of this dedicated public servant and citizen; now, therefore, be it*
- RESOLVED,** *That the County Legislature does hereby express its deepest regrets at the decease of Robert T. Jorrey and hope that this expression of remembrance may in some manner help console his family in their bereavement; and be it further*
- RESOLVED,** *That a copy of this Resolution be sent to Shirley Jorrey and*

that an additional copy be spread upon the minutes of this meeting.

Dated: November 17, 2010.

The students from Herkimer High School were then recognized.

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

At 8:35 p.m., on motion of Mr. Manno, seconded by Mr. Stone, the Legislature adjourned to Wednesday, December 15, 2010 at 7:30 p.m., with a Public Hearing on Introductory Local Law No. 4 for 2010 at 7:00 p.m. and a Public Hearing on the Sewer District Assessment roll at 7:15 p.m.