

MINUTES
Herkimer County Legislature
Second Quarter – Sixth Day
Wednesday, June 14, 2006
7:30 p.m.

The Public Hearing on the Herkimer County Sewer District Bar Screen Replacement Project was called to order by Legislator Peter Manno, Chairman of the Committee on Natural Resources at 7:15 p.m. Legislator Manno asked the Clerk to read the Notice. The Clerk read the Notice of Public Hearing. Legislator Manno asked that any member wishing to speak, rise and state name and address, and limit comment to five minutes. With no persons wishing to speak, Legislator Manno declared the public hearing closed at 7:16 p.m.

The Regular Session of the Herkimer County Legislature was called to order by Chairman Hendrix at 7:32 p.m.

Chairman Hendrix called on the 2006 Herkimer County Dairy Princess, Gabrielle Piccione and her Dairy Court to lead the Legislature in the Pledge of Allegiance.

The Clerk called the roll, the following answered:

Present: Grande, Wheeler, Walawender, Maneen, Jackson, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Davy, Peplinski, Korce, Russell, Barton, Weakley (17).

Absent: None.

At this time, pursuant to Rule 11, Chairman Hendrix dispensed with the Regular Session to allow comments by residents.

Mary Ann Rice of East Herkimer made the following statement. “I just wanted to remind you that I was here last fall and brought all those names of your constituents that putting the jail that you will probably have to build. Right next to the school is not what these people want to do. There’s other land and I know you’re still looking at other sites and stuff but Gros Boulevard hasn’t been taken off the list either. I know the Pumpkin Patch seems to have gotten off the list even though you already own that land which most of us if we had to build would build on something we already own rather than buy something, but I would really like you to keep it in the back of your mind when you’re thinking about which site and everything. Not only the site and the cost, but the hidden cost. The fact that people look at school systems when they are deciding where they’re going to move. A lot of people are whispering that industry isn’t going to want to come with a jail there, well a lot of parents don’t want to send their kids to school if a jail is near one. We need them to keep moving in here and buying houses to pay taxes so we can pay the bill on the jail, because we are going to end up building this with money we don’t have. At least that’s what I keep hearing from these people. And when you’re building on money you don’t have, just like your house, your mortgage, you have to keep

the money coming in. If the people are living out of our county, our town, we're not going to have the revenue here and it's not going to pay the bills. It can sometimes be a snowball theory so I really wish that you would take a look at the other sites and even at other places more secluded. Not one quarter mile down the road there's 230 acres for sale that no one can see it. You could plop that thing in the middle and nobody would know it was there. Because nobody is looking, nobody sees it is there. I just want you to keep in mind there is a lot of other places out there that may be more beneficial to the whole county.

Andy McEvoy – Town of Little Falls read and submitted the following statement: Thank you for an opportunity to address the Legislature. I'm here tonight to speak about the "Wind turbine Scam" that threatens the towns of Fairfield, Manheim, Stark and Warren.

It's sad to see that so many people know so little about these projects which could potentially impact thousands of innocent home owners. I'm presenting the Legislators with an informational booklet compiled with data that addresses the negative impacts a "wind factory" can have.

Some of the articles address the Health issues which I spoke about at the last meeting on May 17th, 2006. A section shows the wind resource maps for New York State, which clearly indicates our area is not suitable for a "productive" wind factory which means it would be far less efficient than some neighboring wind factories that operate below 25% capacity on average. Our area is rated as marginal. So what is the real reason they want to construct these turbines??? Is it just to help the Farmers??? Three pages are from the AWS Truewind website which shows data for the Tug Hill wind factory near Lowville from before they even started construction. Although the "nameplate" capacity for the 186 turbines was listed at 307Mw, they only expected it to operate at 34% efficiency giving it a yearly average of 105Mw. So, in essence, when the windmill salesman tells you a project is rated for the maximum capacity of Megawatts, he's really distorting the truth by giving you false information. They tell you the nameplate capacity, not the expected output. Turbines generated even less electricity in temperature extremes like the summer when electricity demand is the greatest. The 307Mw Tug Hill project was only expected to produce 85Mw in the summer months. The numbers speak for themselves. They operated over 81% of the time below their rated output and are only expected to produce their rated output 7% of the time. The other 12% of the time they are completely still. And remember this is in an area that has a "Wind Calls" rating of 3 & 4. Fairfield is a 1 & 2; MARGINAL.

You've probably heard the words "should" and "could" produce 307Mw if the wind blew at a constant 30 MPH. Let's see the wind companies show us some more realistic data. The number of homes they "could" supply with electricity is usually based on the nameplate capacity also, not the expected output.

There are a number of articles from newspapers that prove that these projects are being voted down by many town boards, not just in New York State or the United States, but throughout the world. Malone, N.Y. is a good example. What is it that these "people" know, that the Town boards in Fairfield, Manheim, Stark and Warren don't know? Have our town leaders looked at the "negative aspects" or only what they consider is the "good"?

As you can see from the articles about nuclear power generation, this is our future. The new generation of nuclear power plants are as always “emission free” like wind turbines, and much more reliable so grid fluctuations are not a problem. Currently, 29% of the electricity generated in New York State is from 6 nuclear plants, all operating for over 30 years. One nuclear power plant rated at 1000 Mw can generate more electricity than 5,000 1.5 Mw wind turbines in Fairfield in the summer months. At a cost of over \$2,000,000 per turbine how can you even cost justify such a “technological blunder”?

Contrary to what the “windmill salesmen” might tell you, not one conventional power plant will ever shut down because of “wind turbines” being built.

So, with nuclear as an option, why would anyone want to stick 400 foot tall wind turbines all over the most scenic areas of the State. It really is pretty idiotic when you look at it from a different perspective. Years ago, a concern was littering on the highways. I remember seeing the TV commercial with the Indian shedding a tear as someone threw garbage out of a moving car. How are we going to address the “littering” on all of our scenic vistas when 30,000 wind turbines are stuck in everyone’s backyard? I can clearly see the twenty turbines in the Town of Fenner, sixty miles away from my property on Davis Rd. in the Town of Fairfield. You can’t hide the turbines, and now they don’t blend in like telephone poles as some people suggest.

The wind turbine project’s have been given more publicity for their role in helping give the Farmers an extra income, rather than for the environmental reasons they are supposedly designed for. This windfall of “blood money” is said to help keep some farms from shutting down, but who’s going to help all of the other farmers that won’t have the opportunity to have turbines on their property? Remember, in the Town of Fairfield, less than 3% of the landowners will have turbines on their property at the expense of the other 97%. The 97% pay a lot of taxes to the Town and County to help insure the “Quality of Life” which will be lost if a “wind factory” is built in the town.

The Legislature must intervene on this issue by making stricter guidelines such as 3000’ minimum setbacks from a residence or property line. Why should an innocent neighbor lose the rights to build a house on his own property because a wind turbine was built too close to his property line?

Wind power is heavily subsidized with our tax dollars. So are other sources of electricity generation, but the difference is that the “wind factories” CAN NOT operate without the State and Federal subsidies. When the subsidies are gone, so are the companies. Then the farmers will be left with 400’ tall lawn ornaments.

In closing, I ask the Legislature to become more involved with the towns to insure that the matter is handled responsibly. If you don’t have the time to make the right decisions now, you will have plenty of time late to wish you did!!!

Respectfully submitted,

Andrew McEvoy

Landowner – Town of Fairfield

At this time, the Chairman continued with the Regular Session and the Communications.

The Clerk read the Communications beginning with No. 205.

No. 205 – A communication was received from the County Property Agent submitting results of county land auction. Referred to the Committee on County Properties.

No. 206 – A communication was received from the Budget Officer submitting recommendation for award of bus for Summer Youth Employment Program. Referred to the Committees on Planning & Development and Finance.

No. 207 – A communication was received from the Budget Officer submitting request for appropriation from Computer Reserve. Referred to the Committee on Information Services and the Committee on Finance.

No. 208 – A communication was received from the Budget Officer submitting request for budget amendment in Employment & Training Administration. Referred to the Committee on Planning and Development and the Committee on Finance.

No. 209 – A communication was received from the Commissioner of Social Services submitting request for extension of sick leave time for employee. Referred to the Committee on County Personnel.

No. 210 – A communication was received from the Director of the Office for the Aging requesting contract with Country Manor for provision of SNAP meals. Referred to the Committee on Human Resources and the Committee on Finance.

No. 211 – A communication was received from the Director of Emergency Services requesting contract for service of training simulator trailer. Referred to the Committee on Public Safety/Emergency Management and the Committee on Finance.

No. 212 – A communication was received from the Budget Officer requesting budget amendment in connection with funding application of Office for the Aging. Referred to the Committee on Human Resources and the Committee on Finance.

No. 213 – A communication was received from the Budget Officer submitting recommendation for award of bids for Bar Screen Replacement Project at Sewer District. Referred to the Committee on Natural Resources and the Committee on Finance.

No. 214 – A communication was received from the Commissioner of Social Services submitting request for extension of Leave of Absence. Referred to the Committee on County Personnel.

No. 215 – A communication was received from the Sewer District submitting resolution for approval by Legislature. Referred to the Committees on Natural Resources and Finance.

No. 216 – A communication was received from the Director of the Office for the Aging and the Commissioner of Social Services requesting approval for application for Point of entry in connection with Long Term Care Services. Referred to the Committee on Human Resources and the Committee on Finance.

No. 217 – A communication was received from the Commissioners of Elections requesting establishment of uniform fee of polling sites. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Finance.

No. 218 – A communication was received from the County Administrator submitting request for architectural/engineering contract in connection with short term planning for housing of inmates. Referred to the Committees on Public Safety/Emergency Management, County Properties and Finance.

No. 219 – A communication was received from the Commissioner of HOCCPP requesting approval for revisions to membership of Governmental Policy and Liaison Committee. Referred to the Committee on County Planning & Development.

No. 220 – A communication was received from the Employment and Training Director requesting approval of addendum to Herkimer-Madison-Oneida Comprehensive 3 Year Plan. Referred to the Committee on County Planning and Development.

No. 221 – A communication was received from the County Administrator submitting request for establishment of temporary position of Acting Employment & Training Director. Referred to the Committee on County Planning and Development and the Committee on County Personnel.

No. 222 – A communication was received from the County Administrator requesting amendment of hourly scale for graded employees. Referred to the Committee on County Personnel.

No. 223 – A communication was received from the County Administrator submitting request for amendment of salary under Salary Schedule No. 2. Referred to the Committee on County Personnel.

No. 224 – A communication was received from the Employment & Training Director submitting request for reappointment of members of Workforce Investment Board. Referred to the Committee on County Planning & Development.

No. 225 – A communication was received from the Director of Community Services submitting Monthly Report for May. Ordered filed.

No. 226 – A communication was received from the Director of the Office for the Aging requesting approval for application for Health Insurance Information & Assistance Program. Referred to the Committee on Human resources and the Committee on Finance.

No. 227 – A communication was received from the Division of Probation & Correctional Alternatives advising of approval of County’s 2006 Plan. Ordered filed.

No. 228 – A communication was received from the Soil & Water Conservation District submitting minutes of 5/9/06. Ordered filed.

No. 229 – A communication was received from the Family of Theodore King submitting thanks for expression of sympathy. Ordered filed.

No. 230 – A communication was received from the County Attorney advising of receipt of Notice of claim. Referred to the Committee on Finance.

No. 231 – A communication was received from the Oneida-Herkimer solid Waste Authority submitting minutes of 4/17/06 meeting. Ordered filed.

No. 232 – A communication was received from the Commissioner of Social Services requesting amendment of resolution in connection with contract for Medicaid reimbursement. Referred to the Committees on Human Resources and the Committee on Finance.

No. 233 – A communication was received from the County Administrator submitting request concerning tourism matching funds. Referred to the Committee on County Planning and Development.

That being all the Communications, the Clerk continued with Reports and Resolutions and Resolutions beginning with No. 171.

On motion of Mr. Smith, seconded by Messrs. Jackson, Peplinski and Hyde, Report and resolution No. 171 of the Committee on Public Safety/emergency Management approving Monthly Report of the Sheriff was handed up; voted on and adopted by voice vote:

All ayes: (17).

Opposed: None.

Absent: None.

On motion of Mr. Bono, seconded by Mr. Weakley, Report and Resolution No. 172 of the Committee on Human Resources and the Committee on Finance authorizing application for funding for the Herkimer County Office for the Aging was handed up; voted on and adopted by voice vote:

All ayes: (17).

Opposed: None.

Absent: None.

On motion of Mr. Bono, seconded by Mr. Weakley, Report and Resolution No. 173 of the Committee on County Planning and Development concerning membership on the Workforce Invest Board was handed up; voted on and adopted by voice vote:

All ayes: (17).

Opposed: None.

Absent: None.

On motion of Mr. Korce, seconded by Mr. Smith, Report and Resolution No. 174 of the Committee on County Personnel granting an additional Leave of Absence was handed up for discussion:

Mr. Russell requested that a roll call be taken on this resolution. Mr. Korce asked that the roll call vote results be included in the certified copy sent to Ms. Sullivan.

The Resolution was adopted by the following roll call vote:

For: Grande, Wheeler, Walawender, Maneen, Jackson, Brezinski, Manno, Smith, Davy, Peplinski, Korce, Weakley (12).

Against: Hendrix, Hyde, Bono, Russell, Barton (5).

Absent: None.

On motion of Mr. Bono, seconded by Messrs. Peplinski and Weakley, Report and Resolution No. 175 of the Committee on County Planning and Development authorizing an addendum to the Comprehensive Three Year Local Plan of the Local Workforce Investment Area was handed up; voted on and adopted by voice vote:

All ayes: (17).

Opposed: None.

Absent: None.

On motion of Mr. Hyde, seconded by Messrs. Peplinski, Bono and Weakley, Report and Resolution No. 176 of the Committee on County Properties approving Sale of County Owned Tax Acquired Land was handed up; voted on and adopted by voice vote:

All ayes: (17).

Opposed: None.

Absent: None.

On motion of Mr. Korce, seconded by Messrs. Russell and Bono, Report and Resolution No. 177 of the committees on County Personnel and Finance amending Resolution No. 299 of 2004 adjusting wages for hourly employees was handed up; voted on and adopted by voice vote:

All ayes: (17).

Opposed: None.

Absent: None.

On motion of Mr. Russell, seconded by Messrs. Peplinski, Smith and Bono, Report and Resolution No. 178 of the Committee on County Personnel amending Salary Schedule for the Year 2006 was handed up for discussion:

Mr. Russell stated this salary is being decreased at the request of the Sheriff.

The resolution was adopted by the following roll call vote:

For: Grande, Wheeler, Walawender, Maneen, Jackson, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Davy, Peplinski, Korce, Russell, Barton, Weakley (17).

Against: None.

Absent: None.

On motion of Mr. Russell, seconded by Messrs. Bono and Davy, Report and Resolution No. 179 of the Committee on County Personnel and the Committee on County Planning and Development appointing Acting Director of Employment and Training was handed up; voted on and adopted by the following roll call vote:

For: Grande, Wheeler, Walawender, Maneen, Jackson, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Davy, Peplinski, Korce, Russell, Barton, Weakley (17).

Against: None.

Absent: None.

On motion of Mr. Hyde, seconded by Mr. Bono, Report and Resolution No. 180 of the Committee on Human Resources and the Committee on Finance authorizing application for Point of Entry for Long Term Care Services for the County of Herkimer was handed up for discussion:

Mr. Davy asked for an explanation of this Resolution. Chairman Hendrix called on Mary Scanlon, Director of the Office for the Aging to explain. Ms. Scanlon stated the term Point of Entry is being used at both the State and Federal level. This will make it easier for the consumer who needs long term care services in the county. Ms. Scanlon stated for those who are outside the system and don't work in it every day it is a very confusing system and this will make it easier for them.

The resolution was handed up; voted on and adopted by voice vote:

All ayes: (17).

Opposed: None.

Absent: None.

On motion of Mr. Bono, seconded by Messrs. Davy, Jackson and Peplinski, Report and Resolution No. 181 of the Committee on County Planning and Development concerning representation on Governmental Policy and Liaison Committee was handed up; voted on and adopted by voice vote:

All ayes: (17).

Opposed: None.

Absent: None.

On motion of Mr. Smith, seconded by Messrs. Bono, Hyde, Jackson and Mrs. Walawender, Report and Resolution No. 182 of the Committee on Public Safety and Emergency Management and the Committees on County Properties and Finance authorizing contract for Architectural/Engineering Services for Herkimer County Correction Facility was handed up for discussion:

Mrs. Wheeler stated she would like an explanation of the short term, the long term and specifically to get into the retro-fitting for the short term and/or long term. Mr. Smith stated that New York State has asked the county to come up with a short term and a long term plan and in order to do that we needed to hire an architectural firm to put the plans together. The short term plan would be to house our prisoners during the time we are building a new jail; the long term plan would be to come up with a plan of what we would be going to have as a new jail. Mrs. Wheeler stated her question is specifically going to the retro-fitting of the existing building and possibly a long term plan. Mr. Smith stated retro-fitting could exist in either the short or long term, we may find that it may be cheaper to buy a local building or maybe rent a local building and retro-fit it for the short term, it could be beneficial for the county to do that as opposed to the pre-fab units. Also, the retro-fitting could be of an existing building that's in our area for a possibility as a correctional facility. Mrs. Wheeler asked if that would be short or long term. Mr. Smith stated that would be long term and stated retro-fitting fits both plans. Mr. Russell asked what building the short term plan pertains to, is that a building of the future or is that the jail. Mr. Smith stated the repairs would probably be to our facility, they allowed us 4 prisoners if we did retro-fitting to our facility like moving some lockers around and make some space available and may possibly allow us to house 12 in there. Mr. Russell stated to the Chairman that in previous meetings, he was sure that it was said the state would not allow the county to do anything over at the jail. Mr. Russell stated we had a resolution that we hired people in order to look at possible repairs on that building and it was said point blank that we would not be able to use that facility. Mr. Russell stated that since that is the case, he is not going to want to spend any money on the jail over there because obviously the state is not going to let us do anything based on the conversations held previously. Mr. Smith stated this would allow us to bring our prisoners that we are currently boarding out back into the county and by doing that we can save money which in the long run will be an advantage to the county. Mr. Russell stated he thought it was said that we couldn't use the facility to house any prisoners other than for a few hours, why is it that we're putting money into it, or was I told falsely the last time it was brought up and did people make a decision voting for disconcerting the other resolutions we had in regards to, including the state. Mr. Russell stated he doesn't

understand what is going on and asked if people can be put in the jail and if so, why couldn't people be put there two or three weeks ago when the resolutions were passed, and then all of the sudden we decided to spend two million dollars a year for a new jail. Mr. Smith stated the only way we can put prisoners there is with the consent of the state and with a short and long term plan. Mr. Smith also stated this would only be to house prisoners on the first floor, the second floor and third floor of that building cannot be used. Mr. Russell asked if the conversation with the Commissioner took place after the county meeting. Mr. Smith stated before and it was mentioned before. Mr. Smith stated it was stated we could house 4 people for 5 days. Mr. Russell stated that now we are talking 12 people. Chairman Hendrix stated no, 4 people for 5 days. Mr. Russell asked why we can't make minor renovations to the second and third floor and house 35 prisoners. Mr. Wallace stated what the county has been told is to house any amount of prisoners in Herkimer County is on a short term basis only not a permanent solution, for 3 or 3 ½ years. Mr. Russell asked why we would want to sink any money into that place if we are going to go into pre-fab housing or retro-fit an existing building. Mr. Wallace stated what LaBella has been asked to do is take a look at the 3 options and see what is the most cost effective. Mr. Russell stated we already had a group, Clough Harbour, doing that for us, that we did away with that resolution a few weeks ago which means that we are going to spend another twenty thousand dollars when we already had hired somebody to do it. Mr. Russell stated that means we are throwing more money out the window. Mr. Wallace stated what they are going to do is take the information that has already been created, look at the other options and do some calculations for us. Mr. Wallace stated that will allow the county to use the most cost effective means over the next 3 to 3 ½ years. Mr. Smith stated Clough Harbour was not hired to look at other facilities; they were hired to look at renovating our present facility. Mr. Russell asked how LaBella gets paid and if they get a certain percentage if we build a jail. Mr. Smith stated that is not what this is for, the \$20,000 is for hourly payments for work that they perform and there is a list. Mr. Russell stated that building a jail is just putting the bricks down and they are paid commission for that. Mr. Smith stated he believes that is how most of them work. Mr. Russell then stated that this is over and above. Mr. Smith stated the county has not decided to hire anyone to build a jail yet. Mr. Russell stated it was understood the other night that this was who was being hired to build the jail. Mr. Smith stated this company we are hiring will allow us to study the possibilities and see how we can save money building a jail in Herkimer County. Mr. Russell asked for a roll call vote on this resolution. Mr. Manno stated that both of these resolutions are going to cost a lot of money to the taxpayers and stated he doesn't know how they will absorb it all. Mr. Manno suggested that the county allow the property owners to pay taxes in installments or semi-annually and also look into paying by MasterCard. Chairman Hendrix stated it is a good idea for another time. Mrs. Wheeler asked if the sites could be made public that are being considered for retro-fitting for long or short term and also could review be made of the sites for building. Chairman Hendrix stated that when the committee knows everyone will know. Mrs. Grande asked if the Department of Correction could approve sites before we hire any architects. Mr. Wallace stated former Sheriff Jess had three sites approved. Mrs. Grande asked if the corrections department could approve the feasibility of the ideas of short and long term ideas before a architect is hired. Sheriff Farber stated the Commissioner of Corrections would be coming down to look at all the options. Mr.

Russell asked if there were any other sites that were approved besides the three that were approved by the commission. Chairman Hendrix stated that only the three were approved. Mr. Russell stated that in an effort to clarify of what Mrs. Wheeler was trying to get at, is Gros Boulevard one of the approved sites. Mr. Russell asked if the Committee is looking at others sites for approval. Mr. Wallace asked if that was short or long term. Mr. Wallace stated this resolution was for short term. Chairman Hendrix stated there is a lot more latitude with a short term plan. Mr. Korce asked if it is fair to assume that we are looking at vacant big infrastructure. Mr. Korce stated this is also speaking to short term solution and we are approaching that if we board every single prisoner out and do a cost evaluation of that also. Chairman Hendrix stated everything is being looked at in a most cost effective way of doing so. Mr. Barton asked what are the three approved sites. Mr. Smith stated these sites should not be divulged at the present time as the sites price could be increased. Mrs. Wheeler stated because of the public opinion and controversy the sites should be divulged. Chairman Hendrix stated because of the negotiation, this should be done in executive session. Mr. Malone agreed with the Chairman stating that when the proposed purchase or lease of real property may effect the value of it, you may go into executive session to discuss the matter. Mr. Smith stated he feels it is the responsibility of his committee to look at all possible sites so that later on there will be no reason to criticize.

The resolution was adopted by the following roll call vote:

For: Grande, Walawender, Maneen, Jackson, Hendrix, Hyde, Brezinski, Manno, Smith, Davy, Peplinski, Weakley (12).

Against: Wheeler, Bono, Korce, Russell, Barton (5).

Absent: None.

On motion of Mrs. Maneen, seconded by Messrs. Davy and Hyde, Report and Resolution No. 183 of the Committee on Administration/Veterans' Affairs and the Committee on Finance establishing polling site fees pursuant to the Help America Vote Act of 2002 was handed up; voted on and adopted by voice vote:

All ayes: (17).

Opposed: None.

Absent: None.

On motion of Mr. Manno, seconded by Mr. Hyde, Report and Resolution No. 184 of the Committee on Natural Resources and the Committee on Finance awarding bids for Bar Screen Replacement Project for the Herkimer County Sewer District was handed up; voted on and adopted by voice vote:

All ayes: (17).

Opposed: None.

Absent: None.

On motion of Messrs. Smith and Hyde, seconded by Bono, Peplinski and Davy, Report and Resolution No. 185 of the Committee on Public Safety/Emergency Management rescinding Resolution No. 122 of 2006 and authorizing Chairman to execute contract and enter Intermunicipal Agreement regarding Fireblast Training Simulator was handed up; voted on and adopted by voice vote:

All ayes: (17).

Opposed: None.

Absent: None.

On motion of Mrs. Wheeler, seconded by Mrs. Grande, Report and Resolution No. 186 of the Committees on County Personnel and Human Resources Granting Additional Sick Leave was handed up; voted on and adopted by voice vote:

All ayes: (17).

Opposed: None.

Absent: None.

On motion of Mr. Korce, seconded by Messrs. Hyde and Bono, Report and Resolution No. 187 of the Committees on Finance and County Planning and Development amending budget in connection with receipt of TANF Summer Youth Funds was handed up for discussion:

Mr. Korce asked for an explanation of this resolution. Mr. Billings stated for the last six years the State of New York has granted the county money to supplement federal funds that will allow for us to put 75 Herkimer County youth to work in various sites throughout the county. Mr. Billings stated this is for low income families. Mr. Korce asked if disabled youth were included. Mr. Billings stated if they fit the criteria.

The resolution was adopted by voice vote:

All ayes: (17).

Opposed: None.

Absent: None.

On motion of Mrs. Wheeler, seconded by Mr. Bono and Mrs. Maneen, Report and Resolution no. 188 of the Committees on Human Resources and Finance authorizing contract with the Country Manor for the provision of SNAP meals in the Herkimer County Office for the Aging was handed up; voted on and adopted by voice vote:

All ayes: (17).

Opposed: None.

Absent: None.

On motion of Mr. Bono, seconded by Mr. Russell, Report and Resolution No. 189 of the Committee on County Planning and Development and the Committee on Finance awarding bid for Bus Service for the Old Forge Area Transportation program for the 2006 Summer Youth Employment Program was handed up for discussion:

Mr. Russell asked how much this program runs the county. Mr. Decker stated the program ran \$51,000 and if two busses are used it would be \$62,000. Mr. Russell stated it is important to note this is great for the employers in the Town of Webb and great for the kids who need jobs. Mr. Russell also stated it is important to note the amount of money being spent here. Chairman Hendrix agreed stating this is a great program. Mr. Davy asked if two busses were used every day last year. Mr. Decker stated a few days last year there was not two busses, but most days there were.

The resolution was adopted by voice vote:

All ayes: (17).

Opposed: None.

Absent: None.

On motion of Mr. Peplinski, seconded by Messrs. Korce and Jackson, Report and Resolution No. 190 of the Committee on Finance and the Committee on Information Services appropriating funds from Computer Reserve was handed up for discussion:

Mr. Russell asked what the service is that we are looking to buy. Mr. Decker stated it is for the main PC and an upgrade for the network. Mr. Jackson asked if this is in addition to what we have or a replacement. Mr. Decker stated this will replace the server. Mr. Russell asked if this will fix the server problem in the Real Property Department. Mr. Decker stated there is a separate server in the Real Property Department.

The Resolution was adopted by the following roll call vote:

For: Grande, Wheeler, Walawender, Maneen, Jackson, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Davy, Peplinski, Korce, Russell, Barton, Weakley (17).

Against: None.

Absent: None.

On motion of Mr. Bono, seconded by Mr. Hyde, Report and Resolution No. 191 of the Committees on Human Resources and Finance amending Resolution No. 140 of 2006 authorizing continuation of contract for professional services in connection with Medicaid reimbursement was handed up; voted on and adopted by voice vote:

All ayes: (17).

Opposed: None.

Absent: None.

On motion of Mr. Bono, seconded by Mrs. Wheeler and Mr. Hyde, Report and Resolution No. 192 of the Committee on County Planning and Development and the Committee on Finance concerning tourism matching funds was handed up; voted on and adopted by voice vote:

All ayes: (17).

Opposed: None.

Absent: None.

On motion of Mr. Manno, seconded by Mr. Hyde, Report and Resolution No. 193 of the Committees on Natural Resources and Finance approving an increase and improvement of the facilities of the Herkimer County Sewer District in and For the County of Herkimer, New York was handed up; voted on and adopted by voice vote:

All ayes: (17).

Opposed: None.

Absent: None.

On motion of Mr. Manno, seconded by Messrs. Korce and Brezinski, Resolution No. 194 of the Committees on Natural Resources and Finance authorizing the increase and improvement of the facilities of the Herkimer County Sewer District in and for the County of Herkimer, New York, at a maximum estimated cost of \$700,000, and authorizing the issuance of \$700,000 bonds of said county to pay the cost thereof was handed up for discussion:

Mr. Manno stated that in order for the Sewer District to get this bond the county has to have this resolution to support it. Mr. Manno stated there is no county money involved. Mr. Korce asked if the bond shows up against our total bond indebtedness when we do an audit as a liability. Mr. Wallace stated when we talk to a rating agency it is not a liability and they accept it as that.

The resolution was adopted by the following roll call vote:

For: Grande, Wheeler, Walawender, Maneen, Jackson, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Davy, Peplinski, Korce, Russell, Barton, Weakley (17).

Against: None.

Absent: None.

On motion of Mr. Hyde, seconded by Mr. Jackson and Mrs. Walawender, Resolution No. 195 of the Committee on County Properties conveying Real Property to the Village of Ilion was handed up; voted on and adopted by the following roll call vote:

For: Grande, Wheeler, Walawender, Maneen, Jackson, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Davy, Peplinski, Korce, Russell, Barton, Weakley (17).

Against: None.

Absent: None.

On motion of Mrs. Weakley and Mr. Korce, seconded by Mr. Davy, Resolution No. 196 of the Committee on Administration/Veterans' Affairs and the Committee on Finance authorizing Home Rule was handed up; voted on and adopted by voice vote:

All ayes: (17).

Opposed: None.

Absent: None.

On motion of Messrs. Hyde and Smith, seconded by Mr. Brezinski and Mrs. Wheeler, Resolution No. 197 of the Committee on Public Safety and Emergency Management endorsing joint application of Frankfort Fire Department and Village of Frankfort for funding from the State Office of Parks, Recreation and Historic Preservation Grant Program was handed up for discussion:

Mr. Manno stated his thanks on behalf of the Village of Frankfort and the Frankfort Fire Department for this support resolution.

The resolution was adopted by voice vote:

All ayes: (17).

Opposed: None.

Absent: None.

On motion of Messrs. Manno and Brezinski, seconded by Mrs. Walawender, Mr. Bono and Mr. Hyde, Resolution No. 198 of the Committee on Natural Resources in opposition to construction of a High Voltage Transmission Line as Proposed by New York Regional Interconnection was handed up for discussion:

Mr. Brezinski stated there has been great controversy over this line and this resolution is a benefit to both the residents of Oneida and Herkimer County. Mr. Brezinski stated he feels we need to stick together with Oneida County to prevent this plan and its possible health problems it could cause and all else that goes with it. Mr. Brezinski thanked everyone involved for their support of this resolution. Mr. Smith stated he will be voting with the majority to oppose this transmission line but not for the same reasons. Mr. Smith stated if people have looked at their electricity bills lately they have noticed the rate and the delivery rate is twice the cost of the electricity itself. Mr. Smith stated that of the delivery, about 60% is from transmission and that is what bothers him because it is the failure of another state agency in not siting new plants where the product is to be used, if they have sited plants they have always been upstate and we have had to transmit power downstate and it is a big cost to us as ratepayers. Mr. Smith again stated he will be voting to stop this transmission line. Mr. Manno asked if the county could pass a local law that could restrict or prohibit power line. Mr. Malone stated no, we could not prohibit the construction of this or any other regional transmission line. Mr. Malone stated the county as well as everyone else is preempted by the state and federal government from doing that. Mr. Russell asked where the power is coming from. Mr.

Bono stated from Marcy. Mr. Manno stated he has attended some meetings regarding the power line and stated the line will be 200 miles long with 200 foot towers. Currently seven counties are involved, these counties are united and resolved to stop the power line and they are: Herkimer, Oneida, Madison, Chenango, Sullivan, Delaware, Broome and maybe Orange are getting into it. Mr. Manno stated this is a million dollar project and involves lawyer fees and lobbyist fees and we need to have local involvement of the people like sportsmen's clubs, the DEC to help with a united effort. Mr. Russell stated that we are going to pass a resolution because of the health concerns of the power lines and how high they are. Mr. Manno stated also because of the radiation, not just because of the looks of it. Mr. Manno also stated the need has to be made clear as the original Marcy power lines were never completed. Mr. Korce asked if Herkimer County has been asked to contribute monetarily to fight this. Mr. Manno stated yes, the Committee is looking for any support they can get. Mr. Bono stated we have yet to hear from our federal officials on this issue and further stated that is why they are elected, to make a stand on issues of this nature and they need to go to bat for us right here and now. Mr. Bono stated at a time when the state wants to tout economic development, this is the perfect opportunity to bring the people to electric power. Mr. Bono also stated it is his hope that this is not going through Oneida County and then divert through to Herkimer County and Frankfort and West Schuyler. Mr. Manno stated Mr. Bono's point is well taken and changes to the route could be made. Mr. Manno also stated this is a two tier fight, first of all they hope to get the permission of the state public service commission. Mr. Manno stated because of a 2005 federal energy regulatory commission can grant a corridor if it is in the national interest. Mr. Manno stated that in other words, if our state PFC says no to these people they can still go to get a corridor designated.

The resolution was adopted by voice vote:

All ayes: (17).

Opposed: None.

Absent: None.

On motion of Mr. Smith, seconded by all, Resolution No. 199 of the Committee on Highways reappointing County Superintendent of Highways was handed up for discussion:

Mr. Brezinski stated his appreciation that the county has Mr. Ewanyk as Highway Superintendent.

Mr. Ewanyk stated his thanks and appreciation to the Legislature for the opportunity to serve and work for the county and stated he will continue to work to the best of his ability.

The resolution was adopted by voice vote:

All ayes: (17).

Opposed: None.

Absent: None.

On motion of Mr. Russell, seconded by Mr. Bono and Mrs. Wheeler, Resolution No. 200 of the Committee on County Planning and Development in support of the Town of Webb Historical Association's Application for funding through the Federal 2006 Transportation Enhancement Program was handed up for discussion:

Mr. Russell stated he has learned that it is very important to offer support resolutions to those who are applying for grants and this helps them in receiving those grants. Mr. Russell thanked the legislature for their support of this resolution.

The resolution was adopted by voice vote:

All ayes: (17).

Opposed: None.

Absent: None.

That being all the Reports and Resolutions and Resolutions, Chairman Hendrix asked if there was any issue any member wished to bring forward.

Mr. Korce stated the Herkimer County Humane Society recently completed its 10th Annual Mutt Strut. Mr. Korce read a thank you from Joy Korce for the support shown by the members.

Mr. Peplinski stated there is an Open House at Herkimer County Cornell Cooperative Extension on July 5, 2006 following the Legislature Session and further stated all legislators are invited to attend.

Mr. Korce stated that at a recent special session, this legislature had unanimous consent asking that our state representatives have this county heard before the respective committees of the state legislature concerning the jail situation in Herkimer County. Mr. Korce asked for an update on that situation. Chairman Hendrix stated that is being worked on.

At 8:51 p.m., on motion of Mr. Manno, seconded by Mr. Hyde, this Session of the Herkimer County Legislature was adjourned to Wednesday, July 5, 2006, at 2:00 p.m.

