

**PLEASE NOTE: Full Resolutions are attached following minutes**

**MINUTES**  
**Herkimer County Legislature**  
**Second Quarter – Third Day**  
**Wednesday, June 8, 2016**  
**7:30 p.m.**

The Regular Session of the Herkimer County Legislature was called to order by Chairman Bernard Peplinski, Sr. at 7:34 p. m.

Chairman Peplinski called on Dairy Princess Ellie Ainslie, to lead the Legislature in the Pledge of Allegiance.

Chairman Peplinski called for a moment of silence in recognition of all veterans, past and present.

Roll Call: Quorum present, the following answering the roll:

Present: Malta, Markwardt, Schrader, Wellington, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Campione, Russell, Shaw, Weakley (17).

Absent: None.

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Peplinski asked if there were any objections or corrections to the minutes of May 11, 2016 and the Special Session of May 20, 2016. There were none, and the Chairman ordered them approved.

Chairman Peplinski dispensed with the regular session to allow for the presentation of a proclamation. Chairman Peplinski called on Stephanie Treadwell, 2015-2016 Herkimer County Dairy Princess to come forward. He read a proclamation proclaiming Thursday, June 9, 2016 as Stephanie Treadwell Day in Herkimer County. Chairman Peplinski then called on Legislator Frederick Shaw to present a proclamation. Mr. Shaw read the proclamation which proclaimed “June as Dairy Month” in Herkimer County and introduced this year’s new Dairy Princess, Ellie Ainslie of West Winfield, Alternate Dairy Princess Hanna Franklin of Newport and Dairy Ambassadors Ashley Teachout of Richfield Springs, Katie Livingston of West Winfield and Emma Sorenson of VanHornesville. Dairy Princess Ainslie thanked the Legislature for the proclamation and encouraged everyone to support the dairy industry in Herkimer County.

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

Chairman Peplinski stated that the communications received by the Legislature and the committees to which they were referred were as listed on the agenda and asked if any member of the Legislature requested mention of any particular communication. There were no requests.

No. 171 – A communication was received from the Director of Public Health submitting the 2015 Annual Report. Referred to the Committee on Human Resources.

No. 172 – A communication was received from Senator Seward acknowledging receipt of County's resolution requesting greater share of funding from local DMV offices. Placed on file.

No. 173 – A communication was received from Senator Seward acknowledging receipt of resolution requesting state assumption of county's expense for indigent legal services. Placed on file.

No. 174 – A communication was received from NYSAC acknowledging receipt of Herkimer County Legislature Resolutions No. 130, 131 and 132. Placed on file.

No. 175 – A communication was received from the Oneida-Herkimer Solid Waste Authority submitting minutes and adopted resolutions. Placed on file.

No. 176 – A communication was received from the Commissioner of Social Services submitting the 2015 Annual Report of the Department of Social Services. Referred to the Committee on Human Resources.

No. 177 – A communication was received from the Commissioner of Social Services requesting approval to submit plan for reimbursement for child protective services. Referred to the Committee on Human Resources and Committee on Ways and Means.

No. 178 – A communication was received from the Budget Officer requesting new annual maintenance agreement under new ownership of County's financial management software. Referred to the Committee on Ways and Means.

No. 179 – A communication was received from the Commissioners of Elections requesting extension of Voter Education/Poll Worker Training Grant. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways and Means.

No. 180 – A communication was received from the Personnel Officer requesting amendment of part-time salary schedule. Referred to the Committee on Ways and Means.

No. 181 – A communication was received from ProAct, Inc. submitting prescription discount report for April. Placed on file.

No. 182 – A communication was received from the County Attorney advising of the receipt of a Notice of Claim. Placed on file.

No. 183 – A communication was received from the County Administrator requesting appointment of HIPAA Compliance Officer. Referred to the Committee on Administration/Veterans' Affairs.

No. 184 – A communication was received from the STOP-DWI Coordinator requesting acceptance of additional funding under STOP-DWI Crackdown Grant. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 185 – A communication was received from the Sewer District submitting resolutions for approval of the County Legislature. Referred to the Committee on Natural Resources and the Committee on Ways and Means.

No. 186 – A communication was received from the Budget Officer submitting recommendation for award of contract for an upgrade to the Non-Potable Control System at the Sewer Treatment Plant. Referred to the Committee on Natural Resources and the Committee on Ways and Means.

No. 187 – A communication was received from the Budget Officer requesting renewal of contract with Auctions International for the purpose of auctioning unusable, surplus merchandise no longer necessary for public use. Referred to the Committee on Ways and Means.

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

No. 189 – A communication was received from the Budget Officer requesting budget amendment in connection with receipt of TANF Summer Youth Program Funds for 2016. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

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

No. 191 - A communication was received from the Commissioner of Social Services requesting increase in contract with Kids Oneida for provision of parenting classes. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 192 – A communication was received from the Employment & Training Director requesting agreement with Herkimer-Fulton-Hamilton-Otsego BOCES. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

No. 193 – A communication was received from the Budget Officer advising of additional funding under STOP-DWI Crackdown Grant. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 194 – A communication was received from the County Clerk requesting extension of contract with Xerox/ACS for imaging system for County Clerk's Office. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways and Means.

No. 195 – A communication was received from the County Attorney advising of receipt of Notice of Intent to File Claim. Placed on file.



For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Brezinski, seconded by Mr. Bono, Report and Resolution No. 140 sponsored by the Committee on Public Safety/Emergency Management and the Committee on Ways and Means amending budget in connection with receipt of additional STOP-DWI Grant funding was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Smith, seconded by Mr. Schrader, Report and Resolution No. 141 sponsored by the Committee on Human Resources and the Committee on Ways and Means approving staffing change in Mental Health Services was handed up; voted on and adopted by roll call vote:

For: Malta, Markwardt, Schrader, Wellington, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Campione, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

On motion of Mr. Smith, seconded by Mr. Stephens, Report and Resolution No. 142 sponsored by the Committee on Human Resources and the Committee on Ways and Means authorizing submission of plan to secure funding for reimbursement for child protective services expenditures was handed up; was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Brezinski, seconded by Mr. Shaw, Report and Resolution No. 143 sponsored by the Committee on Natural Resources and the Committee on Ways and Means setting date for public hearing on Introductory Local Law No. 1 for 2016 was handed up; voted on and approved by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Ackerman, seconded by Mr. Johnson, Report and Resolution No. 144 sponsored by the Committee on Ways and Means authorizing execution of new agreement under new ownership of county's accounting system program was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Wellington, seconded by Mr. Malta, Report and Resolution No. 145 sponsored by the Committee on Administration/Veterans' Affairs and the Committee on Ways and Means extending contract for grant for Board of Elections was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Shaw, seconded by Mr. Markwardt, Report and Resolution No. 146 sponsored by the Committee on Ways and Means amending Resolution No. 268 of 2015 adjusting wages for hourly and part-time employees was handed up; voted on and adopted by roll call vote:

For: Malta, Markwardt, Schrader, Wellington, Johnson, Stephens, Keeler, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Campione, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

On motion of Mr. Manno, seconded by Mr. Shaw, Report and Resolution No. 147 sponsored by the Committee on Natural Resources and the Committee on Ways and Means awarding contract for equipment for Herkimer County Sewer District was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Schrader, seconded by Mr. Stephens, Report and Resolution No. 148 sponsored by the Committee on Ways and Means authorizing renewal of contract with auctioneer for surplus property; was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Smith, seconded by Mr. Ackerman, Report and Resolution No. 149 sponsored by the Committee on County Planning and Development, Committee on Human Resources and the Committee Ways and Means authorizing an agreement with Herkimer-Fulton-



time at Herkimer County Community College was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Abstain: Johnson (1).

Against: None.

Absent: None.

Chairman Peplinski stated that pursuant to Rule 6(12) they would proceed with comments by legislators. The following legislators had comments: Raymond Smith.

At 7:59 p.m., on motion of Mr. Manno, seconded by Mr. Wellington, the Legislature adjourned to Wednesday, July 6, 2016 at 2:00 p.m., with a Public Hearing on Introductory Local Law No. 1 at 1:45 p.m.

Carole L. LaLonde, Clerk





## **HERKIMER COUNTY LEGISLATURE**

No. 135

### **REPORT AND RESOLUTION APPROVING ANNUAL REPORT OF SOCIAL SERVICES DEPARTMENT**

**Sponsored by: Committee on Human Resources**

Your Committee on Human Resources, to which was referred the Annual Report for 2015 Department of Social Services, respectfully reports that we have examined the same, recommend the adoption of said report, and offer the following Resolution:

**RESOLVED**, that the 2015 Annual Report of the Department of Social Services be adopted and placed on file with the Herkimer County Legislature for the year 2015.

Dated: June 8, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 136

### **REPORT AND RESOLUTION APPROVING ANNUAL REPORT OF PUBLIC HEALTH NURSING SERVICE**

**Sponsored by: Committee on Human Resources**

Your Committee on Human Resources, to which was referred the Annual Report of the Herkimer County Public Health Nursing Service, respectfully reports that we have examined the same, recommend the adoption of said report, and offer the following Resolution:

RESOLVED, that the 2015 Annual Report of the Public Health Nursing Service be adopted and placed on file with the Herkimer County Legislature for the year 2015.

Dated: June 8, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 137

### REPORT AND RESOLUTION AUTHORIZING TRANSFER OF FUNDS

**Sponsored by: Committee on Ways & Means**

WHEREAS, your Committee on Ways and Means, to which was referred communication from Sheri Ferdula, Budget Officer, dated May 3, 2016, submitting request for transfers of funds, reports that we have examined said communication, inquired into the subject matter thereof, and recommend that said transfer be made and offer the following Resolution:

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized and directed to transfer the following sum from and to the following account in the 2016 Budget:

\$600.00      From: A4188.41000-PH01-13, Bioterrorism Grant, Supplies  
                  To:    A4188.25000-PH01-13, Bioterrorism Grant, Other Equipment

and, be it further,

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

Dated: June 8, 2016.



# HERKIMER COUNTY LEGISLATURE

No. 138

## REPORT AND RESOLUTION AMENDING BUDGET IN CONNECTION WITH RECEIPT OF TANF SUMMER YOUTH FUNDS

Sponsored by: **Committee on County Planning and Development**  
**Committee on Ways and Means**

WHEREAS, by letter dated May 16, 2016 from the Budget Officer and Purchasing Agent, this Legislature is advised that it is necessary to amend the 2016 Budget to reflect TANF Summer Youth Program funds received from New York State; now, therefore, be it

RESOLVED, that the 2016 Herkimer County Budget is hereby amended as follows:

Revenue:	CD6291.4795, ET-06-16	From: \$0
	Community Development, TANF	To: \$107,448
Appropriations:	CD6291.10000-001, ET-06-16, ETA-TANF,	From: \$0
	Salaries	To: \$5,000
	CD6291.10100-022, ET-06-16, ETA-TANF,	From: \$0
	Temporary Employees	To: \$75,118
	CD6291.41000-160, ET-06-16, ETA-TANF,	From: \$0
	Supplies	To: \$400
	CD6291.41000-205, ET-06-16, ETA-TANF	From: \$0
	Printing	To: \$130
	CD6291.44000, ET-06-16, ETA-TANF	: \$0
	Contracted Services	To: \$17,400
	CD6291.44000-370, ET-06-16, ETA-TANF	From: \$0
	Copier	To: \$50
	CD6291.45000, ET-06-16, ETA-TANF	From: \$0
	Fees for Services	To: \$250
	CD6291.46100-759, ET-06-16, ETA-TANF	From: \$0
	Mileage	To: \$525
	CD6291.46300, ET-06-16, ETA-TANF	From: \$0
	Postage & Freight	To: \$275
	CD6291.81000, ET-06-16, ETA-TANF	: \$0
	Retirement	To: \$1,500
	CD6291.83000, ET-06-16, ETA-TANF	From: \$0
	Social Security	To: \$4,300
	CD6291.83500, ET-06-16, ETA-TANF	From: \$0
	Medicare	To: \$1,000
	CD6291.84000, ET-06-16, ETA-TANF	From: \$0
	Workers Comp	To: \$1,500

and, be it further

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

Dated: June 8, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 139

### REPORT AND RESOLUTION AMENDING RESOLUTION NO. 20 OF 2016 TO INCREASE CONTRACT WITH KIDS ONEIDA FOR PROVISION OF PARENTING SKILLS CLASSES

**Sponsored by: Committee on Human Resources  
Committee on Ways and Means**

WHEREAS, by Resolution No. 20 adopted on January 20, 2016, this Legislature authorized contracts with various agencies to provide services under Herkimer County's Flexible Funds for Family Services Plan, including contracts with agencies under Title XX funding; and

WHEREAS, by letter dated April 26, 2016, Timothy Seymour, Commissioner of Social Services has advised that there has been a substantial increase in the need for parenting skills classes in 2016, and has requested an amendment to increase the contract with Kids Oneida in the amount of \$15,284; now, therefore, be it

RESOLVED, that Resolution No. 20 adopted January 20, 2016, is hereby amended in the Second Resolved Clause, No. 3, to read as follows:

“3. Kids Oneida, 310 Main Street, Utica, NY 13501, to provide voluntary and court-ordered parenting/nurturing skills classes for parents in various stages of child welfare services, with said contract not to exceed \$27,250”

And, be it further

RESOLVED, that in all other respects, said Resolution No. 20 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, Commissioner of Social Services and Kids Oneida.

Dated: June 8, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 140

### REPORT AND RESOLUTION AMENDING BUDGET IN CONNECTION WITH THE RECEIPT OF ADDITIONAL STOP-DWI GRANT FUNDING

**Sponsored by: Committee on Public Safety/Emergency Management  
Committee on Ways and Means**

WHEREAS, by Resolution No. 301 adopted December 16, 2015, an award of a New York State Highway Safety Program Grant (STOP-DWI Crackdown) for 2015-2016 in the amount of \$10,650.62 was received, which grant was available to the local police departments that chose to participate, with the goal to reduce the number of crashes, injuries and deaths on New York's roads;

WHEREAS, by letter dated May 4, 2016 from Michael L. Edwards, STOP-DWI Coordinator, this Legislature is advised that Herkimer County has been re-allocated an additional \$10,000 for the current Crackdown Grant, bringing the total grant amount awarded to \$20,650.62; and

WHEREAS, by letter dated May 6, 2016 from Sheri A. Ferdula, Budget Officer/Purchasing Agent, this Legislature is advised that it is necessary to amend the Herkimer County Budget for 2016 in connection with the receipt of said additional re-allocated funding; now, therefore, be it

RESOLVED, that this Legislature accepts the award of a New York State Highway Safety Program Grant ( STOP-DWI Crackdown) for 2015-2016 in the additional amount of \$10,00.00 which will be available to the local police departments that choose to participate; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute all necessary documents on behalf of the County of Herkimer, in connection with the receipt of an additional \$10,000 for the New York State Highway Safety Program Grant (STOP-DWI Crackdown) for 2015-2016; and, be it further

RESOLVED, that the 2016 Herkimer County Budget is hereby amended as follows:

Revenue:	A3315A.4389G, Impaired Driving Det., DWI Crackdown, Project SD02-3	From: \$0 To: \$10,000
Appropriations:	A3315A.44000, Impaired Driving Det., Contracted Services, Project SD02-3	From: \$0 To: \$10,000

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

Dated: June 8, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 141

### **REPORT AND RESOLUTION APPROVING STAFFING CHANGE IN MENTAL HEALTH SERVICES**

**Sponsored by: Committee on Human Resources  
Committee on Ways and Means**

WHEREAS, by letter dated May 5, 2016, Edgar Scudder, Director of Community Services, has requested a staffing change in Herkimer County Mental Health Services; and

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

RESOLVED, that Salary Schedule III is hereby amended under A4320, Mental Health Department Programs, to delete one position of psychiatric social worker and establish one position of psychiatric social worker trainee at the base annual salary of \$50,000.00; and, be it further

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

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

Dated: June 8, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 142

### **REPORT AND RESOLUTION AUTHORIZING SUBMISSION OF PLAN TO SECURE FUNDING FOR REIMBURSEMENT FOR CHILD PROTECTIVE EXPENDITURES**

**Sponsored by: Committee on Human Resources  
Committee on Ways and Means**

WHEREAS, by letter dated May 9, 2016 from Timothy Seymour, Commissioner of Social Services, this Legislature is advised of a request to submit a plan to secure funding under the New York State 2016-17 Enacted Budget which provides reimbursement for the improvement of Child Protective Services (CPS) staff-to-client ratios; and

WHEREAS, local districts meeting certain criteria may be eligible, upon plan approval, for reimbursement of child protective expenditures, and Herkimer County has been identified as being eligible to be reimbursed for up to \$50,000 of expenditures covering the period April 1, 2016 through March 31, 2017, which funds will be used for overtime costs incurred by CPS caseworkers and supervisors during that period; now, therefore, be it

RESOLVED, that the Chairman of this Legislature and Commissioner of Social Services are hereby authorized to execute all necessary documents required to submit a plan to accept up to \$50,000 in state reimbursement under the New York State 2016-17 Enacted Budget for the improvement of Child Protective Services (CPS) staff-to-client ratios covering the period from April 1, 2016 through March 31, 2017; 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: June 8, 2016.





## HERKIMER COUNTY LEGISLATURE

No. 143

### REPORT AND RESOLUTION SETTING DATE FOR PUBLIC HEARING ON INTRODUCTORY LOCAL LAW NO. 1 FOR 2016

**Sponsored by: Committee on Natural Resources  
Committee on Ways and Means**

We, the Committee on Natural Resources and the Committee on Ways and Means of the Herkimer County Legislature are causing to be prepared and will present Introductory Local Law No. 1 for the year 2016 entitled, "A LOCAL LAW REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, INSTALLATION AND CONNECTION OF BUILDING LATERALS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEMS; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF; IN THE HERKIMER COUNTY SEWER DISTRICT, COUNTY OF HERKIMER, STATE OF NEW YORK AND AMENDING LOCAL LAW NO. 1 FOR THE YEAR 2007;  
now, therefore, be it

RESOLVED, that a Public Hearing will be held before the Herkimer County Legislature on the adoption of said proposed local law, to be conducted by the Committee on Natural Resources on the 6<sup>th</sup> day of July, 2016 at 1:45 p.m. in the Legislative Chambers of the County Office Building, Herkimer, New York; and, be it further

RESOLVED, that at least five days prior to such hearing the clerk of the Legislature shall post a notice of said hearing on the bulletin board in the Courthouse and cause to be published said notice at least once in the Times Telegram; and, be it further

RESOLVED, that the Clerk of this Legislature place a copy of said act on the desk of each of the members of the County Legislature at least seven calendar days, exclusive of Sunday, prior to its adoption; and, be it further

RESOLVED, that if said local law shall be finally adopted, the Clerk of this Legislature shall file one certified copy thereof in the Office of the County Clerk, one certified copy in the Office of the Secretary of State and print and publish said local in the official newspapers of the County of Herkimer pursuant to law.

Dated: June 8, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 144

### REPORT AND RESOLUTION AUTHORIZING EXECUTION OF NEW ACCOUNTING SYSTEM MAINTENANCE AGREEMENT UNDER NEW OWNERSHIP

#### Sponsored by: Committee on Ways and Means

WHEREAS, by Resolution No. 173 of 2003 a contract was awarded to New World Systems for Financial Management payroll software, training, support service and maintenance on said software package; and

WHEREAS, by Resolution No. 35 of 2011 and Resolution No. 70 of 2014, a maintenance agreement was extended through 1/31/19; and

WHEREAS, by letter dated May 3, 2016, Sheri A. Ferdula, Budget Officer/Purchasing Agent has advised that New World Systems has been acquired by Tyler Technologies and said company has requested the County sign a new annual maintenance agreement to reflect the ownership, with the guaranteed originally quoted pricing through 1/31/2019; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute an agreement with Tyler Technologies, 840 West Long Lake Road, Troy, Michigan 48098 for maintenance of the County's Logos Accounting as follows:

<u>Period Covered</u>	<u>Annual Amount</u>
2/1/2016 to 1/31/2017	\$38,950
2/1/2017 to 1/31/2018	\$41,290
2/1/2018 to 1/31/2019	\$44,180

And, be it further

RESOLVED, that the terms and provisions of said agreement 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 Tyler Technologies.

Dated: June 8, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 145

### REPORT AND RESOLUTION EXTENDING CONTRACT FOR GRANT FOR BOARD OF ELECTIONS

**Sponsored by: Committee on Administration/Veterans' Affairs  
Committee on Ways and Means**

WHEREAS, pursuant to Resolution No. 51 of 2007, Resolution No. 342 of 2009, Resolution No. 65 of 2013 and Resolution No. 71 of 2015, this Legislature approved contracts and extensions of contracts with the State of New York to receive certain grant funding in connection with HHS 2009 Federal Accessibility Funds and Voter Education/Poll Worker Training; and

WHEREAS, by letter dated May 19, 2016 from the Commissioners of Elections your Committees have been advised that the New York State Board of Elections has notified them that the Voter Education/Poll Worker Grant has been extended to March 31, 2017; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a grant extension to March 31, 2017 on behalf of the County of Herkimer with the New York State Board of Elections in connection with the Voter Education/Poll Worker Training Program in the original contract amount of \$37,463; and, be it further

RESOLVED, that the Chairman of this Legislature is authorized to execute future extensions of the duration of said grant, so long as an unexpended balance remains and no other amendments to said grant are made; and, be it further

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

Dated: June 8, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 146

### REPORT AND RESOLUTION AMENDING RESOLUTION NO. 268 OF 2015 ADJUSTING WAGES FOR HOURLY AND PART-TIME EMPLOYEES

**Sponsored by: Committee on Ways and Means**

WHEREAS, by Resolution No. 268 adopted on November 18, 2015 this Legislature established the wages of all employees of the County of Herkimer paid pursuant to the hourly scale for the year 2016; and

WHEREAS, by communication dated May 11, 2016 from Steven R. Billings, Personnel Officer, this Legislature is advised of a request to amend said resolution to establish the position of part-time Psychiatric Social Worker in Account A4320, Mental Health Department Programs, at an hourly rate of \$38.00 effective June 8, 2016; now, therefore, be it

RESOLVED, that Resolution No. 268 adopted November 18, 2015 is hereby amended to include the following:

<u>Part-time Salary Schedule Title</u>	<u>New hourly rate of pay</u>
P/T Psychiatric Social Worker (A4320)	\$38.00

and, be it further

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

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

Dated: June 8, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 147

### **REPORT AND RESOLUTION AWARDING CONTRACT FOR EQUIPMENT FOR HERKIMER COUNTY SEWER DISTRICT**

**Sponsored by: Committee on Natural Resources  
Committee on Ways and Means**

WHEREAS, by letter dated May 19, 2016, the Budget Officer/Purchasing Agent has advised that quotes were received for an upgrade to the Non-Potable Control System at the Herkimer County Sewage Treatment Plant; and

WHEREAS, by letter dated March 30, 2016, this Legislature is advised that by action on May 18, 2016, the Herkimer County Sewer District Board adopted a resolution awarding a contract to ACI Service Solutions of West Seneca, New York, in the amount of \$16,850.00 and said resolution has been forwarded to the Herkimer County Legislature for approval prior to its becoming effective; now, therefore, be it

RESOLVED, that a contract for an upgrade to the Non-Potable Control System for the Herkimer County Sewage Treatment Plant be awarded to ACI Service Solutions, 295 Main Street, West Seneca, NY 14224, in the amount of \$16,850.00; and, be it further

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

Dated: June 8, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 148

### REPORT AND RESOLUTION AUTHORIZING RENEWAL OF CONTRACT WITH AUCTIONEER FOR SURPLUS PROPERTY

#### **Sponsored by: Committee on Ways and Means**

WHEREAS, by letter dated April 28, 2016, Sheri Ferdula, Budget Officer/Purchasing Agent, has requested renewal of the contract with Auctions International, Inc. for the provision of on-line auctions of unusable surplus merchandise no longer necessary for public use; and

WHEREAS, the auction would be conducted with no commission charged to the county, with the auctioneer fees to be paid by a buyer's premium, with the only charge to the County to be if the County requests that the auctioneer travel to the County facilities to obtain photos and condition reports of the items to be sold, at a charge of \$30.00 for each motorized vehicle or equipment and \$5.00 for each other item; now, therefore, be it

RESOLVED, that the Chairman of the Legislature is hereby authorized to enter into a renewal of the contract for on-line auction services with Auctions International, Inc. 11167 Big Tree Road, East Aurora, NY 14052, upon the above terms and conditions, with the final terms of the contract to be subject to the approval of the County Attorney; and, be it further

RESOLVED, that annual renewals of said contract be authorized, upon approval of the Ways and Committees, under the same terms and conditions; and, be it further

RESOLVED, that the Purchasing Agent is hereby authorized to periodically sell surplus items, not exceeding the amount of \$5,000 per item, deemed no longer necessary for public use, after obtaining approval of the Ways and Means Committee, with all such sales to be by public auction, bid or otherwise conforming with applicable law; and, be it further

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

Dated: June 8, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 149

### **REPORT AND RESOLUTION AUTHORIZING AN AGREEMENT WITH HERKIMER-FULTON-HAMILTON-OTSEGO BOCES FOR SERVICES FOR A 2016 TANF SUMMER YOUTH EMPLOYMENT ACADEMIC/WORK EXPERIENCE PROGRAM**

**Sponsored by: Committee on County Planning and Development  
Committee on Human Resources  
Committee on Ways and Means**

WHEREAS, by letter dated May 11, 2016 from Karin Piseck, Director of Employment & Training, your Committees have been advised that in response to an RFP, Herkimer-Fulton-Hamilton-Otsego BOCES, has proposed to provide a Summer Youth Employment and Academic Enrichment Educational/Vocational Work Experience Program to thirty (30) 14 and 15 year old eligible participants enrolled in the 2016 TANF (Temporary Assistance to Needy Families) - funded Summer Youth Employment Program;

WHEREAS, said letter further asks to enter into an agreement with Herkimer County BOCES for the above purpose for the period July 1, 2016 through August 31, 2016, at a total cost of \$13,200, with said TANF SYEP funds to be provided by the Department of Social Services; now, therefore, be it

RESOLVED, that the Chairman of this Legislature and Director of Employment and Training are hereby authorized to execute an agreement on behalf of the County of Herkimer, with the Herkimer -Fulton-Hamilton-Otsego BOCES to provide services for a Summer Youth Employment and Academic Enrichment Educational/Vocational Work Experience Program to thirty (30) 14 and 15 year old eligible participants enrolled in the 2016 TANF (Temporary Assistance to Needy Families)- funded Summer Youth Employment Program, at a cost of \$13,200, with said agreement to be for the period July 1, 2016 through August 31, 2016, and with the terms and conditions of said agreement to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Employment and Training, and Herkimer-Fulton-Hamilton-Otsego BOCES.

Dated: June 8, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 150

### REPORT AND RESOLUTION DESIGNATING HIPAA COMPLIANCE OFFICER

**Sponsored by: Committee on Administration/Veterans' Affairs**

WHEREAS, by Resolution No. 91 of 2003 Edgar Scudder, Director of Community Services was designated as Herkimer County's Compliance Officer under the Federal Health Insurance Portability and Accountability Act (HIPAA); and

WHEREAS, by letter dated May 16, 2016 from James W. Wallace, Jr., County Administrator, this Legislature is advised that the current HIPAA Compliance Officer for Herkimer County will be retiring effective May 20, 2016 and requests that Steven R. Billings be designated as Herkimer County's HIPAA Compliance Officer effective May 31, 2016; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby designates Steven R. Billings, Personnel Officer, as Herkimer County's HIPAA Compliance Officer and directs that he shall carry out the duties and responsibilities as specified in the Health Insurance Portability and Accountability Act and applicable regulations; and, be it further

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

Dated: June 8, 2016.





## HERKIMER COUNTY LEGISLATURE

No. 151

### REPORT AND RESOLUTION AUTHORIZING EXTENSION OF CONTRACT FOR IMAGING SYSTEM FOR HERKIMER COUNTY CLERK'S OFFICE

**Sponsored by: Committee on Administration/Veterans' Affairs  
Committee on Ways and Means**

WHEREAS, by Resolution No. 19 adopted on January 20, 2010 a contract was authorized between the County of Herkimer and Xerox/ACS (Affiliated Computer Services) for the provision of electronic imaging services and microfilm for the Herkimer County Clerk's Office; and

WHEREAS, by Resolution No. 111 adopted April 13, 2016, a short term extension of said contract was approved through June 30, 2016; and

WHEREAS, by letter dated April 7, 2016 from Sylvia Rowan, County Clerk, has requested a further extension of said contract through December 31, 2016; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute an agreement extending the above described contract for electronic imaging services as above described, through December 31, 2016, with said agreement to be subject to the approval of the Herkimer County Attorney; and, be it further

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

Dated: June 8, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 152

### REPORT AND RESOLUTION APPOINTING COUNTY DIRECTOR OF THE HERKIMER COUNTY VETERANS' SERVICE AGENCY

**Sponsored by: Committee on Administration/Veterans' Affairs**

WHEREAS, by letter dated May 3, 2016, Douglas C. Miller has submitted his resignation from the position of Director of the Herkimer County Veterans' Service Agency; and

WHEREAS, by letter dated June 3, 2016, Bernard Peplinski, Jr., Chairman of the Herkimer County Legislature has appointed Richard Louis, Jr. of West Winfield, New York, to said position pursuant to Section 357 of the Executive Law of the State of New York; and

WHEREAS, by letter dated June 3, 2016, Steven R. Billings, Personnel Officer has advised that your Committees have recommended said appointment made by the Chairman of the Legislature be approved, to take effect June 20, 2016, at the base annual salary of \$37,000 now, therefore, be it

RESOLVED, that this Legislature hereby approves the appointment by the Chairman of the Legislature of Richard Louis, Jr., 1077 Babcock Hill Road, West Winfield, New York, as Director of the Herkimer County Veterans' Service Agency, to serve pursuant to Section 357 of the Executive Law of the State of New York, at the base annual salary of \$37,000; and, be it further

RESOLVED, that said appointment shall take effect June 20, 2016; and, be it further

RESOLVED, that the 2016 Herkimer County Salary Schedule I is hereby amended, effective June 20, 2016, Account A6510, Veterans Service Agency, to reflect the change in base annual salary; and, be it further

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

Dated: June 8, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 153

### REPORT AND RESOLUTION APPROVING SALE OF COUNTY OWNED TAX ACQUIRED LAND

**Sponsored by: Committee on County Properties**

WHEREAS, by Resolution No. 114 for the year 2016 duly adopted on April 13, 2016, this Legislature authorized and directed the sale at public auction, after due advertisement, of certain county owned tax acquired real property under the direction of the County Treasurer; and

WHEREAS, the Properties Committee of this Legislature reports that said sale was duly held pursuant to said direction on June 4, 2016 at Herkimer, New York; and

WHEREAS, pursuant to the terms of sale the successful bidder on each parcel sold is required to pay the full purchase price together with recording fee and transfer tax by June 24, 2016; and

WHEREAS, the Properties Committee reports that 88 bids were received at the auction, and the total amount to be received on said sales is \$1,061,555.00 as shown on the lists made available to each Legislator and filed with the Clerk of the Legislature; and

WHEREAS, the Properties Committee recommends approval of each sale as set forth on the said list, and conveyance of each said parcel to the successful bidder thereon providing payment in full of the amount bid and required fees was received by the County Treasurer's Office; and

WHEREAS, the auction terms provide that default by a purchaser for failure to meet the terms of the auction shall result in forfeiture of the required deposit; now, therefore, be it

RESOLVED, that this Legislature approves the sales by auction reported by the Properties Committee and authorizes the County Treasurer to convey each said property to the successful bidder thereon, provided said bidder has paid the required purchase price and expenses to the County Treasurer, and to make conveyance by quit claim deed and to record each said deed; and, be it further

RESOLVED, that the County Property Agent is hereby instructed to advise the County Attorney's Office of defaults by purchasers, and the County Attorney's Office is hereby instructed to bring legal procedures if necessary to enforce said provision of the auction terms, reporting thereon to the Properties Committee of this Legislature, which shall have authority to confer with the County Attorney's Office as to any proposed settlement of said proceedings; and, be it further

RESOLVED, that the County Property Agent is hereby authorized to solicit sealed bids for the sale of any of the properties which were not conveyed based on the default of purchasers or for any other reason provided that said County Property Agent shall submit to the Committee on County Properties any and all bids, which bids shall be subject to the approval of the full Legislature; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Property Agent, Chairman of the Committee on County Properties and the County Attorney.

Dated: June 8, 2016.



## HERKIMER COUNTY LEGISLATURE

No. 154

### **RESOLUTION AUTHORIZING VOLUNTARY SEPARATION INCENTIVE AGREEMENT FOR CIVIL SERVICE EMPLOYEES ASSOCIATION MEMBERS EMPLOYED FULL TIME AT HERKIMER COUNTY COMMUNITY COLLEGE**

**Sponsored by: Committee on Education  
Committee on Ways and Means**

WHEREAS, the Herkimer County Community College Board of Trustees has offered a voluntary separation incentive for employees of the College who are members of its professional association and non-bargaining unit members as a cost saving proposal; and

WHEREAS, the College has requested that the same offer be made to full-time members of the bargaining unit represented by the Civil Service Employees Association, Inc., who are employed at Herkimer County Community College; now, therefore, be it

RESOLVED, that full-time members of the bargaining unit represented by the Civil Service Employees Association who are employed at Herkimer County Community College shall be eligible for a voluntary separation incentive of a one-time monetary payment of \$7,500; and, be it further

RESOLVED, that payment will be subject to the terms and conditions of a Memorandum of Agreement to be executed by the County of Herkimer and the CSEA, a copy of which is attached hereto; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute the above described Memorandum of Agreement; and, be it further

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

Dated: June 8, 2016.

**MEMORANDUM OF AGREEMENT**  
**By and Between Herkimer County**  
**And**  
**Civil Service Employees Association Inc., Local 1000,**  
**AFSCME, AFL-CIO**

**WHEREAS**, the County of Herkimer (County) and Civil Service Employees Association Inc., Local 1000, (CSEA) are signatories to a Collective Bargaining Agreement for the term January 1, 2015 through December 31, 2017; and

**WHEREAS**, the parties hereto wish to enter into a Memorandum of Agreement providing for a Voluntary Separation Incentive for full-time members of the CSEA bargaining unit, limited to only those members who are employed at Herkimer County Community College (College),

**NOW, AS A MEMORANDUM OF AGREEMENT**, the parties hereto agree as follows:

1. Full-time members of the bargaining unit represented by the CSEA who are employed at Herkimer County Community College shall be eligible for a Voluntary Separation Incentive of a one-time monetary payment of \$7,500.00.
2. The incentive will be payable to eligible employees who either resign or retire from the College. Employees who resign shall not be eligible for any post-retirement benefits. Employees who retire from the College within the meaning of the Collective Bargaining Agreement shall be eligible for all of the rights, privileges and benefits to which a retiree is entitled to under the Collective Bargaining Agreement between the County and CSEA.
3. In order to be eligible for the Voluntary Separation Incentive, the employee must notify the College no later than July 1, 2016 of the employee's intent to either resign or retire and the effective date of such resignation or retirement as described below. The employee will have until July 15, 2016 to retract their notice whereafter it will become irrevocable under the following terms of this Agreement.
  - i. Eligible employees may elect to retire or resign effective August 31, 2016 with the agreement of the College contingent on the operational needs of the College.
  - ii. Eligible employees who do not elect to retire or resign from the College in August may retire or resign on December 31, 2016.
4. The Voluntary Separation Incentive payment shall be made no later than (thirty) 30 days from separation from the College or no later than February 1, 2017 for those employees with a separation date of December 31, 2016.

5. Eligible employees who resign or retire pursuant to this agreement shall not be allowed to obtain employment at Herkimer County Community College or at Herkimer County until at least thirty (30) days after their retirement or resignation, which shall result in the employee being treated as a new hire with no credit for accumulated credits or benefits.

6. All other provisions of the Collective Bargaining Agreement shall remain unchanged.

7. The parties agree that the terms of this Agreement are without precedent and shall not constitute a past practice.

8. This Memorandum of Agreement shall be subject to approval by the Herkimer County Legislature.

Dated: June\_\_\_\_, 2016

County of Herkimer

BY: \_\_\_\_\_  
Bernard Peplinski, Sr., Chairman  
Herkimer County Legislature

Dated: June\_\_\_\_, 2016

Civil Service Employees Association Inc.,  
Local 1000, AFSCME, AFL-CIO

BY: \_\_\_\_\_  
Denise Campbell  
CSEA Labor Relations Specialist

Dated: June\_\_\_\_, 2016

BY: \_\_\_\_\_  
JoAnne LeClair  
Unit 7100 President