

(PLEASE NOTE: Full Resolutions are attached following minutes)

**MINUTES
Herkimer County Legislature
Third Quarter – First Day
Wednesday, July 2, 2014
2:00 p.m.**

The Third Quarterly Session of the Herkimer County Legislature was called to order by Chairman Vincent Bono at 2:00 p. m.

Chairman Bono called on Mark Feane, Executive Director of the Herkimer County IDA, to lead the Legislature in the Pledge of Allegiance.

Mr. Bono requested everyone to remain standing for a moment of silence in recognition and honor of all the current and past veterans of Herkimer County.

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

Present: Rose, Schrader, Wellington, Johnson, Stephens, Hyde, Brezinski, Manno, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (15).

Absent: Luppino, Smith (2).

Chairman Bono dispensed with the regular session and called upon Tim Seymour, Commissioner of Social Services and members of his staff who participated in the Volunteer Income Tax Assistance Program. Chairman Bono commended these employees who volunteered their time and effort for this tax preparation assistance service which generated a combined state and federal tax refund of \$1,257,823 for the 2013 tax year, and presented certificates for the following employees: Kristin Baker, Cathy Lowell, Kim Mussmacher, Martha Caliguire, Andrea Mancuso, Debbie Smith, Eva Kirchberg and Chris Marsden.

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Bono asked if there were any objections or corrections to the minutes of June 11, 2014. There were none, and the Chairman ordered them approved.

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

Chairman Bono 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. 193 – A communication was received from the Herkimer Sheriff submitting the monthly report for May. Referred to the Committee on Public Safety and Emergency Management.

No. 194 – A communication was received from Senator Seward acknowledging receipt of resolutions. Placed on file.

No. 195 – A communication was received from Capital District Off Track Betting Corporation submitting Financial Report for April 2014. Placed on file.

No. 196 – A communication was received from the Chairman of the Legislature making reappointments to the Youth Advisory Board. Placed on file.

No. 197 – A communication was received from the Commissioner of Social Services requesting approval of Supervision and Treatment Services for Juveniles Program and funding. Referred to the Committees on Human Resources and Ways and Means.

No. 198 – A communication was received from the Director of the Office for the Aging requesting establishment of Immunization Assistance Program and contract with Public Health Nursing Service. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 199 – A communication was received from the Interim President of Herkimer County Community College requesting establishment of date for public hearing.

No. 200 - A communication was received from the Employment and Training Director requesting authorization for Chairman to sign License Agreement with State Dept. of Labor. Referred to the Committee on County Planning and Development.

No. 201 – A communication was received from the Executive Director of the Herkimer County Industrial Development Agency requesting approval of grant from Revolving Loan Fund. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

No. 202 – A communication was received from the Oneida-Herkimer Solid Waste Authority submitting minutes and recently adopted resolutions. Placed on file.

No. 203 – A communication was received from the Budget Officer concerning contract and funding for Immunization Assistance Program for seniors over 60. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 204 – A communication was received from the Director of Community Services requesting approval to purchase electronic medical records system for Mental Health Services. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 205 – A communication was received from the Chairman of the Legislature appointing Teresa Bickelhaupt to the Herkimer County Planning Board. Referred to the Committee on County Planning and Development.

No. 206 – A communication was received from ProAct, Inc. submitting report of County Discount Prescription Card for May. Placed on file.

No. 207 – A communication was received from the Commissioner of Social Services submitting report on completion of 2013 Volunteer Income Tax Assistance (VITA) Program. Placed on file.

No. 208 – A communication was received from the County Treasurer submitting final results of In Rem Auction Sale. Placed on file.

No. 209 – A communication was received from the Director of Emergency Services advising of receipt of Emergency Management Performance Grant and requesting e-signature. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 210 – A communication was received from the Director of Emergency Services advising of receipt of Statewide Interoperable Communications Grant and requesting e-signature. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 211 – A communication was received from the Budget Officer concerning appropriation of funds for medical records system in Mental Health Services. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 212 – A communication was received from the Budget Officer concerning receipt of Emergency Management Performance Grant. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 213 - A communication was received from the Soil and Water Conservation District submitting minutes of 6/10/14. Placed on file.

No. 214 – A communication was received from the Budget Officer concerning funding for Statewide Interoperable Communications Grant. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

Pursuant to Rule 6, Chairman Bono then proceeded with Reports of Standing Committees. Patrick Russell, Chairman of the Committee on Ways and Means, reported on the action of the Ways and Means Committee and Frederick Shaw, Chairman of the Committee on Natural Resources, reported on his recent attendance at the meeting of the Adirondack Park Local Government Review Board and the action of the Natural Resources Committee that will be presented by resolution.

On motion of Mr. Hyde, seconded by Mr. Peplinski, Report and Resolution No. 175 of the Committee on Public Safety/Emergency Management approving annual report of the Sheriff for May was handed up; voted on and adopted by voice vote:

For: Ayes (14).

Against: Rose (1).

Absent: Luppino, Smith (2).

No. 175

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 May, 2014, 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 May 2014 which report reflects an average daily population of 94.45 inmates, with an average of 64.10 inmates being boarded out in May, be approved and filed.

Dated: July 2, 2014.

BERNARD PEPLINSKI, SR.

RAYMOND SMITH

BRUCE WEAKLEY

DENNIS KORCE

ROBERT N. HYDE

JOHN P. STEPHENS

**Committee on Public Safety and
Emergency Management**

On motion of Mr. Manno, seconded by Mr. Stephens, Report and Resolution No. 176 of the Committee on Education and the Committee on Ways and Means fixing time and place for public hearing on Herkimer County Community College Budget was handed up; discussion was held; voted on and adopted by voice vote:

For: Ayes (15).

Against: None. Absent: Luppino, Smith (2).

No. 176

REPORT AND RESOLUTION OF THE COMMITTEE ON EDUCATION AND THE
COMMITTEE ON WAYS AND MEANS FIXING THE TIME AND PLACE FOR PUBLIC
HEARING ON HERKIMER COUNTY COMMUNITY COLLEGE BUDGET

WHEREAS, your Committees on Ways and Means and Education are advised by letter dated July 27, 2014 from Nicholas F. Laino, Interim President, that the Herkimer County Community College Board of Trustees approved the proposed 2014-2015 Operating Budget of the College at its meeting held on June 26, 2014 and requests that the Herkimer County Legislature set a public hearing to consider said budget; now, therefore, be it

RESOLVED, that a public hearing on said Tentative Budget, to be conducted by the Committee on Education, shall be held at the Legislators' Chambers in the Village of Herkimer, New York, on the 23rd day of July, 2014 at 7:15 p.m., pursuant to the provisions of Section 359 of the County Law and Section 6304(5-a) of the Education Law.

Dated: July 2, 2014.

PETER F. MANNO

KURT J. ACKERMAN

BERNARD PEPLINSKI, SR.

HELEN T. ROSE

ROBERT SCHRADER

JOHN P. STEPHENS
Committee on Education

PATRICK E. RUSSELL

DENNIS KORCE

RAYMOND SMITH

BRUCE WEAKLEY

BERNARD PEPLINSKI, SR.

KURT J. ACKERMAN
Committee on Ways and Means

On motion of Mr. Shaw, seconded by Mr. Peplinski, Report and Resolution No. 177 of the Committee on County Planning and Development confirming membership to the Herkimer County Planning Board was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None. Absent: Luppino, Smith (2).

On motion of Mr. Shaw, seconded by Mr. Johnson, Report and Resolution No. 178 of the Committee on Human Resources and the Committee on Ways and Means authorizing contract between Herkimer County Office for Aging and Herkimer County Public Health Nursing Service was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None. Absent: Luppino, Smith (2).

On motion of Mr. Manno, seconded by Mr. Stephens, Report and Resolution No. 179 of the Committee on Education and the Committee on Ways and Means authorizing Chairman to execute Letter of Intent for Solar Project at HCCC was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None. Absent: Luppino, Smith (2).

On motion of Mr. Shaw, seconded by Mr. Ackerman, Report and Resolution No. 180 of the Committee on Human Resources and the Committee on Ways and Means authorizing application in connection with funding for Supervision and Treatment Services for Juveniles Program was handed up; was voted on and adopted by voice vote:

For: Ayes (15).

Against: None. Absent: Luppino, Smith (2).

On motion of Mr. Peplinski, seconded by Mr. Johnson, Report and Resolution No. 181 of the Committee on County Planning and Development and the Committee on Ways and Means approving grant from the Herkimer County Small Cities Revolving Loan Fund was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None. Absent: Luppino, Smith (2).

On motion of Mr. Russell, seconded by Mr. Shaw, Report and Resolution No. 182 of the Committee on County Planning and Development and the Committee on Ways and Means authorizing entering into a license agreement with the State of New York for the One-Stop Center was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Luppino, Smith (2).

On motion of Mr. Ackerman, seconded by Mr. Shaw, Report and Resolution No. 183 of the Committee on Human Resources and the Committee on Ways and Means authorizing agreement for electronic medical records system for Herkimer County Mental Health Services was handed up; voted on and adopted by roll call vote:

For: Rose, Schrader, Wellington, Johnson, Stephens, Hyde, Brezinski, Manno, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (15).

Against: None.

Absent: Luppino, Smith (2).

On motion of Mr. Hyde, seconded by Mr. Stephens, Report and Resolution No. 184 of the Committee on Public Safety and Emergency Management and the Committee on Ways and Means in connection with receipt of Homeland Security funding was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Luppino, Smith (2).

On motion of Mr. Russell, seconded by Mr. Stephens, Report and Resolution No. 185 of the Committee on Public Safety and Emergency Management and the Committee on Ways and Means in connection with receipt of New York State Office of Homeland Security Statewide Interoperable Communication Grant (SICG) Round 3 funding and amending budget to establish accounts was handed up; was voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Luppino, Smith (2).

On motion of Mr. Weakley, seconded by all other legislators, Resolution No. 186 of the Committee on Highways reappointing County Superintendent of Highways was handed up; discussion was held; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Luppino, Smith (2).

Mr. Ewanyk expressed his appreciation for the reappointment.

On motion of Mr. Shaw, seconded by Mr. Wellington, Resolution No. 187 of the Committee on Natural Resources reappointing representative for Herkimer County on the Adirondack Park Local Government Review Board was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Luppino, Smith (2).

On motion of Mr. Shaw, seconded by Mr. Hyde, Resolution No. 188 of the Committee on Ways and Means approving Standard Work Day and Retirement Reporting for Elected and Appointed Officials, was handed up; voted on and adopted by roll call vote:

For: Rose, Schrader, Wellington, Johnson, Stephens, Hyde, Brezinski, Manno, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (15).

Against: None.

Absent: Luppino, Smith (2).

Chairman Bono stated that pursuant to Rule 6(12) they would proceed with comments by legislators. The following legislators had further comments: Patrick Russell, Robert Hyde, and Chairman Bono.

At 2:17 p.m. on motion of Mr. Russell, seconded by Mr. Korce, the Legislature went into Executive Session under Public Officers Law Section 105(e). On motion of Mr. Schrader, seconded by Mr. Peplinski, the Legislature came out of Executive Session at 2:34 p.m.

At 2:35 p.m. on motion of Mr. Manno, seconded by Mr. Ackerman, the Legislature adjourned to Wednesday, July 23, 2014 at 7:30 p.m.