

MINUTES
Herkimer County Legislature
Fourth Quarter – Second Day
Wednesday, October 22, 2014
7:30 p.m.

The next Regular Session of the Herkimer County Legislature was called to order by Chairman Vincent Bono at 7:30 p. m.

Chairman Bono called on Beth Sadlon, Director of Real Property Tax Services, 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: Luppino, Rose, Schrader, Wellington, Johnson, Stephens, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw (16).

Absent: Weakley (1).

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 October 1, 2014. There were none, and the Chairman ordered them approved.

Chairman Bono dispensed with the regular session to allow for the presentation of a proclamation. Chairman Bono called on Raymond Smith, Chairman of the Committee on Human Resources to present the proclamation. Mr. Smith read the proclamation which proclaimed the month of October as “Domestic Violence Awareness Month. He presented the proclamation to Jackie Ward, Director of the Domestic Violence Program of Catholic Charities. Mrs. Ward expressed appreciation for the recognition and the support from the County for the Program. She gave statistics on the services they provide for victims of domestic violence in Herkimer County.

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

Chairman Bono welcomed the students in attendance who were participating in the Cornell Cooperative Extension Government Intern Program and other students and asked them to introduce themselves and the school district they represented.

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. 313 – A communication was received from the Soil and Water Conservation District submitting minutes of 9/9/14 meeting. Ordered filed.

No. 314 – A communication was received from the Director of Community Services submitting Mental Health Services September activities update. Placed on file.

No. 315 – A communication was received from the Budget Officer requesting budget amendment in connection with COLA reimbursement for Lead Prevention Grant. Referred to the Committee on Ways and Means.

No. 316 – A communication was received from the Office of the State Comptroller acknowledging receipt of Local Law No. 2. Placed on file.

No. 317 – A communication was received from the STOP-DWI Coordinator submitting STOP-DWI Plan for 2015. Referred to the Committee on Public Safety and Emergency Management.

No. 318 – A communication was received from the Commissioner of Social Services requesting agreement with Valley Residential Services, Inc. for provision of Medicaid eligibility services. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 319 – A communication was received from the Director of Emergency Services requesting approval of Homeland Security SHSP Grant. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 320 – A communication was received from the Budget Officer requesting budget amendment in connection with 2014 Homeland Security SHSP Grant. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 321 – A communication was received from the Director of Emergency Services requesting approval of Emergency Performance Grant. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 322 – A communication was received from the Budget Officer advising of the receipt of Emergency Management Performance Grant. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 323 – A communication was received from the Budget Officer advising of agreement for provision of inmate telephone service at the County Correctional Facility. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 324 – A communication was received from the Sheriff requesting approval of agreement for Inmate Telephone Service. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 325 – A communication was received from the Budget Officer concerning bids for provision of meals for Meals on Wheels Program. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 326 – A communication was received from the County Treasurer submitting revised report of Canceled Taxes. Referred to the Committee on Ways and Means.

No. 327 – A communication was received from the Elections Commissioners requesting purchase of document scanner. Referred to the Committee on Administration/Veteran' Affairs and the Committee on Ways and Means.

No. 328 – A communication was received from the Director of the Office for the Aging recommending award of bids for congregate and home delivered meals for Herkimer, Ilion-Frankfort and Frankfort-Schuyler areas. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 329 – A communication was received from the Budget Officer requesting renewal contract with State of New York Early Intervention Administration Program. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 330 – A communication was received from the Director of Public Health advising of renewal of contract for Early Intervention Administration Program. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 331 – A communication was received from the Director of Real Property Tax Services requesting approval of renewal contracts for provision of assessment services to Towns of Columbia, Litchfield and Winfield. Referred to 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, presented figures regarding the resolution that was being presented on the county tax burden of state mandates and the reduction of state reimbursements.

On motion of Mr. Stephens, seconded by Mr. Luppino, Report and Resolution No. 259 of the Committee on Public Safety/Emergency Management and the Committee on Ways and Means was handed up; voted on and adopted by voice vote:

For: All ayes (16). Against: None. Absent: Weakley (1).

No. 259

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS APPROVING 2015 STOP-DWI PLAN

WHEREAS, the New York State Legislature, by Chapter 913 of the Laws of 1981,

established a Special Traffic Options Program for Driving While Intoxicated; and

WHEREAS, the said Law provides for the establishment of such a program by the counties of the State of New York; and

WHEREAS, the Herkimer County Legislature authorized by Resolution No. 270 for the year 1981, participation by the County of Herkimer in the STOP-DWI Program; and

WHEREAS, by letter dated September 30, 2014, Michael L. Edwards, STOP-DWI Coordinator, has submitted the STOP-DWI Plan for the year 2015 for approval by this Legislature; now, therefore, be it

RESOLVED:

1. That the Herkimer County Legislature hereby approves the STOP-DWI Plan for 2015;
2. That the funds accrued in the year 2014 and prior thereto be expended for the continuance of the STOP-DWI Program;
3. That the STOP-DWI Coordinator and Advisory Board submit timely reports regarding revenue obtained and expended within limits previously approved, to the appropriate committees of the County Legislature;
4. That the previous resolutions regarding the STOP-DWI Program be continued as resolved;
5. That certified copies of this Resolution be forwarded to the County Treasurer, Auditor, Budget Officer, STOP-DWI Coordinator and the New York State Department of Motor Vehicles.

Dated: October 22, 2014.

BERNARD PEPLINSKI, SR.
RAYMOND SMITH
BRUCE WEAKLEY
DENNIS KORCE
ROBERT N. HYDE
JOHN P. STEPHENS
**Committee on Public Safety/
Emergency Management**

PATRICK E. RUSSELL
DENNIS KORCE
RAYMOND SMITH
BRUCE WEAKLEY
BERNARD PEPLINSKI, SR.
KURT J. ACKERMAN
Committee on Ways and Means

On motion of Mr. Peplinski, seconded by Mr. Johnson, Report and Resolution No. 260 of the Committee on Ways and Means authorizing extension of contracts with Towns of Columbia , Litchfield and Winfield to provide assessment services was handed up; voted on and adopted by voice vote:

For: All ayes (16).

Against: None.
No. 260

Absent: Weakley (1).

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
AUTHORIZING EXTENSION OF CONTRACTS WITH THE TOWNS OF COLUMBIA,
LITCHFIELD AND WINFIELD TO PROVIDE ASSESSMENT SERVICES**

WHEREAS, this Legislature has authorized by resolution, contracts with certain towns of the County, whereby the County would provide assessment services to the towns for the sum of \$15.00 for each parcel on the final assessment roll of the town; and

WHEREAS, by letter dated October 7, 2014, Beth Sadlon, Director of the Real Property Tax Service Agency, has requested approval of renewal of the contracts to provide assessment services to the Towns of Columbia, Litchfield and Winfield; and

WHEREAS, it is the opinion of your Committee that it is to the mutual benefit of the County of Herkimer and the aforesaid towns for the County of Herkimer to continue to provide said assessment services to said towns; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into extensions of the agreements to provide assessment services to the Towns of Columbia, Litchfield and Winfield for the period from December 31, 2014 to December 31, 2015, with the final form of said agreements to be subject to the approval of the County Attorney; and, be it further

RESOLVED, that the Chairman of this Legislature is further authorized to enter into annual renewals of said assessment agreements, after the expiration of the current agreements, upon the same or more favorable terms and conditions; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Real Property Tax Services and the Towns of Columbia, Litchfield and Winfield.

Dated: October 22, 2014.

PATRICK E. RUSSELL
DENNIS KORCE
RAYMOND SMITH
BRUCE WEAKLEY
BERNARD PEPLINSKI, SR.
KURT J. ACKERMAN
Committee on Ways and Means

On motion of Mr. Smith, seconded by Mr. Shaw, Report and Resolution No. 261 of the Committee on Ways and Means and the Committee on Human Resources authorizing contract with State of New York for funding for Early Intervention Administration Program was handed up; voted on and adopted by voice vote:

For: All ayes (16). Against: None. Absent: Weakley (1).

No. 261

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

WHEREAS, by letter dated October 1, 2014, from Christina Cain, Director of Public Health, and by letter dated October 4, 2014 from Sheri Ferdula, Budget Officer, this Legislature is advised that the New York State Department of Health has submitted a contract providing for the renewal of the Early Intervention Administration Program grant in the total amount of \$25,806.00; and

WHEREAS, said agreement shall be effective for the term October 1, 2014 through September 30, 2015; and

WHEREAS, the County of Herkimer has qualified personnel, facilities and expertise to provide the services required under the terms of the agreement; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be and he hereby is, authorized to execute said contract in form prepared by the State of New York, on behalf of the County of Herkimer for an Early Intervention Administration grant in the amount of \$25,806.00, with said grant to be for the period October 1, 2014 through September 30, 2015; and, be it further

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

Dated: October 22, 2014.

RAYMOND SMITH
FREDERICK J. SHAW, JR.
PATRICK E. RUSSELL
PETER F. MANNO
HELEN T. ROSE
RAYMOND JOHNSON
Committee on Human Resources

PATRICK E. RUSSELL
DENNIS KORCE
RAYMOND SMITH
BRUCE WEAKLEY
BERNARD PEPLINSKI, SR.
KURT J. ACKERMAN
Committee on Ways and Means

On motion of Mr. Russell, seconded by Mr. Shaw, Report and Resolution No. 262 of the Committee on Administration/Veterans Affairs and the Committee on Ways and Means appealing to the Governor and State Legislature to consider and implement the New York State Association of Counties priorities for the 2015-2016 State Budget was handed up; discussion was held; was voted on and adopted by voice vote:

For: All ayes (16). Against: None. Absent: Weakley (1).

No. 262

**REPORT AND RESOLUTION OF THE COMMITTEE ON
ADMINISTRATION/VETERANS' AFFAIRS AND THE COMMITTEE ON WAYS AND
MEANS APPEALING TO THE GOVERNOR AND STATE LEGISLATURE TO
CONSIDER AND IMPLEMENT THE NEW YORK STATE ASSOCIATION OF
COUNTIES PRIORITIES FOR THE 2015-2016 STATE BUDGET**

WHEREAS, by letter October 21, 2014 from James W. Wallace, Jr., County Administrator, this Legislature has been advised that for 2015 the New York State Tax Cap of 1.562% for Herkimer County would allow an additional \$394,000 in increases in property taxes to stay under the cap, while for the same period of time, state mandated increases in costs for Medicaid, home relief, Indigent Defender Program, TANF claw back, mental health reimbursement and the preschool program could total over \$1.4 million dollars; and

WHEREAS, Herkimer County has already taken substantial steps to control its costs, by, for example, cutting the number of employees by over 20% in the past ten years; and

WHEREAS, Herkimer County will still face additional increases over and above the state mandated increases, for such things as increases in health insurance, salaries, and utilities; and

WHEREAS, the system the state has created with its mandated programs and a tax cap has led to Herkimer County and other counties being structurally imbalanced financially; and

WHEREAS, the New York State Association of Counties has made a number of proposals to reduce the negative impact of the 2015-2016 State Budget on county finances; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby urges the Governor and New York State Legislature to adopt the recommendations of NYSAC for reducing the negative impact of state policies on county real property taxpayers; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Governor Andrew M. Cuomo, Senator James L. Seward, Senator Hugh T. Farley, Assemblyman Marc W. Butler, Assemblyman Anthony J. Brindisi, Assemblywoman Claudia Tenney and the New York State Association of Counties.

Dated: October 22, 2014.

ROBERT N. HYDE
 FREDERICK J. SHAW, JR.
 PETER F. MANNO
 JOHN L. BREZINSKI
 MARTIN J. LUPPINO, JR.
 BOB WELLINGTON
**Committee on Administration/
 Veterans' Affairs**

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. Luppino, Report and Resolution No. 263 of the Committee on Ways and Means amending budget in connection with additional cost of living funding adjustment for Childhood Lead Poisoning Prevention Screening Services was handed up; voted on and adopted by voice vote:

For: All ayes (16). Against: None. Absent: Weakley (1).

No. 263

REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS AMENDING BUDGET IN CONNECTION WITH ADDITIONAL COST OF LIVING FUNDING ADJUSTMENT FOR CHILDHOOD LEAD POISONING PREVENTION SCREENING SERVICES

WHEREAS, by Resolutions No. 223 and No. 242 of 2014, this Legislature authorized a contract and amended the budget in connection with a contract with the New York State Department of Health to provide funding for the Childhood Lead Poisoning Prevention Program screening services, with the grant award for October 1, 2014 to September 30, 2015 to be in the amount of \$38,691.00; and

WHEREAS, by letter dated September 26, 2014, from Sheri A. Ferdula, Budget Officer, this Legislature is advised that the Childhood Lead Poisoning Prevention Program has received additional COLA funding in the amount of \$3,103.00 and requests amendment of the 2014 Budget in connection therewith; now, therefore, be it

RESOLVED, that the 2014 Herkimer County Budget is hereby amended as follows:

<u>Revenue</u>	<u>From:</u>	<u>To:</u>
A4189L.4489B, Lead Prevention, State Aid	\$38,691.00	\$41,794.00
<u>Appropriations:</u>		
A4189L.81000, Lead, Retirement	\$-0-	\$ 1,000.00
A4189L.83000, Lead, Soc. Sec.	\$-0-	\$ 500.00

A4189L.83500, Lead, Medicare Supplies	\$-0	\$ 500.00
A4189L.86000, Lead, Health Ins.	\$-0-	\$ 1,103.00

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: October 22, 2014.

RAYMOND SMITH
 FREDERICK J. SHAW, JR.
 PATRICK E. RUSSELL
 PETER F. MANNO
 HELEN T. ROSE
 RAYMOND JOHNSON
Committee on Human Resources

PATRICK E. RUSSELL
 DENNIS KORCE
 RAYMOND SMITH
 BRUCE WEAKLEY
 BERNARD PEPLINSKI, SR.
 KURT J. ACKERMAN
Committee on Ways and Means

On motion of Mr. Johnson seconded by Mr. Smith, Report and Resolution No. 264 of the Committee on Ways and Means amending Resolution No. 239 relating to canceled and rejected taxes was handed up; discussion was held; was voted on and adopted by roll call vote:

For: Luppino, Rose, Schrader, Wellington, Johnson, Stephens, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw (16).

Against: None.

Absent: Weakley (1).

No. 264

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
 AMENDING RESOLUTION NO. 239 RELATING TO CANCELED TAXES AND
 REJECTED TAXES**

WHEREAS, by Resolution No. 239 adopted on October 1, 2014 this Legislature approved the amounts of canceled taxes and rejected taxes as of September 11, 2014 which should be charged back to the respective towns, municipalities and districts; and

WHEREAS, by letter dated October 7, 2014, Kimberlee A. Enea, Herkimer County Treasurer, has submitted a revised Report of Cancelled Taxes as of October 7, 2014; now, therefore, be it

RESOLVED, that Resolution No. 239 adopted on October 1, 2014 is hereby amended to delete the First Resolved Clause and replace it with the following:

RESOLVED, that the following amounts be charged to the respective towns, municipalities and districts as set forth on said account and that the portion of said canceled taxes and rejected taxes be included in the various towns' tax levies for the coming year as follows:

	Rejected Taxes	Canceled Taxes	Total	Town Portion For Levy
Frankfort		341.35	341.35	153.58
Herkimer		17.94	17.94	9.97
Manheim		282.67	282.67	20.68
Ohio		67.07	67.07	10.93
Russia		127.54	127.54	
Schuyler		455.99	455.99	1.00
Winfield		<u>1,129.17</u>	<u>1,129.17</u>	<u>466.63</u>
Totals		<u>2,421.73</u>	<u>2,421.73</u>	<u>662.79</u>

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer and Director of Real Property Tax Services.

Dated: October 22, 2014.

PATRICK E. RUSSELL
 DENNIS KORCE
 RAYMOND SMITH
 BRUCE WEAKLEY
 BERNARD PEPLINSKI, SR.
 KURT J. ACKERMAN
Committee on Ways and Means

On motion of Mr. Hyde, seconded by Mr. Wellington, Report and Resolution No. 265 of the Committee on Administration/Veterans' Affairs and the Committee on Ways and Means authorizing provision of scanner for Board of Elections was handed up; voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Weakley (1).

No. 265

**REPORT AND RESOLUTION OF THE COMMITTEE ON
ADMINISTRATION/VETERANS' AFFAIRS AND THE COMMITTEE ON WAYS AND
MEANS AUTHORIZING PROVISION OF SCANNER FOR BOARD OF ELECTIONS**

WHEREAS, by letter dated August 22, 2014 from the Commissioners of Elections a request has been made to enter into a contract with NTS Data Services, LLC, for the provision of one "Full Document Imaging" program in the amount of \$41,963.00, to include a four year warranty for the program in the amount of \$8,000.00, and, one Fujitsu fi-7260 Scanner in the amount of \$1,547.00, for a total amount of \$51,510.00, said funds will be advanced by the County, with 100% reimbursement through the SHOEBOX Grant Program; and

WHEREAS, said "Full Document Imaging" program will allow for the following:

- Improved centralization of voter documents
- Better organization of voter documents
- Greater efficiency through use of existing resources
- Provide a complete picture of a voter record
- Improved protection of vital voter documents

now, therefore, be it

RESOLVED, that a contract be entered into with NTS Data Service, LLC, 2079 Sawyer Drive, Niagara Falls, NY 14304, for the provision of one "Full Document Imaging" program in the amount of \$41,963.00, to include a four year warranty for the program in the amount of \$8,000.00, and one Fujitsu fi-7260 Scanner in the amount of \$1,547.00, for a total amount of \$51,510.00; and, be it further

RESOLVED, that the Chairman of this Legislature is authorized to execute said contract, with the form of said contract to be subject to the approval of the Herkimer County Attorney; and, be it further

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

Dated: October 22, 2014.

ROBERT N. HYDE
FREDERICK J. SHAW, JR.
PETER F. MANNO
JOHN L. BREZINSKI
MARTIN J. LUPPINO, JR.
BOB WELLINGTON

PATRICK E. RUSSELL
DENNIS KORCE
RAYMOND SMITH
BRUCE WEAKLEY
BERNARD PEPLINSKI, SR.
KURT J. ACKERMAN

**Committee on Administration/
Veterans' Affairs**

Committee on Ways and Means

On motion of Mr. Peplinski, seconded by Mr. Ackerman, Report and Resolution No. 266 of the Committee on Public Safety/Emergency Management and the Committee on Ways and Means authorizing entering into an agreement with Global Tel*Link for inmate long distance services was handed up; voted on and adopted by voice vote:

For: All ayes (16). Against: None. Absent: Weakley (1).

No. 266

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND
EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS
AUTHORIZING ENTERING INTO AN AGREEMENT WITH GLOBAL TEL*LINK FOR
INMATE LONG DISTANCE SERVICES**

WHEREAS, by communication dated October 1, 2014, Christopher P. Farber, Herkimer County Sheriff, has requested an agreement for a five year period with Global Tel*Link Corporation of Reston, Virginia, for the provision of installation, management, operation and maintenance of inmate telephones at the Herkimer County Correctional Facility; and

WHEREAS, said agreement provides that the County of Herkimer receive a monthly commission at a rate of 55%, with no cost to the County, of the billed revenue from said calls, with such commissions to be deposited into Account A3150A.2450A, Commissions, Correctional Facility Fund; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an agreement for a period of five years with Global Tel*Link Corporation, 12021 Sunset Hills Road, Ste. 100, Reston, Virginia 20190, for the installation, management, operation and maintenance of inmate telephones at the Herkimer County Correctional Facility, with the terms and conditions of said agreement to be subject to the approval by the County Attorney; and, be it further

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

Dated: October 22, 2014.

BERNARD PEPLINSKI, SR.
RAYMOND SMITH
BRUCE WEAKLEY
DENNIS KORCE
ROBERT N. HYDE

PATRICK E. RUSSELL
DENNIS KORCE
RAYMOND SMITH
BRUCE WEAKLEY
BERNARD PEPLINSKI, SR.

JOHN P. STEPHENS
Committee on Public Safety/
Emergency Management

KURT J. ACKERMAN
Committee on Ways and Means

On motion of Mr. Luppino, seconded by Mr. Hyde, Report and Resolution No. 267 of the Committee on Public Safety/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: All ayes (16). Against: None. Absent: Weakley (1).

No. 267

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS IN CONNECTION WITH RECEIPT OF HOMELAND SECURITY FUNDING

WHEREAS, by letter dated October 3, 2014, from Robert Vandawalker, Director of Emergency Services, this Legislature is advised of the receipt of an FY 2014 Homeland Security SHSP Grant from the New York State Division of Homeland Security and Emergency Services in the amount of \$67,500.00; and

WHEREAS, said SHSP funding is offered through the U.S. Office of Homeland Security and administered by the New York State Division of Homeland Security and Emergency Services and will be used to provide the Communications Center with a new Pictometry Mapping/GIS System; and

WHEREAS, by letter dated October 3, 2014, the Budget Officer has advised that it is necessary to amend the 2014 Herkimer County Budget in connection with the receipt of said funding; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute by electronic signature a contract with the New York State Division of Homeland Security and Emergency Services to receive an FY2014 Homeland Security SHSP Grant for Herkimer County in the amount of \$67,500.00; and, be it further

RESOLVED, that the 2014 Herkimer County Budget is hereby amended as follows:

Revenue:

A3020A.3389G	Em. Mgmt., HSG, State Aid	From: \$-0-
		To: \$67,500.00

Appropriation

A3020A.44000	Em. Mgmt., HSG, Cont. Svcs.	From: \$-0-
		To: \$67,500.00

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

Dated: October 22, 2014.

BERNARD PEPLINSKI, SR.
RAYMOND SMITH
BRUCE WEAKLEY
DENNIS KORCE
ROBERT N. HYDE
JOHN P. STEPHENS
**Committee on Public Safety/
Emergency Management**

PATRICK E. RUSSELL
DENNIS KORCE
RAYMOND SMITH
BRUCE WEAKLEY
BERNARD PEPLINSKI, SR.
KURT J. ACKERMAN
Committee on Ways and Means

On motion of Mr. Hyde, seconded by Mr. Peplinski, Report and Resolution No. 268 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: All ayes (16). Against: None. Absent: Weakley (1).

No. 268

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS IN CONNECTION WITH RECEIPT OF HOMELAND SECURITY FUNDING

WHEREAS, by letters dated October 3, 2014, from Robert Vandawalker, Director of Emergency Services, and Sheri A. Ferdula, Budget Officer, this Legislature is advised of the receipt of an FY 2014 Emergency Management Performance Grant (EMPG) from the New York State Division of Homeland Security and Emergency Services in the amount of \$29,349.00; and

WHEREAS, said EMPG funding is offered through the U.S. Office of Homeland Security and administered by the New York State Division of Homeland Security and Emergency Services to assist in funding county emergency management offices by reimbursing the county for salaries and general operating costs of emergency management offices; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute by electronic signature a contract with the New York State Division of Homeland Security and Emergency Services to receive an FY2014 Emergency Management Performance Grant for Herkimer County in the amount of \$29,349.00; and, be it further

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

Dated: October 22, 2014.

BERNARD PEPLINSKI, SR.
RAYMOND SMITH
BRUCE WEAKLEY
DENNIS KORCE
ROBERT N. HYDE
JOHN P. STEPHENS
**Committee on Public Safety/
Emergency Management**

PATRICK E. RUSSELL
DENNIS KORCE
RAYMOND SMITH
BRUCE WEAKLEY
BERNARD PEPLINSKI, SR.
KURT J. ACKERMAN
Committee on Ways and Means

On motion of Mr. Smith, seconded by Mr. Shaw, Report and Resolution No. 269 of the Committee on Ways and Means and the Committee on Human Resources authorizing contract with Valley Residential Services, Inc. for provision of Medicaid eligibility services was handed up; was voted on and adopted by voice vote:

For: All ayes (16). Against: None. Absent: Weakley (1).

No. 269

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES
AND WAYS AND MEANS AUTHORIZING CONTRACT WITH VALLEY
RESIDENTIAL SERVICES, INC. FOR PROVISION OF MEDICAID ELIGIBILITY
SERVICES**

WHEREAS, by letter dated September 26, 2014 from Timothy Seymour, Commissioner of Social Services, this Legislature is advised of a request to enter into an agreement with Valley Residential Services, Inc., an assisted living program, for provision of services by the Department of Social Services to consist primarily of the determination of Medicaid eligibility for the residents of said assisted living program; now, therefore, be it

RESOLVED, that this Legislature hereby approves an agreement between Valley Residential Services, Inc., 161 Valley Drive, Herkimer, New York and the Herkimer County Department of Social Services, for the provision of services by the Department of Services for the determination of Medicaid eligibility for residents of said Valley Residential Services' assisted living program; and, be it further

RESOLVED, that the Chairman of this Legislature and the Herkimer County Attorney are hereby authorized to execute said contract on behalf of the County of Herkimer, with said contract subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Commissioner of Social Services and Valley Residential Services, Inc.

Dated: October 22, 2014.

BERNARD PEPLINSKI, SR.
RAYMOND SMITH
BRUCE WEAKLEY
DENNIS KORCE
ROBERT N. HYDE
JOHN P. STEPHENS
**Committee on Public Safety/
Emergency Management**

PATRICK E. RUSSELL
DENNIS KORCE
RAYMOND SMITH
BRUCE WEAKLEY
BERNARD PEPLINSKI, SR.
KURT J. ACKERMAN
Committee on Ways and Means

On motion of Mr. Hyde, seconded by Mr. Manno, Report and Resolution No. 270 of the Committee on Administration/Veterans' Affairs and the Committee on Education calling on the New York State Legislature to end Gap Elimination adjustments when adopting New York State's 2015-2016 Annual Budget was handed up; discussion was held; was voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Weakley (1).

No. 270

RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS AFFAIRS AND THE COMMITTEE ON EDUCATION CALLING ON THE NEW YORK STATE LEGISLATURE TO END GAP ELIMINATION ADJUSTMENTS WHEN ADOPTING NEW YORK STATE'S 2015-16 ANNUAL BUDGET

WHEREAS, the NY State Gap Elimination Adjustment (GEA) was implemented in 2010 as a one-time reduction in education aid to help NY State balance its budget and the GEA has continued in every budget since then; and

WHEREAS, the GEA since its inception has reduced state aid to the ten school districts within Herkimer County by \$38,718,913; and

WHEREAS, the reduction in aid associated with the GEA has resulted in a cost shift to the local property tax payer in Herkimer County; and

WHEREAS, this cost shift has resulted in unsustainable measures being implemented to balance the school budgets within Herkimer County, including the reduction and elimination of school programs, personnel, and services, and the reductions of school district reserve funds; and

WHEREAS, efforts by Herkimer County schools to sustain programs and services and contain budgets are simultaneously constrained by Property Tax Cap Legislation, unfunded and underfunded mandates, state mandated increases in pension costs, and mandated implementation of the Regents Reform Agenda; and

WHEREAS, State Funding is constitutionally mandated and essential to meet all mandates and obligations to maintain the quality of education in Herkimer County schools and a vibrant county; and

WHEREAS, New York State touts recent aid increases as generous support to schools, although overall, school districts are receiving very little additional aid when compared to 2008-09; and

WHEREAS, some school districts have even experienced state aid decreases from 2008-09 to 2014-15; now, therefore, be it

RESOLVED, That the Herkimer County Legislature calls upon the New York State Legislature to end Gap Elimination Adjustments when they adopt New York State's 2015-16 Annual Budget; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Governor Andrew Cuomo, Senate Coalition Leader Dean Skelos, Senator Coalition Leader Jeffrey Klein, Senate Minority Leader Andrea Stewart-Cousins, Assembly Speaker Sheldon Silver, Assembly Minority Leader Brian Kolb, Senate Education Committee Chair John Flanagan, Assembly Education Committee Chair Catherine Nolan, Senate Finance Committee Chair John DeFrancisco, Assembly Ways and Means Chair Herman Farrell, Senator James L. Seward, Senator Hugh T. Farley, Assemblyman Marc W. Butler, Assemblywoman Claudia Tenney, Assemblyman Anthony J. Brindisi, Herkimer BOCES District Superintendent Mark Vivacqua, SSFC Executive Director Dr. Rick Timbs.

Dated: October 22, 2014.

ROBERT N. HYDE
FREDERICK J. SHAW, JR.
PETER F. MANNO
JOHN L. BREZINSKI
MARTIN J. LUPPINO
BOB WELLINGTON
**Committee on Administration/
Veterans Affairs**

PETER F. MANNO
KURT J. ACKERMAN
BERNARD PEPLINSKI, SR.
HELEN T. ROSE
ROBERT J. SCHRADER
JOHN P. STEPHENS
Committee on Education

On motion of Mr. Korce, seconded by Mr. Russell, Resolution No. 271 of the Committee on Ways and Means establishing annual salaries of some elected officials and certain county officers appointed for a fixed term during their term of office and setting date for public hearing was handed up; voted on and adopted by voice vote:

For: All ayes (16). Against: None. Absent: Weakley (1).

No. 271

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

We, the Committee on Ways and Means of the Herkimer County Legislature, are causing to be prepared and will present Introductory Local Law No. 3 for the year 2014 to establish annual salaries of some elected officials and certain county officers appointed for a fixed term

during their term of office, and setting the date for the statutory public hearing thereon, and offer the following Resolution:

RESOLVED:

1. That a proposed local law establishing salaries of some elected officials and certain county officers will be prepared by this Committee, and that a public hearing will be held on the proposed local law at a meeting of the Herkimer County Legislature, on the 19th day of November, 2014, at 7:00 p.m. in the Legislative Chambers of the County Office Building in the Village of Herkimer, New York;
2. That this County Legislature designates your Committee on Ways and Means as the Committee to hold the public hearing on the adoption of said act;
3. That at least five days prior to such public hearing the Clerk of this Legislature shall post a notice of such hearing upon the bulletin board in the Courthouse and cause to be published said notice at least once in the Little Falls Times and the Herkimer Telegram;
4. That the Clerk of this Legislature shall place a copy of said act on the desks of the members of this County Legislature at least seven calendar days, exclusive of Sunday, prior to its final adoption;
5. That if said local law be finally adopted, the Clerk of this Legislature shall file one certified copy thereof in the Office of the County Clerk, one in the Office of the Secretary of State and publish said local law as required by law.

Dated: October 22, 2014.

PATRICK E. RUSSELL
DENNIS KORCE
RAYMOND SMITH
BRUCE WEAKLEY
BERNARD PEPLINSKI, SR.
KURT J. ACKERMAN
Committee on Ways and Means

On motion of Mr. Brezinski, seconded by Mr. Manno, Resolution No. 272 of the Committee on Ways and Means authorizing Chairman to execute agreement with solar project consultant was handed up; discussion was held; was voted on and adopted by voice vote:

For: All ayes (16). Against: None. Absent: Weakley (1).
No. 272

RESOLUTION OF THE COMMITTEE ON EDUCATION AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENT WITH SOLAR PROJECT CONSULTANT

WHEREAS, by Resolution No. 174 adopted on June 11, 2014, and Resolution No. 179 adopted on July 2, 2014, this Legislature authorized preliminary steps for an application for funding from the New York State Research and Development Authority for a proposed 2 Megawatt Solar Project at Herkimer County Community College, with proposed substantial savings on County and HCCC electric bills; and

WHEREAS, SolarCity Corporation applied for an award for a project for the County of Herkimer and a project for Herkimer County Community College; and

WHEREAS, the project would provide for a facility to be located on vacant land at or adjacent to the Herkimer County College premises, with SolarCity Corporation to install, operate and maintain the facility and with Herkimer County and Herkimer County Community College to purchase all power generated by the facility at below current market price with the intent being to obtain substantial savings on electricity; and

WHEREAS, a proposal has been received from Encap Development, LLC, 100 Powerdermill Road, #127, Acton, Massachusetts 01720, to provide consulting services to the County in order to review the proposed power purchase contract and advise the County about appropriate terms and conditions of such an agreement, with a fixed fee of \$15,000; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an agreement with Encap Development, LLC, to provide the above services for a fixed fee of \$15,000, with the terms and conditions of the agreement to be subject to the approval of the County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, County Attorney, Interim President/ Vice President for Administration and Finance for Herkimer County Community and Encap Development, LLC.

Dated: October 22, 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

Chairman Bono stated that pursuant to Rule 6(12) they would proceed with comments by legislators. The following legislators had further comments: Dennis Korce.

At 7:57 p.m. on motion of Mr. Manno, seconded by Mr. Wellington, the Legislature adjourned to Wednesday, November 19, 2014 at 7:30 p.m., with a Public Hearing on Introductory Local Law No. 3 at 7:00 p.m.