

MINUTES
Herkimer County Legislature
Third Quarter – First Day
Wednesday, July 3, 2013
2:00 p.m.

Public Hearing

The Public Hearing on the 2013-2014 HCCC Budget was called to order at 1:30 p.m. by Peter F. Manno, Chairman of the Education Committee. The Clerk read the notice of the meeting. Mr. Manno stated that the total amount of the budget is \$24,026,536.00 and the county's sponsor share is \$1,630,612.00, which hasn't changed from last year. Mr. Manno then asked if there was anyone wishing to speak on the college budget. There were no requests to speak and the hearing was declared closed at 1:32 p.m.

NOTICE OF HEARING
ON TENTATIVE COLLEGE BUDGET

NOTICE IS HEREBY GIVEN that the County Legislature of the County of Herkimer, New York, will meet at the Legislators' Chambers at 1:30 p.m. on the 3rd day July, 2013 for the purpose of holding a public hearing on the tentative budget of Herkimer County Community College for the fiscal year September 1, 2013 through August 31, 2014.

FURTHER NOTICE IS HEREBY GIVEN that copies of said tentative budget are available at the office of the Clerk of the Herkimer County Legislature at Herkimer, New York, where they may be procured by any interested person during business hours.

By Order of the Herkimer County Legislature.

Dated: June 22, 2013.

Carole LaLonde, Clerk
Herkimer County Legislature

The Regular Session of the Herkimer County Legislature was called to order by Chairman Vincent Bono at 2:04 p. m.

Chairman Bono called on Dr. Ann Marie Murray, President of Herkimer County Community College, 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: Hartman, Rose, Schrader, Maneen, Johnson, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (17).

Absent: None.

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Bono asked if there were any objections or corrections to the minutes of June 12, 2013. 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 dispensed with the regular session to allow Raymond Smith, Chairman of the Committee on Human Resources, to make a presentation. Legislator Smith called on Tim Seymour, Commissioner of Social Services, and staff from the Department of Social Services and presented each with a certificate of appreciation in recognition of their participation in the Volunteer Income Tax Assistance Program. The following were recognized: Kristin Baker, Sue Overholt, Andrea Mancuso, Martha Caliguire, Debbie Smith, Christine Marsden, and Cathy Lowell, who coordinated the program. Legislator Smith expressed appreciation to these individuals for volunteering their time in this effort and advised that for the 2012 tax year the total federal refund obtained was \$1,001,087 and state refunds amounted to \$251,745.

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. Legislator Korce requested Communication No. 221 be read.

205 – A communication was received from the Herkimer County Humane Society expressing thanks for the County's allocation. Placed on file.

206 – A communication was received from the Director of the Office for the Aging requesting reimbursement and agreement in connection with a nutrition site program. Referred to the Committee on Human Resources.

207 – A communication was received from ProAct, Inc. submitting update for the prescription discount card use. Placed on file.

208 – A communication was received from the Oneida-Herkimer Solid Waste Authority submitting recently adopted minutes and resolutions. Placed on file.

209 – A communication was received from the Office for the Aging advising of recent press release concerning fresh local foods for the Meals on Wheels Program menu. Placed on file.

210 – A communication was received from the NYS Office of Parks, Recreation & Historic Preservation advising of two properties listed on the National Register of Historic Places. Placed on file.

211 – A communication was received from the County Auditor advising of refunds of taxes made for the month of May. Placed on file.

212 – A communication was received from the Herkimer County Mental Hygiene Services submitting the 2014 Local Services Plan. Placed on file.

213 – A communication was received from the Acting Director of Public Health submitting request for increase in rates for contracted therapists under Education of Handicapped Children Program. Referred to the Committees on Human Resources and Ways and Means.

214 – A communication was received from the Executive Director of the Youth Bureau requesting contract under Youth Violence Prevention Program. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

215 – A communication was received from the Commissioner of Social Service requesting contract extension under TREATY Program. Referred to the Committee on Human Resources and the Committee on Ways and Means.

216 – A communication was received from the County Clerk requesting increase in annual membership fee for the National Safety Council. Referred to the Committee on Ways and Means.

217 – A communication was received from Cornell University advising of termination of Local Technical Assistance Program. Placed on file.

218 – A communication was received from the Employment & Training Administration requesting approval of Herkimer-Madison-Oneida Workforce Investment Act Local Plan for Program Year 2013-2014. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

219 – A communication was received from the Sheriff submitting monthly report for May 2013. Referred to the Committee on Public Safety/Emergency Management.

220 – A communication was received from the County Property Agent submitting final county land auction results. Placed on file.

221 – A communication was received from the County Attorney advising of receipt of Summons and Complaint. Placed on file.

222 – A communication was received from the Budget Officer submitting request from College for amendment of contract in connection with project. Referred to the Committees on Education and Ways and Means.

223 – A communication was received from the Chairman of the Legislature making Declaration of State of Emergency in Herkimer County. Placed on file.

224 – A communication was received from Senator Seward, Senator Farley, Assemblyman Butler, Assemblyman Brindisi, Assemblywoman Tenney – Submitting Natural Disaster Request for Herkimer County to Governor Cuomo. Placed on file.

225 – A communication was received from Governor Cuomo submitting request to President Obama for declaration of a major disaster for the State of New York under provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Placed on file.

Pursuant to Rule 6, Chairman Bono then proceeded with Reports of Standing Committees. Mr. Manno advised of the Education Committee meeting which approved the two resolutions which are on the Legislature meeting agenda. Mr. Weakley, Chairman of the Committee on Highways gave information on the status of the county highways affected by the recent flooding.

On motion of Mr. Hyde, seconded by Mr. Shaw, the following Consent Agenda was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

Consent Agenda:

- 162 PUB. SFTY./EMER. MGMT.: Approving Monthly Report of Sheriff
- 163 WAYS & MEANS: Amending Res. 327 of 2012 Authorizing Payment of Dues during the year 2013 For County Clerk's Department
- 164 CO. PLANNING & DEV., WAYS & MEANS: Authorizing contract with Motivational Media Assemblies for program for schools throughout Herkimer County
- 165 HUMAN RES., WAYS & MEANS: Authorizing extension of contract with Catholic Charities of Herkimer County and Department of Social Services for Youth Violence Prevention Program

No. 162

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, 2013, 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, 2013, which report reflects an average daily population of 81.36 inmates, with an average of 52.23 inmates being boarded out in May, be approved and filed.

Dated: July 3, 2013

LEONARD R. HENDRIX
BRUCE WEAKLEY
RAYMOND SMITH
ROBERT N. HYDE
DENNIS KORCE
BERNARD PEPLINSKI, SR.
**Committee on Public Safety and
Emergency Management**

No. 163

REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AMENDING RESOLUTION NO. 327 OF 2012 AUTHORIZING PAYMENT OF DUES DURING THE YEAR 2013 FOR COUNTY CLERK'S DEPARTMENT

WHEREAS, on December 19, 2012 this Legislature adopted Resolution No. 327 authorizing payment of dues for municipal officers and employees during the year 2013; and

WHEREAS, by letter dated June 18, 2013 Sylvia Rowan, County Clerk, has requested amendment of said resolution to include an increase in the membership fee to the National Safety Council, which annual membership is mandatory for the County Clerk's Office to continue to teach the Defensive Driving Course; now, therefore, be it

RESOLVED, that Resolution No. 327 of 2012 is hereby amended to increase the membership fee for the National Safety Council under the "County Clerk" from \$295.00 to \$350.00; and, be it further

RESOLVED, that in all other respects Resolution No. 327 of 2013, as amended, 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 and County Clerk.

Dated: July 3, 2013.

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

No. 164

REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING & DEVELOPMENT AND THE COMMITTEE ON WAYS & MEANS AUTHORIZING CONTRACT WITH MOTIVATIONAL MEDIA ASSEMBLIES FOR MOTIVATIONAL PROGRAM FOR SCHOOLS THROUGHOUT HERKIMER COUNTY

WHEREAS, by letter dated June 13, 2013, from Regina Giacovelli, Executive Director of the Herkimer County Youth Bureau, this Legislature is advised of a request to enter into a contract with Motivational Media Assemblies of Burbank, California, to provide motivational assemblies dealing with positive choices to every elementary, middle and high school in Herkimer County in the 2013-2014 school year, which is an on-going initiative through the Youth Violence Prevention Committee; and

WHEREAS, said contract will be in the amount of \$10,500.00, with shared funding being provided by the Herkimer County Youth Bureau, Herkimer County STOP-DWI, OTB and community grant sources secured by the committee; now, therefore, be it

RESOLVED, that this Legislature hereby approves a contract with Motivational Media Assemblies, 2000 West Magnolia Boulevard #207, Burbank, CA 91506 for the provision of services in connection with motivational programming for the Herkimer County Youth Violence Prevention Committee, at a cost of \$10,500.00; and, be it further

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

Dated: July 3, 2013.

BERNARD PEPLINSKI, SR.
RAYMOND SMITH

PATRICK E. RUSSELL
FREDERICK J. SHAW, JR.
KURT J. ACKERMAN
RAYMOND JOHNSON
Committee on County Planning and
Development

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

No. 165

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES
AND WAYS AND MEANS AUTHORIZING EXTENSION OF CONTRACT WITH
CATHOLIC CHARITIES OF HERKIMER COUNTY AND THE DEPARTMENT OF
SOCIAL SERVICES FOR A YOUTH VIOLENCE PREVENTION PROGRAM FOR
SCHOOLS IN HERKIMER COUNTY**

WHEREAS, by Resolution No. 147 for the year 2010 and Resolution No. 162 for the year 2011, this Legislature authorized a contract between Catholic Charities of Herkimer County and the Herkimer County Department of Social Services for the provision of the TREATY Program (Teaching Reconciliation in Education to Administrators, Teachers and Youth) for a youth violence prevention program with a curriculum goal to make schools safer and more supportive for students; and

WHEREAS, by letter dated June 20, 2013 from Timothy Seymour, Commissioner of Social Services, this Legislature is advised of a request to enter into an extension of said contract with Catholic Charities of Herkimer County, to provide said TREATY Program for the 2013-2014 school year, at a total contract cost of \$28,320.00; now, therefore, be it

RESOLVED, that this Legislature hereby approves an extension of a contract with Catholic Charities of Herkimer County, 61 West Street, Ilion, New York, and the Herkimer County Department of Social Services, for the provision of the TREATY Program for the 2013-2014 school year to help control the threat of youth violence in schools, at a cost of \$28,320.00; and, be it further

RESOLVED, that under this contract sufficient funds have been budgeted and all schools in Herkimer County will be invited to participate in said TREATY Program; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute said contract on behalf of the County of Herkimer, 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 Catholic Charities of Herkimer County.

Dated: July 3, 2013.

RAYMOND SMITH
FREDERICK J. SHAW
JEAN E. MANEEN
LEONARD HENDRIX
PATRICK E. RUSSELL
PETER F. MANNO
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. Ackerman, seconded by Mr. Johnson, Report and Resolution No. 166 of the Committees on Ways and Means relative to the adoption of the Herkimer County Community College Budget was handed up; was voted on and adopted by roll call vote:

For: Hartman, Rose, Schrader, Maneen, Johnson, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

No. 166

REPORT AND RESOLUTION OF THE COMMITTEES ON WAYS AND MEANS AND EDUCATION RELATIVE TO THE ADOPTION OF THE HERKIMER COUNTY COMMUNITY COLLEGE BUDGET

The Herkimer County Legislature, having conducted a Public Hearing on the tentative budget of the Herkimer County Community College on July 3, 2013, and after hearing all parties concerning the same, does hereby

RESOLVE, that the tentative budget of the Herkimer County Community College, for the year 2013-2014, in the total amount of \$24,026,536, of which the contribution of the County of Herkimer is \$1,630,612, be adopted; and, be it further

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

Dated: July 3, 2013.

PETER F. MANNO
LEONARD R. HENDRIX
DENNIS KORCE
JEAN E. MANEEN
KURT J. ACKERMAN
RAYMOND SMITH
Committee on Education

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

On motion of Mr. Korce, seconded by Mr. Ackerman, Report and Resolution No. 167 of the Committee on County Planning and Development approving the Herkimer-Madison-Oneida Workforce Investment Act Local Plan for Program Year 2013-2014 was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

No. 167

REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT APPROVING THE HERKIMER-MADISON-ONEIDA WORKFORCE INVESTMENT ACT LOCAL PLAN FOR PROGRAM YEAR 2013-2014

WHEREAS, by letter dated June 24, 2013 Karin Zipko, Director of Employment & Training, has advised that the Workforce Investment Board has prepared and submitted the Herkimer-Madison-Oneida Workforce Investment Act Local Plan for Program Year 2013-2014; and

WHEREAS, the New York State Department of Labor required approval of said plan by the Chief Elected Officials of Herkimer, Madison and Oneida Counties, and said plan sets performance goals for Workforce Investment Act funded programs operated by the Herkimer County and Madison County Employment and Training offices, and the Oneida County Workforce Development Board; now, therefore, be it

RESOLVED, that the execution by the Chairman of this Legislature is approved of the Herkimer-Madison-Oneida Workforce Investment Act Local Plan for Program Year 2013-2014; 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, Oneida County Executive, Chairman of the Madison County Board of Supervisors, Director of the Workforce Investment Board and the New York State Department of Labor.

Dated: July 3, 2013.

BERNARD PEPLINSKI, SR.
RAYMOND SMITH
PATRICK E. RUSSELL
FREDERICK J. SHAW, JR.
KURT J. ACKERMAN
RAYMOND JOHNSON
Committee on County Planning
and Development

On motion of Mr. Ackerman, seconded by Mr. Shaw, Report and Resolution No. 168 of the Committee on Human Resources and the Committee on Ways and Means amending Resolution No. 232 for 1993 establishing rates in connection with Education of Handicapped Children Program was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

No. 168

REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS AMENDING RESOLUTION NO. 232 FOR 1993 ESTABLISHING RATES IN CONNECTION WITH EDUCATION OF HANDICAPPED CHILDREN PROGRAM

WHEREAS, by Resolution No. 232 for the year 1993 this Legislature established per visit rates for therapists under the Education of Handicapped Children Program (Pre-school Program) in the Public Health Nursing Service, which resolution was amended by Resolution No. 220 of 1994 to make an additional rate change; and

WHEREAS, by letter dated June 20, 2013, Christina Cain, Acting Director of Public Health, had submitted a request for an increase in said therapy service rates; now, therefore, be it

RESOLVED:

1. That Resolution No. 232 for the year 1993, as amended, is hereby further amended to establish rates for the Education of Handicapped Children Program (Pre-School Program) in the Public Health Nursing Service for related therapy services as follows: \$50.00 related services (one-half hour visit)

2. That said new rate shall take effect this date;

3. That all other terms and conditions of said resolution, as amended, are hereby ratified and confirmed;

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

Dated: July 3, 2013.

RAYMOND SMITH
FREDERICK SHAW, JR.
JEAN E. MANEEN
LEONARD HENDRIX
PATRICK E. RUSSELL
PETER F. MANNO
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. Smith, seconded by Mr. Korce, Report and Resolution No. 169 of the Committees on Human Resources, Ways and Means and County Properties authorizing extension of contract with Advanced Healthcare Management, LLC was handed up; discussion was held; was voted on and adopted by roll call vote:

For: Schrader, Maneen, Johnson, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (15).

Against: Hartman, Rose (2).

Absent: None.

No. 169

RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES, COUNTY PROPERTIES AND WAYS & MEEANS AUTHORIZING EXTENSION OF CONTRACT WITH ADVANCED HEALTHCARE MANAGEMENT, LLC

WHEREAS, by Resolution No. 221 adopted on September 12, 2012, as amended by Resolution No. 55 on February 13, 2013, a contract was authorized between the County of Herkimer and Advanced Healthcare Management, LLC, for the sale of the Country Manor premises; and

WHEREAS, the contract entered into between the parties provided that the county would have the right to terminate the agreement if the closing had not taken place by June 1, 2013; and

WHEREAS, by letter dated June 4, 2013, the attorney for Advanced Healthcare Management, LLC, has requested an extension of time to close to September 30, 2013 in the hope that the purchaser would have the necessary approval from the New York State Department of Health and that any issues in regard to C.S.E.A. would be resolved; now, therefore, be it

RESOLVED, that the County of Herkimer hereby agrees to extend the date after which the county to terminate the contract if a closing has not taken place from June 1, 2013 to September 30, 2013; and, be it further

RESOLVED, that certified copies be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer and MCV Law.

Dated: July 3, 2013.

RAYMOND SMITH
FREDERICK J. SHAW, JR.
JEAN E. MANEEN
LEONARD HENDRIX
PATRICK E. RUSSELL
PETER F. MANNO
Committee on Human Resources

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

DENNIS KORCE
BRUCE WEAKLEY
ROBERT N. HYDE
RAYMOND JOHNSON
ROBERT J. SCHRADER
Committee on County Properties

On motion of Mrs. Maneen, seconded by Mr. Shaw, Report and Resolution No. 170 of the Committee on Administration/Veterans' Affairs authorizing filing of certificate of designation designating the Secretary of State as the agent for service of notices of claim was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

No. 170

RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS' AFFAIRS AUTHORIZING FILING OF CERTIFICATE DESIGNATING THE SECRETARY OF STATE AS THE AGENT FOR SERVICE OF NOTICES OF CLAIM

WHEREAS, Section 53 of the General Municipal Law, effective June 15, 2013, permits claimants to serve notices of claim upon the Secretary of State rather than making personal service of such notices upon the municipality which is the subject of the claim; and

WHEREAS, the statute directs the Secretary of State to forward copies of notices of claim served in the above referenced manner to the municipalities involved; and

WHEREAS, Section 53 of the General Municipal Law requires that municipalities, within thirty days after the effective date of the law, file a certificate in the Office of the Secretary of State designating the Secretary of State as the agent for service of notices of claim and providing the name, post office address and electronic mail address of an officer, person or designee for transmittal of notices of claim served upon the Secretary; now, therefore, be it

RESOLVED, that the Chairman of the Legislature is authorized to file a certificate with the Secretary of State designating the Secretary of State as Herkimer County's agent for the service of notices of claim; and, be it further

RESOLVED, that the clerk of the County Legislature is hereby designated to receive such notices of claim served in the manner set forth herein; and, be it further

RESOLVED, that the Chairman of the Legislature is hereby authorized to submit any and all present or future documents to the Secretary of State in connection with this requirement.

Dated: July 3, 2013.

JEAN E. MANEEN
BRUCE WEAKLEY
FREDERICK J. SHAW
ROBERT N. HYDE
PETER F. MANNO
RAYMOND JOHNSON
Committee on Administration/
Veterans Affairs

On motion of Mr. Korce, seconded by Mr. Russell, Resolution No. 171 of the Committees on Ways and Means reappointing Director of Real Property Tax Service Agency was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (16).

Against: Rose (1).

Absent: None.

No. 171

**RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS REAPPOINTING
DIRECTOR OF REAL PROPERTY TAX SERVICE AGENCY**

WHEREAS, by Resolution No. 107 of 2012, Beth Sadlon of Little Falls, New York, was appointed as Director of the Herkimer County Real Property Tax Service Agency for the completion of a term that will expire on September 30, 2013; and

WHEREAS, Beth Sadlon has continued in the training and education programs as prescribed by the provisions of Section 1530 of the Real Property Tax Law; now, therefore, be it

RESOLVED, that Beth Sadlon, 193 Lakeview Drive, Little Falls, New York be, and she hereby is, reappointed Director of the Herkimer County Real Property Tax Service Agency for a six year term commencing October 1, 2013 at an annual salary as set forth in the Salary Schedule of the County of Herkimer; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer, New York State Office of Real Property Tax Services and Beth Sadlon.

Dated: July 3, 2013.

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

Mrs. Sadlon expressed her appreciation for the reappointment and stated she looked forward to continuing to serve as Director.

On motion of Mr. Russell, seconded by Mr. Hyde, Report and Resolution No. 172 of the Committee on Ways and Means amending Resolution No. 167 and No. 199 of 2012 and Resolution No. 56 of 2013 approving standard workday and retirement reporting for elected and appointed officials was handed up; discussion was held, was voted on and adopted by voice vote:

For: Ayes (15).

Against: Hartman, Rose (2).

Absent: None.

No. 172

RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AMENDING RESOLUTION NO. 167 AND NO. 199 OF 2012 AND RESOLUTION NO. 56 OF 2013 APPROVING STANDARD WORK DAY AND RETIREMENT REPORTING FOR ELECTED AND APPOINTED OFFICIALS

RESOLVED, that Resolution No. 167 duly adopted by the Herkimer County Legislature on July 11, 2012 which established the standard work days for elected and appointed officials to report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body, as amended by Resolution No. 199 adopted on August 15, 2012 and Resolution No. 56 adopted on February 13, 2013 is hereby amended to add or change days worked per month for the following officials:

Title	Name	SSN (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Tier 1 (Check only if member is in Tier 1)	Not submitted (Check box if no record of activity completed or timekeeping system)
Elected Officials									
District Attorney	Jeffrey S. Carpenter	████	██████	6	1/1/13-12/31/16	N	27.96		
County Treasurer	Kimberlee A. Enea	████	██████	6	1/1/13-12/31/16	N	22.61		
County Clerk	Sylvia M. Rowan			6	1/1/13-12/31/16	N	22.25		
Appointed Officials									
Assistant District Attorney	Jacquelyn M. Asnoe	████	██████	6	1/1/13-12/31/16	N	7		
Assistant District Attorney	Robert P. McGraw	████	██████	6	1/1/13-12/31/16	N	28.42		
Assistant District Attorney	Robert Calli	████	██████	6	1/1/13-12/31/16	N	27.83		
Confidential Secretary to District Attorney	Kate Valent	████	██████	7	1/1/13-12/31/16	Y	N/A		
Attorney for Sewer Board	Thaddeus J. Luke	████	██████	6	7/18/12(no term)	N	2.08		
Commissi	Kathleen A.			6	1/1/13-	N	25.57		

Chair of Elections	Farber				12/31/14				
Commissioner of Elections	Audrey B. Dunning			6	1/1/13-12/31/14	N	14.17		
Personnel Officer	Steven R. Billings			7	1/1/13-12/31/18	Y	N/A		
Chief Plant Operator for Sewer District	James Rathbun			7	7/19/12(no term)	Y	N/A		
Deputy County Clerk	John Stock			7	1/1/13-12/31/16	Y	N/A		
Deputy County Treasurer	Debra Crandall			7	1/1/13-12/31/16	Y	N/A		
DSS Attorney	Jacquelyn M. Asnoe			6	10/1/11-10/1/16	N	16.02		

Dated: July 3, 2013.

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

On motion of Mr. Manno, seconded by Mr. Johnson, Report and Resolution No. 173 of the Committees on Education and Ways and Means amending Resolution No. 158 of 2013 awarding contract for Renovation of Robert McLaughlin College Center Cafeteria/Alumni Hall Project at Herkimer County Community College was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

No. 173

REPORT AND RESOLUTION OF THE COMMITTEES ON EDUCATION AND WAYS AND MEANS AMENDING RESOLUTION NO. 158 OF 2013 AWARDING CONTRACT FOR RENOVATION OF ROBERT MCLAUGHLIN COLLEGE CENTER CAFETERIA/ALUMNI HALL PROJECT AT HERKIMER COUNTY COMMUNITY COLLEGE

WHEREAS, by Resolution No. 252 adopted on October 24, 2012, this Legislature approved the capital project in the amount of \$1,000,000.00 for the Renovation of Robert

McLaughlin College Center Cafeteria/Alumni Hall Project at Herkimer County Community College; and

WHEREAS, by Resolution No. 158 adopted on June 12, 2013, this Legislature approved award of contracts for General Construction, HVAC and Plumbing for the Renovation of Robert McLaughlin College Center Cafeteria/Alumni Hall Project at Herkimer County Community College; and

WHEREAS, by letter dated July 2, 2013 from Bernard E. Decker, Budget Officer and Purchasing Agent, this Legislature is advised that the Board of Trustees of Herkimer County Community College has adopted Resolution No. 12-19A on June 27, 2013, recommending award of the contracts to the lowest bidders for said Project to amend the low bid of Giruzzi Plumbing and Heating for the HVAC to \$381,000.00, which include \$143,000.00 for Alternate 4-03 and \$23,000.00 for Alternate 5-03; now, therefore, be it

RESOLVED:

1. That the Resolution No. 158 adopted on June 12, 2013 awarding contracts for the Renovation of Robert McLaughlin college Center/Caeteria/Alumni Hall Project at Herkimer County Community College is hereby amended as follows:

CONTRACT	CONTRACTOR	TOTAL BID
HVAC	Giruzzi Plumbing & Heating, Inc. 713 Bleecker Street Utica, NY 13501	\$381,000.00 which includes \$143,000.00 for Alternate 4-03 \$23,000.00 for Alternate 5-03

2. That all other terms and conditions of said Resolution No. 158 of 2013 are hereby ratified and confirmed;
3. That certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, President and Vice President for Administration and Finance at Herkimer County Community College and the above listed contractors

Dated: July 3, 2013.

PETER F. MANNO
LEONARD R. HENDRIX
DENNIS KORCE
JEAN E. MANEEN
KURT J. ACKERMAN
RAYMOND SMITH
Committee on Education

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

On motion of Mr. Russell, seconded by Mr. Peplinski, Resolution No. 174 of the Committee on Way and Means authorizing letter of agreement with Paige Group for public information and crisis communication services and appropriating funds in connection therewith was handed up; was voted on and adopted by roll call vote:

For: Hartman, Rose, Schrader, Maneen, Johnson, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

No. 174

RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AUTHORIZING LETTER OF AGREEMENT WITH THE PAIGE GROUP FOR PUBLIC INFORMATION AND CRISIS COMMUNICATION SERVICES AND APPROPRIATING FUNDS IN CONNECTION THEREWITH

WHEREAS, in connection with recent and severe flooding in Herkimer County, Herkimer County has agreed to retain Paige Marketing Communications Group, Inc. (the Paige Group) to provide public information and crisis communications services related to the severe flooding throughout the County; and

WHEREAS, the services to be provided would be consultation, planning and coordination of communications related to flood conditions and emergency action plans, serve as liaison with New York State's Public Information Officer, manage public communications including press release distribution, media relations and development of web-based vehicles including an emergency information web page and Facebook page, which would be the property of Herkimer County and would be used for future information needs; and

WHEREAS, estimated costs for a 30 day period would be \$8,5000.00 for public relations services and \$2,500.00 for development of web-based communications vehicles; and

WHEREAS, by letter dated July 3, 2013 from the Budget Officer/Purchasing Agent this Legislature is advised that sufficient funds are available for the following appropriation from the 2013 Contingency Fund for payment for the above services in an amount not to exceed \$11,000.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a letter of Agreement with Paige Marketing Communications Group, Inc., 258 Genesee Street, suite 204, Utica, NY 13502, upon the above terms and conditions and in accordance with the hourly rates set forth in the attached Letter of Agreement up to a maximum amount of \$11,000.00 for the period from June 28, 2013 to July 31, 2013; and, be it further

RESOLVED, that the sum of \$11,000.00 is hereby appropriated from A1990.46000, Contingency Fund – Miscellaneous Expense, to A1010.44000, County Legislature – Contracted Services; and, be it further

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

Dated: July 3, 2013.

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

On motion of Mr. Korce, seconded by Mr. Russell, Report and Resolution No. 175 of the Committees on County Properties and Ways and Means authorizing settlement in connection with In Rem Parcel in Village of Frankfort was handed up; discussion was held; was voted on and adopted by roll call vote:

For: Hartman, Rose, Schrader, Maneen, Johnson, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

No. 175

RESOLUTION OF THE COMMITTEES ON COUNTY PROPERTIES AND WAYS AND MEANS AUTHORIZING SETTLEMENT IN CONNECTION WITH IN REM PARCEL IN THE VILLAGE OF FRANKFORT

WHEREAS, by Resolution No. 143 adopted on May 15, 2013, this Legislature authorized all necessary and appropriate action to refer damage to premises at 145 Litchfield Street, Frankfort, New York, to the appropriate prosecuting officials and commencement of any and all necessary civil litigation in connection with the matter; and

WHEREAS, an offer has been received from the attorney for the former owner of the premises to pay the sum of \$15,000.00 to settle all civil and criminal claims arising from this matter, with payment in full to be made by July 19, 2013; now, therefore, be it

RESOLVED, that the County of Herkimer hereby accepts that settlement offer and authorizes the County Attorney to take all necessary action to settle the matter; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute any and all necessary documents in connection with this settlement; and, be it further

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

Dated: July 3, 2013.

DENNIS KORCE
BRUCE WEAKLEY
ROBERT N. HYDE
KURT J. ACKERMAN
RAYMOND JOHNSON
ROBERT J. SCHRADER
Committee on County Properties

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. Chairman Bono first gave an update on the impact and damage of the recent extensive flooding in the County. He commended the 911 Center staff, and the individuals and agencies who have responded to this disaster. The following legislators had further comments: Dennis Korce, Gary Hartman, Leonard Hendrix.

On 2:52 p.m on motion of Mr. Manno, seconded by Mr. Hyde, the Legislature adjourned to Wednesday, July 24, 2013 at 7:30 p.m.