

**MINUTES**  
**Herkimer County Legislature**  
**Third Quarter – First Day**  
**Wednesday, July 11, 2012**  
**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 Jeffrey Carpenter, Assistant District Attorney, to lead the Legislature in the Pledge of Allegiance.

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

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 13, 2012. Mrs. Rose made a motion, seconded by Mr. Hartman, to amend that the minutes to include that she had signed in to speak at the public comment period, but was denied based on the opinion of the County Attorney. The motion was approved by voice vote:

For: All ayes.

Against: None.

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: Andrea Mancuso, Sue Overholt, Kristin Baker, Debbie Smith, Christine Marsden, Sara Riente and Cathy Lowell, who coordinated the program. Legislator Smith expressed appreciation to these individuals for volunteering their time in this effort and Commissioner Seymour advised that for taxes 2011 the total federal refund obtained was \$918,107 and state refunds amounted to \$225,691.

Chairman Bono then called on Maureen Petrie with the Herkimer County Prevention Council and Lee Livermore with the Poison Control Center to make a presentation on synthetic drug use. Ms. Petrie discussed the newly formed Community Partnership comprised of local law enforcement, the Sheriff's Department and other organizations to address the issue of the dangers

synthetic drug use. She gave a brief overview of these synthetic drugs, which are man-made chemicals that mimic other substances and referred to the synthetic cannabinoids, which can be 3 to 800 times more potent than marijuana, and synthetic cathinone, which is referred to as “bath salts” ,which mimic the chemicals found in cocaine or methamphetamines. She discussed the dangers of these drugs and that there are no studies done on the long term effects. She introduced Lee Livermore of the Upstate Poison Control Center to provide more information. Mr. Livermore presented supporting statistics and healthcare costs because of the use of these synthetic drugs. He stated that so far in 2012 they have seen more than 100% increase in “bath salts” cases coming from Herkimer County. He stated that the Poison Control Center is encouraging every level of government, law enforcement and healthcare to help remove this poison from the streets.

Pursuant to Rule 11, Chairman Bono opened the floor for public comment. The following individuals spoke on the following subjects: Carl Streeter, Ilion: Public comments.

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. 213 – A communication was received from Capital District OTB submitting Financial Reports for January, February and April. Ordered filed.

No. 214 – A communication was received from the Oneida-Herkimer Solid Waste Authority submitting minutes of 5/14/12. Ordered filed.

No. 215 – A communication was received from the Vice President for Administration and Finance at Herkimer County Community College requesting public hearing on the College Budget. Referred to the Committees on Education and Ways and Means.

No. 216 – A communication was received from the State Office for the Aging advising of approval of the Four Year Plan. Ordered filed.

No. 217 – A communication was received from the New York State Association of Counties acknowledging receipt of a resolution. Ordered filed.

No. 218 – A communication was received from ProAct, Inc. submitting the Herkimer County Discount Prescription Report for May. Ordered filed.

No. 219 – A communication was received from the Sheriff submitting the monthly report for May. Referred to the Committee on Public Safety and Emergency Management.

No. 220 – A communication was received from the Soil and Water Conservation District submitting minutes of 6/5/12. Ordered filed.

No. 221 – A communication was received from the Acting District Attorney requesting staffing adjustments in the District Attorney’s Office. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 222 – A communication was received from the Budget Officer submitting requests for transfers of funds. Referred to the Committee on Ways and Means.

No. 223 – A communication was received from the Town of Russia requesting the County share in legal costs of the Erie Boulevard Hydro Assessment Challenge. Referred to the Committee on Ways and Means.

No. 224 – A communication was received from the Budget Officer submitting annual Report for 2011. Referred to the Committee on Ways and Means.

No. 225 – A communication was received from the Sheriff requesting amendment and extension of Homeland Security Grant. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 226 – A communication was received from the Director of Emergency Services concerning narrowbanding mandate costs and requesting authorization to apply for grant. Referred to the Committee on Public Safety and Emergency Management.

No. 227 – A communication was received from the Budget Officer requesting budget amendment in connection with youth violence prevention programs. Referred to the Committee on Ways and Means and the Committee on County Planning and Development.

No. 228 – A communication was received from the Budget Officer submitting request for an appropriation of funds. Referred to the Committee on Ways and Means.

No. 229 – A communication was received from the Executive Director of the Youth Bureau requesting a contract for Rachael’s Challenge Program. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

No. 230 – A communication was received from the Budget Officer concerning Narrowbanding Radio Project for E911 Center. Referred to the Committee on Public Safety/Emergency Management.

No. 231 – A communication was received from the Commissioner of Social Services requesting contract for TREATY Program for youth violence prevention. Referred to the Committee on Human Resources, Committee on County Planning and Development and the Committee on Ways and Means.

No. 232 – A communication was received from the Budget Officer concerning award of bid for replacement of locks at Correctional Facility and transferring funds. 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. Mrs. Maneen, Chairman of the Committee on Administration/Veterans' Affairs, advised that the committee had met and brought forth information to urge the New York State Legislature and Governor to sign legislation to take action on the synthetic drug use problem, and that the Committee had taken the public comment period under discussion, but the resolution was withdrawn based on the need for more discussion on the issue, to address the possible misuse of this public comment period by organized political action groups and media outlet sources.

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

For: Ayes (17).

Against: None.

Absent: None.

**Consent Agenda:**

- 154 PUB. SFTY./EMER. MGMT.: Monthly Report of Sheriff
- 155 WAYS & MEANS: Transferring funds
- 156 EDUCATION, WAYS & MEANS: Setting Public Hearing on HCCC Budget

No. 154

**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, 2012, 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, 2012, which report reflects an average daily population of 80.83 inmates, with an average of 55 inmates being boarded out in May, be approved and filed.

Dated: July 11, 2012.

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

**No. 155**

REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
TRANSFERRING FUNDS

WHEREAS, your Committee on Ways and Means, to which was referred a communication from the Budget Officer and Purchasing Agent dated June 28, 2012, submitting requests for transfers of funds, reports that we have examined said communication, inquired into the subject matter thereof, recommend that said transfers 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 sums from and to the following accounts:

\$ 3,600.00	From: D5110.44000-843, Maint. Div., Grinder Rental To: D5020.41000, Engineering Div., Supplies
\$11,814.85	From: A3110A.10000-001, Homeland Sec. Grant, Salaries To: A3110A.25000, Homeland Sec. Grant, Other Equipment
\$ 1,199.49	From: A3110A.10000-001, Homeland Sec. Grant, Salaries To: A3110A.46000, Homeland Sec. Grant, Misc. Expense
\$13,514.85	From: A4110A.42100, Homeland Sec. Telephone To: A3110A.25000 Other Equipment

and, be it further

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

Dated: July 11, 2012.

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

Committee on Ways and Means

No. 156

**REPORT AND RESOLUTION OF THE COMMITTEES ON EDUCATION AND 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 June 4, 2012 from Nicholas Laino, Vice President for Administration and Finance, that the Herkimer County Board of Trustees approved the proposed 2012-2013 operating budget of the College at its meeting held on May 24, 2012 and requests that the Herkimer County Legislature set a public hearing to consider said budget; now, therefore, be it

RESOLVED, that a public hearing upon 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 15<sup>th</sup> day of August, 2012 at 7:00 p.m. pursuant to the provisions of Section 359 of the County Law and Section 6304(5-a) of the Education Law.

Dated: July 11, 2012.

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. Russell, seconded by Mr. Peplinski, Report and Resolution No. 157 of the Committee on Ways and Means authorizing contribution to the defense of the Erie Boulevard Hydro Assessment Challenge was handed up; discussion was held, was voted on and adopted by voice vote:

For: ayes: (16).

Against: None.

Abstain: Weakley (1).

Absent: None.

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
AUTHORIZING CONTRIBUTION TO THE DEFENSE OF THE ERIE BOULEVARD  
HYDRO ASSESSMENT CHALLENGE**

WHEREAS, this Legislature has been advised by communication dated June 19, 2012 from the Town of Russia advising that the Erie Boulevard Hydropower Assessment Challenge has been settled with no refunds required to be paid for past years and only a 12% reduction in assessment moving forward, and further requests the County to share proportionately, along with the Poland Central School District, in the total cost of this litigation, which is in the amount of \$5,206.00; and

WHEREAS, this Legislature has a policy of contributing, if so recommended by the Ways and Means Committee, funds for defense of this type of litigation, provided that all other jurisdictions that receive a share of tax payments under said assessment, contribute in accord with each jurisdiction's share of the aggregate tax rate; now, therefore, be it

RESOLVED, that in the tax proceeding brought on by Erie Boulevard, L.P., against the Town of Russia this Legislature will contribute to legal expenses and disbursements incurred by the Town of Russia in an amount computed to be the County's share of the aggregate tax rate, which is \$1,371.26, provided that all other jurisdictions that receive a share of tax payments under said assessment, contribute in accord with each jurisdiction's share of the aggregate tax rate; and, be it further

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

Dated: July 11, 2012.

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

On motion of Mr. Ackerman, seconded by Mr. Weakley, Report and Resolution No. 158 of the Committees on Public Safety and Emergency Management and the Committee on Ways and Means for salary adjustment in the District Attorney's Office was handed up; Mrs. Rose made a motion, seconded by Mr. Hartman, to divide the resolution and have a separate vote on each salary adjustment (First and Second Resolved Clauses); discussion was held; the motion was defeated by the following roll call vote:

For: Hartman, Rose, Brezinski (3).

Against: Schrader, Maneen, Johnson, Hendrix, Hyde, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (14).

Absent: None.

Resolution No. 158 was then adopted by the following roll call vote:

For: Schrader, Maneen, Johnson, Hendrix, Hyde, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (14).

Against: Hartman, Rose, Brezinski (3).

No. 158

**REPORT AND RESOLUTION OF THE COMMITTEES ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AND THE COMMITTEE AND WAYS AND MEANS FOR SALARY ADJUSTMENT IN THE DISTRICT ATTORNEY'S OFFICE**

WHEREAS, by letter dated June 20, 2012, Jeffrey S. Carpenter, Acting District Attorney, has requested salary adjustments be made in the District Attorney Office; and

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

RESOLVED, that the 2012 Herkimer County Salary Schedule is hereby amended in Salary Schedule No. II to adjust the salary of the position of First Assistant District Attorney in Account A1165 to the base annual salary of \$85,000; and, be it further

RESOLVED, that the 2012 Herkimer County Salary Schedule is hereby amended in Salary Schedule No. II to adjust the salary of the full time position of Assistant District in Account A1165 to the base annual salary of \$59,500; and, be it further

RESOLVED, that the foregoing changes 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 Acting District Attorney.

Dated: July 11, 2012.

LEONARD R. HENDRIX  
BRUCE WEAKLEY  
RAYMOND SMITH



ROBERT N. HYDE  
DENNIS KORCE  
BERNARD PEPLINSKI, SR.  
**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. Hendrix, seconded by Mr. Hyde, Report and Resolution No. 159 of the Committee on Public Safety/Emergency Management and the Committee on Ways and Means approving extension of Homeland Security Grant was handed up; voted on and approved by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 159

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS APPROVING EXTENSION OF HOMELAND SECURITY GRANT**

WHEREAS, by Resolution No. 210 of 2010 this Legislature authorized a contract with the New York State Office of Homeland Security to receive a grant in the amount of \$53,500 under the FY2009 Law Enforcement Terrorism Prevention Program; and

WHEREAS, by letter dated June 11, 2012, Sheriff Christopher P. Farber has requested said grant be extended to January 31, 2013; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute an extension of the contract with the New York State Office of Homeland Security to receive a grant in the amount of \$53,500.00 through the FY09 Law Enforcement Terrorism Prevention Program, with said grant to be extended to January 31, 2013; and, be it further

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

Dated: July 11, 2012.

LEONARD HENDRIX  
BRUCE WEAKLEY  
RAYMOND SMITH  
ROBERT N. HYDE  
DENNIS KORCE  
BERNARD PEPLINSKI  
**Committee on Public Safety and  
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. Russell, seconded by Mr. Peplinski, Report and Resolution No. 160 of the Committee on Ways and Means making appropriation of funds from General Fund Balance was handed up; 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. 160

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
MAKING APPROPRIATION OF FUNDS FROM GENERAL FUND BALANCE**

WHEREAS, by Resolution No. 38 adopted on January 26, 2011 this Legislature authorized appropriation of the sum of \$800,000 for reserves A889G, IDA Promissory Notes, A889L, IDA Shell Building and General Fund balance; and

WHEREAS, by letter dated July 5, 2012, the Herkimer County Budget Officer has advised this Legislature that funds from the General Fund balance were not full expended and requests an appropriation of the unexpended portion; now, therefore, be it

RESOLVED, that the sum of \$17,863.61 is hereby appropriated from A909, General Fund Balance, to A6420.44000, IDA – Contracted Services; and, be it further

RESOLVED, that the Herkimer County Treasurer is hereby authorized and empowered to transfer the said sum to the said account; and, be it further

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

Dated: July 11, 2012.

PATRICK E. RUSSELL  
DENNIS KORCE  
RAYMOND SMITH  
BRUCE WEAKLEY

BERNARD PEPLINSKI  
KURT J. ACKERMAN  
**Committee on Ways and Means**

On motion of Mr. Hendrix, seconded by Mr. Smith and Mr. Peplinski, Report and Resolution No. 161 of the committee on Public Safety/Emergency Management in connection with narrowbanding mandate and authorizing grant application was handed up; voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 161

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND  
EMERGENCY MANAGEMENT IN CONNECTION WITH NARROWBANDING  
MANDATE AND AUTHORIZING GRANT APPLICATION

WHEREAS, by letter dated June 26, 2012 Robert Vandawalker, Director of Emergency Services, has advised that Herkimer County has received grants to help Herkimer County fund the Federal Communications Commission's Narrowbanding Mandate; and

WHEREAS, said letter further advises that New York State has raised the standards for said narrowband radio equipment which can be purchased utilizing Homeland Security Grants, which will increase the cost of the equipment, and permission is requested to apply for additional funding through the Round 2, Interoperable Communication Grant; and

WHEREAS, by letter dated July 2, 2012, Bernard E. Decker, Budget Officer and Purchasing Agent, requests authorization to purchase Narrowband radio equipment to meet the required specifications, through New York State contract, in the amount of approximately \$160,000, with such purchase to take precedence over any other purposes of Homeland Security grant funds, including software and equipment upgrades at the 911 Center (total of \$90,000) previously authorized by this Legislature; now, therefore, be it

RESOLVED, that authorization is hereby granted to purchase narrowband radio equipment to comply with the Federal Communications Commission's Narrowbanding Mandate, with said equipment to be purchased under New York State contract in the amount of approximately \$160,000, with said funding to be provided through Homeland Security Grants; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a grant application on behalf of the County of Herkimer with the New York State Office of Homeland Security in connection with the receipt of funding through Round 2, Interoperable Communication Grant; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute all documents and certifications required as part of the submission of the application; 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: July 11, 2012.

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

On motion of Mr. Peplinski, seconded by Mr. Johnson and Mr. Ackerman, Report and Resolution No. 162 of the Committee on County Planning and Development and the Committee on Ways and Means amending budget in connection with Youth Violence Prevention Funding was handed up; discussion was held; was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 162

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AND THE COMMITTEE WAYS AND MEANS AMENDING BUDGET IN CONNECTION WITH YOUTH VIOLENCE PREVENTION FUNDING**

WHEREAS, by letter dated July 2, 2012, from Bernard E. Decker, Budget Officer, this Legislature is advised Herkimer County will receive additional funding from various sources for the Rachael's Challenge Program, plus an additional \$1,000 from the Capital District Off Track Betting Corporation to fund other activities to prevent youth violence, including the TREATY Program, and that is necessary to amend the County Budget in connection with the receipt of said funding; now, therefore, be it

RESOLVED, that the 2012 Herkimer County Budget is hereby amended as follows:

Revenue:

From:

To:

A7310B.2350B, Youth Violence Prevention	\$-0-	\$28,761.00
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Appropriation:

A7310B.44000, Youth Violence Prevention – Contracted Services	\$66.11	\$28,827.11
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and, be it further

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

Dated: July 11, 2012.

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

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. Peplinski, seconded by Mrs. Maneen and Mr. Smith, Report and Resolution No. 163 of the Committees on Human Resources and Ways and Means and County Planning and Development authorizing extension of contract with Catholic Charities of Herkimer County and Department of Social Services for a Youth Violence Prevention Program for schools in Herkimer County was handed up; voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 163

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES,  
WAYS AND MEANS AND COUNTY PLANNING AND DEVELOPMENT**

**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 this Legislature authorized a contract between Catholic Charities of Herkimer County and the Herkimer County Department of Social Services in the amount of \$30,000.00, for the provision of the TREATY Program (Teaching Reconciliation in Education to Administrators, Teachers and Youth) for the 2010-2011 school year, which is a youth violence prevention program with a curriculum goal to make schools safer and more supportive for students, which contract was extended for an additional year; and

WHEREAS, by letter dated July 5, 2012 from Timothy J. Seymour, Commissioner of Social Services, this Legislature is advised of a request to enter into a further extension of said contract with Catholic Charities of Herkimer County, to provide said TREATY Program for the 2012-13 school year, at a total contract cost of \$30,880.00, with \$880.00 to be funded by the Capital District Off-Track Betting; and

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 2012-2013 school year to help control the threat of youth violence in schools, at a cost of \$30,880.00; and, be it further

RESOLVED, that under this contract and through funding from the Herkimer County Department of Social Services and Capital District Off-Track Betting Corporation, 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 11, 2012.

RAYMOND SMITH  
FREDERICK J. SHAW, JR.  
JEAN E. MANEEN  
LEONARD R. 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**

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. Shaw, seconded by Mr. Peplinski, Report and Resolution No. 164 of the Committee on County Planning and Development and the Committee on Ways and Means authorizing contract with Rachael's Challenge for anti-bullying assembly program for schools throughout Herkimer County was handed up; voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 164

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING CONTRACT WITH RACHAELS CHALLENGE FOR ANTI-BULLYING ASSEMBLY PROGRAM FOR SCHOOLS THROUGHOUT HERKIMER COUNTY**

WHEREAS, by letter dated June 19, 2012, from Regina Giacovelli, Executive Director of the Herkimer County Youth Bureau, this Legislature is advised of a request to enter into a contract with Rachael's Challenge, to provide school assemblies on the topics of youth violence and bullying prevention, which is an on-going initiative through the Youth Violence Prevention Committee; and

WHEREAS, said contract will be in the amount of \$27,761.00, with shared funding being provided by various sources; now, therefore, be it

RESOLVED, that this Legislature hereby approves a contract with Rachael's Challenge, 7901 South Park Plaza, Suite 210, Littleton, Colorado 80120 for the provision school assemblies on the topics of youth violence and bullying prevention, for the Herkimer County Youth Violence Prevention Committee, at a cost of \$27,761.00; 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; 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 Rachael's Challenge.

Dated: July 11, 2012

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  
KURT J. ACKERMAN  
**Committee on Ways and Means**

On motion of Mr. Hyde, seconded by Mr. Hendrix, Report and Resolution No. 165 of the Committee on Public Safety/Emergency Management and Ways and Means awarding bid for purchase of locksets at Herkimer County Correctional Facility and transferring funds was handed up; discussion was held; was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 165

**REPORT AND RESOLUTON OF THE COMMITTEES ON PUBLIC SAFETY/EMERGENCY MANAGEMENT AND WAYS AND MEANS AWARDDING BID FOR PURCHASE OF LOCKSETS AT HERKIMER COUNTY CORRECTIONAL FACILITY AND TRANSFERRING FUNDS**

WHEREAS, by letter dated July 11, 2012, the Budget Officer/Purchasing Agent has advised that bids were received, opened and read in accordance with law for the provision of seven replacement locks for the Herkimer County Correctional Facility, with said bids to provide only Southern Folger Detention Equipment Company products, as standardized pursuant to Resolution No. 147 adopted on June 13, 2012; and

WHEREAS, said letter further advises that sufficient funds are available for transfer to allow for said cost; and



WHEREAS, after review of the bids it is the recommendation of your Committees and the Herkimer County Sheriff's Office that the low bid of George A. Keene, Inc. of Clarence Center, New York, in the amount of \$ 44,400.00 be accepted; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby awards the bid for the provision of seven replacement locks for the Herkimer County Correctional Facility to, George A. Keene, Inc. 9600 County Road, Clarence Center, NY 14032, in the amount of \$ 44,400.00 ; and, be it further

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:

\$44,400.00                      From:     A3170.44000, Correctional Institution – Cont. Svcs.  
   To:     A3150.44000, Jail – Contracted Services

And, be it further

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

Dated: July 11, 2012.

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

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

On motion of Mrs. Maneen, seconded by Mr. Johnson and Mr. Hyde, Resolution No. 166 of the Committee on Administration/Veterans' Affairs urging state action on synthetic cannabinoids and/or "bath salts" was handed up; discussion was held; was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

**RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS' AFFAIRS URGING STATE ACTION ON SYNTHETIC CANNABINIODS AND/OR "BATH SALTS"**

WHEREAS, certain substances often used as an alternative to illegal controlled substances are potentially dangerous to users and are a health and safety concern to the citizens of Herkimer County; and

WHEREAS, such substances as synthetic marijuana and/or "bath salts" are apparently not yet categorized as controlled substances, or the categorization by state or federal law has not yet been updated; and

WHEREAS, because of the complexity of enforcement and categorization of these substances it appears to this Legislature that appropriate action should be taken at the state level; now, therefore, be it

RESOLVED, that the Herkimer County Legislature urges the New York State Legislature and Governor to promptly adopt and sign legislation prohibiting use, possession, purchase, attempts to purchase, sell, display, or give the above described substances throughout the State of New York; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Governor Andrew M. Cuomo, Senator James L. Seward, Assemblyman Marc W. Butler, and the New York State Association of Counties.

Dated: July 11, 2012.

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. Russell, seconded by Mr. Weakley, Resolution No. 167 of the Committee on Ways and Means approving standard work day and retirement reporting for elected and appointed officials was handed up; discussion was held; Mrs. Rose made a motion, seconded by Mr. Hartman, that appointed officials currently listed at 6 hours be changed to 7 hours as the standard work day; discussion was held; the motion was defeated by roll call vote:

For: Hartman, Rose (2).

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

Absent: None.

Resolution No. 167 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).

### No. 167

#### **RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS APPROVING STANDARD WORK DAY AND RETIREMENT REPORTING FOR ELECTED AND APPOINTED OFFICIALS**

RESOLVED, that the Herkimer County Legislature hereby establishes the following as standard work days for elected and appointed officials and will 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:

Title	Name	Social Security Number  (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)
<b>Elected Officials</b>							
Legislator	Gary M. Hartman	████	██████	6	1/1/12-12/31/13	N	
Legislator	Robert J. Schrader	████	██████	6	1/1/12-12/31/13	N	11.46
Legislator	Jean E. Maneen	████	██████	6	1/1/12-12/31/13	N	8.24
Legislator	Raymond Johnson	████	██████	6	1/1/12-12/31/13	N	6.39
Legislator	Leonard Hendrix	████	██████	6	1/1/12-12/31/13	N	12.27
Legislator	John L. Brezinski	████	██████	6	1/1/12-12/31/13	N	10.42
Legislator	Peter F. Manno	████	██████	6	1/1/12-12/31/13	N	12.94
Legislator	Vincent J. Bono	████	██████	6	1/1/12-12/31/13	N	16.43
Legislator	Kurt J. Ackerman	████	██████	6	1/1/12-12/31/13	N	8.08
Legislator	Dennis Korce	████	██████	6	1/1/12-12/31/13	N	6.06
Legislator	Patrick E. Russell	████	██████	6	1/1/12-12/31/13	N	6.68

<b>Legislator</b>	Bruce Weakley	████	██████	6	1/1/12-12/31/13	N	7.72
<b>Sheriff</b>	Christopher Farber	████	██████	6	1/1/12-12/31/15	N	35.08
<b>County Coroner</b>	Vincent J. Enea	████	██████	6	12/14/11-12/31/12	N	3.14
<b>Appointed Officials</b>							
County Attorney	Robert J. Malone	████	██████	6	1/1/12-12/31/13	N	14.25
Asst. County Attorney	James J. Franchi	████	██████	6	1/1/12-12/31/13	N	11.83
Asst. County Attorney	Lorraine L. Lewandrowski	████	██████	6	1/1/12-12/31/13	N	15.15
Asst. County Attorney	Thaddeus Luke	████	██████	6	1/1/12-12/31/13	N	13.06
County Administrator	James W. Wallace, Jr.	████	██████	7	2/12/12-2/10/15	Y	N/A
County Auditor	Jeri Frederick	████	██████	7	1/1/12-12/31/13	Y	N/A
Deputy Auditor	Pamela Walters	████	██████	7	1/12/12-12/31/13	Y	N/A
Budget Officer/Purchasing Agent	Bernard E. Decker	████	██████	7	1/1/12-12/31/13	Y	N/A
Deputy Purchasing Agent	Philomena Lumia	████	██████	7	1/1/12-12/31/13	Y	N/A
Director of Real Property Tax Services	Beth Sadlon	████	██████	7	4/30/12-9/30/13	Y	N/A
Director, Office for the Aging	Kathy Fox	████	██████	7	4/30/12 (no term)	Y	N/A
Clerk of Legislature	Carole L. LaLonde	████	██████	7	1/1/12-12/31/13	Y	N/A
Deputy Clerk of Legislature	Sally I. Deming	████	██████	7	1/1/12-12/31/13	Y	N/A

Dated: July 11, 2012

PATRICK E. RUSSELL  
DENNIS KORCE  
RAYMOND SMITH  
BRUCE WEAKLEY  
BERNARD PEPLINSKI  
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: Peter Manno.

On 2:55 p.m. on motion of Mr. Manno, seconded by Mr. Johnson, the Legislature adjourned to August 15, 2012 at 7:30 p.m., with a public hearing on the HCCC Budget at 7:00 p.m.