

**MINUTES**  
**Herkimer County Legislature**  
**Organizational Session**  
**Monday, January 4, 2010**  
**2:00 p.m.**

The Organizational Session of the Herkimer County Legislature was called to order by Carole L. LaLonde, Clerk of the Legislature at 2:00 p.m.

The Clerk called the roll by district:

Present: District 1 – John J. Piseck, Jr.  
District 2 – Helen T. Rose  
District 3 – Stephen N. Keblish, Jr.  
District 4 – Jean E. Maneen  
District 5 – Jeffrey M. Stone  
District 6 – Leonard R. Hendrix  
District 7 - Robert N. Hyde  
District 8 – John L. Brezinski  
District 9 – Peter F. Manno  
District 10 – Raymond Smith  
District 11 – Vincent J. Bono  
District 12 – Kurt J. Ackerman  
District 13 – Bernard Peplinski, Sr.  
District 14 – Dennis Korce  
District 15 – Patrick E. Russell  
District 16 – Frederick J. Shaw, Jr.  
District 17 – Bruce Weakley

At this time the Clerk called for nominations of a Temporary Chairman. On motion of Mr. Stone, seconded by Mr. Hyde, Legislator Manno was nominated as Temporary Chairman. With no other nominations, motion to close was made by Mr. Hyde, seconded by Mr. Shaw. Legislator Manno was named Temporary Chairman.

Ayes: (16).

Abstain: Manno (1).

Opposed: None.

Absent: None.

Temporary Chairman Manno called on Eileen Manno to lead the Legislature in the Pledge of Allegiance.

Pastor Gertrude Ortlieb of the Ingham Mills Baptist Church gave the invocation.

Temporary Chairman Manno called for a Moment of Silence for deceased members of the Legislature.

At this time, Temporary Chairman Manno called on Honorable Gary Norman, Town Justice of the Town of German Flatts, to administer the oaths of office. Judge Norman asked the Legislators to stand and repeat the Oath of Office.

At this time, Temporary Chairman Manno called for the election of Chairman of the Legislature for the years 2010-2011. Temporary Chairman Manno opened the nominations. Legislator Shaw nominated Raymond “Dutch” Smith as Chairman for the 2010-11 term of the Legislature . The nomination was seconded by Legislator Hendrix. There were no further nominations.

Legislator Smith was elected Chairman by the following roll call vote:

For: Piseck, Rose, Keblish, Maneen, Stone, Hendrix, Manno, , Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (16).

Abstain: Smith (1).                      Absent: None.

Legislators Leonard Hendrix and Bernard Peplinski escorted Chairman Smith to the Chairman’s seat. Honorable Judge Norman administered the Oath of Office to Chairman Smith.

Chairman Smith took the chair, expressed his appreciation for being elected to a second term as Chairman, welcomed the two new legislators and gave a brief address to the Legislature.

The Chairman continued by opening the nominations for Vice Chairman. On motion of Mr. Piseck, seconded by Mr. Shaw, nomination was made for Legislator Bono as Vice Chairman. With no other nominations, Legislator Bono was elected Vice Chairman by the following roll call vote:

For: Piseck, Rose, Keblish, Maneen, Stone, Hendrix, Hyde, Brezinski, Manno, Smith, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (16).

Abstain: Bono (1).                      Absent: None.

At this time, Chairman Hendrix opened nominations for Clerk of the Legislature. On motion of Mr. Manno, seconded by Mrs. Maneen, nomination was made for Carole LaLonde as Clerk of the Legislature. With no other nominations, the Chairman called for a voice vote:

All ayes: (17).                      Against: None.

Absent: None.

Mrs. LaLonde thanked the Legislature for the appointment.

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Smith asked if there were any objections or corrections to the minutes of December 9, 16 and 21, 2009. Being none, Chairman Smith ordered the minutes approved.

Chairman Smith stated that the communications received by the Legislature and the committees to which they were referred were listed on the agenda and asked if any member of the Legislature requested mention of any particular communication. Legislator Russell requested Communications No. 2 and 3 be read. The Clerk read the communications.

No. 1 – A communication was received from the Director of the Real Property Tax Service Agency requesting approval for Auditor to process refunds and corrections under \$2,500.

No. 2 – A communication was received from the Democrat Legislators naming John Brezinski as Minority Leader. Ordered filed.

No. 3 – A communication was received from the Republican Legislators naming Patrick Russell as Majority Leader. Ordered filed.

With that being all the communications, the Chairman continued with Reports and Resolutions beginning with No. 1.

On motion of Mrs. Maneen, seconded by Mr. Shaw, Resolution No. 1 adopting the Rules of the Legislature was handed up; voted on and adopted by voice vote:

Ayes: (17).

Opposed: None.

Absent: None.

No. 1

RESOLVED, that the Rules, as last amended by Resolution No. 183 of 2008, including Rules 1 through 47, be and they hereby are, adopted as the Rules of the County Legislature of the County of Herkimer for the ensuing two years.

Dated: January 4, 2010.

JEAN E. MANEEN  
BRUCE WEAKLEY  
FREDERICK J. SHAW, JR.  
PETER F. MANNO

**JOHN L. BREZINSKI**  
**Committee on Administration/Veterans'**  
**Affairs**

On motion of Mr. Russell, seconded by Mr. Bono, Resolution No. 2 appointing the Herkimer County Attorney was handed up for voted on and adopted by voice vote:

The resolution was adopted by voice vote:

All ayes: (17).

Opposed: None.

Absent: None.

No. 2

RESOLVED, that Robert J. Malone of Little Falls, New York, be, and he hereby is, appointed County Attorney for the County of Herkimer pursuant to the provisions of Article 11, Section 500 of the County Law, being Chapter 691 of the Laws of 1950.

Dated: January 4, 2010.

**KURT J. ACKERMAN**

Mr. Malone thanked the Legislature for the appointment and stated it was an honor and privilege to serve the Legislature since 1998.

On motion of Mr. Brezinski seconded by Mr. Manno, Resolution No. 3 appointing Jeri Frederick as the Herkimer County Auditor was handed up; voted on and adopted by voice vote:

All ayes: (17).

Opposed: None.

Absent: None.

No. 3

RESOLVED, that Jeri Frederick of Frankfort, New York, be and she hereby is, appointed County Auditor of the County of Herkimer, pursuant to County Law, Article 15, Section 600 and Local Law No. 7 for the year 1932, said term to begin on the first day of January, 2010 and ending December 31, 2011.

PETER F. MANNO

Dated: January 4, 2010.

Mrs. Frederick thanked the legislature for the appointment stating she looked forward to continuing to do her job to the best of her ability.

On motion of Mr. Hyde, seconded by Mr. Hendrix, Resolution No. 4 appointing Bernard Decker as Herkimer County Budget Officer/Purchasing Agent was handed up; voted on and adopted by voice vote:

All ayes: (17).

Opposed: None.

Absent: None.

No. 4

RESOLVED, that Bernard E. Decker of Mohawk, New York, be, and he hereby is, appointed Budget Officer and Purchasing Agent of the County of Herkimer pursuant to County Law, Article 16, Section 625 and Local Law No. 7 for the year 1933, said term to begin on the first day of January, 2010 and ending December 31, 2011.

Dated: January 4, 2010.

ROBERT N. HYDE

Mr. Decker thanked the Legislature for his appointment stating he looks forward to the next two years.

On motion of Mr. Russell, seconded by Mr. Stone, Report and Resolution No. 5 of the Committee on Finance as regards designation of depositories of county funds for 2010 was handed up for discussion:

Mr. Korce stated these are the maximum amounts that can be deposited, and gives the Treasurer latitude to move between them to get the best deal on interest rates.

The resolution was adopted by voice vote:

All ayes: (17).

Opposed: None.

Absent: None.

No. 5

**REPORT AND RESOLUTION OF THE COMMITTEE ON FINANCE AS  
REGARDS DESIGNATION OF DEPOSITORIES OF COUNTY FUNDS FOR  
2010**

RESOLVED, that the County Legislature of the County of Herkimer does hereby designate the following banks for the deposits of all monies received by the Herkimer County Treasurer, to wit:

|                 |               |
|-----------------|---------------|
| Bank of America | 15,000,000.00 |
| M & T Bank      | 18,000,000.00 |
| NBT             | 15,000,000.00 |
| First Niagara   | 5,000,000.00  |
| Citizen Bank    | 5,000,000.00  |
| Adirondack Bank | 15,000,000.00 |

and, be it further

RESOLVED, that the County Treasurer be, and she hereby is, authorized, empowered and directed to enter into an agreement with each of the said banks for and on behalf of and in the name of the County Legislature of the County of Herkimer, fixing rates of interest to be paid on the monies so deposited; and, be it further

RESOLVED, that before any monies be deposited in any bank, the County Treasurer accept from such bank either a depository bond in some good and solvent surety company or in lieu of such bond, bonds or certificates of the United States, of the State of New York, or any county, city and town of the State of New York, including bonds or certificates, and shall be deposited in a safe deposit box or safe deposit boxes by said County Treasurer in the name of the County of Herkimer or a properly executed certificate of escrow as authorized under the Laws of the State of New York, which certificate is approved by the County Attorney; and the County Treasurer is hereby authorized and directed to enter into a collateral agreement with said banks, which agreement is to be first approved by the County Attorney; and, be it further

RESOLVED, that this Resolution be, and hereby is, made effective to and including December 31, 2010; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Attorney, County Clerk and the above named depositories.

Dated: January 4, 2010.

PATRICK E. RUSSELL  
DENNIS KORCE

VINCENT J. BONO  
BRUCE WEAKLEY  
BERNARD Z. PEPLINSKI, SR.  
JOHN J. PISECK, JR.  
**Committee on Finance**

On motion of Mr. Korce, seconded by Mr. Bono, Report and Resolution No. 6 of the Committee on Finance authorizing County Auditor to process Real Property Tax Refund Applications and to correct errors on tax rolls was handed up; voted on and adopted by voice vote:

All ayes: (17).

Opposed: None.

Absent: None.

No. 6

**REPORT AND RESOLUTION OF THE COMMITTEE ON FINANCE  
AUTHORIZING COUNTY AUDITOR TO PROCESS REAL PROPERTY TAX  
REFUND APPLICATIONS AND TO CORRECT ERRORS ON TAX ROLLS**

WHEREAS, Section 556 (8) of the Real Property Tax Law authorizes this Legislature to delegate, by resolution, to an appropriate official who is either empowered to authorize payment of bills without prior audit by this Legislature or to an official responsible for the payment of bills upon audit by this Legislature to perform the duties set forth in said section related to the refund of taxes, when the refund recommended by the Director of Real Property Tax Service is less than \$2,500.00; and

WHEREAS, Section 554 (9) of the Real Property Tax Law authorizes this Legislature to, by resolution, delegate the authority to perform corrections of errors in the tax roll to an appropriate official who is either empowered to authorize payment of bills without prior audit by this Legislature or to an official responsible for the payment of bills upon audit by this Legislature, provided said correction is \$2500 or less; and

WHEREAS, by letters dated January 2, 2010, the Director of the Real Property Tax Service Agency has requested approval for said procedures for the year 2010; now, therefore, be it

**RESOLVED:**

1. That pursuant to Real Property Tax Law Section 556(8) the County Auditor is hereby authorized to perform the duties set forth in such section for the the Legislature to perform, when the refund recommended by the Director of Real Property Tax Services is \$2,500 or less;

2. That pursuant to Real Property Tax Law Section 554(9) the County Auditor is hereby authorized to perform the duties set forth in Section 554 of the Real Property Tax Law when the recommended correction is \$2500 or less;
3. That the County Auditor, in performing such duties, shall be governed by the provisions of Real Property Tax Section 554 and Section 558 and shall make reports to the Legislature as provided in said Sections;
4. That certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor and Director of Real Property Tax Services.

Dated: January 4, 2010.

PATRICK E. RUSSELL  
DENNIS KORCE  
VINCENT J. BONO  
BRUCE WEAKLEY  
BERNARD Z. PEPLINSKI, SR.  
JOHN J. PISECK, JR.  
**Committee on Finance**

On motion of Mr. Hyde, seconded by Mr. Peplinski, Resolution No. 7 of the Committee on Natural Resources authorizing the Chairman of the Legislature to sign and establish dog quarantine was handed up for discussion:

The resolution was then voted on adopted by voice vote:

All ayes: (17).

Opposed: None.

Absent: None.

No. 7

**RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES  
AUTHORIZING CHAIRMAN OF THE LEGISLATURE TO SIGN AND  
ESTABLISH DOG QUARANTINE FOR 2010**

WHEREAS, the deer population in the County of Herkimer may suffer depredation due to dogs attacking, chasing and worrying deer; now, therefore, be it

RESOLVED:



1. That the Herkimer County Legislature hereby determines that the deer population in the County of Herkimer is suffering depredation due to dogs attacking, chasing and worrying deer;

2. That pursuant to Section 122 of the Agriculture and Markets Law of the State of New York, the Herkimer County Legislature hereby authorizes the Chairman of the County Legislature to sign an Order requiring that all dogs in the County of Herkimer shall be securely confined during the period of time designated in the Order or until such time as the Order is revoked;

3. That notice of such Order shall be given by publication in the Evening Telegram at Herkimer, New York, and The Evening Times of Little Falls, New York, and by filing a copy of said Order in the office of each town clerk in the area affected by such Order;

4. That such Order shall be in full force and effect at the expiration of twenty four hours following publication of such order.

5. That certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer and each town clerk in the area affected by said Order.

Dated: January 4, 2010.

BERNARD Z. PEPLINSKI, SR.  
PETER F. MANNO  
DENNIS KORCE  
JOHN L. BREZINSKI  
FREDERICK J. SHAW, JR.  
HELEN T. ROSE  
Committee on Natural Resources

On motion of Mr. Stone, seconded by Mr. Shaw, Resolution No. 8 designating The Evening Telegram and The Evening Times as the official newspapers of the County of Herkimer was handed up; voted on and adopted by voice vote:

All ayes: (17).

Opposed: None.

Absent: None.

No. 8

**RESOLUTION THAT THE EVENING TELEGRAM AND THE  
EVENING TIMES BE DESIGNATED THE OFFICIAL  
NEWSPAPERS OF THE COUNTY OF HERKIMER FOR THE  
YEAR 2010**

RESOLVED, that this Legislature names the Evening Telegram of Herkimer, New York, and the Evening Times of Little Falls, New York, as the official newspapers of the County of Herkimer, and that those papers have published therein all legal notices, local laws and other matters required to be published.

Dated: January 4, 2010.

JOHN J. PISECK, JR.  
HELEN T. ROSE  
STEPHEN N. KEBLISH, JR.  
JEAN MANEEN  
JEFFREY M. STONE  
LEONARD R. HENDRIX  
ROBERT N. HYDE  
JOHN L. BREZINSKI

PETER F. MANNO  
RAYMOND SMITH  
VINCENT J. BONO  
KURT J. ACKERMAN  
BERNARD Z. PEPLINSKI, SR.  
DENNIS KORCE  
PATRICK E. RUSSELL  
FREDERICK J. SHAW, JR.  
BRUCE WEAKLEY

Chairman Smith called on Pastor Ortlieb for the benediction. Pastor Ortlieb gave the benediction for the meeting.

At 2:30 p.m., on motion of Mr. Manno, seconded by Mr. Hyde, this Session of the Herkimer County Legislature was adjourned to Wednesday, January 20, 2010 at 7:30 p.m.