

MINUTES
Herkimer County Legislature
First Quarter– Third Day
Wednesday, February 17, 2010
7:30 p.m.

This Session of the Herkimer County Legislature was called to order by Chairman Raymond Smith at 7:30 p.m.

Chairman Smith called on Mr. Nick Barbuto to lead the Legislature in the Pledge of Allegiance.

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

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

Absent: Rose (1).

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 January 14 and January 20, 2010.

Chairman Smith dispensed with the regular order of the meeting to allow for the presentation of proclamation. He called on Legislator Jean Maneen to present a proclamation to Sylvia Rowan, County Clerk, in recognition of her election as President of the New York State County Clerks' Association.

Chairman Smith then called upon Jay Ewanyk, County Highway Superintendent to make a presentation to the Legislature. Mr. Ewanyk gave a brief overview and distributed information on the fourteen Capital Construction Projects performed by the Herkimer County Highway Department for the year 2009. Dennis Korce, Chairman of the Committee on Highways, commended Mr. Ewanyk and his department for their performance in completing this projects in 2009.

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

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. There were no requests for communications to be read.

No. 38 – A communication was received from the Sheriff submitting the monthly report for December 2009. Referred to the Committee on Public Safety and Emergency Management.

No. 39 – A communication was received from the County Highway Superintendent submitting work to be done with County Road Fund monies for 2010. Referred to the Committee on Highways.

No. 40 – A communication was received from the Sheriff submitting request for Indemnification and Release Agreement with the Town of Whitestown. Referred to the Committee on Public Safety and Emergency Management.

No. 41 – A communication was received from the Sheriff submitting request for an agreement with Bassett Hospital for transfer of prisoners with TB. Referred to the Committee on Public Safety and Emergency Management.

No. 42 – A communication was received from the Chairman of the Legislature making appointments and reappointments to the Community Services Board. Ordered filed.

No. 43 – A communication was received from the Director of Community Services requesting approval of services contracts for 2010, appointments to Community Services board and increases for consulting psychiatrists. Referred to the Committee on Human Resources.

No. 44 – A communication was received from the Herkimer County Conservation Alliance recommending Robert Grose as sportsmen's representative to the Fish and Wildlife Management board and David Hyney as alternate. Referred to the Committee on Natural Resources.

No. 45 – A communication was received from the Mohawk Valley Water Authority submitting newsletter. Ordered filed.

No. 46 – A communication was received from ProAct, Inc. advising of member price savings and new benefits. Ordered filed.

No. 47 – A communication was received from the Director of Community Services submitting the annual report of the Mental Health Services. Referred to the Committee on Human Resources.

No. 48 – A communication was received from the New York State Assoc. of Counties acknowledging receipt of resolutions. Ordered filed.

No. 49 – A communication was received from the County Attorney advising of receipt of Summons and Complaint. Referred to the Committee on Ways and Means.

No. 50 – A communication was received from the Soil and Water Conservation District submitting minutes of 1/12/10 meeting. Ordered filed.

No. 51 – A communication was received from the Director of Community Services submitting January activities update. Ordered filed.

No. 52 – A communication was received from Governor Paterson acknowledging receipt of resolution. Ordered filed.

No. 53 - A communication was received from the County Attorney advising of the receipt of a Notice of Claim. Referred to the Committee on Ways and Means.

No. 54 – A communication was received from the Chairman of the Legislature appointing members to Ways and Means Committee. Ordered filed.

No. 55 – A communication was received from the Executive Director of the IDA requesting a contract for administration of the Empire Zone Program. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

No. 56 – A communication was received from the Chairman of the Legislature appointing sportsmen’s representative and alternate to the Fish and Wildlife Management Board. Referred to the Committee on Natural Resources.

No. 57 – A communication was received from the Family of Harrison J. Hummel, Jr. expressing thanks for memorial resolution. Ordered filed.

No. 58 – A communication was received from John J. Day submitting his resignation as County Coroner. Ordered filed.

No. 59 – A communication was received from the Budget Officer concerning Computer Reserve. Referred to the Committee on Ways and Means.

No. 60 – A communication was received from the Director of Probation requesting staffing changes. Referred to the Committee on Ways and Means.

No. 61 – A communication was received from the Director of Information Services requesting contract for update to firewall and network switches. Referred to the Committee on Information Services.

No. 62 – A communication was received from the County clerk requesting partnership with the Thruway Authority for the E-Z Pass On the Go Program. Referred to the Committee on Administration and Veterans’ Affairs.

No. 63 – A communication was received from the Personnel Officer requesting contract under GASB No. 45. Referred to the Committee on Ways and Means.

No. 64 – A communication was received from the Director of Emergency Services requesting renewal of five year contract with Town of Inlet for E911 dispatching services. Referred to the Committee on Public Safety and Emergency Management.

No. 65 – A communication was received from the Budget Officer submitting requests for 2010 transfers. Referred to the Committee on Ways and Means.

No. 66 – A communication was received from the District Attorney requesting amendment of YWCA Grant. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 67 – A communication was received from the Budget Officer submitting requests for 2009 transfers of funds. Referred to the Committee on Ways and Means.

No. 68 – A communication was received from the Budget Officer concerning County Building Reserve. Referred to the Committee on Ways and Means.

No. 69 – A communication was received from the Budget Officer recommending budget amendment in connection with YWCA grant. Referred to the Committee on Public Safety and Emergency Management and the Committee on Ways and Means.

No. 70 – A communication was received from the County Clerk advising of the receipt of a Records Management Grant. Referred to the Committee on Administration/Veterans Affairs and the Committee on Ways and Means.

No. 71 – A communication was received from the Budget Officer recommending budget amendment for Records Management Grant. Referred to the Committee on Administration/Veterans Affairs and the Committee on Ways and Means.

No. 72 – A communication was received from the Mayor of the City of Little Falls requesting transfer of county owned property to the City. Referred to the Committee on County Properties.

No. 73 – A communication was received from the Director of Employment recommending appointment to Workforce Investment Board. Referred to the Committee on County Planning and Development.

No. 74 – A communication was received from the Budget Officer submitting request for appropriation of funds. Referred to the Committee on Ways and Means.

No. 75 – A communication was received from the Director of Employment and Training requesting budget amendment in connection with AARA (stimulus) funding for 2009. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

No. 76 – A communication was received from the Budget Officer requesting amendment of Resolution No. 164 of 2009 in connection with AARA (Stimulus) funding for 2009 for the Employment and Training Administration. Referred to the committee on County Planning and Development and the Committee on Ways and Means.

No. 77 – A communication was received from the Chairman of the Legislature appointing Legislature representative to the Mohawk Valley Community Action Agency Board. Ordered filed.

No.78 – A communication was received from the Majority Leader of the Legislature nominating member to Ethics Board. Referred to the Committee on Administration/Veterans Affairs.

On motion of Mr. Hendrix, seconded by Mr. Bono, Resolution No. 36 of the Committee on Public Safety and Emergency Management approving the Monthly Report of the Sheriff for December handed up; there being no discussion was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Rose (1).

No. 36

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 December, 2009 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 December 2009, which report reflects an average daily population of 37.23 inmates, with an average of 9.77 inmates being boarded out in December, be approved and filed.

Dated: February 17, 2010

**LEONARD R. HENDRIX
VINCENT J. BONO
JEFFREY M. STONE
DENNIS KORCE
ROBERT N. HYDE
BRUCE WEAKLEY
Committee on Public Safety &
Emergency Management**

On motion of Mr. Weakley, seconded by Mr. Korce, Report and Resolution No. 37 of the Committee on Highways approving projects under Article 6, Section 116 of the Highway Law was handed up; discussion was held; was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Rose (1).

No. 37

REPORT AND RESOLUTION OF THE COMMITTEE ON HIGHWAYS APPROVING PROJECTS UNDER ARTICLE 6, SECTION 116 OF THE HIGHWAY LAW

Your Committee on Highways, to which was referred the letter of Jay W. Ewanyk, County Superintendent of Highways, dated January 26, 2010, submitting three copies each of statements under Article 6 of the Highway Law designating work to be done with County Road Fund monies during the year 2010 covering eight projects involved in the Capital Construction Program, respectfully reports that we have examined said statements contained in said communication from and signed by the County Superintendent of Highways, recommend its adoption and offer the following Resolution:

RESOLVED, that the statements under Article 6 of the Highway Law which designates work to be done with County Road Fund monies be, and hereby are, approved by the County Legislature of the County of Herkimer for the following eight projects involved in the Capital Construction Program, to be funded as listed:

project no.	road/location	type of project	estimated contracted cost
316	Rose Valley Road, CR 224 Towns of Newport/Russia	3.58 miles road rehabilitation	\$1,400,000.00
317	North Lake Road, CR 214 Town of Ohio	5.10 miles road rehabilitation	\$ 400,000.00
318	Steuben Road, CR 110 Town of Newport	1.38 miles road rehabilitation	\$ 150,000.00
319	Farrell Road, CR 34 Town of Newport	1.91 miles road rehabilitation	\$ 200,000.00
320	Hinckley Road, CR 113/205 Town of Russia	2.06 miles road rehabilitation	\$ 200,000.00
321	Black Creek Road, CR 113 Town of Russia	0.95 miles road rehabilitation	\$ 100,000.00
322	Military Road, CR 113 Town of Russia	1.37 miles road rehabilitation	\$ 150,000.00
323	Strumlock Road, CR 89 Town of Newport	3.16 miles road rehabilitation	\$ 300,000.00

Funding source for these projects will be CHIPS.

And, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the County Treasurer and Herkimer County Superintendent of Highways.

Dated: February 17, 2010.

DENNIS KORCE

PATRICK E. RUSSELL
VINCENT J. BONO
BRUCE WEAKLEY
BERNARD Z. PEPLINSKI, SR.
JEFFREY M. STONE
Committee on Highways

On motion of Mr. Bono, seconded by Mr. Hendrix, Report and Resolution No. 38 of the Committees on Human Resources and Ways and Means authorizing contracts for Herkimer County Mental Health Services was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Rose (1).

No. 38

REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS AND MEANS AUTHORIZING CONTRACTS FOR HERKIMER COUNTY MENTAL HEALTH SERVICES

WHEREAS, by letter dated January 11, 2010 from Edgar Scudder, Director of Community Services, this Legislature is advised of a request to enter into contracts for the year 2010 with various agencies to provide a variety of mental health services for county residents; and

WHEREAS, said contracts shall be supported at the 100% state aid level; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute contracts for the year 2010 with the following agencies to provide services to the Herkimer County Mental Health Services:

1. Upstate Cerebral Palsy Association
1020 Mary Street
Utica, NY 13501
For a contract sum of \$560,000
2. Herkimer ARC
333 South Main Street
Herkimer, NY 13350
For a contract sum of \$215,000
3. Family Services of the Mohawk Valley
401 Columbia Street
Utica, NY 13502
For a contract sum of \$155,000
4. Catholic Charities
61 West Street
Ilion, NY 13357
For a contract sum of \$465,000

- 5. Neighborhood Center
615 Mary Street
Utica, NY 13501
For a contract sum of \$105,000
- 6. Cornell Cooperative Extension
5657 State Route 5
Herkimer, NY 13350
For a contract sum of \$5,500

and, be it further

RESOLVED, that said above contracts shall be for a period of one year and shall end whenever state funds for said purposes are no longer available; and, be it further

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

Dated: February 17, 2010.

PATRICK E. RUSSELL	VINCENT J. BONO
DENNIS KORCE	JOHN J. PISECK
VINCENT J. BONO	JEAN E. MANEEN
BRUCE WEAKLEY	PETER F. MANNO
JOHN J. PISECK, JR.	LEONARD R. HENDRIX
BERNARD PEPLINSKI, SR.	PATRICK E. RUSSELL
Committee on Ways and Means	Committee on Human Resources

On motion of Mr. Hyde, seconded by Mr. Stone, Report and Resolution No. 39 of the Committee on Public Safety and Emergency Management authorizing extension of agreement with Mary Imogene Bassett Hospital for care of inmates with active tuberculosis was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Rose (1).

No. 39

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AUTHORIZING EXTENSION OF AGREEMENT WITH MARY IMOGENE BASSETT HOSPITAL FOR CARE OF INMATES WITH ACTIVE TUBERCULOSIS

WHEREAS, by letter dated February 4, 2010, Sheriff Christopher P. Farber advises this Legislature of a request for renewal of a contract with Mary Imogene Bassett Hospital, One

Atwell Road, Cooperstown, New York, for the treatment of inmates with tuberculosis (also referred to as acid fast bacilli patients); and

WHEREAS, your Committee has considered this request and finds said agreement to be in the best interest of the County of Herkimer; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute a renewal for a three year period of a contract with Mary Imogene Bassett Hospital, One Atwell Road, Cooperstown, New York, for the treatment of inmates with tuberculosis; and, be it further

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

Dated: February 17, 2010.

LEONARD R. HENDRIX
VINCENT J. BONO
JEFFREY M. STONE
DENNIS KORCE
ROBERT N. HYDE
BRUCE WEAKLEY
**Committee on Public Safety and
Emergency Management**

On motion of Mr. Hendrix, seconded by Mr. Peplinski, Report and Resolution No. 40 of the Committee on Public Safety and Emergency Management authorizing indemnification and release agreement with Town of Whitestown for use of firearms training range, was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Rose (1).

No. 40

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND
EMERGENCY MANAGEMENT AUTHORIZING INDEMNIFICATION AND
RELEASE AGREEMENT WITH TOWN OF WHITESTOWN FOR USE OF FIREARMS
TRAINING RANGE**

WHEREAS, by letter dated February 4, 2010, Sheriff Christopher P. Farber advises this Legislature of a request for the Chairman to sign an Indemnification and Release Agreement

with the Town of Whitestown, whereby Herkimer County as sponsors, holds the Town of Whitestown harmless from any and all claims associated with the use of their firearms training range; and

WHEREAS, the town of Whitestown's range is used by the Herkimer County Sheriff's Office employees as part of firearms training with the Mohawk Valley Police Academy; and

WHEREAS, your Committee has considered this request and finds said agreement to be in the best interest of the County of Herkimer; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute an Indemnification and Release Agreement with the town of Whitestown, whereby Herkimer County holds the Town of Whitestown harmless from any and all claims associated with the use of the Town of Whitestown's firearms training range; and, be it further

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

Dated: February 17, 2010.

LEONARD R. HENDRIX
VINCENT J. BONO
JEFFREY M. STONE
DENNIS KORCE
ROBERT N. HYDE
BRUCE WEAKLEY
**Committee on Public Safety and
Emergency Management**

On motion of Mr. Peplinski, seconded by Mr. Weakley, Report and Resolution No. 41 of the Committee on Natural Resources appointing member to Regional Fish and Wildlife Management Board was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Rose (1).

No. 41

**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES
APPOINTING MEMBER TO THE REGIONAL FISH AND WILDLIFE
MANAGEMENT BOARD**

RESOLVED, that the appointment of Robert Grose, P.O. Box 101, Salisbury Center, New York, to the Regional Fish and Wildlife Management Board, made by the Chairman of the

Legislature, by letter dated February 10, 2010 be, and hereby is, ratified and confirmed for sportsmen's representative, which term shall end on December 31, 2011; and, be it further

RESOLVED, that the appointment of David J. Hyney, 337 West Monroe St., Little Falls, New York, to the Regional Fish and Wildlife Management Board, made by the Chairman of the Legislature, by letter dated February 10, 2010 be, and hereby is, ratified and confirmed for alternate sportsmen's representative, which term shall end on December 31, 2011; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Regional Supervisor of Fish and Wildlife at Region 6 of the New York State Department of Environmental Conservation, Robert Grose and David J. Hyney.

Dated: February 17, 2010.

BERNARD PEPLINSKI, SR.
FREDERICK J. SHAW, JR.
DENNIS KORCE
BRUCE WEAKLEY
PETER F. MANNO
JOHN L. BREZINSKI
Committee on Natural Resources

On motion of Mr. Russell, seconded by Mr. Hendrix, Report and Resolution No. 42 of the Committee on Public Safety/Emergency Management amending budget in connection with funding in District Attorney's Office was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (16).

Against: None.

Absent: Rose (1).

No. 42

REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AND THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT AMENDING BUDGET IN CONNECTION WITH FUNDING IN DISTRICT ATTORNEY'S OFFICE

WHEREAS, by letter dated February 1, 2010, John H. Crandall, Sr., District Attorney, has advised that funding has been received from the YWCA of the Mohawk Valley for a Law Enforcement Coordinator's position in the District Attorney's Office; and

WHEREAS, by letter dated February 11, 2010 from the Budget Officer and Purchasing Agent, this Legislature is advised that it is necessary to amend the 2010 Budget in connection with the receipt of said funding ; now, therefore, be it

RESOLVED, that the 2010 Herkimer County Budget is hereby amended as follows:

<u>Revenue</u>	<u>From</u>	<u>To</u>
A1165B.2260A, YWCA Law Enforcement Grant	\$-0-	\$30,000.00
 <u>Appropriation</u>		
A1165B.100000-001, YWCA Law Enforcement Coordinator-Salaries	\$-0-	\$27,003.00
A1165B.83000, YWCA Law Enforcement Coordinator – Social Security	\$-0-	\$ 1,674.00
A1165B.8400-, YWCA Law Enforcement Coordinator-Workers’ comp.	\$-0-	\$ 931.00
A1165B.83500, YWCA Law Enforcement Coordinator – Medicare	\$-0-	\$ 392.00

And, be it further

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

Dated: February 17, 2010.

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways & Means

LEONARD R. HENDRIX
VINCENT J. BONO
JEFFREY M. STONE
DENNIS KORCE
ROBERT N. HYDE
BRUCE WEAKLEY
**Committee on Public Safety and
Emergency Management**

On motion of Mr. Piseck, seconded by Mr. Peplinski, Report and Resolution No. 43 of the Committee on County Planning and Development authorizing contract with Herkimer County Industrial Development Agency in connection with operation of the Empire Zone Program was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Rose (1).

No. 43

REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AUTHORIZING CONTRACT WITH HERKIMER COUNTY INDUSTRIAL DEVELOPMENT AGENCY IN CONNECTION WITH THE OPERATION OF THE EMPIRE ZONE PROGRAM

WHEREAS, pursuant to Local Law No. 5 for the year 2005, the County of Herkimer made application for re-designation of certain areas with the County of Herkimer as an Empire Zone; and

WHEREAS, by Resolution No. 107 of 2006 this Legislature entered into a contract with the Herkimer County Industrial Development Agency in connection with the operation of said Empire Zone Program, which contract was extended by resolution each year thereafter; and

WHEREAS, by letter dated January 6, 2010, Mark Feane, Executive Director of the Herkimer County Industrial Development Agency, has advised of a request to enter into a further contract with the Herkimer County Industrial Development Agency to allow for said Agency to administer the Herkimer County Empire Zone Program for the period from July 1, 2009 to June 30, 2010 which will be funded \$45,000 from Herkimer County; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a contract with the Herkimer County Industrial Development Agency in connection with the operation of the Herkimer County Empire Zone Program for the period from July 1, 2009 to June 30, 2010, to be funded \$45,000 from Herkimer County with additional funding from the State of New York, and with 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 Herkimer County Treasurer, Auditor, Budget Officer and Herkimer County Industrial Development Agency.

Dated: February 17, 2010.

JOHN J. PISECK, JR.
VINCENT J. BONO
PATRICK E. RUSSELL
BERNARD PEPLINSKI, SR.
FREDERICK J. SHAW, JR.
KURT J. ACKERMAN
**Committee on County Planning and
Development**

On motion of Mr. Ackerman, seconded by Mr. Weakley, Report and Resolution No. 44 of the Committee on County Properties conveying Real Property to the City of Little Falls was handed up; there being no discussion, was voted on and adopted by roll call vote:

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

Against: None.

Absent: Rose (1).

No. 44

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PROPERTIES
CONVEYING REAL PROPERTY TO THE CITY OF LITTLE FALLS**

WHEREAS, in recent tax foreclosure proceedings, the County of Herkimer acquired title to a parcel of real property located in the City of Little Falls, at 4 Catherine Street, having tax map #114.60-3-5; and

WHEREAS, the County has been approached by the City of Little Falls indicating that the City wishes to take title to the premises as the building is a danger to the health and welfare of the City of Little Falls and the City wishes to demolish said building as quickly as possible; and

WHEREAS, the County Properties Committee believes it would be in the best interest of the County and the City to enter into such an agreement subject to certain terms and conditions; now, therefore, be it

RESOLVED:

1. That the County hereby agrees to convey title to the above described real property to the City of Little Falls for the sum of \$1.00.
2. The city shall further agree that in the event that it sells the premises at any time in the future, the city shall pay the county any amounts received by the city for such premises, over and above the reasonable and necessary demolition costs incurred by the city.
3. The city shall further agree it shall indemnify the county and hold the County harmless from any suit, claim, cause of action or cost of any kind or nature in connection with the premises, including any such issue related to environmental contamination or cleanup of or otherwise related to the premises.

And, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute an agreement containing the above provisions and to execute all necessary documents to accomplish the transfer of title to the City of Little Falls; and, be it further

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

Dated: February 17, 2010.

BRUCE WEAKLEY
JOHN J. PISECK, JR.
VINCENT J. BONO
JEAN E. MANEEN
JEFFREY M. STONE
KURT J. ACKERMAN
Committee on County Properties

On motion of Mr. Piseck, seconded by Mr. Bono, Report and Resolution No. 45 of the Committee on County Planning and Development concerning membership on the Workforce Investment board was handed up; discussion was held; was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Rose (1).

No. 45

REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT CONCERNING MEMBERSHIP ON THE WORKFORCE INVESTMENT BOARD

WHEREAS, by letter dated February 8, 2010, from Karin Zipko, Employment & Training Director, has advised that a vacancy currently exists on the Workforce Investment Board and recommends an appointment be made to said Board; now, therefore, be it

RESOLVED, that Arlene Broat, Assistant Vice President and Branch Manager of NBT Bank, is hereby appointed to serve on the Workforce Investment Board of Herkimer, Madison, and Oneida Counties for a term commencing March 1, 2010 through February 28, 2013 and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Director of Employment & Training, Chairman of the Workforce Investment Board, Chairman of the Madison County Board of Supervisors, Oneida County Executive and Arlene Broat.

Dated: February 17, 2010.

JOHN J. PISECK, JR.
VINCENT J. BONO
PATRICK E. RUSSELL
BERNARD PEPLINSKI, SR.
FREDERICK J. SHAW, JR.
KURT J. ACKERMAN
**Committee on County Planning and
Development**

On motion of Mrs. Maneen, seconded by Mr. Shaw, Report and Resolution No. 46 of the Committee on Administration/Veterans' Affairs and the Committee on Ways and Means amending budget in connection with receipt of funds for Records Management Grant in County Clerk's Department was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Rose (1).

No. 46

**REPORT AND RESOLUTION OF THE COMMITTEE ON
ADMINISTRATION/VETERANS' AFFAIRS AND THE COMMITTEE ON WAYS AND
MEANS AMENDING BUDGET IN CONNECTION WITH RECEIPT OF FUNDS FOR
RECORDS MANAGEMENT GRANT IN COUNTY CLERK'S DEPARTMENT**

WHEREAS, by letter dated February 12, 2010 from Bernard E. Decker, Budget Officer, this Legislature is advised that the funding will be received for a Records Management Grant for the period July 1, 2009 through June 30, 2010 in the amount of \$32,765.00 and requests amendment of the 2010 Budget in connection therewith; and

WHEREAS, by letter dated February 4, 2010, Sylvia M. Rowan, County Clerk, has advised that said funding will be used for purchased services to film, digitize and tag volumes of earlier mortgage indices; now, therefore, be it

RESOLVED, that the 2010 Herkimer County Budget is hereby amended as follows:

<u>Revenue</u>	<u>From:</u>	<u>To:</u>
A1410.3060, State Aid, Records Management	\$-0-	\$32,765.00
 <u>Appropriation</u>		
A1460.44000, Records Management Grant – Contracted Services	\$-0-	\$32,765.00

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: February 17, 2010.

JEAN E. MANEEN
BRUCE WEAKLEY
FREDERICK J. SHAW, JR.
PETER F. MANNO
STEPHEN N. KEBLISH, JR.
JOHN L. BREZINSKI
**Committee on Administration/Veterans'
Affairs**

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

On motion of Mr. Russell, seconded by Mr. Peplinski, Report and Resolution No. 47 of the Committee on Ways & Means transferring funds to Reserve Account was handed up; discussion was held; was voted on and adopted by voice vote:

All ayes: (16).

Against: None.

Absent: Rose (1).

No. 47

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS & MEANS
TRANSFERRING FUNDS TO RESERVE ACCOUNT**

WHEREAS, by communication dated February 11, 2010 from Bernard E. Decker, Budget Officer, this Legislature is advised that it is necessary to transfer the remaining balance at the close of books for the year 2009 in Account A1620.46000, County Buildings – Miscellaneous Expense to Account 889N – Reserve for County Building Improvements and reserved there for future use on various capital improvements to Herkimer County Buildings; now, therefore, be

RESOLVED, that this Legislature does hereby authorize that the remaining balance in Account A1620.46000, County Buildings – Miscellaneous Expense, at the close of books for the year 2009 be transferred to Account A889N – Reserve for County Building Improvements and reserved there for future use on various capital improvements to Herkimer County Buildings; and, be it further

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

Dated: February 17, 2010.

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

On motion of Mr. Hendrix, seconded by Mr. Bono, Report and Resolution No. 48 of the Committees on Human Resources and Ways and Means increasing payment to contractors of Mental Health Services was handed up; there being no discussion was voted on and adopted by voice vote:

Ayes: (15).

Against: Ackerman (1).

Absent: Rose (1).

No. 48

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES
AND WAYS AND MEANS INCREASING PAYMENT TO CONTRACTORS OF
MENTAL HEALTH SERVICES**

WHEREAS, by letter dated February 2, 2010, Edgar Scudder, Director of Community Services, has requested approval for increases in the hourly rates paid to consulting psychiatrists, with whom contracts have been entered into pursuant to resolutions previously adopted; and

WHEREAS, said resolutions provide for hours worked and compensation for said contractors; now, therefore, be it

RESOLVED, that the current hourly rate for consulting psychiatrists be increased from \$115.00 to \$120.00, retroactive to February 2, 2010, and the contracts of each of said contractors be revised to reflect such increase; and, be it further

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

Dated: February 17, 2010

VINCENT J. BONO
JOHN J. PISECK, JR.
JEAN E. MANEEN
PETER F. MANNO
LEONARD R. HENDRIX
PATRICK E. RUSSELL
Committee on Human Resources

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

On motion of Mr. Russell, seconded by Mr. Peplinski, Report and Resolution No. 49 of the Committee on Ways and Means in connection with implementation of Government Accounting Standards Board Statement was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Rose (1).

No. 49

REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS IN CONNECTION WITH IMPLEMENTATION OF GOVERNMENT ACCOUNTING STANDARDS BOARD STATEMENT (GASB45)

WHEREAS, by letter dated February 12, 2010 from Steven R. Billings, Personnel Officer, this Legislature is advised that a proposals have been received to provide the County with the performance of a post employment benefits evaluation under Government Account Standards Board (GASB) No. 45; and

WHEREAS, it is the recommendation of the Personnel Officer and your Committee that a contract be entered into with Aquarius Capital of Port Chester, New York, to perform said service for a total cost of \$4,900.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute an agreement on behalf of the County of Herkimer with Aquarius Capital, 110 Betsy Brown Road, Port Chester, New York 10573, to provide the County with the performance of a post employment benefits evaluation under Government Account Standards Board (GASB) No. 45, said contract to be in the amount of \$4,900.00, and with the final terms of said 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, Personnel Officer and Aquarius Capital.

Dated: February 17, 2010.

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways & Means

On motion of Mr. Russell, seconded by Mr. Piseck, Report and Resolution No. 50 of the Committee on Ways and Means transferring funds for 2009 was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Rose (1).

No.50

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
TRANSFERRING FUNDS FOR 2009**

WHEREAS, your Committee on Finance, to which was referred a communication from the Budget Officer and Purchasing Agent dated February 12, 2010 submitting a request for transfer of funds, reports that we have examined said communication, inquired into the subject matter thereof, recommend that said transfer 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:

\$10,000 From: A4010.10000-001PHNS, Salaries
 To: A2960.44000 Education of Handicapped Children, Cont. Svcs.

\$30,000 From: A4012.10000-001LTC, Salaries
To: A2960.44000 Education of Handicapped Children, Cont. Svcs.
\$ 50 From: A1340.44000 001Budget & Purchasing, Cont. Svcs.
To: A8026.46100 Adir. Park. Rev. Board, Mileage & Travel

and be it further,

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

Dated: February 17, 2010.

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD Z. PEPLINSKI, Sr.
Committee on Ways & Means

On motion of Mr. Russell, seconded by Mr. Piseck, Report and Resolution No. 51 of the Committee on Ways and Means transferring funds for 2010 was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Rose (1).

No.51

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
TRANSFERRING FUNDS FOR 2010**

WHEREAS, your Committee on Finance, to which was referred a communication from the Budget Officer and Purchasing Agent dated February 12, 2010 submitting a request for transfer of funds, reports that we have examined said communication, inquired into the subject matter thereof, recommend that said transfer 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:

\$ 5,000 From: A4189I.41000ARRA Immunization, Supplies
To:A4189I.10000-002 41000ARRA Immunization, Overtime

\$ 6,700 From: A4014.44000 PCAP, Cont. Svcs.

and be it further,

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

Dated: February 17, 2010.

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD Z. PEPLINSKI, Sr.
Committee on Ways & Means

On motion of Mr. Hendrix, seconded by Mr. Peplinski, Report and Resolution No. 52 of the Committee on Public Safety and Emergency Management approving agreement between the County of Herkimer and the Town of Inlet for E911 services was handed up; discussion was held; was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Rose (1).

No. 52

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT APPROVING AGREEMENT BETWEEN THE COUNTY OF HERKIMER AND THE TOWN OF INLET FOR E911 SERVICES

WHEREAS, pursuant to Resolution No. 208 of 1999 this Legislature authorized an Intermunicipal Agreement for a period of five years to provide an Enhanced 911 Emergency Telephone Service to the Town of Inlet, which agreement was renewed for each five year period thereafter; and

WHEREAS, by letter dated February 10, 2010, Robert Vandawalker, Director of Emergency Services, has advised that a new agreement has been negotiated with the Town of Inlet for a new five year agreement from 2010-14; and

WHEREAS, it is in the mutual interest of the County of Herkimer and the Town of Inlet to enter into such agreement in order to maximize the investment of the County of Herkimer in its Enhanced 911 Emergency Telephone System and to provide such services to the Town of

Inlet at a cost which will cover the cost of delivery of such services to the Town of Inlet; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an Intermunicipal Agreement with the Town of Inlet, whereby the County of Herkimer will provide enhanced emergency telephone services to residents of the Town of Inlet for a period of five (5) years, at a 2.5% yearly increase in each of the consecutive 5 years, with yearly payments to be as follows:

2010	-	\$18,579.00
2011	-	\$19,043.00
2012	-	\$19,519.00
2013	-	\$20,007.00
2014	-	\$20,507.00

And, be it further

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

Dated: February 17, 2010.

LEONARD R. HENDRIX
VINCENT J. BONO
JEFFREY M. STONE
DENNIS KORCE
ROBERT N. HYDE
BRUCE WEAKLEY
**Committee on Public Safety and
Emergency Management**

On motion of Mr. Maneen, seconded by Mr. Brezinski, Report and Resolution No. 53 of the Committee on Administration/Veterans Affairs authorizing EZ Pass On the Go Program for the Herkimer County Department of Motor Vehicles was handed up; discussion was held; was voted on and adopted by voice vote:

All ayes: (16).

Against: None.

Absent: Rose (1).

No. 53

**REPORT AND RESOLUTION OF THE COMMITTEE ON
ADMINISTRATION/VETERANS' AFFAIRS AUTHORIZING EZ PASS ON THE GO**

PROGRAM FOR THE HERKIMER COUNTY DEPARTMENT OF MOTOR VEHICLES

WHEREAS, by letter dated February 5, 2010, Sylvia M. Rowan, Herkimer County Clerk, has advised that the New York State Thruway Authority is seeking to partner with the Herkimer County Department of Motor Vehicles for the E-Z Pass On-the-Go Program; and

WHEREAS, said letter further advises that the E-Z Pass On-the-Go Program is a program where qualified businesses sell pre-packaged E-Z tags, which tags can be provided to the DMV office at a discounted rate of \$21.00 and then sold to customers over the counter for \$25.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an agreement with the New York State Thruway Authority to partner with the Herkimer County Department of Motor Vehicles with the E-Z Pass On-the-Go Program, with said agreement 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 Herkimer County Treasurer, Auditor, Budget Officer, County Clerk and New York State Thruway Authority.

February 17, 2010.

JEAN E. MANEEN
BRUCE WEAKLEY
FREDERICK J. SHAW, JR.
PETER F. MANNO
STEPHEN N. KEBLISH, JR.
JOHN L. BREZINSKI
**Committee on Administration/Veterans'
Affairs**

On motion of Mr. Stone, seconded by Mr. Ackerman, Report and Resolution No. 54 of the Committee on Information Services authorizing contract for provision of equipment for Information Services Department was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (16).

Against: None.

Absent: Rose (1).

No. 54

REPORT AND RESOLUTION OF THE COMMITTEE ON INFORMATION SERVICES AUTHORIZING CONTRACT FOR PROVISION OF EQUIPMENT FOR INFORMATION SERVICES DEPARTMENT

WHEREAS, by letter dated February 11, 2010, JoAnn Boyer, Director of Information Services, has advised that proposals have been received to provide and perform equipment services to update firewall and network switches, which project is Phase I of the consultant services provided by M.A. Polce, Consulting, Inc., Information Technologies, pursuant to Resolution No. 324 of 2008; and

WHEREAS, it the recommendation of your Committee that a contract be entered into with Annese & Associates of North Syracuse, New York to provide said services at a cost of \$26,982.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is authorized to enter into a contract with Annese & Associates, Inc., 100 Elwood Davis Road, North Syracuse, New York 13212, to provide and perform equipment services to update firewall and network switches for the County of Herkimer, at a cost of \$26,982.00, in connection with Phase I of the recommendations provided by M.A. Polce Consulting, Inc., with 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 Herkimer County Treasurer, Auditor, Budget Officer, Director of Information Services and Annese & Associates, Inc.

Dated: February 17, 2010.

JEFFREY M. STONE
STEPHEN N. KEBLISH, JR.
KURT J. ACKERMAN
PETER F. MANNO
JEAN E. MANEEN
HELEN T. ROSE
Committee on Information Services

On motion of Mr. Russell, seconded by Mr. Piseck, Report and Resolution No. 55 of the committee on Administration/Veterans' Affairs reappointing member to Ethics Board was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (16).

Against: None.

Absent: Rose (1).

No. 55

**REPORT AND RESOLUTION OF THE COMMITTEE ON
ADMINISTRATION/VETERANS' AFFAIRS REAPPOINTING MEMBER TO ETHICS
BOARD**

WHEREAS, the Ethics Law adopted by this County Legislature provides for three year terms of members of the Ethics Board; and

WHEREAS, by letter dated March 26, 2008, Patrick E. Russell, Majority Leader of the Legislature, has nominated Robert Sherry of Herkimer, New York, to be reappointed to said Ethics Board; now, therefore, be it

RESOLVED, that upon the nomination of the Majority Leader of this Legislature, Robert Sherry, 502 Bellinger Ave., Herkimer, New York, is hereby reappointed to the Herkimer County Ethics Board for a term to expire April 1, 2012; and, be it further

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

Dated: February 17, 2010.

JEAN E. MANEEN
BRUCE WEAKLEY
FREDERICK J. SHAW, JR.
PETER F. MANNO
STEPHEN N. KEBLISH, JR.
JOHN L. BREZINSKI
Committee on Administration/Veterans'
Affairs

On motion of Mr. Russell, seconded by Mr. Peplinski, Report and Resolution No. 56 of the Committee on Ways and Means amending Resolution No. 395 of 1997 authorizing a Capital Reserve Fund for Computer Systems was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Rose (1).

No. 56

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
AMENDING RESOLUTION NO. 395 OF 1997 AUTHORIZING A CAPITAL RESERVE
FUND FOR COMPUTER SYSTEMS**

WHEREAS, by letter dated February 11, 2010, Bernard E. Decker, Budget Officer and Purchasing Agent, has requested an amendment to Resolution No. 395 adopted on December 15, 1997, which established Capital Reserve Fund H878, Reserve for Computer Systems; and

WHEREAS, your Committee has considered said request and recommends said amendment be made; now, therefore, be it

RESOLVED, that Resolution No. 395 duly adopted on December 15, 1997, is hereby amended to add an additional Resolved Clause as follows:

“RESOLVED, that the total amount reserved in this way shall not exceed the Amount of \$50,000 in any one year”

And, be it further

RESOLVED, that in all other respects, Resolution No. 395 of 1997 is hereby ratified and confirmed; and, be it further

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

Dated: February 17, 2010.

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways & Means

On motion of Mr. Bono, seconded by Mr. Shaw, Report and Resolution No. 57 of the Committee on Ways and Means and the Committee on County Planning and Development amending Resolution No. 164 of 2009 in connection with receipt of American Recovery and Reinvestment Act funds for Employment and Training Administration was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Rose (1).

No. 57

REPORT AND RESOLUTION OF THE COMMITTEES ON FINANCE AND COUNTY PLANNING AND DEVELOPMENT AMENDING RESOLUTION NO. 164 OF 2009 IN

CONNECTION WITH RECEIPT OF AMERICAN RECOVERY AND REINVESTMENT ACT FUNDS FOR EMPLOYMENT AND TRAINING ADMINISTRATION

WHEREAS, by letter dated February 11, 2010, from the Budget Officer and Purchasing Agent, this Legislature is advised that it is necessary to amend Resolution No. 164 duly adopted on June 10, 2009, which amended the 2009 Budget to reflect funding received under the American Recovery and Reinvestment Act of 2009 (Stimulus); now, therefore, be it

RESOLVED, that Resolution No. 164 adopted on June 10, 2009, amending the 2009 Herkimer County Budget is hereby amended in the First Resolved Clause as follows:

<u>Revenue Account:</u>	<u>From</u>	<u>To</u>
CD6329.4793A, Federal Aid –ETA Stimulus	\$-0-	\$ 96,057.66
	Youth – Out of School	
CD6328.4793A, Federal Aid – ETA Stimulus	\$-0-	\$172,829.23
	Youth – In School	
CD6330.4794A, Federal Aid – ETA Stimulus	\$-0-	\$232,699.04
	Dislocated Worker	
CD6327.4791A, Federal Aid – ETA Stimulus	\$-0-	\$ 94,158.62
	Adult	
CD6326.4790A, Federal Aid – ETA Stimulus	\$-0-	\$ 36,267.51
	Administration	

Appropriation Accounts:

CD6329, ETA Stimulus – Youth Out of School		
.10000-001, Salaries	\$-0-	\$ -0-
.10000-003, In Lieu	\$-0-	\$ -0-
.10100-022, Temp. Emp./ETA SUM	\$-0-	\$41,737.89
.41000-160, Inventory	\$-0-	\$ 85.71
.41000-205, Printing	\$-0-	\$ -0-
.42100-298, Internet	\$-0-	\$-0-
.42100-300, Landline	\$-0-	\$-0-
.42100-303, Long Distance	\$-0-	\$-0-
.44000, Contracted Services	\$-0-	\$47,367.84
.44000-370, Copier	\$-0-	\$-0-
.45000, Fees for Services	\$-0-	\$ 678.84
.46000-683, CRT	\$-0-	\$ -0-
.46000-713, OJT	\$-0-	\$ -0-
.460714, Other	\$-0-	\$-0-
.46100-759, Mileage	\$-0-	\$ 824.93
.46300, Postage & Freight	\$-0-	\$ 98.00
.81000, Retirement	\$-0-	\$ 618.16
.83000, Social Security	\$-0-	\$ 2,588.56
.83500, Medicare	\$-0-	\$ 604.26
.84000, Workers Comp.	\$-0-	\$ 1,453.47

.86000, Hospitalization	\$-0-	\$-0-
.86500, Dental	\$-0-	\$-0-
CD6328, ETA Stimulus – Youth in School		
.10000-001, Salaries	\$-0-	\$ -0-
.10000-003, In Lieu	\$-0-	\$-0-
.10100-022, Temp. Emp.	\$-0-	\$74,538.16
.41000-160, Inventory	\$-0-	\$ 175.32
41000-205, Printing	\$-0-	\$ 319.80
.42100-298, Internet	\$-0-	\$-0-
.42100-300, Landline	\$-0-	\$-0-
.42100-303, Long Distance	\$-0-	\$-0-
.44000, Contracted Services	\$-0-	\$86,986.13
.44000-370, Copier	\$-0-	\$-0-
.45000, Fees for Services	\$-0-	\$-0-
.46000-683, CRT	\$-0-	\$-0-
.46000-713, OJT	\$-0-	\$-0-
.460714, Other	\$-0-	\$-0-
.46100-759, Mileage	\$-0-	\$ 1,577.29
.46300, Postage & Freight	\$-0-	\$ 163.54
.81000, Retirement	\$-0-	\$ 208.55
.83000, Social Security	\$-0-	\$ 4,880.18
.83500, Medicare	\$-0-	\$ 1,137.04
.84000, Workers Comp.	\$-0-	\$ 2,744.06
.86000, Hospitalization	\$-0-	\$-0-
.86500, Dental	\$-0-	\$-0-
CD6330, ETA Stimulus – Dislocated Worker		
.10000-001, Salaries	\$-0-	\$ -0-
.10000-003, In Lieu	\$-0-	\$ -0-
.10100-022, Temp. Emp.	\$-0-	\$ -0-
.41000-160, Inventory	\$-0-	\$-0-
.41000-205, Printing	\$-0-	\$-0-
.42100-298, Internet	\$-0-	\$-0-
.42100-300, Landline	\$-0-	\$-0-
.42100-303, Long Distance	\$-0-	\$-0-
.44000, Contracted Services	\$-0-	\$105,000.00
.44000-370, Copier	\$-0-	\$-0-
.45000, Fees for Services	\$-0-	\$-0-
.46000-683, CRT	\$-0-	\$99,562.98
.46000-713, OJT	\$-0-	\$28,136.06
.460714, Other	\$-0-	\$-0-
.46100-759, Mileage	\$-0-	\$-0-
.46300, Postage & Freight	\$-0-	\$-0-

.81000, Retirement	\$-0-	\$-0-
.83000, Social Security	\$-0-	\$-0-
.83500, Medicare	\$-0-	\$-0-
.84000, Workers Comp.	\$-0-	\$-0-
.86000, Hospitalization	\$-0-	\$-0-
.86500, Dental	\$-0-	\$-0-
CD6327, ETA Stimulus - Adult		
.10000-001, Salaries	\$-0-	\$-0-
.10000-003, In Lieu	\$-0-	\$-0-
.10100-022, Temp. Emp.	\$-0-	\$ -0-
.41000-160, Inventory	\$-0-	\$-0-
.41000-205, Printing	\$-0-	\$-0-
.42100-298, Internet	\$-0-	\$-0-
.42100-300, Landline	\$-0-	\$-0-
.42100-303, Long Distance	\$-0-	\$-0-
.44000, Contracted Services	\$-0-	\$ 39,968.62
.44000-370, Copier	\$-0-	\$-0-
.45000, Fees for Services	\$-0-	\$-0-
.46000-683, CRT	\$-0-	\$27,200.00
.46000-713, OJT	\$-0-	\$26,990.00
.46000-714, Misc.-Other	\$-0-	\$ -0-
.46100-759, Mileage	\$-0-	\$-0-
.46300, Postage & Freight	\$-0-	\$-0-
.81000, Retirement	\$-0-	\$-0-
.83000, Social Security	\$-0-	\$-0-
.83500, Medicare	\$-0-	\$-0-
.84000, Workers Comp.	\$-0-	\$-0-
.86000, Hospitalization	\$-0-	\$-0-
.86500, Dental	\$-0-	\$-0-
CD6326, ETA Stimulus - Administration		
.10000-001, Salaries	\$-0-	\$22,700.00
.10000-003, In Lieu	\$-0-	\$ -0-
.10100-022, Temp. Emp.	\$-0-	\$ -0-
.41000-160, Inventory	\$-0-	\$-0-
.41000-205, Printing	\$-0-	\$-0-
.42100-298, Internet	\$-0-	\$-0-
.42100-300, Landline	\$-0-	\$-0-
.42100-303, Long Distance	\$-0-	\$-0-
.44000, Contracted Services	\$-0-	\$-0-
.44000-370, Copier	\$-0-	\$-0-
.45000, Fees for Services	\$-0-	\$-0-
.46000-712, Misc.-Other	\$-0-	\$-0-
.46100-759, Mileage	\$-0-	\$-0-
.46300, Postage & Freight	\$-0-	\$-0-

.81000, Retirement	\$-0-	\$ 2,065.00
.83000, Social Security	\$-0-	\$ 1,400.00
.83500, Medicare	\$-0-	\$ 350.00
.84000, Workers Comp.	\$-0-	\$ 800.00
.86000, Hospitalization	\$-0-	\$ 8,827.51
.86500, Dental	\$-0-	\$ 125.00

and, be it further

RESOLVED, that in all other respects, said Resolution No. 164 of 2009 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 Director of Employment & Training.

Dated: February 17, 2010.

JOHN J. PISECK, JR.
 VINCENT J. BONO
 PATRICK E. RUSSELL
 BERNARD PEPLINSKI, SR.
 FREDERICK J. SHAW, JR.
 KURT J. ACKERMAN
**Committee on County Planning and
 Development**

PATRICK E. RUSSELL
 DENNIS KORCE
 VINCENT J. BONO
 BRUCE WEAKLEY
 JOHN J. PISECK, JR.
 BERNARD PEPLINSKI, SR.
Committee on Ways & Means

On motion of Mr. Russell, seconded by Mr. Stone, Report and Resolution No. 58 of the Committee on Ways and Means appropriating funds from General Fund in connection with Industrial Development Agency was handed up; there being no discussion, was voted on and adopted by roll call vote:

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

Against: None.

Absent: Rose (1).

No. 58

REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
APPROPRIATING FUNDS FROM GENERAL FUND IN CONNECTION WITH
INDUSTRIAL DEVELOPMENT AGENCY

WHEREAS, by letter dated February 12, 2010 from the Budget Officer/Purchasing Agent this Legislature is advised that the Committee on Ways and Means approved funding to the Industrial Development Agency that was not expended in 2009 for the Remington Arms project; now, therefore, be it

RESOLVED, that the sum of \$816,800.81 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 directed to transfer the said sum to the said accounts; and, be it further

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

Dated: February 17, 2010.

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways & Means

On motion of Mr. Russell, seconded by Mr. Korce, Resolution No. 59 of the Committee on Ways and Means amending Resolution No. 347 and Resolution No. 348 authorizing attendance for municipal officers and employees and payment of dues during the year 2010 due to omissions and corrections was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Rose (1).

No. 59

**RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AMENDING
RESOLUTION NO. 347 AND RESOLUTION 348 OF 2009 AUTHORIZING**

ATTENDANCE FOR MUNICIPAL OFFICERS AND EMPLOYEES AND PAYMENT OF DUES DURING THE YEAR 2010 DUE TO OMISSIONS AND CORRECTIONS

WHEREAS, on December 16, 2009 this Legislature adopted Resolution No. 347 and Resolution No. 348 authorizing attendance at conferences for municipal officers and employees and payment of dues for municipal officers and employees during the year 2010: and

WHEREAS, it has come to the attention of your committee that certain omissions were made and changes need to be done and corrected; now, therefore be it

RESOLVED, that Resolution No. 347 be amended as follows:

That the following county officials and employees be, and they hereby are, authorized during the year 2010 to attend the following official and unofficial conventions and conferences of municipal officers which this Legislature believes to be for the benefit of the County of Herkimer, and that while in attendance at such conventions they will be reimbursed for the expenses actually and necessarily incurred for transportation and hotel expenses and expenses pertaining to said conventions, which amounts shall be audited, allowed and paid the same as other claims against the County of Herkimer are paid; and be it further

RESOLVED, that Resolution No. 348 be amended as follows:

That dues are hereby authorized to be paid for the county officers and employees in those organizations specifically set for the below, which payments shall be audited, allowed and paid the same as other claims against the County of Herkimer are paid.

Public Health Nursing Department:

NYS Association of County Health Officials	\$1,225.00
Prevent Child Abuse America	\$ 325.00
NY Planning Federation	\$ 275.00

Coroners:

NYSACCME (3 at \$110/ea.)	\$ 330.00
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REAL PROPERTY TAX DIRECTOR:

NYS Assessors' Association 4each @85.00	\$ 255.00
1each @ 115.00	\$ 115.00

and, be it further

RESOLVED, that in all other respects Resolutions 347 and 348 of 2009 remain in full force and effect; 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, Real Property Tax Director and Coroner's.

Dated: February 17, 2010.

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR. _
BERNARD Z. PEPLINSKI, SR.
Committee on Ways and Means

On motion of Mr. Bono, seconded by Mr. Shaw and Mr. Peplinski, Resolution No. 60 of the Committee on Administration/Veterans Affairs and the Committee on Natural Resources supporting the Governor's budget recommendation to place a moratorium on Adirondack Forest preserve acquisitions was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Rose (1).

No. 60

RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS' AFFAIRS AND THE COMMITTEE ON NATURAL RESOURCES SUPPORTING THE GOVERNOR'S BUDGET RECOMMENDATION TO PLACE A MORATORIUM ON ADIRONDACK FOREST PRESERVE ACQUISITIONS

WHEREAS, Governor Paterson has called for a moratorium on Adirondack Forest preserve land and open space land acquisition in his proposed 2010-2-2011 New York State budget; and

WHEREAS, the governor has identified better uses of State financial resources than the expansion of the Adirondack Forest Preserve; and

WHEREAS, Herkimer County is an active member of the Adirondack Park Local Government Review Board, which has long called for a moratorium on Adirondack Forest Preserve acquisitions; now, therefore, be it

RESOLVED, that the Herkimer County Legislature supports Governor Paterson's call for a moratorium on Adirondack Forest Preserve acquisitions; and, be it further

RESOLVED, that the County of Herkimer calls upon the State of new York to suspend all potential or pending land acquisitions within the Adirondack Park potentially funded in the current budget year, or authorized in prior fiscal years, and/or through any Environmental bond Act funds; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Governor David Paterson, Senator James L. Seward, Assemblyman Marc W. Butler and Adirondack Park Local Government Review Board Executive Director Fred Monroe.

Dated: February 17, 2010.

JEAN E. MANEEN
BRUCE WEAKLEY
FREDERICK J. SHAW, JR.
PETER F. MANNO
STEPHEN N. KEBLISH, JR.
JOHN L. BREZINSKI
**Committee on Administration/Veterans'
Affairs**

BERNARD PEPLINSKI, SR.
FREDERICK J. SHAW, JR.
DENNIS KORCE
BRUCE WEAKLEY
PETER F. MANNO
JOHN L. BREZINSKI
Committee on Natural Resources

On motion of Mr. Weakley, seconded by Mrs. Maneen, Resolution No. 61 of the Committee on Administration/Veterans' Affairs supporting construction of four-lane highway in Northern New York was handed up; discussion was held, was voted on and adopted by voice vote:

Ayes: (14).

Against: Peplinski, Shaw (2)

Absent: Rose (1).

No. 61

**RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS'
AFFAIRS SUPPORTING CONSTRUCTION OF FOUR-LANE HIGHWAY IN
NORTHERN NEW YORK**

WHEREAS, the economic impact of North Country transportation improvement is a key component of the North Country Transportation Study; and

WHEREAS, the economic development impact analysis has measured the value to the regional economy of efficiency gains such as reduction in travel time, reductions in operating costs, and reduction in accidents due to improved safety; and

WHEREAS, the gains through increased social and economic development opportunities due to improved transportation access will reduce unemployment rates, reduce government transfer payments and increase employment in the region; and

WHEREAS, the transportation improvements can enhance access to labor, customer, tourism and supplier markets, as well as to intermodal transportation facilities, making the overall region more attractive to transportation-dependent industries; and

WHEREAS, the construction of a four-lane highway connecting Interstate Route 81 with Interstate Route 88 will begin to address the improvements necessary to foster such economic growth; and

WHEREAS, our elected New York State and Congressional representatives can be assured that the County of Herkimer supports such four-lane highway construction; now, therefore, be it

RESOLVED, that the Herkimer County Legislature urges New York State Acting commissioner of Transportation Stanley Gee to cooperate with local transportation task force groups to advocate for construction of a four-lane Federal highway in Northern New York; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Governor David Paterson; Acting New York State Department of Transportation Commissioner Stanley Gee; State Senator James L. Seward; State Assembly member Marc W. Butler; and United States Senators Charles Schumer and Kirsten Gillibrand.

Dated: February 17, 2010.

JEAN E. MANEEN
BRUCE WEAKLEY
FREDERICK J. SHAW, JR.
PETER F. MANNO
STEPHEN N. KEBLISH, JR.
JOHN L. BREZINSKI
**Committee on Administration/Veterans'
Affairs**

On motion of Mr. Russell, seconded by Mr. Bono and Mr. Piseck, Resolution No. 62 of the Committee on Ways and Means accepting proposal of D’Arcangelo & Co., LLP to perform audit was handed up; discussion was held, was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Rose (1).

No. 62

RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS ACCEPTING PROPOSAL OF D’ARCANGELO & CO. , LLP TO PERFORM AUDIT

WHEREAS, the County of Herkimer is required by state and federal statutes to have performed certain audits of the financial affairs of the County; and

WHEREAS, D’Arcangelo & Co., L.L.P., Certified Public Accountants & Consultants, with offices at 120 Lomond Court, Utica, New York, have made a proposal to perform certain audit services for the years ending December 31, 2009, 2010 and 2011, and if necessary and authorized, to perform services other than the required annual audit for the County; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a contract between the County of Herkimer and D’Arcangelo & Co., L.L.P. Certified Public Accountants & Consultants, with offices in Utica, New York, to perform auditing services for the County, and to perform other services if authorized, all in accordance with a proposal made by said firm to the County, at a fee of \$58,450 for the year ending December 31, 2009; \$60,000 for the year ending December 31, 2010; and \$61,800 for the year ending December 31, 2011; and, be it further

RESOLVED, that said contract contain a clause that either party thereto shall have the right and option to terminate said contract upon giving thirty days’ written notice to the other party, with payment to be made on a prorated basis for the services prior to the date of termination, and with 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 Herkimer County Treasurer, Auditor, Budget Officer and D’Arcangelo & Co., L.L.P., Certified Public Accountants & Consultants.

Dated: February 17, 2010.

PATRICK E. RUSSELL
DENNIS KORCE

VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

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

At 8:11 p.m., on motion of Mr. Manno, seconded by Mr. Stone, the Legislature adjourned to Wednesday, March 10, 2010 at 7:30 p.m.