

**MINUTES**  
**Herkimer County Legislature**  
**Second Quarter – First Day**  
**Wednesday, April 7, 2010**  
**2:00 p.m.**

The Public Hearing on the Open Enrollment Period for 2010 for Inclusion of Land in Agricultural Districts was called to order by Bernard Peplinski, Chairman of the Committee on Natural Resources, at 1:45 p.m. The clerk read the notice of the hearing which was published in the *Herkimer Evening Telegram* and the *Little Falls Evening Times*..

Mr. Peplinski asked if anyone wished to speak, to state their name and address. There were no appearances, and the hearing was declared closed at 1:48 p.m.

This Session of the Herkimer County Legislature was called to order by Chairman Raymond Smith at 2:00 p.m.

Chairman Smith called on Mr. Domiano Contino, former Herkimer County Legislator and Legislative Chairman, to lead the Legislature in the Pledge of Allegiance.

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

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

Absent: Russell (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 March 10, 2010. There were no corrections and Chairman Smith ordered the minutes approved.

Chairman Smith dispensed with the regular session to allow for a presentation. Chairman Smith introduced Mr. Terry Leonard, Executive Director of Catholic Charities of Herkimer County. Mr. Leonard stated the purpose of his presentation was to express appreciation to the Legislature for the many years of support of the many services offered by Catholic Charities. He stated that Catholic Charities is involved through contracts with many departments of the County such as Mental Health Services, Social Services, Office for the Aging, Public Health, Probation Department and the Youth Bureau.

Pursuant to Rule 11, Chairman Smith opened the floor for public comment. The following individuals spoke at the public comment period on the topics indicated:

Maxine Hardecki, Newport, New York – Country Manor  
Chris Jackson – Mohawk, New York – Country Manor  
JoAnne LeClair – CSEA Unit 7100 – Country Manor

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. Mrs. Rose requested Communications No. 113 and No. 131 be read.

No. 112 – A communication was received from Governor Paterson acknowledging receipt of a resolution. Ordered filed.

No. 113 – A communication was received from the Chairman of the Legislature making appointments to the Youth Advisory Board. Ordered filed.

No. 114 – A communication was received from the County Highway Superintendent submitting the 2009 Annual Report. Referred to the Committee on Highways.

No. 115 – A communication was received from the Director of the Office for the Aging requesting EISEP contract renewals. Referred to the Committees on Human Resource and Ways and Means.

No. 116 – A communication was received from the Budget Officer submitting request for budget amendments in connection with COLA adjustments for Rabies Grant, Immunization Grant, Children with special Health Care Needs Grant and Lead Grant. Referred to the Committees on Human Resources and Ways and Means.

No. 117 – A communication was received from the Chairman of the Legislature making nomination of Kathleen Eisenhut for reappointment to the Ethics Board. Referred to the Committee on Ways and Means.

No. 118 – A communication was received from the Herkimer County Farm Bureau recommending reappointment of William Zaleski to the Soil and Water Conservation District board. Referred to the Committee on Natural Resources.

No. 119 – A communication was received from the Sheriff submitting the monthly report for February. Referred to the Committee on Public Safety and Emergency Management.

No. 120 – A communication was received from the Sheriff submitting his Annual Report for 2009. Referred to the Committee on Public Safety and Emergency Management.

No. 121 – A communication was received from Senator Seward acknowledging receipt of resolutions. Ordered filed.

No. 122 – A communication was received from NYSAC acknowledging receipt of resolutions. Ordered filed.

No. 123 – A communication was received from the New York State DOT acknowledging receipt of resolution. Ordered filed.

No. 124 – A communication was received from the Budget Officer submitting recommendation for award of bid for chemical for Sewer District. Referred to the Committee on Natural Resources and the Committee on Ways and Means.

No. 125 – A communication was received from the Sewer District submitting resolution for approval of the Legislature. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 126 – A communication was received from the Director of Public Health requesting staffing change. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 127 – A communication was received from the Director of Public requesting establishment of position. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 128 – A communication was received from the Vice President for Administration and Finance of the College submitting request for establishment of capital budget for renovation of science labs and roof replacement. Referred to the Committees on Education, County Properties and Ways and Means.

No. 129 – A communication was received from the Vice President for Administration and Finance at the college submitting request for four day work week schedule for the summer of 2010. Referred to the Committees on Education and Ways and Means.

No. 130 – A communication was received from the Budget Officer requesting amendment of copier contract. Referred to the Committee on Ways and Means.

No. 131 – A communication was received from the County Treasurer submitting recommendation for auctioneer for In Rem Tax Sale. Referred to the Committee

No. 132 – A communication was received from the Budget Officer submitting request for renewal of contract with Court Administration for court cleaning. Referred to the Committee on Ways and Means.

No. 133 – A communication was received from the Budget Officer requesting contract for Cost Allocation Plan. Referred to the Committee on Ways and Means.

No. 134 – A communication was received from the Budget Officer submitting request for budget amendment in connection with increased revenues for immunizations. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 135 – A communication was received from the County Property Agent submitting list of parcels for In Rem Tax Sale. Referred to the Committee on County Properties.

On motion of Mr. Korce, seconded by Mr. Keblish, Report and Resolution Nos. 91 through 93 were combined by voice vote:

All ayes: (16).                      Against: None.

Absent:, Russell (1).

On motion of Mr. Korce, seconded by Mr. Hyde, Report and Resolution No. 91 of the Committee on Natural Resources adopting the annual report of the Director of Weights and Measures, Report and Resolution No. 92 of the Committee on Ways and Means adopting the annual report of the Herkimer County Self-Insurance Plan, and Report and Resolution No. 93 of the Committee on Ways and Means adopting annual report of the Herkimer County Stand Alone Workers' Compensation Plan were handed up; there being no discussion, were voted on and adopted by voice vote:

All ayes: (16).                      Against: None.

Absent: Russell (1).

No. 91

**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES  
ADOPTING ANNUAL REPORT OF DIRECTOR OF WEIGHTS AND MEASURES**

WHEREAS, your Committee on Natural Resources, to which was referred the Annual Report of the Director of Weights and Measures for the year 2009, reports that we have examined said report, recommend its adoption and offer the following Resolution:

RESOLVED, that the Annual Report of the Herkimer County Director of Weights and measures be adopted and printed in the Proceedings of the Herkimer County Legislature for the year 2009.

Dated: April 7, 2010.

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

No. 92

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
ADOPTING ANNUAL REPORT OF HERKIMER COUNTY SELF-INSURANCE PLAN**

Your Committee on County Personnel, to which was referred the Annual Report of the Former Herkimer County Self-Insurance Plan for the year 2009, respectfully reports that we have examined said report, inquired into the subject matter thereof, and offer the following Resolution:

RESOLVED, that the Annual Report of the Former Herkimer County Self-Insurance Plan for the year 2009 be adopted and printed in the Proceedings of the Herkimer County Legislature for the year 2009.

Dated: April 7, 2010.

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

No. 93

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
ADOPTING ANNUAL REPORT OF HERKIMER COUNTY STAND ALONE  
WORKERS' COMPENSATION PLAN**

Your Committee on County Personnel, to which was referred the Annual Report of the Herkimer County Stand Alone Workers' Compensation Plan for the year 2009, respectfully reports that we have examined said report, inquired into the subject matter thereof, and offer the following Resolution:

RESOLVED, that the Annual Report of the Herkimer County Stand alone Workers' Compensation Plan for the year 2009 be adopted and printed in the Proceedings of the Herkimer County Legislature for the year 2009.

Dated: April 7, 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. Hyde, Report and Resolution No. 94 of the Committee on Public Safety approving monthly reports of Sheriff was handed up; discussion was held, was voted on and adopted by voice vote:

All ayes: (16).                      Against: None.

Absent: Russell (1).

No. 94

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT APPROVING MONTHLY REPORTS OF SHERIFF**

WHEREAS, your Public Safety & Emergency Management Committee, to which was referred the reports of the Sheriff for the months of January and February, 2010 respectfully reports that we have examined said reports, recommend that they be approved and offer the following Resolution:

RESOLVED, that the report of the Herkimer County Sheriff for the month of January, 2010, which report reflects an average daily population of 42.23 inmates, with an average of 14.20 inmates being boarded out in January, be approved and filed; and, be it further

RESOLVED, that the report of the Herkimer County Sheriff for the month of February, 2010, which report reflects an average daily population of 51.90 inmates, with an average of 22.04 inmates being boarded out in February, be approved and filed.

Dated: April 7, 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. Shaw, Report and Resolution No. 95 of the Committee on Natural Resources reappointing Director of Herkimer County Soil and Water

Conservation District was handed up; discussion was held; was voted on and adopted by voice vote:

All ayes: (16).                      Against: None.

Absent: Russell (1).

No. 95

**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES  
REAPPOINTING DIRECTOR OF HERKIMER COUNTY SOIL AND WATER  
CONSERVATION DISTRICT**

WHEREAS, the term of office of the Director on the Herkimer County Soil and Water Conservation District representing the Herkimer County Farm Bureau expired on December 31, 2009; and

WHEREAS, your Committee on Natural Resources has received the recommendation of the Herkimer County Farm Bureau for representation on the said Soil and Water Conservation District Board of Directors; now, therefore, be it

RESOLVED, that William Zaleski, 380 Chepachet Road, West Winfield, New York, be and he hereby is, reappointed for a three year term commencing January 1, 2010 on the Herkimer County Soil and Water Conservation District Board of Directors; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Soil and Water Conservation District and William Zaleski.

Dated: April 7, 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. Peplinski, seconded by Mr. Shaw, Report and Resolution No. 96 of the Committee on Natural Resources to provide that additions to existing agricultural districts for the year 2010 pursuant to Section 303-b of the Agriculture and Markets law is in compliance with the provisions of the New York State Environmental Quality Review Act was handed up; discussion was held; was voted on and adopted by voice vote:

Ayes: (16)                                      Against: None.

Absent: Russell (1).

No. 96

**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES  
TO PROVIDE THAT THE ADDITIONS TO EXISTING AGRICULTURAL DISTRICTS  
FOR THE YEAR 2010 PURSUANT TO SECTION 303-b OF THE AGRICULTURE AND  
MARKETS LAW IS IN COMPLIANCE WITH THE PROVISIONS OF THE NEW  
YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT**

WHEREAS, the State of New York has enacted the State Environmental Quality Review Act (SEQRA), Article 8 of the NYS Environmental Conservation Law and Part 617 of Title 6, New York Code Rules and Regulations (6NYCRR) to incorporate the consideration of environmental factors into existing planning, review and decision-making processes of local government agencies; and

WHEREAS, SEQRA requires that all agencies determine whether the actions they directly undertake, fund, or approve may have a significant effect on the environment; and

WHEREAS, the Herkimer County Legislature has under consideration requests from four landowners pursuant to Resolution 146 of 2004, which established the month of January, 2010 as the 30-day period in which landowners may petition Herkimer County for inclusion of parcels within existing agricultural districts; and

WHEREAS, your Committee has designated the project as an Unlisted Action pursuant to SEQRA and completed an uncoordinated review of the proposed modifications of the agricultural districts; and

WHEREAS, your Committee has fully considered, assessed and discussed the information contained within the Environmental Assessment Form; now, therefore, be it

RESOLVED, that based on the information provided and discussed, the Herkimer County Legislature has determined that the proposed action will not result in any significant adverse environmental impacts; and, be it further

RESOLVED, that the reasons supporting this determination are documented on the Environmental Assessment Form, within a packet of attachments to the forms, and on additional supporting documentation; and, be it further

RESOLVED, that as a consequence of such findings and declaration, and in compliance with the requirements of SEQRA, the County, as lead agency, hereby issues a negative declaration and directs that the Chairman of the Legislature file and make available the same in accordance with the requirements of SEQRA Law.

Dated: April 7, 2010.

BERNARD PEPLINSKI, SR.  
FREDERICK J. SHAW, JR.



DENNIS KORCE  
BRUCE WEAKLEY  
PETER F. MANNO  
JOHN L. BREZINSKI  
Committee on Natural Resources

On motion Mr. Peplinski, seconded by Mr. Brezinski, Report and Resolution No. 97 of the Committee on Natural Resources approving additions to existing agricultural districts for the year 2010 was handed up; there being no discussion, was voted on and adopted by voice vote:

Ayes: (16).                      Against: None.

Absent: Russell (1).

No. 97

**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES  
APPROVING ADDITIONS TO EXISTING AGRICULTURAL DISTRICTS FOR THE  
YEAR 2010**

WHEREAS, Section 303-b of the New York State Agriculture and Markets Law provides for the inclusion of viable agricultural land within a certified agricultural district prior to the county established review period; and

WHEREAS, upon recommendation of the Agricultural and Farmland Protection Board, the Herkimer County Legislature established the month of January as the 30-day period in which landowners may petition Herkimer County for inclusion of parcels within existing agricultural districts during the year 2010; and

WHEREAS, Herkimer County received requests from three landowners for inclusion of six parcels of land within an existing agricultural district; and

WHEREAS, the Herkimer County Agricultural & Farmland Protection Board determined that all six of the parcels proposed for inclusion in the agricultural districts consist predominately of viable agricultural land, and that the inclusion of such land would serve the public interest by assisting in maintaining a viable agricultural industry within the agricultural districts; and

WHEREAS, the Agricultural & Farmland Protection Board recommended that all six parcels listed on the attached be included in the agricultural districts as viable agricultural land; and

WHEREAS, the Herkimer County Legislature held a public hearing on April 7, 2010; and

WHEREAS, the Herkimer County Legislature has determined pursuant to the State Environmental Quality Review Act, that the proposed action will not have a significant impact on the environment; now, therefore, be it

RESOLVED, that the Herkimer County Legislature does hereby approve the six parcels listed on the attached list for inclusion in agricultural districts as viable agricultural land.

Dated: April 7, 2010.

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

ADDITIONS TO EXISTING AGRICULTURAL DISTRICTS  
PURSUANT TO SECTION 303-b, AGRICULTURE AND MARKETS LAW  
OPEN ENROLLMENT PERIOD – JANUARY 2010

<u>FARMER NAME</u>	<u>PIN</u>	<u>TOWN</u>	<u>ACRES</u>	<u>AG. DIST. #</u> <u>(Part of or</u> <u>Adjacent to)</u>
Frasier, Harvey	128.3-1-14.1	Stark	40.7	3
Fusco, Ronald E.	093.2-1-7.2	Newport	94.5	6
Fusco, Ronald E.	None assigned	Newport	2.2	6
Spofford, Carlton & Pamela	108.1.1-5	Manheim	39.7	6
Spofford, Carlton & Pamela	102.3-1-35.1	Salisbury	208.4	6
Spofford, Carlton & Pamela	102.3-1-48	Salisbury	208.5	6
<b>Total Acres</b>	-		<b>594</b>	

**(Note: The following parcels in Herkimer County Agricultural District No. 2 were reported on the 2010 Open Enrollment for change in ownership):**

<u>FARMER NAME</u>	<u>PIN</u>	<u>TOWN</u>	<u>ACRES</u>
Chiverella, David & Carol	131.1-1-16	Columbia	102.2
Chiverella, David & Carol	131.1-1-27	Columbia	12.9

On motion of Mr. Bono, seconded by Mr. Hyde , Report and Resolution No. 98 of the Committee on Human Resources and the Committee on Ways & Means concerning services in connection with the Expanded In-Home Services for the Elderly Program was handed up; discussion was held; was voted on and adopted by voice vote:

All ayes: (16).                      Against: None.

Absent: Russell (1).

No. 98

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS CONCERNING SERVICES IN CONNECTION WITH THE EXPANDED IN-HOME SERVICES FOR THE ELDERLY PROGRAM**

WHEREAS, pursuant to resolutions previously adopted, contracts were authorized between the Herkimer County Office for the Aging and the Public Health Nursing Services, the Department of Social Services, Home Aide Services for Central Adirondacks (HASCA) and Superior Home Health Care, for said contractors to provide services for the Expanded In-Home Services for the Elderly Program (EISEP); and

WHEREAS, by communication dated March 8, 2010, from Mary A. Scanlon, Director of the Office for the Aging, this Legislature is advised of a request to enter into renewal of the aforesaid contracts for the period of April 1, 2010 to March 31, 2011 to fund case management, housekeeper/chore and homemaker/personal care services to the frail elderly not eligible for Medicaid; now, therefore, be it

**RESOLVED:**

1. That a contract be entered into between the Herkimer County Office for the Aging and the Herkimer County Public Health Nursing Service to provide such care for the frail elderly in the amount of \$183,000.00, which shall come from state funds, with up to an additional \$18,500.00 of expanded services funds, with the local match to be provided by the Office for the Aging. The hourly rate for service will be \$19.00;
2. That a contract be entered into between the Herkimer County Office for the Aging and the Herkimer County Department of Social Services to provide case management services in the amount of \$70,000.00; with state aid reimbursement of 75% up to \$52,500, with the local match to be provided by the Department of Social Services;
3. That a contract be entered into with Superior Home Health Care of Herkimer, New York, for contracted aide services estimated to be \$16,000.00, with up to an additional \$500.00 of

expanded services funds, and local match to be provided by the Office for the Aging. The hourly rate for services will be \$17.51, which may be renegotiated based on receipt of approved Medicaid rates;

4. That a contract be entered into with HASCA of Old Forge, New York, for contracted aide services estimated to be \$27,000.00, with up to an additional \$1,000.00 of expanded services funds, with local match to be provided by the Office for the Aging; The hourly rate for services will be \$19.90;
5. That all contracts shall state that payments are based on availability of state aid and will include a 60 day cancellation of contract clause;
6. That the contract between the Office for the Aging and the two other Herkimer County departments be executed by the department heads and countersigned by the Chairman of this Legislature;
7. That the Chairman of this Legislature is hereby authorized to execute said contracts with Superior Home Health Care and Home Aide Service of the Central Adirondacks on behalf of the County of Herkimer;
6. That certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of the Office for the Aging, Director of Public Health, Commissioner of Social Services, Superior Home Health Care and Home Aide Service of the Central Adirondacks.

Dated: April 7, 2010.

VINCENT J. BONO  
JOHN J. PISECK, JR.  
JEAN E. MANEEN  
PETER F. MANNO  
LEONARD HENDRIX  
PARICK 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. Korce, seconded by Mr. Bono, Report and Resolution No. 99 of the Committee on Ways and Means adopting annual report of Budget Officer and Purchasing Agent for 2009 was handed up; discussion was held, was voted on and adopted by voice vote:

All ayes: (16).

Against: None.

Absent: Russell (1).

No. 99

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
ADOPTING ANNUAL REPORT OF BUDGET OFFICER AND PURCHASING  
AGENT FOR THE YEAR 2009**

WHEREAS, your Committee on Ways and Means, to which was referred the communication from the Budget Officer and Purchasing Agent, submitting the report of the abstract of purchases and abstract of vouchers for the months of January through December, 2009, respectfully report that we have examined said report, recommend its adoption and offer the following resolution:

RESOLVED, that the annual report of the Budget Officer and Purchasing Agent be adopted and filed.

Dated: April 7, 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. Bono, seconded by Mr. Piseck, Report and Resolution No. 100 of the Committee on Human Resources and the Committee on Ways and Means amending budget in connection with additional cost of living funding adjustment for Rabies Program, Immunization Action Plan, Children with Special Health Care Needs Program and Childhood Lead Poisoning Prevention Screening Services was handed up; discussion was held; was voted on and adopted by voice vote:

All ayes: (16).                      Against: None.

Absent: Russell (1).

No. 100

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND  
THE COMMITTEE ON WAYS AND MEANS AMENDING BUDGET IN CONNECTION  
WITH ADDITIONAL COST OF LIVING FUNDING ADJUSTMENT FOR RABIES  
PROGRAM, IMMUNIZATION ACTION PLAN, CHILDREN WITH SPECIAL  
HEALTH CARE NEEDS PROGRAM AND CHILDHOOD LEAD POISONING  
PREVENTION SCREENING SERVICES**

WHEREAS, by letter dated March 31, 2010, from Bernard E. Decker, Budget Officer, this Legislature is advised that the Public Health Nursing Program has received additional COLA funding for the Rabies Grant Program, Immunization Action Plan, Children with Special Health Care Needs Program and Childhood Lead Poisoning Prevention Screening Services and requests amendment of the 2010 Budget in connection therewith; 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>
A4010.4489, Federal Aid, Lead	\$ 24,500.00	\$ 26,403.00
A4010.3401, State Aid, Public Health	\$800,000.00	\$800,492.00
A4189A.4489A, Federal Aid - Immunization Program	\$ 34,000.00	\$ 36,766.00
A4046.4489, CWSHCN	\$ 18,329.00	\$ 19,064.00
<u>Appropriation</u>		
A4010-25000, Public Health Nurses Other Equipment	\$-0-	\$ 1,903.00
A4010.46000, Public Health Nurses Miscellaneous Expense	\$ 2,500.00	\$ 2,992.00
A4189A.41000, Immunization Program - Supplies	\$ 142.55	\$ 2,908.55
A4046.46000, Physically Handicapped Children - Miscellaneous	\$-0-	\$ 735.00

and, be it further

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

Dated: April 7, 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 H. PISECK  
BERNARD PEPLINSKI, SR.  
**Committee on Ways & Means**

On motion of Mr. Korce, seconded by Mr. Piseck, Report and Resolution No. 101 of the Committee on Ways and Means retaining certified public accountant in connection with countywide cost allocation and maintenance in lieu of rent plan was handed up; discussion was held; was voted on and adopted by voice vote:

Ayes: (16).

Against: None.

Absent: Russell (1).

No. 101

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
RETAINING CERTIFIED PUBLIC ACCOUNTANT IN CONNECTION WITH  
COUNTYWIDE COST ALLOCATION AND MAINTENANCE IN LIEU OF RENT  
PLAN**

WHEREAS, by resolutions previously adopted by this Legislature, contracts have been entered into with Jack Venesky, CPA of Cicero, New York, to provide county wide cost allocation services and a maintenance in lieu of rent plan to maximize all federal and New York State reimbursement available and minimize the cost to Herkimer County taxpayers; and

WHEREAS, by letter dated March 31, 2010 from Bernard E. Decker, Budget Officer and Purchasing Agent, this Legislature is advised that Jack Venesky has submitted a proposal to provide the aforesaid services for indirect cost recovery for the years 2009-2011; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby approves entering into a contract with Jack Venesky, CPA, 6114 Route 31, Cicero, New York 13039, to provide professional services for indirect cost recovery for the years 2009-2011, at a per year cost of \$14,000 for a Countywide Cost Allocation Plan and Maintenance in Lieu of Rent allocation, with said contract to be approved by the County Attorney; and, be it further

RESOLVED, that the Chairman of the 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, County Attorney, Commissioner of Social Services and Jack Venesky, Certified Public Accountant.

Dated: April 7, 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. Bono, seconded by Mr. Hendrix, Report and Resolution No. 102 of the Committees on Human Resources and Ways & Means, for staffing change in Public Health Nursing Service was handed up; discussion was held; Mrs. Rose made a motion, seconded by Mr. Stone, to add an additional Resolved Clause to delete the position of Caseworker in A4059. The amendment was approved by voice vote:

All ayes: (16).                      Against: None.

Absent: Russell (1)

The resolution, as amended, was adopted by roll call vote:

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

Against: None.

Absent: Russell (1).

No. 102

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS AND MEANS FOR STAFFING CHANGE IN PUBLIC HEALTH NURSING SERVICE**

WHEREAS, by letter dated March 5, 2010, Gregory O'Keefe, M.D., Director of Public Health has requested establishment of a position of Family Services Specialist under the Program for Children with Special Health Care Needs; and

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

RESOLVED, that the 2010 Herkimer County Salary Schedule is hereby amended in Salary Schedule No. 3 to establish a full-time position of Family Services Specialist in Account A4059, Early Care Intervention, at the base annual salary of \$25,000.00; and, be it further

RESOLVED, that the foregoing change 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 Director of Public Health

Dated: April 7, 2010.

Amended: April 7, 2010

Amendment: To delete

Caseworker position in A4059.

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. Hyde, seconded by Mr. Shaw, Report and Resolution No. 103 of the Committee on Natural Resources and the Committee on Ways and Means approving agreement for laboratory services for Herkimer County Sewer District was handed up; discussion was held; was voted on and adopted by voice vote:

All ayes: (16).

Against: None.

Absent: Russell (1).

No. 103

**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES  
AND THE COMMITTEE ON WAYS AND MEANS APPROVING AGREEMENT FOR  
LABORATORY SERVICES FOR HERKIMER COUNTY SEWER DISTRICT**

WHEREAS, by letter dated March 23, 2010, Keneck Skibinski, Chief Plant Operator at the Herkimer County Sewer District, has advised that by action on March 18, 2010, the Herkimer County Sewer District Board adopted a resolution recommending an agreement with Environmental Laboratory Services of North Syracuse, New York, to provide laboratory services at the District Wastewater Treatment Plant at a cost of \$19,308.00; and

WHEREAS, this Resolution has been forwarded to the Herkimer County Legislature for approval prior to its becoming effective; now, therefore, be it

RESOLVED, that this Legislature hereby approves a resolution duly adopted by the Herkimer County Sewer District Board on March 18, 2010 approving an agreement with Environmental Laboratory Services to provide laboratory services at the District Wastewater Treatment Plant at a cost of \$19,308.00; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute said agreement 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 and the Herkimer County Sewer District.

Dated: April 7, 2010.

BERNARD PEPLINSKI, SR.  
FREDERICK J. SHAW, JR.  
DENNIS KORCE  
BRUCE WEAKLEY  
PETER F. MANNO  
JOHN L. BREZINSKI  
Committee on Natural  
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. Bono, seconded by Mrs. Maneen, Report and Resolution No. 104 of the Committee on Human Resources and the Committee on Ways and Means for staffing change in Public Health Nursing Service, was handed up; discussion was held, was voted on and adopted by roll call vote:

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

Against: None.

Absent: Russell (1).

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES  
AND WAYS AND MEANS FOR STAFFING CHANGE IN PUBLIC HEALTH NURSING  
SERVICE**

WHEREAS, by letter dated March 5, 2010, Gregory O’Keefe, M.D., Director of Public Health has requested certain staffing changes in the Public Health Nursing Service; and

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

RESOLVED, that the 2010 Herkimer County Salary Schedule is hereby amended in Salary Schedule No. 3 to establish one position of Clerk, effective this date, in Account A4010, Public Health Nurse, at the base annual salary of \$23,877; and, be it further

RESOLVED, that one position of Senior Clerk be deleted in said account effective May 29, 2010; and, be it further

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

Dated: April 7, 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. Hyde, seconded by Mr. Stone, Report and Resolution No. 105 of the Committee on Ways and Means appointing member to Ethics Board was handed up; discussion was held, was voted on and adopted by voice vote:

For: Ayes (14).                      Against: Rose, Brezinski (2).  
Absent: Russell (1).

No. 105

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
APPOINTING MEMBER TO ETHICS BOARD**

WHEREAS, pursuant to Resolution No. 239 adopted on September 10, 2008, Kathleen Eisenhut of Mohawk, New York, was appointed, pursuant to nomination of the Chairman of the Legislature to the Herkimer County Ethics Board for a term to expire on April 1, 2010;

WHEREAS, by letter dated March 26, 2010, Raymond Smith, Chairman of the Legislature, has re-nominated Kathleen Eisenhut of Mohawk, New York, to serve for a three year term on the Herkimer County Ethics Board ; now, therefore, be it

RESOLVED, that upon the nomination of the Chairman of this Legislature, Kathleen Eisenhut, 7 Columbia Drive, Mohawk, New York, is hereby reappointed to the Herkimer County Ethics Board for a term to expire April 1, 2013; and, be it further

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

Dated: April 7, 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. Bono, seconded by Mr. Weakley, Report and Resolution No. 106 of the Committee on County Properties authorizing contract with auctioneer for In Rem Sale was handed up; discussion was held; Mrs. Rose requested a roll call vote; the resolution was adopted by roll call vote:

For: Keblish, Maneen, Hendrix, Hyde, Smith, Bono, Peplinski, Korce, Shaw, Weakley (10).  
Against: Piseck, Rose, Stone, Brezinski, Manno, Ackerman (6).

Absent: Russell (1).

No. 106

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PROPERTIES  
AUTHORIZING CONTRACT WITH AUCTIONEER FOR IN REM SALE**

WHEREAS, the County of Herkimer conducts a yearly auction of parcels which, as a result of the County's annual In Rem Tax Foreclosure Proceedings, become titled in the County of Herkimer; and

WHEREAS, by letter dated March 31, 2010, Kimberlee Enea, County Treasurer, has advised that requests for proposals have been received for a professional auctioneer to conduct the auction and the preliminary proceedings leading up to the auction, and it is the recommendation of her office and your Committee that a contract be entered into with Auctions by Knapp of the Town of Schuyler to perform said services; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a contract with Auctions by Knapp, of the Town of Schuyler, Herkimer County, New York, to conduct the auction for the In Rem Tax Foreclosure parcels for the year 2008; and, be it further

RESOLVED, that the contract will include the collection by the County of a \$150 per transaction administration fee unless a parcel is sold for under \$250, in which case the administration fee will be \$50, with said fee to be paid to the auctioneer; and, be it further

RESOLVED, that the auctioneer shall assume responsibility for photographing In Rem parcels, designing of a brochure including photographs and posting the same on the auctioneer's website to be available to bidders over the internet, with the auctioneer also to arrange for and conduct inspections of parcels by prospective bidders, to register bidders at the auction sale and handle all bookkeeping duties, to answer appropriate questions by prospective bidders prior to the auction, to provide for a powerpoint presentation of auction parcels including photographs to be printed on the screen at the auction site; with the auctioneer to also be responsible for advertising said sale, with the cost to be divided equally between the County and the auctioneer; and with the County to pay for the cost of printing the above brochure, but with the County to collect and handle all proceeds of sale, together with such other and further provisions as are approved by 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 Attorney and Auctions by Knapp.

Dated: April 7, 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. Hyde, seconded by Mr. Peplinski, Report and Resolution No. 107 of the Committee on Natural Resources and the Committee on Ways and Means rejecting bid and awarding bid for purchase of polymer for the Herkimer County Sewer District was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (16).                      Against: None.

Absent: Russell (1).

No. 107

**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES AND THE COMMITTEE ON WAYS AND MEANS REJECTING BID AND AWARDED BID FOR PURCHASE OF POLYMER FOR THE HERKIMER COUNTY SEWER DISTRICT**

WHEREAS, by letter dated March 31, 2010, the Budget Officer/Purchasing Agent has advised that bids were received, opened and read in accordance with law for the purchase of polymer for the Herkimer County Sewer District Wastewater Treatment Plant; and

WHEREAS, after review of the bids it is the recommendation of the Sewer District and your Committee that the low bid from Slack Chemical Co., Inc. be rejected for non-compliance with specifications since the low bid is for a different product, StaFloc 128, and the District's bid specification calls for the Charge Pak 555 product., and that the bid of the only other bidder, Clean Waters, Inc., be accepted at the price of \$2.65 per pound, delivered; now, therefore, be it

RESOLVED, that bid of Slack Chemical Co., Inc. 465 S. Clinton St., Carthage, NY 13619, for a the purchase of polymer for the Herkimer County Sewer District Wastewater Treatment Plant be rejected by this Legislature for the reasons set forth above; and, be it further

RESOLVED, that the Herkimer County Legislature hereby awards a bid to Clean Waters, Inc., 26808 Co. Rte. 3, Plessis, NY 13675, at the price of \$2.65 per pound, delivered; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Herkimer County Sewer District, Slack Chemical Co., Inc. and Clean Waters, Inc.

Dated: April 7, 2010.

BERNARD PEPLINSKI, SR.  
FREDERICK J. SHAW, JR.  
DENNIS KORCE

BRUCE WEAKLEY  
PETER F. MANNO  
JOHN L. BREZINSKI  
**Committee on Natural 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. Stone, seconded by Mr. Keblish, Report and Resolution No. 108 of the Committees on Education, Ways and Means and County Properties establishing renovation of science labs and roof replacement project at Herkimer County Community College was handed up; discussion was held, was voted on and adopted by voice vote:

All ayes: (16).                      Against: None.

Absent: Russell (1).

No. 108

**REPORT AND RESOLUTION OF THE COMMITTEES ON EDUCATION, WAYS AND MEANS AND COUNTY PROPERTIES ESTABLISHING RENOVATION OF SCIENCE LABS AND ROOF REPLACEMENT PROJECT AT HERKIMER COUNTY COMMUNITY COLLEGE**

WHEREAS, by letter dated March 19, 2010 from Nicholas F. Laino, Vice President for Administration and Finance at Herkimer County Community College, this Legislature is advised that the Board of Trustees of Herkimer County Community College has, by Resolution No. 09-33, approved the capital budget for the Renovation of Science Labs and Roof Replacement Project in Johnson Hall in the amount of \$2,600,000, which project will allow the College to upgrade to current technology, improve access to students with disability, ensure the safety of all who enter and use the facility and allow the College to remain progressive and up to date in all facets of the College's programming; and

WHEREAS, said resolution requests the Herkimer County Legislature to adopt a similar resolution to approve the project in the amount of \$2,600,000, with the College to request additional funding from the State for its 50% project share of \$1,300,000 and with 50% of the local share coming from the HCC Foundation, Inc., through private contributions and federal funding, with no additional funding being requested from the County; now, therefore, be it

RESOLVED, that the establishment of the Renovation of Science Labs and Roof Replacement in Johnson Hall Project in the amount of \$2,600,000 is hereby approved by the Herkimer County Legislature; and, be it further

RESOLVED, that the aforesaid Project will be funded with the College to request additional funding from the State for its 50% project share of \$1,300,000 and with 50% of the local share coming

from the HCC Foundation, Inc., through private contributions and federal funding, with no additional funding being requested from the County; and, be it further

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

Dated: April 7, 2010.

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

PETER F. MANNO  
JEFFREY M. STONE  
LEONARD R. HENDRIX  
FREDERICK J. SHAW, JR.  
STEPHEN N. KEBLISH, JR.  
BERNARD PEPLINSKI, SR.  
**Committee on Education**

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. Hyde, seconded by Mr. Manno, Report and Resolution No. 109 of the Committees on Education and Ways and Means approving 4 day work week at Herkimer County Community College was handed up; discussion was held; was voted on and adopted by voice vote:

All ayes: (16).                      Against: None.

Absent: Russell (1).

No. 109

**REPORT AND RESOLUTION OF THE COMMITTEES ON EDUCATION AND WAYS AND MEANS CONCERNING 4 DAY WORK WEEK AT HERKIMER COUNTY COMMUNITY COLLEGE**

WHEREAS, administrative officers at Herkimer County Community College have negotiated with Herkimer County Unit 7100 of the Civil Service Employees Association, herein called the CSEA, and Herkimer County Community College Professional Association concerning a Four Day Work Week on the Herkimer County Community College Campus for the summer of 2010 from Monday, June 21, 2010 through Friday, August 13, 2010; and

WHEREAS, memoranda of agreement have been reached with said associations concerning said Four Day Work Week and the options available to members of each association; and

WHEREAS, memoranda of agreement have been signed by representatives of CSEA and the representatives of the Herkimer County Community College Professional Association; and



WHEREAS, by communication dated March 19, 2010 from Nicholas F. Laino, Vice President for Administration and Finance at Herkimer County Community College, this Legislature is advised that said memoranda of agreement have been adopted by the Board of Trustees of Herkimer County Community College on March 18, 2010, as Resolution No. 09-27, and said resolution and the aforesaid memoranda of agreement have now been presented to this Legislature for approval; now, therefore, be it

RESOLVED, that this Legislature hereby approves said memoranda of agreement with CSEA and the Herkimer County Community College Professional Association concerning the Four Day Work Week, subject to the conditions set forth in said memoranda of agreement and to the following:

1. This change in the work schedule for employees at Herkimer County Community College Campus shall be only for the period June 21, 2010 to August 13, 2010, and this approval by this Legislature does not extend or apply to any period beyond August 13, 2010;

2. The option (one of the options which may be selected by an employee) to work 8 hours and 45 minutes per day shall not entitle any employee to a claim for overtime, and said associations, by commencing work under these memoranda of agreement, hereby agree that they shall not pursue, aid or abet any overtime claim by any such employee;

and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute said memoranda of agreement 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, Personnel Officer, President of Herkimer County Community College, President of Herkimer County Unit 7100 of CSEA and President of Herkimer County Community College Professional Association.

Dated: April 7, 2010.

PETER F. MANNO  
JEFFREY M. STONE  
LEONARD R. HENDRIX  
FREDERICK J. SHAW, JR.  
STEPHEN N. KEBLISH, JR.  
BERNARD PEPLINSKI, SR.  
**Committee on Education**

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. Bono, seconded by Mr. Hyde, Report and Resolution No. 110 of the Committee on Human Resources and the Committee on Ways and Means amending budget in connection with Public Health Nursing Service Immunization Program was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (16).

Against: None.

Absent: Russell (1).

REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND  
THE COMMITTEE ON WAYS AND MEANS AMENDING BUDGET IN CONNECTION  
WITH PUBLIC HEALTH NURSING SERVICE IMMUNIZATION PROGRAM

WHEREAS, by letter dated March 31, 2010, from Bernard E. Decker, Budget Officer, this Legislature is advised that the Director of Public Health has advised that increased revenues for immunizations are anticipated and requests amendment of the 2010 Budget in connection therewith; 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>
A4010.1613, Public Health Donations	\$42,000.00	\$52,000.00
 <u>Appropriation</u>		
A4074.41000, Biologicals -	\$30,470.00	\$40,470.00

And, be it further

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

Dated: April 7, 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. Stone, seconded by Mr. Korce, Report and Resolution No. 111 of the Committee on Ways and Means in connection with contract with New York State Office of Court Administration to provide cleaning and minor repairs of court facilities was handed up; discussion was held, was voted on and adopted by voice vote:

All ayes: (16).

Against: None.

Absent: Russell (1).

No. 111

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS & MEANS IN CONNECTION WITH CONTRACT WITH THE NEW YORK STATE OFFICE OF COURT ADMINISTRATION TO PROVIDE CLEANING AND MINOR REPAIRS OF COURT FACILITIES**

WHEREAS, by Resolution No. 294 duly adopted on October 22, 2008, this Legislature authorized an agreement with the New York State Unified Court System for the cleaning of court facilities, as well as minor and emergency repairs thereof, for a maximum of five years beginning April 1, 2008 through March 31, 2013; and

WHEREAS, by letter dated March 31, 2010 from Bernard E. Decker, Budget Officer and Purchasing Agent this Legislature is advised that the State of New York Unified Court System has requested that an Annual Renewal Letter and Budget be approved and signed for the period commencing April 1, 2009 through March 31, 2010, with the maximum compensation for said period to be \$74,722.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute the Annual Renewal Letter and Budget for the period April 1, 2009 through March 31, 2010 with the New York State Unified Court System for the cleaning of court facilities, as well as minor and emergency repairs thereof, for a maximum compensation of \$74,722.00 for said period; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer and New York State Office of Court Administration.

Dated: April 7, 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. Korce, seconded by Mr. Peplinski, Report and Resolution No. 112 of the Committee on Ways and Means amending Resolution No. 273 of 2009 awarding bid for photocopier service for departments of the county was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (16).                      Against: None.

Absent: Russell (1).

No. 112

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
AMENDING RESOLUTION NO. 273 OF 2009 AWARDED BID FOR PHOTOCOPIER  
SERVICE FOR DEPARTMENTS OF THE COUNTY**

WHEREAS, by Resolution No. 273 duly adopted on October 21, 2009, this Legislature awarded a contract to IKON Office Solutions for the provision of county-wide copy management services and integration with the county information services network in the amount of \$3,171.00 per month, for a term of five years, with an option for a sixth year at the discretion of Herkimer County; and

WHEREAS, by letter dated March 31, 2010, the Budget Officer and Purchasing Agent has advised of a request to amend said contract to add three additional fax boards and two additional finishers, for a new monthly contract amount of \$3,233.82; now, therefore, be it

RESOLVED, that Resolution No. 273 adopted on October 21, 2009 is hereby amended in the Second Whereas Clause and First Resolved Clause to delete the amount of \$3,171.00 per month and replace with “the amount of \$3,233.82 per month”; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute said amended contract on behalf of the County of Herkimer; and, be it further

RESOLVED, that in all other respects, said Resolution No. 273 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 IKON Office Solutions.

Dated: April 7, 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. Stone, seconded by Mrs. Maneen, Resolution No. 113 of the Committee on County Properties authorizing sale of property acquired by In Rem Procedures was handed up; discussion was held; was voted on and adopted by voice vote:

All ayes: (14).                      Against: Rose, Manno (2).

Absent: Russell (1).

No. 113

### **RESOLUTION OF THE COMMITTEE ON COUNTY PROPERTIES AUTHORIZING SALE OF PROPERTY ACQUIRED BY IN REM PROCEDURES**

WHEREAS, in an action brought on to enforce collection of delinquent taxes for the tax year 2008, a Judgment was made by the County Court of the County of Herkimer on the 31<sup>st</sup> day of March 2010 and was filed and entered in the Herkimer County Clerk's Office on March 31, 2010, pursuant to which properties listed therein became the property of the County; and

WHEREAS, pursuant to said Judgment, the County Treasurer of the County of Herkimer deeded all parcels listed in said Judgment to the County of Herkimer by deed dated March 31, 2010 and recorded on April 1, 2010 in the Herkimer County Clerk's Office in Book 1351 of Deeds at Page 723; and

WHEREAS, the County now desires to sell said parcels; and

WHEREAS, it is necessary that terms and conditions of sale of said properties by the County be established; now, therefore, be it

RESOLVED:

1. That pursuant to Section 1166 of the Real Property Tax Law this Legislature now desires to provide for the sale of said parcels. Such sale shall be by public auction, and it is directed that such sale be held June 5, 2010 at 11:00 a.m. in the Auditorium at Herkimer County Community College;
2. That this sale by auction be held under the direction of the County Treasurer;
3. That such sale shall be conducted on the terms, conditions and procedures annexed hereto which include an Administration fee of \$150 for each successful bid except bids of less than \$250 which will be subject to a \$50 Administration fee;
4. That in addition, all sales of such property shall be subject to a buyer's premium of ten percent (10%) of the amount of the successful bid;
5. That all persons be entitled to bid at such sale on said parcels of property, except officers and employees of the County of Herkimer and the person whose name appears on the assessment roll as the owner of each said parcel at the time of nonpayment of taxes which resulted in acquisition of each said parcel by the County;

6. That the Treasurer is hereby authorized, when it seems advantageous, to divide any parcel on the auction list into two or more parcels and to offer said divided parcels individually or to join any two or more parcels on the auction list into one parcel and to offer said joined parcels as one parcel;

7. That following the auction sale, the Committee on County Properties and the County Treasurer report to this Legislature with their recommendations for the conveyance of the various parcels of property to the successful bidders thereon;

8. That certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Property Agent and County Attorney.

Dated: April 7, 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 Mrs. Maneen, seconded by Mr. Manno and Mr. Weakley, Resolution No. 114 of the Committee on Ways and Means authorizing expenditure of \$2500 to fund an appeal in effort to Overturn an Adirondack Park Agency revision of regulations was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (16).                      Against: None.

Absent: Russell (1).

No. 114

**RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AUTHORIZING EXPENDITURE OF \$2500 TO FUND AN APPEAL IN AN EFFORT TO OVERTURN AN ADIRONDACK PARK AGENCY REVISION OF REGULATIONS**

WHEREAS, the Adirondack Park Agency adopted a new regulation on November 14, 2008 which reversed the Agency's position which had been in place for over thirty years which had allowed the expansion of shoreline homes to the side, back and up so long as there was no violation of minimum setback requirements; and

WHEREAS, this change in regulations has taken place despite the fact that the neither the New York State Legislature nor the courts of New York have taken any action which would modify previous interpretations of the Adirondack Park Agency Act; and

WHEREAS, it is the belief of your Committee that this change in regulations will have a negative impact on the value of pre-existing homes and cabins within the Adirondack Park in the

County of Herkimer and will also have a negative impact on the businesses which benefit from such expansions; and

WHEREAS, there has been effort by several Adirondack counties to join together to oppose this change in regulations; and

WHEREAS, in an Essex County Supreme Court decision and order dated November 19, 2009, that Court denied the request of Herkimer and other Adirondack counties, towns and individuals to overturn that regulation; and

WHEREAS, the participating parties have been asked to contribute toward the costs of an appeal of that action, with the share of eight participating counties to be \$2500 each, and one county to be \$1500 (Franklin County); now, therefore, be it

RESOLVED, that the County of Herkimer joins in the efforts of other Adirondack counties to appeal the order of the Essex County Supreme Court to the Appellate Division and authorize the expenditure of \$2500 to be used to pay the expenses of the Appeal, with the funds to be expended based upon the recommendations of the County Attorney; and, be it further

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

Dated: April 7, 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. Piseck, seconded by Mr. Shaw, Resolution No. 115 of the Committee on Administration/Veterans' Affairs supporting Adirondack Park Local Government Review Board resolution objecting to the removal of fire towers located at Hurricane and St. Regis Mountains was handed up; discussion was held; was voted on and adopted by voice vote:

All ayes: (16).                      Against: None.

Absent: Russell (1).

No. 115

RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS' AFFAIRS  
SUPPORTING ADIRONDACK PARK LOCAL GOVERNMENT REVIEW RESOLUTION  
OBJECTING TO THE REMOVAL OF FIRE TOWERS LOCATED AT HURRICANE AND  
ST. REGIS MOUNTAINS

WHEREAS, Adirondack fire towers are an important part of the history and culture of the Adirondack Park; and

WHEREAS, the acquisition by the State of New York of many unique historic structures has resulted in their destruction (i.e. Fox Lair, Camp Nehasane, Kamp Kill Kare, etc.); and

WHEREAS, the removal of these unique structures is detrimental to the historical heritage of the Adirondack Park when other Adirondack fire towers have been allowed to remain in other areas, maintained by volunteers; and

WHEREAS, community volunteer groups have stepped up to maintain these structures as Adirondack fire towers are a tourist attraction to visitors to the Park and help contribute to the local economy; now, therefore, be it

RESOLVED, that the Herkimer County Legislature supports the Adirondack Park Local government Review Board resolution objecting to the removal of fire towers located at Hurricane and St. Regis Mountains and urges the DEC and the APA to draft an amendment of the State Land Master Plan to permit the fire towers on the St. Regis and Hurricane Mountains to remain and to reclassify the footprint of those towers and any associated structures as historic; and, be it further

RESOLVED, that certified copies of this Resolution is forwarded to Governor David A. Paterson, Senate Majority Leader John L. Sampson, Assembly Speaker Sheldon Silver, Senator James L. Seward, Assemblyman Marc W. Butler, Supervisor of the Town of Webb, NYSAC and Intercounty.

Dated: April 7, 2010.

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

On motion of Mr. Bono, seconded by Mr. Keblish, Resolution No. 116 of the Committee on Human Resources, County Properties and Ways and Means authorizing sale of Country Manor was handed up; discussion was held; Mrs. Rose made a motion, seconded by Mr.



Brezinski, to table the resolution. The motion to table was defeated by the following roll call vote:

For: Rose, Hyde, Brezinski, Shaw (4).

Against: Piseck, Keblish, Maneen, Stone, Hendrix, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Weakley (12).

After further discussion, the resolution was voted on and adopted by roll call vote:

For: Piseck, Keblish, Maneen, Stone, Hendrix, Manno, Smith, Bono, Ackerman, Peplinski, Korce (11).

Against: Rose, Hyde, Brezinski, Shaw, Weakley (5).

Absent: Russell (1).

No. 116

**RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES, COUNTY PROPERTIES AND WAYS AND MEANS AUTHORIZING SALE OF COUNTRY MANOR**

WHEREAS, Valley Health Services, Inc., has submitted a proposal to the County of Herkimer to purchase the Country Manor premises located on the east side of New York State Route 28 in the Town of Herkimer for a nominal consideration of \$1.00, with the County making four capital payments to Valley Health Services over three years in the amount of \$400,000 at closing, \$300,000 after one year, \$200,000 after two years, and \$100,000 on the third anniversary date of closing; and

WHEREAS, the contract provides for a 180 day due diligence period in which to conduct tests related to the property, with the right to enter into the property to conduct necessary tests and examinations, and up to 21 months to obtain an operating certificate from the Department of Health, with additional periods to obtain necessary government zoning approvals and permits once the operating certificate has been received, with further extensions allowing for up to a total of 36 months from the execution of the contract to closing; and

WHEREAS, the contract provides that the County shall keep the property and contents in good condition and repair and continue to operate the Country Manor until the time of closing; and

WHEREAS, your Committees believe it is in the best interests of Herkimer County and the residents of Country Manor to enter into such a contract; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an asset purchase agreement containing the above terms and conditions, together with such other

terms and conditions as shall be negotiated with the approval of the County Attorney regarding the specifics of the agreement; and, be it further

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

Dated: April 7, 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  
BERNARD PEPLINSKI, SR.  
**Committee on Ways and Means**

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

Chairman Smith stated that pursuant to Rule 6(12) they would proceed with comments by legislators. The following legislators had further comments: Mr. Manno, Mrs. Rose, Mr. Peplinski, Mrs. Maneen, Mr. Korce and Mr. Shaw.

At 3:35 p.m., on motion of Mr. Manno, seconded by Mr. Stone, the Legislature adjourned to April 28, 2010 at 7:30 p.m.

