

MINUTES
Herkimer County Legislature
First Quarter – Third Day
Wednesday, February 26, 2014
7:30 p.m.

The Public Hearing on the proposed replacement of equipment within the Herkimer County Sewer District Plant was called to order by Frederick J. Shaw, Chairman of the Committee on Ways and Means. The Clerk read the notice of the hearing. Mr. Shaw asked anyone wishing to speak to state their name and address. There were no appearances and the hearing was declared closed at 7:17 p.m.

The Regular Session of the Herkimer County Legislature was called to order by Chairman Vincent Bono at 7:30 p. m.

Chairman Bono called on Legislator and Majority Leader Patrick Russell, to lead the Legislature in the Pledge of Allegiance.

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

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

Present: Luppino, Schrader, Wellington, Johnson, Stephens, Hyde, Brezinski, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (15).

Absent: Rose, Manno, (2).

Chairman Bono dispensed with the regular session to allow for the presentation of a proclamation. Chairman Bono called on Coach Pepe Aragon, HCCC Athletic Director Donald Dutcher, Dean of Students Matthew Hawes and the members of the 2013 HCCC Men's Soccer Team to receive a proclamation in honor of their winning the 2013 National Junior College Athletic Association Division III National Soccer Championship. Coach Aragon and the team expressed their appreciation for this recognition

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Bono asked if there were any objections or corrections to the minutes of January 29, 2014. There were none, and the Chairman ordered them approved.

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

Chairman Bono stated that the communications received by the Legislature and the committees to which they were referred were as listed on the agenda and asked if any member of the Legislature requested mention of any particular communication. There were no requests.

No. 52 – A communication was received from the Budget Officer requesting renewal of agreement with New World Systems. Referred to the Committee on Ways and Means.

No. 53 – A communication was received from the Soil & Water Conservation District submitting 2013 Annual Report. Placed on file.

No. 54 – A communication from the Sheriff submitting the Monthly Report for December. Referred to the Committee on Public Safety and Emergency Management.

No. 55 – A communication was received from the Dir. Of Weights & Measures submitting 2013 Annual Report. Referred to the Committee on Natural Resources.

No. 56 – A communication was received from the Director of the Office for Aging submitting 2013 Annual Report. Referred to the Committee on Human Resources.

No. 57 – A communication was received from the Director of Information Services submitting 2013 Annual Report. Referred to the Committee on Information Services.

No. 58 – A communication was received from Senator Seward acknowledging receipt of resolutions. Placed on file.

No. 59 – A communication was received from Assemblyman Butler acknowledging receipt of resolution. Placed on file.

No. 60 – A communication was received from the Department of State advising of filing of Local Law No. 1 for 2014. Placed on file.

No. 61 – A communication was received from ProAct, Inc. submitting Discount Drug Prescription Card for December. Placed on file.

No. 62 – A communication was received from the State Department of Agriculture and Markets Certifying 8 yr. renewal of Ag. Dist. No. 1. Placed on file.

No. 63 – A communication was received from the Soil & Water Conservation District submitting Minutes of 1/14/14. Placed on file.

No. 64 – A communication was received from the Budget Officer Requesting budget amendment for Sheriff's Department. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 65 – A communication was received from the Budget Officer requesting amendment and transfer of funds in connection with utility costs for Country Manor. Referred to the Committee on Ways and Means.

No. 66 – A communication was received from the Commissioner of Elections – Requesting renewal option for printing ballots. Referred to the Committee on Information Services and the Committee on Ways and Means.

No. 67 – A communication was received from the Budget Officer requesting amendment of Computer Reserve Account. Referred to the Committee on Ways and Means.

No.68 – A communication was received from the Salisbury Grange recommending reappointment of Carlton Spofford to Soil and Water Conservation District. Referred to the Committee on Natural Resources.

No. 69 – A communication was received from the Commissioners of Elections requesting revision of payment schedules for election workers. Referred to the Committee on Administration/Veterans Affairs and Ways and Means.

No. 70 – A communication was received from the Budget Officer submitting recommendation for award of bids for highway equipment. Referred to the Committee on Highways.

No. 71 – A communication was received from the Budget Officer submitting recommendation for award of bids for Highway equipment. Referred to the Committee on Highways.

No. 72 - A communication was received from the Director of Information Services requesting contract for equipment and services. Referred to the Committee on Information Services and Ways and Means.

No. 73 – A communication was received from the County Auditor appointing Pamela Walters as Deputy Auditor. Placed on file.

No. 74 – A communication was received from the Director of Information Services requesting staffing change. Referred to the Committee on Information Services and the Committee on Ways and Means.

No. 75 – A communication was received from the Commissioners of Elections submitting 2013 Annual Report. Placed on file.

No. 76 – A communication was received from the County Highway Superintendent requesting agreement for engineering services. Referred to the Committee on Highways and Ways and Means.

No. 77 – A communication was received from the Personnel Officer requesting revision to Smoking Policy. Referred to the Committee on Ways and Means.

No. 78 – A communication was received from the Sheriff requesting agreement with West Canada Valley School for placement of deputy at school. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 79 – A communication was received from the County Auditor submitting Report of corrected tax applications for January. Placed on file.

No. 80 – A communication was received from the County Attorney advising of receipt of Notice of Claim. Referred to the Committee on Ways and Means.

No. 81 – A communication was received from the Historical Society expressing appreciation for county's allocation. Placed on file.

No. 82 – A communication was received from the Director of Community Services requesting staffing change. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 83 – A communication was received from the Director of the Office for Aging requesting contract with Country Manor for home delivered meals for Middleville area. Referred to the Committee on Ways and Means.

No. 84 – A communication was received from the Sheriff requesting amendment of Homeland Security Grant. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

Pursuant to Rule 6, Chairman Bono then proceeded with Reports of Standing Committees. There were no reports.

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

For: Ayes (15).

Against: None.

Absent: Rose, Manno (2).

Consent Agenda:

- 51 ADMIN./VET. AFFAIRS: Annual Report of Board of Elections
- 52 HUMAN RES.: Annual Report of Office for Aging
- 53 INFO. SVCS.: Annual Report of Information Services
- 54 NAT. RESOURCES: Annual Report of Weights & Measures
- 55 PUB. SFTY/EMER. MGMT.: Monthly report of Sheriff
- 56 NAT. RESOURCES; Appointing Dir. Of Soil & Water Cons. Dist.

No. 51

**REPORT AND RESOLUTION OF THE COMMITTEE ON
ADMINISTRATION/VETERANS' AFFAIRS ADOPTING ANNUAL REPORT OF THE
BOARD OF ELECTIONS**

Your Committee on Administration/Veterans' Affairs, to which was referred the Annual Report of the Herkimer County Board of Elections for the year 2013, respectfully reports that we have examined the same, recommend the adoption of said report, and offer the following Resolution:

RESOLVED, that the Annual Report of the Herkimer County Board of Elections be approved and placed on file with the Herkimer County Legislature for the year 2013.

Dated: February 26, 2014.

ROBERT N. HYDE
FREDERICK J. SHAW, JR.
PETER F. MANNO
JOHN L. BREZINSKI
MARTIN J. LUPPINO, JR.
BOB WELLINGTON
**Committee on Administration/Veterans'
Affairs**

No. 53

**REPORT AND RESOLUTION OF THE COMMITTEE ON INFORMATION SERVICES
ADOPTING ANNUAL REPORT OF THE INFORMATION SERVICES DEPARTMENT**

Your Committee on Information Services, to which was referred the Annual Report of the Herkimer County Information Services Department for the year 2013, respectfully reports that we have examined the same, recommend the adoption of said report, and offer the following Resolution:

RESOLVED, that the Annual Report of the Herkimer County Information Services Department be approved and placed on file with the Herkimer County Legislature for the year 2013.

Dated: February 26, 2014.

KURT J. ACKERMAN
PETER F. MANNO
MARTIN J. LUPPINO, JR.
HELEN T. ROSE
JOHN P. STEPHENS
BOB WELLINGTON
Committee on Information Services

No. 54

**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 2013, 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 2013.

Dated: February 26, 2014.

FREDERICK J. SHAW, JR.
ROBERT N. HYDE
JOHN L. BREZINSKI
MARTIN J. LUPPINO, JR.
ROBERT J. SCHRADER
BOB WELLINGTON
Committee on Natural Resources

No. 55

**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, 2013, respectfully reports that we

have examined said report, recommend that it be approved and offer the following Resolution:

RESOLVED, that the report of the Herkimer County Sheriff for the month of December, 2013, which report reflects an average daily population of 86.07 inmates, with an average of 57.13 inmates being boarded out in December, be approved and filed.

Dated: February 26, 2014.

BERNARD PEPLINSKI, SR.
RAYMOND SMITH
BRUCE WEAKLEY
DENNIS KORCE
ROBERT N. HYDE
JOHN P. STEPHENS
**Committee on Public Safety and
Emergency Management**

No. 56

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

WHEREAS, by communication dated February 13, 2014, the Salisbury Center Grange organization has notified this Legislature of its recommendation for the position of Director of the Herkimer County Soil and Water Conservation District, pursuant to Sections 6 and 7 of the Soil Conservation Law; now, therefore, be it

RESOLVED, that Carlton Spofford, 146 Daley Road, Dolgeville, New York, be reappointed as Director of the Herkimer County Soil and Water Conservation District, said term to be effective January 1, 2014 through December 31, 2016 and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Soil and Water Conservation District, Salisbury Center Grange and Carlton Spofford.

Dated: February 26, 2014.

FREDERICK J. SHAW, JR.
ROBERT N. HYDE
JOHN L. BREZINSKI
MARTIN J. LUPPINO, JR.
ROBERT J. SCHRADER
BOB WELLINGTON
Committee on Natural Resources

On motion of Mr. Smith, seconded by Mr. Luppino, Report and Resolution No. 57 of the Committees on Human Resources and Ways and Means authorizing reimbursement for professional liability insurance to Mental Health Consultant was handed up; was voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Rose, Manno (2).

No. 57

REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS AND MEANS AUTHORIZING REIMBURSEMENT FOR PROFESSIONAL LIABILITY INSURANCE TO MENTAL HEALTH CONSULTANT

WHEREAS, Dr. Vinay Patil is a psychiatrist under contract to provide services to the Herkimer County Mental Health Services; and

WHEREAS, by letter dated November 22, 2013, Edgar Scudder, Director of Community Services, has requested Dr. Patil be reimbursed for a sum not to exceed \$1,500 annually for professional liability insurance in connection with special psychiatric services provided to inmates at the Herkimer County Correctional Facility; and

WHEREAS, there are sufficient funds available in the Department of Mental Health Budget to allow for this expense; and

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

RESOLVED, that Dr. Vinay Patil, be and he hereby is, authorized to receive reimbursement, upon receipt of proper documentation for a sum not to exceed \$1,500 annually for professional liability insurance associated with special psychiatric services provided to inmates at the Herkimer County Correctional Facility; 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 26, 2014.

RAYMOND SMITH
FREDERICK J. SHAW, JR.
PATRICK E. RUSSELL
PETER F. MANNO
HELEN T. ROSE

PATRICK E. RUSSELL
DENNIS KORCE
RAYMOND SMITH
BRUCE WEAKLEY
BERNARD PEPLINSKI, SR.

RAYMOND JOHNSON
Committee on Human Resources

KURT J. ACKERMAN
Committee on Ways and Means

On motion of Mr. Smith, seconded by Mr. Johnson, Report and Resolution No. 58 of the Committee on Human Resources and the Committee on Ways and Means authorizing staffing change in Herkimer County Mental Health Services was handed up; was voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Rose, Manno (2).

No. 58

REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING STAFFING CHANGE IN HERKIMER COUNTY MENTAL HEALTH SERVICES

WHEREAS, by letter dated February 5, 2014, Edgar Scudder, Director of Community Services, has requested a staffing adjustment in the Herkimer County Mental Health Services; and

WHEREAS, your Committees have considered said request and recommend said change; now, therefore, be it

RESOLVED, the 2014 Herkimer County Salary Schedule III is hereby amended to delete one position Registered Nurse in Account A4320, Mental Health Department; and, be it

RESOLVED, that the foregoing change shall take effect March 3, 2014; 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 Community Services.

Dated: February 26, 2014.

RAYMOND SMITH
FREDERICK J. SHAW, JR.
PATRICK E. RUSSELL
PETER F. MANNO
HELEN T. ROSE
RAYMOND JOHNSON
Committee on Human Resources

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

On motion of Mr. Smith, seconded by Mr. Shaw, Report and Resolution No. 59 of Committees on Human Resources and Ways and Means increasing payment to contractors of mental health services was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Rose, Manno (2).

No. 59

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 November 22, 2013, Edgar Scudder, Director of Community Services, has requested approval for increases in the hourly rates paid to consulting psychiatrists and other consulting counselors, 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 \$125.00 to \$127.50, retroactive to January 1, 2014, and the contracts of each of said contractors be revised to reflect such increase; and, be it further

RESOLVED, that the current hourly rate for other consulting counselors be increased from \$32.00 to \$32.64, retroactive to January 1, 2014, 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, Personnel Officer and Director of Community Services.

Dated: February 26, 2014.

RAYMOND SMITH
FREDERICK J. SHAW, JR.
PATRICK E. RUSSELL
PETER F. MANNO
HELEN T. ROSE
RAYMOND JOHNSON
Committee on Human Resources

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

On motion of Mr. Ackerman, seconded by Mr. Peplinski, Report and Resolution No. 60 of the Committee on Information Services and the Committee on Ways and Means was handed up; voted on and adopted by roll call vote:

For: Luppino, Schrader, Wellington, Johnson, Stephens, Hyde, Brezinski, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (15).

Against: None.

Absent: Rose, Manno, (2).

No. 60

REPORT AND RESOLUTION OF THE OF THE COMMITTEE ON INFORMATION SERVICES ON WAYS AND MEANS AMENDING RESOLUTION NO. 280 OF 2013 ADJUSTING WAGES FOR HOURLY EMPLOYEES

WHEREAS, by Resolution No. 280 adopted on November 13, 2013 this Legislature established the wages of all employees of the County of Herkimer paid pursuant to the hourly scale for the year 2014; and

WHEREAS, by letter dated February 5, 2014, JoAnn Boyer, Director of Information Services has requested the position of Part-Time Computer Operator be established at the hourly rate of \$19.25; now, therefore, be it

RESOLVED, that Resolution No. 280 of 2013 is hereby amended in the Second Resolved Clause to establish the following part-time position for the year 2014 at the hourly rate listed:

<u>Title</u>	<u>2014 Rate</u>
Part-time Computer Operator (A1680)	\$19.25

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

Dated: February 26, 2014.

KURT J. ACKERMAN
PETER F. MANNO
MARTIN J. LUPPINO
HELEN T. ROSE
JOHN P. STEPHENS
BOB WELLINGTON
Committee on Information Services

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

On motion of Mr. Luppino, seconded by Mr. Stephens and Mr. Brezinski, Report and Resolution No. 61 of the Committee on Administration/Veterans' Affairs and the Committee Ways and Means amending Resolution No. 66 of 2013 establishing payment amounts to election workers pursuant to the Help America Vote Act of 2002 was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Rose, Manno (2).

No. 61

REPORT AND RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS' AFFAIRS AND THE COMMITTEE ON WAYS AND MEANS AMENDING RESOLUTION NO. 66 OF 2013 ESTABLISHING PAYMENT AMOUNTS TO ELECTION WORKERS PURSUANT TO THE HELP AMERICA VOTE ACT OF 2002

WHEREAS, by Resolution No. 66 adopted on March 20, 2013, payment amounts were established for election workers pursuant to the Help America Vote Act of 2002; and

WHEREAS, by letter dated January 29, 2014, Kathleen Farber and Audrey Dunning, Commissioners of Elections, have requested a revision of said payment and titles; and

WHEREAS, your Committees have considered said request and recommend the establishment of the requested payment amounts and titles; now, therefore, be it

RESOLVED, that the following payment amounts are hereby established for the election workers as listed:

Election Inspectors	\$100 – Primary Election
	\$150 – General Election
Election Inspector Chairs	\$20.00 per election
Poll Site Coordinators	\$15.00 per hour
Voting Machine Technicians	\$25.00 per hour
Recanvass Staff	\$15.00 per hour

and, be it further

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

Dated February 26, 2014.

ROBERT N. HYDE

PATRICK E. RUSSELL

FREDERICK J. SHAW, JR.
PETER F. MANNO
JOHN L. BREZINSKI
MARTIN J. LUPPINO, JR.
BOB WELLINGTON
**Committee on Administration/
Veterans' Affairs**

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

On motion of Mr. Hyde, seconded by Mr. Schrader, Report and Resolution No. 62 of the Committee on Natural Resources and the Committee on Ways and Means authorizing expenditure for Herkimer County Sewer District Belt Press Replacement Capital Improvement Project was handed up; was voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Rose, Manno (2).

No. 62

**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES
AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING EXPENDITURE
FOR HERKIMER COUNTY SEWER DISTRICT BELT PRESS REPLACEMENT
CAPITAL IMPROVEMENT PROJECT**

WHEREAS, by letter dated January 16, 2014, the Herkimer County Sewer District, has advised that engineers GHD Consulting Services, Inc. have recently updated their estimate of construction of the Belt Press Replacement Project and that by action on January 15, 2014, the Herkimer County Sewer District Board adopted a resolution authorizing the expenditure of \$2,095,000.00 for a capital improvement consisting of the replacement of the Belt Press System, Potassium Permanganate chemical feed system, the sludge transfer pumps, the electrical motors and gear boxes on two sludge conveyors and a line conveyor, electrical controls, and related necessary equipment and systems in the Sewer District Plant; 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 January 15, 2014, authorizing the expenditure of \$2,095,000.00 for a capital improvement consisting of the replacement of the Belt Press System, Potassium Permanganate chemical feed system, the sludge transfer pumps, the electrical motors and gear boxes on two sludge conveyors and a line conveyor, electrical controls, and related necessary equipment and systems in the Sewer District Plant; and, be it further

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

Dated: February 26, 2014.

FEDERICK J. SHAW, JR.
ROBERT N. HYDE
JOHN L. BREZINSKI
MARTIN J. LUPPINO, JR.
ROBERT J. SCHRADER
BOB WELLINGTON
Committee on Natural Resources

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

On motion of Mr. Russell, seconded by Mr. Peplinski, Report and Resolution No. 63 of the Committee on Ways and Means amending Resolution No. 43 of 2013 transferring funds to Reserve Account was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Rose, Manno (2).

No. 63

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
AMENDING RESOLUTION NO. 43 OF 2013 TRANSFERRING FUNDS TO RESERVE
ACCOUNT**

WHEREAS, Resolution No. 43 adopted on February 13, 2013 authorized that the unspent balance in Account A1620.42000, County Building – Utilities, at the close of books for the year 2012 be transferred to Account A889N – Reserve for County Building Improvements; and

WHEREAS, by letter dated February 18, 2014, Bernard Decker, Budget Officer/Purchasing Agent, has requested said resolution be amended to include that the unexpended portion of Account A1620.42000, County Buildings, Utilities, be placed in Reserve Account A889N when books are closed at the end of each fiscal year; now, therefore, be it

RESOLVED, that Resolution No. 43 adopted on February 13, 2013 is hereby amended to add an additional Resolved Clause as follows:

“RESOLVED, that the unexpended portion of Account A1620.42000, County Buildings, Utilities, be placed in Reserve Account A889N when books are closed at the end of each fiscal year”; and, be it further

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

Dated: February 26, 2014.

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

On motion of Mr. Russell, seconded by Mr. Shaw, Report and Resolution No. 64 of the Committee on Ways and Means transferring funds and amending 2014 Budget in connection with Utility Expenses at Country Manor was handed up; was voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Rose, Manno (2).

No. 64

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
TRANSFERRING FUNDS AND AMENDING 2014 BUDGET IN CONNECTION WITH
UTILITY EXPENSES AT COUNTRY MANOR**

WHEREAS, by letter dated February 19, 2014 from the Budget Officer and Purchasing Agent, this Legislature is advised that it is necessary to amend the 2014 Budget and transfer funds as a result of increased utility expenses at the Country Manor; now, therefore, be it

RESOLVED, that the 2014 Herkimer County Budget is hereby amended as follows:

Revenue:

A6030.3630, Public Home Buildings	From: \$351,390.00
	To: \$386,390.00

Appropriation:

A6030.42000, Public Home Utilities	From: \$ 57,500.00
	To: \$ 92,500.00

RESOLVED, that the sum of \$35,000.00 be transferred from account A6109.40000, Family Assistance – Contractual Expense, to account A6030.42000, Public Home - Utilities; and, be it further

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

Dated: February 26, 2014.

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

On motion of Mr. Stephens, seconded by Mr. Luppino, Report and Resolution No. 65 of the Committee on Highways and the Committee on Ways and Means authorizing contract for engineering services for Herkimer County Highway Department was handed up; was voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Rose, Manno (2).

No. 65

REPORT AND RESOLUTION OF THE COMMITTEE ON HIGHWAYS AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING CONTRACT FOR ENGINEERING SERVICES FOR HERKIMER COUNTY HIGHWAY DEPARTMENT

WHEREAS, by letter dated February 14, 2014, Jay Ewanyk, County Highway Superintendent, has advised of a request to enter into an agreement with Barton and Loguidice, P.C. of Syracuse, New York, for consulting engineering services related to Project No. 349, Docket Road, County Road No. 42, Over Crum Creek Bridge Replacement, for a cost of \$53,900.00; and

WHEREAS, said letter further advises that CHIPS funds will be utilized for said engineering services; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an agreement with Barton and Loguidice, P.C., 290 Elwood David Road, Box 3107, Syracuse, New York 13220, for consulting engineering related to Project No. 349, Docket Road, County Road No. 42, Over Crum Creek Bridge Replacement, for a cost of \$53,900.00, with said agreement to be subject to 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 Highway Superintendent and Barton and Loguidice, P.C.

Dated: February 26, 2014.

BRUCE WEAKLEY
DENNIS KORCE
PATRICK E. RUSSELL
RAYMOND SMITH
BERNARD PEPLINSKI, SR.
JOHN L. BREZINSKI
Committee on Highways

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

On motion of Mr. Weakley, seconded by Mr. Peplinski, Report and Resolution No. 66 of the Committees on Public Safety/Emergency Management and the Committee on Ways and Means authorizing agreement with West Canada Valley School District for placement of deputy at school was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Rose, Manno (2).

No. 66

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING AGREEMENT WITH WEST CANADA VALLEY SCHOOL DISTRICT FOR PLACEMENT OF DEPUTY AT SCHOOL

WHEREAS, by letter dated February 13, 2014, Christopher P. Farber, Herkimer County Sheriff has advised that West Canada Valley School District has requested permission for the placement of a deputy sheriff at the school, with the School District to provide reimbursement for all salary and fringe benefits, plus any additional costs including training, vehicle expense and any necessary additional equipment; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an agreement with West Canada Valley School District for the placement of a deputy sheriff at the school, with the School District to provide reimbursement for all salary and fringe benefits, plus any additional costs including training, vehicle expense and any necessary additional equipment, with no additional cost to the County and with the terms and conditions of 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, Sheriff and the West Canada Valley School District.

Dated: February 26, 2014.

BERNARD PEPLINSKI, SR.
RAYMOND SMITH
BRUCE WEAKLEY
DENNIS KORCE
ROBERT N. HYDE
JOHN P. STEPHENS
**Committee on Public Safety/
Emergency Management**

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

On motion of Mr. Peplinski, seconded by Mr. Shaw, Report and Resolution No. 67 of the Committee on Public Safety and Emergency Management and the Committee on Ways and Means amending 2013 budget in connection with FEMA funding in Sheriff's Office was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Rose, Manno (2).

No. 67

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS AMENDING 2013 BUDGET IN CONNECTION WITH FEMA FUNDING RECEIVED IN SHERIFF'S OFFICE

WHEREAS, by letter dated February 18, 2014 from the Budget Officer and Purchasing Agent, this Legislature is advised that it is necessary to amend the 2013 Budget in connection with funds received December 31, 2013 from the State of New York and the Federal Office of Emergency Management, which funds will be used to make repairs to the Herkimer County Sheriff's Department shooting range; now, therefore, be it

RESOLVED, that the 2013 Herkimer County Budget is hereby amended as follows:

Revenue

A 8760.4690, Disaster Assistance – Federal Aid	From:	\$-0-
	To:	\$13,107.07

Appropriation

A8760.40000, Emergency Disaster Work - Contractual Expense	From:	\$ 4,488.96
	To:	\$ 17,596.03

And, be it further

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

Dated: February 26, 2014.

BERNARD PEPLINSKI, SR.
RAYMOND SMITH
BRUCE WEAKLEY
DENNIS KORCE
ROBERT N. HYDE
JOHN P. STEPHENS
**Committee on Public Safety/
Emergency Management**

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

On motion of Mr. Hyde, seconded by Mr. Russell, Report and Resolution No. 68 of the Committees on Ways and Means setting public hearing on Introductory Local Law No. 1 for 2014 was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Rose, Manno (2).

No. 68

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
SETTING PUBLIC HEARING ON INTRODUCTORY LOCAL LAW NO. 1 FOR 2014**

We, the Committee on Ways and Means, are causing to be prepared and will present Introductory Local Law No. 1 for 2014 entitled "A LOCAL LAW TO ALLOW PURCHASING BASED ON BEST VALUE" and offer the following Resolution:

RESOLVED, that a Public Hearing will be held before the Herkimer County Legislature on the adoption of said proposed Local Law, to be conducted by the Committee on Ways and Means on the 12th day of March 12 at 7:15 p.m., in the Legislature Chambers of the County Office Building, Herkimer, New York; and, be it further

RESOLVED, that at least five days prior to such public hearing the Clerk of this Legislature shall post a notice of such hearing upon the bulletin board in the Courthouse and cause to be published said notice at least once in the Little Falls Times and the Herkimer Telegram; and, be it further

RESOLVED, that the Clerk of this Legislature shall place a copy of said act on the desks

of the members of this County Legislature at least seven calendar days, exclusive of Sunday, prior to its final adoption; and, be it further

RESOLVED, that if said local law be finally adopted, the Clerk of this Legislature shall file one certified copy thereof in the Office of the County Clerk, one in the Office of the Secretary of State and publish said local law as required by law.

Dated: February 26, 2014.

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

On motion of Mr. Luppino, seconded by Mr. Hyde, Report and Resolution No. 69 of the Committee on Public Safety/Emergency Management and the Committee on Ways and Means amending contract for Homeland Security Grant for Sheriff's Department was handed up; was voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Rose, Manno (2).

No. 69

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS AMENDING CONTRACT FOR HOMELAND SECURITY GRANT FOR THE SHERIFF'S DEPARTMENT

WHEREAS, pursuant to Resolution No. 92 of 2012, this Legislature approved an agreement with the New York State Office of Homeland Security for the receipt of a Law Enforcement Terrorism Prevention Program Grant (FY2011) in the amount of \$38,532; and

WHEREAS, by letter dated January 27, 2014 from Christopher P. Farber, Sheriff, this Legislature is advised of a request to approve a workplan change amendment and extension in connection with said grant agreement; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a budget amendment/extension through August 31, 2014 on behalf of the County of Herkimer with the New York State Office of Homeland Security, in connection with the receipt of an FY2011

Law Enforcement Terrorism Prevention Program Grant in the amount of \$38,532; and, be it further

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

Dated: February 26, 2014.

BERNARD PEPLINSKI, SR.
RAYMOND SMITH
BRUCE WEAKLEY
DENNIS KORCE
ROBERT N. HYDE
JOHN P. STEPHENS
**Committee on Public Safety/
Emergency Management**

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

On motion of Mr. Russell, seconded by Mr. Johnson, Report and Resolution No. 70 of the Committee on Ways and Means authorizing renewal of service agreement for New World Systems was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Rose, Manno (2).

No. 70

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
AUTHORIZING RENEWAL OF SERVICE AGREEMENT FOR NEW WORLD
ACCOUNTING SYSTEM**

WHEREAS, by Resolution No. 173 of 2003 a contract was awarded to New World Systems for Financial Management payroll software, training, support service and maintenance on said software package, which contract has been renewed by resolution thereafter; and

WHEREAS, by letter dated February 18, 2014, Bernard E. Decker, Budget Officer/Purchasing Agent has request renewal of said contract for maintenance of the County's Logos Accounting software; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute an agreement with New World Systems, 888 West Big Beaver Road, Suite 600, Troy, Michigan 48084 for maintenance of the County's Logos Accounting as follows:

Period Covered

Annual Amount

2/1/2014 to 1/31/2015	\$33,400
2/1/2015 to 1/31/2016	\$36,070
2/1/2016 to 1/31/2017	\$38,950
2/1/2017 to 1/31/2018	\$41,290
2/1/2018 to 1/31/2019	\$44,180

And, be it further

RESOLVED, that provisions for early termination of the agreement shall be included with the approval of the County Attorney, as well all other terms and conditions of said agreement

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

Dated: February 26, 2014.

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

On motion of Mr. Brezinski, seconded by Mr. Stephens, Report and Resolution No. 71 of the Committee on Highways awarding bid for purchase of equipment for Highway Department was handed up; voted on and adopted by voice:

For: Ayes (15).

Against: None.

Absent: Rose, Manno (2).

No. 71

REPORT AND RESOLUTION OF THE COMMITTEE ON HIGHWAYS AWARDDING BID FOR PURCHASE OF EQUIPMENT FOR HIGHWAY DEPARTMENT

WHEREAS, by letter dated February 18, 2014, Bernard E. Decker, Budget Officer/Purchasing Agent, has advised that sealed bids were received, opened and read in accordance with law for the purchase of three new 2014 heavy duty 2WD tractors with mounted boom mowers, mid-mount mowers and three point hitch mowers for the Herkimer County Highway Department; and

WHEREAS, the Budget Officer further advises that it is the recommendation of your Committee and the County Superintendent of Highways that a contract be awarded to Stephenson Equipment, Inc. of East Syracuse, New York ,which was the only bidder, for a total delivered price of \$335,000, with no trade in; and

WHEREAS, there are sufficient funds available for said purchase; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby awards a bid for the purchase of three new 2014 heavy duty 2WD tractors with mounted boom mowers, mid-mount mowers and three point hitch mowers for the Herkimer County Highway Department to Stephenson Equipment, Inc. 6018 Drott Drive, East Syracuse, NY 13057, which was the only bidder, in the total amount of \$335,000; and, be it further

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

Dated: February 26, 2014.

BRUCE WEAKLEY
DENNIS KORCE
PATRICK E. RUSSELL
RAYMOND SMITH
BERNARD PEPLINSKI, SR.
JOHN L. BREZINSKI
Committee on Highways

On motion of Mr. Brezinski, seconded by Mr. Ackerman, Report and Resolution No. 72 of the Committee on Highways awarding bid for purchase of equipment for Highway Department was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Rose, Manno (2).

No. 72

**REPORT AND RESOLUTION OF THE COMMITTEE ON HIGHWAYS AWARDING
BID FOR PURCHASE OF EQUIPMENT FOR HIGHWAY DEPARTMENT**

WHEREAS, by letter dated February 18, 2014, Bernard E. Decker, Budget Officer/Purchasing Agent, has advised that sealed bids were received, opened and read in accordance with law for the purchase of one used 2010 or newer force feed loader for the Herkimer County Highway Department; and

WHEREAS, the Budget Officer further advises that it is the recommendation of your Committee and the County Superintendent of Highways that a contract be awarded to Stephenson Equipment, Inc. of East Syracuse, New York, which was the only bidder, for the purchase of a 2010 LeeBoy force feed loader for a total delivered price of \$119,750, with no trade in; and

WHEREAS, there are sufficient funds available for said purchase; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby awards a bid for the purchase of a 2010 LeeBoy force feed loader for the Herkimer County Highway Department to Stephenson Equipment, Inc. 6018 Drott Drive, East Syracuse, NY 13057, which was the only bidder, in the total amount of \$119,750, with no trade in; and, be it further

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

Dated: February 26, 2014.

BRUCE WEAKLEY
DENNIS KORCE
PATRICK E. RUSSELL
RAYMOND SMITH
BERNARD PEPLINSKI, SR.
JOHN L. BREZINSKI
Committee on Highways

On motion of Mr. Hyde, seconded by Mr. Shaw, Report and Resolution No. 73 of the Committee on Admin/Vet. Affairs and the Committee on Ways and Means exercising option on contract for printing ballots was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Rose, Manno (2).

No. 73

**REPORT AND RESOLUTION OF THE COMMITTEE ON
ADMINISTRATION/VETERANS AFFAIRS AND THE COMMITTEE ON WAYS AND
MEANS EXERCISING OPTION ON CONTRACT FOR PRINTING BALLOTS**

WHEREAS, by Resolution No. 188 duly adopted on August 14, 2013, this Legislature awarded a contract to Phoenix Graphics, Inc. of Rochester, New York, for the provision of optical scan ballot printing for the Herkimer County Board of Elections for a one year period; and

WHEREAS, by letter dated February 21, 2014 from the Commissioners of Elections, this Legislature is advised of a request to exercise the first of the three one year renewal options at the same per ballot cost to the County for 14” and 17” ballots at \$.48 each , and the cost per 22” ballot to be \$.54; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a renewal agreement with Phoenix Graphics, Inc. 1525 Emerson Street, Rochester, New York to exercise the first of the three one year renewal options at the same per ballot cost to the County for 14” and 17” ballots at \$.48 each, and the cost per 22” ballot to be \$.54, with the terms and conditions of said renewal option to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that additional options to renew shall be subject to committee approval only; and, be it further

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

Dated: February 26, 2014.

ROBERT N. HYDE
FREDERICK J. SHAW, JR.
PETER F. MANNO
JOHN L. BREZINSKI
MARTIN J. LUPPINO, JR.
BOB WELLINGTON
**Committee on Administration/
Veterans' Affairs**

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

On motion of Mr. Weakley, seconded by Mr. Shaw , Report and Resolution No. 74 of the Committee on Human Resources and the Committee on Ways and Means authorizing contract with the Country Manor for provision of meals in the Herkimer County Office for Aging was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Rose, Manno (2).

No. 74

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES
AND WAYS AND MEANS AUTHORIZING CONTRACT WITH THE COUNTRY
MANOR FOR THE PROVISION OF MEALS IN THE HERKIMER COUNTY OFFICE
FOR THE AGING**

WHEREAS, your Committees have been informed by communication dated January 28, 2014 from Kathy Fox, Director of the Office for the Aging, of a request to renew the agreement with the Country Manor for the provision of meals, which are home delivered meals for the Middleville, Newport, Poland, Cold Brook, Ohio and Old Forge areas, for the two-year period of April 1, 2014 through March 31, 2016, at a price of \$3.00 per meal, with additional costs for the frozen Old Forge meals for bread, milk and butter at cost, and with a total contract amount estimated to be \$34,968.00 for an estimated 11,656 meals for one year, and \$69,936.00 for an estimated 23,312 meals for the two-year period; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby authorizes an agreement, subject to the approval of the Herkimer County Attorney, between the Herkimer County Office for the Aging and The Country Manor, 4338 State Route 28, Herkimer, New York, for the provision of meals for the period of April 1, 2014 through March 31, 2016 for the Middleville, Newport, Poland, Cold Brook, Ohio and Old Forge areas, at a cost of \$3.00/meal, with additional costs for the frozen Old Forge meals for bread, milk and butter at cost, and with a total contract cost of \$34,968 for up to 11,656 meals for one year and \$69,936 for up to 23,312 meals for the two-year period, with the contract subject to termination by either party upon 30 days' notice; be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to sign said agreement as an indication of the approval of the same by this Legislature; and, be it further

RESOLVED, that the Chairman of this Legislature is further authorized to enter into an annual renewal of said contract after the expiration of the current agreement, upon the same or more favorable terms and conditions; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of the Office for the Aging and the Country Manor.

Dated: February 26, 2014.

RAYMOND SMITH
FREDERICK J. SHAW, JR.
PATRICK E. RUSSELL
PETER F. MANNO
HELEN T. ROSE
RAYMOND JOHNSON
Committee on Human Resources

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

On motion of Mr. Ackerman, seconded by Mr. Stephens, Report and Resolution No. 75 of the Committee on Information Services and the Committee on Ways and Means authorizing

contract for the provision of server replacement solution for Information Services Department was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Rose, Manno (2).

No. 75

REPORT AND RESOLUTION OF THE COMMITTEE ON INFORMATION SERVICES AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING CONTRACT FOR PROVISION OF SERVER REPLACEMENT SOLUTION FOR INFORMATION SERVICES DEPARTMENT

WHEREAS, by letter dated February 7, 2014, JoAnn Boyer, Director of Information Services, has advised that a proposal has been received to provide and perform equipment services for a complete server replacement solution; and

WHEREAS, it the recommendation of your Committee that a contract be entered into with Annese & Associates of Herkimer, New York, to provide said services at a cost of \$64,348.48, with the cost of the project to include one year maintenance on all hardware and software; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is authorized to enter into a contract with Annese & Associates, Inc., 4781 State Route 5W, Herkimer, New York, to provide and perform equipment services for a complete server replacement solution, at a cost \$64,348.48, with the cost of the project to include one year maintenance on all hardware and software, 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 26, 2014.

KURT J. ACKERMAN
PETER F. MANNO
MARTIN J. LUPPINO
HELEN T. ROSE
JOHN P. STEPHENS
BOB WELLINGTON
Committee on Information Services

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

On motion of Mr. Ackerman, seconded by Mr. Wellington, Report and Resolution No. 76 of the Committee on Ways and Means adopting Revised Herkimer County Smoking Policy was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Rose, Manno (2).

No. 76

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
ADOPTING REVISED HERKIMER COUNTY SMOKING POLICY**

WHEREAS, by Resolution No. 318 of 1989 Herkimer County adopted a Smoking Policy to comply with the New York State Clean Indoor Air Act, which policy was amended by Resolution No. 194 of 2003 to comply with amendments to said Clean Indoor Air Act; and

WHEREAS, by letter dated January 28, 2014, Steven R. Billings, Personnel Officer, has requested said Smoking Policy be revised to include electronic cigarettes or e-cigarettes in the definition of smoking; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby adopts the Revised Herkimer County Smoking Policy as attached; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to all county departments.

Dated: February 26, 2014.

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

On motion of Mr. Russell, seconded by Mr. Ackerman, Report and Resolution No. 77 of the Committee on Ways and Means amending Resolution No. 395 of 1997, as amended by Resolution No. 56 of 2010 authorizing a capital reserve fund for computer systems was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Rose, Manno (2).

**HERKIMER COUNTY
SMOKING POLICY**

- I.** The Herkimer County Legislature has duly adopted the following policy regarding smoking in County Buildings. Smoking shall mean the burning of a lighted cigar, cigarette, pipe or any other matter of substance which contains tobacco, or the use of an electronic cigarette or e-cigarette.

- II.** Smoking shall be prohibited in any indoor area in every county building, including county owned vehicles. The County shall conspicuously post “NO SMOKING” signs in appropriate areas.

- III.** The County shall prominently post this smoking policy throughout its buildings and shall supply copies to employees and prospective employees.

On motion of Mr. Russell, seconded by Mr. Ackerman, Report and Resolution No. 78 of the Committee on Ways and Means authorizing agreement with Field of Dreams Sports Complex, LLC for payment of delinquent PILOT payment was handed up; voted on and adopted by roll call vote:

For: Luppino, Schrader, Wellington, Johnson, Stephens, Hyde, Brezinski, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (15).

Against: None.

Absent: Rose, Manno (2).

No. 78

RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AUTHORIZING AGREEMENT WITH FIELD OF DREAMS SPORTS COMPLEX LLC, FOR PAYMENT OF DELINQUENT PILOT PAYMENT

WHEREAS, Field of Dreams Sports Complex, LLC owns premises in the Town of Schuyler known as 2413 State Route 5, Utica, New York, having Tax Map No. 104.2-2-5.6; and

WHEREAS, Field of Dreams Sports Complex, LLC entered into a PILOT Agreement in August of 2007, and for the first four years of that agreement failed to make its PILOT payments; and

WHEREAS, there is owed the sum of \$63,232.48 in delinquent Pilot payments, which Field of Dreams Sport, LLC proposes to pay at the rate of \$1,000 a month for 63 months and final payment of balance in the 64th month; and

WHEREAS, those payments would be divided pro rata amongst the Whitesboro Central School District and the Town of Schuyler and County of Herkimer; and

WHEREAS, it is the judgment of the Ways and Means Committee that this is the most prudent way to attempt to collect these overdue contract payments; now, therefore, be it

RESOLVED, that the Chairman of the legislature is authorized to execute an agreement with the Field of Dreams Sports Complex, LLC, the Herkimer County IDA , the Whitesboro Central School District and the Town of Schuyler containing the above terms, provided that the agreement contain the provision that Field of Dreams Sports Complex, LLC shall pay the delinquent 2013 town and county tax bill immediately after execution of the agreement and that it will pay the 2014 town and county tax bill by April 30, 2014, and that failure to make those payments will constitute a breach of that agreement.

Dated: February 26, 2014.

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

On motion of Mr. Smith, seconded by Mr. Stephens, Report and Resolution No. 79 of the Committee on Ways and Means amending Resolution No. 167 and 199 of 2012 and No. 56 of 2013 approving standard work day and retirement reporting for elected and appointed officials was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Rose, Manno (2).

No. 79

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

RESOLVED, that Resolution No. 167 duly adopted by the Herkimer County Legislature on July 11, 2012 which established the standard work days for elected and appointed officials to report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body, as amended by Resolution No. 199 adopted on August 15, 2012, Resolution No. 56 adopted on February 13, 2013 and Resolution N. 172 adopted on July 3, 2013 is hereby amended to add or change days worked per month for the following officials:

Title	Name	SSN (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Tier 1 (Check only if member is in Tier 1)	Not submitted (Check box if no record of activity completed or timekeeping system)
Elected Officials									
Appointed Officials									
Assistant District Attorney	Clifford Eisenhut	█	█	6	9/3/13-12/31/16	N	5.68		
Deputy Budget Officer	Sheri Ferdula			7	12/11/13-12/31/15	Y			
Deputy Commissioner of Elections	Connie Shepherd			7	9/1/13 – 12/31/14	Y			
Deputy Commissioner of Elections	Jennifer Kraszewski			7	12/4/13 – 12/31/14	Y			

Dated: February 26, 2014.

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

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

At 7:59 p.m., on motion of Mr. Hyde, seconded by Mr. Schrader, the Legislature adjourned to Wednesday, March 12, 2014 at 7:30 p.m.