# MINUTES Herkimer County Legislature Organizational Session Tuesday, January 3, 2012 2:00 p.m.

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

The Clerk called the roll by district:

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

Absent: Robert Hyde, District 7

At this time the Clerk called for nominations of a Temporary Chairman. On motion of Mr. Shaw, seconded by Mr. Hendrix and Mr. Ackerman, Legislator Korce was nominated as Temporary Chairman. With no other nominations, Legislator Korce was named Temporary Chairman.

Ayes: (16).

Opposed: None.

Absent: Hyde (1).

Temporary Chairman Korce called on Carole LaLonde to lead the Legislature in the Pledge of Allegiance.

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

The Very Reverend Anthony M. Barratt of the Ilion Annunciation Church and Our Lady Queen of Apostles Church gave the invocation.

At this time, Temporary Chairman Korce called on Honorable George Luther, Town Justice of the Town of Schuyler, to administer the oaths of office. Judge Luther asked the Legislators to stand and repeat the Oath of Office.

At this time, Temporary Chairman Korce called for the election of Chairman of the Legislature for the years 2012-2013. Temporary Chairman Korce opened the nominations. Legislator Weakley nominated Vincent J. Bono as Chairman for the 2012-2013 term of the Legislature . The nomination was seconded by Legislators Shaw and Ackerman. Legislator Brezinski nominated Frederick Shaw as Chairman; Legislator Rose seconded. Legislator Rose nominated Jean Maneen as Chairman; Legislator Hartman seconded. Legislator Hartman nominated Peter Manno; Legislator Brezinski seconded. Mr. Manno stated he declined the nomination. Legislator Brezinski nominated Kurt Ackerman as Chairman; Legislator Hartman seconded. Legislator Rose nominated Robert Hyde as Chairman, Legislator Brezinski seconded. Legislator Hartman nominated Leonard Hendrix as Chairman, Legislator Brezinski seconded. Mr. Peplinski made a motion, seconded by Mr. Shaw, to close nominations. The nominations were closed by voice vote:

For: Ayes (16). Against: None.

Absent: Hyde (1).

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

For: ,Maneen, Johnson, Hendrix, Manno, Smith, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (11).

Against: Hartman, Rose, Schrader, Brezinski (4)

Abstain: Bono (1). Absent: Hyde (1).

Legislators Bernard Peplinski and Raymond Smith escorted Chairman Bono to the Chairman's seat. Honorable George Luther administered the Oath of Office to Chairman Bono.

Chairman Bono took the chair, expressed his appreciation for being elected as Chairman, welcomed the new legislators and gave an address to the Legislature (full address is included with the record of minutes of the Legislature).

Chairman Bono then presented a gavel award plaque to outgoing Chairman Raymond Smith in recognition of his dedicated service as Chairman of the Legislature from 2008 to 2011. Mr. Smith expressed his appreciation.

The Chairman continued by opening the nominations for Vice Chairman. On motion of Mrs. Maneen, seconded by Mr. Smith, nomination was made for Legislator Peplinski as Vice Chairman. With no other nominations, Legislator Peplinski was elected Vice Chairman by the following voice vote:

For: All ayes (16).Against: None.Absent: Hyde (1).

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

All ayes: (16).Against: None.Absent: Hyde (1).

Mrs. LaLonde thanked the Legislature for the appointment.

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 December 7<sup>th</sup> public hearing and special sessions on December 7<sup>th</sup> and 29<sup>th</sup> and December 14<sup>th</sup> regular meeting . Being none, Chairman Smith ordered the minutes approved.

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

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

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

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

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

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

Ayes: (16).

Opposed: None.

Absent: Hyde (1).

No. 1

RESOLVED, that the Rules, as last amended by Resolution No. 153 of 2010, including Rules 1 through 47, be and they hereby are, adopted as the Rules of the County Legislature of the County of Herkimer for the ensuing two years.

Dated: January 3, 2012.

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

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

The resolution was adopted by voice vote:

Ayes: (14).

Opposed: Hartman, Rose (2).

Absent: Hyde (1).

Mr. Malone thanked the Legislature for the appointment.

No. 2

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

Dated: January 3, 2012.

# KURT J. ACKERMAN

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

All ayes: (16). Opposed: None.

Absent: Hyde (1).

Mrs. Frederick thanked the legislature for the appointment.

No. 3

RESOLVED, that Jeri Frederick of Frankfort, New York, be and she hereby is, appointed County Auditor of the County of Herkimer, pursuant to County Law, Article 15, Section 600 and Local Law No. 7 for the year 1932, said term to begin on the first day of January, 2012 and ending December 31, 2013.

### PETER F. MANNO

Dated: January 3, 2012.

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

Ayes: (16).

Opposed: None.

Absent: Hyde (1).

Mr. Decker thanked the Legislature for his appointment.

No. 4

RESOLVED, that Bernard E. Decker of Mohawk, New York, be, and he hereby is, appointed Budget Officer and Purchasing Agent of the County of Herkimer pursuant to County Law, Article 16, Section 625 and Local Law No. 7 for the year 1933, said term to begin on the first day of January, 2012 and ending December 31, 2013.

Dated: January 3, 2012.

### **DENNIS KORCE**

On motion of Mr. Russell, seconded by Mr. Ackerman and Mr. Hendrix, Report and Resolution No. 5 of the Committee on Ways and means as regards designation of depositories of county funds for 2012 was handed up ; debate was held, was voted on and adopted by voice vote:

All ayes: (16).

Absent: Hyde (1).

Opposed: None.

#### No. 5

### **REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS & MEANS AS REGARDS DESIGNATION OF DEPOSITORIES OF COUNTY FUNDS FOR 2012**

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

Bank of America	15,000,000.00
M & T Bank	18,000,000.00
NBT	5,000,000.00
First Niagara	8,000,000.00
JP Morgan Chase	1,000,000.00
Adirondack Bank	15,000,000.00

and, be it further

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

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

RESOLVED, that this Resolution be, and hereby is, made effective to and including December 31, 2012; and, be it further

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

Dated: January 3, 2012.

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

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

All ayes: (16).

Opposed: None.

Absent: Hyde (1).

No. 6

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

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

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

WHEREAS, by letters dated January 2, 2012, the Director of the Real Property Tax Service Agency has requested approval for said procedures for the year 2012; now, therefore, be it

### **RESOLVED:**

- 1. That pursuant to Real Property Tax Law Section 556(8) the County Auditor is hereby authorized to perform the duties set forth in such section for the the Legislature to perform, when the refund recommended by the Director of Real Property Tax Services is \$2,500 or less;
- 2. That pursuant to Real Property Tax Law Section 554(9) the County Auditor is hereby authorized to perform the duties set forth in Section 554 of the Real Property Tax Law when the recommended correction is \$2500 or less;
- 3. That the County Auditor, in performing such duties, shall be governed by the provisions of Real Property Tax Section 554 and Section 558 and shall make reports to the Legislature as provided in said Sections;
- 4. That certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor and Director of Real Property Tax Services.

Dated: January 3, 2012.

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

On motion of Mr. Ackerman, seconded by Mr. Hendrix and Mrs. Maneen, Resolution No. 7 designating The Evening Telegram and The Evening Times as the official newspapers of the County of Herkimer was handed up; voted on and adopted by voice vote:

Ayes: (15).

Opposed: Russell (1).

Absent: Hyde (1).

No. 7

# RESOLUTION THAT THE HERKIMER TELEGRAM AND THE LITTLE FALLS TIMES BE DESIGNATED THE OFFICIAL NEWSPAPERS OF THE COUNTY OF HERKIMER FOR THE YEAR 2012

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

Dated: January 3, 2012.

GARY HARTMAN HELEN T. ROSE ROBERT SCHRADER JEAN MANEEN RAYMOND JOHNSON LEONARD R. HENDRIX ROBERT N. HYDE JOHN L. BREZINSKI PETER F. MANNO RAYMOND SMITH VINCENT J. BONO KURT J. ACKERMAN BERNARD Z. PEPLINSKI, SR. DENNIS KORCE PATRICK E. RUSSELL FREDERICK J. SHAW, JR. BRUCE WEAKLEY

At 2:37 p.m., on motion of Mr. Manno, seconded by Mr. Peplinski and Mr. Ackerman, this Session of the Herkimer County Legislature was adjourned to Wednesday, January 18, 2012 at 7:30 p.m.

Carole LaLonde, Clerk