

MINUTES
Herkimer County Legislature
Second Quarter – Second Day
Wednesday, April 28, 2010
7:30 p.m.

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

Chairman Smith called on Mr. Tom Montana 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, Russell, Shaw, Weakley (17).

Absent: None.

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 April 7, 2010.

Chairman Smith dispensed with the regular order of the meeting to allow for several presentations.

Chairman Smith introduced Kevin Crawford, Executive Director of NYMIR, Susan O'Rourke, Vice President of NYMIR and Bill VanGorder of Mang Insurance. Mr. Crawford presented a surplus check in the amount of \$30,111.11 to the County for their participation in the New York Municipal Insurance Reciprocal.

Chairman Smith called on Tom Montana, Director of Probation and presented him with a proclamation upon his retirement in recognition of his many years of service. Mr. Montana expressed his appreciation to the Legislature.

Chairman Smith then recognized and introduced Josephine Sohnn who will be replacing Mr. Montana as Director of Probation.

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

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

No. 136 – A communication was received from the Director of Real Property Tax Services requesting the Legislature to process a refund of real property taxes over \$2500. Referred to the Committee on Ways and Means.

No. 137 – A communication was received from the Director of Public Health requesting a budget amendment in connection with H1N1 implementation in the Public Health Nursing Service. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 138 – A communication was received from the Director of Public Health requesting a contract renewal for the Lead Poisoning Prevention Program. Referred to the Committee on Human and Resources and the Committee on Ways and Means.

No. 139 – A communication was received from the New York State Dept. of Probation advising of approval of the County's ATI Plan. Ordered filed.

No. 140 – A communication was received from the Director of Public health requesting a contract renewal with the New York State Dept. of Health for the Immunization Action Plan. Referred to the Committee on Human Resources.

No. 141 – A communication was received from the Personnel Officer requesting appointment of Information Services Director. Referred to the Committee on Information Services.

No. 142 – A communication was received from the Chairman of the Legislature appointing Josephine Sohnn as Director of Probation effective May 31, 2010. Ordered filed.

143 – A communication was received from the State Dept. of Agriculture and Markets advising of the renewal for Districts No. 2 and No. 3. Referred to the Committee on Natural Resources.

No. 144 – A communication was received from Senator Seward reporting on the Senate Task Force. Ordered filed.

No. 145 – A communication was received from the Herkimer County Soil and Water Conservation District submitting minutes of March 2, 2010 meeting. Ordered filed.

No. 146 – A communication was received from the Oneida-Herkimer Solid Waste Authority submitting minutes of December 2009 meeting. Ordered filed.

No. 147 - A communication was received from the Oneida-Herkimer Solid Waste Authority submitting financial reports for 2008 and 2009. Ordered filed.

No. 148 – A communication was received from NYSAC acknowledging receipt of a resolution. Ordered filed.

No. 149 – A communication was received from the State Dept. of Environmental Conservation submitting decision regarding Lead Agency Status for SEQR Relevant to construction of a new County Correctional Facility. Ordered filed.

No. 150 – A communication was received from Assemblyman Butler acknowledging receipt of a resolution. Ordered filed.

No. 151 – A communication was received from the office of Community Renewal advising of Conditional Certificate of completion of NYS Community Development Block Grant #528ED641-08. Ordered filed.

No. 152 – A communication was received from the Director of Public Health submitting monthly report. Referred to the Committee on Human Resources.

No. 153 – A communication was received from the County Superintendent of Highways requesting a resolution for Big Moose Road Project. Referred to the Committee on Highways.

No. 154 – A communication was received from the Herkimer County Humane Society submitting their annual report for 2009. Ordered filed.

No. 155 – A communication was received from Senator Seward offering support for a Community Development block Grant Program. Ordered filed.

No. 156 – A communication was received from the Budget Officer submitting request for transfer of funds. Referred to the Committee on Ways and Means.

No. 157 – A communication was received from the Budget Officer submitting budget amendment request for Public Health Nursing. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 158 – A communication was received from the Executive Director of the IDA submitting requests in relation to Micro-Enterprise program. Referred to the Committee on County Planning and Development.

No. 159 – A communication was received from the Sheriff requesting a resolution for indemnification and release agreements for Herkimer County Sheriff's Firearms Range. Referred to the Committee on Public Safety and Emergency Management.

No. 160 – A communication was received from Senator Seward acknowledging receipt of a resolution. Ordered filed.

No. 161 – A communication was received from the Commissioner of the Department of Social Services submitting annual report for 2009. Referred to the Committee on Human Resources.

No. 162 – A communication was received from the E & T Director requesting MOU resolution. Referred to the Committee on County Planning and Development.

No. 163 – A communication was received from the Herkimer County Soil and Water Conservation District submitting minutes of April 13, 2010 meeting.

No. 164 – A communication was received from the New York State Dept. of Health regarding proposed Mass Gathering. Referred to the Committee on Public Safety and Emergency Management.

No. 165 – A communication was received from the State Commission of Correction advising of 60 day variance through 8/1/10. Referred to the Committee on Public Safety and Emergency Management.

On motion of Mr. Korce and Mr. Bono, seconded by Mr. Hendrix, Mr. Shaw and Mr. Stone, Report and Resolution No. 117 of the Committee on Highways adopting annual report of the County Highway Superintendent and Report and Resolution No. 118 of the Committee on Public Safety and Emergency Management Committee adopting annual report of the Sheriff, were combined and handed up; there being no discussion were voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

No. 117

REPORT AND RESOLUTION OF THE COMMITTEE ON HIGHWAYS ADOPTING ANNUAL REPORT OF COUNTY SUPERINTENDENT OF HIGHWAYS

Your Committee on Highways, to which was referred the Annual Report of Jay W. Ewanyk, County Highway Superintendent, respectfully reports that we have examined the same, recommend the adoption of said report, and offer the following Resolution:

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

Dated: April 28, 2010.

DENNIS KORCE
VINCENT J. BONO
PATRICK E. RUSSELL

BRUCE WEAKLEY
JEFFREY M. STONE
BERNARD PEPLINSKI, SR.
Committee on Highways

No. 118

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND
EMERGENCY MANAGEMENT APPROVING ANNUAL REPORT OF SHERIFF

WHEREAS, your Committee on Public Safety & Emergency Management, to which was referred the communication from the Herkimer County Sheriff submitting the 2009 Annual Report of the Sheriff's Office, respectfully reports that we have examined the said report, recommend that it be adopted and offer the following Resolution:

RESOLVED, that the 2009 Annual Report of the Sheriff's Office hereby is adopted and that a copy thereof be printed in the Proceedings of the Herkimer County Legislature for the year 2009.

Dated: April 28, 2010.

LEONARD R. HENDRIX

VINCENT J. BONO

JEFFREY M. STONE

DENNIS KORCE

ROBERT N. HYDE

BRUCE WEAKLEY
Committee on Public Safety and
Emergency Management

Mr. Russell requested that without objection, the two memorial resolutions be brought forward.

On motion of Mr. Hendrix, seconded by Mr. Hyde, Report and Resolution No. 133 in memoriam for Douglas J. Brewer was handed up; voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

No. 133

IN MEMORIAM

- WHEREAS,** *Douglas J. Brewer departed this life on April 23, 2010; and*
- WHEREAS,** *Douglas J. Brewer was an outstanding citizen and a longtime resident of Herkimer County, graduating from Iliion High School in 1966, where he earned varsity letters in football wrestling, hockey and track; and*
- WHEREAS,** *Throughout his life, Doug Brewer continued his enthusiasm for sports as an avid fly fisherman and golfer; and*
- WHEREAS,** *Doug Brewer was an outstanding man of integrity who served as Director of the Herkimer County Office for the Aging from 1978 to 1980, Budget Officer and Purchasing Agent from 1980 to 1986, and as County Administrator from 1986 to 1990, when he became Greene County Administrator until his retirement from public service in 2009; and*
- WHEREAS,** *The County of Herkimer and its residents have sustained a great loss by the passing of this dedicated public servant and citizen; now, therefore, be it*
- RESOLVED,** *That the County Legislature does hereby express its deepest regrets at the decease of Douglas J. Brewer and hope that this expression of remembrance may in some manner help console his family in their bereavement; and be it further*
- RESOLVED,** *That a copy of this Resolution be sent to the family of Douglas J. Brewer and that an additional copy be spread upon the minutes of this meeting.*

Dated: April 28, 2010.

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On motion of Mr. Russell, seconded by Mr. Weakley, Report and Resolution No. 134 in memoriam for Henry J. Eykelhoff was handed up; was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

No. 134

IN MEMORIAM

- WHEREAS,** *Henry J. Eykelhoff departed this life on March 31, 2010; and*
- WHEREAS,** *Henry J. Eykelhoff served with the United States Air Force Reserves beginning in 1954; was promoted to Major in 1969, and served for many years as an Air Force Academy Liaison Officer; and*
- WHEREAS,** *Henry J. Eykelhoff was an outstanding man of integrity who served for thirty years as Herkimer County's representative on the Adirondack Park Local Government Review Board; and*
- WHEREAS,** *Over the years, Henry J. Eykelhoff gave freely of his time to many other civic and community organizations. He was a former councilman and justice for the Town of Ohio, and was a member of the Ohio Historical Society and Gateway Senior Citizens; and*
- WHEREAS,** *The County of Herkimer and its residents have sustained a great loss by the passing of this dedicated public servant and citizen; now, therefore, be it*
- RESOLVED,** *That the County Legislature does hereby express its deepest regrets at the decease of Henry J. Eykelhoff and hope that this expression of remembrance may in some manner help console his family in their bereavement; and be it further*
- RESOLVED,** *That a copy of this Resolution be sent to Linda Eykelhoff and that an additional copy be spread upon the minutes of this meeting.*

Dated: April 28, 2010

On motion of Mr. Bono, seconded by Mr. Peplinski and Mr. Stone, Report and Resolution No. 119 of the Committee on Ways and Means and the Committee on Human Resources authorizing renewal of contract with NYS Dept. of Health for Immunization Action Plan was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

No. 119

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES
AND WAYS AND MEANS AUTHORIZING RENEWAL OF CONTRACT WITH NEW
YORK STATE DEPARTMENT OF HEALTH FOR IMMUNIZATION ACTION PLAN**

WHEREAS, by communication dated April 7, 2010, Gregory O'Keefe, MD, Director of Public Health, has advised that the New York State Department of Health has forwarded a contract for renewal of the grant agreement for the Immunization Action Plan for the period from April 1, 2010 through March 31, 2011, with the contract amount being \$31,865.00; and

WHEREAS, it is now necessary to enter into a contract with the New York State Department of Health renewing said grant funding agreement; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a renewal of the contract between the County of Herkimer and the New York State Department of Health to receive \$31,865.00 in funding for the Immunization Action Plan for the period April 1, 2010 through March 31, 2011; 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 28, 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. Bono, seconded by Mr. Peplinski, Report and Resolution No. 120 of the Committee on Ways and Means and the Committee on Human Resources authorizing renewal of contract with State Dept. of Health for funding of Childhood Lead Poisoning Prevention Screen Services was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

No. 120

REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING RENEWAL OF CONTRACT FOR FUNDING OF CHILDHOOD LEAD POISONING PREVENTION SCREENING SERVICES

WHEREAS, by Resolution No. 228 for the year 1990, this Legislature authorized a contract with the New York State Department of Health to provide grant funding for the Childhood Lead Poisoning Prevention Program screening services and to increase public knowledge about lead poisoning and its prevention, which contract has been continued for each year thereafter; and

WHEREAS, by letter dated April 5, 2010 from Gregory O'Keefe, MD, Director of Public Health, your Committees have been advised of a request to renew said agreement with the New York State Department of Health for a six month term commencing April 1, 2010 and ending September 30, 2010, with funding for this period to be in the amount of \$11,866.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute a contract in the amount of \$11,866.00 with the New York State Department of Health to continue the Childhood Lead Poisoning Prevention Program in the County of Herkimer for the period April 1, 2010 to September 30, 2010, unless terminated in accordance with the terms thereof; and, be it further

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute agreements with the State of New York setting forth an appropriate work plan and budget for each year of said contract; and, be it further

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

Dated: April 28, 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. Bono, seconded by Mr. Hendrix, Report and Resolution No. 121 of the Committee on Ways and Means and the Committee on Human Resources, amending budget in connection with Public Health Emergency Preparedness and Response for Bioterrorism was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

No. 121

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES
AND WAYS AND MEANS AMENDING BUDGET IN CONNECTION WITH PUBLIC
HEALTH EMERGENCY PREPAREDNESS AND RESPONSE FOR BIOTERRORISM**

WHEREAS, by resolution No. 276 adopted on October 21, 2009, this Legislature approved receipt of a Bioterrorism Grant for the period from August 10, 2009 to August 9, 2010 in the amount of \$204,592 and authorized a contract with the State of New York to provide reimbursement of expenses incurred by Herkimer County in the development of plans under said grant; and

WHEREAS, by letter dated April 23, 2010 from Bernard E. Decker, Budget Officer, this Legislature is advised of a request to amend the 2010 Budget in connection with the receipt of additional funding in the amount of \$5,000 for H1N1 Implementation under said grant; 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>
A4188.4403, Bioterrorism Grant, Federal Aid	\$-0-	\$5,000.00
 <u>Appropriation</u>		
A4188.10000-001, Bioterrorism – Salaries	\$-0-	\$5,000.00

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 28, 2010.

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

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

On motion of Mr. Russell, seconded by Mr. Weakley and Mr. Piseck, Report and Resolution No. 122 of the Committee on Ways and Means authorizing refund of taxes in the City of Little Falls was handed up; there being no discussion, was voted on and adopted by roll call:

For: Piseck, Rose, Keblish, Maneen, Stone, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

No. 122

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
AUTHORIZING REFUND OF TAXES IN THE CITY OF LITTLE FALLS**

WHEREAS, by letter dated February 11, 2009, from Mary Ann Barbuto, Director of Real Property Tax Services, this Legislature is informed that an error was made on the 2010 PILOT bill on the property listed below in that the tax rates for the county and city were inadvertently reversed resulting in the dollar amounts collected to be reversed; and

WHEREAS, application has been made for a refund of said real property taxes due to a clerical error as defined in Real Property Tax Law Section 550(2)d; and

WHEREAS, your Committee has caused to be reviewed said application and the report of the Real Property Tax Director and recommends approval of the application for the parcel set forth below; now, therefore, be it

RESOLVED:

1. That this Legislature finds a refund of taxes is due for a correction of an error on the 2010 PILOT bill for the parcel listed below:

City: Little Falls

Tax Map No. 114.83-1-26

Amount of Refund: \$5,123.04

Owner: Herkimer County IDA

Location: City of Little Falls

(Empire Fibreglass Facility)

2. That this Legislature approves the application to refund taxes paid by making notation on the application and the copies thereof that the application is approved and by entering thereon the amount of refund of taxes;

3. That an order is hereby made that the corrected tax is as set forth on the application form and the officer having jurisdiction of the indicated tax roll is directed to correct such roll;

4. That the Clerk of the Legislature is directed to transmit immediately to the collector of taxes of the indicated town the application and a copy of this Resolution and mail notice to the applicant that the application has been approved, and file the copy of this application with the records of the tax levying body;

5. That certified copies of this Resolution be forwarded to the County Auditor, Director of Real Property Tax Services, the Herkimer County Treasurer, the tax collector of the City of Little Falls and the above listed applicant.

Dated: April 28, 2010.

PATRICK E. RUSSELL

DENNIS KORCE

VINCENT J. BONO

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

At this point, Chairman Smith dispensed with the regular session to present a letter to the night maintenance staff to commend them for their hard work and dedication in the daily care of the county buildings.

The regular session then continued.

On motion of Mr. Stone, seconded by Mr. Keblish, Mr. Shaw and Mrs. Rose, Report and Resolution No. 123 of the Committee on Information Services making permanent appointment of Director of Information Services was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (17). Against: None.

Absent: None.

Mrs. Boyer thanked the Legislature for the appointment.

No. 123

**REPORT AND RESOLUTION OF THE COMMITTEE ON INFORMATION SERVICES
MAKING PERMANENT APPOINTMENT OF DIRECTOR OF INFORMATION
SERVICES**

WHEREAS, by Resolution No. 215 for the year 2009 this Legislature appointed JoAnn Boyer to the position of Director of Information Services for Herkimer County, with said appointment to be provisional pending civil service examination; and

WHEREAS, by letter dated April 22, 2010 from Steven R. Billings, Personnel Officer, this Legislature is advised of the eligibility of JoAnn Boyer for permanent appointment as Director of Information Services; now, therefore, be it

RESOLVED, that JoAnn Boyer, PO Box 92, Dolgeville, New York, is hereby appointed, effective this date, to the position of Director of Information Services for Herkimer County at the base annual salary of \$57,653; and, be it further

RESOLVED, that said appointment shall be for a probationary period of six months; and, be it further

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

Dated: April 28, 2010.

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

On motion of Mr. Korce, seconded by Mr. Russell and Mr. Weakley, Report and Resolution No. 124 of the Committee on Highways authorizing implementation, funding and appropriating funds in connection with Big Moose Road Project was handed up; discussion was held, was voted on and adopted by roll call vote:

All ayes (17).

Against: None.

Absent: None.

No. 124

**REPORT AND RESOLUTION OF THE COMMITTEE ON HIGHWAYS
AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST
INSTANCE OF 100% OF THE FEDERAL-AID AND STATE “MARCHISELLI
PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID
PROJECT, AND APPROPRIATING FUNDS THEREFORE – BIG MOOSE
ROAD/NORTH BRANCH MOOSE RIVER**

WHEREAS, a Project for the bridge replacement of Big Moose Road (CR 1)/North Branch Moose River, BIN (3308210), Town of Webb, Herkimer County, P.I.N. 2754.15 (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the County of Herkimer desires to advance the Project by making a commitment of 100% of the non-federal share of the total project costs;

NOW, THEREFORE, the County Legislature duly convened does hereby

RESOLVE, that the County Legislature hereby approves the above-subject project; and, it is hereby further

RESOLVED, that the County Legislature hereby authorizes the County of Herkimer to pay in the first instance 100% of the federal and non-federal share of the cost of the Project or portions thereof; and, it is further

RESOLVED, that the sum of \$1,414,050 is hereby appropriated from the County Road Fund and made available to cover the cost of participation in the above phase of the Project; and, it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Department thereof; and, it is further

RESOLVED, that the Chairman of the Herkimer County Legislature be and is hereby authorized to execute all necessary Agreements, certifications and reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Herkimer with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible projects costs and all Project costs within appropriations therefore that are not so eligible; and, it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and, it is further

RESOLVED, that this Resolution shall take effect immediately.

Dated: April 28, 2010.

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

On motion of Mr. Hendrix, seconded by Mr. Stone and Mr. Ackerman, Report and Resolution No. 125 of the Committee on Public Safety and Emergency Management approving indemnification and release agreement in connection with use of Sheriff's Shooting Range and Training Center was handed up; discussion was held; was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

No. 125

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT APPROVING INDEMNIFICATION AND RELEASE AGREEMENT IN CONNECTION WITH USE OF SHERIFF'S SHOOTING RANGE AND TRAINING CENTER

WHEREAS, the County of Herkimer maintains a Shooting Range and Training Center located at State Route 28, Middleville, New York, utilized for training of members of the Herkimer County Sheriff's Department; and

WHEREAS, by letter dated April 13, 2010, Christopher P. Farber, Herkimer County Sheriff, has requested approval of an Indemnification and Release Agreement for cooperative training use of the Sheriff's Firearms Range by other police forces to assist those agencies with annual firearms qualifications training at the range; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby adopts an Indemnification and Release Agreement for cooperative training use by other federal, state and local police agencies of the Herkimer County Shooting Range and Training Center; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to sign said agreement, with said agreement to be subject to approval 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 and Herkimer County Sheriff.

Dated: April 28, 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. Piseck, seconded by Mr. Ackerman, Mr. Shaw and Mr. Peplinski, Report and Resolution No. 126 of the Committee on County Planning and Development authorizing public hearing in connection with an application for economic development assistance to the Office of Community Renewal was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

No. 126

REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AUTHORIZING PUBLIC HEARING IN CONNECTION WITH AN APPLICATION FOR ECONOMIC DEVELOPMENT ASSISTANCE TO THE OFFICE OF COMMUNITY RENEWAL

WHEREAS, by letter dated April 22, 2010, from Mark D. Feane, Executive Director of the Herkimer County Industrial Development Agency, this Legislature is advised of the proposed submission of a Small Cities CDBG application in the amount of \$200,000 for the Herkimer County Micro-Enterprise Program Project; and

WHEREAS, these Small Cities grant funds will be utilized to provide assistance to support small businesses with five or less employees, of whom one is the owner of the business; and

WHEREAS, it is necessary that public hearings be held to hear public comment in regard to such application; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is authorized to execute all documents and certifications required as part of the submission of the application; and, be it further

RESOLVED, Public Hearings be held by the Committee on County Planning and Development on the 6th day of May, 2010 at 5:00 p.m. and on the 19th day of May at 7:15 p.m. in the Legislature Chambers of the County Office Building in the Village of Herkimer, New York, for the purpose of hearing public comment upon the aforesaid application for economic development assistance to the Office of Community Renewal; and, be it further

RESOLVED, that a certified copy of this Resolution be forwarded to the Executive Director of the Herkimer County Industrial Development Agency.

Dated: April 28, 2010.

JOHN J. PISECK
VINCENT J. BONO
PATRICK E. RUSSELL

BERNARD E. PEPLINSKI
FREDERICK J. SHAW, JR.
KURT J. ACKERMAN
**Committee on County Planning and
Development**

On motion of Mr. Russell, seconded by Mr. Peplinski and Mr. Keblish, Report and Resolution No. 127 of the Committee on Ways & Means transferring funds was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (17). Against: None.

Absent: None.

No. 127

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

WHEREAS, your Committee on Finance, to which was referred a communication from the Budget Officer and Purchasing Agent dated April 23, 2010 submitting a request for transfer of funds, reports that we have examined said communication, inquired into the subject matter thereof, recommend that said transfer be made and offer the following Resolution:

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized and directed to transfer the following sums from and to the following accounts:

\$9,852.00	From: A1410A.22000, County Clerk, Satellite Office – Computer Equipment To: A1410A.41000, County Clerk, Satellite Office – Supplies
\$4,900.00	From: A1340.44000, Budget Office/Purchasing – Contracted Services To: A9060.45000, Hospitalization – Fees for Services

And, be it further

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

Dated: April 28, 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. Ackerman and Mr. Shaw Report and Resolution No. 128 of the Committees on County Planning and Development authorizing MOU between WIB Board, Madison, Oneida and Herkimer Counties was handed up; there being no discussion was voted on and adopted by voice vote:

Ayes: (17). Against: None.

Absent: None.

No. 128

REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AUTHORIZING THE CHAIRMAN OF THE LEGISLATURE TO SIGN A MEMORANDUM OF UNDERSTANDING PURSUANT TO THE WORKFORCE INVESTMENT ACT (WIA) OF 1998

WHEREAS, the Workforce Investment Act and the local Workforce Investment Board envision a quality driven, local Workforce Development System in Herkimer, Madison and Oneida counties as an integrated universally accessible system that is customer and community-driven, and that supports the local economy in an innovative manner; and

WHEREAS, the Workforce Investment Act identifies the “One Stop” Center as the service delivery system for programs funded under WIA and this Memorandum of Understanding’s (MOU’s) purpose is to promote seamless service delivery and excellent customer service, in order to improve long-term employment outcomes for both job seekers and employers; and

WHEREAS, the Workforce Investment Board and the Working Solutions Partners are pledged to make every effort to coordinate, communicate, integrate and share so that the One Stop System operates efficiently and effectively; and

WHEREAS, shared goals between the Workforce Investment Board and its Partners are excellent customer service and the WIA performance outcomes (training completion, job placement, earnings and job retention) for adults, youths and dislocated workers; and

WHEREAS, this Memorandum of Understanding is a detailed agreement as to how services will be delivered and outlines protocols and reporting requirements for a term beginning as of the date the final signatory dates the agreement and will continuously renew each year

unless terminated by any of the parties with 30 days advance written notice (with cause), or 90 days written notice without cause;

NOW, THEREFORE BE IT RESOLVED, that the Chairman of the County Legislature for the County of Herkimer be and hereby is authorized to sign the document entitled “Memorandum of Understanding – The Workforce Investment Board of Herkimer, Madison and Oneida Counties, Inc. and Working Solutions System Partners”, a copy of which is on file with the Clerk of the Board.

DATED: April 28, 2010.

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

On motion of Mrs. Maneen, seconded by Mr. Russell, Resolution No. 129 of the Committee on Administration and Veterans Affairs and the Committee on Ways and Means requesting authority to extend the imposition of a Mortgage Recording Tax 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, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

No. 129

**RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS’
AFFAIRS AND THE COMMITTEE ON WAYS AND MEANS REQUESTING
AUTHORITY TO EXTEND THE IMPOSITION OF A MORTGAGE RECORDING TAX**

WHEREAS, Local Law No. 3 for the year 2005 imposed a mortgage recording tax within the County of Herkimer, pursuant to Section 253-c of the Tax Law, Chapter 549 of the Laws of 2005, as amended by Chapter 474 of the Laws of 2006; and

WHEREAS, Local Law No. 2 for the year 2008 extended the mortgage recording tax to December 1, 2010, pursuant to Section 253-u of the Tax Law, Chapter 481, Section 1 of the Laws of 2008; and

WHEREAS, the County of Herkimer is faced with continuing fiscal pressure in the foreseeable future, and wishes to minimize the burden on local property taxpayers; and

WHEREAS, because of said requirements and others, this County Legislature finds it necessary to request an extension of the county mortgage recording tax; now, therefore, be it

RESOLVED, that this Legislature hereby requests that the Assemblyman and State Senator elected to represent Herkimer County in the New York State Legislature cause to be introduced in the Assembly and in the Senate bills to allow Herkimer County to extend, by local law or resolution, a mortgage recording tax in the amount of twenty-five cents for each one hundred dollars in each remaining major fraction thereof of principal debt or obligation which is secured by a mortgage on real property situated within the County, with such tax to mirror the state mortgage recording tax, except that the deposit of all revenue received pursuant to such tax, after deducting administration expenses, shall be into the general fund of Herkimer County, with the revenue from such mortgage recording tax to be used for any county purpose, and that the New York State Tax Law and whatever other sections of law are necessary to fulfill this purpose be amended; and, be it further

RESOLVED, that our said representatives in the State Legislature make every effort to secure prompt passage of said legislation to the end that Herkimer County may receive the benefits of said legislation at the earliest date possible; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Senator James L. Seward and Assemblyman Marc W. Butler.

Dated: April 28, 2010.

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

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

On motion of Mr. Hendrix, seconded by Mr. Peplinski, Resolution No. 130 of the Committee on Ways and Means amending Resolution No. 348 of 2009 authorizing payment of dues was handed up; discussion was held; was voted on and adopted by voice vote:

All ayes: (17). Against: None.

Absent: None.

No. 130

RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AMENDING
RESOLUTION NO. 348 OF 2009 AUTHORIZING PAYMENT OF DUES DURING THE
YEAR 2010 DUE TO AN OMISSION

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

WHEREAS, it has come to the attention of your committee that an omission has been made and changes need to be done and corrected; now, therefore, be it

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

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

Office for the Aging:

NYS Association of Area Agencies on Aging \$1,170.00

And, be it further

RESOLVED, that in all other respects, Resolution No. 348 of 2009 remains in full force and effect; and, be it further

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

Dated: April 28, 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, Resolution No. 131 of the Committee on Highways approving agreement for road use, repair and improvements in connection with Hardscrabble Wind Farm project was handed up; discussion was held; was voted on and adopted by voice vote:

All ayes: (17). Against: None.

Absent: None.

No. 131

RESOLUTION OF THE COMMITTEE ON HIGHWAYS APPROVING AGREEMENT FOR ROAD USE, REPAIR AND IMPROVEMENTS IN CONNECTION WITH HARDCRABBLE WIND FARM PROJECT

WHEREAS, Herkimer County has been engaged in negotiating various agreements in connection with the Hardscrabble Wind Farm Project, including a road use, repair and improvement agreement; and

WHEREAS, such a proposed agreement between the County of Herkimer and Atlantic Wind, LLC, has been submitted to the Highway Committee for approval; and

WHEREAS, the proposed agreement identifies all routes for the project, road repair and rehabilitation methods, preconstruction surveys of designated roads, warranties, insurance and related matters; and

WHEREAS, your committee believes that the proposed agreement provides for the protection and repair of county roads in connection with the project; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute the agreement for road use, repair and improvements attached hereto, with the Highway committee to have authority to approve any minor technical adjustments to the agreement, if necessary, prior to its execution; and, be it further

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

Dated: April 28, 2010.

DENNIS KORCE
VINCENT J. BONO
PATRICK E. RUSSELL
BRUCE WEAKLEY

JEFFREY M. STONE
BERNARD PEPLINSKI, SR.
Committee on Highways

On motion of Mr. Russell, seconded by Mr. Bono and Mr. Keblish, Resolution No. 132 of the Committee on Ways and Means approving Hardscrabble Wind Farm project PILOT Agreement was handed up; there being no discussion, was voted on and adopted by roll call vote:

For: Piseck, Rose, Keblish, Maneen, Stone, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

No. 132

**RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS APPROVING
HARDSCRABBLE WIND FARM PROJECT PILOT AGREEMENT**

WHEREAS, the County of Herkimer has engaged in negotiations with Atlantic Wind, LLC, in connection with the Hardscrabble Wind Farm PILOT agreement which contains provisions consistent with the language of Resolution No. 35 adopted by this Legislature on February 12, 2010; and

WHEREAS, your Committee is satisfied that the agreement, attached hereto, satisfies the requirements of that prior resolution and is in a form satisfactory to your Committee; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute the Hardscrabble Wind Farm Project PILOT Agreement, attached hereto, with the Ways and Means Committee to have authority to approve minor technical modifications to the agreement, if necessary, prior to its execution; and, be it further

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

Dated: April 28, 2010.

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

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

At 8:15 p.m., on motion of Mr. Manno, seconded by Mr. Stone, the Legislature adjourned to Wednesday, May 19, 2010 at 7:30 p.m.