

MINUTES
Herkimer County Legislature
Third Quarterly Session
Wednesday, July 7, 2010
2:00 p.m.

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

Chairman Smith called on Charlie Miller, Director of the Veterans' Service Agency, 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, Russell, Shaw, Weakley (16).

Absent: Korce (1).

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Smith asked if there were any objections or corrections to the minutes of June 16, 2010.

Chairman Smith dispensed with the regular session to allow for two presentations. He first called on Legislator Peplinski to make a presentation of a proclamation. Mr. Peplinski presented a proclamation to Herkimer County Dairy Princess Katie Upson in recognition of "Dairy Princess and Court Week and Ice Cream Month".

Legislator Bono presented certificates of appreciation to staff of the Public Health Nursing Service in recognition of their service to the field of Public Health and their efforts to improve pregnancy outcomes in Herkimer County. Recipients were as follows: Christine Barnes, LPN; Helen Cecconi, BSN, Supervisor; Dr. Debora Lee, DO, Physician; Marshelle Panzica, clerk; Christina Schilling, BSN; Kimberly Schrader, Clerk; Margaret Sinclair, Social Work Assistant; and Katherine Williams, RN, Prenatal Care Services Coordinator.

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

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 communications requested to be read.

No. 231 – A communication was received from the Director of Community Services submitting the June activities update. Ordered filed.

No. 232– A communication was received from the Personnel Officer requesting an agreement with the U.S. Dept. of Health and Human Services. Referred to the Committee on Ways and Means.

No. 233 – A communication was received from the Employment and Training Director requesting an agreement with BOCES for summer youth employment and training program. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

No. 234 – A communication was received from the Budget Officer requesting a budget amendment in connection with TANF summer youth employment funds. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

No. 235 – A communication was received from Senator Seward acknowledging receipt of a resolution. Ordered filed.

No. 236 – A communication was received from “Team Courageous” expressing thanks for the support for the Dolgeville Relay for Life. Ordered filed.

No. 237 – A communication was received from the Sheriff submitting the monthly report for May. Ordered filed.

No. 238 – A communication was received from the Budget Officer submitting request for transfers of funds. Referred to the Committee on Ways and Means.

No. 239 – A communication was received from the County Property Agent submitting the final auction results. Ordered filed.

No. 240 – A communication was received from Budget Officer submitting recommendation for award of bid for chemical for Sewer District. Referred to the Committee on Natural Resources and the Committee on Ways and Means.

No. 241 – A communication was received from Assemblyman Butler acknowledging receipt of a resolution. Ordered filed.

No. 242 - A communication was received from Ronald and Madeline Jensen expressing thanks to certain county officials employees for assistance in retrieving belongings from former home. Ordered filed.

No. 243 – A communication was received from Oneida-Herkimer Solid Waste Authority submitting recently adopted minutes and resolutions. Ordered filed.

No. 244 – A communication was received from Governor Paterson acknowledging receipt of a resolution. Ordered filed.

No. 245 – A communication was received from the Director of Public Health requesting adjustment to nursing service charges. Ordered filed.

No. 246 – A communication was received from the Herkimer County Sewer District submitting letters for reappointment of members to Sewer District Board. Referred to the Committee on Natural Resources.

No. 247 – A communication was received from the Director of Public Health submitting the monthly report for May. Ordered filed.

No. 248 – A communication was received from the STOP-DWI Coordinator submitting recommendations for reappointments to the STOP-DWI Advisory Board. Referred to the Committee on Public Safety/Emergency Management.

No. 249 – A communication was received from the County Attorney recommending retention of outside counsel for Board of Elections in connection with Family Court Judge election. Referred to the Committee on Ways and Means.

No. 250 – A communication was received from the Budget Officer requesting amendment of the Herkimer County Purchasing Policy. Referred to the Committee on Ways and Means.

No.251 – A communication was received from the Director of Public Health requesting establishment of temporary positions. Referred to the Committee on Human Resources and Ways and Means.

No. 252 – A communication was received from the County Administrator submitting recommendation in connection with construction of New County Correctional Facility. Referred to the Committee on Ways and Means and the Committee on Public Safety and Emergency Management.

No. 253 – A communication was received from the Soil and Water Conservation District submitting minutes of 6/2/10. Ordered filed.

No. 254– A communication was received from the Warren Co. Bd. Of Supervisors submitting update on lawsuit against Adirondack Park Agency. Ordered filed.

No. 255 – A communication was received from the New York State Association of Counties acknowledging receipt of a resolution. Ordered filed.

No. 256 – A communication was received from the Commissioners of Election concerning retention of outside counsel in connection with Family Court Judge election. Referred to the Committee on Ways and Means.

On motion of Mr. Hendrix, seconded by Mr. Hyde, Report and Resolution No. 186 of the Committee on Public Safety/Emergency Management approving monthly report of Sheriff was handed up; there being no debate, was voted on and adopted by voice vote:

All Ayes: (16).

Against: None.

Absent: Korce (1).

No. 186

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 May, 2010 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 May 2010, which report reflects an average daily population of 55.33 inmates, with an average of 26.10 inmates being boarded out in May, be approved and filed.

Dated: July 7, 2010.

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

On motion of Mr. Ackerman, seconded by Mrs. Maneen, Report and Resolution No. 187 of the Committee on Public Safety/Emergency Management as regards membership on the STOP-DWI Advisory Board was handed up; there being no debate, was voted on and adopted by voice vote:

All Ayes: (16).

Against: None.

Absent: Korce (1).

No. 187

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AS REGARDS MEMBERSHIP ON THE STOP-DWI ADVISORY BOARD

WHEREAS, a communication from Michael J. Edwards, STOP-DWI Coordinator, dated June 7, 2010, advises this Legislature that the STOP-DWI Advisory Board recommends the reappointment of certain members to the STOP-DWI Advisory Board for a term of three years; now, therefore, be it

RESOLVED, that the following individuals are hereby reappointed and appointed to the STOP-DWI Advisory Board to serve a term of three years commencing July 1, 2010 and ending June 30, 2013:

Joseph Malone, Herkimer Police Chief
Raymond Smith, Chairman of the County Legislature
Robert Hart, Community Representative
James Wallace, Jr., County Administrator

And, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Coordinator of the STOP-DWI Program and the appointees.

Dated: July 7, 2010.

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

On motion of Mr. Bono, seconded by Mrs. Maneen and Mr. Hendrix, Report and Resolution No. 188 of the Committee on Human Resources amending Resolution No. 191 of 2008 setting charges for services in the Public Health Nursing Service was handed up; there being no debate, was voted on and adopted by voice vote:

All Ayes: (16).

Against: None.

Absent: Korce (1).

No. 188

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES
AMENDING RESOLUTION NO. 191 OF 2008 SETTING CHARGES FOR SERVICES
IN THE PUBLIC HEALTH NURSING SERVICE**

WHEREAS, by Resolution No. 191 duly adopted on July 2, 2008, this Legislature established per visit charges for services rendered by the Public Health Nursing Service, which resolution was amended by Resolution No. 300 of 2009; and

WHEREAS, by letter dated June 17, 2010, Dr. Gregory O’Keefe, Director of Public Health, has recommended an adjustment to certain charges for services due to the 2009 Medicare Cost Report; now, therefore, be it

RESOLVED, that Resolution No. 191 of 2008, as amended, is hereby amended in the First Resolved Clause to establish per visit charges for services as follows:

Skilled Nursing	\$147.16/visit
Physical Therapy	\$147.16/visit
Home Health Aide	\$65.00/hr. or \$130/visit

And, be it further

RESOLVED, that in all other respects, said Resolution No. 191 of 2008, as amended by Resolution No. 300 of 2009, is hereby ratified and confirmed; and, be it further

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

Dated: July 7, 2010.

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

On motion of Mr. Russell, seconded by Mr. Peplinski, Report and Resolution No. 189 of the Committee on Ways and Means for transferring funds was handed up; debate was held, was voted on and adopted by voice vote:

Ayes: (15). Against: Rose (1).

Absent: Korce (1).

No. 189

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

WHEREAS, your Committee on Ways & Means, to which was referred a communication from the Budget Officer and Purchasing Agent dated July 1, 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:

\$ 1,250.00 From: A4059.10000-001 Early Intervention Prog.- Salaries
To: A4059.44000 Early Intervention Prog. – Contracted Svcs
\$20,682.00 From: A4188.44000 Bioterrorism Grant – Contracted Services
To: A4188.25000 Bioterrorism Grant – Other Equipment
\$ 2,000.00 From: A4188.10000-001 Bioterrorism Grant – Salaries
To: A4188.41000 Bioterrorism Grant – Supplies & Materials
\$ 3,000.00 From: A4188.10000-001 Bioterrorism Grant – Salaries
To: A4188.46000 Bioterrorism Grant – Other Equipment
\$92,000.00 From: A6010.10000-001 Administration – Salaries
To: A6012.10000-001 Managed Care- Salaries
\$30,000.00 From: A6011.10000 -001 Food Stamps – Salaries
To: A6012.10000-001 Managed Care – Salaries
\$35,000.00 From: A6041.10000-001 Heap – Salaries
To: A6012.10000-001 Managed Care- Salaries
\$12,500.00 From: A6010.10000-001 Administration – Salaries
To: A6010.A.10000-001 WMS-Salaries
\$12,500.00 From: A6143.10000-001 Energy Services Grant – Salaries
To: A6010A10000-001 WMS-Salaries
\$ 8,000.00 From: G9901.46000 Interfund Transfer- Miscellaneous Exp.
To: G8130.41000.41000.220 Sewage Treatment Plant - Repairs

and be it further,

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

Dated: July 7, 2010.

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.

BERNARD PEPLINSKI, Sr.
Committee on Ways & Means

On motion of Mr. Peplinski, seconded by Mr. Shaw, Report and Resolution No. 190 of the Committees on Ways and Means and Natural Resources awarding bid for chemical at Herkimer County Sewer District was handed up; there being no debate, was voted on and adopted by voice vote:

All Ayes: (16).

Against: None.

Absent: Korce (1).

No. 190

REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES AND WAYS AND MEANS AWARDING BID FOR CHEMICAL AT HERKIMER COUNTY SEWER DISTRICT

WHEREAS, by letter dated July 1, 2010, the Budget Officer/Purchasing Agent has advised that bids were received in accordance with law for the provision of hydrated lime for the Herkimer County Sewer District; and

WHEREAS, by said letter it is recommended that the bid for lime be awarded to Carmeuse Lime, Inc., of Pittsburgh, Pennsylvania, in the amount of \$218.49 per ton delivered, which was the lowest bid received; now, therefore, be it

RESOLVED, that the bid for Hydrated Lime for the Herkimer County Sewer District be awarded to Carmeuse Lime, Inc., 11 Stanwix St., 11th Floor, Pittsburgh PA 15222 in the amount of \$218.49 per ton delivered; 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: July 7, 2010.

BERNARD PEPLINSKI, SR.

FREDERICK J. SHAW, JR.

DENNIS KORCE

BRUCE WEAKLEY

PETER F. MANNO

JOHN L. BREZINSKI
Committee on Natural Resources

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

On motion of Mr. Bono, seconded by Mr. Hendrix, Report and Resolution No. 191 of the Committee on Ways and Means and the Committee on County Planning and Development amending budget in connection with receipt of TANF concerning reappointment of medical personnel at the Herkimer County Public Health Nursing Service was handed up; there being no debate, was voted on and adopted by voice vote:

All Ayes: (16).

Against: None.

Absent: Korce (1).

No. 191

REPORT AND RESOLUTION OF THE COMMITTEES ON WAYS AND MEANS AND COUNTY PLANNING AND DEVELOPMENT AMENDING BUDGET IN CONNECTION WITH RECEIPT OF TANF SUMMER YOUTH FUNDS

WHEREAS, by letter dated July1, 2010 from the Budget Officer and Purchasing Agent, this Legislature is advised that it is necessary to amend the 2010 Budget to reflect TANF Summer Youth Program funds received from New York State; now, therefore, be it

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

<u>Revenue Account:</u>	<u>From</u>	<u>To</u>
CD6291.4795, ETA -06-10		\$49,616.00
	\$50,834.00	

<u>Appropriation Accounts</u>		
CD6291, ETA:		
.10100-022, Summer Temp. Employees	\$37,529.00	\$ 38,747.00

and, be it further

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

Dated: July 7, 2010.

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

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

On motion of Mr. Russell, seconded by Mr. Bono, Report and Resolution No. 192 of the Committee on Ways and Means authorizing the retention of outside counsel for Family Court Judge election was handed up; debate was held; was voted on and adopted by roll call vote:

For: Piseck, Keblish, Maneen, Stone, Hendrix, Smith, Bono, Peplinski, Russell, Shaw, Weakley (11).

Against: Rose, Hyde, Brezinski, Manno, Ackerman (5).

Absent: Korce (1).

No. 192

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
AUTHORIZING THE RETENTION OF OUTSIDE COUNSEL FOR FAMILY COURT
JUDGE ELECTION**

WHEREAS, by memo dated June 23, 2010, County Attorney Robert J. Malone has advised that his office may be placed in a conflict of interest position in the event of legal challenges to designating petitions and/or elections for Family Court Judge since an Assistant County Attorney is a candidate for that election; and

WHEREAS, Douglas E. Landon, who is the part-time County Attorney for Montgomery County, has agreed to represent the Board of Elections in connection with any legal advice and/or court challenges in connections with the Family Court race in which a conflict of interest question arises, at the rate of \$200.00 per hour for his time including travel, with no charge for mileage or other disbursements; and

WHEREAS, your committee has been advised that Mr. Landon has been a County Attorney for 13 years and has experience in representing the Montgomery County Board of Elections in these types of issues; now, therefore, be it

RESOLVED, in the event that a conflict of interest situation arises in connection with the above described election, be it is authorized that Attorney Douglas E. Landon of 3 Market Street, Amsterdam, New York, 12010 be retained as outside counsel to represent the Board of Elections at the rate and above terms as described; and be it further

RESOLVED, that certified copies be forward to the Herkimer County Treasurer, Auditor, Budget Officer, Commissioners of Election, County Attorney and Montgomery County Attorney.

Dated: July 7, 2010.

PATRICK E. RUSSELL
DENNIS KORCE

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

On motion of Mr. Russell, seconded by Mr. Bono, Report and Resolution No. 193 of the Committee on Ways and Means authorizing entering into a plan sponsor agreement under the Federal Patient Protection and Portable Care Act was handed up; there being no debate, was voted on and adopted by voice vote:

All Ayes: (16).

Against: None.

Absent: Korce (1).

No. 193

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
AUTHORIZING ENTERING INTO A PLAN SPONSOR AGREEMENT UNDER THE
FEDERAL PATIENT PROTECTION AND PORTABLE CARE ACT**

WHEREAS, by letter dated June 30, 2010, by Steven R. Billings, Personnel Officer, it appears that the federal patient protection and portable care act provides for financial relief from employers which provide health insurance for retirees; and

WHEREAS, in order for Herkimer County to obtain funds under this program, it is necessary that an application and a plan sponsor agreement be submitted to the United States Department of Health and Human Services; now, therefore be it

RESOLVED, that the Chairman of the Legislature is authorized to execute a plan sponsor agreement, and any and all documents necessary to apply for and receive any and all available funds as above described; and be it further

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

Dated: July 7, 2010.

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

On motion of Mr. Peplinski, seconded by Mr. Bono, Mr. Shaw and Mrs. Maneen, Report and Resolution No. 194 of the Committee on County Planning and Development and the Committee on Ways and Means authorizing agreement with Herkimer County BOCES for a Summer Youth Employment and Training Program funded by a TANF grant was handed up; there being no debate, was voted on and adopted by voice vote:

All Ayes: (16).

Against: None.

Absent: Korce (1).

No. 194

REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING AGREEMENT WITH HERKIMER COUNTY BOCES FOR A SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAM FUNDED BY A TANF GRANT

WHEREAS, by letter dated Karin Zipko, E & T Director, this Legislature is advised of a request to enter into an agreement with Herkimer County BOCES, referred to as Herkimer-Fulton-Hamilton-Otsego BOCES for a summer youth employment and training program funded by a TANF grant, with the total cost of said agreement to be \$5,476.50; and

WHEREAS, said program will provide education, vocation and work experience for up to fourteen TANF-eligible youths, which is a full wage subsidy summer employment opportunity, and with the balance of the TANF money to be spent on providing work experience to youths at numerous individual worksites throughout the County; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an agreement with Herkimer County BOCES, referred to as Herkimer-Fulton-Hamilton Otsego

BOCES to provide a summer youth employment and training program for up to fourteen TANF-eligible youths, at a total cost of \$5,476.50, with said agreement to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that said program shall continue so long as TANF funding is available; and, be it further

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

Dated: July 7, 2010.

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

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

On motion of Mr. Russell, seconded by Mr. Peplinski, Report and Resolution No. 195 of the Committee on Ways and Means amending Resolution No. 178 of 2009 adopting Policies and Procedures for Purchase of goods and Services and professional Services Procurement Policy was handed up; there being no debate, was voted on and adopted by voice vote:

All Ayes: (16).

Against: None.

Absent: Korce (1).

No. 195

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
AMENDING RESOLUTION NO. 178 OF 2009 ADOPTING POLICIES AND PROCEDURES
FOR PURCHASE OF GOODS AND SERVICES AND PROFESSIONAL SERVICES
PROCUREMENT POLICY**

WHEREAS, by letter dated July 1, 2010 from Bernard E. Decker, Budget Officer, this Legislature is advised of a request to amend the Policies and Procedures for Purchase of Goods and Services and the Procurement Policy for Professional Service to reflect a change in the GML (General Municipal Law Section 103) which increases the threshold for sealed bids for public works from \$20,000 to \$35,000; now, therefore, be it

RESOLVED, that the attached Policies for Procedures for Purchase of Goods and Services and Professional Services Procurement Policy be, and hereby are, adopted as the official policies of the County of Herkimer; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to each department head in the County.

Dated: July 7, 2010.

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

On motion of Mr. Bono, seconded by Mr. Russell, Report and Resolution No. 196 of the Committees on Human Resources and Ways and Means for staffing change in Public Health Nursing Service was handed up; there being no debate, was voted on and adopted by roll call vote:

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

Absent: Korce (1).

No. 196

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

WHEREAS, by letter dated June 29, 2010, Gregory O'Keefe, M.D., Director of Public Health has requested a temporary, part-time position in the Public Health Nursing Service; and

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

RESOLVED, that the 2010 Herkimer County Salary Schedule is hereby amended in Salary Schedule No. 3 to establish one temporary, part-time position of Office Assistant I in the Public Health Nursing Service at the hourly rate of \$13.20, with total hours to be no more than 50 or no more than \$660; and, be it further

RESOLVED, that said change shall take effect this date.

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

Dated: July 7, 2010.

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

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

On motion of Mr. Shaw, seconded by Mr.. Peplinski, Report and Resolution No. 197 of the Committee on Natural Resources designating members to Herkimer County Sewer Board was handed up; debate was held, was voted on and adopted by voice vote:

All Ayes: (16).

Against: None.

Absent: Korce (1).

No. 197

**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES
DESIGNATING MEMBERS TO HERKIMER COUNTY SEWER BOARD**

WHEREAS, the Legislature of the County of Herkimer, by Resolution No. 100 for the year 1993 determined that the administrative body of the Herkimer County Sewer District should thereafter be a five member board and appointed the chief executive officer or their designees of

the Villages of Ilion, Frankfort and Mohawk and the Towns of Frankfort and German Flatts as members of said Board; and

WHEREAS, by letters received June 2 and 22, 2010 from the Herkimer County Sewer District, your Committees have been advised that the Villages of Frankfort and Mohawk and the Towns of Frankfort and German Flatts have submitted letters for reappointment of board members; now, therefore, be it

RESOLVED, that the followed named individuals be and they are hereby re-appointed to the Herkimer County Sewer District Board:

Fred Pumilio, Designee, Village of Frankfort	Term ending 2/28/2011
Irene Sweet, Mayor, Village of Mohawk	Term ending 2/28/2012
Joseph Annese, Designee, Town of Frankfort	Term ending 2/28/2014
Frank Spatto, Supervisor, Town of German Flatts	Term ending 2/28/2015

And, be it further

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

Dated: July 7, 2010.

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

On motion of Mr. Hendrix, seconded by Mr. Stone, Report and Resolution No. 198 of the committee on Public Safety and Emergency Management and the Committee on Ways and Means authorizing payments to the Village of Herkimer in connection with Sewer System/Wastewater Treatment Plant Improvements was handed up. At 2:45 p.m. Mr. Russell made a motion, seconded by Mr. Shaw to go into Executive Session for advice of counsel. The motion was carried by voice vote:

Ayes: (15).

Against: Rose (1)

Absent: Korce (1).

At 2:47 p.m. on motion of Mr. Piseck, seconded by Mr. Peplinski, the Legislature came out of Executive Session; debate was held; Mr. Russell made a motion, seconded by Mr. Stone, to move the question. The motion was carried by voice vote:

All Ayes: (16).

Against: None.

Absent: Korce (1).

Resolution No. 198 was voted on and adopted by roll call vote:

For: Piseck, Keblish, Maneen, Stone, Hendrix, Smith, Bono, Ackerman, Peplinski, Weakley (10).

Against: Rose, Hyde, Brezinski, Manno, Russell, Shaw (6).

No. 198

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING PAYMENTS TO THE VILLAGE OF HERKIMER IN CONNECTION WITH SEWER SYSTEM/WASTEWATER TREATMENT PLANT IMPROVEMENTS

WHEREAS, by letter dated July 1, 2010, James W. Wallace, Jr., County Administrator, advises that a proposal has been adopted by the Committees below to authorize payment of \$400,000 to the Village of Herkimer for improvements to its sewer system/wastewater treatment plant, and for additional payments of \$20,000 per year for twenty years for the same purpose; and

WHEREAS, this proposal is being made in connection with the construction of a new County Correctional Facility within the Village limits which will involve connection of the correctional facility to the Village's wastewater collection and treatment system, and may involve additional improvements, studies, upgrades or repairs to the Village's wastewater collection system (including sewers) and the wastewater treatment plant; now, therefore, be it

RESOLVED, that the County of Herkimer is hereby authorized to pay the Village of Herkimer \$400,000 toward the cost of improvements to the village of Herkimer's sewer system/wastewater treatment plant and the payment of \$20,000 per year for twenty years thereafter, with those payments being contingent on the following:

1. The Village shall be responsible for any and all studies, improvements, upgrades or repairs to the Village's wastewater treatment collection system (including sewers) and the wastewater treatment plant made necessary by the connection of a new County Correctional Facility to that system.
2. The payments shall be contingent upon the Village's completion of presently mandated sewer system/wastewater treatment improvements.

3. Payment shall be contingent upon the issuance of all necessary permits and the construction of a new County Correctional Facility and the completion by the Village of all necessary improvements to its wastewater collection system and wastewater treatment plant made necessary by that connection. If the presently contemplated new County Correctional Facility is not constructed at the former P & C site on Route 28 in the Village of Herkimer, no such payments shall be made.
4. Such payments shall also be contingent upon the timely issuance of all necessary village permits for the above described project.
5. This offer is also contingent upon the Village accepting the same within thirty days.

and, be it further

RESOLVED, that a certified copy of this Resolution be forwarded to the Village of Herkimer.

Dated: July 7, 2010.

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

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. Peplinski, seconded by Mr. Weakley and Mr. Shaw, Resolution No. 199 of the Committee on Natural Resources setting date for Notice of Public Review of Agricultural Districts No. 2 and No. 3 was handed up; there being no debate, was voted on and adopted by voice vote:

All Ayes: (16).

Against: None.

Absent: Korce (1).

No.

RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES SETTING DATE FOR NOTICE OF PUBLIC REVIEW OF AGRICULTURAL DISTRICTS NO. 2 AND NO. 3

WHEREAS, this Legislature has been advised by communication dated April 5, 2010, from the New York State Department of Agriculture and Markets that in accordance with Article 25-AA of the Agriculture and Markets Law, the eight year review must be commenced for Agricultural District No. 2 in the Towns of Columbia, Litchfield, Winfield, Warren, German

Flatts and Frankfort; and for Agricultural District No. 3 in the Towns of Danube, German Flatts, Little Falls, Manheim and Stark; now, therefore, be it

RESOLVED, that the Chairman of this Legislature cause to be published in accordance with the provisions of the Agriculture and Markets Law, notice of the thirty day period for public review of an agricultural district pursuant to the eight year review for Agricultural District No. 2 and Agricultural District No. 3 in Herkimer County, on or before the 19th day of July 2010; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Soil & Water Conservation District, Chairman of the Herkimer County Agricultural and Farmland Protection Board, the Herkimer-Oneida Counties Comprehensive Planning Program and Cornell Cooperative Extension Services of Herkimer County.

Dated: July 7, 2010.

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

On motion of Mr. Russell, seconded by Mr. Ackerman, Resolution No. 200 of the Committee on Ways and Means approving standard work day for retirement reporting for elected and appointed officials was handed up; debate was held; was voted on and adopted by voice vote:

Ayes: (14).

Against: Stone, Hendrix (2).

Absent: Korce (1).

No. 200

REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS APPROVING STANDARD WORK DAY AND RETIREMENT REPORTING FOR ELECTED AND APPOINTED OFFICIALS

RESOLVED, that the Herkimer County Legislature hereby establishes the following as standard work days for elected and appointed officials and will 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:

Title	Name	Social Security Number (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)
Elected Officials							
Legislator	John J. Piseck, Jr.	████	████	6	1/1/10-12/31/11	N	
Legislator	Stephen N. Keblish, Jr.	████	████	6	1/1/10-12/31/11	N	9.13
Legislator	Jean E. Maneen	████	████	6	1/1/10-12/31/11	N	8.24
Legislator	Jeffrey M. Stone	████	████	6	1/1/10-12/31/11	N	12.93
Legislator	Leonard Hendrix	████	████	6	1/1/10-12/31/11	N	12.27
Legislator	John L. Brezinski	████	████	6	1/1/10-12/31/11	N	10.42
Legislator	Peter F. Manno	████	████	6	1/1/10-12/31/11	N	12.94
Legislator	Vincent J. Bono	████	████	6	1/1/10-12/31/11	N	13.54
Legislator	Kurt J. Ackerman	████	████	6	1/1/10-12/31/11	N	8.08
Legislator	Dennis Korce	████	████	6	1/1/10-12/31/11	N	6.06
Legislator	Patrick E. Russell	████	████	6	1/1/10-12/31/11	N	6.68
Legislator	Bruce Weakley	████	████	6	1/1/10-12/31/11	N	7.72
Appointed Officials							
County Attorney	Robert J. Malone	████	████	6	1/1/10-12/31/11	N	14.25
Asst. County Attorney	James J. Franchi	████	████	6	1/1/10-12/31/11	N	11.83
Asst. County Attorney	Lorraine L. Lewandrowski	████	████	6	1/1/10-12/31/11	N	15.15
Asst. County Attorney	Mary I. Iocovozzi	████	████	6	1/1/10-12/31/11	N	12.38
County Auditor	Jeri Frederick	████	████	7	1/1/10-12/31/11	Y	N/A
Deputy Auditor	Tanya Perkins	████	████	7	3/8/10 (no term)	Y	N/A
Budget Officer/Purchasing Agent	Bernard E. Decker	████	████	7	1/1/10-12/31/11	Y	N/A
Deputy Purchasing Agent	Philomena Stagliano	████	████	7	11/23/09 (no term)	Y	N/A
Comm. Of Social Services	Ervin J. Fuller	████	████	7	3/21/10-3/20/15	Y	N/A
Director of Probation	Josephine M. Sohnn	████	████	7	5/29/10 (no term)	Y	N/A
Director, Veterans' Service Agency	Douglas C. Miller	████	████	7	10/8/09 (no term)	Y	N/A
Director of Information Services	JoAnn Boyer	████	████	7	4/28/10 (no term)	Y	N/A
Clerk of Legislature	Carole L. LaLonde	████	████	7	1/1/10-12/31/11	Y	N/A

Deputy Clerk of Legislature	Sally I. Deming			7	1/1/10-12/31/11	Y	N/A
-----------------------------	-----------------	--	--	---	-----------------	---	-----

And, be it further

RESOLVED, that the Herkimer County Legislature does hereby attest that the above elected and appointed officials have submitted their three-month log of activities and such are on file with the Legislative Clerk.

Dated: July 7, 2010.

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

AFFIDAVIT OF POSTING

I, Carole L. LaLonde, Clerk of the Herkimer County Legislature of the County of Herkimer, State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by the Herkimer County Legislature at its legally convened meeting held on the 7th day of July, 2010, on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board consists of 17 members and that 16 of such members were present at such meeting and that 14 of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the County of Herkimer.

Date Enacted: 7/7/2010

Signature of Clerk

(SEAL)

On motion of Mr. Piseck, seconded by Mr. Keblish and Mr. Shaw, Resolution No. 201 of the Committee on Administration/Veterans' Affairs endorsing application of Village of Herkimer for funding from the State Office of Parks, Recreation and Historical Preservation Grant program was handed up; debate was held; was voted on and adopted by voice vote:

All Ayes: (16).

Against: None.

Absent: Korce (1).

No. 200

RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS' AFFAIRS ENDORSING APPLICATION OF VILLAGE OF HERKIMER FOR FUNDING FROM THE STATE OFFICE OF PARKS, RECREATION AND HISTORICAL PRESERVATION GRANT PROGRAM

WHEREAS, the County of Herkimer has received a request from the Village of Herkimer to support the application of the Village of Herkimer for funding from a New York State Office of Parks Development and Planning Program Grant to upgrade and modernize the Herkimer Municipal Pool (built in the 1950's) and pool facilities located at the Basloe Recreation Park on Harter Street; now, therefore, be it

RESOLVED, that the County of Herkimer supports the project identified above and the application of the Village of Herkimer for the purpose of making this project eligible for state funding, with no commitment of any county funds; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Village of Herkimer.

Dated: July 7, 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

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

Chairman Smith welcomed back Legislator Russell and Mr. Russell thanked the legislators and county employees for their support during his recent illness.

At 3:15 p.m., on motion of Mr. Manno, seconded by Mr. Stone, the Legislature adjourned to Wednesday, July 21, 2010 at 7:30 p.m.

