

MINUTES
Herkimer County Legislature
First Quarter – Second Day
Wednesday, January 23, 2013
7:30 p.m.

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

Chairman Bono called on Mrs. Goodhines of Schuyler to lead the Legislature in the Pledge of Allegiance.

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

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

Present: Hartman, Rose, Schrader, Johnson, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Korce, Russell, Shaw, Weakley (15).

Absent: Maneen, Peplinski (2).

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Bono asked if there were any objections or corrections to the minutes of January 9 and January 14, 2013. There were none, and the Chairman ordered them approved.

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

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

No. 21 – A communication was received from the Oneida-Herkimer Solid Waste Authority Submitting minutes and recently adopted resolutions. Placed on file.

No. 22 – A communication was received from Cornell Cooperative Extension submitting their 2012 Annual Report. Placed on file.

No. 23 - A communication was received from the Personnel Officer – Submitting 2012 Annual Report of former Self-Insured Workers' Compensation Plan. Referred to the Committee on Ways and Means.

No. 24 – A communication was received from the Budget Officer submitting requests for transfers of funds. Referred to the Committee on Ways and Means.

No. 25 – A communication was received from the Budget Officer submitting request for a budget amendment in connection with additional federal transportation aid. Referred to the Committee on Ways and Means.

No. 26 – A communication was received from the Budget Officer submitting request for budget amendment in connection with receipt of disaster assistance received for Sheriff's Department. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means

No. 27 – A communication was received from the Budget Officer submitting request for appropriations from the Fund Balance. Referred to the Committee on Ways and Means.

No. 28 – A communication was received from the Personnel Officer submitting the 2012 Annual Report for Stand Alone Workers' Compensation Self Insurance Coverage. Referred to the Committee on County Personnel.

No. 29 – A communication was received from the Personnel Officer submitting the report of fees received for Civil Service exams for fiscal year 2012. Referred to the Committee on Ways and Means.

No. 30 – A communication was received from the Director Of Information Services requesting an amendment of the Salary Schedule for a staffing change. Referred to the Committees on Information Services and Ways and Means.

No. 31 – A communication was received from the Personnel Officer submitting request for an agreement for an employee assistance program. Referred to the Committee on Ways and Means.

No. 32 – A communication was received from the Director of Real Property Tax Services requesting renewal of contract with the Town of Danube for assessment services. Referred to the Committee on Ways and Means.

No. 33 – A communication was received from the Comm. Of Social Services – Requesting contracts with various agencies under federal funding in connection with Flexible Funds for Family Services Plan for 2013. Referred to the Committees on Human Resources and Ways and Means.

No. 34 – A communication was received from the Director Of Community Services Submitting 2012 Mental Health Services Annual Report. Referred to the Committee on Human Resources.

No. 35 – A communication was received from the Director Of Community Services requesting amendment of contract with counselor for provision of additional hours. Referred to the Committee on Ways and Means and the Committee on Human Resources.

No. 36 – A communication was received from the Director Of Community Services requesting amendment of contract with Upstate Cerebral Palsy Assoc. in connection with increase in State funds. Referred to the Committees on Ways and Means and Human Resources.

No. 37 – A communication was received from the Director Of Community Services requesting reimbursement of liability insurance for psychiatric services provided to inmates. Referred to the Committee on Ways and Means and the Committee on Human Resources.

No. 38 – A communication was received from the Budget Officer submitting request for extension of bid for chemical at Sewer District. Referred to the Committees on Natural Resources and Ways and Means.

39 – A communication was received from Harry Enea, Coroner, advising of time he will be out of the area. Placed on file.

40 – Three communications were received from the Acting Director of Public Health submitting requests for staffing changes. Referred to the Committees on Human Resources and Ways and Means.

41 – A communication was received from the Office for Aging Advisory Board extending appreciation to the Legislature members for their continued support. Placed on file.

42 – A communication was received from the Budget Officer recommending award of bid for vehicle modification. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways & Means.

43 – A communication was received from the Dir. of Emergency Services requesting extension of grant. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

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

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

For: Ayes (15).

Against: None.

Absent: Maneen, Peplinski (2).

Consent Agenda:

- 15 HUMAN RES.: Adopting Annual Report of Mental Health
- 16 WAYS & MEANS: Adopting Annual Report of Fees received by Herkimer County Personnel Office
- 17 WAYS & MEANS: Adopting Annual Report of Former Self Insurance Plan
- 18 WAYS & MEANS: Adopting Annual Report of Stand Alone Workers' Compensation Plan
- 19 WAYS & MEANS: Transferring funds in 2012 Budget
- 20 NAT. RES., WAYS & MEANS: Extending contract for provision of chemical at Sewer District

Chairman Bono dispensed with the regular session to allow for a presentation. Bill VanGorder from Mang Insurance and Susan O'Rourke from New York Municipal Insurance Reciprocal (NYMIR) presented a refund check to the County in the amount of \$30,111.11. Ms. O'Rourke gave a brief update on the NYMIR Program.

No. 15

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES
ADOPTING ANNUAL REPORT OF HERKIMER COUNTY MENTAL HEALTH
SERVICES**

Your Committee on Human Resources, to which was referred the 2012 Local Plan Update of the Herkimer County Mental Health Services Department, respectfully reports that we have examined the same, recommend the adoption of said report, and offer the following Resolution:

RESOLVED, that the 2012 Local Plan Update of the Herkimer County Mental Health Services Department be approved and placed on file with the Herkimer County Legislature for the year 2012.

Dated: January 23, 2013.

RAYMOND SMITH
FREDERICK J. SHAW, JR.
JEAN E. MANEEN
LEONARD R. HENDRIX
PATRICK E. RUSSELL
PETER F. MANNO
Committee on Human Resources

No. 16

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
ADOPTING ANNUAL REPORT OF FEES RECEIVED BY THE HERKIMER
COUNTY PERSONNEL OFFICE**

Your Committee on Ways and Means, to which was referred the Annual Report of the fees received by the Herkimer County Personnel Office for civil service exams for fiscal year 2012, respectfully reports that we have examined the same, recommend the adoption of said report, and offer the following Resolution:

RESOLVED, that the Annual Report of the fees received by the Herkimer County Personnel Office for civil service exams for fiscal year 2012 Department be approved and placed on file with the Herkimer County Legislature for the year 2012.

Dated: January 23, 2013.

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

No. 17

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

Your Committee on Ways and Means, to which was referred the Annual Report of the former Herkimer County Self Insurance Plan for the year 2012, respectfully reports that we have examined said report, inquired into the subject matter thereof, and offer the following Resolution:

RESOLVED, that the Annual Report of the former Herkimer County Self Insurance Plan for the year 2012 be adopted and printed in the Proceedings and filed with Herkimer County Legislature for the year 2012.

Dated: January 23, 2013.

PATRICK E. RUSSELL
DENNIS KORCE
RAYMOND SMITH

BRUCE WEAKLEY
BERNARD PEPLINSKI
KURT ACKERMAN
Committee on Ways and Means

No. 18

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

Your Committee on Ways and means, to which was referred the Annual Report of the Herkimer County Stand Alone Workers' Compensation Plan for the year 2012, respectfully reports that we have examined said report, inquired into the subject matter thereof, and offer the following Resolution:

RESOLVED, that the Annual Report of the Herkimer County Stand alone Workers' Compensation Plan for the year 2012 be adopted and filed with the Herkimer County Legislature for the year 2012.

Dated: January 23, 2013.

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

No. 19

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS & MEANS
TRANSFERRING FUNDS IN 2012 BUDGET**

WHEREAS, your Committee on Ways & Means, to which was referred a communication from the Budget Officer and Purchasing Agent dated January 16, 2013, submitting requests for transfer of funds, reports that we have examined said communication, inquired into the subject matter thereof recommend that said transfers 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 in the 2012 Budget:

\$1,700.00	From: CD6290.86000 ETA Admin., Health Ins.
	To: CD6300.86000 ETA Dislocated Worker, Health Insurance
\$52,000.00	From: A6119B.40000 Comm. on Handicapped, Cont. Exp.
	To: A6070. 46000 Purchase of Services, Misc. Exp.
\$18,000.00	From: A6123.40000 Juvenile Delinquent, Cont. Exp.
	To: A6070. 46000 Purchase of Services, Misc. Exp.
\$20,000.00	From: A6123.40000 Juvenile Delinquent, Cont. Exp
	To: A6119.40000 Foster Care, Cont. Exp.
\$900.00	From: A6123.40000 Juvenile Delinquent, Cont. Exp
	To: A6010. 42100 Soc. Serv. Adm., Telephone
\$250.00	From: A6123.40000 Juvenile Delinquent, Cont. Exp
	To: A6010.46300 Soc. Serv. Adm., Postage

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

Dated: January 23, 2013.

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

On motion of Mr. Korce, seconded by Mr. Ackerman, Report and Resolution No. 21 of the Committee on Ways and Means authorizing extension of contract with the Town of Danube to provide assessment services was handed up; was voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Maneen, Peplinski (2).

No. 21

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
AUTHORIZING EXTENSION OF CONTRACT WITH THE TOWN OF DANUBE TO
PROVIDE ASSESSMENT SERVICES**

WHEREAS, by letter dated January 15, 2013, Beth Sadlon, Director of the Real Property Tax Service Agency, has requested approval of renewal of the contract to provide assessment services to the Town of Danube; and

WHEREAS, it is the opinion of your Committee that it is to the mutual benefit of the County of Herkimer and the Town of Danube for the County of Herkimer to continue to provide said assessment services to said town; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an extension of the agreement to provide assessment services to the Town of Danube for the period from March 17, 2013 through March 17, 2014 for the sum of \$15.00 for each parcel on the final assessment roll of the town, with the final form of said agreement to be subject to the approval of the County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget officer, Director of Real Property Tax Services and the Town of Danube.

Dated: January 23, 2013.

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

On motion of Mr. Smith, seconded by Mr. Ackerman and Mr. Shaw, Report and Resolution No. 22 of the Committees on Human Resources and Ways and Means amending Resolution No. 38 of 2012 authorizing contracts for Herkimer County Mental Health was handed up; was voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Maneen, Peplinski (2).

No. 22

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES
AND WAYS AND MEANS AMENDING RESOLUTION NO. 38 OF 2012
AUTHORIZING CONTRACTS FOR HERKIMER COUNTY MENTAL HEALTH**

WHEREAS, by Resolution No. 38 adopted on February 15, 2012, this Legislature approved contracts for the years 2012 and 2013 with various agencies to provide various services to the Herkimer County Mental Health Services Department; and

WHEREAS, by letter dated January 2, 2013, Edgar Scudder, Director of Community Services, has advised that an increase in state funds in the amount of \$15,350 has been received

for supported housing for individuals with serious mental illness, and requests the contract with Upstate Cerebral Palsy Association be amended to reflect said increased amount; now, therefore, be it

RESOLVED, that Resolution No. 38 adopted on February 15, 2012 is hereby amended in the First Resolved Clause No. 1, Upstate Cerebral Palsy Association, to the delete the contract sum of \$480,000 and replace with \$490,324; and, be it further

RESOLVED, that in all other respects, said Resolution No. 38 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, Director of Community Services and Upstate Cerebral Palsy Association.

Dated: January 23, 2013.

RAYMOND SMITH
FREDERICK SHAW, JR.
JEAN E. MANEEN
LEONARD HENDRIX
PATRICK E. RUSSELL
PETER F. MANNO
Committee on Human Resources

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

On motion of Mr. Hyde, seconded by Mr. Korce, Report and Resolution No. 23 of the Committees on Human Resources and Ways and Means authorizing reimbursement for professional liability insurance to mental health consultant was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Maneen, Peplinski (2).

No. 23

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

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

WHEREAS, by letter dated January 14, 2013, Edgar Scudder, Director of Community Services, has requested Dr. Patil be reimbursed for a sum not to exceed \$1,500 annually for professional liability insurance in connection with special psychiatric services provided to inmates at the Herkimer County Correctional Facility; and

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

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

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

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

Dated: January 23, 2013.

RAYMOND SMITH
FREDERICK SHAW, JR.
JEAN E. MANEEN
LEONARD HENDRIX
PATRICK E. RUSSELL
PETER F. MANNO
Committee on Human Resources

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

On motion of Mr. Smith, seconded by Mr. Ackerman, Report and Resolution No. 24 of the Committees on Human Resources and Ways and Means amending contract with consulting counselor for Mental Health Services was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Maneen, Peplinski (2).

No. 24

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES
AND WAYS AND MEANS AMENDING CONTRACT WITH CONSULTING
COUNSELOR FOR MENTAL HEALTH SERVICES**

WHEREAS, by letter dated January 16, 2013, Edgar Scudder, Director of Community Services, has requested approval for an amendment of the contract with Ron Fragetta, LCSW, consulting counselor for Herkimer County Mental Health Services, to increase the allowable weekly hours from eight to sixteen, and to remain at the current compensation of \$32.00 per hour; and

WHEREAS, there are sufficient funds available in the Department of Mental Health Budget to allow for this additional expense; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute an amendment of the contract with Ron Fragetta, LCSW, consulting counselor for Herkimer County Mental Health Services, to reflect an increase in the allowable weekly hours from eight to sixteen, at the current compensation of \$32.00 per hour, with said contract to be subject to the approval of the Herkimer County Attorney; and, be it further

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

Dated: January 23, 2013.

RAYMOND SMITH
FREDERICK J. SHAW, JR.
JEAN E. MANEEN
LEONARD R. HENDRIX
PATRICK E. RUSSELL
PETER F. MANNO
Committee on Human Resources

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

KURT J. ACKERMAN
Committee on Ways and Means

On motion of Mr. Russell, seconded by Mr. Shaw, Report and Resolution No. 25 of the Committee on Ways and Means authorizing an agreement with the Center for Family Life and Recovery, Inc. for Employee Assistance program was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Maneen, Peplinski (2).

No. 25

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
AUTHORIZING AN AGREEMENT WITH THE CENTER FOR FAMILY LIFE AND
RECOVERY, INC. FOR EMPLOYEE ASSISTANCE PROGRAM**

WHEREAS, by letter dated January 11, 2013, Steven R. Billings, Personnel Officer, advises of a request to enter into an agreement with the Center for Family Life & Recovery, Inc. of Utica, New York, to provide an Employee Assistance Program; and

WHEREAS, said agreement will provide short term interventions to resolve work-related or personal problems that may be affecting employees of Herkimer County, with the cost of said agreement to be \$7,440.00 for the period February 1, 2013 through January 31, 2014; now, therefore, be it

RESOLVED, that an agreement be entered into with the Center for Family Life and Recovery, Inc., 502 Court Street, Suite 401, Utica, New York 13502, to provide an Employee Assistance Program to employees of Herkimer County for a period of one year commencing February 1, 2013, at a total cost of \$7,440.00, with the terms and conditions of said contract to be subject to the approval of the County Attorney; and, be it further

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

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer and the Center for Family Life and Recovery, Inc.

Dated: January 23, 2013.

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

KURT J. ACKERMAN
Committee on Ways and Means

On motion of Mr. Smith, seconded by Mr. Shaw, Report and Resolution No. 26 of the Committee on Ways and Means and the Committee on Human Resources authorizing contracts in connection with Flexible Funds for Family Services Plan (formerly known as Temporary Assistance to needy Families – TANF) in the Department of Social Services was handed up; was voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Maneen, Peplinski (2).

No. 26

REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS AND MEANS AUTHORIZING CONTRACTS IN CONNECTION WITH FLEXIBLE FUNDS FOR FAMILY SERVICES PLAN (FORMERLY KNOWN AS TEMPORARY ASSISTANCE TO NEEDY FAMILIES – TANF) IN THE DEPARTMENT OF SOCIAL SERVICES

WHEREAS, by letter dated January 9, 2013 from Timothy Seymour, Commissioner of Social Services, this Legislature is advised that the State of New York has approved Herkimer County’s Flexible Funds for Family Services Plan (formerly known as Temporary Assistance to Needy Families - TANF) Plan for the year 2013; and

WHEREAS, Herkimer County will receive federally allocated grant funding in connection with the implementation of the Flexible Funds for Family Services Plan; and

WHEREAS, said letter further requests that contracts be entered into with the following agencies for the implementation of the aforesaid program; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute contracts with the following agencies in connection with the Herkimer County Department of Social Services Flexible Funds for Family Services Plan (formerly known as Temporary Assistance to Needy Families -TANF) Services Plan for the year 2013:

1. Herkimer County Department of Mental Health, 301 N. Washington Street, Suite 2470, Herkimer, NY, in the amount of \$21,500 to provide assessment of TANF and Safety Net clients who have indicators of alcohol and/or drug problems;

2. Center for Family Life and Recovery, 502 Court St., Suite 401 Street, Utica, NY 13502, in the amount of \$35,955, for management and coordination services to make sure clients with alcohol and/or drug abuse issues receive and follow through with the services they need to overcome their barriers to self-sufficiency;

3. Catholic Charities of Herkimer County, 61 West Street, Ilion, NY 13357, in the amount of \$20,000 to screen and provide assessment of clients who may have domestic violence issues as a barrier to self-sufficiency or receipt of child support;

4. Legal Aid Society of Mid-New York, 255 Genesee Street, Utica, NY 13501, to assist TANF and Safety Net clients in the appeal process, who have been denied Social Security Disability or Supplemental Security Income benefits, with said contract not to exceed \$12,000;

5. Resource Center for Independent Living, Inc., 409 Columbia St., PO Box 210, Utica, NY 13503, to work with clients who have medical exemptions, or limited exemptions, to bridge the gap between vocational services and disability support services to achieve employment, with said contract not to exceed \$45,000.

7. Center for Family Life and Recovery (formerly Family Services of the Mohawk Valley), 401 Columbia St., Utica, NY 13502, to provide preventive services to the Family Support Persons in Need of Supervision Unit (PINS), with said contract not to exceed \$349,479;

8. Catholic Charities of Herkimer County, 61 West Street, Ilion, NY 13357, in the amount of \$38,500 to provide non-residential services to TANF clients and their families who are victims of domestic violence;

and, be it further

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

Dated: January 23, 2013.

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

RAYMOND SMITH
FREDERICK J. SHAW, JR.
JEAN E. MANEEN
LEONARD R. HENDRIX
PATRICK E. RUSSELL
PETER F. MANNO
Committee on Human Resources

On motion of Mr. Hendrix, seconded by Mr. Ackerman, Report and Resolution No. 27 of the Committee on Public Safety/Emergency Management and the Committee on Ways and Means amending 2012 Budget in connection with receipt of funds for Sheriff's Department was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Maneen, Peplinski (2).

No. 27

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS AMENDING 2012 BUDGET IN CONNECTION WITH RECEIPT OF FUNDS FOR SHERIFF'S DEPARTMENT

WHEREAS, by letter dated January 16, 2013, from Bernard E. Decker, Budget Officer and Purchasing Agent, this Legislature is advised that it is necessary to amend the 2012 Herkimer County Budget in connection with the receipt of disaster assistance from the State of New York and the Federal Office of Emergency Management, which funds will be used for repairs to the Herkimer County Sheriff's shooting range facility; now, therefore, be it

RESOLVED, that the 2012 Herkimer County Budget is hereby amended as follows:

Revenue:

A8760.3690 Disaster Assistance, State Aid	From:	\$0
	To:	\$1,122.24
A8760.4690 Disaster Assistance, Federal Aid	From:	\$0
	To:	\$3,366.72

Appropriation

A8760.40000 Emergency Disaster Work., Cont. Exp.	From:	\$0
	To:	\$4,488.96

And, be it further

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

Dated: January 23, 2013.

LEONARD R. HENDRIX
BRUCE WEAKLEY
RAYMOND SMITH
ROBERT N. HYDE
DENNIS KORCE
BERNARD PEPLINSKI, SR.
**Committee on Public Safety and
Emergency Management**

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

On motion of Mr. Weakley, seconded by Mr. Hyde, Report and Resolution No. 28 of the Committee on Ways and Means amending 2012 Budget in connection with Federal Transportation Aid was handed up; was voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Maneen, Peplinski (2).

No. 28

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
AMENDING 2012 BUDGET IN CONNECTION WITH FEDERAL TRANSPORTATION
AID**

WHEREAS, by letter dated January 16, 2013, from Bernard E. Decker, Budget Officer, this Legislature is advised of a request to amend the 2012 Budget in connection with the receipt of additional federal transportation aid for 2012; now, therefore, be it

RESOLVED, that the 2012 Herkimer County Budget is hereby amended as follows:

Revenue:

A5631.4700 Pub. Transportation, Fed. Aid	From:	\$40,000
	To:	\$60,500

Appropriation

A5631.40000 Pub. Transportation, Cont. Exp.	From:	\$40,000
	To:	\$60,500

and, be it further

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

Dated: January 23, 2013

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

On motion of Mr. Russell, seconded by Mr. Hyde, Report and Resolution No. 29 of the Committee on Ways and Means making appropriation of funds from Fund Balance was handed up; discussion was held; was voted on and adopted by roll call vote:

For: Hartman, Rose, Schrader, Johnson, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Korce, Russell, Shaw, Weakley (15).

Against: None.

Absent: Maneen, Peplinski (2).

No. 29

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
MAKING APPROPRIATION OF FUNDS FROM FUND BALANCE**

WHEREAS, by letter dated January 16, 2013 the Herkimer County Budget Officer has advised this Legislature that there are sufficient funds in Account A909, General Fund Balance, to allow for appropriations to make additional payments for the 2012 Budget year due to unexpected increases in costs; now, therefore, be it

RESOLVED, that the following appropriations from A909, General Fund Balance, be made to the following accounts:

\$100,000	From:	A909 General Fund Balance
	To:	A1370.44000 Correctional Inst., Cont. Serv.
\$160,000	From:	A909 General Fund Balance
	To:	A2490.44000 Comm. College Tuition, Cont. Serv.

RESOLVED, that the Herkimer County Treasurer is hereby authorized and empowered to transfer the said sum to the said account; and, be it further

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

Dated: January 23, 2013.

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

On motion of Mr. Ackerman, seconded by Mr. Shaw, Report and Resolution No. 30 of the Committees on Ways and Means, Human Resources and Information Services amending 2013 Salary Schedule I, II and III was handed up; voted on and adopted by roll call vote:

For: Hartman, Rose, Schrader, Johnson, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Korce, Russell, Shaw, Weakley (15).

Against: None.

Absent: Maneen, Peplinski (2).

No. 30

**REPORT AND RESOLUTION OF THE COMMITTEES ON WAYS AND MEANS , HUMAN
RESOURCES AND INFORMATION SERVICES AMENDING 2013 SALARY SCHEDULES I, II
AND III**

WHEREAS, by letter dated January 10, 2013, JoAnn Boyer, Director of Information Services, has requested an amendment of the 2013 Salary Schedule III, to delete the position of Part-time Senior Microcomputer Specialist and establish the position of Part time Associate Network Administrator in the Information Services Department; and

WHEREAS, by letters dated January 17, 2013, Christina Cain, Acting Director of Public Health, has requested an amendment in the 2013 Salary Schedules I, II and III, effective February 1, 2013, to make certain staffing adjustments in the Public Health Nursing Services Programs; now, therefore, be it

RESOLVED, that 2013 Herkimer County Salary Schedule I is hereby amended, effective February 1, 2013, to delete the position of Director of Patient Services in Account A4010, Public Health Nursing; and, be it further

RESOLVED, that the 2013 Herkimer County Salary Schedule II is hereby amended to delete the position of Supervisor of Program for Children with Special Health Care Needs in Account A4059, Early Intervention; and, be it further

RESOLVED, that the 2013 Herkimer County Salary Schedule III is hereby amended as follows:

1. Delete the position of Part-time Senior Microcomputer Specialist (.56) at the base salary of \$20,000 and establish the position of Part-time Associate Network Administrator (.28) in Account A1680, Information Services, at the base annual salary of \$10,400, effective this date;
2. Establish the position of Part-time Associate Network Administrator (.28) in Account A4010, Public Health Nurses, at the base annual salary of \$10,400, effective this date;
2. Establish the position of Program Manager at the base annual salary of \$37,000, in Account 4189H, Healthy Families, effective February 1, 2013; and, be it further

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

Dated: January 23, 2013.

KURT J. ACKERMAN
PETER F. MANNO
JEAN E. MANEEN
BERNARD PEPLINSKI
GARY M. HARTMAN
HELEN T. ROSE
**Committee on Information
Services**

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

RAYMOND SMITH
FREDERICK J. SHAW, JR.
JEAN E. MANEEN
LEONARD R. HENDRIX
PATRICK E. RUSSELL
PETER F. MANNO
Committee on Human Resources

On motion of Mr. Hyde, seconded by Mr. Hendrix, Report and Resolution No. 31 of the Committee on Public Safety and Emergency Management and the Committee on Ways and Means extending contract for Homeland Security Grant for Office of Emergency Services was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Maneen, Peplinski (2).

No. 31

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS EXTENDING CONTRACT FOR HOMELAND SECURITY GRANT FOR THE OFFICE OF EMERGENCY SERVICES

WHEREAS, pursuant to Resolution No. 298 of 2008, this Legislature approved an agreement with the New York State Office of Homeland Security for the receipt of a grant through the FY08 State Homeland Security Program in the amount of \$110,250.00; and

WHEREAS, by letter dated January 15, 2013 from Robert Vandawalker, Director of Emergency Services, this Legislature is advised that an extension of said grant has been submitted to expend any unused funds through February 28, 2013; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a grant extension on behalf of the County of Herkimer with the New York State Division of Homeland Security and Emergency Services, in connection with the receipt of an FY08 Homeland Security Grant in the amount of \$110,250.00; and, be it further

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

Dated: January 23, 2013.

LEONARD R. HENDRIX
BRUCE WEAKLEY
RAYMOND SMITH
ROBERT N. HYDE
DENNIS KORCE
BERNARD PEPLINSKI, SR.
**Committee on Public Safety and
Emergency Management**

PATRICK E. RUSSELL
DENNIS KORCE

RAYMOND SMITH
BRUCE WEAKLEY
BERNARD PEPLINSKI
KURT ACKERMAN
Committee on Ways and Means

On motion of Mr. Hyde, seconded by Mr. Johnson, Resolution No. 32 of the Committee on County Properties authorizing cancellation of taxes was handed up; voted on and adopted by roll call vote:

For: Hartman, Rose, Schrader, Johnson, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Korce, Russell, Shaw, Weakley (15).

Against: None.

Absent: Maneen, Peplinski (2).

No. 32

**RESOLUTION OF THE COMMITTEE ON COUNTY PROPERTIES CONCERNING
CANCELLATION OF TAXES**

WHEREAS, the Village of Mohawk has contacted the County of Herkimer advising that the Village has obtained title to certain property known as 9 Canal Street in the Village of Mohawk; and

WHEREAS, the property is subject to a tax lien held by the County of Herkimer in the approximate amount of \$25,005.16; and

WHEREAS, the Village has advised that it wishes to have the County cancel the lien in order that the property may be more readily sold, and that the Village has incurred substantial expense to demolish the structure on the premises and remediate public health and safety problems resulting from the damaged structure on the premises; and the Village desires to provide for the sale and future development and/or rehabilitation of the property; and

WHEREAS, in order to expedite the sale of the property, the Village desires to obtain cancellation of the existing tax lien; and

WHEREAS, the Village has indicated its consent to entering into an agreement with the County that in the event the tax lien is cancelled, the Village would reimburse the County for all or a portion of taxes forgiven in the event that the Village sells the property for an amount greater than the costs incurred by the Village in demolishing the building and remediating the environmental issues; now, therefore, be it

RESOLVED, that this Legislature determines that there is no practical method to enforce the collection of these tax liens, and a supplementary proceeding to enforce collection will not be effective; and, be it further

RESOLVED, that the County Legislature hereby cancels their delinquent tax lien on the above described premises, which has unpaid taxes in the approximate amount of \$25,005.16; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute an agreement with the Village of Mohawk containing the above described terms and a further agreement that any grant funds utilized by the Village shall not be included in determining the costs of demolition, remediation or acquisition; and, be it further

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

Dated: January 23, 2013.

DENNIS KORCE
BRUCE WEAKLEY
ROBERT N. HYDE
KURT J. ACKERMAN
RAYMOND JOHNSON
ROBERT J. SCHRADER
Committee on County Properties

On motion of Mr. Hyde, seconded by all, Resolution No. 33 of the Committee on Public Safety/Emergency Management opposing New York Secure Ammunition and Firearms Enforcement Act of 2013 was handed up; discussion was held; Mr. Johnson requested a roll call vote; the resolution was voted on and adopted by roll call vote:

For: Rose, Schrader, Johnson, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Korce, Russell, Shaw, Weakley (14).

Against: Hartman (1).

Absent: Maneen, Peplinski (2).

No. 33

**RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY
MANAGEMENT OPPOSING THE NEW YORK SECURE AMMUNITION AND
FIREARMS ENFORCEMENT ACT OF 2013**

WHEREAS, the right to bear arms is guaranteed by the Second Amendment of the U.S. Constitution, as well as the Civil Rights Law of the State of New York; and

WHEREAS, the New York State Secure Ammunition and Firearms Enforcement Act of 2013 which was rushed to passage by the New York State Senate, Assembly and Governor, will have a detrimental effect on hunters, sportsmen and legal gun owners, as well as the Remington Arms Company; and

WHEREAS, this legislation imposes burdensome new regulations upon law abiding gun owners and will curtail the rights of law abiding citizens of this State; and

WHEREAS, this legislation, while denying the rights of law abiding citizens, fails to address the problem of acts of violence perpetrated by criminals and those who are dangerously mentally ill; and

WHEREAS, this legislation creates an environment in the state which is hostile to gun manufacture and ownership; and

WHEREAS, Remington Arms Company is a major employer in Upstate New York, and a significant manufacturing success story in recent years; and a company which the Herkimer County Legislature has been proud to support, and will continue to support; now, therefore, be it

RESOLVED, that the Herkimer County Legislature does hereby oppose the enactment of the New York State Secure Ammunition and Firearms Enforcement Act of 2013 because it fundamentally alters or abridges the right to keep and bear arms without addressing the problems of gun violence; and, be it further

RESOLVED, that this Legislature hereby calls upon the New York State Legislature and Governor to set aside and annul this ill conceived and poorly drafted statute which abridges the rights of law abiding citizens of the State of New York; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Governor of the State of New York, Senator James L. Seward, Senator Hugh T. Farley, Assemblyman Marc W. Butler, Assemblywoman Claudia Tenney, Assemblyman Anthony J. Brindisi and the New York State Association of Counties.

Dated: January 23, 2013.

LEONARD R. HENDRIX
BRUCE WEAKLEY
RAYMOND SMITH
ROBERT N. HYDE
DENNIS KORCE
BERNARD PEPLINSKI, SR.
**Committee on Public Safety and
Emergency Management**

Chairman Bono stated that pursuant to Rule 6(12) they would proceed with comments by legislators. The following legislators had further comments: Robert Hyde, Patrick Russell, Dennis Korce, Raymond Smith.

At 8:15 on motion of Mr. Hendrix, seconded by Mr. Russell, the Legislature went into closed session for advice of counsel on the proposed VHS/HCCC Project. On motion of Mr. Hyde, seconded by Mr. Johnson, the Legislature came out of closed session.

On 8:39 p.m. on motion of Mr. Manno, seconded by Mr. Hyde, the Legislature adjourned to Wednesday, February 13, 2013 at 7:30 p.m.