

MINUTES
Herkimer County Legislature
Second Quarter – First Day
Wednesday, April 3, 2013
2:00 p.m.

Public Hearing

The Public Hearing on the proposed replacement of equipment for the Herkimer County Sewer District was called to order at 1:45 p.m. by Frederick J. Shaw, Jr., Chairman of the Committee on Natural Resources. The clerk read the notice of the hearing. Chairman Shaw asked if anyone wished to speak at the hearing. There were no appearances, and the hearing was declared closed at 1:50 p.m.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the County Legislature of the County of Herkimer, New York, will meet at the County Legislative Chambers, in Herkimer, New York, on April 3, 2013 at 1:45 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing in relation to the proposed replacement of the following equipment within the Herkimer County Sewer District Plant: the Belt Filter Press; the Potassium Permanganate chemical feed system; the sludge transfer pumps; the electrical motors and gears boxes on two sludge conveyors and a line conveyor; the electrical controls, together with equipment, machinery, apparatus, appurtenances, and incidental and ancillary improvements in connection therewith of the Herkimer County Sewer District at a maximum estimated cost of \$1,640,000.00. The estimated annual cost to the typical property owner in the District as a result thereof is \$9.23.

Dated: Herkimer, New York.
March 23, 2013.

BY ORDER OF THE COUNTY
LEGISLATURE OF THE COUNTY
OF HERKIMER, NEW YORK.
Carole L. LaLonde, Clerk
Herkimer County Legislature

The Regular Session of the Herkimer County Legislature was called to order by Chairman Vincent Bono at 2:04 p. m.

Chairman Bono called on Joe Viti of the Friendly Bake Shop, to lead the Legislature in the Pledge of Allegiance.

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

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

Absent: Hendrix, Russell (2).

Mr. Bono requested everyone to remain standing for a moment of silence in recognition and honor of all the current and past veterans of Herkimer County.

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 March 20, 2013. There were none, and the Chairman ordered them approved.

Pursuant to Rule 11, Chairman Bono opened the floor for public comment. There were two appearances on the subjects matters indicated: Bernie Rehn – small business operator; Carl Streeter – proposed jail.

Chairman Bono dispensed with the regular session for two presentations. He called upon Natalie Brown and Kelly Conroy of the YWCA and presented them with a proclamation naming the month of April as “Sexual Assault and Child Abuse Awareness Month in Herkimer County”. Ms. Brown and Ms. Conroy expressed appreciation for the recognition and gave some recent statistics of their program. They also encouraged everyone to attend the “Take Back the Night” event.

Chairman Bono called on Legislator Manno to make a presentation to the Friendly Bake Shop. Mr. Manno presented a certificate of congratulations to Viti family of the Friendly Bake Shop in Frankfort for being selected for a makeover by “The Cake Boss” .

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.

109 – Two communications were received from the Sheriff submitting the monthly reports for January and February 2013. Referred to the Committee on Public Safety and Emergency Management.

110 – A communication was received from the Budget Officer submitting recommendation for award of bid for equipment for Highway Department. Referred to the Committee on Highways.

111 – A communication was received from the Budget Officer submitting recommendation for award of contract for auctioneer services for the County’s In Rem Auction. Referred to the Committee on Ways and Means.

112 – A communication was received from the Budget Officer submitting request for budget amendment in connection with Indigent Legal Services Grant. Referred to the Committee on Ways and Means.

113 – A communication was received from the District Attorney requesting change in salary for position of Victims Service Coordinator. Referred to the Committee on Ways and Means.

114 – A communication was received from the County Treasurer requesting extension of temporary position. Referred to the Committee on Ways and Means.

115 – A communication was received from the Director of Real Property Tax Services requesting approval of a corrected tax roll application over \$2,500. Referred to the Committee on Ways and Means.

116 – A communication was received from the Chairman of the Legislature reappointing Bernard Peplinski to the Regional Fish and Wildlife Management Board. Referred to the Committee on Natural Resources.

117 – A communication was received from the Chairman of the Legislature requesting Vice-Chairman to act in his absence while he is out of town. Placed on file.

118 – A communication was received from the Executive Director of the IDA requesting approval of an application to the Office of Homes and Community Renewal and setting a public hearing. Referred to the Committee on County Planning and Development.

119 – A communication was received from the Acting Director of Public Health requesting agreements in connection with implementation of the Early Intervention Program. Referred to the Committee on Human Resources 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: Hendrix, Russell (2).

Consent Agenda:

- | | | |
|----|---|-------|
| 85 | PUB. SFTY./EMER. MGMT.: Approving monthly reports of Sheriff | VOICE |
| 86 | NAT. RES.: Setting date for Notice of Public Review of Agricultural District No. 1 | VOICE |
| 87 | NAT. RES.: Setting public hearing on annual 30 day period for inclusion in an agricultural district | VOICE |

No. 85

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT APPROVING MONTHLY REPORTS OF SHERIFF

WHEREAS, your Public Safety & Emergency Management Committee, to which was referred the reports of the Sheriff for the months of January and February, 2013, respectfully report that we have examined said reports, recommend that they be approved and offer the following Resolution:

RESOLVED, that the report of the Herkimer County Sheriff for the month of January, 2013, which report reflects an average daily population of 77.66 inmates, with an average of 49.73 inmates being boarded out in January, and the report for the month of February, 2013, which report reflects an average daily population of 74.13 inmates, with an average of 48.10 inmates being boarded out in February, be approved and filed.

Dated: April 3, 2013.

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

No. 86

RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES SETTING DATE FOR NOTICE OF PUBLIC REVIEW OF AGRICULTURAL DISTRICT NO. 1

WHEREAS, this Legislature has been advised by communication 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. 1 in the Towns of Schuyer, Newport, Herkimer and Frankfort; 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. 1, on or before the 9th day of April, 2013; 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: April 3, 2013.

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

No. 87

**RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES SETTING
PUBLIC HEARING ON ANNUAL THIRTY-DAY PERIOD FOR 2013 FOR INCLUSION
OF VIABLE AGRICULTURAL LAND WITHIN A CERTIFIED AGRICULTURAL
DISTRICT**

WHEREAS, Section 303-b of the Agriculture and Markets Law provides that the County Legislature of a county containing a certified agricultural district must designate an annual 30 day period within which a landowner may submit a request for inclusion of land which is predominately viable agricultural land within a certified agricultural district; and

WHEREAS, Resolution No. 146 adopted by this Legislature on May 19, 2004 set the annual 30 day period from January 1 through January 31 of each year; and

WHEREAS, pursuant to statute, requests received during said 30 day period for 2013 were referred to the County Agricultural and Farmland Protection Board for their recommendation, and reports are now ready to be made and a public hearing held; now, therefore, be it

RESOLVED, that a Public Hearing be held on the 24th of April, 2013 at 7:15 p.m. on the Annual 30-day Period for Additions to Agricultural Districts for the year 2013; and, be it further

RESOLVED, that the Clerk of this Legislature give proper notice thereof pursuant to Section 303-b of the Agriculture and Markets Law of the State of New York; and, be it further

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

Dated: April 3, 2013.

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

No. 88

**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES
APPOINTING MEMBER TO REGIONAL FISH AND WILDLIFE MANAGEMENT
BOARD**

RESOLVED, that the reappointment of Bernard Peplinski, Sr., 793 State Rte. 51, Ilion, New York, as landowner representative to the Regional Fish and Wildlife Management Board, made by the Chairman of the Legislature, by letter dated March 28, 2013, be and hereby is, ratified and confirmed, which term shall expire on December 31, 2014; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Regional Supervisor of Fish and Wildlife at Region 6 of the New York State Department of Environmental Conservation and Bernard Peplinski, Sr.

Dated: April 3, 2013.

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

On motion of Mr. Ackerman, seconded by Mr. Shaw, Report and Resolution No. 89 of the Committee on Highways rejecting bid and awarding bid for equipment for Herkimer County Highway Department was handed up; was voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Hendrix, Russell (2).

REPORT AND RESOLUTION OF THE COMMITTEE ON HIGHWAYS REJECTING BID AND AWARDING BID FOR EQUIPMENT FOR HERKIMER COUNTY HIGHWAY DEPARTMENT

WHEREAS, by letter dated March 26, 2013, the Budget Officer/Purchasing Agent has advised that bids were received, opened and read in accordance with law for the provision of a new diesel powered brush chipper for the Herkimer County Highway Department; and

WHEREAS, after review of the bid it is the recommendation of the County Highway Superintendent and your Committee that the low bid of Abele Tractor and Equipment Co. be rejected because it offered a chipper drum and not the chipper disc required by the specifications; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby rejects the bid of Abele Tractor and Equipment Co, 72 Everett Road, Albany, NY 12205 for the provision of a new diesel powered brush chipper for the Herkimer County Highway Department, because it offered a chipper drum and not the chipper disc required by the specifications; and, be it further

RESOLVED, that the Herkimer County Legislature hereby awards a bid to the only other bidder, Bobcat of Central New York (Thompson and Johnson Equipment Corp.), 6929 Fly Road, East Syracuse, NY 13057, in the amount of \$44,025.25 net after trade-in of \$7,500.00; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute said contract after 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, County Superintendent of Highways, Abele Tractor and Equipment Co. and Bobcat of Central New York (Thompson and Johnson Equipment Corp).

Dated: April 3, 2013.

BRUCE WEAKLEY
DENNIS KORCE
PATRICK E. RUSSELL
RAYMOND SMITH
BERNARD PEPLINSKI
FREDERICK J. SHAW, JR.
Committee on Highways

On motion of Mr. Korce, seconded by Mr. Ackerman, Report and Resolution No. 90 of the Committees on Ways and means correcting tax roll in the Town of Herkimer was handed up; voted on and adopted by roll call vote:

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

Against: None.

Absent: Hendrix, Russell (2).

No. 90

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS & MEANS
CORRECTING TAX ROLL IN THE TOWN OF HERKIMER**

WHEREAS, by letter dated March 12, 2013 from Beth Sadlon, Director of Real Property Tax Services, this Legislature is informed that an error was made on the 2013 Tax Roll of the Town of Herkimer on property listed below in that a village tax had been improperly levied on the premises which was then releived onto the 2013 Town and County tax bill and;

WHEREAS, application has been made to correct said tax roll by the cancellation of said tax bill; 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 an error exists in the tax roll for the Town of Herkimer for the parcel listed below:

Town: Herkimer
Tax Map No. 120.33-3-57
Amount Billed: \$2,800.29

Owner: Residential Alternatives, Inc.
Location: 342 S. Main St., Herkimer, NY
Corrected Tax: \$-0-

2. That this Legislature approves the application to correct the error by making notation on the application and the copies thereof that the application is approved and by entering thereon the correct amount 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 Director of Real Property Tax Services, the Herkimer County Treasurer, the tax collector of the Town of Herkimer and the above listed applicant.

Dated: April 3, 2013.

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

On motion of Mrs. Shaw, seconded by Mr. Hyde, Report and Resolution No. 91 of the Committee on Human Resources and the Committee on Ways and Means authorizing escrow agreement with New York State Department of Health for Early Intervention Program was handed up; voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Hendrix, Russell (2).

No. 91

REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING ESCROW AGREEMENT WITH NEW YORK STATE DEPARTMENT OF HEALTH FOR EARLY INTERVENTION PROGRAM

WHEREAS, by letter March 26, 2013, Sue DeNinno, Supervising Community Health Nurse, has requested the establishment of an escrow account with the New York State Department of Health for the Early Intervention Program; and

WHEREAS, your Committees have been advised that the State of New York has revised the method of payment of Early Intervention Program costs so that the State Department of Health will contract with a fiscal agent for that Department and municipalities with respect to the fiscal management and payment of early intervention claims; and

WHEREAS, the State is further requiring that municipalities enter into an escrow agreement with the State into which each municipality must deposit one-twelfth of its annual costs, and once this account is established the State can then draw from this escrow account to

pay for services such as physical therapy, occupational therapy, speech therapy, etc., with an initial start up amount estimated at \$15,873.61; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is authorized to enter into an escrow agreement with the New York State Department of Health in connection with the Early Intervention Program effective April 1, 2013, under the above terms and conditions.

Dated: April 3, 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 Mrs. Maneen, Report and Resolution No. 92 of the Committees on Human Resources and Ways and Means authorizing agreement with New York State Department of Health for provision of service coordination in connection with Early Intervention Program was handed up; was voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Hendrix, Russell (2).

No. 91

REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING ESCROW AGREEMENT WITH NEW YORK STATE DEPARTMENT OF HEALTH FOR EARLY INTERVENTION PROGRAM

WHEREAS, by letter March 26, 2013, Sue DeNinno, Supervising Community Health Nurse, has requested the establishment of an escrow account with the New York State Department of Health for the Early Intervention Program; and

WHEREAS, your Committees have been advised that the State of New York has revised the method of payment of Early Intervention Program costs so that the State Department of Health will contract with a fiscal agent for that Department and municipalities with respect to the fiscal management and payment of early intervention claims; and

WHEREAS, the State is further requiring that municipalities enter into an escrow agreement with the State into which each municipality must deposit one-twelfth of its annual costs, and once this account is established the State can then draw from this escrow account to pay for services such as physical therapy, occupational therapy, speech therapy, etc., with an initial start up amount estimated at \$15,873.61; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is authorized to enter into an escrow agreement with the New York State Department of Health in connection with the Early Intervention Program effective April 1, 2013, under the above terms and conditions.

Dated: April 3, 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. Johnson, seconded by Mr. Peplinski, Report and Resolution No. 93 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; discussion was held; was voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Hendrix, Russell (2).

Abstain: Hartman (1).

No. 93

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 2, 2013, from Mark D. Feane, Executive Director of the Herkimer County Industrial Development Agency, this Legislature is advised of the proposed submission of an applications for Economic Development Assistance to the Office of Homes and Community Renewal for the projects listed below; and

WHEREAS, it is necessary that a public hearing 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 sign and certify the necessary documents in support of the county proposal to submit an application for assistance to the Office of Community Renewal for the projects listed below; and, be it further

RESOLVED, that a public hearing be held by the Committee on County Planning and Development on the 24th day of April, 2013 at 7:00 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 Homes and Community Renewal. The projects are:

- In conjunction with UNHS Neighborhood Works Homeownership Center, \$600,000 to Rehab or Replace manufacturing housing units for 20 L/M income households.
- Burrows Paper Corp. Equipment Upgrade \$90,000 as part of a \$27,000,000 project.
- Northern Safety Inc. Expansion Project \$265,000 as part of a \$1,780,000 project.
- Ruby Lake Glass LLC. Economic Development Project \$86,000 as part of \$250,000 project.
- Hummel's Office Equipment Co. \$45,000 as part of a \$625,000 project.

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 3, 2013.

BERNARD PEPLINSKI, SR.
RAYMOND SMITH
PATRICK E. RUSSELL
FREDERICK J. SHAW
KURT J. ACKERMAN
RAYMOND JOHNSON
**Committee on County Planning and
Development**

On motion of Mr. Korce, seconded by Mr. Ackerman, Report and Resolution No. 94 of the Committees on Ways and Means for extension of temporary position in County Treasurer's Department was handed up; discussion was held; was voted on and adopted by roll call vote:

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

Against: None.

Absent: Hendrix, Russell (2).

No. 94

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS FOR
EXTENSION OF TEMPORARY POSITION IN COUNTY TREASURER'S
DEPARTMENT**

WHEREAS, by Resolution No. 186 adopted August 15, 2012, this Legislature authorized a temporary position to complete necessary training in the County Treasurer's Office at the rate of \$21.10 per hour, not to exceed 150 hours for 2012, which position was extended by Resolution No. 6 adopted January 9, 2013 for not to exceed 30 hours through June 1, 2013; and

WHEREAS, by letter dated March 20, 2013, Kimberlee A. Enea, Herkimer County Treasurer, has advised that all of the allotted hours have been used for 2013 and requests an additional 35 hours be authorized in order to complete the 2012 Audit; and

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

RESOLVED, that the temporary position in the Herkimer County Treasurer's Office established pursuant to Resolution No. 186 dated August 15, 2012 as extended by Resolution No. 6 dated January 9, 2013 be and hereby is extended for an additional 35 hours, at the rate of \$21.10 per hour, through June 1, 2013; and, be it further

RESOLVED, that said change shall be retroactive to March 20, 2013; and, be it further

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

Dated: April 3, 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. 95 of the Committee on Ways and Means amending 2013 Budget in connection with Indigent Legal Services Grant was handed up; discussion was held, was voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Hendrix, Russell (2).

No. 95

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
AMENDING 2013 BUDGET IN CONNECTION WITH INDIGENT LEGAL SERVICES
GRANT**

WHEREAS, by letter dated March 25, 2013 from the Budget Officer and Purchasing Agent, this Legislature is advised that it is necessary to amend the 2013 Budget in connection with the extension and implementation of an Indigent Legal Services Grant; now, therefore, be it

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

Revenue:

A1170A.3089F Indigent Legal Serv. Grant	From: \$0
	To: \$9,780

Appropriation

A1170A.41000 Ind. Legal. Serv., Supplies	From: \$0
	To: \$3,250
A1170A.44000 Ind. Legal. Serv., Cont. Services	From: \$0

A1170A.46000 Ind. Legal. Serv., Misc. Expenses To: \$5,200
From: \$0
To: \$1,330

And, be it further

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

Dated: April 3, 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. Johnson, Report and Resolution No. 96 of the Committee on County Properties authorizing contract with auctioneer for the In Rem Sale was handed up; discussion was held; Mrs. Rose made a motion, seconded by Mr. Hartman, to table the resolution for one month; the motion was defeated by a roll call vote requested by Mrs. Rose:

For: Hartman, Rose, Brezinski (3).

Against: Schrader, Maneen, Johnson, Hyde, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Shaw, Weakley (12).

Absent: Hendrix, Russell (2).

Resolution No. 96 was then adopted by a roll call vote requested by Mrs. Rose:

For: Schrader, Maneen, Johnson, Hyde, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Shaw, Weakley (12).

Against: Hartman, Rose, Brezinski (3).

Absent: Hendrix, Russell (2).

No. 96

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PROPERTIES
AUTHORIZING CONTRACT WITH AUCTIONEER FOR IN REM SALE**

WHEREAS, the County of Herkimer conducts a yearly auction of parcels which, as a result of the County's annual In Rem Tax Foreclosure Proceedings, become titled in the County of Herkimer; and

WHEREAS, by letter dated March 26, 2013, Bernard Decker, Budget Officer, has advised that requests for proposals were received for auctioneer services for the annual In Rem Auction, and, it is the recommendation of your Committee that a five year contract, commencing with the 2013 auction year, be entered into with Michael W. Knapp, Jr. of the Town of Schuyler to perform said services; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a five year contract with Michael W. Knapp, Jr., 2 Sunnybrook Lane, Utica, NY 13502, to conduct the auction for the In Rem Tax Foreclosure parcels for the year 2011 through 2016, in the amount of \$350 per parcel listed for sale on the day of the auction, with said contract to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that the auctioneer shall assume responsibility for photographing In Rem parcels, designing of a brochure including photographs and posting the same on the auctioneer's website to be available to bidders over the internet, with the auctioneer also to arrange for and conduct inspections of parcels by prospective bidders, to register bidders at the auction sale and handle all bookkeeping duties, to answer appropriate questions by prospective bidders prior to the auction, to provide for a powerpoint presentation of auction parcels including photographs to be printed on the screen at the auction site; and with the County to pay for the cost of printing the above brochure, to be responsible for all advertising costs, to collect and handle all proceeds of the sale, together with such other and further provisions as are approved 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, County Attorney and Michael W. Knapp, Jr.

Dated: April 3, 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 Mrs. Maneen, Resolution No. 97 of the Committee on Administration/Veterans Affairs authorizing home rule request was handed up; was voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Absent: Hendrix, Russell (2).

No. 97

**RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS AFFAIRS
AUTHORIZING HOME RULE REQUEST**

WHEREAS, legislation has been introduced in the New York State Senate and the New York State Assembly entitled, “AN ACT to amend the public officers law, in relation to residency requirements for Public Health Director in the County of Herkimer”

In the Assembly	A.5666
In the Senate	S.3949

and

WHEREAS, it is now necessary to make a Home Rule Request pursuant to the Municipal Home Rule Law; now, therefore, be it

RESOLVED, that this Legislature hereby authorizes that a Home Rule Request be made, pursuant to Section 40 of the Municipal Home Rule Law, by the appropriate county officers and filed as required by said statute with the New York State Legislature.

Dated: April 3, 2013.

JEAN E. MANEEN
BRUCE WEAKLEY
FREDERICK J. SHAW
ROBERT N. HYDE
PETER F. MANNO
RAYMOND JOHNSON
**Committee on Administration/
Veterans Affairs**

On motion of Mrs. Maneen, seconded by Mr. Shaw, Report and Resolution No. 98 of the Committee on Administration/Veterans’ Affairs and the Committee on Ways and Means requesting legislation authorizing the extension of the additional sales and compensating use tax was handed up; discussion was held; Mrs. Rose made a request, seconded by Mr. Hartman, to amend the resolution to partition for a separate vote on the one quarter percent sales tax request

and a separate vote on the ¼ percent sales tax request. The amendment was voted on and defeated by roll call vote as requested by Mrs. Rose:

For: Hartman, Rose, Brezinski, Korce (4).

Against: Schrader, Maneen, Johnson, Hyde, Manno, Smith, Bono, Ackerman, Peplinski, Shaw, Weakley (11).

Absent: Hendrix, Russell (2).

Resolution No. 98 was then voted on by a roll call vote requested by Mrs. Rose:

For: Schrader, Maneen, Johnson, Hyde, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Shaw, Weakley (12).

Against: Hartman, Rose, Brezinski (3).

Absent: Hendrix, Russell (2).

No. 98

RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS' AFFAIRS AND THE COMMITTEE ON WAYS AND MEANS REQUESTING LEGISLATION AUTHORIZING THE EXTENSION OF THE ADDITIONAL SALES AND COMPENSATING USE TAX

WHEREAS, the Legislature of the State of New York adopted and the Governor signed into law as Chapter 226 of the Laws of 2011 authorization for the County of Herkimer to extend the imposition of an additional One and One Quarter Percent (1 ¼ %) sales and compensating use tax for the period beginning December 1, 2011 and ending November 30, 2013; and

WHEREAS, in order for this additional sales and compensating use tax to be extended new legislation by the Legislature of the State of New York shall be required; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby requests its Assemblymen and Senators to introduce into the New York State Legislature bills which would seek a two year extension and amendment of the statutory authorization for Herkimer County to impose an additional 1 ¼% sales and compensating use tax , with the new period to commence December 1, 2013, and with the additional ¼% to be dedicated to the costs of the construction and financing of a new correctional facility; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Senator James L. Seward, Senator Hugh T. Farley, Assemblyman Marc W. Butler, Assemblyman Claudia Tenney and Assemblyman Anthony J. Brindisi.

Dated: April 3, 2013.

JEAN E. MANEEN
BRUCE WEAKLEY
FREDERICK J. SHAW
ROBERT N. HYDE
PETER F. MANNO
RAYMOND JOHNSON
Committee on Administration/
Veterans' affairs

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

Chairman Bono stated that pursuant to Rule 6(12) they would proceed with comments by legislators. The following legislators had further comments: Peter Manno, Dennis Korce, John Brezinski.

On 3:05 p.m on motion of Mr. Manno, seconded by Mr. Hyde, the Legislature adjourned to Wednesday, April 24, 2013 at 7:30 p.m.