

**MINUTES**  
**Herkimer County Legislature**  
**Third Quarter – Second Day**  
**Wednesday, August 14, 2013**  
**7:30 p.m.**

The Regular Session of the Herkimer County Legislature was called to order by Chairman Vincent J. Bono at 7:32 p. m.

Chairman Bono called on Legislator Hendrix, to lead the Legislature in the Pledge of Allegiance.

Chairman 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.

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

Present: Hartman, Rose, Schrader, Maneen, Johnson, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (17).

Absent: None.

Chairman Bono dispensed with the regular order of the session and called upon Bill VanGorder of Mang Insurance, to make a presentation. Mr. VanGorder gave an update on the recent positive actuarial review of NYMIR insurance and advised that the County will be receiving two checks in the total amount of \$24,125 for return of capital contribution. Mr. VanGorder also presented an American flag to Chairman Bono on behalf of the NYMIR in recognition of their 20<sup>th</sup> Anniversary.

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 July 3, 2013 and August 8, 2013. There were none and they were ordered approved.

Pursuant to Rule 11, Chairman Bono opened the floor for public comment. The following individual spoke at the public comment period on the following subject matter - John Pedone, Frankfort, NY - Pumpkin Patch.

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. Mr. Manno requested Communication No. 233 be read.

No. 229– A communication was received from the Sheriff submitting the monthly report for June. Referred to the Committee on Public Safety/Emergency Management.

No. 230 – A communication was received from the County Auditor submitting report of refunds of taxes made for June. Referred to the Committee on Ways and Means.

No. 231 – A communication was received from ProAct, Inc. submitting the report of the Herkimer County Discount Prescription Card for June. Placed on file.

No. 232 – A communication was received from the Historical Society expression appreciation for county's allocation. Placed on file.

No. 233 – A communication was received from the Town of Schuyler expressing opposition to proposed transmission lines. Placed on file.

No. 234 – A communication was received from the New York State Office for Aging advising of notice of grant award for HICAP program. Placed on file.

No. 235 – A communication was received from the Soil and Water Conservation District submitting minutes for June 11 and July 9, 2013 meetings. Placed on file.

No. 236 – A communication as received from Congressman Hanna submitting support of Governor's major disaster declaration request. Placed on file.

No. 237 – A communication was received from Assemblyman Butler acknowledging receipt of resolution opposing state legislation concerning boater safety certificate requirements. Placed on file.

No. 238 – A communication was received from Assemblyman Butler acknowledging receipt of resolution opposing early voting legislation. Placed on file.

No. 239 – A communication was received from the Town of Schuyler submitting copy of declaration of state of emergency. Placed on file.

No. 240 – A communication was received from Assemblywoman Tenney submitting letter requesting assistance from State Division of Homeland Security for flooding damage. Placed on file.

No. 241 – A communication was received from the Budget Officer requesting budget amendment in connection with Public Health Preparedness (Bioterrorism) Grant. Referred to the Committee on Human Resources and Ways and Means.

No. 242 – A communication was received from the Budget Officer requesting budget amendment in connection with receipt of funding for Youth Violence Prevention Program. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

No. 243 – A communication was received from the Personnel Officer submitting 2014 Annual Estimate and Apportionment for Herkimer County Self-Insured Workers' Compensation Plan. Referred to the Committee on Ways and Means.

No. 244 – A communication was received from the Budget Officer submitting request for appropriation of funds for Sewer District. Referred to the Committees on Natural Resources and Ways and Means.

No. 245 – A communication was received from the Commissioner of Social Services requesting acceptance of funding and renewal of contract with Catholic Charities in connection with provision of non-residential domestic violence services. Referred to the Committee on Human Resources and Ways and Means.

No. 246 – A communication was received from the Budget Officer requesting award of bid for provision of at-the-pump fuel for county departments. Referred to the Committee on Ways and Means.

No. 247 – A communication was received from the Executive Director of the Youth Bureau requesting contracts with agencies for the 2013 Program Year. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

No. 248 – A communication was received from the Commissioner of Social Services requesting authorization to submit plan and renew contract in connection with the Supervision and Treatment Services for Juveniles Program. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 249 – A communication was received from the Director of Community Services submitting the July activities update of the Mental Health Services Department. Placed on file.

No. 250 – A communication was received from the Superintendent of Highways requesting approval of bridge replacement project and procedures as required by Eminent Domain Procedure Law. Referred to the Committee on Highways.

No. 251 – A communication was received from the New York State Office of Real Property Tax Services submitting equalization rates. Referred to the Committee on Ways and Means.

No. 252 – A communication was received from Capital District OTB submitting financial reports for May and June 2013. Placed on file.

No. 253 – A communication was received from the Director of the Employment and Training Administration requesting an appointment to the Workforce Investment Board. Referred to the Committee on County Planning and Development.

No. 254 – A communication was received from the Director of Emergency Services requesting acceptance of Homeland Security Grant. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 255 – A communication was received from the Acting Director of Public Health requesting acceptance of Healthy Families Grant. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 256 –A communication was received from the Budget Officer requesting an appropriation of funds from the Contingency Fund. Referred to the Committee on Natural Resources and the Committee on Ways and Means.

No. 257 – A communication was received from Herkimer-Oneida Counties Comprehensive Planning Program concerning modifications to Hurricane Irene Flood Mitigation Project. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

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

Chairman Bono proceeded with the Consent Agenda; Mrs. Rose requested Resolution No. 178 be removed from the consent agenda; on motion of Mr. Hendrix, seconded by Mr. Weakley, Report and Resolution No. 178 of the Committee on Public Safety and Emergency Management approving the monthly report of the Sheriff was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (16).      Against: Rose (1).

Absent: None.

No. 178

**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 June, 2013, 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 June, 2013, which report reflects an average daily population of 87.20 inmates, with an average of 58.40 inmates being boarded out in June, be approved and filed.

Dated: August 14, 2013.

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

Mr. Hartman requested Resolution No. 181 be removed from the consent agenda; on motion of Mr. Shaw, seconded by Mr. Weakley, Report and Resolution No. 181 of the Committee on County Planning and Development concerning membership on the Workforce Investment Board was handed up; discussion was held; Mr. Russell made a motion, seconded by Mrs. Rose, to table the resolution. The motion to table was approved by voice vote:

For: Ayes: (11).                      Against: Johnson, Bono, Peplinski, Korce, Shaw, Weakley  
(6).

Absent: None.

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

For: Ayes (17).                      Against: None.

Absent: None.

**Consent Agenda:**

- 179    WAYS & MEANS: Approving 2013 Annual Estimate and Apportionment for the Herkimer County Worker's Compensation Self-Insured Plan
- 180    CO. PLANNING & DEV., WAYS & MEANS: Amending Budget in connection with Funding for Youth Violence Prevention Program

No. 179

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
APPROVING 2014 ANNUAL ESTIMATE AND APPORTIONMENT FOR THE  
HERKIMER COUNTY WORKER'S COMPENSATION SELF-INSURED PLAN**

WHEREAS, your Committee has received from Steven R. Billings, Personnel Officer, the 2014 Annual Estimate and Apportionment for the Herkimer County Worker's Compensation Self-Insured Plan for the purposes of tail claims run-off; and

WHEREAS, your Committee on Ways and Means has considered said Estimate and Apportionment and has approved the same; now, therefore, be it

RESOLVED, that this Legislature hereby approves the Annual Estimate and Apportionment of the Herkimer County Worker's Compensation Self-Insured Plan for the purposes of tail claims run-off for the year 2014; and, be it further

RESOLVED, that a certified copy of this Resolution be forwarded to the Personnel Officer.

Dated: August 14, 2013.

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

No. 180

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AND THE COMMITTEE ON WAYS AND MEANS AMENDING BUDGET IN CONNECTION WITH FUNDING FOR YOUTH VIOLENCE PREVENTION PROGRAM**

WHEREAS, by letter dated August 2, 2013 from the Budget Officer and Purchasing Agent, this Legislature is advised that it is necessary to amend the 2013 Budget in connection with funding received from the NYS Office of Children and Family Services for the Youth Violence Prevention Program; now, therefore, be it

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

Revenue:

A7310B.2350B, Youth Violence Prevention	From:	\$0
	To:	\$7,768.00

Appropriations:

A7310B.44000 Youth Violence Prev. – Contracted Services	From:	\$2,066.11
	To:	\$9,834.11

And, be it further

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

Dated: August 14, 2013.

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

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. Hyde, seconded by Mr. Shaw, Report and Resolution No. 182 of the Committee on Ways and Means and the Committee on Natural Resources appropriating funds in the Herkimer County Sewer District was handed up; was voted on and adopted by roll call vote:

For: Hartman, Rose, Schrader, Maneen, Johnson, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

No. 182

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AND  
THE COMMITTEE ON NATURAL RESOURCES APPROPRIATING FUNDS IN THE  
HERKIMER COUNTY SEWER DISTRICT**

WHEREAS, by letter dated August 2, 2013, Bernard E. Decker, Budget Officer, has advised this Legislature that there are sufficient funds in Account G870 - Sewer District Repair Reserve, to allow for an appropriation to be used to cover main transformer emergency repair expenses at the Herkimer County Sewer District; now, therefore, be it

RESOLVED, that the sum of \$5,700.00 is hereby appropriated as follows:

\$5,700.00 From: G870, Sewer District Repair Reserve,

To: G8130.44000-525, Waste Water Treatment Plant - Contracted Services, Repairs;  
and, be it further

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

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

Dated: August 14, 2013.

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

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. Shaw, Report and Resolution No. 183 of the Committee on Highways authorizing proposed highway project, authorizing public hearing and contract for appraisal in connection with said project was handed up; was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 183

**REPORT AND RESOLUTION OF THE COMMITTEE ON HIGHWAYS  
AUTHORIZING PROPOSED HIGHWAY PROJECT, AUTHORIZING PUBLIC  
HEARING AND CONTRACT FOR APPRAISAL IN CONNECTION WITH SAID  
PROJECT**



WHEREAS, by communication dated July 30, 2013, the County Superintendent of Highways has advised of one highway project under the capital construction program to be done with county road fund monies during the years 2013-2014; and

WHEREAS, in connection with said project it is necessary to acquire certain parcels of land for right of way (ROW) and purchasing a private structure for demolition; and

WHEREAS, it is required by the statutes of the State of New York that a public hearing be conducted at a location reasonably accessible to the property owners whose property might be acquired, said public hearing to be conducted to inform the public and to review the public use to be served and further to consider the impact on the environment and the residents of the localities; and

WHEREAS, it is also required by statutes of the State of New York that an appraisal-estimate of value be obtained for said property to be acquired; and

WHEREAS, it is required by the statutes of the State of New York that after the approval of such appraisals-estimates by the County, offers be made in approved amounts to the owners of said parcels in an attempt to negotiate said acquisition by purchase; now, therefore, be it

RESOLVED, that this Legislature hereby approves the following project and directs the Superintendent of Highways to prepare all necessary plans and specifications therefore:

project no.	road/location	type of project	estimated contracted cost
348	Bush Road, CR 180 Over Sterling Creek (BIN 3308140) Town of Schuyler	Bridge Replacement	\$800,000.00

and, be it further

RESOLVED, that the Superintendent of Highways of the County of Herkimer be, and he hereby is, authorized and empowered to conduct a public hearing at a location to be designated by him, said location to be reasonably accessible to the property owners whose property might be acquired for such project and to give public notices thereof pursuant to Article 2 of the Eminent Domain Procedure Law; and, be it further

RESOLVED, that the Superintendent of Highways, on behalf of the County of Herkimer shall, within ninety days after the conclusion of the public hearing, publish a brief synopsis of the determination and findings pursuant to Article 2 of the Eminent Domain Procedure Law; and, be it further

RESOLVED, that the County Superintendent of Highways is hereby authorized to solicit proposals and the Chairman of the Legislature is authorized and empowered to enter into a

contract for the preparation of the necessary appraisals-estimates of value for land acquisition in connection with the aforesaid project; and, be it further

RESOLVED, that upon completion of the said appraisals-estimates of value, the Committee on Highways be, and hereby is, authorized and empowered to approve such appraisals-estimates of value and to authorize negotiations with the owners on behalf of the County of Herkimer for the purchase of said parcels necessary for this project, and the Chairman of the Legislature is authorized and empowered to enter into contracts for the purchase of said parcels within amounts budgeted for land acquisition; and, be it further

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

Dated: August 14, 2013.

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

On motion of Mr. Peplinski, seconded by Mr. Johnson, Report and Resolution No. 184 of the Committee on County Planning and Development and the Committee on Ways and Means authorizing contracts for the Youth Programs for 2013 was handed up; was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

**No. 184**

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING CONTRACTS FOR THE YOUTH PROGRAMS FOR 2013**

WHEREAS, by letter dated July 17, 2013 from Regina Giacobelli, Executive Director of the Herkimer County Youth Bureau, this Legislature is advised that the New York State Office of Children and Family Services has approved Herkimer County's Resource Allocation Plan (RAP) for 2013, which includes requested State aid in the amount of \$66,786.00; and

WHEREAS, by said letter the Executive Director of the Herkimer County Youth Bureau, advises that the Youth Bureau now desires to enter into contracts for 2013 with local agencies for the implementation of the Youth Development and Delinquency Prevention Program, the Special Delinquency Prevention program and the Runaway and Homeless Youth Program; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute contracts, subject to reimbursement from the State of New York, with the following agencies in the amounts listed:

**Youth Development and Delinquency Prevention, Youth Development and Delinquency Prevention - Youth Initiatives (50% state aid / 50% agency match)**

*contract amounts reflect OCFS funds and agency match*

Little Falls YMCA, School's Out Scholarship Program - \$9,350.00

Little Falls YMCA, Community Service / Youth Volunteer Program - \$5,800.00

Little Falls YMCA, Unsupervised Youth Alternatives - \$6,570.00

***Little Falls Family YMCA, 15 Jackson St, Little Falls NY, 13365***

**Special Delinquency Prevention Programs (SDPP) (100% state aid)**

Catholic Charities of Herkimer County, Domestic Violence Program - \$2,766.00

***Catholic Charities of Herkimer County, 61 West St, Ilion, NY 13357***

KYAC, Kommunity Youth Activities Center - \$1,200.00

***KYAC, Po Box 214, Old Forge, NY 13420***

Center for Family Life and Recovery, Short Term Prevention Services - \$4,000.00

***Center for Family Life and Recovery, 502 Court St., Suite 401, Utica, NY 13502***

**Runaway and Homeless Youth (60% state funding, 20% agency match, 20% county match)**

Catholic Charities of Herkimer County, Runaway and Homeless Youth Program –

\$11,168.00 – state share,

\$3,723.00 Catholic Charities match,

\$3,723.00 Herkimer County match.

Total contract amount = \$18,614.00

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Executive Director of the Herkimer County Youth Bureau and the above listed agencies.

Dated: August 14, 2013.

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

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. 185 of the Committees on Human Resources and Ways and Means accepting grant and authorizing contract in Department of Social Services for Non-Residential Domestic Violence Program was handed up; was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 185

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES  
AND WAYS AND MEANS ACCEPTING GRANT AND AUTHORIZING CONTRACT  
IN DEPARTMENT OF SOCIAL SERVICES FOR NON-RESIDENTIAL DOMESTIC  
VIOLENCE PROGRAM**

WHEREAS, by letter dated August 1, 2013 from Timothy J. Seymour, Commissioner of Social Services, this Legislature is advised of the award of funding in the amount of \$10,083 from the New York State Office of Children and Family Services to expand/enhance core services provided by approved Non-Residential Domestic Violence Services, and further requests a contract be entered into with Catholic Charities of Herkimer County to provide these services; and

RESOLVED, that this Legislature accepts funding from the New York State Office of Children and Family Services and authorizes an agreement between Catholic Charities of Herkimer County, 61 West Street, Ilion, New York, and the Herkimer County Department of Social Services, for the provision of Non-Residential Domestic Violence Services, in the amount of \$10,083.00; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute said contract on behalf of the County of Herkimer, with said contract subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that said program shall continue so long as 100% reimbursement is available from the State of New York; and, be it further

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

Dated: August 14, 2013.

RAYMOND SMITH  
FREDERICK J. 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, SR.  
KURT J. ACKERMAN  
**Committee on Ways and Means**

On motion of Mr. Russell, seconded by Mr. Smith, Report and Resolution No. 186 of the Committee on Ways and Means awarding bid for provision of fuel for county vehicles was handed up; was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 186

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
AWARDING BID FOR PROVISION OF FUEL FOR COUNTY VEHICLES**

WHEREAS, by letter dated August 1, 2013, Bernard E. Decker, Budget Officer/Purchasing Agent, has advised that bids were received, opened and read in accordance with law for the provision of gasoline at the pump (gas cards) for Herkimer County vehicles, exclusive of the Herkimer County Highway Department; and

WHEREAS, after review of the bids it is the recommendation of the Budget Officer/Purchasing that the only bid of Champlain Oil Co., Inc. (COCO-Voyager) at the amount of the Wholesale Reseller Rack price plus \$.09 per gallon, with an additional \$.02 per gallon discount at all Clifford Fuel Nice-N-Easy locations, be accepted; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby awards the bid for the provision of gasoline at the pump (gas cards) for Herkimer County vehicles, exclusive of the Herkimer County Highway Department to Champlain Oil Co., Inc. (COCO-Voyager), 2591 County Road 9, Scio, NY 14880, at the amount of the Wholesale Reseller Rack price plus \$.09 per gallon, with an additional \$.02 per gallon discount at all Clifford Fuel Nice-N-Easy locations; and, be it further

RESOLVED, that said contract shall be for a period of two years from September 13, 2013 through August 31, 2015, with the option of two one- year renewals; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute said contract on behalf of the County of Herkimer, with the terms and conditions of said contract subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that said contract shall be available to other municipalities in Herkimer County, with each municipality to make its own arrangements to administer the contract under the same terms and conditions and at the same price, and duration as Herkimer County including any renewal options; and, be it further

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

Dated: August 14, 2013.

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. Smith, seconded by Mr. Shaw, Report and Resolution No. 187 of the Committees on Human Resources and Ways and Means authorizing plan application and contract in connection with funding for Supervision and Treatment Services for Juveniles Program was handed up; was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 187

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES  
AND WAYS AND MEANS AUTHORIZING PLAN APPLICATION AND CONTRACT**

**IN CONNECTION WITH FUNDING FOR SUPERVISION AND TREATMENT SERVICES FOR JUVENILES PROGRAM**

WHEREAS, pursuant to Resolution No. 163 adopted on June 15, 2011, this Legislature designated the Department of Social Services as the lead agency for the purposes of planning and administering services under the Supervision and Treatment Services for Juveniles Program (STSJP), which is designed to encourage the use of effective alternatives to detention and placement for low and medium risk youth, ensuring that detention is appropriately used for high risk youth; and

WHEREAS, said resolution also authorized the Chairman of the Legislature to sign the annual plan as required for participation in the aforesaid Program; and

WHEREAS, by letter dated July 15, 2013 from Timothy Seymour, Commissioner of Social Services, this Legislature is advised that an application and Annual Plan Proposal has been prepared, with requested funding in the amount of \$81,013, with 62% reimbursement from New York State; and

WHEREAS, said letter further requests that a contract be entered into with Kids Oneida, Inc. for the provision of detention diversion services through the Supervision and Treatment Services for Juveniles Program (STSJP); now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to sign the plan for submission for funding for the Supervision and Treatment Services for Juveniles Program and associated detention services expenditure allocation from the Office of Children and Family Services; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a contract with Kids Oneida, Inc., 310 Main St., Utica, New York, 13501, in the amount of \$81,013.00, for the provision of detention diversion services through the Supervision and Treatment Services for Juveniles Program; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Commissioner of Social Services and Kids Oneida, Inc.

Dated: August 14, 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  
KURT J. ACKERMAN  
**Committee on Ways and Means**

On motion of Mr. Hyde, seconded by Mrs. Maneen, Report and Resolution No. 188 of the Committee on Administration/Veterans Affairs and the Committee on Ways and Means authorizing contract for printing ballots was handed up; was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 188

**REPORT AND RESOLUTION OF THE COMMITTEE ON  
ADMINISTRATION/VETERANS' AFFAIRS AND THE COMMITTEE ON WAYS AND  
MEANS AUTHORIZING CONTRACT FOR PRINTING BALLOTS**

WHEREAS, by letter dated July 19, 2013 from the Commissioners of Elections a request has been made to enter into a contract with Phoenix Graphics, Inc. of Rochester, New York, for provision of Optical scan ballot printing and all attached production related "Value Added" service; and

WHEREAS, per ballot cost to the County for 14" and 17" ballots shall be \$.48 each and the cost per 22" ballot shall be \$.54 each, and said contract shall be for a one year period from June 1, 2013 to May 31, 2014, with three one-year renewal options to be exercised at the option of Herkimer County; now, therefore, be it

RESOLVED, that a contract entered into with Phoenix Graphics, Inc., 1525 Emerson Street, Rochester, New York 14606, for the provision of Optical scan ballot printing for the Herkimer County Board of Elections, with said contract to be for a one period from June 1, 2013 to May 31, 2014, with three one year renewals at the option of the County; and, be it further

RESOLVED, that the Chairman of this Legislature is authorized to execute said contract, with the form of 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 County Treasurer, Auditor, Budget Officer, Commissioners of Elections and Phoenix Graphics, Inc.

Dated: August 14, 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  
KURT ACKERMAN  
**Committee on Ways and Means**

On motion of Mr. Russell, seconded by Mr. Weakley, Report and Resolution No. 189 of the Committee on Human Resources and the Committee on Ways and Means amending budget and authorizing contract in connection with receipt of grant funds for Public Health Emergency Preparedness was handed up; was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 189

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES  
AND WAYS AND MEANS AMENDING BUDGET AND AUTHORIZING CONTRACT  
IN CONNECTION WITH RECEIPT OF GRANT FUNDS FOR PUBLIC HEALTH  
EMERGENCY PREPAREDNESS**

WHEREAS, by letter dated July 8, 2013, from Christina Cain, Acting Director of Public Health, this Legislature is advised of receipt of a Public Health Preparedness (Bioterrorism) Grant for the period from July 1, 2013 to June 14, 2014 in the amount of \$50,825 and requests a contract with the State of New York to provide reimbursement of expenses incurred by Herkimer County in the development of plans under said grant; and

WHEREAS, by letter dated August 2, 2013 from Bernard E. Decker, Budget Officer, this Legislature is advised of a request to amend the 2013 Operating Budget (PH01-11) in connection with the receipt of said funding; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a contract with the State of New York for a Public Health Preparedness (Bioterrorism) Grant for the period from July 1, 2013 to June 30, 2014 in the amount of \$50,825, to provide reimbursement for expenses incurred by Herkimer County in the development of a Public Health Emergency Preparedness Plan; and, be it further

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

<u>Revenue</u>	<u>From</u>	<u>To</u>
A4188.4403, Bioterrorism Grant	\$-0-	\$50,825.00
 <u>Appropriation</u>		
A4188.10000-001, Bioterrorism – Salaries	\$-0-	\$ 2,112.00
A4188.25000, Bioterrorism – Other Equipment	\$ 1,800.00	\$ 2,800.00
A4188.41000, Bioterrorism – Supplies	\$12,459.92	\$28,743.92
A4188.421000-295, Bioterrorism – Cell Phones	\$ 3,547.23	\$ 8,700.23
A4188.42100-298, Bioterrorism – Internet	\$ 1,048.80	\$ 2,608.80
A4188.44000, Bioterrorism – Contracted Services	\$24,746.70	\$47,041.70
A4188.46000, Bioterrorism – Misc. Expense	\$ 3,361.97	\$ 4,361.97
A4188.46100, Bioterrorism – Mileage/Travel	\$ 1,500.00	\$ 1,800.00
A4188.86000, Bioterrorism – Hospitalization	\$-0-	\$ 1,121.00

And, be it further

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

Dated: August 14, 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. Hendrix, Report and Resolution No. 190 of the Committee on Public Safety/Emergency Management in connection with receipt of Homeland Security funding was handed up; was voted on and adopted by voice vote

For: All ayes (17).

Against: None.

Absent: None.

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT IN CONNECTION WITH RECEIPT OF HOMELAND SECURITY FUNDING**

WHEREAS, by letter dated August 7, 2013, from Robert Vandawalker, Director of Emergency Services, this Legislature is advised of the receipt of an FY 2012 Emergency Management Performance Grant (EMPG) from the New York State Division of Homeland Security and Emergency Services in the amount of \$28,569.00; and

WHEREAS, said EMPG funding is offered through the U.S. Office of Homeland Security and administered by the New York State Division of Homeland Security and Emergency Services to assist in funding salaries of emergency management employees at a 50% match; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to complete by electronic signature a contract with the New York State Division of Homeland Security and Emergency Services to receive an FY2012 Emergency Management Performance Grant for Herkimer County in the amount of \$28,569; and, be it further

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

Dated: August 14, 2013.

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

On motion of Mr. Smith, seconded by Mr. Shaw, Report and Resolution No. 191 of the Committee on Human Resources and the Committee Ways and Means accepting grant for Healthy Families Program was handed up; voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS ACCEPTING GRANT FOR HEALTHY FAMILIES PROGRAM**

WHEREAS, by letter dated June 17, 2013, Christina Cain, Acting Director of Public Health, has requested renewal of the grant for the Healthy Families New York Home Visiting Program through the New York State Office of Children & Families Services, which will be used to improve the health and well being of children and families in Herkimer County, and further requests authorization for the Chairman of the Legislature to sign said grant by electronic signature; and

WHEREAS, said grant provides home visiting services to pregnant women and their families, before and after delivery, to improve the health, development and wellness of infants; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to complete by electronic signature a contract with the New York State Department of Health to receive the 2013 Healthy Families Grant for Herkimer County in the amount of \$284,434.00 for the period September 1, 2013 to August 31, 2014; 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: August 14, 2013.

PATRICK E. RUSSELL  
DENNIS KORCE  
RAYMOND SMITH  
BRUCE WEAKLEY  
BERNARD PEPLINSKI, SR.  
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. Peplinski, seconded by Johnson, Report and Resolution No. 192 of the Committee on County Planning and Development and the Committee on Ways and Means amending Resolution No. 261 of 2012 concerning Empire State Development Grant award for Hurricane Irene Flood Mitigation and amending budget was handed up; voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 192

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AND THE COMMITTEE ON WAYS AND MEANS AMENDING RESOLUTION NO. 261 OF 2012 CONCERNING EMPIRE STATE DEVELOPMENT**

**GRANT AWARD FOR HURRICANE IRENE FLOOD MITIGATION AND AMENDING BUDGET**

WHEREAS, by Resolution No. 261 adopted on October 24, 2012, this Legislature authorized acceptance of a grant from the Empire State Development Corporation for the establishment of a Hurricane Irene-Tropical Storm Lee Flood Mitigation Program, which program would provide assistance to counties to design and implement flood mitigation and flood control projects in creeks, streams and brooks; and

WHEREAS, pursuant to said Resolution No. 261 of 2012, the County would act as a pass through entity for these grant funds, and with the respective municipalities in which the projects will take place being responsible for satisfactory completion of all phases of the projects, and with the County being held harmless for any liability in connection with such projects; and

WHEREAS, by letter dated July 2, 2013 from the Herkimer-Oneida Counties Comprehensive Planning Program this Legislature is advised that a few municipalities within Herkimer County have chosen not to pursue projects through the Hurricane Irene Flood Mitigation Program, and that certain projects currently underway or that have been completed, have had project costs in excess of the original estimates; and

WHEREAS, by letter dated August 9, 2013 from the Budget Officer/Purchasing Agent, this Legislature is advised that it is necessary to amend the 2013 Herkimer County Budget in connection with said funding modifications; now, therefore, be it

RESOLVED, that Resolution No. 261 adopted on October 24, 2012 is hereby amended in the Third Whereas Clause to delete Nos. 1 through 8 and replace with the following:

<u>Project</u>	<u>Municipality</u>	<u>Original Est Project Cost</u>	<u>Revised Est. Project Cost</u>
1. Edgebrook Estates (DSR-H-TF-02) (discontinued)	T. Frankfort	\$ 34,950	\$ 0
2. Avery Road (DSR-H-TF-03)	T. Frankfort	\$ 41,280	\$ 41,280
3. Acme Rd (DSR-H-TF-04) (discontinued)	T. Frankfort	\$ 47,100	\$ 0
4. Steele Crk/Rt 51 (DSR-H-VI-01)	V. Ilion	\$ 140,000	\$ 140,000
5. Moyer Crk/Power Fac (DSR-H-VF-03) (discontinued)	V. Frankfort	\$ 32,016	\$ 0
6. Ronald Rd (DSR-H-VH-01) (actual)	V. Herkimer	\$ 35,430	\$ 44,591
7. Fulmer Creek (Rt 168)	T. G Flatts/V. Mohawk	\$ 250,000	\$ 325,500
8. Steele Creek (English St)	V. Ilion	\$ 249,657	\$ 249,657

and, be it further

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

Revenue:

A8746.3989, State Aid, Flood Mitigation  
\$574,346

From:

To: \$582,351

Appropriation

A8746.44000, Flood Mitigation, Cont. Serv.  
\$574,346

From:

To: \$582,351

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Empire State Development, NYSDEC and the above listed municipalities.

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

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. Weakley, Report and Resolution No. 193 of the Committee on Natural Resources and Ways and Means appropriating funds from Contingency Fund was handed up; discussion was held; was voted on and adopted by roll call vote:

For: Hartman, Rose, Schrader, Maneen, Johnson, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

No. 193

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AND  
NATURAL RESOURCES APPROPRIATING FUNDS FROM CONTINGENCY FUND**



**RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS AND MEANS APPOINTING DIRECTOR OF PUBLIC HEALTH**

WHEREAS, by Resolution No. 180 of 1987 the position of Director of Public Health was established for the County of Herkimer; and

WHEREAS, by Resolution No. 288 of 2012 Christina Cain of Dolgeville, New York, was appointed as Acting Director pending appointment of a permanent replacement; and

WHEREAS, on July 31, 2013, the Governor signed legislation amending the Public Officers Law to allow the County of Herkimer to appoint a public health director who is a resident either of Herkimer County or an adjoining county; and

WHEREAS, Christina Cain of 310 Lotville Road, Dolgeville, New York, is a resident of the adjoining County of Fulton; now, therefore, be it

RESOLVED, that Christina Cain, 310 Lotville Road, Dolgeville, New York, is hereby appointed as Director of Public Health, effective immediately, upon the condition that she shall complete all requirements of the New York State Department of Health for such permanent appointment, at the base annual salary set forth for said position in the 2013 Herkimer County Salary Schedule; and, be it further

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

Dated: August 14, 2013.

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

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

Mrs. Cain expressed her appreciation to the Legislature and to Mr. Wallace and Mr. Billings for their guidance and looked forward to serving as Director of Public Health.



On motion of Mrs. Maneen, seconded by Mr. Shaw, Resolution No. 195 of the Committee on Administration/Veterans' Affairs and the Committee on Highways requesting state assistance for streams, creeks and waterways damaged in the floods of June/July 2013 was handed up; discussion as held; was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 195

**RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS' AFFAIRS AND HIGHWAYS REQUESTING STATE ASSISTANCE FOR STREAMS, CREEKS AND WATERWAYS DAMAGED IN THE FLOODS OF JUNE/JULY 2013**

WHEREAS, the June/July 2013 storms have created peak flooding conditions and have altered many creeks, streams and waterways throughout Herkimer County and the high water flows have eroded banks, clogged stream channels with gravel and debris and altered stream alignments; and

WHEREAS, these conditions have impacted private and public facilities and will have a direct affect on surrounding communities; and

WHEREAS, in order to alleviate these problems a comprehensive plan is needed to evaluate these waterways and develop a mitigation program to clean them, remove debris and restore all waterways which have been altered from high water flows; and

WHEREAS, Herkimer County does not have the manpower or funding resources to address the massive devastation caused by these storms; now, therefore be it

RESOLVED, that the County of Herkimer hereby requests the State of New York to complete a comprehensive plan to evaluate these waterways and develop a mitigation program to clean them, remove debris and restore all waterways that have been altered by the water flows; and, be it further

RESOLVED, that Herkimer County also requests that New York State provide funding to implement a stream/waterway restoration program in accordance with such comprehensive plan; and, be it further

RESOLVED, that certified copies be forwarded to the Superintendent of Highways, Governor Andrew M. Cuomo, Congressman Bill Owens, Congressman Richard Hanna, Senator James L. Seward, Senator Hugh T. Farley, Assemblyman Marc W. Butler, Assemblyman Anthony J. Brindisi, Assemblywoman Claudia Tenney, U.S. Army Corps of Engineers, NYS Department of Environmental Conservation and NYSAC.

Dated: August 14, 2013.

JEAN E. MANEEN

BRUCE WEAKLEY  
FREDERICK J. SHAW, JR.  
ROBERT N. HYDE  
PETER F. MANNO  
RAYMOND JOHNSON  
**Committee on Administration/Veterans' Affairs**

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

On motion of Mr. Manno, seconded by Mr. Brezinski and Mr. Bono, Resolution No. 196 of the Committee on Administration/Veterans' Affairs opposing proposed construction of additional above ground high voltage transmission lines in Herkimer County was handed up; discussion was held; was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 196

**RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS' AFFAIRS OPPOSING PROPOSED CONSTRUCTION OF ADDITIONAL ABOVE GROUND HIGH VOLTAGE TRANSMISSION LINES IN HERKIMER COUNTY**

WHEREAS, by Resolution No. 198 of 2006, this Legislature opposed the construction of An above ground High Voltage Transmission Line as proposed by New York Regional Interconnect; and

WHEREAS, this Legislature has been advised of new proposals for construction of above ground high voltage transmission lines in Herkimer County which are in the process of review by the New York State Public Service Commission; and

WHEREAS, a proposal which includes the construction of additional above ground high voltage transmission lines through Herkimer County would cause economic and aesthetic harm to the residents of Herkimer County and would be very destructive to the local landscape and could have impact on local energy rates; and

WHEREAS, in the process of assessing statewide needs and demands for electric power, the construction of additional above ground power lines through Herkimer County would have dramatic impacts on upstate residents who would not be benefiting by these projects; now, therefore be it

RESOLVED, that the Herkimer County Legislature hereby opposes the construction of additional above ground high voltage transmission lines through Herkimer County as is being currently proposed and considered; and, be it further

RESOLVED, that certified copies be forwarded to Governor Andrew M. Cuomo, Senator James L. Seward, Senator Hugh T. Farley, Assemblyman Marc W. Butler, Assemblyman Anthony J. Brindisi, Assemblywoman Claudia Tenney and NYSAC.

Dated: August 14, 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 Mr. Weakley, seconded by Mr. Johnson, Resolution No. 197 of the Committee on Highways approving agreement with the Town of Herkimer for handling green waste in connection with recent flooding was handed up; was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 197

**RESOLUTION OF THE COMMITTEE ON HIGHWAYS AUTHORIZING EXECUTION AGREEMENT WITH THE TOWN OF HERKIMER REGARDING HANDLING OF GREEN WASTE IN CONNECTION WITH RECENT FLOODING**

WHEREAS, as the result of recent flooding, there were large amount of debris, logs, trees, tree limbs, leaves and other various green waste being created in municipalities throughout the entire area affected by the flood; and

WHEREAS, the Town of Herkimer had agreed to supply a location to deposit and process that green waste; and

WHEREAS, Oneida-Herkimer Solid Waste Authority had agreed to supply a wood chipper, and the Town of Herkimer has agreed to allow the wood chipper to be used on the property provided for the deposit of the green waste; and

WHEREAS, the Town of Herkimer has also requested that municipalities using the site sign an indemnification and hold harmless agreement, which would indemnify the Town of Herkimer from claims resulting from the above work, and would provide that the premises be restored to its condition prior to the above described use; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an agreement with the Town of Herkimer, together with other municipalities using the Town of Herkimer provided site, for the above purposes, and with the above conditions, 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, County Highway Superintendent and the Town of Herkimer.

Dated: August 14, 2013.

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

On motion of Mr. Korce, seconded by Mr. Smith, Resolution No. 198 in Memoriam for Robert Gardinier was handed up; discussion was held; was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 198

### **IN MEMORIAM**

**WHEREAS,** *Robert "Burrell" Gardinier departed this life on Wednesday, July 3, 2013; and*

**WHEREAS,** *Robert Gardinier was an outstanding citizen, devoted husband, father, and grandfather, and was a a longtime Little Falls resident; and*

**WHEREAS,** *Robert Gardinier proudly served his country with the United States Army in France and Germany during World War II; and*

**WHEREAS,** *Robert Gardinier was an outstanding man of integrity who served served his community as Town of Danube Assessor for 23 years and Little Falls Town Supervisor for 20 years; and*

**WHEREAS,** *Over the years, Robert Gardinier contributed to many other community organizations, including being a lifetime member of the the Little Falls VFW and member of the Holy Family Parish and also serving as a Eucharistic minister; and*

**WHEREAS,** *The County of Herkimer and its residents have sustained a great loss by the passing of this dedicated public servant and citizen; now, therefore, be it*

**RESOLVED,** *That the County Legislature does hereby express its deepest regrets at the decease of Robert Gardinier and hope that this expression of remembrance may in some manner help console his family in their bereavement; and be it further*

**RESOLVED,** *That a copy of this Resolution be sent to Donna Gardinier and that an additional copy be spread upon the minutes of this meeting.*

*Dated: August 14, 2013.*

Chairman Bono stated that pursuant to Rule 6(12) they would proceed with comments by legislators. The following legislators had comments: Mr. Brezinski (read a prepared statement to be included with the original record); Mr. Johnson, Mr. Manno.

At 8:15 p.m. on motion of Mr. Manno, seconded by Mr. Hyde, the Legislature adjourned to Wednesday, September 11, 2013 at 7:30 p.m