

**MINUTES**  
**Herkimer County Legislature**  
**Third Quarter – Fourth Day**  
**Wednesday, September 11, 2013**  
**7:30 p.m.**

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

Chairman Bono called on Legislator Raymond Smith 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 and a remembrance on this day for all those who perished in the tragic events of September 11, 2001.

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

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

Absent: Rose, Hendrix (2).

Chairman Bono dispensed with the regular order of the session and called upon Legislator Manno to make a presentation. Mr. Manno called on Ann Marie Murray, President of Herkimer County Community College and the coaches and players of the HCCC Women's Softball Team. Mr. Manno presented a proclamation to the team and coaches naming September 12, 2013 as "HCCC Women's Softball Team Day and HCCC Women's Softball Coaches Day in Herkimer County" in recognition of their National Championship title win.

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 August 14, 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 - Patrick Bienlanski – landlord flooding issue, Virginia Jaquish – landlord flooding issue, Barbara Wiers – landlord flooding issue, Thomas F. Wiers – landlord flooding issue, Ann Marie Murray – Community Foundation Speaker Series.

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. Brezinski requested Communication No. 284 be read.

No. 259 – A communication was received from the Sheriff submitting the monthly report of July. Referred to the Committee on Public Safety and Emergency Management.

No. 260 – A communication was received from the Director of public health requesting an agreement with Herkimer County Community College for student practicum experience under the Healthy Families Program. Referred to the Committee on Human Resources.

No. 261 – A communication was received from Assemblyman Butler acknowledging receipt of a resolution. Placed on file.

No. 262 – A communication was received from the New York State Homes and Community Renewal advising of funding projects. Placed on file.

No. 263 – A communication was received from the County Attorney advising of Order in the matter of CSEA v. County of Herkimer. Placed on file.

No. 264 – A communication was received from the Chief Administrative Judge of the State Unified Court System advising of the reappointment of Dennis Korce to the Board of Trustees Law Library. Placed on file.

No. 265 – A communication was received from the Sheriff requesting release agreement for use of Trenton Fish and Game Club firearms training range. Referred to the Committee on Public Safety and Emergency Management.

No. 266 – A communication was received from the State Office of Real Property Tax Services submitting equalization rates. Referred to the Committee on Ways and Means.

No. 267 – A communication was received from the Commissioner of Social Services requesting memorandum of understanding with Office for the Aging for services for the 2013-2014 HEAP season. Referred to the Committee on Human Resources.

No. 268 – A communication was received from the District Attorney's Office advising of receipt of a grant for Crime Victims Program. Referred to the Committee on Public Safety and Emergency Management and the Committee on Ways and Means.

No. 269 – A communication was received from the Director of Public Health requesting amendment of Rabies Program funding. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 270 – A communication was received from the Director of Public Health requesting renewal of Childhood Lead Poisoning Prevention Program. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 271 – A communication was received from State Office for the Aging advising of Notification of Grant awards for AAA Transportation and HICAP program. Placed on file.

No. 272 – A communication was received from the Oneida-Herkimer Solid Waste Authority submitting information on a Regional Demolition Program. Placed on file.

No. 273 – A communication was received from the Director of community Services submitting the August activities update. Placed on file.

No. 274 – A communication was received from the Soil and Water Conservation District submitting minutes of 8/13/13. Placed on file.

No. 275 – A communication was received from NYSAC acknowledging receipt of resolutions. Placed on file.

No. 276 – A communication was received from Senator Seward acknowledging receipt of resolutions. Placed on file.

No. 277 – A communication was received from the Director of Public Health requesting renewal of contract with Kids Oneida, Inc. for Healthy Families Program. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 278 – A communication was received from the County Treasurer advising of results of bids received for property left from 2013 auction. Referred to the Committee on County Properties.

No. 279 – A communication was received from the Director of the Office for the Aging requesting reimbursement and agreement for congregate meal site. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 280 – A communication was received from National Grid submitting Semi-Annual PCB Report. Placed on file.

No. 281 – A communication was received from the Director of Emergency Services requesting authorization for application for Interoperable Communications Grant. Referred to the Committee on Public Safety and Emergency Management.

No. 282 – A communication was received from the Director of Information Services requesting contract for document imaging. Referred to the Committee on Information Services and the Committee on Ways and Means.

No. 283 – A communication was received from the Budget Officer submitting budget amendment in connection with Crime Victims Services Grant. Referred to the committee on Public Safety and Emergency Management and the Committee on Ways and Means.

No. 284 – A communication was received from Legislator Brezinski concerning the Military Order of the Purple Heart. Referred to the Committee on Administration/Veterans' Affairs.

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

Chairman Bono proceeded with Unfinished Business. On motion of Mr. Peplinski, seconded by Mr. Johnson, Resolution No. 181 of the Committee on County Planning and Development concerning membership on Workforce Investment Board, which was tabled from August 14, 2013, was handed up; discussion was held, was voted on and adopted by roll call vote:

For: Schrader, Maneen, Johnson, Hyde, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (13).

Against: Hartman, Brezinski (2).

Absent: Rose, Hendrix (2).

**Tabled from 8/14/13**

No. 181

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT CONCERNING MEMBERSHIP ON THE WORKFORCE INVESTMENT BOARD**

WHEREAS, by letter dated August 6, 2013, Karin Zipko, Employment & Training Director, has advised that a vacancy currently exists on the Workforce Investment Board and recommends an appointment be made to said Board; now, therefore, be it

RESOLVED, that Frank “Rusty” Brown, 777 Newville Road, Little Falls, is hereby appointed to serve as a Herkimer County organized labor representative on the Workforce Investment Board of Herkimer, Madison, and Oneida Counties for a term commencing this date through December 31, 2016; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Director of Employment & Training, Chairman of the Workforce Investment Board, Chairman of the Madison County Board of Supervisors, Oneida County Executive and Frank “Rusty” Brown.

Dated: August 14, 2013.

Adopted: September 11, 2013.

BERNARD PEPLINSKI, SR.  
RAYMOND SMITH  
PATRICK E. RUSSELL  
FREDERICK J. SHAW, JR.

KURT J. ACKERMAN  
RAYMOND JOHNSON  
**Committee on County Planning  
and Development**

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

For: Ayes (15).      Against: None.

Absent: Rose, Hendrix (2).

**Consent Agenda:**

- 199 PUB. SFTY./EMER. MGMT.: Monthly Report of Sheriff
- 200 HUMAN RES.: Authorizing Practicum Experience for HCCC students at Nursing Service
- 201 WAYS & MEANS: Authorizing memorandum of understanding between Department of Social Services and Office for Aging for Home Energy Assistance Program Services
- 202 HUMAN RES., WAYS & MEANS: Amending Resolution No. 41 of 2013 authorizing contract with State for reimbursement for Rabies Program Expenses

No. 199

**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 July, 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 July, 2013, which report reflects an average daily population of 81.00 inmates, with an average of 54.39 inmates being boarded out in July, be approved and filed.

Dated: September 11, 2013.

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

**Emergency Management**

No. 200

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES  
AUTHORIZING PRACTICUM EXPERIENCE FOR HERKIMER COUNTY  
COMMUNITY COLLEGE STUDENTS AT PUBLIC HEALTH NURSING SERVICE**

WHEREAS, your Committee has been informed by communication dated August 27, 2013 from Christina Cain, Director of Public Health, of a request to provide students of Herkimer County Community College with a 90 hour practicum experience at the Herkimer County Public Health Nursing Service under the Healthy Families Program; and

WHEREAS, your Committee has considered said matter and recommends an agreement be entered into with Herkimer County Community College for said purpose; now, therefore, be it

RESOLVED, that the County of Herkimer enter into an agreement with Herkimer County Community College to provide students with a 90 hour practicum experience within the Healthy Families Program interested in public health and the health field to receive an educational experience at the Herkimer County Public Health Nursing Service, with said agreement to be approved by the County Attorney's Office; 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, Director of Public Health and Herkimer County Community College.

Dated: September 11, 2013.

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

No. 201

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES  
AND WAYS AND MEANS AUTHORIZING MEMORANDUM OF UNDERSTANDING  
BETWEEN THE HERKIMER COUNTY DEPARTMENT OF SOCIAL SERVICES AND**

**THE HERKIMER COUNTY OFFICE FOR THE AGING FOR HOME ENERGY ASSISTANCE PROGRAM SERVICES**

WHEREAS, your Committees have been informed by letter dated August 19, 2013, from Timothy Seymour, Commissioner of Social Services, that a proposed memorandum of understanding has been submitted to and accepted for the Herkimer County Office for the Aging to provide services to the Herkimer County Department of Social Services under the Home Energy Assistance Program (HEAP) for applicants 60 years and older for the 2013-2014 season; and

WHEREAS, the Herkimer County Department of Social Services agrees to pay the Herkimer County Office for the Aging 25% of the Department of Social Services HEAP administrative allocation for the Home Energy Assistance Program for the year commencing August 1, 2013; and

WHEREAS, the Home Energy Assistance Program is 100% federally funded and there are sufficient monies budgeted for said services; now, therefore, be it

RESOLVED, that this Legislature hereby authorizes a Memorandum of Understanding between the Herkimer County Department of Social Services and the Herkimer County Office for the Aging which will provide for the Office for the Aging to provide services for the Home Energy Assistance Program for applicants 60 years and older commencing August 1, 2013 and the Herkimer County Department of Social Services will pay the Office for the Aging 25% of the Department of Social Services HEAP administrative funds for said services; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to sign said Memorandum of Understanding as an indication of the approval of the same by this Legislature; and, be it further

RESOLVED, that should any further additional funds be received for the 2013-2014 HEAP season, the Herkimer County Department of Social Services is hereby authorized to pass those funds on to the Office for the Aging on a pro-rated basis; and, be it further

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

Dated: September 11, 2013.

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

PATRICK E. RUSSELL  
DENNIS KORCE

RAYMOND SMITH  
BRUCE WEAKLEY  
BERNARD PEPLINSKI, SR.  
KURT J. ACKERMAN  
**Committee on Ways and Means**

No. 202

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS AMENDING RESOLUTION NO. 41 OF 2013 AUTHORIZING CONTRACT WITH STATE FOR REIMBURSEMENT FOR RABIES PROGRAM EXPENSES**

WHEREAS, by Resolution No. 41 adopted on February 13, 2013, this Legislature authorized a contract with the New York State Department of Health for reimbursement for the Herkimer County Public Health Nursing Service Rabies Program for a five year period, with a total contract amount of \$61,623.45, with each year's award to be \$12,324; and

WHEREAS, by letter dated August 15, 2013 from Christina Cain, Director of Public Health, this Legislature is advised that notification has been received from the NYS Dept. of Health Rabies Program that said grant award has been reduced \$687.37 for each year of the contract, with a total reduction of \$2,729.48; now, therefore, be it

RESOLVED, that Resolution No. 41 adopted on February 13, 2013 is hereby amended to delete in the Second Whereas Clause, "a total contract amount of \$61,623.45, with each year's award to be \$12,324" and replace with "a total contract amount of \$58,873.97", with each year's award to be \$11,637.32"; and, be it further

RESOLVED, that Resolution No. 41 adopted on February 13, 2012 is further amended to delete in the First Resolved Clause, "a total contract amount of \$61,623.45" and replace it with "a total contract amount of "\$58,873.97"; and, be it further

RESOLVED, that in all respects, Resolution No. 41 of 2013 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 Public Health and New York State Department of Health Rabies Program.

Dated: September 11, 2013.

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

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



On motion of Mr. Hyde, seconded by Mr. Weakley, Report and Resolution No. 203 of the Committee on Public Safety and Emergency Management approving Indemnification and Release Agreement with Trenton Fish and Game Club for use of Firearms Training Range was handed up; voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Rose, Hendrix (2).

No. 203

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT APPROVING INDEMNIFICATION AND RELEASE AGREEMENT WITH TRENTON FISH AND GAME CLUB FOR USE OF FIREARMS TRAINING RANGE**

WHEREAS, by letter dated August 20, 2013, Sheriff Christopher P. Farber advises this Legislature of a request for the Chairman to sign an Indemnification and Release Agreement with the Trenton Fish and Game Club, whereby Herkimer County as sponsors, holds the Trenton Fish and Game Club harmless from any and all claims associated with the use of their firearms training range; and

WHEREAS, the Trenton Fish and Game Club's range is used by the Herkimer County Sheriff's Office employees as part of firearms training with the Mohawk Valley Police Academy; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute an Indemnification and Release Agreement with the Trenton Fish and Game Club whereby Herkimer County holds the Trenton Fish and Game Club harmless from any and all claims associated with the use of their firearms training range by the Herkimer County Sheriff's Office; and, be it further

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

Dated: September 11, 2013.

LEONARD R. HENDRIX  
BRUCE WEAKLEY  
RAYMOND SMITH  
ROBERT N. HYDE  
DENNIS KORCE

BERNARD PEPLINSKI, SR.  
Committee on Public Safety/  
Emergency Management

On motion of Mr. Hyde, seconded by Mr. Weakley, Report and Resolution No. 204 of the Committee on Human Resources and the Committee on Ways and Means was handed up; was voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Rose, Hendrix

No. 204

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

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

WHEREAS, by letter dated August 22, 2013 from Christina Cain, Director of Public Health, your Committees have been advised of a request to renew said agreement with the New York State Department of Health for the term commencing October 1, 2013 and ending September 30, 2014, with funding for this period to be in the amount of \$38,691.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute a contract in the amount of \$38,691.00 with the New York State Department of Health to continue the Childhood Lead Poisoning Prevention Program in the County of Herkimer for the period October 1, 2013 to September 30, 2014, unless terminated in accordance with the terms thereof; and, be it further

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

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

Dated: September 11, 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. Smith, seconded by Mrs. Maneen, Report and Resolution No. 205 of the Committees on Human Resources and Ways and Means authorizing contract with Kids Oneida, Inc. in connection with Healthy Families Grant Program was handed up; was voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Rose, Hendrix (2).

No. 205

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES  
AND WAYS AND MEANS AUTHORIZING CONTRACT WITH KIDS ONEIDA, INC.  
IN CONNECTION WITH HEALTHY FAMILIES GRANT PROGRAM**

WHEREAS, by letter dated August 6, 2013 from Christina Cain, Acting Director of Public Health, this Legislature is advised of a request for approval to enter into a renewal of the contract to implement the Healthy Families New York Home Visiting Program with Kids Oneida, Inc., in the amount of \$206,234, said contract to be for the period from September 1, 2013 to August 31, 2014; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a contract with the Kids Oneida, Inc. 310 Main St., Utica, New York 13501, in the amount of \$206,234.00, in connection with the implementation of the Healthy Families New York Grant received through the Herkimer County Public Health Nursing Service, said contract to be for the period September 1, 2013 to August 31, 2014, with the terms 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 Public Health, and the Kids Oneida, Inc.

Dated: September 11, 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. Korce, seconded by Mr. Schrader, Report and Resolution No. 206 of the Committees on County Properties approving sale of parcels acquired by In Rem Tax Foreclosures was handed up; was voted on and adopted by roll call vote:

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

Against: None.

Absent: Rose, Hendrix (2).

No. 206

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PROPERTIES  
APPROVING SALE OF PARCELS ACQUIRED BY IN REM TAX FORECLOSURES**

WHEREAS, by judgment of the Herkimer County Court filed and entered April 22, 2013 in the In Rem Tax Foreclosure Action for the year 2011 the County of Herkimer acquired title to certain parcels of property; and

WHEREAS, this Legislature has been advised that offers have been received for the parcels of property listed below; and

WHEREAS, your Committee has considered the offers, recommends their acceptance and offers the following Resolution:

RESOLVED, that the offers for the following listed parcels of land in the amounts listed be, and hereby are, accepted and the County Attorney's Office is hereby directed to prepare the

usual deed of conveyance for said property to be delivered to the purchasers upon receipt by the County Treasurer of the offered sum, plus recording and transfer fees:

<u>Parcel</u>	<u>Purchaser</u>	<u>Offer</u>
City of Little Falls Tax Map No. 114,67-1-8 12 Marco Terrace	Roxanne Day 303 William St., Apt. 2 Herkimer, NY 13350	\$ 2,000.00
City of Little Falls Tax Map No. 114.68-2-59 131 Church St.	Scott Cookinham 555 Beecher Rd. Poland, NY 13431	\$ 250.00
City of Little Falls Tax Map No. 114.68-5-47 38 Church St.	Scott Cookinham 555 Beecher Rd. Poland, NY 13431	\$ 300.00
City of Little Falls Tax Map No. 114.75-1-11 20 Glen Ave.	Scott Cookinham 555 Beecher Rd. Poland, NY 13431	\$ 250.00
City of Little Falls Tax Map No. 115.62-2-5 Residential vacant land	Scott Cookinham 555 Beecher Rd. Poland, NY 13431	\$ 100.00
Town of Fairfield/Village of Middleville Tax Map No. 100.59-1-13 Rural lot, 280' x 70'	Scott Cookinham 555 Beecher Rd. Poland, NY 13431	\$ 50.00
Village of Frankfort Tax Map No. 112.65-2-42 112 Canal St.	Bald Eagle Investment Co. 18017 Malakai Isle Drive Tampa, FL 33647	\$5,494.00
Town of Frankfort Tax Map No. 104.64-1-38 Ravena St.	Scott Cookinham 555 Beecher Rd. Poland, NY 13431	\$ 50.00
Village of Ilion Tax Map No. 119.52-2-65 171 John St.	Lisa Maldonado 329 Bell Hill Road Ilion, NY 13357	\$4,000.00
Village of Ilion Tax Map No. 120.45-3-18 35 Maple Place	Scott Cookinham 555 Beecher Rd. Poland, NY 13431	\$ 300.00

Village of Herkimer Tax Map No. 120.25-1-39-2 127 Main St.	Scott Cookinham 555 Beecher Rd. Poland, NY 13431	\$ 300.00
Village of Herkimer Tax Map No. 120.33-4-5 104 Smith St.	Julie Kiss 2945 Albany Rd. Frankfort, NY 13340	\$ 6,200.00
Town of Litchfield Tax Map No. 119.3-1-53 120 Remington Rd.	Scott Cookinham 555 Beecher Rd. Poland, NY 13431	\$ 300.00
Village of Dolgeville Tax Map No. 108.52-2-22.1 103 S. Main St.	Scott Cookinham 555 Beecher Rd. Poland, NY 13431	\$ 20.00
Town of Salisbury Tax Map No. 102.4-2-92 State Route 29	Scott Cookinham 555 Beecher Rd. Poland, NY 13431	\$ 70.00
Town of Schuyler Tax Map No. 112.2-3-41 3610 State Route 5	Bald Eagle Investment Co. 18017 Malakai Isle Drive Tampa, FL 33647	\$ 6,244.00

and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized, upon receipt by the County Treasurer of the aforesaid sums, plus recording fees, to execute said deeds transferring said properties; and, be it further

RESOLVED, that the bids received from Grant Gonyea at the In Rem Auction and from Mark Ferlo by sealed bid on Parcel No. 137.2-2-15.2 in the Town of Winfield shall be allowed to be withdrawn, with their deposits returned and no restriction imposed on future bids from them because of procedural questions involving that parcel; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Property Agent, County Attorney and above listed purchasers.

Dated: September 11, 2013.

DENNIS KORCE  
BRUCE WEAKLEY

ROBERT N. HYDE  
KURT J. ACKERMAN  
RAYMOND JOHNSON  
ROBERT J. SCHRADER  
**Committee on County Properties+**

On motion of Mr. Korce, seconded by Mr. Smith, Report and Resolution No. 207 of the Committee on Ways and Means for temporary staffing adjustment in Herkimer County Maintenance Department was handed up; was voted on and adopted by roll call vote:

For: Hartman, Schrader, Maneen, Johnson, Hyde, Brezinski, Manno, Smith, Bono, Peplinski, Korce, Russell, Shaw (13).

Against: Ackerman, Weakley (2).

Absent: Rose, Hendrix (2).

No. 207

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS FOR  
TEMPORARY STAFFING ADJUSTMENT IN HERKIMER COUNTY MAINTENANCE  
DEPARTMENT**

WHEREAS, by letter dated August 20, 2013, Richard J. Paul, Herkimer County Maintenance Foreman, has requested a temporary additional full-time Night Building Maintenance Worker position be established in his department from September 18, 2013 in order to provide coverage for the night time cleaners until the permanent member of the staff returns from the National Guard; and

WHEREAS, your Committee has taken this matter under advisement and recommends said temporary change; now, therefore, be it

RESOLVED, that an additional position of full-time Building Maintenance Worker in the 2013 Salary Schedule III is hereby established, at the base salary, on a temporary basis effective September 18, 2013, for 5 months and 29 days; and, be it further

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

Dated: September 11, 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 Mrs. Maneen, Report and Resolution No. 208 of the Committees on Human Resources and Ways and Means authorizing expenditure of funds in connection with Office for the Aging Nutrition site was handed up; discussion was held; was voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Rose, Hendrix (2).

**No. 208**

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS AND MEANS AUTHORIZING EXPENDITURE OF FUNDS IN CONNECTION WITH OFFICE FOR THE AGING NUTRITION SITE**

WHEREAS, the County utilizes various sites rent free throughout the County as pack-out sites for home delivered meals and congregate dining for seniors in connection with the Office for the Aging Nutrition Program; and

WHEREAS, by letter dated June 20, 2013, Kathy L. Fox, Director of the Office for the Aging, has advised that the nutrition site located at Mid Town Apartments in Herkimer, is in need of assistance for repair of the kitchen grease trap at a cost of \$275.00. and

WHEREAS, the Director of the Office for the Aging is requesting that approval be granted to authorize payment for services since the Office for the Aging is the only group utilizing the kitchen and 90% of said cost is to be state reimbursable; now, therefore be it

RESOLVED, that approval is granted to authorize payment to Mid Town Apartments, a Herkimer Housing Authority facility, located on North Prospect Street, Herkimer, which is a Herkimer County Office for the Aging nutrition program meal site, to assist said facility in the repair of the grease trap in the kitchen area at a cost of \$275.00; and be it further

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

Dated September 11, 2013.

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

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



**Committee on Human Resources      Committee on Ways and Means**

On motion of Mr. Smith, seconded by Mrs. Maneen, Report and Resolution No. 209 of the Committee on Human Resources and Ways and Means authorizing agreement in connection with office for the Aging Nutrition Program was handed up; was voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Rose, Hendrix (2).

No. 209

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES  
AND WAYS AND MEANS AUTHORIZING AGREEMENT IN CONNECTION WITH  
OFFICE FOR THE AGING NURITION PROGRAM**

WHEREAS, by letter dated June 20, 2013, Kathy Fox, Director of the Office for the Aging, has requested renewal of an agreement with the Herkimer Housing Authority for use of the kitchen facilities and community room at Mid-Town Apartments for a congregate meal site and distribution site for home delivered meals, with the only cost for said agreement to be for payment of \$75.00 annually for cleaning of the grease trap in the kitchen; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute an agreement with the Herkimer Housing Authority for use of the kitchen facilities and community room at Mid-Town Apartments for a congregate meal site and distribution site for home delivered meals for the Office for the Aging Nutrition Program; and, be it further

RESOLVED, that the only cost for said agreement will be for an annual payment of \$75.00 for cleaning of the grease trap in the kitchen, and with all other terms and conditions of said agreement to be 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, Director of the Office for the Aging and Herkimer Housing Authority.

Dated: September 11, 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. Peplinski, seconded by Mr. Shaw, Report and Resolution No. 210 of the Committee on Public Safety/Emergency Management authorizing application to the New York State Office of Homeland Security Statewide Interoperable Communication Grant Round 3 funding was handed up; was voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Rose, Hendrix (2).

No. 210

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT AUTHORIZING APPLICATION TO THE NEW YORK STATE OFFICE OF HOMELAND SECURITY STATEWIDE INTEROPERABLE COMMUNICATION GRANT (SICG) ROUND 3 FUNDING**

WHEREAS, by letter dated August 26, 2013 from Robert A. Vandawalker, Director of Emergency Services, your Committee has been advising of the availability of funding from the New York State Department of Homeland Security Emergency Services, Statewide Interoperable Communication Grant (SICG) Round 3 Funding in the amount of up to \$6 million dollars and requests permission to apply for said funding; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a grant application on behalf of the County of Herkimer to the New York State Department of Homeland Security Emergency Services, Statewide Interoperable Communication Grant (SICG) funding source in the amount of up to \$6 million dollars; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute all documents and certifications required as part of the submission of the application; 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 Department of Homeland Security Emergency Services.

Dated: September 11, 2013.

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

On motion of Mr. Ackerman , seconded by Mr. Russell, Report and Resolution No. 211 of the Committee on Information Services and the Committee on Ways and Means authorizing contract for provision of document imaging was handed up; discussion was held; was voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Rose, Hendrix (2).

No. 211

**REPORT AND RESOLUTION OF THE COMMITTEE ON INFORMATION SERVICES  
AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING CONTRACT FOR  
PROVISION OF DOCUMENT IMAGING**

WHEREAS, by letter dated August 29, 2013, JoAnn Boyer, Director of Information Services, has requested approval of a contract with Biel's Document Management of Buffalo, New York, to provide software and perform services for document imaging at a cost of \$23,820.00; and

WHEREAS, said letter further advises that there is funding available for said contract; now, therefore, be

RESOLVED, that the Chairman of this Legislature is authorized to enter into a contract with Biel's Document Management, 1201 Indian Church Road, Buffalo, New York 14224, to provide software and perform services for document imaging for the Information Services Department, at a cost of \$23,820.00, 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, Director of Information Services and Biel's Document Management

Dated: September 11, 2013.

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

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. 212 of the Committee Ways and Means and the Committee on Public Safety and Emergency Management amending budget in connection with Crime Victims Services Grant for District Attorney's office was handed up; voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Rose, Hendrix (2).

No. 212

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AND THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AMENDING BUDGET IN CONNECTION WITH CRIME VICTIMS SERVICES GRANT FOR DISTRICT ATTORNEY'S OFFICE**

WHEREAS, by letter dated September 5, 2013, from Bernard E. Decker, Budget Officer, this Legislature is advised of a request to amend the 2013 Budget in connection with the receipt of funding for the Crime Victims Services Grant for the District Attorney's Office for the period October 1, 2013 through September 30, 2014; now, therefore, be it

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

<u>Revenue:</u>	<u>From:</u>	<u>To:</u>
A1169.3389C, Crime Victims Coordinator	\$ -0-	\$53,205.00
<u>Appropriation:</u>		
A1169.10000-001, Crime Victims Coord.- Salaries	\$27,173.54	\$60,194.54
A1169.41000, Crime Victims Coord.-Supplies	\$ 800.00	\$ 1,800.00
A1169.42100, Crime Victims Coord. - Telephone	\$ 500.00	\$ 1,000.00

A1169.46300, Crime Victims Coord. - Postage	\$ 56.20	\$ 106.20
A1169.81000, Crime Victims Coord. -Retirement	\$ 1,079.50	\$ 7,079.50
A1169.83000, Crime Victims- Coord.- Social Security	\$ 2,738.85	\$ 4,766.85
A1169.83500, Crime Victims Coord.-Medicare	\$ 406.60	\$ 969.60
A1169.84000, Crime Victims Coord. – Workers Comp.	\$ 985.66	\$ 2,033.66
A1169/86000, Crime Victims Coord.- Health Insurance	\$ -0-	\$ 8,930.00
A1169.86500, Crime Victims Coord - Dental	\$ 96.00	\$ 161.00

and, be it further

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

Dated: September 11, 2013.

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

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

On motion of Mr. Hyde, seconded by Mr. Shaw, Report and Resolution No. 213 of the Committee on Natural Resources setting date for hearing on Eight Year Review of Agricultural District No. 1 was handed up; voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Rose, Hendrix (2).

No. 213

**RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES SETTING DATE FOR HEARING ON EIGHT-YEAR REVIEW OF AGRICULTURAL DISTRICT NO. 1**

WHEREAS, Agricultural District No. 1 was established in this County pursuant to Article 25-AA of the Agriculture and Markets Law; and

WHEREAS, such statute requires an eight-year review of said agricultural district; and

WHEREAS, said review is being conducted under the guidance of the Natural Resources Committee and the Herkimer County Agricultural and Farmland Protection Board; and

WHEREAS, reports are now ready to be made pursuant to said statute and a public hearing held; now, therefore, be it

RESOLVED, that a Public Hearing be held on the 2<sup>nd</sup> day of October, 2013 at 1:45 p.m. on the Eight-Year Review of Herkimer County Agricultural District No. 1 in the Towns of Schuyler, Newport, Herkimer and Frankfort; and, be it further

RESOLVED, that the Clerk of this Legislature give proper notice thereof pursuant to Section 303-a 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, Cooperative Extension Services and Herkimer-Oneida Counties Comprehensive Planning Program.

Dated: September 11, 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. Peplinski, seconded by Mr. Hyde, Report and Resolution No. 214 extending the rate of taxes on sales and uses of tangible personal property and of certain services, and on occupancy of hotel rooms and amusement charges, pursuant to Article 29 of the Tax Law of New York was handed up; discussion was held; Mr. Hartman made a motion to amend the resolution to include “that the 1% revert back to the formula when municipalities received their share”. The motion did not receive a second. The resolution was then voted on and adopted by roll call vote:

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

Against: Hartman (1).

Absent: Rose, Hendrix (2).

No. 214

**RESOLUTION OF THE LEGISLATURE OF THE COUNTY OF HERKIMER, EXTENDING THE RATE OF TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND**

**OF CERTAIN SERVICES, AND ON OCCUPANCY OF HOTEL ROOMS AND AMUSEMENT CHARGES, PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK**

Be it enacted by the Legislature of the County of Herkimer as follows:

SECTION 1. The first sentence of section two of Resolution No. 344 as enacted in nineteen hundred eighty-seven, as amended, is amended to read as follows:

Section 2. Imposition of sales tax.

On or after March 1, 1988, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing September 1, 1994, and ending November 30, 2015, there is hereby imposed and there shall be paid an additional tax of one percent upon:

SECTION 2. Subdivision (f) of section three of Resolution No. 344 as enacted in nineteen hundred eighty-seven, as amended, is amended to read as follows:

(f) With respect to the additional tax of one percent imposed for the period commencing September 1, 1994, and ending November 30, 2015, the provision of subdivisions (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to September 1, 1994, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to May 1, 1994, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to August 31, 1994. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to September 1, 1994, any transaction which may not be subject to the additional tax imposed effective on that date.

SECTION 3. Section four of Resolution No. 344 as enacted in nineteen hundred eighty-seven, as amended, is amended to read as follows:

Section 4. Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after September 1, 1994, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if the items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7), and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For the purposes of clause (A) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of Clause (B) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere

storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for the purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of any addition or capital improvement to such real property, property or land.

(f) For the purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the consideration given, or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For the purposes of clause (F) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending November 30, 2015, the tax shall be at the rate of four percent, and on and after December 1, 2015, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.



SECTION 4. Section 4-A of Resolution No. 344 as enacted in nineteen hundred eighty-seven, as amended, is amended to read as follows:

Section 4-A. Imposition of additional rate of sales and compensating use taxes.

Pursuant to the authority of section 1210-E of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional one-quarter of one percent rate of such sales and compensating use taxes, for the period beginning December 1, 2007, and ending November 30, 2015. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

SECTION 5. Subdivision (k) of section six of Resolution No. 344 as enacted in nineteen hundred eighty-seven, as amended, is amended to read as follows:

(k) Exemption of certain energy sources and related services from additional one percent rate of tax. Notwithstanding any inconsistent provision of this resolution, receipts from the retail sale or use of fuel oil and coal used for residential purposes; the receipts from the retail sale or use of wood used for residential heating purposes; and the receipts from every sale, other than for resale, or use of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be exempt from the additional one percent rate of sales and compensating use taxes imposed by sections 2 and 4, respectively, of this resolution for the period commencing September 1, 1994, and ending November 30, 2015.

SECTION 6. Paragraphs (B) and (C) of subdivision one of section eleven of Resolution No. 344 as enacted in nineteen hundred eighty-seven, as amended, are amended to read as follows:

(B) With respect to the additional tax of one percent imposed for the period beginning September 1, 1994, and ending November 30, 2015, in respect to the use of property used by the purchaser in this County prior to September 1, 1994.

(C) With respect to the additional tax of one-quarter of one percent imposed for the period beginning December 1, 2007, and ending November 30, 2015, in respect to the use of property used by the purchaser in this County prior to December 1, 2007.

SECTION 7. Subdivisions (d) and (f) of section 14 of Resolution No. 344 of nineteen eighty-seven, as amended, are amended to read as follows:

(d) During the period commencing June 1, 2006, and ending November 30, 2015, net collections from the additional one percent rate of tax shall be retained for county purposes.

(f) Notwithstanding any contrary provision of law, with respect to the additional one-quarter of one percent rate of sales and compensating use taxes imposed pursuant to the authority of section twelve hundred ten-E of the New York Tax Law for the period beginning December 1, 2007, and ending November 30, 2015, the county shall use all net collections from such additional one-quarter of one percent rate to pay the county's expenses for the construction of additional correctional facilities. Such

net collections shall be deposited in a special fund to be created by the county separate and apart from any other funds and accounts of the county. Any and all remaining net collections from such additional tax, after the expenses of such construction are paid, shall be deposited by the county in the general fund of the county for any county purpose.

SECTION 8. This enactment shall take effect December 1, 2013.

Dated: September 11, 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. Weakley, seconded by Mr. Brezinski, Resolution No. 215 of the Committee on Ways and Means authorizing contribution to the defense of an assessment challenge for property in the Town of Frankfort was handed up; voted on and adopted by roll call vote:

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

Against: None.

Absent: Rose, Hendrix (2).

No. 215

**RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AUTHORIZING CONTRIBUTION TO THE DEFENSE OF AN ASSESSMENT CHALLENGE FOR PROPERTY IN THE TOWN OF FRANKFORT**

WHEREAS, this Legislature has been advised by the Town Supervisor of the Town of Frankfort of a request for the County to share in the cost of litigation for the defense of the assessment challenge of three parcels located in the Town of Frankfort; and

WHEREAS, this Legislature has a policy of contributing, if so recommended by the Ways and Means Committee, funds for defense of this type of litigation, provided that all other jurisdictions that receive a share of tax payments under said assessment, contribute in accord with each jurisdiction's share of the aggregate tax rate; now, therefore, be it

RESOLVED, that in the tax proceeding involving three parcels in the Town of Frankfort, this Legislature will contribute to the cost of litigation incurred by the Town of Frankfort for the defense of the assessment challenge of three parcels located in the Town of Frankfort, in an amount computed to be the County's share of the aggregate tax rate, provided that all other jurisdictions that receive a share of tax payments under said assessment, contribute in an amount which is at least in accord with each jurisdiction's share of the aggregate tax rate; and, be it further

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

Dated: September 11, 2013.

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, Resolution No. 216 of the Committee on County Planning and Development relative to appointment of member to the Oneida-Herkimer Solid Waste Management Authority was handed up; discussion as held; was voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Rose, Hendrix (2).

No. 216

**RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT RELATIVE TO APPOINTMENT OF MEMBER TO THE ONEIDA-HERKIMER SOLID WASTE MANAGEMENT AUTHORITY**

WHEREAS, there presently exists a vacancy of a representative of Herkimer County on the Oneida-Herkimer Solid Waste Management Authority; and

WHEREAS, it is necessary to make an appointment to fill said vacancy; now, therefore, be it

RESOLVED, that James Franco, 105 Delaware Ave, Herkimer, New York, be and he hereby is, appointed as a representative of Herkimer County on the Oneida-Herkimer Solid Waste Management Authority to fill a vacancy presently existing, which term shall to expire December 31, 2016; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer, the Oneida-Herkimer Solid Waste Management Authority and James Franco.

Dated: September 11, 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. Johnson, seconded by Mr. Hyde, Resolution No. 217 of the Committee on Public Safety and Emergency Management and the Committee on Ways and Means authorizing proposal for conceptual design plan was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (13).

Against: Brezinski, Korce (2).

Absent: Rose, Hendrix (2).

No. 217

**RESOLUTION OF THE COMMITTEES ON PUBLIC SAFETY/EMERGENCY  
MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING  
PROPOSAL FOR CONCEPTUAL DESIGN PLAN FROM THE GOLDBERG GROUP-  
ARCHITECTS, PC**

WHEREAS, this Legislature has been advised by the Goldberg Group that they are aabel to provide architectural/engineering services to design and construct the new correctional facility at a significant savings; and

WHEREAS, your Committees have agreed to such proposal with the understanding that a submitted Conceptual Design Plan would be approved by the New York State Commission fo Correction or the county will not pay for the Plan; now, therefore, be it

RESOLVED, that this Legislature authorizes a contract for a Conceptual Design Plan with the Goldberg Group – Architects, PC, 805 North 36<sup>th</sup> Street, Suite B, Saint Joseph, MO 64506 and Associates in the amount of \$3,500, with such design being subject to the New York State Commission of Correction approval; and, be it further

RESOLVED, that the Chairman of the Legislature is hereby authorized to execute said contract subject to the approval of the County Attorney’s Office; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Sheriff and The Goldberg Group – Architects, PC.

Dated: September 11, 2013.

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

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

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

At 8:30 p.m. on motion of Mr. Manno, seconded by Mr. Hyde, the Legislature adjourned to Wednesday, October 2, 2013 at 2:00 p.m.