

**MINUTES**  
**Herkimer County Legislature**  
**Fourth Quarter – First Day**  
**Wednesday, October 2, 2013**  
**2:00 p.m.**

**Public Hearing**

The Public Hearing on the Eight Year Review of Agricultural District No. 1 was called to order at 1:46 p.m. by Frederick J. Shaw, Chairman of the Committee on Natural Resources. The Clerk read the notice of the meeting. Mr. Shaw then asked if there was anyone wishing to speak on the eight year review. There were no requests to speak and the hearing was declared closed at 1:48 p.m.

**COUNTY LEGISLATIVE BODY NOTICE OF  
HEARING ON EIGHTH YEAR REVIEW  
OF AN AGRICULTURAL DISTRICT**

**NOTICE** is hereby given that a public hearing will be held by the County Legislature of Herkimer County, State of New York, at the County Office Building, in the Village of Herkimer, on the 2<sup>nd</sup> day of October, 2013 at 1:45 p.m. on said day upon Agricultural District No. 1 within the Towns of Schuylers, Frankfort, Newport and Herkimer, to consider the recommendations of the County Planning Board and the Farmland Protection Board, and any proposed modifications of the district.

A description and map of the district, proposed modifications, and recommendations of the County Planning Board and Farmland Protection Board may be examined in the Office of the Clerk of the County Legislative body.

All persons in interest and citizens will be heard by the County Legislature of the County of Herkimer at the public hearing.

Dated: September 18, 2013.

Carole LaLonde, Clerk  
Herkimer County Legislature

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

Chairman Bono called on Joe Fraccola, Sr.-Vice Commander of the Military Order of the Purple Heart, 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.

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 September 11, 2013. There were none, and the Chairman ordered them approved.

Chairman Bono dispensed with the regular session to allow Legislator Shaw of the Committee on Human Resources, to make a presentation. Legislator Shaw called on Jackie Ward of Catholic Charities Domestic Violence Program to receive a proclamation recognizing the month of October as “Domestic Violence Awareness Month” in Herkimer County. Mrs. Ward expressed appreciation to the Legislature for the recognition and for the County “going purple” on October 16<sup>th</sup> for the event.

Chairman Bono then called on Legislator Brezinski to make introductions for the next proclamation. Mr. Brezinski introduced Willie Nazario, Commander, Dept. of New York, Military Order of the Purple Heart, Mr. Joseph Fraccola, Senior Vice Commander of the Department of New York, Military Order of the Purple Heart and Neal Gross, Chief of Staff, Military Order of the Purple Heart . Mr. Fraccola introduced Mr. Phil Capraro, Chaplain of the Central New York Chapter; Ken Griffin, Herkimer County resident and Purple Heart recipient and Anthony D’Arpino, Herkimer County resident and Purple Heart recipient. Mr. Douglas Miller, Herkimer County Veterans’ Service Agency Director, gave remarks and expressed appreciation to the Military Order of the Purple Heart, the Purple Heart recipients and all our veterans. Jean Maneen, Chairman of the Administration/Veterans Affairs Committee, read a proclamation naming Thursday, October 3, 2013 as “Purple Heart Day” in Herkimer County. Matt Pannelo of Governor Cuomo’s Office also presented a letter from the Governor congratulating Herkimer County as being designated as a Purple Heart County.

Chairman Bono introduced Beth Cervenak, along with Jonathan Lack of the New York State Office of Real Property Tax Services, to give a brief presentation on the new “STAR Initiative”. This is new legislation which requires all homeowners receiving a basic STAR exemption to register with the New York State Tax Department in order to receive the exemption in 2014 and subsequent years. Ms. Cervenak and Mr. Lack gave an overview of the instructions for registering.

Pursuant to Rule 11, Chairman Bono opened the floor for public comment. The following individuals spoke on the following subjects: Wendy Richardson – 4H Government Intern Program, Kristine Russell – Libraries, Lesley Paul – Library Aid, Linda Vincent – Library Aid.

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. Korce requested Communication No. 291 be read.

285 – A communication was received from the Director of the Office for the Aging submitting reports of WRAP program and HICAP. Placed on file.

286 – A communication was received from the Director of Real Property Tax Services submitting equalization rates. Referred to the Committee on Ways and Means.

287 – A communication was received from the County Treasurer submitting report of Canceled and Rejected Taxes. Referred to the Committee on Ways and Means.

288 – A communication was received from the Sheriff submitting the monthly report for August. Referred to the Committee on Public Safety and Emergency Management.

289 – A communication was received from the Oneida-Herkimer Solid Waste Authority submitting minutes of 7/17/13. Placed on file.

290 – A communication was received from the Chairman of the Legislature concerning membership on the Office for the Aging Advisory Council. Referred to the Committee on Human Resources.

291- A communication was received from the County Attorney advising of receipt of a Notice of Claim. Placed on file.

292 – A communication was received from Capital District OTB submitting Financial Report for July 2013. Placed on file.

293 – A communication was received from the Chairman of the Legislature advising of the appointment of Garry Murphy as Director of Probation. Placed on file.

294 – A communication was received from ProAct, Inc. submitting report of County Discount Prescription Card for August. Placed on file.

295 – A communication was received from the County Highway Superintendent requesting approval of Bridge Replacement Project. Referred to the Committee on Highways.

296 – A communication was received from the County Clerk requesting acceptance and budget amendment for Records Management Grant. Referred to the Committee on Administration/Veterans Affairs and the Committee on Ways and Means.

297 – A communication was received from the Director of Real Property Tax Services requesting agreement to provide assessment services to the Town of Stark. Referred to the Committee on Ways and Means.

298 – A communication was received from D’Arcangelo & Co. submitting audit report for 2012. Referred to the Committee on Ways and Means.

299 – A communication was received from the Budget Officer requesting budget amendment in connection with receipt of funding from Office of Community Renewal. Referred to the Committee on County Planning and Development.

300 – A communication was received from the Budget Officer submitting request for transfers of funds. Referred to the Committee on Ways and Means.

301 - A communication was received from the Budget Officer requesting budget amendment in connection with receipt of funding from Office of Community Renewal. Referred to the Committee on County Planning and Development.

302 – A communication was received from the County Administrator requesting staffing adjustment in Budget Office. Referred to the Committee on Ways and Means.

303 – A communication was received from the Director of Public Health requesting approval of grant application. Referred to the Committee on Human Resources.

304 – A communication was received from the Soil and Water Conservation submitting minutes of 9/8/13. Placed on file.

305 – A communication was received from the Agricultural and Farmland Protection Board endorsing the continuation of Agricultural District No. Referred to the Committee on Natural Resources.

306 – A communication was received from the Director of Community Services submitting the Mental Health Services Department Update for September. Placed on file.

Pursuant to Rule 6, Chairman Bono then proceeded with Reports of Standing Committees. Mr. Russell advised of the upcoming scheduled budget meetings.

Mr. Brezinski made a motion, seconded by all, to move Resolution No. 230 to the front of the agenda. Approved by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Brezinski, seconded by all, Resolution No. 230 of the Committee on Administration/Veterans' Affairs designating Herkimer County as a Purple Heart County was handed up, voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

No. 230

**RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS' AFFAIRS DESIGNATING HERKIMER COUNTY AS A PURPLE HEART COUNTY**

WHEREAS, The Purple Heart is awarded in the name of the President of the United States to any member of the Armed Forces of the United States, who was wounded or killed in combat with a declared enemy of the United States of America; and

WHEREAS, the Purple Heart is the oldest military award that is still given to members of the United States Military; and

WHEREAS, Herkimer County is home to many living and deceased recipients of the Purple Heart Medal; and

WHEREAS, Herkimer County is part of the Purple Heart Highway System which runs throughout our nation; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby designates Herkimer County as a Purple Heart County in honor of all our Purple Heart recipients whose service and sacrifice will never be forgotten.

Dated: October 2, 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. Shaw, seconded by Mr. Hyde, Report and Resolution No. 218 of the Committee on Natural Resources to provide that the eight year review of Agricultural District No. 1 in the towns of Schuyler, Frankfort, Newport and Herkimer be in Compliance with the provisions of the New York State Environmental Quality Review Act was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

No. 218

REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES TO PROVIDE THAT THE EIGHT YEAR REVIEW OF AGRICULTURAL DISTRICT NO. 1 IN THE TOWNS OF SCHUYLER, FRANKFORT, NEWPORT AND HERKIMER BE IN COMPLIANCE WITH THE PROVISIONS OF THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT

WHEREAS, the State of new York has enacted the State Environmental Quality Review Act (SEQRA) Article 8 of the NYS Environmental Conservation Law and Part 617 of Title 6, New York Code Rules and Regulations (6NYCRR) to incorporate the consideration of environmental factors into existing planning, review and decision-making processes of local government agencies; and

WHEREAS, SEQRA requires that all agencies determine whether the actions they directly undertake, fund, or approve may have a significant effect on the environment; and

WHEREAS, the Herkimer County Legislature has under consideration the extension, for eight additional years, of Herkimer County Agricultural District No. 1 in the Towns of Schuyler, Frankfort, Newport and Herkimer; and

WHEREAS, your Committee has designated the project as an Unlisted Action pursuant to SEQRA and completed an uncoordinated review of the proposed district; and

WHEREAS, your Committee has fully considered, assessed and discussed the information contained within the Environmental Assessment Form; now, therefore, be it

RESOLVED, that based on the information provided and discussed, the Herkimer County Legislature has determined that the proposed action will not result in any significant adverse environmental impacts; and, be it further

RESOLVED, that the reasons supporting this determination are documented on the Environmental Assessment Form, within a packet of attachments to the forms, and on additional supporting documentation; and, be it further

RESOLVED, that as a consequence of such findings and declaration, and in compliance with the requirements of SEQRA, the County, as lead agency, hereby issues a negative declaration and directs that the Chairman of the Legislature file and make available the same in accordance with the requirements of SEQRA Law.

Dated: October 2, 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. Shaw, seconded by Mr. Hyde, Report and Resolution No. 219 of the Committee on Human Resources as to the Eight year Review of Agricultural District No. 1 in the Towns of Schuyler, Frankfort, Newport and Herkimer was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

No. 219

REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES AS TO THE EIGHT-YEAR REVIEW OF AGRICULTURAL DISTRICT NO. 1 IN THE TOWNS OF SCHUYLER, FRANKFORT, NEWPORT AND HERKIMER

WHEREAS, the Agriculture and Markets Law of the State of New York provides for an eight-year review of each agricultural district; and

WHEREAS, the said review process has been undertaken for Agricultural District No. 4 and reference has been had to the Agricultural and Farmland Protection Board and the Herkimer County Planning Board; and

WHEREAS, the Agricultural and Farmland Protection Board and the Herkimer County Planning Board, by communication dated September 25, 2013, have advised this Legislature of their approval of the continuation of the subsequent eight years of Herkimer County Agricultural District No. 1; and

WHEREAS, the Committee on Natural Resources has, on the 2<sup>nd</sup> day of October, 2013, held a Public Hearing in connection with the eight-year review of said Agricultural District, said Public Hearing having been held upon proper notice and all parties attending such hearing having been heard; now, therefore, be it

RESOLVED:

1. That the County Legislature of the County of Herkimer hereby endorses the continuation of said Agricultural District No. 1 in the Towns of Schuyler, Frankfort, Newport and Herkimer;

2. That the clerk of this Legislature is hereby authorized and directed to forward a certified copy of this Resolution, together with all other necessary documentation, to the Commissioner of Agriculture and Markets of the State of New York.

Dated: October 2, 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. Hendrix, seconded by Mr. Hyde, Report and Resolution No. 220 of the Committee on Public Safety/Emergency Management approving monthly report of Sheriff was handed up; was voted on and adopted by voice vote:

For: Ayes (16).

Against: Rose (1).

Absent: None.

No. 220

**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 August, 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 August, 2013, which report reflects an average daily population of 80.23 inmates, with an average of 51.71 inmates being boarded out in August, be approved and filed.

Dated: October 2, 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. 221 of the Committee on Human Resources confirming appointment and reappointment to the Herkimer County Office for the Aging Advisory Council was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

No. 221

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN  
RESOURCES CONFIRMING APPOINTMENT AND REAPPOINTMENTS TO  
THE HERKIMER COUNTY OFFICE FOR AGING ADVISORY COUNCIL**

WHEREAS, the Chairman of the Herkimer County Legislature, by letter dated September 17, 2013, has made an appointment and reappointments to the Office for Aging Advisory Council; now, therefore, be it

RESOLVED, that the following appointment and reappointments to the Office for the Aging Advisory Council be, and hereby are ratified and confirmed:

**New Appointment for term of 10/2013 – 10/2016:**  
Brian Bunce, 115 Old State Rd., Newport, NY 13416

**Re-appointment for term of 10/2013 – 10/2016:**

Carl Marucci, Adirondack Bank, 500 E. Main St., Little Falls, NY 13365

Lynne Swartz, 818 State Route 28, Middleville, NY 13406

Joseph Lee, 528 Garden St., Little Falls, NY 13365

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Director of the Herkimer County Office for the Aging and each appointee.

Dated: October 2, 2013.

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. Russell, seconded by Mr. Smith, Report and Resolution No. 222 of the Committees on Ways and Means relating to Canceled Taxes and Rejected Taxes 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. 222**

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
RELATING TO CANCELED TAXES AND REJECTED TAXES**

Your Committee on Ways and Means, to which was referred the reports of the County Treasurer, with account attached thereto, showing the amounts of canceled taxes and rejected taxes as of September 18, 2013 which should be charged back to the respective towns, municipalities and districts set forth on said account, does respectfully report that we have examined the same, inquired into the subject matter thereof, and offer the following Resolution:

RESOLVED, that the following amounts be charged to the respective towns, municipalities and districts as set forth on said account and that the portion of said canceled taxes and rejected taxes be included in the various towns' tax levies for the coming year as follows:

	<b>Rejected Taxes</b>	<b>Canceled Taxes</b>	<b>Total</b>	<b>Town Portion For Levy</b>
City of Little Falls		4,601.53	4,601.53	
Herkimer		507.36	507.36	203.68
Ohio		<u>336.80</u>	<u>336.80</u>	<u>54.15</u>
Totals		5,445.69	5,445.69	257.83

and, be it further

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

Dated: October 2, 2013.

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

On motion of Mr. Peplinski, seconded by Mr. Russell, Report and Resolution No. 223 of the Committee on Ways and Means fixing percentages which the assessed valuation of the real property bear to the full or true valuation of the various towns of the County and the City of Little Falls was handed up; 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. 223

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
FIXING PERCENTAGES WHICH THE ASSESSED VALUATION OF THE REAL  
PROPERTY BEAR TO THE FULL OR TRUE VALUATION OF THE VARIOUS  
TOWNS OF THE COUNTY AND THE CITY OF LITTLE FALLS**

WHEREAS, your Committee on Ways and Means, to which was referred the communication from the Director of Real Property Tax Services, submitting the State Board established Herkimer County Equalization Rates to be used in the apportionment of the 2014 Tax

Levy pursuant to Title 2 of Article 8 of the Real Property Tax Law, do respectfully report that we have examined said report and offer the following Resolution:

RESOLVED, that pursuant to Title 2 of Article 8 of the Real Property Tax Law the ratio of percentage which the assessed valuation of real property in each district bears to its full value is hereby established as follows:

County Equalization Rates for the 2013 Assessment Rolls  
for Municipalities in the County of Herkimer

City of Little Falls	20.00
Town of Columbia	90.00
Town of Danube	89.00
Town of Fairfield	82.00
Town of Frankfort	68.44
Town of German Flatts	79.50
Town of Herkimer	94.00
Town of Litchfield	90.00
Town of Little Falls	72.50
Town of Manheim	70.00
Town of Newport	107.50
Town of Norway	75.00
Town of Ohio	100.00
Town of Russia	100.00
Town of Salisbury	100.00
Town of Schuyler	90.00
Town of Stark	60.00
Town of Warren	70.50
Town of Webb	100.00
Town of Winfield	90.00

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Director of Real Property Tax Services and each town and the City of Little Falls.

Dated: October 2, 2013.

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

On motion of Mrs. Maneen, seconded by Mr. Hyde, Report and Resolution No. 224 of the Committee on Ways and Means and the Committee on Administration/Veterans' Affairs accepting Records Management Grant and amending budget was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None. Absent: None.

No. 224

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AND THE COMMITTEE ON ADMINISTRATION/VETERANS AFFAIRS ACCEPTING RECORDS MANAGEMENT GRANT AND AMENDING BUDGET**

WHEREAS, by letter dated September 19, 2013 from Sylvia M. Rowan, County Clerk, this Legislature is advised of the award of a Local Government Records Management Improvement Fund Grant from the State Education Department; and

WHEREAS, said grant award is in the amount of \$24,000.00, and will be to assist Herkimer County in assessing its preparedness for disaster as it relates to various records; and

WHEREAS, by letter dated September 26, 2013 from Bernard E. Decker, Budget Officer, this Legislature is advised that it is necessary to amend the Herkimer County Budget in connection with the receipt of said grant; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute a grant acceptance agreement with the New York State Education Department in the amount of \$24,000.00 for the receipt of a 2013-2014 Local Government Records Management Improvement Fund Grant for the County of Herkimer; and, be it further

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

Revenue:

A1410.3060	Records Management	From: \$0
		To: \$24,000

Appropriation

A1460.44000	Records Mgmt., Cont. Serv.	From: \$0
		To: \$24,000

and, be it further

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

Dated: October 2, 2013.

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

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

On motion of Mr. Weakley, seconded by Mr. Korce, Report and Resolution No. 225 of the Committee on Highways authorizing implementation and funding in the First Instance of 100% of the Federal-Aid and State Marchiselli Program Aid Eligible Costs, of a Transportation Federal-Aid Project, and Appropriating Funds Therefore was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

No. 225

**RESOLUTION OF THE COMMITTEE ON HIGHWAYS AUTHORIZING IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE OF 100% OF THE FEDERAL-AID AND STATE MARCHISELLI PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE**

WHEREAS, a Project for the Bridge Replacement of Creek Road (CR 102) over Nowadaga Creek (3307580), Town of Danube, Herkimer County, P.I.N. 2754.14 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the County of Herkimer desires to advance the Project by making a commitment of 100% of the non-federal share of the total project costs;

NOW, THEREFORE, the County Legislature duly convened does hereby

RESOLVED, that the County Legislature hereby approves the above-subject project; and, it is hereby further

RESOLVED, that the County Legislature hereby authorizes the County of Herkimer to pay in the first instance 100% of the federal and non-federal share of the cost of the Project or portions thereof; and, it is further

RESOLVED, that the sum of \$2,141,068.00 is hereby appropriated from the County Road Fund and made available to cover the cost of participation in the above phase of the Project; and, it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the County Legislature shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Department thereof; and, it is further

RESOLVED, that the Chairman of the Herkimer County Legislature be and is hereby authorized to execute all necessary Agreements, certifications and reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Herkimer with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible projects costs and all Project costs within appropriations therefore that are not so eligible; and, it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and, it is further

RESOLVED, that this Resolution shall take effect immediately.

Dated: October 2, 2013.

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

On motion of Mr. Korce, seconded by Mr. Peplinski, Report and Resolution No. 226 of the Committee on Ways and Means authorizing contract with the Town of Stark to provide Assessment Services to the Town was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

No. 226

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

WHEREAS, by letter dated September 24, 2013, Beth Sadlon, Director of the Real Property Tax Service Agency, has recommended to your Committee that a contract be entered into between the County of Herkimer and the Town of Stark whereby the County would provide assessment services to the Town for the sum of \$15.00 for each parcel on the final assessment roll for the Town; and

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

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an agreement to provide assessment services to the Town of Stark for the period from October 1, 2013 through October 1, 2014, for the sum of \$15.00 for each parcel on the final assessment roll of the town, with the final form of said agreement to be subject to the approval of the County Attorney; and, be it further

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

Dated: October 2, 2013..

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



On motion of Mr. Russell, seconded by Mr. Peplinski, Report and Resolution No. 227 of the Committee on Ways and Means transferring funds was handed up; was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

No. 227

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

WHEREAS, your Committee on Ways & Means, to which was referred a communication from the Budget Officer and Purchasing Agent dated September 26, 2013, submitting a request for transfer of funds, reports that we have examined said communication, inquired into the subject matter thereof recommend that said transfer be made and offer the following Resolution:

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized and directed to transfer the following sum from and to the following account:

\$15,000	From: G8130.41000-102 Wastewater Treatment Plant, Chemicals
	To: G8130.25000 Wastewater Treatment Plant, Other Equipment

and, be it further

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

Dated: October 2, 2013.

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

On motion of Mr. Weakley, seconded by Mr. Johnson, Report and Resolution No. 228 of the Committees on Ways and Means and County Planning and Development amending budget in connection with receipt of economic development assistance funding from the Office of Community Renewal was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

No. 228

**REPORT AND RESOLUTION OF THE COMMITTEES ON WAYS AND MEANS AND COUNTY PLANNING AND DEVELOPMENT AMENDING BUDGET IN CONNECTION WITH RECEIPT OF ECONOMIC DEVELOPMENT ASSISTANCE FUNDING FROM THE OFFICE OF COMMUNITY RENEWAL**

WHEREAS, by letter dated September 26, 2013 from the Budget Officer and Purchasing Agent, this Legislature is advised that it is necessary to amend the 2013 Budget to reflect receipt of economic development assistance funding from the Office of Community Renewal on behalf of Herkimer County for DeIorio Foods; now, therefore, be it

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

Revenue:

A6420.3789C IDA, CDBG

From: \$0

To: \$416,000.00

Appropriation

A6420.44000 IDA, Cont. Services

From: \$26,530.71

To: \$442,530.71

and, be it further

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

Dated: October 2, 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. Peplinski, seconded by Mr. Korce, Report and Resolution No. 229 of the Committee on Ways and Means establishing position of Deputy Budget Officer was handed up; 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. 229

REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
ESTABLISHING POSITION OF DEPUTY BUDGET OFFICER

WHEREAS, by letter dated September 25, 2013, James W. Wallace, Jr., County Administrator, has requested the establishment of a temporary position of Deputy Budget Officer in the Budget Office; and

WHEREAS, your Committee has taken this matter under consideration and recommend the establishment of the aforesaid position; now, therefore, be it

RESOLVED, that the 2013 Salary Schedule II is hereby amended in A1340, to establish the temporary position of Deputy Budget Officer in the Herkimer County Budget office, at the annual salary of \$45,000; and, be it further

RESOLVED, that the aforesaid change shall take effect November 4, 2013 through April 30, 2014; and, be it further

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

Dated: October 2, 2013.

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 further comments: Helen Rose, Patrick Russell, Robert Hyde.

At 3:15 p.m. on motion of Mr. Manno, seconded by Mr. Hyde, the Legislature adjourned to Wednesday, October 23, 2013 at 7:30 p.m.