

**MINUTES**  
**Herkimer County Legislature**  
**Third Quarter – Fourth Day**  
**Wednesday, October 23, 2013**  
**7:30 p.m.**

The Regular Session of the Herkimer County Legislature was called to order by Chairman Vincent J. Bono at 7:35 p. m.

Chairman Bono called on Legislator Dennis Korce 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, Schrader, Maneen, Johnson, Hendrix, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (15).

Absent: Rose, Hyde (2).

Chairman Bono dispensed with the regular order of the session and called upon Legislator Shaw to make a presentation. Mr. Shaw presented a proclamation to Camila Rios in recognition of her upcoming participation in the National American Miss Pageant in Anaheim, California. Camila expressed her appreciation to the Legislature for the recognition and support.

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 October 2, 2013. There were none and they were ordered approved.

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

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. 310 be read.

Mr. Hartman recognized Karita Rowlings, student from Utica College who would be taping the Legislature session.

Mr. Korce requested unanimous consent to take a few minutes to speak on behalf of the Humane Society. He expressed appreciation for the tremendous outpouring of support from the

public during the recent animal cruelty case of the twelve dogs who were retrieved in various stages of neglect. He gave an update on the status of the animals and the charges in the case.

No. 307 – A communication was received from ProAct, Inc. submitting the Herkimer County Discount Prescription Card report for September. Placed on file.

No. 308 – A communication was received from the County Attorney submitting the line of succession in his office. Placed on file.

No. 309 – A communication was received from the State office of Real Property Tax Services submitting equalization rates. Placed on file.

No. 310 – Communications were received from the County Attorney submitting four Notices of Claim. Placed on file.

No. 311 – A communication was received from the Chairman of the Legislature reappointing legislative representative to the Regional Fish and Wildlife Management board. Referred to the Committee on Natural Resources.

No. 312 – A communication was received from the Sewer District Vice-Chairman submitting proposed Assessment Roll. Referred to the Committee on Natural Resources.

No. 313 – A communication was received from Gilberti, Stinziano, Heintz & Smith, PC advising of submission of application of North American Transmission, LLC to State Public Service Commission. Placed on file.

No. 314 – A communication was received from the County Highway Superintendent concerning increase in Creek Road Bridge Replacement Project. Referred to the Committee on Highways.

No. 315 – A communication was received from the Budget Officer submitting request for budget amendment in Department of Social Services. Referred to the Committee on Human Resources and Ways and Means.

No. 316 – A communication was received from the Sheriff submitting renewal of contract with State Unified Court system for court security. Referred to the Committee on Public Safety and Emergency Management.

No. 317 – A communication was received from the Personnel Officer requesting contract for actuarial review of former Herkimer Self Insurance Plan. Referred to the Committee on Ways and Means.

No. 318 – A communication was received from the County Highway Superintendent requesting increase in amounts of two highway projects. Referred to the Committee on Highways.

No. 319 – A communication was referred from the Personnel Officer requesting increase in amounts of two highway projects. Referred to the Committee on Highways.

No. 320 – A communication was received from the Budget Officer requesting budget amendment for Employment & Training Administration. Referred to the Committee on County Planning and Development.

No. 321 – A communication was received from the Sheriff requesting acceptance of Homeland Security Grant. Referred to the Committee on Public Safety and Emergency Management.

No. 322 – A communication was received from the STOP-DWI Coordinator submitting the 2014 STOP-DWI Plan.

No. 323 – A communication was received from the Vice President for Administration and Finance at Herkimer County Community College submitting two capital projects. Referred to the Committees on Education and County Properties.

No. 324 – A communication was received from the County Highway Superintendent requesting agreement for engineering services for Creek Road over Nowadaga Creek Bridge Replacement Project. Referred to the Committees on Highways and Ways and Means.

No. 325 – A communication was received from the County Highway Superintendent submitting Capital Construction Projects for 2014. Referred to the Committee on Highways.

No. 326 – A communication was received from the Commissioner of Social Services requesting contract for parenting classes in connection with children's services. Referred to the Committee on Human Resources and Ways and Means.

No. 327 – A communication was received from the Executive Director of the IDA requesting approval of issuance of bonds. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

No. 328 – A communication was received from the Budget Officer requesting budget amendment in connection with receipt of funding for Homeland Security Grant for Sheriff. Referred to the Committee on Public Safety and Emergency Management and the Committee on Ways and Means.

No. 329 – A communication was received from the Budget Officer submitting request for appropriation of funds for Sewer District. Referred to the Committee on Natural Resources and the Committee on Ways and Means.

No. 330 – A communication was received from the Budget Officer requesting budget amendment in connection with receipt of funding from State Criminal Alien Assistance Program. Referred to the Committee on Public Safety and Emergency Management.

No. 331 – A communication was received from the Budget Officer requesting budget amendment in connection with payment from New York State for Early Intervention Service

Coordination. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 332 – A communication was received from the Budget Officer submitting request for transfer of funds. Referred to the Committee on Ways and Means.

No. 333 – A communication was received from the STOP-DWI Coordinator submitting recommendation for appointment to STOP-DWI Advisory Board. Referred to the Committee on Public Safety and Emergency Management.

No. 334 – A communication was received from the Budget Officer requesting budget amendment in connection with Healthy Families Grant. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 335 – A communication was received from Whiteman, Osterman & Hanna submitting party status forms filed with the Public Service Commission on behalf of transmission owners. Placed on file.

No. 336 – A communication was received from the County Attorney concerning retention of counsel in connection with New County Correctional Facility. Referred to the Committee on Public Safety and Emergency Management and the Committee on Ways and Means.

No. 337 – A communication was received from the State Comptroller acknowledging receipt of County Sales Tax Extension Resolution. Placed on file.

Pursuant to Rule 6, Chairman Bono then proceeded with Reports of Standing Committees. Mr. Russell reported that budget deliberations are continuing and all are invited to attend.

On motion of Mr. Peplinski, 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, Hyde (2).

**Consent Agenda:**

- 231 NAT. RESOURCES: Appointing member to Fish and Wildlife Management Board
- 232 NAT. RESOURCES, WAYS & MEANS: Setting Public Hearing on Sewer District Assessment Roll
- 233 PUB. SFTY./EMER. MGMT.: Approving STOP-DWI Plan for 2014
- 234 PUB. SFTY./EMER. MGMT.: As Regards Membership on STOP-DWI Advisory Board

No. 231

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

RESOLVED, that the reappointment of Bruce Weakley, PO Box 474, Poland, New York, New York, to the Regional Fish and Wildlife Management Board, made by the Chairman of the Legislature, by letter dated October 15, 2013, be and hereby is, ratified and confirmed on said Board for representative of the Legislature, which term shall expire on December 31, 2015; and, be it further

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

Dated: October 23, 2013.

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

No. 232

**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES  
AND THE COMMITTEE ON WAYS AND MEANS FIXING TIME AND PLACE FOR  
THE PUBLIC HEARING ON THE ASSESSMENT ROLL OF THE PART COUNTY  
SEWER DISTRICT**

WHEREAS, the Herkimer County Sewer District has prepared an assessment roll pursuant to the provisions of Section 271 of the County Law; and

WHEREAS, this Legislature has been advised that the assessment roll has been submitted to the Herkimer County Budget Officer together with the estimate of revenues and expenditures; and

WHEREAS, the Herkimer County Budget Officer has transmitted the assessment roll together with the tentative budget to the Clerk of the Legislature; now, therefore, be it

RESOLVED, that the Herkimer County Legislature shall cause a notice to be published stating the time, place and purpose of a public hearing on the said assessment roll; and, be it further

RESOLVED, that the Herkimer County Legislature shall hold such public hearing at the Legislators' Chambers in the Village of Herkimer, County of Herkimer, New York, on the 13th day of November, 2013 at 7:15 p.m., pursuant to the provisions of Section 271 of the County Law.

Dated: October 23, 2013.

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

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

No. 233

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS APPROVING 2014 STOP-DWI PLAN**

WHEREAS, the New York State Legislature, by Chapter 913 of the Laws of 1981, established a Special Traffic Options Program for Driving While Intoxicated; and

WHEREAS, the said Law provides for the establishment of such a program by the counties of the State of New York; and

WHEREAS, the Herkimer County Legislature authorized by Resolution No. 270 for the year 1981, participation by the County of Herkimer in the STOP-DWI Program; and

WHEREAS, by letter dated October 15, 2013, Michael L. Edwards, STOP-DWI Coordinator, has submitted the STOP-DWI Plan for the year 2014 for approval by this Legislature; now, therefore, be it

RESOLVED:

1. That the Herkimer County Legislature hereby approves the STOP-DWI Plan for 2014;
2. That the funds accrued in the year 2013 and prior thereto be expended for the continuance of the STOP-DWI Program;
3. That the STOP-DWI Coordinator and Advisory Board submit timely reports regarding revenue obtained and expended within limits previously approved, to the appropriate committees of the County Legislature;

4. That the previous resolutions regarding the STOP-DWI Program be continued as resolved;

5. That certified copies of this Resolution be forwarded to the County Treasurer, Auditor, Budget Officer, STOP-DWI Coordinator and the New York State Department of Motor Vehicles.

Dated: October 23, 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**

No. 234

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND  
EMERGENCY MANAGEMENT AS REGARDS MEMBERSHIP ON THE STOP-DWI  
ADVISORY BOARD**

WHEREAS, a communication from Michael J. Edwards, STOP-DWI Coordinator, dated October 16, 2013, advises this Legislature that the STOP-DWI Advisory Board recommends an appointment to fill a vacancy of a member on the STOP-DWI Advisory Board; now, therefore, be it

RESOLVED, that Reverend John Nobles, 504 East Monroe Street, Little Falls, New York is hereby appointed to the STOP-DWI Advisory Board to fill the remainder of a term to expire June 30, 2014; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Coordinator of the STOP-DWI Program and Reverend John Nobles.

Dated: October 23, 2013.

LEONARD R. HENDRIX  
BRUCE WEAKLEY  
RAYMOND SMITH  
ROBERT N. HYDE  
DENNIS KORCE  
BERNARD PEPLINSKI, SR.

**Committee on Public Safety/Emergency  
Management**

Chairman Bono then welcomed the 4-H Government Students and asked them to stand and introduce themselves and the school they were from and County Attorney Malone explained the procedure for voice and roll call votes.

On motion of Mr. Hendrix, seconded by Mr. Russell, Report and Resolution No. 235 of the Committee on Public Safety and Emergency Management and the Committee on Ways and Means amending budget in connection with funding in Sheriff's Office was handed up; voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Rose, Hyde (2).

No. 235

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC  
SAFETY/EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND  
MEANS AMENDING BUDGET IN CONNECTION WITH FUNDING IN SHERIFF'S  
OFFICE**

WHEREAS, by letter dated October 16, 2013 from the Budget Officer and Purchasing Agent, this Legislature is advised that it is necessary to amend the 2013 Budget in connection with funding received from the U.S. Department of Justice for a State Criminal Alien Assistance Program (SCAAP) award in the Sheriff's office; now, therefore, be it

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

Revenue

A3150.4388 Jail, Alien Assistance	From:	\$-0-
	To:	\$13,556.00

Appropriation

A3150.10000-001, Jail, Salaries	From:	\$1,476,588.00
	To:	\$1,486,151.68
A3150.44000 Jail, Contracted Services	From:	\$ 51,950.00
	To:	\$ 54,932.32
A3150.10100-021 Jail, Supplies	From:	\$ 7,812.95
	To:	\$ 8,812.95



And, be it further

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

Dated: October 23, 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. Weakley, seconded by Mr. Peplinski, Report and Resolution No. 236 of the Committee on Highways amending Resolution No. 311 of 2012 approving Project under Article 6 Section 116 of Highway Law was handed up; voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Rose, Hyde (2).

No. 236

**REPORT AND RESOLUTION OF THE COMMITTEE ON HIGHWAYS AMENDING  
RESOLUTION NO. 311 OF 2012 APPROVING PROJECT UNDER ARTICLE 6,  
SECTION 116 OF THE HIGHWAY LAW**

WHEREAS, by Resolution No. 311 for 2012 this Legislature authorized capital projects under the capital construction program to be done with county road fund monies during the year 2012, which included \$1,325,000.00 covering Project No. 339, Robinson Road , Shoemaker Road and Ward Road Rehabilitation Project, and which included \$230,000.00 covering Project No. 340, Henry Street, Shortlots Road, McGowan Road and West Prospect Street Rehabilitation Projects; and

WHEREAS, by letter dated October 7, 2013 from Jay Ewanyk, County Superintendent of Highways, this Legislature is advised of a request to amend said projects due to increased quantities of materials which will require additional money; now, therefore, be it

RESOLVED, that Resolution No. 311 duly adopted on December 19, 2012 covering Project No. 339, Robinson Road , Shoemaker Road and Ward Road Rehabilitation Projects, is hereby amended in the First Resolved Clause, to delete the amount of \$1,325,000.00 and replace with \$1,375,000.00, with CHIPS funds to be used for the additional funds; and, be it further

RESOLVED, that Resolution No. 311 duly adopted on December 19, 2012 covering Project No. 340, Henry Street, Shortlots Road, McGowan Road and West Prospect Street Rehabilitation Projects is hereby further amended in the First Resolved Clause, to delete the amount of \$230,000.00 and replace with it \$270,000.00, with CHIPS funds to be used for the additional funds; and, be it further

RESOLVED, that in all other respects, Resolution No. 311 of 2012 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 and County Highway Superintendent.

Dated: October 23, 2013.

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

On motion of Mr. Weakley, seconded by Mr. Korce, Report and Resolution No. 237 of the Committee on Highways and the Committee on Ways and Means authorizing contract for engineering services for Highway Department was handed up; voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Rose, Hyde (2).

No. 237

**REPORT AND RESOLUTION OF THE COMMITTEE ON HIGHWAYS AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING CONTRACT FOR ENGINEERING SERVICES FOR HERKIMER COUNTY HIGHWAY DEPARTMENT**

WHEREAS, by letter dated October 10, 2013, Jay Ewanyk, County Highway Superintendent, has advised of a request to enter into an agreement with Lochner Engineering, P.C. of Utica, New York, to perform construction administrative services in connection with Project No. 294, Creek Road over Nowadaga Creek Bridge Replacement Engineering Services in the amount of \$160,000.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an agreement with Lochner Engineering to perform construction administrative services in

connection with Project No. 294, Creek Road over Nowadaga Creek Bridge Replacement Engineering Services for a cost of \$160,00000, with said agreement to be subject to 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, County Highway Superintendent and Lochner Engineering, P.C.

Dated: October 23, 2011.

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

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. Peplinski, Report and Resolution No. 238 of the Committee on Highways approving projects under Article 6, Section 116 of the Highway Law was handed up; was voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Rose, Hyde (2).

No. 238

**REPORT AND RESOLUTION OF THE COMMITTEE ON HIGHWAYS APPROVING PROJECTS UNDER ARTICLE 6, SECTION 116 OF THE HIGHWAY LAW**

WHEREAS, your Committee on Highways, to which was referred the letter of Jay W. Ewanyk, County Superintendent of Highways, dated October 9, 2013, submitting three copies each of statements under Article 6 of the Highway Law designating work to be done with County Road Fund monies during the year 2014 covering four projects involved in the Capital Construction Program, respectfully reports that we have examined said statements contained in said communication from and signed by the County Superintendent of Highways, recommend its adoption and offer the following Resolution:

RESOLVED, that the statements under Article 6 of the Highway Law which designate work to be done with County Road Fund monies be, and hereby are, approved by the County Legislature of the County of Herkimer for the following four projects involved in the Capital Construction Program, to be funded as listed:

<b>project no.</b>	<b>road/location</b>	<b>TYPE OF PROJECT (SEE ARTICLE 6)</b>	<b>estimated cost</b>
349	Dockey Road, CR 42 Town of Manheim	Engineering Services for bridge replacement	<b>\$ 60,000.00</b>
350	White Creek Road, CR 60 & 171 Town of Newport	2.67 miles road rehabilitation	<b>\$1,300,000.00</b>
351	Newport Road, CR 34 Town of Newport	1.50 miles road rehabilitation	<b>\$ 255,000.00</b>
352	North Creek Road, CR 86 Towns of Herkimer and Newport	2.57 miles road rehabilitation	<b>\$1,400,000.00</b>

And, be it further

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

Dated: October 23, 2013.

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

On motion of Mr. Weakley, seconded by Mr. Smith, Report and Resolution No. 239 of the Committee on Highways amending Resolution No. 327 of 2006 approving Project under Article 6, Section 116 of Highway Law was handed up; was voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Rose, Hyde (2).

No. 239

**REPORT AND RESOLUTION OF THE COMMITTEE ON HIGHWAYS AMENDING RESOLUTION NO. 327 OF 2006 APPROVING PROJECT UNDER ARTICLE 6, SECTION 116 OF THE HIGHWAY LAW**

WHEREAS, by Resolution No. 327 of 2006 this Legislature authorized capital projects under the capital construction program to be done with county road fund monies during the year

2007, 2008 and 2009, which included \$1,634,000.00 covering Project No. 294, Creek Road for Engineering and Construction, for a total appropriation of \$1,634,000.00; and

WHEREAS, by letter dated October 7, 2013 from Jay Ewanyk, County Superintendent of Highways, this Legislature is advised of a request to amend the 2013 Budget for said to increase the appropriation amount to \$2,141,068.00; now, therefore, be it

RESOLVED, that Resolution No. 327 duly adopted on November 15, 2009 covering Project No. 294, Creek Road for Engineering and Construction, is hereby amended in the First Resolved Clause, to delete the amount of \$1,634,000.00 and replace it with \$2,141,068.00; and, be it further

RESOLVED, that in all other respects, Resolution No. 327 of 2006 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 and County Highway Superintendent.

Dated: October 23, 2013.

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

On motion of Mr. Shaw, seconded by Mr. Smith, Report and Resolution No. 240 of the Committees on Human Resources and Ways and Means authorizing contract in Department of Social Services for family parenting classes was handed up; was voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Rose, Hyde (2).

No. 240

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES  
AND WAYS AND MEANS, AUTHORIZING CONTRACT IN DEPARTMENT OF  
SOCIAL SERVICES FOR FAMILY PARENTING CLASSES**

WHEREAS, by letter dated October 7, 2013 from Timothy J. Seymour, Commissioner of Social Services, this Legislature is advised that proposals have been received for the provision of

both court-ordered and voluntary parenting classes for parents in various stages of children's services involvement; and

WHEREAS, it is the recommendation of your committees that a contract be entered into with Kids Oneida, Inc. to provide a parenting curriculum through their Nurturing Skills for Families Program at a cost of \$5,962.00 for the contract period October 23, 2013 through December 31, 2013.; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a contract on behalf of the County of Herkimer with Kids Oneida, Inc., 310 Main Street, Utica, NY 13501, for the provision of both court-ordered and voluntary parenting classes for parents in various stages of children's services involvement, with said contract to be subject to the approval of the Herkimer County Attorney; and, be it further

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

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

Dated: October 23, 2013

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

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

On motion of Mr. Russell, seconded by Mr. Peplinski, Report and Resolution No. 241 of the Committee on Ways and Means approving contract for actuarial review of the former Herkimer County Self-Insurance Plan was handed up; discussion was held; was voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Rose, Hyde (2).

No. 241

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
APPROVING CONTRACT FOR ACTUARIAL REVIEW OF THE FORMER  
HERKIMER COUNTY SELF-INSURANCE PLAN**

WHEREAS, by letter dated October 3, 2013, from Steven R. Billings, Personnel Officer, this Legislature is advised that a proposal has been received from Sound Actuarial Consulting, Inc. to provide the County with an actuarial review of workers compensation liabilities of the former Herkimer County Self Insurance Plan at a cost not to exceed \$12,000.00; and

WHEREAS, said letter further advises that the actuarial review is necessary because the Town of Newport has opted to leave the “abandoned” Herkimer County Self Insurance Plan effective January 1, 2014, and that under the plan rules that will have to pay their assessment percentage of the plan’s outstanding liabilities; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute an agreement on behalf of the County of Herkimer with Sound Actuarial Consulting, Inc., 403 East Main Street, Port Jefferson Village, New York 11777, to provide an actuarial review of the workers compensation liabilities of the former Herkimer County Self Insurance Plan at a cost not to exceed \$12,000.00, with the final terms 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, Personnel Officer and Sound Actuarial Consulting, Inc.

Dated: October 23, 2013.

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

On motion of Mr. Weakley, seconded by Mr. Peplinski, Report and Resolution No. 242 of the Committee on Ways and Means approving contract for third party claims administration services of the Former Herkimer County Self-Insurance Plan and Stand Alone Plan was handed up; was voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Rose, Hyde (2).

No. 242

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
APPROVING CONTRACT FOR THIRD PARTY CLAIMS ADMINISTRATION  
SERVICES FOR THE FORMER HERKIMER COUNTY SELF-INSURANCE PLAN  
AND STAND ALONE PLAN**

WHEREAS, by Resolution No. 313 of 2008 this Legislature authorized a contract with Benetech, Inc. , for third party administration services for the former Herkimer County Self-Insured Workers' Compensation Plan which by Resolution No. 192 of 2011 was extended for the year 2012 and amended to include coverage for the Stand Alone Plan; and

WHEREAS, by letter dated October 2, 2013, Steven R. Billings, Personnel Officer, has requested to extend said agreement from January 1, 2014 through December 31, 2015, with the annual cost for the County Stand-Alone coverage to be at a flat rate of \$22,548.00 for 2014 and \$23,225.00 for 2015, and the former Herkimer County Self-Insurance Plan cost will be on a per claim basis of \$125.00 per medical only claim and \$395.00 per indemnity claim; now, therefore, be it

RESOLVED, an agreement with Benetech, Inc., One Dodge Street, PO Box 348, Wynantskill, NY 12198, for third party administrative services to the Former Herkimer County Self-Insurance Plan and for the County's Stand-Alone coverage be approved for the period January 1, 2014 through December 31, 2015, with the terms and conditions of said contract 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, Personnel Officer and Benetech, Inc.

Dated: October 23, 2013.

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

On motion of Mr. Russell, seconded by Mr. Peplinski, Report and Resolution No. 243 of the Committee on Ways and Means transferring funds was handed up; was voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Rose, Hyde (2).



**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 October 16, 2013, submitting a request for transfers of funds, reports that we have examined said communication, inquired into the subject matter thereof recommend that said transfers be made and offer the following Resolution:

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

\$90,000.00	From: A6055.44000 Day Care, Contracted Services To: A6119.40000 Foster Care, Cont. Exp.
\$300,000.00	From: A6101.40000 Med. Assist., Cont. Exp. To: A6119.40000 Foster Care, Cont. Exp.
\$20,000.00	From: A6109.40000 Fam. Assist., Cont. Exp. To: A6119.40000 Foster Care, Cont. Exp.
\$80,000.00	From: A6109.40000 Fam. Assist., Cont. Exp. To: A6140.40000 Safety Net, Cont. Exp.
\$50,000.00	From: A6119A.40000 Foster Care, Non-Sec. Det., Cont. Exp. To: A6140.40000 Safety Net, Cont. Exp.
\$25,000.00	From: A6119B.40000 Comm. on Handicapped, Cont. Exp. To: A6140.40000 Safety Net, Cont. Exp.
\$20,000.00	From: A6109.40000 Fam. Assist., Cont. Exp. To: A6142.40000 Em. Aid for Adults, Cont. Exp.
\$30,000.00	From: A3150.10000-001 Jail, Salaries To: A3110.10100-021 Sheriff, Rem. PT
\$409.17	From: A3140.10000-002 Probation, Overtime To: A3141.10000-002 Alt. to Incarceration, Overtime

and be it further,

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

Dated: October 23, 2013.

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

On motion of Mr. Smith, seconded by Mr. Shaw, Report and Resolution No. 244 of the Committee Ways and Means and the Committee on Human Resources amending budget for Healthy Families Program was handed up; voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Rose, Hyde (2).

No. 244

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

WHEREAS, by Resolution No. 191 adopted on August 14, 2013 this Legislature authorized renewal of the grant for the Healthy Families New York Home Visiting Program, which will be used to improve the health and well being of children and families in Herkimer County, and further authorized the Chairman of the Legislature to sign said grant by electronic signature; and

WHEREAS, by letter dated October 16, 2013, from Bernard E. Decker, this Legislature is advised that it will be necessary to amend the 2013 Herkimer County Budget in connection with the receipt of said grant in the amount of \$284,434.00; now, therefore, be it

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

Revenue:

A4189H.4401 (PH 13-7) Healthy Families Grant	From:	\$0
	To:	\$284,434.00

Appropriation:

A4189H.44000 (PH 13-7) Healthy Families, Contractual Services	From:	\$139,540.16
	To:	\$423,974.16

and, be it further

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

Dated: October 23, 2013.

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

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

KURT J. ACKERMAN  
Committee on Ways and Means

PETER F. MANNO  
Committee on Human Resources

On motion of Mr. Shaw, seconded by Mr. Hendrix, Report and Resolution No. 245 of the Committee on Human Resources and the Committee on Ways and Means was handed up; voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Rose, Hyde (2).

No. 245

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS AMENDING BUDGET IN CONNECTION WITH RECEIPT OF ADDITIONAL REIMBURSEMENT IN DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, by letter dated October 16, 2013 from the Budget Officer and Purchasing Agent, this Legislature is advised that it is necessary to amend the 2013 to reflect receipt of additional reimbursement from New York State in the Department of Social Services; now, therefore, be it

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

Revenue:

A6119.3619 Child Care, St. Aid	From: \$1,510,000
	To: \$1,757,500
A6119.4619 Foster Care, Fed. Aid	From: \$ 900,000
	To: \$1,147,500
A6010.4610 Social Serv., Admin.	From: \$2,627,400
	To: \$2,682,400

Appropriation

A6119.40000 Foster Care, Cont. Exp.	From: \$2,565,000
	To: \$3,115,000

And, be it further

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

Dated: October 23, 2013.

RAYMOND SMITH  
FREDERICK J. SHAW, JR.  
JEAN E. MANEEN  
LEONARD R. HENDRIX

PATRICK E. RUSSELL  
DENNIS KORCE  
RAYMOND SMITH  
BRUCE WEAKLEY

PATRICK E. RUSSELL  
PETER F. MANNO  
**Committee on Human Resources**

BERNARD PEPLINSKI, SR.  
KURT J. ACKERMAN  
**Committee on Ways and Means**

On motion of Mr. Johnson, seconded by Mr. Russell, Report and Resolution No. 246 of the Committee on Public Safety/Emergency Management and the Committee on Ways and Means accepting grant and amending budget for Homeland Security Funding in Sheriff's Department was handed up; was voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Rose, Hyde (2).

No. 246

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS ACCEPTING GRANT AND AMENDING BUDGET FOR HOMELAND SECURITY FUNDING FOR SHERIFF'S DEPARTMENT**

WHEREAS, by letter dated September 26, 2013, from Christopher P. Farber, Sheriff, this Legislature is advised of the receipt of a FY2012 SLETPP grant from the Department of Homeland Security in the amount of \$17,500.00, which grant is under the Law Enforcement Terrorism Prevention Program; and

WHEREAS, by letter dated October 16, 2013, from Bernard E. Decker, this Legislature is advised that it will be necessary to amend the 2013 Herkimer County Budget in connection with the receipt of said funding; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute and e-sign the contract with the New York State office of Homeland Security to receive a FY 2013 SLETPP grant in the amount of \$17,500.00 through the Homeland Security Grant Program under the Law Enforcement Terrorism Prevention Program; and, be it further

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

Revenue

A3110A.3389F State Aid, Homeland Security	From:	\$-0-
	To:	\$ 17,500.00

Appropriation

A3110A.25000 Sheriff, Homeland Security Grant - Other Equipment	From:	\$ 91,050.86
	To:	\$108,550.86

and, be it further

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

Dated: October 23, 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. Smith, seconded by Mr. Peplinski, Report and Resolution No. 247 of the Committee on Ways and Means and the Committee on Human Resources amending budget in connection with receipt of payment for Early Intervention Service Coordination Funding was handed up; voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Rose, Hyde (2).

No. 247

**REPORT AND RESOLUTION OF THE COMMITTEES ON WAYS AND MEANS AND HUMAN RESOURCES AMENDING BUDGET IN CONNECTION WITH RECEIPT OF PAYMENT FOR EARLY INTERVENTION SERVICE COORDINATION FUNDING**

WHEREAS, by letter dated October 16, 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 payment from New York State for Early Intervention Service Coordination; now, therefore, be it

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

Revenue:

A4059.1621	Early Intervention, Income	From: \$195,000.00
		To: \$203,000.00

Appropriation

A4059.10000-001	Early Intervention, Salaries	From: \$ 93,358.00
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To: \$101,358.00

and, be it further

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

Dated: October 23, 2013.

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

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

On motion of Mr. Shaw, seconded by Mr. Johnson, Report and Resolution No. 248 of the Committee on Ways and Means and the Committee on Natural Resources appropriating funds in the Herkimer County Sewer District was handed up; was voted on and adopted by roll call vote:

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

Against: None.

Absent: Rose, Hyde (2).

No. 248

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

WHEREAS, by letter dated October 16, 2013, Bernard E. Decker, Budget Officer, has advised this Legislature that there are sufficient funds in Account G870 - Sewer District Repair Reserve, to allow for an appropriation to be used to cover the repair of the air conditioning component to the HVAC system at the Herkimer County Sewer District; now, therefore, be it

RESOLVED, that the sum of \$9,000.00 is hereby appropriated as follows:

\$9,000.00 From: G870, Sewer District Repair Reserve,  
To: G8130.44000-525, Waste Water Treatment Plant - Contracted Services, Repairs;

and, be it further

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

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

Dated: October 23, 2013.

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

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

On motion of Mr. Russell, seconded by Mr. Peplinski, Report and Resolution No. 249 of the Committee on County Planning and Development and the Committee on Ways and Means authorizing advance payment in connection with Empire State Development Grant award for Hurricane Irene Flood Mitigation was handed up; was voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Rose, Hyde (2).

No. 249

**RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING ADVANCE PAYMENT IN CONNECTION WITH EMPIRE STATE DEVELOPMENT GRANT AWARD FOR HURRICANE IRENE FLOOD MITIGATION**

WHEREAS, by Resolution No. 261 adopted on October 24, 2012 by Resolution No. 192 adopted on August 14, 2013, the County of Herkimer authorized its acting as a pass through

entity for grant funds for Hurricane Irene-Tropical Storm Lee Flood Mitigation grants, as described in that resolution; and

WHEREAS, the municipalities which will be receiving the grant funds have completed various parts of projects and payment is being requested from contractors who have performed the work; and

WHEREAS, those municipalities have requested that the County advance funds to make such payments, to be reimbursed from grant funds when they are received; and

WHEREAS, the County and those municipalities had previously entered into agreements whereby the municipalities would be responsible for satisfactory completion of all phases of all projects, with the County being held harmless for any liability in connection with those projects; now, therefore, be it

RESOLVED, that the County of Herkimer is hereby authorized to make advance payments to municipalities described in the above resolution up to the full amount of the grant awards described in that resolution, upon the condition that the respective municipalities enter into an agreement that in the event that such grant awards are not received in whole or in part, for any reason, the municipalities shall repay to the County of Herkimer all funds so advanced within ninety days of demand by the County of Herkimer; and, be it

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer and the Villages of Herkimer and Ilion and the Towns of Frankfort and German Flatts.

Dated: October 23, 2013.

BERNARD PEPLINSKI, SR.  
RAYMOND SMITH  
PATRICK E. RUSSELL  
FREDERICK J. SHAW, JR.  
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. Johnson, seconded by Mr. Russell, Report and Resolution No. 250 of the Committees on Ways and Means and County Planning and Development amending budget in connection with receipt of Trade Adjustment Assistance Funding was handed up; was voted on and adopted by voice vote:

For: All ayes (15).



Against: None.

Absent: Rose, Hyde (2).

No. 250

**REPORT AND RESOLUTION OF THE COMMITTEES ON WAYS AND MEANS AND COUNTY PLANNING AND DEVELOPMENT AMENDING BUDGET IN CONNECTION WITH RECEIPT OF TRADE ADJUSTMENT ASSISTANCE FUNDING**

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 increased revenue received for the Trade Adjustment Assistance program; now, therefore, be it

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

Revenue

CD6295.4797 Trade Adjustment Assistance	From: \$100,000
	To: \$150,000

Appropriation

CD6295.46000-683 ETA, TANF, Salaries	From: \$100,000
	To: \$150,000

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 23, 2013.

BERNARD PEPLINSKI, SR.  
RAYMOND SMITH  
PATRICK E. RUSSELL  
FREDERICK J. SHAW, JR.  
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. Hendrix, seconded by Mr. Peplinski, Report and Resolution No. 251 of the Committee on Public Safety and Emergency Management approving amendment to Court Security Contract was handed up; voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Rose, Hyde (2).

No. 251

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND  
EMERGENCY MANAGEMENT APPROVING AMENDMENT TO COURT SECURITY  
CONTRACT**

WHEREAS, by Resolution No. 11 adopted on January 20, 2011, this Legislature authorized a five year contract with the New York State Office of Court Administration to obtain reimbursement for expenses incurred in providing court security; and

WHEREAS, said contract provides for renegotiations of the maximum reimbursement amount on an annual basis; and

WHEREAS, this Legislature has been advised by Sheriff Christopher P. Farber by letter dated September 26, 2013, that the Office of Court Administration has submitted a renewal of said contract covering the period from April 1, 2013 through March 31, 2014, with the maximum reimbursement not to exceed \$51,300.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute a Court Security Contract Renewal with the Office of Court Administration for the period from April 1, 2013 through March 31, 2014, with the maximum reimbursement not to exceed \$51,300.00; and, be it further

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

Dated: October 23, 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. Manno, seconded by Mr. Schrader, Report and Resolution No. 252 of the Committees on Education and County Properties establishing Entrepreneur Center for Small Business Development Project at Herkimer County Community College was handed up; voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Rose, Hyde (2).

On motion of Mr. Manno, seconded by Mr. Hendrix Report and Resolution No. 253 of the Committees on Education and County Properties establishing Nature Trail Renovations Project at Herkimer County Community College was handed up; voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Rose, Hyde (2).

No. 253

**REPORT AND RESOLUTION OF THE COMMITTEES ON EDUCATION AND COUNTY PROPERTIES ESTABLISHING NATURE TRAIL RENOVATIONS PROJECT AT HERKIMER COUNTY COMMUNITY COLLEGE**

WHEREAS, by letter dated September 26, 2013 from Nicholas F. Laino, Vice President for Administration and Finance at Herkimer County Community College, this Legislature is advised that the Board of Trustees of Herkimer County Community College has, by Resolution No. 13-2, approved the capital budget for the Nature Trail Renovations Project in the amount of \$20,000, which project will provide renovations to the nature trail for the rebuilding of the trails and bridges and allow the College to provide an outdoor living/learning lab to accommodate the academic programs in the field of science; and

WHEREAS, said resolution requests that the Herkimer County Legislature adopt a similar resolution to approve the project in the amount of \$20,000, with 50% of the local share coming from the Herkimer County College Foundation, and 50% from the state, with no additional funding being requested from the County; now, therefore, be it

RESOLVED, that the establishment of Nature Trail Renovations Project at Herkimer County Community College in the amount of \$20,000 is hereby approved by the Herkimer County Legislature; and, be it further

RESOLVED, that the aforesaid Project will be funded with 50% of the local share coming from the Herkimer County College Foundation, and 50% from the state, with no additional funding being requested from the County; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, President of Herkimer County Community College and Vice President for Administration and Finance at Herkimer County Community College.

Dated: October 23, 2013.

PETER F. MANNO  
LEONARD HENDRIX  
DENNIS KORCE  
JEAN E. MANEEN  
KURT J. ACKERMAN  
RAYMOND SMITH  
**Committee on Education**

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

On motion of Mr. Hendrix, seconded by Mr. Peplinski, Report and Resolution No. 254 of the Committee on Public Safety and the Committee on Ways and Means authorizing retention of counsel in connection with New County Correctional Facility was handed up; discussion was held; on request of Mr. Hartman a roll call vote was taken and was adopted by roll call vote:

For: Maneen, Hendrix, Manno, Smith, Bono, Ackerman, Peplinski, Russell, Shaw, Weakley (10).

Against: Schrader, Johnson, Brezinski, Korce (4).

Abstention: Hartman (1).

Absent: Rose, Hyde (2).

No. 254

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING RETENTION OF COUNSEL IN CONNECTION WITH NEW COUNTY CORRECTIONAL FACILITY**

WHEREAS, this County is presently engaged in legal proceedings in Herkimer County Supreme Court against the Village of Herkimer in connection with the denial by the Village of Herkimer for water and sewer connection and an amendment of the Village's zoning ordinance prohibiting construction of a new correctional facility on the site selected by the County which previously had no such prohibition; and

WHEREAS, the Appellate Division, Fourth Department, has ordered that the parties engage in a “balancing test,” whereby the interests of the County and the interests of the Village would be assessed in connection with whether or not the County is exempt from the Village’s zoning ordinance; and

WHEREAS, by letter dated October 17, 2013, from Robert J. Malone, Herkimer County Attorney, a recommendation has been received that the County engage the services of outside counsel with expertise in these types of matters, and the West Firm, 677 Broadway, 8<sup>th</sup> Floor, Albany, New York 12207, has been recommended for said services; now, therefore, be it

RESOLVED, that the West Firm is retained to render legal services in connection with the above matters in Herkimer County Supreme Court at the rate of \$350 per hour for Attorney Thomas S. West, \$225 per hour for other counsel in the firm, and \$100 per hour for paralegal services; and, be it further

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

Dated: October 23, 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. Russell, seconded by Mr. Peplinski, Resolution No. 255 of the Committee on Ways and Means amending Resolution No. 215 of 2013 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, Hendrix, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (15).

Against: None.

Absent: Rose, Hyde (2).

No. 255

**RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AMENDING  
RESOLUTION NO. 215 OF 2013 AUTHORIZING CONTRIBUTION TO THE**

**DEFENSE OF AN ASSESSMENT CHALLENGE FOR PROPERTY IN THE TOWN OF FRANKFORT**

WHEREAS, by Resolution No. 215 adopted on September 11, 2013 this Legislature authorized a pro rata contribution towards the cost of litigation for the defense of the assessment challenge of three parcels located in the Town of Frankfort in proceedings brought by Granny's Kitchens, LLC against the Town for the assessment roll years 2012/2013 and 2013/2014; and

WHEREAS, your committee has been advised that the Town of Frankfort is only seeking a contribution towards the costs of appraisal in this matter since the Frankfort-Schuyler School District is represented by its own counsel rather than contributing to the cost of the Town's counsel; and

WHEREAS, this Legislature has further been advised that rather than pay their pro rata share of such appraisal costs, the School District and the Town have agreed to otherwise divide such remaining appraisal costs; now, therefore, be it

RESOLVED, that Resolution No. 215 adopted on September 11, 2013, is hereby amended to provide that the County of Herkimer shall contribute to the cost of preparing an appraisal report, the expert's consultation and testimony, and other necessary disbursements occurred by such appraiser in connection with the above action in an amount computed to be the County'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: October 23, 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 comments: Mr. Shaw

At 8:30 p.m. on motion of Mr. Manno, seconded by Mr. Johnson, the Legislature adjourned to Wednesday, November 13, 2013 at 7:30 p.m.