

MINUTES
Herkimer County Legislature
Organizational Session
Tuesday, January 3, 2012
2:00 p.m.

The Organizational Session of the Herkimer County Legislature was called to order by Carole L. LaLonde, Clerk of the Legislature at 2:00 p.m.

The Clerk called the roll by district:

Present: District 1 – Gary M. Hartman
District 2 – Helen T. Rose
District 3 – Robert J. Schrader
District 4 – Jean E. Maneen
District 5 – Raymond Johnson
District 6 – Leonard R. Hendrix
District 8 – John L. Brezinski
District 9 – Peter F. Manno
District 10 – Raymond Smith
District 11 – Vincent J. Bono
District 12 – Kurt J. Ackerman
District 13 – Bernard Peplinski, Sr.
District 14 – Dennis Korce
District 15 – Patrick E. Russell
District 16 – Frederick J. Shaw, Jr.
District 17 – Bruce Weakley

Absent: Robert Hyde, District 7

At this time the Clerk called for nominations of a Temporary Chairman. On motion of Mr. Shaw, seconded by Mr. Hendrix and Mr. Ackerman, Legislator Korce was nominated as Temporary Chairman. With no other nominations, Legislator Korce was named Temporary Chairman.

Ayes: (16).

Opposed: None.

Absent: Hyde (1).

Temporary Chairman Korce called on Carole LaLonde to lead the Legislature in the Pledge of Allegiance.

Temporary Chairman Korce called for a Moment of Silence for deceased members of the Legislature.

The Chairman continued by opening the nominations for Vice Chairman. On motion of Mrs. Maneen, seconded by Mr. Smith, nomination was made for Legislator Peplinski as Vice Chairman. With no other nominations, Legislator Peplinski was elected Vice Chairman by the following voice vote:

For: All ayes (16). Against: None.

Absent: Hyde (1).

At this time, Chairman Hendrix opened nominations for Clerk of the Legislature. On motion of Mr. Hendrix, seconded by Mr. Shaw, nomination was made for Carole LaLonde as Clerk of the Legislature. With no other nominations, the Chairman called for a voice vote:

All ayes: (16). Against: None.

Absent: Hyde (1).

Mrs. LaLonde thanked the Legislature for the appointment.

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 December 7th public hearing and special sessions on December 7th and 29th and December 14th regular meeting . Being none, Chairman Smith ordered the minutes approved.

Chairman Smith stated that the communications received by the Legislature and the committees to which they were referred were listed on the agenda and asked if any member of the Legislature requested mention of any particular communication. There were no requests.

No. 1 – A communication was received from the Director of the Real Property Tax Service Agency requesting approval for Auditor to process refunds and corrections under \$2,500. Referred to the Committee on Ways and Means

No. 2 – A communication was received from the Democrat Legislators naming John Brezinski as Minority Leader. Ordered filed.

No. 3 – A communication was received from the Republican Legislators naming Patrick Russell as Majority Leader. Ordered filed.

With that being all the communications, the Chairman continued with Reports and Resolutions beginning with No. 1.

On motion of Mrs. Maneen, seconded by Mr. Shaw, Resolution No. 1 adopting the Rules of the Legislature was handed up; voted on and adopted by voice vote:

Ayes: (16). Opposed: None.

Absent: Hyde (1).

No. 1

RESOLVED, that the Rules, as last amended by Resolution No. 153 of 2010, including Rules 1 through 47, be and they hereby are, adopted as the Rules of the County Legislature of the County of Herkimer for the ensuing two years.

Dated: January 3, 2012.

JEAN E. MANEEN
BRUCE WEAKLEY
FREDERICK J. SHAW
PETER F. MANNO
JOHN L. BREZINSKI
Committee on Administration/Veterans'
Affairs

On motion of Mr. Ackerman, seconded by Mr. Peplinski, Resolution No. 2 appointing the Herkimer County Attorney was handed up for voted on and adopted by voice vote:

The resolution was adopted by voice vote:

Ayes: (14).

Opposed: Hartman, Rose (2).

Absent: Hyde (1).

Mr. Malone thanked the Legislature for the appointment.

No. 2

RESOLVED, that Robert J. Malone of Little Falls, New York, be, and he hereby is, appointed County Attorney for the County of Herkimer pursuant to the provisions of Article 11, Section 500 of the County Law, being Chapter 691 of the Laws of 1950.

Dated: January 3, 2012.

KURT J. ACKERMAN

On motion of Mr. Manno, seconded by Mr. Peplinski, Resolution No. 3 appointing Jeri Frederick as the Herkimer County Auditor was handed up; voted on and adopted by voice vote:

All ayes: (16).

Opposed: None.

Absent: Hyde (1).

Mrs. Frederick thanked the legislature for the appointment.

No. 3

RESOLVED, that Jeri Frederick of Frankfort, New York, be and she hereby is, appointed County Auditor of the County of Herkimer, pursuant to County Law, Article 15, Section 600 and Local Law No. 7 for the year 1932, said term to begin on the first day of January, 2012 and ending December 31, 2013.

PETER F. MANNO

Dated: January 3, 2012.

On motion of Mr. Korce, seconded by Mr. Russell, Resolution No. 4 appointing Bernard Decker as Herkimer County Budget Officer/Purchasing Agent was handed up; voted on and adopted by voice vote:

Ayes: (16).

Opposed: None.

Absent: Hyde (1).

Mr. Decker thanked the Legislature for his appointment.

No. 4

RESOLVED, that Bernard E. Decker of Mohawk, New York, be, and he hereby is, appointed Budget Officer and Purchasing Agent of the County of Herkimer pursuant to County Law, Article 16, Section 625 and Local Law

No. 7 for the year 1933, said term to begin on the first day of January, 2012 and ending December 31, 2013.

Dated: January 3, 2012.

DENNIS KORCE

On motion of Mr. Russell, seconded by Mr. Ackerman and Mr. Hendrix, Report and Resolution No. 5 of the Committee on Ways and means as regards designation of depositories of county funds for 2012 was handed up ; debate was held, was voted on and adopted by voice vote:

All ayes: (16).

Opposed: None.

Absent: Hyde (1).

No. 5

REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS & MEANS AS REGARDS DESIGNATION OF DEPOSITORIES OF COUNTY FUNDS FOR 2012

RESOLVED, that the County Legislature of the County of Herkimer does hereby designate the following banks for the deposits of all monies received by the Herkimer County Treasurer, to wit:

Bank of America	15,000,000.00
M & T Bank	18,000,000.00
NBT	5,000,000.00
First Niagara	8,000,000.00
JP Morgan Chase	1,000,000.00
Adirondack Bank	15,000,000.00

and, be it further

RESOLVED, that the County Treasurer be, and she hereby is, authorized, empowered and directed to enter into an agreement with each of the said banks for and on behalf of and in the name of the County Legislature of the County of Herkimer, fixing rates of interest to be paid on the monies so deposited; and, be it further

RESOLVED, that before any monies be deposited in any bank, the County Treasurer accept from such bank either a depository bond in some good and solvent surety company or in lieu of such bond, bonds or certificates of the United States, of the State of New York, or any county, city and town of the State of New York, including bonds or certificates, and shall be deposited in a safe deposit box or safe deposit boxes by said County Treasurer in the name of the County of Herkimer or a properly executed certificate of escrow as authorized under the Laws of the State of New York, which certificate is

approved by the County Attorney; and the County Treasurer is hereby authorized and directed to enter into a collateral agreement with said banks, which agreement is to be first approved by the County Attorney; and, be it further

RESOLVED, that this Resolution be, and hereby is, made effective to and including December 31, 2012; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Attorney, County Clerk and the above named depositories.

Dated: January 3, 2012.

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

On motion of Mr. Russell, seconded by Mr. Weakley, Report and Resolution No. 6 of the Committee on Finance authorizing County Auditor to process Real Property Tax Refund Applications and to correct errors on tax rolls was handed up; debate was held, was voted on and adopted by voice vote:

All ayes: (16).

Opposed: None.

Absent: Hyde (1).

No. 6

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
AUTHORIZING COUNTY AUDITOR TO PROCESS REAL PROPERTY TAX
REFUND APPLICATIONS AND TO CORRECT ERRORS ON TAX ROLLS**

WHEREAS, Section 556 (8) of the Real Property Tax Law authorizes this Legislature to delegate, by resolution, to an appropriate official who is either empowered to authorize payment of bills without prior audit by this Legislature or to an official responsible for the payment of bills upon audit by this Legislature to perform the duties set forth in said section related to the refund of taxes, when the refund recommended by the Director of Real Property Tax Service is less than \$2,500.00; and

WHEREAS, Section 554 (9) of the Real Property Tax Law authorizes this Legislature to, by resolution, delegate the authority to perform corrections of errors in the

tax roll to an appropriate official who is either empowered to authorize payment of bills without prior audit by this Legislature or to an official responsible for the payment of bills upon audit by this Legislature, provided said correction is \$2500 or less; and

WHEREAS, by letters dated January 2, 2012, the Director of the Real Property Tax Service Agency has requested approval for said procedures for the year 2012; now, therefore, be it

RESOLVED:

1. That pursuant to Real Property Tax Law Section 556(8) the County Auditor is hereby authorized to perform the duties set forth in such section for the the Legislature to perform, when the refund recommended by the Director of Real Property Tax Services is \$2,500 or less;
2. That pursuant to Real Property Tax Law Section 554(9) the County Auditor is hereby authorized to perform the duties set forth in Section 554 of the Real Property Tax Law when the recommended correction is \$2500 or less;
3. That the County Auditor, in performing such duties, shall be governed by the provisions of Real Property Tax Section 554 and Section 558 and shall make reports to the Legislature as provided in said Sections;
4. That certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor and Director of Real Property Tax Services.

Dated: January 3, 2012.

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

On motion of Mr. Ackerman, seconded by Mr. Hendrix and Mrs. Maneen, Resolution No. 7 designating The Evening Telegram and The Evening Times as the official newspapers of the County of Herkimer was handed up; voted on and adopted by voice vote:

Ayes: (15).

Opposed: Russell (1).

Absent: Hyde (1).

No. 7

**RESOLUTION THAT THE HERKIMER TELEGRAM AND THE
LITTLE FALLS TIMES BE DESIGNATED THE OFFICIAL
NEWSPAPERS OF THE COUNTY OF HERKIMER FOR THE
YEAR 2012**

RESOLVED, that this Legislature names the Herkimer Telegram of Herkimer, New York, and the Little Falls Times of Little Falls, New York, as the official newspapers of the County of Herkimer, and that those papers have published therein all legal notices, local laws and other matters required to be published.

Dated: January 3, 2012.

GARY HARTMAN
HELEN T. ROSE
ROBERT SCHRADER
JEAN MANEEN
RAYMOND JOHNSON
LEONARD R. HENDRIX
ROBERT N. HYDE
JOHN L. BREZINSKI

PETER F. MANNO
RAYMOND SMITH
VINCENT J. BONO
KURT J. ACKERMAN
BERNARD Z. PEPLINSKI, SR.
DENNIS KORCE
PATRICK E. RUSSELL
FREDERICK J. SHAW, JR.
BRUCE WEAKLEY

At 2:37 p.m., on motion of Mr. Manno, seconded by Mr. Peplinski and Mr. Ackerman, this Session of the Herkimer County Legislature was adjourned to Wednesday, January 18, 2012 at 7:30 p.m.

Carole LaLonde, Clerk