

**MINUTES**  
**Herkimer County Legislature**  
**First Quarter – Second Day**  
**Wednesday, March 21, 2012**  
**7:30 p.m.**

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

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

Chairman Bono called for a moment of silence in recognition of all veterans, past and present.

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

Present: Hartman, Rose, Schrader, Maneen, Johnson, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Korce, Russell, Shaw. (14).

Absent: Hendrix, Peplinski, Weakley (3).

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 February 15, 2012. There were no objections and the minutes were approved.

Pursuant to Rule 11, Chairman Bono opened the floor for public comment. There was no one signed up 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. There were two requests.

No. 73 – A communication was received from ProAct, Inc. submitting report of the Herkimer County Discount Prescription Card savings for January and February 2012. Ordered filed.

No. 74 – A communication was received from New York State Association of Counties submitting resolution adopted

No. 75 – A communication was received from the Sheriff submitting the monthly report for January. Referred to the Committee on Public Safety/Emergency Management.

No. 76 – A communication was received from Director of Weights and measures submitting his Annual Report for 2011.

No. 77 – A communication was received from the Director of Probation submitting the Probation Department Annual Report for 2011. Referred to the Committee on Public Safety/Emergency Management.

No. 78 – A communication was received from the State Office for the Aging advising of approval of the County's Four Year Plan. Ordered filed.

No. 79 – A communication was received from the Town of Litchfield advising of notice of proposed Wind Energy Facilities Law. Ordered filed.

No. 80 – A communication was received from the Director of Community Services advising of refunds of taxes made for February. Ordered filed.

No. 81 – A communication was received from the County Auditor advising of refunds of taxes made for February. Ordered filed.

No. 82 – A communication was received from the State Office of Parks, Recreation and Historic Preservation advising that the Little Falls Historic District has been listed on the National Register of Historic Places. Ordered filed.

No. 83 – A communication was received from the County Highway Superintendent requesting approval of a contract for engineering services. Referred to the Committee on Highways and

No. 84 – A communication was received from the Sewer District submitting two resolutions for approval by the Legislature. Referred to the Committee on Natural Resources and the Committee on Ways and Means.

No. 85 – A communication was received from Herkimer County HealthNet, Inc. requesting approval of grant and budget amendment. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 86 – A communication was received from the Soil and Water Conservation District submitting minutes of 2/14/12 meeting. Ordered filed.

No. 87 – A communication was received from the County Attorney advising of the receipt of a Notice of Claim. Referred to the Committee on Ways and Means.

No. 88 – A communication was received from the Herkimer County Soil and Water Conservation submitting their 2011 Annual Report, Ordered filed.

No. 89 – A communication was received from the Director of Public Health requesting renewal of the contract for an Immunization Grant. Referred to the Committees on Human Resources and Ways and Means.

No. 90 – A communication was received from the County Auditor advising of the appointment of Pamela Walters as Deputy Auditor. Ordered filed.

No. 91 – A communication was received from the E & T Director recommending appointment to Workforce Investment Board.

No. 92 – A communication was received from the Employment & Training Director requesting an agreement with Herkimer BOCES for services to WIA –eligible out of school youth in Herkimer County. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

No. 93 – A communication was received from the Elections Commissioners requesting extension of grants and a contract for a new grant. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways and Means.

No. 94 – A communication was received from the Director of the Office for the Aging requesting EISEP program contract renewals. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 95 – A communication was received from the Director of Community Services requesting an amendment of Resolution NO. 38 of 2012. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 96 – A communication was received from the Budget officer recommending award of bid for home delivered meals for Frankfort-Schuyler area. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 97 – A communication was received from the Director of the Office for the Aging recommending renewal of agreement with Country Manor for home delivered meals for the North Country area. Referred to the Committees on Human Resources and Ways and Means.

No. 98 – A communication was received from Mary Ann Barbuto submitting her resignation as Director of Real Property Tax Services effective March 30, 2012. Referred to the committee on Ways and Means.

No. 99 – A communication was received from the Budget Officer submitting request for budget amendment in connection with HAVA grant funding. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways and Means.

No. 100 – A communication was received from the Budget Officer submitting request for budget amendment in connection with HealthNet funding. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 101 – A communication was received from the Budget Officer requesting approval of revisions to Purchasing Policy and Professional Services Procurement Policy. Referred to the Committee on Ways and Means.

No. 102 – A communication was received from the Budget Officer submitting requests for transfers of funds. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

No. 103 – A communication was received from the Budget Officer submitting request for appropriation in connection with county snow removal contracts. Referred to the Committees on Highways and Ways and Means.

No. 104 – A communication was received from the Executive Director of the Herkimer County IDA requesting confirmation of findings on approved project. Referred to the Committee on County Planning and Development.

No. 105 – A communication was received from the Executive Director of the Herkimer County IDA requesting the Chairman to certify documents necessary for an application for economic development assistance to the Office of Community Renewal and setting public hearings. Referred to the Committee on County Planning and Development.

No. 106 – A communication was received from the State Office of Community Renewal advising of release of funds and approval of Community Development Block Grant. Ordered filed.

No. 107 – A communication was received from the Director of Real Property Tax Services requesting renewal of contract with the Town of Danube for assessment services. Referred to the Committee on Ways and Means.

No. 108 – A communication was received from Stefano Napolitano submitting a letter of disclosure of interest. Ordered filed.

No. 109 – A communication was received from the Executive Director of the Youth Bureau requesting extension of grant and amendment of salary schedule. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

No. 110 – A communication was received from the Herkimer County Sewer District submitting recommendation for reappointment of Mayor of Village of Mohawk to the Sewer Board.

No. 111 – A communication was received from the Commissioner of Social Services requesting contracts with Kids Herkimer. Referred to the Committee on Human Resources and the Committee on Ways and Means.

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

For: Ayes (14).

Against: None.

Absent: Hendrix, Peplinski, Weakley (3).

**Consent Agenda:**

- 53 PUB. SFTY./EMER. MGMT.: Annual Report of Probation Department
- 54 NAT. RESOURCES: Annual Report of Director of Weights and Measures
- 55 ./EMER. MGMT.: Monthly Report of Sheriff
- 56 NAT. RESOURCES: Setting Public Hearing on Annual 30 day period for Inclusion of Viable Agricultural Land within a Certified Agricultural District
- 57 NAT. RESOURCES: Setting date for Notice of Public Review of Agricultural District No. 6 in the Towns of Fairfield, Newport, Norway and Russia
- 58 HUMAN RES., WAYS & MEANS: Amending Res. No. 38 of 2012 Authorizing contracts for Herkimer County Mental Health Services
- 59 CO. PLANNING & DEV.: Concerning Membership of Workforce Investment Board

No. 53

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT ADOPTING ANNUAL REPORT OF PROBATION DEPARTMENT**

Your Committee on Public Safety and Emergency Management, to which was referred the Annual Report of the Herkimer County Probation Department for the year 2011 respectfully reports that we have examined said report, recommend that it be approved and offer the following Resolution:

RESOLVED, that the Annual Report of the Herkimer County Probation Department for the year 2011 be adopted and filed in the office of the Herkimer County Legislature.

Dated: March 21, 2012.

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

No. 54

**REPORT AND RESOLUTION OF THE COMMITTEE ON  
NATURAL RESOURCES ADOPTING ANNUAL REPORT OF  
DIRECTOR OF WEIGHTS AND MEASURES**

WHEREAS, your Committee on Natural Resources, to which was referred the Annual Report of the Director of Weights and Measures for the year 2011, reports that we have examined said report, recommend its adoption and offer the following Resolution:

RESOLVED, that the Annual Report of the Herkimer County Director of Weights and measures be adopted and printed in the Proceedings of the Herkimer County Legislature for the year 2011.

Dated: March 21, 2012.

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

No. 55

**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 January, 2012, 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 January, 2012, which report reflects an average daily population of 52.71 inmates, with an average of 23.39 inmates being boarded out in January, be approved and filed.

Dated: March 21, 2012.

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

**Committee on Public Safety/  
Emergency Management**

No. 56

**RESOLUTION OF THE COMMITTEE ON NATURAL  
RESOURCES SETTING PUBLIC HEARING ON ANNUAL  
THIRTY-DAY PERIOD FOR 2012 FOR INCLUSION OF VIABLE  
AGRICULTURAL LAND WITHIN A CERTIFIED  
AGRICULTURAL DISTRICT**

WHEREAS, Section 303-b of the Agriculture and Markets Law provides that the County Legislature of a county containing a certified agricultural district must designate an annual 30 day period within which a landowner may submit a request for inclusion of land which is predominately viable agricultural land within a certified agricultural district; and

WHEREAS, Resolution No. 146 adopted by this Legislature on May 19, 2004 set the annual 30 day period from January 1 through January 31 of each year; and

WHEREAS, pursuant to statute, requests received during said 30 day period for 2012 were referred to the County Agricultural and Farmland Protection Board for their recommendation, and reports are now ready to be made and a public hearing held; now, therefore, be it

RESOLVED, that a Public Hearing be held on the 4th of April, 2012 at 1:45 p.m. on the Annual 30-day Period for Additions to Agricultural Districts for the year 2012; and, be it further

RESOLVED, that the Clerk of this Legislature give proper notice thereof pursuant to Section 303-b of the Agriculture and Markets Law of the State of New York; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Soil and Water Conservation District, Cornell Cooperative Extension Services and the Herkimer-Oneida Counties Comprehensive Planning Program.

Dated: March 21, 2012.

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

No. 57

**RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES SETTING DATE FOR NOTICE OF PUBLIC REVIEW OF AGRICULTURAL DISTRICT NO. 6 IN THE TOWNS OF FAIRFIELD, NEWPORT, NORWAY AND RUSSIA**

WHEREAS, this Legislature has been advised by communication from the New York State Department of Agriculture and Markets that in accordance with Article 25-AA of the Agriculture and Markets Law, the eight year review must be commenced for Agricultural District No. 6 in the Towns of Fairfield, Newport, Norway and Russia; now, therefore, be it

RESOLVED, that the Chairman of this Legislature cause to be published in accordance with the provisions of the Agriculture and Markets Law, notice of the thirty day period for public review of an agricultural district pursuant to the eight year review for Agricultural District No. 6 in Herkimer County, on or before the 24th day of March, 2012; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Soil & Water Conservation District, Chairman of the Herkimer County Agricultural and Farmland Protection Board, the Herkimer-Oneida Counties Comprehensive Planning Program and Cornell Cooperative Extension Services of Herkimer County.

Dated: March 21, 2012.

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

No. 58

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS AND MEANS AMENDING RESOLUTION NO. 38 OF 2012 AUTHORIZING CONTRACTS FOR HERKIMER COUNTY MENTAL HEALTH SERVICES**

WHEREAS, by Resolution No. 38 adopted on February 15, 2012, this Legislature authorized contracts for the years 2012 and 2013 with various agencies to provide a variety of mental health services for county residents; and

WHEREAS, by letter dated March 5, 2012, from Edgar Scudder, Director of Community Services, this Legislature is advised of a request to amend said resolution to correctly identify one of the agencies by its new name; now, therefore, be it



RESOLVED, that Resolution No. 38 of 2012 is hereby amended to delete No. 3 in the First Resolved Clause and replace with the following:

3. Center for Family Life and Recovery  
502 Court Street  
Suite 401  
Utica, NY 13502

And, be it further

RESOLVED, that in all other respects, Resolution No. 38 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, Director of Community Services and the Center for Family Life and Recovery.

Dated: March 21, 2012.

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

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

Resources  
KURT J. ACKERMAN  
Committee on Ways and Means

No. 59

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

WHEREAS, by letter dated February 13, 2012, Karin Zipko, Employment & Training Director, has advised that a vacancy currently exists on the Workforce Investment Board and recommends an appointment be made to said Board; now, therefore, be it

RESOLVED, that Robert Brenchley, Manager of the Herkimer Branch of Adirondack Bank, is hereby appointed to serve on the Workforce Investment Board of Herkimer, Madison, and Oneida Counties for a term commencing March 22, 2012 through March 21, 2015 and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Director of Employment & Training, Chairman of the Workforce Investment Board, Chairman of the Madison County Board of Supervisors, Oneida County Executive and Robert Brenchley.

Dated: March 21, 2012

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

On motion of Mr. Smith, seconded by Mr. Shaw, Report and Resolution No. 60 of the Committees on Human Resources and Ways and Means authorizing contract with Country Manor for provision of Meals for the Office for the Aging was handed up; discussion was held, was voted on and adopted by voice vote:

For: Ayes: (12).

Against: Hartman,  
Rose (2).

Absent: Hendrix, Peplinski, Weakley (3).

Mr. Russell moved the question, seconded by Mr. Smith. The motion was approved by voice vote:

For: Ayes: (12).

Against: Hartman,  
Rose (2).

Absent: Hendrix, Peplinski, Weakley (3).

The resolution was voted on and adopted by voice vote:

For: Ayes: (12).

Against: Hartman,  
Rose (2).

Absent: Hendrix, Peplinski, Weakley (3).

No. 60

**REPORT AND RESOLUTION OF THE COMMITTEES ON  
HUMAN RESOURCES AND WAYS AND MEANS AUTHORIZING  
CONTRACT WITH THE COUNTRY MANOR FOR THE  
PROVISION OF MEALS IN THE HERKIMER COUNTY OFFICE  
FOR THE AGING**

WHEREAS, your Committees have been informed by communication dated February 14, 2010 from Mary A. Scanlon, Director of the Office for the Aging, of a request to renew the agreement with the Country Manor for the provision of meals, which are home delivered meals for the Middleville, Newport, Poland, Cold Brook, Ohio and Old Forge areas, for the two-year period of April 1, 2012 through March 31, 2014, at

a price of \$3.00 per meal, with additional costs for the frozen Old Forge meals for bread, milk and butter at cost, and with a total contract amount estimated to be \$38,500.00 for an estimated 12,000 meals for one year, and \$77,000.00 for an estimated 24,000 meals for the two-year period; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby authorizes an agreement, subject to the approval of the Herkimer County Attorney, between the Herkimer County Office for the Aging and The Country Manor, 4338 State Route 28, Herkimer, New York, for the provision of meals for the period of April 1, 2012 through March 31, 2014 for the Middleville, Newport, Poland, Cold Brook, Ohio and Old Forge areas, at a cost of \$3.00/meal, with additional costs for the frozen Old Forge meals for bread, milk and butter at cost, and with a total contract cost of \$38,500 for up to 12,000 meals for one year and \$77,000 for up to 24,000 meals for the two-year period, be it further

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

RESOLVED, that the Chairman of this Legislature is further authorized to enter into an annual renewal of said contract after the expiration of the current agreement, upon the same or more favorable terms and conditions; and, be it further

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

Dated: March 21, 2012.

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

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

On motion of Mr. Smith, seconded by Mrs. Maneen, Mr. Ackerman and Mr. Manno, Report and Resolution No. 61 of the Committees on

Human Resources and Ways and Means awarding contracts for Meals on Wheels and Congregate Meals programs for the Frankfort/Schuyler area was handed up; discussion was held, was voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Hendrix, Peplinski, Weakley (3).

No. 61

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS AND MEANS AWARDED CONTRACTS FOR MEALS ON WHEELS AND CONGREGATE MEALS PROGRAMS FOR THE FRANKFORT/SCHUYLER AREA**

WHEREAS, this Legislature is informed by communication dated March 14, 2012 from Bernard E. Decker, Budget Officer, that the Herkimer County Office for the Aging, through federal grants received and local sharing, has funds for the Meals on Wheels Programs and reports that the lowest bid price, including the cost of transportation and delivery, has been calculated by and provided by the Office for the Aging; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby authorizes catering contracts for the Meals on Wheels and Congregate Meals programs for the Frankfort-Schuyler area for the period April 1, 2012 – December 31, 2012 as follows:

<b>Area:</b>	<b>Number of meals:</b>	<b>Cost:</b>
<i>Frankfort-Schuyler area:</i> Little Falls Motel Associates, Inc.	up to 25 meals/day x 190 serving days = 4,750 meals/per contract period	\$4.25 per meal, up to \$20,187.50 per contract period

And, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature is hereby authorized to execute said contracts on behalf of the County of Herkimer; and, be it further

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

Dated: March 16, 2011.

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

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

On motion of Mr. Smith, seconded by Mr. Shaw and Mrs. Maneen, Report and Resolution No. 62 of the Committee on Human Resources and the Committee on Ways and Means concerning services in connection with Expanded In-Home Services for the Elderly Program was handed up; there being no discussion, was voted on and adopted by voice vote:

For: Ayes: (14).

Against: None.

Absent: Hendrix, Peplinski, Weakley (3).

No. 62

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN  
RESOURCES AND THE COMMITTEE ON WAYS AND MEANS  
CONCERNING SERVICES IN CONNECTION WITH THE EXPANDED  
IN-HOME SERVICES FOR THE ELDERLY PROGRAM**

WHEREAS, pursuant to resolutions previously adopted, contracts were authorized between the Herkimer County Office for the Aging and At Home Care, Inc., the Department of Social Services, Home Aide Services for Central Adirondacks (HASCA) and Superior Home Health Care, for said contractors to provide services for the Expanded In-Home Services for the Elderly Program (EISEP); and

WHEREAS, by communication dated February 17, 2012, from Mary A. Scanlon, Director of the Office for the Aging, this Legislature is advised of a request to enter into renewal of the aforesaid contracts for the period of April 1, 2012 to March 31, 2013 to fund case management, housekeeper/chore and homemaker/personal care services to the frail elderly not eligible for Medicaid; now, therefore, be it

**RESOLVED:**

1. That a contract be entered into between the Herkimer County Office for the Aging and At Home Care, Inc., 25 Elm Street, Oneonta, NY 13820 to provide such care for the frail elderly in the amount of \$120,000.00, which shall come from state funds, with the local match to be provided by the Office for the Aging. The hourly rate for service will be \$19.00, which may be renegotiated based on receipt of approved Medicaid rates;
2. That a contract be entered into between the Herkimer County Office for the Aging and the Herkimer County Department of Social Services to provide case management services in the amount of

\$65,000.00; with state aid reimbursement of 75% up to \$48,750, with the local match to be provided by the Department of Social Services;

3. That a contract be entered into with Superior Home Health Care of Herkimer, New York, for contracted aide services estimated to be \$70,000.00, and local match to be provided by the Office for the Aging. The hourly rate for services will be \$17.77, which may be renegotiated based on receipt of approved Medicaid rates;
4. That a contract be entered into with HASCA of Old Forge, New York, for contracted aide services estimated to be \$35,000.00, with local match to be provided by the Office for the Aging. The hourly rate for services will be \$20.50;
5. That all contracts shall state that payments are based on availability of state aid and will include a 60 day cancellation of contract clause;
6. That the contract between the Office for the Aging and the other Herkimer County department be executed by the department head and countersigned by the Chairman of this Legislature;
7. That the Chairman of this Legislature is hereby authorized to execute said contracts with At Home Care, Inc., Superior Home Health Care and Home Aide Service of the Central Adirondacks on behalf of the County of Herkimer;
8. That certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of the Office for the Aging, Commissioner of Social Services, At Home Care, Inc., Superior Home Health Care and Home Aide Service of the Central Adirondacks.

Dated: March 21, 2012.

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  
KURT J. ACKERMAN  
**Committee on Ways  
and Means**

On motion of Mr. Smith, seconded by Mr. Russell, Report and Resolution No. 63 of the Committees on Human Resources and Ways and Means authorizing a renewal of contract with New York State Department of Health for Herkimer County HealthNet, Inc. and amending budget was handed up; there being no discussion, was voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Hendrix, Peplinski, Weakley (3).

No. 63

**REPORT AND RESOLUTION OF THE COMMITTEES ON  
HUMAN RESOURCES AND WAYS AND MEANS AUTHORIZING  
A RENEWAL OF CONTRACT WITH NEW YORK STATE  
DEPARTMENT OF HEALTH FOR HERKIMER COUNTY  
HEALTHNET, INC. AND AMENDING BUDGET**

WHEREAS, by communication dated February 21, 2012, Adam Hutchinson, Executive Director of the Herkimer County HealthNet, Inc. has advised that the New York State Department of Health has forwarded a contract for renewal of the grant agreement for the period from February 1, 2012 through January 31, 2013, with the contract amount being \$134,825.00, and

WHEREAS, it is now necessary to enter into a contract with the New York State Department of Health renewing said grant funding agreement; and

WHEREAS, by letter dated March 14, 2012, Bernard E. Decker, Budget Officer, has advised that it is necessary to amend the Herkimer County Budget in connection with the receipt of said funding; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute a renewal of the contract between the County of Herkimer and the New York State Department of Health to receive \$134,825.00, in funding for the Herkimer County HealthNet, Inc. for the period February 1, 2012 through January 31, 2013; and, be it further

RESOLVED, that the 2012 Herkimer County Budget is hereby amended as follows:

	<u>From:</u>	<u>To:</u>
<u>Revenue</u>		
A4018.3418, HealthCare Network	\$-0-	\$134,825.00
<u>Appropriation</u>		
A4018.44000, Herkimer County HealthNet-Contracted Services	\$-0-	\$134,825.00

and, be it further

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

Dated: March 21, 2012.

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

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

On motion of Mr. Shaw, seconded by Mrs. Maneen, Report and Resolution No. 64 of the Committee on Administration/Veterans Affairs and the Committee on Ways and Means extending contracts for grants for Board of Elections was handed up; discussion was held, was voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Hendrix, Peplinski, Weakley (3).

No. 64

**REPORT AND RESOLUTION OF THE COMMITTEE ON  
ADMINISTRATION/VETERANS AFFAIRS AND THE  
COMMITTEE ON WAYS AND MEANS EXTENDING  
CONTRACTS FOR GRANTS FOR BOARD OF ELECTIONS**

WHEREAS, pursuant to Resolution No. 51 of 2007, this Legislature approved contracts with the State of New York to receive certain grant funding in connection with voting access for individuals with disabilities and voter education/poll worker training, which contracts were extended through March 31, 2012; and

WHEREAS, by letter from the Commissioners of Election your Committees have been advised that the New York State Board of Elections has notified them that said grants have been extended from April 1, 2012 to September 30, 2012; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute grant extensions for the period from April 1, 2012 to September 30, 2012 on behalf of the County of Herkimer with the New York State Board of Elections in connection with voting access for



individuals with disabilities and voter education/poll worker training in the amounts as listed:

- Contract T002788, HHS Federal Voting Access for Individuals with Disabilities Polling Place Access Improvement Grant - \$2,291.00
- Contract T002546, Voter Education Poll Worker Training Program - \$37,463.00

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

Dated: March 21, 2012.

RAYMOND SMITH  
FREDERICK J. SHAW, JR.  
JEAN E. MANEEN  
LEONARD R. HENDRIX  
PATRICK E. RUSSELL  
PETER F. MANNO  
**Committee on  
Administration/Veterans'  
Affairs**  
PATRICK E. RUSSELL  
DENNIS KORCE  
RAYMOND SMITH  
BRUCE WEAKLEY  
BERNARD PEPLINSKI  
KURT J. ACKERMAN  
**Committee on Ways and Means**

On motion Mrs. Maneen, seconded by Mr. Johnson, Report and Resolution No. 65 of the Committee on Administration/Veterans' Affairs and the Committee on Ways and Means authorizing execution of contract for grant for Herkimer County Board of Elections was handed up; discussion was held, was voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Hendrix, Peplinski, Weakley (3).

No. 65

**REPORT AND RESOLUTION OF THE COMMITTEE ON  
ADMINISTRATION/VETERANS' AFFAIRS AND THE COMMITTEE ON  
WAYS AND MEANS AUTHORIZING EXECUTION OF CONTRACT  
FOR GRANT FOR HERKIMER COUNTY BOARD OF ELECTIONS**

WHEREAS, by letter received from the Commissioners of Elections your committees have been advised of the availability of certain grant funding from the State of New York in connection with voting access for individuals with disabilities/polling place access improvement, in the amount of \$2,607.00; and

WHEREAS, by letter dated March 14, 2012, the Budget Officer has advised that it is necessary to amend the 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 the following contract for a grant for the Herkimer County Board of Elections:

- Contract T0023277- HHS 2011 Voting Access for Individuals with Disabilities Polling Place Access Improvement – Grant Amount: \$2,607.00;

And, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute all necessary documents in connection with the receipt of said grants; and, be it further

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

<u>Revenue:</u>	<u>From:</u>	<u>To:</u>
A1450E.4089E, HAVA Disabled Voters Access Grant	\$-0-	\$2,607.00

<u>Appropriation:</u>	<u>From:</u>	<u>To:</u>
A1450E.44000, HAVA Disabled Voter - Contracted Services	\$-0-	\$2,607.00

and, be it further

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

Dated: March 21, 2012

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

PATRICK E. RUSSELL  
DENNIS KORCE

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

On motion of Mr. Smith seconded by Mr. Shaw, Report and Resolution No. 66 of the Committees on Human Resources and Ways and Means authorizing renewal of contract with New York State Department of Health for Immunization Action Plan was handed up; there being no discussion, was voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Hendrix, Peplinski, Weakley (3).

No. 66

**REPORT AND RESOLUTION OF THE COMMITTEES ON  
HUMAN RESOURCES AND WAYS AND MEANS AUTHORIZING  
RENEWAL OF CONTRACT WITH NEW YORK STATE  
DEPARTMENT OF HEALTH FOR IMMUNIZATION ACTION  
PLAN**

WHEREAS, by communication dated March 8, 2012, Gregory O'Keefe, MD, Director of Public Health, has advised that the New York State Department of Health has forwarded a contract for renewal of the grant agreement for the Immunization Action Plan for the period from April 1, 2012 through March 31, 2013, with the contract amount being \$31,865.00; and

WHEREAS, it is now necessary to enter into a contract with the New York State Department of Health renewing said grant funding agreement; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a renewal of the contract between the County of Herkimer and the New York State Department of Health to receive \$31,865.00 in funding for the Immunization Action Plan for the period April 1, 2012 through March 31, 2013; 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: March 21, 2012.

RAYMOND SMITH

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

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

On motion of Mr. Hyde, seconded by Mr. Shaw, Report and Resolution No. 67 of the Committee on Natural Resources and the Committee on Ways and Means approving agreement for laboratory services for Herkimer County Sewer District was handed up; there being no discussion, was voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Hendrix, Peplinski, Weakley (3).

No. 67

**REPORT AND RESOLUTION OF THE COMMITTEE ON  
NATURAL RESOURCES AND THE COMMITTEE ON WAYS AND  
MEANS APPROVING AGREEMENT FOR LABORATORY  
SERVICES FOR HERKIMER COUNTY SEWER DISTRICT**

WHEREAS, by letter dated February 21, 2012, the Herkimer County Sewer District, has advised that by action on February 15, 2012, the Herkimer County Sewer District Board adopted a resolution recommending award of an agreement with Certified Environmental Services of East Syracuse, New York, to provide laboratory services and annual analytical testing work as required by the Districts SPDES Permit and Industrial Pretreatment Program at the District Wastewater Treatment Plant at a cost of \$19,901.00; and

WHEREAS, this Resolution has been forwarded to the Herkimer County Legislature for approval prior to its becoming effective; now, therefore, be it

RESOLVED, that this Legislature hereby approves a resolution duly adopted by the Herkimer County Sewer District Board on February 15, 2012 approving an agreement with Certified Environmental Services to provide laboratory services and annual analytical testing work as required by the Districts SPDES Permit and Industrial Pretreatment Program at the

District Wastewater Treatment Plant at a cost of \$19,901.00; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute said agreement on behalf of the County of Herkimer; and, be it further

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

Dated: March 21, 2012.

FREDERICK J. SHAW

DENNIS KORCE

JEAN E. MANEEN

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 J. ACKERMAN

Committee on Ways and Means

On motion of Mr. Hyde, seconded by Mr. Shaw, Report and Resolution No. 68 of the Committee on Natural Resources and the Committee on Ways and Means approving contract increase for additional engineering services for Herkimer County Sewer District Belt Press Replacement Project was handed up; discussion was held, was voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Hendrix, Peplinski, Weakley (3).

No. 68

**REPORT AND RESOLUTION OF THE COMMITTEE ON  
NATURAL RESOURCES AND THE COMMITTEE ON WAYS AND  
MEANS APPROVING CONTRACT INCREASE FOR  
ADDITIONAL ENGINEERING SERVICES FOR HERKIMER  
COUNTY SEWER DISTRICT BELT PRESS REPLACEMENT  
PROJECT**

WHEREAS, by letter dated February 21, 2012, the Herkimer County Sewer District, has advised that by action on February 15, 2012, the Herkimer County Sewer District Board adopted a resolution approving a contract increase with GHD Consulting Engineers, LLC (formerly Stearns & Wheler Engineers) for engineering services in connection with the Belt Press Replacement Project, to add additional equipment items into the engineering specification and drawings for refurbishment that were not originally included, at a cost of \$5,000.00; and

WHEREAS, this Resolution has been forwarded to the Herkimer County Legislature for approval prior to its becoming effective; now, therefore, be it

RESOLVED, that this Legislature hereby approves a resolution duly adopted by the Herkimer County Sewer District Board on February 15, 2012, approving a contract increase with GHD Consulting Engineers, LLC, One Remington Park Drive, Cazenovia, NY 13035 (formerly Stearns & Wheler Engineers) for engineering services in connection with the Belt Press Replacement Project, to add additional equipment items into the engineering specification and drawings for refurbishment that were not originally included, at a cost of \$5,000.00; and, be it further

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

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

Dated: March 21, 2012.  
BERNARD PEPLINSKI, SR.  
FREDERICK J. SHAW  
DENNIS KORCE  
BRUCE WEAKLEY  
PETER F. MANNO  
JOHN L. BREZINSKI  
Committee on Natural Resources

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

On motion of Mr. Korce, seconded by Mr. Ackerman, Report and Resolution No. 69 of the Committee on Ways and Means authorizing contract for engineering services for Herkimer County Highway Department was handed up; discussion as held, was adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Hendrix, Peplinski, Weakley (3).

No. 69

**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 February 29, 2012, Jay Ewanyk, County Highway Superintendent, has advised of a request to enter into an agreement with Barton and Loguidice, P.C. of Syracuse, New York, for consulting engineering services related to Hawthorne Road Bridge Replacement over Sterling Creek Project, for a cost of \$39,100.00; and

WHEREAS, said letter further advises that CHIPS funds will be utilized for said engineering services; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an agreement with Barton and Loguidice, P.C., 290 Elwood David road, Box 3107, Syracuse, New York 13220, for consulting engineering services related to the Hawthorne Road Bridge Replacement over Sterling Creek Project, for a cost of \$39,100.00, 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 Barton and Loguidice, P.C.

Dated: March 21, 2012.

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

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

On motion of Mr. Shaw, seconded by Mr. Johnson, Report and Resolution No. 70 of the Committee on County Planning and Development and the Committee on Ways and Means authorizing an agreement with Herkimer County BOCES for services for WIA eligible out of school youth in Herkimer County was handed up; there being no discussion, was voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Hendrix, Peplinski, Weakley (3).

No. 70

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING AN AGREEMENT WITH HERKIMER COUNTY BOCES FOR SERVICES FOR WIA-ELIGIBLE OUT OF SCHOOL YOUTH IN HERKIMER COUNTY**

WHEREAS, by letter dated February 27, 2012 from Karin Zipko, Director of Employment & Training, your Committees have been advised of a request to enter into an agreement between Herkimer County, referred to as the Herkimer-Madison-Oneida Consortium, with Herkimer County BOCES, referred to as Herkimer-Fulton-Hamilton-Otsego BOCES; and

WHEREAS, the purpose of said agreement will be to provide services to WIA-eligible, out of school youth in Herkimer County who are in need of remediation, instruction and career guidance; 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, as part of the Herkimer-Madison-Oneida Consortium, with the Herkimer -Fulton-Hamilton-Otsego BOCES to provide services to WIA-eligible out of school youth in Herkimer County, with the terms and conditions of said agreement to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Employment and Training, and Herkimer-Fulton-Hamilton-Otsego BOCES.

Dated: March 21, 2012.

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  
KURT J. ACKERMAN  
**Committee on Ways and Means**

On motion of Mr. Smith, seconded by Mr. Johnson, Report and Resolution No. 71 of the Committee on County Planning and Development in support of an application for economic development assistance to the Office of Community Renewal was handed up; there being no discussion, was voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Hendrix, Peplinski, Weakley (3).

No. 71

**REPORT AND RESOLUTION OF THE COMMITTEE ON  
COUNTY PLANNING AND DEVELOPMENT IN SUPPORT OF AN  
APPLICATION FOR ECONOMIC DEVELOPMENT ASSISTANCE  
TO THE OFFICE OF COMMUNITY RENEWAL**

WHEREAS, Herkimer County has received Small Cities grants from the Office of Community Renewal that have financed loans to businesses and the repayment of these loans has generated program income which is used for eligible and approved community development activities and program regulations; and

WHEREAS, by letter dated March 8, 2012, from Mark D. Feane, Executive Director of the Herkimer County Industrial Development Agency, this Legislature is advised of a request for authorization for the Chairman of the Legislature to sign and certify the necessary documents in support of the county proposal to submit an application for economic development assistance to the Office of Community Renewal and to schedule the two necessary public hearings to discuss the Small Cities Program and Needs as required; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to sign and certify the necessary documents in support of the county proposal to submit an application for economic development assistance to the Office of Community Renewal which will be used for eligible and approved community development activities and program regulations; and, be it further

RESOLVED, two Public Hearings will be held by the Committee on County Planning and Development for the purpose of hearing public

comment upon the aforesaid county proposal to submit an application for economic development assistance to the Office of Community Renewal as follows:

- (1) March 30, 2012 at 10:00 a.m. in the Legislature Chambers of the County Office  
Building in the Village of Herkimer, New York.
- (2) April 10, 2012 at 9:00 a.m. in the Legislature Chambers of the County Office  
Building in the Village of Herkimer, New York.

And, be it further

RESOLVED, that a certified copy of this Resolution be forwarded to the Executive Director of the Herkimer County Industrial Development Agency.

Dated: March 21, 2012.

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

On motion of Mr. Korce, seconded by Mr. Smith, Mr. Russell, and Mr. Shaw Report and Resolution No. 72 of the Committee on Highways and Ways and Means making appropriation of funds in connection with County Snow Removal Contracts was handed up; discussion was held, was voted on and adopted by roll call vote:

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

Against: None.

Absent: Hendrix, Peplinski, Weakley (3).

No. 72

**REPORT AND RESOLUTION OF THE COMMITTEE ON  
HIGHWAYS AND THE COMMITTEE ON WAYS AND MEANS  
MAKING APPROPRIATION OF FUNDS IN CONNECTION WITH  
COUNTY SNOW REMOVAL CONTRACTS**

WHEREAS, by letter dated March 14, 2012, the Herkimer County Budget Officer has advised this Legislature that there are sufficient funds in Account D909, County Road Fund Balance, to provide adequate funds for the 2012 County Snow Removal contracts; now, therefore, be it

RESOLVED, that the sum of \$15,173.00 is hereby appropriated from D909, County Road Fund Balance, to D5142.44000, County Snow Removal – Contracted Services; and, be it further

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

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

Dated: March 21, 2012.

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

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. Smith and Mr. Shaw, Report and Resolution No. 73 of the Committee on County Planning and Development and the Committee on Ways and Means extending grant, amending salary schedule and transferring funds in connection with receipt of funding for Herkimer County Youth Bureau was handed up; discussion was held, was voted on and adopted by roll call vote:

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

Against: None.

Absent: Hendrix, Peplinski, Weakley (3).

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AND THE COMMITTEE ON WAYS AND MEANS EXTENDING GRANT, AMENDING SALARY SCHEDULE AND TRANSFERRING FUNDS IN CONNECTION WITH RECEIPT OF FUNDING FOR HERKIMER COUNTY YOUTH BUREAU**

WHEREAS, by Resolution No. 106 adopted on April 6, 2011, this Legislature approved receipt of a grant entitled "Ready by 21" in the amount of \$35,000 from the New York State Office of Children and Family Services for the period August 1, 2011 through March 31, 2012 to be used for quality enhancement projects in the Herkimer County Youth Bureau; and

WHEREAS, by Resolutions No. 106 and No. 180 of 2011, contracts were entered into and budget and salary schedule amendments were made in connection with the receipt of said funding;

WHEREAS, by letter dated March 15, 2012, Gina Giacobelli, Executive Director of the Herkimer County Youth Bureau, has advised that said grant has been extended through December 31, 2012; and

WHEREAS, by letter dated March 14, 2012, Bernard E. Decker, Budget Officer and Purchasing Agent, has submitted requests for transfers of funds in connection with said grant extension

WHEREAS, said letter further requests the 2012 Herkimer County Salary Schedule I be amended to extend said current base salary to 6/1/12; now, therefore, be it

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:

\$1,275.88	From:	A7310.44000 Youth Bureau, Cont.
Services	To:	A7310.10000-001 Youth Bureau, Salaries
\$164.86	From:	A7310.46000 Youth Bureau, Misc. Exp.
	To:	A7310.10000-001 Youth Bureau, Salaries
\$149.60	From:	A7310.46100 Youth Bureau, Mileage & Travel
	To:	A7310.10000-001 Youth Bureau, Salaries
\$98.60	From:	A7310.44000 Youth Bureau, Cont. Services
	To:	A7310.83000 Youth Bureau, Social Security
\$23.06	From:	A7310.44000 Youth Bureau, Cont. Services
	To:	A7310.83500 Youth Bureau, Medicare

\$252.46                 From:     A7310.44000 Youth Bureau, Cont.  
  Services  
  To:         A7310.81000 Youth Bureau,  
  Retirement

And, be it further

RESOLVED, that 2012 Herkimer County Salary Schedule I is hereby amended in Account 7310, Youth Bureau, to continue the current base salary for the position of Executive Director through 6/1/ 2012; and, be it further

RESOLVED, that the aforesaid salary change shall remain as approved so long as 100% funding is available from the New York State Office of Children and Family Services; and, be it further

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

Dated: March 21, 2012.

BERNARD PEPLINSKI, SR.	PATRICK E. RUSSELL
RAYMOND SMITH	DENNIS KORCE
PATRICK E. RUSSELL	RAYMOND SMITH
FREDERICK J. SHAW	BRUCE WEAKLEY
KURT J. ACKERMAN	BERNARD PEPLINSKI,
RAYMOND JOHNSON	KURT J. ACKERMAN
<b>Committee on County Planning &amp; Development</b>	<b>Committee on Ways and Means</b>

On motion of Mr. Russell, seconded by Mr. Smith, Report and Resolution No. 74 of the Committee on Ways and Means extending and amending policies and procedures for purchase of goods and services and professional services procurement policy was handed up ; discussion was held, was voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Hendrix, Peplinski, Weakley (3).

No. 74

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS EXTENDING AND AMENDING POLICIES AND PROCEDURES FOR PURCHASE OF GOODS AND SERVICES AND PROFESSIONAL SERVICES PROCUREMENT POLICY**

WHEREAS, by letter dated March 1, 2012, from Bernard E. Decker, Budget Officer, this Legislature is advised of a request to adopt an extension and amendment of the Policies and Procedures for Purchase of Goods and Services and the Procurement Policy for Professional Service as

the official policies of the County of Herkimer, as defined and determined by applicable New York State Law; now, therefore, be it

RESOLVED, that the attached Policies for Procedures for Purchase of Goods and Services and Professional Services Procurement Policy be, and hereby are, adopted as the official policies of the County of Herkimer; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to each department head in the County.

Dated: March 21, 2012.

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

#### **HERKIMER COUNTY**

##### **POLICIES AND PROCEDURES FOR PURCHASE OF GOODS AND SERVICES**

**I.** All contracts for public works involving an expenditure of more than Thirty-five Thousand Dollars (\$35,000.00) and all purchase contracts involving an expenditure of more than Twenty Thousand Dollars (\$20,000.00), unless excepted by statute or an appropriate resolution of this Legislature, shall be awarded to the lowest responsible bidder as provided by Article 5-A of the General Municipal Law.

**II.** All contracts for public works involving an expenditure of less than Thirty-Five Thousand Dollars (\$35,000.00) and all purchase contracts involving an expenditure of less than Twenty Thousand Dollars (\$20,000.00), unless excepted by statute or an appropriate resolution of this Legislature, shall be procured in compliance with the following procedures:

- A. These procedures are adopted to assure the prudent and economical use of public money, and to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost and to guard against favoritism, extravagance, fraud and corruption.
- B. The Purchasing Agent, and any other officer or employee of Herkimer County authorized to make or recommend purchase of goods and services, in cooperation with the Purchasing Agent, shall, in all appropriate cases, survey the marketplace to determine the probable cost of any goods and/or services required by the County. If it is deemed probable that the cost will exceed the aforesaid limits of \$20,000.00 and \$35,000.00 paragraph I shall control. In all other cases, these procedures shall be followed. The Purchasing Agent shall document action taken to make such determination when appropriate.
- C. Dollar limits for purchase of goods and services are adopted as follows:

##### **DOLLAR LIMIT**

\$1 - \$2,000

\$2,001 - \$10,000

\$10,001-\$20,000

**PROCEDURE**

At the discretion of the Purchasing Department.

Documented verbal quotes from at least three separate vendors (if available) and consultation with the Purchasing Department to determine delivered or installed costs.

Documented written quotes from at least three separate vendors (if available) and consultation

with the purchasing department, to determine delivered or installed costs.

Over \$20,000                      Sealed bids in conformance with the General Municipal Law.

D. Dollar limits for purchase of public works are adopted as follows:

DOLLAR LIMIT	PROCEDURE
\$1 - \$2,000	At the discretion of Purchasing Department
\$2,001 - \$10,000	Documented verbal quotes from at least three separate sources (if available) and consultation with the Purchasing Department.
\$10,001 - \$35,000	Documented written quotes from at least three separate sources and consultation with the Committee of the Legislature involved.
Over \$35,000	Sealed bids in conformance with the General Municipal Law.

E. The above policies apply also to the Highway Department except that the requirement to consult with the Purchasing Department applies only to purchases requiring the specific authorization of the Legislature

iii. Proper documentation is required when the quote is not awarded to the vendor giving the lowest price. Quotes will be awarded to the lowest responsible and responsive vendor providing the goods are of equal values.

IV. A. All purchases of goods or services (except transcription services, utilities, unscheduled repairs and otherwise authorized services) require a purchase order. Contracts, up to \$10,000 may be signed by the department head provided all other purchasing policies, laws and resolutions of the Legislature are complied with and documented. All such contracts must be reviewed by Purchasing Department for compliance with Purchasing Policy prior to signing.

#### V. PROFESSIONAL SERVICES PROCUREMENT POLICY

Purchases of professional services, which are not required to be bid by State law, shall be governed by the following principles and practices:

A. Contracts shall be executed for professional services, when appropriate, to



delineate the services to be rendered and the method and amount of payment.

- B. Staff who seek approval to purchase professional services must seek to generate proposals to perform these services that are as appropriate to the County's needs and as cost-competitive as possible, by use of RFP's or RFQ's, etc. RFQ's maybe used prior to RFP's or independently.
- C. The process to be followed in each new or renewal contract for professional services shall be proposed by the departmental staff person responsible for the services to the appropriate committee of the Legislature. The Purchasing Department must be copied (except for Highway fund requests) prior to consideration and approval by the appropriate Committee. The full Legislature must approve professional services over \$10,000.
- D. Where alternative quotes or proposals are obtained, awards to an entity other than the lowest proposer must be properly documented with the rationale/reason for rejection of the lowest price.
- E. For certain types of procurements of professional services, the solicitation of alternative proposals or quotations would not be in the best interest of the County, for example, highly specialized services for which the number of qualified and available professionals is limited. In those instances, the hiring of those professionals may be authorized by the appropriate committee up to \$10,000 and the full Legislature if over \$10,000 without alternative quotes or RFP's after presentation to the committee of the justification for such a determination with the appropriate documentation.
- F. Any and all procedures not specifically addressed in this policy shall be governed by Section 104-b of the General Municipal Law.

**VI.** Any purchases of goods or services from an employee of Herkimer County or an immediate family member must be approved by the appropriate committees of the Legislature in addition to all other requirements.

**VII.** The following employees are authorized to make general purchases for Herkimer County

(The list must be updated bi-annually):

B. Decker, Budget Officer Purchasing Agent Philomena Lumia, Deputy Purchasing Agent J. Ewanyk, County Highway Superintendent  
M. Naegle, Deputy County Highway Superintendent K. Enea, Treasurer (credit card only)

On motion of Mr. Russell, seconded by Mr. Korce, Report and Resolution No. 75 of the Committee on Ways and Means authorizing extension of contract with the Town of Danube to provide assessment services was handed up; there being no discussion, was voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Hendrix, Peplinski, Weakley (3).

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

WHEREAS, by letter dated January 19, 2012, Mary Ann Barbuto, Director of the Real Property Tax Service Agency, has requested approval of renewal of the contract to provide assessment services to the Town of Danube; 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 Danube for the County of Herkimer to continue to provide said assessment services to said town; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an extension of the agreement to provide assessment services to the Town of Danube for the period from March 17, 2012 through March 16, 2013 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 Danube.

Dated: March 21, 2012.

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

On motion of Mr. Ackerman, seconded by Mr. Shaw, Report and Resolution No. 76 of the Committee on County Planning and Development in connection with Herkimer County Industrial Development Proposed Project was handed up; discussion was held, was voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Hendrix, Peplinski, Weakley (3).

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT IN CONNECTION WITH HERKIMER COUNTY INDUSTRIAL DEVELOPMENT AGENCY PROPOSED PROJECT**

WHEREAS, the Herkimer County Industrial Development Agency has received a request from Steet/Ponte Chevrolet, Inc. to provide financial assistance in the form of a straight lease arrangement in connection with the renovation, expansion and/or equipping of its automobile sales and service facility located at 3036 State Route 28, Town of Herkimer, County of Herkimer, New York, and that a public hearing was held on February 14, 2012 in connection with the project; and

WHEREAS, by letter dated March 13, 2012, from Mark D. Feane, Executive Director of the Herkimer County Industrial Development Agency, this Legislature is advised of a request for authorization for the Chairman of the Legislature to confirm the findings of the IDA in connection with the proposed project; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to confirm the findings of the Herkimer County Industrial Development Agency in connection with the proposed Steet/Ponte Chevrolet, Inc. proposed project as follows:

- (i) The predominant purpose of the project is to continue to make available goods or services which would not be, but for the project, reasonably accessible to the residents of the municipality where the project is located.
- (ii) The project will preserve permanent, private sector jobs and increase the overall number of permanent, private sector jobs in the State.

And, be it further

RESOLVED, that a certified copy of this Resolution be forwarded to the Executive Director of the Herkimer County Industrial Development Agency.

Dated: March 21, 2012.

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

On motion of Mr. Hyde, seconded by Mr. Shaw, Report and Resolution No. 77 of the Committee on Natural Resources designating member to Sewer Board was handed up; there being no discussion, was voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Hendrix, Peplinski, Weakley (3).

No. 77

**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES DESIGNATING MEMBER TO HERKIMER COUNTY SEWER BOARD**

WHEREAS, the Legislature of the County of Herkimer, by Resolution No. 100 for the year 1993 determined that the administrative body of the Herkimer County Sewer District should thereafter be a five member board and appointed the chief executive officer or their designees of the Villages of Ilion, Frankfort and Mohawk and the Towns of Frankfort and German Flatts as members of said Board; and

WHEREAS, by letters March 6, 2012 from the Herkimer County Sewer District, your Committee has been advised that the Village of Mohawk has submitted a letter for reappointment of the Chief Executive Officer of the Village of Mohawk for a five year term; now, therefore, be it

RESOLVED, that the Irene Sweet, Mayor of the Village of Mohawk is hereby re-appointed to the Herkimer County Sewer District Board for a five year term to expire on 2/28/2017; and, be it further

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

Dated: March 21, 2012.

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. Smith, seconded by Mrs. Maneen and Mr. Shaw, Report and Resolution No. 78 of the Committees on Human Resources and Ways and Means authorizing

contracts in connection with Kids Herkimer in connection with at risk youth services was handed up; discussion was held; was adopted by voice vote:

Ayes: (11).

Against: Hartman, Rose (2).

Absent: Hendrix, Peplinski, Weakley (3).

No. 78

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS AND MEANS AUTHORIZING CONTRACTS WITH KIDS HERKIMER IN CONNECTION WITH AT RISK YOUTH SERVICES**

WHEREAS, by letter dated March 16, 2012 from Timothy Seymour, Commissioner of Social Services, this Legislature is advised that requests for proposals have been received to provide an array of prevention programming and innovative services focused both on preventing children from entering foster care and reducing their stay in care subsequent to placement

WHEREAS, said letter further advises requests that a contracts be entered into with Kids Herkimer to provide segments of said proposal as follows:

- Intensive Preventive Services
- Family Reunification Services
- Readiness Assessment/Return Home Early Program

And,

WHEREAS, your Committees have considered said request and recommend said proposal be accepted; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute contracts with Kids Herkimer, 1500 Genesee Street, Utica, New York, to provide services to the Herkimer County Department of Social Services for prevention programming and innovative services focused both on preventing children from entering foster care, and reducing their stay in care subsequent to placement as follows:

- Intensive Preventive Services
- Family Reunification Services
- Readiness Assessment/Return Home Early Program

With services to be provided, payment to be made, and duration of the agreement to be as shown on the attached Summary; and, be it further

RESOLVED, that said contracts shall be subject to the approval of the Herkimer County Attorney; and, be it further

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

Dated: March 21, 2012.

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

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

On motion of Mrs. Maneen, seconded by Mr. Hyde, Resolution No. 79 of the Committee on Ways and Means amending Resolution No. 51 of 2012 determining officers and employees of Herkimer County required to file financial disclosure forms was handed up; there being no discussion, was voted on and adopted by voice vote:

For: Ayes (14).

Against: None.

Absent: Hendrix, Peplinski, Weakley (3).

No. 79

**RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AMENDING  
RESOLUTION NO. 51 OF 2012 DETERMINING OFFICERS AND EMPLOYEES OF  
HERKIMER COUNTY REQUIRED TO FILE FINANCIAL DISCLOSURE FORMS**

WHEREAS, by Resolution No. 51 adopted on February 15, 2012 this Legislature adopted an updated list of officers and employees required to file annual financial disclosure forms pursuant to Herkimer County Ethics Law; and

WHEREAS, additional changes in positions have been submitted and it is necessary to adopt an amended list, referred to as Schedule A; now, therefore, be it

RESOLVED, that Resolution No. 51 adopted on February 15, 2012 is hereby amended to include that all officers and employees on the attached list attached hereto marked Schedule A,

be required to file a financial disclosure form as set forth in Local Law No. 3 for the year 1990; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Ethics Board and each officer and employee who holds a position named on Schedule A.

Dated: March 21, 2012.

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

On motion of Mr. Hyde, seconded by Mrs. Maneen, Resolution No. 80 of the Committee on Administration/Veterans' Affairs and the Committee on Public Safety/Emergency Management opposing anti-gun legislation in the New York State Legislature was handed up; discussion was held, was voted on and adopted by voice vote:

For: Ayes (13).

Against: Hartman (1).

Absent: Hendrix, Peplinski, Weakley (3).

No. 80

**RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS' AFFAIRS AND THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT OPPOSING ANTI-GUN LEGISLATION IN THE NEW YORK STATE LEGISLATURE**

WHEREAS, proposed legislation in the New York State Legislature and/or budget proposals would require semi-automatic hand guns manufactured or delivered to any licensed dealer in New York State to be capable of microstamping ammunition; and

WHEREAS, this is one of many anti-gun measures which have been proposed for passage in the New York State Legislature, which would increase the cost of the manufacture of hand guns, impinge upon the right to bear arms as guaranteed by the 2<sup>nd</sup> Amendment to the United States Constitution, and have little effect on law enforcement since law evaders could easily remove or deface such items in hand guns; now, therefore, be it

RESOLVED, that the Herkimer County Legislature opposes the passage of this legislation and urges the State Legislature and Governor to oppose the same; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Governor Andrew M. Cuomo, Senator James L. Seward, Assemblyman Marc A. Butler, and the New York State Association of Counties.

Dated: March 21, 2012.

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

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. Russell, seconded by Mr. Smith, Resolution No. 81 of the Committee on County Properties concerning inclusion of parcels in County Land Auction was handed up; discussion was held; Mr. Russell offered an amendment, seconded by Mr. Smith to delete the Fourth Whereas Clause and replace as follows:

“WHEREAS, this Legislature is now advised that the City of Little Falls has not reached an agreement regarding its parcel and the Town of German Flatts is no longer interested in its parcel; now, therefore, be it”

The amendment was approved by the following voice vote:

Ayes: (14).

Against: None.

Absent: Hendrix, Peplinski, Weakley (3).

The resolution was then adopted by roll call vote:



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

Against: Ackerman (1).

Absent: Hendrix, Peplinski, Weakley (3).

No. 81

**RESOLUTION OF THE COMMITTEE ON COUNTY PROPERTIES CONCERNING  
INCLUSION OF PARCELS IN COUNTY LAND AUCTION SALE**

WHEREAS, the County of Herkimer has acquired title to parcels of property in the Town of German Flatts designated as Map #120.3-2-42.1 and in the Town of Fairfield designated as Map #'s 101.2-1-5 and 101.2-1-6, which properties were originally included in the 2008 In Rem Tax Foreclosure action; and

WHEREAS, a deed conveying title to such properties was recorded in the Office of the Herkimer County Clerk on April 1, 2010 in Book 1351 of Deeds as Page 723; and

WHEREAS, the Herkimer County Legislature was advised of an outside interest by the Town of German Flatts and the City of Little Falls, and said parcels were withdrawn from the 2008 In Rem Tax Foreclosure proceedings; and

WHEREAS, this Legislature is now advised the City of Little Falls has not reached an agreement regarding its parcel and the Town of German Flatts is no longer interested in its parcels; now, therefore, be it

RESOLVED, that the County Property Agent is hereby authorized to sell such parcels of property designated as Map # 120.3-2-42.1 in the Town of German Flatts and Map #'s 101.2-1-5 and 101.2-1-6 in the Town of Fairfield, in the next In Rem auction, under the same terms and conditions applicable to other parcels being sold at such auction, pursuant to the In Rem Auction terms and conditions; and, be it further

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

Dated: March 21, 2012.

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

On motion of Mr. Hyde, seconded by Mr. Korce, Mr. Ackerman and Mr. Schrader, Resolution No. 82 of the Committee on County Properties concerning premises in the Village of Mohawk was handed up; was voted on an adopted by roll call vote:

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

Against: None. Absent: Hendrix, Peplinski, Weakley (3).

No. 82

**RESOLUTION OF THE COMMITTEE ON COUNTY PROPERTIES CONCERNING PREMISES IN THE VILLAGE OF MOHAWK**

WHEREAS, premises at 120 Green Street in the Village of Mohawk, having Tax Map No.120.47-9-57, are the subject of the County's 2010 In Rem Tax Foreclosure Proceeding; and

WHEREAS, it appears that if the County were to acquire the parcel, there is a significant risk that it might be exposed to a liability substantially in excess of the amount that could be recovered by enforcing the tax lien, because it appears that the premises require the demolition of a dilapidated structure thereon; and

WHEREAS, the Village of Mohawk has adopted a resolution which provides that if the County completes its In Rem Tax Foreclosure Proceedings, obtains title of the premises and attempts to sell the premises at a public auction, and in the event that there is no successful qualified bidder at the auction, the Village agrees to take title to the premises, and the Village will indemnify the County and hold it harmless from any suit, claim, cause of action or costs of any kind or nature in connection with the premises, including any issue related to the environmental contamination or cleanup of otherwise as related to the premises; now, therefore, be it

RESOLVED, that the County of Herkimer hereby agrees to leave this parcel in its 2010 In Rem Tax Foreclosure Proceedings and seek to take title to the premises, and thereafter attempt to sell the premises at its auction, and in the event that it does not sell, thereafter transfer the premises to the Village of Mohawk, with the Village indemnifying the County and holding it harmless from any suit, claim, cause of action or costs of any kind or nature in connection with the premises, including any such issue related to environmental contamination or cleanup of or otherwise related to the premises; and, be it further

RESOLVED, that a contract shall be entered into between the County and the Village containing the above provisions, as well as the provision that in the event the Village takes title to the premises and thereafter conveys it, the Village shall pay to the County the amount of the sale price which exceeds the amount of the general fund monies expended by the Village in

connection with the premises, and further providing that any general fund revenues which are reimbursed by other sources such as grants shall not be considered in calculating the amount due the County; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute all necessary contracts and documents in connection with the above matter; and, be it further

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

Dated: April 4, 2012.

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

Chairman Bono stated that pursuant to Rule 6(12) they would proceed with comments by legislators. The following legislators had further comments: Mr. Korce, Mr. Brezinski, Mr. Hartman, Chairman Bono, Mr. Russell, Mrs. Rose and Mr. Shaw.

Mary Ann Barbuto was recognized and wished well on her retirement as Director of Real Property Tax Services.

At 8:30 p.m. on motion of Mrs. Manno, seconded by Mr. Schrader, the Legislature adjourned to Wednesday, April 4, 2012 at 2:00 p.m.