

**MINUTES**  
**Herkimer County Legislature**  
**Second Quarter – Second Day**  
**Wednesday, April 25, 2012**  
**7:30 p.m.**

The Regular Session of the Herkimer County Legislature was called to order by Chairman Vincent Bono at 7:37 p. m.

Chairman Bono called on Mary Scanlon 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, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Korce, Russell, Shaw, Weakley (16).

Absent: Peplinski (1).

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 April 4, 2012. There were no objections and the minutes were approved.

Chairman Bono dispensed with the regular session to allow for a presentation by Mary Ellen Clark, Secretary of the Board of Trustees of Herkimer County Community College. Mrs. Clark, along with Dr. Ann Marie Murray, President of the College, presented a resolution from the Board of Trustees congratulating the County and County Administrator James Wallace for being recognized by the White House Council for Community Solutions as one of the twelve exemplary communities across the country that has improved the lives of at-risk children and their families and made a positive impact on the community. Mr. Wallace stated that this was a team effort with department heads, the schools, law enforcement, contracted agencies, and he gave special appreciation for the full support of the County Legislature.

Pursuant to Rule 11, Chairman Bono opened the floor for public comment. The following individuals spoke on the following subjects: Barbara Wainwright, Ilion: HCHS; John Wainwright, Ilion: concerns, BOD Humane Society; Ed View, Jr., Mohawk: HCHS; Rob Drumm, Mohawk: Year in Recap; Kris Wilson, Frankfort: HCHS.

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. 134 – A communication was received from the County Clerk submitting her 2011 Annual Report. Referred to the Committee on Administration/Veterans' Affairs.

No. 135 – A communication was received from the Commissioner of Social Services submitting the 2011 Annual Report of the Department of Social Services. Referred to the Committee on Human Resources.

No. 136 – A communication was received from the family of Shirley Hartman acknowledging recent expressing of sympathy. Ordered filed.

No. 137 – A communication was received from Senator Seward acknowledging receipt of a resolution. Ordered filed.

No. 138 – A communication was received from ProAct, Inc. submitting an update of the County's Discount Prescription Card plan. Ordered filed.

No. 139 – A communication was received from the Budget Officer and Purchasing Agent submitting recommendation for award of bid for summer youth bus transportation program. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

No. 140 – A communication was received from the Director of Emergency Services requesting permission to apply for 2012 Homeland Security Funding. Referred to the Committee on Public Safety and Emergency Management.

No. 141 – A communication was received from Jeff Carpenter, Assistant District Attorney, designating line of succession in District Attorney's Office. Ordered filed.

No. 142 – A communication was received from the Director of Emergency Services submitting request for appointments to the Emergency Services Advisory Board. Referred to the Committee on Public Safety and Emergency Management.

No. 143 – A communication was received from the Director of Emergency Services submitting request for appointments to the County Fire Advisory Board. Referred to the Committee on Public Safety and Emergency Management.

No. 144 – A communication was received from the Director of Emergency Services requesting acceptance of 2011 Homeland Security Grant and amendment of budget. Referred to the Committee on Public Safety and Emergency Management and the Committee on Ways and Means.

No. 145 – A communication was received from the Director of the Office for the Aging advising of a resignation of a member of the Aging’s Advisory Board. Referred to the Committee on Human Resources.

No. 146 – A communication was received from Director of Public Health advising of additional funding received for Rabies Program. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 147 – A communication was received from the Executive Director of HealthNet, Inc. advising of the receipt of Creating Healthy Places to Live, Work and Play funding. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 148 – A communication was received from the Personnel Officer advising of recommendation for appointment of Director of Office for the Aging. Referred to the Committee on Human Resources.

No. 149 – A communication was received from the Personnel Officer advising of the recommendation for appointment of Director of Real Property Tax Services. Referred to the Committee on Ways and Means.

No. 150 – A communication was received from the Oneida-Herkimer Solid Waste Authority submitting minutes and recently adopted resolutions. Ordered filed.

No. 151 – A communication was received from the Commissioners of Elections requesting acceptance of grant and amendment of budget. Referred to the Committee on Administration and the Committee on Ways and Means.

No. 152 – A communication was received from the Director of Public Health requesting renewal of contract for the Early Intervention Administration program. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 153 – A communication was received from the Director of Community Services submitting March activities update of Mental Health Services Department. Ordered filed.

No. 154 – A communication was received from the Oneida-Herkimer Solid Waste Management Authority submitting the 2011 Annual Report. Ordered filed.

No. 155 – A communication was received from the Budget Officer and Purchasing Agent requesting budget amendment in connection with grant for Herkimer County HealthNet. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No, 156 – A communication was received from the Budget Officer and Purchasing Agent requesting budget amendment in connection with 2011 Homeland Security grant funding. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 157 – A communication was received from the Director of Emergency Services requesting approval for update of computer equipment and software at Communications Center. Referred to the Committee on Public Safety/Emergency Management and the Committee on Human Resources.

No. 158 – A communication was received from the Director of Public Health requesting amendment of resolution in connection with additional funding for Rabies Program. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 159 – A communication was received from the Budget Officer and Purchasing Agent submitting request for budget amendment in connection with Immunization Grant funding. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 160 – A communication was received from the Budget Officer submitting request for budget amendment in connection with Board of Elections grant funding. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways and Means.

No. 161 – A communication was received from the Personnel Officer concerning amendment of salary schedule. Referred to the Committee on Ways and Means.

No. 162 – A communication was received from the Commissioner of Social Services in connection with contracts for prevention programming and innovative services for at risk youth. Referred to the Committee on Human Resources and the Committee on Ways and Means.

Pursuant to Rule 6, Chairman Bono then proceeded with Reports of Standing Committees. Patrick Russell, Chairman of the Committee on Ways and Means asked that County Administrator Wallace give a brief report on the impact of the State Budget on county government. Mr. Wallace gave an overview of the 2012-13 State Budget and its impact on increased costs to Herkimer County, including Medicaid, the termination of any reimbursement for overburden aid, elections and other areas. Raymond Smith, Chairman of the Committee on Human Resources, stated that the committee had met three times since the last legislature meeting; two times for interviews for the position of Director of the Office for the Aging and another time as a joint meeting with the Ways and Means Committee meeting for certain items that are on the agenda. Leonard Hendrix, Chairman of the Committee on Public Safety and Emergency Management, reported on the committee meeting and the agenda items acted upon for the Emergency Services Department, including Homeland Security grant funding, computer updates and appointments to the Fire Advisory and Emergency Medical Services Advisory boards. In the absence of Mr. Peplinski, Chairman Bono gave a report on the County Planning and Development committee, advising that there was only one item, the bid award on the Old Forge area summer youth transportation program. Mr. Shaw expressed thanks to the Sewer district staff for the recent tour of the Treatment Plant. Jean Maneen, Chairman of the Administration/Veterans' Committee reported on their meeting and the items reviewed, including the elections grant, an update on the veterans card program, the County Clerk's annual report and authorization for the courts to have access to certain county clerk's records.

Mr. Korce requested unanimous consent, seconded by Mr. Russell to address the concerns of the Humane Society. Unanimous consent was approved by voice vote:

For: Ayes (16).

Against: None.

Absent: Peplinski (1).

Mr. Korce explained and gave information on the organization of the Board of Directors and responded to some of the concerns from individuals who spoke at the public comment period.

Chairman Bono reminded and clarified to all legislators that the debate period is when the resolutions are opened on the floor.

Mr. Hyde requested a clarification of the County's obligation to the Humane Society. Chairman Bono allowed Mr. Korce to answer and he stated that the Humane Society is a not for profit agency that is supported like other similar agencies, by an annual block grant from the County.

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

For: Ayes (16).

Against: None.

Absent: Peplinski (1).

**Consent Agenda:**

- 99 ADMIN./VET. AFFAIRS: Adopting Annual Report of County Clerk
- 100 HUMAN RES.: Adopting Annual Report of Dept. of Social Services
- 101 PUB. SFTY./EMER. MGMT.: Appointing Members of Fire Advisory Bd.
- 102 PUB. SFTY./EMER. MGMT.: Appointing Members of EMS Advisory Board

No. 99

**REPORT AND RESOLUTION OF THE COMMITTEE ON  
ADMINISTRATION/VETERANS' AFFAIRS ADOPTING ANNUAL REPORT OF  
COUNTY CLERK**

Your Committee on Administration/Veterans' Affairs, to which was referred the Annual Report of Sylvia M. Rowan, County Clerk, pertaining to monies received by her office for the period ending December 31, 2011, respectfully reports and offers the following Resolution:

RESOLVED, that the Annual Report of the Herkimer County Clerk for the year 2011 by adopted and printed in the Proceedings of the Herkimer County Legislature for the year 2011.

Dated: April 25, 2012.

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

No. 100

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES  
ADOPTING ANNUAL REPORT OF DEPARTMENT OF SOCIAL SERVICES**

Your Committee on Human Resources, to which was referred the Annual Report of the Herkimer County Department of Social Services for the period January 1, 2011 through December 31, 2011, respectfully reports that we have examined the same, recommend the adoption of said report, and offer the following Resolution:

RESOLVED, that the Annual Report of the Herkimer County Department of Social Services be approved and printed in the proceedings of the Herkimer County Legislature for the year 2011.

Dated: April 25, 2012.

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

No. 102

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT APPOINTING MEMBERS TO EMERGENCY MEDICAL SERVICES ADVISORY BOARD**

WHEREAS, by Resolution No. 275 of 1993 this Legislature established an Emergency Medical Services Advisory Board in Herkimer County and appointed five members to serve on said Board; and

WHEREAS, by letter dated April 12, 2012, from Robert Vandawalker, Director of Emergency Services, this Legislature has received the recommendation for appointment of members to the Emergency Medical Services Advisory Board for a term of three years commencing January 1, 2012; now, therefore, be it

RESOLVED, that the following named persons be, and hereby are, appointed as members of the Herkimer County Emergency Medical Services Advisory Board for a term of three years commencing January 1, 2012:

Jack Hasse – Kuyahora Ambulance  
Theodore Hilts – Mohawk Valley Ambulance  
David Berkstresser – Old Forge Ambulance  
Raymond Jones – Rural Metro Ambulance  
Christopher Hendrie – Little Falls Ambulance

And, be it further

RESOLVED, that certified copies of said Resolution be forwarded to the Director of Emergency Management and the above named appointees.

Dated: April 25, 2012.

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

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT APPOINTING MEMBERS TO EMERGENCY MEDICAL SERVICES ADVISORY BOARD**

WHEREAS, by Resolution No. 275 of 1993 this Legislature established an Emergency Medical Services Advisory Board in Herkimer County and appointed five members to serve on said Board; and

WHEREAS, by letter dated April 12, 2012, from Robert Vandawalker, Director of Emergency Services, this Legislature has received the recommendation for appointment of members to the Emergency Medical Services Advisory Board for a term of three years commencing January 1, 2012; now, therefore, be it

RESOLVED, that the following named persons be, and hereby are, appointed as members of the Herkimer County Emergency Medical Services Advisory Board for a term of three years commencing January 1, 2012:

Jack Hasse – Kuyahora Ambulance  
Theodore Hilts – Mohawk Valley Ambulance  
David Berkstresser – Old Forge Ambulance  
Raymond Jones – Rural Metro Ambulance  
Christopher Hendrie – Little Falls Ambulance

And, be it further

RESOLVED, that certified copies of said Resolution be forwarded to the Director of Emergency Management and the above named appointees.

Dated: April 25, 2012.

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. Smith, seconded by Mr. Shaw, Report and Resolution No. 103 of the Committee on Human Resources and the Committee on Ways and Means amending budget in connection with Immunization Action Plan was voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Peplinski (1).

No. 103

**REPORT AND RESOLUTION OF THE COMMITTEE HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS AMENDING BUDGET IN CONNECTION WITH IMMUNIZATION ACTION PLAN**

WHEREAS, by Resolution No. 66 adopted on March 21, 2012, this Legislature approved a contract renewal of the grant agreement for the Immunization Action Plan for the period from April 1, 2012 through March 31, 2013 in the amount of \$31,865.00; and

WHEREAS, by letter dated April 17, 2012 from Bernard E. Decker, Budget Officer, this Legislature is advised of a request to amend the 2012 Budget in connection with the receipt of the amount of \$31, 865.00 under said grant; now, therefore, be it

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

<u>Revenue</u>	<u>From</u>	<u>To</u>
A4189A.4489A, Federal Aid – Immunization	\$23,300.00	\$55,165.00
 <u>Appropriation</u>		
A4189A.10000, Immunization Grant – Salaries	\$ 5,825.00	\$22,125.00
A4189A.10100, Immunization Grant – Temp. Employees	\$-0-	\$ 7,000.00
A4189A.41000, Immunization Grant – Supplies	\$ 353.92	\$ 1,153.92
A4189A.44000-521, Immunization Grant – Rent	\$ 2,000.00	\$ 4,000.00
A4189A.46100, Immunization Grant – Mileage & Travel	\$ 33.65	\$ 83.65
A4189A.81000, Immunization Grant – Retirement	\$ 820.00	\$ 3,820.00
A4189A.83000, Immunization Grant – Social Security	\$-0-	\$ 800.00
A4189A.83500, Immunization Grant – Medicare	\$-0-	\$ 200.00
A4189A.85000, Immunization Grant - Unemployment	\$-0-	\$ 120.00
A4189A.86000, Immunization Grant - Hospitalization	\$2,488.00	\$ 4,083.00

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: April 25, 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, Report and Resolution No. 104 of the Committee on Human Resources authorizing contract with the State of New York for funding for Early Intervention Administration Program, was voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Peplinski (1).

No. 104

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES  
AUTHORIZING CONTRACT WITH THE STATE OF NEW YORK FOR FUNDING  
FOR EARLY INTERVENTION ADMINISTRATION PROGRAM**

WHEREAS, by letter dated March 28, 2012, from Gregory O'Keefe, MD, Director of Public Health, this Legislature is advised that the New York State Department of Health has submitted a contract providing for the renewal of the Early Intervention Administration Program grant in the total amount of \$40,428.00; and

WHEREAS, said agreement shall be effective for the term October 1, 2011 through September 30, 2012; and

WHEREAS, the County of Herkimer has qualified personnel, facilities and expertise to provide the services required under the terms of the agreement; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be and he hereby is, authorized to execute said contract in form prepared by the State of New York, on behalf of the County of Herkimer for an Early Intervention Administration grant in the amount of \$40,428.00, with said grant to be for the period October 1, 2011 through September 30, 2012; and, be it further

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

Dated: April 25, 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 Mr. Hendrix and Mr. Shaw, Report and Resolution No. 105 of the Committees on Human Resources and Ways and Means amending Resolution No. 194 of 2008 in connection with reimbursement for Rabies Program expenses was handed up; was voted on and adopted by voice vote:

For: All ayes: (16).

Against: None.

Absent: Peplinski (1).

No. 105

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS AMENDING RESOLUTION NO. 194 OF 2008 IN CONNECTION WITH REIMBURSEMENT FOR RABIES PROGRAM EXPENSES**

WHEREAS, by Resolution No. 194 adopted on July 2, 2008 this Legislature authorized a five year contract with the New York State Department of Health to provide reimbursement for expenses incurred by the Herkimer County Public Health Nursing Service under the Rabies Program; and

WHEREAS, by letter dated March 29, 2012 from Dr. Gregory O'Keefe, Director of Public Health, this Legislature is advised that the New York State Department of Health, Bureau of Communicable Disease Control has increased Herkimer County's allocation under said Rabies Grant in the amount of \$13,563.00; now, therefore, be it

RESOLVED, that Resolution No. 194 adopted on July 2, 2008 authorizing a contract with the New York State Department of Health, Bureau of Communicable Disease Control for the period January 1, 2008 through March 31, 2012, is hereby amended to provide that the total amount of said contract shall be \$40,978.63; and, be it further

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

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

Dated: April 25, 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. Shaw, Mr. Manno and Mr. Hendrix, Report and Resolution No. 106 of the Committee on Human Resources making appointment of Director of the Office for the Aging was handed up; debate was held; was voted on and adopted by voice vote:

Ayes: (13).

Against: None.

Abstain: Hartman, Rose, Brezinski (3).

Absent: Peplinski (1).

Legislator Russell requested an opinion from the County Attorney regarding abstentions. Mr. Malone stated and read that under Rule 34 “any member who shall be present when a question is stated from the Chair shall vote thereon unless excused by unanimous consent of the Legislature or unless he or she be personally interested in the question, in which case he shall not be entitled to vote”. Mr. Malone stated that unless there is a personal interest, the rules require that there be a vote and that in his opinion, the abstentions are outside the rules. After the County Attorney’s opinion, Chairman Bono then called for another vote on the resolution; the resolution was adopted by voice vote:

Ayes: (13).

Against: None.

Abstain: Hartman, Rose, Brezinski (3).

Absent: Peplinski (1).

No. 106

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES  
MAKING APPOINTMENT OF DIRECTOR OF THE OFFICE FOR THE AGING**

WHEREAS, by Resolution No. 143 of 1975 the position of Director of the Office for the Aging for the County of Herkimer was established; and

WHEREAS, a vacancy exists in said position by reason of the retirement of Mary Scanlon effective April 28, 2012; and

WHEREAS, it is the recommendation of your Committee that Kathy Fox be appointed to serve as Director of the Office for the Aging for the County of Herkimer; now, therefore, be it

RESOLVED, that Kathy Fox, 411 Newville Road, Little Falls, New York be, and she hereby is, appointed as Director of the Office for the Aging for the County of Herkimer, effective April 30, 2012, at the base annual salary set forth for said position in the 2012 Salary Schedule, subject to a probationary period of six months; and, be it further

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

Dated: April 25, 2012.

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

Mrs. Fox expressed her appreciation for the appointment, gave credit to the dedicated staff of the Office for Aging and gave thanks to Mrs. Scanlon for her guidance.

On motion Mr. Ackerman, seconded by Mr. Weakley and Mr. Smith, Report and Resolution No. 107 of the Committee on Ways and Means making appointment of County Director of Real Property Tax Services was handed up; debate was held. At 8:50 p.m. on motion of Mr. Russell, seconded by Mr. Hendrix, the Legislature went into executive session

under Section 105(f) of the Open Meetings Law regarding the employment or appointment of a particular person. The motion was approved by voice vote:

Ayes: (14).

Against: Hartman, Rose (2).

Absent: Peplinski (1).

At 8:55 p.m. on motion of Mr. Weakley, seconded by Mr. Hyde, the Legislature came out of executive session.

Further debate was held. Mr. Brezinski stated that because a minority party member of the legislature was not allowed to ask questions face to face of the individuals for the position of real property tax director, he would abstain. The resolution was then voted on and adopted by voice vote:

For: Ayes (15).

Against: None.

Abstention: Hartman, Brezinski (2).

Absent: Peplinski (1).

No. 107

**REPORT AND RESOLUTION OF THE COMMITTEES ON WAYS AND MEANS  
MAKING APPOINTMENT OF COUNTY DIRECTOR OF REAL PROPERTY TAX  
SERVICES**

WHEREAS, by Resolution No. 169 for 1974 the position of Director of Real Property Tax Services for the County of Herkimer was established; and

WHEREAS, there presently exists a vacancy in said position; and

WHEREAS, it is the recommendation of your Committees that Beth Sadlon be appointed to serve as Real Property Tax Services Director II for the County of Herkimer; now, therefore, be it

RESOLVED, that Beth Sadlon, 193 Lakeview Drive, Little Falls, New York be, and she hereby is, appointed as Real Property Tax Services Director II for the County of Herkimer, effective April 30, 2012, for the completion of the term which will expire September 30, 2013, at the base annual salary set forth for said position in the 2012 Salary Schedule, subject to a probationary period of six months; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer, New York State Office of Real Property Services and Beth Sadlon.

Dated: April 25, 2012.

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

Mr. Hartman stated he had abstained because he had a personal interest in having accessed information in the process to do the job that his constituents sent him to do, and the County Attorney advised that would not qualify for abstention in his opinion.

Mrs. Sadlon expressed her appreciation for the appointment and stated that she looked forward to working with everyone.

On motion of Mrs. Maneen, seconded by Mr. Johnson, Report and Resolution No. 108 of the Committee on Administration/Veterans' Affairs and the Committee on Ways and Means authorizing execution of contract for HAVA funds grant for Herkimer County Board of Elections was handed up; was voted on and adopted by voice vote:

For: All ayes: (16).

Against: None.

Absent: Peplinski (1).

No. 108

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

WHEREAS, by letter received March 30, 2012 from the Commissioners of Elections your committees have been advised of the availability of certain grant funding from the State of New York to reimburse county boards of elections for local dollars spent to further implement HAVA, in the amount of \$140,669.52; and

WHEREAS, by letter dated April 17, 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 C003224- HHS 2011 Reimbursement of Submission of HAVA Operations Expenses by Board of Elections (SHOEBOX) Program: \$140,668.52;

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>
A1450F.4089F, HAVA SHOEBOX Grant	\$-0-	\$140,668.52

<u>Appropriation:</u>	<u>From:</u>	<u>To:</u>
A1450F.44000, HAVA SHOEBOX Grant - Contracted Services	\$-0-	\$140,668.52

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: April 25, 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. Hyde, seconded by Mr. Hendrix, Report and Resolution No. 109 of the Committee on Public Safety and Emergency Management and the Committee on Ways and Means authorizing upgrades for equipment and software at the Communications Center was handed up; was voted on and adopted by voice vote:

For: All ayes : (16).

Against: None.

Absent: Peplinski (1).

No. 109

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING UPGRADES FOR EQUIPMENT AND SOFTWARE AT COMMUNICATIONS CENTER**

WHEREAS, by letter dated April 12, 2012, Robert A. Vandawalker, Director of Emergency Services, has advised your Committees of two requests which will update the equipment and software at the County Communications Center; and

WHEREAS, said upgrades will be funded by existing Homeland Security Grant funding; now, therefore, be it

RESOLVED, that updates to the equipment and software at the County Communications Center are hereby authorized as follows:

- (1) Upgrade of Computer Aided Dispatch Software from InterAct Public Safety is hereby authorized in an amount not to exceed \$40,000.00;
- (2) Upgrade to the computer system to include new server system, dispatch console computers (10) and new monitors (24) is hereby approved for purchase under the provisions of the New York State Contract for an expenditure not to exceed \$50,000;

And, be it further

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

Dated: April 25, 2012.

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

On motion of Mr. Hendrix, seconded by Mr. Hyde, Report and Resolution No. 110 of the Committee on Public Safety and Emergency Management authorizing application for grant from the New York State Division of Homeland Security and Emergency Services was handed up, voted on and adopted by voice vote:

For: All ayes: (16).

Against: None.

Absent: Peplinski (1).

No. 110

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AUTHORIZING APPLICATION FOR GRANT FROM THE NEW YORK DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES**

WHEREAS, by letter dated April 12, 2012 from Robert A. Vandawalker, Director of Emergency Services, your committee has been advised of the availability of funding from the FY2012 State Office of Homeland Security Program (SHSP) in the amount of \$67,000.00 and requests permission to apply for said funding; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a grant application on behalf of the County of Herkimer with the New York State Office of Homeland Security in connection with the receipt of an FY2012 State Office of Homeland Security Program Grant in the amount of \$67,000.00; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute all documents and certifications required as part of the submission of the application: and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Emergency Services, and New York State Division of Homeland Security and Emergency Services.

Dated: April 25, 2012.

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. Hendrix, seconded by Mr. Hyde, and Mr. Peplinski, Report and Resolution No. 111 of the Committee on Public Safety and Emergency Management and the Committee on Ways and Means in connection with receipt of Homeland Security funding was handed up, was adopted by voice vote:

For: All ayes: (16).

Against: None.

Absent: Peplinski (1).

No. 111

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS IN CONNECTION WITH RECEIPT OF HOMELAND SECURITY FUNDING**

WHEREAS, by letter dated April 12, 2012, from Robert Vandawalker, Director of Emergency Services, this Legislature is advised of the receipt of an FY 2011 grant from the New York State Division of Homeland Security and Emergency Services in the amount of \$75,468.00, which grant will be used for radio system and Communications Center upgrades; and

WHEREAS, by letter dated April 17, 2012 from Bernard E. Decker, Budget Officer, this Legislature is advised that it will be necessary to amend the 2012 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 a contract with the New York State Division of Homeland Security and Emergency Services to receive \$75,468.00 through the FY 2011 SHSP Homeland Security Grant which grant will be used for radio system and Communications Center upgrades; and, be it further

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

Revenue:

A3020A.3389G, State Homeland Security Grant	From:	\$-0-
	To:	\$75,468.00

Appropriation

A3020A.25000, Emergency Management Homeland Security Grant – Other Equipment	From:	\$303,839.83
	To:	\$379,307.83

and, be it further

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

Dated: April 25, 2012.

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

On motion of Mr. Shaw, seconded by Mr. Johnson and Mr. Russell, Report and Resolution No. 112 of the Committee on County Planning and Development and the Committee on Ways and Means awarding bid for bus service for the Old Forge Area Transportation Program for the 2012 Summer Youth Employment Program was handed up; debate was held; was voted on and adopted by voice vote:

For: All ayes: (16).

Against: None.

Absent: Peplinski (1).

**No. 112**

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AND THE COMMITTEE ON WAYS AND MEANS AWARDED BID FOR BUS SERVICE FOR THE OLD FORGE AREA TRANSPORTATION PROGRAM FOR THE 2012 SUMMER YOUTH EMPLOYMENT PROGRAM**

WHEREAS, pursuant to Resolution No. 114 for the year 1993, the Herkimer County Budget Officer and Purchasing Agent is authorized to advertise for bids, on an annual basis, for the Old Forge Area Transportation Program in relation to the Summer Youth Employment Program; and

WHEREAS, by communication dated April 18, 2012, the Budget Officer has advised this Legislature that bids were received, opened and read in accordance with law for bus services in

connection with the 2012 Summer Youth Employment Program to provide transportation to the Old Forge Area; and

WHEREAS, the Budget Officer advised that it is the recommendation of your Committees and the Executive Director of the Youth Bureau that a contract be awarded to the lowest bidder, Little Falls-Fonda Bus Corp. of St. Johnsville, New York, in the amount of \$472.00 per bus per day up to a maximum of 130 trips, plus orientation (total net price of \$62,304.00); now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby awards a contract to Little Falls-Fonda Bus Corp., 7893 State Route 5, St. Johnsville, NY 13452, for bus service for the Old Forge Area Transportation Program for the 2012 Summer Youth Employment Program in the amount of \$472.00 per bus per day up to a maximum of 130 trips, plus orientation (total net price of \$62,304.00); and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature is hereby authorized to execute said contract 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, Executive Director of the Youth Bureau and Little Falls-Fonda Bus Corp.

Dated: April 25, 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. Hendrix, Report and Resolution No. 113 of the Committee on Ways and Means authorizing contract with New York State Department of Health for Herkimer County Healthnet, Inc. and amending budget was handed up, was voted on and adopted by voice vote:

For: All ayes: (16).

Against: None.

Absent: Peplinski (1).

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

WHEREAS, by communication dated April 3, 2012 , Adam Hutchinson, Executive Director of the Herkimer County HealthNet, Inc. has advised that the New York State Department of Health has awarded a grant to Herkimer County HealthNet, Inc. for the period from April 1, 2012 through March 31, 2013, in the amount of \$175,000.00 for a program entitled “Creating Healthy Places to Live, Work and Play”; and

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

WHEREAS, by letter dated April 17, 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 grant funding; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute a contract between the County of Herkimer and the New York State Department of Health to receive \$175,000.00 in funding for the Herkimer County HealthNet, Inc. to implement a program entitled “Creating Healthy Places to Live, Work and Play”, for the period April 1, 2012 through March 31, 2013; and, be it further

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

Revenue:

A4018.3418A Healthy Places Grant	From:	\$-0-
	To:	\$175,000.00

Appropriation

A4018.44000 Herkimer County HealthNet, Cont. Serv.	From:	\$223,421.93
	To:	\$398,421.93

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: April 25, 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. Russell, seconded by Mr. Weakley and Mr. Shaw, Report and Resolution No. 114 of the Committee on Ways and Means for amendment of salary schedule in connection with mandated salary of district attorney was handed up; debate was held, was voted on and adopted by roll call vote:

For: Hartman, Rose, Schrader, Maneen, Johnson, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Korce, Russell Shaw, Weakley (16).

Against: None.

Absent: Peplinski (1).

No. 114

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS FOR AMENDMENT OF SALARY SCHEDULE IN CONNECTION WITH MANDATED SALARY OF DISTRICT ATTORNEY**

WHEREAS, by letter dated April 19, 2012 from Steven R. Billings, Personnel Officer, this Legislature is advised that state legislation has recently been signed law to require that, effective April 1, 2012, the salary of a county district attorney must be equal to or higher than the salary for a county judge ; and

WHEREAS, said letter further advises that it will be necessary to amend the 2012 Herkimer County Salary Schedule I in connection with said salary increase; now, therefore, be it

RESOLVED, that the 2012 Herkimer County Salary Schedule I is hereby amended in Account A1165, District Attorney, to delete the salary of \$119,800, and replace with the salary of \$140,300, effective April 1, 2012; 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: April 25, 2012.

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. Hendrix, Report and Resolution No. 115 of the Committees on Human Resources and Ways and Means authorizing contracts with Kids Herkimer and House of the Good Shepherd in connection with at risk youth services was handed up, was voted on and adopted by voice vote:

For: All ayes: (16).

Against: None.

Absent: Peplinski (1).

No. 115

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

WHEREAS, by letter dated April 20, 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; and

WHEREAS, by Resolution No. 78 adopted on March 21, 2012, a contract was authorized for segments of such services, but contracts were not awarded for Diagnostic Services, or Parent Aid, Rise and Shine, Mentoring and other miscellaneous services as needed; and

WHEREAS, said letter advises and requests that a contract be entered into with the House of the Good Shepherd to provide Outpatient Diagnostic Services as shown on the attached Schedule A, and that a contract be entered into with Kids Herkimer to provide Parent Aid, Rise and Shine, Mentoring and other miscellaneous services as needed, as shown on the attached Schedule B; 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 a contract with the House of the Good Shepherd, 1550 Champlain Ave., Utica, NY 13502, to provide Outpatient Diagnostic Services as shown on the attached Schedule A, and that a contract be entered into with Kids Herkimer, 310 Main St., Utica, NY 13501, to provide Parent Aid, Rise and Shine, Mentoring and other miscellaneous services as needed, as shown on the attached Schedule B; and

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, the House of the Good Shepherd and Kids Herkimer.

Dated: April 25, 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**

SCHEDULE A

**The House of the Good Shepherd Outpatient Diagnostic Services**

**Psychological**

\$675 Flat fee for the completion of the comprehensive diagnostic assessment by one of the agency's licensed psychologists.

**Psychiatric**

\$825 Flat fee for the completion of a comprehensive diagnostic assessment supplemented by a psychiatric evaluation when so identified by the assessment and authorized by HCDSS.

The House of Good Shepherd Outpatient Diagnostic proposal contract period:

July 1, 2012 through December 31, 2012 Calendar  
Year 2013  
Calendar Year 2014

**SCHEDULE B**

**Kids Herkimer Service Provision for Individual Needs (SPIN) Fee for Services**

Services provided may include items listed in the attached schedule.

The Kids Herkimer SPIN Program budget proposal is as follows:

July 1, 2012 through December 31, 2012	\$ 10,000
Calendar Year 2013	\$ 20,600
Calendar Year 2014	\$ 21,218

On motion of Mr. Ackerman, seconded by Mr. Hendrix, Report and Resolution No. 116 of the Committees on Education, Ways and Means and County Properties approving letter of intent to purchase or lease approximately four to six acres for an assisted living facility on Herkimer County Community College was handed up; debate was held, Mr. Shaw made a motion to move the motion, seconded by Mr. Ackerman. The motion was approved by voice vote:

For: All ayes (16).

Against: None.

Absent: Peplinski (1)

The resolution was adopted by voice vote:

For: All ayes: (14).

Against: Rose, Brezinski (2).

Absent: Peplinski (1).

No. 116

**RESOLUTION OF THE COMMITTEES ON EDUCATION, WAYS AND MEANS AND COUNTY PROPERTIES APPROVING LETTER OF INTENT TO PURCHASE OR LEASE APPROXIMATELY FOUR TO SIX ACRES FOR AN ASSISTED LIVING FACILITY ON HERKIMER COUNTY COMMUNITY COLLEGE CAMPUS**

WHEREAS, Valley Health Services, Inc. has proposed to enter into an agreement for purchase or long term lease agreement with Herkimer County Community College and the County of Herkimer for the construction of an assisted living facility on the campus and support of the college programs; and

WHEREAS, it is also proposed that there might be an additional 35 acre parcel which would be made available for subsequent phases of the overall project; and

WHEREAS, the dual purpose of the project would be to assist both Valley Health Services, Inc. and Herkimer County Community College in the establishment of a joint living and learning experience for the integration of academics with elderly assisted living; now, therefore, be it

RESOLVED, that the County of Herkimer hereby authorizes the execution of a Letter of Intent which contains the above terms, which will also provide that parties will engage in a period of 120 days of due diligence investigation of the feasibility of the project, and that upon completion of that period, if the parties mutually agree that the project is feasible, they would enter into negotiations for either a purchase or long term lease agreement, with said agreement subject to the approval of this Legislature; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute such Letter of Intent; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Herkimer County Attorney, President of Herkimer County Community College and the Chief Executive Officer of Valley Health Services., Inc.

Dated: April 25, 2012.

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

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

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

On motion of Mr. Maneen, seconded by Mr. Russell and Mr. Shaw, Report and Resolution No. 117 of the Committee on Administration/Veterans Affairs and the Committee on Ways and Means authorizing home rule request was handed up; debate was held, was voted on and adopted by voice vote:

For: All ayes: (16).

Against: None.

Absent: Peplinski (1).

No. 117

**RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS AFFAIRS  
AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING HOME RULE  
REQUEST**

WHEREAS, legislation has been introduced in the New York State Senate and the New York State Assembly entitled, “AN ACT to amend chapter 549 of the laws of 2005 amending the tax law, relating to authorizing the County of Herkimer to impose a county recording tax on obligations secured by a mortgage on real property, in relation to the expiration thereof”

In the Assembly

A.9798

In the Senate

S.6873

and

WHEREAS, it is now necessary to make a Home Rule Request pursuant to the Municipal Home Rule Law; now, therefore, be it

RESOLVED, that this Legislature hereby authorizes that a Home Rule Request be made, pursuant to Section 40 of the Municipal Home Rule Law, by the appropriate county officers and filed as required by said statute with the New York State Legislature.

Dated: April 25, 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**

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

At 9:58 p.m. on motion of Mr. Manno, seconded by Mr. Weakley and Mr. Hendrix, the Legislature adjourned to Wednesday, May 16, 2012 at 7:30 p.m.