

MINUTES
Herkimer County Legislature
Fourth Quarter – First Day
Wednesday, October 3, 2012
2:00 p.m.

The Public Hearing on Introductory Local Law No. 2 for 2012 was called to order at 1:15 p.m. by Patrick E. Russell, Chairman of the Committee on Ways and Means. The Clerk read the notice of the meeting. Mr. Russell then asked if there was anyone wishing to speak. There were no requests to speak and the hearing was declared closed at 1:17 p.m.

The Third Quarterly Session of the Herkimer County Legislature was called to order by Chairman Vincent Bono at 2:00 p. m.

Chairman Bono called on Jeffrey Carpenter, Assistant District Attorney, 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, Johnson, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (15).

Absent: Maneen, Hendrix (2).

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Bono asked if there were any objections or corrections to the minutes of September 12, 2012. There were none, and the Chairman ordered them approved.

Chairman Bono dispensed with the regular session to allow Raymond Smith, Chairman of the Committee on Human Resources, to make a presentation. Legislator Smith called on Jackie Ward, Program Director of the Domestic Violence Program of Herkimer County and Jeffrey Carpenter, Assistant District Attorney. Mr. Smith presented a proclamation to each of them proclaiming the month of October as “Domestic Violence Awareness Month” in Herkimer County and October 17th, 2012 as the “Shine the Light on Domestic Violence Day” and “Turn New York State Purple Day” in Herkimer County. Mrs. Ward expressed appreciation for the proclamation and gave a brief overview of the Domestic Violence Program administered through Catholic Charities in Herkimer County. Mr. Carpenter expressed his thanks on behalf of the District Attorney’s office and commended the work of the Domestic Violence Program in Herkimer County.

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

Chairman Bono stated that the communications received by the Legislature and the committees to which they were referred were as listed on the agenda and asked if any member of the Legislature requested mention of any particular communication. Mrs. Rose requested Communication No. 324 be read and Mr. Smith requested Communication No. 309 be read.

No. 302 – A communication was received from the New York State Department of Labor advising of approved funding requests. Placed on file.

No. 303 – A communication was received from the New York State Office for the Aging advising of Notification of Grant Award. Placed on file.

No. 304 – A communication was received from the Personnel Officer requesting agreement for third party administration of the former Self-Insurance Plan and Stand Alone coverage. Referred to the Committee on Ways and Means.

No. 305 – A communication was received from the Chairman of the Legislature submitting appointment and reappointments to office for Aging Advisory Board. Referred to the Committee on Human Resources.

No. 306 – A communication was received from the Director of Community Services concerning Mohawk Valley Psychiatric Center Inpatient Services Closure. Placed on file.

No. 307 – A communication was received from Capital District OTB submitting financial reports for June and July 2012. Placed on file.

No. 308 – A communication was received from the Director of the Office for the Aging requesting contract for registered dietician. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 309 – A communication was received from the County Attorney advising of the receipt of Notice of Claim. Placed on file.

No. 310 – A communication was received from the County of Chenango submitting recently adopted resolution concerning the dairy industry. Referred to the Committee on Human Resources.

No. 311 – A communication was received from ProAct, Inc. submitting report of Discount Prescription Card for August. Placed on file.

No. 312 – A communication was received from the New York State Office of Children and Family Services advising of Herkimer County’s Resource Allocation Plan funding for 2012. Placed on file.

No. 313 – A communication was received from the Old Forge Library expressing appreciation for the County’s allocation. Placed on file.

No. 314 – A communication was received from D’Arcangelo & Co. submitting the County’s Financial Statements for 2011. Referred to the Committee on Ways and Means.

No. 315 – A communication was received from the Director of Real Property Tax Services requesting contract for training and assistance in connection with preparation of 2013 Tax Levy. Referred to the Committee on Ways and Means.

No. 316 – A communication was received from the Commissioner of Social Services requesting extension of contract for provision of coordinated Non-Emergency Medicaid Transportation Services. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 317 – A communication was received from the Commissioner of Social Services requesting contract for Domestic Violence Services. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 318 – A communication was received from the Budget officer submitting requests for transfers of funds. Referred to the Committee on Ways and Means.

No. 319 – A communication was received from the Director of Public Health requesting amendment of contract in connection with Healthy Families Grant. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 320 – A communication was received from the Director of Emergency Services requesting acceptance of Request for Proposal for consolidation study of Fire/EMS services. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 321 – A communication was received from the Commissioner of Social Services requesting amendment of contracts for certain preventive/children services. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 322 – A communication was received from the Budget Officer submitting request for appropriation of funds. Referred to the Committee on Ways and Means.

No. 323 – A communication was received from the Budget Officer submitting request for budget amendment. Referred to the Committee on Ways and Means.

No. 324 – A communication was received from the Director of Public Health requesting timeline for closure of Certified Home Health Agency/Long Term Home Health Care Program and staffing change. 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. Mr. Russell, Chairman of the Committee on Ways and Means, stated that the budgetary process has started and that the Ways and Means Committee is meeting Friday mornings to look at ways to reduce the amount of any tax increase.

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

For: Ayes (15).

Against: None.

Absent: Maneen, Hendrix (2).

Consent Agenda:

- 222 WAYS & MEANS: Amending Resolution No. 78 and No. 115 in connection with contracts for At Risk Youth Services
- 223 HUMAN RES.: Confirming appointments and reappointments to Office for Aging Advisory Council
- 224 WAYS & MEANS: Transferring funds

No. 222

REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND WAYS AND MEANS AMENDING RESOLUTIONS NO. 78 AND 115 OF 2012 IN CONNECTION WITH CONTRACTS FOR AT RISK YOUTH SERVICES

WHEREAS, by Resolution No. 78 adopted on March 21, 2012 and Resolution No. 115 adopted on April 25, 2012 this Legislature authorized contracts with Kids Herkimer to provide various services in connection with at risk youth; and

WHEREAS, by letter dated September 25, 2012 from Timothy J. Seymour, Commissioner of Social Services, this Legislature is advised that Kids Herkimer, which is the local program-specified name, should be correctly listed by the actual name as incorporated, which is “Kids Oneida”, and requests said contracts be amended to reflect this change; now, therefore, be it

RESOLVED, that Resolution No. 78 adopted on March 21, 2012 and Resolution No. 115 adopted on April 25, 2012 are hereby amended to delete the words “Kids Herkimer” and replace with “Kids Oneida”; and, be it further

RESOLVED, that in all other respects, said Resolutions No. 78 and No. 115 of 2012 are 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, Commissioner of Social Services and Kids Oneida.

Dated: October 3, 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

No. 223

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

WHEREAS, the Chairman of the Herkimer County Legislature, by letter dated September 21, 2012, has made certain appointments and reappointments to the Office for Aging Advisory Council; now, therefore, be it

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

New Appointment for term of 10/2012 – 10/2015:

JoAnne Amato, 103 Edgebrook Circle Estate Frankfort, New York 13340

Re-appointment for term of 10/2012 – 10/2015:

Eileen Manno, 130 Maple Drive, Frankfort, NY 13340

Yvonne Wenzel, 145 Butcher Road, Clayville, NY 13322

Vanessa Boyer, LMSW, 128 Pine Grove Road, Herkimer, NY 13350

Rita Davis, 926 Hillcrest Ave, Utica, NY 13502

and, be it further

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

Dated: October 3, 2012.

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

TRANSFER

On motion of Mr. Russell, seconded by Mr. Smith, Report and Resolution No. 225 of the Committee on Ways and Means adopting Introductory Local Law No. 2 for 2012 was handed up; discussion was held; was voted on and adopted by roll call vote:

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

Against: None.

Absent: Maneen, Hendrix (2).

No. 225

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
REGARDING INTRODUCTORY LOCAL LAW NO. 2 FOR 2012**

Your Committee on Ways and Means of the Herkimer County Legislature desires to report that on the 3rd day of October, 2012, pursuant to Resolution No. 220, it held a public

hearing on the adoption of Introductory Local Law No. 2 for 2012 entitled, “A LOCAL LAW TO IMPOSE A MORTGAGE RECORDING TAX WITHIN THE COUNTY OF HERKIMER OF HERKIMER”; and that there were (no) appearances and (no) objections at the said public hearing; that your Committee advises the adoption and enactment of the said Introductory Local Law and offers the following Resolution:

RESOLVED, that Introductory Local Law No. 2 for 2012 be adopted in form attached hereto.

Dated: October 3, 2012.

PATRICK E. RUSSELL
DENNIS KORCE
RAYMOND SMITH
BRUCE WEAKLEY

BERNARD PEPLINSKI
KURT J. ACKERMAN
Committee on Ways and Means

INTRODUCTORY LOCAL LAW NO. 2 – 2012

LOCAL LAW NO. 2 – 2012

A LOCAL LAW TO IMPOSE A MORTGAGE RECORDING TAX WITHIN THE COUNTY OF HERKIMER

Be it enacted by the County Legislature of the County of Herkimer as follows:

Section 1. Imposition of Tax

Pursuant to Section 253-u of the Tax Law, as extended by Chapter 234 of the Laws of 2012, there is hereby imposed in the County of Herkimer a tax of \$0.25 for each \$100 and each remaining major fraction thereof of principal debt or obligation, which is or under any contingency may be secured at the date of execution thereof or at any time thereafter, by a mortgage on real property situated within the County of Herkimer and recorded on and after December 1, 2012, and a tax of \$0.25 on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than \$100.00. This local law hereby continues without interruption the imposition of the Herkimer County Mortgage Recording Tax as authorized by Herkimer County Local Law No. 3 for 2005.

Section 2. Applicability

The taxes imposed under the authority of this local law shall be administered and collected in the same manner as the taxes imposed under Section 253.1 and Section 255.1(b) of the Tax Law.

Section 3. Additional Taxes

A tax imposed pursuant to this local law shall be in addition to the taxes imposed by Section 253 of the Tax Law.

Section 4. Payment of Taxes

The tax imposed pursuant to this local law shall be payable on the recording of each mortgage of real property subject to taxes thereunder. Such tax shall be paid to the recording officer of the county in which the real property or any part thereof is situated. Where such property is situated within and without the county imposing this tax, the recording officer of the jurisdiction in which the mortgage is first recorded shall be required to collect the taxes imposed herein. It shall be the duty of such recording officer to endorse upon each mortgage a receipt for the amount of the tax so paid. Any mortgage so endorsed may thereupon or thereafter be recorded by any recording officer and the receipt of such tax endorsed upon each mortgage shall be recorded therewith. The record of such receipt shall be conclusive proof that the amount of tax stated therein has been paid upon such mortgage.

Section 5. Real Property Located in More than One County

Where real property covered by the mortgage subject to the tax imposed pursuant to this local law is situated in the State of New York but within and without the County of Herkimer, the amount of such tax due and payable to the County of Herkimer shall be determined in a manner similar to that prescribed in the first paragraph of Section 260 of the Tax Law.

Where such property is situated both within Herkimer County and without the State, the amount due and payable in Herkimer County shall be determined in the manner prescribed in the second paragraph of such Section 260.

Section 6. Disposition of Taxes

Notwithstanding any provision of Article 11 of the Tax Law to the contrary, the balance of all monies paid to the recording officer of the County of Herkimer during each month upon account of the tax imposed pursuant to this local law, after deduction of the necessary expenses of his office as provided in Section 262 of the Tax Law, except taxes paid upon mortgages which under the provisions of this local law or Section 260 of the Tax Law are first to be apportioned by the New York State Commissioner of Taxation and Finance, shall be paid over by such officer on or before the tenth day of each succeeding month to the Treasurer of the County of Herkimer and, after the deduction by such Treasurer of the necessary expenses of his or her office provided in Section 262 of the Tax Law, shall be deposited in the General Fund of the County of Herkimer for expenditure on any county purpose. Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property situated in two or more counties, which under the provisions of this local law or Section 260 of the Tax Law are first to be apportioned by the Commissioner of Taxation and Finance, shall be paid over by the recording officer receiving the same as provided by the determination of the Commissioner.

Section 7. Expiration Date

The tax imposed by this local law shall be effective from December 1, 2012 to December 1, 2014.

Section 8. Effective Date

This local law shall become effective on the first day of December, 2012, provided that a certified copy thereof is mailed by registered or certified mail to the Commissioner of Taxation and Finance at the Commissioner's Office in Albany at least thirty days prior to the date the local law shall take effect. Certified copies of any local law described in this section shall also be filed with the Herkimer County Clerk, the Secretary of State and the State Comptroller within five days after the local law is duly enacted.

Dated: October 3, 2012.

On motion of Mr. Peplinski, seconded by Mr. Shaw, Report and Resolution No. 226 of the Committee on Human Resources and the Committee on Ways and Means authorizing agreement for services of dietician in the Herkimer County Office for the Aging was handed up; was voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Maneen, Hendrix (2).

No. 226

REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING AGREEMENT FOR SERVICES OF DIETICIAN IN THE HERKIMER COUNTY OFFICE FOR THE AGING

WHEREAS, by letter dated September 14, 2012 from Kathy L. Fox, Director of the Herkimer County Office for the Aging, this Legislature is advised that the dietician providing services for the Office for Aging Nutrition Program has requested to terminate her contract effective September 29, 2012; and

WHEREAS, the Herkimer County Office for the Aging is state mandated to provide the services of a registered dietician for at least thirteen hours per week and said letter further requests that an agreement be entered into, on a consultant basis, with Shannon Davis, RD, CDN of Hartwick, New York, to provide said services; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an agreement with Shannon Davis, RD, CDN, 4340 State Highway 80, Hartwick, New York, to provide services to the Herkimer County Office for the Aging Nutrition Program for thirteen hours per week at the rate of \$40.00 per hour, with mileage at the IRS rate; 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 Shannon Davis.

Dated: October 3, 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. Peplinski, Report and Resolution No. 227 of the Committee on Committee on Ways and Means approving contract for Third Party Administration Services for the Former Herkimer County Self-Insurance Plan and Stand Alone Plan was handed up; voted on and approved by voice vote:

For: All ayes (15).

Against: None.

Absent: Maneen, Hendrix (2).

No. 227

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

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

WHEREAS, by letter dated September 19, 2012, Steven R. Billings, Personnel Officer, has requested to extend said agreement from January 1, 2013 through December 31, 2013, with the annual cost for the County Stand-Alone coverage to be at a flat rate of \$21,892.00 and the former Herkimer County Self-Insurance Plan cost will be on a per claim basis of \$125.00 per medical only claim and \$395.00 per indemnity claim; now, therefore, be it

RESOLVED, an agreement with Benetech, Inc., One Dodge Street, PO Box 348, Wynantskill, NY 12198, for third party administrative services to the Former Herkimer County Self-Insurance Plan and for the County's Stand-Alone coverage be approved for the period January 1, 2013 through December 31, 2013, with the terms and conditions of said contract to be subject to the approval of the County Attorney; and, be it further

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

Dated: October 3, 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. Shaw and Mr. Ackerman, Report and Resolution No. 228 of the Committee on Ways and Means concerning contract for coordination and provision of non-emergency Medicaid transportation was handed up; Mrs. Rose made a motion, seconded by Mr. Hartman, to amend the resolution to include an additional resolved clause as follows: "RESOLVED, that the contract extension go forward only with the approval of the County Attorney that it meets required purchasing policies, and if it does not conform, that the Purchasing Agent be directed to advertise for bids". The amendment was approved by voice vote:

For: All ayes (15).

Against: None.

Absent: Maneen, Hendrix (2).

The resolution as amended was then approved by voice vote:

For: All ayes (15).

Against: None.

Absent: Maneen, Hendrix (2).

No. 228

REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS AND MEANS CONCERNING CONTRACT FOR COORDINATION AND PROVISION OF NON-EMERGENCY MEDICAID TRANSPORTATION

WHEREAS, by Resolution No. 334 adopted on December 16, 2009, this Legislature authorized a contract with Birnie Bus Services, Inc. to provide coordinated Non-Emergency Medicaid Transportation, which contract has been extended thereafter to expire on January 31, 2012; and

WHEREAS, by letter dated September 20, 2012, Timothy J. Seymour, Commissioner of Social Services, has advised that pursuant to the requirements of Medicaid Redesign, the New York State Department of Health intends to take over this function, but has been unable to commit to a solid commencement date; and

WHEREAS, said letter further requests authorization to open discussion with Birnie Bus Service to address a contract extension (with opt out flexibility) until the Department of Health has successfully completed their transportation initiative; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a contract extension, on a month to month basis, with Birnie Bus Service, Inc., 248 Otis Street, P.O. Box 630, Rome, NY 13442, to provide coordinated Non-Emergency Medicaid Transportation services to the Department of Social Services at a monthly rate of \$59,045, until the New York State Department of Health takes over this function; and, be it further

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

Dated: October 3, 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

Amended: October 3, 2012

Amendment: Add additional Resolved Clause: “Resolved, that the contract extension go forward only with the approval of the County Attorney that it meets required purchasing policies, and if not, that the Purchasing Agent be directed to advertise for bids”.

On motion of Mr. Shaw, seconded by Mr. Peplinski, Report and Resolution No. 229 of the Committees on Human Resources and Ways and Means amending Resolution No. 217 of 2011 in connection with contracts for the Implementation of the Healthy Families Program was handed up; voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Maneen, Hendrix (2).

No. 229

REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS AND MEANS AMENDING RESOLUTION NO. 217 OF 2011 IN CONNECTION WITH CONTRACTS FOR THE IMPLEMENTATION OF THE HEALTHY FAMILIES PROGRAM

WHEREAS, by Resolution No. 217 adopted on September 7, 2011, this Legislature authorized a contract with the Family Nurturing Center of Central New York, Inc. 209 Elizabeth Street, Fourth Floor, Utica, New York, in the amount of \$13,621.00 in connection with the implementation of the Healthy Families New Grant administered by the Herkimer County Public Health Nursing service for the period September 1, 2011 to August 31, 2012; and

WHEREAS, by letter dated September 18, 2012, Gregory O’Keefe, MD, Director of Public Health, has requested said resolution and contract be amended to reflect an additional sum of \$1,635.89 with funds from the Healthy Families Grant to cover this additional expense; now, therefore, be it

RESOLVED, that Resolution No. 211 adopted on September 7, 2011 is hereby amended in the Second Whereas and First Resolved Clause, to the delete the amount of \$13,621.00 and replace with \$15,256.89; and, be it further

RESOLVED, that in all other respects, said Resolution No. 211 of 2011 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 Public Health and Family Nurturing Center of Central New York, Inc.

Dated: October 3, 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. Peplinski and Mr. Hyde, Report and Resolution No. 230 of the Committee on Ways and Means authorizing contract in Real Property Tax Service Agency was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (14).

Abstain: Manno (1).

Against: None.

Absent: Maneen, Hendrix (2).

No. 230

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
AUTHORIZING CONTRACT IN REAL PROPERTY TAX SERVICE AGENCY**

WHEREAS, by letter dated September 12, 2012, Beth L. Sadlon, Director of Herkimer County Real Property Tax Service, has requested that Mary Ann Barbuto, recently retired Director of Real Property Tax Services, be authorized to work on a part-time contractual basis to assist and train in the process of preparation of the 2013 Tax Levy; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized, on behalf of the County of Herkimer, to execute a contract with Mary Ann Barbuto, Frankfort, New York, for a maximum of up to 100 hours commencing October 15, 2012 to January 31, 2013, for training and consulting services to the Director of the Herkimer County Real Property Tax Service, to be paid at a rate of \$30.00 per hour, with the terms and conditions of said contract to be subject to the approval of the County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer county Treasurer, Auditor, Budget Officer, Personnel Officer, Director of Real Property Tax Services and Mary Ann Barbuto.

Dated: October 3, 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 Mr. Ackerman, Report and Resolution No. 231 of the Committee on Public Safety/Emergency Management and the Committee on Ways and Means accepting proposal for consolidation study of fire and EMS services was handed up; discussion was held; was voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Maneen, Hendrix (2).

No. 231

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS ACCEPTING PROPOSAL FOR CONSOLIDATION STUDY OF FIRE AND EMS SERVICES

WHEREAS, in response to a request from the Herkimer County Fire Advisory Board, requests for proposals were solicited for the provision of a study of six Fire and EMS Services along the Thruway corridor area of Herkimer County, with the intent of the study to determine how the individual agencies/departments can operate more efficiently, while improving service delivery through either shared services or consolidation; and

WHEREAS, all agencies involved have agreed to have this study completed and the study will be fully funded through a 2009 SHSP Homeland Security Grant, with the County only acting as facilitator of this study through the grant; and

WHEREAS, by letter dated September 18, 2012 Robert A. Vandawalker Director of Emergency Services, has advised that during the first request for proposals, two responses were received, with both being outside of the available grant funding, and it is the recommendation of

his office that the proposal of Summit Lake Consulting, LLC, who was the sole response during the revised request, be accepted for the sum of \$25,000.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an agreement with Summit Lake Consulting, LLC, 232 Lower Stella Ireland Road, Binghamton, NY 13905, to conduct a consolidation study for six Fire and EMS services along the Thruway corridor area in Herkimer County, for the total sum of \$25,000.00, with the terms of said agreement to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that said study shall be 100% funded through a 2009 SHSP Homeland Security Grant; 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 Summit Lake Consulting, LLC.

Dated: October 3, 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. Smith, seconded by Mr. Hyde, Report and Resolution No. 232 of the Committees on Human Resources and Ways and Means accepting grant and authorizing contract in Department of Social Services for non-residential domestic violence program was handed up, voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Maneen, Hendrix (2).

No. 232

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES
AND WAYS AND MEANS ACCEPTING GRANT AND AUTHORIZING CONTRACT**

IN DEPARTMENT OF SOCIAL SERVICES FOR NON-RESIDENTIAL DOMESTIC VIOLENCE PROGRAM

WHEREAS, by letter dated September 21, 2012 from Timothy J. Seymour, Commissioner of Social Services, this Legislature is advised of the award of funding in the amount of \$10,083 from the New York State Office of Children and Family Services to expand/enhance core services provided by approved Non-Residential Domestic Violence Services, and further requests a contract be entered into with Catholic Charities of Herkimer County to provide these services; and

RESOLVED, that this Legislature accepts funding from the New York State Office of Children and Family Services and authorizes an agreement between Catholic Charities of Herkimer County, 61 West Street, Ilion, New York, and the Herkimer County Department of Social Services, for the provision of Non-Residential Domestic Violence Services, in the amount of \$10,083.00; and, be it further

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

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

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

Dated: October 3, 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, SR.
KURT J. ACKERMAN
Committee on Ways and Means

On motion of Mr. Shaw, seconded by Mr. Smith, Report and Resolution No. 233 of the Committee on Human Resources and the Committee on Ways and Means amending budget in connection with additional revenue in the Office for the Aging was handed up; voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Maneen, Hendrix (2).

No. 233

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND
WAYS AND MEANS AMENDING BUDGET IN CONNECTION WITH ADDITIONAL
REVENUE IN THE OFFICE FOR THE AGING**

WHEREAS, by letter dated September 27, 2012 from the Budget officer and Purchasing Agent, this Legislature is advised that it is necessary to amend the 2012 Budget in connection with revenue received in connection with the provision of noontime meals in the Office for the Aging; 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>
A6776A.1976A, Aging SNAP	\$10,000.00	\$28,000.00
 <u>Appropriation</u>		
A6776A.44000, Aging SNAP – Cont. Services	\$76,000.00	\$94,000.00

and, be it further

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

Dated: October 3, 2012.

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

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

On motion of Mr. Russell, seconded by Mr. Peplinski and a request from the Chairman of Ways and Means Committee for unanimous consent for immediate consideration, Report and Resolution No. 234 of the Committee on Ways and Means appropriating funds from Contingency Fund was handed up; voted on and adopted by roll call vote:

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

Against: None.

Absent: Maneen, Hendrix (2).

No. 234

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
APPROPRIATING FUNDS FROM CONTINGENCY FUND**

WHEREAS, by letter dated September 27, 2012 from the Budget Officer/Purchasing Agent this Legislature is advised that sufficient funds are available in the 2012 operations budget for the following appropriations:

RESOLVED, that the sum of \$283,000.00 is hereby appropriated as follows:

\$250,000	From: A1990.46000, Contingency Fund – Misc. Expense
	To: A3170.44000, Correctional Institution – Contracted Services
\$ 18,000	From: A1990.46000, Contingency Fund – Misc. Expense
	To: A1325.44000, County Treasurer – Contracted Services
\$ 15,000	From: A1990.46000, Contingency Fund – Misc. Expense
	To: A6776A.44000, Aging, SNAP – Contracted Services

and, be it further

RESOLVED, that the Herkimer County Treasurer is hereby authorized and directed to transfer the said sums to the said accounts; and, be it further

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

Dated: October 3, 2012.

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

On motion of Mr. Russell, seconded by Mr. Peplinski, Report and Resolution No. 235 of the Committees on Human Resources and Ways and Means authorizing closure of Herkimer County's certified Home Health Agency (CHHA) and Long Term Care Agency was handed up; discussion was held, was voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Maneen, Hendrix (2).

No. 235

REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS & MEANS AUTHORIZING CLOSURE OF HERKIMER COUNTY'S CERTIFIED HEALTH AGENCY (CHHA) AND LONG TERM CARE AGENCY

WHEREAS, by Resolution No. 86 adopted on March 16, 2011, this Legislature approved the sale of Herkimer County's operating certificate of a Certified Health Agency (CHHA) and Long Term Care Agency (LTC) to At Home Care, Inc.; and

WHEREAS, due to a change in regulations governing the issuance of Certified Home Health Agencies operating certificates, At Home Care, Inc., has advised the county that it no longer wishes to purchase the county's operating certificates; and

WHEREAS, by letter dated September 27, 2012, Gregory O'Keefe, Director of Public Health Nursing Service, has advised that a date should BE established for the County's closure plan for the agency; now, therefore, be it

RESOLVED, that the Herkimer County Legislature approves closure of the Certified Health Agency (CHHA) and Long Term Care Agency (LTC), effective December 1, 2012; and, be it further

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

Dated: October 3, 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, Report and Resolution No. 236 of the Committees on Human Resources and Ways and Means establishing position in Public Health Nursing Service was handed up; discussion was held; was voted on and adopted by roll call vote:

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

Against: None.

Absent: Maneen, Hendrix (2).

No. 236

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES
AND WAYS AND MEANS ESTABLISHING POSITION IN PUBLIC HEALTH
NURSING SERVICE**

WHEREAS, by letter dated September 27, 2012, Gregory O'Keefe, M.D., Director of Public Health, has requested the establishment of the position of Assistant Director of Public Health in the Herkimer County Public Health Nursing Service, effective January 1, 2013; and

WHEREAS, your Committees have taken this matter under advisement and recommend said change; now, therefore, be it

RESOLVED, that, effective January 1, 2013, the position of Assistant Director of Public Health is hereby established in Salary Schedule II under A4010, Public Health, at the base annual salary of \$50,000.00; and, be it further

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

Dated: October 3, 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. Johnson and Mr. Ackerman, Resolution No. 237 of the Committee on County Planning and Development relative to reappointment of member to the Oneida-Herkimer Solid Waste Management Authority was handed up; voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Maneen, Hendrix (2).

No. 237

RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT RELATIVE TO REAPPOINTMENT OF MEMBER TO THE ONEIDA-HERKIMER SOLID WASTE MANAGEMENT AUTHORITY

WHEREAS, the term of Kenneth A. Long to the Oneida-Herkimer Solid Waste Management Authority appointed pursuant to Resolution No. 57 for the year 2008 shall expire on December 31, 2012; now, therefore, be it

RESOLVED, that Kenneth A. Long, 1725 Barringer Road, Ilion, New York, be and he hereby is, reappointed for a five year term commencing January 1, 2013 as representative of Herkimer County on the Oneida-Herkimer Solid Waste Management Authority; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer, the Oneida-Herkimer Solid Waste Management Authority and Kenneth A. Long.

Dated: October 3, 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. Peplinski, Resolution No. 238 of the Committee on Natural Resources endorsing Chenango County Board of Supervisors Resolution for a Statewide Strategic Plan to Grow Milk Supply was handed up; voted on and adopted by voice vote:

For: All ayes (15).

Against: None.

Absent: Maneen, Hendrix (2).

No. 238

**RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES ENDORSING
CHENANGO COUNTY BOARD OF SUPERVISORS RESOLUTION FOR A
STATEWIDE STRATEGIC PLAN TO GROW MILK SUPPLY**

WHEREAS, the Chenango County Board of Supervisors has adopted a resolution dated September 20, 2012, requesting that Governor Andrew Cuomo form a committee of representatives of dairy farmers, dairy cooperatives and dairy manufacturers to develop a plan to grow the dairy industry in New York State in a way that benefits both farmers and manufacturers; and

WHEREAS, that resolution recites the recent explosive growth of the yogurt manufacturing industry in New York, which has resulted in a lack of milk availability for yogurt manufacturing while our dairy farmers in New York continue to suffer from lack of profitability; and

WHEREAS, that resolution also recites that the State of Wisconsin has developed a statewide strategic plan to grow milk supply in a way that benefits both farmers and manufacturers; now, therefore, be it

RESOLVED, that the Herkimer County Legislature endorses the above resolution of the Chenango County Board of Supervisors and joins in the request that Governor Andrew Cuomo form a committee of representatives of dairy farmers, dairy cooperatives and dairy manufacturers to develop a straightforward strategic plan to grow the dairy industry in New York State in a way that benefits both farmers and manufacturers; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Governor Andrew M. Cuomo, Senator James L. Seward, Assemblyman Marc W. Butler and the Chenango County Board of Supervisors.

Dated: October 3, 2012.

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

Chairman Bono stated that pursuant to Rule 6(12) they would proceed with comments by legislators. The following legislators had further comments: Bernard Peplinski.

On 2:30 p.m. on motion of Mr. Manno, seconded by Mr. Johnson, the Legislature adjourned to Wednesday, October 24, 2012 at 7:30 p.m.