

MINUTES
Herkimer County Legislature
Fourth Quarter – Second Day
Wednesday, October 24, 2012
7:30 p.m.

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

Chairman Bono called on Legislator Robert Hyde, 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 October 3, 2012. There were none, and the Chairman ordered them approved.

Pursuant to Rule 11, Chairman Bono opened the floor for public comment. Chairman Bono called on John-Erik Berkhoudt of Herkimer who invited the legislators to the Salvation Army's Kettle Kick Off on Saturday, November 10, 2012 at 10:00 a.m.

Chairman Bono welcomed the Cornell Cooperative Extension Government interns and asked that each student stand, state their name and what school they are from.

Chairman Bono stated that the communications received by the Legislature and the committees to which they were referred were as listed on the agenda and asked if any member of the Legislature requested mention of any particular communication. Mr. Brezinski requested Communications No. 339 and No. 357 be read, and Mr. Johnson requested Communication No. 343 be read.

No. 325– A communication was received ProAct, Inc. submitting the report of the Discount Drug Prescription Card for September. Placed on file.

No. 326 – A communication was received from the State Office for the Aging advising of notification of grant awards. Placed on file.

No. 327 – A communication was received from the Oneida-Herkimer Solid Waste Authority submitting minutes of June 18, 2012 meeting and recently adopted resolutions . Placed on file.

No. 328 – A communication was received from the County Treasurer requesting extension of contract with D’Arcangelo and Co. for audit report. Referred to the Committee on Ways and Means.

No. 329 – A communication was received from the Director of Community Services submitting September activities update of Mental Health Services Department. Placed on file.

No. 330 – A communication was received from the Soil & Water Conservation District submitting minutes of 9-11-12 meeting. Placed on file.

No. 331 – A communication was received from the STOP-DWI Coordinator submitting the 2013 STOP-DWI Plan. Referred to the Committee on Public Safety/Emergency Management.

No. 332 – A communication was received from the STOP-DWI Coordinator submitting request from STOP-DWI Advisory Board. Referred to the Committee on Public Safety/Emergency Management.

No. 333 – A communication was received from the Commissioner of Social Services submitting request for contract with Kids Oneida for provision of detention diversion services through the Supervision and Treatment Services for Juveniles program.

No. 334 – A communication was received from the County Treasurer submitting report of Cancelled and Rejected Taxes. Referred to the Committee on Ways and Means.

No. 335 – A communication was received from the Vice President for Administration and Finance at Herkimer County Community College submitting resolution for approval of Legislature to establish capital project. Referred to the Committees on Education, County Properties, and Ways and Means.

No. 336 – A communication was received from the Director of Probation requesting e-signature of contracts for Alternatives to Incarceration Plan. Referred to the Committee on Public Safety and Emergency Management.

No. 337 – A communication was received from the Director of Public Health requesting renewal of contract for Lead Poisoning Prevention Program. Referred to the Committees on Human Resources and Ways and Means.

No. 338 – A communication was received from the Sheriff submitting the monthly report for August. Referred to the Committee on Public Safety/Emergency Management.

No. 339 – A communication was received from the Majority Leader making nomination for appointment to Ethics Board. Referred to the Committee on Ways and Means.

No. 340 – A communication was received from the Sheriff requesting acceptance of Homeland Security Grant. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 341 – A communication was received from the Director of Real Property Tax Services requesting contract for training in preparation of upcoming 2013 Tax Levy. Referred to the Committee on Ways and Means.

No. 342 – A communication was received from the County Treasurer advising of the publication of notice of filing of audit report for the year ended December 2011. Placed on file.

No. 343 – A communication was received from the County Attorney advising of the receipt of a Notice of Claim. Referred to the Committee on Ways and Means.

No. 344 – A communication was received from the Commissioner of Social Services submitting request from employee for extension of leave of absence. Referred to the Committee on Ways and Means.

No. 345 – A communication was received from the NYS Office of Parks, Recreation & Historic Preservation advising of designation of Stuart Perry & William Swezey Houses on state list of historic places.

No. 346 – A communication was received from Donald Snyder submitting resignation from Planning Board. Referred to the Committee on County Planning and Development.

No. 347 – A communication was received from the Budget Officer submitting request for budget amendment for Sheriff's Homeland Security Grant. Referred to the Committee on Public Safety and Emergency Management and the Committee on Ways and Means.

No. 348 – A communication was received from the Budget Officer submitting recommendation for budget amendment in connection with Public Health Preparedness Bioterrorism Grant. Referred to the Committees on Human Resources and Ways and Means.

No. 349 – A communication was received from the Budget Officer submitting requests for transfers of funds. Referred to the Committee on Ways and Means.

No. 350 – A communication was received from the Sheriff requesting agreement for installation of kiosk at Correctional Facility. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 351 – A communication was received from the Sheriff requesting approval for reimbursement application for updated lights and equipment at Correctional Facility. Referred to the Committee on Public Safety and Emergency Management.

No. 352 – A communication was received from the Personnel Officer requesting contract for health insurance stop loss. Referred to the Committee on Ways and Means.

No. 353 – A communication was received from the Personnel Officer requesting administrative services contract for group health care benefits for officers and employees of the county. Referred to the Committee on Ways and Means.

No. 354 – A communication was received from the Personnel Officer requesting contract for administration of Health Reimbursement Account Plan. Referred to the Committee on Ways and Means.

No. 355 – A communication was received from the Chairman of the Agricultural and Farmland Protection Board submitting recommendations for continuation of Agricultural District No. 6. Referred to the Committee on Natural Resources.

No. 356 – A communication was received from the Chairman of the Sewer District Board submitting proposed assessment roll. Referred to the Committee on Natural Resources and the Committee on Ways and Means.

No. 357 – A communication was received from the Minority Leader making nomination to Ethics Board. Referred to the Committee on Ways and Means.

No. 358 – A communication was received from the Empire State Development awarding funding for Hurricane Irene Flood Mitigation Grant Program. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

Pursuant to Rule 6, Chairman Bono then proceeded with Reports of Standing Committees. Jean Maneen, Chairman of the Committee on Administration/Veterans' Affairs, discussed the "Return the Favor" program being administered by the County Clerk's Office, which is a service for the veterans who can register their military discharge papers and also receive a veterans ID card for discounts at local vendors.

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:

- 239 PUB. SFTY./EMER. MGMT.: Approving Monthly Report of Sheriff
- 240 WAYS & MEANS: Transferring funds

- 241 NAT. RESOURCES: Setting date for hearing on 8 Year Review of Agricultural District No. 6
- 242 PUB. SFTY./EMER. MGMT.: As Regards Membership on STOP-DWI Advisory Board
- 243 PUB. SFTY./EMER. MGMT.: Approving 2013 STOP-DWI Plan

No. 239

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT APPROVING MONTHLY REPORT OF SHERIFF

WHEREAS, your Public Safety & Emergency Management Committee, to which was referred the report of the Sheriff for the month of August, 2012, respectfully reports that we have examined said report, recommend that it be approved and offer the following Resolution:

RESOLVED, that the report of the Herkimer County Sheriff for the month of August , 2012, which report reflects an average daily population of 64.49 inmates, with an average of 39.55 inmates being boarded out in August, be approved and filed.

Dated: October 24, 2012.

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

No. 240

REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS & MEANS TRANSFERRING FUNDS

WHEREAS, your Committee on Ways & Means, to which was referred a communication from the Budget Officer and Purchasing Agent dated October 16, 2012, submitting a request for transfer of funds, reports that we have examined said communication, inquired into the subject matter thereof recommend that said transfer be made and offer the following Resolution:

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

\$30,000.00 From: D5110.41000-808 – Highway Maintenance Div. –Gravel Quarry
To: D5130.46200.772, County Road Machinery – Auto Supplies
\$ 2,650.00 From: A1165.10000-001, District Attorney – Salaries
To: A1165.25000, district Attorney – Other Equipment

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

Dated: October 24, 2012.

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

No. 241

**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES
SETTING DATE FOR HEARING ON EIGHT-YEAR REVIEW OF AGRICULTURAL
DISTRICT NO. 6**

WHEREAS, by Resolution No. 209 adopted on September 12, 2012, the eight year review of Herkimer County Agricultural District No. 6 in the Towns of Fairfield, Newport, Norway, Russia, Salisbury, Schuyler and Ohio was completed endorsed for continuation; and

WHEREAS, your Committee has been advised that certain changes and additions of parcels were not included in said documents which will require that the review process be undertaken again pursuant to statute; now, therefore, be it

RESOLVED, that a Public Hearing be held on the 14th day of November, 2012 at 7:00 p.m. in the Herkimer County Legislature Chambers on the Eight-Year Review of Herkimer County Agricultural District No. 6, located in the Towns of Fairfield, Newport, Norway, Russia, Salisbury, Schuyler and Ohio; and, be it further

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

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

Dated: October 24, 2012.

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

No. 242

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

WHEREAS, the Herkimer County STOP-DWI Advisory Board was established pursuant to Resolution No. 153 of 1984, with members appointed by the County Legislature for three year terms; and

WHEREAS, a communication from Michael J. Edwards, STOP-DWI Coordinator, dated September 28, 2012, advises this Legislature that it is the intent of the STOP-DWI Advisory Board to have one seat held by the Chairman of the County Legislature and requests a change in membership to reflect said title and clear up any confusion with future appointments regarding this seat on the Advisory Board; now, therefore, be it

RESOLVED, that the STOP-DWI Advisory Board membership is hereby amended to reflect that the title of the Chairman of the Herkimer County Legislature shall be included, with said term to expire on June 30, 2015; and, be it further

RESOLVED, that a certified copy of this Resolution be forwarded to the Coordinator of the STOP-DWI Program.

Dated: October 24, 2012.

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

No. 243

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT APPROVING 2013 STOP-DWI PLAN

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

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

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

WHEREAS, by letter dated September 28, 2012, Michael L. Edwards, STOP-DWI Coordinator, has submitted the STOP-DWI Plan for the year 2013 for approval by this Legislature; now, therefore, be it

RESOLVED:

1. That the Herkimer County Legislature hereby approves the STOP-DWI Plan for 2013;
2. That the funds accrued in the year 2012 and prior thereto be expended for the continuance of the STOP-DWI Program;
3. That the STOP-DWI Coordinator and Advisory Board submit timely reports regarding revenue obtained and expended within limits previously approved, to the appropriate committees of the County Legislature;
4. That the previous resolutions regarding the STOP-DWI Program be continued as resolved;
5. That certified copies of this Resolution be forwarded to the County Treasurer, Auditor, Budget Officer, STOP-DWI Coordinator and the New York State Department of Motor Vehicles.

Dated: October 24, 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. Russell, seconded by Mr. Korce, Report and Resolution No. 244 of the Committee on Ways and Means relating to Canceled Taxes and Rejected Taxes was handed up; discussion 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. 244

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
RELATING TO CANCELED TAXES AND REJECTED TAXES**

Your Committee on Finance, to which was referred the reports of the County Treasurer, with account attached thereto, showing the amounts of canceled taxes and rejected taxes as of September 24, 2012 which should be charged back to the respective towns, municipalities and districts set forth on said account, does respectfully report that we have examined the same, inquired into the subject matter thereof, and offer the following Resolution:

RESOLVED, that the following amounts be charged to the respective towns, municipalities and districts as set forth on said account and that the portion of said canceled taxes and rejected taxes be included in the various towns' tax levies for the coming year as follows:

	Rejected Taxes	Canceled Taxes	Total	Town Portion For Levy
Fairfield		306.34	306.34	104.04
Frankfort		1730.04	1730.04	
German Flatts		583.80	583.80	244.59
Herkimer		21,303.87	21,303.87	1707.85
Litchfield		45.10	45.10	19.01
Webb	<u>35.33</u>		<u>35.33</u>	<u>8.03</u>
Totals	35.33	23,969.15	24,004.48	2083.52

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer and Director of Real Property Tax Services.

Dated: October 24, 2012.

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. 245 of the Committee on Emergency Management authorizing execution of Alternatives to Incarceration contracts was handed up; was voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Peplinski (1).

No. 245

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND
EMERGENCY MANAGEMENT AUTHORIZING EXECUTION OF ALTERNATIVES
TO INCARCERATION CONTRACTS**

WHEREAS, by communication dated October 1, 2012 from Josephine Sohn, Director of Probation, advises that the State of New York Division of Criminal Justice Services has approved the 2012-2013 Alternatives to Incarceration Plan and awards for the Pretrial Program in the amount of \$6,622.00 and the Community Service Program in the amount of \$6,466.00, and requests authorization for the Chairman of the Legislature to execute by e-signature said contracts; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute and e-sign the annual contracts for the Pre-Trail and Community Service Programs for the period July 1, 2012 through June 30, 2013; and, be it further

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

Dated: October 24, 2012.

LEONARD R. HENDRIX

BRUCE WEAKLEY
RAYMOND SMITH
ROBERT N. HYDE
DENNIS KORCE

BERNARD PEPLINSKI
**Committee on Public
Safety/
Emergency Management**

On motion of Mr. Smith, seconded by Mr. Hyde and Mr. Weakley, Report and Resolution No. 246 of the Committee on Committee on Human Resources and Ways and Means amending budget and authorizing contract in connection with receipt of grant funds for Public Health Emergency Preparedness was handed up; voted on and approved by voice vote:

For: All ayes (16).

Against: None.

Absent: Peplinski (1).

No. 246

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES
AND WAYS AND MEANS AMENDING BUDGET AND AUTHORIZING CONTRACT
IN CONNECTION WITH RECEIPT OF GRANT FUNDS FOR PUBLIC HEALTH
EMERGENCY PREPAREDNESS**

WHEREAS, by letter dated September 26, 2012, from Gregory O'Keefe, MD, Director of Public Health, this Legislature is advised of receipt of a Public Health Preparedness Grant (Bioterrorism) for the period from July 1, 2012 to June 30, 2013 in the amount of \$53,500 and requests a contract with the State of New York to provide reimbursement of expenses incurred by Herkimer County in the development of plans under said grant; and

WHEREAS, by letter dated October 16, 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 said funding; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a contract with the State of New York for a Public Health Preparedness Grant (Bioterrorism) for the period from July 1, 2012 to June 30, 2012 in the amount of \$53, 500, to provide reimbursement for expenses incurred by Herkimer County in the development of a Public Health Emergency Preparedness Plan; and, be it further

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

Revenue:

A4188.4403 Bioterrorism Grant

From:	\$0
To:	\$53,500.00

Appropriation

A4188.25000	Bioterrorism, Other Equipment	From:	\$6,130.95
		To:	\$7,930.95
A4188.41000	Bioterrorism, Supplies	From:	\$16,650.00
		To:	\$31,072.00
A4188.42100-295	Bioterrorism, Cell Phone/Wireless	From:	\$3,908.20
		To:	\$9,061.20
A4188.42100-298	Bioterrorism, Internet	From:	\$1,040.20
		To:	\$2,600.20
A4188.44000	Bioterrorism, Cont. Services	From:	\$10,467.87
		To:	\$36,170.87
A4188.46000	Bioterrorism, Misc. Expenses	From:	\$2,110.02
		To:	\$5,472.02
A4188.46100	Bioterrorism, Mileage & Travel	From:	\$1,150.28
		To:	\$2,650.28

And, be it further

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

Dated: October 24, 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, SR.
KURT J. ACKERMAN
Committee on Ways and Means

On motion of Mr. Smith seconded by Mr. Hendrix, seconded Mr. Hyde, Report and Resolution No. 247 of the Committee on Public Safety/Emergency Management and the Committee on Ways and Means accepting grant and amending budget for Homeland Security funding for Sheriff's Department was handed up; voted on and approved by voice vote:

For: All ayes (16).

Against: None.

Absent: Peplinski (1).

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

WHEREAS, by letter dated October 10, 2012, from Christopher P. Farber, Sheriff, this Legislature is advised of the receipt of a FY2012 SLETPP grant from the Department of Homeland Security in the amount of \$16,750.00, which grant is under the Law Enforcement Terrorism Prevention Program; and

WHEREAS, by letter dated October 16, 2012, from Bernard E. Decker, 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 and e-sign the a contract with the New York State Office of Homeland Security to receive a FY 2012 SLETPP grant in the amount of \$16,750.00 through the Homeland Security Grant Program under the Law Enforcement Terrorism Prevention Program; and, be it further

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

Revenue:

A3110A.3389F St. Aid, Homeland Security	From:	\$38,532.00
	To:	\$55,282.00

Appropriation

A3110A.25000	Homeland Security Grant, Other Equipment	From:	\$95,897.50
		To:	\$112,647.50

And, be it further

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

Dated: October 24, 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 Mrs. Maneen and Mr. Shaw, Report and Resolution No. 248 of the Committees on Human Resources and Ways and Means authorizing renewal of contract for funding of Childhood Lead Poisoning Prevention Screening Services was handed up; voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Peplinski (1).

No. 248

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND
THE COMMITTEE ON WAYS AND MEANS AUTHORIZING RENEWAL OF
CONTRACT FOR FUNDING OF CHILDHOOD LEAD POISONING PREVENTION
SCREENING SERVICES**

WHEREAS, by Resolution No. 228 for the year 1990, this Legislature authorized a contract with the New York State Department of Health to provide grant funding for the Childhood Lead Poisoning Prevention Program screening services and to increase public knowledge about lead poisoning and its prevention, which contract has been continued for each year thereafter; and

WHEREAS, by letter dated October 2, 2012 from Gregory O’Keefe, MD, Director of Public Health, your Committees have been advised of a request to renew said agreement with the New York State Department of Health for the term commencing October 1, 2012 and ending September 30, 2013, with funding for this period to be in the amount of \$39,572.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute a contract in the amount of \$39,572.00 with the New York State Department of Health to continue the Childhood Lead Poisoning Prevention Program in the County of Herkimer for the

period October 1, 2012 to September 30, 2013, unless terminated in accordance with the terms thereof; and, be it further

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute agreements with the State of New York setting forth an appropriate work plan and budget for each year of said contract; 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.

Dated: October 24, 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, SR.
KURT J. ACKERMAN
Committee on Ways and Means

On motion of Mr. Russell, seconded by Mr. Weakley, Report and Resolution No. 249 of the Committee on Ways and Means rescinding Resolution No. 230 of 2012 and authorizing a contract in Real Property Tax Service Agency was handed up; was voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Peplinski (1).

No. 249

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
RESCINDING RESOLUTION NO. 230 OF 2012 AND AUTHORIZING A CONTRACT
IN REAL PROPERTY TAX SERVICE AGENCY**

WHEREAS, by Resolution No. 230 adopted on October 3, 2012, this Legislature authorized a contract with Mary Ann Barbuto for contractual assistance and training in preparation of the upcoming 2013 Tax Levy; and

WHEREAS, by letter dated October 12, 2012, Beth L. Sadlon, Director of Herkimer County Real Property Tax Service, has advised that said Mary Ann Barbuto has informed that she does not wish to contract to provide said assistance, and further requests a contract with Susan Meeker of Mohawk, New York, who is familiar with the Tax Levy process, be authorized to work on a part-time contractual basis to assist and train in the process of preparation of the 2013 Tax Levy, for 135 hours commencing October 29, 2012 through January 31, 2012, for a sum not to exceed \$2,835.00, to be paid on an hourly basis; now, therefore, be it

RESOLVED, that Resolution No. 230 adopted on October 3, 2012 is hereby rescinded effective this date; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized, on behalf of the County of Herkimer, to execute a contract with Susan Meeker, 12 Fulton Street, Mohawk, New York, to work on a part-time contractual basis to assist and train in the process of preparation of the 2013 Tax Levy, for 135 hours commencing October 29, 2012 through January 31, 2012, for a sum not to exceed \$2,835.00, to be paid on an hourly basis, 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 Susan Meeker.

Dated: October 24, 2012.

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. Shaw, Report and Resolution No. 250 of the Committee on Human Resources and the Committee on Ways and Means authorizing contract in connection with funding for Supervision and Treatment Services for Juveniles Program was handed up; was voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Peplinski (1).

No. 250

REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS AND MEANS AUTHORIZING CONTRACT IN CONNECTION WITH FUNDING FOR SUPERVISION AND TREATMENT SERVICES FOR JUVENILES PROGRAM

WHEREAS, pursuant to Resolution No. 163 adopted on June 15, 2011, this Legislature designated the Department of Social Services as the lead agency for the purposes of planning and administering services under the Supervision and Treatment Services for Juveniles Program (STSJP), which is designed to encourage the use of effective alternatives to detention and placement for low and medium risk youth, ensuring that detention is appropriately used for high risk youth; and

WHEREAS, said resolution also authorized the Chairman of the Legislature to sign the annual plan as required for participation in the aforesaid Program; and

WHEREAS, by letter dated September 20, 2012 from Timothy Seymour, Commissioner of Social Services, this Legislature is advised that an application and Annual Plan Proposal has been submitted, with requested funding in the amount of \$81,013, with 62% reimbursement from New York State, and 49% state reimbursement available for detention services expenditures up to \$209,584; and further requests that a contract be entered into with Kids Oneida, Inc. for the provision of detention diversion services through the Supervision and Treatment Services for Juveniles Program (STSJP); now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a contract with Kids Oneida, Inc., 310 Main St., Utica, New York, 13501, in the amount of \$81,013.00, for the provision of detention diversion services through the Supervision and Treatment Services for Juveniles Program; and, be it further

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

Dated: October 24, 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. Hyde, Report and Resolution No. 251 of the Committee on Ways and Means accepting proposal of D’Arcangelo & Co., LLP, to perform audit was handed up, voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Peplinski (1).

No. 251

REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS ACCEPTING PROPOSAL OF D’ARCANGELO & CO. , LLP TO PERFORM AUDIT

WHEREAS, pursuant to Resolution No. 62 of 2010 a contract was entered into with D’Arcangelo & Co., LLP, of Utica, to perform certain audits of the financial affairs of the County as required by state and federal statutes, for the years ending December 31, 2009, 2010 and 2011; and

WHEREAS, by letter dated October 12, 2012, Kimberlee A. Enea, County Treasurer, has requested a contract for audits the fiscal years ending December 31, 2012 and 2013, with D’Arcangelo & Co., LLP, 120 Lomond Court, Utica, New York, in accordance with the proposal made by said firm to the County; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a contract between the County of Herkimer and D’Arcangelo & Co., L.L.P. Certified Public Accountants & Consultants, 120 Lomond Court, Utica, New York, to perform auditing services for the County, and to perform other services if authorized, all in accordance with a proposal made by said firm to the County, at a fee of \$63,000 for the fiscal year ending December 31, 2012; and \$64,250 for the fiscal year ending December 31, 2013; and, be it further

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

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer and D’Arcangelo & Co., L.L.P., Certified Public Accountants & Consultants.

Dated: October 24, 2012.

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

On motion of Mr. Manno, seconded by Mr. Schrader and Mr. Ackerman, Report and Resolution No. 252 of the Committees on Education, Ways and Means and County Properties establishing renovation of Robert McLaughlin College Center (RMCC) Cafeteria/Alumni Hall Project at Herkimer County Community College was handed up; discussion was held, was voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Peplinski (1).

No. 252

REPORT AND RESOLUTION OF THE COMMITTEES ON EDUCATION, WAYS AND MEANS AND COUNTY PROPERTIES ESTABLISHING RENOVATION OF ROBERT McLAUGHLIN COLLEGE CENTER (RMCC) CAFETERIA/ALUMNI HALL PROJECT AT HERKIMER COUNTY COMMUNITY COLLEGE

WHEREAS, by letter dated October 3, 2012 from Nicholas F. Laino, Vice President for Administration and Finance at Herkimer County Community College, this Legislature is advised that the Board of Trustees of Herkimer County Community College has, by Resolution No. 12-01, approved the capital budget for Renovation Of Robert McLaughlin College Center (RMCC) Cafeteria/Alumni Hall Project in the amount of \$1,000,000, which project will allow the College to provide a facility to accommodate the increased usage by the students, create easier access to the cafeteria by allowing a better flow of traffic, provide for installation of air conditioning to the area as well as Alumni Hall, and provide for some minor renovations to Alumni Hall; and

WHEREAS, said resolution requests the Herkimer County Legislature to adopt a similar resolution to approve the project in the amount of \$1,000,000, with the College to request additional funding from the State for its 50% project share, and with 50% of the local share coming from the Faculty Student Association with proceeds from their food service contractor, American Food and Vending, with no additional funding being requested from the County; now, therefore, be it

RESOLVED, that the establishment of the for Renovation Of Robert McLaughlin College Center (RMCC) Cafeteria/Alumni Hall Project in the amount of \$1,000,000 is hereby approved by the Herkimer County Legislature; and, be it further

RESOLVED, that the aforesaid Project will be funded with the College to request additional funding from the State for its 50% project share, and with 50% of the local share coming from the Faculty Student Association with proceeds from their food service contractor, American Food and Vending, with no additional funding being requested from the County; and, be it further

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

Dated: October 24, 2012.

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

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

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

On motion of Mr. Weakley, seconded by Mr. Russell, Report and Resolution No. 253 of the Committee on Ways and Means granting an additional leave of absence was handed up; voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

No. 253

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
GRANTING AN ADDITIONAL LEAVE OF ABSENCE**

WHEREAS, by letter dated October 12, 2012, Timothy Seymour, Commissioner of Social Services, has advised that Patricia Goodman, Superintendent of the Country Manor, was originally granted a one year leave of absence from her position of Licensed Practical Nurse, to assume the Superintendent position; and was then granted a second one-year leave of absence by the Personnel Officer; and

WHEREAS, said letter further advises that said employee has requested an additional third year's leave of absence from her position as Licensed Practical Nurse, which request must be approved by the Legislature pursuant to Civil Service rules; now, therefore, be it

RESOLVED, that an additional one year leave of absence be granted to Patricia Goodman, commencing November 15, 2012, from her position as Licensed Practical Nurse, which will enable her to continue in the position of Superintendent of Country Manor; and, be it further

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

Dated: October 24, 2012.

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

On motion of Mr. Ackerman, seconded by Mr. Russell, Report and Resolution No. 254 of the Committee on Ways and Means approving contract with Excellus Health Plan, Inc. for administrative services was handed up; discussion was held, was voted on and adopted by voice vote:

For: Ayes (15).

Against: Rose (1).

Absent: Peplinski (1).

No. 254

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
APPROVING CONTRACT WITH EXCELLUS HEALTH PLAN, INC. FOR
ADMINISTRATIVE SERVICES**

WHEREAS, by letter dated October 19, 2012 from Steven R. Billings, Personnel Officer, this Legislature is advised of a request for an Administrative Services Contract with Excellus Health Plan, Inc., to provide claims processing, administrative services, medical review and managed care services for the county's health insurance program; and

WHEREAS, said contract would be effective January 1, 2013 and shall be for a period of five years; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter an Administrative Services Contract with Excellus Health Plan, Inc., 12 Rhoads Drive, Utica, New York 13502, for Administrative Services to be effective January 1, 2013, with the administrative fee for the Traditional Plan to be \$40.70 per employee per month, and \$43.46 per employee per

month for the Blue Preferred PPO and Healthy Choices Plans, with the Medicare Supplement Plan for retirees to carry an administrative fee of \$32.54 per employee per month; and, be it further

RESOLVED, that said agreement will set the administrative fee for 2014 at a 2% increase, 2015 at a 2% increase, 2016 at a 3% increase and 2017 at a 3% increase; and, be it further

RESOLVED, that the terms and conditions of said contract 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 Excellus Health Plan, Inc.

Dated: October 24, 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. Hyde, Report and Resolution No. 255 of the Committee on Ways and Means concerning stop loss coverage for health insurance was handed up; discussion was held; was voted on and adopted by roll call vote:

For: Ayes. (15).

Against: Rose (1).

Absent: Peplinski (1).

No. 255

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
CONCERNING STOP LOSS COVERAGE FOR HEALTH INSURANCE**

WHEREAS, by letter dated October 19, 2012 from Steven R. Billings, Personnel Officer, this Legislature is advised that your Committees have determined that stop-loss insurance coverage for the County's minimum premium health insurance plans for 2013 would best be provided by Excellus Health Plan, Inc.; now, therefore, be it

RESOLVED, that a contract be entered into with Excellus Health Plan, Inc., Utica Business Park, 12 Rhoads Drive, Utica, NY 13502, for health insurance stop loss coverage for the County of Herkimer for the period January 1, 2013 through December 31, 2013 at a quoted

annual premium of \$24.49 per participant, with an annual deductible of \$200,000; 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; and, be it further

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

Dated: October 24, 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. Weakley, Report and Resolution No. 256 of the Committee on Ways and Means concerning services under Health Reimbursement Account Plan was handed up; voted on and adopted by voice vote:

For: All ayes (15).

Against: Rose (1).

Absent: Peplinski (1).

No. 256

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
CONCERNING SERVICES UNDER HEALTH REIMBURSEMENT ACCOUNT PLAN**

WHEREAS, by letter dated October 17, 2012, Steven R. Billings, Personnel Officer, advises that it is the recommendation of your Committee that a contract for the year 2013 be entered into with Benefit Resources, Inc. for administration of a Health Reimbursement Account Plan under the Internal Revenue Code Section 105(h); and

WHEREAS, the Health Reimbursement Account is available to county employees that opt for health insurance under Excellus-Healthy Choices Plan and can be used to reimburse a portion of employee's out-of-pocket medical expenses; now, therefore, be it

RESOLVED, that a contract be entered into with Benefit Resources, Inc., 2320 Brighton-Henrietta Towline Road, Rochester, NY 14623, for the January 1, 2013 through December 31, 2013 to provide services in the area of administration of a Health Reimbursement Account Plan under the Internal Revenue Code Section 105(h), at a cost of \$3.25 per month per participant, with a compliance administration fee of \$450.00, with the terms and conditions of said contract to be subject to the approval of the County Attorney; 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; and, be it further

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

Dated: October 24, 2012.

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. 257 of the Committee on Public Safety and Emergency Management and the Committee on Ways and Means approving agreement for Herkimer County Correctional Facility was handed up; voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Peplinski (1).

No. 257

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AND WAYS AND MEANS APPROVING AGREEMENT FOR HERKIMER COUNTY CORRECTIONAL FACILITY

WHEREAS, by letter dated October 3, 2012, from Christopher P. Farber, Sheriff, this Legislature is advised of a request to authorize the Chairman of the Legislature to enter into an agreement with Swanson Services Corporation, 1133 Pennsylvania St., Denver, CO, to provide and install a Cobra Cashier Lobby Kiosk at the Herkimer County Correctional Facility; and

WHEREAS, the kiosk will be used to collect, disburse and account for funds used by clientele in the commissary; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute an agreement with Swanson Services Corporation, 1133 Pennsylvania St., Denver, CO, to provide and install a Cobra Cashier Lobby Kiosk at the Herkimer County Correctional Facility, with said agreement to be subject to the approval of the Herkimer County Attorney; and

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

Dated: October 24, 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. Hyde, seconded by Mr. Hendrix, Report and Resolution No. 258 of the Committees on Public Safety/Emergency Management and ways and Means authorizing the submission of an application for reimbursement from National Grid for updated lights and equipment at the Herkimer County Correctional Facility was handed up; voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Peplinski (1).

No. 258

REPORT AND RESOLUTION OF THE COMMITTEES ON PUBLIC SAFETY/EMERGENCY MANAGEMENT AND WAYS & MEANS AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR REIMBURSEMENT FROM NATIONAL GRID FOR UPDATED LIGHTS AND EQUIPMENT AT THE HERKIMER COUNTY CORRECTIONAL FACILITY

WHEREAS, by letter dated September 19, 2012, Christopher P. Farber, Herkimer County Sheriff, has requested approval to proceed with an application for reimbursement from National Grid for updated lights and equipment, including ballasts, bulbs and fixtures, at the Herkimer County Correctional Facility; and

WHEREAS, the initial costs to the County will be \$3,245.21, with reimbursement from National Grid in the amount of \$2,221.79, resulting in a total cost to the County of \$1,023.42; and

WHEREAS, your Committees have determined that said equipment update would be in the best interest of the County and authorize an application; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute an application to National Grid for reimbursement for updated lights and equipment, which will include ballasts, bulbs and fixtures, at the Herkimer County Correctional Facility; and, be it further

RESOLVED, that Herkimer County's funding contribution shall not exceed the sum of \$1,023.42; and, be it further

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

Dated: October 24, 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. Hyde, seconded by Mr. Shaw, Report and Resolution No. 259 of the Committee on Natural Resources and the Committee on Ways and Means fixing time and place for public hearing on the Assessment Roll of the Part County Sewer District was handed up; voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Peplinski (1).

No. 259

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

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

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

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

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

RESOLVED, that the Herkimer County Legislature shall hold such public hearing at the Legislators' Chambers in the Village of Herkimer, County of Herkimer, New York, on the 14th day of November, 2011 at 7:15 p.m., pursuant to the provisions of Section 271 of the County Law.

Dated: October 24, 2012.

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

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. Ackerman and Mr. Hyde, Report and Resolution No. 261 of the Committee on Public Safety/Emergency Management and the Committee on Ways and Means accepting Empire State Development Grant award for Hurricane Irene Flood Mitigation was handed up; voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Peplinski (1).

No. 261

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS ACCEPTING EMPIRE STATE DEVELOPMENT GRANT AWARD FOR HURRICANE IRENE FLOOD MITIGATION

WHEREAS, by letter dated July 13, 2012 from Empire State Development, the County has been advised that it has received a grant award in response to the County's application to the Hurricane Irene-Tropical Storm Lee Flood Mitigation Program; and

WHEREAS, that program provides assistance to counties to design and implement flood mitigation and flood control projects in creeks, streams and brooks; and

WHEREAS, the following grant awards have been made:

1. Town of German Flatts – a 200 foot permanent concrete wall - \$250,000
2. Village of Ilion – new concrete wall and rip rap along Steele Creek - \$249,657
3. Town of Frankfort – Edgebrook Estates (Moyer Creek) - \$8,747
4. Town of Frankfort – Avery Road - \$10,320
5. Town of Frankfort – Acme Road - \$11,755
6. Village of Ilion – State Route 51 historic bridge - \$35,000
7. Village of Frankfort – Moyer Creek - \$8,004
8. Village of Herkimer – tributary to Bellinger Brook - \$8,857

and

WHEREAS, it is the intention of the County of Herkimer to act as a pass through entity for these grant funds, with the respective municipalities in which the projects will take place

being responsible for satisfactory completion of all phases of all projects, including environmental review, completion of all necessary paperwork and providing all appropriate documentation for the grant awards, and with the County being held harmless for any liability in connection with such projects; now, therefore, be it

RESOLVED, that the County of Herkimer hereby accepts the above described grant awards, authorizes the Chairman of this Legislature to execute all necessary documents to accept such grant awards, and authorizes the Chairman of the Legislature to execute contracts with the municipalities in which the projects will be performed which contain the above terms and conditions, and which are 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, Empire State Development and the above listed municipalities.

Dated: October 24, 2012.

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

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

On motion of Mr. Russell, seconded by Mr. Smith, Mr. Weakley, Mr. Hyde and Mr. Ackerman, Resolution No. 262 of the Committee on Ways and Means making reappointment of Personnel Officer was handed up; voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Peplinski (1).

Mr. Billings expressed his appreciation for the reappointment.

No. 262

**RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS MAKING
REAPPOINTMENT OF PERSONNEL OFFICER**

WHEREAS, pursuant to Resolution No. 366 of 2006 Steven R. Billings of Dolgeville, New York, was appointed as Personnel Officer of the County of Herkimer for a term of six years; and

WHEREAS, said term expires on December 31, 2012; now, therefore, be it

RESOLVED, that Steven R. Billings of Dolgeville, New York, be and he hereby is, reappointed Personnel Officer of the County of Herkimer for a six year term commencing January 1, 2013 at an annual salary as provided in the Salary Schedule 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, Personnel Office and Steven R. Billings.

Dated: October 24, 2012.

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: Mrs. Rose, Mr. Hartman, Mr. Russell.

On 8:15 p.m. on motion of Mr. Manno, seconded by Mr. Johnson, the Legislature adjourned to Wednesday, November 14, 2012 at 7:30 p.m., with a public hearing on the eight year review of Agricultural District No. 6 at 7:00 p.m. and a public hearing on the Herkimer County Sewer District Assessment Roll at 7:15 p.m.