

**MINUTES**  
**Herkimer County Legislature**  
**Fourth Quarter – Third Day**  
**Wednesday, November 14, 2012**  
**7:30 p.m.**

**Public Hearing**

The Public Hearing on the Eight Year Review of Herkimer County Agricultural District No. 6 was called to order at 7:00 p.m. by Frederick J. Shaw, Jr., Chairman of the Committee on Natural Resources. The clerk read the notice of the hearing. Chairman Shaw asked if there was anyone wishing to speak at the hearing. There were no appearances, and the hearing was declared closed at 7:04 p.m.

**COUNTY LEGISLATIVE BODY NOTICE OF  
HEARING ON EIGHTH YEAR REVIEW  
OF AN AGRICULTURAL DISTRICT**

**NOTICE** is hereby given that a public hearing will be held by the County Legislature of Herkimer County, State of New York, at the County Office Building, in the Village of Herkimer, on the 14<sup>th</sup> day of November, 2012 at 7:00 p.m. on said day upon Agricultural District No. 6 within the Towns of Fairfield, Newport, Norway and Russia, Salisbury, Schuyler and Ohio to consider the recommendations of the County Planning Board and the Farmland Protection Board, and any proposed modifications of the district.

A description and map of the district, proposed modifications, and recommendations of the County Planning Board and Farmland Protection Board may be examined in the Office of the Clerk of the County Legislative body.

All persons in interest and citizens will be heard by the County Legislature of the County of Herkimer at the public hearing.

Dated: October 29, 2012.

Carole LaLonde, Clerk  
Herkimer County Legislature

## **Public Hearing**

The Public Hearing on the Assessment Roll for the Herkimer County Sewer District to be used in the year 2013 was called to order at 7:15 p.m. by Frederick J. Shaw, Jr., Chairman of the Committee on Natural Resources. The clerk read the notice of the hearing. Chairman Shaw asked if anyone wished to speak at the hearing. There were no appearances, and the hearing was declared closed at 7:17 p.m.

## **LEGAL NOTICE**

### **NOTICE OF COMPLETION OF ASSESSMENT ROLL AND PUBLIC HEARING ON ASSESSMENT ROLL FOR THE HERKIMER COUNTY SEWER DISTRICT TO BE USED IN THE YEAR 2013**

NOTICE IS HEREBY GIVEN that the assessment roll for the Herkimer County Sewer District for the year beginning January 1, 2013 has been completed and filed in the Office of the Clerk of the Herkimer County Legislature at the County Office Building in Herkimer, New York, where it is available for inspection by any interested persons during office hours.

FURTHER NOTICE IS HEREBY GIVEN that the County Legislature of the County of Herkimer will hold a public hearing on the said assessment roll to hear and consider any objections which may be made to the Assessment Roll at the Herkimer County Legislators' Chambers in the County Office Building in the Village of Herkimer, New York, on the 14th day of November, 2012 at 7:15 p.m.

Dated: November 5, 2012

By Order of the Herkimer  
County Legislature

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 Ted Teletnick, to lead the Legislature in the Pledge of Allegiance.

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

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

Present: Hartman, Rose, Schrader, Maneen, Johnson, Hendrix Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (17).

Absent: None.

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 24, 2012. There were none, and the Chairman ordered them approved.

Chairman Bono dispensed with the regular session to allow for a presentation by Theodore Teletnick, District Manager of the Soil and Water Conservation District. Mr. Teletnick spoke as a member of the Herkimer County Water Quality Coordinating Committee and gave a brief update on their purpose.

Mr. Kevin Crosley of the Herkimer Area Resource Center spoke on their services and plans for the future.

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

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. Korce requested Communications No. 384 be read.

No. 359– A communication was received from the Herkimer County Water Quality Coordinate Committee submitting their Annual Report. Placed on file.

No. 360 – A communication was received from the Director of Community Services submitting the activities update of the Mental Health Department. Placed on file.

No. 361 – A communication was received from the State Records and Law Bureau acknowledging receipt and file of Local Law No. 2 for 2012. Placed on file.

No. 362 – A communication was received from the Chairwoman of the Republican Committee submitting recommendation for reappointment of Commissioner of Elections. Referred to the Committee on Administration/Veterans' Affairs.

No. 363 – A communication was received from the County Treasurer appointing Debra Crandall as Deputy County Treasurer. Placed on file.

No. 364 – A communication was received from the Herkimer County Farm Bureau recommending William Zaleski as representative on the Soil and Water Conservation District. Referred to the Committee on Natural Resources.

No. 365 – A communication was received from the Director of the Office for the Aging requesting resolution for contract with Fidelis Care New York for provision of meals. Referred to the Committee on Human Resources.

No. 366 – A communication was received from the Director of the Office for the Aging requesting renewal of contracts for respite services under Caregiver Support Program.

No. 367 – A communication was received from the Oneida-Herkimer Solid Waste Authority submitting proposed 2013 Budget. Placed on file.

No. 368 – A communication was received from the Farmland Protection Board submitting report on continuation of Agricultural District No. 6. Referred to the Committee on Natural Resources.

No. 369 – A communication was received from the Soil and Water Conservation District submitting minutes of 10/10/12 meeting. Placed on file.

No. 370 – A communication was received from the Budget Officer submitting recommendation for award of bids for provision of congregate and home delivered meals for the Office for the Aging. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 371 – A communication was received from the Recording Officer and County Treasurer submitting the Semi-Annual Mortgage Tax Apportionment. Referred to the Committee on Ways and Means.

No. 372 – A communication was received from the Director of the Office for the Aging submitting request to enter into partnership with NYSERDA for EmPower New York Program. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 373 – A communication was received from the Budget Officer requesting authorization for the Chairman to bind insurances. Referred to the Committee on Ways and Means.

No. 374 – A communication was received from the Budget Officer requesting authorization to print copies of Tentative 2013 Budget. Referred to the Committee on Ways and Means.

No. 375 – A communication was received from the Budget Officer recommending budget amendment in connection with receipt of funding from State Criminal Alien Assistance Program. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 376 – A communication was received from the Director of the Office for the Aging requesting authorization to renew contract with Community Transportation Services. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 377 – A communication was received from the Director of the Office for the Aging requesting contract with Visiting Nurse Service of New York for provision of meals. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 378 – A communication was received from the Director of Emergency Services requesting acceptance of funding under the Enhanced Wireless 911 Program. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 379 – A communication was received from the Budget Officer submitting request for appropriation from Contingency Fund. Referred to the Committee on Ways and Means.

No. 380 – A communication was received from the Budget Officer submitting request for appropriation from Fund Balance. Referred to the Committee on Ways and Means.

No. 381 – A communication was received from the County Administrator requesting adoption of Part-time Salary Schedule. Referred to the Committee on Ways and Means.

No. 382 – A communication was received from the Budget Officer submitting request for transfer of funds. Referred to the Committee on Ways and Means.

No. 383 – A communication was received from the Sheriff requesting acceptance of grant award. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 384 – 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. 385 – A communication was received from Gregory O’Keefe, MD – Advising of his retirement as Director of Public Health. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 386 – A communication was received from ProAct, Inc. submitting report of discount prescription card for October. Placed on file.

No. 387 – A communication was received from the Budget Officer submitting Tentative 2013 Budget. Referred to the Committee on Ways and Means.

Pursuant to Rule 6, Chairman Bono then proceeded with Reports of Standing Committees. Patrick Russell, Chairman of the Committee on Ways and Means, discussed the 2013 Budget and expressed appreciation to all those who worked on the budget for their efforts.

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

For: Ayes (17).

Against: None.

**Consent Agenda:**

- 263 WAYS & MEANS: Authorizing Preparation of Tentative Copies of Budget
- 264 WAYS & MEANS: Setting Public Hearing on Budget
- 265 NAT. RESOURCES: Reappointing Director of Soil and Water Conservation District
- 266 NAT. RESOURCES: To provide that the 8 Year Review of Agricultural District No. 6 be in Compliance with Provisions of State Environmental Quality Review Act
- 267 NAT. RESOURCES: Endorsing Continuation of 8 Year Review of Agricultural District No. 6
- 268 WAYS & MEANS: Concerning Insurance Coverages
- 269 WAYS & MEANS: Transferring Funds

No. 263

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
AUTHORIZING PREPARATION OF TENTATIVE COPIES OF BUDGET**

RESOLVED, that the Budget Officer of the County of Herkimer prepare up to seventy five (75) copies of the tentative budget for the County Legislature; and, be it further

RESOLVED, that the Committee on Ways and Means of this Legislature is hereby designated as the Committee to review the tentative budget pursuant to the provisions of Section 357 of the County Law of the State of New York.

Dated: November 14, 2012.

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

No. 264

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
ACCEPTING TENTATIVE BUDGET AND FIXING TIME AND PLACE FOR PUBLIC  
HEARING**

Your Committee on Ways and Means, which was the Committee designated to review the tentative budget for the year 2013 pursuant to the provisions of Section 357 of the County Law, respectfully reports that there was transmitted to the Chairman of said Committee by the Clerk a copy of the tentative budget; now, therefore, be it

RESOLVED, that the County Legislature of the County of Herkimer accepts the tentative budget for the year 2013 as filed, and the Clerk of the Legislature shall cause a notice to be published stating the time and place and purpose of a public hearing on the tentative budget as filed; and, be it further

RESOLVED, that such public hearing shall be held in the Legislative Chambers of the County Office Building in the Village of Herkimer, County of Herkimer, State of New York, on the 12th day of December, 2012 at 7:00 p.m., pursuant to the provisions of Section 359 of the County Law.

Dated: November 14, 2012.

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

No. 265

**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES  
REAPPOINTING DIRECTOR OF HERKIMER COUNTY SOIL AND WATER  
CONSERVATION DISTRICT**

WHEREAS, the term of office of the Director on the Herkimer County Soil and Water Conservation District representing the Herkimer County Farm Bureau shall expire on December 31, 2012; and

WHEREAS, your Committee on Natural Resources has received the recommendation of the Herkimer County Farm Bureau for representation on the said Soil and Water Conservation District Board of Directors; now, therefore, be it

RESOLVED, that William Zaleski, 380 Chepachet Road, West Winfield, New York, be and he hereby is, reappointed for a three year term commencing January 1, 2013 on the Herkimer County Soil and Water Conservation District Board of Directors; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Soil and Water Conservation District and William Zaleski.

Dated: November 14, 2012.

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

**No. 266**

**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES  
TO PROVIDE THAT THE EIGHT YEAR REVIEW OF AGRICULTURAL DISTRICT  
NO. 6 IN THE TOWNS OF FAIRFIELD, NEWPORT, NORWAY, RUSSIA,  
SALISBURY, SCHUYLER AND OHIO BE IN COMPLIANCE WITH THE  
PROVISIONS OF THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW  
ACT**

WHEREAS, the State of New York has enacted the State Environmental Quality Review Act (SEQRA), Article 8 of the NYS Environmental Conservation Law and Part 617 of Title 6, New York Code Rules and Regulations (6NYCRR) to incorporate the consideration of environmental factors into existing planning, review and decision-making processes of local government agencies; and

WHEREAS, SEQRA requires that all agencies determine whether the actions they directly undertake, fund, or approve may have a significant effect on the environment; and

WHEREAS, the Herkimer County Legislature has under consideration the extension, for eight additional years, of Herkimer County Agricultural District No. 6 in the Towns of Fairfield, Newport, Norway, Russia, Salisbury, Schuyler and Ohio; and

WHEREAS, your Committee has designated the project as an Unlisted Action pursuant to SEQRA and completed an uncoordinated review of the proposed district; and

WHEREAS, your Committee has fully considered, assessed and discussed the information contained within the Environmental Assessment Form; now, therefore, be it

RESOLVED, that based on the information provided and discussed, the Herkimer County Legislature has determined that the proposed action will not result in any significant adverse environmental impacts; and, be it further

RESOLVED, that the reasons supporting this determination are documented on the Environmental Assessment Form, within a packet of attachments to the forms, and on additional supporting documentation; and, be it further



RESOLVED, that as a consequence of such findings and declaration, and in compliance with the requirements of SEQRA, the County, as lead agency, hereby issues a negative declaration and directs that the Chairman of the Legislature file and make available the same in accordance with the requirements of SEQRA Law.

Dated: November 14, 2012.

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

No. 267

**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES AS TO THE EIGHT-YEAR REVIEW OF AGRICULTURAL DISTRICT NO. 6 IN THE TOWNS OF FAIRFIELD, NEWPORT, NORWAY, RUSSIA, SALISBURY, SCHUYLER AND OHIO**

WHEREAS, the Agriculture and Markets Law of the State of New York provides for an eight-year review of each agricultural district; and

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 required that the review process be undertaken again pursuant to statute; and

WHEREAS, the Agricultural and Farmland Protection Board and the Herkimer County Planning Board, by communication dated October 30, 2012, have advised this Legislature of their approval of the continuation of the subsequent eight years of Herkimer County Agricultural District No. 6 ; and

WHEREAS, the Committee on Natural Resources has, on the 14th day of November, 2012, held a Public Hearing in connection with the eight-year review of said Agricultural District, said Public Hearing having been held upon proper notice and all parties attending such hearing having been heard; now, therefore, be it

RESOLVED:

1. That the County Legislature of the County of Herkimer hereby endorses the continuation of said Agricultural District No. 6 in the Towns of Fairfield, Newport, Norway, Russia, Salisbury, Schuyler and Ohio.

2. That the Clerk of this Legislature is hereby authorized and directed to forward a certified copy of this Resolution, together with all other necessary documentation, to the Commissioner of Agriculture and Markets of the State of New York.

Dated: November 14, 2012.

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

No. 268

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
CONCERNING INSURANCE COVERAGES**

WHEREAS, by letter dated November 8, 2012 Bernard E. Decker, Budget Officer and Purchasing Agent, has advised this Legislature that Herkimer County's insurance coverages are due to expire on December 9, 2012 and that coverages are being re-quoted with the New York Municipal Insurance Reciprocal (Mang Insurance Agency-broker) and Day, Scarafile and Read, Inc.; and

WHEREAS, by said letter the Budget Officer has requested that the Chairman of this Legislature be authorized to bind insurance coverages commencing December 9, 2012, subject to final approval by the County Legislature; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized and directed on behalf of the County of Herkimer, to bind insurance coverages commencing December 9, 2012, with the New York Municipal Insurance Reciprocal (Mang Insurance Agency-broker) and Day, Scarafile and Read, Inc. and, be it further

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

Dated: November 14, 2012.

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

**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 November 9 2012, submitting requests for transfers of funds, reports that we have examined said communication, inquired into the subject matter thereof recommend that said transfers 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 sums from and to the following accounts:

\$7,256.00            From: A1165.10000-001 District Attorney, Salaries  
                         To:     A1165.25000 District Attorney, Other Equipment

and be it further,

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

Dated: November 14, 2012.

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

On motion of Mr. Hyde, seconded by Mr. Peplinski, Report and Resolution No. 270 of the Committee on Natural Resources and the Committee on Ways and Means adopting Assessment roll of the Herkimer County Sewer District was handed up; was voted on and adopted by roll call vote:

For: Hartman, Rose, Schrader, Maneen, Johnson, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (17).

Against: None.

**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES  
AND THE COMMITTEE ON WAYS AND MEANS ADOPTING ASSESSMENT ROLL  
OF HERKIMER COUNTY SEWER DISTRICT**

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

WHEREAS, the Herkimer County Budget Officer has transmitted the said assessment roll with the tentative budget of the Herkimer County Sewer District for the year 2012 to the Clerk of the Herkimer County Legislature; and

WHEREAS, by Resolution No. 259 for 2012 the County Legislature of the County of Herkimer has provided for a public hearing on the said Sewer District Assessment Roll for November 14, 2012; and

WHEREAS, said public hearing has now been held pursuant to said notice; now, therefore, be it

**RESOLVED:**

1. That the Herkimer County Legislature hereby affirms and adopts the Assessment Roll to be used in the year 2013 as submitted by the Herkimer County Sewer District pursuant to Section 271 of the County Law;
2. That there shall be, and hereby is, levied and assessed the sum apportioned to each such lot or parcel of land within the boundaries of said Herkimer County Sewer District, at the time and in the manner provided by law for the levy of state, county and town taxes;
3. That certified copies of this Resolution be forwarded to the Herkimer County Treasurer and Herkimer County Sewer District.

Dated: November 14, 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  
DENNIS KORCE  
RAYMOND SMITH  
BRUCE WEAKLEY

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

On motion of Mr. Russell, seconded by Mr. Weakley and Mr. Hyde, Report and Resolution No. 271 of the Committee on Ways and Means apportioning mortgage tax was handed up; discussion was held; was voted on and approved by roll call vote:

For: Hartman, Rose, Schrader, Maneen, Johnson, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (17).

Against: None.

No. 271

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
APPORTIONING MORTGAGE TAX**

Your Committee on Ways and Means, to which was referred the report of the Recording Officer and County Treasurer showing the amounts received from the mortgage taxes, respectfully reports that we have examined the report containing the list of mortgages as kept by the Herkimer County Clerk, and herewith submit the following report showing the apportionment to the several towns, villages and the City in the County. Your Committee recommends that the Herkimer County Treasurer be authorized to draw warrants payable to the supervisors of the several towns and to the City of Little Falls, and to the treasurers of the incorporated villages in an amount apportioned as indicated on the tabulated statement recommended by the Committee herewith, and your Committee offers the following Resolution:

RESOLVED, that the Herkimer County Treasurer be, and she hereby is, authorized and directed to draw warrants payable to the Supervisors of the several towns in Herkimer County and to the Treasurer of the City of Little Falls and the Treasurers of the incorporated villages in the County of Herkimer entitled to a portion thereof, in the amounts of mortgage taxes apportioned respectively, and that a certified copy of the Resolution be served by the Clerk of this Legislature on the Herkimer County Treasurer.

Dated: November 14, 2012.

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

APPORTIONMENT OF MORTGAGE TAX

April 01, 20 12-September 30, 2012

TOWNS	TOTAL TAX RECEIVED	TOWN SHARE	INCLUDING VILLAGES VILLAGES SHARES
COLUMBIA	\$10,129.83	\$10,129.83	
DANUBE	4,777.07	4,777.07	
FAIRFIELD	6,163.27	5,657.69	MIDDLEVILLE \$ 505.58
FRANKFORT	43,237.89	38,484.58	FRANKFORT 4,675.11
			ILION 78.20
GERMAN FLATTS	69,751.65	43,988.28	ILION 19,226.18
			MOHAWK 6,537.19
HERKIMER	56,615.26	38,487.58	HERKIMER 18,127.68
LITCHFIELD	9,330.41	9,330.41	
CITY OF LITTLE FALLS	15,407.66	15,407.66	
TOWN OF LITTLE FALLS	13,157.79	13,157.79	
MANHEIM	17,945.05	14,591.24	DOLGEVILLE 3,353.81
NEWPORT	10,241.22	8,686.18	MIDDLEVILLE 232.85
			NEWPORT 1,137.8
			POLAND 184.34
NORWAY	3,275.91	3,275.91	
OHIO	4,450.24	4,450.24	
RUSSIA	13,746.31	12,831.73	COLDBROOK 337.06
			POLAND 577.52
SALISBURY	7,674.08	7,674.08	
SCHUYLER	13,749.71	13,749.71	
STARK	5,326.72	5,326.72	
WARREN	3,754.97	3,754.97	
WEBB	114,876.36	114,876.36	
WINFIELD	8,799.72	7,535.85	WEST WINFIELD 1,263.87
	\$ 432,411.12	\$ 376,173.88	\$56,237.24

Herkimer County Treasurer  
\$619.09

On motion of Mr. Smith seconded by Mr. Shaw, Report and Resolution No. 272 of the Committee on Human Resources and the Committee on Ways and Means authorizing contracts for services under Caregiver Support Program was handed up; voted on and approved by voice vote:

For: All ayes (17).

Against: None.

No. 272

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS AND MEANS AUTHORIZING CONTRACTS FOR SERVICES UNDER CAREGIVER SUPPORT PROGRAM**

WHEREAS, by Resolution No. 142 duly adopted on May 16, 2001, this Legislature established a New York Elder Caregiver Support Program in the Herkimer County Office for the Aging; and

WHEREAS, by letter dated November 5, 2012, from Kathy L. Fox, Director of the Office for the Aging, this Legislature is advised of a request to renew contracts with Superior Home Health Care, HASCA, Folts Home and RCIL (Resource Center for Independent Living), for the provision of respite services, which is one of the requirements under said Caregiver Support Program; and

WHEREAS, respite is one of the requirements under the Caregiver Support Program and assists families to keep their loved ones at home rather than in a nursing home and said Program is 75/25% federal funding with no overmatch; now, therefore, be it

RESOLVED, that this Legislature hereby approves respite contracts with the agencies listed below under the Title III E, Caregiver Support Program of the Herkimer County Office for the Aging, for the period from January 1, 2013 through December 31, 2013, with services to be provided at the rates as outlined below:

Agency	Rate	Service
Superior Home Health Care	\$18.50/hr	In-home respite
HASCA	\$20.60/hr	In-home respite
Folts Homes	\$220/day	Institutional overnight stay
RCIL	\$65.00/day	Adult day care (T. Webb)

and, be it further

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

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

Dated: November 14, 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. Hendrix, Report and Resolution No. 273 of the Committees on Human Resources and Ways and Means authorizing contract with Community Transportation Services was handed up; voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

No. 273

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING CONTRACT WITH COMMUNITY TRANSPORTATION SERVICES**

WHEREAS, by letter dated November 9, 2012 from Kathy L. Fox, Director of the Office for the Aging, this Legislature is advised of a request to enter into an agreement with Community Transportation Services, Ltd., a not-for-profit organization, to provide transportation services to senior citizens who are residents of the Town of Webb, Herkimer County; and

WHEREAS, under said agreement, Community Transportation Services will perform said services for an annual charge not to exceed \$4,000.00, to be paid in equal quarterly installments and with Community Transportation Services to provide documentation of all rides provided to Herkimer County Town of Webb residents and submit properly completed vouchers to the Herkimer County Office for the Aging; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an agreement with Community Transportation Services, Ltd., PO Box 995, Old Forge, NY 13420, to provide transportation services to senior citizens who are residents of the Town of Webb, for an annual charge not to exceed \$4,000.00, with the terms of said agreement to be subject to the approval of the Herkimer County Attorney; and, be it further



RESOLVED, that said contract shall be for the period January 1, 2013 through December 31, 2013, with the option for the Chairman of this Legislature to enter into an annual renewal of said contract after the expiration of the current agreement, upon the same or more favorable terms and conditions; 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 Community Transportation Services, Inc.

Dated: November 14, 2012.

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

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

On motion of Mr. Smith, seconded by Mr. Manno, Report and Resolution No. 274 of the Committee on Ways and Means and the Committee on Human Resources awarding contracts for meals on wheels for the Frankfort-Schuyler, Herkimer and Ilion-Frankfort areas was handed up; discussion was held, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

No. 274

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS AND MEANS AWARDING CONTRACTS FOR MEALS ON WHEELS FOR THE FRANKFORT-SCHUYLER, HERKIMER AND ILION-FRANKFORT AREAS**

WHEREAS, this Legislature is informed by communication dated November 8, 2012 from Bernard E. Decker, Budget Officer, that the Herkimer County Office for the Aging, through federal grants received and local sharing, has funds for the Meals on Wheels Programs and is also advised that the

lowest bid price, including the cost of transportation and delivery, has been calculated by and provided by the Office for the Aging; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby authorizes a catering contract for the Meals on Wheels and Congregate Meals programs for the year 2013 with an option for a one year renewal contract with a cost of living increase, and with said contracts to contain a 60 day termination of contract provision:

<b>Area:</b>	<b>Number of meals:</b>	<b>Cost:</b>
<i>Frankfort-Schuyler area:</i> Little Falls Motel Associates, Inc. (Knights Inn)	up to 25 meals/day	\$4.25/meal up to \$26,987 annually
<i>Herkimer area:</i> Little Falls Motel Associates, Inc. (Knights Inn)	up to 115 meals/day	\$4.25/meal up to \$124,142 annually
<i>Ilion-Frankfort area:</i> Little Falls Motel Associates, Inc. (Knights Inn)	Up to 115 meals/day	\$4.25 meal up to \$124,142 annually

And, be it further

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

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

Dated: November 14, 2012.

RAYMOND SMITH  
FREDERICK J. SHAW  
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.  
BERNARD PEPLINSKI, SR.  
**Committee on Ways and Means**

On motion of Mr. Shaw, seconded by Mr. Smith, Report and Resolution No. 275 of the Committee on Human Resources and the Committee on Ways and Means authorizing contract with New York State Energy Research and Development Authority (NYSERDA) was handed up; was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

No. 275

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING CONTRACT WITH**

**NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY  
(NYSERDA)**

WHEREAS, by letter dated November 5, 2012 from Kathy L. Fox, Director of the Office for the Aging, this Legislature is advised of a request to enter into an agreement with New York State Energy Research and Development Authority (NYSERDA) , to inform older adults in Herkimer County who might be eligible for the EmPower New York Program, which program provides access to electric and heating efficiency measures such as, ENERGY STAR lighting and refrigerators , insulation and air sealing, and In-Home energy education; and

WHEREAS, under said agreement, NYSEDA will pay \$20.00 for each completed EmPower New York application with income verification; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an agreement with NYSEDA for the Office for the Aging to inform older adults in Herkimer County who might be eligible for the EmPower New York Program, for a reimbursement of \$20 for each completed EmPower New York application with income verification, with the terms of said agreement to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that said agreement shall be from September 1, 2012 through December 31, 2015; 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 New York State Energy Research and Development Authority (NYSERDA).

Dated: November 14, 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. Peplinski, seconded by Mr. Smith and Mrs. Maneen, Report and Resolution No. 276 of the Committee on Ways and Means authorizing contract with Fidelis Care New York for provision of home delivered meals and congregate meals was handed up; discussion was held; voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

No. 276

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS AND MEANS AUTHORIZING CONTRACT WITH FIDELIS CARE NEW YORK FOR PROVISION OF HOME DELIVERED MEALS AND CONGREGATE MEALS**

WHEREAS, the New York State Catholic Health Plan, Inc. offers a Medicaid Managed Long Term Care plan for people residing in New York through its wholly owned subsidiary called Fidelis Care New York; and

WHEREAS, by letter dated November 1, 2012, Kathy L. Fox, Director of the Office for Aging, has advised that the Fidelis Care New York has requested that the Office for the Aging enter into a contract with Fidelis Care New York for the provision of home delivered meals and congregate meals to their clients, with Fidelis Care New York to reimburse the Office for the Aging in the amount of \$7.25 per meal; and

RESOLVED, that the Chairman of the Legislature is hereby authorized to execute a contract between the Herkimer County Office for the Aging and Fidelis Care New York, for the provision of home delivered meals and congregate meals to their clients, with Fidelis Care New York to reimburse the Office for the Aging for \$7.25 per meal, estimated to be approximately \$2,000.00, and with said contract to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that said contract shall be for the period January 1, 2013 through December 31, 2013, with the option for renewals of two additional terms of one year each at the same or more favorable terms and conditions; and, be it further

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

Dated: November 14, 2012.

RAYMOND SMITH  
FREDERICK J. SHAW  
JEAN E. MANEEN

PATRICK E. RUSSELL  
DENNIS KORCE  
RAYMOND SMITH

LEONARD R. HENDRIX  
PATRICK E. RUSSELL  
PETER F. MANNO  
**Committee on Human Resources**

BRUCE WEAKLEY  
BERNARD PEPLINSKI, SR.  
KURT J. ACKERMAN  
**Committee on Ways and Means**

On motion of Mr. Smith, seconded by Mr. Shaw and Mr. Hendrix, Report and Resolution No. 277 of the Committees on Human Resources and Ways and Means authorizing contract with Visiting Nurse Service of New York for provision of home delivered meals was handed up; discussion was held, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

No. 277

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES  
AND WAYS AND MEANS AUTHORIZING CONTRACT WITH VISITING NURSE  
SERVICE OF NEW YORK FOR PROVISION OF HOME DELIVERED MEALS**

WHEREAS, Visiting Nurse Service of New York (VSNY) offers a Medicaid Managed Long Term Care plan for people residing in New York through its wholly owned subsidiary called VNSNY CHOICE; and

WHEREAS, by letter dated November 9, 2012, Kathy L. Fox, Director of the Office for Aging, has advised that the VNSNY has requested that the Office for the Aging enter into a contract with VNSNY CHOICE for the provision of home delivered meals to their clients, with VNSNY CHOICE to reimburse the Office for the Aging in the amount of \$7.25 per meal; and

RESOLVED, that the Chairman of the Legislature is hereby authorized to execute a contract between the Herkimer County Office for the Aging and VNSNY CHOICE, 107 E. 70<sup>th</sup> Street, New York, NY 10021, for the provision of home delivered meals to their clients, with VNSNY CHOICE to reimburse the Office for the Aging for \$7.25 per meal, estimated to be approximately \$2,000.00, and with said contract to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that said contract shall be for the period January 1, 2013 through December 31, 2013, with the option for renewals of two additional terms of one year each at the same or more favorable terms and conditions; and, be it further

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

Dated: November 14, 2012.

RAYMOND SMITH  
FREDERICK J. SHAW  
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. Hendrix, seconded by Mr. Peplinski and Mr. Ackerman, Report and Resolution No. 278 of the Committee on Public Safety/Emergency Management granting authorizing application for cost reimbursement for Local Enhanced Wireless 911 Program was handed up; voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

No. 278

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT AUTHORIZING APPLICATION FOR COST REIMBURSEMENT FOR LOCAL ENHANCED WIRELESS 911 PROGRAM**

WHEREAS, pursuant to Article 6-A of the County Law of the State of New York and the appropriation of funds for the Wireless 911 program in the 2012-2013 State Budget, the Department of State has determined that Herkimer County is eligible to apply for reimbursement of certain costs associated with Wireless 911 services; and

WHEREAS, by letter dated November 7, 2012 from Robert Vandawalker, Director of Emergency Services, this Legislature is advised that the allocation from the 2012-2013 budget for costs incurred between April 1, 2012 through March 31, 2015 is \$33,199.00 and requests that an agreement be entered into with the New York State Division of Homeland Security and Emergency Services to provide Herkimer County funding under the Local Enhanced Wireless program; now, therefore, be it

RESOLVED, that Herkimer County agrees to the terms and conditions of the Wireless 911 Grant program and authorizes the Chairman of the Legislature and the Director of Emergency Services to sign all required documents to apply for and receive such reimbursements; and, be it further

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

Dated: November 14, 2012.

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

On motion of Mr. Hendrix, seconded by Mr. Peplinski, Report and Resolution No. 279 of the Committee on Public Safety/Emergency Management and the Committee on Ways and Means amending budget in connection with funding in Sheriff's Office was handed up; discussion was held, was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

No. 279

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS AMENDING BUDGET IN CONNECTION WITH FUNDING IN SHERIFF'S OFFICE**

WHEREAS, by letter dated November 8, 2012 from the Budget Officer and Purchasing Agent, this Legislature is advised that it is necessary to amend the 2012 Budget in connection with funding received from the U.S. Department of Justice for a State Criminal Alien Assistance Program (SCAAP) award in the Sheriff's office; now, therefore, be it

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

Revenue

A3150.4388 Jail, Alien Assistance	From:	\$0
	To:	\$3,679.00

Appropriation

A3150.10000-001, Jail, Salaries	From:	\$1,480,660.00
	To:	\$1,483,529.62
A3150.44000 Jail, Contracted Services	From:	\$ 72,400.00
	To:	\$ 73,209.38

And, be it further

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

Dated: November 14, 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. Russell, seconded by Mr. Smith, Report and Resolution No. 280 of the Committee on Ways and Means making appropriation of funds from Fund Balance was handed up; was voted on and adopted by roll call vote:

For: Hartman, Rose, Schrader, Maneen, Johnson, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

No. 280

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
MAKING APPROPRIATION OF FUNDS FROM FUND BALANCE**

WHEREAS, by letter dated November 8, 2012, the Herkimer County Budget Officer has advised this Legislature that there are sufficient funds in Account A909, General Fund Balance, to allow for an appropriation to meet unanticipated expenses for 2012; now, therefore, be it

RESOLVED, that the sum of \$168,000.00 is hereby appropriated from A909, General Fund Balance, to A3170.44000, Correctional Institution – Contracted Services; and, be it further



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

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

Dated: November 14, 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 and Mr. Shaw, Report and Resolution No. 281 of the Committee on Ways and Means making appropriation of funds from Contingency Fund 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, Peplinski, Korce, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

No. 281

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
MAKING APPROPRIATION OF FUNDS FROM CONTINGENCY**

WHEREAS, by letter dated November 8, 2012, the Herkimer County Budget Officer has advised this Legislature that there are sufficient funds in Account A1990.46000, Contingency Fund – Miscellaneous Expense, to allow for an appropriation to fund part-time workers in the Board of Elections; now, therefore, be it

RESOLVED, that the sum of \$10,000.00 is hereby appropriated from A1990.46000, Contingency Fund – Miscellaneous Expense, to A1450A.10100, Board of Elections Administration – Temporary Employees – Contracted Services; and, be it further

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

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

Dated: November 14, 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. Hendrix, Report and Resolution No. 282 of the Committee on Public Safety and Emergency Management in connection with grant for Sheriff's Department was handed up; voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 282

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS & MEANS AND THE  
COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT  
AMENDING BUDGET IN CONNECTION WITH GRANT FOR SHERIFF'S  
DEPARTMENT**

WHEREAS, by letter dated October 29, 2012, Christopher P. Farber, Sheriff, has advised this Legislature of the receipt of an award under the 2012 Bulletproof Vest Partnership Program through the Bureau of Justice Assistance, which grant would provide for reimbursement on ballistic vests purchased by the Herkimer County Sheriff's Department at the rate of 50% up to \$23,332.50, and requests authorization for the Chairman of the Legislature to e-sign said contracts; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a contract with the Bureau of Justice Assistance to receive an award under the 2012 Bulletproof Vest Partnership, which grant would provide for reimbursement on ballistic vests purchased by the Herkimer County Sheriff's Department at the rate of 50% up to \$23,332.50; and, be it further

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

Dated: November 14, 2012.

PATRICK E. RUSSELL  
DENNIS KORCE  
RAYMOND SMITH

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

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. Hyde, Report and Resolution No. 283 of the Committee on Ways and Means adjusting wages for hourly employees 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, Peplinski, Korce, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

No. 283

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS ADJUSTING WAGES FOR HOURLY EMPLOYEES**

WHEREAS, by letter dated November 9, 2012 from James W. Wallace, Jr., County Administrator, this Legislature is advised that adjustments must be made to the salaries for the year 2013 for certain employees of the County in various departments who are paid on an hourly basis; now, therefore, be it

RESOLVED:

1. That the wages of all employees of the County of Herkimer paid pursuant to the hourly scale for graded employees be and hereby are, established for the year 2013 as follows:

<u>Grade</u>	<u>Hourly Wage 2013</u>
1	6.55
2	7.25
3	7.28
4	7.64
5	7.79
6	8.00

7	8.50
8	9.19
9	9.38
10	9.56
11	10.56
12	10.88
13	11.10

and, be it further

RESOLVED, that the following rates are hereby established for the following positions for the year 2013:

<u>Title</u>	<u>2013Rate</u>
Part-time Motor Vehicle Clerk (Old Forge)	\$13.44/hr
Part-time Photocopy Machine Operator	\$13.45/hr.
Full-time Data Collectors	\$11.93/hr.
Part-time Data Collectors	\$11.03/hr.
Court Attendants (per diem)	\$61.61 per day
Part-time Building Maintenance Worker (Jail)	\$9.63/hr.
Part-time RN (6031)	\$21.40/hr.
Part-time Senior Telecommunicator	\$14.47/hr.
Part-time Public Safety Telecommunicator (E-911)	\$12.55/hr
Part-time Typist (A1420)	\$13.29/hr.
Part-time Account Clerk (A4010)	\$13.16/hr.
Part-time Alcohol Abuse Counselor (Mental Health)	\$25.00/hr.
Part-time Computer Programmer (A1680)	\$24.50/hr.
Polling Site Coordinator (Board of Elections)	\$15.00/hr.
Voting Machine Technician (Board of Elections)	\$25.00/hr.
Part-time Community Health Nurse (Public Health)	\$19.77/hr.
Part-time Jail Registered Professional Nurse	\$19.36/hr.
Part-time Community Health Nurse (Public Health)	\$20.37/hr.
Part-time Community Health Nurse (CSEA eligible)	\$21.40/hr.

Dated: November 14, 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 and Mr. Johnson, seconded by Mr. Peplinski, Resolution No. 284 of the Committee on County Properties extending lease with Friends of Historic Herkimer County for the 1834 Jail was handed up; voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PROPERTIES  
EXTENDING A LEASE WITH FRIENDS OF HISTORIC HERKIMER COUNTY FOR  
THE 1834 JAIL**

WHEREAS, the Friends of Historic Herkimer County has been incorporated as an education corporation for the purpose of, among other things, preserving, promoting and helping maintain historic sites, structures and locations in Herkimer County and its vicinity, including the 1834 Jail; and

WHEREAS, by Resolution No. 117 of 2007, this Legislature entered into a lease agreement with the Friends of Historic Herkimer County for the 1834 Jail premises, for a period of one year, for the purpose of allowing the Friends of Historic Herkimer County to preserve, promote and help maintain the premises; to conduct meetings of the organization on the premises; to arrange for and conduct historic tours of the premises; to make necessary repairs to the premises in order to preserve the same and to maintain the premises; and such other and further uses as may be approved by the Herkimer County Legislature; and

WHEREAS, said lease was extended for a period of three years pursuant to Resolution No. 286 adopted on October 22, 2008; and

WHEREAS, the Friends of Historic Herkimer County, by signing said lease extension, agree that they shall be responsible for making all necessary repairs to the premises and shall maintain the premises at its own cost and expense, shall not sublet the premises or allow other use of the premises without the advance written approval of the County Legislature, shall be responsible for the payment of all utilities, with the right of either party to terminate the lease upon giving ninety days prior written notice; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a lease agreement extension with the Friends of Historic Herkimer County for the 1834 Jail premises, those premises to include the front yard of the premises but not to include the parking lot at the rear of the premises, for a term of three years retroactive to May 1, 2008, for the sum of one dollar (\$1.00), subject to the above terms and conditions, with the County maintaining its present liability insurance coverage that it has on the premises, and with the Friends of Historic Herkimer County responsible for its own liability coverage and for all contents of the premises placed thereby or through them; and, be it further

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

Dated: November 14, 2012.

DENNIS KORCE

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

On motion of Mr. Ackerman, seconded by Mr. Russell, and Resolution No. 285 of the Committee on Ways and Means authorizing execution of Sales Tax Agreement with City of Little Falls 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, Peplinski, Korce, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

No. 285

**RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AUTHORIZING  
EXECUTION OF SALES TAX AGREEMENT WITH THE CITY OF LITTLE FALLS**

WHEREAS, the County Legislature, pursuant to Resolution No. 298 for the year 2002 authorized an agreement with the City of Little Falls concerning a sales and compensating use tax to be enacted by the County Legislature which said agreement was duly executed by the parties; and

WHEREAS, said agreement by its terms will expire on December 31, 2012 and it is necessary that a succeeding agreement be entered into; and

WHEREAS, a new agreement for the years 2013 to 2017 exclusive, with provision for a further five year extension, has been prepared and submitted to officials of the City of Little Falls; and

WHEREAS, said agreement provides for the allocation of monies received from the sales and compensating use tax to the County of Herkimer, the City of Little Falls and other municipalities within the County of Herkimer; and

WHEREAS, your Committee on Ways and Means has considered said matters and recommends that said agreement with the City of Little Falls be entered into; now, therefore, be it

RESOLVED, as follows:

1. That the Chairman of this Legislature be, and he hereby is, authorized to execute such agreement, in form attached hereto, with the City of Little Falls, for and on behalf of the County of Herkimer;

2. That allocation and distribution of funds collected as sales tax prior to January 1, 2013, be governed by the agreement made with the city of Little Falls in 2002; that allocation and distribution of funds collected as sales tax after December 31, 2012 be governed by the agreement with the City of Little Falls entered into pursuant to this agreement;

3. That after securing the signatures of the Mayor of the City of Little Falls and the Chairman of this Legislature on said contract, the County Attorney is directed to submit the executed contract with certified copies of this Resolution and any resolution adopted by the Common Council of the City of Little Falls, to the Office of the State Comptroller of the State of New York and make the necessary filings of this agreement and other documents with the State of New York as required by statute;

4. That certified copies of this Resolution be forwarded to the County Treasurer, Auditor, Budget Officer and Common Council of the City of Little Falls.

Dated: November 14, 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. Shaw and Mr. Korce Resolution No. 286 of the Committee on Ways and Means adopting Salary Schedules for 2013 was handed up; Mrs. Rose made a motion, seconded by Mr. Hartman, to separate the resolution to vote on Salary Schedule No. 1 and No. 2 as one vote and to vote on Salary Schedules No. 3, 4 and 5 as one vote; the motion was defeated by voice vote:

For: Ayes: Hartman, Rose, Brezinski (3).

Against: 14.                      Absent: None.

Resolution No. 286 was then adopted by voice vote:

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

Against: Rose (1).                      Absent: None.

No. 286

**RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS ADOPTING SALARY SCHEDULES FOR THE YEAR 2013**

Your Committee on Ways and Means respectfully reports the following salary schedule for the year 2013:

We recommend that the county officers and employees be paid equal bi-weekly installments on Thursday, or as near thereto as holidays and other conditions permit, pursuant to the Rules and Regulations of the Herkimer County Legislature and the Herkimer County Personnel Civil Service Rules. These salary schedules reflect salaries for personnel as follows:

- Salary Schedule No. 1 - 2013 Legislators and Department Heads
- Salary Schedule No. 2 - 2013 Officers & Non-Union
- Salary Schedule No. 3 - 2013 CSEA
- Salary Schedule No. 4 - 2013 Highway
- Salary Schedule No. 5 - 2013 Deputy Sheriffs

now, therefore, be it

RESOLVED, that the recommendations of the Committee on Ways and Means as set forth above be, and they hereby are adopted; and, be it further

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

Dated: November 14, 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, Resolution No. 287 of the Committee on Ways and Means establishing annual salaries of some elected officials and certain county officers appointed for a fixed term during their term of office and setting date for public hearing was handed up; discussion was held; was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 287

**RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS ESTABLISHING ANNUAL SALARIES OF SOME ELECTED OFFICIALS AND CERTAIN COUNTY OFFICERS APPOINTED FOR A FIXED TERM DURING THEIR TERM OF OFFICE AND SETTING DATE FOR PUBLIC HEARING**

We, the Committee on Ways and Means of the Herkimer County Legislature, are causing to be prepared and will present Introductory Local Law No. 3 for the year 2012 to establish annual salaries of some elected officials and certain county officers appointed for a fixed term during their term of office, and setting the date for the statutory public hearing thereon, and offer the following Resolution:

**RESOLVED:**

1. That a proposed local law establishing salaries of some elected officials and certain county officers will be prepared by this Committee, and that a public hearing will be held on the proposed local law at a meeting of the Herkimer County Legislature, on the 19<sup>th</sup> day of December, 2012, at 7:00 p.m. in the Legislative Chambers of the County Office Building in the Village of Herkimer, New York;
2. That this County Legislature designates your Committee on Ways and Means as the Committee to hold the public hearing on the adoption of said act;
3. That at least five days prior to such public hearing the Clerk of this Legislature shall post a notice of such hearing upon the bulletin board in the Courthouse and cause to be published said notice at least once in the Little Falls Times and the Herkimer Telegram;
4. That the Clerk of this Legislature shall place a copy of said act on the desks of the members of this County Legislature at least seven calendar days, exclusive of Sunday, prior to its final adoption;
5. That if said local law be finally adopted, the Clerk of this Legislature shall file one certified copy thereof in the Office of the County Clerk, one in the Office of the Secretary of State and publish said local law as required by law.

Dated: November 14, 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: Mr. Russell, Mrs. Rose, Mr. Hartman.

On 8:25 p.m. on motion of Mr. Manno, seconded by Mr. Hyde, the Legislature adjourned to Wednesday, December 19, 2012 at 7:30 p.m., with a public hearing on Introductory Local Law No. 3 at 7:00 p.m. and with the public hearing on the 2013 Herkimer County Budget to be held on Wednesday, December 12, 2013 at 7:00 p.m. in the Herkimer County Legislature Chambers.