

MINUTES
Herkimer County Legislature
First Quarter– Third Day
Wednesday, March 16, 2011
7:30 p.m.

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

Chairman Smith called on Angela Pileggi of Cornell Cooperative Extension Services, to lead the Legislature in the Pledge of Allegiance.

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

Present: Piseck, Keblish, Maneen, Stone, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (16).

Absent: Rose (1).

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Smith asked if there were any objections or corrections to the minutes of February 10, 2011 and February 16, 2011. There were no objections and the minutes were approved.

Chairman Smith dispensed with the regular session for a presentation from the American Red Cross. Diane O'Donnell of the Herkimer County Chapter of the Red Cross presented a Certificate of Achievement – Life Share Program Platinum Level to the Herkimer County Office Building in recognition of the County's ongoing efforts to support the American Red Cross Blood Services Program. Sylvia Rowan, County Clerk presented the award to Chairman Smith.

Pursuant to Rule 11, Chairman Smith opened the floor for public comment. The following individual spoke at the public comment period – Carl Streeter – on the topic of due diligence.

Chairman Smith stated that the communications received by the Legislature and the committees to which they were referred were as listed on the agenda and asked if any member of the Legislature requested mention of any particular communication. There were no requests.

No. 85 – A communication was received from the Herkimer-Oneida Counties Comprehensive Planning Program requesting authorization for Section 5311 Rural Transportation Funding grant. Referred to the Committee on County Planning and Development.

No. 86 – A communication was received from the Director of Probation requesting approval of Alternatives to Incarceration Plan. Referred to the committee on Public Safety/Emergency Management.

No. 87 – A communication was received from the Director of the Office for the Aging submitting recommendation for award of bids for meals. Referred to the Committees on Human Resources and Ways and Means.

No. 88 – A communication was received from the Salisbury Center Grange submitting recommendation for reappointment to Soil and Water Conservation District. Referred to the Committee on Natural Resources.

No. 89 – A communication was received from the Sheriff submitting the monthly report for January 2011. Referred to the Committee on Public Safety/Emergency Management.

No. 90 – A communication was received from Senator Seward concerning proposed Parole Board legislation. Ordered filed.

No. 91 – A communication was received from the Ilion Library Director expressing appreciation for allocation. Ordered filed.

No. 92 – A communication was received from ProAct, Inc. submitting the Discount Prescription Drug Report for January. Ordered filed.

No. 93 – A communication was received from the Sheriff requesting agreement to provide inmate legal research materials. Referred to the Committee on Public Safety/Emergency Management.

No. 94 – A communication was received from the Budget Officer submitting requests for 2010 transfers of funds. Referred to the Committee on Ways and Means.

No. 95 – A communication was received from the Director of the Office for the Aging requesting renewal of contract with Catholic Charities for HIICAP Program. Referred to the Committee on Human Resources and Ways and Means.

No. 96 – A communication was received from the Commissioners of Elections requesting extensions of grants. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways and Means.

No. 97 – A communication was received from the Sheriff requesting approval of maintenance agreement for Livescan Fingerprinting System. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 98 – A communication was received from the Director of Community Services submitting February activities update. Ordered filed.

No. 99 – A communication was received from the Soil and Water Conservation submitting the 2010 Annual Report. Ordered filed.

No. 100 – A communication was received from the City of Little Falls inviting the Legislature to participate in Bicentennial Parade to be held on June 3, 2011. Ordered filed.

No. 101 – A communication was received from the Soil and Water Conservation District submitting minutes of 2/8/2011. Ordered filed.

No. 102 – A communication was received from Senator Seward acknowledging receipt of resolution. Ordered filed.

No. 103 – A communication was received from the Sheriff requesting authorization for grant application. Referred to the Committee on Public Safety/Emergency Management.

No. 104 – A communication was received from the Budget officer requesting budget amendment in connection with subsidized public transportation program. Referred to the Committee on Ways and Means.

No. 105 – A communication was received from the Budget Officer submitting request for appropriation in connection with county snow removal. Referred to the Committee on Ways and Means.

No. 106 – A communication was received from the County Attorney submitting proposed contract for professional services in connection with construction of New County Correctional Facility. Referred to the Committee on Ways and Means and the Committee on Public Safety/Emergency Management.

No. 107 – A communication was received from the Budget officer submitting recommendation for award of meals for West Winfield and Frankfort-Schuyler areas. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 108 – A communication was received from the County Administrator submitting request for amendment of Resolution No. 37. Referred to the Committee on Ways and Means.

No. 109 – A communication was received from the Budget Officer concerning proposals received for sale of Certified Home Health Agency and Long Term Care Agency. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 110 – A communication was received Herkimer County HealthNet requesting acceptance of a grant award. Referred to the Committees on Human Resources and Ways and Means.

No. 111 – A communication was received from the Budget Officer recommending budget amendment in connection with grant award for Herkimer County HealthNet. Referred to the Committees on Human Resources and Ways and Means.

No. 112 – A communication was received from the Budget Officer submitting recommendation for rejection of bid for Highway Department equipment and request for authorization to re-bid. Referred to the Committee on Highways.

No. 113 – A communication was received from the Budget Officer submitting recommendation for award of bid for Highway Department equipment. Referred to the Committee on Highways.

No. 114 – A communication was received from the Chairman of the Legislature appointing Ilion Mayor John Stephens to the Governmental Policy and Liaison Committee. Ordered filed.

No. 115 – A communication was received from the President of Herkimer County Community College requesting a partnership agreement in connection with the Veterans' Memorial Park located at the HCCC Campus. Referred to the Committee on Administration/Veterans' Affairs.

Chairman Smith requested the government interns from the Cornell Cooperative Extension to introduce themselves and what schools they were from. County Attorney Malone explained the difference between a roll call and voice vote.

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

For: All ayes (16).

Against: None.

Absent: Rose (1).

Consent Agenda:

- 69 NAT. RESOURCES: Annual Report of Weights and Measures
VOICE
- 70 PUB. SFTY./EMER. MGMT.: Monthly Report of Sheriff
VOICE
- 71 NAT. RESOURCES: Reappointment to Soil Conservation District
VOICE
- 72 WAYS & MEANS: Amending Res. 347 and 348 of 2010
VOICE

No. 69

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

WHEREAS, your Committee on Natural Resources, to which was referred the Annual Report of the Director of Weights and Measures for the year 2010, reports that we have examined said report, recommend its adoption and offer the following Resolution:

RESOLVED, that the Annual Report of the Herkimer County Director of Weights and measures be adopted and printed in the Proceedings of the Herkimer County Legislature for the year 2010.

Dated: March 16, 2011.

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

No. 70

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

WHEREAS, your Public Safety & Emergency Management Committee, to which referred the report of the Sheriff for the month of January, 2011, respectfully reports that we have examined said report, recommend that it be approved and offer the following Resolution:

RESOLVED, that the report of the Herkimer County Sheriff for the month of January, 2011 which report reflects an average daily population of 64.45 inmates, with an average of 36.29 inmates being boarded out in January, be approved and filed.

Dated: March 16, 2011.

LEONARD R. HENDRIX
VINCENT J. BONO
JEFFREY M. STONE
DENNIS KORCE
ROBERT N. HYDE
BRUCE WEAKLEY
**Committee on Public Safety and
Emergency Management**

No. 71

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

WHEREAS, by communication dated February 11, 2011, the Salisbury Center Grange organization has notified this Legislature of its recommendation for the position of Director of the Herkimer County Soil and Water Conservation District, pursuant to Sections 6 and 7 of the Soil Conservation Law; now, therefore, be it

RESOLVED, that Carlton Spofford, 146 Daley Road, Dolgeville, New York, be reappointed as Director of the Herkimer County Soil and Water Conservation District, said term to be effective January 1, 2011 through December 31, 2013 and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Soil and Water Conservation District, Salisbury Center Grange and Carlton Spofford.

Dated: March 16, 2011.

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

No. 72

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
AMENDING RESOLUTION NO. 347 AND RESOLUTION 348 OF 2010 AUTHORIZING
ATTENDANCE FOR MUNICIPAL OFFICERS AND EMPLOYEES AND PAYMENT
OF DUES DURING THE YEAR 2011 DUE TO OMISSIONS AND CORRECTIONS**

WHEREAS, on December 15, 2010 this Legislature adopted Resolution No. 347 and Resolution No. 348 authorizing attendance at conferences for municipal officers and employees and payment of dues for municipal officers and employees during the year 2011: and

WHEREAS, it has come to the attention of your committee that certain changes need to be done and corrected; now, therefore be it

RESOLVED, that Resolution No. 347 be amended as follows:

AGING, OFFICE FOR – DIRECTOR: Conferences and meetings called by the New York State Office for Aging, Point of Entry, New York State Association of Area Agencies on Aging and NYS Coalition for the Aging(addition) conferences and meetings. Also, the Nutrition Services Coordinator, Caseworker, Aging Services Assistant, WRAP Coordinator and Home Energy Assistance Examiners to attend all conferences and training sessions to be conducted by the New York State Office for Aging (approximately six). Director and (addition) Nutrition Services Coordinator – meetings called by (NYS -delete) National (addition) Association of Nutrition and Aging Services programs and the (Aging Services Dieticians of NYS - delete) Meals on Wheels Association of America (addition)

And, be it further

RESOLVED, that Resolution No. 348 be amended as follows:

Director, Office for Aging:

NYS Association of Area Agencies (was \$1,100)	\$1,300.00	NYS
Coalition for the Aging, Inc. (new)	\$ 100.00	

Nutrition Services Coordinator:

NYS Assoc. of Nutrition & Aging Services Programs (delete)	\$ 100.00(delete)
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Planning Board Chairman:

NYS Planning Federation (was \$235)	\$ 275.00
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and, be it further

RESOLVED, that in all other respects Resolutions 347 and 348 of 2010 remain in full force and effect; and, be it further

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

Dated: March 16, 2011.

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

On motion of Mr. Hendrix, seconded by Mr. Hyde, Report and Resolution No. 73 of the Committee on Public Safety and Emergency Management approving Alternatives to Incarceration Plan for 2011 was handed up; there being no debate, was voted on and adopted by voice vote:

Ayes: (16).

Against: None.

Absent: Rose (1).

No. 73

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT APPROVING ALTERNATIVES TO INCARCERATION PLAN FOR 2011

WHEREAS, by communication from Josephine Sohn, Director of the Herkimer County Probation Department, dated February 18, 2011, this Legislature is requested to approve the Herkimer County Alternatives to Incarceration Plan for the 2011 program year and the commitment of funding by the County; and

WHEREAS, the State of New York proposes state aid at the tentative funding level of \$15,792, pending approval of the 2011 State Budget; now, therefore, be it

RESOLVED, that this Legislature hereby approves the Herkimer County Alternatives to Incarceration Plan for the 2011 program year and agrees to the commitment of local tax levy dollars to fund the proposed program; 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 Probation and Correctional Alternatives.

Dated: March 16, 2011.

LEONARD R. HENDRIX
VINCENT J. BONO
JEFFREY M. STONE
DENNIS KORCE
ROBERT N. HYDE
BRUCE WEAKLEY
**Committee on Public Safety and
Emergency Management**

On motion of Mr. Piseck, seconded by Mr. Ackerman, Report and Resolution No. 74 of the Committee on County Planning and Development authorizing filing of Consolidated application with the State Department of Transportation for fiscal years 2011-2012 FTA Section 5311 grant for rural transportation service in Herkimer County was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Rose (1).

No. 74

REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AUTHORIZING THE FILING OF CONSOLIDATED APPLICATION WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR FISCAL YEARS 2011-2012 FTA SECTION 5311 GRANT FOR RURAL TRANSPORTATION SERVICE IN HERKIMER COUNTY

WHEREAS, the County of Herkimer is submitting a request for a grant of funds to the New York State Department of Transportation, pursuant to Section 5311, Title 49 United States Code, for a project to provide public mass transportation service by Birnie Bus Tours, Inc. along NYS Routes 5, 28 and 5S in the County of Herkimer for the period January 1 – December 31, 2011 and for the period January 1 – December 31, 2012; and

WHEREAS, the County of Herkimer contracted with Birnie Bus Tours, Inc., for the project described above for Federal funding from the 2011 and 2012 Federal Fiscal years; and

WHEREAS, the County of Herkimer and the State of New York have entered into a continuing Agreement for a ten-year period which authorizes the undertaking of the Project and payment of the Federal Share, identified as State Contract C002168; now, therefore, be it

RESOLVED, that the Chairman of the Herkimer County Legislature is authorized to act on behalf of the County of Herkimer to sign the annual grant application and progress and complete the above named Project; and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature is authorized to sign any contracts or agreements between the County of Herkimer and any third party subcontractor necessary to complete the public transportation project, and Certification and Assurances for this project, subject to the approval of the County Attorney.

Dated: March 16, 2011.

JOHN J. PISECK
VINCENT J. BONO
PATRICK E. RUSSELL
BERNARD PEPLINSKI, SR.

FREDERICK J. SHAW, JR.
 KURT J. ACKERMAN
**Committee on County Planning and
 Development**

On motion of Mr. Bono, seconded by Mr. Peplinski and Mr. Manno, Report and Resolution No. 75 of the Committees on Human Resources and Ways and Means awarding contracts for Meals on Wheels and congregate Meals Programs for the Frankfort/Schuyler and West Winfield areas was handed up; debate was held; was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Rose (1).

No. 75

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

WHEREAS, this Legislature is informed by communication dated March 11, 2011 from Bernard E. Decker, Budget Officer, that the Herkimer County Office for the Aging, through federal grants received and local sharing, has funds for the Meals on Wheels Programs and reports that the lowest bid price, including the cost of transportation and delivery, has been calculated by and provided by the Office for the Aging; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby authorizes catering contracts for the Meals on Wheels and Congregate Meals programs for the West Winfield area and home delivered meals for the Frankfort-Schuyler area for the period April 1, 2011 – March 31, 2012, with said contracts to have an option for a one-year contract renewal with a cost of living adjustment, and with said contract to contain a 60 day termination of contract provision:

Area:	Number of meals:	Cost:
<i>Frankfort-Schuyler area:</i> The Mohawk Homestead	Up to 25 meals/day	\$4.10/meal up to \$26,035.00 annually
<i>West Winfield area:</i> Red Door Dairy Store	Up to 60 meals/day	\$5.68/meal up to \$86,563.20.00 annually; plus \$3.40 /day for delivery

And, be it further

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

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

Dated: March 16, 2011.

VINCENT J. BONO
JOHN J. PISECK, JR.
JEAN E. MANEEN
PETER F. MANNO
LEONARD HENDRIX

PATRICK E. RUSSELL
Committee on Human Resources

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

On motion of Mr. Bono, seconded by Mr. Shaw and Mrs. Maneen, Report and Resolution No. 76 of the Committee on Human Resources and the Committee on Ways and Means concerning services authorizing contract renewal for HIICAP funding for the Herkimer County Office for the Aging was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Rose (1).

No. 76

REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING CONTRACT RENEWAL FOR HIICAP FUNDING FOR THE HERKIMER COUNTY OFFICE FOR THE AGING

WHEREAS, by letter dated March 1, 2011, from Mary A. Scanlon, Director of the Office for the Aging, this Legislature is advised of a request to submit an application to receive Health Insurance Information, Counseling & Assistance program (HIICAP) funding; and

WHEREAS, said program shall be administered by the Office for the Aging on a subcontract basis; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute said contract on behalf of the County of Herkimer as follows:

- HIICAP (Health Insurance Information, Counseling & Assistance Program) for the 4/1/2011– 3/31/2012 program year; funding is currently anticipated at \$31,182.00;
- Program shall be subcontracted to Catholic Charities of Herkimer County with said contract amount not to be more than the level of funding that is made available to the County of Herkimer;

And, be it further

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

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

Dated: March 16, 2011.

VINCENT J. BONO
JOHN J. PISECK
JEAN E. MANEEN
PETER F. MANNO
LEONARD R. HENDRIX
PATRICK E. RUSSELL
Committee on Human Resources

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways a

On motion of Mr. Hendrix, seconded by Mr. Peplinski, Report and Resolution No. 77 of the Committee on Public Safety and Emergency Management and the Committee on Ways and Means authorizing legal research system for Herkimer County Correctional Facility was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (16).

Against: None.

Absent: Rose (1).

No. 77

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING LEGAL RESEARCH SYSTEM FOR HERKIMER COUNTY CORRECTIONAL FACILITY

WHEREAS, by Resolution No. 238 adopted on September 15, 2010 this Legislature authorized a contract with Lexis Nexis/Matthew Bender & Company to provide state mandated legal materials and access to legal research as per the New York State Minimum Standards for a three year period commencing October 1, 2010 at the following amounts: commencing 10/1/10-\$589.00 per month; commencing 10/1/11-\$608.00 per month; commencing 10/1/12-\$626.00 per month; and

WHEREAS, by letter dated February 18, 2011 from Christopher P. Farber, Herkimer County Sheriff, a request is being made to amend said resolution at the following amounts: commencing 10/1/2010-\$400.00/mo. commencing 10/1/2011 - \$425.00/mo.; commencing 10/1/2012 - \$450.00/mo.; now, therefore, be it

RESOLVED, that Resolution No. 238 adopted on September 15, 2010 is hereby amended in the Second Resolved Clause to allow for a contract with Lexis Nexis/Matthew Bender & Company to provide state mandated legal materials and access to legal research as per the New York State Minimum Standards for a three year period at the following amounts: commencing 10/1/2010-\$400.00/mo. commencing 10/1/2011 - \$425.00/mo.; commencing 10/1/2012 - \$450.00/mo., with said contract to be subject to approval by the Herkimer County Attorney; and, be it further

RESOLVED, that in all other respects said Resolution No. 238 adopted on September 15, 2010 is hereby ratified and confirmed; and, be it further

RESOLVED, that in all other respects said Resolution No. 238 adopted on September 15, 2010 is hereby ratified and confirmed; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Sheriff and Lexis Nexis/Matthew Bender & Company.

Dated: March 16, 2011.

LEONARD R. HENDRIX
VINCENT J. BONO
JEFFREY M. STONE
DENNIS KORCE
ROBERT N. HYDE
BRUCE WEAKLEY
Committee on Public Safety/Emergency
Management

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

On motion of Mr. Russell, seconded by Mr. Bono Report and Resolution No. 78 of the Committee on Ways and Means transferring funds was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Rose (1).

No. 78

REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS & MEANS
TRANSFERRING FUNDS FOR THE YEAR 2010

WHEREAS, your Committee on Ways and Means, to which was referred a communication from the Budget Officer and Purchasing Agent dated March 8, 2011, submitting requests for transfers of funds for the year 2010, 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:

\$ 3,300.00	From: A1450A.41000, BOE, Admin. – Supplies To: A1450A.10100, BOE, Admin. – Temp. Employees
\$ 3,300.00	From: A1450A.44000, BOE, Admin. – Contracted Services To: A1450A.10100, BOE, Admin. – Temp. Employees
\$14,000.00	From: A1450A.46100, BOE, Admin. – Mileage & Travel To: A1450A.10100, BOE, Admin. – Temp. Employees
\$ 9,000.00	From: A1450.41000, BOE, Admin. – Supplies To: A1450A.10100, BOE, Admin. – Temp. Employees

And, be it further

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

Dated: March 16, 2011.

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways & Means

On motion of Mrs. Maneen, seconded by Mr. Keblish, Report and Resolution No. 79 of the Committee on Administration/Veterans Affairs and the Committee on Ways and Means extending contracts for grants for Board of Elections was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Rose (1).

No. 79

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

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

WHEREAS, by letter dated February 17, 2011 from the Commissioners of Election your Committees have been advised that the New York State Board of Elections has notified them that said grants have been extended from April 1, 2011 to March 31, 2012; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute grant extensions for the period from April 1, 2011 to March 31, 2012 on behalf of the County of Herkimer with the New York State Board of Elections in connection with voting access for individuals with disabilities and voter education/poll worker training in the amounts as listed:

- Contract T002788, HHS Federal Voting Access for Individuals with Disabilities Polling Place Access Improvement Grant - \$2,291.00
- Contract T002662, NYS Voting Access for Individuals with Disabilities Polling Place Access Improvement Grant - \$18,731.00
- Contract T002546, Voter Education Poll Worker Training Program - \$37,463.00

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

Dated: March 16, 2011.

JEAN E. MANEEN
BRUCE WEAKLEY
FREDERICK J. SHAW
PETER F. MANNO
STEPHEN N. KEBLISH, JR.
JOHN L. BREZINSKI
**Committee on Administration/Veterans'
Affairs**

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

On motion of Mr. Hyde, seconded by Mr. Hendrix, Report and Resolution No. 80 of the Committee on Public Safety and Emergency Management and the Committee on Ways and Means authorizing maintenance agreement for Livescan Fingerprinting System for Herkimer County Sheriff's office was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Rose (1).

No. 80

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING MAINTENANCE AGREEMENT FOR LIVSCAN FINGERPRINTING SYSTEM FOR HERKIMER COUNTY SHERIFF'S OFFICE

WHEREAS, by Resolution No. 65 adopted on March 18, 2009, this Legislature authorized acceptance of a grant from the New York State Division of Criminal Justice Services for funding in the amount of \$15,000.00 to be allocated toward the purchase of a Livescan Fingerprinting System for the Herkimer County Sheriff's Office

WHEREAS, by letter dated February 17, 2009, Christopher P. Farber, Sheriff, has advised your Committees of a request to enter into a service maintenance agreement with Comnetix, Inc. of Ontario, Canada, to perform annual maintenance of the NYS RIC I Livescan Fingerprinting System at a cost of \$4,399.00 as per state contract, for the period from January 1, 2011 through December 31, 2011; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a maintenance agreement with Comnetix, Inc., 2872 Bristol circle, Suite 100, Oakville, ON Canada L6H 6G4 for the NYS RIC I Livescan Fingerprinting System located at the Herkimer County Sheriff's Office for the period from January 1, 2011 through December 31, 2011, at an annual cost of \$4,399.00, per state contract, with said agreement to be subject to approval of the Herkimer County Attorney; and, be it further

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

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

Dated: March 16, 2011.

LEONARD R. HENDRIX
VINCENT J. BONO
JEFFREY M. STONE
DENNIS KORCE
ROBERT N. HYDE
BRUCE WEAKLEY
**Committee on Public Safety and
Emergency Management**

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

On motion of Mr. Peplinski, seconded by Mr. Shaw, Report and Resolution No. 81 of the Committee on Ways and Means and the committee on County Planning and Development amending budget in connection with Public Transportation Funding was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Rose (1).

No. 81

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AND
THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AMENDING
BUDGET IN CONNECTION WITH PUBLIC TRANSPORTATION FUNDING**

WHEREAS, by letter dated March 9, 2011, from Bernard E. Decker, Budget Officer, this Legislature is advised of a request to amend the 2011 Budget in connection with the receipt of additional federal funding to pass through the operation budget to the subsidized transportation program for 2011; now, therefore, be it

RESOLVED, that the 2011 Herkimer County Budget is hereby amended as follows:

<u>Revenue:</u>	<u>From:</u>	<u>To:</u>
A5631.47000, Public Transportation -	\$40,000.00	\$57,200.00

Appropriation:

A5631.40000, Public Transportation - Contractual Expense	\$40,000.00	\$57,200.00
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and, be it further

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

Dated: March 16, 2011.

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

JOHN J. PISECK
VINCENT J. BONO
PATRICK E. RUSSELL
BERNARD PEPLINSKI, SR.
FREDERICK J. SHAW, JR.
KURT J. ACKERMAN
**Committee on County Planning and
Development**

On motion of Mr. Hendrix, seconded by Mr. Hyde, Report and Resolution No. 82 of the committee on Public Safety and Emergency Management authorizing grant application for Herkimer County Sheriff's Department was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Rose (1).

No. 82

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND
EMERGENCY MANAGEMENT AUTHORIZING GRANT APPLICATION FOR
HERKIMER COUNTY SHERIFF'S DEPARTMENT**

WHEREAS, by letter dated February 17, 2011 from Christopher P. Farber, Herkimer County Sheriff, this Legislature is advised of a request to authorize the Chairman of the

Legislature to electronically sign a grant application in the amount of \$7,500.00 which will be used to replace the roof on the Herkimer County Sheriff's Training Center on Route 28, repair the ceiling on the inside and replace the main server at the Correctional Facility; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to electronically sign a grant application in the amount of \$7,500.00 which will be used to replace the roof on the Herkimer County Sheriff's Training Center on Route 28, repair the ceiling on the inside and replace the main server at the Correctional Facility; and, be it further

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

Dated: March 16, 2011.

LEONARD R. HENDRIX
VINCENT J. BONO
JEFFREY M. STONE
DENNIS KORCE
ROBERT N. HYDE
BRUCE WEAKLEY
**Committee on Public Safety and
Emergency Management**

On motion of Mr. Korce, seconded by Mr. Russell, Report and Resolution No. 83 of the Committee on Ways and Means making appropriation of funds in connection with county snow removal contracts was handed up; debate was held, was voted on and adopted by roll call vote:

For: Piseck, Keblish, Maneen, Stone, Hendrix, Hyde, Brezinski, Manno, Smith, bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (16).

Against: None.

Absent: Rose (1).

No. 83

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

WHEREAS, by letter dated March 10, 2011, the Herkimer County Budget Officer has advised this Legislature that there are sufficient funds in Account D909, County Road Fund Balance, to provide funds for County snow removal contracts with the towns, which formula is based on yearly sales tax collection which has exceeded the estimated amount for 2010; now, therefore, be it

RESOLVED, that the sum of \$108,762.00 is hereby appropriated from D909, County Road Fund Balance, to D6142.44000, County Snow Removal – Contracted Services; and, be it further

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

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

Dated: March 16, 2011.

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

On motion of Mr. Russell, seconded by Mr. Piseck, Report and Resolution No. 84 of the Committee on Ways and Means amending Resolution No. 37 of 2011 authorizing PILOT Increment Finance Agreement in connection with the Route 5S South Business Park was handed up; there debate was held, was voted on and adopted by voice vote:

All ayes: (16). Against: None.

Absent: Rose (1).
No. 84

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
AMENDING RESOLUTION NO. 37 OF 2011 AUTHORIZING PILOT INCREMENT
FINANCING AGREEMENT IN CONNECTION WITH THE ROUTE 5S SOUTH
BUSINESS PARK**

WHEREAS, by Resolution No. 37 adopted on January 26, 2011 the Herkimer County Legislature approved a funding proposal for the provision of gas and electric services to the Route 5S South Business Park in the amount of up to \$800,000, with those monies to be paid back to the County pursuant to a PILOT Increment Financing Agreement between the Herkimer County IDA, the Frankfort-Schuyler School District, the Town of Frankfort and the County of Herkimer; and

WHEREAS, not all parties have agreed to the proposed financing proposal and it is necessary for the County of Herkimer to be able to proceed with an alternative if necessary; now, therefore, be it

RESOLVED, that Resolution No. 37 adopted on January 26, 2011 is hereby amended to add a new Second Resolved paragraph as follows:

“RESOLVED, that in the event that a PILOT Increment Financing Agreement, as above described, is not entered into, the County of Herkimer is hereby authorized to enter into a direct contract with the Herkimer County Industrial Development Agency whereby the County will provide up to an \$800,000 loan for the provision of gas and electric services to the Route 5S South Business Park, with the County to be repaid for that loan through a deviation from a standard PILOT agreement, which is subject to a public hearing;”

And, be it further

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

Dated: March 16, 2011.

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

On motion of Mr. Hendrix, seconded by Mr. Peplinski, Report and Resolution No. 85 of the Committee on Public Safety/Emergency Management and the Committee on Ways and means authorizing contract for architectural and engineering services for construction of a New Herkimer County Correctional Facility was handed up; debate was held; Chairman Smith requested a roll call vote; the resolution was voted on and adopted by roll call vote:

For: Piseck, Maneen, Stone, Hendrix, Hyde, Bono, Ackerman, Peplinski, Russell, Shaw, Weakley (11).

Against: Keblish, Brezinski, Manno, Smith, Korce (5).

Absent: Rose (1).

No. 85

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING CONTRACT FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR CONSTRUCTION OF A NEW HERKIMER COUNTY CORRECTIONAL FACILITY

WHEREAS, by Resolution No. 53 adopted on February 11, 2009, and Resolution No. 88 adopted on March 18, 2009, this Legislature approved a contract with LaBella Associates, P.C., in connection with environmental, SEQRA and site related architectural/engineering services to move forward with preliminary investigations of the former P & C site on New York State Route 28 in the Village of Herkimer to determine whether the site is appropriate for the construction of a new correctional facility, with the dollar amount of the contract subject to further approval of this Legislature; and

WHEREAS, by letter dated March 10, 2011, from Robert J. Malone, Herkimer County Attorney, this Legislature is advised that a proposal has been received from LaBella Associates, P.C. for architectural/engineering services to design and construct the new correctional facility at the above described site with a fixed fee of \$1,672,300.00 for basic architectural and engineering services, and a basic construction management fixed fee in the amount of \$749,500.00, for a total fixed fee of \$2,421,800.00, with the contingency that if the project is 5% smaller than the current 87,000 square foot proposed correctional facility, the fee will be reduced by \$75,000.00, and if the construction is completed in less than eighteen months, rather than the budgeted construction time of twenty months, LaBella's fee will be further reduced by \$40,000.00; now, therefore, be it

RESOLVED, that this Legislature authorizes a contract for architectural/engineering and construction management services in connection with the construction of a new Herkimer County Correctional Facility to LaBella Associates, P.C., 300 State Street, Suite 201, Rochester, NY 14614, upon the above terms and conditions, with said contract to be subject to the approval of the Herkimer County Attorney; and, be it further

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

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

Dated: March 16, 2011.

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

LEONARD R. HENDRIX
VINCENT J. BONO
JEFFREY M. STONE
DENNIS KORCE
ROBERT N. HYDE
BRUCE WEAKLEY
Committee on Public Safety/ Emergency

Management

On motion of Mr. Bono, seconded by Mr. Ackerman and Mr. Korce, Report and Resolution No. 86 of the Committees on Human Resources and the Committee on Ways and Means approving sale of Herkimer County's Operating Certificate of a Certified Home Health Agency (CHHA) AND Long Term Care (LTC) Agency to At Home Care, Inc. was handed up; debate was held, was voted on and adopted by voice vote:

All ayes (16). Against: None.

Absent: Rose (1).

No. 86

REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS & MEANS APPROVING SALE OF HERKIMER COUNTY'S OPERATING CERTIFICATE OF A CERTIFIED HOME HEALTH AGENCY (CHHA) AND LONG TERM CARE (LTC) AGENCY TO AT HOME CARE, INC.

WHEREAS, by letter dated, March 11, 2011, Bernard Decker, Budget Officer/Purchasing Agent, has advised that the County has received proposals for the sale of its operating certificate for a Certified Home Health Care Agency and Long Term Care Agency; and

WHEREAS, after review of proposals, your Committees have recommended that this sale be made to At Home Care, Inc. of the Bassett Healthcare Network, 297 Main Street, Oneonta, New York, for the amount of \$200,000.00; and

WHEREAS, it may be necessary at a later time to enter into a transitional management agreement with At Home Care, Inc. during the period required for approval; now, therefore, be it

RESOLVED, that the sale of Herkimer County's operating certificate for a Certified Home Health Agency (CHHA) and Long Term Care (LTC) Agency to At Home Care, Inc. of the Bassett Healthcare Network for the amount of \$50,000.00 (non-refundable) at the signing of the management letter (managing the program) until the Certificate of Need is received; \$100,000.00 at the receipt of the Certificate of Need and \$50,000.00 one year from the receipt of the Certificate of Need, is hereby approved; and, be it further

RESOLVED, that should it be necessary to enter into a transitional management agreement with At Home Care, Inc. during the period required for approval, such agreement shall be subject to further resolution of this Legislature; and , be it further

RESOLVED, that final approval of the sale is subject to the approval by the Herkimer County Attorney, the New York State Department of Health and contingent upon the County of Herkimer receiving a Licensed Home Care Services Agency Certificate from the New York State Department of Health; 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, Herkimer County Attorney and At Home Care, Inc.

Dated: March 16, 2011.

VINCENT J. BONO
JOHN J. PISECK, JR.
JEAN E. MANEEN
PETER F. MANNO
LEONARD R. HENDRIX
PATRICK E. RUSSELL
Committee on Human Resources

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

On motion of Mr. Bono, seconded by Mr. Peplinski and Mr. Hendrix, Report and Resolution No. 87 of the Committees on Human Resources and Ways and Means authorizing contract with New York State Department of Health for Herkimer County HealthNet, Inc. and amending budget was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Rose (1).

No. 87

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

WHEREAS, by communication dated March 14, 2011, Phyllis Spinner, Executive Director of the Herkimer County HealthNet, Inc. has advised that the New York State Department of Health has awarded a grant to Herkimer County HealthNet, Inc. for the period from October 1, 2010 through March 31, 2011, in the amount of \$87,500.00 for a program entitled "Creating Healthy Places to Live, Work and Play"; and

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

WHEREAS, by letter dated March 14, 2011, Bernard E. Decker, Budget Officer, has advised that it is necessary to amend the Herkimer County Budget in connection with the receipt of said grant funding; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute a contract between the County of Herkimer and the New York State Department of Health to receive \$87,500.00 in funding for the Herkimer County HealthNet, Inc. to implement a program entitled "Creating Healthy Places to Live, Work and Play", for the period October 1, 2010 through March 31, 2011; and, be it further

RESOLVED, that the 2011 Herkimer County Budget is hereby amended as follows:

	<u>From:</u>	<u>To:</u>
<u>Revenue:</u>		
A4018.3418A Creating Healthy Places to Live, Work and Play	From:	\$0
	To:	\$87,500
 <u>Appropriation</u>		
A4018.44000 Herkimer County HealthNet, Cont. Serv.	From:	\$134,825
	To:	\$222,325

and, be it further

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

Dated: March 16, 2011.

VINCENT J. BONO
JOHN J. PISECK, JR.
JEAN E. MANEEN
PETER F. MANNO
LEONARD R. HENDRIX
PATRICK E. RUSSELL
Committee on Human Resources

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

On motion of Mr. Korce, seconded by Mr. Weakley and Mr. Peplinski, Report and Resolution No. 88 of the Committee on Highways rejecting bid and authorizing rebidding for equipment for Herkimer County Highway Department was handed up; debate was held; was voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Rose (1).

No. 88

REPORT AND RESOLUTION OF THE COMMITTEE ON HIGHWAYS REJECTING BID AND AUTHORIZING REBIDDING FOR EQUIPMENT FOR HERKIMER COUNTY HIGHWAY DEPARTMENT

WHEREAS, by letter dated March 14, 2011, the Budget Officer/Purchasing Agent has advised that bids were received, opened and read in accordance with law for the provision of two new steel dump bodies for the Herkimer County Highway Department; and

WHEREAS, after review of the bid it is the recommendation of the County Highway Superintendent and your Committee that all bids be rejected due to confusion between the specifications and bid proposal sheet; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby rejects all bids for the purchase of two new steel dump bodies for the Herkimer County Highway Department, and that the Herkimer County Budget Officer/Purchasing Agent is authorized and directed to re-advertise for bids for the purchase of two new steel dump bodies for the Herkimer County Highway Department, said bids to be received in the Office of the Budget Officer and Purchasing Agent at the County Office Building, Herkimer, New York, subject to final approval by the Herkimer County Legislature; and, be it further

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

Dated: March 16, 2011.

DENNIS KORCE
VINCENT J. BONO
PATRICK E. RUSSELL
BRUCE WEAKLEY
JEFFREY M. STONE
BERNARD PEPLINSKI, SR.
Committee on Highways

On motion of Mr. Korce, seconded by Mr. Brezinski and Mr. Stone, Report and Resolution No. 89 of the Committee on Highways awarding bid for equipment for Highway Department was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Rose (1).

No. 89

REPORT AND RESOLUTION OF THE COMMITTEE ON HIGHWAYS AWARDING BID FOR EQUIPMENT FOR HERKIMER COUNTY HIGHWAY DEPARTMENT

WHEREAS, by letter dated March 14, 2011, the Budget officer/Purchasing Agent has now advised that bids were received, opened and read in accordance with law for the provision of two new diesel powered 10-wheel trucks (cabs and chassis) for the Herkimer County Highway Department; and

WHEREAS, after review of the bids it is the recommendation of the County Highway Superintendent and your Committee that the low bid of Mohawk Valley Freightliner of Yorkville, New York, for a lump sum bid of \$201,572.00 less trade of \$8,200.00, for a net bid of \$193,372.00, be accepted; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby awards the bid for the provision of two new diesel powered 10-wheel trucks (cab and chassis) for the Herkimer County Highway Department to Mohawk Valley Freightliner, 703 Oriskany Blvd., Truck Rte. 5A, Yorkville, NY 13495, for a lump sum bid of \$201,572.00, less trade of \$8,200.00, for a net bid of \$193,372.00; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Superintendent of Highways and Mohawk Valley Freightliner.

Dated: March 16, 2011.

DENNIS KORCE
VINCENT J. BONO
PATRICK E. RUSSELL
BRUCE WEAKLEY
JEFFREY M. STONE
BERNARD PEPLINSKI, SR.
Committee on Highways

On motion of Mrs. Maneen, seconded by Mr. Ackerman and Mr. Stone, Report and Resolution No. 90 of the Committee on Administration/Veterans Affairs concerning Veterans' Memorial Park at Herkimer County Community College was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Rose (1).

No. 90

**REPORT AND RESOLUTION OF THE COMMITTEE ON
ADMINISTRATION/VETERANS' AFFAIRS CONCERNING VETERANS'
MEMORIAL PARK AT HERKIMER COUNTY COMMUNITY COLLEGE**

WHEREAS, by letter dated March 11, 2011, this Legislature is advised of a request from at Herkimer County Community College for the County's participation and partnership with the College and the Herkimer County College Foundation in connection with the support of the Herkimer County Veterans Park located outside the athletic field at the College; and

WHEREAS, by letter dated March 12, 2011, Douglas C. Miller, Director of Veterans' Service Agency, has advised that with the support from the Herkimer County College (HCC) Foundation, the Herkimer County Veterans' Service Agency become the point of contact for the Herkimer County Veterans Park and has outlined the services his agency will provide; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a partnership agreement with Herkimer County Community College and the Herkimer County College Foundation for participation and support of the Herkimer County Veterans Park located outside the athletic field at the College as follows:

Herkimer County Veterans Service Agency Role:

1. Serves as the point of contact for inquiries and applications for having names engraved at the Memorial Park.
2. Provides application packets to people wishing to have a name engraved at the Park;
3. Receives and processes completed application packets;
4. Verifies military service and honorable discharge for individuals whose names are to be engraved at the Park; forwards copies of approved applications and fee payments to the HCC Foundation office;
5. Recommends waiver of the fee for engraving due to applicants' financial circumstances;
6. Notifies the engraver of the names to be entered in the Park and sees that the invoice is sent to the HCC Foundation office for payment;
7. Sets dates for ceremonies to unveil new names twice a year - around Memorial Day and Veterans Day - and notifies applicants of the ceremonies;
8. Plans/organizes ceremony programs (including contacting College's Community Education Office), runs ceremonies;
9. Adds a link from the County's website (under Veterans' Services Agency) to the College's webpage for the Park;
10. Maintains liaison with HCC Foundation and HCCC Maintenance staff to ensure proper care and

upkeep is given to the park and its surrounding grounds;

The College and The Foundation Role:

1. The HCC Foundation maintains a custodial account for the Memorial Park to be used to pay for Engraving and other Park-related costs as needed;
2. The HCC Foundation pays invoices for engraving out of the custodial account;
3. The HCC Foundation provides the County Veterans Service Agency with quarterly lists of donations received;
4. The College maintains the physical upkeep of the Park;
5. On its website the College adds the Park to its campus map and adds information listing the
6. Herkimer County Veterans Service Agency Office as the point of contact for the Park;

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 Herkimer County College Foundation, Inc.

Dated: March 16, 2011.

JEAN E. MANEEN
BRUCE WEAKLEY
FREDERICK J. SHAW
PETER F. MANNO
STEPHEN N. KEBLISH, JR.
JOHN L. BREZINSKI
**Committee on Administration/Veterans'
Affairs**

On motion of Mr. Russell, seconded by Mr. Shaw, Resolution No. 91 of the Committee on Ways and Means determining officers and employees of Herkimer County required to file financial disclosure forms was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (16).

Against: None.

Absent: Rose (1).

No. 91

RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS DETERMINING OFFICERS AND EMPLOYEES OF HERKIMER COUNTY REQUIRED TO FILE FINANCIAL DISCLOSURE FORMS

WHEREAS, the Herkimer County Legislature has, pursuant to the General Municipal Law, enacted Local Law No. 3 for the year 1990, an Ethics Law which requires a financial disclosure form to be filed by certain officers and employees of the County of Herkimer; and

WHEREAS, by Resolution No. 339 of 1990 the Herkimer County Legislature adopted a list of all officers and employees of the County who are required to file annual financial

disclosure forms, which resolution was amended to reflect changes to positions in subsequent years; and

WHEREAS, due to changes in positions and duties of officers and employees it is hereby necessary to adopt a new list, referred to as Schedule A; now, therefore, be it

RESOLVED, that all officers and employees on the attached list attached hereto marked Schedule A, be required to file a financial disclosure form as set forth in Local Law No. 3 for the year 1990; and, be it further

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

Dated: March 16, 2011.

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

On motion of Mr. Hendrix, seconded by Mr. Bono, Resolution No. 92 of the Committee on Ways and Means and the Committee on Public Safety/Emergency Management with regard to the Eminent Domain Procedure Law in connection with the construction of a new Herkimer County Correctional Facility was handed up; debate was held; Mr. Russell requested a roll call vote; the resolution was voted on and adopted by roll call vote:

For: Piseck, Keblish, Maneen, Stone, Hendrix, Hyde, Manno, Smith, Bono, Ackerman, Peplinski, Russell, Shaw, Weakley (14).

Against: Brezinski, Korce (2).

Absent: Rose (1).

No. 92

RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AND THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT WITH REGARD TO THE EMINENT DOMAIN PROCEDURE LAW IN CONNECTION WITH THE CONSTRUCTION OF A NEW HERKIMER COUNTY CORRECTIONAL FACILITY

WHEREAS, the Herkimer County Legislature has approved and authorized bonding for the construction of a new Herkimer County Correctional Facility on a parcel of land located on the New York State Route 28 in the Village of Herkimer at the former P & C site in and for the County of Herkimer,

New York, including land acquisition, and site improvement pursuant to Resolution No. 41 passed on February 10, 2011; and

WHEREAS, a certain acquisition of land is necessary to accomplish this project from the property owner, RAG Herkimer, LLC, either by purchase or by proceedings under the Eminent Domain Procedure Law (EDPL); and

WHEREAS, as required by the statutes of the State of New York, the County of Herkimer, as condemnor must comply with the provisions of Article 2 of the Eminent Domain Procedure Law; and

WHEREAS, the Herkimer County Legislature classified the construction of the new Correctional Facility at an approximate 28 acre site as Type I action under the State Environmental Quality Act (SEQRA), Article 8 of the New York State Conservation Law and Part 617, of Title, NY Codes Rules and Regulations (6NYCRR) which sets forth that the proposed action will not result in a significant adverse environmental impact, by Resolution No. 39 dated January 26, 2011; and

WHEREAS, as required by the Eminent Domain Procedure Law, an appraisal as to the value of said land has been completed by Paul K. Hatzinger Associates which appraised the real property in an amount of \$565,000.00; and

WHEREAS, it is in the public interest that an offer be made in an approved amount to the owner of said parcel of property in attempting to negotiate the acquisition of the parcel by purchase; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be and hereby is authorized and empowered to offer the sum of \$565,000 for purchase of the premises and to negotiate with the owner on behalf of the County of Herkimer for the purchase of the parcel of land necessary; and, it is further

RESOLVED, that in the event that is found to be impossible to acquire said property by purchase, the County Attorney is authorized and empowered to commence a proceeding under and pursuant to the Eminent Domain Procedure Law to acquire the property set forth and described above.

Dated: March 16, 2011.

PATRICK E. RUSSELL
DENNIS KORCE
VINCENT J. BONO
BRUCE WEAKLEY
JOHN J. PISECK, JR.
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

LEONARD R. HENDRIX
VINCENT J. BONO
JEFFREY M. STONE
DENNIS KORCE
ROBERT N. HYDE
BRUCE WEAKLEY
**Committee on Public Safety/Emergency
Management**

On motion of Mr. Bono, seconded by Mr. Brezinski, Resolution No. 93 In Memoriam to John M. Sterling was handed up; several legislators had comments and reflections about Mr. Sterling, was voted on and adopted by voice vote:

For: All ayes (16). Against: None.

Absent: Rose (1).

No. 93

IN MEMORIAM

WHEREAS, John M. Sterling departed this life on February 18, 2011; and

WHEREAS, John M. Sterling was an outstanding man of integrity who served his community and the Towns of Newport and Schuyler as a member of the Herkimer County Legislature from 1976 until 1987, where he was active in Herkimer County's affiliation with the Capital District Regional Off-Track Betting Corporation and served on its board of directors for 18 years; and

WHEREAS, Over the years, John Sterling gave freely of his time to many other community organizations, including the Herkimer County Soil and Water Conservation District, the Herkimer County Planning Board, the Mohawk Valley Nursing Home, the Folts Home and the West Schuyler United Methodist Church; and

WHEREAS, The County of Herkimer and its residents have sustained a great loss by the passing of this dedicated public servant and citizen; now, therefore, be it

RESOLVED, That the County Legislature does hereby express its deepest regrets at the decease of John M. Sterling and hope that this expression of remembrance may in some manner help console his family in their bereavement; and be it further

RESOLVED, That a copy of this Resolution be sent to Carol Sterling and that an additional copy be spread upon the minutes off this meeting.

Dated: March 16, 2011

Chairman Smith stated that pursuant to Rule 6(12) they would proceed with comments by legislators. The following legislator had comments: Mr. Peplinski.

At 8:45 p.m. on motion of Mr. Manno, seconded by Mr. Stone, the Legislature adjourned to Wednesday, April 6, 2011 at 2:00 p.m.