

**MINUTES**  
**Herkimer County Legislature**  
**First Quarter– Third Day**  
**Wednesday, April 27, 2011**  
**7:30 p.m.**

The Public Hearing on an application to received Small Cities Grant funds on behalf of Precisionmatics Company was called to order at 7:00 p.m. by John J. Piseck, Jr., Chairman of the Committee on County Planning and Development. The clerk read the notice of the public hearing. Mr. Piseck asked anyone who wished to speak, to state their name and address. There were no appearances, and the hearing was declared closed.

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 Legislator Peplinski to lead the Legislature in the Pledge of Allegiance.

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

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

Absent: Weakley (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 April 6, 2011. There were no objections and the minutes were approved.

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

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. 141 – A communication was received from ProAct, Inc. submitting the Herkimer County Discount Card Report for March. Ordered filed.

No. 142 - A communication was received from the County Auditor submitting the report of refunds of taxes made for March. Ordered filed.

No. 143 – A communication was received from the Sheriff submitting his Annual Report for 2010. Referred to the Committee on Public Safety and Emergency Management.

No. 144 – A communication was received from the Soil and Water Conservation District submitting minutes of 3/8/11. Ordered filed.

No. 145 – A communication was received from National Grid submitting the Semi-Annual PCB report. Ordered filed.

No. 146 – A communication was received from the Sheriff submitting the monthly report for March. Referred to the Committee on Public Safety and Emergency Management.

No. 147 – A communication was received from NYSAC acknowledging receipt of a resolution.

No. 148 – A communication was received from the Vice President for Administration and Finance at the College submitting request for 4 day workweek for summer of 2011. Referred to the Committees on Education and Ways and Means.

No. 149 – A communication was received from the Oneida-Herkimer Solid Waste Authority submitting draft request for proposals for public review. Ordered filed.

No. 150 – A communication was received from the Executive Director of the Youth Bureau submitting the 2010 Annual Report. Referred to the committee on County Planning and Development.

No. 151 – A communication was received from the Commissioner of Social Services submitting the 2010 Annual Report. Referred to the Committee on Human Resources.

No. 152 – A communication was received from the Oneida-Herkimer Solid Waste Management Authority submitting 2010 Annual Report. Ordered filed.

No. 153 – A communication was received from the Employment & Training Director submitting requests for approvals of Tri-County Consortium and Chief Elected Officials Agreements. Referred to the Committee on County Planning and Development.

No. 154 – A communication was received from the Budget Officer submitting request for budget amendment in connection with Employment & Training Administration. Referred to the Committee on Ways and Means.

No. 155 – A communication was received from the Budget Officer submitting request for budget amendment in connection with Youth Violence Prevention Program. Referred to the Committee on Ways and Means.

No. 156 – A communication was received from the Commissioner of Elections requesting acceptance of grant. Referred to the Committee on Administration/Veterans Affairs and the Committee on Ways and Means.

No. 157 – A communication was received from the Budget Officer recommending budget amendment in connection with receipt of Board of Elections grant. Referred to the Committee on Administration/Veterans' Affairs and the Committee on Ways and Means.

No. 158 – A communication was received from the Herkimer County HealthNet requesting acceptance of a grant. Referred to the Committees on Human Resources and Ways and Means.

No. 159 – A communication was received from the Budget Officer recommending budget amendment in connection with receipt of HealthNet grant. Referred to the Committees on Human Resources and Ways and Means.

No. 160 – A communication was received from the Budget Officer recommending budget amendment in connection with the receipt of additional funding for Bioterrorism Grant for Public Health.

No. 161 – Two communications were received from the New York State Dept. of Environmental Conservation acknowledging receipt of resolutions. Ordered filed.

No. 162 – A communication was received from Senator Seward acknowledging receipt of a resolution. Ordered filed.

No. 163 – A communication was received from Marty Smith notifying of her retirement as Republican Election Commissioner. Referred to the Committee on Administration/Veterans Affairs.

No. 164 – A communication was received from the Herkimer County Humane Society submitting their 2010 Annual Report. Ordered filed.

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

For: All ayes (16).

Against: None.

Absent: Weakley (1).

**Consent Agenda:**

115 HIGHWAYS: Adopting Annual Report of Co. Highway Supt.

116 WAYS & MEANS: Adopting annual financial report of Co. Treasurer

117 PUB. SFTY./EMER. MGMT.: Approving Monthly Report of Sheriff

**No. 115**

**REPORT AND RESOLUTION OF THE COMMITTEE ON HIGHWAYS ADOPTING ANNUAL REPORT OF COUNTY SUPERINTENDENT OF HIGHWAYS**

Your Committee on Highways, to which was referred the Annual Report of Jay W. Ewanyk, County Highway Superintendent, respectfully reports that we have examined the same, recommend the adoption of said report, and offer the following Resolution:

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

Dated: April 27, 2011.

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

**No. 116**

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS ADOPTING ANNUAL FINANCIAL REPORT OF THE HERKIMER COUNTY TREASURER**

Your Committee on Finance, to which was referred the Annual Financial Report of the Herkimer County Treasurer for the year 2010, respectfully reports that we have examined the same, recommend its adoption and offer the following Resolution:

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

Dated: April 27, 2011.

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

No. 117

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

WHEREAS, your Public Safety & Emergency Management Committee, to which was referred the report of the Sheriff for the month of March, 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 March, 2011, which report reflects an average daily population of 51.81 inmates, with an average of 25.00 inmates being boarded out in March, be approved and filed.

Dated: April 27, 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. Bono, seconded by Mr. Piseck, Report and Resolution No. 118 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:

Ayes: (16).

Against: None.

Absent: Weakley (1).

No. 118

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

WHEREAS, by communication dated April 6, 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 April 1,

2011 through March 31, 2012, in the amount of \$175,000.00 for a program entitled “Creating Healthy Places to Live, Work and Play”; and

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

WHEREAS, by letter dated April 20, 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 \$175,000.00 in funding for the Herkimer County HealthNet, Inc. to implement a program entitled “Creating Healthy Places to Live, Work and Play”, for the period April 1, 2011 through March 31, 2012; 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 Grant	\$ 87,500.00	\$262,500.00
<u>Appropriation</u>		
A4018.44000 Herkimer County HealthNet- Contracted Services	\$222,325.00	\$397,325.00

and, be it further

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

Dated: April 27, 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. Hendrix, seconded by Mr. Peplinski, Report and Resolution No. 119 of the Committee on Ways and Means amending budget in connection with Public Health Emergency Preparedness and Response for Bioterrorism was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (16).                      Against: None.

Absent: Weakley (1).

No. 119

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
AMENDING BUDGET IN CONNECTION WITH PUBLIC HEALTH EMERGENCY  
PREPAREDNESS AND RESPONSE FOR BIOTERRORISM**

WHEREAS, by resolution No. 263 adopted on October 6, 2010, this Legislature approved receipt of a Bioterrorism Grant for the period from August 10, 2010 to August 9, 2011 in the amount of \$50,000 and authorized a contract with the State of New York to provide reimbursement of expenses incurred by Herkimer County in the development of plans under said grant; and

WHEREAS, by letter dated April 20, 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 funding in the amount of \$20,750.00 under said grant; 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>
A4188.4403, Bioterrorism Grant	\$-0-	\$20,750.00
<u>Appropriation</u>		
A4188.22000, Bioterrorism – Computer Equip.	\$ 9,027.45	\$13,052.45
A4188.25000, Bioterrorism – Other Equipment	\$22,018.31	\$29,518.31
A4188.41000, Bioterrorism – Contracted Svcs.	\$11,713.50	\$20,938.50

And, be it further

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

Dated: April 27, 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 Mrs. Maneen, seconded by Mr. Shaw, Report and Resolution No. 120 of the Committee on Administration/Veterans' Affairs and the Committee on Ways and Means authorizing execution of contract for grant for Herkimer County Board of Elections and amending budget was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (16).                      Against: None.

Absent: Weakely (1).

No. 120

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

WHEREAS, by letter dated April 5, 2011, from the Commissioners of Elections your committees have been advised of the availability of certain grant funding from the State of New York for voting access for individuals with disabilities; and

WHEREAS, by letter dated April 20, 2011, Bernard E. Decker, Budget Officer and Purchasing Agent, has advised that is necessary to amend the 2011 Herkimer County Budget in connection with said grant funding now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a contract with the New York State Board of Elections in connection with the receipt of a Voting Access for Individuals with Disabilities (VOTE) grant in the amount of \$2,821.00 for FY 2010-2011; 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>		
A1450C.4089C, HHS Voting Access Grant	\$-0-	\$2,821.00
<u>Appropriation</u>		
A1450C.41000, HHS Voting Access	\$ 146.00	\$2,967.00

And, be it further



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

Dated: April 27, 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. Bono, seconded by Mr. Russell, Report and Resolution No. 121 of the Committee on Ways and Means amending budget in connection with funding for Youth Violence Prevention Program was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (16).                      Against: None.

Absent: Weakley (1).

No. 121

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
AMENDING BUDGET IN CONNECTION WITH FUNDING FOR YOUTH VIOLENCE  
PREVENTION PROGRAM**

WHEREAS, by letter dated April 20, 2011 from the Budget Officer and Purchasing Agent, this Legislature is advised that it is necessary to amend the 2011 Budget in connection with funding received from the Herkimer County STOP-DWI and Capital District Off Track Betting for the Youth Violence Prevention Program; 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>
A7310B.2350B-Youth Violence Prev. Intergovernment	\$-0-	\$3,500.00
<u>Appropriation</u>		
A7310B.44000, Youth Violence Prev., Contracted Services	\$3,151.11	\$6,651.11

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 Youth Bureau.

Dated: April 27, 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. Piseck, seconded by Mr. Hyde and Mr. Shaw, Report and Resolution No. 122 of the Committee on County Planning and Development extending Consortium Agreement and Chief Elected Officials Agreement with Oneida and Madison Counties was handed up; debate was held; was voted on and adopted by voice vote:

All ayes: (16).                      Against: None.

Absent: Weakley (1).

No. 122

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT EXTENDING THE CONSORTIUM AGREEMENT AND CHIEF ELECTED OFFICIALS AGREEMENT WITH ONEIDA AND MADISON COUNTIES**

WHEREAS, by letter dated April 18, 2011, Karin Zipko, Employment & Training Director, has requested extension of the Herkimer-Madison-Oneida Tri-County Consortium Agreement and the Chief Elected Officials Agreement for the time period of July 1, 2011 through June 30, 2014; and

WHEREAS, the purpose of these agreements is to delineate the working relationship of the Tri-County Consortium for the implementation of employment and training programs in the three counties as well as the structure of the organization for this Consortium now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute the Herkimer-Madison-Oneida Tri-County Consortium Agreement and the Chief Elected Officials Agreement on behalf of the County of Herkimer, for the time period July 1, 2011 through June 30, 2014; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Employment & Training Director, Oneida County Executive and Chairman of the Madison County Board of Supervisors.

Dated: April 27, 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. Peplinski, seconded by Mr. Shaw, Report and Resolution No. 123 of the Committee on Natural Resources and the Committee on Ways and Means setting public hearing on Introductory Local Law No. 1 for 2011 was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (16).

Against: None.

Absent: Weakley (1).

No. 123

**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES  
AND THE COMMITTEE WAYS AND MEANS, SETTING PUBLIC HEARING ON  
INTRODUCTORY LOCAL LAW NO. 1 FOR 2011**

We, the Committees on Natural Resources and Ways and Means, are causing to be prepared and will present Introductory Local Law No. 1 for 2011 entitled "A LOCAL LAW AMENDING LOCAL LAW NO. 2 FOR 2007, SECTION 603, LOCAL POLLUTANT DISCHARGE LIMITATIONS, TO CHANGE MERCURY AND NICKEL LIMITS" and offer the following Resolution:

RESOLVED, that a Public Hearing will be held before the Herkimer County Legislature on the adoption of said proposed Local Law, to be conducted by the Committee on Natural Resources on the 18<sup>th</sup> day of May, 2011 at 7:00 p.m., in the Legislature Chambers of the County Office Building, Herkimer, New York; and, be it further

RESOLVED, 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; and, be it further

RESOLVED, 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; and, be it further

RESOLVED, 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: April 27, 2011.

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

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

On motion of Mr. Russell, seconded by Mr. Ackerman, Report and Resolution No. 124 of the Committee on Ways and Means amending budget in connection with receipt of American Recovery and Reinvestment Act funds for Employment and Training Administration was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (16).                      Against: None.

Absent: Weakley (1).

No. 124

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
AMENDING BUDGET IN CONNECTION WITH RECEIPT OF AMERICAN  
RECOVERY AND REINVESTMENT ACT FUNDS FOR EMPLOYMENT AND  
TRAINING ADMINISTRATION**

WHEREAS, by letter dated April 20, 2011, from the Budget Officer and Purchasing Agent, this Legislature is advised that it is necessary to amend the 2011 Budget to reflect additional funding received under the American Recovery and Reinvestment Act of 2009 (Stimulus); now, therefore, be it

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

<u>Revenue Account:</u>	<u>From</u>	<u>To</u>
CD6330.4794A, ETA Stimulus	\$-0-	
	\$ 4,893.36	
	Dislocated Workers	
CD6327.4791A, ETA Stimulus	\$-0-	
	\$ 1,260.00	
	Adult	
 <u>Appropriation Accounts:</u>		
CD6330.46000-712, ETA Stimulus	\$ 1,351.42	\$ 3,783.44
Dislocated Workers-OJT		
CD 6330.44000, ETA Stimulus	\$-0-	\$ 2,461.34
Dislocated Workers – Cont. Services		
CD6327.46000-712, ETA Stimulus,	\$-0-	\$ 1,260.00
Adult - OJT		

and, be it further

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

Dated: April 27, 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. Manno, seconded by Mr. Shaw and Mr. Hendrix, Report and Resolution No. 125 of the Committee on Education reappointing trustee at Herkimer County Community was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (16).

Against: None.

Absent: Weakley (1).  
No. 125

**RESOLUTION OF THE COMMITTEE ON EDUCATION REAPPOINTING TRUSTEE  
AT HERKIMER COUNTY COMMUNITY COLLEGE**

WHEREAS, by Resolution No. 89 dated March 10, 2010, Kurt J. Ackerman was appointed to fill a vacancy on the Board of Trustees of Herkimer County Community College, said term to expire on the thirtieth day of June, 2011; and

WHEREAS, it is the recommendation of your Committee on Education that Kurt J. Ackerman of Little Falls, New York, be reappointed as a member of the Board of Trustees for a term of seven years; now, therefore, be it

RESOLVED, that Kurt J. Ackerman, 522 E. Monroe Street, Little Falls, New York, is hereby reappointed as a member of the Board of Trustees of Herkimer County Community College, pursuant to Section 6306 of the Education Law of the State of New York, for a term of seven years, which term shall expire on June 30, 2018; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Personnel Officer, Chancellor of the State University of New York, the Vice Chancellor for Two Years Colleges, Dean of Administration of Herkimer County Community College, Chairman of the Board of Trustees of Herkimer County Community College and Kurt J. Ackerman.

Dated: April 27, 2011.

PETER F. MANNO  
JEFFREY M. STONE  
LEONARD R. HENDRIX  
FREDERICK J. SHAW, JR.  
STEPHEN N. KEBLISH, JR.  
BERNARD PEPLINSKI, SR.  
**Committee on Education**

On motion of Mr. Korce, seconded by Mr. Bono and Mr. Shaw, Report and Resolution No. 126 of the Committees on Highways and Ways and Means accepting Herkimer County Highway Shared Services/Consolidation Study – Options for Increasing Efficiency Report was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (16).                      Against: None.

Absent: Weakley (1).

**No. 126**

**RESOLUTION OF THE COMMITTEES ON HIGHWAYS AND WAYS AND MEANS  
ACCEPTING HERKIMER COUNTY HIGHWAY SHARED SERVICES/  
CONSOLIDATION STUDY – OPTIONS FOR INCREASING EFFICIENCY REPORT**

WHEREAS, by Resolution No. 188 adopted on July 1, 2009, this Legislature authorized a contract with the Center for Governmental Research to conduct a consolidation feasibility study of highway operations and highway facilities for Herkimer County and the 30 municipalities within the County; and

WHEREAS, this Legislature has now received that study entitled “Herkimer County Highway Shared Services/Consolidation Study – Options for Increasing Efficiency”; and

WHEREAS, that report had the goal of identifying opportunities for sharing services and/or consolidation, reducing costs and improving efficiencies among highway operations in Herkimer County; and

WHEREAS, the report includes findings and options for voluntary participation in shared services or consolidation efforts by municipalities in the County which would require further actions and negotiations by proposed participants; now, therefore, be it

RESOLVED, that the Herkimer County Legislature accepts the “Herkimer County Highway Shared Services/Consolidation Study – Options for Increasing Efficiency” Report from the Center for Governmental Research, dated April 2011, as guidance for shared services and/or consolidation, with further action in connection with that study subject to approval by this Legislature; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, County Highway Superintendent and the Center for Governmental Research.

Dated: April 27, 2011.

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

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. Piseck, seconded by Mr. Hyde, Report and Resolution No. 127 of the Committee on County Planning and Development authorizing participation in the Adirondack Partnership was handed up; debate was held, was voted on and adopted by voice vote:

All ayes: (16).                      Against: None.

Absent: Weakley (1).

No. 127

**RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AUTHORIZING PARTICIPATION IN THE ADIRONDACK PARTNERSHIP**

WHEREAS, the Adirondack Partnership was created in 2010 through a Memorandum of Agreement signed by local governments, state agencies, non-profit organizations and other institutions which share a common goal of enhancing and benefiting communities, economies and the environment within the Adirondack Park; and

WHEREAS, the Adirondack Partnership serves as a forum for local governments, state agencies and non-profit organizations and other institutions to work in partnership to address complex Adirondack issues in a coordinated manner; and

WHEREAS, the Adirondack Partnership has no approval or review function for actions proposed or undertaken by individual members, or other organizations, but serves as a forum to agree upon annual and long-term priorities for advancing Adirondack community sustainability; and

WHEREAS, it is anticipated that the activities of the Adirondack Partnership will be financed through the Environmental Protection Fund, private endowments, and other grants from various funding sources, as well as in-kind/volunteer services and materials from member organizations; now, therefore, be it

RESOLVED, that the Herkimer County Legislature approves participation in the Adirondack Partnership, and the execution of a Memorandum of Agreement authorizing such participation, with no commitment of funding to the organization by the County of Herkimer without further authorization from this Legislature, and with the terms and conditions of the Memorandum of Agreement to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that Patrick E. Russell be and hereby is, designated as representative, and Frederick J. Shaw as alternate, of Herkimer County to serve on said Adirondack Partnership; and, be it further



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

Dated: April 27, 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. Hendrix, seconded by Mr. Peplinski and Mr. Stone, Report and Resolution No. 128 of the Committee on Administration/Veterans Affairs and the Committee on Ways and Means authorizing Home Rule Request was handed up; debate was held; was voted on and adopted by voice vote:

Ayes: (15).

Against: Rose (1).

Absent: Weakley (1).

No. 128

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

WHEREAS, legislation has been introduced in the New York State Senate and the New York State Assembly entitled, "AN ACT to amend the tax law, in relation to extending the period during which the county of Herkimer is authorized to impose additional sales and compensating use taxes"

In the Assembly  
In the Senate

A.7255  
S.4543

and

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

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

Dated: April 27, 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  
BERNARD PEPLINSKI, SR.  
JOHN J. PISECK, JR.  
**Committee on Ways and Means**

At 7:45 p.m., on motion of Mr. Hendrix, seconded by Mr. Hyde, the Legislature went into executive session pursuant to Section 105(d) of the Open Meetings Law.

On motion of Mr. Hyde, seconded by Mr. Manno, the Legislature came out of executive session at 8:06 p.m.

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

At 8:11 p.m. on motion of Mr. Manno, seconded by Mr. Stone, the Legislature adjourned to Wednesday, May 18, 2011 at 7:30 p.m.