

MINUTES
Herkimer County Legislature
First Quarter– Fourth Day
Wednesday, June 15, 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 Dairy Princess Jennifer Hula 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, Weakley (17).

Absent: None.

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 May 18, 2011 and the minutes of the special session held on June 3, 2011. There were no objections and the minutes were approved.

Chairman Smith dispensed with the regular to allow for the presentation of a proclamation. He called upon Legislator Bernard Peplinski who presented a proclamation to Dairy Princess Jennifer Hula and her court, in recognition of June as Dairy Month.

Chairman Smith then called on Bill Rabbia, Executive Director of the Oneida-Herkimer Solid Waste Authority, to make a presentation. Mr. Rabbia explained the “Recycleone. One and Done” Program which begins July 5, 2011 and will allow residents to place all their recyclable items together in one bin for collection. He also added that with single stream recycling they will add #7 to list of allowable plastics for recycling. Several legislators had questions and Mr. Smith thanked Mr. Rabbia for attending the session.

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

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. Mrs. Rose requested

communication no. 190 be read. Mr. Brezinski requested communication nos. 185 and 186 be read.

No. 185 – A communication was received from Senator Seward concerning Herkimer County's flood disaster assistance request. Ordered filed.

No. 186 – A communication was received from Senator Seward concerning veterans' issues legislation. Ordered filed.

No. 187 – A communication was received from the Sheriff submitting the monthly report for April. Referred to the Committee on Public Safety/Emergency Management.

No. 188 – A communication was received from NYMIR submitting subscriber accounting statement for 2010. Ordered filed.

No. 189 – A communication was received from the Department of State acknowledging receipt and filing of Local Law No. 1 for 2011. Ordered filed.

No. 190 – A communication was received from the State Office for the Aging submitting the report of the bi-annual nutrition review of the Herkimer County Office for the Aging. Ordered filed.

No. 191 – A communication was received from the Oneida-Herkimer Solid Waste Authority advising of the single stream recycling program. Ordered filed.

No. 192 – A communication was received from the Personnel Officer requesting amendment of the Deferred Compensation Plan. Referred to the Committee on Ways and Means.

No. 193 – A communication was received from the Budget Officer submitting requests for transfers. Referred to the Committee on Ways and Means.

No. 194 – A communication was received from the Budget Officer submitting request for amendment of Employment & Training Budget. Referred to the Committee on Ways and means and the Committee on County Planning and Development.

No. 195 – A communication was received from the Herkimer County Sewer District submitting Sewer Board resolution for approval. Referred to the Committee on Natural Resources.

No. 196 – A communication was received from the Personnel Officer submitting request for revision of Workplace Violence prevention Policy. Referred to the Committee on Ways and Means.

No. 197 – A communication was received from the County Treasurer requesting an increase in fees for tax searches. Referred to the Committee on Ways and Means.

No. 198 - A communication was received from the Sheriff requesting appointments to the Traffic Safety Board. Referred to the Committee on Public Safety/Emergency Management.

No. 199 – A communication was received from the Director of the Office for the Aging requesting contract for Title IIID services. Referred to the Committees on Human Resources and Human Resources.

No. 200 – A communication was received from the Soil and Water Conservation District submitting minutes of 5/10/11 meeting. Ordered filed.

No. 201 – A communication was received from the Director of the Office for Aging requesting increase for contract under EISEP. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 202 – A communication was received from the Director of Real Property Tax Services requesting renewal of contract with town of Salisbury for data collection. Referred to the Committee on Ways and Means.

No. 203 – A communication was received from the STOP-DWI Coordinator requesting appointments to the STOP-DWI Advisory Board. Referred to the Committee on Public Safety/Emergency Management.

No. 204 – A communication was received from ProAct, Inc. submitting report of discount prescription card for May. Ordered filed.

No. 205 – A communication was received from the Director of Public Health submitting requests for staffing changes and contracts. Referred to the Committees on Human Resources and Ways and Means.

No. 206 - A communication was received from the County Treasurer submitting results of In Rem Auction Sale and requesting approval of bids. Referred to the Committee on Ways and Means.

No. 207 – A communication was received from the Commissioner of Social Services requesting designation of lead agency under Supervision and Treatment Services for Juveniles Program. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 208 – A communication was received from the Commissioner of Social Services requesting renewal of contract and budget amendment for provision of TREATY Program. Referred to the committee on Human Resources and the Committee on Ways and Means.

No. 209 – A communication was received from the Budget Officer submitting request for budget amendment in connection with TREATY Program. Referred to the Committees on Human Resources and Ways and Means.

No. 210 – A communication was received from the State Comptroller’s Office submitting report of examination of County of Herkimer. Ordered filed.

No. 211 – A communication was received from the Budget Officer submitting requests for transfers of funds. Referred to the Committee on Ways and Means.

No. 212 – A communication was received from the Budget officer submitting recommendation for award of bid for bus for Old Forge Area Transportation Program for youth employment program. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

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

For: All ayes (17).

Against: None.

Absent: None.

Consent Agenda:

- 147 PUB. SFTY./EMER. MGMT.: Monthly Report of Sheriff
- 148 PUB. SFTY./EMER. MGMT.: Membership on STOP-DWI Advisory Board
- 149 WAYS & MEANS: Extension Of contract with Town of Salisbury for data collection

No. 147

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 April, 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 April, 2011, which report reflects an average daily population of 50.64 inmates, with an average of 22.37 inmates being boarded out in April, be approved and filed.

Dated: June 15, 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. 148

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

WHEREAS, a communication from Michael J. Edwards, STOP-DWI Coordinator, dated May 17, 2011, advises this Legislature that the STOP-DWI Advisory Board recommends the reappointment, appointment and replacement of certain members to the STOP-DWI Advisory Board; now, therefore, be it

RESOLVED, that the following individuals are hereby reappointed to the STOP-DWI Advisory Board to serve a term of three years commencing July 1, 2011 and ending June 30, 2014:

Hon. Christopher Farber, Herkimer County Sheriff
Mr. Peter Caiola, Business Owner, Bar and Tavern Association
Louis Patrei, City of Little Falls School Superintendent

And, be it further

RESOLVED, that Pastor Paul Bailey, 300 North Main Street is hereby appointed to the STOP-DWI Advisory to serve a term of three years commencing July 1, 2011 and ending June 30, 2014; and, be it further

RESOLVED, that the following individuals are hereby appointed to the STOP-DWI Advisory Board to fill the remainder of terms to expire June 30, 2012:

Mrs. Josephine Sohn, Director of Probation (to fill retired Probation Director Tom Montana's term)

Hon. John Brennan, Family Court Judge (to fill retired Judge LaRaia's term)

And, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Coordinator of the STOP-DWI Program and the appointees.

Dated: June 15, 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. 149

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
AUTHORIZING EXTENSION OF CONTRACT WITH THE TOWN OF SALISBURY
FOR THE COUNTY TO PROVIDE DATA COLLECTION SERVICES**

WHEREAS, by Resolution No. 164 of 2003 this Legislature approved a contract with the Town of Salisbury whereby the County would provide data collection to the Town of Salisbury for a period of one year for the sums as outlined in said Resolution, which resolution was amended and extended for additional one year periods; and

WHEREAS, by letter dated May 16, 2011, Mary Ann Barbuto, Director of the Real Property Tax Service Agency, has requested said contract be extended for an additional one year period; and

WHEREAS, it is the opinion of your Committee that it is to the mutual benefit of the County of Herkimer and the Town of Salisbury for the County of Herkimer to continue to provide said data collection services to the Town; now, therefore, be it

RESOLVED, as follows:

1. The County of Herkimer is authorized to provide data collection services to the Town of Salisbury for the period June 18, 2011 through June 18, 2012 on the number of parcels to be designated by the Town for the sum of \$10.00 per parcel per visit for Agricultural, Residential, Vacant and Public Service parcels; a cost of \$32.00 per parcel per visit for Commercial, Recreation, Community Service, Industrial and Forest and Public Parks parcels. Trailer parks shall be charged as one parcel if the park owner provides the inventory of trailers in the park. In the event that the Data Collector must collect such information, the charge shall be \$3.00 per site. The County shall be further entitled to mileage each year.

2. The Chairman of this Legislature is authorized to enter into an extension and modification of said agreement with the Town of Salisbury for the period from June 18, 2011 to June 18, 2012 with the final form of said contract to be subject to the approval of the County Attorney;

3. Certified copies of this Resolution shall be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Real Property Tax Services and the Town of Salisbury.

Dated: June 15, 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 and Mr. Stone, Report and Resolution No. 150 of the Committee on Public Safety and Emergency Management concerning membership on the Traffic Safety Board was handed up; debate was held; Mr. Hendrix offered an amendment, seconded by Mr. Stone, to remove Jay Ewanyk from the membership list and replace with Robert Vandawalker, Director of Emergency Services; the amendment was approved by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

The resolution, as amended, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 150

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT REGARDING MEMBERSHIP ON THE HERKIMER COUNTY TRAFFIC SAFETY BOARD

WHEREAS, the County of Herkimer adopted a local law on March 20, 1972, establishing the Herkimer County Traffic Safety Board, and thereafter appointed members to said Board; and

WHEREAS, by letter dated May 10, 2011, Sheriff Christopher P. Farber, acting Chairman of the Herkimer County Traffic Safety Board, has advised that the terms of certain members of said Board have expired and it is necessary to reappoint members and appoint and reappoint those completing the remaining portions of prior three year terms terms as set forth in Vehicle and Traffic Law Section 1673; now, therefore, be it

RESOLVED, that the following named persons be appointed members of the Herkimer County Traffic Safety Board for three year terms commencing immediately; with those completing the remaining portions of prior three year terms as follows:

Raymond Smith, Chairman of the Herkimer County Legislature – Dolgeville, NY – 2 yrs.
Leonard Hendrix, County Legislator – Ilion, NY – 3 years
Christopher P. Farber, Herkimer County Sheriff – Little Falls, NY – 2 years
Michael Edwards, STOP-DWI Coordinator – Herkimer, NY – 1 year
Jay Ewanyk, County Highway Superintendent – Little Falls, NY – 1 year
Donna Cammann, Clerk, Sheriff's Office – Dolgeville, NY – 1 year
James Alsante, Town of Frankfort Highway Superintendent – Frankfort, NY – 1 year
John Richard, Town of Herkimer Highway Superintendent – Herkimer, NY – 2 years
James Nightingale, Town of Ohio Highway Superintendent – Ohio, NY – 3 years
Capt. Laurie Ann DeVaul, Ilion Police Dept. – Ilion, NY- 3 years
Capt. Scott Sherer, Herkimer Police Dept. – Herkimer, NY – 2 years
Chief John Russell, Town of Webb Police Dept. – Old Forge, NY – 3 years
Chief Ronald Petrie – Frankfort Police Dept. – Little Falls, NY – 3 years
Sgt. Joseph Servidone, Little Falls Police Dept. – Herkimer, NY – 2 years
Kenneth Dodge, Town of Schuylers Supervisor – Utica, NY – 1 year

And, be it further

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

Dated: June 15, 2011.

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. Manno, Report and Resolution No. 151 of the Committee on Ways and Means amending Resolution No. 64 of 2011 concerning services in connection with Expanded In-Home Services for the Elderly Program was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

No. 151

REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND
THE COMMITTEE ON WAYS AND MEANS AMENDING RESOLUTION NO. 64 OF 2011
CONCERNING SERVICES IN CONNECTION WITH EXPANDED IN-HOME SERVICES
FOR THE ELDERLY PROGRAM

WHEREAS, by Resolution No. 64 adopted On February 16, 2011 this Legislature authorized a contract with Superior Home Health Care of Herkimer, New York, for contracted aide services for the Expanded In-Home Services for the Elderly Program (EISEP); and

WHEREAS, by letter dated May 26, 2011, Mary A. Scanlon, Director of the Office for the Aging, has requested said estimated contract amount be increased to \$57,000; now, therefore, be it

RESOLVED, that Resolution No. 64 adopted February 16, 2011 is hereby amended in Resolved No. 2 to delete the sum of \$16,000.00 and replace with the sum of \$57,000.00; and, be it further

RESOLVED, that in all other respects, said Resolution No. 64 of 2011 is hereby ratified and confirmed; and, be it further

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

Dated: June 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. Russell, seconded by Mr. Peplinski and Mr. Shaw, Report and Resolution No. 152 of the Committee on Ways and Means in regards to fees for tax searches was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 152

REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS IN REGARDS TO FEES FOR TAX SEARCHES

WHEREAS, the fee for furnishing tax searches by the County Treasurer was last established by Resolution No. 265 for the year 1992; and

WHEREAS, by communication dated June 6, 2011, Kimberlee Enea, County Treasurer, has requested said fee be increased effective July 18, 2011 to \$15.00 for a five year search, including split parcels; now, therefore, be it

RESOLVED, that commencing July 18, 2011 the charge for a five year tax search shall be the sum of \$15.00, which will include split parcels; and, be it further

RESOLVED, that a certified copy of this Resolution be forwarded to the Herkimer County Treasurer.

Dated: June 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. Piseck, seconded by Mr. Ackerman, Report and Resolution No. 153 of the Committees on Human Resources and Ways and Means authorizing contract for Title IIID Program Services for the Office for the Aging was handed up; there being no debate, was voted on and adopted by voice vote

All ayes: (17).

Against: None.

Absent: None.

No. 153

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES
AND WAYS AND MEANS AUTHORIZING CONTRACT FOR TITLE IIID PROGRAM
SERVICES FOR THE OFFICE FOR THE AGING**

WHEREAS, by letter dated May 26, 2011, Mary A. Scanlon, Director of the Office for the Aging, has requested a contract with Catholic Charities of Herkimer County for a Title IIID Program, to be implemented in conjunction with the Office for the Aging's contracted HICAP Program with Catholic Charities; and

WHEREAS, said IIID Program shall involve:

- The creation and/or distribution of consumer information about Medication Management provided to individuals or groups;
- The provision and distribution of helpful devices such as daily use pill boxes, immunization record charts, medication use calendars, etc.;
- The production and/or distribution of brochures and other educational materials dealing with drug interaction;
- Assistance to older persons with information about and/or the registration for insurance programs about prescription drugs (such as New York State's EPIC program.)

And

WHEREAS, said contract shall be for the period June 1, 2011 through December 31, 2011, with the 2011 Federal allocation to be estimated to be \$5,397.00 and the Office for the Aging to provide matching funds in the amount of \$600.00 for a total estimated contract amount of \$5,997.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a contract on behalf of the County of Herkimer with Catholic Charities of Herkimer County for the provision of a Title IIID Program as outlined above, for the period June 1, 2011 through December 31, 2011 for a total estimated contract amount of \$5,997.00, depending upon the amount made available to the Office for the Aging from the New York State Office for the Aging; 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 of Herkimer County.

Dated: June 15, 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. Weakley, seconded by Mr. Peplinski, Report and Resolution No. 154 of the Committee on County Properties approving sale of County Owned Tax Acquired Land was handed up; debate was held; was voted on and adopted by roll call vote:

For: Piseck, Rose, Keblish, Maneen, Stone, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (17).

Against: None. Absent: None.

No. 154

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PROPERTIES
APPROVING SALE OF COUNTY OWNED TAX ACQUIRED LAND**

WHEREAS, by Resolution No. 114 for the year 2011 duly adopted on April 6, 2011, this Legislature authorized and directed the sale at public auction, after due advertisement, of certain county owned tax acquired real property under the direction of the County Treasurer; and

WHEREAS, the Properties Committee of this Legislature reports that said sale was duly held pursuant to said direction on June 4, 2011 at Herkimer, New York; and

WHEREAS, pursuant to the terms of sale the successful bidder on each parcel sold is required to pay the full purchase price together with recording fee and transfer tax by June 24, 2011; and

WHEREAS, the Properties Committee reports that the total number of parcels sold at the auction sale is 64 and the total amount to be received on said sales is \$537,020.00 as shown on the lists made available to each Legislator and filed with the Clerk of the Legislature; and

WHEREAS, the Properties Committee recommends approval of each sale as set forth on the said list, and conveyance of each said parcel to the successful bidder thereon providing

payment in full of the amount bid and required fees was received by the County Treasurer's Office; and

WHEREAS, the auction terms provide that default by a purchaser for failure to meet the terms of the auction shall result in forfeiture of the required deposit; now, therefore, be it

RESOLVED, that this Legislature approves the sales by auction reported by the Properties Committee and authorizes the County Treasurer to convey each said property to the successful bidder thereon, provided said bidder has paid the required purchase price and expenses to the County Treasurer, and to make conveyance by quit claim deed and to record each said deed; and, be it further

RESOLVED, that the County Property Agent is hereby instructed to advise the County Attorney's Office of defaults by purchasers, and the County Attorney's Office is hereby instructed to bring legal procedures if necessary to enforce said provision of the auction terms, reporting thereon to the Properties Committee of this Legislature, which shall have authority to confer with the County Attorney's Office as to any proposed settlement of said proceedings; and, be it further

RESOLVED, that the County Property Agent is hereby authorized to solicit sealed bids for the sale of any of the properties which were not conveyed based on the default of purchasers provided that said County Property Agent shall submit to the Committee on County Properties any and all bids, which bids shall be subject to the approval of the full Legislature; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Property Agent, Chairman of the Committee on County Properties and the County Attorney.

Dated: June 15, 2011.

BRUCE WEAKLEY
JOHN J. PISECK, JR.
VINCENT J. BONO
JEAN E. MANEEN
JEFFREY M. STONE
KURT J. ACKERMAN
Committee on County Properties

On motion of Mr. Stone, seconded by Mr. Peplinski, Report and Resolution No. 155 of the Committee on Ways and Means amending Resolution No. 201 of 2007, as amended,

adopting Herkimer County Workplace Violence Prevention Policy was handed up; debate was held, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 155

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AMENDING
RESOLUTION NO. 201 OF 2007, AS AMENDED, ADOPTING HERKIMER COUNTY
WORKPLACE VIOLENCE PREVENTION POLICY AND PROGRAM**

WHEREAS, by Resolution No. 201 duly adopted on August 15, 2007 this Legislature adopted the Herkimer County Workplace Violence Prevention Policy and designated Steven R. Billings as program administrator, which policy was last amended by Resolution No. 205 adopted on July 21, 2010; and

WHEREAS, by letter dated June 7, 2011 from Steven R. Billings, Personnel Officer, this Legislature is advised that in order to comply with the New York State Department of Labor requirements, the current Herkimer County Workplace Violence Prevention Policy be revised to include identified risk factors and control measures that the county has put into place for those risks factors, and to include a copy of the New York Codes, Rules and Regulations 12 Part 800.6 and a Tips and Tools sheet for Workplace Violence Prevention; now, therefore, be it

RESOLVED, that Resolution No. 201 of 2007, as amended by Resolution No. 205 of 2010, is further amended to include language in the Herkimer County Workplace Violence Policy to include identified risk factors and control measures that the county has put into place for those risks factors, and to include a copy of the New York Codes, Rules and Regulations 12 Part 800.6 and a Tips and Tools sheet for Workplace Violence Prevention; and, be it further

RESOLVED, that in all other respects, said Resolution No. 201 of 2007 as amended by Resolution No. 205 of 2010, and the Herkimer County Workplace Violence Prevention Policy, as revised and attached, are hereby ratified and confirmed; and, be it further

RESOLVED, that the Herkimer County Personnel Officer is hereby authorized to update and revise said Herkimer County Workplace Violence Prevention Policy as necessary, upon receipt of approval by the Committee on Ways and Means; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Personnel Officer and each department head.

Dated: June 15, 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. Bono, seconded by Mrs. Maneen and Mr. Russell, Report and Resolution No. 156 of the Committees on Ways and Means and Human Resources amending Resolution No. 205 for the year 1995 regarding contracts for the prenatal Care Assistance program was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (17). Against: None.

Absent: None.

No. 156

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES
AND WAYS AND MEANS AMENDING RESOLUTION NO. 205 FOR THE YEAR 1995
REGARDING CONTRACTS FOR THE PRENATAL CARE ASSISTANCE PROGRAM**

WHEREAS, by Resolution No. 205 for the year 1995 this Legislature approved contracts with various providers for services required under the Prenatal Care Assistance Program (PCAP), which was subsequently amended to include additional providers; and

WHEREAS, by letter dated June 7, 2011, a request has been received from Gregory O'Keefe, MD, Director of Public Health, to enter into a contract with Kelly Hamlin, RD, to provide Nutrition Services at Prenatal Care Clinics at the rate of \$50.00 per hour for three hours per week; and

WHEREAS, your Committees have considered said request and recommend said contract be added to the list of providers of services for the Prenatal Care Assistance Program; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a contract with Kelly Hamlin, RD, to provide Nutrition Services at Prenatal Care Clinics at the rate of \$50.00 per hour for three hours per week, with said contract to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that Resolution No. 205 for the year 1995, as amended, is hereby further amended to include Kelly Hamlin, RD, to the list of providers of services to the Prenatal Care Assistance Program at the above listed rate; and, be it further

RESOLVED, that in all other respects, said Resolution No. 205 of 1995 is hereby ratified and confirmed; and, be it further

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

Dated: June 15, 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. Piseck, seconded by Mr. Bono, Report and Resolution No. 157 of the Committee on Ways and Means and the Committee on Human Resources authorizing contract for scheduling and registration service in Public Health Nursing Service under Homeland Security Grant was handed up; debate was held, was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

No. 157

REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS & MEANS AUTHORIZING CONTRACT FOR SCHEDULING AND REGISTRATION SERVICE IN PUBLIC HEALTH NURSING SERVICE UNDER HOMELAND SECURITY GRANT

WHEREAS, by letter dated June 7, 2011, Gregory O'Keefe, Director of Public Health, has requested a contract with ACC Technical Services of Syracuse, New York to complete and implement a computer solution of registration of persons and others via scanner and computer to increase efficiency of disaster, shelter and other situations in which registration and digital records are needed, at a cost of \$14,950.00; and

WHEREAS, the cost for said contract will be provided through the Homeland Security 2010-2011 Grant; now, therefore, be it

RESOLVED, that the Chairman of the Herkimer County Legislature is hereby authorized to execute a contract with ACC Technical Services, Inc., 106 Dwight Park Circle, Syracuse, New York 13209, to complete and implement a computer solution of registration of persons and others via scanner and computer to increase efficiency of disaster, shelter and other

situations in which registration and digital records are needed, at a cost of \$14,950.00; and be it further

RESOLVED, that said contract shall continue so long as 100% funded through the Homeland Security Grant for 2010-2011 and that said contract be subject to the approval of the County Attorney; and be it further

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

Dated: June 15, 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 & Means

On motion of Mr. Hyde, seconded by Mr. Keblish, Mr. Peplinski, Mr. Hendrix and Mr. Shaw, Report and Resolution No. 158 of the Committee on Natural Resources approving Sewer district resolution for appointment of Chairman of Sewer Board was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 158

**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES
APPROVING SEWER DISTRICT RESOLUTION APPOINTMENT CHAIRMAN OF
SEWER BOARD**

WHEREAS, by letter dated June 9, 2011, this Legislature is advised that the Herkimer County Sewer Board adopted a resolution on April 20, 2011 appointing Frank P. Spatto as Chairman of the Sewer Board; and

WHEREAS, this resolution has been forwarded to the Herkimer County Legislature for approval prior to its becoming effective; now, therefore, be it

RESOLVED, that this Legislature approves a resolution duly adopted by the Herkimer County Sewer District Board on April 20, 2011 appointing Frank P. Spatto to the position of Chairman of the Sewer Board; and, be it further

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

Dated: June 15, 2011.

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

On motion of Mr. Piseck, seconded by Mr. Peplinski and Mr. Weakley, Report and Resolution No. 159 of the Committees on Ways and Means and County Planning and Development amending budget in connection with receipt of TANF Summer Youth funds was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 159

**REPORT AND RESOLUTION OF THE COMMITTEES ON WAYS AND MEANS AND
COUNTY PLANNING AND DEVELOPMENT AMENDING BUDGET IN
CONNECTION WITH RECEIPT OF TANF SUMMER YOUTH FUNDS**

WHEREAS, by letter dated June 8, 2011 from the Budget Officer and Purchasing Agent, this Legislature is advised that it is necessary to amend the 2011 Budget to reflect TANF Summer Youth Program funds received from New York State; 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>
CD6291.4795, ETA -TANF		\$-0-
	\$52,330.00	

<u>Appropriation Accounts:</u>		
CD6291, ETA TANF:		
.10100-001, Salaries	\$-0-	\$ 4,000.00
.10100-022, ETA Summer Temp.	\$-0-	\$39,303.00
.41000-160, Inventory	\$-0-	\$ 150.00
.41000-205, Printing	\$-0-	\$ 150.00
..44000-370, Copier	\$-0-	\$ 100.00
.45000, Fees for Services	\$-0-	\$ 400.00
.46100-759, Mileage-Reg.	\$-0-	\$ 1,200.00
.46300, Postage & Freight	\$-0-	\$ 200.00
.81000, Retirement	\$-0-	\$ 2,171.00
.83000, Social Security	\$-0-	\$ 2,685.00
.83500, Medicare	\$-0-	\$ 628.00
.84000, Workers Comp.	\$-0-	\$ 1,343.00

and, be it further

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

Dated: June 15, 2011.

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

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. Peplinski, Mr. Piseck and Mr. Keblish, Report and Resolution No. 160 of the Committee on Ways and Means transferring 2011 funds was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 160

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
TRANSFERRING 2011 FUNDS**

WHEREAS, your Committee on Ways and Means, to which was referred a communication from the Budget Officer and Purchasing Agent dated June 8, 2011 submitting requests for transfer of funds, reports that we have examined said communication, inquired into the subject matter thereof, recommend that said transfer be made and offer the following Resolution:

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

\$374.46	From: A4189A.10000-001 Immunization Prog., Salaries To: A4189A.41000 Immunization Prog., Supplies
\$2,000.00	From: A4189A.10000-001 Immunization Prog., Salaries To: A4189A.44000-521 Immunization Prog., Rent
\$1,289.00	From: A4189A.10000-001 Immunization Prog., Salaries To: A4189A.81000 Immunization Prog., Retirement
\$429.00	From: A4189A.10000-001 Immunization Prog., Salaries To: A4189A.83000 Immunization Prog., Social Security
\$117.00	From: A4189A.10000-001 Immunization Prog., Salaries To: A4189A.83500 Immunization Prog., Medicare
\$161.00	From: A4189A.10000-001 Immunization Prog., Salaries To: A4189A.85000 Immunization Prog., Unemployment
\$1,657.00	From: A4189A.10000-001 Immunization Prog., Salaries To: A4189A.86000 Immunization Prog., Hospitalization
\$4,380.00	From: A1930.46000, Judgment and claims, Misc. Expense To: A7310.44000, Youth Bureau, Contracted Services

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

Dated: June 15, 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. Russell and Mr. Bono, Report and Resolution No. 161 of the Committee on Ways and means approving amended Resolution No. 355 of 1998 adopting State of New Deferred Compensation Plan was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (17). Against: None.

Absent: None.

No. 161

**REPORT AND RESOLUTION OF THE COMMITTEES ON WAYS AND MEANS
APPROVING AMENDING RESOLUTION NO. 355 OF 1998 ADOPTING STATE OF
NEW YORK DEFERRED COMPENSATION PLAN**

WHEREAS, by Resolution No. 355 of 1998 the County Legislature adopted the Deferred Compensation Plan for employees of the State of New York and Other Participating Public Jurisdictions for the voluntary participation of all eligible employees which would provide for a convenient and tax-favored method of saving on a regular and long-term basis; and

WHEREAS, by letter dated June 7, 2011, Steven R. Billings, Personnel Officer, has advised that the Small Business Jobs Act of 2010 now permits Deferred Compensation Plan participants to make Roth (post-tax) contributions and requests an amendment to said resolution; now, therefore, be it

RESOLVED, that Resolution No. 355 of 1998 adopting the Deferred Compensation Plan for employees of the County of Herkimer is hereby amended to permit Deferred Compensation Plan participants to make Roth (post-tax) contributions effective September 1, 2011; and, be it further

RESOLVED, that in all other respects, said Resolution No. 355 of 1998 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 and Personnel Officer.

Dated: June 15, 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. Bono, seconded by Mr. Stone, Report and Resolution No. 162 of the Committees on Human Resources and Ways and Means authorizing extension of contract with Catholic Charities of Herkimer County and the Department of Social Services for a Youth Violence Prevention Program for schools in Herkimer County and amending budget was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (17). Against: None.

Absent: None.

No. 162

REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS AND MEANS AUTHORIZING EXTENSION OF CONTRACT WITH CATHOLIC CHARITIES OF HERKIMER COUNTY AND THE DEPARTMENT OF SOCIAL SERVICES FOR A YOUTH VIOLENCE PREVENTION PROGRAM FOR SCHOOLS IN HERKIMER COUNTY AND AMENDING BUDGET

WHEREAS, by Resolution No. 147 for the year 2010 this Legislature authorized a contract between Catholic Charities of Herkimer County and the Herkimer County Department of Social Services in the amount of \$30,000.00, for the provision of the TREATY Program (Teaching Reconciliation in Education to Administrators, Teachers and Youth) for the 2010-2011 school year, which is a youth violence prevention program with a curriculum goal to make schools safer and more supportive for students; and

WHEREAS, by letter dated June 8, 2011 from Ervin J. Fuller, Commissioner of Social Services, this Legislature is advised of a request to enter into an extension of said contract with Catholic Charities of Herkimer County, to provide said TREATY Program for the 2011-2012 school year, at a total contract cost of \$27,500.00, with the additional \$2,500.00 to be funded by the Herkimer County STOP-DWI Program, and with the Herkimer County Mental Health Department to contribute \$5,000 toward said contract; and

WHEREAS, by letter dated June 8, 2011 from Bernard E. Decker, Budget Officer and Purchasing Agent, this Legislature is advised that it will be necessary to amend the 2011 Herkimer County Budget in connection with the receipt of said additional funds; now, therefore, be it

RESOLVED, that this Legislature hereby approves an extension of a contract with Catholic Charities of Herkimer County, 61 West Street, Ilion, New York, and the Herkimer County Department of Social Services, for the provision of the TREATY Program for the 2011-2012 school year to help control the threat of youth violence in schools, at a cost of \$27,500.00; and, be it further

RESOLVED, that under this contract and through funding from the Herkimer County STOP-DWI Program and the Herkimer County Mental Health Department, all schools in Herkimer County will be invited to participate in said TREATY Program; 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>		
A6010.4610, DSS - Administration	\$2,600,600.00	\$2,603,100.00
<u>Appropriation</u>		
A6070.46000, Purchase of Services – Misc. Exp.	\$ 835,500.00	\$ 838,000.00

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

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

Dated: June 15, 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 Mrs. Maneen and Mr. Hendrix, Report and Resolution No. 163 of the Committees on Human Resources and Ways and Means concerning Supervision and Treatment Services for Juveniles Program was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (17). Against: None.
 Absent: None.

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES
AND WAYS AND MEANS CONCERNING SUPERVISION AND TREATMENT
SERVICES FOR JUVENILES PROGRAM**

WHEREAS, by letter dated June 8, 2011 from Ervin J. Fuller, Commissioner of Social Services, this Legislature is advised that pursuant to the recently enacted state budget, Section 529-b of the Executive Law established the Supervision and Treatment Services for Juveniles Program (STSJP), which is designed to encourage the use of effective alternatives to detention and placement for low and medium risk youth, ensuring that detention is appropriately used for high risk youth; and

WHEREAS, said program shall provide funds for services for youth who are at risk – youth alleged to be or adjudicated as juvenile delinquents (JD’s), youth alleged to be or adjudicated as persons in need of supervision (PINS), and youth alleged to be or convicted as juvenile offenders (JO’s), in an effort to divert these youth from residential care; and

WHEREAS, said letter further advises that in order to access these funds, it is necessary for the Department of Social Services to be designated as lead agency for the purposes of planning and administering services provided under said Program, and that the Chairman of the Legislature be authorized to sign the annual plan as required for participation in the Supervision and Treatment Services for Juveniles Program; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to designate the Department of Social Services as the lead agency for the purposes of planning and administering services under the Supervision and Treatment Services for Juveniles Program (STSJP); and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to sign the annual plan as required for participation in the aforesaid Program; and, be it further

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

Dated: June 15, 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 Mrs. Maneen and Mr. Hendrix, Report and Resolution No. 164 of the Committees on Human Resources and Ways and Means for staffing change in Public Health Nursing Service 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: Rose (1).

Absent: None.

No. 164

REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS AND MEANS FOR STAFFING CHANGE IN PUBLIC HEALTH NURSING SERVICE

WHEREAS, by Resolutions No. 148 of 2010 this Legislature authorized a part-time position of Senior Clerk at the hourly rate of \$17.36, for a period of six weeks, which was extended for an additional 100 hours by Resolution No. 211 of 2010; and

WHEREAS, by letter dated June 7, 2011, Gregory O'Keefe, M.D., Director of Public Health, has requested a temporary part-time position of Senior Clerk be established effective June 1, 2011 at the hourly rate of \$17.36, not to exceed 19 ½ hours per week, for up to a maximum of 15 weeks; and

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

RESOLVED, that a temporary position of part-time Senior Clerk is hereby established effective June 1, 2011 at the hourly rate of \$17.36, not to exceed 19 ½ hours per week, for up to a maximum of 15 weeks; and, be it further

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

Dated: June 15, 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. Russell, seconded by Mr. Bono and Mr. Piseck, Report and Resolution No. 165 of the Committees on Human Resources and Ways and Means for staffing change in Public Health Nursing Service was handed up; debate was held; was voted on and adopted by roll call vote:

For: Piseck, Keblish, Maneen, Stone, Hendrix, Hyde, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (15).

Against: Rose, Brezinski (2).

No. 165

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES
AND WAYS AND MEANS FOR STAFFING CHANGE IN PUBLIC HEALTH NURSING
SERVICE**

WHEREAS, by Resolutions No. 270 of 2010 this Legislature authorized a part-time position of Community Health Nurse at the hourly rate of \$19.77, for up to 19 ½ hours per week; and

WHEREAS, by letter dated June 7, 2011, Gregory O’Keefe, M.D., Director of Public Health, has requested said part-time position of Community Health be increased for up to 21 hours per week; and

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

RESOLVED, that the position of part-time Community Health Nurse is hereby is hereby increased for not to exceed 21 hours per week,; and, be it further

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

Dated: June 15, 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. Peplinski, Report and Resolution No. 166 of the Committee on Natural Resources adopting annual report of the Herkimer County Humane Society was handed up; debate was held; was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 166

**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL
RESOURCES ADOPTING ANNUAL REPORT OF THE HERKIMER COUNTY
HUMANE SOCIETY**

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

RESOLVED, that the Annual Report of the Herkimer County Humane Society for the year 2010 be adopted and filed with the Proceedings of the Herkimer County Legislature for the year 2010.

Dated: June 15, 2011.

BERNARD PEPLINSKI, SR.

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

On motion of Mr. Russell, seconded by Mr. Shaw and Mr. Hendrix, Report and Resolution No. 167 of the Committee on County Planning and Development and the Committee on Ways and Means awarding bid for bus service for the Old Forge Area Transportation program for the 2011 Summer Youth Employment Program was handed up; debate was held; was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 167

REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AND THE COMMITTEE ON WAYS AND MEANS AWARDED BID FOR BUS SERVICE FOR THE OLD FORGE AREA TRANSPORTATION PROGRAM FOR THE 2011 SUMMER YOUTH EMPLOYMENT PROGRAM

WHEREAS, pursuant to Resolution No. 114 for the year 1993, the Herkimer County Budget Officer and Purchasing Agent is authorized to advertise for bids, on an annual basis, for the Old Forge Area Transportation Program in relation to the Summer Youth Employment Program; and

WHEREAS, by communication dated June 8, 2011, the Budget Officer has advised this Legislature that bids were received, opened and read in accordance with law for bus services in connection with the 2011 Summer Youth Employment Program to provide transportation to the Old Forge Area; and

WHEREAS, the Budget Officer advised that it is the recommendation of your Committees and the Executive Director of the Youth Bureau that a contract be awarded to the only bidder, Birnie Bus Service, Inc. of Rome, New York, in the sum of \$570.00 per bus, per day; and

WHEREAS, the Budget Officer further advises that sufficient funds are available for up to two buses per day, up to a maximum of \$76,380.00 in expenditures, with specific trips and schedules to be determined by the Herkimer County Youth Bureau; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby awards a contract to Birnie Bus Service, Inc., 248 Otis Drive, P.O. Box 630, Rome, New York 13441, for bus service for the Old Forge Area Transportation Program for the 2011 Summer Youth Employment Program in the sum of \$570.00 per bus, per day, up to a maximum of \$76,380.00 in expenditures; and, be it further

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

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Executive Director of the Youth Bureau and Birnie Bus Service, Inc.

Dated: June 15, 2011.

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

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 and Mr. Weakley, Resolution No. 168 of the Committee on Administration/Veterans' Affairs to appoint a commission to evaluate existing county legislative districts for equity and representation was handed up; debate was held. Mrs. Rose made a motion, seconded by Mr. Brezinski, to table the resolution. The motion was voted on and defeated by roll call vote:

For: Rose, Hyde, Brezinski (3).

Against: Piseck, Keblish, Maneen, Stone, Hendrix, Manno, Smith, bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (14).

Absent: None.

Mr. Peplinski made a motion, seconded by Mr. Piseck, to move the question. The motion was then voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

The resolution was then voted on and adopted by voice vote:

For: Ayes (15).

Against: Rose, Brezinski (2).

No. 168

**RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS AFFAIRS
TO APPOINT A COMMISSION TO EVALUATE EXISTING COUNTY LEGISLATIVE
DISTRICTS FOR EQUITY AND REPRESENTATION**

WHEREAS, the County of Herkimer adopted a County Charter in 1966, which establishes county legislative districts within the County of Herkimer; and

WHEREAS, the said Charter provides that the County Legislature shall appoint a commission to evaluate existing county legislative districts for equity and representation in relation to population within three months after publication of the results of each federal census; and

WHEREAS, the County Charter provides that said commission shall consist of the Commissioners of the County Board of Elections, the Chairman of the County Legislature, one person selected by the members of the majority political party in the County Legislature, and one person selected by the members of the minority party or parties represented in the County Legislature; now, therefore, be it

RESOLVED, that a commission be appointed to evaluate the existing county legislative districts for equity and representation in relation to population, to consist of the Chairman of the legislature, the Election Commissioners, one member selected by the majority party in the Legislature, said selection to be indicated by a letter filed with the clerk of this Legislature, and one member selected by the minority party in the Legislature, said selection to be indicated by a letter filed with the clerk of the Legislature; and, be it further

RESOLVED, that said Commission shall serve per the duties provided in Section 206 of the Charter of the County Legislature of the County of Herkimer; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to each member of the Commission with all convenient speed.

Dated: June 15, 2011.

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

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

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