

MINUTES
Herkimer County Legislature
Third Quarter– Third Day
Wednesday, September 7, 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 James Wallace, County Administrator, 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 July 27, 2011. There were no objections and the minutes were approved.

Pursuant to Rule 11, Chairman Smith opened the floor for public comment. The following individuals spoke on the following subjects: Marty Benedict – Jail, Carl Streeter – Lost Opportunities.

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. 262 – A communication was received from the Director of Community Services submitting July activities update. Ordered filed.

No. 263 – A communication was received from the Sheriff requesting a maintenance contract for the fire alarm system at the Correctional Facility. Referred to the Committee on Public Safety/Emergency Management.

No. 264– A communication was received from the County Auditor submitting requests for payment of extradition expenses. Referred to the Committee on Public Safety and Emergency Management.

No. 265 – A communication was received from the Commissioner of social Services requesting a memorandum of understanding with the office for the Aging for services under HEAP. Referred to the Committee on Human Resources and Ways and Means.

No. 266 – A communication was received from the Minority Leader of the Legislature naming Helen Rose to serve on the Redistricting Committee. Ordered filed.

No. 267 – A communication was received from the Majority Leader naming Patrick Russell to serve on the Redistricting Committee. Ordered filed.

No. 268 – A communication was received from the United Public Service Employees Union advising of the acceptance of the memorandum of agreement with the County. Referred to the Committee on Ways and Means.

No. 269 – A communication was received from the Director of the Office for the Aging requesting a contract renewal with Catholic Charities for MIPPA/ADRC funding. Referred to the Committee on Human Resources and Ways and Means.

No. 270 – A communication was received from the New York State Association of Counties acknowledging receipt of resolution. Ordered filed.

No. 271 – A communication was received from the Executive Director of the Youth Bureau requesting contracts for youth programs. Referred to the Committee on County Planning and Development. Ordered filed.

No. 272 – A communication was received from the Employment & Training Director requesting approval of the Workforce Investment Budget. Referred to the Committee on County Planning and Development and the Committee on Human Resources.

No. 273 – A communication was received from Senator Gillibrand acknowledging receipt of a resolution. Ordered filed.

No. 274 – A communication was received from Senator Seward acknowledging receipt of a resolution. Ordered filed.

No. 275 – A communication was received from ProAct, Inc. submitting the report of the Herkimer County Discount Prescription Card. Ordered filed.

No. 276 – A communication was received from the State Office of Real Property Tax Services submitting the equalization rates. Referred to the Committee on Ways and Means.

No. 277 – A communication was received from Capital District OTB submitting the financial report for May 2011. Ordered filed.

No. 278 – A communication was received from the County Attorney advising of a parcel to be sold by public advertisement for bids. Referred to the Committee on County Properties.

No. 279 – A communication was received from the Lieutenant Governor expressing appreciation to Chairman Smith for accepting membership to the Mohawk Valley Regional Economic Development Council. Ordered filed.

No. 280 – A communication was received from the Office of the County Attorney advising of correspondence received from the United Public Service Employees Union representing highway employees. Referred to the Committee on Ways and Means.

No. 281 – A communication was received from the County Attorney concerning retention of counsel in connection with county's application for onsite septic system for County Correctional Facility.

No. 282 – A communication was received from the County Administrator advising of receipt of grant from Office of Indigent Legal Services. Referred to the Committee on Public Safety/Emergency Management.

No. 283 – A communication was received from the District Attorney requesting acceptance of Aid to Prosecution Grant. Referred to the Committee on Public Safety/Emergency Management.

No. 284 – A communication was received from the Budget Officer submitting request for budget amendment in connection with Crime Victims Grant. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 285 – A communication was received from the Budget Officer submitting request for budget amendment in connection with Indigent Legal Services Grant. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 286 – A communication was received from the Budget Officer concerning bid for modifications to curtainwall at County Office and Courts Facility. Referred to the Committee on County Properties.

No. 287 – A communication as received from the Director of Public health requesting renewal of Public Health Preparedness Grant. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 288 – A communication was received from the Budget Officer submitting request for budget amendment in connection with Public Health Preparedness Grant (Bioterrorism). Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 289 – A communication was received from the Director of Public Health requesting renewal of Healthy Families Grant. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 290 – A communication was received from the Director of Public Health requesting contracts under the Healthy Families Grant. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 291 – A communication was received from the Director of Public Health requesting increase in on-call fee for supervisors in Public Health Nursing Service. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 292 – A communication was received from the Budget Officer submitting request for budget amendment in connection with Healthy Families Grant. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 293 – A communication was received from the Director of Public Health requesting extension of temporary position. Referred to the Committee on Human Resources and the committee on Ways and Means.

No. 294 – A communication was received from the Budget Officer submitting requests for transfers of funds. Referred to the committee on Ways and Means.

No. 295 – A communication was received from the State Office for the Aging advising of notification of grant awards. Ordered filed.

No. 296 – A communication was received from the County clerk submitting the annual report for 2010. Referred to the Committee on Administration/Veterans' Affairs.

No. 297 – A communication was received from the Sheriff submitting the monthly report for July. Referred to the Committee on Public Safety/Emergency Management.

No. 298 – A communication was received from the Village of Herkimer denying the County's request for connection to the village sewer system for the new correctional facility. Referred to the Committee on Public Safety and Emergency Management.

No. 299 – A communication was received from the Director of Probation requesting approval of alternatives to incarceration contracts. Referred to the Committee on Public Safety and Emergency Management.

No. 300 – A communication was received from Robert Grose advising of road conditions on Military Road. Referred to the Committee on Highways.

No. 301 – A communication was received from National Grid submitting Annual PCB Report. Ordered filed.

No. 302 – A communication was received from the Soil and Water Conservation District submitting minutes of 8/9/11. Ordered filed.

No. 303 – A communication was received from the Sheriff requesting approval of contracts for installation of voice recording system for Correctional Facility. Referred to the Committee on Public Safety and Emergency Management and Ways and Means.

No. 304 – A communication was received from the Director of Community Services submitting activities update for August. Ordered filed.

No. 305 – A communication was received from the Director of Public Health requesting lease of space for Healthy Families Grant. Referred to the Committee on Human Resources and Ways and Means.

No. 306 – A communication was received from the Director of Public Health requesting establishment of petty cash fund under Healthy Families Grant. Referred to the Committee on Human Resources and the Committee on Ways and Means.

On motion of Mr. Piseck, seconded by Mr. Shaw, Report and Resolution No. 205 of the Committee on County Planning and Development and the Committee on Ways and Means approving Workforce Investment Board 2011-2012 budget was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes: (17)

Against: None.

Absent: None.

No. 205

REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AND THE COMMITTEE ON WAYS AND MEANS APPROVING THE WORKFORCE INVESTMENT BOARD 2011-2012 BUDGET

WHEREAS, by letter dated July 27, 2011, Karin Zipko, Employment & Training Director, has advised that the Workforce Investment Board has prepared and submitted the General Operating Budget for 2011-2012; and

WHEREAS, the Workforce Investment Act of 1998 requires approval of said budget by the Chief Elected Officials of Herkimer, Madison and Oneida Counties; now, therefore, be it

RESOLVED, that the execution by the Chairman of this Legislature of approval of the Workforce Investment Board 2011-2012 Annual Budget is hereby authorized; 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, Chairman of the Madison County Board of Supervisors and Director of the Workforce Investment Board.

Dated: September 7, 2011.

JOHN J. PISECK
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 Mr. Piseck, seconded by Mr. Peplinski, Report and Resolution No. 206 of the Committee on County Planning and Development and the Committee on Ways and Means authorizing contracts for Youth Programs for 2011 was handed up; debate was held; was voted on and adopted by voice vote:

For: All ayes: (17).

Against: None.

Absent: None.

No. 206

REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING CONTRACTS FOR THE YOUTH PROGRAMS FOR 2011

WHEREAS, by letter dated July 20, 2011 from Regina Giacovelli, Executive Director of the Herkimer County Youth Bureau, this Legislature is advised that the New York State Office of Children and Family Services has approved Herkimer County's Resource Allocation Plan (RAP) for 2011, which includes requested State aid in the amount of \$124,886.00; and

WHEREAS, by said letter the Executive Director of the Herkimer County Youth Bureau, advises that the Youth Bureau now desires to enter into contracts for 2011 with local agencies for the implementation of the Youth Development and Delinquency Prevention Program, the Special

Delinquency Prevention program and the Runaway and Homeless Youth Program; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute contracts, subject to reimbursement from the State of New York, with the following agencies in the amounts listed:

Youth Initiatives (50% state aid/50% agency match)

1. Little Falls YMCA
15 Jackson Street, Little Falls, NY
To provide a School's Out Scholarship Program for a sum not to exceed \$3,656.00
2. Little Falls YMCA
15 Jackson Street, Little Falls, NY
To provide a program titled Community Service Youth Volunteer for a sum not to exceed \$3,045.00
3. Village of Frankfort Police Department
110 Railroad St., Suite 7, Frankfort, NY 13340
To provide a program titled Junior Police Academy for a sum not to exceed \$500.00

Youth Development and Delinquency Prevention (50% state aid/50% agency)

4. Center for Family Life and Recovery
401 Columbia Street, Suite 200, Utica, NY
To provide a program titled Short Term Preventive Services
For a sum not to exceed \$3,531.00
5. Young Women's Christian Association (YWCA)
1000 Cornelia St., Utica, NY
To provide a program titled Rape Crisis Services
Community Education for a sum not to exceed \$1,350.00
6. YMCA of the Mohawk Valley
83 E. Main St., Mohawk, NY
To provide a program titled Unsupervised Youth Alternatives
For a sum not to exceed \$2,584.00

Special Delinquency Prevention Programs (SDPP) (100% state aid)

7. Catholic Charities of Herkimer County
61 West St., Ilion, NY

To provide a program titled Domestic Violence Program
For a sum not to exceed \$1,935.00

8. Center for Family Life and Recovery
401 Columbia St., Suite 200, Utica, NY
To provide a program titled PINS Diversion
For a sum not to exceed \$10,059.00

Runaway and Homeless Youth (60% state funding, 20% agency match, 20% county match)

14. Catholic Charities of Herkimer County
61 West St., Ilion, NY
To provide a program titled Runaway and Homeless Youth
Program - \$15,119.00-state share, \$5,040.00 Catholic Charities
match, \$5,040.00 Herkimer County match
Total contract amount = \$25,199.00

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 Herkimer County Youth Bureau and the above listed agencies.

Dated: September 7, 2011.

JOHN J. PISECK
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
BERNARD PEPLINSKI, SR.
Committee on Ways and Means

On motion of Mr. Bono, seconded by Mr. Hendrix and Mr. Peplinski, Report and Resolution No. 207 of the Committees on Human Resources and the Committee on Ways and means authorizing contract renewal for Office for the Aging for MIPPA/ADRC funding was handed up; there being no discussion, was voted on and adopted by voice vote:

For: All ayes: (17).

Against: None.

Absent: None.

No. 207

REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS & MEANS AUTHORIZING CONTRACT RENEWAL FOR OFFICE FOR THE AGING FOR MIPPA/ADRC FUNDING

WHEREAS, by letter dated August 1, 2011 from Mary A. Scanlon, Director of the Office for the Aging, this Legislature is advised of a request to submit an additional application to receive MIPPA (Medicare Improvements for Patients & Providers Act)/ADRC (Aging and Disabilities Resource Center) funding; the purpose of this funding is to provide health insurance information, counseling and assistance to older individuals and their families, as defined in the MIPPA; MIPPA is specifically designed to outreach and provide direct application assistance to Medicare beneficiaries who are likely to be eligible for the Medicare Part D Low-Income Subsidy (LIS) or Medicare Savings Program (MSP); and ADRC (known in New York as NY Connects) is to also provide such information; some funds may be allocated to the Office for the Aging; covered is the period of September 30, 2011 through September 29, 2012, with an estimated award to be \$13,580.00; and

WHEREAS, this 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 submit an application and act in connection with the application to provide such information as may be required to request and implement funding for the program as follows:

- MIPPA (Medicare Improvements for Patients & Providers Act)/ADRC (Aging and Disabilities Resource Centers) for the 9/30/2011 – 9/29/2012 program year; funding is currently anticipated at \$13,580.00;
- 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 hereby authorized to execute all necessary documents in connection with the receipt and implementation of said funding 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 Catholic Charities.

Dated: September 7, 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. Bono, seconded by Mrs. Maneen, Report and Resolution No. 208 of the Committees on Human Resources and Ways and Means authorizing memorandum of understanding between the Herkimer County Department of Social Services and the Office for the Aging for Home Energy Assistance Program services was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes: (17).

Against: None.

Absent: None

No. 208

REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS AND MEANS AUTHORIZING MEMORANDUM OF UNDERSTANDING BETWEEN THE HERKIMER COUNTY DEPARTMENT OF SOCIAL SERVICES AND THE HERKIMER COUNTY OFFICE FOR THE AGING FOR HOME ENERGY ASSISTANCE PROGRAM SERVICES

WHEREAS, your Committee has been informed by letter dated August 8, 2011 from Ervin J. Fuller, Commissioner of Social Services, that a proposed memorandum of understanding has been submitted to and accepted for the Herkimer County Office for the Aging to provide services to the Herkimer County Department of Social Services under the Home Energy Assistance Program (HEAP) for applicants 60 years and older for the 2011-2012 season; and

WHEREAS, the Herkimer County Department of Social Services agrees to pay the Herkimer County Office for the Aging 25% of the Department of Social Services HEAP administrative allocation for the Home Energy Assistance Program for the year commencing August 1, 2011; and

WHEREAS, the Home Energy Assistance Program is 100% federally funded and there are sufficient monies budgeted for said services; now, therefore, be it

RESOLVED, that this Legislature hereby authorizes a Memorandum of Understanding between the Herkimer County Department of Social Services and the Herkimer County Office for the Aging which will provide for the Office for the Aging to provide services for the Home Energy Assistance Program for applicants 60 years and older commencing August 1, 2010 and the Herkimer County Department of Social Services will pay the Office for the Aging 25% of the Department of Social Services HEAP administrative funds for said services; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to sign said Memorandum of Understanding as an indication of the approval of the same by this Legislature; and, be it further

RESOLVED, that should any further additional funds be received for the 2011-2012 HEAP season, the Herkimer County Department of Social Services is hereby authorized to pass those funds on to the Office for the Aging on a pro-rated basis; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Acting County Treasurer, Auditor, Budget Officer, Director of the Office for the Aging and the Commissioner of Social Services.

Dated: September 7, 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. Weakley, Report and Resolution No. 209 of the Committees on Ways and Means and Public Safety/Emergency Management expanding the duties of environmental counsel in connection with New County Correctional Facility was handed up; debate was held; was voted on and adopted by roll call vote:

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

Against: Rose, Brezinski, Manno, Korce (4).

Absent: None.

No. 209

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AND
THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT
EXPANDING THE DUTIES OF ENVIRONMENTAL COUNSEL IN CONNECTION
WITH NEW COUNTY CORRECTIONAL FACILITY**

WHEREAS, by Resolution No. 139 adopted on May 18, 2011, Attorney Gary S. Bowitch was retained to provide environmental legal services in connection with environmental issues in the acquisition process of the land for the proposed New Herkimer County Correctional Facility at the rate of \$185.00 per hour, with expenditures for those services to be limited to \$2,500 except on further approval of this Legislature; and

WHEREAS, by letter dated August 16, 2011, Robert J. Malone, Herkimer County Attorney, has advised that Attorney Bowitch is also available to provide assistance to the County of Herkimer in connection with the County's application for an onsite septic system and the necessary approvals from the New York State Department of Environmental Conservation at the same of rate of \$185.00 per hour; and

WHEREAS, it is the opinion of your Committee that it would be advisable to retain Attorney Bowitch's services in connection with that application; now, therefore, be it

RESOLVED, that Gary S. Bowitch, Esq., be retained to render legal services as above provided at the rate of \$185.00 per hour, with expenditures for the services under both Resolution No. 139 and this Resolution to be limited to \$7,500, except upon further approval of this Legislature; and, be it further

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

Dated: September 7, 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 and
Emergency Management**

On motion Mr. Hendrix, seconded by Mr. Bono, Report and Resolution No. 210 of the Committee on Public Safety/Emergency Management and the Committee on Ways and Means authorizing payment of extradition expenses was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 210

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND
EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS
AUTHORIZING PAYMENT OF EXTRADITION EXPENSES**

WHEREAS, this Legislature, on February 28, 1994, pursuant to Section 657-a of the County Law, authorized a fund for payment in advance of audit for expenditures necessarily incurred by the Sheriff in the transportation of prisoners; and

WHEREAS, this Legislature is informed by communication from the County Auditor's office, dated July 26, 2011, that that office is in receipt of invoices and vouchers submitted by the County Sheriff's Office for services in connection with the extradition of a prisoner from North Carolina; and

WHEREAS, Section 657-a requires that said bills be audited by this Legislature; now, therefore, be it

RESOLVED, that said bills having been incurred in the regular course of business and having been examined by your Committees, be paid; and, be it further

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

Dated: September 7, 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. Weakley, seconded by Mr. Bono, Report and Resolution No. 211 of the Committee on Ways and Means authorizing sale of real property was handed up; there being no debate, 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. 211

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PROPERTIES
AUTHORIZING SALE OF REAL PROPERTY**

WHEREAS, by letter dated August 17, 2011, from Robert J. Malone, Herkimer County Attorney, your Committee has been advised that the County of Herkimer is the owner of a parcel of real property located at the intersection of New York State Route 5 and Main Street in the Town of Herkimer, having Tax Map No. 113.82-1-42, consisting of a triangular piece of property with 70 feet of frontage on Main Street and a rear line of approximately 56.70 feet; and

WHEREAS, an investigation has been made into the status of the parcel and it appears that the parcel was acquired by the County of Herkimer in 1968 and was intended to be purchased for highway purposes, for the relocation of East Albany Street, with Herkimer County being lead agency; and

WHEREAS, it now appears that the property is no longer necessary for public use because it does not border a County road and serves no other public purpose; now, therefore, be it

RESOLVED, that the above described parcel shall be sold to the highest responsible bidder after public advertisement by including this parcel in the parcels for which the County Property Agent has been authorized to solicit sealed bids for the sale of any properties which were not conveyed in the 2009 In Rem process pursuant to Resolution No. 154 adopted on June 15, 2011, which bids shall be subject to the approval of the full Legislature; and, be it further

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

Dated: September 7, 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. Hendrix, seconded by Mr. Peplinski, Report and Resolution No. 212 of the Committee on Public Safety and Emergency Management and the Committee on Ways and Means accepting grant from Division of Criminal Justice Services for Herkimer County District Attorney's Office was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 212

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS ACCEPTING GRANT FROM DIVISION OF CRIMINAL JUSTICE SERVICES FOR HERKIMER COUNTY DISTRICT ATTORNEY'S OFFICE

WHEREAS, by letter dated August 4, 2011 from the Herkimer County District Attorney's Office, this Legislature is advised of the receipt of an Aid to Prosecution Grant from the New York State Division of Criminal Justice Services, said grant to be used by the Herkimer County District Attorney's Office to expedite the processing of repeat violent and serious felony offenders; and

WHEREAS, said grant award is in the amount of \$29,200.00, with no local match required and shall be effective for the term April 1, 2011 to March 31, 2012 now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute a grant agreement on behalf of the County of Herkimer with the New York State Division of Criminal Justice Services for the receipt by Herkimer County of an Aid to Prosecution Grant in the amount of \$29,200.00 for the period from April 1, 2011 to March 31, 2012; and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature is hereby further authorized to execute any necessary documents and e-sign the contract for funding in connection with the receipt of additional grant funds; and, be it further

RESOLVED, that said program shall continue so long as 100% NYS funding is available; and, be it further

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

Dated: September 7, 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. Hyde, seconded by Mr. Weakley, Report and Resolution No. 213 of the Committee on Ways and Means and the Committee on Public Safety and Emergency Management amending budget in connection with Crime Victims Services Grant for District Attorney's office was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: none.

No. 213

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AND
THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT
AMENDING BUDGET IN CONNECTION WITH CRIME VICTIMS SERVICES
GRANT FOR DISTRICT ATTORNEY’S OFFICE**

WHEREAS, by letter dated August 18, 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 funding for the 2011/2012 the Crime Victims Services Grant for the District Attorney’s Office; 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>
A1169.3389C, Crime Victims Grant	\$ -0-	\$54,291.00
 <u>Appropriation:</u>		
A1169.10000-001, Crime Victims Services - Salaries	\$30,794.24	\$71,796.24
A1169.41000, Crime Victims Services-Supplies	\$ 200.00	\$ 2,200.00
A1169.41000-160, Crime Victims Services – Inventory	\$ -0-	\$ 137.00
A1169.42100, Crime Victims Services - Telephone	\$ -0-	\$ 500.00
A1169.46300, Crime Victims Services-Postage	\$ 400.00	\$ 800.00
A1169.81000, Crime Victims Services -Retirement	\$ 1,592.25	\$ 7,333.25
A1169.83000, Crime Victims- Services r- Social Security	\$ 2,030.59	\$ 4,572.59
A1169.83500, Crime Victims Services -Medicare	\$ 466.83	\$ 1,062.83
A1169.84000, Crime Victims Services – Workers Comp.	\$ 1,018.97	\$ 2,289.97
A1169.86500, Crime Victims Services - Dental	\$ 200.00	\$ 302.00

and, be it further

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

Dated: September 7, 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. Bono, seconded by Mr. Peplinski, Report and Resolution No. 214 of the Committee on Ways and Means ratifying agreement between the County of Herkimer and the United Public Service Employees Union 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, Shaw, Weakley (15).

Against: Rose, Russell (2).

Absent: None.

No. 214

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
RATIFYING AGREEMENT BETWEEN THE COUNTY OF HERKIMER AND THE
UNITED PUBLIC SERVICE EMPLOYEES UNION**

WHEREAS, by letter dated August 8, 2011 from the Herkimer County Attorney's office, this Legislature is advised that your Committee on Ways and Means has met with representatives of the United Public Service Employees Union, which represents certain employees of the Herkimer County Highway Department, to negotiate their proposals concerning wages and salaries and terms and conditions of employment and after due deliberation and consideration, your Committee has entered into an agreement with said United Public Service Employees Union, subject to ratification by the Herkimer County Legislature; and

WHEREAS, by letter dated August 5, 2011, the representative of United Public Service Employees Union has advised that on August 4, 2011 the membership of said Union voted to ratify the new memorandum of agreement; and

WHEREAS, the Herkimer County Legislature is satisfied that the ratification of this Agreement is in the best interest of both the County of Herkimer and its employees represented by the United Public Service Employees Union; now, therefore, be it

RESOLVED:

1. That the Herkimer County Legislature hereby ratifies and approves the agreement entered into by its Committee on Ways and Means with the United Public Service Employees Union covering a term of four years retroactive to January 1, 2009;

2. That the Chairman of the Herkimer County Legislature be, and he hereby is, authorized to execute said agreement on behalf of the County of Herkimer;

3. That the Salary Schedule for the year 2011 be amended to reflect the changes in wages and salaries required by this agreement.

4. That certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer, United Public Service Employees Union and County Highway Superintendent.

Dated: September 7, 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. 215 of the Committee on Public Safety and Emergency Management and the Committee Ways and Means accepting grant from Office of Indigent Legal Services was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 215

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS ACCEPTING GRANT FROM OFFICE OF INDIGENT LEGAL SERVICES

WHEREAS, by letter dated August 18, 2011 from James W. Wallace, Jr., County Administrator, your Committees were advised of the receipt of an Indigent Legal Services Fund Grant from the State Office of Indigent Legal Services, with said grant to be used to improve the quality and time lines of services provided under Article 18-B of the County Law; and,

WHEREAS, said grant award is in the amount of \$9,780.00, with no local match required, and shall be effective for the term June 1, 2011 to May 31, 2012; and

WHEREAS, , by letter dated August 18, 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 said funding; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute a grant agreement on behalf of the County of Herkimer with the New York State Office of Indigent Legal Services for the receipt by Herkimer County of an Indigent Legal Services Fund Grant in the amount of \$9,780.00, for the period from June 1, 2011 to May 31, 2012; and, be it further

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

<u>Revenue:</u>	<u>From:</u>	<u>To:</u>
A1170A.3089F, State Aid, Indigent Legal Services	\$-0-	\$9,780.00
 <u>Appropriation:</u>		
A1170A.41000, Indigent Legal Services Grant – Supplies	\$-0-	\$3,250.00
A1170A.46000, Indigent Legal Services Grant – Miscellaneous Expense	\$-0-	\$1,330.00
A1170A.44000, Indigent Legal Services Grant – Contracted Services	\$-0-	\$5,200.00

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

Dated: September 7, 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. Bono, seconded by Mr. Peplinski, Mrs. Maneen and Mr. Hendrix, Report and Resolution No. 216 of the Committee on Human Resources and the Committee on Ways and Means accepting grant and amending budget for Healthy Families Program was handed up; debate was held; Mrs. Rose made a motion, seconded by Mr. Brezinski, to table the resolution; the motion was defeated by voice vote:

For: ayes (14).

Against: Rose, Hyde, Brezinski (3).

Absent: None.

The resolution was then adopted by voice vote:

For: ayes (15).

Against: Rose, Brezinski (2).

Absent: None.

No. 216

REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS ACCEPTING GRANT AND AMENDING BUDGET FOR HEALTHY FAMILIES PROGRAM

WHEREAS, by letter dated August 15, 2011, Dr. Gregory O’Keefe, MD, Director of Public Health, has requested renewal of the grant for the Healthy Families New York Home Visiting Program, which will be used to improve the health and well being of children and families in Herkimer County, and further requests authorization for the Chairman of the Legislature to sign said grant by electronic signature; and

WHEREAS, by letter dated August 18, 2011, from Bernard E. Decker, this Legislature is advised that it will be necessary to amend the 2010 Herkimer County Budget in connection with the receipt of said grant in the amount of \$284,434.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to complete by electronic signature a contract with the New York State Department of Health to receive the fifth Healthy Families Grant for Herkimer County in the amount of \$284,434.00 for the period September 1, 2011 to August 31, 2012; and, be it further

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

Revenue:

A4189H.4401 Federal Aid, Public Health Healthy Families	From:	\$0
	To:	\$284,434.00

Appropriation

A4189H.10000-001 Healthy Families NY, Salaries	From:	\$38,972.51
	To:	\$85,872.51
A4189H.41000 Healthy Families NY, Supplies	From:	\$29,028.76

	To:	\$32,039.76
A4189H.42100 Healthy Families NY, Telephone	From:	\$0
	To:	\$75.00
A4189H.43000 Healthy Families NY, Insurance	From:	\$0
	To:	\$130.00
A4189H.44000 Healthy Families NY, Cont. Services	From:	\$145,606.53
	To:	\$332,828.53
A4189H.44000-521 Healthy Families NY, Rent	From:	\$0
	To:	\$9,518.00
A4189H.46000-678 Healthy Families NY, Advertising	From:	\$0
	To:	\$150.00
A4189H.46100 Healthy Families NY, Mileage	From:	\$2,315.04
	To:	\$20,315.04
A4189H.46100-745 Healthy Families NY, Conference	From:	\$0
	To:	\$500.00
A4189H.46200 Healthy Families NY, Auto Expense	From:	\$0
	To:	\$79.00
A4189H.46300 Healthy Families NY, Postage	From:	\$3,362.50
	To:	\$3,482.50
A4189H.81000 Healthy Families NY, Retirement	From:	\$2,306.00
	To:	\$7,212.00
A4189H.83000 Healthy Families NY, Social Security	From:	\$1,994.10
	To:	\$4,902.10
A4189H.83500 Healthy Families NY, Medicare	From:	\$466.27
	To:	\$1,146.27
A4189H.84000 Healthy Families NY, Worker's Comp.	From:	\$1,231.93
	To:	\$2,966.93
A4189H.85000 Healthy Families NY, Unemployment	From:	\$313.00
	To:	\$782.00
A4189H.86000 Healthy Families NY, Hospitalization	From:	\$6,140.81
	To:	\$14,171.81

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: September 7, 2011.

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

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

On motion of Mr. Bono, seconded by Mr. Stone, Report and Resolution No. 217 of the Committee on Human Resources and the Committee on Ways and Means authorizing contract with Center for Family Life and Recovery and Family Nurturing Center in connection with implementation of Healthy Families Program was handed up; debate was held, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 217

REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND WAYS AND MEANS AUTHORIZING CONTRACTS WITH CENTER FOR FAMILY LIFE AND RECOVERY AND THE FAMILY NURTURING CENTER IN CONNECTION WITH IMPLEMENTATION OF HEALTHY FAMILIES PROGRAM

WHEREAS, by Resolution No. 216 adopted this date, this Legislature approved a renewal of a contract with the New York State Department of Health to receive a Healthy Families New York Grant in the amount of \$284,434.00 to improve the health and well being of children and families in Herkimer County; and

WHEREAS, by letter dated August 17, 2011 from Gregory O'Keefe, MD, Director of Public Health, this Legislature is advised of a request for approval to enter into contracts to implement said Healthy Families New York Home Visiting Program, with the Center for Family Life and Recovery (previously known as Family Services of the Mohawk Valley) in the amount of \$172,501.00, and the Family Nurturing Center New York, in the amount of \$13,621.00, said contracts to be for the period from September 1, 2011 to August 31, 2012; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a contract with the Center for Family Life and Recovery, Inc. 401 Columbia Street, Utica, New York, in the amount of \$172,501.00, and to authorize a contract with the Family Nurturing Center New York, Inc., 209 Elizabeth Street, Utica, New York, in the amount of \$13,621.00, in connection with the implementation of the Healthy Families New York Grant administered by the Herkimer County Public Health Nursing Service, said contracts to be for the period September 1, 2011 to August 31, 2012, with the terms subject to the approval of the County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Public Health, the Center for Family Life and Recovery, and the Family Nurturing Center of Central New York, Inc.

Dated: September 7, 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, Mr. Peplinski and Mr. Ackerman, Report and Resolution No. 218 of the Committees on Human Resources and Ways and Means amending budget and authorizing contract in connection with receipt of grant funds for Public Health Emergency Preparedness was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 218

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

WHEREAS, by letter dated August 15, 2011, from Gregory O’Keefe, MD, Director of Public Health, this Legislature is advised of receipt of a Public Health Preparedness Grant (Bioterrorism) for the period from August 10, 2011 to August 9, 2012 in the amount of \$50,000 and requests a contract with the State of New York to provide reimbursement of expenses incurred by Herkimer County in the development of plans under said grant; and

WHEREAS, by letter dated August 18, 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 said funding; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a contract with the State of New York for a Public Health Preparedness Grant (Bioterrorism) for the period from August 10, 2011 to August 9, 2012 in the amount of \$50,000, to provide reimbursement for expenses incurred by Herkimer County in the development of a Public Health Emergency Preparedness Plan; and, be it further

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

<u>Revenue</u>	<u>From</u>	<u>To</u>
A4188.4403, Bioterrorism Grant	\$20,750.00	\$70,750.00
 <u>Appropriation</u>		
A4188.25000, Bioterrorism – Other Equipment	\$21,618.31	\$45,118.31
A4188.41000, Bioterrorism – Supplies	\$20,938.50	\$29,938.50
A4188.46000, Bioterrorism – Misc. Expense	\$ 8,985.24	\$24,985.24
A4188.46100, Bioterrorism – Mileage/Travel	\$ 2,053.99	\$ 3,553.99

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: September 7, 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. Ackerman, Report and Resolution No. 219 of the Committee on Ways and Means and the Committee on Human Resources approving increase for on-call supervisors in the Public Health Nursing Service 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. 219

REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND
THE COMMITTEE ON WAYS AND MEANS APPROVING INCREASE FOR ON-CALL
SUPERVISORS IN THE PUBLIC HEALTH NURSING SERVICE

WHEREAS, by letter dated August 18, 2011, Gregory O’Keefe, MD, Director of Public Health, has requested an increase in the hourly on-call fee for Supervisors in the Public Health Nursing Service from the current fee of \$1.25 per hour to \$2.00 per hour; and

WHEREAS, your Committees have considered said request and recommend the implementation of said increase; now, therefore, be it

RESOLVED, that the hourly on-call fee for Supervisors in the Public Health Nursing Service be increased from \$1.25 per hour to \$2.00 per hour, effective this date; 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: September 7, 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. Hyde and Mr. Piseck, Report and Resolution No. 220 of the Committee on County Properties rejecting bid and authorizing rebidding for curtainwall at Herkimer County Office and Courts Facility was handed up; debate was held, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 220

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PROPERTIES
REJECTING BID AND AUTHORIZING REBIDDING FOR CURTAINWALL AT
HERKIMER COUNTY OFFICE AND COURTS FACILITY**

WHEREAS, by letter dated August 18, 2011, the Budget Officer/Purchasing Agent has advised that bids were received, opened and read in accordance with law for a modification to the curtainwall of the Herkimer County Office and Courts Facility, which would add a roof and EIFS system to the existing curtainwall structure to address water and ice problems with the current glass roof; and

WHEREAS, after review of the bids it is the recommendation of the Budget Officer and Project Architect, March Associates, that all bids be rejected and the project be rebid with modified specifications; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby rejects all bids for a modification to the curtainwall of the Herkimer County Office and Courts Facility, which would add a roof and EIFS system to the existing curtainwall structure to address water and ice problems with the current glass roof, and that the Herkimer County Budget Officer/Purchasing Agent is authorized and directed to re-advertise for bids for said purpose, 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 and Budget Officer.

Dated: September 7, 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. Russell, seconded by Mr. Weakley, Report and Resolution No. 221 of the Committee on Ways and Means transferring funds was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

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

WHEREAS, your Committee on Ways & Means, to which was referred a communication from the Budget Officer and Purchasing Agent dated August 19, 2011, submitting requests for transfers of funds, reports that we have examined said communication, inquired into the subject matter thereof recommend that said transfers be made and offer the following Resolution:

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

\$7,200.00	From: A4012.10000-001 Long Term Care, Salaries To: A4012.44000 Long Term Care, Cont. Services
\$1,089.00	From: A7310.44000 Youth Bureau, Cont. Services To: A7310.22000 Youth Bureau, Computer Equipment
\$800.00	From: A1169.10000-001 Crime Victim's Coord., Salaries To: A1169.22000 Crime Victim's Coord., Computer Equip.
\$418.00	From: A1169.10000-001 Crime Victim's Coord., Salaries To: A1169.41000 Crime Victim's Coord, Supplies
\$60.00	From: A1169.1000-003 Crime Victim's Coord., In Lieu of Ins. To: A1169.41000 Crime Victim's Coord., Supplies
\$1,000.00	From: A1169.46000 Crime Victim's, Misc. To: A1169.22000 Crime Victim's, Comp. Equip
\$75.00	From: A1340.44000 Budget & Purchasing, Cont. Services To: A8020.41000 Herkimer Co. Planning Bd., Supplies
\$2,766.37	From: A3150.40700, Jail – Computer Software To: A3150.25000, Jail – Other Equipment

and be it further,

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

Dated: September 7, 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 Mr. Bono, seconded by Mr. Shaw, Report and Resolution No. 222 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, Rose, Keblish, Maneen, Stone, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (17).

Against: None.

Absent: None.

No. 222

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. 164 adopted on June 15, 2011 this Legislature established a temporary part-time position of Senior Clerk at the hourly rate of \$17.36, effective June 1, 2011 not to exceed 19 ½ hours per week, for up to a maximum of 15 weeks; and

WHEREAS, by letter dated August 9, 2011, Gregory O’Keefe, M.D., Director of Public Health, has requested an extension of said position to December 31, 2011 to complete necessary training of full-time staff; 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 established by Resolution No. 164, 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, is hereby extended to December 31, 2011; 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: September 7, 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. Hendrix and Mr. Hyde, Report and Resolution No. 223 of the Committee on Public Safety/Emergency Management approving monthly report of Sheriff was handed up; debate was held, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 223

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 July, 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 July, 2011, which report reflects an average daily population of 64.62 inmates, with an average of 34.52 inmates being boarded out in July, be approved and filed.

Dated: September 7, 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. Hyde, seconded by Mr. Bono, Resolution No. 224 of the Committee on Public Safety and Emergency Management authorizing execution of Alternatives to

Incarceration contracts was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 224

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

WHEREAS, by communication dated August 22, 2011 from Josephine Sohn, Director of Probation, advises that funding for the 2011 annual contracts for the Pre-Trial Release and Community Service Programs have received a decrease in funding from the proposed tentative allocation and requests authorization for the Chairman of the Legislature to execute by e-signature said contracts; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute and e-sign the annual contracts for the Pre-Trial Release and Community Services Programs for the period January 1, 2011 through December 31, 2011, which has been modified from \$15,792 to \$13,088; 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: September 7, 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. Hendrix, seconded by Mr. Weakley, Report and Resolution No. 225 of the Committee on Public Safety/Emergency Management and the Committee on Ways and Means authorizing agreement for voice recorder located at the Herkimer County Correctional Facility was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 225

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING AGREEMENT FOR VOICE RECORDER LOCATED AT THE HERKIMER COUNTY CORRECTIONAL FACILITY

WHEREAS, by letter dated April 20, 2009, Christopher P. Farber, Sheriff, has advised your Committees of a request to enter into a contract with Business Electronics, Inc. for the installation of a Verint Audiolog 16 Channel Voice Recording Solution for at Herkimer County Correctional Facility at an annual cost of \$16,785.00, which is \$3,235.65 less than the state contract price; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a contract with Business Electronics, Inc., 1492 Highland Avenue, Unit 4, Cheshire, CT 06410 for the installation of a Verint Audiolog 16 Channel Voice Recording Solution at the Herkimer County Correctional Facility for, at a cost of \$16,785.00, with said agreement to be subject to 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, Sheriff and Business Electronics, Inc.

Dated: September 7, 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. Bono, seconded by Mr. Hendrix, Report and Resolution No. 226 of the Committees on Human Resources and Ways and Means authorizing lease in connection with implementation of Healthy Families Program was handed up; debate was held, was voted on and adopted by voice vote:

For: ayes (17).

Against: Rose (1).

Absent: None.

No. 226

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND
WAYS AND MEANS AUTHORIZING LEASE IN CONNECTION WITH
IMPLEMENTATION OF HEALTHY FAMILIES PROGRAM**

WHEREAS, by Resolution No. 216 adopted this date, this Legislature approved a renewal of a contract with the New York State Department of Health to receive a Healthy Families New York Grant in the amount of \$284,434.00 to improve health and well being of children and families in Herkimer County; and

WHEREAS, by letter dated September 1, 2011 from Gregory O'Keefe, MD, Director of Public Health, this Legislature is advised of a request for approval to enter into a lease with Cale-Glens Falls, Inc. for program space located at 257 North Main Street, Herkimer, New York, in connection with the implementation of the Healthy Families New York Home Visiting Program, said lease to be for a period of one year at a cost of \$10,800.00, with yearly utility costs to be approximately \$3,000.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a one year lease agreement with the Cale-Glens Falls, Inc. for program space located at 257 North Main Street, Herkimer, New York, in connection with the implementation of the Healthy Families New York Grant administered by the Herkimer County Public Health Nursing Service, said lease to be in the amount of \$10,800.00, with the terms subject to the approval of the County Attorney; and, be it further

RESOLVED, that said lease shall continue for one year so long as 100% funding is provided through the Healthy Families Program Grant; 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 Cale-Glens Falls, Inc.

Dated: September 7, 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
Committee on Ways and Means

On motion of Mr. Bono, seconded by Mrs. Maneen, Report and Resolution No. 227 of the Committee on Human Resources and the Committee on Ways and Means establishing petty cash fund under Healthy Families Program was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 227

REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS ESTABLISHING PETTY CASH FUND UNDER HEALTHY FAMILIES PROGRAM

WHEREAS, by letter dated September 7, 2011, Gregory O'Keefe, Director of Public Health, has advised that there are situations under the Healthy Families Program which necessitate immediate action requiring funds for emergency family and infant supplies; and

WHEREAS, said letter further requests the establishment of a petty cash account in the amount of \$150.00 under the Healthy Families Program, to be available for such situations, with all expenses to be verified with receipts; now, therefore, be it

RESOLVED, that a petty cash account in the amount of \$150.00, be and hereby is established under the Healthy Families Program, to be accounted for by the Director of Public Health under the provisions of County Law Section 371; 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: September 7, 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. Weakley, Resolution No. 228 extending the rate of taxes on sales and uses of tangible personal property and of certain services, and on occupancy of hotel rooms and the amusement charges, pursuant to Article 29 of the Tax law of the State of New York was handed up; debate was held, was voted on and adopted by roll call vote:

For: Piseck, Keblish, Maneen, Stone, Hendrix, Hyde, Smith, Bono, Ackerman, Peplinski, Russell, Shaw, Weakley (13).

Against: Rose, Brezinski, Manno, Korce (4).

Absent: None.

No. 228

RESOLUTION OF THE LEGISLATURE OF THE COUNTY OF HERKIMER, EXTENDING THE RATE OF TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, AND ON OCCUPANCY OF HOTEL ROOMS AND AMUSEMENT CHARGES, PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK

Be it enacted by the Legislature of the County of Herkimer as follows:

SECTION 1. The first sentence of section two of Resolution No. 344 as enacted in nineteen hundred eighty-seven, as amended, is amended to read as follows:

Section 2. Imposition of sales tax.

On or after March 1, 1988, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing September 1, 1994, and ending November 30, 2013, there is hereby imposed and there shall be paid an additional tax of one percent upon:

SECTION 2. Subdivision (f) of section three of Resolution No. 344 as enacted in nineteen hundred eighty-seven, as amended, is amended to read as follows:

(f) With respect to the additional tax of one percent imposed for the period commencing September 1, 1994, and ending November 30, 2013, the provision of subdivisions (a), (b), (c), (d) and (e) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (c) and (d) to an effective date shall be read as referring to September 1, 1994, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to May 1, 1994, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to August 31, 1994. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to September 1, 1994, any transaction which may not be subject to the additional tax imposed effective on that date.

SECTION 3. Section four of Resolution No. 344 as enacted in nineteen hundred eighty-seven, as amended, is amended to read as follows:

Section 4. Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this enactment, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after September 1, 1994, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business or (ii) if the items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7), and (8) of subdivision (c) of section two, (D) of any tangible personal property, however acquired, where not acquired for purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section two have been performed, (E) of any telephone answering service described in subdivision (b) of section two and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For the purposes of clause (A) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending November 30, 2013, the tax shall be at the rate of four percent, and on and after December 1, 2013, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for

shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of Clause (B) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending November 30, 2013, the tax shall be at the rate of four percent, and on and after December 1, 2013, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere

storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending November 30, 2013, the tax shall be at the rate of four percent, and on and after December 1, 2013, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for the purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of any addition or capital improvement to such real property, property or land.

(f) For the purposes of clauses (C), (D) and (E) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending November 30, 2013, the tax shall be at the rate of four percent, and on and after December 1, 2013, the tax shall be at the rate of three percent, of the consideration given, or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For the purposes of clause (F) of subdivision (a) of this section, for the period commencing September 1, 1994, and ending November 30, 2013, the tax shall be at the rate of four percent, and on and after December 1, 2013, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or other creator shall not be deemed a taxable use by such person.

SECTION 4. Section 4-A of Resolution No. 344 as enacted in nineteen hundred eighty-seven, as amended, is amended to read as follows:

Section 4-A. Imposition of additional rate of sales and compensating use taxes.

Pursuant to the authority of section 1210-E of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional one-quarter of one percent rate of such sales and compensating use taxes, for the period beginning December 1, 2007, and ending November 30, 2013. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

SECTION 5. Subdivision (k) of section six of Resolution No. 344 as enacted in nineteen hundred eighty-seven, as amended, is amended to read as follows:

(k) Exemption of certain energy sources and related services from additional one percent rate of tax. Notwithstanding any inconsistent provision of this resolution, receipts from the retail sale or use of fuel oil and coal used for residential purposes; the receipts from the retail sale or use of wood used for residential heating purposes; and the receipts from every sale, other than for resale, or use of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services used for residential purposes shall be exempt from the additional one percent rate of sales and compensating use taxes imposed by sections 2 and 4, respectively, of this resolution for the period commencing September 1, 1994, and ending November 30, 2013.

SECTION 6. Paragraphs (B) and (C) of subdivision one of section eleven of Resolution No. 344 as enacted in nineteen hundred eighty-seven, as amended, are amended to read as follows:

(B) With respect to the additional tax of one percent imposed for the period beginning September 1, 1994, and ending November 30, 2013, in respect to the use of property used by the purchaser in this County prior to September 1, 1994.

(C) With respect to the additional tax of one-quarter of one percent imposed for the period beginning December 1, 2007, and ending November 30, 2013, in respect to the use of property used by the purchaser in this County prior to December 1, 2007.

SECTION 7. Subdivisions (d) and (f) of section 14 of Resolution No. 344 of nineteen eighty-seven, as amended, are amended to read as follows:

(d) During the period commencing June 1, 2006, and ending November 30, 2013, net collections from the additional one percent rate of tax shall be retained for county purposes.

(f) Notwithstanding any contrary provision of law, with respect to the additional one-quarter of one percent rate of sales and compensating use taxes imposed pursuant to the authority of section twelve hundred ten-E of the New York Tax Law for the period beginning December 1, 2007, and ending November 30, 2013, the county shall use all net collections from such additional one-quarter of one percent rate to pay the county's expenses for the construction of additional correctional facilities. Such net collections shall be deposited in a special fund to be created by the county separate and apart from any other funds and accounts of the county. Any and all remaining net collections from such additional tax, after the expenses of such construction are paid, shall be deposited by the county in the general fund of the county for any county purpose.

SECTION 8. This enactment shall take effect December 1, 2011.

Dated: September 7, 2011.

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

Chairman Smith stated that pursuant to Rule 6(12) they would proceed with comments by legislators. The following legislators had comments: Stone, Rose, Piseck, Chairman Smith, Bono, Shaw, Korce, Hyde, Hendrix, Russell.

At 9:00 p.m. on motion of Mr. Manno, seconded by Mr. Stone, the Legislature adjourned to Wednesday, October 5, 2011 at 2:00 p.m.