

**MINUTES**  
**Herkimer County Legislature**  
**Fourth Quarterly Session**  
**Wednesday, October 5, 2011**  
**2:00 p.m.**

The Fourth Quarterly Session of the Herkimer County Legislature was called to order by Chairman Raymond Smith at 2:00 p. m.

Chairman Smith called on Edgar Scudder, Director of Community Services, 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 September 7, 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: Carl Streeter: Specifics - Jail.

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. 307 – A communication was received from the Family of James Wallace, Sr., with thanks for the recent expression of sympathy. Ordered filed.

No. 308 – A communication was received from the Oneida-Herkimer Solid Waste Authority submitting recent minutes and adopted resolutions. Ordered filed.

No. 309 – A communication was received from the Director of Community Services requesting approval for a contract with a psychiatrist. Referred to the Committees on Human Resources and Ways and Means.

No. 310 – A communication was received from the State Division of Criminal Justice Services with a status report on “Leandra’s Law”. Ordered filed.

No. 311 – A communication was received from the Director of the Office for the Aging requesting registered dietician services. Ordered filed.

No. 312 – A communication was received from the Sheriff requesting approval of agreement with the State Office of General Services in connection with USDA food services. Referred to the Committee on Public Safety/Emergency Management.

No. 313 – A communication was received from the Herkimer County Soil and Water Conservation District submitting minutes of 9/13/11. Ordered filed.

No. 314 – A communication was received from the Chairman of the Legislature concerning membership on Office for Aging Advisory Board. Referred to the Committee on Human Resources.

No. 315 – A communication was received from the County Treasurer submitting the report of canceled and rejected taxes. Referred to the Committee on Ways and Means.

No. 316 – A communication was received from the Director of Real Property Tax Services submitting the county equalization rates. Referred to the Committee on Ways and Means.

No. 317 – A communication was received from the Director of Public Health requesting on call pay for two registered nurses. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 318 – A communication was received from Capitol District OTB submitting financial reports for June and July. Ordered filed.

No. 319 – A communication was received from D’Arcangelo & Co. submitting financial statements for 2010. Ordered filed.

No. 320 – A communication was received from the STOP-DWI Coordinator submitting the 2012 STOP-DWI Plan. Referred to the Committee on Public Safety and Emergency Management.

No. 321 – A communication was received from the Budget Officer requesting a budget amendment for the Youth Bureau. Referred to the Committee on Ways and Means.

No. 322 – A communication was received from the Budget Officer submitting requests for transfers in the Social Services Department. Referred to the Committee on Ways and Means.

No. 323 – A communication was received from the Budget Officer requesting a budget amendment in the Social Services Department. Referred to the Committee on Ways and Means.

No. 324 – A communication was received from the Director of Real Property Tax Services requesting renewal of the contract with the Town of Frankfort to provide assessment services. Referred to the Committee on Ways and Means.

No. 325 – A communication was received from the Budget Officer concerning award of bids for equipment for Central Printing Department. Referred to the Committee on Ways and Means.

No. 326 – A communication was received from the Personnel Officer concerning appointment of Acting Director of Employment and Training. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

No. 327 – A communication was received from the Director of Emergency Services concerning Disaster Declaration as a result of Tropical Storm Lee. Referred to the Committee on Administration/Veterans Affairs.

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

For: ayes (16).

Against: None.

Abstain: Manno (1).

**Consent Agenda:**

229 ADMIN./VET. AFFAIRS: Adopting Annual Report of County Clerk

230 HUMAN RESOURCES: Confirming appointments and reappointments to Office for Aging Advisory Council

No. 229

**REPORT AND RESOLUTION OF THE COMMITTEE ON  
ADMINISTRATION/VETERANS' AFFAIRS ADOPTING ANNUAL REPORT OF  
COUNTY CLERK**

Your Committee on Administration/Veterans' Affairs, to which was referred the Annual Report of Sylvia M. Rowan, County Clerk, pertaining to monies received by her office for the period ending December 31, 2010, respectfully reports and offers the following Resolution:

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

Dated: October 5, 2011.

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

No. 230

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN  
RESOURCES CONFIRMING APPOINTMENTS AND REAPPOINTMENTS TO  
THE HERKIMER COUNTY OFFICE FOR AGING ADVISORY COUNCIL**

WHEREAS, the Chairman of the Herkimer County Legislature, by letter dated September 21, 2011, has made certain appointments and reappointments to the Office for Aging Advisory Council; now, therefore, be it

RESOLVED, that the following appointments and reappointments to the Office for the Aging Advisory Council be, and hereby are ratified and confirmed:

**New Appointment:**

**For term of 10/2011 – 10/2012:**

**Eileen Manno, 130 Maple Drive, Frankfort, NY 13340**

**For term 10/2011-10/2014:**

Adam Hutchinson, Herkimer County HealthNet, 320 N. Main St., Herkimer, NY  
Pam Hess, 115 Court St., Herkimer, NY 13350  
Carolyn Trimbach, PO Box 860, Old Forge, NY 13420

**Reappointment:**

**For term of 10/2011-10/2014:**

**Patricia Sokol, 5820 State Route 167, Little Falls, NY 13365**  
Richard Asaro, 2026 Hardscrabble Road, Newport, NY 13416

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Director of the Herkimer County Office for the Aging and each appointee.

Dated: October 5, 2011.

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. Hendrix, seconded by Mr. Hyde, Report and Resolution No. 231 of the Committee on Public Safety and Emergency Management approving 2012 STOP-DWI Plan was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes: (17).

Against: None.

Absent: None.

No. 231

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT APPROVING 2012 STOP-DWI PLAN**

WHEREAS, the New York State Legislature, by Chapter 913 of the Laws of 1981, established a Special Traffic Options Program for Driving While Intoxicated; and

WHEREAS, the said Law provides for the establishment of such a program by the counties of the State of New York; and

WHEREAS, the Herkimer County Legislature authorized by Resolution No. 270 for the year 1981, participation by the County of Herkimer in the STOP-DWI Program; and

WHEREAS, by letter dated September , 2011, Michael L. Edwards, STOP-DWI Coordinator, has submitted the STOP-DWI Plan for the year 2012 for approval by this Legislature; now, therefore, be it

RESOLVED:

1. That the Herkimer County Legislature hereby approves the STOP-DWI Plan for 2012;
2. That the funds accrued in the year 2011 and prior thereto be expended for the continuance of the STOP-DWI Program;
3. That the STOP-DWI Coordinator and Advisory Board submit timely reports regarding revenue obtained and expended within limits previously approved, to the appropriate committees of the County Legislature;
4. That the previous resolutions regarding the STOP-DWI Program be continued as resolved;
5. That certified copies of this Resolution be forwarded to the County Treasurer, Auditor, Budget Officer, STOP-DWI Coordinator and the New York State Department of Motor Vehicles.

Dated: October 5, 2011.

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

On motion of Mr. Bono, seconded by Mr. Ackerman, Report and Resolution No. 232 of the Committee on Human Resources and the Committee on Ways and Means authorizing agreement for services of dietician in the Herkimer County Office for the Aging was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes: (17).

Against: None.

Absent: None.

No. 232

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND  
THE COMMITTEE ON WAYS AND MEANS AUTHORIZING AGREEMENT FOR  
SERVICES OF DIETICIAN IN THE HERKIMER COUNTY OFFICE FOR THE AGING**

WHEREAS, by letter dated September 14, 2011 from Mary A. Scanlon, Director of the Herkimer County Office for the Aging, this Legislature is advised of the state mandated requirement for the services of a registered dietician in the Herkimer County Office for the Aging for at least thirteen hours per week and that letter further requests that an agreement be

entered into, on a consultant basis, with Dina Lawson of Cold Brook, New York, to provide said services; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an agreement with Dina Lawson, 3681 State Route 8, Cold Brook, New York 13324, to provide services to the Herkimer County Office for the Aging for thirteen hours per week at the rate of \$40.00 per hour; 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 Dina Lawson.

Dated: October 5, 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, Report and Resolution No. 233 of the Committee on Ways and Means authorizing agreement for the services of a psychiatrist was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes: (17).

Against: None.

Absent: None.

No. 233

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND  
THE COMMITTEE ON WAYS AND MEANS AUTHORIZING AGREEMENT FOR  
THE SERVICES OF PSYCHIATRIST**

WHEREAS, by letter dated September 2, 2011, Edgar Scudder, Director of Community Services, has requested an agreement for the services of a psychiatrist in the Herkimer County Mental Health Services due to the retirement of Dr. Ann Menon; and

WHEREAS, said letter further requests that an agreement be entered into with Dr. Vinay Pital to provide said services to the Herkimer County Mental Health Services at the rate of \$120 per hour for not to exceed twenty-seven hours per week; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an agreement with Dr. Vinay Pital, 9 Juniper Lane, New Hartford, to provide psychiatric services to the Herkimer County Mental Health Services, effective November 1, 2011, at the rate of \$120 per hour for not to exceed twenty-seven hours per week, with said agreement to be 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, Personnel Officer, Director of Community Services and Dr. Vinay Pital.

Dated: October 5, 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. Shaw, Report and Resolution No. 234 of the Committee Ways and Means fixing percentages which the assessed valuation of the real property bear to the full or true valuation of the various towns of the county and the City of Little Falls 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.



**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
FIXING PERCENTAGES WHICH THE ASSESSED VALUATION OF THE REAL  
PROPERTY BEAR TO THE FULL OR TRUE VALUATION OF THE VARIOUS  
TOWNS OF THE COUNTY AND THE CITY OF LITTLE FALLS**

WHEREAS, your Committee on Finance, to which was referred the communication from the Director of Real Property Tax Services, submitting the State Board established Herkimer County Equalization Rates to be used in the apportionment of the 2012 Tax Levy pursuant to Title 2 of Article 8 of the Real Property Tax Law, do respectfully report that we have examined said report and offer the following Resolution:

RESOLVED, that pursuant to Title 2 of Article 8 of the Real Property Tax Law the ratio of percentage which the assessed valuation of real property in each district bears to its full value is hereby established as follows:

County Equalization Rates for the 2011 Assessment Rolls  
for Municipalities in the County of Herkimer

City of Little Falls	21.00
Town of Columbia	95.00
Town of Danube	97.00
Town of Fairfield	82.00
Town of Frankfort	75.00
Town of German Flatts	77.15
Town of Herkimer	94.00
Town of Litchfield	95.00
Town of Little Falls	70.00
Town of Manheim	70.00
Town of Newport	107.22
Town of Norway	72.50
Town of Ohio	5.73
Town of Russia	100.00
Town of Salisbury	100.00
Town of Schuyler	89.50
Town of Stark	57.45
Town of Warren	69.00
Town of Webb	82.00
Town of Winfield	95.00

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Director of Real Property Tax Services and each town and the City of Little Falls.

Dated: October 5, 2011.

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

On motion of Mr. Russell, seconded by Mr. Shaw, Report and Resolution No. 235 of the Committees on Ways and Means relating to canceled taxes and rejected taxes 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. 235**

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
RELATING TO CANCELED TAXES AND REJECTED TAXES**

Your Committee on Finance, to which was referred the reports of the County Treasurer, with account attached thereto, showing the amounts of canceled taxes and rejected taxes as of September 16, 2011 which should be charged back to the respective towns, municipalities and districts set forth on said account, does respectfully report that we have examined the same, inquired into the subject matter thereof, and offer the following Resolution:

RESOLVED, that the following amounts be charged to the respective towns, municipalities and districts as set forth on said account and that the portion of said canceled taxes and rejected taxes be included in the various towns' tax levies for the coming year as follows:

	<b>Rejected Taxes</b>	<b>Canceled Taxes</b>	<b>Total</b>	<b>Town Portion For Levy</b>
City of Little Falls		2059.83	2059.83	
Danube		430.23	430.23	150.34
Fairfield		1199.92	1199.92	321.47
Frankfort		2217.41	2217.41	892.00
German Flatts		582.39	582.39	241.76

Herkimer		40.37	40.37	5.44
Litchfield		43.40	43.40	18.07
Ohio	<u>159.11</u>	<u>2036.21</u>	<u>2195.32</u>	<u>359.08</u>
Totals	159.11	6,392.35	6,551.46	1096.16

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer and Director of Real Property Tax Services.

Dated: October 5, 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 Mr. Bono, seconded by Mr. Ackerman, Report and Resolution No. 236 of the Committee on Human Resources and the Committee on Ways and Means amending Resolution No. 219 of 2011 approving increase for on-call supervisors in the Public Health Nursing Service was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 236

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS AMENDING RESOLUTION NO. 219 OF 2011 APPROVING INCREASE FOR ON-CALL SUPERVISORS IN THE PUBLIC HEALTH NURSING SERVICE**

WHEREAS, by Resolution No. 219 duly adopted on September 7, 2011 this Legislature approved an increase in the hourly on call fee for Supervisors in the Public Health Nursing Service from \$1.25 per hour to \$2.00 per hour; and

WHEREAS, by letter dated September 15, 2011, Gregory O’Keefe, Director of Public Health, has requested inclusion in on-call fees for two non-CSEA registered nurses who have agreed to provide said coverage to the Public Health Nursing Service; now, therefore, be it

RESOLVED, that Resolution No. 292 is hereby amended to add an additional Resolved Clause to include that an hourly on-call fee for two non-CSEA registered nurses to provide coverage when necessary in the Public Health Nursing Service is hereby established at \$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, Personnel Officer and Director of Public Health.

Dated: October 5, 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. 237 of the Committee on Public Safety and Emergency Management authorizing agreement with State Office of General Services regarding food services at 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. 237

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY  
AND EMERGENCY MANAGEMENT AUTHORIZING AGREEMENT WITH  
STATE OFFICE OF GENERAL SERVICES REGARDING FOOD SERVICES AT  
HERKIMER COUNTY CORRECTIONAL FACILITY**

WHEREAS, by letter dated August 29, 2011, Christopher P. Farber, Sheriff, has advised your Committees of a request to enter into an agreement with the State of New York Office of General Services regarding the receipt, transportation, handling, storage,

record keeping, preparation, use and disposal of USDA foods at the Herkimer County Correctional Facility; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an agreement with the State of New York Office of General Services regarding the receipt, transportation, handling, storage, record keeping, preparation, use and disposal of USDA foods at the Herkimer County Correctional Facility, 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 the New York State Office of General Services.

Dated: October 5, 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. Russell, seconded by Mr. Peplinski, Report and Resolution No. 238 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.

No. 238

**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 September 30, 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:





To: \$3,342.00

Appropriations:

A7310B.44000 Youth Violence Prev., Cont. Services

From: \$6,651.11

To: \$9,993.11

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: October 5, 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. Weakley, seconded by Mr. Russell, Report and Resolution No. 241 of the Committee on Ways and Means and the Committee on County Properties awarding bid for improvements to curtainwall at Herkimer County Office and Courts Facility was handed up; there being no debate, was voted on and adopted by voice vote:

For: ayes (16).

Against: Hyde (1).

Absent: None.

No. 241

**REPORT AND RESOLUTON OF THE COMMITTEE ON WAYS AND MEANS  
AWARDING BID FOR IMPROVEMENTS TO THE CURTAINWALL AT HERKIMER  
COUNTY OFFICE AND COURTS FACILITY**

WHEREAS, by letter dated September 30, 2011, Bernard E. Decker, Budget Officer/Purchasing Agent, has advised that bids were received, opened and read in accordance with law for construction of improvements to the Herkimer County Office and Courts Facility Entrance curtainwall, pursuant to Resolution No. 220 adopted September 7, 2011; and

WHEREAS, after review of the bids it is the recommendation of the project architects, March Associates, that the contract be awarded to the lowest bidder, R.E. Alexander Company of Marcy, New York, in the amount of \$66,480.00; now, therefore, be it



RESOLVED, that the Herkimer County Legislature hereby awards the bid for the construction of improvements to the Herkimer County Office and Courts Facility Entrance curtainwall, to R.E. Alexander Company, 8 Scharbach Drive, Marcy, New York 13403 in the amount of \$66,480.00; and, be it further

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

Dated: October 5, 2011.

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

On motion of Mr. Russell, seconded by Mr. Brezinski, Report and Resolution No. 242 of the Committee on Finance extending contract with Town of Frankfort to provide assessment services to the Town was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: none.

No. 242

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
EXTENDING CONTRACT WITH THE TOWN OF FRANKFORT TO PROVIDE  
ASSESSMENT SERVICES TO THE TOWN**

WHEREAS, this Legislature has authorized by Resolution No. 342 of 2008, a contract with the Town of Frankfort, whereby the County would provide assessment services to the town for the sum of \$9.00 for each parcel on the final assessment roll of the town for the period January 1, 2009 through December 31, 2011; and

WHEREAS, by letter dated September 13, 2011, Mary Ann Barbuto, Director of the Real Property Tax Service Agency, has requested approval of extension of the contract to provide assessment services to the Town of Frankfort through December 31, 2012; 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 Frankfort for the County of Herkimer to provide said assessment services to the Town; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an extension of the agreement to provide assessment services to the Town of Frankfort through December 31, 2012, for the sum of \$9.00 for each parcel on the final assessment roll of the town, with the final form of said agreement to 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 Treasurer, Auditor, Budget Officer, Director of Real Property Tax Services and the Town of Frankfort.

Dated: October 5, 2011.

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

On motion of Mr. Russell, seconded by Mr. Ackerman, Report and Resolution No. 243 of the Committee on Ways and Means awarding bids for Herkimer County Central Printing Department there being no debate, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 243

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
AWARDING BIDS FOR HERKIMER COUNTY CENTRAL PRINTING DEPARTMENT**

WHEREAS, by letter dated September 30, 2011, the Budget Officer/Purchasing Agent has advised that bids were received, opened and read in accordance with law for the provision of a high volume, black and white photocopier (#item 1) and a digital duplicator (item #2) for the Herkimer County Central Printing Department; and

WHEREAS, after review of the bids it is the recommendation of the Budget Officer and Purchasing Agent that two bids be rejected for non-compliance of specifications as follows:

- 1) Eastern Copy Products, LLC, 1224 West Genesee Street, Syracuse, NY 13204

- Konica Minolta Bizhub Pro 950 (copy speed less than specified)
  - 2) Apex Document Solutions, 250 Oriskany Blvd., Yorkville, NY 13495
- Xerox Work Center 5790 (copy speed less than specified, no trimmer)

Now, therefore, be it

RESOLVED, that bid of Eastern Copy Products and the bid of Apex Document Solutions be rejected by this Legislature for the reasons set forth above; and, be it further

RESOLVED, that the Herkimer County Legislature hereby awards bids as follows:

- Award bid for item #1 (high volume, black and white photocopier) to the lowest bidder, Cannon Business Solutions, 4 Ohio Drive, Lake Success, NY 11042, for a Canon 8105 with attachments at a lease amount of \$449.00 per month plus maintenance at \$315.00 per month (including 105,000 copies per month) plus \$0.0034 per copy over 105,000 per month, with said contract to be for sixty (60) months.
- Award bid for item #2 (digital duplicator) to the only bidder IKON Office Solutions, 1307 Champlain Ave., Suite 8, Utica, NY 13502, for a Ricoh DX4545 Duplicator with accessories at a lease of \$107.00 per month plus monthly maintenance of \$82.00 per month (including 25,000 copies) plus \$.0028 per copy over 25,000 copies per month, with said contract to be for sixty (60) months.

And, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute said contracts after approval by 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, Eastern Copy Products, Apex Documents Solutions, Cannon Business Solutions and IKON Office Solutions.

Dated: October 5, 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. Ackerman, seconded by Mr. Shaw, Report and Resolution No. 244 of the Committee on County Planning and Development and the Committee on Ways and Means appointing Acting Director of Employment and Training and setting salary was handed up; debate was held; Mr. Piseck made a motion, seconded by Mr. Weakley, to move the question; the motion was approved 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.

The resolution was adopted by the following 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. 244

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AND THE COMMITTEE ON WAYS AND MEANS APPOINTING ACTING DIRECTOR OF EMPLOYMENT & TRAINING AND SETTING SALARY**

WHEREAS, by letter dated October 4, 2011, Steven R. Billings, Personnel Officer, has advised that there is a vacancy in the position of Employment and Training Director and has requested the establishment of the position of Acting Director of Employment and Training and the temporary appointment of Michael Werenczak to said position; now, therefore, be it

RESOLVED, that Herkimer County Salary Schedule I is hereby amended to establish the position of Acting Director of Employment and Training at the base annual salary of \$47,889.00 effective October 11, 2011; and, be it further

RESOLVED, that Michael Werenczak, 2517 State Route 28, Mohawk, New York, is hereby appointed to the temporary position Acting Director of Employment and Training effective October 11, 2011; and, be it further

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

Dated: October 5, 2011.

JOHN J. PISECK  
VINCENT J. BONO

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

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

On motion of Mrs. Maneen, seconded by Mr. Shaw, Report and Resolution No. 245 of the Committee on Administration/Veterans' Affairs urging the Governor's Office to include Herkimer County in declaration FEAM DR-4031(LEE) was handed up; debate was held; was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 245

**REPORT AND RESOLUTION OF THE COMMITTEE ON  
ADMINISTRATION/VETERANS' AFFAIRS URGING THE GOVERNOR'S OFFICE TO  
INCLUDE HERKIMER COUNTY IN DECLARATION FEAM DR-4031 (LEE)**

WHEREAS, on September 7, 2011, Tropical Storm Lee struck the East Coast of the United States with heavy rains and strong winds just days after Hurricane Irene had created havoc in many states; and

WHEREAS, Herkimer County actually had more damage caused by Lee than Hurricane Irene and due to the fact Lee occurred two days beyond the closeout of the Disaster Declaration, it is being treated as a separate Declaration; and

WHEREAS, Herkimer County was one of the counties to see major significant flooding along creeks, streams, homes, businesses and roadways including the closure of County road 171, Gorge Road, Frankfort, New York; now, therefore, be it

RESOLVED, that Herkimer County goes on record urging New York State Office of Emergency Management to make a request that the Governor's Office recommend an inclusion

for Herkimer County in Declaration FEMA DR-4031 (Lee), to repair damage done from Tropical Storm Lee; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Senator Charles E. Schumer, Senator Kirsten Gillibrand, Senator James L. Seward and Assemblyman Marc W. Butler.

Dated: October 5, 2011.

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

On motion of Mr. Russell and Mr. Weakley, Resolution No. 246 of the Committee on Administration/Veterans' Affairs and Ways and Means urging multi-year state takeover of local share of Medicaid was handed up; debate was held, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 246

RESOLUTION OF THE COMMITTEES ON ADMINISTRATION/VETERANS' AFFAIRS  
AND WAYS & MEANS URGING MULTI-YEAR STATE TAKEOVER OF LOCAL SHARE  
OF MEDICAID

WHEREAS, county officials across the state are presently introducing their 2012 budgets; and

WHEREAS, these budget decisions are being made under the constraints of the State's new property tax cap; and

WHEREAS, when State lawmakers enacted a property tax cap, they pledged to provide mandate relief that would enable and empower local leaders to implement that tax cap locally; and

WHEREAS, the mandate relief has not materialized; and

WHEREAS, by far, at a local statewide cost of \$7.3 billion, Medicaid is the number one mandate facing counties; and

WHEREAS, State Legislation (S.5889-B) will require state policymakers to take full fiscal responsibility for New York's largest in the nation Medicaid program, by implementing an eight (8) year gradual State takeover of county Medicaid cost; and

WHEREAS, removing county taxpayers from the financing of Medicaid is the single most important thing the State Legislature can do to lower property taxes for New Yorkers; and

WHEREAS, the State takeover of county Medicaid costs will lead to lower property taxes and enhance New York's economic competitiveness and improve economic opportunities for all New Yorkers; and

WHEREAS, state lawmakers can fund the takeover with a combination of Medicaid program reforms, state-derived savings and other spending controls, including, applying MRT (Medical Redesign Team) reform savings to mandate relief and pursuing a federal Medicaid waiver to leverage state cost containment initiatives that can be applied to property tax relief and applying future revenues to lowering property taxes and by allowing federal health care reforms to cover New Yorkers' now, therefore, be it

RESOLVED, that the Herkimer County Legislature calls on New York State lawmakers to keep their promise, and sign on to legislation (S5889-B) designed to provide mandate relief for counties, in the form an eight-year State takeover of county Medicaid costs; 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, Senator James L. Seward, Assemblyman Marc W. Butler and NYSAC.

Dated: October 5, 2011.

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

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

On motion of Mr. Shaw, seconded by Mr. Stone, Report and Resolution No. 247 of the Committee on Administration/Veterans Affairs opposing the Power of NY Act of 2011 was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 247

**REPORT AND RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS AFFAIRS OPPOSING THE POWER OF NY ACT OF 2011**

WHEREAS, New York State recently enacted legislation known as the Power of NY Act of 2011 that amended the Public Service Law by adding a new Article 10, which establishes a New York State Board on Electrical Generation Siting and the Environment; and

WHEREAS, said Board will have the authority to permit the siting of electrical generating facilities in the State which have a nameplate generating capacity of twenty-five thousand kilowatts or more; and

WHEREAS, previously, while various state agencies had regulatory oversight for such facilities, as a home rule state, New York's local municipalities, by virtue of decisions made by locally elected representatives, could ultimately decide whether such development was in their residents' best interests; and

WHEREAS, the Power of NY Act of 2011 removes said decision-making from local municipalities, and puts that authority into the hands of a bureaucratic State board which will have nominal representation from affected communities, and even that representation cannot be from elected representatives of this communities; and

WHEREAS, the large majority of the Board's membership will have no connection to the affected communities and will not be directly affected by their decisions; and

WHEREAS, the new board will have the authority to ignore "any local ordinance, law... or any local standard or requirement...if it finds that... such is unreasonably burdensome...on ratepayers whether located inside or outside of such municipality"; and

WHEREAS, the new law further states that "no...municipality...may require any approval, consent, permit, certificate or other condition for the construction or operation" of such a facility; and

WHEREAS, while the law provides for the set-aside of funds for pre-hearing research on behalf of the affected communities, said funds are controlled by the Board and will be allocated as it sees fit; and

WHEREAS, the large majority of the Board's membership will have no connection to the affected communities and will not be directly affected by their decisions; and

WHEREAS, while municipalities may be a party to the siting hearings, so may any individual within 5 miles of the proposed facility's site, and therefore the municipality is diminished to the level of an individual, hindering the municipality's ability to represent all of its impacted residents; and

WHEREAS, said law follows a disturbing trend in New York State to remove powers from the local jurisdictions and therefore from the affected electorate and transfer such powers to a faceless bureaucracy who has no constituency; now, therefore, be it



RESOLVED, that the Herkimer County Legislature opposes, protests, and expresses its deepest disappointment and concern over the establishment of said siting Board and the enactment of the Power NY Act of 2011; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Governor Andrew M. Cuomo, Senator James L. Seward, Assemblyman Marc W. Butler and the New York State Association of Counties.

Dated: October 5, 2011.

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

On motion of Mr. Russell, seconded by Mr. Peplinski, Resolution No. 248 of the Committee Ways and Means amending Resolution No. 183 of 2011 approving standard work day and retirement reporting for elected and appointed officials was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None. Absent: None.

**No. 248**

**RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AMENDING  
 RESOLUTION NO. 183 OF 2011 APPROVING STANDARD WORK DAY AND  
 RETIREMENT REPORTING FOR ELECTED AND APPOINTED OFFICIALS**

RESOLVED, that Resolution No. 183 duly adopted by the Herkimer County Legislature on July 6, 2011 which established the standard work days for elected and appointed officials to report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body, is hereby amended as follows:

Title	Name	Social Security Number  (Last 4)	Registration Number	Standard Work Day  (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System  (Y/N)	Days/Month  (based on Record of Activities)
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		digits)					
<b>Elected Officials</b>							
<b>Legislator</b>	John J. Piseck, Jr.	███	██████	6	1/1/10-12/31/11	N	8.58
<b>Coroner</b>	Daniel Enea	███	██████	6	1/1/11 -12/31/14	N	3.24
<b>District Attorney</b>	John H. Crandall	███	██████	6	1/1/11 – 12/31/14	N	27.26
<b>Appointed Officials</b>							
Asst. District Attorney	Prescott Klosner	███	██████	6	1/1/11-12/31/14	N	26.92
Asst. District Attorney	Jeff Carpenter	███	██████	6	1/1/11-12/31/14	N	26.99
Asst. District Attorney	James J. Franchi	███	██████	6	1/1/11-12/31/14	N	6.67
Asst. District Attorney	Jacquelyn Asnoe	███	██████	6	1/1/11-12/31/14	N	8.32
County Highway Superintendent	Jay Ewanyk	███	██████	7	7/4/10-7/3/14	Y	n/a

Dated: October 5, 2011.

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

Mr. Piseck made a motion, seconded by Mr. Ackerman and Mrs. Rose, to table Resolution No. 249 of the Committee on Public Safety/Emergency Management and the Committee on Ways and Means amending resolution No. 292 of 2010 authorizing additional tests for property line evaluations; the motion was approved by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

On motion of Mr. Hyde, seconded by Mr. Weakley, Resolution No. 250 of the Committee on Public Safety/Emergency Management and the Committee on Ways and Means authorizing legal proceedings by the County of Herkimer against the Village of Herkimer in connection with the denial of the County's application for a sanitary sewer connection was handed up; debate was held; a roll call vote was requested, and the resolution was adopted by the following roll call vote:

For: Maneen, Stone, Hendrix, Hyde, Manno, Smith, Bono, Ackerman, Peplinski, Russell, Shaw, Weakley (12).

Against: Piseck, Rose, Keblish, Brezinski, Korce (5).

Absent: None.

No. 250

**RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING LEGAL PROCEEDINGS BY THE COUNTY OF HERKIMER AGAINST THE VILLAGE OF HERKIMER IN CONNECTION WITH THE DENIAL OF THE COUNTY'S APPLICATION FOR A SANITARY SEWER CONNECTION**

WHEREAS, by letter dated July 7, 2010, the County of Herkimer made a formal application to the Village of Herkimer for approval of a connection for the new Herkimer County Correctional Facility to the Village sanitary sewer system; and

WHEREAS, that application included information on potential connection points, estimated hydraulic demand and flow rates, and assurance that the County would submit plans, specifications and method of installation for approval by the Village as provided in the Village's Sewer Use Law; and

WHEREAS, the County requested a response within thirty days, but did not receive any response to that letter; and

WHEREAS, by letter dated August 17, 2011, the Chairman of this Legislature repeated the request for a response to the County's application and indicated that if no response were received within twenty days it would be assumed the County's application had been denied; and

WHEREAS, by letter dated August 24, 2011, from Gary M. Hartman, Deputy Mayor of the Village of Herkimer, the County was advised that the Herkimer Village Board, at a meeting on August 22, 2011, voted to formally deny the County's request without specifying any reason for that denial; and

WHEREAS, it appears to this Legislature that that denial was arbitrary and capricious, without a rational basis and for reasons which are unrelated to the proposed sewer connection; and

WHEREAS, representatives of the County of Herkimer have engaged in prolonged and extensive efforts to reach an agreement with the Village of Herkimer, all of which have been fruitless; now, therefore, be it

RESOLVED, that litigation is hereby authorized against the Village of Herkimer to obtain an order setting aside the Village's denial of a sewer hookup to the Village's sewer system and further requiring that the Village allow hookup by the County of Herkimer at the proposed new Herkimer County Correctional Facility site to the Village's sewer system, together with such other and further relief as may be just and proper, with the Chairman of this Legislature being authorized to sign all necessary legal documents to commence and proceed with litigation; and, be it further

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

Dated: October 5, 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. Shaw, seconded by Mrs. Maneen, Resolution No. 251 of the Committee on Administration/Veterans' Affairs supporting grant application of Salisbury Fire District was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 251

**RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS'  
AFFAIRS SUPPORTING GRANT APPLICATION OF SALISBURY FIRE DISTRICT**

WHEREAS, the Salisbury Fire District is in the process of preparing a grant application for a Department of Homeland Security's Assistance to Firefighters grant for personal protective equipment; and

WHEREAS, said grant will provide the equipment necessary to ensure the safety of the firefighters in the performance of their duties to protect and preserve the citizens and the community at-large; and

WHEREAS, there was a 31.5% increase in mutual aid calls for the Salisbury Fire District in 2010 ; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby supports the Salisbury Fire District's application to the Department of Homeland Security to receive an Assistance to Firefighters grant to provide personal protective equipment; and, be it further

RESOLVED, that a certified copy of this Resolution be forwarded to the Congressman Richard Hanna, Senator James L. Seward, Assemblyman Marc W. Butler, Ms. Elizabeth M. Harmon, Assistant Administrator, DHS/FEMA/Grants Program Preparedness and the Salisbury Fire District.

Dated: October 5, 2011.

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

Mr. Keblish requested unanimous consent for a letter of support from Herkimer County For the Canal Corporation's grant application to complete the Erie Canalway Trail from Little Falls to Schuyler, with no matching funds being required from Herkimer County. The requested was approved by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

Chairman Smith stated that pursuant to Rule 6(12) they would proceed with comments by legislators. The following legislators had comments: Piseck, Korce, Rose, Russell, Bono (submitted a written statement to be part of the formal record of the minutes on file in the Clerk of the Legislature Office).

At 3:08 p.m. on motion of Mr. Manno, seconded by Mr. Stone, the Legislature adjourned to Wednesday, October 26, 2011 at 7:30 p.m.

