

MINUTES
Herkimer County Legislature
Fourth Quarter – Second Day
Wednesday, October 26, 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 Mary Ann Barbuto, Director of Real Property Tax 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 October 5, 2011. There were no objections and the minutes were approved.

Chairman Smith dispensed with the regular session to allow for a presentation by Terrence O'Neill, Communications Coordinator for ProAct, Inc. Mr. O'Neill gave an update on the County's Prescription Drug Discount Program, which has saved residents over \$825,000 since it began in 2009 in Herkimer County and gave and projected increased savings for Herkimer County in 2012. He expressed appreciation to the Legislature for its support of this program.

Pursuant to Rule 11, Chairman Smith opened the floor for public comment. The following individuals spoke on the following subjects: Carl Streeter: Security Risk; JoAnne LeClair – Donation Drive.

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. Mr. Korce requested No. 335 be read and Chairman Smith requested No. 342 be read.

No. 328 – A communication was received from the Sheriff submitting the monthly report for August. Referred to the Committee on Public Safety/Emergency Management.

No. 329 – A communication was received from the Chairman of the Sewer board submitting proposed assessment roll. Referred to the Committees on Natural Resources and Ways and Means.

No. 330 – A communication was received from the Herkimer Housing Authority submitting the Autumn Newsletter. Ordered filed.

No. 331 – A communication was received from Linda Eykelhoff submitting an update on Adirondack Park Local Government Review Board. Ordered filed.

No. 332 – A communication was received from Senator Seward submitting three letters acknowledging receipt of resolutions in support of assistance from Tropical Storm Lee, supporting grant application of the Salisbury Fire Department and requesting state takeover of Medicaid costs. Ordered filed.

No. 333 – A communication was from Assemblyman Butler submitting five letters acknowledging receipt of resolutions supporting state takeover of Medicaid costs, opposing Power of NY Act, calling for legislation on a permitting system for demonstrations at military funerals, and supporting grant application of Salisbury Fire Department. Ordered filed.

No. 334 – A communication was received from ProAct, Inc. submitting the Herkimer county Prescription Discount Card report for September. Ordered filed.

No. 335 – A communication was received from the County Attorney advising of the receipt of a Summons and Complaint. Referred to the Committee on Ways and Means.

No. 336 – A communication was received from the Personnel Officer requesting a contract for actuarial services in connection with Herkimer County Self Insurance Workers compensation Plan. Referred to the Committee on Ways and Means.

No. 337 – A communication was received from the Director of Public Health concerning on-call hourly fee increase. Referred to the Committees on Human Resources and Ways and Means.

No. 338 – A communication was received from the Personnel Officer requesting contract for administration of Health Reimbursement Account Plan. Referred to the Committee on Ways and Means.

No. 339 – A communication was received from the Personnel Officer requesting contract for health insurance stop loss coverage. Referred to the Committee on Ways and Means.

No. 340 – A communication was received from the Personnel Officer requesting contract for Self-Insured Dental Plan. Referred to the Committee on Ways and Means.

No. 341 – A communication was received from the Personnel Officer requesting Administrative Services Contract with Excellus Health Plan, Inc. Referred to the Committee on Ways and Means.

No. 342 – A communication was received from Ervin Fuller expressing appreciation to Legislature for opportunity and privilege to work for the County. Referred to the Committee on Ways and Means.

No. 343 – A communication was received from the Personnel Officer requesting contract for performance of post employment benefits valuation under GASB No. 45. Referred to the Committee on Ways and Means.

No. 344 – A communication was received from the County Property Agent submitting results of sealed bids for properties. Referred to the Committee on County Properties.

No. 345 – A communication was received from the County Treasurer submitting list of properties for prospective cancellation of taxes. Referred to the Committee on County Properties and Ways and Means.

No. 346 – A communication was received from the Sewer District submitting resolution for approval of the Legislature. Referred to the Committee on Natural Resources and the Committee on Ways and Means.

No. 347 – A communication was received from the Clerk of the town of Onondaga Justice Court expressing appreciation for court clerks training held at Herkimer County Community College. Ordered filed.

No. 348 – A communication was received from the Director of Emergency Services requesting Homeland Security Grant Extension. Referred to the Committee on Public Safety/Emergency Management.

No. 349 – A communication was received from the Director of Public Health requesting approval of agreement to allow BOCES Regional program for Excellence students to receive educational experience at Public Health Nursing Service. Referred to the Committee on Human Resources.

No. 350 – A communication was received from the Director of Real Property Tax Services requesting renewal of contract to provide data collection services to Town of Herkimer. Referred to the Committee on Ways and Means.

No. 351 – A communication was received from the Chairman of the Legislature making reappointment of legislative representative to Regional Fish and Wildlife Management board. Referred to the Committee on Natural Resources.

No. 352 – A communication was received from the Chairman of the Legislature making appointment of sportsmen's representative to Regional Fish and Wildlife Management Board. Referred to the Committee on Natural Resources.

No. 353 – A communication was received from the County Clerk requesting amendment of contract for provision of veterans card. Referred to the Committee on Administration/Veterans Affairs and the Committee on Ways and Means.

No. 354 – A communication was received from the Budget Officer recommending budget amendment in connection with additional state snow removal reimbursement. Referred to the Committee on Highways and the Committee on Ways and Means.

No. 355 – A communication was received from the Budget officer submitting requests for transfers of funds. Referred to the Committee on Ways and Means.

No. 356 – A communication was received from the Budget Officer recommending budget amendment in connection with receipt of FEMA and SEMO funding for storm damage. Referred to the Committees on Highways and Ways and Means.

No. 357 – A communication was received from the Sheriff requesting agreement with Remington Arms Company for usage of sheriff's firearms range. Referred to the Committee on Public Safety and Emergency Management.

No. 358 – A communication was received from the Vice President for Administration and Finance at the College concerning funding for renovation of Science Labs and Roof Replacement Project at HCCC. Referred to the Committees on Education and Ways and Means.

No. 359 – A communication was received from the Budget Officer concerning funding for Renovation of Science Labs and Roof Replacement Project at HCCC. Referred to the Committees on Education and Ways and Means.

The Chairman proceeded with unfinished business.

Mr. Stone made a motion, seconded by Mr. Hendrix, to bring Resolution No. 249, which was tabled on October 5, 2011, forward for a vote. The motion was approved by voice vote:

Ayes: (15). Against: Piseck, Rose (2).

On motion of Mr. Stone, seconded by Mr. Bono, 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 lines, was handed up; discussion was held; roll call vote was requested; was voted on and adopted by roll call vote:

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

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

RESOLUTION 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

WHEREAS, by Resolution No. 292 adopted on October 27, 2010, on site percolation testing was authorized at the former P & C site in connection with the proposed New Herkimer County Correctional Facility; and

WHEREAS, your Committees have been advised that a proposal is being discussed with the owner of the premises whereby the owner would retain the frontage of the parcel along New York State Route 28 which would allow for future commercial development, with the owner being responsible for any future environmental remediation on that portion of the premises; and

WHEREAS, in order to proceed with that proposal it is advisable to conduct additional test borings along the new proposed property line which is approximately 190 feet behind the existing front line of the premises, with the estimated cost of the test borings, soil analysis and professional services being \$15,000.00; now, therefore, be it

RESOLVED, that Resolution No. 292 is hereby amended to allow for an amendment to increase the contract with LaBella Associates, P.C., for the above described borings and testing in the amount of \$15,000.00, with the Chairman having authority to execute that agreement, with the final contract 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 and LaBella Associates, P.C.

Dated: October 5, 2011.

Tabled: October 5, 2011.

Adopted: October 26, 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

Chairman Smith requested the Cornell Cooperative Extension government students in attendance to stand and state their name and school they attended.

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: Weakley (1).

Consent Agenda:

- 252 PUB. SFTY/EMER. MGMT: Monthly report of Sheriff for August
- 253 NAT. RESOURCES, WAYS & MEANS: Setting Public Hearing on Sewer District Assessment Roll
- 254 NAT. RESOURCES: Appointing member to Regional Fish and Wildlife Management Board
- 255 NAT. RESOURCES: Appointing member to Regional Fish and Wildlife Management Board
- 256 WAYS & MEANS: Authorizing contract with Town of Herkimer to Provide Data Collection Services

No. 252

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 August, 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 August, 2011, which report reflects an average daily population of 62.29 inmates, with an average of 33.35 inmates being boarded out in August, be approved and filed.

Dated: October 26, 2011.

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

No. 253

**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES
AND THE COMMITTEE ON WAYS AND MEANS FIXING TIME AND PLACE FOR
THE PUBLIC HEARING ON THE ASSESSMENT ROLL OF THE PART COUNTY
SEWER DISTRICT**

WHEREAS, the Herkimer County Sewer District has prepared an assessment roll pursuant to the provisions of Section 271 of the County Law; and

WHEREAS, this Legislature has been advised that the assessment roll has been submitted to the Herkimer County Budget Officer together with the estimate of revenues and expenditures; and

WHEREAS, the Herkimer County Budget Officer has transmitted the assessment roll together with the tentative budget to the Clerk of the Legislature; now, therefore, be it

RESOLVED, that the Herkimer County Legislature shall cause a notice to be published stating the time, place and purpose of a public hearing on the said assessment roll; and, be it further

RESOLVED, that the Herkimer County Legislature shall hold such public hearing at the Legislators' Chambers in the Village of Herkimer, County of Herkimer, New York, on the 16th day of November, 2011 at 7:15 p.m., pursuant to the provisions of Section 271 of the County Law.

Dated: October 26, 2011.

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

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

No. 254

**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES
APPOINTING MEMBER TO THE REGIONAL FISH AND WILDLIFE
MANAGEMENT BOARD**

RESOLVED, that the appointment of David J. Hyney, 337 West Monroe Street, Little Falls, New York, to the Regional Fish and Wildlife Management Board, made by the Chairman of the Legislature, by letter dated October 21, 2011 be, and hereby is, ratified and confirmed for sportsmen's representative, which term shall end on December 31, 2013; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Regional Supervisor of Fish and Wildlife at Region 6 of the New York State Department of Environmental Conservation and David J. Hyney.

Dated: October 26, 2011.

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

No. 255

**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES
APPOINTING MEMBER TO REGIONAL FISH AND WILDLIFE MANAGEMENT
BOARD**

RESOLVED, that the reappointment of Bruce Weakley, PO Box 474, Poland, New York, New York, to the Regional Fish and Wildlife Management Board, made by the Chairman of the Legislature, by letter dated October 21, 2011 be and hereby is, ratified and confirmed on said

Board for representative of the Legislature, which term shall expire on December 31, 2013; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Regional Supervisor of Fish and Wildlife at Region 6 of the New York State Department of Environmental Conservation and Bruce Weakley.

Dated: October 26, 2011.

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

No. 256

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

WHEREAS, by letter dated October 11, 2011, Mary Ann Barbuto, Director of the Real Property Tax Service Agency, has recommended to your Committee that a contract entered into between the County of Herkimer and the Town of Herkimer be renewed, whereby the County would provide data collection to the Town of Herkimer for certain sums as set forth below; 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 Herkimer for the County of Herkimer to provide said data collection services to the Town; now, therefore, be it

RESOLVED as follows:

1. The County of Herkimer is authorized to provide data collection services to the Town of Herkimer on the number of parcels to be designated by the Town for the sum of \$10.00 for parcel for Agricultural, Residential, Vacant and Public Services parcels; a cost of \$32.00 per parcel Commercial, Recreation, Community Service, Industrial and Forest & Public parks parcels. Trailer parks shall be charged as one parcel if the park owner provides the inventory of trailers in the park. In the event that the Data Collector must collect such information, the charge shall be \$3.00 per site. The County shall be further entitled to mileage each year.
2. The Chairman of this Legislature is authorized to enter into an agreement with the Town of Herkimer for a period of one year through November 20, 2012, with the final form of said contract to be subject to the approval of the County Attorney.

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

Dated: October 26, 2011.

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

On motion of Mr. Hendrix, seconded by Mr. Ackerman and Mr. Stone, Report and Resolution No. 257 of the Committee on Public Safety and Emergency Management and the Committee on Ways and Means extending contract for Homeland Security Grant for Emergency Services Department was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes: (17).

Against: None.

Absent: None.

No. 257

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS EXTENDING CONTRACT FOR HOMELAND SECURITY GRANT FOR EMERGENCY SERVICES DEPARTMENT

WHEREAS, pursuant to Resolution No. 115 of 2008, this Legislature approved an agreement with the New York State Office of Homeland Security for the receipt of a Homeland Security Program Grant in the amount of \$80,000; and

WHEREAS, by letter dated October 4, 2011 from Robert Vandawalker, Director of Emergency Services, this Legislature is advised that an extension of said grant has been submitted to expend any unused funds through October 30, 2011; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a grant extension on behalf of the County of Herkimer with the New York State Office of Homeland Security, in connection with the receipt of an FY07 Homeland Security Program Grant in the amount of \$80,000.00; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Emergency Services and the New York Office of Homeland Security.

Dated: October 26, 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. 258 of the Committee on Human Resources and the Committee on Ways and Means amending Resolution No. 219 and 236 of 2011 approving increase for on-call fee for supervisors and non-CSEA registered nurses in the Public Health Nursing Service 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. 258

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND
THE COMMITTEE ON WAYS AND MEANS AMENDING RESOLUTION NOS. 219
AND 236 OF 2011 APPROVING INCREASE FOR ON-CALL FEE FOR SUPERVISORS
AND NON-CSEA REGISTERED NURSES 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 by Resolution No. 236 duly adopted on October 5, 2011, included two non-CSEA registered nurses who have agreed to provide said on-call coverage for said fee of \$2.00 per hour; and

WHEREAS, by letter dated October 18, 2011, Gregory O’Keefe, Director of Public Health, has requested said on-call fee of \$2.00 per hour for Supervisors in the Public Health Nursing Service and for two non-CSEA registered nurses who have agreed to provide said coverage be made retroactive to July 1, 2011; now, therefore, be it

RESOLVED, that Resolution No. 219 and Resolution No. 236 of 2011 are hereby amended in the First Resolved Clauses to delete the words “effective this date” and replace with “retroactive to July 1, 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: October 26, 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. Hyde, seconded by Mr. Peplinski, Report and Resolution No. 259 of the Committees on Natural Resources and Ways and Means approving contract modification for engineering services for Herkimer County Sewer District 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 NATURAL RESOURCES
AND THE COMMITTEE ON WAYS AND MEANS APPROVING CONTRACT
MODIFICATION FOR ENGINEERING SERVICES FOR HERKIMER COUNTY
SEWER DISTRICT**

WHEREAS, by letter dated October 14, 2011, Keneck Skibinski, Chief Plant Operator of the Herkimer County Sewer District, has advised that by action on September 21, 2011, the Herkimer County Sewer District Board adopted a resolution approving a contract modification with GHD Consulting Engineers, LLC (formerly Stearns & Wheler Engineers) to provide additional work on both a potassium permanganate system used daily with the belt press operations, as well as replacement lighting in the Operations Building areas, at a cost of \$19,000.00; and

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

RESOLVED, that this Legislature hereby approves a resolution duly adopted by the Herkimer County Sewer District Board on September 21, 2011, approving a contract modification with GHD Consulting Engineers, LLC, One Remington Park Drive, Cazenovia, NY 13035 (formerly Stearns & Wheler Engineers) to provide additional work on both a potassium permanganate system used daily with the belt press operations, as well as replacement lighting in the Operations Building areas, at a cost of \$19,000.00; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute said contract modification 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, Herkimer County Sewer District and GHD Consulting Engineers, LLC.

Dated: October 26, 2011.

BERNARD PEPLINSKI, SR.
FREDERICK J. SHAW
DENNIS KORCE
BRUCE WEAKLEY
PETER F. MANNO
JOHN L. BREZINSKI
Committee on Natural 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. Ackerman, Report and Resolution No. 260 of the Committee on County Properties approving sale of parcels acquired by In Rem tax foreclosures 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. 260

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PROPERTIES
APPROVING SALE OF PARCELS ACQUIRED BY IN REM TAX FORECLOSURES**

WHEREAS, by judgment of the Herkimer County Court filed and entered April 5, 2011 in the In Rem Tax Foreclosure Action for the year 2009 the County of Herkimer acquired title to certain parcels of property; and

WHEREAS, this Legislature has been advised that offers have been received for the parcels of property listed below; and

WHEREAS, your Committee has considered the offers, recommends their acceptance and offers the following Resolution:

RESOLVED, that the offers for the following listed parcels of land in the amounts listed be, and hereby are, accepted and the County Attorney's Office is hereby directed to prepare the usual deed of conveyance for said property to be delivered to the purchasers upon receipt by the County Treasurer of the offered sum, plus recording and transfer fees:

<u>Parcel</u>	<u>Purchaser</u>	<u>Offer</u>
City of Little Falls Tax Map No. 114-75-2-18 369 W. Main Street Two Family Residence	J. Bizelka 290387 Homecrest Sta. Brooklyn, NY 11229	\$2,500.00
City of Little Falls Tax Map No. 114.76-2-31 4 W. Shore Place Residential vacant land	Edward Becker 1268 Shells Bush Rd. Little Falls, NY 13365	\$ 150.00

Town of Danube Tax Map No. 129.1-1-47 Rural lot – 8.80 acres	Leland Hazzard 851 Fordsbush Rd. Fort Plain, NY 13339	\$ 402.00
Town of Herkimer Tax Map No. 113.82-1-42 State Route 5 Vacant land – 70 x 56.70	Fred Christman 114 Main Rd. Herkimer, NY 13350	\$ 125.00
Town of Litchfield Tax Map No. 124.4-2-14 Berberick Road Rural lot – 6.80 acres	Terry Rocklin 233 Wittse Hill Rd. Jordanville, NY 13361 Robert Walters, Jr. 194 E. North Street Ilion, NY 13357	\$3,414.00
Town of Manheim – Village of Dolgeville Tax Map No. 108.52-5-89 11-13 Van Buren Street Apartment -.21 acre	J. Bizelka 290387 Homecrest Sta. Brooklyn, NY 11229	\$4,000.00

and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized, upon receipt by the County Treasurer of the aforesaid sums, plus recording fees, to execute said deeds transferring said properties; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, County Property Agent, County Attorney and above listed purchasers.

Dated: October 26, 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. Weakley, seconded by Mr. Hyde, Report and Resolution No. 261 of the Committee on Ways and Means directing prospective cancellation of taxes on certain parcels 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. 261

REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PROPERTIES AND THE COMMITTEE ON WAYS AND MEANS DIRECTING PROSPECTIVE CANCELLATION OF TAXES ON CERTAIN PARCELS

WHEREAS, the County of Herkimer has, for many years, enforced the collection of delinquent real estate taxes pursuant to Real Property Tax Law, Article 11, Title 3, Foreclosure of Tax Lien by Proceeding In Rem; and

WHEREAS, Real Property Tax Law Section 1138, provides methods to withdraw parcels of property from foreclosure and in certain instances, cancel said taxes; and

WHEREAS, parcels have been withdrawn from the County's list of delinquent taxes because if the County were to acquire the parcels, there is a significant risk that the County might be exposed to a liability substantially in excess of the amount that could be recovered by enforcing the tax lien; and

WHEREAS, action can be taken by the Legislature pursuant to Real Property Tax Law Section 1138-(6)(d) to direct the enforcing officer to issue a certificate of prospective cancellation; and

WHEREAS, the issuance of such a certificate of prospective cancellation renders the parcel involved exempt from taxation until it is determined by the Legislature that the parcel should be restored to the taxable portion of the tax roll; now, therefore, be it

RESOLVED, that the Legislature hereby determines that there is no practical method to enforce the collection of delinquent tax liens arising hereafter against the parcels listed on Exhibit A attached hereto and made a part hereof; and, be it further

RESOLVED, that the Enforcing Officer is directed to issue a certificate of prospective cancellation for the parcels set forth on Exhibit A; and, be it further

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

Dated: October 26, 2011.

PATRICK E. RUSSELL
DENNIS KORCE

BRUCE WEAKLEY
JOHN J. PISECK, JR.

VINCENT J. BONO
 BRUCE WEAKLEY
 JOHN J. PISECK, JR.
 BERNARD PEPLINSKI, SR.
Committee on Ways and Means

VINCENT J. BONO
 JEAN E. MANEEN
 JEFFREY M. STONE
 KURT J. ACKERMAN
Committee on County Properties

EXHIBIT A

Town	Tax Map #	Owner	Location	Description
Little Falls C	114.68-7-27	Irmomax Solutions	585 E. John St.	Burned out Building
	114.68-6-54	Caldeira, Vundembar	10 N. Mary St.	Dilapidated Building
	114.75-1-57	DeLuca, Michael	7 Webster St.	Burned out Building
	115.61-3-25	Londono, Zenaida	47 1/2 Ward St	Burned out Building
	114.68-4-16	Perkov, John Jr.	3 W. Gansevoort PI	Dilapidated Building
Frankfort	112.73-3-7	Patterson, Alan	202 S. Frankfort St.	Dilapidated Building
	119.27-1-15	Balch, Christopher	4356 Acme Rd.	Burned down Building
German Platts V/O Ilion	119.36-2-12	Maddocks, Jarnes	46 W. North Street	Dilapidated Building
Winfield	137.38-2-5	Jennison/Southard, Theresa	506 Clapson Circle	Dilapidated Building

On motion Mr. Bono, seconded by Mr. Manno, Report and Resolution No. 262 of the Committee on Human Resources authorizing participation in BOCES Regional Program for Excellence at 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. 262

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES
AUTHORIZING PARTICIPATION IN BOCES REGIONAL PROGRAM FOR
EXCELLENCE AT PUBLIC HEALTH NURSING SERVICE**

WHEREAS, your Committee has been informed by communication dated September 30, 2011 from Gregory O'Keefe, MD, Director of Public Health, of a request to allow students of the Oneida-Herkimer-Madison BOCES Regional Program for Excellence interested in public health and the health field in to receive an educational experience at the Herkimer County Public Health Nursing Service; and

WHEREAS, your Committee has considered said matter and recommends an agreement be entered into with the Oneida-Herkimer-Madison BOCES for said purpose; now, therefore, be it

RESOLVED, that the County of Herkimer enter into an agreement with the Oneida-Herkimer-Madison BOCES to permit students in the Regional Program for Excellence interested in public health and the health field to receive an educational experience at the Herkimer County Public Health Nursing Service, with said agreement to be approved by the County Attorney's Office; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute said agreement 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 Public Health and Oneida-Herkimer-Madison BOCES.

Dated: October 26, 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. Russell, seconded by Mr. Ackerman, Mr. Hendrix and Mr. Peplinski, Report and Resolution No. 263 of the Committee on Ways and Means authorizing settlement with the Villages of Ilion and Herkimer and Town of Frankfort regarding amounts owed to the

Workers' Compensation Self-Insurance Plan was handed up; debate was held, roll call vote was requested; was voted on and adopted by roll call vote:

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

Against: Rose (1).

Absent: None.

No. 263

RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AUTHORIZING SETTLEMENT WITH THE VILLAGES OF ILION AND HERKIMER AND TOWN OF FRANKFORT REGARDING AMOUNTS OWED TO THE WORKERS' COMPENSATION SELF-INSURANCE PLAN

WHEREAS, on September 21, 2011 a final Judgment was entered in the six year legal challenge brought by local municipalities against the Herkimer County Self-Insurance Plan which awarded the amount of \$1,667,704.09 to the Workers' Compensation Self-Insurance Plan against the Village of Ilion, \$2,451,108.87 against the Village of Herkimer, and \$2,074,711.44 against the Town of Frankfort as of September 20, 2011; and

WHEREAS, in addition, those local municipalities will be responsible for paying statutory interest of 9% per year until such time as the Judgments are paid in full; and

WHEREAS, the County of Herkimer has been approached as Administrator of the Workers' Compensation Self-Insurance Plan in connection with proposed payment of the amounts due; and

WHEREAS, it appears that it may be necessary for the municipalities to bond to obtain those amounts, and it is the opinion of this Legislature that, in the interest of settlement, a reasonable time be granted to those municipalities to pay the amounts due in full; now, therefore, be it

RESOLVED, that the Village of Ilion, Village of Herkimer and Town of Frankfort shall have until January 5, 2012 to pay the following sums, which represent the total amount of principal and interest due and owing as of September 20, 2011:

- Village of Ilion - \$1,667,704.09
- Village of Herkimer - \$2,451,108.87
- Town of Frankfort - \$2,074,711.44

RESOLVED, that receipt of those amounts by the County of Herkimer in full on or before January 5, 2012 shall represent payment in full of the principal and interest due and owing by those municipalities pursuant to the above described Judgment; and, be it further

RESOLVED, that if payment in full is not received by the County of Herkimer on or before January 5, 2012 as above described by any of the above described municipalities, then this offer as to such municipality shall be withdrawn, and the amount due and owing by such municipality shall be the full amount of the Judgment plus the statutory rate of interest of 9% from September 20, 2011 until the date the amount is paid in full, including all such accrued interest; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Administrator of the Herkimer County Workers' Compensation Self-Insurance Plan, the Village of Ilion, the Village of Herkimer and the Town of Frankfort.

Dated: October 26, 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. Hyde, seconded by Mr. Russell, Report and Resolution No. 264 of the Committee on Ways and Means for selection of actuary in connection with the former Herkimer County Self-Insurance Plan was handed up; debate was held, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 264

REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS FOR SELECTION OF AN ACTUARY IN CONNECTION WITH THE FORMER HERKIMER COUNTY SELF INSURANCE PLAN

WHEREAS, by letter dated October 14, 2011 from Steven R. Billings, Personnel Officer, this Legislature is advised of a request to authorize a contract with Actuarial & Technical Solutions, Inc. to provide the County with an actuarial review of workers compensation liabilities of the former Herkimer County Self Insurance Plan at a cost not to exceed \$13,000.00; and

WHEREAS, said letter further advises that the actuarial review is necessary because the Towns of Columbia and Newport have opted to leave the “abandoned” Herkimer County Self Insurance Plan effective January 1, 2012, and that under the plan rules they will have to pay their assessment percentage of the plan’s outstanding liabilities; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute an agreement on behalf of the County of Herkimer with Actuarial & Technical Solutions, Inc., 3555 Veterans Memorial Parkway, Suite A, Ronkonkoma, NY 11779, to provide an actuarial review of the workers compensation liabilities of the former Herkimer County Self Insurance Plan at a cost not to exceed \$13,000.00, with the final terms 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, Personnel Officer and Actuarial & Technical Solutions, Inc.

Dated: October 26, 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. 265 of the Committee on Ways and Means concerning services under Health Reimbursement Account 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. 265

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
CONCERNING SERVICES UNDER HEALTH REIMBURSEMENT ACCOUNT PLAN**

WHEREAS, by letter dated October 14, 2011, Steven R. Billings, Personnel Officer, advises that it is the recommendation of your Committee that a contract for the year 2012 be entered into with Benefit Resources, Inc. for administration of a Health Reimbursement Account Plan under the Internal Revenue Code Section 105(h); and

WHEREAS, the Health Reimbursement Account is available to county employees that opt for health insurance under Excellus-Healthy Choices Plan and can be used to reimburse a portion of employee's out-of-pocket medical expenses; now, therefore, be it

RESOLVED, that a contract be entered into with Benefit Resources, Inc., 2320 Brighton-Henrietta Towline Road, Rochester, NY 14623, for the January 1, 2012 through December 31, 2012 to provide services in the area of administration of a Health Reimbursement Account Plan under the Internal Revenue Code Section 105(h), at a cost of \$3.25 per month per participant, with a compliance administration fee of \$450.00, with the terms and conditions of said contract to be subject to the approval of the County Attorney; and, be it further

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

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

Dated: October 26, 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 and Mr. Peplinski, Report and Resolution No. 266 of the Committee on Ways and Means concerning Stop Loss coverage for health insurance was handed up, debate was held, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: none.

No. 266

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
CONCERNING STOP LOSS COVERAGE FOR HEALTH INSURANCE**

WHEREAS, by letter dated October 14, 2011 from Steven R. Billings, Personnel Officer, this Legislature is advised that your Committees have determined that stop-loss insurance coverage for the County's minimum premium health insurance plans for 2012 would best be provided by Excellus Health Plan, Inc.; now, therefore, be it

RESOLVED, that a contract be entered into with Excellus Health Plan, Inc., Utica Business Park, 12 Rhoads Drive, Utica, NY 13502, for health insurance stop loss coverage for the County of Herkimer for the period January 1, 2012 through December 31, 2012 at a quoted annual premium of \$22.89 per participant, with an annual deductible of \$200,000; and, be it further

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

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

Dated: October 26, 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. Korce, seconded by Mr. Hendrix, Report and Resolution No. 267 of the Committee on Ways and Means as regards dental insurance for county employees was handed up; there being no debate, was voted on and adopted by voice vote:

For: Ayes (15).

Against: Rose, Bono (2).

Absent: None.

No. 267

REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AS REGARDS DENTAL INSURANCE FOR COUNTY EMPLOYEES

WHEREAS, this Legislature has been informed by communication dated October 14, 2011 from Steven R. Billings, Personnel Officer, of a request for a contract with Excellus Benefit Resources (EBS-RMSCO, Inc.) for the County's Self-Insured Dental Plan for 2012; now, therefore, be it

RESOLVED, that the County of Herkimer extends its contract with Excellus Benefit Services, P.O. Box 4863, Syracuse, New York 13221, for the County's self-insured dental plan for the year 2012 at the following rates per month:

<u>Division #4 (CSEA)</u>	<u>Division #3 (Highway)</u>	<u>Division #2 (Exempt)</u>
Single \$ 3.84	Single \$ 3.15	Single \$ 5.30
Family \$13.47	Family \$11.05	Family \$17.63

The administrative fee charged by Excellus Benefit Services will be at the rate of \$2.60 per employee month per contract from January 1, 2012 through December 31, 2014; and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature be, and he hereby is, authorized, empowered and directed to execute any contracts necessary with Excellus Benefit Services to provide such dental insurance plan for 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, Personnel Officer and Excellus Benefit Services.

Dated: October 26, 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. 268 of the Committee on Ways and Means approving contract with Excellus Health Plan, Inc. for Administrative Service was handed up; debate was held, roll call vote was requested; was voted on and adopted by roll call vote:

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

Against: Rose, Keblish (2).

Absent: none.

No. 268

REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
APPROVING CONTRACT WITH EXCELLUS HEALTH PLAN, INC. FOR
ADMINISTRATIVE SERVICES

WHEREAS, by letter dated October 14, 2011 from Steven R. Billings, Personnel Officer, this Legislature is advised of a request for an Administrative Services Contract with Excellus Health Plan, Inc., to provide claims processing, administrative services, medical review and managed care services for the county's health insurance program; and

WHEREAS, said contract would be effective January 1, 2012; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter an Administrative Services Contract with Excellus Health Plan, Inc., 12 Rhoads Drive, Utica, New York 13502, for Administrative Services to be effective January 1, 2012, with the administrative fee for the Traditional Plan to be \$40.70 per employee per month, and \$43.46 per employee per month for the Blue Preferred PPO and Healthy Choices Plans, with the Medicare Supplement Plan for retirees to carry an administrative fee of \$32.54 per employee per month; and, be it further

RESOLVED, that the terms and conditions of said contract be subject to the approval of the County Attorney; and, be it further

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

Dated: October 26, 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. Hyde, seconded by Mr. Russell, Report and Resolution No. 269 of the Committee on Ways and Means in connection with implementation of Government Accounting Standards Board statement (GASB45) was handed up; debate was held, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 269

REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS IN CONNECTION WITH IMPLEMENTATION OF GOVERNMENT ACCOUNTING STANDARDS BOARD STATEMENT (GASB45)

WHEREAS, by letter dated October 14, 2011 from Steven R. Billings, Personnel Officer, this Legislature is advised of a request for a contract with Aquarius Capital to provide the County with the performance of a post employment benefits evaluation under Government Account Standards Board (GASB) No. 45; and

WHEREAS, said contract will be at the same fee charged for 2010, in the amount of \$4,900.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute an agreement on behalf of the County of Herkimer with Aquarius Capital, 110 Betsy Brown Road, Port Chester, New York 10573, to provide the County with the performance of a post employment benefits evaluation under Government Account Standards Board (GASB) No. 45, said contract to be in the amount of \$4,900.00, and with the final terms 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, Personnel Officer and Aquarius Capital.

Dated: October 26, 2011.

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

On motion of Mrs. Maneen, seconded by Mr. Shaw, Report and Resolution No. 270 of the Committee on Administration/Veterans' Affairs and the Committee on Ways and Means amending contract with ACS Enterprise Solutions, Inc. in connection with provision of Veterans Card was handed up; debate was held; was voted on and adopted by voice vote:

For: All ayes: (17).

Against: None.

Absent: None.

No. 270

REPORT AND RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS' AFFAIRS AND THE COMMITTEE ON WAYS AND MEANS AMENDING CONTRACT WITH ACS ENTERPRISE SOLUTIONS, INC. IN CONNECTION WITH PROVISION OF VETERANS CARD

WHEREAS, by Resolution No. 20 adopted on January 20, 2010, a contract was entered into with ACS Enterprise Solutions, Inc. of Dallas, Texas, to provide electronic imaging services and microfilm for the Herkimer County Clerk's Office; and

WHEREAS, by letter dated October 20, 2010, from Sylvia M. Rowan, County Clerk, this Legislature is advised of a request to amend said contract to include provision of a veterans card feature, at a one-time cost of \$2,500.00; now, therefore, be it

RESOLVED, that the contract entered into with ACS Enterprise Solutions, Inc., 2800 West Mockingbird Lane, Dallas, TX 75235, pursuant to Resolution No. 19 dated January 20, 2010, is hereby amended to include provision for a veterans card feature, at a one-time cost of \$2,500.00; and, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute said amended contract on behalf of the County of Herkimer, with said amended contract subject to 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, Herkimer County Clerk and ACS Enterprise Solutions, Inc.

Dated: October 26, 2011.

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

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

Committee on Ways and Means

On motion of Mr. Korce, seconded by Mr. Bono, Mr. Russell and Mr. Peplinski, Report and Resolution No. 271 of the Committees on Ways and Means and Highways amending 2011 Budget in connection with State Snow Removal Reimbursement was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes: (17).

Against: None.

Absent: None.

No. 271

REPORT AND RESOLUTION OF THE COMMITTEES ON WAYS AND MEANS AND HIGHWAYS AMENDING 2011 BUDGET IN CONNECTION WITH STATE SNOW REMOVAL REIMBURSEMENT

WHEREAS, by letter dated October 21, 2011, from the Budget Officer/Purchasing Agent, this Legislature is advised that it is necessary to amend the 2011 Budget in connection with the receipt of additional funding for plowing State roads; 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>
D5144.2302, Snow Removal Reimbursement	\$1,200,000.00	\$1,600,000.00
<u>EXPENSES</u>		
D5144-44000	\$1,160,000.00	\$1,560,000.00

And, be it further

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

Dated: October 26, 2011.

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

Committee on Ways and Means

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

On motion of Mr. Korce, seconded by Mr. Peplinski and Mr. Shaw, Report and Resolution No. 272 of the Committees on Ways and Means and the Committee on Highways amending 2011 Budget in connection with receipt of funding from FEMA and SEMO for Storm Damage Repairs was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes: (17).

Against: None.

Absent: None.

No. 272

REPORT AND RESOLUTION OF THE COMMITTEES ON WAYS AND MEANS AND THE COMMITTEE ON HIGHWAYS AMENDING 2011 BUDGET IN CONNECTION WITH RECEIPT OF FUNDING FROM FEMA AND SEMO FOR STORM DAMAGE REPAIRS

WHEREAS, by letter dated October 21, 2011, from the Budget Officer/Purchasing Agent, this Legislature is advised that it is necessary to amend the 2011 Budget in connection with the receipt of funding from Federal FEMA and State SEMO emergency authorities as reimbursement for storm damage repairs; 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>
D8760.3960, State Aid, Emergency Disaster Work	\$-0-	\$ 40,000.00
D8760.4960, Fed. Aid, Emergency Disaster Work	\$-0-	\$170,000.00
DM8760.4960, Fed. Aid, Emergency Disaster (Machinery Fund)	\$-0-	\$ 80,000.00
 <u>EXPENSES</u>		
D8760.41000-801, Emergency Disaster Work, Asphalt	\$-0-	\$170,000.00

D8760.41000-808, Emergency Disaster Work, Gravel	\$-0-	\$ 40,000.00
DM8760.46200-882, Emergency Disaster Work, (DM) Diesel	\$-0-	\$ 60,000.00
DM8760.46200-888, Emergency Disaster Work (DM) Unleaded	\$-0-	\$ 20,000.00

And, be it further

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

Dated: October 26, 2011.

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

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

On motion of Mr. Russell, seconded by Mr. Peplinski and Mr. Stone, Report and Resolution No. 273 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. 273

**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 October 21, 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:

\$ 1,000.00	From:	D5020.10000-001, Engineering Division - Salaries
	To:	D5010.10000-001, Highway Admin. - Salaries
\$145,000.00	From:	DM5130.10000-001, Road Machinery - Salaries
	To:	D5110.10000-001, Maintenance - Salaries
\$ 10,000.00	From:	DM5130.10000-001, Road Machinery - Salaries
	To:	D5010.10100, Highway Admin. – Temp. Employees
\$ 2,409.00	From:	A4059A.10000-001, ARRA Early Intervention – Salaries
	To:	A4059A.41000, ARRA Early Intervention – Supplies
\$ 208.00	From:	A4059A.10000-001, ARRA Early Intervention – Salaries
	To:	A4059A.46100, ARRA Early Intervention – Mileage & Travel
\$ 682.00	From:	A4059A.81000, ARRA Early Intervention – Retirement
	To:	A4059A.46100, ARRA Early Intervention – Mileage & Travel
\$ 46.00	From:	A4059A.83000, ARRA Early Intervention – Social Security
	To:	A4059A.46100, ARRA Early Intervention – Mileage & Travel
\$ 88.00	From:	A4059A.83500, ARRA Early Intervention – Medicare
	To:	A4059A.46100, ARRA Early Intervention – Mileage & Travel
\$ 68.00	From:	A4059A.84000, ARRA Early Intervention – Workers’ Comp
	To:	A4059A.46100, ARRA Early Intervention – Mileage & Travel
\$ 92.00	From:	A4059A.85000, ARRA Early Intervention - Unemployment
	To:	A4059A.46100, ARRA Early Intervention – Mileage & Travel
\$ 324.00	From:	A4059A.86000, ARRA Early Intervention – Hospitalization
	To:	A4059A.46100, ARRA Early Intervention – Mileage & Travel
\$ 66.00	From:	A4059A.86500, ARRA Early Intervention – Dental
	To:	A4059A.46100, ARRA Early Intervention – Mileage & Travel

and be it further,

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

Dated: October 26, 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. Hendrix, seconded by Mr. Hyde, Mr. Stone and Mr. Piseck, Report and Resolution No. 274 of the Committee on Public Safety/Emergency Management authorizing agreement with Remington Arms Company, LLC was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes: (17).

Against: None.

Absent: None.

No. 274

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT AUTHORIZING AGREEMENT WITH REMINGTON ARMS COMPANY, LLC

WHEREAS, by letter dated October 21, 2011, Christopher P. Farber, Herkimer County Sheriff has advised that Remington Arms Company, LLC, has requested permission to use Herkimer County's firing range for testing of a limited number of fire arms products which are produced at its Ilion, New York, manufacturing facility; and

WHEREAS, utilization of the County's firing range would provide an additional resource for weapons testing for Remington Arms Company, LLC, and provide an opportunity for the company to work cooperatively with local government; and

WHEREAS, in exchange, the Herkimer County Sheriff's Department would be provided with two annual tuition free slots for attendance at one of the regularly scheduled factory or field armorer school training courses for the duration of the period in which the range use agreement remains in effect; and

WHEREAS, it is the opinion of this Legislature that it would be beneficial to the County of Herkimer to enter into such an agreement; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a standard indemnification and release agreement with Remington Arms Company, LLC, which in addition to its usual terms, will provide that the Herkimer County Sheriff's Department will have two tuition free slots for attendance at one of the regularly scheduled factory or field armorer school training courses for the duration of the period in which the range use agreement remains in effect; and, be it further

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

Dated: October 26, 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. Manno, seconded by Mr. Shaw, Report and Resolution No. 275 of the Committees on Education and Ways and Means concerning renovation of Science Labs and Roof Replacement Project at Herkimer County Community College was handed up; debate was held, was voted on and adopted by voice vote:

For: All ayes: (17).

Against: None.

Absent: None.

No. 275

**REPORT AND RESOLUTION OF THE COMMITTEES ON EDUCATION AND WAYS
AND MEANS CONCERNING RENOVATION OF SCIENCE LABS AND ROOF
REPLACEMENT PROJECT AT HERKIMER COUNTY COMMUNITY COLLEGE**

WHEREAS, by Resolution No. 108 duly adopted on April 7, 2010, this Legislature approved the establishment of the Renovation of Science Labs and Roof Replacement Project in Johnson Hall in the amount of \$2,600,000, which project would allow the College to upgrade to current technology, improve access to students with disability, ensure the safety of all who enter and use the facility and allow the College to remain progressive and up to date in all facets of the College's programming; and

WHEREAS, by letter dated October 25, 2011, Nicholas Laino, Vice President for Administration and Finance at Herkimer County Community College, has submitted a request that the County contribute funding in the amount of up to \$200,000 to be dedicated to this project; and

WHEREAS, by letter dated October 25, 2011, Bernard E. Decker, Budget Officer and Purchasing Agent, has advised that funds are available for said contribution; and

WHEREAS, your Committees have considered said request and recommend said action; now, therefore, be it

RESOLVED, that the County of Herkimer hereby guarantees funding in the amount of up to \$200,000 for the Renovation of Science Labs and Roof Replacement at Johnson Hall Project at Herkimer County Community College; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, President of Herkimer County Community College and Vice President for Administration and Finance at Herkimer County Community College.

Dated: October 27, 2011.

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

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

On motion of Mr. Piseck, seconded by Mr. Hyde and Mr. Ackerman, Resolution No. 276 of the Committee on County Planning and Development making appointment to the Herkimer County Industrial Development Agency was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes: (17).

Against: None.

Absent: None.

No. 276

RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT MAKING APPOINTMENT TO THE HERKIMER COUNTY INDUSTRIAL DEVELOPMENT AGENCY

WHEREAS, this Legislature by Resolution No. 124 of 1970 established an Industrial Development Agency for the County of Herkimer, and by Resolution No. 104 for 1982 amended said resolution to increase membership of the Herkimer County Industrial Development Agency to seven members; and

WHEREAS, it is necessary to make an appointment to fill a vacancy on said Industrial Development Agency; now, therefore, be it

RESOLVED, that this Legislature hereby appoints Michael Werenczak, 2517 State Route 28, Mohawk, New York, to the Herkimer County Industrial Development Agency; and, be it further

RESOLVED, that said appointee shall serve on said Agency until a successor is appointed and qualified; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Industrial Development Agency, the Secretary of State of the State of New York and Michael Werenczak.

Dated: October 26, 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**

Chairman Smith stated that pursuant to Rule 6(12) they would proceed with comments by legislators. Mr. Weakley made a motion, seconded by Mr. Shaw, to adjourn.

The motion was carried by voice vote:

For: Ayes (15). Against: Hyde, Rose (2).

The meeting was adjourned at 8:42 p.m.