

**(PLEASE NOTE: Full Resolutions are attached following minutes)**

**MINUTES  
Herkimer County Legislature  
Second Quarter – Second Day  
Wednesday, April 23, 2014  
7:30 p.m.**

The Public Hearing on proposed modifications to agricultural districts under the Open Enrollment Period for 2014 was called to order at 7:15 p.m. by Frederick Shaw, Chairman of the Committee on Natural Resources. The Clerk read the notice of the hearing.

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN, that the Herkimer County Legislature will hold a Public Hearing on the proposed modifications of Herkimer County Agricultural Districts #1, # 2, #3 and #6. The Public Hearing will be held on April 23, 2014 at 7:15 p.m. in the Herkimer County Legislature Chambers in Herkimer, New York.

Seven landowners have submitted requests in 2014 for inclusion of predominantly viable agricultural land within a certified agricultural district, and these requests have been filed with the Herkimer County Legislature pursuant to Section 303-b of the NYS Agriculture and Markets Law. One landowner has parcels located in the Towns of Schuyler and Frankfort, which are part of or adjacent to Agricultural District No 1; two landowners have parcels located in the Towns of Frankfort and Litchfield, which are part of or adjacent to Agricultural No. 2; one landowner has a parcel located in the Town of Danube, which is part of or adjacent to Agricultural No. 3 and two landowners have parcels located in the Towns of Fairfield and Norway, which are part of or adjacent to Agricultural District No. 6.

The public hearing shall be held to consider these landowners' requests and the recommendations of the Herkimer County Agricultural and Farmland Protection Board.

Dated at Herkimer, New York  
April 16, 2014

Carole LaLonde, Clerk  
Herkimer County Legislature

Mr. Shaw asked if anyone wished to speak. Mr. Shaw advised that there are requests from seven landowners for inclusion in agricultural districts, totaling 960.3 acres. There were no appearances and the hearing was declared closed at 7:17 p.m.

The Regular Session of the Herkimer County Legislature was called to order by Chairman Vincent Bono at 7:30 p. m.

Chairman Bono called on Brittney Cotton, Secretary to the County Administrator, to lead the Legislature in the Pledge of Allegiance.

Mr. Bono requested everyone to remain standing for a moment of silence in recognition and honor of all the current and past veterans of Herkimer County.

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

Present: Luppino, Rose, Schrader, Wellington, Johnson, Stephens, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw (16).

Absent: Weakley (1).

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Bono asked if there were any objections or corrections to the minutes of April 9, 2014. There were none, and the Chairman ordered them approved.

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

Chairman Bono 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. 126 – A communication was received from the Commissioner of Social Services submitting the 2013 Annual Report of the Department of Social Services. Referred to the Committee on Human Resources.

No. 127 – A communication was received from the Oneida-Herkimer Solid Waste Authority submitting minutes of 12/16/13 and recently adopted resolutions. Placed on file.

No. 128 – A communication was received from the Soil and Water Conservation District submitting minutes of 3/11/14. Placed on file.

No. 129 - A communication was received from the County Auditor submitting report of approval of corrected tax applications. Placed on file.

No. 130 - A communication was received from Kids Oneida, Inc. submitting their 2013 Annual Report. Placed on file.

No. 131 – A communication was received from the Budget Officer submitting request for budget amendments and transfers of funds in connection with Federal Equitable Sharing funds for District Attorney's Office. Referred to the Committee on Ways and Means.

No. 132 –A communication was received from Bernard Decker advising of his retirement as Budget Officer/Purchasing Agent. Placed on file.

No. 133 – A communication was received from the County Highway Superintendent requesting amendment of contract for engineering services for Bush Road Project. Referred to the Committee on Highways and the Committee on Ways and Means.

No. 134 – A communication was received from the County Highway Superintendent requesting increase in funding for North Creek Road Project. Referred to the Committee on Highways.

No. 135 – A communication was received from the Budget Officer requesting contract for mail machine and maintenance. Referred to the Committee on Ways and Means.

No. 136 – A communication was received from the Officer in Charge at Herkimer County Community College requesting approval of change orders on College Center Cafeteria Project. Referred to the Committees on County Properties, Education and Ways and Means.

No. 137 – A communication was received from the Executive Director of the Herkimer County Industrial Development Agency requesting approval of a loan from the Revolving Loan Fund. Referred to the Committee on Ways and Means.

No. 138 – A communication was received from the Budget Officer submitting request for a budget amendment. Referred to the Committee on Ways and Means.

No. 139 – A communication was received from the Agricultural and Farmland Protection Board submitting recommendations on Open Enrollment additions to agricultural districts for 2014. Referred to the Committee on Natural Resources.

No. 140 – A communication was received from the County Property Agent advising of properties for In Rem auction. Referred to the Committee on County Properties.

No. 141 – A communication was received from the Department of State acknowledging receipt and filing of Local Law No. 2 for 2014. Placed on file.

Pursuant to Rule 6, Chairman Bono then proceeded with Reports of Standing Committees. There were no reports.

Chairman Bono continued with Reports and Resolutions and Resolutions.

On motion of Mr. Luppino, seconded by Mr. Smith, Report and Resolution No. 118 of the Committee on Human Resources approving annual report of the Department of Social Services was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Weakley (1).

On motion of Mr. Shaw, seconded by Mr. Schrader, Report and Resolution No. 119 of the Committee on Natural Resources to provide that the additions to existing agricultural districts for the year 2014 pursuant to Section 303-b of the Agriculture and Markets Law is in compliance with the provisions of the New York State Environmental Quality Review Act was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Weakley (1).

On motion of Mr. Shaw, seconded by Mr. Hyde, Report and Resolution No. 120 of the Committee on Natural Resources approving additions to existing Agricultural Districts for the year 2014 was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Weakley (1).

On motion of Mr. Johnson, seconded by Mr. Ackerman, Report and Resolution No. 121 of the Committee on County Planning and Development and the Committee on Ways and Means amending budget in connection with funding for Youth Violence Prevention Program was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Weakley (1).

On motion of Mr. Luppino, seconded by Mr. Stephens, Report and Resolution No. 122 of the Committee on County Planning and Development and the Committee on Ways and Means approving loan from the Herkimer County Small Cities Revolving Loan Fund was handed up; discussion was held; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Weakley (1).

On motion of Mr. Ackerman, seconded by Mr. Russell, Report and Resolution No. 123 of the Committee on Ways and Means authorizing contract for mail machine and maintenance was handed up; discussion was held; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Weakley (1).

On motion of Mr. Manno, seconded by Mr. Johnson, Report and Resolution No. 124 of the Committees on Education, County Properties and Ways and Means concerning change orders on contracts for plumbing and HVAC for renovation of Robert McLaughlin College Center Cafeteria/Alumni Hall Project was handed up; discussion was held; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Weakley (1).

On motion of Mr. Hyde, seconded by Mr. Russell, Report and Resolution No. 125 of the Committee on Ways and Means establishing accounts and amending 2014 Budget in connection with District Attorney funding was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Weakley (1).

On motion of Mr. Peplinski, seconded by Mr. Stephens, Report and Resolution No. 126 of the Committee on Highways amending Resolution No. 238 of 2013 approving project under Article 6, Section 116 of the Highway Law was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Weakley (1).

On motion of Mr. Peplinski, seconded by Mr. Shaw, Report and Resolution No. 127 of the Committees on Highways and Ways and Means authorizing amendment of contract for engineering services in connection with Bush Road over Sterling Creek Bridge Replacement was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Weakley (1).

On motion of Mr. Brezinski, seconded by Mr. Manno, Report and Resolution No. 128 of the Committee on Ways and Means appointing Budget Officer and Purchasing Agent was handed up; was voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Weakley (1).

Ms. Ferdula expressed her appreciation for the appointment.

Chairman Bono welcomed the 4-H Government Interns and asked them to introduce themselves and the schools they were from.

On motion of Mr. Peplinski, seconded by Mr. Shaw, Report and Resolution No. 129 of the Committee on Highways requesting review and reform of inflated federally funded bridge and highway projects was handed up; discussion was held; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Weakley (1).

On motion of Mr. Shaw, seconded by Mr. Smith, Report and Resolution No. 130 of the Committees on County Planning and Development and the Committee on Ways and Means rescinding a resolution which had authorized acceptance of a grant from the New York State Office of Community Renewal Totaling \$600,000 to establish a Rehabilitation and Replacement Manufactured Housing Program for low to moderate income households was handed up; discussion was held; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.

Absent: Weakley (1).

On motion of Mr. Hyde, seconded by Mr. Stephens, Resolution No. 131 of the Committee on County Properties authorizing sale of property acquired by In Rem Procedures

was handed up; discussion was held; Mr. Smith requested a roll call vote; was voted on and adopted by roll call vote:

For: For: Luppino, Rose, Schrader, Wellington, Johnson, Stephens, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw (16).

Against: None.                      Absent: Weakley (1).

On motion of Mr. Russell, seconded by Mr. Smith, Resolution No. 132 of the Committee on Ways and Means amending Resolution No. 167 and No. 199 of 2012, Resolution No. 56 of 2013 and Resolution No. 79 of 2014 approving standard workday and retirement reporting for elected and appointed officials was handed up; voted on and adopted by voice vote:

For: Ayes (16).

Against: None.                      Absent: Weakley (1).

Chairman Bono stated that pursuant to Rule 6(12) they would proceed with comments by legislators. The following legislators had further comments: Helen Rose, Chairman Bono, and John Stephens.

At 8:00 p.m. on motion of Mr. Manno, seconded by Mr. Schrader, the Legislature adjourned to Wednesday, May 21, 2014 at 7:30 p.m.