

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

**MINUTES  
Herkimer County Legislature  
Second Quarter – Second Day  
Wednesday, April 22, 2015  
7:30 p.m.**

**Public Hearing**

The Public Hearing on the Open Enrollment Period for 2015 for Inclusion in Agricultural Districts was called to order at 7:15 p.m. by Frederick Shaw, Chairman of the Committee on Natural Resources. The Clerk read the Notice. Mr. Shaw then asked if there was anyone wishing to speak on hearing. There were no appearances, and the hearing was declared closed at 7:18 p.m.

**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 # 2 and #3. The Public Hearing will be held on April 22, 2015 at 7:15 p.m. in the Herkimer County Legislature Chambers in Herkimer, New York.

Seven landowners have submitted requests in 2015 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. Six landowners have parcels located in the Towns of Frankfort, Litchfield and Winfield which are part of or adjacent to Agricultural District No 2; one landowner has parcels located in the Towns of Little Falls and German Flatts, which are part of or adjacent to Agricultural No. 3.

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 15, 2015.

Carole LaLonde, Clerk  
Herkimer County Legislature

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 Legislator Peter Manno, to lead the Legislature in the Pledge of Allegiance.

Chairman Bono called for a moment of silence in recognition of all veterans, past and present.

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, Weakley (17).

Absent: None.

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 8, 2015. 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. 113 – A communication was received from the Director of Public Health submitting 2014 Annual Report. Referred to the Committee on Human Resources.

No. 114 – A communication was received from the Budget Officer submitting request for budget amendment in connection with receipt of HealthNet funding. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 115 – A communication was received from the Interim President/VP for Admin. and Finance, HCCC submitting resolution for approval of architect for Entrepreneur Center for Small Business Development Project. Referred to the Committee on Education and the Committee on Ways and Means.

No. 116 – A communication was received from Dominic Frank submitting resignation from the Herkimer County IDA. Referred to the Committee on County Planning and Development.

No. 117 – A communication was received from the Commissioner of Social Services submitting the 2014 Annual Report of the Department of Social Services. Referred to the Committee on Human Resources.

No. 118 – A communication was received from the County Property Agent submitting list of parcels for In Rem Auction and terms and conditions. Referred to the Committee on County Properties.

No. 119 – A communication was received from Senator James Seward concerning continuing education requirements for licensed social workers. Placed on file.

No. 120 - A communication was received from the Adirondack Scenic Railroad submitting their 2014 Annual Report. Placed on file.

No. 121 – A communication was received from Senator Seward concerning Herkimer and Oneida Counties transportation infrastructure. Placed on file.

No. 122 – A communication was received from Assemblyman Marc Butler acknowledging receipt of county resolution supporting repeal of SAFE Act. Placed on file.

No. 123 – A communication was received from the Budget Officer submitting request for budget amendment and transfer in Department of Mental Health. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 124 – A communication was received from the Director of Community Services advising of receipt of state aid to provide additional services at correctional facility and requesting transfer of funds in connection with electronic medical records system. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 125 – A communication was received from New York State Association of Counties acknowledging receipt of Herkimer County Resolutions No. 76 and 78. Placed on file.

No. 126 – A communication was received from Herkimer County Community College submitting resolution for Four-Day Work Week for Summer of 2015. Referred to the Committee on Education and the Committee on Ways and Means.

No. 127 – A communication was received from the Director of Probation requesting approval of agreement for implementation of remote alcohol monitoring device. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 128 – A communication was received from the Oneida-Herkimer Solid Waste Authority submitting the 2014 Annual Report. Placed on file.

No. 129 – A communication was received from ProAct, Inc. submitting Prescription Discount Card report for March 2015. Placed on file.

No. 130 – A communication was received from the Chairman of the Agricultural and Farmland Protection Board submitting report and recommendations for additions to existing agricultural districts for 2015. Referred to the Committee on Natural Resources.

No. 131 – A communication was received from the Budget Officer submitting request for transfer of funds in Board of Elections. Referred to the Committee on Ways and Means.

No. 132 – A communication was received from the County Attorney advising of the receipt of Notice of Claim. Referred to the Committee on Ways and Means.

No. 133 – A communication was received from the Budget Officer submitting request for transfer of funds for Crime Victims Services Account. Referred to the Committee on Ways and Means.

No. 134 – A communication was received from Dennis Korce advising of his resignation from the Humane Society Board of Directors. Referred to the Committee on Natural Resources.

No. 135 – A communication was received from the Budget Officer requesting change order on contract for curtain wall repair project. Referred to the Committee on County Properties and the Committee on Ways and Means.

No. 136 – A communication was received from the E & T Director requesting Chairman to execute Multi-Jurisdictional Chief Elected Officials Agreement. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

Pursuant to Rule 6, Chairman Bono proceeded with Reports of Standing Committees. Frederick Shaw, Chairman of the Natural Resources Committee, reported that Veronica Treadwell was named the new Dairy Princess for 2015 at a dinner held last Saturday.

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

**Consent Agenda:**

- 100 HUMAN RES.: Annual Report of Public Health Nursing Service
- 101 HUMAN RES.: Annual Report of Social Services Department

Chairman Bono then continued with the Regular Agenda.

On motion of Mr. Shaw, seconded by Mr. Brezinski, Report and Resolution No. 102 sponsored by the Committee on Natural Resources to provide that the additions to existing agricultural districts for the year 2015 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 (17).

Against: None.

Absent: None.

On motion of Mr. Hyde, seconded by Mr. Luppino, Report and Resolution No. 103 sponsored by the Committee on Natural Resources approving additions to existing agricultural districts for the year 2015 was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Manno, seconded by Mr. Ackerman, Report and Resolution No. 104 sponsored by the Committee on Education and the Committee on Ways and Means concerning 4 day work week at Herkimer County Community College was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (15).

Against: Smith (1).

Abstain: Johnson (1).

Absent: None.

On motion of Mr. Russell, seconded by Mr. Stephens, Report and Resolution No. 105 sponsored by the Committee on Human Resources and the Committee on Ways and Means authorizing budget amendment for receipt of funds in Mental Health Department was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Luppino, seconded by Mr. Ackerman, Report and Resolution No. 106 sponsored by the Committee on Ways and Means authorizing transfers of funds was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Shaw, seconded by Mr. Peplinski, Report and Resolution No. 107 sponsored by the Committee on Human Resources and the Committee on Ways and Means amending Resolution No. 183 of 2014 as amended by Resolution No. 311 of 2014 and Resolution No. 67 of 2015, authorizing agreement for electronic medical records system for Herkimer County Mental Health Services was handed up; discussion was held; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Manno, seconded by Mr. Stephens, Report and Resolution No. 108 sponsored by the Committee Education and the Committee on Ways and Means approving agreement for architect for entrepreneur center for small business development was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Russell, seconded by Mr. Shaw, Report and Resolution No. 109 sponsored by the Committee on Human Resources and the Committee on Ways and Means approving budget amendment for Herkimer County HealthNet, Inc. was handed up; discussion was held; was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

On motion of Mr. Weakley, seconded by Mr. Johnson, Report and Resolution No. 110 sponsored by the Committee on Public Safety/Emergency Management and the Committee on Ways and Means approving agreement for remote alcohol monitoring device for Probation Department was handed up; discussion was held; was voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Ackerman, seconded by Mr. Johnson, Report and Resolution No. 111 sponsored by the Committee on County Properties and the Committee on Ways and Means authorizing change order for curtain wall project was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Stephens, seconded by Mr. Shaw, Report and Resolution No. 112 sponsored by the Committee on County Planning and Development and the Committee on Ways and Means authorizing Chairman to sign multi-jurisdictional chief elected officials agreement was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Schrader, seconded by Mr. Peplinski, Resolution No. 113 sponsored by the Committee on County Properties authorizing sale of property acquired by In Rem Procedures was handed up; voted on and adopted by voice vote:

For: Ayes (17).

Against: None.

Absent: None.

On motion of Mr. Russell, seconded by Mr. Peplinski, Report and Resolution No. 114 sponsored by the Committee on County Properties authorizing redemption of parcels taken under In Rem Tax Foreclosure was handed up; discussion was held; Mr. Shaw made a motion to move the question, seconded by Mr. Johnson. The motion was approved by voice vote:

Ayes: (17).

Against: None.

Absent: None.

The resolution was voted on and adopted by roll call vote:

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

Against: Rose (1).

Absent: None.

Chairman Bono stated that pursuant to Rule 6(12) they would proceed with comments by legislators. Mr. Russell acknowledged Mr. Korce's resignation as the Legislature representative on the Herkimer County Humane Society Board of Directors. He expressed appreciation to Legislator Korce for his many years of dedication and hard work on that Board and his advocacy for animals. The following legislators had further comments: Mrs. Rose, Mr. Russell and Chairman Bono.

At 7:55 p.m. on motion of Mr. Manno, seconded by Mr. Wellington, the Legislature adjourned to Wednesday, May 20, 2015 at 7:30 p.m.