

MINUTES
Herkimer County Legislature
First Quarter– Third Day
Wednesday, February 16, 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 January 26, 2011 and February 10, 2011. There were no objections and the minutes were approved.

Pursuant to Rule 11, Chairman Smith opened the floor for public comment. The following individual spoke at the public comment period – Barbara Mielcarski – in opposition to proposed state closure of the Historic Herkimer Home Site.

The clerk continued with the communications, beginning with No. 52

No. 52 – A communication was received from the Director of Public Health requesting establishment of charges under the Long Term Care Program. Referred to the Committees on Human Resources and Ways and Means.

No. 53 – A communication was received from the Director of the Office for the Aging submitting request for EISEP Program contract renewal. Referred to the Committees on Human Resources and Ways and Means.

No. 54 – A communication was received from the Budget Officer submitting requests for transfers of funds in the 2011 Budget. Referred to the Committee on Ways and Means.

No. 55 – A communication was received from the Budget Officer submitting request for budget amendment in connection with HealthNet funding. Referred to the Committee on Ways and Means.

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No. 56 – A communication was received from the Budget Officer requesting budget amendment in connection with funding for Microenterprise Grant. Referred to the Committee on Ways and Means.

No. 57 – A communication was received from the Budget Officer submitting requests for transfers of funds in the 2010 budget. Referred to the Committee on Ways and Means.

No. 58 – A communication was received from the County Highway Superintendent requesting renewal of lease with National Grid. Referred to the Committee on Highways and the Committee on Ways and Means.

No. 59 - A communication was received from ProAct, Inc. submitting the monthly discount drug card report for January. Ordered filed.

No. 60 – A communication was received from the New York State Dept. of State acknowledging receipt and filing of Local Law No. 1 for 2011. Ordered filed.

No. 61 – A communication was received from the Oneida-Herkimer Solid Waste Authority concerning single stream recycling. Ordered filed.

No. 62 – A communication was received from the Commissioner of Social Services requesting renewal of contract with Superior Home Health Care. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 63 – A communication was received from the Director of the Office for the Aging concerning Community Transportation Services. Referred to the Committees on Human Resources and Ways and Means.

No. 64 – A communication was received from the County Highway Superintendent requesting title change in Highway Department. Referred to the committees on Human Resources and Ways and Means.

No. 65 – A communication was received from the Herkimer County Humane Society advising of unreimbursed expenses for spaying and neutering dogs in 2010. Referred to the Committee on Ways and Means.

No. 66 – A communication was received from the Herkimer County Sewer District requesting approval of resolution for Belt Press Replacement Project. Referred to the Committees on Natural Resources and Ways and Means.

No. 67 – A communication was received from the County Highway Superintendent submitting Capital Construction Projects for 2011. Referred to the Committee on Highways.

No. 68 – A communication was received from the Sheriff requesting agreement with Monroe County Sheriff's Department for security services at Rochester Psychiatric Center. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 69 – A communication was received from the Sheriff requesting agreement with Oneida County Sheriff's Department for security services at Central New York Psychiatric Center. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 70 – A communication was received from the Herkimer County Sewer District requesting public hearing be set on local law for sewer use changes. Referred to the Committee on Natural Resources.

No. 71 – A communication was received from the Director of the Office for the Aging requesting approval to submit an application for Senior Housing Rehabilitation Grant. Referred to the Committees on Human Resources and Ways and Means.

No. 72 – A communication was received from the Herkimer County HealthNet requesting an amendment in connection with Rural Health Development Grant Award. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 73 – A communication was received from the Chairman of the Legislature concerning membership on the Community Services Board. Ordered filed.

No. 74 – A communication was received from the New York State Dept. of Environmental Conservation concerning a public meeting on the former Wood Service Station. Ordered filed.

No. 75 – A communication was received from the Sheriff requesting extension of Homeland Security Grant. Referred to the Committee on Public Safety/Emergency Management and the Committee on Ways and Means.

No. 76 – A communication was received from the Commissioner of Social Services requesting approval of contracts in connection with Flexible Funds for Family Services Plan (formerly TANF). Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 77 – A communication was received from the Personnel Officer submitting 2010 Annual Report of Former Self-Insured Workers Comp. Plan. Referred to the Committee on Ways and Means.

No. 78 – A communication was received from the Personnel Officer submitting the 2010 Annual Report of Stand Alone Workers' Compensation Plan. Referred to the Committee on Ways and Means.

No. 79 – A communication was received from the Sheriff submitting the monthly report for December 2010. Referred to the Committee on Public Safety/Emergency Management.

No.80 - A communication was received from the Director of Community Services submitting January activities update. Ordered filed.

No. 81 – A communication was received from the Herkimer County Historical Society expressing appreciation for county’s allocation. Ordered filed.

No. 82 – A communication was received from the Black River-St. Lawrence RC & D Council submitting the 2010 Annual Report. Ordered filed.

No. 83 – A communication was received from the Herkimer Soil and Water Conservation District submitting minutes of 1/11/11. Ordered filed.

No. 84 – A communication was received from the County Administrator requesting extension of Shared Municipal Services Incentive Grant. Referred to the Committee on County Planning and Development and the Committee on Ways and Means.

Chairman Smith requested the government interns from the Cornell Cooperative Extension to introduce themselves and what schools they were from. County Attorney Malone explained the difference between a roll call and voice vote.

Mrs. Rose requested Report and Resolutions No. 48 and 49 be removed from the consent agenda and placed on the regular agenda.

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

For: All ayes (17).

Against: None.

Absent: None.

Consent Agenda:

- 44 HUMAN RES.: Adopting Annual Report of Mental Health Services
- 45 WAYS & MEANS: Adopting annual Report of Stand Alone Workers’ Compensation Plan
- 46 WAYS & MEANS: Adopting Annual Report of Former Self-Insurance Plan
- 47 PUB. SFTY./EMER. MGMT.: Monthly report of Sheriff
- 50 HUMAN RES., WAYS & MEANS: Renewal of contract and budget amendment For HealthNet funding
- 51 PUB. SFTY./EMER. MGMT./WAYS & MEANS: Extending Sheriff’s Homeland Security Grant
- 52 WAYS & MEANS: Expenditure for Dog Control Purposes

53 NAT. RESOURCES, WAYS & MEANS: Set Public Hearing on Amendment
Of Sewer Use Law

No. 44

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES
ADOPTING ANNUAL REPORT OF HERKIMER COUNTY MENTAL HEALTH SERVICES**

Your Committee on Human Resources, to which was referred the Annual Report of the Herkimer County Mental Health Services for the period January 1, 2010 through December 31, 2010 respectfully reports that we have examined the same, recommend the adoption of said report, and offer the following Resolution:

RESOLVED, that the Annual Report of the Herkimer County Mental Health Services be approved and filed with the proceedings of the Herkimer County Legislature for the year 2010.

Dated: February 16, 2011.

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

No. 45

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
ADOPTING ANNUAL REPORT OF HERKIMER COUNTY STAND ALONE
WORKERS' COMPENSATION PLAN**

Your Committee on Ways and Means, to which was referred the Annual Report of the Herkimer County Stand Alone Workers' Compensation Plan for the year 2010, respectfully reports that we have examined said report, inquired into the subject matter thereof, and offer the following Resolution:

RESOLVED, that the Annual Report of the Herkimer County Stand Alone Workers' Compensation Plan for the year 2010 be adopted and printed in the Proceedings of the Herkimer County Legislature for the year 2010.

Dated: February 16, 2011.

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

No. 46

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
ADOPTING ANNUAL REPORT OF FORMER HERKIMER COUNTY SELF
INSURANCE PLAN**

Your Committee on Ways and Means, to which was referred the Annual Report of the former Herkimer County Self Insurance Plan for the year 2010, respectfully reports that we have examined said report, inquired into the subject matter thereof, and offer the following Resolution:

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

Dated: February 16, 2011.

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

No. 47

**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 December, 2010, 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 December, 2010, which report reflects an average daily population of 56.17 inmates, with an average of 27.65 inmates being boarded out in December, be approved and filed.

Dated: February 16, 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. 50

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES
AND WAYS AND MEANS AUTHORIZING A RENEWAL OF CONTRACT WITH
NEW YORK STATE DEPARTMENT OF HEALTH FOR HERKIMER COUNTY
HEALTHNET, INC. AND AMENDING BUDGET**

WHEREAS, by communication dated February 1, 2011, Phyllis Spinner, Executive Director of the Herkimer County HealthNet, Inc. has advised that the New York State Department of Health has forwarded a contract for renewal of the grant agreement for the period from February 1, 2011 through January 31, 2012, with the contract amount being \$134,825.00; and

WHEREAS, it is now necessary to enter into a contract with the New York State Department of Health renewing said grant funding agreement; and

WHEREAS, by letter dated February 10, 2011, Bernard E. Decker, Budget Officer, has advised that it is necessary to amend the Herkimer County Budget in connection with the receipt of said funding; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute a renewal of the contract between the County of Herkimer and the New York State Department of Health to receive \$134,825.00 in funding for the Herkimer County HealthNet, Inc. for the period February 1, 2011 through January 31, 2012; and, be it further

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

	<u>From:</u>	<u>To:</u>
<u>Revenue</u>		
A4018.3418, Rural HealthNet, State Aid	\$-0-	\$134,825.00

Appropriation

A4018.44000, Herkimer County HealthNet \$-0- \$134,825.00
-Contracted Services

and, be it further

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

Dated: February 16, 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

No. 51

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 THE SHERIFF'S DEPARTMENT

WHEREAS, pursuant to Resolution No. 167 of 2008, this Legislature approved an agreement with the New York State Office of Homeland Security for the receipt of a Law Enforcement Terrorism Prevention Program Grant in the amount of \$59,000; and

WHEREAS, by letter dated February 1, 2011 from Christopher P. Farber, Sheriff, this Legislature is advised that an extension of said grant has been submitted to expend any unused funds through June 30, 2011; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a grant extension through June 30, 2011 on behalf of the County of Herkimer with the New York State Office of Homeland Security, in connection with the receipt of an FY07 Law Enforcement Terrorism Prevention Program Grant in the amount of \$59,000; 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 State Office of Homeland Security.

Dated: February 16, 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

No. 52

**REPORT AND RESOLUTION OF THE COMMITTEES ON NATURAL RESOURCES
AND WAYS AND MEANS AUTHORIZING EXPENDITURE FOR DOG CONTROL
PURPOSES**

WHEREAS, by Local Law No. 2 of 1998, this Legislature was authorized by resolution to expend funds remaining in the hands of the County Treasurer after making payment to the Commissioner of Agriculture as required by Section 111(2) of the Agriculture and Markets Law; and

WHEREAS, said Local Law provided that said funds may be expended at the discretion of the County Legislature for controlling dogs and enforcing Article Seven of the Agriculture and Markets Law, including spaying and neutering of dogs; and

WHEREAS, this Legislature has been advised by a report and letter of Kimberlee Enea, County Treasurer, that there are excess dog licensing fees for 2010 in the amount of \$5,249.83; and

WHEREAS, your Committees have been advised and report that the Herkimer County Humane Society had unreimbursed expenditures in the amount of \$6,000 for spaying and neutering of dogs for the year 2010; and

WHEREAS, said Local Law No. 2 of 1998 requires that said funds be budgeted and appropriated for the purposes set forth therein; now, therefore, be it

RESOLVED, that the excess dog licensing fees for the year 2010 in the amount of \$5,249.83 shall be paid to the Herkimer County Humane Society to reimburse said Society for the cost of spaying and neutering dogs for the year 2010; and, be it further

RESOLVED, that the sum of \$5,248.83 is hereby appropriated from Trust Account T-57, Dog Monies to account A3511.46000, Humane Society - Miscellaneous Expense; and, be it further

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

Dated: February 16, 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

No. 52

REPORT AND RESOLUTION OF THE COMMITTEES ON NATURAL RESOURCES AND WAYS AND MEANS AUTHORIZING EXPENDITURE FOR DOG CONTROL PURPOSES

WHEREAS, by Local Law No. 2 of 1998, this Legislature was authorized by resolution to expend funds remaining in the hands of the County Treasurer after making payment to the Commissioner of Agriculture as required by Section 111(2) of the Agriculture and Markets Law; and

WHEREAS, said Local Law provided that said funds may be expended at the discretion of the County Legislature for controlling dogs and enforcing Article Seven of the Agriculture and Markets Law, including spaying and neutering of dogs; and

WHEREAS, this Legislature has been advised by a report and letter of Kimberlee Enea, County Treasurer, that there are excess dog licensing fees for 2010 in the amount of \$5,249.83; and

WHEREAS, your Committees have been advised and report that the Herkimer County Humane Society had unreimbursed expenditures in the amount of \$6,000 for spaying and neutering of dogs for the year 2010; and

WHEREAS, said Local Law No. 2 of 1998 requires that said funds be budgeted and appropriated for the purposes set forth therein; now, therefore, be it

RESOLVED, that the excess dog licensing fees for the year 2010 in the amount of \$5,249.83 shall be paid to the Herkimer County Humane Society to reimburse said Society for the cost of spaying and neutering dogs for the year 2010; and, be it further

RESOLVED, that the sum of \$5,248.83 is hereby appropriated from Trust Account T-57, Dog Monies to account A3511.46000, Humane Society - Miscellaneous Expense; and, be it further

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

Dated: February 16, 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. Bono, seconded by Mr. Shaw, Report and Resolution No. 48 of the Committee on Human Resources authorizing application to the Office of Community Renewal for grant totaling \$750,000 to establish a housing rehabilitation program for seniors was handed up; debate was held; was voted on and adopted by voice vote:

Ayes: (17).

Against: None.

Absent: None.

No. 48

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES
AUTHORIZING APPLICATION TO THE OFFICE FOR COMMUNITY
RENEWAL FOR GRANT TOTALING \$750,000 TO ESTABLISH A HOUSING
REHABILITATION PROGRAM FOR SENIORS - COUNTYWIDE**

WHEREAS, by letter dated January 24, 2011, from Mary A. Scanlon, Director of the Office for the Aging, this Legislature is advised of a request to submit an application to the State of New York for a Small Cities grant totaling \$750,000; and

WHEREAS, these Small Cities Grant funds will provide funding assistance to continue a Housing Rehabilitation Program for Seniors - Countywide to assist elderly low income homeowners to address emergency repairs through a three-year forgivable loan program; and

WHEREAS, the grant administrator will be the Herkimer-Oneida Counties Comprehensive Planning Program and the program administration and delivery will be by the Homeownership Center; and

WHEREAS, the Small Cities Program requires the holding of two public hearings by the County prior to the submission of said application to obtain the views of citizens on community development and housing needs; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is authorized to submit the application and amendments thereto and all understandings and assurances contained therein, and is further authorized to act in connection with the application to provide such additional information as may be required to request and implement said funds; and, it is further

RESOLVED, that the Chairman of this Legislature is authorized and directed to hold any required public hearings and execute all documents and certifications required as part of the submission of the application; and, it is 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, Herkimer-Oneida Counties Comprehensive Planning Program and the Homeownership Center and the Office of Community Renewal.

Dated: February 16, 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. Korce, seconded by Mr. Stone, Report and Resolution No. 49 of the Committee on Highways approving projects under Article 6, Section 116 of the Highway Law was handed up; debate was held, was voted on and adopted by voice vote:

All ayes: (17). Against: None.

Absent: None.

No. 49

REPORT AND RESOLUTION OF THE COMMITTEE ON HIGHWAYS APPROVING PROJECTS UNDER ARTICLE 6, SECTION 116 OF THE HIGHWAY LAW

Your Committee on Highways, to which was referred the letter of Jay W. Ewanyk, County Superintendent of Highways, dated January 28, 2011, submitting three copies each of statements under Article 6 of the Highway Law designating work to be done with County Road Fund monies during the year 2011 covering seven projects involved in the Capital Construction Program, respectfully reports that we have examined said statements contained in said communication from and signed by the County Superintendent of Highways, recommend its adoption and offer the following Resolution:

RESOLVED, that the statements under Article 6 of the Highway Law which designates work to be done with County Road Fund monies be, and hereby are, approved by the County Legislature of the County of Herkimer for the following seven projects involved in the Capital Construction Program, to be funded as listed:

project no.	road/location	type of project	estimated contracted cost
325	Travis Road, CR 160 Town of Stark NYS Rte. 80 to Bush Road	3.6 miles road reconstruction	\$1,600,000.00
326	Travis Road, CR 160 Town of Stark Bush Road to NYS Rte. 168	1.6 miles road rehabilitation	\$ 200,000.00
327	Murphy Road, CR 55 Town of Manheim Bronner Rd. to NYS Rte. 167	2.06 miles road rehabilitation	\$ 225,000.00
328	Hogsback Road, CR 183 Town of Warren NYS Rte. 167 to Little Lakes Rd.	2.62 miles road rehabilitation	\$ 270,000.00

329	Chyle Rd., CRs 71/138 Town of Warren/Stark Little Lakes Rd. to Herkimer/Otsego County Line to NYS Rte. 80	2.23 miles road rehabilitation	\$ 250,000.00
330	Pine Grove Road, CR 106 Town of Herkimer Burt Rd. to Shells Bush Rd.	1.13 miles road rehabilitation	\$ 300,000.00
331	Lighthall Rd., CR 206 Towns of Stark and Danube NYS Rte. 168 to Herkimer/ Mongtomery County Line	2.70 miles road rehabilitation	\$ 270,000.00

Funding source for these projects will be CHIPS.

And, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the County Treasurer and Herkimer County Superintendent of Highways.

Dated: February 16, 2011.

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

On motion of Mr. Bono, seconded by Mr. Russell, Report and Resolution No. 54 of the Committees on Human Resources and Ways and Means authorizing contracts in connection with Flexible Funds for Family Services Plan (formerly known as Temporary Assistance to Needy Families – TANF) in the Department of Social Services, was handed up; there being no debate, was voted on and adopted by voice vote:

Ayes: (16). Against: None.

Abstention: Ackerman (1). Absent: None.

No. 54

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES AND
WAYS AND MEANS AUTHORIZING CONTRACTS IN CONNECTION WITH FLEXIBLE**

FUNDS FOR FAMILY SERVICES PLAN (FORMERLY KNOWN AS TEMPORARY ASSISTANCE TO NEEDY FAMILIES – TANF) IN THE DEPARTMENT OF SOCIAL SERVICES

WHEREAS, by letter dated February 1, 2011 from Ervin J. Fuller, Commissioner of Social Services, this Legislature is advised that the State of New York has approved Herkimer County's Flexible Funds for Family Services Plan (formerly known as Temporary Assistance to Needy Families - TANF) Plan for the year 2011; and

WHEREAS, Herkimer County will receive federally allocated grant funding in connection with the implementation of the Flexible Funds for Family Services Plan; and

WHEREAS, said letter further requests that contracts be entered into with the following agencies for the implementation of the aforesaid program; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute contracts with the following agencies in connection with the Herkimer County Department of Social Services Flexible Funds for Family Services Plan (formerly known as Temporary Assistance to Needy Families -TANF) Services Plan:

1. Herkimer County Department of Mental Health, 301 N. Washington Street, Suite 2470, Herkimer, NY, in the amount of \$21,000 to provide assessment of TANF and Safety Net clients who have indicators of alcohol and/or drug problems;
2. Center for Family Life and Recovery (formerly Family Services of the Mohawk Valley), 401 Columbia Street, Utica, NY 13502, in the amount of \$35,955, for management and coordination services to make sure clients with alcohol and/or drug abuse issues receive and follow through with the services they need to overcome their barriers to self-sufficiency;
3. Catholic Charities of Herkimer County, 61 West Street, Ilion, NY 13357, in the amount of \$20,000 to screen and provide assessment of clients who may have domestic violence issues as a barrier to self-sufficiency or receipt of child support;
4. Herkimer Area Resource Center, 350 S. Washington St., PO Box 271, Herkimer, NY, to provide on a pro-rated basis intake, and assessment, job placement and job retention, with said contract not to exceed \$20,000;
5. Kids Oneida, 1500 Genesee St., Utica, NY 13502, to provide preventive services by utilizing their experience in reviewing the placement of youth in institutions in an effort to allow them to return home or step down to a lower level of care; to provide out-patient psychosocial and social evaluations and to determine an appropriate level of care and to purchase selected preventive services, with said contract not to exceed \$200,000;
6. Resource Center for Independent Living, Inc., 409 Columbia St., PO Box 210, Utica, NY 13503, to work with clients who have medical exemptions, or limited exemptions, to bridge the gap between vocational services and disability support services to achieve employment, with said contract not to exceed \$45,000.
7. Legal Aid Society of Mid-New York, 255 Genesee Street, Utica, NY 13501, to assist TANF and Safety Net clients in the appeal process, who have been denied Social Security Disability or Supplemental Security Income benefits, with said contract not to exceed \$10,000;

8. Center for Family Life and Recovery (formerly Family Services of the Mohawk Valley), 401 Columbia St., Utica, NY 13502, to provide preventive services to the Family Support Persons in Need of Supervision Unit (PINS), with said contract not to exceed \$341,935;

9. Catholic Charities of Herkimer County, 61 West Street, Ilion, NY 13357, in the amount of \$38,500 to provide non-residential services to TANF clients and their families who are victims of domestic violence;

10. Berkshire Farm, 13640 Route 22, Canaan, NY 12029, to provide intensive case management preventive services for individuals and their families identified as having high-risk indicators for out-of-home placement, with said contract not to exceed \$145,000;

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 and the above listed agencies.

Dated: February 16, 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. Piseck and Mr. Shaw, Report and Resolution No. 55 of the Committee on Ways and Means and the Committee on Human Resources authorizing contract with Community Transportation Services was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

No. 55

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES
AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING CONTRACT
WITH COMMUNITY TRANSPORTATION SERVICES**

WHEREAS, by letter dated January 27, 2011 from Mary A. Scanlon, Director of the Office for the Aging, this Legislature is advised of a request to enter into an agreement with Community Transportation Services, Ltd., a not-for-profit organization, to provide transportation services to senior citizens who are residents of the Town of Webb, Herkimer County; and

WHEREAS, under said agreement, Community Transportation Services will perform said services for an annual charge not to exceed \$4,000.00, to be paid in equal quarterly installments, and with Community Transportation Services to provide documentation of all rides provided to Herkimer County Town of Webb residents and submit properly completed vouchers to the Herkimer County Office for Aging; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an agreement with Community Transportation Services, Ltd., P.O. Box 995, Old Forge NY 13420, to provide transportation services to senior citizens who are residents of the Town of Webb, for an annual charge not to exceed \$4,000.00, with the terms of 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, Director of the Office for the Aging and Community Transportation Services, Inc.

Dated: February 16, 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. Hendrix, Report and Resolution No. 56 of the Committee on Ways and Means and the Committee on Public Safety/Emergency Management regarding agreement for security for inmates at Central New York Psychiatric Center was handed up; debate was held, was voted on and adopted by voice vote:

All ayes: (17). Against: None.

Absent: None.

No. 56

REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND MEANS REGARDING AGREEMENT FOR SECURITY FOR INMATES AT CENTRAL NEW YORK PSYCHIATRIC CENTER

WHEREAS, this Legislature is informed by letter dated January 21, 2011 from Christopher Farber, Sheriff, that it is necessary to enter into a renewal of a contract with the Oneida County Sheriff's Department to provide security services for inmates from the Herkimer County Correctional Facility who are housed at the Central New York Psychiatric Center; and

WHEREAS, the Oneida County Sheriff's Department has proposed a three year contract for the period January 1, 2011 through December 31, 2013 at a per diem rate of \$165.00 per inmate, and with a clause that in the event the inmate is admitted into a hospital as inpatient, said fee will be waived and Oneida County shall charge the actual costs of transporting and guarding the inmate for up to 48 hours; now, therefore, be it

RESOLVED, that a contract be entered into with the County of Oneida to provide security for inmates from the Herkimer County Correctional Facility who are housed at the Central New York Psychiatric Center for the period January 1, 2011 through December 31, 2013; and, be it further

RESOLVED, that the Chairman of this Legislature and the Sheriff are authorized to sign a contract with the County of Oneida and the Oneida County Sheriff's Department for providing security services at the Central New York Psychiatric Care Forensic Unit at a cost of \$165.00 per day, per inmate and with a clause that in the event the inmate is admitted into a hospital as inpatient, said fee will be waived and Oneida County shall charge the actual costs of transporting and guarding the inmate for up to 48 hours; and, be it further

RESOLVED, that the terms and conditions of said contract shall 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, Sheriff and the Oneida County Sheriff's Department.

Dated: February 16, 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. Ackerman, Report and Resolution No. 57 of the Committee on Ways and Means concerning services for Department of Social Services Long Term Care Program was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

No. 57

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND
THE COMMITTEE ON WAYS AND MEANS CONCERNING SERVICES FOR
DEPARTMENT OF SOCIAL SERVICES LONG TERM CARE PROGRAM**

WHEREAS, by Resolution No. 16 for the year 2010, this Legislature authorized a contract with Superior Home Health Care to provide personal care aide services to qualified individuals under the Department of Social Services Long Term Care Program, which Program's objective is to allow residents to remain in their homes longer to avoid costly nursing home placement, and authorized annual renewals of said contract upon the same or more favorable terms and conditions; and

WHEREAS, by letter dated January 27, 2011, Ervin J. Fuller, Commissioner of Social Services, has advised that the New York State Department of Health has set new rates for said services and requests authorization to enter into a new contract with Superior Home Health Care at the new rates as follows:

Personal Care Aide Level 1 & 2	\$18.41 per hour
Nursing Supervisor	\$77.25 per hour

now, therefore, be it

RESOLVED:

1. That a contract be entered into between the Herkimer County Department of Social Services and Superior Home Health Care, P.O. Box 107, 713 Middleville Road, Herkimer, NY, to provide personal care aide services at rates set forth for qualified individuals under the Long Term Care Program of the Department of Social Services, said contract to be for the period January 1, 2011 through December 31, 2011.

Personal Care Aide Level 1 & 2	\$18.41 per hour
Nursing Supervisor	\$77.25 per hour

2. That said contract between the Herkimer County Department of Social Services and Superior Home Health Care be executed by the department heads and countersigned by the Chairman of this Legislature;

3. **RESOLVED**, that annual renewals of said contract are hereby authorized, after the expiration of the current agreement, upon the same or more favorable terms and conditions;

4. That certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Commissioner of Social Services and Superior Home Health Care.

Dated: February 16, 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. Peplinski, seconded by Shaw, Report and Resolution No. 58 of the Committee on Natural Resources and the Committee on Ways and Means approving agreement for engineering services for Herkimer County Sewer District was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

No. 58

**REPORT AND RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES
AND THE COMMITTEE ON WAYS AND MEANS APPROVING AGREEMENT FOR
ENGINEERING SERVICES FOR HERKIMER COUNTY SEWER DISTRICT**

WHEREAS, by letter dated February 1, 2011, Keneck Skibinski, Chief Plant Operator of the Herkimer County Sewer District, has advised that by action on January 19, 2011, the Herkimer County Sewer District Board adopted a resolution approving a contract with GHD (formerly Stearns & Wheeler Engineers) to prepare specifications for the Belt Press Replacement Project (\$91,000.00) and SCADA Project (\$65,000.00), and to investigate the viability of connecting the emergency generator to the Operations Building power supply (\$14,000.00), at a total cost not to exceed \$170,000.00; 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 January 19, 2011, approving an agreement with GHD (formerly Stearns & Wheeler Engineers) to prepare specifications for the Belt Press Replacement Project (\$91,000.00) and SCADA Project (\$65,000.00), and to investigate the viability of connecting the emergency generator to the Operations Building power supply (\$14,000.00), at a total cost not to exceed \$170,000.00; 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 and the Herkimer County Sewer District.

Dated: February 16, 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. Korce, seconded by Mr. Bono and Mr. Russell, Report and Resolution No. 59 of the Committees on Highways and Ways and Means for title change in Highway Department 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. 59

REPORT AND RESOLUTION OF THE COMMITTEES ON HIGHWAYS AND WAYS AND MEANS FOR TITLE CHANGE IN HIGHWAY DEPARTMENT

WHEREAS, by letter dated January 25, 2011, Jay Ewanyk, County Highway Superintendent, has requested a title change in the Highway Department from Cleaner to Laborer due to a change in duties and responsibilities for said position; and

WHEREAS, your Committees have taken this matter under advisement and recommend said change; now, therefore, be it

RESOLVED, that the 2011 Herkimer County Salary Schedule IV is hereby amended to delete the position of Cleaner at the hourly rate of \$8.82 and replace with the position of Laborer at the hourly rate of \$10.84; and, be it further

RESOLVED, that said change shall take effect this date; and, be it further

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

Dated: February 16, 2011.

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

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. Weakley and Mr. Russell, Report and Resolution No. 60 of the Committees on Highways and Ways and Means renewing lease agreement with National Grid for a portion of the Herkimer County Highway Garage premises substation; there being no debate, was voted on and adopted by voice vote:

All ayes: (17). Against: None.

Absent: None.

No. 60

REPORT AND RESOLUTION OF THE COMMITTEES ON HIGHWAYS AND WAYS AND MEANS RENEWING LEASE AGREEMENT WITH NATIONAL GRID FOR A PORTION OF THE HERKIMER COUNTY HIGHWAY GARAGE PREMISES FOR SUBSTATION

WHEREAS, the Herkimer County Legislature, by Resolution No. 174 for 1982 leased 10,000 square feet of county property located at the Herkimer County Highway Garage premises on Third Avenue to National Grid (formerly Niagara Mohawk Power Corporation) for a substation, for a term of five years, which lease was renewed for additional periods thereafter by resolution of the Legislature; and

WHEREAS, by letter dated February 3, 2011, Jay Ewanyk, County Highway Superintendent, has requested said lease be extended for an additional five years from August 10, 2010 to August 10, 2015, with the total rental fee for the five year period to be in the amount of \$30,000; and

WHEREAS, this Legislature has considered said matter and determines that said parcel of real property is not required for public use; now, therefore, be it

RESOLVED, that the Herkimer County Legislature, pursuant to Local Law No. 3 for 1988, having made a determination that said parcel is not required for public use, hereby renews a lease agreement with National Grid (formerly Niagara Mohawk Power Corporation) for 10,000 square feet of county property for a substation, for a term of five years commencing August 10, 2010 to August 10, 2015, for a total rental fee for the five year term to be in the amount of \$30,

000 to be paid on the execution of the agreement, 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 and National Grid.

Dated: February 16, 2011.

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

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

On motion of Mr. Piseck, seconded by Mr. Peplinski, Report and Resolution No. 61 of the Committee on County Planning and Development and the committee on Highways extending contract for Shared Municipal Services Incentive Grant was handed up; debate was held, was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

No. 61

REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AND THE COMMITTEE ON HIGHWAYS EXTENDING CONTRACT FOR SHARED MUNICIPAL SERVICES INCENTIVE GRANT

WHEREAS, pursuant to Resolution No. 363 of 2008, this Legislature approved an agreement with the New York State Department of State for the receipt of a Shared Municipal Services Incentive Grant to be used for a project entitled Herkimer County Road Evaluation Project to evaluate the road system as a whole and make recommendations to all municipalities of the County in areas including consolidation of regional departments operated by the municipalities or the County; and

WHEREAS, by letter dated February 10, 2011 from James W. Wallace, Jr., County Administrator, this Legislature is advised that an extension of said grant has been submitted to expend any unused funds through March 31, 2011; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a grant extension through March 31, 2011 on behalf of the County of Herkimer with the New York State Department of State, in connection with the receipt of state funding in the amount of \$121,716.00 for a Shared Municipal Services Incentive Grant; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, County Administrator and New York State Department of State.

Dated: February 16, 2011.

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

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**

On motion of Mr. Russell, seconded by Mr. Bono, Report and Resolution No. 62 of the Committee on Ways and Means transferring 2011 funds was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

No. 62

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
TRANSFERRING 2011 FUNDS**

REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS SETTING CHARGES FOR SERVICES IN THE PUBLIC HEALTH NURSING SERVICE

WHEREAS, by letter dated January 26, 2011, Dr. Gregory O’Keefe, Director of Public Health, has advised that per the recommendation of the Agency Review Report by Jack Venesky, CPA, request is being made to establish Herkimer County Long Term Care Program additional charges; and

WHEREAS, your Committees have considered said matter and recommend said charges be established; now, therefore, be it

RESOLVED, that charges under the Public Health Nursing Service Long Term Care Program be and hereby are, established as follows:

Audiology	\$125/visit
Homemaker	\$65/visit
Housekeeper	\$65/visit
Personal Care Aide	\$65/visit
PERS	\$40/monthly
Respite Care SNF	\$90/visit
Respite Care Nurse	\$35/hr.
Respite Care Home Health Aide	\$20/hr.
Respite Care Homemaker	\$20/hr.
Respite Care Housekeeper	\$20/hr.
Respite Care Personal Aide	\$20/hr.
24 hr. Respite Care	\$180/visit
Home Delivered Meals	\$10 each
Weekend Meals	\$10 each
PERS Second Unit	\$20 each
Respite RN	\$35/hr.
Respite LPN	\$30/hr.

And, be it further

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

Dated: February 16, 2011.

VINCENT J. BONO
JOHN J. PISECK, JR.
JEAN E. MANEEN
PETER F. MANNO

LEONARD R. HENDRIX
PATRICK E. RUSSELL
Committee on Human Resources

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

On motion of Mr. Bono, seconded by Mr. Manno and Mr. Shaw, Report and Resolution No. 64 of the Committee on Human Resources and the Committee on Ways and Means concerning services in connection with the Expanded In-Home Services for the Elderly Program was handed up; debate was held, was voted on and adopted by voice vote:

All ayes: (17). Against: None.

Absent: None.

No. 64

REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS CONCERNING SERVICES IN CONNECTION WITH THE EXPANDED IN-HOME SERVICES FOR THE ELDERLY PROGRAM

WHEREAS, pursuant to resolutions previously adopted, contracts were authorized between the Herkimer County Office for the Aging and the Public Health Nursing Services, the Department of Social Services, Home Aide Services for Central Adirondacks (HASCA) and Superior Home Health Care, for said contractors to provide services for the Expanded In-Home Services for the Elderly Program (EISEP); and

WHEREAS, by communication dated February 9, 2011, from Mary A. Scanlon, Director of the Office for the Aging, this Legislature is advised of a request to enter into renewal of the aforesaid contracts for the period of April 1, 2011 to March 31, 2012 to fund case management, housekeeper/chore and homemaker/personal care services to the frail elderly not eligible for Medicaid; now, therefore, be it

RESOLVED:

1. That a contract be entered into between the Herkimer County Office for the Aging and the Herkimer County Public Health Nursing Service to provide such care for the frail elderly in the amount of \$153,000.00, which shall come from state funds, with up to an additional \$11,000.00 of expanded services funds, with the local match to be provided by the Office for the Aging. The hourly rate for service will be \$19.00;
2. That a contract be entered into between the Herkimer County Office for the Aging and the Herkimer County Department of Social Services to provide case management services in the amount of \$70,000.00; with state aid reimbursement of 75% up to \$52,500, with the local match to be provided by the Department of Social Services;

3. That a contract be entered into with Superior Home Health Care of Herkimer, New York, for contracted aide services estimated to be \$16,000.00, with up to an additional \$1,000.00 of expanded services funds, and local match to be provided by the Office for the Aging. The hourly rate for services will be \$17.77, which may be renegotiated based on receipt of approved Medicaid rates;
4. That a contract be entered into with HASCA of Old Forge, New York, for contracted aide services estimated to be \$31,000.00, with up to an additional \$2,000.00 of expanded services funds, with local match to be provided by the Office for the Aging; The hourly rate for services will be \$20.00;
5. That all contracts shall state that payments are based on availability of state aid and will include a 60 day cancellation of contract clause;
6. That the contract between the Office for the Aging and the two other Herkimer County departments be executed by the department heads and countersigned by the Chairman of this Legislature;
7. That the Chairman of this Legislature is hereby authorized to execute said contracts with Superior Home Health Care and Home Aide Service of the Central Adirondacks on behalf of the County of Herkimer;
8. That certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of the Office for the Aging, Director of Public Health, Commissioner of Social Services, Superior Home Health Care and Home Aide Service of the Central Adirondacks.

Dated: February 16, 2011.

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

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

On motion of Mr. Russell, seconded by Mr. Ackerman, Report and Resolution No. 65 transferring funds for the year 2010 was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

No. 65

REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
 TRANSFERRING FUNDS FOR THE YEAR 2010

WHEREAS, your Committee on Ways and Means, to which was referred a communication from the Budget Officer and Purchasing Agent dated February 9, 2011, submitting requests for transfers of funds for the year 2010, 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:

\$20,741.15	From: DM5130.10100, Road Machine, Temp. Emp. To: D9901.95000, County Roads, Unemployment
\$ 800.00	From: A4012.44000-355, LTC, HHA To: A4012.10100, LTC, Temp. Emp.
\$ 214.23	From: A4012.44000-35, LTC, Nursing To: A4012.10100, ITC, Tem. Emp.
\$2,200.00	From: A1670.10000-001, Central Printing – Salaries To: A1670.41000, Central Printing – Supplies
\$2,500.00	From: A1450A.46100, BOE Admin., Mileage & Travel To: A1450A.83000, BOE Admin. Social Security
\$ 500.00	From: A1450A.46100, BOE Admin., Mileage & Travel To: A1450A.83500, BOE Admin., Medicare
\$12,050.00	From: A6119-40000, Foster Care, Contractual Expense To: A6140.40000, Safety Net – Contractual Expense

And, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Auditor, Treasurer, Budget Officer, Director of Real Property Tax Services, Commissioner of social Services, Commissioners of Election, Director of Public Health and Highway Superintendent.

Dated: February 16, 2011.

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

Absent: None.

On motion of Mr. Piseck, seconded by Mr. Shaw, Report and Resolution No. 66 of the Committee on Ways and Means amending budget in connection with county-wide

Microenterprise Program Grant was handed up; debate was held, was voted on and adopted by voice vote:

All ayes (17).

Against: None.

Absent: None.

No. 66

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS
AMENDING BUDGET IN CONNECTION WITH COUNTY-WIDE
MICROENTERPRISE PROGRAM GRANT**

WHEREAS, by Resolution No. 261 adopted October 6, 2010, this Legislature authorized an agreement with the Office of community Renewal, in connection with the receipt of a Community Development Block Grant in the total amount of \$200,000 to be used to establish a county wide Microenterprise Program; and

WHEREAS, by letter dated February 9, 2011, from Bernard E. Decker, Budget Officer/Purchasing Agent, this Legislature is advised that it is necessary to amend the 2011 Budget in connection with the receipt of said grant funding to pass through for the benefit of the Herkimer County IDA ; now, therefore, be it

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

Revenue:

A6420.3789B, IDA - Other

From: \$-0-

To: \$200,000.00

Appropriation

A6420.40000, IDA-Other

From: \$-0-

To: \$200,000.00

And, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer and Executive Director of the Herkimer County Industrial Development Agency.

Dated: February 16, 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 Mr. Hendrix, seconded by Mr. Hyde, Report and Resolution No. 67 of the Committee on Public Safety/Emergency Management and the Committee on Ways and Means regarding agreement for housing inmates in need of psychiatric care was handed up; debate was held, was voted on and adopted by voice vote:

All ayes (17).

Against: None.

Absent: None.

No. 67

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC
SAFETY/EMERGENCY MANAGEMENT AND THE COMMITTEE ON WAYS AND
MEANS REGARDING AGREEMENT FOR HOUSING INMATES IN NEED OF
PSYCHIATRIC CARE**

WHEREAS, this Legislature is informed by letter dated January 31, 2011 from Christopher P. Farber, Sheriff, that it is necessary to enter into a renewal of the agreement with the Monroe County Sheriff's Department to provide security services for housing inmates from the Herkimer County Correctional Facility in need of psychiatric care; now, therefore, be it

RESOLVED, that a contract be entered into with the County of Monroe for the housing of inmates from the Herkimer County Correctional Facility in need of psychiatric care for the period January 1, 2011 through December 31, 2015; and, be it further

RESOLVED, that the Chairman of this Legislature and Sheriff are authorized to sign a contract with the County of Monroe and the Monroe County Sheriff's Department for providing security services at the Rochester Psychiatric Center Forensic Unit at a cost of \$140.00 per day per inmate; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget officer, Sheriff and the Monroe County Sheriff's Department.

Dated: February 16, 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. Peplinski, seconded by Mr. Hyde, Resolution No. 68 of the Committee on Natural Resources supporting comments by the Southern Tier Chesapeake Bay Coalition was handed up; there being no debate, was voted on and adopted by voice vote:

For: All ayes (17).

Against: None.

Absent: None.

No. 68

**RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES SUPPORTING
COMMENTS SUBMITTED BY THE SOUTHERN TIER CHESAPEAKE BAY COALITION**

WHEREAS, the Herkimer County supports the reasonable, cost effective and science-based protection of natural resources, while protecting the economic integrity of the County; and

WHEREAS, the United States Environmental Protection Agency, Region 2, is implementing a Chesapeake Bay Total Maximum Daily Load (TDML) , which imposes new and costly federal regulations on approximately 19 counties, 650,000 residents and 2,000 New York family farms within the New York portion of the Chesapeake Bay Watershed area; and

WHEREAS, pursuant to Resolution No. 291 adopted on October 27, 2010, this Legislature demonstrated its objection to these unfair and unattainable unfunded mandates forced upon our local governments, local communities and family farms; and

WHEREAS, the Southern Tier Chesapeake Bay Coalition, a formed coalition representing many of the major New York State municipalities and agencies who will be impacted by these new regulations, has submitted to the Environmental Protection Agency by letter dated November 8, 2010, official comments and objections to the Draft TMDL; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby supports the Southern Tier Chesapeake Bay Coalition in its efforts to respond to the concerns and objections to the United States Environmental Protection Agency's implementation of the Chesapeake Bay Total Maximum Daily Load (TDML); and, be it further

RESOLVED, that this Legislature hereby reaffirms Resolution No. 291 adopted on October 27, 2010 opposing the mandates the Chesapeake Bay federal regulations force upon our local governments, local communities and family farms and urging our congressional and state representatives to intercede with the EPA to address these concerns; and, be it further

RESOLVED, that a copy of this Resolution be forwarded to U.S. Senators Charles Schumer and Kirsten Gillibrand, Congressman Richard Hanna, Governor Mario Cuomo, State Senator James L. Seward, Assemblyman Marc W. Butler, Commissioner of the NYS Department of Agriculture and Markets, Commissioner of the NYS Department of Environmental Conservation, EPA Region 2 Administrator Judith Enck, the Southern Tier Chesapeake Bay Coalition, the Herkimer County Soil and Water Conservation District and the Herkimer County Farm Bureau.

Dated: February 16, 2011.

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

Chairman Smith stated that pursuant to Rule 6(12) they would proceed with comments by legislators. The following legislators had comments: Mr. Russell, Mr. Korce, Mr. Hendrix, Mrs. Rose, Mr. Manno

At 8:13 p.m. on motion of Mr. Manno, seconded by Mr. Stone, the Legislature adjourned to Wednesday, March 16, 2011 at 7:30 p.m., with a public hearing on Introductory Local Law No. 1 for 2011 at 7:00 p.m.

