

**MINUTES**  
**Herkimer County Legislature**  
**First Quarter– Second Day**  
**Wednesday, January 20, 2009**  
**7:30 p.m.**

This Session of the Herkimer County Legislature was called to order by Chairman Raymond Smith at 7:30 p.m.

Chairman Smith called on County Clerk Sylvia Rowan to lead the Legislature in the Pledge of Allegiance.

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

Present: Rose, Keblish, Stone, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (15).

Absent: Piseck, Maneen (2).

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 4, 2010.

Pursuant to Rule 11, Chairman Smith opened the floor for public comment. The following individual addressed the Legislature: Eva Kaye, Middleville - concerning the potential sale of the Country Manor to Valley Health Services.

Chairman Smith stated that the communications received by the Legislature and the committees to which they were referred were listed on the agenda and asked if any member of the Legislature requested mention of any particular communication. Legislator Bono requested Communication No. 33 from Legislator Piseck be read. Mrs. Rose requested Communication No. 5 from the Chairman of the Legislature be read. The Clerk read the communications.

No. 5 – A communication was received from the Chairman of the Legislature making appointments to Standing Committees for 2010-11. Ordered filed.

No. 6 – A communication was received from the County Treasurer requesting renewal of maintenance agreement. Referred to the Committee on Finance.

No. 7 – A communication was received from the Sheriff submitting the monthly report for November, 2009. Referred to the Committee on Public Safety and Emergency Management.

No. 8 – A communication was received from the Herkimer County Soil and Water Conservation District submitting minutes of December meeting and notice of January meeting. Ordered filed.

No. 9 – A communication was received from the Clerk of the Legislature making appointment of Sally Deming as Deputy Clerk. Ordered filed.

No. 10 – A communication was received from the New York State Dept. of State acknowledging receipt and filing of Local Law No. 1 of 2009. Ordered filed.

No. 11 – A communication was received from the Director of Community Services submitting December activities update. Ordered filed.

No. 12 – A communication was received from the Oneida-Herkimer Solid Waste Management Authority submitting 2010 Budget. Ordered filed.

No. 13 – A communication was received from the Director of Employment and Training submitting request for lease agreement for One Stop Career Center. Referred to the Committee on County Planning and Development.

No. 14 – A communication was received from the Director of Real Property Tax Services submitting request for renewal for County's internet mapping services site. Referred to the Committee on Finance.

No. 15 – A communication was received from the Sheriff requesting renewal of contract between the County and New York State Office of Court Administration. Referred to the Public Safety and Emergency Management and the Committee on Finance.

No. 16 – A communication was received from the County clerk requesting renewal of a maintenance agreement. Referred to the Committee on Administration/Veterans' Affairs.

No. 17 – A communication was received from the Director of Public Health submitting request for acceptance of grant from New York State. Referred to the Committees on Human Resources and Finance.

No. 18 – A communication was received from the Director of Probation requesting approval of the 2010 Alternatives to Incarceration Plan. Referred to the Committee on Public Safety and Emergency Management.

No. 19 – A communication was received from the Commissioner of Social Services submitting request for contract renewal for personal care aides under Long Term Care Program. Referred to the Committee on Human Resources and the Committee on Finance.

No. 20 – A communication was received from the Commissioner of Social Services submitting request for contract renewal for the implementation of flexible funds for the Family Services Plan. Referred to the committees on Human Resources and Finance.

No. 21 – A communication was received from the Office of the Attorney General confirming presentation to the Legislature on May 19, 2010. Ordered filed.

No. 22 – A communication was received from Capital District Off Track Betting Corp. submitting financial reports for October and November, 2009.

No. 23 – A communication was received from the Budget Officer requesting budget amendment in the Department of Social Services. Referred to the Committees on Human Resources and Finance.

No. 24 – A communication was received from the Budget officer requesting transfers of funds for 2009. Referred to the Committee on Finance.

No. 25 – A communication was received from the Budget officer requesting an appropriation of funds from 2009. Referred to the Committee on Finance.

No. 26 – A communication was received from the Director of Public Health requesting contract with HealthNet for implementation of grant from New York State. Referred to the Committees on Human Resources and Finance.

No. 27 – A communication was received from the Budget Officer requesting budget amendment for acceptance of grant funds in the Public Health Nursing Service. Referred to the Committees on Human Resources and Finance.

No. 28 – A communication was received from the Budget Officer requesting appropriation for Pre-K Handicapped Children's Services Program. Referred to the Committees on Human Resources and Finance.

No. 29 – A communication was referred to the Budget Officer requesting budget amendment from the sale of Sewer District bonds. Referred to the Committee on Finance.

No. 30 – A communication was received from the County Attorney submitting line of succession in event of vacancy and reappointing assistant county attorneys. Ordered filed.

No. 31 – A communication was received from the County Treasurer submitting apportionment of excess dog licensing fees. Referred to the Committee on Finance.

No. 32 – A communication was received from the State Board of Elections advising of extension of Board of Elections grants. Referred to the Committee on Administration/Veterans' Affairs.

No. 33 – A communication was received from Legislator Piseck advising of his absence from meeting. Ordered filed.

No. 34 – A communication was received from the County Administrator requesting contract in connection with New County Correctional Facility. Referred to the Committee on Public Safety and Emergency Management.

No. 35 – A communication was received from the County Administrator requesting resolution in opposition to new Medicaid rules. Referred to the Committees on Human Resources and Finance.

No. 36 – A communication was received from Jill Schrader expressing appreciation for support during her son’s illness. Ordered filed.

Mrs. Rose made a motion, seconded by Mr. Russell, to bring forward Resolutions No. 32, 33 and 34, which are memorial resolutions, so that the family members present could hear them read. The motion was approved by voice vote:

All ayes: (15).                      Against: None.

Absent: Piseck, Maneen (2).

On motion of Mrs. Rose, seconded by Mr. Hyde, Resolution No. 32 in Memoriam to Roger L. Dussault, Resolution No. 33 in Memoriam to Harrison J. Hummel, Jr. and Resolution No. 34 in Memoriam to Martin D. Mayton, were read in full by the clerk; handed up and voted on by voice vote:

All ayes: (15).                      Against: None.

Absent: Piseck, Maneen (2).

Chairman Smith requested a moment of silence in memory of these three fine gentlemen.

On motion of Mr. Hendrix, seconded by Mr. Bono, Report and Resolution No. 10 of the committee on Public Safety and Emergency Management approving monthly report of the Sheriff for November was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (15).                      Against: None.

Absent: Piseck, Maneen (2).

On motion of Mr. Hendrix, seconded by Mr. Stone, Report and Resolution No. 11 of the Committee on Public Safety and Emergency Management and the Committee on County Properties authorizing contract with the New York State Office of Court Administration for court attendants for court security was handed up; there being no discussion, was voted on and adopted by voice vote:

Ayes: (15).                      Against: None.

Absent: Piseck, Maneen (2).

On motion of Mr. Russell, seconded by Mr. Weakley, Report and Resolution No. 12 of the Committee on Finance authorizing contract in connection with implementation of grant for Real Property Tax Services was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (15).                      Against: None.

Absent: Piseck, Maneen (2).

On motion of Mr. Russell, seconded by Mr. Peplinski, Report and Resolution No. 13 of the Committee on Finance authorizing renewal of service agreement for New World Accounting System was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (15).                      Against: None.

Absent: Piseck, Maneen (2).

On motion of Mr. Bono, seconded by Mr. Keblish and Mr. Peplinski, Report and Resolution No. 14 of the Committee on County Planning and Development and the Committee on Finance authorizing lease agreement for One Stop Center was handed up; there being no discussion, was voted on and adopted by voice vote:

Ayes: (13).                      Against: Stone, Hyde (2).

Absent: Piseck, Maneen (2).

On motion of Mr. Bono, seconded by Mr. Hendrix, Report and Resolution No. 15 of the Committee on Human Resources and Finance accepting grant, amending budget and authorizing contract in connection with New York State Department of Health Healthy Communities Grant was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (15).                      Against: None.

Absent: Piseck, Maneen (2).

On motion of Mr. Bono, seconded by Mr. Weakley, Report and Resolution No. 16 of the Committee on Human Resources and the Committee on Finance concerning services for the Long Term Care Program in the Dept. of Social Services was handed up; discussion was held, was voted on and adopted by voice vote:

All ayes: (15).                      Against: None.

Absent: Piseck, Maneen (2).

On motion of Mr. Bono, seconded by Mr. Russell, Report and Resolution No. 17 of the Committee on Human Resources and the Committee on Finance authorizing contracts in connection with Block Grant Funding in the Department of Social Services was handed up; discussion was held, was voted on and adopted by voice vote:

All ayes: (14).                      Against: None.

Abstain: Ackerman (1).          Absent: Piseck, Maneen (2).

On motion of Mr. Bono, seconded by Mr. Stone, Report and Resolution No. 18 of the Committee on Public Safety and Emergency Management and the Committee on Finance approving Alternatives to Incarceration Plan for 2010 was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (15).                      Against: None.

Absent: Piseck, Maneen (2).

On motion of Mr. Shaw, seconded by Mr. Keblish, Report and Resolution No. 19 of the Committee on Administration/Veterans Affairs and the Committee on Finance awarding contract for imaging system in County Clerk's Office was handed up; discussion was held, was voted on and adopted by voice vote:

All ayes: (15).                      Against: None.

Absent: Piseck, Maneen (2).

On motion of Mr. Russell, seconded by Mr. Bono, Report and Resolution No. 20 of the Committees on Finance and Human Resources amending budget in connection with funding in the Department of Social Services was handed up; discussion was held, was voted on and adopted by voice vote:

All ayes: (15).                      Against: None.

Absent: Piseck, Maneen (2).

On motion of Mr. Russell, seconded by Mr. Bono, Report and Resolution No. 21 of the Committee on Finance transferring funds was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (15).                      Against: None.

Absent: Piseck, Maneen (2).

On motion of Mr. Russell, seconded by Mr. Peplinski, Report and Resolution No. 22 of the Committee on Finance appropriating funds was handed up; discussion was held, was voted on and adopted by roll call vote:

For: Rose, Keblish, Stone, Hendrix, Hyde, Brezinski, Manno, smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (15).

Against: None.

Absent: Piseck, Maneen (2).

On motion of Mr. Russell, seconded by Mr. Stone, Report and Resolution No. 23 of the Committee on Finance amending budget in connection with Pre-K Handicapped Children's Program was handed up; discussion was held, was voted on and adopted by voice vote:

All ayes: (15).                      Against: None.

Absent: Piseck, Maneen (2).

On motion of Mr. Bono, seconded by Mr. Stone, Mr. Hyde and Mr. Piseck, Report and Resolution No. 24 of the Committee on Finance amending capital fund in connection with sale of bonds for Sewer District Project was handed up; there being no discussion, was voted on and adopted by roll call vote:

For: Rose, Keblish, Stone, Hendrix, Hyde, Brezinski, Manno, Smith, bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (15).

Against: None.                      Absent: Piseck, Maneen (2).

On motion of Mr. Keblish, seconded by Mr. Shaw, Report and Resolution No. 25 of the Committee on Administration/Veterans Affairs and the Committee on Finance extending contracts for grants for Board of Elections was handed up; there being no discussion, was voted on and adopted by the voice vote:

All ayes: (15).                      Against: None.

Absent: Piseck, Maneen (2).

On motion of Mr. Korce, seconded by Mr. Peplinski, Report and Resolution No. 26 of the Committees on Natural Resources and Finance authorizing expenditure for dog control purposes was handed up; discussion was held; was voted on and adopted by voice vote:

All ayes: (15).                      Against: None.

Absent: Piseck, Maneen (2).

On motion of Mr. Hendrix, seconded by Mr. Bono, Report and Resolution No. 27 of the Committee on Public Safety and Emergency Management and the Committee on Finance approving additional services by Labella Associates, P.C., was handed up; discussion was held; Mrs. Rose requested the Clerk to read the Second Whereas Clause and the First Resolved Clause. Mrs. Rose requested a roll call vote. The resolution was adopted by the following roll call vote:

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

Against: Rose, Brezinski, Korce (3).

Absent: Piseck, Maneen (2).

On motion of Mr. Weakley, seconded by Mr. Stone, Report and Resolution No. 28 of the Committee on Administration/Veterans Affairs and the Committee on Human Resources opposing changes in Medicaid Program was handed up; discussion was held, Mrs. Rose requested the clerk to read the Second Whereas Clause. The resolution was then adopted by voice vote:

All ayes: (15).                      Against: None.

Absent: Piseck, Maneen (2).

On motion of Mr. Bono, seconded by Mr. Shaw, Report and Resolution No. 29 of the Committee on County Planning and Development approving the establishment of the Herkimer County Local Development Corporation was handed up; there being no discussion, was voted on and adopted by voice vote:

Ayes: (14).                          Against: Hyde (1).

Absent: Piseck, Maneen (2).



On motion of Mr. Keblish, seconded by Mr. Shaw and Mr. Russell, Report and Resolution No. 30 of the Committee on Finance authorizing contract for updated wind project financial analysis was handed; there being no discussion, was voted on and adopted by voice vote:

All ayes: (15).                      Against: None.

Absent: Piseck, Maneen (2).

On motion of Mr. Shaw, seconded by Mr. Bono, Resolution No. 31 of the Committee on Veterans' Affairs to amend the Rules of the County Legislature of the County of Herkimer was handed up; discussion was held; Mrs. Rose made a motion, seconded by Mr. Brezinski, to table the resolution, to be returned to the Administration/Veterans Affairs for review of all committees. The motion was defeated by the following roll call vote:

For : Rose, Hyde, Brezinski (3).

Against: Keblish, Stone, Hendrix, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (12).

Absent: Piseck, Maneen (2).

Mrs. Rose offered an amendment to the resolution, seconded by Mr. Brezinski, to include language that " the Ways and Means Committee shall consist of six members of the Legislature appointed by the Chairman of the Legislature, and that at least one member shall come from the minority party, and that the selection of the minority member shall be made after the Chairman's consultation and agreement with the minority leader". Discussion was held. The amendment was defeated by the following roll call vote:

For: Rose, Keblish, Hyde, Brezinski, Ackerman (5).

Against: Stone, Hendrix, Manno, Smith, Bono, Peplinski, Korce, Russell, Shaw, Weakley (10).

Absent: Piseck, Mannen (2).

Further discussion was held and the resolution was then adopted by the following roll call vote:

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

Against: Rose, Hyde, Brezinski (3).

Absent: Piseck, Maneen (2).

Chairman Smith stated that pursuant to Rule 6(12) they would proceed with comments by legislators. Chairman Smith read a statement from the Herkimer County Hunger Coalition concerning relief efforts for the victims of the earthquake in Haiti. The following legislators had further comments: Mrs. Rose, Mr. Russell, Mr. Korce, Mr. Hendrix.

At 8:25 p.m., on motion of Mr. Manno, seconded by Mr. Shaw, the Legislature adjourned to Wednesday, February 17, 2010.