

**MINUTES**  
**Herkimer County Legislature**  
**First Quarter– Third Day**  
**Wednesday, March 10, 2010**  
**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 Mr. Tom Montana, Director of Probation, to lead the Legislature in the Pledge of Allegiance.

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

Present: Piseck, Rose, Maneen, Stone, Hyde, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Shaw, Weakley (13).

Absent: Keblish, Hendrix, Brezinski, Russell (4).

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 February 12 and February 17, 2010. Mr. Hyde asked for a correction in the February 12, 2010 special session. Chairman Smith advised the correction would be made and ordered the minutes approved.

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

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. Mrs. Rose requested Communication No. 87 be read.

No. 79 – A communication was received from the Director of Weights submitting his 2009 Annual Report. Referred to the Committee on Natural Resources

No. 80 – A communication was received from the Personnel Officer submitting the 2009 annual Report of the Stand Alone workers' Comp. Self-Insurance Coverage. Referred to the Committee on Ways and Means.

No. 81 – A communication was received from the Personnel Officer submitting the 2009 Annual Report of the Former Self-Insured Workers' Compensation Plan. Referred to the Committee on Ways and Means.

No. 82 – A communication was received from the Commissioner of Social Services submitting request from Mary Sullivan for extension of leave of absence. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 83 – A communication was received from the Herkimer County HealthNet, Inc. submitting request for acceptance of grant award. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 84 – A communication was received from the Director of Real Property Tax Services submitting request for correction of tax roll over \$2500. Referred to the Committee on Ways and Means.

No. 85 – A communication was received from the Commissioner of Social Services requesting establishment of part-time photocopy machine operator. Referred to the Committee on Human Resources and Committee on Ways and Means.

No. 86 – A communication was received from the Sheriff requesting memorandum of agreement for Federal Excess Property Program. Referred to the Committee on Public Safety and Emergency Management.

No. 87 – A communication was received from the Vice President for Administration and Finance at HCCC submitting request for amendment of the 2008-2009 College Operating Budget. Referred to the Committees on Education and Ways and Means.

No. 88 – A communication was received from the Commissioners of Elections requesting establishment of the title of Polling Site Coordinator. Referred to the Committee on Administration/Veterans Affairs and the Committee on Ways and Means.

No. 89 – A communication was received from the Chairman of the Legislature making appointments to Office for Aging Advisory Council. Referred to the Committee on Human Resources.

No. 90 – A communication was received from the Commissioner of Social Services requesting staffing adjustment. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 91 – A communication was received from the Commissioner of Social Services requesting approval for burial agreement for the indigent and deceased veterans. Referred to the Committee on Ways and Means, the Committee on Administration/Veterans' Affairs and the Committee on Human Resources.

No. 92 – A communication was received from the Director of Real Property Tax Services requesting renewal of contract with the Town of Danube for assessment services. Referred to the Committee on Ways and Means.

No. 93 – A communication was received from Patrick Russell submitting his resignation from the HCCC Board of Trustees. Referred to the Committee on Education.

No. 94 – A communication was received from the Soil and Water Conservation District submitting the 2009 Annual Report. Ordered filed.

No. 95 – A communication was received from the Director of the Office for the Aging requesting renewal of contract with Country Manor for provision of home delivered meals for the North Country area. Referred to the Committee on Ways and Means and the Committee on Human Resources.

No. 96 – A communication was received from the Director of Community Services submitting the February activities update. Ordered filed.

No. 97 – A communication was received from the County Auditor submitting report of refunds of taxes and corrections of tax rolls for January and February. Referred to the Committee on Ways and Means.

No. 98 – A communication was received from Governor Paterson acknowledging receipt of resolutions. Ordered filed.

No. 99 – A communication was received from the Supervisor of the Town of Schuyler advising that the Town of Schuyler wishes to participate in the Shared Services Program. Ordered filed.

No. 100 – A communication was received from the Soil and Water Conservation District submitting the minutes of meeting held on 2/9/2010. Ordered filed.

No. 101 – A communication was received from the New York State Department of Labor advising of approval of the Herkimer, Madison & Oneida Workforce Investment Board Local Plan Modification. Ordered filed.

No. 102 – A communication was received from the Budget Officer submitting request for budget amendment in connection with HealthNet grant award.

No. 103 – A communication was received from the Budget Officer submitting request for advertisement for bids for paving of parking lot. Referred to the Committee on County Properties.

No. 104 – A communication was received from the Sheriff submitting the monthly report for January. Referred to the Committee on Public Safety and Emergency Management.

No. 105 – A communication was received from Legislator Keblish advising of absence from the March 10<sup>th</sup> Legislative Session due to his attendance at the National Guard's Diversity Training Conference in Georgia. Ordered filed.

No. 106 – A communication was received from the Director of Public Health submitting request for staffing change. Referred to the Committee on Human Resources and the Committee on Ways and Means.

No. 107 – A communication was received from ProAct, Inc. submitting the monthly discount prescription card usage report and press release for vision, LASIK and hearing discounts. Ordered filed.

No. 108 – A communication was received from HOCCPP submitting the 2009 Annual Report. Ordered filed.

No. 109 – A communication was received from the Budget Officer/Purchasing submitting the 2009 Annual Report. Referred to the Committee on Ways and Means.

No. 110 – A communication was received from the Budget Officer/Purchasing Agent recommending award if bids for Highway equipment. Referred to the Committee on Highways.

No. 111 – A communication was received from the Sheriff submitting the monthly report for January 2010. Referred to the Committee on Public Safety/Emergency Management.

On motion of Mr. Bono, seconded by Mr. Peplinski, Resolution No. 62 of the Committee on Human Resources adopting the annual report of the Herkimer County Mental Health Services was handed up; there being no discussion was voted on and adopted by voice vote:

All ayes: (13).                      Against: None.

Absent: Keblish, Hendrix, Brezinski, Russell (4).

No. 62A

**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, 2009 through December 31, 2009, 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 printed in the proceedings of the Herkimer County Legislature for the year 2009.

Dated: March 10, 2010.

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. Weakley, seconded by Mr. Peplinski, Report and Resolution No. 63 of the Committee on Human Resources and the Committee on Ways & Means, authorizing contract with Country Manor for provision of SNAP meals in the Office for the Aging was handed up; discussion as held, was voted on and adopted by voice vote:

All ayes: (13).                      Against: None.

Absent: Keblish, Hendrix, Brezinski, Russell (4).

No. 63

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES  
AND WAYS AND MEANS AUTHORIZING CONTRACT WITH THE COUNTRY  
MANOR FOR THE PROVISION OF SNAP MEALS IN THE HERKIMER COUNTY  
OFFICE FOR THE AGING**

WHEREAS, your Committees have been informed by communication dated February 10, 2010 from Mary A. Scanlon, Director of the Office for the Aging, of a request to renew the agreement with the Country Manor for the provision of SNAP meals, which are home delivered meals for the Middleville, Newport, Poland, Cold Brook, Ohio and Old Forge areas, for the two-year period of April 1, 2010 through March 31, 2012, at a price of \$3.00 per meal, with additional costs for the frozen Old Forge meals for bread, milk and butter at cost, and with a total contract amount of \$53,550.00 for an estimated 17,850 meals for one year, and \$107,100 for an estimated 35,700 meals for the two-year period; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby authorizes an agreement, subject to the approval of the Herkimer County Attorney, between the Herkimer County Office for the Aging and The Country Manor, 4338 State Route 28, Herkimer, New York, for the provision of SNAP meals for the period of April 1, 2010 through March 31, 2012 for the Middleville, Newport, Poland, Cold Brook, Ohio and Old Forge areas, at a cost of \$3.00/meal, with additional costs for the frozen Old Forge meals for bread, milk and butter at cost, and with a total contract cost of \$53,550.00 for up to 17,850 meals for one year and \$107,100 for up to 35,700 meals for the two-year period, be it further

RESOLVED, that the Chairman of this Legislature is hereby authorized to sign said agreement as an indication of the approval of the same by this Legislature; 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 the Country Manor.

Dated: March 19, 2010.

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. Piseck, Report and Resolution No. 64 of the Committee on Human Resources confirming appointments to the Office for the Aging Advisory Board was handed up; discussion was held, was voted on and adopted by voice vote:

All ayes: (13).                      Against: None.

Absent: Keblish, Hendrix, Brezinski, Russell (4).

No. 64

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN  
RESOURCES CONFIRMING APPOINTMENTS TO THE HERKIMER  
COUNTY OFFICE FOR AGING ADVISORY COUNCIL**

WHEREAS, the Chairman of the Herkimer County Legislature, by letter dated March 2, 2010, has made appointments to the Office for Aging Advisory Council; now, therefore, be it

RESOLVED, that the following appointments to the Office for the Aging Advisory Council be, and hereby are ratified and confirmed:

**Appointments for term of 3/2010 – 10/2010**

Elizabeth Schrader, PO Box 82, Middleville, NY 13406

Lynne Swartz, PO Box 374, 818 State Route 29, Middleville, NY

**Appointments for term of 3/2010 – 10/2011:**

Patricia Sokol, 5820 State Route 167, Little Falls, NY 13365

Richard Asaro, 2026 Hardscrabble Road, Newport, NY 13416

**Appointments for term of 3/2010 – 10/2012:**

Robert Jorrey, 2768 State Route 29, Dolgeville, NY 13329

Rita Davis, 926 Hillcrest Avenue, Utica, NY 13502

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Director of the Herkimer County Office for the Aging and each appointee.

Dated: March 10, 2010.

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. Peplinski, Report and Resolution No. 65 of the Committee on Ways & Means authorizing extension of contract with the Town of Danube to provide assessment services was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (13).                      Against: None.

Absent: Keblish, Hendrix, Brezinski, Russell (4).

No. 65

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
AUTHORIZING EXTENSION OF CONTRACT WITH THE TOWN OF DANUBE TO  
PROVIDE ASSESSMENT SERVICES**

WHEREAS, by letter dated February 18, 2010, Mary Ann Barbuto, Director of the Real Property Tax Service Agency, has requested approval of renewal of the contract to provide assessment services to the Town of Danube; and

WHEREAS, it is the opinion of your Committee that it is to the mutual benefit of the County of Herkimer and the Town of Danube for the County of Herkimer to continue to provide said assessment services to said town; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into an extension of the agreement to provide assessment services to the Town of Danube for the period from March 17, 2010 through March 17, 2011 for the sum of \$15.00 for each parcel on the final assessment roll of the town, with the final form of said agreement to be subject to the approval of the County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget officer, Director of Real Property Tax Services and the Town of Danube.

Dated: March 10, 2010.

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, Report and Resolution No. 66 of the Committee on Ways & Means for staffing change in Probation Department was handed up; discussion was held; was voted on and adopted by roll call vote:

For: Piseck, Rose, Maneen, Stone, Hyde, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Shaw, Weakley (13).

Against: None.

Absent: Keblish, Hendrix, Brezinski, Russell (4).

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS FOR STAFFING CHANGE IN PROBATION DEPARTMENT**

WHEREAS, by letter dated February 12, 2010, Thomas Montana, Director of Probation, has requested certain staffing changes due to the change in duties and responsibilities for the stenographers in the Probation Department; and

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

RESOLVED, that the 2010 Herkimer County Salary Schedule III is hereby amended to delete three positions of Stenographer, and establish two positions of Office Assistant I, at the base annual salary of \$24,112 each, in A3140, Probation Department; and, be it further

RESOLVED, that the foregoing changes shall take effect March 15, 2010; and, be it further

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

Dated: March 10, 2010.

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

On motion Mr. Korce, seconded by Mr. Piseck, Report and Resolution No. 67 of the Committee on Ways and Means granting additional leave of absence was handed up; discussion was held, was voted on and adopted by voice vote:

Ayes: (12).

Against: Hyde (1).

Absent: Keblish, Hendrix, Brezinski, Russell (4).

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS GRANTING AN ADDITIONAL LEAVE OF ABSENCE**

WHEREAS, by Resolution No. 370 for the year 1986, a leave with pay was granted to Mary Sullivan extending to July 1, 1988, so that she could serve in a statewide office with the Civil Service Employees' Association; and

WHEREAS, said leave with pay was extended by resolutions thereafter, most recently by Resolution No. 68 of 2009 to expire June 30, 2010; and

WHEREAS, by letter dated January 22, 2010, Ervin J. Fuller, Commissioner of Social Services had advised that by letter dated January 4, 2010, Mary Sullivan has requested said leave be extended; now, therefore, be it

RESOLVED, that a leave of absence with pay be granted to Mary Sullivan under the terms and conditions set forth in Resolution No. 370 for the year 1986 for the period from July 1, 2010 through June 30, 2011, with the Civil Service Employees' Association, Inc. to furnish insurance in form and amount satisfactory to the Herkimer County Administrator to protect the County if held liable for any damages arising from act or omission by such employee during the period of such leave and with the County to be reimbursed for the full salary and total cost for fringe benefits for said Mary Sullivan; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer, Commissioner of Social Services, Mary Sullivan and the Civil Service Employees' Association, Inc. of New York State.

Dated: March 10, 2010.

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. Peplinski, Report and Resolution No. 68 of the Committee on Human Resources and the Committee on Ways & Means authorizing renewal of contract with State Department of Health for HealthNet funding and amending budget was handed up; discussion was held; was voted on and adopted by voice vote:

All ayes: (13).                      Against: None.

Absent: Keblish, Hendrix, Brezinski, Russell (4).

No. 68

**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 25, 2010 , 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, 2010 through January 31, 2011, with the contract amount being \$136,108.00, minus an adjustment for previous reductions from the Deficit Reduction Amount of \$3,475.00; 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 March 4, 2010, 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 \$136,108.00, minus an adjustment for previous reductions from the Deficit Reduction Amount of \$3,475.00, in funding for the Herkimer County HealthNet, Inc. for the period February 1, 2010 through January 31, 2011; and, be it further

RESOLVED, that the 2010 Herkimer County Budget is hereby amended as follows:

	<u>From:</u>	<u>To:</u>
<u>Revenue</u>		
A4018.3418, Rural HealthNet, State Aid	\$-0-	\$132,633.00
<u>Appropriation</u>		
A4018.44000, Herkimer County HealthNet -Contracted Services	\$-0-	\$132,633.00

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 HealthNet, Inc.

Dated: March 10, 2010.

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. Piseck, seconded by Mrs. Maneen, Report and Resolution No. 69 of the Committee on Human Resources, Committee on Administration/Veterans' Affairs and Committee on Ways & Means concerning expenditures for the indigent and deceased veterans was handed up; discussion was held, was voted on and adopted by voice vote:

All ayes: (13).                      Against: None.

Absent: Keblish, Hendrix, Brezinski, Russell (4).

No. 69

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES,  
COMMITTEE ADMINISTRATION/VETERANS' AFFAIRS AND COMMITTEE ON WAYS  
AND MEANS CONCERNING EXPENDITURES FOR THE INDIGENT AND DECEASED  
VETERANS**

WHEREAS, by resolutions previously adopted, the Herkimer County Legislature has approved agreements with local funeral directors which sets the amounts allowable for burial costs for the indigent and deceased veterans of Herkimer County as provided in Section 148 of the General Municipal Law; and

WHEREAS, the most recent agreement approved by Resolution No. 83 of 2005 expired on December 31, 2009; and

WHEREAS, by letter dated February 24, 2010, Ervin J. Fuller, Commissioner of Social Services, has requested that this Legislature set the amounts allowable and all additional expenses in connection with said burials of indigent and deceased veterans in Herkimer County for the years 2010 through 2014; now, therefore, be it

RESOLVED, that this Legislature hereby approves a new five year agreement with the local funeral directors commencing January 1, 2010 through December 31, 2014, which sets the amounts allowable and additional expenses in connection with the burial expense for indigent and deceased veterans in Herkimer County as provided on the attached Schedule A; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Veterans' Service Agency and the Commissioner of Social Services.

Dated: March 10, 2010.

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

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

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

On motion of Mr. Piseck, seconded by Mr. Bono, Report and Resolution No. 70 of the Committee on Human Resources making staffing change in the Department of Social Services was handed up; discussion was held; was voted on and adopted by roll call vote:

For: Piseck, Rose, Maneen, Stone, Hyde, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Shaw, Weakley (13).

Against: None.

Absent: Keblish, Hendrix, Brezinski, Russell (4).

No. 70

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES  
AND WAYS AND MEANS FOR STAFFING CHANGE IN THE DEPARTMENT OF  
SOCIAL SERVICES**

WHEREAS, by letter dated March 2, 2010, Ervin J. Fuller, Commissioner of Social Services has advised that in an effort to have more flexibility in distributing the workload of the ever-increasing caseloads of Temporary Assistance, Safety Net, Medicaid, and Food Stamps, certain adjustments to staffing are being requested; and

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

RESOLVED, that the 2010 Herkimer County Salary Schedule is hereby amended in Salary Schedule No. 3 to delete the position of Home Energy Examiner in Account A6141, and establish the position of Social Welfare Examiner at the base annual salary of \$27,986; and, be it further

RESOLVED, that the 2010 Herkimer County Salary Schedule is hereby amended in Salary Schedule No. 3 to delete the position of Home Energy Assistance Examiner in Account A6143, and establish the position of Social Welfare Examiner at the base annual salary of \$27,986; and, be it further

RESOLVED, that the foregoing change shall take effect March 15, 2010; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer and Commissioner of Social Services.

Dated: March 10, 2010.

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 Mrs. Maneen, seconded by Mr. Stone, Report and Resolution No. 71 of the Committee on Administration/ Veterans' Affairs and the Committee on Ways and Means establishing title pursuant to the Help America Vote Act of 2002, was handed up; discussion was held; was voted on and adopted by voice vote:

Ayes: (12).

Against: Rose (1).

Absent: Keblish, Hendrix, Brezinski, Russell (4).

No. 71

**REPORT AND RESOLUTION OF COMMITTEE ON  
ADMINISTRATION/VETERANS' AFFAIRS AND THE COMMITTEE ON WAYS AND  
MEANS ESTABLISHING TITLE PURSUANT TO THE HELP AMERICA VOTE ACT  
OF 2002**

WHEREAS, by letter dated March 1, 2010, Marty Smith and Shelly Pazzanese, Commissioners of Elections, have requested the establishment of the title of Polling Site Coordinator at the payment of \$15.00 per hour, to provide two coordinators (one Republican and one Democrat), which will replace the title and responsibilities of Voting Machine Custodian for the 34 polling sites in Herkimer County for any election run by the Herkimer County Board of Elections, pursuant to the Help America Vote Act of 2002; and

WHEREAS, your Committees have considered said request and recommend the establishment of said title; now, therefore, be it

RESOLVED, that the title of Polling Site Coordinator is hereby established to replace the title of Voting Machine Custodians, at the payment amount of \$15.00 per hour, which will provide two coordinators (one Republican and one Democrat) for the 34 polling sites in Herkimer County for any election run by the Herkimer County Board of Elections, pursuant to the Help America Vote Act of 2002; and, be it further

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

Dated: March 10, 2010.

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

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

On motion of Mr. Manno, seconded by Mr. Shaw, Report and Resolution No. 72 of the Committee on Education and the Committee on Ways & Means, amending the 2008-2009 Operating Budget of Herkimer County Community College was handed up; discussion was held; was voted on and adopted by voice vote:

All ayes: (13).

Against: None.

Absent: Keblish, Hendrix, Brezinski, Russell (4).

No. 72

**REPORT AND RESOLUTION OF THE COMMITTEES ON EDUCATION AND WAYS AND MEANS AMENDING THE 2008-2009 OPERATING BUDGET OF HERKIMER COUNTY COMMUNITY COLLEGE**

WHEREAS, this Legislature has previously adopted an Operating Budget as presented by the Herkimer County Community College for the year 2008-2009 in the amount of \$21,295,536, with a sponsor's contribution of \$1,580,612; and

WHEREAS, by communication from the Vice President for Administration and Finance of Herkimer County Community College dated February 26, 2010, it is requested that this Legislature approve an amendment to the 2008-2009 Herkimer County Community College Operating Budget as a result of higher student enrollment entitling the College to receive an additional \$7,228 in state aid for FY 2008-2009, with no increase in the sponsor's contribution; now, therefore, be it

RESOLVED, that this Legislature approves an amendment to the 2008-2009 Operating Budget of Herkimer County Community College to \$21,032,613; and, be it further

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

Dated: March 10, 2010.

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

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

On motion of Mr. Weakley, seconded by Mr. Stone, Report and Resolution No. 73 of the Committee on Public Safety/Emergency Management authorizing memorandum of understanding with State division of Criminal Justice Services regarding Federal Excess Property Program was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (13).

Against: None.

Absent: Keblish, Hendrix, Brezinski, Russell (4).

No. 73

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AUTHORIZING MEMORANDUM OF UNDERSTANDING WITH NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING FEDERAL EXCESS PROPERTY PROGRAM**

WHEREAS, by letter dated March 1, 2010, Sheriff Christopher P. Farber advises this Legislature of a request for the Chairman to sign a Memorandum of Understanding with the New York State Division of Criminal Justice Services regarding the New York State 1033 Federal Excess Property Program; and

WHEREAS, under said Program the Secretary of Defense is authorized to transfer to Federal and State agencies and local law enforcement agencies personal property in excess of the needs of the Department of Defense and that the Secretary determines is suitable to be used by such agencies in law enforcement activities, with emphasis on counter-drug/counter-terrorism activities; and

WHEREAS, your Committee has considered this request and finds said memorandum of understanding to be in the best interest of the County of Herkimer; now, therefore, be it

RESOLVED, that the Chairman of this Legislature be, and he hereby is, authorized to execute a Memorandum of Understanding with the New York State Division of Criminal Justice Services regarding the New York State 1033 Federal Excess Property Program; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Sheriff and the New York State Division of Criminal Justice Services.

Dated: March 10, 2010.

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

## Emergency Management

On motion of Mr. Bono, seconded by Mr. Ackerman, Report and Resolution No. 74 of the Committee on Human Resources and the Committee on Ways and Means amending Salary Schedule No. 3 and Resolution No. 339 of 2009 adjusting wages for hourly employees, was handed up; discussion was held, was voted on and adopted by roll call vote:

For: Piseck, Maneen, Stone, Hyde, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Shawl, Weakley (12).

Against: Rose (1).

Absent: Keblish, Hendrix, Brezinski, Russell (4).

No. 74

### **REPORT AND RESOLUTION OF THE OF THE COMMITTEE HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS AMENDING SALARY SCHEDULE NO. 3 AND RESOLUTION NO. 339 OF 2009 ADJUSTING WAGES FOR HOURLY EMPLOYEES**

WHEREAS, by Resolution No. 339 adopted on December 16, 2009 this Legislature established the wages of all employees of the County of Herkimer paid pursuant to the hourly scale for graded employees for the year 2010; and

WHEREAS, by letter dated March 2, 2010 Ervin J. Fuller, Commissioner of Social Services, has requested the position of Photocopy Machine Operator be deleted in Salary Schedule No. 3 and that the position of part-time Photocopy Machine Operator be established in Account A6010, at the rate of \$13.18 per hour, with said hours not to exceed 19 ½ hours per week; now, therefore, be it

RESOLVED, that the 2010 Herkimer County Salary Schedule be amended in Salary Schedule No. 3 to delete the position of Photocopy Machine Operator in Account A1680; and, be it further

RESOLVED, that Resolution No. 339 of 2009 is hereby amended in the Second Resolved Clause to establish the following additional position:

<u>Title</u>	<u>Rate</u>
Part-time Photocopy Machine Operator (A6010, not to exceed 19 ½ hrs./week)	\$13.18/hr.

RESOLVED, that the foregoing change shall take effect March 15, 2010; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer and Commissioner of Social Services

Dated: March 10, 2010.

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. Korce, seconded by Mr. Weakley, Report and Resolution No. 75 of the Committee on Ways and Means correcting tax roll in the Town of Russia, was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (13).                      Against: None.

Absent: Keblish, Hendrix, Brezinski, Russell (4).

No. 75

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
CORRECTING TAX ROLL IN THE TOWN OF RUSSIA**

WHEREAS, by letter dated March 1, 2010 from Mary Ann Barbuto, Director of Real Property Tax Services, this Legislature is informed that an error was made on the 2010 Tax Roll of the Town of Russia on property listed below in that the 2009-2010 school tax bill was inadvertently relieved onto the 2010 Town and County tax bill; and

WHEREAS, application has been made to correct said tax roll by the removal of the school levy and issuance of a corrected tax bill; and

WHEREAS, your Committee has caused to be reviewed said application and the report of the Real Property Tax Director and recommends approval of the application for the parcel set forth below; now, therefore, be it

RESOLVED:

1. That this Legislature finds an error exists in the tax roll for the Town of Russia for the parcel listed below:

Town: Russia  
Tax Map No. 083.4-1-13.4  
Amount Billed: \$5,470.54

Owner: Michael L. Benedetto  
Location: 146 Lanning Rd., Poland, NY  
Corrected Tax: \$2,311.86

2. That this Legislature approves the application to correct the error by making notation on the application and the copies thereof that the application is approved and by entering thereon the correct amount of taxes;

3. That an order is hereby made that the corrected tax is as set forth on the application form and the officer having jurisdiction of the indicated tax roll is directed to correct such roll;

4. That the Clerk of the Legislature is directed to transmit immediately to the collector of taxes of the indicated town the application and a copy of this Resolution and mail notice to the applicant that the application has been approved, and file the copy of this application with the records of the tax levying body;

5. That certified copies of this Resolution be forwarded to the Director of Real Property Tax Services, the Herkimer County Treasurer, the tax collector of the Town of Russia and the above listed applicant.

Dated: March 10, 2010.

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. Stone, seconded by Mr. Weakley, Report and Resolution No. 76 of the Committee on County Properties authorizing bids for paving of parking lot was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (13).

Against: None.

Absent: Keblish, Hendrix, Brezinski, Russell (4).

No. 76

**REPORT AND RESOLUTION OF THE COMMITTEES ON COUNTY PROPERTIES  
AUTHORIZING BIDS FOR PAVING OF PARKING LOT**

WHEREAS, this Legislature is informed by communication from Bernard E. Decker, Budget Officer and Purchasing Agent, dated March 4, 2010, that specifications have been prepared for the paving of the former Information Services Building site as a parking lot; now, therefore, be it

RESOLVED, that the Herkimer County Purchasing Agent be, and he hereby is, authorized and directed to advertise for bids for the provision of paving of the former Information Services Building site as a parking lot, said advertisement to be in the official newspapers of the County, with bids to be received and opened in the Office of the Purchasing Agent, and results thereof to be reported to this Legislature for approval and award; and, be it further

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

Dated: March 10, 2010.

BRUCE WEAKLEY  
JOHN J. PISECK, JR.  
VINCENT J. BONO  
JEAN E. MANEEN  
JEFFREY M. STONE  
KURT J. ACKERMAN  
**Committee on County Properties**

On motion of Mr. Korce, seconded by Mr. Peplinski, Report and Resolution No. 77 of the committee on Highways awarding bids for Highway Department equipment was handed up; discussion was held; was voted on and adopted by voice vote:

All ayes: (13).

Against: None.

Absent: Keblish, Hendrix, Brezinski, Russell (4).

No. 77

**REPORT AND RESOLUTION OF THE COMMITTEE ON HIGHWAYS AWARDING BID  
FOR EQUIPMENT FOR HERKIMER COUNTY HIGHWAY DEPARTMENT**

WHEREAS, by letter dated March 8, 2010, the Budget Officer/Purchasing Agent has advised that bids were received, opened and read in accordance with law for the provision of a new, unused 6 x 4 10 wheel truck tractor and a new, unused diesel cab and chassis with van body, for the Herkimer County Highway Department; and

WHEREAS, after review of the bids it is the recommendation of the County Highway Superintendent and your Committee that the low bid from Mohawk Valley Freightliner be rejected for non-compliance of specifications as follows:

Specifications require an 110,000 lb. gross combined weight; the bid was 80,000 lb. weight  
Specifications require 475 hp, the bid was 450 hp.

Recommended acceptance of the next lowest responsible bidder, Beam Mack Sales & Services, 620 East Molly Road, East Syracuse, New York, in the amount of \$107,890.32 with trade-in (\$2,000)

RESOLVED, that bid of Mohawk Valley Freightliner, 703 Oriskany Blvd., Yorkville, NY 13495 for a new, unused 6 x 4 ten wheel truck tractor for the Herkimer County Highway Department be rejected by this Legislature for the reasons set forth above; and, be it further

RESOLVED, that the Herkimer County Legislature hereby awards bids to the lowest responsible bidders meeting specifications as follows:

- 6 x 4 wheel truck tractor to Beam Mack Sales & Services, 6260 East Molly Road, East Syracuse, NY 13057 in the amount of \$107,890.32 with trade-in (\$2,000)
- Diesel cab and chassis with van body to Mohawk Valley Freightliner, 703 Oriskany Blvd., Yorkville, NY 13495 in the amount of \$107,966.00 with trade-in (\$8,000)

And, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, County Superintendent of Highways, Beam Mack Sales & Services and Mohawk Valley Freightliner.

Dated: March 10, 2010.

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

On motion of Mr. Bono, seconded by Mr. Piseck, Report and Resolution No. 78 of the Committee on Ways and Means for staffing change in the Public Health Nursing Department, was handed up; discussion was held, was voted on and adopted by roll call vote:

For: Piseck, Rose, Maneen, Stone, Hyde, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Shaw, Weakley (13).

Against: None.

Absent: Keblish, Hendrix, Brezinski, Russell (4).

No. 78

REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS FOR STAFFING CHANGE IN PUBLIC HEALTH NURSING DEPARTMENT

WHEREAS, by letter dated March 3, 2010, Dr. Gregory O'Keefe, MD, Director of Public Health, has requested a staffing change due to the title change in the Lead Poisoning Prevention Program; and

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

RESOLVED, that the 2010 Herkimer County Salary Schedule III is hereby amended to delete one position of Registered Nurse and establish one position of Community Health Nurse at the base annual salary of \$37,209 in A4010, Public Health Nursing Department; and, be it further

RESOLVED, that the foregoing changes shall take effect March 15, 2010; and, be it further

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

Dated: March 10, 2010.

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 and Mr. Piseck, Resolution No. 79 of the Committee on Human Resources reappointing Commissioner of Social Services was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (13).                      Against: None.

Absent: Keblish, Hendrix, Brezinski, Russell (4).

No. 79

**RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES REAPPOINTING  
COMMISSIONER OF SOCIAL SERVICES**

WHEREAS, the term of the Commissioner of Social Services of the County of Herkimer shall expire on March 20, 2010; and

WHEREAS, the Commissioner of Social Services of the County of Herkimer is to be appointed pursuant to the provisions of Section 116 of the Social Services Law of the State of New York; now, therefore, be it

RESOLVED, that Ervin J. Fuller of Herkimer, New York be, and he hereby is, reappointed Commissioner of Social Services for the County of Herkimer pursuant to Section 116 of the Social Services Law of the State of New York for a term of five years commencing March 21, 2010 and running through March 20, 2015, at an annual salary as established in the Salary Schedule adopted by this Legislature; and, be it further

RESOLVED, that the position of Commissioner of Social Services shall be continued in the non-competitive class under Civil Service Law; and, be it further

RESOLVED, that said position be, and hereby is, excluded from the tenure protection afforded by Section 75(1) of the Civil Service Law; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer, New York State Office of Children and Family Services and Ervin J. Fuller.

Dated: March 10, 2010.

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

The clerk read a letter from Ervin Fuller expressing his appreciation for the reappointment.

On motion of Mr. Peplinski, seconded by Mr. Shaw, Resolution No. 80 of the Committee on Natural Resources setting public hearing on annual 30 day period for 2010 inclusion of viable agricultural land within a certified agricultural district was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (13).                      Against: None.

Absent: Keblish, Hendrix, Brezinski, Russell (4).

No. 80

**RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES SETTING PUBLIC HEARING ON ANNUAL THIRTY-DAY PERIOD FOR 2010 FOR INCLUSION OF VIABLE AGRICULTURAL LAND WITHIN A CERTIFIED AGRICULTURAL DISTRICT**

WHEREAS, Section 303-b of the Agricultural and Markets Law provides that the County Legislature of a county containing a certified agricultural district must designate an annual 30 day period within which a landowner may submit a request for inclusion of land which is predominately viable agricultural land within a certified agricultural district; and

WHEREAS, Resolution No. 146 adopted by this Legislature on May 19, 2004 set the annual 30 day period from January 1 through January 31 of each year; and

WHEREAS, pursuant to statute, all requests received during said 30 day period for 2010 were referred to the County Agricultural and Farmland Protection Board for their recommendation, and reports are now ready to be made and a public hearing held; now, therefore, be it

RESOLVED, that a Public Hearing be held on the 7th of April, 2010 at 1:45 p.m. on the Annual 30-day Period for Additions to Agricultural Districts for the year 2010; and, be it further

RESOLVED, that the Clerk of this Legislature give proper notice thereof pursuant to Section 303-b of the Agriculture and Markets Law of the State of New York; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Soil and Water Conservation District, Cornell Cooperative Extension Services and the Herkimer-Oneida Counties Comprehensive Planning Program.

Dated: March 10, 2010.

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

On motion of Mr. Bono, seconded by Mrs. Maneen, Resolution No. 81 of the Committee on Human Resources and the Committee on Administration/Veterans' Affairs collaborating with Oneida County to combat obesity and promote healthy lifestyles was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (13).                      Against: None.

Absent: Keblish, Hendrix, Brezinski, Russell (4).

No. 81

**RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE  
COMMITTEE ON ADMINISTRATION/VETERANS' AFFAIRS COLLABORATING  
WITH ONEIDA COUNTY TO COMBAT OBESITY AND PROMOTE HEALTHY  
LIFESTYLES**

WHEREAS, this Legislature is in receipt of a resolution recently adopted by the Oneida County Board of Legislators committing Oneida County to promoting healthy lifestyles; and

WHEREAS, obesity takes a tremendous toll on the health and productivity on many residents of new York State and the annual cost of medical bills , workers compensation and lost productivity for overweight, obesity and physical inactivity in the State of New York exceeds \$6 billion dollars annually: and

WHEREAS, supporting the health of residents and the local workforce would decrease chronic disease and health care costs and increase productivity; and

WHEREAS, Herkimer County has a goal to promote and develop safe and healthy communities; now, therefore, be it

RESOLVED, that by adoption of this resolution Herkimer County will become a "Healthy Herkimer County"; and, be it further

RESOLVED, that Herkimer County will collaborate with Oneida County to combat obesity and promote healthy lifestyles; and, be it further

RESOLVED, that certified copies of this resolution be forwarded to the Oneida County Board of Legislators, Director of Public Health and Herkimer County HealthNet, Inc.

Dated: March 10, 2010.

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

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

On motion of Mrs. Maneen, seconded by Mr. Shaw and Mr. Peplinski, Resolution No. 82 of the Committee on Administration/Veterans' Affairs opposing unfair and unwarranted Medicaid audit procedures was handed up; discussion was held; was voted on and adopted by voice vote:

All ayes: (13).                      Against: None.

Absent: Keblish, Hendrix, Brezinski, Russell (4).

No. 82

**RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS'  
AFFAIRS OPPOSING UNFAIR AND UNWARRANTED MEDICAID AUDIT  
PROCEDURES**

WHEREAS, the Office of the Medicaid Inspector General is conducting audits within the Medicaid provider system to seek recovery of funds in connection with Medicaid services provided by counties; and

WHEREAS, Herkimer County, along with other counties, is a primary provider and funder of services for persons who are enrolled in the Medicaid program; and

WHEREAS, recent audits of the Office of Medicaid Inspector General of programs operated by counties have sought to recover funds otherwise properly expended to provide such services on the grounds that clerical errors or other technical errors have occurred; and

WHEREAS, Herkimer County has been advised that it is the practice of the Office of the Medicaid Inspector General that when a small amount of errors have been discovered, including errors in connection with submission dates, there is then made an assumption that the same amount of errors have occurred throughout the entire claims submitted by the county, resulting in astronomical amounts being sought to be recovered, without documentation that errors of any such size have occurred; and

WHEREAS, Herkimer County has also been advised that at the present time there does not appear to be any statute of regulation authorizing such an unfair and unwarranted procedure; and

WHEREAS, the County has further been advised that the Executive Budget proposal for 2010-2011 attempts to amend the Public Health Law to authorize such unfair and unwarranted procedure; now, therefore, be it

RESOLVED, that the Herkimer County Legislature urges the Governor, State Senate and State Assembly to assure that specific language be added to the 2010-2011 State Budget to provide that the Office of the Medicaid Inspector General shall not have the authority to penalize counties for minor technical errors by applying the amounts of any such errors across the entire range of Medicaid claims, without evidence of actual fraud or abuse or overpayment, and that the attempt to extrapolate small errors to allow for massive recoveries against counties be specifically prohibited; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Governor David Paterson, the Office of the Medicaid Inspector General, Senator James L. Seward and Assemblyman Marc W. Butler and the New York State Association of Counties.

Dated: March 10, 2010.

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

On motion of Mr. Piseck, seconded by Mr. Shaw, Resolution No. 83 of the Committee on Administration/Veterans' Affairs in opposition to IDA tax imposed on all local industrial development agencies by New York State as a means to help close the State's budget deficit was handed up; discussion was held; was voted on and adopted by voice vote:

All ayes: (13).                      Against: None.

Absent: Keblish, Hendrix, Brezinski, Russell (4).

No. 83

**RESOLUTION OF THE COMMITTEE ON  
ADMINISTRATION/VETERANS' AFFAIRS IN OPPOSITION TO THE IDA TAX  
IMPOSED ON ALL LOCAL INDUSTRIAL DEVELOPMENT AGENCIES BY NEW  
YORK STATE AS A MEANS TO HELP CLOSE THE STATE'S BUDGET DEFICIT**

WHEREAS, local Industrial Development Agencies (IDAs) serve as the primary vehicle for the implementation of economic development programs in counties and local communities across New York State; and

WHEREAS, the primary mission of local IDAs is the creation and retention of jobs for New York's residents, through innovative, locally-driven and developed programs to make counties and local communities better places in which to invest, grow productive business enterprises and create better business atmospheres to generate new economic activity, job creation and tax revenue producers; and

WHEREAS, the 2009-2010 State budget contained a maximum statewide "cost recovery" tax of \$5 million to "reimburse to New York State and allocable share of state governmental costs attributable to the provisions of services to industrial development agencies;"; and

WHEREAS, the 2009-2010 State budget contained a maximum statewide "county recovery" tax of \$5 million to "reimburse to New York State and allocable share of state governmental costs attributable to the provisions of services to industrial development agencies;"; and

WHEREAS, the State Department of Taxation and Finance has sent Tax Bills to every IDA in the state, for amounts corresponding to 4.7% of the gross revenue received by an IDA in the 2008 calendar year, payable by March 31, 2010; and

WHEREAS, the tax bills were received long after local IDAs' budgets were developed and implemented, without the inclusion of this new unanticipated tax in their adopted budgets; and

WHEREAS, the revenue received by the IDAs subject to this tax includes payments in lieu of taxes collected for local governments and school districts, state and federal grants and local school districts, state and federal grants and local taxpayer funded appropriations; and

WHEREAS, imposing a state gross receipts tax on revenues from 2008 that include tax generated resources from the state and federal government is redundant, punitive and will lead to these resources and those appropriated by counties for local job creation to be used instead to help bail out the State during its time of financial crisis; now, therefore, be it

RESOLVED, that the Herkimer County Legislature joins with the New York State Association of Counties (NYSAC) in strongly opposing the imposition of the new tax on the gross revenues of local Industrial Development Agencies as a means to help eliminate the state budget deficit; and, be it further

RESOLVED, that the Herkimer County Legislature joins with the New York State Association of Counties (NYSAC) to call upon the Governor and the State Legislature to repeal this onerous tax on the primary economic development organizations of New York's counties and other local governments; a tax which will take local resources that could better be used to create jobs in our communities in this time of economic crisis; and, be it further

RESOLVED, that certified copies be forwarded to Governor David A. Paterson, Senator James L. Seward, Assemblyman Marc W. Butler, NYSAC, Intercounty Legislative Committee of the Adirondacks and Mark Feane, Executive Director of the IDA.

Dated: March 10, 2010.

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

On motion of Mr. Bono, seconded by Mr. Weakley and Mr. Piseck, Resolution No. 84 of the Committee on Administration/Veterans' Affairs opposing 2010 Anti-Gun Bills by the New York State Legislature was handed up; discussion was held; was voted on and adopted by voice vote:

All ayes: (13).                      Against: None.

Absent: Keblish, Hendrix, Brezinski, Russell (4).

No. 84

**RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS' AFFAIRS OPPOSING 2010 ANTI-GUN BILLS BY THE NYS LEGISLATURE**

WHEREAS, by Resolution No. 220 of 2009, this Legislature voiced its disapproval of the NYS Legislature's planned passage of bills which would have an effect on hunters, sportsmen, and legal gun owners as well as the health of wildlife, revenue to local municipalities and the Department of Environmental Conservation; and

WHEREAS, once again the NYS Legislature is planning passage of gun control bill A1093/S1715 that requires the creation and imposition of restrictive commercial practices and stringent recordkeeping and reporting; provides that such measures shall be promulgated by the superintendent of state police; requires liability insurance of at least one million dollars; restricts premises of sales; requires employee training; prohibits straw purchases and imposes additional license conditions; and

WHEREAS, the NYS Legislature is also planning passage of bill A1275/S1712 which provides clarification on the definition of gun show events to include the building structures and grounds where shows occur; and to include public auctions, flea markets and garage sales; and modifies the definition of a "gun show" to conform with *Scope v Pataki*; now, therefore, be it

RESOLVED, that the Herkimer County Legislature opposes the passage of these bills and urges the NYS Legislature to oppose the same; and be it further

RESOLVED, that certified copies of this Resolution be forwarded to Governor David A. Paterson, Senate Majority Leader John L. Sampson, Assembly Speaker Sheldon Silver, Senator James L. Seward, Assemblyman Marc W. Butler, NYSAC and the Herkimer County Sheriff.

Dated: March 10, 2010.

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

On motion of Mr. Manno, seconded by Mr. Shaw and Mrs. Maneen, Resolution No. 85 of the Committee on Administration/Veterans' Affairs and the Committee on Education supporting Board of Trustees resolution to keep TAP funding at current levels was handed up; was voted on and adopted by voice vote:

All ayes: (13).

Against: None.

Absent: Keblish, Hendrix, Brezinski, Russell (4).

No. 85

**RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS' AFFAIRS AND THE COMMITTEE ON EDUCATION SUPPORTING BOARD OF TRUSTEES RESOLUTION TO KEEP TAP FUNDING AT CURRENT LEVELS**

WHEREAS, community colleges are the largest and fastest growing sector of higher education in the U.S., and enrolls 57% of all undergraduate students enrolled in the State University of New York system; and

WHEREAS, community college students, their parents, alumni and their supporters are rightly concerned about Governor Paterson's 2010-11 proposed State Budget which includes a cut to New York's public community college funding by \$415 per full-time equivalent(FTE) student; and

WHEREAS, community colleges have not had a public funding increase from the State of New York since 2007-08 and were unexpectedly cut mid-year in 2009-10 by \$130 per FTE, while the Governor's proposed 2010-11 budget essentially sets community colleges back a decade as state funding is proposed to return to 2000-01 levels; and

WHEREAS, by Resolution No. 09-25 dated February 25, 2010, the Herkimer County Community College Board of Trustees adopted a resolution requesting Governor Paterson and the members of the New York State Legislature to carefully reconsider the vital needs of constituents and community college students and restore vital funding for the Tuition Assistance Program; Now, therefore, be it

RESOLVED, that the Herkimer County Legislature supports the Herkimer County Community College Board of Trustee's Resolution No. 09-25 dated February 25, 2010 and urges the Governor and NYS Legislature to restore the T.A.P. funding level to the previous amount of the 2009-10 mid-year budget; and, be it further

RESOLVED, that certified copies of this Resolution be forward to Governor David A. Paterson, Senate Majority Leader John L. Sampson, Assembly Speaker Sheldon Silver, Senator James L. Seward, Assemblyman Marc W. Butler, NYSAC, Herkimer County Community College Board of Trustees and Dr. Ann Marie Murray, President, HCCC.

Dated: March 10, 2010.

JEAN E. MANEEN  
BRUCE WEAKLEY

FREDERICK J. SHAW  
PETER F. MANNO  
STEPHEN N. KEBLISH  
JOHN L. BREZINSKI  
**Committee on Administration/Veterans'  
Affairs**

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

On motion of Mr. Peplinski, seconded by Mr. Stone, Resolution No. 86 of the Committee on Natural Resources appointing representatives of Intercounty Legislative Committee of the Adirondacks was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (13).                      Against: None.

Absent: Keblish, Hendrix, Brezinski, Russell (4).

No. 86

**RESOLUTION OF THE COMMITTEE ON NATURAL RESOURCES APPOINTING  
REPRESENTATIVES OF INTERCOUNTY LEGISLATIVE COMMITTEE OF THE  
ADIRONDACKS**

WHEREAS, the Counties of Essex, Hamilton, Herkimer, Lewis, St. Lawrence, Washington, Saratoga, Clinton, Franklin, Fulton and Warren have established the Intercounty Legislative Committee of the Adirondacks for the purpose, among other things, of initiating and taking positions on pending legislation affecting the Adirondack area; now, therefore, be it

RESOLVED, that Raymond Smith, Chairman of the Herkimer County Legislature, Vincent J. Bono, Vice-Chairman of the Herkimer County Legislature, John J. Piseck, Chairman, County Planning & Development Committee, Patrick E. Russell, Adirondack Representative and James W. Wallace, County Administrator, be and hereby are designated as representatives of the County of Herkimer on the Intercounty Legislative Committee of the Adirondacks during the year 2010; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer and the Intercounty Legislative Committee of the Adirondacks.

Dated: March 10, 2010.

BERNARD PEPLINSKI, SR.  
FREDERICK J. SHAW

DENNIS KORCE  
BRUCE WEAKLEY  
PETER F. MANNO  
JOHN L. BREZINSKI  
Committee on Natural Resources

On motion of Mr. Weakley, seconded by Mr. Shaw, Mr. Stone and Mr. Manno, Resolution No. 87 of the Committee on Administration/Veterans' Affairs opposing proposed \$1 million dollar sweep of Snowmobile Trail Fund from 2010-11 budget was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (13).                      Against: None.

Absent: Keblish, Hendrix, Brezinski, Russell (4).

No. 87

RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS' AFFAIRS  
OPPOSING THE PROPOSED \$1 MILLION DOLLAR SWEEP OF THE SNOWMOBILE  
TRAIL FUND FROM THE 2010-11 BUDGET

WHEREAS, by Resolution No. 155 of 2008, the Herkimer County Legislature opposed the misappropriation of an estimated \$1 million in snowmobile registration fees to the New York State Budget General Fund; and

WHEREAS, in the 2010-11 Executive Budget New York State Legislature has proposed language in Part HH of Budget Bill S6609/A9709 that would expand the allowable use of monies in the snowmobile trail fund to include "public safety activities"; and

WHEREAS, by allowing snowmobile registration fees to be taken from their intended use and transferred to the general fund under the guise of public safety and removing any accountability regarding the use of these funds, the proposed budget would result in millions more swept from the snowmobile trail fund in the years to come; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby opposes proposed language in Part HH of Budget Bill S6609/A9709 that would allow for the sweeping of snowmobile registration fees to be taken from their intended use and transferred to the general fund for years to come; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to Governor David A. Paterson, Senate Majority Leader John L. Sampson, Assembly speaker Sheldon Silver, Senator James L. Seward, Assemblyman Marc W. Butler, NYSAC and the new York State Snowmobile Trail Association.

Dated: March 10, 2010.

JEAN E. MANEEN

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

On motion of Mr. Piseck, seconded by Mr. Shaw, Resolution No. 88 of the Committee on Ways & Means authorizing outside counsel in connection with In Rem bankruptcy was handed up; there being no discussion, was voted on and adopted by voice vote:

All ayes: (13).                      Against: None.

Absent: Keblish, Hendrix, Brezinski, Russell (4).

No. 88

**RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS AUTHORIZING  
OUTSIDE COUNSEL IN CONNECTION WITH IN REM BANKRUPTCY**

WHEREAS, after the County In Rem Tax Auction which took place on May 30, 2009, the County received notice of bankruptcy proceedings related to premises at 123 Mohawk Street in the Village of Herkimer, New York, which prevented the County from conveying the property to the successful bidder; and

WHEREAS, bankruptcy proceedings related to one of the banks holding a mortgage on the premises are pending in the United States Bankruptcy Court in Salt Lake City, Utah; and

WHEREAS, it is necessary to retain counsel in Salt Lake City in order to petition the Court to lift the automatic stay of the proceedings, to allow the County to proceed with the transfer of title; and

WHEREAS, the November 5, 2009 taxes and penalties due are almost \$50,000 and post petition taxes in the amount of \$8,480.00 have not been paid; and

WHEREAS, the County Attorney's Office has sought and obtained the name of an experienced bankruptcy attorney in Salt Lake City who is willing to represent the County in connection with these proceedings at the rate of \$225.00 per hour with a court filing fee of approximately \$150, with an estimated fee in the \$1,000 range; now, therefore, be it

RESOLVED, that the County authorizes the retention of James W. Anderson, Esq. of the law firm of Miller Guymon of Salt Lake City to represent Herkimer County in connection with bankruptcy proceedings related to premises at 123 Mohawk Street, Herkimer, New York, with a maximum fee to be paid to be not in excess of \$2,000; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, County Attorney and law firm of Miller Guymon of Salt Lake City, Utah.

Dated: March 10, 2010.

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. Shaw, seconded by Mr. Manno and Mr. Bono, Resolution No. 89 of the Committee on Education appointing trustee of Herkimer County Community College was handed up; discussion was held, was voted on and adopted by voice vote:

All ayes: (13).                      Against: None.

Absent: Keblish, Hendrix, Brezinski, Russell (4).

No. 89

**RESOLUTION OF THE COMMITTEE ON EDUCATION APPOINTING TRUSTEE OF HERKIMER COUNTY COMMUNITY COLLEGE**

RESOLVED, that Kurt J. Ackerman of Little Falls, New York, be and he hereby is, appointed, pursuant to Section 6303 of the Education Law, as a member of the Herkimer County Community College Board of Trustees, to fill a vacancy presently existing on said Board, which term shall expire on the thirtieth day of June, 2011; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Chancellor of the State University of New York, the Vice Chancellor for Two Year Colleges, President of Herkimer County Community College and Kurt J. Ackerman.

Dated: March 10, 2010.

PETER F. MANNO  
JEFFREY M. STONE  
LEONARD R. HENDRIX  
FREDERICK J. SHAW, JR.

STEPHEN N. KEBLISH, JR.  
BERNARD PEPLINSKI, JR.  
Committee on Education

On motion of Mr. Piseck, seconded by Mr. Shaw, Resolution No. 90 of the Committee on County Planning and Development approving amendment to Resolution No. 29 of 2010 was handed up; discussion was held, was voted on and adopted by voice vote:

All ayes: (13).                      Against: None.

Absent: Keblish, Hendrix, Brezinski, Russell (4).

No. 90

**RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT APPROVING AMENDMENT OF RESOLUTION NO. 29 ADOPTED BY THE HERKIMER COUNTY LEGISLATURE ON JANUARY 20, 2010**

BE IT RESOLVED, by the County Legislature of the County of Herkimer, New York, as follows:

Section 1: Resolution No. 29 of the Herkimer County Legislature was enacted on January 20, 2010 for the purpose of establishing the Herkimer County Local Development corporation pursuant to Section 1411 of the Not-for-Profit Corporation Law of the State of New York.

Section 2: It appears that the Resolution and the Certificate of Incorporation for the Herkimer County Local Development Corporation inadvertently failed to provide authority for the Herkimer County Local Development Corporation to provide initial financing for eligible projects.

Section 3: In order to permit the Herkimer County Local Development Corporation to provide initial financing for eligible projects, Section 4 of Resolution #29 is hereby amended to read as follows:

Section 4. Bonds, notes and other obligations (the "Obligations") issued by the Corporation will not be backed by the full faith and credit of the County and will be non-recourse to the County. Obligations issued by the Corporation will be secured solely by the creditworthiness of a particular project. The Corporation shall issue Obligations to finance and/or refinance or refund outstanding Indebtedness previously incurred to finance eligible projects and to Pay related financing costs.

Section 4. The Herkimer County Local Development Corporation is authorized to amend its Certificate of Incorporation to authorize it to provide initial financing for eligible projects.

Section 5. All other provisions of Resolution No. 29 shall remain in full force and effect as originally passed.

Section 6. This resolution shall take effect immediately.

Dated: March 10, 2010.

JOHN J. PISECK  
VINCENT J. BONO  
PATRICK E. RUSSELL  
BERNARD E. PEPLINSKI  
FREDERICK J. SHAW, JR.  
KURT J. ACKERMAN  
**Committee on County Planning and  
Development**

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

At 8:25 p.m., on motion of Mr. Manno, seconded by Mr. Piseck, the Legislature adjourned to April 7, 2010 at 2:00 p.m., with a public hearing on the Open Enrollment Period for Inclusion in Agricultural Districts at 1:45 p.m.