

**REGULAR SESSION
SECOND DAY**

Wednesday, January 10, 2007

The Chairman called the Board to order, the roll was called and the following Representatives were found to be present:

Relic, Powers, Feldstein, Henderson, Fournier, Lindberg, Durkin, Iversen, McCarty, Schwerd, Stayton, Rothenberger, Laguna, Hodne.

Under Privilege of the Floor, Margaret Grayson, Otsego, said she has done a study of the assessments and equalization rates in the county. She understands how the County Board made a mistake with the 2007 tax increase. The problem deals more with assessments, valuations and the turn over of properties. Ms. Grayson said she has done some research and has determined that when properties are sold they are given a capricious value based on the selling price, while non-selling properties have their assessments left alone. Ms. Grayson would like to know when this problem will be addressed.

Diane Koffer, Hartwick, said that at the last County Board meeting the Chairman told her and others that there would be no penalties if tax bills were not paid by January 31st. However, the tax collectors are being told that nothing has changed in regards to collecting the penalty for payments. People are panicking because they do not know what is happening with the tax increase and penalties.

Betty Ann Schwerd, taxpayer from Burlington, said that most of the proposed reductions for the 2007 County Budget are coming out of Reserve accounts. This is similar to taking money out of your individual savings account, instead of reducing spending. The figures must be verified before she will vote on the proposed changes.

Brenda Berstler from Cooperstown congratulated Representative Relic and Powers for voting no on the 2007 county budget. At the last County Board meeting the public was insured that the large tax increase was being taken care of, but now the County Board is telling the people to pay the tax bill with the large increase included and that maybe a tax refund will be forthcoming. She said that the County Board needs to get on solid ground. There needs to be more and better communication between everyone.

Patrick McBrearty from Hartwick said he does not care who the county has to call, just fix the problem. He said he will not pay his taxes nor pay the penalty until the problem is fixed.

Rich Pokorny asked if there was a law that states the county must act a certain way before it can refund taxes. If there is, he would like a copy of the law. He also wanted to know if the county would pay interest to the taxpayers, if no refund is issued in 2007.

Alana Williams from Westford thanked the County Board for trying to fix the mistake. She asked the Board to act as a group.

A gentleman said he is concerned about the erroneous tax bills sent out by the

county. It is wrong to make people pay an erroneous bill. He said the taxpayers are providing the county with an interest free loan with no method of repayment.

Frank Kukenberger from Middlefield asked what happens if there is a rebate on next year's property taxes instead of a refund this year, and a property is sold. Does the new owner or the former owner get the rebate.

Steve Purcell asked if there was a law that prevents the county from appealing the 2007 tax bill.

A woman stated that public entities can only do what the legislation authorizes them to do. Legislation never prohibits actions.

Margaret Grayson asked who will bear the cost of people not paying their taxes and sending out a refund.

Representative Feldstein moved for an executive session to discuss litigation and a personnel matter. Seconded, Rothenberger. Total: 6,167; Ayes: 6,167. Motion carried.

The Board reconvened.

County Attorney Rodney Klafehn said it is important for the public to know that county government cannot operate without the consent of the state government. The county must have specific legislative authority before it can do anything. He has been in contact with the New York State Assembly and Senate, who are reviewing Otsego County's request for legislation authorizing the county to amend the 2007 county budget and issue refunds. Otsego County hopes to receive word that there is room for a local solution to the problem. Without a local solution the county must rely on the state legislature to pass special legislation allowing the county to issue refunds. Mr. Klafehn said that the county will act as quickly as it can after it is given direction by the state.

Mr. Klafehn also stated that in regards to assessments, the assessing process is a town/city function. Most of the local municipalities have limited funds and resources for going to and maintaining all properties at full market price. The county has no jurisdiction over assessments.

The following communications were read and ordered filed:

Donald L. Lindberg, Chairman of the Board - Letter appointing Rosemary Searles to the Intra-Employee Relations Committee.

The minutes of October 4 and 18, 2006 were approved and are on file with the Clerk of the Board.

The reports of the Standing Committees were given and ordered filed.

Representative Relic moved to dispense with the reading of all the reports and resolutions. Seconded, Iversen. Total: 6,167; Ayes: 6,167. Motion carried.

COUNTY FINANCIAL OFFICER-DOG LICENSE REPORT

Office of the Financial Officer of the County of Otsego
P.O. Box 265
Cooperstown, NY 13326

January 3, 2007

This report is filed pursuant to Section 111 of the Agriculture and Markets Law and covers the monies expended by me under the provisions of Article 7 of the Agriculture and Markets Law for the period January 1, 2006 to December 31, 2006.

RECEIPTS

| | |
|--|--------------|
| Total balance on hand January 1, 2006 | \$ 10,295.56 |
| Dog license fees received | \$ 12,051.25 |
| Tag fees received | \$ 188.00 |
| Damages recovered from dog owners | \$.00 |
| County appropriation | \$.00 |
| | |
| Total amount available for the year ending December 31, 2006: | \$ 22,534.81 |

DISBURSEMENTS

| | |
|--|--------------|
| Paid 36% of dog license fees to Dept. of Agriculture & Markets | \$ 4,338.45 |
| Paid tag fees to Dept. of Agriculture & Markets | \$ 188.00 |
| Paid claims for damages done by dogs | \$ 1,150.00 |
| Paid for county dog control officer services | \$.00 |
| Paid for county shelter services | \$.00 |
| Paid to towns and cities 75% of total surplus for last reporting period | \$ 7,721.67 |
| Paid | \$.00 |
| Paid | \$.00 |
| | |
| Total disbursement during the year ending December 31, 2006: | \$ 13,398.12 |
| | |
| Total surplus for the year ending December 31, 2006: | \$ 9,136.69 |

75% of the above surplus amounting to \$6,852.52 to be apportioned to cities and towns ratably to the remittance each made. Attached is a list showing the remittance each made and the amount apportioned.

Respectfully submitted,
MYRNA A. THAYNE
Otsego County Financial Officer

STATEMENT OF AMOUNTS REMITTED AND APPORTIONED

REPORTING PERIOD: January 1, 2006 to December 31, 2006

| <u>Remitting Municipality</u> | <u>Amount Remitted</u> | <u>Seventy-five per cent of Surplus Apportioned</u> |
|-------------------------------|------------------------|---|
| City of Oneonta | \$ 814.24 | \$ 462.99 |
| Burlington | 355.99 | 202.42 |
| Butternuts | 465.27 | 264.56 |
| Cherry Valley | 85.76 | 48.76 |
| Decatur | 43.50 | 24.73 |
| Edmeston | 430.02 | 244.52 |
| Exeter | 281.97 | 160.33 |
| Hartwick | 692.11 | 393.54 |
| Laurens | 462.93 | 263.23 |
| Maryland | 347.47 | 197.58 |
| Middlefield | 238.51 | 135.62 |
| Milford | 695.57 | 395.51 |
| Morris | 838.91 | 477.02 |
| New Lisbon | 634.46 | 360.76 |
| Oneonta Town | 986.97 | 561.21 |
| Otego | 1,224.80 | 696.44 |
| Otsego | 615.33 | 349.89 |
| Pittsfield | 541.65 | 307.99 |
| Plainfield | 166.82 | 94.86 |
| Richfield | 217.34 | 123.58 |
| Roseboom | 141.03 | 80.19 |
| Springfield | 90.44 | 51.43 |
| Unadilla | 1,169.09 | 664.76 |
| Westford | 77.52 | 44.08 |
| Worcester | 433.55 | 246.52 |
| TOTALS | \$ 12,051.25 | \$ 6,852.52 |

Rate = 0.5686

Representative Feldstein moved to accept the Dog Report as presented. Seconded, Relic. Oral Vote. Total: 6,167; Ayes: 6,167. Adopted.

Representative Iversen moved to suspend the rules and act upon late Resolution Nos. 41 - 46. Seconded, Relic. Total: 6,167; Ayes: 6,167.

RESOLUTION NO. 41-2007

RESOLUTION – ADJUSTING 2007 COUNTY BUDGET

FELDSTEIN, IVERSEN, RELIC

WHEREAS, it appears that the 2007 County Budget will require certain adjustments due to a large tax levy increase; and

WHEREAS, adjusting the following 2007 appropriations, revenues, fund balances and reserve funds will decrease the 2007 tax levy by \$2,222,427; now, therefore, be it

RESOLVED, that the following 2007 County Budget adjustments be and the same are hereby authorized:

Decrease RPTS A1355.4800 Other from \$38,500 to \$3,500.
Adjustment -\$35,000

Decrease Annex Building A1626.4150 Heat and Lights from \$13,000 to \$7,000.
Adjustment -\$6,000

Decrease Annex Building A1626.4500 Materials and Supplies from \$4,000 to \$2,000.
Adjustment -\$2,000

Decrease Annex Building A1626.4800 Other from \$3,000 to \$1,000.
Adjustment -\$2,000

Decrease General Gov't Support A1989.4050 Training from \$25,000 to \$0.
Adjustment -\$25,000

Decrease Contingent A1990.4800 Other from \$1,000,000 to \$800,000.
Adjustment -\$200,000

Decrease Public Safety/Communications A3020.1000 Personal Service from \$436,830 to \$410,903.
Adjustment -\$25,927

Decrease Sheriff A3110.1000 Personal Service from \$1,308,858 to \$1,278,961.
Adjustment -\$29,897

Decrease Probation A3140.4900 Contracts from \$18,000 to \$8,000.
Adjustment -\$10,000

Decrease Code Enforcement A3620.1000 Personal Service from \$193,812 to \$174,335.
Adjustment -\$19,477

Decrease Code Enforcement A3620.4900 Contracts from \$24,000 to \$10,000.
Adjustment -\$14,000

Decrease Department of Health A4010.1000 Personal Service from \$119,462 to \$106,462.
Adjustment -\$13,000

Decrease Public Health Nurse A4072.1000 Personal Service from \$699,247 to \$647,247.
Adjustment -\$52,000

Decrease Biologicals A4074.4800 Other from \$116,659 to \$104,235.

Adjustment -\$12,424

Increase Mental Health A4310.4880 Consultants from \$269,800 to \$289,800.
Adjustment +\$20,000

Decrease Department of Social Services A6010.1000 Personal Service from \$4,054,192 to \$3,973,511.
Adjustment -\$80,681

Decrease Social Services Administration Revenue (State) from \$1,800,000 to \$1,767,261.
Adjustment -\$32,739

Decrease Social Services Administration Revenue (Federal) from \$2,900,000 to \$2,859,658.
Adjustment -\$40,342

Decrease Publicity A6410.4900 Contracts from \$70,000 to \$45,000.
Adjustment -\$25,000

Decrease Welcome Center A6413.4800 Other from \$55,000 to \$25,000.
Adjustment -\$30,000

Decrease Veterans Agency A6510.4810 Medical Van Expense from \$48,995. to \$30,000.
Adjustment -\$18,995

Decrease Planning A8020.1000 Personal Service from \$184,244 to \$152,244.
Adjustment -\$32,000

Decrease Highway Maintenance D5110.4560 Fuel from \$400,000 to \$300,000.
Adjustment -\$100,000

Decrease Highway Snow and Ice D5142.4800 Other from \$775,000 to \$700,000.
Adjustment -\$75,000

Decrease Fringe Benefits by \$130,551

Decrease General Fund Balance A909 by \$290,732.

Reserve Funds

Decrease Capital Reserve Fund A878 from \$1,000,000 to \$615,000.
Adjustment -\$385,000

Decrease Repair Reserve Fund A885 from \$500,000 to \$0.
Adjustment -\$500,000

Decrease Unallocated Insurance Reserve A888 by \$200,000.

Decrease Bed Tax Reserve A887 by \$824

Seconded, Henderson and Fournier. Roll call. Total: 6,167; Ayes: 5,682; Noes: 485
- Schwerd. Adopted.

RESOLUTION NO. 42-2007

**RESOLUTION - REQUESTING THE NEW YORK STATE
LEGISLATURE TO ENACT ENABLING LEGISLATION PERMITTING
THE OTSEGO COUNTY BOARD OF REPRESENTATIVES TO AMEND
THE 2007 BUDGET BY REDUCING APPROPRIATIONS TO PROVIDE
FOR A DECREASE IN THE AMOUNT OF THE OTSEGO COUNTY
REAL PROPERTY TAX AND TO AUTHORIZE THE COUNTY
TREASURER TO REFUND EXCESS TAXES COLLECTED**

FELDSTEIN, IVERSEN, RELIC

WHEREAS, the Otsego County Board of Representatives duly adopted the 2007 Budget in accordance with the provisions of Article 7 of the County Law of the State of New York; and

WHEREAS, the effect of said Budget was to increase the amount of the real property tax to a greater degree than had been anticipated by the Board of Representatives; and

WHEREAS, the Board of Representatives wishes to enact a Budget that reflects its desire to provide for a more moderate increase in the County real property tax, consistent with its original intent, and to authorize the County Treasurer to provide for a direct refund of excess real property taxes collected under the Budget as previously enacted; and

WHEREAS, the Board of Representatives is aware that the amendment of the present Budget and provision for the refund of excess real property taxes collected may be accomplished only by appropriate enabling legislation by the New York State Legislature; and

WHEREAS, the Otsego County Board of Representatives is desirous of securing the passage of such legislation; now, therefore, be it

RESOLVED, that the Otsego County Board of Representatives requests the New York State Legislature adopt legislation to authorize the county to amend the 2007 Otsego County Budget by reducing appropriations so as to provide for a more moderate increase in the County real property tax and to authorize the County Treasurer to provide for the direct refund of excess County real property taxes collected under said Budget; and be it further

RESOLVED, that a copy of this Resolution be forwarded to the County's New York State Legislators with a request that they sponsor such legislation in their respective houses of the legislature.

Seconded, Fournier. Roll call. Total: 6,167; Ayes: 6,167. Adopted.

RESOLUTION NO. 43-2007

**RESOLUTION - AMENDING RESOLUTION NO. 4-2007 - AUTHORIZING
CHAIRMAN OF THE BOARD TO EXECUTE AN AGREEMENT WITH
CORNELL COOPERATIVE EXTENSION OF OTSEGO COUNTY**

FELDSTEIN, IVERSEN, RELIC

WHEREAS, in accordance with Resolution No. 4-2007, as amended by the County Board of Representatives at its January 3, 2007 meeting, the Chairman of the Board was authorized to contract with Cornell Cooperative Extension of Otsego County for the purpose of providing funds, not to exceed \$150,000, to the Cornell Cooperative Extension of Otsego County to pay towards the support and maintenance of the work of the Cooperative Extension and for the conduct of the extended educational programs of the New York State College of Agriculture and Life Sciences, the College of Human Ecology, and other units at Cornell University, for the contract term January 1, 2007 to December 31, 2007; and

WHEREAS, the County Board is desirous to further amend the amount provided to the Cornell Cooperative Extension of Otsego County for the year 2007 to an amount not to exceed \$175,000; now, therefore, be it

RESOLVED, that Resolution No. 4-2007, as amended at the January 3, 2007 meeting of the Board of Representatives, is further amended as follows: The Chairman of this Board be and hereby is authorized to contract with the Cornell Cooperative Extension of Otsego County for the purpose of providing funds, not to exceed \$175,000.00, to the Cornell Cooperative Extension of Otsego County to pay towards the support and maintenance of the work of the Cooperative Extension and for the conduct of the extended educational programs of the New York State College of Agriculture and Life Sciences, the College of Human Ecology, and other units at Cornell University, for the contract term January 1, 2007 to December 31, 2007; said contract to contain such other terms and provisions as are in the best interests of the County of Otsego; and be it further

RESOLVED, that the funding for this contract is included in the 2007 Cornell Cooperative Extension Budget (8751) at line 4800 Other.

Seconded, Durkin. Roll call. Total: 6,167; Ayes: 4,561; Noes: 1,606 - Powers, Fournier, Schwerd. Adopted.

RESOLUTION NO. 44-2007

**RESOLUTION - AMENDING RESOLUTION NO. 5-2007 - AUTHORIZING
THE CHAIRMAN OF THE BOARD TO CONTRACT FOR THE
DEPARTMENT OF HEALTH'S EARLY INTERVENTION PROGRAM
AND PRESCHOOL PROGRAM CONTRACTED SERVICES**

FELDSTEIN, IVERSEN, RELIC

WHEREAS, in accordance with Resolution No. 5-2007, as amended by the County Board of Representatives at its January 3, 2007 meeting, the Chairman of the Board was authorized to execute agreements with certain individuals and/or organizations to provide certain Department of Health's Early Intervention Program and Preschool Program

Contracted Services for the year 2007 at 2006 contracted rates; and

WHEREAS, the County Board is desirous to further amend the contracted rates to the 2007 rates as approved by the New York State Department of Health and the New York State Education Department; now, therefore, be it

RESOLVED, that Resolution No. 5-2007, as amended at the January 3, 2007 meeting of the Board of Representatives, is further amended as follows: The Chairman of the Board be and hereby is authorized to execute agreements with certain individuals and/or organizations to provide the following Department of Health's Early Intervention Program and Preschool Program Contracted Services for the year 2007 at 2007 contracted rates as approved by the New York State Department of Health and the New York State Education Department:

Services Under Preschool Education

Related Services (Speech, Occupational Therapy, Physical Therapy, etc.)
Psychological Evaluations
Social History
Non-Physician Evaluation
Physical Evaluations
Itinerant Special Education Teacher
Center Based Tuition
1:1 Aide w/in Center Based
Child Assistant
Transportation
Parent Training

Services Under Early Intervention

Basic Visit
Extended Visit
Developmental Groups
Multi-Disciplinary Evaluations
Non-physician Evaluation
Physician Evaluation
Screenings

and be it further

RESOLVED, that said agreements shall contain such other terms and provisions as are in the best interest of the County of Otsego; and be it further

RESOLVED, that the funds for the above agreements/services are included in the 2007 Early Intervention Program Budget (4059) at line 4900 Contracted Services and the 2007 DOH-CWSN 3-5 Administration Budget (4060) at line 4900 Contracted Services; reimbursement includes Medicaid, third party insurance, then reimbursement from the NYS Department of Health (EI) or from the NYS Department of Education for direct service.

Seconded, Stayton. Roll call. Total: 6,167; Ayes: 6,167. Adopted.

RESOLUTION NO. 45-2007

**RESOLUTION - AMENDING RESOLUTION NO. 7-2007 - AUTHORIZING
THE CHAIRMAN OF THE BOARD TO ENTER INTO AGREEMENTS
FOR PROFESSIONAL ENGINEERING SERVICES FOR VARIOUS
COUNTY ROADS FOR THE YEAR 2007**

FELDSTEIN, IVERSEN, RELIC

WHEREAS, in accordance with Resolution No. 7-2007, as amended by the County Board of Representatives at its January 3, 2007 meeting, the Chairman of the Board was authorized to contract with certain engineering firms to render professional engineering services for various County roads during the year 2007, in accordance with the 2006 hourly rate schedule which is on file in the Office of the Clerk of the Board; these services being professional in nature and not requiring public bidding by the County; and

WHEREAS, the County Board is desirous to further amend the hourly rate schedule to the 2007 hourly rate schedule; now, therefore, be it

RESOLVED, that Resolution No. 7-2007, as amended at the January 3, 2007 meeting of the Board of Representatives, is further amended as follows: The Chairman of this Board be and hereby is authorized to contract with the following engineering firms to render professional engineering services for various County roads during the year 2007, in accordance with the 2007 hourly rate schedule which is on file in the Office of the Clerk of the Board; these services being professional in nature and not requiring public bidding by the County:

1. McFarland & Johnson, Inc.
49 Court Street Metrocenter
Box 1908
Binghamton, New York 13902
2. Earth Tech
40 British American Boulevard
Latham, New York 12110
3. Barton & Loguidice
290 Elwood Davis Road
P.O. Box 3107
Syracuse, New York 13220
4. C&S Engineers, Inc.
1099 Airport Boulevard
North Syracuse, New York 13212
5. Spectra Engineering, PC
19 British American Boulevard
Latham, New York 12110

6. Shumaker Consulting Engineering Land Surveying, PC
320 North Jensen Road
Vestal, New York 13850
7. Delta Engineers, P.C.
164 Court Street
Binghamton, New York 13901-3514
8. Foit - Albert Associates
435 New Karner Road
Albany, New York 12205

and be it further

RESOLVED, that said contracts shall contain such other terms and conditions as are in the best interests of the County of Otsego; and be it further

RESOLVED, that the funds for these contracts are provided in the 2007 Highway Budget under various Highway Projects.

Seconded, Fournier. Roll call. Total: 6,167; Ayes: 6,167. Adopted.

RESOLUTION NO. 46-2007

RESOLUTION - AMENDING RESOLUTION NO. 30-2007 - AUTHORIZING THE CHAIRMAN OF THE BOARD TO EXECUTE AN AGREEMENT WITH OTSEGO COUNTY SOIL AND WATER CONSERVATION DISTRICT

FELDSTEIN, IVERSEN, RELIC

WHEREAS, in accordance with Resolution No. 30-2007, as amended by the County Board of Representatives at its January 3, 2007 meeting, the Chairman of the Board was authorized to contract with the Otsego County Soil and Water Conservation District for the purpose of providing funds, not to exceed \$60,000, to pay towards the support and maintenance of the conservation work of the Soil and Water Conservation District, for the contract term January 1, 2007 to December 31, 2007; said contract to contain such other terms and provisions as are in the best interests of the County of Otsego; and

WHEREAS, the County Board is desirous to further amend the amount provided to the Otsego County Soil and Water Conservation District for the year 2007 to an amount not to exceed \$75,000; now, therefore, be it

RESOLVED, that Resolution No. 30-2007, as amended at the January 3, 2007 meeting of the Board of Representatives, is further amended as follows: The Chairman of this Board be and hereby is authorized to contract with the Otsego County Soil and Water Conservation District for the purpose of providing funds, not to exceed \$75,000, to pay towards the support and maintenance of the conservation work of the Soil and Water Conservation District, for the contract term January 1, 2007 to December 31, 2007; said contract to contain such other terms and provisions as are in the best interests of the

County of Otsego; and be it further

RESOLVED, that the funding for this contract is included in the 2007 Soil and Water Conservation Budget (8730) at line 4800 Other.

Seconded, McCarty. Roll call. Total: 6,167; Ayes: 5,187; Noes: 980 - Powers, Schwerd. Adopted.

Representative Powers moved for the entire County Board to review future proposed budgets with department heads and not have the Administration Committee and County Treasurer review and amend the proposed budget alone before presenting it to the entire Board. Seconded, Relic and Henderson. Total: 6,167; Ayes: 2,311 - Relic, Powers, Henderson, McCarty, Schwerd; Noes: 3,856 - Feldstein, Fournier, Lindberg, Durkin, Iversen, Stayton, Rothenberger, Laguna, Hodne. Motion lost.

All the general business of the Board having been transacted, the Chairman declared the meeting recessed until Wednesday, January 17, 2007 at 7:30 p.m.