

**REGULAR SESSION
FIRST DAY**

Wednesday, April 1, 2009

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

Relic, Powers, Clark, Murphy, Fournier, Lindberg, Dubben, Johnson, McCarty, Schwerd, Stayton, Rothenberger, Harrington, Stuligross

Under Privilege of the Floor, Alexander Shields of Richfield Springs apologized to the County Attorney and the County Treasurer for remarks he made in November 2008, regarding the Workers Compensation budget. He had implied that the county must follow certain rules its workers compensation plan, when in fact municipalities are exempt while businesses are not. He pointed out that state law does deal with self-insurance programs and suggested that the NYS Comptroller be left to decide if the county is following them. Mr. Shields also stated that while Resolution No. 122-2009 appears to be straight forward and benign in supporting the idea of a fiber system connecting the county buildings, he is concerned about discussions for creating a Local Development Corporation for telecommunications. He feels that the county should own and maintain the public safety communications system and is glad the county is in support of the upgrade to the existing system. Mr. Shields added that the County Board should be careful about giving away its authority to an independent board.

Carl Wenner of Oaksville explained that people who feel that the government does nothing well can no longer sit on the sidelines. He said that he plans to sign up for a gas coop because he has the right to drill on his property and felt that everyone should be looking at domestic production. Mr. Wenner also stated that the government should not be subsidizing the Soccer Hall of Fame. He asked County Board members to think before providing a subsidization as to whether or not they would put their life savings behind a particular business, especially if there is no hope of a return of money. The voters expect County Board members to protect their rights.

Cindy Macomber, Otsego County resident, taxpayer and employee, thanked Representative Stuligross for asking why all county employees do not receive the same benefits. She felt that those in the CSEA do not seem to benefit from negotiations and would like to see fairness across the board. Many CSEA employees would love to see a 2% raise and an annual health insurance expense of only \$600. Ms. Macomber also pointed out that the county webpage is difficult to read because of the pastel colors. She suggested that a designer could make the webpage easier to read and navigate. It would get more usage if it were less cumbersome to use. Next Ms. Macomber stated that confidentiality may become a problem if a county motor pool is created. Also, vehicle scheduling is difficult as it is and could become worse. She felt that there would be chaos, and no money will be saved. She asked that county employees be included in further discussions. Ms. Macomber also expressed concerns about creating a central billing department and the new payroll system.

The minutes of January 7 and 21 and February 4, 2009 were approved.

The following communications were read and ordered filed:

Laurel Wahl, Milford – Email asking the County Board to repeal its local law regarding sex offenders and child safety zones.

Steven DiMeo, Communities Against Regional Interconnect (CARI) – Letter asking for Otsego County's participation and financial support of \$50,000 for CARI's fight to oppose NYRI's proposed transmission line.

Robert Robinson, President, Otsego County Chamber – Letter expressing support of Otsego County's request to Congressman Arcuri for a \$9.6 million appropriation to build a Municipally Owned Open Access Telecommunications Model. The Chamber is fully supportive of Otsego County's vision.

Barry Pemberton, Department of Weights and Measures – Letter of resignation, effective April 25, 2009.

Robert Reed, NYS Department of Health – Letter advising that the Department of Health has initiated a payment of \$272,265 to Otsego County for its share of the estimated benefit of the enhanced Federal Medical Assistance Percentage for the January – March 2009 quarter.

The following reports are on file with the Clerk of the Board:

Information Technologies – Annual Report of Revenues for the Year 2008
Office of the New York State Comptroller - Two Reports of Examination for regional fuel purchases for the period July 1, 2007 through June 30, 2008

Under Special Presentations, Steve DiMeo of Communities Against Regional Interconnect (CARI) explained that they hope to checkmate New York Regional Interconnect (NYRI) from getting federal approval for its proposed transmission line. CARI has formed a multi county effort to fight NYRI. They have received \$2.3 million for the legal fight, which has several venues. He explained that CARI is in the Article VII process now, demonstrating how the line is unnecessary and has no justification. Everyone will be impacted by the project with increased utility rates. Mr. DiMeo also explained that in 2005 the federal government passed regulations that allowed FERC to intervene on projects that are dragging out. He pointed out that FERC believed that besides intervening, it can also overturn state regulations and decisions. CARI brought a lawsuit against FERC regarding this authority. The courts have ruled the NYS Public Service Commission has until August 1, 2009 to make a decision about NYRI's proposal, and FERC cannot intervene until after that date. Mr. DiMeo said that CARI is also involved in other proceedings with other agencies and siting studies. All alternatives must be on the table for deliberation. He stated that many entities have contributed funding to CARI, though they need additional funds to see the process through to the end. He handed out financial information explaining where CARI's revenues are from and how they have been spent.

John Hoolihan of River Street Planning and Development stated that his firm has been working on the county's housing study for several months and anticipates completion by the end of June. The study will give the county and its communities a good profile of existing housing, areas of need and plans of action for the identified needs. He explained that they have toured all of the county looking at different types of housing in preparing the

needs analysis. They also held four focus groups to discuss the needs for housing infrastructure and community services and received good feedback regarding the approval process, transportation needs and job opportunities. The study will give a good picture of what is happening with housing in the county. He pointed out that they will be identifying areas outside of core developed areas that are conducive for housing development and how to get a transportation route set up. Mr. Hoolihan stated that Otsego County is in a unique situation with tourism and the baseball camps affecting housing availability. Surveys are being sent out to municipal officials for feedback on how they see housing in their community. The final elements of the study will include an analysis of housing cost, the role of county agencies, funding sources, land management tools and a detailed blueprint of how to get needed housing built. Mr. Hoolihan said that he will be back in June to present the final results.

The Chairman declared a short break.

The Board reconvened.

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

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

RESOLUTION NO. 107-20090401

RESOLUTION – AUTHORIZING CHAIRMAN OF THE BOARD TO EXECUTE AGREEMENT FOR SALE OF FOOD PRODUCTS BETWEEN NYS-DOCS-NS AND OTSEGO COUNTY SHERIFF’S OFFICE

RELIC, CLARK, JOHNSON, ROTHENBERGER

WHEREAS, the Otsego County Sheriff’s Office (hereinafter referred to as Otsego County) wishes to enter into an agreement to procure food products from the New York State Department of Correctional Services’ Office of Nutritional Services (hereinafter referred to as DOCS-NS) located in Rome, New York; and

WHEREAS, DOCS-NS will provide food products as requested by Otsego County. Those food products will be products that are standard production items processed consistent with DOCS menu items. Food Managers at Otsego County and DOCS-NS will work closely to coordinate ordering and delivery schedules; and

WHEREAS, DOCS transportation staff will deliver food products to Otsego County’s dock on a weekly basis by refrigerated trucks at a day and time convenient to DOCS-NS. Deliveries will be scheduled in conjunction with deliveries to DOCS facility deliveries in close proximity of Otsego County. A delivery fee of \$.50 per mile for any additional mileage incurred by DOCS-NS and any additional tolls incurred by NYSDOCS will be added to weekly invoices; and

WHEREAS, food products will be packed in plastic baskets, stacked on pallets. All empty baskets and pallets are to be returned to DOCS-NS via DOCS-NS truck. Receiving

agency agrees to reimburse at replacement cost any lost or damaged baskets or pallets; and

WHEREAS, at time of delivery, DOCS-NS will provide an itemized listing of products delivered. Otsego County personnel will verify that the correct product and count are received and notate any discrepancies on the delivery ticket. The ticket shall be signed by Otsego County personnel and the DOCS-NS driver; and

WHEREAS, on a weekly basis, DOCS-NS will provide an invoice to Otsego County for reimbursement for products received. Payment for products received should be made on a monthly basis by a check payable to NYSDOCS Office of Nutritional Services; and

WHEREAS, the initial pricing list will be provided by DOCS-NS on a separate schedule, the pricing structure will be evaluated every three months and will increase/decrease directly consistent with cost to produce food products and any changed prices charged to the County (receiving agency) shall be as uniformly charged to all other accounts of Provider. Written notification of price increases/decreases will be given to the receiving agency; and

WHEREAS, the agreement will take effect April 1, 2009 and will remain in effect until March 31, 2012; the purchase is based on need and the agreement does not specify an amount that needs to be ordered; and

WHEREAS, in the event that either party to the agreement wishes to terminate the agreement, the requesting agency may do so by giving the other party notice in writing no less than ninety (90) days prior. Such notice shall be directed to the representative of the agency that entered into such agreement with their signature; now, therefore, be it

RESOLVED, that the Chairman of this Board is hereby authorized to enter into an agreement with the New York State Department of Correctional Services' Office of Nutritional Services as outlined above; and be it further

RESOLVED, that the funds for payment under this contract is included in the 2009 Jail Budget (3150) at line item 4525-A Food.

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

RESOLUTION NO. 108-20090401

**RESOLUTION - AMENDING RESOLUTION NO. 318-20081105 -
AUTHORIZING THE COMMISSIONER OF SOCIAL SERVICES
TO EXECUTE AN AMENDED CONTRACT WITH
SANGUINE FAMILY COUNSELING AND CONSULTATION SERVICES**

HARRINGTON, CLARK, STULIGROSS

WHEREAS, Resolution No. 318-20081105 authorized the Otsego County Commissioner of Social Services to contract with Sanguine Family Counseling and Consultation Services for adolescent outreach services to assist schools in their

interventions with at risk youth and assist both the youth and family with linkages to appropriate services utilizing 100% State funding to prevent detention and residential placement for youth at risk of entering the Juvenile Justice System or becoming a PINS, for the term November 1, 2008 through June 30, 2009, at an amount not to exceed \$113,973.00; and

WHEREAS, the State has approved the use of unused and rollover funding totaling \$45,334.00 from a previous program period and has approved the Department's plan to increase programming for this population of youth and/or their families to include Interdependent Living Skills, Respite programming, Group activities for youth including Character Education and Parent Education through an expanded program with Sanguine Family Counseling and Consultation services; now, therefore, be it

RESOLVED, that Resolution No. 318-20081105 is amended and the Otsego County Commissioner of Social Services, is hereby authorized to enter into an amended contract with Sanguine Family Counseling and Consultation Services to include Interdependent Living Skills, Respite Programming, Group activities for youth including Character Education and Parent Education to prevent Persons in Need of Supervision and Juvenile Delinquent adjudications, by modifying the original agreement as follows:

1. Payment. In no event shall the County's liability exceed \$159,307.00;

and be it further

RESOLVED, that said amended contract shall contain such 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 2009 Social Services Budget (6070) and consists of 100% State funding; and be it further

RESOLVED, that this contract shall terminate, if state reimbursement is no longer available or allowed.

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

RESOLUTION NO. 109-20090401

RESOLUTION – AUTHORIZING CHAIRMAN OF THE BOARD TO ENTER INTO A CONTRACT WITH MXI ENVIRONMENTAL SERVICES, LLC FOR A 2009 HOUSEHOLD HAZARDOUS WASTE AND CESQG COLLECTION DAY

DUBBEN, FOURNIER, MCCARTY, STAYTON

WHEREAS, in 2005, Otsego County participated in a multi-county request for proposals (RFP) to solicit bids for the Annual Household Hazardous Waste Day; and

WHEREAS, MXI Environmental Services LLC has submitted the lowest RFP of \$36,206.60 to provide these professional services at the 2009 event, this price being composed of component costs for multiple services and based on volumes generated in

2008; now, therefore, be it

RESOLVED, that the Chairman of this Board be and hereby is authorized to enter into a contract with MXI Environmental Services, LLC, 297 Zimmerman Lane, Langhorne, Pennsylvania 19047, for providing services to the County at the Household Hazardous and CESQG Collection Day on September 18 and 19, 2009; the County agrees to pay MXI for the collection, disposal and transportation-fees in an amount estimated at \$36,206.60 and based on 2008 total collectibles calculated by using 2009 per unit cost as on file with the Clerk of the Board; and be it further

RESOLVED, that said contract 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 transportation and disposal fees generated by this 2009 Household Hazardous Waste and CESQG Disposal Day are included in the 2009 Solid Waste Budget (8160-A) at line 4900 Contracts; said funds consisting of approximately 50% state aid, private funds and Solid Waste User Fee monies.

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

RESOLUTION NO. 110-20090401

RESOLUTION – AMENDING SOLID WASTE COLLECTION AND DISPOSAL AGREEMENT TO INCLUDE LEVEL TWO TIPPING FEE RATE

DUBBEN, FOURNIER, MCCARTY, STAYTON

WHEREAS, the Montgomery, Otsego, Schoharie Solid Waste Management Authority (MOSA) has determined it necessary to implement a tipping fee of \$106.00 per ton, effective January 1, 2009; and

WHEREAS, the participating Counties have acknowledged the need to subsidize from their own county governments this tipping fee to facilitate the ongoing flow of waste to MOSA; and

WHEREAS, MOSA and the County have entered into an agreement wherein the County agrees to subsidize the tonnage tipping fee in the amount of \$14.00 with a \$92.00 tipping fee to be paid by each Hauler who has entered into a Solid Waste Collection and Disposal Agreement with the County; and

WHEREAS, the Solid Waste and Environmental Concerns Committee has recommended the inclusion of a Level Two subsidy rate as an amendment to the current Solid Waste Collection and Disposal Agreement with Haulers to allow large scale projects of construction and demolition debris to have a competitive rate for delivery to a MOSA facility; now, therefore, be it

RESOLVED, that the current Solid Waste Collection and Disposal Agreement between the County and the Haulers is hereby amended to include a Level Two subsidy

rate for construction and demolition material with guaranteed tonnage, as follows:

1. Projects with a guaranteed minimum tonnage of 50 tons will receive a subsidy rate of \$30.00 per ton;
2. Projects with a guaranteed minimum tonnage of 100 tons will receive a subsidy rate of \$45.00 per ton;
3. Applicants requesting a Level Two subsidy rate permit will be required to submit a separate application for each project permit and are subject to approval by the County Solid Waste Department;

and be it further

RESOLVED, that said amended agreement shall contain such other terms and conditions as are in the best interest of the County of Otsego.

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

RESOLUTION NO. 111-20090401

**RESOLUTION - APPOINTING MEMBERS TO LOCAL
EMERGENCY PLANNING COMMITTEE**

RELIC, CLARK, JOHNSON, ROTHENBERGER

RESOLVED, that pursuant to the requirements of the Superfund Amendment and Reauthorization Act of 1986, Title III, the following persons are hereby appointed members of the Local Emergency Planning Committee:

TANYA SHALOR
Editor
The Daily Star
102 Chestnut Street
Oneonta, New York 13820
(Replacing Sam Pollack)

BRETT MOORE
Central NY Radio Group
34 Chestnut Street
Oneonta, New York 13820

Seconded, Fournier. Oral vote. Total: 6,167; Ayes: 6,167. Adopted.

RESOLUTION NO. 112-20090401

RESOLUTION - AUTHORIZING THE IMPLEMENTATION,

**AND FUNDING IN THE FIRST INSTANCE 100% OF THE
FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID
ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID
PROJECT, AND APPROPRIATING FUNDS THEREFOR**

MCCARTY, HARRINGTON, RELIC

WHEREAS, a Project for Susquehanna Avenue over the Susquehanna River (BIN 3354550) in the Village of Cooperstown, Otsego County, P.I.N. 9753.08 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Otsego desires to advance the Project by making a commitment of 100% of the Federal and non-Federal share of the costs of the Preliminary Engineering, Right-of-Way Incidentals, and Construction and Construction Supervision and Inspection work; and

WHEREAS, the County of Otsego has previously executed Federal Aid and Marchiselli Aid Project Agreement (D024542) and Supplement Agreement #1 and appropriated \$118,000 and \$1,886,000 for the Preliminary Engineering, Right-of-Way Incidentals, and Construction and Construction Supervision and Inspection work;

NOW, THEREFORE, the Otsego County Board, duly convened does hereby

RESOLVE, that the Otsego County Board hereby approves the above subject project; and it is further

RESOLVED, that the Otsego County Board hereby authorizes the County of Otsego to pay in the first instance 100% of the Federal and non-Federal share of the costs of the Preliminary Engineering, Right-of-Way Incidentals, and Construction and Construction Supervision and Inspection work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$269,000 is hereby appropriated from the County Highway Budget D5112.2111 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the Otsego County Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, that the Chairman of the Board of Representatives of the County of Otsego be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal-aid and/or Marchiselli-aid on behalf of the County of Otsego with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

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

RESOLUTION NO. 113-20090401

**RESOLUTION - CREATING POSITION AT OTSEGO
MANOR (PART-TIME LICENSED PRACTICAL NURSE)**

JOHNSON, SCHWERD, MURPHY

RESOLVED, that the following position be and the same is hereby created at Otsego Manor, effective April 1, 2009:

Part-Time Licensed Practical Nurse,
Grade 11, \$14.0204/hr.

and be it further

RESOLVED, that the funding for this position is included in the 2009 Infirmary Enterprise Budget (6020) at line 1000-E Personal Service and consists of 10% county funds, 40% state funds and 50% federal funds; and be it further

RESOLVED, that the Clerk of this Board be and hereby is authorized and directed to forward a copy of this resolution to the Otsego County Personnel Officer and to the County Treasurer.

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

RESOLUTION NO. 114-20090401

**RESOLUTION - ABOLISHING POSITION AT OTSEGO MANOR
(FULL-TIME LICENSED PRACTICAL NURSE)**

LINDBERG, SCHWERD, DUBBEN, STAYTON

RESOLVED, that the following position at Otsego Manor is hereby abolished, effective April 1, 2009:

Full-Time Licensed Practical Nurse, Grade 11,
Position #1, \$29,162.43 - \$33,996.33 (\$966.78)

and be it further

RESOLVED, that the Clerk of this Board be and hereby is authorized and directed to

forward a copy of this resolution to the Otsego County Personnel Officer and to the County Treasurer.

Seconded, Stuligross. Oral vote. Total: 6,167; Ayes: 6,167. Adopted.

RESOLUTION NO. 115-20090401

**RESOLUTION – AMENDING RESOLUTION NO. 85 OF 2006 – FILLING
VACANT POSITIONS OF THE COUNTY**

JOHNSON, SCHWERD, MURPHY

WHEREAS, due to budgetary constraints the Board of Representatives feels that additional oversight is needed for the hiring of new personnel; now, therefore, be it

RESOLVED, that effective immediately, all vacant funded employment positions may be filled upon the approval of the respective department's Parent Committee and the Administration Committee.

Seconded, Lindberg. Representative Johnson moved to withdraw the resolution. Seconded, Relic. Total: 6,167; Ayes: 6,167. Motion carried.

RESOLUTION NO. 116-20090401 (original)

**RESOLUTION – ADOPTING A POLICY FOR THE
EVALUATION OF ALL NON-
MANAGERIAL/CONFIDENTIAL EMPLOYEES**

JOHNSON, SCHWERD, MURPHY

WHEREAS, the evaluation of the job performance of all employees that work for Otsego County is considered a valuable tool to determine the level of work that is being performed; now, therefore, be it

RESOLVED, that the policy for the evaluation of all non-managerial/confidential employees be and hereby is adopted as follows, effective April 1, 2009:

**POLICY FOR THE EVALUATION OF NON-MANAGERIAL/CONFIDENTIAL
EMPLOYEES IN OTSEGO COUNTY
OTSEGO COUNTY, NEW YORK**

1) Department heads/supervisors shall evaluate the job performance of all employees within their department. Said written performance evaluations and oral reviews shall occur in the month of the employee's anniversary date each year.

2) All employees will receive a self evaluation form one week prior to their scheduled evaluation. This form should be filled out by the employee and brought to his or her evaluation meeting. The department head/supervisor should fill out an evaluation form for each employee being evaluated and have that form completed for the evaluation meeting.

If a department does not have a standard evaluation form, it should contact the Personnel Office for a form.

3) If an employee does not meet the standards/expectations on one or more of the sections of the evaluation, the evaluator will establish goals, objectives and standards for the respective employee. Additional performance evaluations may occur during the year to assess if the goals, objectives and standards are being worked on and attained.

4) All written performance evaluation forms will be placed in the respective employee's personnel file in the Personnel Department.

Seconded, Lindberg. Representative Johnson moved to amend the resolution by adding a new Section 4) to read: "4) In addition to the evaluation that is to be conducted in the month of the employee's anniversary date, the department head/supervisor may decide to conduct a performance evaluation before an employee is made permanent in his or her title" and to renumber original Section 4 to Section 5. Seconded, Relic. Oral vote on amendment. Total: 6,167; Ayes: 6,167. Motion carried.

RESOLUTION NO. 116-20090401 (amended)

**RESOLUTION – ADOPTING A POLICY FOR THE
EVALUATION OF ALL NON-
MANAGERIAL/CONFIDENTIAL EMPLOYEES**

JOHNSON, SCHWERD, MURPHY

WHEREAS, the evaluation of the job performance of all employees that work for Otsego County is considered a valuable tool to determine the level of work that is being performed; now, therefore, be it

RESOLVED, that the policy for the evaluation of all non-managerial/confidential employees be and hereby is adopted as follows, effective April 1, 2009:

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EMPLOYEES IN OTSEGO COUNTY
OTSEGO COUNTY, NEW YORK**

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2) All employees will receive a self evaluation form one week prior to their scheduled evaluation. This form should be filled out by the employee and brought to his or her evaluation meeting. The department head/supervisor should fill out an evaluation form for each employee being evaluated and have that form completed for the evaluation meeting. If a department does not have a standard evaluation form, it should contact the Personnel Office for a form.

3) If an employee does not meet the standards/expectations on one or more of the sections of the evaluation, the evaluator will establish goals, objectives and standards for the respective employee. Additional performance evaluations may occur during the year to

assess if the goals, objectives and standards are being worked on and attained.

4) In addition to the evaluation that is to be conducted in the month of the employee's anniversary date, the department head/supervisor may decide to conduct a performance evaluation before an employee is made permanent in his or her title.

5) All written performance evaluation forms will be placed in the respective employee's personnel file in the Personnel Department.

Oral vote on amended resolution. Total: 6,167; Ayes: 6,167. Adopted as amended.

RESOLUTION NO. 117-20090401

**RESOLUTION - AMENDING OTSEGO COUNTY PURCHASING
POLICY AND PROCEDURES**

JOHNSON, SCHWERD, MURPHY

WHEREAS, the Otsego County Purchasing Policy and Procedures Manual was adopted by Resolution No. 287 of 1992 and last amended by Resolution No. 254 of 2008; and

WHEREAS, it is necessary to update and revise this manual from time to time; now, therefore, be it

RESOLVED, that the Otsego County Purchasing Policy and Procedures Manual, and all related policies, are hereby amended; said complete and amended Otsego County Purchasing Policy and Procedures Manual is on file with the Clerk of the Board of Representatives.

Seconded, Lindberg. Roll call vote. Total: 6,167; Ayes: 3,213 – Relic, Powers, Clark, Murphy, Johnson, Schwerd, Harrington; Noes: 2,854 – Fournier, Lindberg, Dubben, McCarty, Stayton, Rothenberger, Stuligross. Adopted.

RESOLUTION NO. 118-20090401

**RESOLUTION – ADOPTING OTSEGO COUNTY PROBATION
DEPARTMENT ARREST POLICY AND PROCEDURES**

RELIC, CLARK, JOHNSON, ROTHENBERGER

RESOLVED, the following Otsego County Probation Department Arrest Policy and Procedures is hereby adopted, effective immediately:

OTSEGO COUNTY PROBATION DEPARTMENT
ARREST POLICY AND PROCEDURES
OTSEGO COUNTY, NEW YORK

OBJECTIVE

To establish a uniform set a guidelines to ensure the safety of probation staff and the public while executing a warrant and/or taking an individual into custody.

POLICY

I. Statutory Authorization for a Probation Officer to Execute a Warrant or Conduct a Warrantless Arrest

Section 1.20(33), 2.10(24), and 410.40 of New York State Criminal Procedure Law provides the statutory authority for courts to issue a warrant to a Probation Officer directing him or her to bring the defendant before the court .

Section 120.55 of New York State Criminal Procedure Law provides the statutory authority for the Director of Probation to allow his/her Probation Officers within the department to execute an arrest warrant or bench warrant which has been issued to a police officer where the defendant named is a probationer.

Section 2.20 and 140.25 of New York State Criminal Procedure Law provides the statutory authority for Probation Officers to make warrantless arrests.

II. Peace Officer Designation

The employees holding the following positions in this department shall be designated as peace officers:

Director of Probation
Probation Supervisor
Probation Officer II/Senior Probation Officer
Probation Officer
Probation Officer Trainee

For the purpose of this policy, the term officer refers to all of the titles designated as peace officers above.

III. Authorization

Officers of the Otsego County Probation Department are authorized to make arrests under the following circumstances.

A. Arrests pursuant to special duties

1. Warrant based arrests
2. Warrantless arrests

B. Arrest not pursuant to special duties

IV. Procedure for Requesting a Probation Warrant

A. When a probationer violates one or more of his/her conditions of probation a conference will be held with the Officer's Supervisor and/or the Director of Probation to determine if a Violation of Probation Petition and Declaration of Delinquency will be filed. It will also be determined if an order to appear or a warrant will be requested.

V. Procedure Once a Warrant Has Been Issued

A. When a warrant is issued by a local court or county court, whether the warrant was requested or not, it will be the duty of the officer that is supervising the probationer in which the warrant has been issued to make two case jackets. The original case jacket will remain at the Otsego County Probation Department, while a copy of all material in the case jacket will be included in the additional case jacket which will be forwarded to the Otsego County Sheriff's Department. Each case jacket will include the following information:

1. A copy of the Violation of Probation Petition
2. Original warrant (copy for Sheriff's Department case jacket)
3. Client fact sheet with the demographics of the probationer, the most recent address and a picture of the probationer (if available)
4. A copy of the paperwork provided by Integrated Probation Registrant System (IPRS) which will report that the Violation of Probation Petition has been filed and a warrant has been issued.

B. Part 355.3 of the Division of Probation and Correctional Alternatives Rules and Regulations states that with respect to warrants:

1. There shall be reciprocal notification of the issuance, execution and cancellation of a Violation of Probation Warrant to and from the Otsego Probation Department and the local law enforcement agency involved in the execution of the warrant; and
2. The entrance and cancellation of all Violation of Probation Warrants into IPRS and the Division of Criminal Justice Services (DCJS) wanted/missing persons file.
 - a. Information will be inputted into IPRS by the Otsego County Probation Department.
 - b. Information will be inputted in and removed from DCJS by the Otsego County Sheriff's Department.

C. Prior to the execution of a warrant, the Officer supervising the probationer for which a warrant has been issued must notify his/her Supervisor and/or the Director of Probation. A meeting will be held with all Officers participating in the execution of the warrant to ensure all Officers are aware of the circumstances surrounding the arrest. Such information will be discussed during the meeting:

1. The name, physical description and possible demeanor of the probationer. If available, provide all Officers with a picture of the probationer if he/she is not aware of what the probationer looks like.
2. The address and physical description of the residence. If the Officer is aware of the layout of the residence, entrances/exits, provide such information.
3. The names and physical descriptions of other possible individuals who may be present at the residence.
4. Any relevant safety information (weapons, violent history, dogs, etc)
5. In the event that a search of the residence will be conducted, a description of the reason for the search and the goal of the search will be discussed.
6. Once a plan for the execution of the warrant has taken place, contact local law enforcement to inform them that a warrant execution will be taking place in their jurisdiction.
7. Prior to leaving the office to execute a warrant, make a copy of the warrant and the Violation of Probation Petition to provide for the court if the probationer is not arraigned in the court of jurisdiction.
8. Prior to leaving the office, conduct an equipment check. Firearms should be in working order with sufficient ammunition, handcuffs and keys available, Officers will wear body armor, and car radios will be checked.
9. Officers must wear their shield. If the warrant execution is going to take place in a public place, the shield must be displayed.

VI. Jurisdiction for Executing a Warrant (CPL 120.70)

- A. Warrants issued by Otsego County Court or by a Superior Court Judge sitting as a local criminal court may be executed anywhere in the State of New York.
- B. Warrants issued by a city court, a town court, or a village court judge may be executed in the county of issuance or in an adjoining county, or anywhere else in the State of New York upon the written endorsement thereon of a local criminal court for which the arrest is to be made. When so endorsed, the warrant is deemed the process of the endorsing court as well as that of the issuing court.

VII. When and How is a Warrant to be Executed (CPL 120.80)

- A. A warrant can be executed on any day of the week and at any hour of the day or night.
- B. Unless encountering physical resistance, flight or other factors rendering normal procedure impractical, the Officer must inform the probationer that a warrant for his or her arrest has been issued. The Officer must show the probationer the warrant, if so requested, as soon after the arrest as possible.
- C. In order to effect the arrest, the Officer may use such physical force as justifiable pursuant to section 35.30 of the NYS Penal Law.
- D. In order to effect the arrest, the Officer may enter the premises in which he/she reasonably believes the probationer to be present; provided, however, that where the premises in which the Officer reasonably believes the probationer to be present is not the probationer's reported address, but is the dwelling of a third party who is not the subject of the arrest warrant, the Officer shall obtain a search warrant pursuant to Article 690 of the Criminal Procedure Law. If entry is not permitted by the third party, the Officer must make reasonable effort to give notice of his authority and purpose to an occupant thereof unless there is reasonable cause to believe that the giving of such notice will:
 - 1. result in the defendant escaping or attempting to escape; or
 - 2. endanger the life or safety of the officer or another person; or
 - 3. result in the destruction, damaging or secreting of material evidence.
- E. If the Officer upon giving notice of his/her authority and purpose is still not admitted, and the Officer can verify that the probationer named on the warrant is present, the Officer may enter such premises, by breaking if necessary.

VIII. Procedures Following the Execution of a Warrant

- A. Following the execution of a warrant an arrest report must be completed. Upon completion of the appropriate paperwork the probationer is to be arraigned in the court where the warrant was issued. If the warrant was executed at the Otsego Probation Department, contact the magistrate of the issuing court to see if he/she is available for arraignment. If the Officer is in the field, contact the Otsego County Sheriff's Department for a dispatcher to contact the magistrate.
- B. If the magistrate of the issuing court is not available, the probationer shall be arraigned by the nearest available magistrate.
- C. If the warrant has been issued out of County Court and Court is not in session, and if the warrant reads, "In the event the Court has adjourned for the day, the defendant will be placed in the custody of the Otsego County Sheriff's Department to be held pending further order of the

Court," the defendant will be brought to the Otsego County Sheriff's Department.

- D. Upon the execution of the warrant, contact the Otsego County Sheriff's Department to have the warrant removed from the system.
- E. Have the individual designated within the Otsego Probation Department enter all necessary information pertaining to the warrant execution into IPRS.
- F. Remove all information in the case jacket and place it in the probationer's original probation file.

IX. Warrantless Arrest

- A. An Officer may take an adult probationer into custody without a warrant when he/she has reasonable cause to believe that the probationer has violated a condition of his/her sentence. The Officer may seek the assistance of a Police Officer with the warrantless arrest.

X. Procedures Following a Warrantless Arrest

- A. Immediately after taking the probationer into custody the Arresting Officer must complete a Violation of Probation Petition and arrange for the probationer to appear before the court of jurisdiction.
- B. If the magistrate of the court of jurisdiction is not available, the Officer will need to contact the closest court in proximity for arraignment.

XI. Arrests NOT Pursuant to Special Duties

Probation Officers as Peace Officers, whether or not acting pursuant to special duties: are authorized by law to arrest a person for an offense committed, or believed to have been committed, within Otsego County as follows:

- A. An arrest is authorized for any crime when a person has in fact committed an offense in the Officer's presence; and
- B. An arrest is authorized for a crime when the Officer has reasonable cause to believe that a person has committed a felony, whether in the Officer's presence or otherwise.
- C. Outside of Otsego County, Officers are authorized by law to make an arrest if the Officer has reasonable cause to believe that a person has committed a felony in the Officer's presence, provided that such arrest is made during or immediately after the allegedly criminal conduct or during the alleged perpetrator's immediate flight therefrom.

XII. Procedure Following Arrest NOT Pursuant to Special Duties

- A. If any of the above arrests not pursuant to special duties take place, the Officer is to contact local police within the jurisdiction, turn the arrest over to the police and then the Officer will be identified as the complainant.

XIII. Securing the Scene and Searching Probationers/Area

- A. The most desirable arrest location is the probation department where there is the greatest control over the situation. The least desirable location is a public area where there are too many variables to control and innocent bystanders may be endangered.
- B. Upon attempting to effect the arrest of an individual, immediately identify yourself, unless your identity is known. The Officer supervising the probationer (or the Officer in charge of the execution of the warrant) should see that all areas are secured by the assisting Officers.
- C. Immediately ascertain the presence of all other individuals on the premises and restrict their movements.
- D. After handcuffing the probationer, double lock the handcuffs and make a thorough search of his/her entire body, when such search can be safely conducted.
- E. If a search of the premises is going to be conducted, the Officer who normally supervises the probationer (if he/she is present or another Officer determined prior to the arrest) will find a secure area to guard the probationer while the search is conducted by the other Officers present.
- F. Do not allow probationer to make any phone calls as it may be an attempt for him/her to call for assistance.
- G. If any personal property is taken from the probationer or any evidence is confiscated, it all will be placed in an evidence bag and labeled appropriately.
- H. If a probationer needs any articles of clothing prior to leaving the arrest location, one Officer will retrieve it. All clothing will be searched prior to handing it to the probationer.
- I. Never stay at an arrest location longer than absolutely necessary.

XIV. Transporting Probationers

- A. After an arrest, two or more Officers shall accompany one or more arrested probationers. Exceptions can be made only after obtaining approval from Supervising Officer and/or the Director of Probation.
- B. The probationer must be handcuffed behind the back and palms out (unless there is a medical condition or there is a situation where the probationer was resisting and the only safe way to secure the probationer is with the handcuffs in the front of his/her body). As soon as practical the probationer shall be handcuffed behind the back.
- C. Probationer shall be seated in the rear passenger side of the vehicle if there is a

cage in the vehicle. If there is no cage in the vehicle, the Probationer shall be seated in the front passenger seat.

- D. Contact Otsego County Dispatch to call in mileage at the beginning of the transport and the end.
- E. When probationers are transported, stops should be avoided unless absolutely necessary.
 - 1. If a stop needs to be made for the probationer to use the restroom, pre-examine the restroom to insure there is nothing the probationer can use as a weapon.
 - 2. Never allow a probationer in the bathroom by him/herself.
 - 3. Do not allow probationer to lock the bathroom door.
 - 4. If a meal stop needs to be made, avoid congested areas. Make use of a drive thru restaurant or arrange to have the food brought to the vehicle.

Seconded, Lindberg. Roll call vote. Total: 6,167; Ayes: 5,305; Noes: 862 – McCarty, Schwerd. Adopted.

RESOLUTION NO. 119-20090401

RESOLUTION – PROCLAIMING APRIL 2009 AS SEXUAL ASSAULT AWARENESS MONTH IN OTSEGO COUNTY

FOURNIER, MCCARTY, STULIGROSS, ROTHENBERGER

WHEREAS, sexual violence is a devastating and intolerable crime, affecting men, women, and children of all races, ages, cultures, economic situations, and abilities; and

WHEREAS, sexual violence is a major social problem in homes, schools, and communities across Otsego County, resulting in countless physical, mental, and other health consequences; and

WHEREAS, sexual violence seriously affects our youth, with one out of every three girls and one out of every six boys being sexually abused before the age of 18; and

WHEREAS, rape remains the most underreported crime in the United States; and

WHEREAS, the Opportunities for Otsego, Inc. Violence Intervention Program promotes services for survivors of sexual violence through provider trainings, counseling and support services, and outreach services in schools and communities throughout Otsego County; and

WHEREAS, Otsego County is committed to eliminating sexual violence through education and community action across the county and promoting equality, safety, and respect among all individuals; now, therefore, be it

RESOLVED, that we, the Otsego County Board of Representatives, do hereby proclaim April 2009 as SEXUAL ASSAULT AWARENESS MONTH in Otsego County and urge all citizens and communities to participate fully in activities and events to observe Sexual Assault Awareness Month.

Seconded, entire Board. Oral vote. Total: 6,167; Ayes: 6,167. Adopted.

RESOLUTION NO. 120-20090401

**RESOLUTION – PROCLAIMING THE WEEK OF APRIL 26 – MAY 3,
2009 AS SAFE KIDS WEEK IN OTSEGO COUNTY**

FOURNIER, MCCARTY, STULIGROSS, ROTHENBERGER

WHEREAS, unintentional injury is the number one killer of children ages 1-14 in the U.S.; and

WHEREAS, each year, more than 6 million unintentional injuries in children 1-14 are reported; and

WHEREAS, for children ages 14 and under, the leading causes of unintentional injuries are falls, bike injuries, motor vehicle occupancy injuries, fires and burn injuries, and poisonings; and

WHEREAS, almost all of these injuries and deaths are preventable; and

WHEREAS, reducing the barriers to attaining safety devices (such as smoke alarms, carbon monoxide detectors, bicycle helmets, car seats and booster seats), increasing educational efforts directed toward children who are at high risk for injury, and improving the overall safety of the child's environment, are preventative strategies to keeping kids safe from unintentional injuries; and

WHEREAS, Safe Kids USA and Safe Kids of Otsego County promotes childhood injury prevention strategies by uniting diverse groups into local and state coalitions, developing innovative educational tools and programs, initiating public policy changes, distributing safety devices to families in need, promoting new technology and raising awareness through media; and

WHEREAS, Safe Kids USA, with the support of founding sponsor Johnson & Johnson, launches Safe Kids Week 2009, "Raising Safe Kids: One Stage at a Time," which examines the impact of a child's development (biological, cognitive, physiological, physical and behavioral aspects) on their risk for unintentional injuries, and the actions caregivers can take to promote a safe environment; and

WHEREAS, Safe Kids of Otsego County has planned special childhood injury prevention activities and community-based events for Safe Kids Week 2009 in an effort to educate families about child safety; now, therefore, be it

RESOLVED, that the Otsego County Board of Representatives does hereby

proclaim April 26-May 3, 2009 as

SAFE KIDS WEEK IN OTSEGO County

and calls upon all residents to join in supporting the efforts and activities of Safe Kids of Otsego County to prevent childhood injury.

Seconded, entire Board. Oral vote. Total: 6,167; Ayes: 6,167. Adopted.

RESOLUTION NO. 121-20090401

**RESOLUTION – TRANSFERRING FUNDS
IN VARIOUS DEPARTMENTS (2008 & 2009)**

JOHNSON, SCHWERD, MURPHY

WHEREAS, it appears that it will require funds to complete the years 2008 and 2009 in certain items of the Otsego County Budget; and

WHEREAS, there are unexpended balances in other items of the 2008 and 2009 budgets; now, therefore, be it

RESOLVED, that the following transfers be and the same are hereby authorized, and the 2008 and 2009 budgets be and they are hereby amended accordingly, pursuant to Section 363 of the County Law:

2008 Transfers				
	DEPARTMENT	ACCOUNT NAME	ACCOUNT CODE	AMOUNT
A- GENERAL FUND				
FROM:	District Attorney	Personal Service	1165-1000-A	-2,340.87
TO:	District Attorney	Materials & Supplies	1165-4500-A	217.50
TO:	District Attorney	Grand Jury Sten/Transcripts	1165-4716-A	2,123.37
FROM:	Public Defender	Personal Service	1170-1000-A	-13,464.06
FROM:	Public Defender	Mileage	1170-4005-A	-3,035.38
FROM:	Public Defender	Telephone	1170.4100-A	-4,233.79
FROM:	Public Defender	Postage & UPS	1170-4400-A	-441.89
FROM:	Public Defender	Materials & Supplies	1170-4500-A	-2,306.12
FROM:	Public Defender	IT Materials & Supplies	1170-4535-A	-471.50
FROM:	Public Defender	Equipment Rental	1170-4600-A	-1,700.00
FROM:	Public Defender	Court Experts	1170-4758-A	-18,346.00
FROM:	Public Defender	Other	1170-4800-A	-281.91
FROM:	Public Defender - ILS Fund	Equipment	1171-2000-A	-3,000.00
FROM:	Public Defender - ILS Fund	Lodging, Meals, Tolls, Etc.	1171-4010-A	-7,630.84
FROM:	Public Defender - ILS Fund	Training	1171-4050-A	-26,295.62
TO:	Public Defender	Assigned Counsel	1170-4755-A	81,207.11

FROM:	County Treasurer	Personal Service	1325-1000-A	-2,489.30
TO:	Justices and Constables	Other	1180-4800-A	170.00
TO:	Community College	Other	2490-4800-A	1,819.30
TO:	Debt Service	Contracts	9710-4900-A	500.00
FROM:	Board of Elections	Personal Service	1450-1000-A	-121.42
TO:	Board of Elections	Equipment Rental	1450-4600-A	121.42
FROM:	Co Building - Court House	Mtc & Repair Parts	1620-4562-A	-415.51
TO:	Co Building - Court House	Heat & Lights	1620-4150-A	51.47
TO:	Co Building - Court House	Water & Sewer	1620-4565-A	364.04
FROM:	242 Main St/Oneonta Bldg	Other	1622-4800-A	-571.00
TO:	243 Main St/Oneonta Bldg	Contracts	1622-4900-A	571.00
FROM:	Co Building - Old Jail	Mtc & Repair Parts	1623-4562-A	-463.49
TO:	Co Building - Old Jail	Heat & Lights	1623-4150-A	463.49
FROM:	Cooperstown Office Building	Personal Service	1625-1000-A	-8,339.95
TO:	Public Safety Building	Heat & Lights	1629-4150-A	8,339.95
FROM:	Meadows Building	Pave	1630-2505-A	-843.45
TO:	Meadows Building	Heat & Lights	1630-4150-A	666.45
TO:	Meadows Building	Other	1630-4800-A	177.00
FROM:	Otsego Manor Building	Other	1631-4800-A	-21.98
TO:	Otsego Manor Building	Mtc & Repair Parts	1631-4562-A	21.98
FROM:	Mgmt Information Systems	Personal Service	1680-1000-A	-716.37
TO:	Mgmt Info - Purchasing	IT Other/Software - Depts	1681-4835-A	716.37
FROM:	Early Intervention	Personal Service	4059-1000-A	-6,662.24
FROM:	Early Intervention	Telephone	4059-4100-A	-36.47
FROM:	DOH-CWSN	Personal Service	4060-1000-A	-1,122.29
TO:	CWSN - Education	Education (3-5)	2960-4801-A	360.00
TO:	CWSN - Education	Evaluations (3-5)	2960-4803-A	644.00
TO:	CWSN - Education	CPSE Admin Chg (3-5)	2960-4804-A	6,817.00
FROM:	Public Safety Comm	Telephone	3020-4100-A	-104.95
TO:	Public Safety Comm	Subscriptions/Dues	3020-4650-A	104.95
FROM:	Sheriff	Personal Service	3110-1000-A	-12,120.21
TO:	Sheriff	Lodging, Meals, Tolls, Etc.	3110-4010-A	206.32
TO:	Sheriff	Materials & Supplies	3110-4500-A	622.97
TO:	Jail	Materials & Supplies	3150-4500-A	933.65
TO:	Jail	Medical Expenses	3150-4895-A	669.00
TO:	Jail	Contracts	3150-4900-A	9,375.00
TO:	A. T. I.	Telephone	3157-4100-A	313.27

FROM:	Stop DWI	Reimb % of CD Consult Pos	3315-4964-A	-1,001.54
TO:	Stop DWI	Other	3315-4800-A	1,001.54
FROM:	RIV Mon & Eval	Telephone	4311-4100-A	-16.03
TO:	RIV Mon & Eval	Mileage	4311-4005-A	16.03
FROM:	Public Trans Service	Bus Expense - Other	5630-4810-A	-1.63
TO:	Public Trans Service	Contracts	5630-4900-A	1.63
FROM:	Social Services Admin	Personal Service	6010-1000-A	-5,810.57
TO:	Social Services Admin	Mileage	6010-4005-A	129.30
TO:	Social Services Admin	Equipment Leases	6010-4630-A	253.58
TO:	Social Services Admin	Other	6010-4800-A	5,377.49
TO:	Social Services Admin	Fees for Services	6010-4910-A	50.20
FROM:	Social Services Admin	Personal Service	6010-1000-A	-155,928.20
TO:	DSS - Purchase of Service	Purchase of Service	6070-4731-A	22.00
TO:	DSS - Family Assistance	Family Assistance	6109-4734-A	13,650.46
TO:	DSS - Juvenile Delinq Care	Juvenile Delinquent	6123-4736-A	17,156.56
TO:	DSS - State Training Schools	State Training School-Curr	6129-4737-A	119,546.96
TO:	DSS - Safety Net	Safety Net	6140-4738-A	5,552.22
FROM:	Tourism Admin	Other	6411-4800-A	-572.00
TO:	Tourism Admin	Subscriptions/Dues	6411-4650-A	572.00
FROM:	Veterans	Personal Service	6510-1000-A	-121.16
TO:	Veterans	Medical Van Expense	6510-4810-A	121.16
<u>D - COUNTY ROAD FUND</u>				
FROM:	Maintenance	Co Equipment Charges	5110-4600-D	-2,470.86
TO:	Highway Admin	Heat & Lights	5010-4150-D	163.74
TO:	Highway Admin	Village Water & Sewer	5010-4565-D	1,629.99
TO:	Highway Admin	Legal Services	5010-4750-D	299.13
TO:	Co Snow & Ice	Salt & Sand	5142-4555-D	378.00
<u>E - ENTERPRISE FUND</u>				
FROM:	Infirmary - Enterprise	Personal	6020-1000-E	-166,600.97
FROM:	Infirmary - Enterprise	Equipment	6020-2000-E	-10,638.93
FROM:	Infirmary - Enterprise	Lodging, Meals, Tolls, Etc	6020-4010-E	-3,352.86
FROM:	Infirmary - Enterprise	Telephone	6020-4100-E	-5,357.28
FROM:	Infirmary - Enterprise	Postage & UPS	6020-4400-E	-166.35
FROM:	Infirmary - Enterprise	Materials & Supplies	6020-4500-E	-35,333.60
FROM:	Infirmary - Enterprise	Food	6020-4525-E	-27,473.85
FROM:	Infirmary - Enterprise	Fuel	6020-4560-E	-1,921.44
FROM:	Infirmary - Enterprise	Equipment Rental	6020-4600-E	-1,646.43
FROM:	Infirmary - Enterprise	Software, Mtc & Upgrade	6020-4645-E	-37,265.00
FROM:	Infirmary - Enterprise	Subscriptions/Dues	6020-4650-E	-778.40

FROM:	Infirmary - Enterprise	Activity Program	6020-4670-E	-3,475.91
FROM:	Infirmary - Enterprise	Other	6020-4800-E	-14,449.91
FROM:	Infirmary - Enterprise	Consultants	6020-4880-E	-46,400.04
FROM:	Infirmary - Enterprise	Contracts	6020-4900-E	-18,951.15
FROM:	Infirmary - Enterprise	Building Mtc Contract	6020-4920-E	-40,032.06
FROM:	Infirmary - Enterprise	Health Care Assess Tax	6020-4950-E	-46,112.00
FROM:	Contingency II	Other	1991-4800-E	-122,407.00
FROM:	Employee Benefits	Retirement	9010-8000-E	-19,589.00
FROM:	Employee Benefits	Social Security	9030-8000-E	-52,637.64
FROM:	Employee Benefits	Unemployment Insurance	9050-8000-E	-14,849.07
FROM:	Employee Benefits	Health Ins - Otsego Co	9060-8000-E	-278,337.69
FROM:	Employee Benefits	Flexible Spending	9089-8000-E	-117.20
TO:	Infirmary - Enterprise	IGT Match (Medicaid Exp)	6020-4732-E	939,997.78
TO:	Infirmary - Enterprise	Long Term Care	6020-4955-E	7,896.00
2008 Budget Modifications				
<u>A - GENERAL FUND</u>				
INCREASE:	Non-property Tax Items	Sales Tax	0000-1110-A	108,090.14
INCREASE:	Sales Tax	Contracts	1985-4800-A	108,090.14
<u>E - ENTERPRISE FUND</u>				
INCREASE:	In-Patient - Income	IGT	0000-1652-E	1,734,271.22
INCREASE:	Infirmary - Enterprise	IGT Match (Medicaid Exp)	6020-4732-E	1,734,271.22
2009 Transfers				
<u>A - GENERAL FUND</u>				
FROM:	DSS - Purchase of Services	Purchase of Service	6070-4731-A	-30,000.00
FROM:	DSS - State Training Schools	State Training School-Curr	6129-4737-A	-75,000.00
TO:	DSS - Juvenile Delinq Care	Juvenile Delinquent	6123-4736-A	105,000.00
2009 Budget Modifications				
<u>A - GENERAL FUND</u>				
INCREASE:	Federal Aid-Social Services	U. S. D. A.	0000-4611-A	4,508.43
INCREASE:	Social Services Admin	Personal Service	6010-1000-A	4,248.43
INCREASE:	Social Services Admin	Materials & Supplies	6010-4500-A	260.00

Seconded, Lindberg. Roll call vote. Total: 6,167; Ayes: 5,211; Noes: 956 – Fournier, Harrington. Adopted.

RESOLUTION NO. 122-20090401 (original)

**RESOLUTION – APPROVING AND ENDORSING
GREATER COOPERSTOWN AREA COUNTY
BUILDINGS FIBER LOOP SYSTEM**

CLARK, RELIC, STAYTON

WHEREAS, the County of Otsego is undertaking a major communications improvement project which shall include acquisition of state of the art equipment, addition of further tower locations, and upgrading of towers; and

WHEREAS, a further aspect of this project is to determine whether to adopt a proposed fiber optic telecommunications infrastructure program for installation throughout the county; the same being represented to meet new state of the art communications service needs for the County and its businesses, public institutions and private residents for their telecommunications needs; and

WHEREAS, the components of this project are (1) an open access model project; (2) a county-wide public safety communications project; and (3) a Greater Cooperstown Area County Buildings Fiber Loop System; the buildings to be included therein to include in Cooperstown, the 197 Main Street County Building, the Courthouse, the Old Jail, the Annex, the Linden Avenue Highway Building, and in the adjoining Town of Middlefield, The Meadows Building, Otsego Manor, the Central Kitchen and the Public Safety Building; and

WHEREAS, the Telecommunications Committee of this Board feels it is necessary to present this resolution to the full Board for its approval and endorsement before proceeding further; now, therefore, be it

RESOLVED, that this Board of Representatives approves and endorses the concept of the Greater Cooperstown Area County Buildings Fiber Loop System, which connectivity will bring all of the County Buildings in the greater Cooperstown area together with a state of the art network, and which will prove most beneficial to the County, its private residents and the schools, colleges, hospitals and businesses of the County of Otsego in terms of services and public safety.

Seconded, Fournier and Lindberg. Representative Stuligross moved to amend the resolution by deleting the word “loop” from the resolution. Seconded, Harrington. Oral vote on amendment. Total: 6,167; Ayes: 6,167. Motion carried.

RESOLUTION NO. 122-20090401 (amended)

**RESOLUTION – APPROVING AND ENDORSING GREATER
COOPERSTOWN AREA COUNTY BUILDINGS FIBER SYSTEM**

CLARK, RELIC, STAYTON

WHEREAS, the County of Otsego is undertaking a major communications improvement project which shall include acquisition of state of the art equipment, addition of further tower locations, and upgrading of towers; and

WHEREAS, a further aspect of this project is to determine whether to adopt a proposed fiber optic telecommunications infrastructure program for installation throughout the county; the same being represented to meet new state of the art communications service needs for the County and its businesses, public institutions and private residents for their telecommunications needs; and

WHEREAS, the components of this project are (1) an open access model project; (2) a county-wide public safety communications project; and (3) a Greater Cooperstown Area County Buildings Fiber System; the buildings to be included therein to include in Cooperstown, the 197 Main Street County Building, the Courthouse, the Old Jail, the Annex, the Linden Avenue Highway Building, and in the adjoining Town of Middlefield, The Meadows Building, Otsego Manor, the Central Kitchen and the Public Safety Building; and

WHEREAS, the Telecommunications Committee of this Board feels it is necessary to present this resolution to the full Board for its approval and endorsement before proceeding further; now, therefore, be it

RESOLVED, that this Board of Representatives approves and endorses the concept of the Greater Cooperstown Area County Buildings Fiber System, which connectivity will bring all of the County Buildings in the greater Cooperstown area together with a state of the art network, and which will prove most beneficial to the County, its private residents and the schools, colleges, hospitals and businesses of the County of Otsego in terms of services and public safety.

Oral vote on amended resolution. Total: 6,167; Ayes: 6,167. Adopted.

Representative Relic moved to suspend the rules to act upon late Resolution Nos. 123 - 125. Seconded, Fournier. Total: 6,167; Ayes: 6,167. Motion carried.

RESOLUTION NO. 123-20090401

RESOLUTION – AMENDING RESOLUTION NO. 368-20081222 – AUTHORIZING AMENDED CONTRACT FOR REHABILITATION SUPPORT SERVICES

FOURNIER, MCCARTY, STULIGROSS, ROTHENBERGER

WHEREAS, Resolution No. 368-20081222 authorized the Chairman of the Board of Representatives and the Director of the Community Services Board to execute a contract for the year 2009 with Rehabilitation Support Services, Inc. of Albany, New York, to develop and operate Supportive Case Management Services as a component of the Single Point of Access System for Otsego County adults with serious mental illness and for seriously emotionally disturbed children, and to develop psychosocial rehabilitation programs, utilizing 100% state funding of \$849,189.00; and

WHEREAS, additional funding has been received in the amount of \$77,600.00 for supported housing, which increases the 2009 Contract – Mental Health – CSS Budget (4324-A) at line 4692 RSS from \$628,277.00 to \$705,877.00; now, therefore, be it

RESOLVED, that Resolution No. 368-20081222 is amended and the Chairman of

the Board of Representatives and the Director of the Community Services Board is authorized to execute an amended contract for the year 2009 with Rehabilitation Support Services, Inc. of Albany, New York, to develop and operate Supportive Case Management Services as a component of the Single Point of Access System for Otsego County Adults with serious mental illness and for seriously emotionally disturbed children, and to develop psychosocial rehabilitation programs, utilizing 100% state funding of \$926,789.00; said amended contract is necessary because of additional funding received in the amount of \$77,600.00 for supported housing, which increases the 2009 Contract – Mental Health – CSS Budget (4324-A) at line 4692 RSS from \$628,277.00 to \$705,877.00; and be it further

RESOLVED, that the budget account covering this contract shall be increased and modified accordingly; said funds being 100% state reimbursable.

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

Representative Johnson withdrew **Resolution No. 124-20090401 – Creating position in Office of Employment and Training (Sr. Employment & Training Coordinator)**. {See ??????????, 2009 County Board meeting for further action.}

RESOLUTION NO. 125-20090401

RESOLUTION – INCREASING SALARY OF ASSISTANT DIRECTOR OF NURSING SERVICES AT OTSEGO MANOR

JOHNSON, SCHWERD, MURPHY

WHEREAS, that the current salary range for the Assistant Director of Nursing Services, Grade 18A, at Otsego Manor is \$41,634 - \$48,414 (increment \$1,316.64); and

WHEREAS, it is in the best interests of the County to increase the salary for this position; now, therefore, be it

RESOLVED, that the salary for the Assistant Director of Nursing Services, Grade 18A, at Otsego Manor is increased as follows, effective immediately:

\$54,750 - \$63,441 (increment \$1,738.20)

and be it further

RESOLVED, that the funding for this position is included in the 2009 Infirmity Enterprise Budget (6020) at line 1000-E Personal Service; and be it further

RESOLVED, that the Clerk of this Board be and hereby is authorized and directed to forward a copy of this resolution to the Otsego County Personnel Officer and to the County Treasurer.

Seconded, Harrington. Roll call vote. Total: 6,167; Ayes: 4,892; Noes: 1,275 – Clark, Johnson, Rothenberger. Adopted.

Representative Lindberg moved for an executive session for union negotiations. Seconded, Johnson. Total: 6,167; Ayes: 6,167. Motion carried.

All the general business of the Board having been transacted, the Chairman declared the meeting recessed until Wednesday, April 15, 2008 at 7:30 p.m.