

**REGULAR SESSION
FIRST DAY**

Wednesday, May 5, 2010

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, Rowinski, Stuligross.

Under Privilege of the Floor, Teresa Winchester, member of Concerned Citizens of Butternut Valley, introduced members of the group. Fred Johnson, member, stated he had concerns with gas drilling impacts, such as water contamination, air, noise and light pollution, and invasion of property. He suggested the County Board look at a petition from Cortland County asking for a state ban on hydro-fracking until potential impacts are studied and that the county's Health Officer contact the Health Officer in Dimick, Pennsylvania. Mr. Johnson said that the county needs to insure that there is financial protection for infrastructure, such as roads. He asked the County Board to take the necessary steps to protect what we have.

Teresa Winchester stated that she went to Dimick, Pennsylvania about a year ago and again recently and was alarmed at what damage happened from gas drilling in one year. She explained that the day she was there a stop order was issued against the drilling company. However, the damage had already been done. People are unable to sell their property, and 14 families cannot drink their water. While some families were provided with water by the gas company, others were not. Ms. Winchester encouraged the County Board to visit Dimick to see the impacts of gas drilling and to explore local ordinances for noise and light.

Adrian Kuzminski, Sustainable Otsego, stated that we are dealing with a high risk industry and must proceed with caution. The Cortland County Legislature has banned hydro-fracking on county lands until an assessment of the impacts is completed. He hoped Otsego County would consider adopting a similar resolution to protect the citizens.

Nicole Dillingham from Otsego 2000 stated that the NYS Department of Environmental Conservation has retracted a portion of the SGEIS for gas drilling, which carves out the New York City and Syracuse watersheds. She felt this was a clear admission that a one size fits all plan does not work and asked why only certain watersheds are worth protecting. Ms. Dillingham stated that the withdrawal of a portion of the SGEIS has violated the public process and should be resubmitted for comments. She suggested that the county request that the new rules apply to Otsego County, as well as for New York City and Syracuse. Gas drilling in the state should be held off until a study of impacts and responses is done. If something fails, there will be no going back. Ms. Dillingham asked the County Board to act to protect its citizens.

Patty Lane, member of Concerned Citizens of the Butternut Valley, invited County Board members to attend a video presentation by Calvin Tillman, a Texas mayor, on May 11, 2010 at the Gilbertsville-Mount Upton School.

The minutes of March 3, 2010 and April 7, 2010 were approved.

The following communications were read and ordered filed:

Floyd S. Dubben Jr, Chairman, Board of Representatives – Letters appointing the following:

Douglas Green to serve on the Otsego County Planning Board
Karen Sullivan, Frances Wright, Lee Ann White, Zondra Hart, Dan Maskin,
Kathleen Greenblatt, Anthony Scalici, Tim Hayes, Norm Tiffany, Tom
Tillapaugh and Scott White to serve on the Otsego County Housing Action
Committee

Letters from Patricia Ashe of Oneonta, Norm Erlichman of Oneonta, Ellen Weir of Cooperstown, Gerianne Carillo of Milford, Marion Mossman of Milford, Leslie Preston of Oneonta, Angelica Rashkow of Cooperstown, Linda Mechionne of Schuyler Lake, Mark Hanok of Otego, Rosalina Arnot of Milford and Fred Johnson of Gilbertsville - Asking the Otsego County Board of Representatives to pass a resolution stating that fracking of natural gas wells shall not be allowed on property owned by Otsego County until the potential and environmental impacts are identified and addressed.

Notices of Claim – Larry R. Cross versus Otsego County and Sharon L. Cross versus Otsego County – For deprivation of rights due to abusive policy and procedures of the Otsego County Sheriff's Department and District Attorney's Office. No amount stated.

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

Representative Relic moved for an executive session to discuss contracts, personnel and negotiations. Seconded, Fournier. Total: 6,167; Ayes: 6,167. Motion carried.

The Board reconvened.

Representative Relic moved to dispense with the reading of all resolutions. Seconded, Lindberg. Total: 6,167; Ayes: 5,400; Absent: 767 – McCarty, Johnson. Motion carried.

RESOLUTION NO. 176-20100505

RESOLUTION - AUTHORIZING CHAIRMAN OF THE BOARD TO CONTRACT FOR FOOD AND DIETARY SERVICES AT OTSEGO MANOR

LINDBERG, STAYTON, FOURNIER, STULIGROSS

RESOLVED, that the Chairman of this Board be and hereby is authorized to execute a contract with Sodexo Operations, LLC, 86 Hopmeadow Street, Simsbury, Connecticut 06089-9693, to provide food and dietary services to the residents of Otsego Manor; the services being professional in nature and not requiring public bidding; said contract to contain such other terms and conditions as are in the best interests of the County of Otsego and to contain the following provisions:

1. Sodexo Operations shall provide clinical and supervisory staff as follows:

One (1) Food Service Director
One (1) Clinical Nutrition Manager/RD
One (1) Food Service Manager
One (1) Executive Chef

2. Not to exceed \$751,985 for the period February 1, 2010 to January 31, 2011; \$62,665.41 payable monthly;
3. The above guaranteed rate includes a financial cap on Retail and Catering functions of \$29, 702.00 and \$4,243.00 respectively;

and be it further

RESOLVED, said contract 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 funding for the above contract is included in the 2010 Otsego Manor Infirmary - Enterprise Budget (6020-E) at line 4525 Food.

Seconded, Relic. Roll call vote. Total: 6,167; Ayes: 5,400; Absent: 767 – Johnson, McCarty. Adopted.

RESOLUTION NO. 177-20100505

RESOLUTION – AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO CONTRACT FOR PURCHASE OF CERTAIN MATERIALS, SUPPLIES AND SERVICES

MCCARTY, RELIC, LINDBERG, SCHWERD

WHEREAS, bids have been requested and duly received by the Purchasing Agent for certain materials, supplies and services for the Highway Department; and

WHEREAS, the Purchasing Agent has made a report to the Public Works Committee of this Board, and this Committee has made a recommendation to this Board that the lowest responsible bids be accepted; now, therefore, be it

RESOLVED, that the Otsego County Superintendent of Highways be and hereby is authorized to contract with the following firms as set forth below, in accordance with the specifications and bids heretofore received, for the period May 5, 2010 to May 4, 2011; said bid proposals being on file at the Highway Department and in the Office of the Clerk of the Board of Representatives:

CULVERT PIPE (CORRUGATED, STEEL, ADS),
STRUCTURAL STEEL AND GUIDE RAIL

Bidders: Town & County Bridge & Rail
PO Box 16395
Albany, New York 12212

Otsego Iron & Metal
PO Box 339
Oneonta, New York 13820

BITUMINOUS CONCRETE (HOT MIX) AND RELATED ITEMS

Bidders: Cobleskill Stone Products, Inc.
PO Box 220
Cobleskill, New York 12043

Hanson Aggregates
P.O. Box 513
Jamesville, New York 13078

Barrett Paving Materials, Inc.
P.O. Box 400
Washington Mills, New York 13479

Carver Stone Products
Route 30
Schoharie, New York 12157

SAND, STONE & GRAVEL

Bidders: E & R Pope's Excavating
1073 County Highway 1
Mt. Upton, New York 13809

John Bice
861 State Highway 80
New Berlin, New York 13411

David Beisler
Seward Sand & Gravel
532 County Highway 58
Oneonta, New York 13820

Hanson Aggregates, Inc.
PO Box 513
Jamesville, New York 13078

Barrett Paving Materials, Inc.
PO Box 400
Washington Mills, New York 13479

Cobleskill Stone Products, Inc.
PO Box 220

Cobleskill, New York 12043

Kiser Excavating Sand & Gravel
PO Box 69
Milford, New York 13807

Stevens Excavating
15 Stevens Lane
Otego, New York 13825

Carver Stone Products
494 Western Turnpike
Altamont, New York 12009

E.L. Kukenberger
6219 State Highway 28
PO Box 163
Fly Creek, New York 13337

Clark Companies
PO Box 427
Delhi, New York 13753

Parker Excavating
PO Box 634
Mt. Vision, New York 13810

Funds for these expenditures are included in the 2010 Highway Department under D5110.4500, D5110.4800, D5112.2020, D5112.2093, D5112.2098, D5113.2104, D5112.2121, D5110.4570, D5110.4572, and D5110.4818.

Seconded, Fournier. Roll call vote. Total: 6,167; Ayes: 5,400; Absent: 767 – Johnson, McCarty. Adopted.

RESOLUTION NO. 178-20100505

RESOLUTION – AUTHORIZING CHAIRMAN OF THE BOARD TO ENTER INTO A CONTRACT WITH CARE ENVIRONMENTAL CORPORATION FOR A 2010 HOUSEHOLD HAZARDOUS WASTE AND CESQG COLLECTION EVENT

FOURNIER, MCCARTY, POWERS, MURPHY

WHEREAS, in 2010, Otsego County participated in a multi-county request for proposals (RFP) to solicit bids for the Annual Household Hazardous Waste Event; and

WHEREAS, Care Environmental Corporation has submitted the lowest RFP of \$35,000.00 to provide these professional services at the 2010 event, this price being composed of component costs for multiple services and based on volumes generated in 2009; now, therefore, be it

RESOLVED, that the Chairman of this Board be and hereby is authorized to enter into a contract with Care Environmental Corporation of Landing, New Jersey, for providing services to the County at the Household Hazardous Waste and CESQG Collection Event on October 1 and 2, 2010; the County agrees to pay Care Environmental Corporation for the collection, disposal and transportation-fees in an amount estimated at \$35,000.00 and based on 2009 total collectibles calculated by using 2010 per unit cost as on file with the Clerk of the Board. The cost estimated may change in accordance with volumes collected for the 2010 event; 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 2010 Household Hazardous Waste and CESQG Disposal Event are included in the 2010 Solid Waste Budget (8160-A) at line 4900 Contracts; said funds consisting of approximately 50% state aid and a \$25,000 commitment by Montgomery Otsego Schoharie Solid Waste Management Authority (MOSA) and Solid Waste User Fee monies.

Seconded, Relic and Lindberg. Roll call vote. Total: 6,167; Ayes: 5,400; Absent: 767 – Johnson, McCarty. Adopted.

RESOLUTION NO. 179-20100505

**RESOLUTION - APPOINTING MEMBER TO CENTRAL NEW YORK
RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL**

POWERS, STAYTON, MCCARTY, ROWINSKI

RESOLVED, that the following member be and hereby is appointed to the Central New York Resource Conservation and Development Council, representing Otsego County:

SCOTT FICKBOHM
967 County Highway 33
Cooperstown, New York 13326
County Board Delegate

Seconded, Fournier. Oral vote. Total: 6,167; Ayes: 5,400; Absent: 767 – Johnson, McCarty. Adopted.

RESOLUTION NO. 180-20100505

**RESOLUTION – AUTHORIZING FILLING OF POSITION
IN CHEMICAL DEPENDENCIES CLINIC**

POWERS, STAYTON, MCCARTY, ROWINSKI

WHEREAS, Resolution No. 242-20091021 froze the filling of current vacant employment positions, funded or unfunded, and filling of other previously created positions

as yet unfilled without the formal approval of the Parent Committee and a County Board Resolution; and

WHEREAS, on April 21, 2010, the Health and Education Committee of this Board approved the filling of a certain position at the Chemical Dependencies Clinic, as set forth below; now, therefore, be it

RESOLVED, that the Director of Community Services is hereby approved to fill the following vacant funded position, effective immediately:

Alcohol Abuse Counselor, Grade 12,
\$29,692 - \$35,082 (\$1,078)

and be it further

RESOLVED, that the funding for this position is included in the 2010 Alcoholism Budget (4250-A) at line 1000 Personal Service and consists of 100% funding through state aid and fees.

Seconded, Rothenberger. Roll call vote. Total; 6,167; Ayes: 5,400; Absent: 767 – Johnson, McCarty. Adopted.

RESOLUTION NO. 181-20100505

RESOLUTION – AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO PURCHASE CERTAIN MATERIAL AND SERVICES FOR THE EMERGENCY REPAIR OF CR #19 CULVERT IN THE TOWN OF BURLINGTON

MCCARTY, RELIC, LINDBERG, SCHWERD

RESOLVED, that the Superintendent of Highways is hereby authorized to purchase certain material and services for the emergency repair of County Route #19 culvert in the Town of Burlington, as follows:

ITEMS & COST:	Pipe: 142" x 91" x 10 Ga. - 240'	
	at \$284.51/foot	= \$68,282.40
	Bands: (11) 142" x 91" x 24" wide	
	at \$711.28 ea	= <u>\$ 7,824.08</u>
	TOTAL =	\$76,106.48

VENDOR: Otsego Iron & Metal
P.O. Box 339
Oneonta, New York 13820

and be it further

RESOLVED, that in accordance with the Otsego County Purchasing Policy and Procedures, Section 16 (1), Exceptions to Bidding and RFPs – Emergency, this culvert repair is deemed emergency in nature and the above material and services do not require

public bidding; and be it further

RESOLVED, that the funds for this expenditure are included in the 2010 Highway Budget under D5110.4500, D5110.4800, D5112.2020, D5112.2093, D5112.2098, D5113.2104, D5110.4570, D5110.4572, and D5110.4818.

Seconded, Clark and Stuligross. Roll call vote. Total: 6,167; Ayes: 5,400; Absent: 767 – Johnson, McCarty. Adopted.

RESOLUTION NO. 182-20100505

RESOLUTION – TO RECOMMEND AND REQUEST THAT THE STATE OF NEW YORK DELAY THE IMPLEMENTATION OF THE IGNITION INTERLOCK PROVISIONS OF LEANDRA’S LAW

RELIC, POWERS, CLARK, ROTHENBERGER

WHEREAS, in late 2009, New York State enacted and passed into Legislation “Leandra’s Law” which (a) added the category of “Child in Vehicle” to DWI Offenses, that has already been implemented; and, (b) which added a section to the Vehicle and Traffic Law requiring the installation and use of an Ignition Interlock Device as part of all DWI sentences in New York State, to be implemented effective August 15, 2010; and

WHEREAS, the Legislation provided no direction or resources whereby the Ignition Interlock section of this Legislation could be implemented; and

WHEREAS, in accord with the requirements of the Law, the New York State Division of Probation and Correctional Alternatives has prepared a Proposed Rule to direct the implementation of this law; and

WHEREAS, the Proposed Rule does not demonstrate how the Counties are to organize and/or support the implementation of this Program, and requires each County to demonstrate how the County will implement and fund this Program; and

WHEREAS, the Otsego County Probation Department, Sheriff, Stop-DWI Coordinator, District Attorney and the Public Defender and others have discussed this Program with the Public Safety and Legal Affairs Committee and no adequate solutions have been put forth; and

WHEREAS, Otsego County, in this time of severe fiscal crises, does not have the resources to assume responsibility for an unfunded mandate of this magnitude; now, therefore, be it

RESOLVED, that the Otsego County Board of Representatives joins with the New York State Association of Counties and other appropriate statewide organizations to recommend and request that the State of New York delay the implementation of the Ignition Interlock Program for two or more years until appropriate resources can be identified and made available to the Counties for the implementation of this Program.

Seconded, Lindberg and Schwerd. Oral vote. Total: 6,167; Ayes: 5,400; Absent:

RESOLUTION NO. 183-20100505

**RESOLUTION – DESIGNATING THE MONTH OF MAY 2010
AS FOSTER FAMILY RECOGNITION MONTH**

CLARK, ROTHENBERGER, STULIGROSS, ROWINSKI

WHEREAS, Otsego County currently has 24 foster families providing care to a countless number of children in each year; and

WHEREAS, the dedication, determination and loving care of these foster families have helped many children and families through crisis and provided security and opportunities for growth and normal development while children are separated from their families; and

WHEREAS, foster families have successfully met the needs of troubled, difficult teens and averted the need for much more costly residential care; and

WHEREAS, the Otsego County Board of Representatives wishes to express its sincere appreciation, on behalf of the residents of Otsego County, to all Otsego County foster families for their invaluable contribution to the community and County and to honor them for their dedication for providing a stable loving home for children placed in their care; now, therefore, be it

RESOLVED, that the Otsego County Board of Representatives, in appreciation of all Otsego County Foster Families, hereby proclaims the month of May 2010 as FOSTER FAMILY RECOGNITION MONTH in Otsego County.

Seconded, entire Board. Oral vote. Total: 6,167; Ayes: 5,400; Absent: 767 – Johnson, McCarty. Adopted.

RESOLUTION NO. 184-20100505

**RESOLUTION - DESIGNATING MAY AS OLDER AMERICANS MONTH
AND MAY 9 -15, 2010 AS HOMES FOR THE AGING WEEK**

POWERS, STAYTON, MCCARTY, ROWINSKI

WHEREAS, Otsego County recognizes the life and vitality of its older citizens, who have made this a great nation; and

WHEREAS, Otsego County recognizes the social and economic benefits derived from our older citizens, their families and other caregivers; and

WHEREAS, Otsego County operates the Office for the Aging, which, is celebrating 36 years dedicated to enabling Otsego County's older residents to maintain their independence with dignity in their own homes and communities while encouraging each to

determine their own destiny in a positive and productive manner; and

WHEREAS, Otsego County provides excellent care through its own nursing home, Otsego Manor; and recognizes the care provided by privately owned nursing homes and adult homes within Otsego County; now, therefore, be it

RESOLVED, that Otsego County designates May as OLDER AMERICANS MONTH; and be it further

RESOLVED, that Otsego County designates May 9 -15, 2010 as HOMES FOR THE AGING WEEK.

Seconded, entire Board. Oral vote. Total: 6,167; Ayes: 5,400; Absent: 767 – Johnson, McCarty. Adopted.

RESOLUTION NO. 185-20100505

RESOLUTION – PROCLAIMING MAY AS MENTAL HEALTH AWARENESS MONTH

POWERS, STAYTON, MCCARTY, ROWINSKI

WHEREAS, mental health is critical for the well-being and vitality of our families, businesses and communities; and

WHEREAS, about 54 million Americans are affected by mental illness; and

WHEREAS, about one in four adults suffers from a diagnosable mental disorder in a given year; and

WHEREAS, one in five children suffers from a diagnosable mental or emotional disorder, and one in ten has a serious disorder which, if untreated, can lead to school failure, addiction and even suicide; and

WHEREAS, suicide is now the third leading cause of death among young New Yorkers, ages 15-24; and

WHEREAS, nationally an average of one suicide occurs among the elderly every 90 minutes; and

WHEREAS, early recognition and treatment of these problems vastly increase the likelihood of restored health; now, therefore, be it

RESOLVED, the Otsego County Board of Representatives does hereby proclaim that May 2010 is MENTAL HEALTH AWARENESS MONTH in Otsego County. We also call upon all citizens, parents, governmental agencies, public and private institutions, and businesses, to support our efforts to provide adequate mental health care to all citizens.

Seconded, entire Board. Oral vote. Total: 6,167; Ayes: 5,400; Absent: 767 – Johnson, McCarty. Adopted.

RESOLUTION NO. 186-20100505

**RESOLUTION – PROCLAIMING MAY AS
NATIONAL COMMUNITY ACTION MONTH**

POWERS, STAYTON, MCCARTY, ROWINSKI

WHEREAS, the Economic Opportunity Act of 1964 created Community Action Agencies to alleviate poverty; and

WHEREAS, Opportunities for Otsego has a 44-year history of promoting the self sufficiency of low-income and disenfranchised individuals in Otsego County; and

WHEREAS, Opportunities for Otsego makes essential contributions to individuals and families in Otsego County by providing them with innovative and cost-effective programs; and

WHEREAS, low-income and disenfranchised individuals continue to need opportunities to improve their lives and their living conditions, thus ensuring that all citizens are able to live in dignity; and

WHEREAS, Opportunities for Otsego must continue to wage the war on poverty by providing support and opportunities for all citizens in Otsego County who are in need of assistance; now, therefore, be it

RESOLVED, the Otsego County Board of Representatives does hereby proclaim May 2010 as COMMUNITY ACTION MONTH in Otsego County in recognition of the commitment and dedication of Opportunities for Otsego.

Seconded, entire Board. Oral vote. Total: 6,167; Ayes: 5,400; Absent: 767 – Johnson, McCarty. Adopted.

RESOLUTION NO. 187-20100505

**RESOLUTION - AMENDING RESOLUTION NO. 136 OF 2007 -
APPROVING ELIGIBILITY GUIDELINES TO BE USED BY COURTS
WITHIN THE COUNTY OF OTSEGO FOR ASSIGNING LEGAL
COUNSEL IN CRIMINAL AND RELATED PROCEEDINGS**

RELIC, POWERS, CLARK, ROTHENBERGER

WHEREAS, by Resolution No. 136 of 2007, certain eligibility guidelines to be used by the Courts within the County of Otsego for determination of indigency in appointment of legal counsel were approved by this Board of Representatives; and

WHEREAS, it is in the best interests of the County of Otsego to increase these eligibility guidelines; now, therefore, be it

RESOLVED, that Resolution No. 136 of 2007 be and hereby is amended, and the Otsego County Board of Representatives does hereby recommend to the courts within the County of Otsego the following financial guidelines for the court's determination of indigency in appointment of legal counsel, be it the Public Defender's Office or other attorney, for criminal and Otsego County Family Court proceedings:

ELIGIBILITY GUIDELINES

The Federal Poverty Guidelines are typically released in January of each year. For the first time since 1965, the Consumer Price Index, which is used to calculate the poverty guidelines, decreased from the figure for the previous year. To avoid "reductions in eligibility" for various federally funded programs, Congress has delayed the release of updated guidelines until at least March 31, 2010. The 2009 poverty guidelines remain in effect until the updated guidelines are published.

Since some defenders and courts across the state use different percentages of the Federal Poverty Guidelines for eligibility purposes, the table below provides the Legal Services Corporation (LSC) income guidelines along with other commonly used levels. Income measures, such as a percentage of the poverty guidelines, may be useful for an initial finding of eligibility, but it would violate the right to counsel to determine eligibility based on a finding of "indigency." The constitutional and statutory standard for determining eligibility is "financially unable to afford counsel,"¹ not indigency. The Court of Appeals has ruled that courts must "make a sufficient inquiry into the defendant's ability to engage a lawyer."²

Meeting or exceeding income guidelines alone is not determinative of eligibility, but must be considered with other factors. In addition to income, a court must consider other relevant information to determine if that individual is unable to afford counsel, including:

- prospective client's assets and debts;
- seriousness of charge(s);
- complexity of the case; and
- cost of private representation in the community where the defendant is charged.

For questions about eligibility determinations, please contact the New York State Defenders Association Backup Center at (518) 465-3524.

POVERTY GUIDELINES³ (EFFECTIVE JANUARY 23, 2009)

Annual Income by % of Federal Poverty Guidelines					
Family Size	125% (equal to LSC)	133%	185%	250%	350%
1	\$13,538	\$14,404	\$20,036	\$27,075	\$37,905
2	\$18,213	\$19,378	\$26,955	\$36,425	\$50,995
3	\$22,888	\$24,352	\$33,874	\$45,775	\$64,085
4	\$27,563	\$29,327	\$40,793	\$55,126	\$77,175
5	\$32,238	\$34,301	\$47,712	\$64,475	\$90,265
6	\$36,913	\$39,275	\$54,631	\$73,825	\$103,355
7	\$41,588	\$44,249	\$61,550	\$83,175	\$116,445
8	\$46,263	\$49,223	\$68,469	\$92,525	\$129,535
Each Add'l	\$4,675	\$4,974	\$6,919	\$9,350	\$13,090

Person					
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¹See CPL Articles 170 and 180; County Law Article 18-B

²*People v. McKiernan*, 84 NY2d 915 (1994)

³These guidelines are based upon the current official poverty guidelines by family size as determined by the Department of Health and Human Services. The LSC guidelines are normally updated in the spring of each year and published in 45 CFR Part 1611 et. seq.

Seconded, Lindberg. Oral vote. Total: 6,167; Ayes: 4,774; Noes: 626 – Fournier; Absent: 767 – Johnson, McCarty. Adopted.

RESOLUTION NO. 188-20100505

RESOLUTION – AUTHORIZING FILLING OF POSITIONS IN DEPARTMENT OF SOCIAL SERVICES

CLARK, ROTHENBERGER, STULIGROSS, ROWINSKI

WHEREAS, Resolution No. 242-20091021 froze the filling of current vacant employment positions, funded or unfunded, and filling of other previously created positions as yet unfilled without the formal approval of the Parent Committee and a County Board Resolution; and

WHEREAS, on April 13, 2010, the Human Services Committee of this Board approved the filling of certain positions in the Department of Social Services, as set forth below; now, therefore, be it

RESOLVED, that the Commissioner of Social Services is hereby approved to fill the following vacant funded positions, effective immediately:

Community Services Worker, Grade 4, \$21,017 - \$24,672 (\$731);
reimbursement at 100% federal;

Legal Secretary (DSS), Managerial/Confidential, \$25,480 per annum;
reimbursement at 50% federal, 37.5% state and 12.5% local cost;

and be it further

RESOLVED, that the funding for these positions is included in the 2010 Social Services Administration Budget (6010-A) at line 1000 Personal Service.

Seconded, Lindberg. Roll call vote. Total: 6,167; Ayes: 5,400; Absent: 767 – Johnson, McCarty. Adopted.

Representative Lindberg moved to suspend the rules and act upon late Resolution Nos. 189 - 206. Seconded, Relic. Total: 6,167; Ayes: 5,790; Absent: 377 – McCarty. Motion carried.

RESOLUTION NO. 189-20100505

**RESOLUTION – CREATING POSITIONS AT
HIGHWAY DEPARTMENT
(ROAD MAINTAINERS SUMMER)**

JOHNSON, SCHWERD, MURPHY

RESOLVED, that the following positions are created in the Highway Department, effective immediately:

Five (5) positions of Road Maintainer Summer,
Grade 08P, \$6.5213 - \$7.7876 per hour

and be it further

RESOLVED, that the funding for these positions is included in the 2010 Highway Budget under D5110.1000; and be it further

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

Seconded, Lindberg. Roll call vote. Total: 6,167; Ayes: 5,790; Absent: 377 – McCarty. Adopted.

RESOLUTION NO. 190-20100505

**RESOLUTION - ABOLISHING POSITIONS IN
HIGHWAY DEPARTMENT
(SUMMER LABORERS)**

MCCARTY, RELIC, LINDBERG, SCHWERD

RESOLVED, that the following positions are abolished in the Highway Department, effective immediately:

Five (5) positions of Summer Laborer, Grade 08O,
positions \$12.1908 per hour (Positions #6, #7, #8, #9, #10)

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: 5,790; Absent: 377 – McCarty. Adopted.

RESOLUTION NO. 191-20100505

**RESOLUTION – AUTHORIZING FILLING OF POSITIONS
IN HIGHWAY DEPARTMENT AT STEP 3**

MCCARTY, RELIC, LINDBERG, SCHWERD

WHEREAS, Resolution No. 242-20091021 froze the filling of current vacant employment positions, funded or unfunded, and filling of other previously created positions as yet unfilled without the formal approval of the Parent Committee and a County Board Resolution; and

WHEREAS, on April 15, 2010, the Public Works Committee of this Board approved the filling of certain positions in the Highway Department, as set forth below; now, therefore, be it

RESOLVED, that the Superintendent of Highways is hereby approved to fill the following vacant funded positions, effective immediately:

Five (5) positions of Road Maintainer Summer, Grade 08P,
at Step 3 - \$7.7876 per hour

and be it further

RESOLVED, that the funding for these positions is included in the 2010 Highway Budget under D5110.1000.

Seconded, Fournier and Stuligross. Roll call vote. Total: 6,167; Ayes: 5,790; Absent: 377 – McCarty. Adopted.

RESOLUTION NO. 192-20100505

**RESOLUTION - AUTHORIZING LOAN FROM OTSEGO COUNTY
JOB DEVELOPMENT LOAN PROGRAM
(CAMCAS, LLC)**

JOHNSON, SCHWERD, MURPHY

WHEREAS, Otsego County received a 1992 Small Cities Community Development Block Grant from the U.S. Department of Housing and Urban Development (HUD) to assist the Richfield Springs Economic Development Project; and

WHEREAS, the Otsego County Job Development Revolving Loan Program has been established per the Grant Agreement from the repayments of a loan authorized by the Block Grant, said program to perform the purpose of assisting businesses to undertake projects that will retain or create jobs and/or expand the county's tax base in conformance to HUD requirements and Program Guidelines; and

WHEREAS, an application has been made by CAMCAS, LLC to receive a \$20,000 loan from this program; and

WHEREAS, a review and evaluation of said application by the Otsego County Department of Economic Development and the Administration Committee has determined that the project and proposal meet the guidelines and loan review criteria of the program; now, therefore, be it

RESOLVED, that the Chairman of the Board be and hereby is authorized to enter into a Loan and Development Agreement and other appropriate legal documents which will effectuate a \$20,000 loan to CAMCAS, LLC for a term of five (5) years at an annual interest rate of four percent (4%); and be it further

RESOLVED, that the funds for this loan shall be included in the 2010 County Loan Program I, Account 8695-4900-CG; and be it further

RESOLVED, that the loan shall be subject to the terms and conditions described in the application proposal and as discussed in the Administration Committee and that legal documents shall be prepared by the County Attorney to contain these terms and provisions and others as are in the best interest of the County of Otsego.

Seconded, Lindberg. Roll call vote. Total: 6,167; Ayes: 5,790; Absent: 377 – McCarty. Adopted.

RESOLUTION NO. 193-20100505

**RESOLUTION - AUTHORIZING LOAN FROM OTSEGO COUNTY
MAIN STREET REVITALIZATION PROGRAM
(CAMCAS, LLC)**

JOHNSON, SCHWERD, MURPHY

WHEREAS, Otsego County received \$100,000 grant from the Empire State Development Corporation for the revitalization of the County's main streets and commercial corridors; and

WHEREAS, the Otsego County Main Street Revitalization Program has been established per the Grant Agreement from the repayments of a loan authorized by the Main Street Revitalization Grant, said program to perform the purpose of assisting businesses to undertake projects that share the County's commitment to invest in the downtown central business districts within Otsego County, revitalize commercial corridors and/or expand the county's tax base in conformance to Program Guidelines; and

WHEREAS, an application has been made by CAMCAS, LLC., to receive a \$30,000 loan from this program; and

WHEREAS, a review and evaluation of said application by the Otsego County Department of Economic Development and the Administration Committee has determined that the project and proposal meet the guidelines and loan review criteria of the program; now, therefore, be it

RESOLVED, that the Chairman of the Board be and hereby is authorized to enter into a Loan and Development Agreement and other appropriate legal documents which will

effectuate a \$30,000 loan to CAMCAS, LLC. for a term of five (5) years at an annual interest rate of zero percent (0%), half of the loan amount will be granted to CAMCAS, LLC. upon completion of the project as per the agreement; and be it further

RESOLVED, that the funds for this loan shall be included in the 2010 Planning – Main Street Rehab Program, Account 8672-4805-CG; and be it further

RESOLVED, that the loan shall be subject to the terms and conditions described in the application proposal and as discussed in the Administration Standing Committee and that legal documents shall be prepared by the County Attorney to contain these terms and provisions and others as are in the best interest of the County of Otsego.

Seconded, Lindberg. Roll call vote. Total: 6,167; Ayes: 5,790; Absent: 377 – McCarty. Adopted.

RESOLUTION NO. 194-20100505

RESOLUTION - AUTHORIZING LOAN FROM OTSEGO COUNTY REVOLVING LOAN PROGRAM II (BREWERIJ BELAME, LTD)

JOHNSON, SCHWERD, MURPHY

WHEREAS, Otsego County received a 2004 Economic Development Grant from the New York State Small Cities Community Development Block Grant (CDBG) to assist Otsego County Small Businesses; and

WHEREAS, the Otsego County Revolving Loan Program II has been established per the Grant Agreement from the repayments of a loan authorized by the Block Grant, said program to perform the purpose of assisting businesses to undertake projects that will retain or create jobs and/or expand the county's tax base in conformance to CDBG requirements and Program Guidelines; and

WHEREAS, an application has been made by BREWERIJ BELAME, LTD, to receive a \$50,000 loan from this program; and

WHEREAS, a review and evaluation of said application by the Otsego County Department of Economic Development and the Administration Committee has determined that the project and proposal meet the guidelines and loan review criteria of the program; now, therefore, be it

RESOLVED, that the Chairman of the Board be and hereby is authorized to enter into a Loan and Development Agreement and other appropriate legal documents which will effectuate a \$50,000 loan to BREWERIJ BELAME, LTD for a term of five (5) years at an annual interest rate of four per cent (4%); and be it further

RESOLVED, that the funds for this loan shall be included in the 2010 County Loan Program II, Account 8671-4820-CG; and be it further

RESOLVED, that the loan shall be subject to the terms and conditions described in

the application proposal and as discussed in the Administration Standing Committee and that legal documents shall be prepared by the County Attorney to contain these terms and provisions and others as are in the best interest of the County of Otsego.

Seconded, Fournier. Roll call vote. Total: 6,167; Ayes: 5,790; Absent: 377 – McCarty. Adopted.

RESOLUTION NO. 195-20100505

**RESOLUTION - AUTHORIZING LOAN FROM OTSEGO COUNTY
JOB DEVELOPMENT LOAN PROGRAM
(DOUBLE HH, LLC/MY HERITAGE INN, INC.)**

JOHNSON, SCHWERD, MURPHY

WHEREAS, Otsego County received a 1992 Small Cities Community Development Block Grant from the U.S. Department of Housing and Urban Development (HUD) to assist the Richfield Springs Economic Development Project; and

WHEREAS, the Otsego County Job Development Revolving Loan Program has been established per the Grant Agreement from the repayments of a loan authorized by the Block Grant, said program to perform the purpose of assisting businesses to undertake projects that will retain or create jobs and/or expand the county's tax base in conformance to HUD requirements and Program Guidelines; and

WHEREAS, an application has been made by DOUBLE HH, LLC/MY HERITAGE INN, INC. to receive a \$45,000 loan from this program; and

WHEREAS, a review and evaluation of said application by the Otsego County Department of Economic Development and the Administration Committee has determined that the project and proposal meet the guidelines and loan review criteria of the program; now, therefore, be it

RESOLVED, that the Chairman of the Board be and hereby is authorized to enter into a Loan and Development Agreement and other appropriate legal documents which will effectuate a \$45,000 loan to DOUBLE HH, LLC/MY HERITAGE INN, INC. for a term of seven (7) years at an annual interest rate of four percent (4%); and be it further

RESOLVED, that the funds for this loan shall be included in the 2010 County Loan Program I, Account 8695.4900-CG; and be it further

RESOLVED, that the loan shall be subject to the terms and conditions described in the application proposal and as discussed in the Administration Committee and that legal documents shall be prepared by the County Attorney to contain these terms and provisions and others as are in the best interest of the County of Otsego.

Seconded, Lindberg. Roll call vote. Total: 6,167; Ayes: 5,790; Absent: 377 – McCarty. Adopted.

RESOLUTION NO. 196-20100505

**RESOLUTION - AUTHORIZING LOAN FROM OTSEGO COUNTY
MAIN STREET REVITALIZATION PROGRAM
(MILL ON OAK'S CREEK, LLC)**

JOHNSON, SCHWERD, MURPHY

WHEREAS, Otsego County received \$100,000 grant from the Empire State Development Corporation for the revitalization of the County's main streets and commercial corridors; and

WHEREAS, the Otsego County Main Street Revitalization Program has been established per the Grant Agreement from the repayments of a loan authorized by the Main Street Revitalization Grant, said program to perform the purpose of assisting businesses to undertake projects that share the County's commitment to invest in the downtown central business districts within Otsego County, revitalize commercial corridors and/or expand the county's tax base in conformance to Program Guidelines; and

WHEREAS, an application has been made by MILL ON OAK'S CREEK, LLC, to receive a \$26,000 loan from this program; and

WHEREAS, a review and evaluation of said application by the Otsego County Department of Economic Development and the Administration Committee has determined that the project and proposal meet the guidelines and loan review criteria of the program; now, therefore, be it

RESOLVED, that the Chairman of the Board be and hereby is authorized to enter into a Loan and Development Agreement and other appropriate legal documents which will effectuate a \$26,000 loan to MILL ON OAK'S CREEK, LLC, for a term of five (5) years at an annual interest rate of zero percent (0%), half of the loan amount will be granted to MILL ON OAK'S CREEK, LLC, upon completion of the project as per the agreement; and be it further

RESOLVED, that the funds for this loan shall be included in the 2010 Planning – Main Street Rehab Program, Account 8672-4805-CG; and be it further

RESOLVED, that the loan shall be subject to the terms and conditions described in the application proposal and as discussed in the Administration Standing Committee and that legal documents shall be prepared by the County Attorney to contain these terms and provisions and others as are in the best interest of the County of Otsego.

Seconded, Fournier. Roll call vote. Total: 6,167; Ayes: 5,790; Absent: 377 – McCarty. Adopted.

RESOLUTION NO. 197-20100505

**RESOLUTION - AUTHORIZING LOAN FROM OTSEGO COUNTY
JOB DEVELOPMENT LOAN PROGRAM
(SAL'S ITALIAN KITCHEN, INC.)**

JOHNSON, SCHWERD, MURPHY

WHEREAS, Otsego County received a 1992 Small Cities Community Development Block Grant from the U.S. Department of Housing and Urban Development (HUD) to assist the Richfield Springs Economic Development Project; and

WHEREAS, the Otsego County Job Development Revolving Loan Program has been established per the Grant Agreement from the repayments of a loan authorized by the Block Grant, said program to perform the purpose of assisting businesses to undertake projects that will retain or create jobs and/or expand the county's tax base in conformance to HUD requirements and Program Guidelines; and

WHEREAS, an application has been made by SAL'S ITALIAN KITCHEN, INC. to receive a \$50,000 loan from this program; and

WHEREAS, a review and evaluation of said application by the Otsego County Department of Economic Development and the Administration Committee has determined that the project and proposal meet the guidelines and loan review criteria of the program; now, therefore, be it

RESOLVED, that the Chairman of the Board be and hereby is authorized to enter into a Loan and Development Agreement and other appropriate legal documents which will effectuate a \$50,000 loan to SAL'S ITALIAN KITCHEN, INC. for a term of seven (7) years at an annual interest rate of four percent (4%); and be it further

RESOLVED, that the funds for this loan shall be included in the 2010 County Loan Program I, Account 8695.4900-CG; and be it further

RESOLVED, that the loan shall be subject to the terms and conditions described in the application proposal and as discussed in the Administration Committee and that legal documents shall be prepared by the County Attorney to contain these terms and provisions and others as are in the best interest of the County of Otsego.

Seconded, Lindberg. Roll call vote. Total: 6,167; Ayes: 5,400; Abstained: 390 – Johnson; Absent: 377 – McCarty. Adopted.

RESOLUTION NO. 198-20100505

**RESOLUTION - AUTHORIZING LOAN FROM OTSEGO COUNTY
MICRO-ENTERPRISE LOAN PROGRAM
(SHEAR ELEGANCE, LLC)**

JOHNSON, SCHWERD, MURPHY

WHEREAS, Otsego County received a 2003 Micro Enterprise Grant from the New York State Small Cities Community Development Block Grant (CDBG) to assist Otsego County Small Businesses; and

WHEREAS, the Otsego County Micro-Enterprise Revolving Loan Program has been

established per the Grant Agreement authorized by the Block Grant, said program to perform the purpose of assisting businesses to undertake projects that will retain or create jobs and/or expand the county's tax base in conformance to CDBG requirements and Program Guidelines; and

WHEREAS, an application has been made by SHEAR ELEGANCE, LLC to receive a \$30,000 loan from this program; and

WHEREAS, a review and evaluation of said application by the Otsego County Department of Economic Development and the Administration Committee has determined that the project and proposal meet the guidelines and loan review criteria of the program; now, therefore, be it

RESOLVED, that the Chairman of the Board be and hereby is authorized to enter into a Loan and Development Agreement and other appropriate legal documents which will effectuate a \$30,000 loan to SHEAR ELEGANCE, LLC for a term of five (5) years at an annual interest rate of four percent (4%); and be it further

RESOLVED, that the funds for this loan shall be included in the 2010 County Micro-Enterprise Loan Program, Account 8673-4800-CG; and be it further

RESOLVED, that the loan shall be subject to the terms and conditions described in the application proposal and as discussed in the Administration Committee and that legal documents shall be prepared by the County Attorney to contain these terms and provisions and others as are in the best interest of the County of Otsego.

Seconded, Lindberg. Roll call vote. Total: 6,167; Ayes: 5,790; Absent: 377 – McCarty. Adopted.

RESOLUTION NO. 199-20100505

**RESOLUTION - AUTHORIZING LOAN FROM OTSEGO COUNTY
JOB DEVELOPMENT LOAN PROGRAM
(ONEONTA THEATRE, LLC)**

JOHNSON, SCHWERD, MURPHY

WHEREAS, Otsego County received a 1992 Small Cities Community Development Block Grant from the U.S. Department of Housing and Urban Development (HUD) to assist the Richfield Springs Economic Development Project; and

WHEREAS, the Otsego County Job Development Revolving Loan Program has been established per the Grant Agreement from the repayments of a loan authorized by the Block Grant, said program to perform the purpose of assisting businesses to undertake projects that will retain or create jobs and/or expand the county's tax base in conformance to HUD requirements and Program Guidelines; and

WHEREAS, an application has been made by ONEONTA THEATRE, LLC. to receive a \$50,000 loan from this program; and

WHEREAS, a review and evaluation of said application by the Otsego County Department of Economic Development and the Administration Committee has determined that the project and proposal meet the guidelines and loan review criteria of the program; now, therefore, be it

RESOLVED, that the Chairman of the Board be and hereby is authorized to enter into a Loan and Development Agreement and other appropriate legal documents which will effectuate a \$50,000 loan to ONEONTA THEATRE, LLC. for a term of seven (7) years at an annual interest rate of four percent (4%); and be it further

RESOLVED, that the funds for this loan shall be included in the 2010 County Loan Program I, Account 8695.4900-CG; and be it further

RESOLVED, that the loan shall be subject to the terms and conditions described in the application proposal and as discussed in the Administration Committee and that legal documents shall be prepared by the County Attorney to contain these terms and provisions and others as are in the best interest of the County of Otsego.

Seconded, Lindberg. Roll call vote. Total: 6,167; Ayes: 5,790; Absent: 377 – McCarty. Adopted.

RESOLUTION NO. 200-20100505

RESOLUTION - AUTHORIZING LOAN FROM OTSEGO COUNTY MICRO-ENTERPRISE LOAN PROGRAM (ACTION LUBE/ERNEST & LINDA BURGHER)

JOHNSON, SCHWERD, MURPHY

WHEREAS, Otsego County received a 2003 Micro Enterprise Grant from the New York State Small Cities Community Development Block Grant (CDBG) to assist Otsego County Small Businesses; and

WHEREAS, the Otsego County Micro-Enterprise Revolving Loan Program has been established per the Grant Agreement authorized by the Block Grant, said program to perform the purpose of assisting businesses to undertake projects that will retain or create jobs and/or expand the county's tax base in conformance to CDBG requirements and Program Guidelines; and

WHEREAS, an application has been made by ACTION LUBE/Ernest and Linda Burgher to receive a \$45,000 loan from this program; and

WHEREAS, a review and evaluation of said application by the Otsego County Department of Economic Development and the Administration Committee has determined that the project and proposal meet the guidelines and loan review criteria of the program; now, therefore, be it

RESOLVED, that the Chairman of the Board be and hereby is authorized to enter into a Loan and Development Agreement and other appropriate legal documents which will effectuate a \$45,000 loan to ACTION LUBE/Ernest and Linda Burger for a term of seven

(7) years at an annual interest rate of four percent (4%); and be it further

RESOLVED, that the funds for this loan shall be included in the 2010 County Micro-Enterprise Loan Program, Account 8673-4800-CG; and be it further

RESOLVED, that the loan shall be subject to the terms and conditions described in the application proposal and as discussed in the Administration Committee and that legal documents shall be prepared by the County Attorney to contain these terms and provisions and others as are in the best interest of the County of Otsego.

Seconded, Lindberg. Roll call vote. Total: 6,167; Ayes: 5,790; Absent: 377 – McCarty. Adopted.

RESOLUTION NO. 201-20100505

**RESOLUTION - APPROVING APPOINTMENT OF MEMBER TO
AGRICULTURAL AND FARMLAND PROTECTION BOARD**

FOURNIER, MCCARTY, POWERS, MURPHY

RESOLVED, that pursuant to Section 302 of the Agricultural and Markets Law as amended, the Chairman of the Board of Representatives has made an appointment to the Agricultural and Farmland Protection Board, and the same is hereby approved as follows:

FARMER
TIM CANTWELL
201 Dugan Road
Richfield Springs, New York 13439
Term expiring December 31, 2010
(Replacing Eric Forester)

Seconded, Relic. Oral vote. Total: 6,167; Ayes: 5,790; Absent: 377 – McCarty. Adopted.

RESOLUTION NO. 202-20100505

**RESOLUTION – TRANSFERRING FUNDS IN
VARIOUS DEPARTMENTS (2009 & 2010)**

JOHNSON, SCHWERD, MURPHY

WHEREAS, it appears that it will require funds to complete the years 2009 and 2010 in certain items of the Otsego County Budget; and

WHEREAS, there are unexpended balances in other items of the 2009 and 2010 budgets; now, therefore, be it

RESOLVED, that the following transfers be and the same are hereby authorized, and the 2009 and 2010 budgets be and are hereby amended accordingly, pursuant to

Section 363 of the County Law:

2009 BUDGET TRANSFERS				
		ACCOUNT	ACCOUNT	
	DEPARTMENT	NAME	CODE	AMOUNT
A- GENERAL FUND				
FROM:	Co Building-Court House	Water and Sewer	1620-4565-A	-135.05
TO:	Co Building-Court House	Other	1620-4800-A	135.05
FROM:	Cooperstown Office Bldg	COB-Pave	1625-2505-A	-1,599.78
TO:	Cooperstown Office Bldg	COB-Sidewalk	1625-2515-A	1,584.78
TO:	Cooperstown Office Bldg	Other	1625-4800-A	15.00
FROM:	IT	Materials & Supplies	1680-4535-A	-2,901.09
FROM:	IT	Internet, Email, Connect Svcs	1680-4642-A	-3,300.00
FROM:	IT-Purchasing	IT Equipment/Hardware-Depts	1681-2335-A	-1,286.00
TO:	IT	IT Other/Software	1680-4835-A	5,877.00
TO:	IT-Purchasing	IT Mat & Supplies-Depts	1681-4535-A	1,610.09
FROM:	Public Safety Comm	PSIC Grant	3020-4901-A	-8,141.65
TO:	Public Safety Comm	COPS Grant	3020-4903-A	8,141.65
FROM:	Public Health Nurses	Postage & UPS	4072-4400-A	-165.93
TO:	Public Health Nurses	Materials & Supplies	4072-4500-A	165.93
FROM:	Mental Health	Postage & UPS	4310-4400-A	-29.09
TO:	Mental Health	Materials & Supplies	4310-4500-A	29.09
FROM:	RIV Mon & Eval	Telephone	4311-4100-A	-190.50
TO:	RIV Mon & Eval	Materials & Supplies	4311-4500-A	190.50
FROM:	Intensive Case Mgmt	Mileage	4315-4005-A	-190.50
TO:	Intensive Case Mgmt	Materials & Supplies	4315-4500-A	190.50
FROM:	County Sealer	Personal Service	6610-1000-A	-559.04
TO:	County Sealer	Other	6610-4800-A	559.04
E – ENTERPRISE FUND				
FROM:	Employee Benefits	Health Ins-Otsego Co	9060-8000-E	-2,745.00
TO:	Infirmatory-Enterprise	Medical Expenses	6020-4895-E	2,395.00
TO:	Infirmatory-Enterprise	Long Term Care	6020-4955-E	350.00
2009 BUDGET MODIFICATIONS				

S – WORKERS COMP FUND				
Increase:	Workers Comp	Appropriated Fund Balance	0000-0599-S	5,930.30
Increase:	Workers Comp Payments	Workers Comp Payments	1720-4706-S	5,930.30
2010 BUDGET TRANSFERS				
A – GENERAL FUND				
FROM:	RPTS	Materials & Supplies	1355-4500-A	-290.00
TO:	RPTS	Training	1355-4050-A	290.00
FROM:	242 Main St/Oneonta	Cleaning Equipment	1622-2310-A	-2,500.00
TO:	Cooperstown Office Bldg	Equipment	1625-2000-A	2,500.00
FROM:	Sheriff	Equipment	3110-2000-A	-4,000.00
TO:	Sheriff	Vehicles	3110-2400-A	4,000.00
FROM:	Early Intervention Program	Education (0-3)	4059-4807-A	-7,000.00
TO:	Early Intervention Program	Transportation (0-3)	4059-4808-A	7,000.00
FROM:	DOH-CWSN 3-5 Admin	Training	4060-4050-A	-1,365.00
FROM:	DOH-CWSN 3-5 Admin	Materials & Supplies	4060-4500-A	-5,000.00
FROM:	DOH-CWSN 3-5 Admin	Eval/Tools & Materials	4060-4506-A	-2,000.00
FROM:	DOH-CWSN 3-5 Admin	Subscriptions/Dues	4060-4650-A	-500.00
FROM:	DOH-CWSN 3-5 Admin	Other	4060-4800-A	-1,000.00
FROM:	DOH-CWSN 3-5 Admin	Contracts	4060-4900-A	-15,000.00
TO:	DOH-CWSN 3-5 Admin	CWSN Stimulus	4060-4809-A	-24,865.00
FROM:	DOH-CWSN 3-5 Admin	IT Equipment & Hardware	4060-2335-A	-3,750.00
TO:	DOH-CWSN 3-5 Admin	IT Equip & Hardware-Stimulus	4060-2336-A	3,750.00
FROM:	DOH-CWSN 3-5 Admin	Contracts	4060-4900-A	-500.00
TO:	DOH-CWSN 3-5 Admin	Other	4060-4800-A	500.00
FROM:	Public Health Nurses	Personal Service	4072-1000-A	-3,000.00
TO:	Public Health Nurses	Contracts	4072-4900-A	3,000.00
FROM:	Economic Development	Other	6425-4800-A	-500.00
TO:	Economic Development	Lodging, Meals, Tolls, Etc.	6425-4010-A	500.00
FROM:	Planning	Postage & UPS	8020-4400-A	-153.60
TO:	Planning	Other	8020-4800-A	153.60
S – WORKERS COMP FUND				
FROM:	Workers Comp	Investigative Services	1710-4001-S	-300.00
TO:	Workers Comp	Materials & Supplies	1710-4500-S	300.00

2010 BUDGET MODIFICATIONS				
A – GENERAL FUND				
INCREASE:	Communication Backbone	Appropriated Reserve	0000-0511-A	166,740.20
INCREASE:	Public Safety	Communication Backbone	3020-2750-A	166,740.20
INCREASE:	Federal Aid-Public Safety	COPS Grant	0000-4397-A	391,858.35
INCREASE:	Public Safety Comm	COPS Grant	3020-4903-A	391,858.35
INCREASE:	Federal Aid-Health	Lead Poison Prevention	0000-4408-A	2,492.00
INCREASE:	Lead Poison Prevention	Mileage	4054-4005-A	600.00
INCREASE:	Lead Poison Prevention	Telephone	4054-4100-A	995.00
INCREASE:	Lead Poison Prevention	Postage & UPS	4054-4400-A	797.00
INCREASE:	Lead Poison Prevention	Other	4054-4800-A	100.00
INCREASE:	Misc Reserve-CWSN Stimulus	Appropriated Reserve	0000-0511-A	5,175.00
INCREASE:	CWSN	CWSN Stimulus	4060-4809-A	5,175.00
INCREASE:	Federal Aid-Education	CWSN Stimulus	0000-4278-A	28,615.00
INCREASE:	Federal Aid-Education	3-5 Spec Ed Service	0000-4277-A	-28,615.00

Seconded, Lindberg. Roll call vote. Total: 6,167; Ayes: 5,790; Absent: 377 – McCarty. Adopted.

RESOLUTION NO. 203-20100505 (Withdrawn)

**RESOLUTION – AUTHORIZING FILLING OF POSITION
IN CODE ENFORCEMENT OFFICE**

RELIC, POWERS, ROTHENBERGER

WHEREAS, Resolution No. 242-20091021 froze the filling of current vacant employment positions, funded or unfunded, and filling of other previously created positions as yet unfilled without the formal approval of the Parent Committee and a County Board Resolution; and

WHEREAS, on May 4, 2010, the Public Safety and Legal Affairs Committee of this Board approved the filling of certain positions in the Code Enforcement Office, as set forth below; now, therefore, be it

RESOLVED, that the Public Safety and Legal Affairs Committee is hereby approved to fill the following vacant funded position, effective immediately:

Code Enforcement Officer, M/C, \$45,554.00

and be it further

RESOLVED, that the funding for this position is included in the 2010 Code

Enforcement Budget (3620-A) at line 1000 Personal Service.

Seconded, Lindberg. Representative Clark moved to withdraw Resolution No. 203-20100505. Seconded, Rothenberger. Total: 6,167; Ayes: 3,682; Noes: 2,108 – Relic, Powers, Fournier, Lindberg; Absent: 377 – McCarty. Motion carried. {No further action taken in 2010.}

RESOLUTION NO. 204-20100505

**RESOLUTION – AUTHORIZING THE COMMUNICATIONS COORDINATOR
TO PURCHASE GENERATORS FOR THE EMERGENCY SERVICES
TELECOMMUNICATIONS SYSTEM (ESTS) PROJECT**

RELIC, POWERS, CLARK, ROTHENBERGER

RESOLVED, that the Communications Coordinator is hereby authorized to purchase the following generators under State Contract for the County's ESTS Update Project:

ITEMS & COST:	Six (6) 48kW Natural Gas Generators: 120/240V, single phase, QT Aluminum Commercial Series at \$14,076.00 each – total	\$84,456.00
	5 year extended warranty at \$661.00 each – total	3,966.00
	Generator Self Test Verified/Monitor at \$379.00 each – total	2,274.00
	Installation of Block/Coolant Heater at \$450.00 each – total	<u>2,700.00</u>
	Sub-Total	\$93,396.00
	Less deduction – NYS Voluntary Price Reduction Program at \$78.00 each – total	<u>-468.00</u>
	TOTAL COST (STATE CONTRACT #PC-6203)	\$92,928.00

VENDOR: Better Power, Inc.
2140 West Henrietta Road
Rochester, New York 14623-1318

and be it further

RESOLVED, that the funding for this contract is included in the 2010 Public Safety Communications Budget (3020-A) at line 2750 Communications Backbone.

Seconded, Lindberg. Roll call vote. Total: 6,167; Ayes: 5,790; Absent: 377 – McCarty. Adopted.

RESOLUTION NO. 205-20100505

**RESOLUTION – AUTHORIZING THE COMMUNICATIONS
COORDINATOR TO PURCHASE RADIO EQUIPMENT AND
INSTALLATION FOR THE EMERGENCY SERVICES
TELECOMMUNICATIONS
SYSTEM (ESTS) PROJECT**

RELIC, POWERS, CLARK, ROTHENBERGER

WHEREAS, Alcatel-Lucent has submitted a proposal under state contract for the purchase of radio equipment and installation for the Blend Hill to Hooker Mountain radio hop required for the County's Emergency Services Telecommunications System (ESTS) upgrade project; and

WHEREAS, Alcatel-Lucent has also submitted a proposal under state contract for installation of equipment for the three (3) radio hops, that is, Rockdale to Blend Hill, Noah's Rump to Cornish Hill, and Cornish Hill to the Public Safety Building; now, therefore, be it

RESOLVED, that the Communications Coordinator be and hereby is authorized to purchase from Alcatel-Lucent, 3400 West Plano Parkway, Plano, Texas 75075, the following radio equipment and installation for the Blend Hill to Hooker Mountain radio hop required for the County's ESTS upgrade project under the State Contract # PT64549

MDR-8000 Radios	\$ 32,316.00
DC Power Systems	\$ 8,142.00
Antenna Equipment	\$ 19,695.00
Installation & Test, Radio & Antenna Transmission Engineering	\$ 64,511.00
	\$ 9,765.00
7705 SAR-8 R2.0	\$ 12,535.11
Project-Wide Services	\$ 1,611.00
Engineering & Installation	\$ 1,679.00
Design & Integration	\$ 3,223.00
Maintenance	\$ 210.00
TOTAL EQUIPMENT & SERVICES	\$153,687.11

and be it further

RESOLVED, that the Communications Coordinator be and hereby is authorized to purchase from Alcatel-Lucent the following installation of equipment for three (3) radio hops, that is, Rockdale to Blend Hill, Noah's Rump to Cornish Hill, and Cornish Hill to the Public Safety Building required for the County's ESTS upgrade project under State Contract #PT64549:

Installation & Test, Radio & Antenna Equipment	\$182,181.00
Transmission Engineering	\$ 30,626.00
Factory Staging	\$ 17,162.00
Customer Witness Test	\$ 3,574.00
Program Management	\$ <u>5,943.00</u>

TOTAL SERVICES

\$239,486.00

and be it further

RESOLVED, that this contract shall contain such other and further conditions as deemed in the best interest of the County; and be it further

RESOLVED, that the funding for this contract is included in the 2010 Public Safety Communications Budget (3020-A) at line 2750 Communication Backbone and 4903 COPS Grant; said equipment and installation costs for the Blend Hill to Hooker Mountain radio hop will be reimbursed 100% from the COPS Grant, pending COPS approval.

Seconded, Schwerd. Roll call vote. Total: 6,167; Ayes: 5,790; Absent: 377 – McCarty. Adopted.

RESOLUTION NO. 206-20100505

**RESOLUTION - AUTHORIZING SHERIFF TO PURCHASE
MOTOR VEHICLES UNDER STATE CONTRACT**

RELIC, POWERS, CLARK, ROTHENBERGER

RESOLVED, that the Sheriff is hereby authorized to purchase the following motor vehicles under state contract:

ITEMS: Two (2) 2010 Chevy Impala Unmarked Vehicles

COST: \$16,942.00 each - \$33,884.00 total
State Contract #PC65026

VENDOR: Hoselton Automall
909 Fairport Road
East Rochester, New York 14416

and be it further

RESOLVED, that the funding for this purchase is included in the 2010 Sheriff's Budget (3310) at line 2400-A Vehicles.

Seconded, Fournier and Lindberg. Roll call vote. Total: 6,167; Ayes: 5,790; Absent: 377 – McCarty. Adopted.

All the general business of the Board having been transacted, the Chairman declared the meeting recessed until Wednesday, May 26, 2010 at 6:00 p.m.