

**REGULAR SESSION
FIRST DAY**

Wednesday, May 6, 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, Cindy Macomber, Otsego County resident, taxpayer and employee, pointed out that the CSEA employees are still without a contract. She stated that it was nice to get a certificate pointing out the value of service, but that it is an empty piece of paper when employees have not had an on time contract since she began working for the county. Ms. Macomber felt that if the employees were really appreciated, there would not be a battle at contract time. She also expressed her support for resolutions recognizing foster families and increasing the rates for foster families.

The following communications were read and ordered filed:

Notice of Claim – Verizon versus the County of Otsego – For alleged damage to a 50 pair buried cable by employees/agents of the Otsego County Highway Department in the Town of Butternuts. No amount stated.

Representative Relic moved for an executive session to discuss contract negotiations. Seconded, Johnson. Total: 6,167; Ayes: 6,167. Motion carried.

The Board reconvened.

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

The Chairman declared a short break.

The Board reconvened.

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

RESOLUTION NO. 128-20090506

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

MCCARTY, HARRINGTON, RELIC

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

WHEREAS, the Purchasing Agent has made a report to the Public Works Committee of this Board and it 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; said bid proposals being on file at the Highway Department and in the Office of the Clerk of the Board of Representatives:

GUIDE RAIL & RELATED ITEMS

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

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

HEAVY STEEL, CORRUGATED & ADS CULVERT PIPE

Bidders: Otsego Iron & Metal
Rose Avenue
PO Box 339
Oneonta, New York 13820

Pickett Building Supplies
6450 State Highway 23
Oneonta, New York 13820

STRUCTURAL STEEL

Bidder: Otsego Iron & Metal
Rose Avenue
PO Box 339
Oneonta, New York 13820

HOT-IN-PLACE RECYCLING

Bidder: Highway Rehab Corp.
2258 Route 22
Brewster, New York 10509

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

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

Funds for these expenditures are included in the 2009 Highway Department under D5110.4500, D5110.4570, D5110.4572, D5110.4800, D5110.4818, D5112.2020, D5112.2093, D5112.2095, D5112.2098, D5112.2122, D5113.2104, D5113.2121, D8760.4900, and D5142.4555.

Seconded, Fournier. Roll call vote. Total: 6,167; Ayes: 5,712; Absent: 455 – Relic. Adopted.

RESOLUTION NO. 129-20090506

**RESOLUTION – AUTHORIZING AGREEMENT WITH
ERNST & YOUNG FOR CONSULTING SERVICES
IN CONSIDERING PRESENT AND ALTERNATIVE
MEDICAL BENEFITS PROGRAMS FOR THE COUNTY**

JOHNSON, SCHWERD, MURPHY

WHEREAS, the County of Otsego desires to contract with Ernst & Young, LLP for the purpose of performing certain services in relation to a review, analysis and consultation regarding employee benefits of the County; and

WHEREAS, the Ernst & Young, LLP is willing to perform such services; said services being professional in nature and not requiring public bidding; now, therefore, be it

RESOLVED, that the Chairman of the Board of Representatives is authorized to execute a contract with Ernst and Young, LLP, 1285 Avenue of the Americas, New York, New York 10019, to provide consultant services regarding existing and alternative medical benefits programs for the County, at such times and in such manner as previously approved in writing by the Treasurer, to be at a cost not to exceed \$50,945.00; the contract to provide for services to be rendered from January 1, 2009 to December 31, 2009 and at the billed rates of:

Senior Consultant/Actuary	\$465 - \$550 per hour
Benefit Consultant	\$350 - \$390 per hour
Staff Technician	\$180 - \$230 per hour

the contract to contain such other terms and conditions as deemed in the best interests of the County; and be it further

RESOLVED, that the funds for this contract are included in the 2009 General Government Support Budget (1989-A) at line 4900 Contracts.

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

RESOLUTION NO. 130-20090506

**RESOLUTION - AUTHORIZING COMMISSIONER OF SOCIAL SERVICES
AND THE DIRECTOR OF OFFICE FOR THE AGING TO EXECUTE
AN AGREEMENT FOR VARIOUS MEDICAID FUNDED LONG TERM
CARE IN-HOME SERVICES PROGRAMS AND THE OPERATION
OF A POINT OF ENTRY FOR LONG TERM CARE SERVICES**

HARRINGTON, CLARK, STULIGROSS

WHEREAS, Social Services has a responsibility to administer and case manage various Medicaid funded long term care in-home service programs including the Personal Care Aide Program, the Long Term Home Health Care Program, Personal Emergency Response Systems, the Consumer Directed Personal Assistance Program, the Assisted Living Program, the Care at Home Program, Private Duty Nursing and the Title XX Family Type Homes for Adult Supervision, and has a long-standing history of providing information and assistance to county residents regarding long term care services; and

WHEREAS, the Otsego County Office for the Aging has expressed a willingness to provide the administration and case management of these and any such successor or related programs; and

WHEREAS, New York State, through a collaborative effort between the New York State Office for the Aging and New York State Department of Health, has instituted a Point of Entry (POE) for Long Term Care Services system within New York State; and

WHEREAS, the County has entered into an agreement with the State of New York through the New York State Office for the Aging for the Operation of a POE in Otsego County; and

WHEREAS, 100% state funding in the amount of \$63,000 per year is available for the operation of said POE that does not duplicate or supplant current activities and must be claimed through the local Department of Social Services; now, therefore, be it

RESOLVED, that the Commissioner of Social Services and the Director of the Otsego County Office for the Aging are hereby authorized to execute an agreement and other documents that may be necessary for the provision of these services in an amount not to exceed \$252,172.00 for the period of January 1, 2009 through December 31, 2009; and be it further

RESOLVED, that the funding for this contract is included in the 2009 Social Services Administration Budget (6010-A) at line 4900 Contracted Expenses and is 95% Federal and State reimbursable and 5% local costs.

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

RESOLUTION NO. 131-20090506

RESOLUTION - AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENTS WITH EMPIRE ABSTRACT CORP. AND OTSEGO ABSTRACT COMPANY INC. FOR TITLE SEARCHES IN TAX SALE PROCEEDINGS

JOHNSON, SCHWERD, MURPHY

WHEREAS, the County is in need of a Certified Abstract Company, licensed and insured, to provide certified title reports to the County Treasurer's Office in conjunction with tax sale proceedings for property in Otsego County which has been advertised for sale for delinquent taxes; and

WHEREAS, the County requested quotes for these services, and Empire Abstract

Corp. and Otsego Abstract Company Inc. submitted the same lowest and acceptable quote; and

WHEREAS, it is in the best interest of the County of Otsego to contract with Empire Abstract Corp. and Otsego Abstract Company Inc. to provide these professional services to the County; now, therefore, be it

RESOLVED, that the Chairman of this Board be and hereby is authorized to execute agreements with Empire Abstract Corp. and Otsego Abstract Company Inc. to provide certified title reports to the County Treasurer's Office in conjunction with tax sale proceedings for property in Otsego County which has been advertised for sale for delinquent taxes for a term ending December 31, 2009 at a cost of \$70.00 per search; these services being professional in nature and not requiring public bidding; and be it further

RESOLVED, that the funds for this expenditure are included in the 2009 Tax Advertising and Expense Budget (1362) at line 4800-A Other.

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

RESOLUTION NO. 132-20090506

**RESOLUTION - APPOINTING MEMBER TO THE LOCAL
EARLY INTERVENTION COORDINATING COUNCIL**

FOURNIER, MCCARTY, STULIGROSS, ROTHENBERGER

RESOLVED, that the following individual is hereby appointed a member of the Local Early Intervention Coordinating Council:

SUSAN LEWIS
Parent Representative
252 County Highway 49
P.O. Box 543
Morris, New York 13808
Term expiring December 31, 2010

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

RESOLUTION NO. 133-20090506

**RESOLUTION – SUPPORTING REINTRODUCTION OF U.S.
SENATE BILL S.1722 - THE FEDERAL MILK MARKETING
IMPROVEMENT ACT**

DUBBEN, FOURNIER, MCCARTY, STAYTON

WHEREAS, our nation's vast farming industry contributes to our nation's health and prosperity every day of the year, and the dairy farming industry is the backbone of Otsego

County; and

WHEREAS, it is estimated that dairy farmers are currently being paid about 95¢ per gallon of milk, while it costs them \$1.50 to produce that same gallon and the rising cost of production, along with the extreme drop in price per hundred weight of milk has many dairy farmers in Otsego County concerned about providing for their families now and in the future; and

WHEREAS, United States Senators Arlen Specter and Bill Casey are leading an effort to reintroduce “The Federal Milk Marketing Improvement Act of 2007 (S.1722)”, which is “an act to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to determine the price of milk used for manufacturing purposes, which shall be classified as Class II milk, by using the national average cost of production and for other purposes”; and

WHEREAS, this bill was designed to correct the disparity in payment versus cost, and the reintroduction of this bill would mean a raise in the price per hundredweight from a current approximate price of just under \$12.00 to an approximate price of \$22.46; now, therefore, be it

RESOLVED, that the Otsego County Board of Representatives supports the reintroduction of US Senate bill S.1772, the “Federal Milk Marketing Improvement Act of 2007” and requests our representatives in the United States Congress and Senate to pass this bill to correct the many inequities the dairy farming industry is facing in Otsego County and nationwide; and be it further

RESOLVED, that copies of this resolution be forwarded to President Barack Obama, US Senator Arlen Specter, US Senator William Casey, US Senator Charles Schumer, US Senator Kirsten Gillibrand, Congressman Michael Arcuri, NYS Senator James Seward, Assemblyman William Magee, Assemblyman Marc Butler, Assemblyman Peter Lopez, NACo and NYSAC.

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

RESOLUTION NO. 134-20090506

RESOLUTION - APPROVING CERTAIN POLICIES FOR THE LICENSED HOME CARE SERVICE AGENCY AND THE OTSEGO COUNTY DEPARTMENT OF HEALTH

FOURNIER, MCCARTY, STULIGROSS, ROTHENBERGER

WHEREAS, the Licensed Home Care Service Agency and the Otsego County Department of Health require the formal approval of certain policies; and

WHEREAS, the Health & Education Committee has reviewed and approved these policies; now, therefore, be it

RESOLVED, that the Board of Representatives approves the following policies for the Licensed Home Care Service Agency and the Otsego County Department of Health; the text of said policies is on file in the Office of the Clerk of the Board of Representatives:

Patient Rights and Responsibilities Policy
Patient Rights and Responsibilities Procedure
Admission Policy
Right to Know: Hazardous Materials Policy
Personnel Procedure
Immunization Clinic Policy and Procedure

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

RESOLUTION NO. 135-20090506

**RESOLUTION – ADOPTING A POLICY FOR THE USE OF
COUNTY OWNED CELLULAR/SATELLITE PHONES**

MCCARTY, HARRINGTON, RELIC

RESOLVED, that the policy for the use of County owned cellular/satellite phones, be and hereby is adopted as follows, effective May 6, 2009:

**CELLULAR/SATELLITE PHONE POLICY
OTSEGO COUNTY, NEW YORK**

1. This policy establishes rules and conduct for the acquisition, distribution and use of all cellular/satellite phones owned, leased or otherwise belonging to Otsego County. A cellular/satellite phone belonging to Otsego County is any cellular/satellite phone or similar device including, but not limited to, an internet access device using cellular/satellite phone transmission service that is purchased, rented, leased or otherwise obtained with Otsego County funds.
2. Cellular/satellite phones shall be issued by the Cell Phone Administrator, who shall be designated by the Otsego County Board or Administration Committee. Cellular/satellite phones shall be issued to county employees or other persons authorized to possess and utilize such cellular/satellite phones for the performance of their county duties.
3. Cellular/satellite phones shall be requested of the Cell Phone Administrator by the department head or his/her designee. The department head or his/her designee shall deliver a copy of this written policy with delivery of the phone and also familiarize the cellular/satellite phone user of the requirements of this policy. Decisions of the department head are controlling on the issuance of cellular phones and the Cell Phone Administrator's duties herein are purely administrative within the confines of this policy.
4. Cellular/satellite phones are normally assigned to individuals. Individuals who are assigned a county cellular/satellite phone shall be responsible for the care and security of the phone assigned to them. They shall not loan, or otherwise allow possession of the cellular/satellite phone assigned to them, to any other individual who is not authorized to possess the phone.

5. Cellular/satellite phones may be assigned to a department to be handed out by the department head or his/her designee as needed for short durations of time. A record shall be kept of who the phone was assigned to and the date out and date in.
Individuals who are assigned a county cellular/satellite phone on a temporary basis shall be responsible for the care and security of the phone assigned to them. They shall not loan, or otherwise allow possession of the cellular/satellite phone assigned to them, to any other individual who is not authorized to possess the phone.
6. County cellular/satellite phones are for official county business only. Cellular/satellite phone users shall not use the cellular/satellite phone for illegal, disruptive, unethical or unprofessional activities or for personal use or gain. Cellular/satellite phone users shall take all reasonable precautions to assure that confidentiality is maintained when discussing sensitive matters on a county cellular/satellite phone.
7. Employees who are assigned a cellular/satellite phone are responsible to reimburse the county for any cellular/satellite phone charges that are not related to official county business. Reimbursement shall be in the form of cash, check, or money order payable to the Otsego County Treasurer.
8. The loss, theft, damage, destruction or unauthorized use of a county cellular/satellite phone shall be reported to the department head and the Cellular Phone Administrator, as soon as reasonably possible.
9. Text messaging shall be discouraged. Text messaging should only be used when absolutely necessary. If text messaging is necessary on a regular basis, the department head or his/her designee shall request a text message plan from the Cellular Phone Administrator.
10. Text and voice messages are not personal and private. County officials may access an employee's cellular/satellite phone mailbox.
11. The transmission of photographs via cellular/satellite phone should only be done when absolutely necessary and for county business only. The County shall charge the user for any personal phone use or similar transactions.
12. County employees shall not be talking on their cellular/satellite phone and driving at the same time, except with a hands free set up or a wireless headset. For safety reasons it is recommended that employees pull off the road to send and receive calls. Any county employee fined for operating a motor vehicle and using a county issued hand held cellular/satellite phone at the same time will be obligated to personally pay for the fine and may lose the privilege of having the use of a county cellular/satellite phone.
13. The vehicle chargers are not to be used on a full-time basis. They are made for temporary charging of the phones for immediate use. As you use your cellular phone on a regular basis, let the battery run very low and then recharge it as needed at your home or office.

14. County employees should not use a personal lock code on their cellular phone. The Security code "9999" should always be used.
15. County officials will review alleged violations of the Cellular/Satellite Phone Policy on a case by case basis. Clear violations of the policy may result in termination of cellular/satellite phone usage for the employee at fault and referral for disciplinary actions as appropriate.
16. Requests for waivers to this policy should be presented to the Public Works Committee and will be reviewed on a case by case basis.

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

RESOLUTION NO. 136-20090506

RESOLUTION – PROCLAIMING MAY AS MENTAL HEALTH AWARENESS MONTH

FOURNIER, MCCARTY, STULIGROSS, ROTHENBERGER

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 2009 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; now, therefore, be it

RESOLVED, the Otsego County Board of Representatives recognizes the 50th Anniversary of the Mental Health Association and its continuous support to the residents of Otsego County.

Seconded, Harrington and Lindberg. Oral vote. Total: 6,167; Ayes: 6,167. Adopted.

RESOLUTION NO. 137-20090506

**RESOLUTION – DESIGNATING THE MONTH OF MAY 2009
AS FOSTER FAMILY RECOGNITION MONTH**

HARRINGTON, CLARK, STULIGROSS

WHEREAS, Otsego County currently has 26 foster families providing care to a countless number of children in each year; and

WHEREAS, the decision, 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 and loving care of dependent, neglected and abused children; 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 2009 as FOSTER FAMILY RECOGNITION MONTH in Otsego County.

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

RESOLUTION NO. 138-20090506

**RESOLUTION - DESIGNATING MAY AS OLDER
AMERICANS MONTH AND MAY 10 - 16, 2009
AS HOMES FOR THE AGING WEEK**

FOURNIER, MCCARTY, STULIGROSS, ROTHENBERGER

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 over 30 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 10 - 16, 2009 as HOMES FOR THE AGING WEEK.

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

RESOLUTION NO. 139-20090506

**RESOLUTION – AMENDING RESOLUTION NO. 227-20080702 –
AUTHORIZATION TO ADJUST FAMILY FOSTER CARE AND
ADOPTION SUBSIDY MAINTENANCE AND CARE RATES**

HARRINGTON, CLARK, STULIGROSS

WHEREAS, Resolution No. 227-20080702 authorizes Otsego County Department of Social Services to adjust family foster care maintenance and care rates in accordance to the Maximum State Aid Rates set by the New York State Office of Children and Family Services; and

WHEREAS, the New York State Office of Children and Family Services includes Adoption Subsidies in the Maximum State Aid Rates; now, therefore, be it

RESOLVED, that Resolution No. 227-20080702 is amended, and the Otsego County Department of Social Services is authorized to continually adjust family foster care and adoption subsidy maintenance and care rates in accordance to the Maximum State Aid Rates set by the New York State Office of Children and Family Services; and be it further

RESOLVED, that the funding for the above rates is included in the Foster Care Budget (6119-A) and consists of various rates of reimbursement depending upon classification of the child and the type of expenditure. Maximum local costs will vary between 12.5% and 25%.

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

RESOLUTION NO. 140-20090506

**RESOLUTION – ACTION TO DEFEASE THE REMAINING BONDS
OF THE MOSA THROUGH THE USE OF MOSA RESERVES,
AND TO THEREBY ELIMINATE THE ANNUAL DEBT SERVICE
EXPENSES AND LOWER MOSA TIP FEES**

DUBBEN, FOURNIER, MCCARTY, STAYTON

WHEREAS, the Montgomery, Otsego, Schoharie Solid Waste Management Authority (MOSA) was created in 1987 by enactment by the New York State Legislature of Title 13-AA Section 2041 of the Public Authorities Law at the request of Montgomery, Otsego, and Schoharie Counties; and

WHEREAS, MOSA was created for the benefit of the three-member Counties to administer a solid waste management plan; and

WHEREAS, bonds were issued by MOSA to finance various solid waste activities required by the management plan to serve the three-member Counties; and

WHEREAS, the annual debt service obligation associated with MOSA bonds is \$2,118,092 for 2009 which MOSA estimates constitutes \$20.71 per ton of the overall MOSA tip fee of \$106.00 per ton; and

WHEREAS, the MOSA tip fee is a burden to the residents, businesses, institutions, and industries of Montgomery, Otsego and Schoharie Counties, and a reduction in the tip fee could be accomplished by defeasing the remaining MOSA bond balances; and

WHEREAS, each of the three-member Counties is evaluating how it can best provide solid waste services in the future, and it is each County's position that defeasing the bonds and eliminating the annual debt service component of the MOSA tip fee would bring immediate financial relief to each County; and

WHEREAS, defeasing the remaining MOSA bond balances will provide a basis for developing a new service agreement that can work toward the elimination of the Guaranteed Annual Tonnage (GAT) and the GAT shortfall penalty payment for each County and which has been the source of significant financial problems for the three-member Counties; and

WHEREAS, MOSA has created substantial financial reserves for among other purposes to help insure repayment of the bonds and assist operations, and according to MOSA these reserves total \$12,268,979 as of December 2008; and

WHEREAS, the three-member Counties have jointly discussed the prospect of defeasing the bonds, including discussions with MOSA Board Members and Counsel, and there has been a consensus this proposal may be considered favorably by each legislative body of the three member Counties; now, therefore, be it

RESOLVED, that the Otsego County Board of Representatives hereby recommends and requests that MOSA adopt a resolution at the earliest possible date making a commitment to defease the remaining MOSA bonds on or about December 31, 2009; and be it further

RESOLVED, that the Otsego County Board of Representatives hereby requests and recommends that MOSA adopt a resolution to utilize existing MOSA reserves to defease the remaining MOSA bonds; and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to send a copy of

this resolution to the MOSA Board of Directors and to the Legislature of the other two member Counties.

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

Representative Fournier moved to suspend the rules and act upon late Resolution Nos. 141 - 146. Seconded, McCarty. Total: 6,167; Ayes: 6,167. Motion carried.

RESOLUTION NO. 141-20090506

**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
<u>A- GENERAL FUND</u>				
FROM:	County Treasurer	Personal Service	1325-1000-A	-10,653.04
FROM:	Public Defender - ILS Fund	Training	1171-4050-A	-3,005.18
FROM:	Public Defender - ILS Fund	Materials & Supplies	1171-4500-A	-283.32
FROM:	Public Defender - ILS Fund	Other	1171-4800-A	-1,811.20
TO:	Public Defender	Assigned Counsel	1170-4755-A	15,752.74
FROM:	Annex Building	Materials & Supplies	1626-4500-A	-461.04
TO:	Annex Building	Heat & Lights	1626-4150-A	461.04
FROM:	Early Intervention	Evaluations (0-3)	4059-4806-A	-1,288.00
TO:	CWSN	Evaluations (3-5)	2960-4803-A	1,288.00
FROM:	Jail	Food	3150-4525-A	-9,375.00
TO:	Jail	Contracts	3150-4900-A	9,375.00
FROM:	Mental Health	Personal Service	4310-1000-A	-16,313.71
TO:	Psychiatric Exp-State Charges	Criminal Actions	4390-4696-A	16,313.71
FROM:	Social Services Admin	Personal Service	6010-1000-A	-21,991.89

TO:	DSS-Family Assistance	Family Assistance	6109-4734-A	21,991.89
FROM:	Social Services Admin	Contracts	6010-4900-A	-86,681.74
TO:	DSS-Foster Care	Foster Care	6119-4735-A	86,681.74
<u>CD - SPECIAL GRANT FUND</u>				
FROM:	WIA Admin	Personal Service	6290-1000-CD	-1,556.72
FROM:	Employee Benefits	Social Security	9030-8000-CD	-685.54
TO:	WIA Admin	Fringe Benefits	6290-8000-CD	14.39
TO:	WIA Program	Personal Service	6293-1000-CD	1,556.72
TO:	WIA Program	Fringe Benefits	6293-8000-CD	671.15
<u>DM - MACHINERY</u>				
FROM:	Machinery	Health Ins-Otsego Co	9060-8000-DM	-39,780.00
TO:	Machinery	Fuel	5130-4560-DM	39,780.00
<u>E - ENTERPRISE FUND</u>				
FROM:	Infirmary - Enterprise	Equipment	6020-2000-E	-6,714.26
FROM:	Employee Benefits	Health Ins-Otsego Co	9060-8000-E	-731.26
TO:	Infirmary - Enterprise	Mileage	6020-4005-E	731.26
TO:	Infirmary - Enterprise	Materials & Supplies	6020-4500-E	927.55
TO:	Infirmary - Enterprise	Other	6020-4800-E	4,177.46
TO:	Infirmary - Enterprise	Medical Expenses	60204895-E	253.25
TO:	Infirmary - Enterprise	Long Term Care	6020-4955-E	1,050.00
TO:	Infirmary - Enterprise	Social Security	9030-8000-E	306.00
2009 TRANSFERS				
<u>A- GENERAL FUND</u>				
FROM:	Coroners & Medical Examiner	Telephone	1185-4100-A	-12.00
TO:	Coroners & Medical Examiner	Lodging, Meals, Tolls, Etc.	1185-4010-A	12.00
FROM:	Purchasing	Personal Service	1345-1000-A	-3,000.00
TO:	Purchasing	Materials & Supplies	1345-4500-A	2,500.00
TO:	Purchasing	Other	1345-4800-A	500.00
FROM:	Board of Elections	Other	1450-4800-A	-300.03
TO:	Board of Elections	Vehicle Repairs	1450-4515-A	300.00
TO:	Board of Elections	Contracts	1450-4900-A	0.03
FROM:	Otsego Manor Building	Equipment	1631-2000-A	-4,412.00
TO:	Cooperstown Office Building	Equipment	1625-2000-A	4,412.00
FROM:	Probation	Fuel	3140-4560-A	-4,000.00
TO:	Probation	Mileage	3140-4005-A	4,000.00

S - Workers Compensation Fund				
FROM:	Workers Compensation	Refund Prior Year Expense	0000-2701-S	-443,596.00
TO:	Workers Compensation	Insurance Recoveries	0000-2300-S	443,596.00
2009 BUDGET MODIFICATIONS				
A - GENERAL FUND				
Increase:	State Aid - General	Tax Collection Grant	0000-3081-A	25,000.00
Increase:	County Treasurer	Contracts	1325-4900-A	25,000.00
Increase:	Federal Aid - Public Safety	Sheriff - Stimulus	0000-4388-A	10,000.00
Increase:	Sheriff	Equipment - Stimulus	3110-2005-A	10,000.00
S - WORKERS COMPENSATION FUND				
Increase:	Workers Compensation	Appropriated Fund Balance	0000-0599-S	200,000.00
Increase:	Workers Compensation	Workers Comp Reimb	1710-4705-S	200,000.00

Seconded, Lindberg. Roll call vote. Total: 6,167; Ayes; 5,541; Noes: 626 – Fournier. Adopted.

RESOLUTION NO. 142-20090506

**RESOLUTION – AUTHORIZING CHAIRMAN OF THE BOARD
TO RENEW CONTRACT WITH NEW YORK STATE
INDUSTRIES FOR THE DISABLED, INC PARTNERSHIP
REQUEST FOR PRICE CONCURRENCE OVER \$50,000.00**

LINDBERG, SCHWERD, DUBBEN, STAYTON

WHEREAS, the Otsego County Purchasing Agent has received from New York State for the Disabled, Inc. a Request to Renew Price Concurrence over \$50,000.00 for the laundry service of reusable underpads for Otsego Manor for the period of June 1, 2009 to May 31, 2010; and

WHEREAS, the contract has been reviewed and a recommendation has been made approving this Request for Price Concurrence contract renewal for the laundry service of the reusable underpads; and

WHEREAS, a copy of the Price Concurrence is on file with the Clerk of the Board; now, therefore, be it

RESOLVED, that the Chairman of the Board is hereby authorized to contract with the New York State Industries for the Disabled, Inc. for Price Concurrence over \$50,000.00 for the laundry service of reusable underpads for Otsego Manor, for the period June 1,

2009 to May 31, 2010 in accordance with the specifications heretofore received; at the proposed price of \$.5489/pound with an estimated yearly amount of \$54,797.78 for laundering estimated poundage of 99,832; and be it further

RESOLVED, that the funds for the contract renewal are authorized in the 2009 Otsego Manor Budget (6020-E) at line 4900 Contracts.

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

RESOLUTION NO. 143-20090506

RESOLUTION – AUTHORIZING THE CHAIRMAN OF THE BOARD TO ENTER INTO A CONTRACT FOR SERVICES WITH ECC TECHNOLOGIES, INC. TO PROVIDE DETAILED DESIGN DRAWINGS, ADMINISTRATIVE AND CONSTRUCTION MANAGEMENT SERVICES TO SUPPORT THE COOPERSTOWN CORNERSTONE PROJECT

CLARK, RELIC, STAYTON

WHEREAS, the County of Otsego plans to lay a fiber optic cable underground from the County Office Building, 197 Main Street, Cooperstown, New York to the County Public Safety Building at 172 County Highway 33, Middlefield, New York and requires a continuation of contract with ECC Technologies, Inc. to prepare detailed Pathway Design and Project Drawings, Industry Standard Specifications, Development and Support for Bid Documents as well as Contract Administration, Contractor Oversight and Quality Control Review for this project; and

WHEREAS, the Contractor has expressed a willingness to provide such services; and

WHEREAS, Route Selection and Preliminary Design has been completed by ECC Technologies, Inc., which identifies the most cost effective and secure fiber optic backbone route, Right-of-Way (R-O-W) and permitting requirements, budget and schedule; and

WHEREAS, the County wishes to enter into a continued contract for the above-described additional services with ECC Technologies, Inc. at a cost not to exceed \$33,125.00; now, therefore, be it

RESOLVED, that the Chairman of this Board is authorized to enter into a contract for services with ECC Technologies, Inc., 845 Fairport Office Centre, Fairport, New York 14450, to provide additional contract services including detailed Pathway Design and Project Drawings, Industry Standard Specifications, Development and Support for Bid Documents as well as Contract Administration, Contractor Oversight and Quality Control Review for a fiber optic cable to be laid underground from the County Office Building, 197 Main Street, Cooperstown, New York to the County Public Safety Building at 172 County Highway 33, Middlefield, New York, at a cost not to exceed \$33,125.00; and be it further

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

RESOLVED, that the funds for this contract are included in the 2009 Communications Backbone Reserve Fund (0879-A).

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

RESOLUTION NO. 144-20090506

**RESOLUTION – AUTHORIZING CHAIRMAN OF THE BOARD
TO ENTER INTO AN INTERMUNICIPAL AGREEMENT WITH
THE CITY OF ONEONTA FOR DOWNTOWN ONEONTA
DEVELOPMENT SERVICES**

JOHNSON, SCHWERD, MURPHY

WHEREAS, the Otsego County Economic Development Office has proposed to the City of Oneonta an intermunicipal agreement whereby the County would act as a Contractor to perform a variety of Downtown Oneonta Business Attraction, Retention and Expansion Services; and

WHEREAS, the terms and obligations are to Strengthen Economic Viability of Existing Businesses in downtown Oneonta, Attract New Business and Investment to downtown Oneonta, Increase Traffic and Business Volume on Main Street, Oneonta and Enhance and Promote the Image and Identity of Main Street, Oneonta; and

WHEREAS, the County concurrently has interviewed and settled upon a qualified developer to provide these professional services on behalf of the County, namely, 55 Maple Street, LLC, and the County intends to approve this developer for hire by companion Board Resolution herein; and

WHEREAS, the term of the contract between the City of Oneonta and the County of Otsego shall commence June 1, 2009 and shall continue until December 31, 2011, at an annual contractual amount of \$45,000.00; and

WHEREAS, the City of Oneonta has accepted this proposal by Resolution from the Common Council on April 21, 2009 to accept this proposal and enter into this agreement; now, therefore, be it

RESOLVED, that the Chairman of this Board is authorized to enter into an Intermunicipal Agreement with the City of Oneonta to provide Economic Development services for Downtown Oneonta, for a contract term commencing June 1, 2009 and terminating December 31, 2011, at a cost payable to the County of \$45,000.00 per year, at the rate of \$3,750.00 per month; and be it further

RESOLVED, that said contract shall contain such other terms and provisions as are in the best interests of the County of Otsego.

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

RESOLUTION NO. 145-20090506

**RESOLUTION – AUTHORIZING CHAIRMAN OF THE BOARD
TO ENTER INTO A CONTRACT WITH 55 MAPLE STREET, LLC
TO PROVIDE PROFESSIONAL SERVICES IN CONNECTION WITH
DOWNTOWN DEVELOPMENT SERVICES FOR THE CITY OF ONEONTA**

JOHNSON, SCHWERD, MURPHY

WHEREAS, the Otsego County Economic Development Office has proposed to the City of Oneonta a public/private partnership arrangement to provide comprehensive downtown development services; and

WHEREAS, the terms and obligations between the County and the City are to Strengthen Economic Viability of Existing Businesses in downtown Oneonta, Attract New Business and Investment to downtown Oneonta, Increase Traffic and Business Volume on Main Street, Oneonta and Enhance and Promote the Image and Identity of Main Street, Oneonta; and

WHEREAS, the City of Oneonta and the County have formalized by appropriate Resolutions the future rendition of these developer services as described in the companion Resolution of this Board approving the partnership arrangements for downtown development services; and

WHEREAS, the Otsego County Economic Development Department wishes to enter into a contract for professional services with 55 Maple Street, LLC to provide services and expertise as it relates to the attraction of new business and investment to downtown Oneonta and to allow for the fulfilling of these development service obligations; and

WHEREAS, the term of the contract shall commence June 1, 2009 and shall continue until December 31, 2011, at a cost of \$25,000.00 per year; and

WHEREAS, the City of Oneonta Common Council has passed a Resolution on April 21, 2009 to accept the proposal from the Otsego County Economic Development Department and enter into an Intermunicipal Agreement with the County; now, therefore, be it

RESOLVED, that the Chairman of this Board is authorized to enter into a contract for services with 55 Maple Street, LLC, 55 Maple Street, Oneonta, New York, to provide specific Economic Development services for Downtown Oneonta as part of a comprehensive Economic Development Proposal, for a contract term commencing June 1, 2009 and terminating December 31, 2011, at a cost not to exceed \$25,000.00 annually; and be it further

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

RESOLVED, that the funds for this contract will be included in the 2009 Economic Development Budget (6425) at line 4900-A Contracts and will be funded 100% from revenues received through the intermunicipal agreement with the City of Oneonta for

Downtown Development Services.

Seconded, Rothenberger. Roll call vote. Total: 6,167; Ayes: 5,635; Noes: 532 – Lindberg. Adopted.

RESOLUTION NO. 146-20090506

**RESOLUTION – AMENDING RESOLUTION NO. 38-20090107 –
AUTHORIZING THE CHAIRMAN OF THE BOARD TO EXECUTE
AN AMENDED CONTRACT FOR SOCIAL WORK SERVICES
UNDER THE OTSEGO MANOR LONG TERM HOME HEALTH
CARE PROGRAM (LTHHCP)**

LINDBERG, SCHWERD, DUBBEN, STAYTON

WHEREAS, Resolution No. 38-20090107 authorized the Chairman of the Board to execute contracts with certain individuals and organizations to provide health care services under the Otsego Manor Long Term Home Health Care Program (LTHHCP) for terms beginning January 1, 2009 and terminating December 31, 2009; and

WHEREAS, Elizabeth Cain (MSW) was included in Resolution No. 38-20090107 for her services as a Social Work Consultant at the rate of \$75.00 per visit; and

WHEREAS, it is in the best interests of the County of Otsego to amend the services provided by the Social Work Consultant under the LTHHCP as set forth below; now, therefore, be it

RESOLVED, that Resolution No. 38-20090107 is amended, and the Chairman of this Board is authorized to execute an amended contract with Elizabeth Cain, 715 Center Valley Road, Worcester, New York 12197, for her Social Work Consultant services under the LTHHCP for the term January 1, 2009 to December 31, 2009, to include the following services and rates:

Medical Social Work	\$60.00 per visit (all inclusive)
In-Service to County – not to exceed 2 hours per session	\$30.00 per hour
Attendance at meetings required by County – not to exceed 2 hours per session	\$30.00 per hour
Supervision of Intern Visits	\$25.00 per visit (all inclusive)

and be it further

RESOLVED, that 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 funds for this amended contract are included in the 2009

Otsego Manor Long Term Home Health Care Program Budget (6020) at line 4955-E Long Term Care and are reimbursable through fees, Medicaid, Medicare, private pay and third party insurance.

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

All the general business of the Board having been transacted, the Chairman declared the meeting recessed until Wednesday, May 20, 2009 at 7:00 p.m.