

**REGULAR SESSION
FIRST DAY**

Wednesday, June 4, 2008

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, Diane Elliott from the Foothills Performing Arts Center gave an update on the center's activities and the new building, which has gone out to bid. They had a great winter show season and have a new President, Doug Reeser. Mrs. Elliott thanked the County Board for all of its support.

Ed Wesnofske from the MOSA Board reported that MOSA's tipping fee will be increasing as of July 1, 2008 by \$3.00 per ton, from \$101.50 per ton to \$104.50 per ton. This is because the transportation contract allows a surcharge to kick in when diesel costs reach \$4.50 or more. MOSA is absorbing part of the increase. However, if fuel continues to increase, MOSA may have to raise the tipping fee again this year.

The minutes of April 2, 2008 were approved and are on file with the Clerk of the Board.

The following communications were read and ordered filed:

James P. Powers, Chairman of the Board – Letters appointing the following:

Richard Hilary to the NYS Region 4 Regional Advisory Committee for the New York State Open Space Plan.

Peggy Benjamin, Corenna Martin, Cathy Rothenberger, Martha Stayton, Penny Seeger, Athena Manley, Deb Currie, Deb Mitchell, Karen Sullivan, Zondra Hart, Lori Dower and Jennie Gliha to serve on the Otsego County Wellness Committee.

Under Special Presentations, Dinnie Sloman, Executive Director for Cornell Cooperative Extension, gave each County Board member a glass of milk in honor of Dairy Month. He introduced Hailey Bennett, a 4H intern for the summer, and Sara Ackerman, Livestock Educator. Ms. Ackerman stated that though the milk produced in Otsego County leaves the county, about \$4,000,000 stays in the county. She gave an update on some of the Extension's dairy programs. This included Central New York Dairy Day, which was held for the first time this year, Precision Feed Management to improve practices on farms for more efficiencies, new nitrogen tests for corn on four pilot farms in the county to save money and protect the environment, and Mastitis control under organic rules to better prevent and control the disease. Mr. Sloman spoke about the Eat Smart NY program, which educates food stamp recipients on good nutrition. He announced that there will be an open house at the Cornell Cooperative Extension offices on June 5, 2008 and invited everyone to attend.

Rob Robinson, Otsego County Chamber of Commerce, spoke about the Telecommunications Project and the roles of the Chamber of Commerce and the Industrial Development Agency (IDA). Carolyn Lewis, Otsego County Economic Developer, stated that the IDA conducted a Telecommunications Inventory Study in 2006 to document what exists in the county. From that study came 8 to 10 recommendations, one of which was having a county owned telecommunications system. It was decided to combine the project with the needs of the 911 system and to leverage partnerships to offer broadband service to all residents and businesses in the county. ECC Technologies was hired to do a feasibility study to examine the markets, need, location, possible partners and how to roll out service for last mile coverage. Joe Stark from ECC Technologies stated that broadband access is a national issue because it is a key component of economic development. Low density areas are being left behind because there is no access or because of aging infrastructure. Wireless service is low grade or non-existent mostly because of the financial investment involved. The previous study that was done created an inventory using a GIS mapping program giving details on economic development sites, needs analysis and recommendations. After reviewing their findings they suggested replacing the system with a wireless system through public and private partnerships, seeking grants, developing a countywide vision and considering creating a partner sponsored infrastructure. He explained the open access model as a partnership with the telecommunications industry to create an infrastructure for the entire county that is open to everyone. The model would link communities together and provide last mile coverage. The model must support economic development, education, healthcare, municipal needs and public safety. ECC is researching public safety issues and developing an integrated business plan. Currently, they feel that there is enough interest to support operations long term, but not to build the backbone. Users will pay for the operating costs.

The Chairman declared a short break.

The County Board reconvened.

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

The County Board reconvened.

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

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

MORTGAGE TAX - 2008

The Administration Committee presents the following report of Mortgage Tax distribution made in accordance with reports of the County Clerk and County Treasurer and in compliance with the provisions of law. The committee has reconciled the distribution of Mortgage Tax from October 1, 2007 through March 31, 2008 as follows:

<u>Tax District</u>	<u>Amount Allocated To Tax District</u>	<u>Amount Apportioned To Villages</u>	<u>Amount Apportioned To City and Towns</u>
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Oneonta City	92,695.58		92,695.58
Burlington	5,880.93		5,880.93
Butternuts	12,553.78	1,159.96	11,393.82
Cherry Valley	11,862.78	1,702.33	10,160.45
Decatur	5,265.50		5,265.50
Edmeston	11,164.83		11,164.83
Exeter	9,779.35		9,779.35
Hartwick	37,276.03		37,276.03
Laurens	13,673.02	382.72	13,290.30
Maryland	11,785.23		11,785.23
Middlefield	27,525.50	1,489.32	26,036.18
Milford	26,243.04	1,283.17	24,959.87
Morris	18,456.76	2,473.14	15,983.62
New Lisbon	13,677.27		13,677.27
Oneonta	126,643.97		126,643.97
Otego	17,976.87	2,675.97	15,300.90
Otsego	85,101.05	18,447.11	66,653.94
Pittsfield	9,788.30		9,788.30
Plainfield	5,000.04		5,000.04
Richfield	18,576.88	3,096.34	15,480.54
Roseboom	7,974.81		7,974.81
Springfield	11,212.10		11,212.10
Unadilla	32,695.66	4,043.87	28,651.79
Westford	4,986.61		4,986.61
Worcester	11,481.77		11,481.77
TOTALS	\$ 629,277.66	\$ 36,753.93	\$ 592,523.73

Dated: May 28, 2008

The Administration Committee offered the following resolution and moved its adoption:

RESOLVED, that this Board issue its warrant to the County Treasurer for the distribution of the amount in her hands in accordance with the foregoing report.

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

RESOLUTION NO. 193-20080604

RESOLUTION - AUTHORIZING CHAIRMAN OF THE BOARD TO EXECUTE A CONTRACT BETWEEN HANCOCK & ESTABROOK, LLP AND THE COUNTY OF OTSEGO

RELIC, SCHWERD, JOHNSON

WHEREAS, it is in the best interest of the County to obtain the services of a labor negotiator to act on its behalf during negotiations regarding the contracts between the County of Otsego and the recognized bargaining units; and

WHEREAS, Hancock & Estabrook, LLP has submitted a proposal to perform these services for the County; now, therefore, be it

RESOLVED, that the Chairman of this Board be and is hereby authorized to contract with Hancock & Estabrook, LLP to perform these services at a cost of \$4,000 per month, excluding travel; plus \$200 per hour for partner's time, excluding travel; \$165 per hour for associate's time, excluding travel; \$110 for paralegal time, excluding travel, for additional services outlined in the proposal for the period June 1, 2008 through May 31, 2009; and be it further

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

RESOLVED, that a portion of the funding for this contract is included in the 2008 Board of Representatives Budget (1010) at line 4900-A Contracts and in other various County department budgets.

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

RESOLUTION NO. 194-20080604

RESOLUTION - AUTHORIZING CHAIRMAN OF THE BOARD TO EXECUTE AGREEMENT WITH STATE OF NEW YORK TO RECEIVE LOCAL ENHANCED WIRELESS 911 REIMBURSEMENT

FOURNIER, HARRINGTON, CLARK, STAYTON

WHEREAS, the State Legislature has enacted state law authorizing reimbursement to counties of certain costs associated with the provision of Wireless 911 services; and

WHEREAS, Otsego County is eligible to apply for reimbursement of certain costs associated with the provision of Wireless 911 services; and

WHEREAS, the County's allocation from the 2007-2008 State Budget for costs incurred from April 1, 2007 through March 31, 2010 is \$35,209.00; now, therefore, be it

RESOLVED, that the Chairman of this Board be and hereby is authorized to execute an agreement, and other documents that may be necessary, with the State of New York for securing reimbursement of costs incurred by the County for the implementation and operation of the Local Enhanced Wireless 911 Program, for the period April 1, 2007 through March 31, 2010 in the amount of \$35,209.00 as allocated in the 2007 - 2008 State Budget.

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

RESOLUTION NO. 195-20080604

RESOLUTION - AUTHORIZING CHAIRMAN OF THE BOARD TO CONTRACT WITH THE NEW YORK STATE DEPARTMENT OF HEALTH TO RECEIVE GRANT FUNDS FOR IMMUNIZATION ACTION PLAN

SCHWERD, CLARK, LINDBERG

RESOLVED, that the Chairman of the Board, on behalf of the Otsego County Department of Health, be and hereby is authorized to execute a grant agreement with the State of New York Department of Health, to receive grant funds in the amount of \$31,504.00 for an Immunization Action Plan, for the period April 1, 2008 through March 31, 2009; and be it further

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

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

RESOLUTION NO. 196-20080604

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

DUBBEN, RELIC, MURPHY

WHEREAS, bids have been requested and duly received by the Purchasing Agent for certain equipment, 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 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:

BITUMINOUS MATERIALS, EQUIPMENT, SERVICES & RELATED WORK

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

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

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

and be it further

RESOLVED, that funds for these expenditures are included in the 2008 Highway Budget under DM5110.4500, D5110.4570, D5110.4572, D5110.4800, D5112.2020, D5112.2093, D5112.2096, D5113.2040, D5113.2077, D5113.2104, D5113.2109, D5113.2116, D5113.2117, D5113.2118, D5113.2119, D5113.2120, D5113.2121.

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

RESOLUTION NO. 197-20080604

**RESOLUTION - AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENT
WITH NURSE CONSULTANT TO PROVIDE SERVICES AT OTSEGO MANOR**

HARRINGTON, DUBBEN, STAYTON, LINDBERG

WHEREAS, there is a need for the services of a Nurse Consultant for the SOS and Care Tracker Programs at Otsego Manor; and

WHEREAS, Sandra DeRosa has agreed to provide these services to the County; now, therefore, be it

RESOLVED, that the Chairman of this Board be and hereby is authorized to enter into an agreement with Sandra DeRosa, 575 Pete Hendricks Road, Cooperstown, New York 13326, to provide services as a Nurse Consultant for the SOS and Care Tracker Programs at Otsego Manor, at an hourly rate of \$30.00, at a cost not to exceed \$20,000.00, for the period January 1, 2008 through December 31, 2008; 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 agreement are included in the 2008 Infirmary - Enterprise Budget (6020) at line 4880-E Consultants.

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

RESOLUTION NO. 198-20080604

**RESOLUTION - AUTHORIZING CHAIRMAN TO CONTRACT FOR
SUPERVISORY NURSING SERVICES AT OTSEGO MANOR**

HARRINGTON, DUBBEN, STAYTON, LINDBERG

WHEREAS, there is a need for supervisory nursing services for Saturday and Sunday evenings at Otsego Manor; and

WHEREAS, Eleanor Lantvet has agreed to provide these services to the County; now, therefore, be it

RESOLVED, that the Chairman of this Board be and hereby is authorized to enter into an agreement with Eleanor Lantvet, 1495 State Highway 166, Cooperstown, New York

13326, to provide supervisory nursing services on a part-time basis on Saturday and Sunday evenings at Otsego Manor, at an hourly rate of \$30.00, not to exceed 1,000 hours, at a cost not to exceed \$30,000.00, for the period January 1, 2008 through December 31, 2008; 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 agreement are included in the 2008 Infirmity Enterprise Budget (6020) at line 4900-E Other.

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

RESOLUTION NO. 199-20080604

RESOLUTION - AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENT WITH PHYSICAL THERAPIST TO PROVIDE SERVICES AT OTSEGO MANOR

HARRINGTON, DUBBEN, STAYTON, LINDBERG

WHEREAS, there is a need for the services of a Physical Therapist at Otsego Manor; and

WHEREAS, Diane Fedor has agreed to provide these services on a part-time basis to the County; now, therefore, be it

RESOLVED, that the Chairman of this Board be and hereby is authorized to enter into an agreement with Diane P. Fedor, 2834 County Highway 39, Worcester, New York 12197, to provide Physical Therapy services on a part-time basis at Otsego Manor, at an hourly rate of \$50.00, not to exceed 400 hours, at a cost not to exceed \$20,000.00, for the period January 1, 2008 through December 31, 2008; 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 agreement are included in the 2008 Infirmity Enterprise Budget (6020) at line 4895-E Medical Expense.

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

RESOLUTION NO. 200-20080604

RESOLUTION - AUTHORIZING CHAIRMAN TO EXECUTE AN AGREEMENT FOR OCCUPATIONAL THERAPY SERVICES AT OTSEGO MANOR

HARRINGTON, DUBBEN, STAYTON, LINDBERG

WHEREAS, there is a need for the services of an Occupational Therapist at Otsego

Manor; and

WHEREAS, Cynthia Kelleher has agreed to provide these services on a part-time basis to the County; now, therefore, be it

RESOLVED, that the Chairman of the Board is hereby authorized to enter into an agreement with Cynthia Kelleher, 687 County Highway 14, Mount Vision, New York 13810, to provide Occupational Therapy services on a part-time basis at Otsego Manor, at an hourly rate of \$50.00, not to exceed 600 hours, at a cost not to exceed \$30,000.00, for the period January 1, 2008 through December 31, 2008; and be it further

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

RESOLVED, that the funding for these services is included in the 2008 Infirmiry Enterprise Budget (6020) at line 4895-E Medical Expense.

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

RESOLUTION NO. 201-20080604

RESOLUTION - AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENT WITH SOCIAL WORK CONSULTANT AT OTSEGO MANOR

HARRINGTON, DUBBEN, STAYTON, LINDBERG

WHEREAS, there is a need for a Social Work Consultant at Otsego Manor; and

WHEREAS, Section 415.26(e) of the New York State Hospital Code provides for a qualified Social Work Consultant to assist the nursing home staff in identifying the residents' personal and social problems; and

WHEREAS, Beth E. Cain has agreed to provide these services on a part-time basis to the County; now, therefore, be it

RESOLVED, that the Chairman of this Board be and hereby is authorized to enter into an agreement with Beth E. Cain, 715 Center Valley Road, Worcester, New York 12197, to provide services as a Social Work Consultant on a part-time basis at Otsego Manor, at an hourly rate of \$50.00, not to exceed 600 hours, at a cost not to exceed \$30,000.00 for the period January 1, 2008 through December 31, 2008; 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 agreement are included in the 2008 Infirmiry Enterprise Budget (6020) at line 4880-E Consultants.

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

RESOLUTION NO. 202-20080604 (original)

**RESOLUTION - AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENT
TO PROVIDE CERTIFIED NURSES AIDE TRAINING AT OTSEGO MANOR**

HARRINGTON, DUBBEN, STAYTON, LINDBERG

WHEREAS, there is a need for Certified Nurses Aide Training at Otsego Manor; and

WHEREAS, Karen Shinn has agreed to provide such training for the County; now, therefore, be it

RESOLVED, that the Chairman of this Board be and hereby is authorized to enter into an agreement with Karen Shinn, 925 County Highway 16, Garrattsville, New York 13342, to provide Certified Nurses Aide Training at Otsego Manor at the rate of \$5,500.00 per class, not to exceed ten (10) classes, at a cost not to exceed \$55,000.00 for the period April 1, 2008 through March 31, 2009; 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 agreement are included in the 2008 Infirmary Enterprise Budget (6020) at line 4900-E Contracts.

Seconded, Clark. Representative Stayton moved to amend the first RESOLVED paragraph by adding "with a minimum class size of six (6) students." Seconded, Rothenberger. Oral vote on amendment. Total: 6,167; Ayes: 5,541; Noes: 626 – Fournier. Motion carried.

RESOLUTION NO. 202-20080604 (amended)

**RESOLUTION - AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENT
TO PROVIDE CERTIFIED NURSES AIDE TRAINING AT OTSEGO MANOR**

HARRINGTON, DUBBEN, STAYTON, LINDBERG

WHEREAS, there is a need for Certified Nurses Aide Training at Otsego Manor; and

WHEREAS, Karen Shinn has agreed to provide such training for the County; now, therefore, be it

RESOLVED, that the Chairman of this Board be and hereby is authorized to enter into an agreement with Karen Shinn, 925 County Highway 16, Garrattsville, New York 13342, to provide Certified Nurses Aide Training at Otsego Manor at the rate of \$5,500.00 per class, with a minimum of six (6) students per class, not to exceed ten (10) classes, at a cost not to exceed \$55,000.00 for the period April 1, 2008 through March 31, 2009; 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 agreement are included in the 2008 Infirmiry Enterprise Budget (6020) at line 4900-E Contracts.

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

RESOLUTION NO. 203-20080604

RESOLUTION - AUTHORIZING CHAIRMAN TO EXECUTE AGREEMENT TO PROVIDE ACTIVITIES CONSULTANT SERVICES AT OTSEGO MANOR

HARRINGTON, DUBBEN, STAYTON, LINDBERG

WHEREAS, there is a need for an Activities Consultant at Otsego Manor; and

WHEREAS, Charlene Higgins has agreed to provide such services for the County; now, therefore, be it

RESOLVED, that the Chairman of this Board be and hereby is authorized to enter into an agreement with Charlene Higgins, 32 East Center Street, Oneonta, New York 13820, to provide Activities Consultant Services at Otsego Manor, to include preparation of the MDS/Care Plans and overseeing the Activities Program, at an hourly rate of \$25.00, at a cost not to exceed \$20,000.00 for the period January 1, 2008 through December 31, 2008, or until such time as an Activities Director is hired; 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 agreement are included in the 2008 Infirmiry Enterprise Budget (6020) at line 4900-E Contracts.

Seconded, Clark and Fournier. Roll call vote. Total: 6,167; Ayes: 3,054 – Relic, Powers, Clark, Murphy, Fournier, Dubben; Noes: 3,113 – Lindberg, Johnson, McCarty, Schwerd, Stayton, Rothenberger, Harrington, Stuligross. Resolution lost.

RESOLUTION NO. 204-20080604 (original)

RESOLUTION - AUTHORIZING CHAIRMAN OF THE BOARD TO CONTRACT WITH VILLAGE OF COOPERSTOWN FOR TOURISM RELATED EXPENSES

JOHNSON, SCHWERD, MCCARTY, ROTHENBERGER

WHEREAS, the Village of Cooperstown has requested a portion of the County's Occupancy Tax revenue; namely, to offset police protection expenses and road and sidewalk maintenance work, in the amount of \$100,000.00; and

WHEREAS, the Intergovernmental Affairs Committee of this Board has heretofore

approved sponsoring this resolution authorizing this payment to the Village of Cooperstown in installments during 2008 as hereinafter stated; now, therefore, be it

RESOLVED, this Board of Representatives hereby authorizes the Chairman of this Board to execute an agreement with the Village of Cooperstown, providing for payment of \$100,000.00 to help the Village to offset certain tourism related expenses; said funds to be paid from Occupancy Tax revenues as hereinafter conditioned; and be it further

RESOLVED, that the said agreement shall include the following provisions and conditions:

1. Upon executing a formal Agreement between the County and the Village of Cooperstown, the Village of Cooperstown shall receive \$50,000.00 from the County to offset police protection expenses and road and sidewalk maintenance work in two (2) equal installments of \$25,000.00 each; each \$25,000.00 to be paid within twenty (20) days of receipt of an invoice of the Village as hereafter required of the Village to receive such revenues;
2. Each payment of \$25,000.00 will be made upon receipt of an invoice from the Village; the first \$25,000.00 upon receipt of such invoice for the first half of the year and the second \$25,000.00 upon receipt of such invoice for the second half of the year;
3. The Village must provide an accounting to the County at the end of 2008 showing how these funds were spent for the above expenses only;
4. The Village will be eligible for an additional \$50,000.00 on a project-related basis for the same categories of expenses above described exceeding the \$50,000.00 aforescribed and upon approval of the Intergovernmental Affairs Committee, to be paid upon proof of expenditure in 2008 by the Village;
5. All invoices must be received by the County by December 31, 2008 and will be paid 100% from Occupancy Tax revenues;
6. The agreement shall contain such other terms and provisions as are in the best interests of the County of Otsego; and be it further

RESOLVED, that these expenditures from Occupancy Tax revenues are being made as part of a verbal agreement with the State of New York when the Occupancy Tax legislation was amended in 2007 authorizing the County to increase the Occupancy Tax rate from 2% to 4%.

Seconded, Dubben, Lindberg and Fournier. Representative Johnson moved to amend the first WHEREAS and the first RESOLVED paragraphs by deleting "police protection expenses" and adding after road and sidewalk maintenance "and similar infrastructure improvements." Seconded, Fournier. Oral vote on amendment. Total: 6,167; Ayes: 6,167. Motion carried. Representative Johnson moved to further amend the resolution by adding in the first RESOLVED paragraph: "this grant is to provide tax relief for the residents of the Village of Cooperstown." Seconded, Relic. Roll call vote on the second amendment. Total: 6,167; Ayes: 1,016 – Fournier, Johnson; Noes: 5,151. Motion lost.

RESOLUTION NO. 204-20080604 (amended)

**RESOLUTION - AUTHORIZING CHAIRMAN OF THE
BOARD TO CONTRACT WITH VILLAGE OF COOPERSTOWN
FOR TOURISM RELATED EXPENSES**

JOHNSON, SCHWERD, MCCARTY, ROTHENBERGER

WHEREAS, the Village of Cooperstown has requested a portion of the County's Occupancy Tax revenue; namely, to offset road and sidewalk maintenance work and similar infrastructure improvements, in the amount of \$100,000.00; and

WHEREAS, the Intergovernmental Affairs Committee of this Board has heretofore approved sponsoring this resolution authorizing this payment to the Village of Cooperstown in installments during 2008 as hereinafter stated; now, therefore, be it

RESOLVED, this Board of Representatives hereby authorizes the Chairman of this Board to execute an agreement with the Village of Cooperstown, providing for payment of \$100,000.00 to help the Village to offset certain tourism related expenses; said funds to be paid from Occupancy Tax revenues as hereinafter conditioned; and be it further

RESOLVED, that the said agreement shall include the following provisions and conditions:

1. Upon executing a formal Agreement between the County and the Village of Cooperstown, the Village of Cooperstown shall receive \$50,000.00 from the County to offset road and sidewalk maintenance work and similar infrastructure improvements in two (2) equal installments of \$25,000.00 each; each \$25,000.00 to be paid within twenty (20) days of receipt of an invoice of the Village as hereafter required of the Village to receive such revenues;
2. Each payment of \$25,000.00 will be made upon receipt of an invoice from the Village; the first \$25,000.00 upon receipt of such invoice for the first half of the year and the second \$25,000.00 upon receipt of such invoice for the second half of the year;
3. The Village must provide an accounting to the County at the end of 2008 showing how these funds were spent for the above expenses only;
4. The Village will be eligible for an additional \$50,000.00 on a project related basis for the same categories of expenses above described exceeding the \$50,000.00 aforescribed and upon approval of the Intergovernmental Affairs Committee, to be paid upon proof of expenditure in 2008 by the Village;
5. All invoices must be received by the County by December 31, 2008 and will be paid 100% from Occupancy Tax revenues;
6. The agreement shall contain such other terms and provisions as are in the best interests of the County of Otsego; and be it further

RESOLVED, that these expenditures from Occupancy Tax revenues are being made as part of a verbal agreement with the State of New York when the Occupancy Tax legislation was amended in 2007 authorizing the County to increase the Occupancy Tax rate from 2% to 4%.

Roll call on amended resolution. Total: 6,167; Ayes: 6,167. Adopted as amended.

RESOLUTION NO. 205-20080604

**RESOLUTION – APPROVING APPOINTMENT OF MEMBERS TO
THE WORKFORCE INVESTMENT BOARD FOR CHENANGO,
DELAWARE AND OTSEGO COUNTIES**

SCHWERD, CLARK, LINDBERG

RESOLVED, that the following appointments be and are hereby approved for the Chenango, Delaware, Otsego Workforce Investment Board:

RICHARD BOHMAN
Asst. District Manager, VESID
44 Hawley Street
Binghamton, New York 13901
Term to expire June 30, 2011

CAROLYN LEWIS
Otsego County Economic Developer
242 Main Street
Oneonta, New York 13820
Term to expire June 30, 2010
(Replacing Rob Robinson)

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

Representative Clark withdrew **Resolution No. 206-20080604 – Urging the State Legislature to Support Bills A.4425-A/S. 2978-A Regarding Child Protective Services (CPS) Access to Criminal Records.**

RESOLUTION NO. 207-20080604

RESOLUTION – ESTABLISHING NEW FAMILY FOSTER CARE RATES

CLARK, SCHWERD

RESOLVED, that new family foster care maintenance and care rates are established as follows, effective July 1, 2007:

Age 0-5: \$11.00 per day

	\$15.09 per day for trained foster parents
Age 6- 11:	\$12.00 per day \$18.18 per day for trained foster parents
Age 12 & older:	\$13.00 per day \$22.00 per day for trained foster parents
Special:	\$36.33 per day (includes JD & PINS)
Exceptional:	\$55.07 per day
Clothing Allowance:	
Age 0-5	\$.95 per day
Age 6-11	\$1.33 per day
Age 12-15	\$2.07 per day
Age 16 & over	\$2.53 per day
Diaper Allowance:	
Age 0-3	1.74 per day or \$53.00 per month

and be it further

RESOLVED, that the funding for the above rates is included in the 2008 Foster Care Budget (6119) and consists of 50.5% federal funds, 37.5% state funds, and 12.5% local cost.

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

RESOLUTION NO. 208-20080604

**RESOLUTION - CREATING POSITION IN OTSEGO MANOR'S
LONG TERM HOME HEALTH CARE PROGRAM
(COMMUNITY HEALTH NURSE)**

RELIC, SCHWERD, JOHNSON

RESOLVED, that the following position is hereby created in the Otsego Manor's Long Term Home Health Care Program, effective June 2, 2008:

Community Health Nurse, Grade 14C,
\$38,419.89 - \$44,591.04 (\$1,234.23);

and be it further

RESOLVED, that the funding for this position is included in the 2008 Infirmary - Enterprise Budget (6020) at line 1000-E Personal Service and is reimbursable as follows: Federal 50%, State 40%, and County 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, Lindberg. Roll call vote. Total: 6,167; Ayes: 6,167. Adopted.

RESOLUTION NO. 209-20080604

**RESOLUTION - CREATING POSITION IN DEPARTMENT
OF SOCIAL SERVICES (ACCOUNT CLERK-TYPIST)**

RELIC, SCHWERD, JOHNSON

RESOLVED, that the following position be and the same is hereby created in the Department of Social Services, effective June 4, 2008:

Account Clerk-Typist, Grade 7, \$21,215 - \$24,950 (\$747),
rate of reimbursement: 50% federal, 37% state, and
13% county funds;

and be it further

RESOLVED, that the funds for this position are included in the 2008 Social Services Administration Budget (6010) at line 1000-A Personal Service; and be it further

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

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

RESOLUTION NO. 210-20080604

**RESOLUTION - ABOLISHING POSITION IN DEPARTMENT
OF SOCIAL SERVICES (DATA ENTRY MACHINE OPERATOR)**

CLARK, SCHWERD

RESOLVED, that the following position in the Department of Social Services is abolished, effective June 4, 2008:

Data Entry Machine Operator, Grade 7

and be it further

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

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

RESOLUTION NO. 211-20080604 (original)

**RESOLUTION - AUTHORIZING PROGRAM INCOME PLAN FOR
SMALL CITIES LOAN PROGRAMS**

RELIC, SCHWERD, JOHNSON

WHEREAS, Otsego County received a 2004 Economic Development Grant for Project Number 868ED504-04 from New York State Small Cities to assist Otsego County Small Businesses; and

WHEREAS, the Governor's Office of Small Cities requires a Program Income Plan for income received in excess of \$25,000; and

WHEREAS, Otsego County expects the three Revolving Loan funds to generate in excess of \$25,000 of income per year; and

WHEREAS, the Otsego County Revolving Loan Program II 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 create jobs and/or expand the county's tax base in conformance to CDBG requirements and Program Guidelines; and

WHEREAS, the Otsego County Revolving Loan Program II Program Income will be used as follows: All principal and interest will be revolved back into the loan fund in order to be available for loans and/or grants to be used for economic development projects that create jobs. No administrative and program delivery costs will be incurred to the program; and

WHEREAS, as a condition of receiving Otsego County Revolving Loan Program II Funds, the borrower must create and/or retain jobs that principally benefit low and moderate-income persons; and

WHEREAS, eligible businesses to receive Otsego County Revolving Loan Program II Funds include industrial, service and non-retail commercial projects that are consistent with the Program Purpose; and

WHEREAS, the Otsego County Loan Program II intends to be involved in projects with a total cost of at least \$62,500, and fund no more than 40% of a project's total cost to a maximum of \$150,000; and

WHEREAS, the Program's goal is not to exceed a ratio of \$20,000 per job created within three years; and

WHEREAS, it is expected that loans will normally be issued at a fixed rate of 4%; and

WHEREAS, loan terms will mirror those stipulated by the private financial lender in the project based on the expectant life of the asset(s) financed with Real Estate Financing

up to 15 years maximum, Machinery & Equipment with a 5-7 year maximum, and a 3-5 year maximum for Working Capital; and

WHEREAS, eligible activities include the purchase of fixed assets and on-fixed assets including, but not limited to the acquisition and/or construction of new facilities, renovations and/or additions to existing facilities, the purchase of capital equipment and working capital; and

WHEREAS, the administrative and clerical assistance for the Otsego County Revolving Loan Program II is provided by the Otsego County Department of Economic Development. The County of Otsego Board of Representatives Administration Standing Committee shall act as the Loan Review Committee to the program. A simple majority vote of the Committee's membership shall constitute approval of the loan application; and

WHEREAS, the borrower will be required to submit annual Employment Compliance Reports to the Otsego County Department of Economic Development to show their progress in meeting employment-hiring goals; and

WHEREAS, the Otsego County Department of Economic Development will be responsible for submitting Semi-Annual Program Income Reports; now, therefore, be it

RESOLVED, that this Board of Representatives hereby approves and authorizes the Program Income Plan for Small Cities Loan Programs as stated above.

Representative Stayton moved to amend the thirteenth WHEREAS paragraph to read as follows:

“WHEREAS, the administrative and clerical assistance for the Otsego County Revolving Loan Program II is provided by the Otsego County Department of Economic Development. The County of Otsego Board of Representatives’ Intergovernmental Affairs and Administration Standing Committees shall act as the Loan Review Committees to the program. A simple majority vote of the full County Board shall constitute approval of the loan application; and”

Seconded, Lindberg. Oral vote on amendment. Total: 6,167; Ayes: 6,167. Motion carried.

RESOLUTION NO. 211-20080604 (amended)

**RESOLUTION - AUTHORIZING PROGRAM INCOME PLAN FOR
SMALL CITIES LOAN PROGRAMS**

RELIC, SCHWERD, JOHNSON

WHEREAS, Otsego County received a 2004 Economic Development Grant for Project Number 868ED504-04 from New York State Small Cities to assist Otsego County Small Businesses; and

WHEREAS, the Governor’s Office of Small Cities requires a Program Income Plan for income received in excess of \$25,000; and

WHEREAS, Otsego County expects the three Revolving Loan funds to generate in excess of \$25,000 of income per year; and

WHEREAS, the Otsego County Revolving Loan Program II 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 create jobs and/or expand the county's tax base in conformance to CDBG requirements and Program Guidelines; and

WHEREAS, the Otsego County Revolving Loan Program II Program Income will be used as follows: All principal and interest will be revolved back into the loan fund in order to be available for loans and/or grants to be used for economic development projects that create jobs. No administrative and program delivery costs will be incurred to the program; and

WHEREAS, as a condition of receiving Otsego County Revolving Loan Program II Funds, the borrower must create and/or retain jobs that principally benefit low and moderate-income persons; and

WHEREAS, eligible businesses to receive Otsego County Revolving Loan Program II Funds include industrial, service and non-retail commercial projects that are consistent with the Program Purpose; and

WHEREAS, the Otsego County Loan Program II intends to be involved in projects with a total cost of at least \$62,500, and fund no more than 40% of a project's total cost to a maximum of \$150,000; and

WHEREAS, the Program's goal is not to exceed a ratio of \$20,000 per job created within three years; and

WHEREAS, it is expected that loans will normally be issued at a fixed rate of 4%; and

WHEREAS, loan terms will mirror those stipulated by the private financial lender in the project based on the expectant life of the asset(s) financed with Real Estate Financing up to 15 years maximum, Machinery & Equipment with a 5-7 year maximum, and a 3-5 year maximum for Working Capital; and

WHEREAS, eligible activities include the purchase of fixed assets and on-fixed assets including, but not limited to the acquisition and/or construction of new facilities, renovations and/or additions to existing facilities, the purchase of capital equipment and working capital; and

WHEREAS, the administrative and clerical assistance for the Otsego County Revolving Loan Program II is provided by the Otsego County Department of Economic Development. The County of Otsego Board of Representatives' Intergovernmental Affairs and Administration Standing Committees shall act as the Loan Review Committees to the program. A simple majority vote of the full County Board shall constitute approval of the loan application; and

WHEREAS, the borrower will be required to submit annual Employment Compliance Reports to the Otsego County Department of Economic Development to show their progress in meeting employment-hiring goals; and

WHEREAS, the Otsego County Department of Economic Development will be responsible for submitting Semi-Annual Program Income Reports; now, therefore, be it

RESOLVED, that this Board of Representatives hereby approves and authorizes the Program Income Plan for Small Cities Loan Programs as stated above.

Roll call on amended resolution. Total: 6,167; Ayes: 6,167. Adopted as amended.

RESOLUTION NO. 212-20080604

RESOLUTION - AUTHORIZING COMMISSIONER OF SOCIAL SERVICES TO PURCHASE STELLANT ENTERPRISE LICENSES

CLARK, SCHWERD

WHEREAS, the Otsego County Department of Social Services is in need of an additional ten (10) Stellant Enterprise Licenses for staff to access the computer imaging system; and

WHEREAS, the purchase of these licenses is professional in character and does not require public bidding; and

RESOLVED, that the Commissioner of Social Services be and is hereby authorized to purchase ten (10) Stellant Enterprise Licenses from AMI Imaging, 158 Gaither Drive, Suite 100, Mount Laurel, New Jersey 08054, at a cost not to exceed \$32,415.40; and be it further

RESOLVED, that the funds for this purchase are included in the Information Technologies (IT) Budget (1680) at line 4835-A, and through the chargeback process the funds will be approximately 80% reimbursable from the Department of Social Services Budget.

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

RESOLUTION NO. 213-20080604

**RESOLUTION - TRANSFERRING FUNDS
IN VARIOUS DEPARTMENTS (2008)**

RELIC, SCHWERD, JOHNSON

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

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

RESOLVED, that the following transfers be and the same are hereby authorized, and the 2008 budget be and it is hereby amended accordingly, pursuant to Section 363 of the County Law:

2008 TRANSFERS				
	DEPARTMENT	ACCOUNT NAME	ACCOUNT CODE	AMOUNT
A - GENERAL FUND				
FROM:	Jail	Appliances	3150-2615-A	-2,691.26
TO:	Jail	Equipment	3150-2000-A	2,691.26
FROM:	OES-Homeland Security	SHS 2005	3642-4807-A	-73,000.00
TO:	OES-Homeland Security	S Homeland Security 2007	3642-4809-A	73,000.00
FROM:	Social Services Admin	Labor	6010-4811-A	-3,740.00
TO:	Social Services Admin	Other	6010-4800-A	3,740.00
FROM:	DSS Records Management	Contracts	6011-4900-A	-5.00
TO:	DSS Records Management	Materials & Supplies	6011-4500-A	5.00
2008 BUDGET MODIFICATIONS				
A - GENERAL FUND				
Increase:	Appropriated Reserves	Reserve for ILS	0000-0511-A	35,000.00
Increase:	Public Defender-ILS Fund	Equipment	1171-2000-A	5,000.00
Increase:	Public Defender-ILS Fund	Training	1171-4050-A	30,000.00
Increase:	Federal Aid-Public Safety	Homeland Security	0000-4310-A	24,353.76
Increase:	OES-Homeland Security	OES Homeland Security SHS 2006	3642-4808-A	24,353.76
Increase:	State Aid-Social Services	Social Services Admin	0000-3610-A	26,074.00
Increase:	Federal Aid-Social Services	Social Services Admin	0000-4610-A	13,500.00
Increase:	Social Services Admin	Materials & Supplies	6010-4500-A	12,574.00
Increase:	Social Services Admin	Equipment Leases	6010-4630-A	12,000.00
Increase:	Social Services Admin	Other	6010-4800-A	15,000.00
Increase:	Appropriated Reserves	Reserve for Occupancy Tax	0000-0511-A	7,500.00
Increase:	Soil & Water Conservation	Canadarago Lake Project	8730-4700-A	7,500.00
Increase:	Appropriated Reserves	Reserve for Occupancy Tax	0000-0511-A	100,000.00
Increase:	Cooperstown Tourism Promotion	Other	6420-4800-A	100,000.00

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

RESOLUTION NO. 214-20080604

**RESOLUTION – AUTHORIZING THE CHAIRMAN OF THE BOARD
TO SIGN GRANT AGREEMENT WITH THE NEW YORK STATE OFFICE
FOR SMALL CITIES REGARDING HOUSING STUDY**

JOHNSON, SCHWERD, MCCARTY, ROTHENBERGER

WHEREAS, the New York State Office for Small Cities has approved funding to Otsego County of \$25,000.00 to conduct a housing needs study and plan; and

WHEREAS, the funding application was submitted by the County in December 2007, as authorized by the Intergovernmental Affairs Committee of this Board, and a \$20,000.00 local cash match has been placed in the 2008 Planning Department Budget; now, therefore, be it

RESOLVED, that the Chairman of this Board be and hereby is authorized to execute a grant agreement with the New York State Office for Small Cities, to receive grant funds in the amount of \$25,000.00 to undertake a housing needs study and plan, which grant agreement shall require a \$20,000.00 local cash match from the County; and be it further

RESOLVED, that said grant agreement 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 Chairman of this Board is further authorized to execute any additional documents that may be necessary to implement other necessary steps to advance this housing study project.

Seconded, Clark. Roll call vote. Total: 6,167; Ayes: 5,151; Noes: 1,016 – Fournier, Johnson. Adopted.

RESOLUTION NO. 215-20080604

**RESOLUTION - AUTHORIZING CHAIRMAN TO EXECUTE AMENDED
CONTRACT WITH BIRNIE BUS COMPANY FOR PAYMENT
OF EXCESS STOA FUNDS**

JOHNSON, SCHWERD, MCCARTY, ROTHENBERGER

WHEREAS, a contract exists between the County of Otsego and the Birnie Bus Company for a fixed route and Medicaid transportation service beginning on November 1, 2007, for a term of five (5) years and two (2) months, as authorized by Resolution No. 292-2007; and

WHEREAS, it is in the best interests of the County to amend said contract and allow the payment by the County of \$40,500.00 in excess State Transit Operating Assistance (STOA) funds to the Birnie Bus Company for the use of buses owned by the Birnie Bus Company during the interim period from now and until the state-approved new buses are

delivered to the County later this year; now, therefore, be it

RESOLVED, that the Chairman of the Board be and hereby is authorized to execute an amended contract with the Birnie Bus Company, amending the existing contract, to allow the County's payment to the Birnie Bus Company of \$40,500.00 in excess STOA funds, for the use of buses owned by Birnie Bus Company during the interim period from now and until the State-approved new buses are delivered to the County later this year; and be it further

RESOLVED, that the amended contract shall contain such terms and provisions that are necessary to effectuate the payment of these excess STOA funds to the Birnie Bus Company in an efficient manner.

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

**LOCAL LAW OF 2008
COUNTY OF OTSEGO, NEW YORK**

**A LOCAL LAW AMENDING LOCAL LAW NO. 4 OF 2007 - IMPOSING A
TAX ON THE OCCUPANCY OF CERTAIN HOTEL, MOTEL AND
SIMILAR ROOMS IN OTSEGO COUNTY**

BE IT ENACTED by the Legislature of the County of Otsego as follows:

Section 1. Short Title

This local law shall be known as the Otsego County Hotel/Motel and Similar Room Occupancy Tax Law.

Section 2. Intent

The intent of this local law shall be to promote and develop tourism within the County of Otsego.

Section 3. Text

1. Definitions.
2. Imposition of Tax.
3. Transitional Provisions.
4. Exempt Organizations.
5. Territorial Limitations.
6. Registration.
7. Administration and Collection.

8. Records to be Kept.
9. Returns.
10. Payment of Tax.
11. Determination of Tax.
12. Disposition of Revenues.
13. Refund, Revision or Credits.
14. Remedies Exclusive.
15. Proceedings to Recover Tax.
16. General Powers of the County Administrator.
17. Administration of Oaths and Compelling Testimony.
18. Reference to Tax.
19. Penalties and Interest.
20. Returns to be Secret.
21. Notices and Limitations of Time.
22. Separability.

1. Definitions.

(a) County Administrator. The Treasurer of Otsego County or other persons designated by the Board of Representatives.

(b) Hotel or Motel. The term "hotel" or "motel" includes a building, or portion thereof, which is regularly used and kept open as such for the lodging of guests and includes an apartment hotel, motel, guest house, or facility known as a bed and breakfast, tourist facility, whether or not meals are served.

(c) Occupancy. The use or possession, or the right to the use or possession of any room in a hotel or motel.

(d) Occupant. A person who, for a consideration, uses, possesses, or has the right to use or possess any room in a hotel or motel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.

(e) Operator. Any person operating a hotel or motel in Otsego County, including but not limited to the owner or proprietor of such premises, lessee, sublessee, mortgage in possession, licensee, or any other person otherwise operating such hotel or motel.

(f) Permanent Resident. Any occupant of any room or rooms in a hotel or motel for at least thirty (30) consecutive days shall be considered a permanent resident with regard to the period of occupancy.

(g) Person. An individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.

(h) Rent. The consideration received for occupancy valued in money, whether received in money or otherwise.

(i) Return. Any return filed or required to be filed as herein provided.

(j) Room. Any room or rooms, being a partitioned part of the inside of a building, of any kind in any part or portion of a hotel or motel, which is available for or let out for any purpose other than a place of assembly.

2. Imposition of Tax.

On or after the 1st day of March, 1990, there is hereby imposed and there shall be paid a tax of four (4) percent of the rent for every occupancy of a room or rooms in a hotel or motel in this county except that the tax shall not be imposed upon a permanent resident of the hotel or motel.

3. Transitional Provisions.

The tax imposed by this local law shall be paid upon any occupancy on or after the 1st day of March, 1990, although such occupancy is pursuant to a prior contract, lease, or other arrangement. Where rent is paid or payable on a weekly, monthly, or other term, the rent shall be subject to the tax imposed by this local law to the extent that it covers any period on and after the 1st day of March, 1990.

4. Exempt Organizations.

a. This local law shall not authorize the imposition of such tax upon any transactions by or with any of the following in accordance with Section 1230 of the Tax Law:

(1) the State of New York or any of its agencies, instrumentalities, public corporations (including a public corporation created pursuant to agreement or compact with another state or Canada), improvement districts or political subdivisions of the State;

(2) the United States of America or any of its agencies and instrumentalities, insofar as it is immune from taxation;

(3) any corporation, association, trust, community chest, fund, or foundation organized and operated exclusively for religious, charitable or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the

activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this subdivision shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this subdivision.

b. Where any organization described in paragraph (3) of subdivision a of this subsection carries on its activities in the furtherance of the purposes for which it was organized, in premises in which, as part of said activities, it operates a hotel or motel, occupancy of rooms in the premises and rents therefrom received by such corporation or association shall not be subject to tax hereunder.

c. The hotel or motel operator shall submit such written proof as may be required to show that the use or occupancy falls within the aforescribed exempt categories. In the absence of such documentation, the tax must be collected by the operator.

5. Territorial Limitations.

The tax imposed by this local law shall apply only to occupancies within the territorial limits of the County of Otsego.

6. Registration.

On or before March 1, 1990, the effective date of this local law, or in the case of operators commencing hotel or motel business in Otsego County after such effective date, within three days after such commencement, every operator shall file with the County Administrator's office a certificate of registration in a form prescribed by the County Administrator. Within five days after such registration, the County Administrator shall issue without charge to each operator a certificate of authority empowering such operator to collect the tax from the occupant and duplicate thereof for each additional hotel or motel of such operator. Each certificate or duplicate shall state the hotel or motel to which it is applicable. Such certificates of authority shall be prominently displayed by the operator in a manner that it may be seen and come to the notice of all occupants and persons seeking occupancy in the hotel or motel to which it applies. Such certificates shall be nonassignable and nontransferable, and shall be surrendered immediately to the County Administrator upon the cessation of business at the hotel or motel named or upon its sale or transfer.

7. Administration and Collection.

a. The tax imposed by this local law shall be administered and collected by the Otsego County Administrator, or other fiscal officers of the County as he may designate by such means and in such manner as are other taxes which are now administered and collected by such officers in accordance with the County Charter and Code, or as otherwise provided by this local law.

b. The tax to be collected shall be stated and charged separately from the rent and show separately on any record thereof at the time when the occupancy is arranged or contracted or contracted and charged for, and upon every evidence of occupancy or any bill, statement, or charge made for said occupancy issued or delivered by the operator. The tax shall be paid by the occupant to the operator as trustee for and on account of the

County, and the operator shall be liable for the tax and collection of the same. The operator and any officer of any corporate operator shall be personally liable for the tax collected or required to be collected under this local law. The operator shall have the same right in respect to collecting the tax from the occupant, or in respect to nonpayment of the tax by the occupant, as if the tax were a part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights of eviction, dispossession, repossession, and enforcement of any innkeeper's lien that he may have in the event of nonpayment of rent by the occupant; provided, however, that the County Administrator or other fiscal officer(s), employees or agent duly designated by him shall be joined as a party in any action or proceeding brought by the operator to collect or enforce collection of the tax.

c. The County Administrator may, wherever he deems it necessary for the proper enforcement of this local law, provide by regulation that the occupant shall file returns and pay directly to the County Administrator the tax herein imposed, at such times as returns are required to be filed and payment made by the operator.

d. The tax imposed by this local law shall be paid upon any occupancy on and after the 1st day of March, 1990, although such occupancy is had pursuant to a contract, lease, or other arrangement made prior to such date. Where rent is paid, charged, billed or falls due on either a weekly, monthly, or other term basis, the rent so paid, charged, billed, or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period on and after the 1st day of March, 1990. Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the County Administrator may, by regulation, provide for the credit and/or refund of the amount of such tax upon application therefor as provided in Section 13 of this local law.

e. For the purpose of the proper administration of this local law, and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established. The burden of proving that a rent for occupancy is not taxable hereunder shall be upon the operator, except that, whereby regulation pursuant to subdivision 7(c) of this section, an occupant is required to file returns and pay directly to the County Administrator the tax herein imposed, the burden of proving that a rent for occupancy is not taxable shall be upon the occupant. Where an occupant claims exemption from the tax under the provisions of subdivision 4 of this section, the rent shall be deemed taxable hereunder unless the operator shall receive from the occupant claiming such exemption a certificate duly executed by an exempt corporation or association certifying that the occupant is its agent, representative, or employee, together with a certificate executed by the occupant that his occupancy is paid or to be paid by such exempt corporation or association, and is necessary or required in the course of or in connection with the occupant's duties as a representative of such corporation or association. Where deemed necessary by the operator, he may further require that any occupant claiming exemption from the tax furnish a copy of a certificate issued by the County Administrator certifying that the corporation or association therein named is exempt from the tax under subdivision 4 of this section.

8. Records to be Kept.

Every operator shall keep records of every occupancy, of all rent paid, charged, or due, and of the tax payable thereon, in such form as the County Administrator may require by regulation. Such records shall be available for inspection and examination at any time

upon demand by the County Administrator or his duly authorized employee or agent, and shall be preserved for a period of three years, except that the County Administrator may consent to their destruction within that period or may require that they be kept longer.

9. Returns.

a. Every operator shall file with the County Administrator a return of occupancy, of rents, and of taxes payable thereon for the periods ending February 28, May 31, August 31, and November 30 of each year, on and after March 1, 1990. Such returns shall be filed within 20 days from the expiration of the period covered thereby. The County Administrator may permit or require returns to be made by other periods and upon such dates as he may specify.. If the County Administrator deems it necessary in order to ensure the payment of the tax imposed by this local law, he may require returns to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as he may specify.

b. The form of returns shall be prescribed by the County Administrator and shall contain such information as he may deem necessary for the proper administration of this local law. The County Administrator may require amended returns to be filed within 20 days after notice and to contain the information specified in the notice.

c. If a return required by this local law is not filed, or a return when filed is incorrect or insufficient on its face, the County Administrator shall take the necessary steps to enforce the filing of such a return or of a corrected return.

10. Payment of Tax.

At the time of filing a return of occupancy and of rents, each operator shall pay to the County Administrator the taxes imposed by this local law upon rents required to be included in such return, as well as all other monies collected by the operator acting or purporting to act under the provisions of this local law. Where the County Administrator deems it necessary to protect revenues to be obtained under this local law, he may require any operator required to collect the tax imposed by this local law to file with him a bond, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as the County Administrator may fix to secure the payment of any tax and/or penalties and interest due or which may become due from such operator. In the event that the County Administrator determines that an operator is to file such a bond, he shall give notice to the operator to that effect, specifying the amount of the bond required. The operator shall file the bond within five days after the giving of notice unless within those five days the operator requests in writing a hearing before the County Administrator, at which the necessity, propriety, and amount of the bond shall be determined by the County Administrator. This determination shall be final and shall be complied with within 15 days after the giving of notice thereof. In lieu of a bond, securities approved by the County Administrator or cash in the amount he may prescribe may be deposited into the custody of the County Administrator, who may at any time, without notice to the depositor, apply them to any tax and/or interest or penalties due, and for that purpose the securities may be sold by him at public or private sale without notice to the depositor thereof.

11. Determination of Tax.

If a return required by this local law is not filed, or if a return when filed is incorrect or insufficient, the amount of tax due shall be determined by the County Administrator from obtainable information. If necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors. Notice of such determination shall be given to the person liable for the collection and/or payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within 30 days after giving notice of such determination, applies to the County Administrator for a hearing, or unless the County Administrator redetermines the same on his own motion. After such a hearing, the County Administrator shall give notice of his determination to the person against whom the tax is assessed. The determination of the County Administrator shall be reviewable for error, illegality, unconstitutionality, or any other reason whatsoever by proceeding under Article 78 of the Civil Practice Law and Rules if application therefor is made to the Supreme Court within 30 days after the filing of the notice of such determination. A proceeding under Article 78 of the Civil Practice Law and Rules shall not be instituted unless the amount of any tax sought to be reviewed with penalties and interest thereon, if any, is first deposited with the County Administrator and an undertaking is filed with the County Administrator, issued by a surety company authorized to transact business in this state, approved by the superintendent of insurance of this state as to solvency and responsibility, in an amount approved by a Supreme Court Justice, to the effect that if the proceeding is dismissed or the tax confirmed, the petitioner will pay all charges and costs which may accrue in the prosecution of the proceeding, or, at the option of the applicant, such undertaking filed with the County Administrator may be in a sum sufficient to cover the taxes, penalties, and interest thereon stated in such determination plus the costs and charges which may accrue against it in the prosecution of the proceeding. In that event, the applicant will not be required to deposit such taxes, penalties, and interest as a condition precedent to the application.

12. Disposition of Revenues.

All revenues resulting from the imposition of the tax under this local law shall be paid into the treasury of the County, credited to and deposited into the General Fund of the County, and thereafter, the actual costs for collection and handling, shall be retained by the County as verified by the County Administrator. The net revenues received after deduction of costs of collection and administration, shall be allocated as follows:

1. The net collections therefrom shall thereafter be allocated by the board of representatives of Otsego County in an amount not less than two hundred thousand dollars for the promotion, planning and development of tourism in Otsego County and the remaining net collections therefrom may be allocated by the board of representatives of Otsego County for any county purpose.

The County Legislature shall be authorized to retain and remit to the general fund up to a maximum of ten percent (10%) of such revenue to defer the necessary expenses of the County in administering such tax.

13. Refund, Revision or Credits.

- a. In the manner provided in this section, the County Administrator shall refund or credit, without interest, any tax, penalty, or interest erroneously, illegally, or

unconstitutionally collected or paid if application to the County Administrator for such refund is made within one year from the payment thereof. Whenever a refund is made by the County Administrator, he shall state his reason therefor in writing. Such application may be made by the occupant, operator, or other person who has actually paid the tax. Such application may also be made by an operator who has collected and paid over such tax to the County Administrator, provided that the application is made within one year of the payment by the occupant to the operator. However, no actual refund of monies shall be made to such operator until he first establishes to the satisfaction of the County Administrator under such regulations as the County Administrator by authority of the Board of Representatives may prescribe, that he has repaid to the occupant the amount for which the application for refund is made. In lieu of any refund required to be made, the County Administrator may allow credit therefor on payments due from the applicant.

b. An application for a refund or credit made as herein provided shall be deemed an application for a revision of any tax, penalty, or interest complained of and the County Administrator may receive evidence with respect thereto. After making his determination, the County Administrator shall give notice thereof to the applicant, who shall be entitled to review said determination by a proceeding pursuant to Article 78 of the C.P.L.R., provided the proceeding is instituted within 30 days after the giving of the notice of determination and provided a final determination of tax due was not previously made. Such a proceeding shall not be instituted unless an undertaking is filed with the County Administrator in an amount and with sureties approved by a Justice of the Supreme Court to the effect that if such proceedings are dismissed or the tax confirmed, the petitioner will pay all costs and charges that may accrue in the prosecution of said proceeding.

c. A person shall not be entitled under this section to a revision, refund, or credit of a tax, interest, or penalty that had been determined to be due pursuant to the provisions of Section 13 of this local law where said person has had a hearing or an opportunity for a hearing as provided in this section, or who has failed to avail himself of the remedies provided therein. No refund or credit of a tax, interest, or penalty paid after a determination by the County Administrator pursuant to Section 11 of this local law shall be paid unless it is found that the determination was erroneous, illegal, unconstitutional, or otherwise improper by the County Administrator after a hearing or of his own motion, or in a proceeding under Article 78 of the C.P.L.R. pursuant to the provisions of said section. In that event, refund or credit without interest shall be made of the tax, interest, or penalty found to have been overpaid.

14. Remedies Exclusive.

The remedies provided by Sections 11 and 13 of this local law shall be exclusive remedies available to any person for the review of tax liability imposed by this local law. No determination, proposed determination of tax, nor determination on any application for refund shall be enjoined or reviewed except as hereinafter provided, by an action for declaratory judgment, an action for money had and received, or by any action or proceeding other than a proceeding in the nature of a certiorari proceeding under Article 78 of the C.P.L.R. A taxpayer may, however, proceed by declaratory judgment if he/she institutes suit within 30 days after a deficiency assessment is made and pays the amount of the deficiency assessment to the County Administrator prior to the institution of such suit and posts a bond for costs as provided in Section 11 of this local law.

15. Proceedings to Recover Tax.

a. Whenever any operator, any officer of a corporate operator, any occupant, or other person fails to collect and pay over any tax and/or penalty or interest as imposed by this local law, the County Attorney shall, at the request of the County Administrator, bring or cause to be brought an action to enforce the payment of same on behalf of the County in any court of the State of New York or of any other state or of the United States. If, however, the County Administrator in his discretion believes that any such operator, officer, occupant, or other person is about to cease business, leave the state, or remove or dissipate the assets out of which the tax or penalties might be satisfied, and that any such tax or penalty will not be paid when due, he may declare such tax or penalty to be immediately due and payable, and may issue a warrant immediately.

b. As an additional or alternate remedy, the County Administrator may issue a warrant, directed to the Sheriff, commanding him to levy upon and sell the real and personal property of the operator, officer of a corporate operator, or other person liable for the tax, which may be found within the County for the payment of the amount thereof, with any penalties and interest, and the cost of executing the warrant, and to return such warrant to the County Administrator and to pay to him the money collected by virtue thereof within 60 days after the receipt of said warrant. Within five days after the receipt of the warrant, the Sheriff shall file a copy of same with the County Clerk. Thereupon the Clerk shall enter in the judgment docket the name of the person stated in the warrant, the amount of the tax, penalties, and interest for which the warrant is issued, and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon the interest in real and personal property of the person against whom the warrant is issued. The Sheriff shall then proceed upon the warrant in the same manner and with like effect as that provided by law in respect to executions issued against property upon judgments of a court of record. For services in executing the warrant he shall be entitled to the same fees, which he may collect in the same manner. In the discretion of the County Administrator, a warrant of like terms, force, and effect may be issued and directed to any officer or employee of the County Administrator. In the execution thereof, such officer or employee shall have all the powers conferred by law upon sheriffs, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not fully satisfied, the County Administrator may, from time to time, issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the County has recovered judgment therefor and execution thereon has been returned unsatisfied.

c. Whenever an operator makes a sale, transfer, or assignment of any part of the whole of his hotel or motel, or his lease, license, or other agreement or right to possess or operate such hotel or motel, or the equipment, furnishings, fixtures, supplies, or stock of merchandise, or the said premises or lease, license or other agreement or right to possess or operate such hotel or motel and equipment, furnishings, fixtures, supplies and stock of merchandise pertaining to the conduct or operation of said hotel or motel, other than in the ordinary and regular prosecution of business, the purchaser, transferee or assignee shall, at least ten days before taking possession of the subject of said sale, transfer, or assignment, or before receiving payment, notify the County Administrator by registered mail of the proposed sale and the price, terms, and conditions thereof whether or not the seller, transferrer or assignor has represented to or informed the purchaser, transferee, or assignee that it owes any tax pursuant to this local law, whether or not the purchaser, transferee, or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing.

d. Whenever the seller, transferor, or assignor fails to give notice to the County Administrator as required above, or whenever the County Administrator informs the purchaser, transferee, or assignee that a possible claim for such tax(es) exists, any sums of money, property, choses in action, or other consideration which the purchaser, transferee or assignee is required to transfer over to the seller, transferor, or assignor shall be subject to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the seller, transferor, or assignor to the County. The purchaser, transferee, or assignee is then forbidden to transfer to the seller, transferor, or assignor any such sums of money, property, or choses in action to the extent of the amount of the County's claim. For failure to comply with the provisions of this subdivision, the purchaser, transferee, or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of Article 6 of the Uniform Commercial Code, shall, as well as the seller, transferor, or assignor, be personally liable for the payment to the County of any such taxes theretofore or thereafter determined to be due to the County from the seller, transferor, or assignor. Such liability may be assessed and enforced in the same manner as the liability for tax under this local law.

16. General Powers of the County Administrator.

a. In addition to the powers granted to him in this local law, the County Administrator is, subject to the approval of the Otsego County Board of Representatives, hereby authorized and empowered to:

- (1) make, adopt, and amend rules and regulations appropriate to the carrying out of this local law and the purposes thereof;
- (2) extend for cause shown, the time of filing any return for a period not exceeding thirty (30) days; and for cause shown, to remit penalties but not interest; and to compromise disputed claims in connection with the taxes hereby imposed;
- (3) request information from the Tax Commission of the State of New York or the Treasury Department of the United States relative to any person; and to afford information to such Tax Commission or Treasury Department relative to any person, notwithstanding any other provision of this local law to the contrary;
- (4) delegate his functions hereunder to a Deputy County Administrator or any employee(s) of County Administration;
- (5) prescribe methods for confirming the rents for occupancy and to confirm the accuracy of information on the taxable and nontaxable rents;
- (6) require any operator within the County, if it is determined that adequate records are not being maintained, to keep detailed records of the nature and type of hotel maintained; nature and type of service rendered; number of rooms available and occupied; daily leases, occupancy contracts or arrangements; rents received, charged, and accrued; the names and addresses of the occupants; whether or not any occupancy is

claimed to be subject to the tax imposed by this local law; and to furnish such information at the request of the County Administrator;

(7) assess, determine, revise and readjust the taxes imposed under this local law.

17. Administration of Oaths and Compelling Testimony.

a. The County Administrator or his employee(s) or agent(s) duly designated and authorized by him shall have the power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this local law. The County Administrator shall have power to subpoena and require the attendance of witnesses and the production of books, papers, and documents to secure information pertinent to the performance of his duties hereunder, in the enforcement of this local law, and to examine them in relation thereto. The County Administrator shall also have the power to issue commissions for the examination of witnesses who are out of the state, unable to attend before him, or who are excused from attendance.

b. A Supreme Court Justice, either in court or in chambers, shall have the power to summarily enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers, and documents called for by the subpoena of the County Administrator under this local law.

c. Any subpoenaed person who refuses to testify or produce books or records, or who testifies falsely in any material matter pending before the County Administrator under this local law shall be guilty of a misdemeanor, punishment for which shall be a fine of not more than \$1,000 or imprisonment for not more than one (1) year, or both such fine and imprisonment.

d. The officers who serve the summons or subpoena of the County Administrator and witness attending in response thereto shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as herein provided otherwise. Such officers shall be the County Sheriff and his duly appointed deputies, or any officers or employees of the County Administrator's office designated by him to serve such process.

18. Reference to Tax.

Whenever reference is made to this tax in placards or advertisements or in any other publications, such reference shall be substantially in the following form: "Tax on occupancy of hotel or motel rooms" or "occ. tax," except that in any bill, receipt, statement, or other evidence or memorandum of occupancy or rent charge issued or employed by the operator, the word "tax" will suffice.

19. Penalties and Interest.

a. Any person failing to file a return or to pay over any tax to the County Administrator within the time required by this local law shall be subject to a penalty of ten (10) percent of the amount of tax due, plus interest at the rate of one (1) percent of such tax for each month of delay, except the first month after such return was required to be filed or such tax become due. Such penalties and interest shall be paid and disposed of in the

same manner as other revenues from this local law.

b. The following persons shall, in addition to the penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishment for which shall be a fine of not more than \$1,000 or imprisonment not exceeding one (1) year, or both:

(1) any operator, occupant, or any officer of a corporate operator or occupant failing to file a return required by this local law, or filing or causing to be filed, making or causing to be made, giving or causing to be given any return, certificate, affidavit, representation, information, testimony or statement authorized or required by this local law, which is willfully false;

(2) any operator or officer of a corporate operator willfully failing to file a bond required to be filed pursuant to Section 11 of this local law, failing to file a registration certificate and such data in connection therewith as the County Administrator may require, failing to display or surrender the certificate of authority as required by this local law, or assigning or transferring such certificate of authority;

(3) any operator or officer of a corporate operator willfully failing to charge separately from the rent the tax herein imposed, willfully failing to state such tax separately on any evidence of occupancy and on any bill, statement or receipt of rent issued or employed by the operator, or willfully failing or refusing to collect such tax from the occupant;

(4) any operator or officer of a corporate operator who refers or causes reference to be made to this tax in a form or manner other than that required by this local law; and

(5) any operator failing to keep records required by subdivision 8 of Section 2 of this local law.

c. Any operator or officer of a corporate operator who fails to file a certificate of registration as provided under this local law shall be subject to a penalty of \$1,000 for each month of delinquency in filing such certificate. Officers of a corporate operator shall be personally liable for the tax collected or required to be collected by such corporation under this local law, and subject to the penalties hereinabove imposed.

d. The certificate of the County Administrator to the effect that a tax has not been paid, that a return, bond, or registration certificate has not been filed, or that information has not been supplied pursuant to the provisions of this local law, shall be presumptive evidence thereof.

20. Returns to be Secret.

a. Except in accordance with the proper judicial order, or as otherwise provided by law, it shall be unlawful for the County Administrator or any officer or employee of the County Administrator's Office to disclose in any manner the rents or other information relating to the business of a taxpayer contained in any return required under this local law, except to such persons and at such times as necessary to carry out this local law. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the County Administrator in an action or proceeding under the provisions of this local law, or on behalf of any party to any action or proceeding under the

provisions of this local law when the returns or facts shown thereby are directly involved in such action or proceeding. In any of these events, the Court may require the production of and may admit into evidence as much of said returns or the facts shown thereby as are pertinent to the action or proceeding, and no more. Nothing herein shall be construed to prohibit the delivery to the taxpayer or his duly authorized representative of a certified copy of any return filed in connection with his/her tax nor to prohibit the publication of statistics classified so as to prevent the identification of particular returns and the items thereof. In addition, nothing herein shall be construed to prohibit the inspection by the County Attorney or other legal representatives of the County of the return of the taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty. Returns shall be preserved for three years and thereafter until the County Administrator permits them to be destroyed.

b. Any violation of subdivision a of this section shall be punishable by a fine not exceeding \$1,000 or by imprisonment not exceeding twelve (12) years, or both, in the discretion of the Court. If the offender is an officer or employee of the County, (s)he shall be dismissed from office and be incapable of holding any public office for a period of five years thereafter.

21. Notices and Limitations of Time

a. Any notice authorized or required under the provisions of this local law may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by him pursuant to the provisions of this local law, or in any application made by him. If no return has been filed nor application made, then notice may be given by mailing same to such address as may be obtainable. Mailing of such notice shall be presumptive evidence of the receipt of same by the person to whom it is addressed. Any period of time which is determined according to the provisions of this local law by the giving of notice shall commence to run from the date of mailing of such notice.

b. The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any action or proceeding taken by the County to levy, appraise, assess, determine, or enforce the collection of any tax or penalty provided by this local law. However, except in the case of a willfully false or fraudulent return with the intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of filing of a return; provided, however, that where no return has been filed as provided by law, the tax may be assessed and collected at any time.

c. Where a taxpayer has consented in writing, before the expiration of the period prescribed herein for the assessment of an additional tax, that such period be extended, the amount of such additional tax due may be determined at any time within the extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

22. Separability.

If any provision of this local law, or the application thereof to any person or circumstances, is held to be invalid, the remainder of this local law and the application of its

provisions to other persons or circumstances shall not be affected thereby.

Section 4. Effective Date.

This local law shall take effect upon formal adoption by this Board. A copy of this local law shall be filed in the Office of the Secretary of State as provided by the Municipal Home Rule Law. Any changes which would affect the rate of tax or the use of revenues during that time shall render the total tax null and void.

This Local Law is offered by the Administration Committee. Seconded, Lindberg. Local Law laid over under the Rules. {The vote for this Local Law lost at the June 18, 2008 and July 2, 2008 County Board meetings.}

Representative Lindberg moved to suspend the rules and act upon late Resolution Nos. 216 - 218. Seconded, Johnson. Oral vote. Total: 6,167; Ayes: 6,167. Motion carried.

RESOLUTION NO. 216-20080604

RESOLUTION - AMENDING RESOLUTION NO. 146-2008 - AMENDING EFFECTIVE DATE FOR POSITION OF CLEANER IN BUILDING SERVICES DEPARTMENT

RELIC, SCHWERD, JOHNSON

WHEREAS, Resolution No. 146-2008 created a full-time Cleaner in the Building Services Department, Grade 5*, at a salary range of \$19,881 to \$23,356 (increment \$695; shift differential \$410), effective June 30, 2008; and

WHEREAS, the person in this position will start June 16, 2008; and

WHEREAS, the resolution must be amended to reflect an effective date of June 16, 2008 for this position; now, therefore, be it

RESOLVED, that Resolution No. 146-2008 is hereby amended, and the effective date for the full-time Cleaner, Grade 5*, in the Building Services Department, is amended from June 30, 2008 to June 16, 2008; 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, Dubben. Roll call vote. Total: 6,167; Ayes: 6,167. Adopted.

RESOLUTION NO. 217-20080604

RESOLUTION – APPOINTING MEMBER TO COUNTY OF OTSEGO INDUSTRIAL DEVELOPMENT AGENCY

JOHNSON, SCHWERD, MCCARTY, ROTHENBERGER

WHEREAS, the County of Otsego Industrial Development Agency currently has a vacancy on its Board; now, therefore, be it

RESOLVED, that the Otsego County Board of Representatives hereby appoints the following member to the County of Otsego Industrial Development Agency:

JAMES M. JORDAN
James Jordan Associates
68 Main Street
PO Box 111
Richfield Springs, New York 13439
(Replacing Richard Hanna)

Seconded, Lindberg. Oral vote. Total: 6,167; Ayes: 5,882; Noes: 285 – Stayton.
Adopted.

RESOLUTION NO. 218-20080604

**RESOLUTION - AUTHORIZING CHAIRMAN OF THE BOARD TO
APPROVE CHANGE ORDER FOR THE CONVERSION OF THE
ANNEX BUILDING TO COURT FACILITIES**

DUBBEN, RELIC, MURPHY

WHEREAS, this Board has heretofore authorized the conversion of the County-owned Annex Building to New York State Unified Court System specifications for new Court Facilities; and

WHEREAS, a change order for work on the front entry of the Court Annex Building, as set forth below, has been requested; and

WHEREAS, this change order has been presented to the Public Works Committee, which has approved this request; now, therefore, be it

RESOLVED, that the Chairman of the Board be and hereby is authorized to approve the following change order, subject to the receipt of a supporting recommendation from the architect and project manager for this project:

CHANGE ORDER: Replacement of sidewalks, driveway, curbing
and drainage and construction of a covered
entry to the Court Annex Building

CONTRACTOR: ConMas, Incorporated

AMOUNT: Not to Exceed \$66,700.00

and be it further

RESOLVED, that the funding for this change order is included in the 2008 Annex Building Budget (1626) at line 4905-A Annex Renovations; the cost to be reimbursed by the State for this change order will be approximately \$16,700.00 with approximately \$50,000 payable by the County.

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

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

The County Board reconvened.

All the general business of the Board having been transacted, the Chairman declared the meeting recessed until Wednesday, June 18, 2008 at 7:30 p.m. for a public hearing on a Local Law regarding occupancy tax and the Board meeting to follow.