

**REGULAR SESSION  
SECOND DAY**

**Wednesday, June 20, 2007**

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

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

The following communications were read and ordered filed:

Donald L. Lindberg, Board Chairman - Letter appointing Jared Colton, Fred Sestito, Joseph Redmond, Robert Barnes, Thomas Kelly and Todd Foreman to serve on the Otsego County Communications Steering Committee.

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

Representative Stayton moved to dispense with the reading of all the resolutions. Seconded, Iversen. Total: 6,167; Ayes: 5,668; Absent: 499 - Henderson. Motion carried.

**RESOLUTION NO. 182-2007**

**RESOLUTION - RESCINDING RESOLUTION NO. 205 OF 1998 -  
REVERSING ABANDONMENT OF LOWER TODDSVILLE BRIDGE  
LOCATED IN THE TOWNS OF OTSEGO AND HARTWICK**

**MCCARTY, HENDERSON, HODNE**

WHEREAS, a Bridge exists in the County of Otsego called the Lower Toddsville Bridge, BIN 2227960, connecting Otsego County Route 26 and Greenough Road, over Oaks Creek, located in the Towns of Otsego and Hartwick; and

WHEREAS, the Bridge, a wrought iron High Pratt Truss, was constructed by the Wrought Iron Bridge Company of Canton, Ohio in the late 1870s or early 1880s; and

WHEREAS, over the years, the Bridge has deteriorated and remains in need of repair; and

WHEREAS, the Town Board of the Town of Hartwick, by Resolution adopted on January 12, 1998, and the Town Board of the Town of Otsego, by Resolution adopted on December 29, 1997, abandoned their respective title and interest to the Lower Toddsville Bridge; and

WHEREAS, the County of Otsego, by Resolution No. 205, adopted on July 1, 1998, authorized the abandonment of the subject bridge pursuant to the provisions of Section 231, Subdivision 11 of the Highway Law; and

WHEREAS, since that time, the bridge has remained abandoned, barricaded and no longer used for passage, and its dismantling and removal by the County is imminent; and

WHEREAS, recently, concerned County residents have expressed a desire to save the bridge from destruction and restore it for recreational use for walking, biking, fishing, cross country skiing and other non-motorized recreational activities; and

WHEREAS, in order to restore the bridge to a recreational walkway, the Towns of Otsego and Hartwick rescinded their Resolutions of Abandonment by further Resolutions on June 11, 2007 (Town of Hartwick) and on June 13, 2007 (Town of Otsego); and

WHEREAS, the County of Otsego has agreed to rescind Resolution No. 205 of 1998, which Resolution authorized the abandonment of the Lower Toddsville Bridge as set forth above; now, therefore, be it

RESOLVED, the Resolution No. 205 of 1998 is hereby rescinded, reversing the abandonment of the Lower Toddsville Bridge; and be it further

RESOLVED, that the Chairman of this Board is authorized to sign any and all documents necessary to transfer title of the Lower Toddsville Bridge to the Towns of Otsego and Hartwick, with the intent that the Towns will thereafter convey title of the Bridge to the Hartwick Historical Association, which is willing to take ownership and responsibility of said Bridge so as to preserve the historic structure and allow for its use as an integral portion of an intended recreational walkway.

Seconded, Fournier. Roll call. Total: 6,167; Ayes: 5,672; Noes: 495 - Powers. Adopted.

### **RESOLUTION NO. 183-2007**

#### **RESOLUTION - DECLARATION OF LEAD AGENCY FOR BROOKER HOLLOW BRIDGE REHABILITATION PROJECT**

#### **MCCARTY, HENDERSON, HODNE**

WHEREAS, Brooker Hollow Bridge, BIN 2228320, located in the Town of Worcester, connects two portions of Alvord Road, over Canadian-Pacific Railway tracks; and

WHEREAS, the bridge was found to be deficient and was closed temporarily and then reopened after temporary repairs were made; and

WHEREAS, a \$600,000 state grant has been awarded through the efforts of Senator James Seward, to completely rehabilitate the structure, which, when combined with Canadian-Pacific Railway funding, will result in a completely rebuilt bridge connecting a town road that will provide access for area residents for years to come; and

WHEREAS, the state funding source requires a municipal sponsor for the passing through of funding; now, therefore, be it

RESOLVED, that effective immediately, the County of Otsego is declared the Lead Agency in the Brooker Hollow Bridge Rehabilitation Project for the purpose of passing

through of state funding; and be it further

RESOLVED, that the Chairman of the Board is authorized to sign any agreements or other documents that may be necessary under this project; and be it further

RESOLVED, that there will be no cost to the County for this project.

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

### **RESOLUTION NO. 184-2007**

#### **RESOLUTION - AMENDING RESOLUTION NO. 41-2007 - ADJUSTING 2007 COUNTY BUDGET**

**FELDSTEIN, IVERSEN, RELIC**

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

WHEREAS, Resolution No. 41-2007 decreased the Budget by \$1,803,952 and increased the fund balance by \$1,931,695; and

WHEREAS, an additional modification is required to decrease appropriations and the appropriated fund balance by \$290,732 to decrease the 2007 County Budget by a total of \$2,222,427 and increase the fund balance of the General Fund by a total of \$2,222,427; now, therefore, be it

RESOLVED, that Resolution No. 41-2007 is hereby amended and that the following 2007 County Budget amendment be and is hereby authorized:

Decrease General Fund Contingency A1990.4800 Other by \$290,732.

Decrease Appropriated Fund Balance A599 by \$290,732.

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

### **RESOLUTION NO. 185-2007 (original)**

#### **RESOLUTION - ADOPTING RECALCULATED 2007 COUNTY TAX LEVY AND RATES AND AUTHORIZING REAL PROPERTY TAX REFUND OR CREDIT**

**FELDSTEIN, IVERSEN, RELIC**

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

WHEREAS, said Budget increased the amount of the real property tax to a greater

degree than had been anticipated by the Board of Representatives; and

WHEREAS, by Resolution No. 42-2007, the Otsego County Board of Representatives requested the New York State Legislature to adopt legislation authorizing the County to correct the 2007 Otsego County tax roll and to grant a real property tax refund or credit; and

WHEREAS, by Resolution No. 123-2007, the County Board made a Home Rule Request to the State Legislature to authorize the County of Otsego to correct said tax roll and grant such real property tax refund; and

WHEREAS, State legislation, as set forth in Chapter 35 of the Laws of New York, 2007, has been enacted authorizing the County of Otsego to correct the 2007 tax roll and grant a real property tax refund or credit; and

WHEREAS, a public hearing was held on May 30, 2007 at 7:30 p.m. at the Otsego County Courthouse as required by the state legislation and as authorized by Resolution No. 162-2007, at which hearing all interested persons were heard; and

WHEREAS, the state legislation requires that, after the public hearing, a resolution must be adopted by this Board of Representatives specifying the final amount of the tax levy and amended appropriations and authorize a real property tax refund or credit; now, therefore, be it

RESOLVED, that the annexed Recalculated 2007 County Tax Levy and Rates be and hereby are adopted; and be it further

RESOLVED, (1) that the officer having jurisdiction of the tax roll is authorized and directed to correct such tax roll, in accordance with the annexed Recalculated 2007 County Tax Levy; and (2) that the Otsego County Treasurer is authorized and directed to refund any excess taxes paid or credit any outstanding tax obligations due, provided, however, that interest and penalties on delinquent 2007 county taxes, whether accruing before or after the effective date of the State law, shall only be computed on the amount of the corrected taxes, and any payment of interest and penalties in excess of that amount so computed shall be added to a refund made pursuant to Section 1 of Chapter 35 of the Laws of New York, 2007; and be it further

RESOLVED, that authorization is hereby given by this Board of Representatives to carry out the requirements of any and all other sections of Chapter 35 of the Laws of New York, 2007 as required by the State of New York.

## RECALCULATED 2007 COUNTY TAX LEVY AND RATES

<u>Tax Districts</u>	<u>2006 County Tax Levy</u>	<u>Recalculated 2007 County Tax Levy</u>	<u>% change</u>	<u>2006 County Tax Rates</u>	<u>Recalculated 2007 County Tax Rates</u>	<u>% change</u>
Oneonta City	1,369,844.98	1,456,635.49	6.34	4.4161	4.6779	5.93
Burlington	202,330.17	210,089.93	3.84	4.9333	4.9702	0.75
Butternuts	344,519.77	357,488.94	3.76	4.6982	4.8260	2.72
Cherry Valley	250,080.57	246,237.84	-1.54	7.6991	7.6186	-1.05
Decatur	93,791.85	91,866.41	-2.05	5.4298	5.3420	-1.62
Edmeston	290,012.69	299,874.44	3.40	5.0341	5.1276	1.86
Exeter	172,352.24	183,974.64	6.74	5.1414	5.4229	5.47
Hartwick	572,020.86	674,425.96	17.90	7.4536	8.5446	14.64
Laurens	390,614.01	384,770.80	-1.50	4.0074	3.8915	-2.89
Maryland	337,762.61	328,515.28	-2.74	5.0109	4.7161	-5.88
Middlefield	689,224.60	673,690.84	-2.25	3.9222	3.7568	-4.22
Milford	630,236.18	639,294.33	1.44	5.2895	5.3614	1.36
Morris	292,714.67	301,803.66	3.11	5.0304	5.1425	2.23
New Lisbon	229,014.43	235,298.81	2.74	5.8785	5.9930	1.95
Oneonta Town	1,261,460.54	1,190,916.84	-5.59	5.0217	4.6261	-7.88
Otego	470,383.67	484,561.86	3.01	4.5573	4.5767	0.43
Otsego	1,764,437.62	1,980,361.29	12.24	7.8897	8.7581	11.01
Pittsfield	219,077.72	217,126.57	-0.89	5.4612	5.3594	-1.86
Plainfield	160,650.14	149,788.73	-6.76	5.1893	4.7923	-7.65
Richfield	478,949.63	526,472.69	9.92	5.3593	3.5394	-33.96
Roseboom	162,024.69	155,229.23	-4.19	5.9171	5.6592	-4.36
Springfield	494,290.07	476,475.51	-3.60	5.0122	4.7766	-4.70
Unadilla	638,538.48	669,285.48	4.82	5.2975	5.4565	3.00
Westford	181,401.01	187,004.12	3.09	5.6201	5.7786	2.82
Worcester	435,418.87	426,124.50	-2.13	5.2122	5.0639	-2.85
<b>Totals:</b>	12,131,152.07	12,547,314.19	3.43			

County Tax Levy includes: County Budget, City/Town's Share of Workers' Comp Budget, Consolidated Health District Costs, Refunded Taxes, Uncollectible Taxes, Election Expenses and Tax Roll Expenses.

Seconded, Durkin and Hodne. Representative Feldstein moved to amend the first RESOLVED paragraph by adding "to the owner(s) of record thereof, or, in the event that a parcel has transferred since January 1, 2007, to refund any excess taxes paid to the former owner(s) and the new owner(s) thereof pro rata based upon the date of transfer thereof".

**RESOLUTION NO. 185-2007 (amended)**

**RESOLUTION - ADOPTING RECALCULATED  
2007 COUNTY TAX LEVY AND RATES  
AND AUTHORIZING REAL PROPERTY TAX REFUND OR CREDIT**

**FELDSTEIN, IVERSEN, RELIC**

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

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WHEREAS, the state legislation requires that, after the public hearing, a resolution must be adopted by this Board of Representatives specifying the final amount of the tax levy and amended appropriations and authorize a real property tax refund or credit; now, therefore, be it

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and the new owner(s) thereof *pro rata* based upon the date of transfer thereof, or credit any outstanding tax obligations due, provided, however, that interest and penalties on delinquent 2007 county taxes, whether accruing before or after the effective date of the State law, shall only be computed on the amount of the corrected taxes, and any payment of interest and penalties in excess of that amount so computed shall be added to a refund made pursuant to Section 1 of Chapter 35 of the Laws of New York, 2007; and be it further

RESOLVED, that authorization is hereby given by this Board of Representatives to carry out the requirements of any and all other sections of Chapter 35 of the Laws of New York, 2007 as required by the State of New York.

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Seconded, Rothenberger. Roll call on amendment. Total: 6,167; Ayes: 4,070; Noes: 2,097 - Relic, Powers, McCarty, Schwerd, Stayton. Motion carried. Roll call on amended resolution. Total: 6,167; Ayes: 4,447; Noes: 1,720 - Relic, Powers, Schwerd, Stayton. Adopted as amended.

Representative Fournier moved for an executive session to discuss personnel. Seconded, Relic. Total: 6,167; Ayes: 5,672; Noes: 495 - Powers. Motion carried.

All the general business of the Board having been transacted, the Chairman declared the meeting adjourned until Thursday, July 5, 2007 at 10:00 a.m.