

**REGULAR SESSION  
FIRST DAY**

**Wednesday, July 1, 2009**

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

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

Under Privilege of the Floor, Adrian Kuzminski of Sustainable Otsego thanked the County Board for its resolution on natural gas drilling. He stated that gas drilling is a complicated matter. The local aquifers are a major issue in the matter and need to be watched. Mr. Kuzminski felt that mapping should be done to determine where the aquifers are and how they flow. Federal funds may be available for this purpose. He also said that a copy of a congressional testimony was forwarded to all County Board members about gas drilling and urged the Board members to look at it and digest it. Mr. Kuzminski asked the County Board to take the issue if gas drilling seriously and develop a county sustainability plan.

Paul Mendelsohn of Cherry Valley also thanked the County Board for its resolution regarding natural gas drilling. He pointed out that water is the most expensive cost to municipalities followed by the roads. The Town of Lebanon collected \$16,000.00 in taxes from gas companies for damage to the roads caused by gas drilling, but incurred \$325,000.00 in damages to the roads in 2008 and another \$300,000.00 in 2009. Mr. Mendelsohn stated that the NYS Environmental Conservation Law does not preclude municipal action for roads and taxes. It would be too costly for each town to prepare a baseline of existing road and water conditions. He felt that the county should coordinate this process, set permitting and bonding systems, and institute Reverse 911. Mr. Mendelsohn asked the County Board to establish a committee to help all of the town boards to deal with the issues.

Bob Satriano, staff nurse for the Otsego County Department of Health and Office of Emergency Services, stated that he is an eight year county employee. He asked that the decision on job cuts be delayed so the County Board can do more research on the issue. He stated that he is willing to meet with County Board members to discuss this matter further.

Cindy Macomber, Department of Social Services employee, pointed out that the county employees are still without a contract after two and half years. She stated that as budget time becomes closer departments will be asked to save money and decide what bills will be paid. The impression is that the county employees are the last bill to be paid, while they do not have the option to not show up for work. The price of gas is increasing and health insurance premiums go up every year, while CSEA's last raise was in 2006. Ms. Macomber noted that the cost of training people and retaining people is greater than compensating employees who are here. People want to improve and move up the ladder, but the county is running out of employees with experience and employees willing to stay with the county long term. She felt that employees see the county as a dead end or an interim job until they can get a better job. The employees need a fair and equitable

contract soon.

The following communications were read and ordered filed:

James P. Powers, Chairman of the Board – Letter appointing the following to the Otsego County Wellness Committee: Theresa Oellrich, Jennifer Pajerski and Susan Vilagos.

James P. Powers, Chairman of the Board – Letter appointing the following to the Otsego County Planning Board: Thomas Clarke, Mark Babilonia and David Parker.

Under Special Presentations, Deb Taylor explained that she will be showcasing the 2009 tourism marketing campaign. The county needs to generate tourism interest in Cooperstown and the surrounding area. She stated that the marketing campaign was based on a branding study done in 2008.

Larry Bennett of Brewery Ommegang reviewed the print campaign which is run in mostly the northeast. He noted that it is designed to reinforce that there is more than baseball here. The total circulation of the media used is about 18,524,230. The county obtained 25,000 leads from the campaign. Mr. Bennett said that of those visitors surveyed 50% remember seeing an advertisement and 90% said the advertisement influenced their decision to come to Otsego County. Ms. Taylor pointed out that a lot of the print media is handled through the Tourism Office with the large regional media being done through a contractor. Her office also handles the radio media.

Frank Paluso of Glimmerglass Opera reviewed the television and online marketing. He said that 70% of visitors make their destination decisions based on online campaigns. The county is receiving a great response to its small investment. Mr. Paluso stated that the television marketing is done through master spots to showcase the whole county and partner spots. There have been 5,881 direct responses in 2009, which is an increase of 46% over last year.

Ms. Taylor pointed out that on request her office sends out a tourism brochure. They have mailed out 24,000 so far this year. She presented the tourism website and pointed out that there have been 58,865 visits to the website to date, which is an increase of 20% over last year. Ms. Taylor stated that the marketing campaign is effective, collaborative and efficient.

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

Representative Fournier moved to dispense with the reading of all resolutions. Seconded, Lindberg. Total: 6,167; Ayes: 5,682; Absent: 485 – Schwerd. Motion carried.

#### **RESOLUTION NO. 169-20090701**

#### **RESOLUTION - AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO CONTRACT FOR PURCHASE OF CERTAIN MATERIAL AND SERVICES**

**MCCARTY, HARRINGTON, RELIC**

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

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

RESOLVED, that the Otsego County Superintendent of Highways be and hereby is authorized to contract with the following firm as set forth below, in accordance with the specifications and bid heretofore received; said bid proposal being on file at the Highway Department:

ITEM: Resurfacing County Route #12

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

COST: \$325,670.40

and be it further

RESOLVED, that funds for this expenditure are included in the 2009 Highway Budget under D5110.4500, D5110.4570, D5110.4800, D5113.2104, and D5113.2121.

Seconded, Fournier. Roll call vote. Total: 6,167; Ayes: 5,682; Absent: 485 – Schwerd. Adopted.

#### **RESOLUTION NO. 170-20090701**

#### **RESOLUTION – AUTHORIZING SUPERINTENDENT OF HIGHWAYS TO PURCHASE MATERIAL AND SUPPLIES FOR THE REPLACEMENT OF BRIDGE BIN#3353840, COUNTY ROUTE #10 OVER WHARTON CREEK**

#### **MCCARTY, HARRINGTON, RELIC**

RESOLVED, that the Superintendent of Highways be and is hereby authorized to purchase the following material and supplies for the replacement of Bridge BIN#3353840, County Route #10 over Wharton Creek, under New York State Contract #PC 21142-RA:

ITEM: One (1) Contech Aluminum Box Culvert #83 25'2" Span x 7'0" Rise – HS 25 Loading (Shell, Headwalls, Corner Panels and Wing Panels)

VENDOR: Chemung Supply Corporation (Otsego Iron & Metal, Inc.)  
P.O. Box 527  
Elmira, New York 14902

COST: \$46,681.76

and be it further

RESOLVED, that the funding for this purchase is included in the 2009 Highway Budget under D5110.4500, D5110.4570, D5110.4800, D5110.4572, D5112.2020, D5110.4818, D5113.2104 and D5113.2121.

Seconded, Fournier. Roll call vote. Total: 6,167; Ayes: 5,682; Absent: 485 – Schwerd. Adopted.

**RESOLUTION NO. 171-20090701**

**RESOLUTION – AUTHORIZING CHAIRMAN TO EXECUTE  
INSTRUMENT OF ABANDONMENT**

**JOHNSON, SCHWERD, MURPHY**

WHEREAS, the County of Otsego, does hereby certify that it was the transferee pursuant to an In Rem Order dated June 26, 2008 of certain real property situate in the Town of Roseboom, County of Otsego and State of New York, described therein as follows:

Town of Roseboom, David A. Kilmartin,  
Tax Map No. 105.00-1-18.00, Vacant Land,  
.38 acres, Schoharie Co. Lne

The property was assessed as to the named owner who in fact was not such owner after 2005; that this property lies both in the County of Otsego and County of Schoharie and the deed from former owner David A. Kilmartin to new owner Robert Benson was duly recorded in the Schoharie County Clerk's Office, but by owner error was not recorded in the Otsego County Clerk's Office to allow proper change of the assessment records in Otsego County commencing in 2006; that said person who thus received the tax bills nevertheless paid those bills until 2005 but did not pay them after the deed transfer to Benson in 2005; that therefore, the correct owner, Robert Benson, formerly David A. Kilmartin, did not receive the tax bills commencing in 2006 due to the above recording error by the new owner Benson, and thus the assessment listing for the Otsego County portion of his property was not changed to new owner Robert Benson, and he therefore did not receive or pay the same, a good faith error having occurred thus causing the current default and in rem proceeding that took place herein.

The County hereby properly abandons any claim or right to any interest in or possession of the above-mentioned real property, to the Treasurer of the County of Otsego and/or her successor upon the condition that all past taxes due are paid upon execution and delivery of an Instrument of Abandonment to Robert Benson, and further

The County hereby certifies and affirms that it has not conveyed any interest which it may have in the above-mentioned property or any part thereof, except by deed from Myrna A. Thayne, Treasurer of the County of Otsego, to the County of Otsego, a municipal corporation, dated May 19, 2009, and recorded in the Otsego County Clerk's Office on May 26, 2009 in Liber 1123 of Deeds at Page 679; and

WHEREAS, it has come to the attention of the Administration Committee that said property is abandoned and without ownership; and

WHEREAS, pursuant to Section 1138 of the Real Property Tax Law, it is proper and necessary for the County to execute an Instrument of Abandonment for recording in the Office of the County Clerk; now, therefore, be it

RESOLVED, that the Chairman of the Board be and hereby is authorized to execute an Instrument of Abandonment of the above-mentioned property.

Seconded, Lindberg. Roll call vote. Total: 6,167; Ayes: 5,682; Absent: 485 – Schwerd. Adopted.

**RESOLUTION NO. 172-20090701**

**RESOLUTION – AUTHORIZING CHAIRMAN OF THE BOARD TO CONTRACT WITH STATE OF NEW YORK DEPARTMENT OF HEALTH TO RECEIVE GRANT FUNDS (CHILDHOOD LEAD POISONING PREVENTION PROGRAM)**

**FOURNIER, MCCARTY, STULIGROSS, ROTHENBERGER**

RESOLVED, that the Chairman of the Board, on behalf of the Otsego County Department of Health, be and hereby is authorized to execute an agreement with the State of New York Department of Health, to receive grant funds in the amount of \$23,732.00 for the Childhood Lead Poisoning Prevention Program, for the period beginning April 1, 2009 to March 31, 2010; and be it further

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

Seconded, Clark. Roll call vote. Total: 6,167; Ayes: 5,682; Absent: 485 – Schwerd. Adopted.

Representative Fournier withdrew **Resolution No. 173 – Abolishing Positions In Public Health Nursing (Licensed Practical Nurse)**. {See ????????????, 2009 County Board meeting for further action.}

Representative Relic moved to suspend the rules and act upon late Resolution Nos. 174 - 176. Seconded, Stayton. Total: 6,167; Ayes: 5,682; Absent: 485 – Schwerd. Motion carried.

**RESOLUTION NO. 174-20090701**

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

**JOHNSON, SCHWERD, MURPHY**

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

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

RESOLVED, that the following transfers be and the same are hereby authorized, and the 2009 budget be and it is hereby amended accordingly, pursuant to Section 363 of the County Law:

2009 TRANSFERS				
	DEPARTMENT	ACCOUNT	ACCOUNT	AMOUNT
		NAME	CODE	
<u>A- GENERAL FUND</u>				
FROM:	County Clerk	Personal Service	1410-1000-A	-11,000
FROM:	County Clerk	Mileage	1410-4005-A	-80
FROM:	County Clerk	Lodging, Meals and Tolls	1410-4010-A	-100
FROM:	County Clerk	Materials and Supplies	1410-4500-A	-325
FROM:	County Clerk	Other	1410-4800-A	-700
FROM:	County Clerk	Book Repairs	1410-4810-A	-500
FROM:	County Building-Courthouse	Maintenance and Repair Parts	1620-4562-A	-2,000
FROM:	County Building-Courthouse	Other	1620-4800-A	-2,000
FROM:	Cooperstown Office Building	Lodging, Meals and Tolls	1625-4010-A	-500
FROM:	Cooperstown Office Building	Other	1625-4800-A	-70,000
FROM:	Central Kitchen	Maintenance and Repair Parts	1628-4562-A	-2,000
FROM:	Meadows Building	Mileage	1630-4005-A	-100
FROM:	Meadows Building	Lodging, Meals and Tolls	1630-4010-A	-200
FROM:	Meadows Building	Meadows Renovations	1630-4905-A	-10,000
FROM:	Marine Recreation Division	Other	3100-4800-A	-250
FROM:	Sheriff	Materials and Supplies	3110-4500-A	-1,000
TO:	Contingent II	Other	1991-4800-A	100,755
FROM:	Contingent II	Other	1991-4800-A	-19,086
TO:	Department of Health	Materials and Supplies	4010-4500-A	800
TO:	Public Health Nurses	Mileage	4072-4005-A	2,000
TO:	Public Health Nurses	Lodging, Meals and Tolls	4072-4010-A	2,000
TO:	Public Health Nurses	Training	4072-4050-A	1,286
TO:	Public Health Nurses	Materials and Supplies	4072-4500-A	12,000
TO:	Public Health Nurses	Subscriptions/Dues	4072-4650-A	1,000
FROM:	Cooperstown Office Building	COB-Pave	1625-2505-A	-25,000
TO:	Meadows Building	Roof Replacement	1630-2510-A	25,000
FROM:	Cooperstown Office Building	COB-Pave	1625-2505-A	-25,000
TO:	Cooperstown Office Building	COB-Sidewalk	1625-2515-A	25,000
FROM:	Sheriff	Materials and Supplies	3110-4500-A	-1,500

TO:	Sheriff	Lodging, Meals and Tolls	3110-4010-A	1,500
FROM:	Alcoholism	Contracts	4250-4900-A	-1,100
TO:	Alcoholism	Advertising	4250-4810-A	1,100
FROM:	Mental Health	Mental Health Consultant	4310-4880-A	-1,650
TO:	Mental Health	Materials and Supplies	4310-4500-A	650
TO:	Mental Health	Other	4310-4800-A	1,000
FROM:	Mental Health	Personal Service	4310-1000-A	-2,715
TO:	Mental Health	Advertising	4310-4810-A	2,715
FROM:	Intensive Case Management	Materials and Supplies	4315-4500-A	-800
TO:	Intensive Case Management	Vehicle Repair	4315-4515-A	800

Seconded, Lindberg. Roll call vote. Total: 6,167; Ayes: 5,682; Absent: 485 –  
Schwerd. Adopted.

**RESOLUTION NO. 175-20090701**

**RESOLUTION – AWARDING FUEL OIL, LOW SULPHUR  
DIESEL FUEL, KEROSENE, PROPANE AND PROPANE  
STATION CONTRACTS FOR COUNTY OF OTSEGO**

**MCCARTY, HARRINGTON, RELIC**

WHEREAS, the Otsego County Purchasing Department advertised for sealed bids for supplying No. 2 fuel oil, low sulphur diesel fuel, kerosene, propane and propane station to the County in accordance with specifications prepared and advertised to proposed bidders by the Otsego County Purchasing Agent; and

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

RESOLVED, that Chairman of the Board is hereby authorized to enter into contracts to purchase No. 2 fuel oil, low sulphur diesel fuel, kerosene, propane and propane station from the following firms for the period July 1, 2009 through June 30, 2010 inclusive, and that said contracts shall be in accordance with bid specifications, as well as contain such other terms and provisions as are in the best interests of the County of Otsego:

ITEMS            No. 2 Fuel Oil  
AND                Tanker Load (6,500 gallons minimum)  
COST:             \$ +.0500 Firm Differential

No. 2 Fuel Oil  
Regular Delivery Truck  
\$ +.2450 Firm Differential

Ultra Low Sulfur Diesel Fuel  
Delivered as needed

Tanker Load (6,500 gallons minimum)  
\$+.0450 Firm Differential

Regular Delivery Truck  
\$ +.2575 Firm Differential

BIDDER: Mirabito  
44 Grand Street  
Sidney, New York 13838

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ITEMS Kerosene for Mixture Purposes in Winter Blends  
AND \$ +.0650 Firm Differential  
COST:  
Dyed kerosene, delivered as needed  
\$ +.3000 Firm Differential

BIDDER: Mirabito  
44 Grand Street  
Sidney, New York 13838

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ITEMS Propane Station and Propane  
AND \$ +.34 Firm Differential  
COST:

BIDDER: Mirabito  
44 Grand Street  
Sidney, New York 13838

and it be further

RESOLVED, that the funding for these contracts is included in the various 2009 County Building Budgets at line 4150 Heat and Lights and 4560 Fuel.

Seconded, Fournier. Roll call vote. Total: 6,167; Ayes: 5,305; Noes: 377 – McCarty; Absent: 485 – Schwerd. Adopted.

#### **RESOLUTION NO. 176-20090701**

#### **RESOLUTION – AUTHORIZING THE COMMISSIONER OF SOCIAL SERVICES TO CONTRACT WITH OPPORTUNITIES FOR OTSEGO, INC. TO PROVIDE RESIDENTIAL PROGRAM SERVICES TO VICTIMS OF DOMESTIC VIOLENCE**

**HARRINGTON, CLARK, STULIGROSS**

WHEREAS, the Commissioner of Social Services is charged with the responsibility

for the provision of all residential domestic violence services in the County of Otsego at public expense pursuant to Sections 20 (3)(d), 34 (3)(f), 131-u of the Social Services Law; and

WHEREAS, Opportunities for Otsego, Inc. is duly licensed by the New York State Department of Social Services to provide said services; now, therefore, be it

RESOLVED, that the Otsego County Commissioner of Social Services is hereby authorized to contract with Opportunities for Otsego, Inc., 3 West Broadway, Oneonta, New York 13820, to continue to provide residential program services to victims of domestic violence at the annually established Domestic Violence State Aid Rate (DVSAR) for licensed Domestic Violence Residential Programs; 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 the funding for this contract is included in the 2009 Social Services Budget at lines 6070-4731-A, 6109-4734-A and 6140-4738-A and consists of 50% Federal, 25% State and 25% local funds.

Seconded, Lindberg. Roll call vote. Total: 6,167; Ayes: 5,682; Absent: 485 – Schwerd. Adopted.

Chairman Powers thanked the County Departments Head for their help with the 2009 County Budget cuts.

All the general business of the Board having been transacted, the Chairman declared the meeting adjourned until Wednesday, August 5, 2009 at 10:00 a.m.