

**REGULAR SESSION
FIRST DAY**

Thursday, July 5, 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.

Under Privilege of the Floor, Scott Fickbohm from Otsego County Soil and Water Conservation District, updated the County Board on the various projects his office is working on. The projects involve hydroseeding, the Agricultural Environmental Program, a storm water program, the Envirothon, surveying, the annual tree sale, percolation tests, agricultural tax assessments and GIS mapping.

The following communications were read and ordered filed:

Donald L. Lindberg, Chairman of the Board - Letter appointing Ronald Streek, Florence Loomis and Jeffrey House to serve on the Otsego County Planning Board.

David J. Swarts, NYS Governor's Traffic Safety Committee - Letter approving the 2007 STOP DWI plan for Otsego County.

The following report is on file with the Clerk of the Board:

Otsego County Treasurer's Financial Operations - Report of Examination for the period January 1, 2005 - July 17, 2006

Notice of Claim - Anna Manner, deceased, and Charles W. Manners, Jr., as Administrator of the Estate of Anna Manners, Deceased, versus the County of Otsego and Otsego Manor Nursing Home - For negligence in failing to provide prompt medical care. Amount claimed is \$1,550,000.

Under Special Presentations, Representative Catherine Rothenberger introduced Daniel Denofrio, Commissioner of Social Services, Susan Dalesandro, Director of Community Services, Colleen Thorn, Probation Director, and Marybeth Vargha, GIS Coordinator, who were present to address the County Board on the proposal to establish child safety zones. Commissioner Denofrio said that a Sex Offender Management Committee was formed last year when the county learned that a sex offender was released and lived near his victim. The committee is discussing ways to protect children from sex offenders, such as establishing safety zones where Level 2 and 3 sex offenders may not live or work without a waiver. Marybeth Vargha displayed maps showing the proposed safety zones and where sex offenders presently live.

Colleen Thorn stated that the local law only regulates Level 2 and 3 sex offenders. Presently, there are 24 Level 2 sex offenders and 11 Level 3 sex offenders in Otsego County. Of these 35 offenders, only 8 are on probation supervision or parole. The remaining 27 offenders only have to register with law enforcement as to where they live.

They are not overseen by any agency and are not required to undergo treatment.

Susan Dalesandro said that sex offenders have a high rate of recidivism, especially without treatment. Presently, there are only 7 offenders being treated at the county's Mental Health Clinic. She said that she has staff trained in evaluating and treating sex offenders and would like to see more offenders being treated. There is no cure for sex offenders, but treatment does help to reduce the rate of recidivism.

Representative Rothenberger stated that the proposed local law is not the total answer, but is a starting process to help control the situation. The children in our county need to be protected.

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

The Chairman declared a short break.

The Board reconvened.

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

RESOLUTION NO. 186-2007

RESOLUTION - AWARDING FUEL PRODUCTS CONTRACT FOR COUNTY OF OTSEGO

MCCARTY, HENDERSON, HODNE

WHEREAS, the Otsego County Purchasing Department advertised for sealed bids for supplying No. 2 fuel oil, low sulfur diesel fuel, regular truck delivery, kerosene and propane and propane station to the County in accordance with specifications prepared and advertised to proposed bidders by the County Purchasing Agent; 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 Chairman of the Board is hereby authorized to enter into a contract to purchase No. 2 fuel oil, low sulfur diesel fuel, regular truck delivery, kerosene and propane and propane station from the following firm for the period July 1, 2007 through June 30, 2008 inclusive, and that said contract 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 AND COST:	No. 2 Fuel Oil
	Tanker Load (6,500 gallons minimum)
	\$+.0400 firm differential
	\$2.1260 delivered price per gallon (7/1/07)
	No. 2 Fuel Oil

Regular Truck Delivery
\$+.2000 firm differential
\$2.2785 delivered price per gallon (7/1/07)

Ultra Low Sulfur Diesel Fuel
Delivered as needed
Tanker Load (6,500 gallons minimum)
\$+.0450 firm differential
\$2.3110 delivered price per gallon (7/1/07)

Ultra Low Sulfur Diesel Fuel
Delivered as needed
Regular Delivery Truck
\$+.3000 firm differential
\$2.6465 delivered price per gallon (7/1/07)

Kerosene for Mixture Purposes in Winter
Blends
\$2.8368 fixed price (per gallon)

Dyed Kerosene, delivered as needed
\$2.968 fixed priced (per gallon)

Propane Station and Propane
\$+.2800 firm differential

BIDDER:

Mirabito Fuel Group
44 Grand Street
Sidney, New York 13838

and be it further

RESOLVED, that the funding for this contract is included in the various 2007 Building Budgets at line 4150 Heat and Lights

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

RESOLUTION NO. 187-2007

RESOLUTION - AUTHORIZING CHAIRMAN OF THE BOARD TO EXECUTE AGREEMENT WITH STATE OF NEW YORK, DIVISION OF CRIMINAL JUSTICE SERVICES FOR RECEIPT OF GRANT FUNDS FOR DISTRICT ATTORNEY'S OFFICE

FOURNIER, FELDSTEIN, STAYTON, POWERS

WHEREAS, the Otsego County District Attorney's Office has been awarded a state grant to expedite the processing of repeat and serious felony offenders; and

WHEREAS, the grant funds will be used as follows: \$28,800 for personnel (Assistant

District Attorney); \$2,659 for fringe benefits; \$951 for travel; \$360 for a copier maintenance agreement; and \$7,605 for reimbursement for the Sheriff's Department's overtime in the Drug Court Program, for a total project cost of \$40,375; now, therefore, be it

RESOLVED, that the Chairman of this Board be and hereby is authorized to execute an agreement with the State of New York, Division of Criminal Justice Services, for receipt of grant funds from the State of New York in the amount of \$40,375 for the term April 1, 2007 to December 31, 2008; said funds to be utilized as follows: \$28,800 for personnel (Assistant District Attorney); \$2,659 for fringe benefits; \$951 for travel; \$360 for a copier maintenance agreement; and \$7,605 for reimbursement for the Sheriff's Department's overtime in the Drug Court Program, to be used by the District Attorney's Office to expedite the processing of repeat and serious felony offenders; 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; and be it further

RESOLVED, that this resolution authorizes the expenditure of said project funds.

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

RESOLUTION NO. 188-2007

RESOLUTION - AUTHORIZING AGREEMENT WITH JNS ENTERPRISES, INC. FOR CONSTRUCTION OF COMMUNICATIONS TOWER

FOURNIER, FELDSTEIN, STAYTON, POWERS

WHEREAS, the County of Otsego recognizes the need to upgrade current and future County communication services; and

WHEREAS, it will be in the best interests of the County to construct a communications tower for County use in the enhanced public safety spectrum range, and for the use of the Tower by other companies requiring electromagnetic signal distributions (hereafter referred to as Carriers); and

WHEREAS, JNS Enterprises, Inc., 5 Corporate Drive, Suite 103, Central Valley, New York 10917 has submitted a proposal to the County for the development, construction and management of a communications tower on property owned by the County of Otsego; now, therefore, be it

RESOLVED, that the Chairman of this Board is hereby authorized to sign a Master Management Agreement with JNS Enterprises, Inc. (hereafter referred to as JNS) for the management of all aspects of the development, construction and operation of a Communications Tower, to be located on property owned by the County of Otsego; said Agreement shall contain, but not be limited to, the following terms:

1. JNS shall arrange for the construction and installation of the Tower, appurtenant equipment shelters, and a surrounding fence at JNS's sole cost and expense.

2. JNS will coordinate all activities relating to construction of the Tower on the premises and the installation of equipment on the Tower needed for use of the Tower.
3. JNS shall make reasonable efforts to locate Carriers to utilize the Tower.
4. The County will be responsible for obtaining any federal, state or local licenses, permits and approvals to construct the Tower and shall be responsible for all costs incurred in obtaining such approvals. JNS shall participate with the County at no cost to assist the County in obtaining those approvals.
5. All fees payable by the Carriers for the use of the Tower shall be payable directly to JNS.
6. The County will reserve space on the top of the tower for all municipal communication services.
7. The ownership of the Tower, except for equipment installed by the Carriers, shall pass to the County upon the completion of construction and the commencement of actual use of the Tower for wireless communication signal transmissions;

and be it further

RESOLVED, that said Master Management Agreement shall contain such other terms and conditions as shall be in the best interests of the County of Otsego.

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

RESOLUTION NO. 189-2007

RESOLUTION - AUTHORIZING CHAIRMAN OF THE BOARD TO CONTRACT WITH STATE OF NEW YORK DEPARTMENT OF HEALTH TO RECEIVE GRANT FUNDS (STATE INDOOR RADON GRANT)

HENDERSON, IVERSEN, STAYTON

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 \$28,700.00 for the State Indoor Radon Grant, for the period beginning July 1, 2007 to June 30, 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, Fournier and Laguna. Roll call. Total: 6,167; Ayes: 6,167. Adopted.

RESOLUTION NO. 190-2007

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

MCCARTY, HENDERSON, HODNE

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

ITEM: Resurfacing County Route #19

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

COST: \$174,898.90

The funds for this expenditure are included in the 2007 Highway Budget under D5110.4500, D5110.4800, D5112.2020, D5112.2040, D5112.2108 and D5112.2110.

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

RESOLUTION NO. 191-2007

**RESOLUTION - AUTHORIZING THE CHAIRMAN OF THE BOARD TO
CONTRACT FOR HEALTH CARE SERVICES UNDER THE OTSEGO
MANOR LONG TERM HOME HEALTH CARE PROGRAM (LTHHCP)**

LAGUNA, ROTHENBERGER, FOURNIER

RESOLVED, that the Chairman of the Board be and hereby is authorized to execute contracts with the following individuals and organizations to provide health care services under the Otsego Manor Long Term Home Health Care Program (LTHHCP) for terms beginning January 1, 2007 and terminating December 31, 2007:

PROVIDER/SERVICES

RATE

Phillips (Lifeline)	\$30.00 per month
Install	\$35.00 per installation
Healthcare Monitoring System (Lifeline)	\$24.00 per month
Install	\$50.00 per installation
At Home Care (Lifeline)	\$37.00 per month
Install	\$65.00 per installation
Elizabeth Cain (MSW)	\$60.00 per visit
Diane Fedor (Physical Therapy)	\$60.00 per visit
Mark Misiewicz (Physical Therapy)	\$60.00 per visit
Theresa Schlott (Dietician)	\$60.00 per visit
Linda Noble (Occupational Therapy)	\$60.00 per visit
Otsego County OFA (Meals)	\$6.40 per meal
U.S. Care Systems (Personal Care Aide)	\$18.50 per hour
(Home Health Aide)	\$18.50 per hour
Robynwood (Personal Care Aide)	\$18.68 per hour
(Home Health Aide)	\$18.68 per hour
At Home Care (Home Health Aide)	\$22.00 per hour - 2 hours and 2x/week minimum \$24.00 per hour weekend
Otsego Rural Housing (Home Maintenance)	\$25.00 per hour - assessment varies per patient modification

and be it further

RESOLVED, that said contracts 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 the above contracts are included in the 2007 LTHHCP Budget (4056) at line 4900 Contracted Services and are reimbursable through fees, Medicaid, Medicare, private pay and third party insurance, then 30% state aid.

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

RESOLUTION NO. 192-2007

RESOLUTION - APPOINTING MEMBERS TO TRAFFIC SAFETY BOARD

FOURNIER, FELDSTEIN, STAYTON, POWERS

RESOLVED, that pursuant to Section 1673 of the Vehicle and Traffic Law of the State of New York and Otsego County Local Law No. 1 of 1971, the following persons be and hereby are appointed to the Otsego County Traffic Safety Board, effective July 1, 2007:

KAREN LIDDLE
STOP DWI Coordinator
250 Main Street, Suite 201
Oneonta, New York 13820
Term expiring June 30, 2010

ROBERT BARNES, Chief
Oneonta City Fire Department
79 Main Street
Oneonta, New York 13820
Term expiring June 30, 2010

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

RESOLUTION NO. 193-2007

RESOLUTION - APPOINTING MEMBER TO THE LOCAL EARLY INTERVENTION COORDINATING COUNCIL

HENDERSON, IVERSEN, STAYTON

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

MARK SCHNEIDER, PhD
220 Highland Terrace
West Oneonta, New York 13861
Term expiring December 31, 2009

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

RESOLUTION NO. 194-2007

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

HENDERSON, IVERSEN, STAYTON

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

RICHARD GERACE
Custom Electronics
87 Browne Street
Oneonta, New York 13820
Term expiring June 30, 2010

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

RESOLUTION NO. 195-2007

**RESOLUTION - IN SUPPORT OF A NATURAL GAS FEASIBILITY
STUDY BY THE VILLAGE OF RICHFIELD SPRINGS**

MCCARTY, HENDERSON, HODNE

WHEREAS, the Village of Richfield Springs is Lead Agency in the development of a feasibility analysis for an extension of a natural gas pipeline in Otsego County; and

WHEREAS, the Natural Gas Feasibility Study will focus on the development of a business plan with the goal of securing and providing a cost effective alternate energy choice to current and future users, and the extension of the natural gas service for municipal purposes from the Village of Richfield Springs along the State Route 28 corridor south through the Villages of Cooperstown, Milford, and the Town of Milford; and

WHEREAS, this Board of Representatives considers this study to be a worthwhile project and supports the efforts made by the Village of Richfield Springs in this endeavor; now, therefore, be it

RESOLVED, this Board of Representatives does hereby support the efforts made by the Village of Richfield in conducting a Natural Gas Feasibility Study to evaluate the needs of the area and the possible extension of natural gas service from the Village of Richfield Springs along the State Route 28 corridor south through the Villages of Cooperstown and Milford and the Town of Milford; and be it further

RESOLVED, that the Clerk of this Board is directed to forward a certified copy of this resolution to Alexander J. Shields, Natural Gas Feasibility Study Project Manager, P.O. Box 271, Richfield Springs, New York 13439.

Seconded, Feldstein and Stayton. Oral vote. Total: 6,167; Ayes: 6,167. Adopted.

RESOLUTION NO. 196-2007

**RESOLUTION - OPPOSING FEDERAL BILL H.R. 2421 REGARDING
CLEAN WATER ACT**

MCCARTY, HENDERSON, HODNE

WHEREAS, Federal Bill H.R. 2421 proposes to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States; and

WHEREAS, the Bill proposes to change language in the Clean Water Act from "navigable" to "waters of the U.S."; and

WHEREAS, County governments would be forced to apply for a Clean Water Act permit for any project that would impact or indirectly affect "waters of the U.S.", which, due to its broad definition, includes county roads, man made ditches, etc, creating further unfunded mandates and preempt County authority; and

WHEREAS, the Army Corps of Engineers oversees the Clean Water Act permit program, and it is estimated that more than 15,000 permits are awaiting approval/denial; and

WHEREAS, given that the time lapse between submission and approval/denial is several years, H.R. 2421 presents a formidable task for County governments; now, therefore, be it

RESOLVED, that this Board of Representatives wishes to go on record opposing Federal Bill H.R. 2421, and the Clerk of this Board is directed to forward a certified copy of this resolution to U.S. Senator Charles Schumer, U.S. Senator Hillary Rodham Clinton, U.S. Congresswoman Kirsten Gillibrand, U.S. Congressman Michael Arcuri, President George W. Bush and NACo.

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

RESOLUTION NO. 197-2007

RESOLUTION - APPROVING OBJECTIVES, GOALS AND MISSION STATEMENT FOR NY CONNECTS OF OTSEGO COUNTY: CHOICES FOR LONG TERM CARE

HENDERSON, IVERSEN, STAYTON

WHEREAS, NY Connects of Otsego County: Choices for Long Term Care and Otsego County Long Term Care Council were established by Resolution No. 320-2006; and

WHEREAS, it is in the best interest of the County of Otsego to establish Objectives, Goals and a Mission Statement for NY Connects of Otsego County that are reflective of the standards put forth by New York State Office for the Aging and New York State Department of Health; and

WHEREAS, Otsego County Long Term Care Council has approved and recommended for adoption said Objectives, Goals and Mission Statement; now, therefore, be it

RESOLVED, that this Board of Representatives does hereby approve the following

Objectives, Goals and Mission Statement of NY Connects of Otsego County: Choices for Long Term Care:

OBJECTIVES:

1. To create and administer a Point of Entry (POE) for long term care services, which will provide information and support to all individuals inquiring about or requiring publicly and/or privately funded long term care services. Populations serviced will include Elderly, Adults with Disabilities, Children with Disabilities and anyone who may inquire about or request assistance on behalf of any such person.
2. To develop and maintain policies and procedures consistent with existing county policies and Point of Entry standards and to make diligent efforts to achieve continuity and consistency in functions.
3. To ensure that all direct service staff providing core POE functions are proficient in minimum competencies.
4. To ensure that core functions are provided in a culturally and linguistically appropriate manner and that consumers with special needs are linked to appropriate services to ensure full access to services as applicable.
5. To adhere to appropriate business practices to include, but not limited to, services available during normal business hours, ongoing review and revision of program policies and procedures, provision of accessible services and compliance with all confidential and identity protection laws and regulations as they currently exist or may be amended in the future.
6. To maintain a comprehensive and current resource listing of long term care services and providers based on POE standards.
7. To maintain collaborative partnerships and linkages with all local long term care stakeholders in order to ensure a coordinated service delivery system that provides streamlined consumer access to information and community services, maximizes the utilization of existing resources and avoids duplication of effort.
8. To establish and maintain a Long Term Care Council (LTCC) to conduct long term care system planning and development in order to ensure achievement of the goals and objectives of the POE. The Office for the Aging being the lead agency will carry forward any recommendations made by the LTCC to appropriate committees of the Board of Representatives or other entities as appropriate.
9. To provide information and assistance to consumers regardless of income or payor source regarding long term care options, identifying or researching necessary services and providing additional support directly to the consumer.
10. To conduct a consumer screening without regard to income or payor source that will identify the needs of the consumer, evaluate consumer resources and available supports (e.g. caregiver, informal supports), and indicate the type of services and resources that may best meet the needs of the individual.

11. To conduct an on-going public education and awareness campaign about long term care services to educate all county residents about the POE in their community and to assist consumers to prepare for their long term care needs.
12. To develop and conduct evaluations of POE activities to include the examination of measurable objectives, outcomes and existing or future state/federal requirements for consumer, program and system level activities. Strategies to streamline processes and reallocate and/or restructure resources shall be included in this process.

GOALS:

1. Provision of a single, coordinated system for accessing long term care services for all county residents, regardless of payor source, that will minimize confusion, enhance individual choice and support individual decision making.
2. Provision of information and assistance needed for consumers to make the most informed choice and receive the most appropriate blend of medical and non-medical services to delay or prevent the need for institutionalization there by assisting individuals to remain in the least restrictive setting.
3. Provision of required, standardized data collection and program monitoring and evaluation allowing state and local government to manage resources, respond to individual needs, limit the unnecessary use of high-cost services and create efficiencies in the long term care system.
4. Provision of public education about long term care services for all residents and the establishment and maintenance of cooperative relationships among all long term care stakeholders

MISSION STATEMENT:

The Mission of NY Connects of Otsego County: Choices for Long Term Care is to provide unbiased, comprehensive information and assistance and related services to all interested county resident consumers of long term care services resulting in the provision of appropriate care and services in the least restrictive setting and in a cost effective manner.

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

RESOLUTION NO. 198-2007

**RESOLUTION - PROCLAIMING THE WEEK OF JULY 15-21, 2007 AS
PROBATION, PAROLE AND COMMUNITY SUPERVISION WEEK**

FOURNIER, FELDSTEIN, STAYTON, POWERS

WHEREAS, community corrections is an essential part of the criminal justice system; and

WHEREAS, community corrections professionals uphold the law with dignity, while recognizing the right of the public to be safeguarded from criminal activity; and

WHEREAS, community corrections professionals are responsible for supervising adult and juvenile offenders in the community; and

WHEREAS, community corrections professionals are trained professionals who provide services and referrals for offenders; and

WHEREAS, community corrections professionals work in partnership with community agencies and groups; and

WHEREAS, community corrections professionals promote prevention, intervention and advocacy; and

WHEREAS, community corrections professionals provide services, support and protection for victims; and

WHEREAS, community corrections professionals advocate community and restorative justice; now, therefore, be it

RESOLVED, that the Otsego County Board of Representatives does hereby proclaim July 15-21, 2007 as:

**PROBATION, PAROLE AND
COMMUNITY SUPERVISION WEEK**

and encourages all citizens to honor these community corrections professionals and to recognize their achievements.

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

RESOLUTION NO. 199-2007

**RESOLUTION – CREATING POSITION IN REAL PROPERTY TAX
SERVICES (REAL PROPERTY INFORMATION SPECIALIST)**

FELDSTEIN, IVERSEN, RELIC

RESOLVED, that the following position be and hereby is created in Real Property Tax Services, effective immediately:

Real Property Information Specialist, Grade 10,
\$24,160 - \$28,470 (\$862)

and be it further

RESOLVED, that the funding for this position is included in the 2007 Real Property Tax Services Budget (1355) at line 1000 Personal Service; and be it further

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

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

RESOLUTION NO. 200-2007

RESOLUTION - ABOLISHING POSITION IN REAL PROPERTY TAX SERVICES (KEYBOARD SPECIALIST)

FELDSTEIN, IVERSEN, RELIC

RESOLVED, that the following position in Real Property Tax Services is abolished, effective August 15, 2007:

Keyboard Specialist, Grade 5

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

RESOLUTION NO. 201-2007

RESOLUTION – CREATING POSITIONS IN COUNTY CORRECTIONAL FACILITY (CORRECTION OFFICERS, CORRECTION LIEUTENANT, DEPUTY SHERIFF)

FELDSTEIN, IVERSEN, RELIC

RESOLVED, that the following positions be and hereby are created in the County's Correctional Facility, effective July 9, 2007:

Three (3) positions of Correction Officer, Grade 09G, \$27,374 - \$31,694
One (1) position of Correction Lieutenant, Grade 13M, \$30,818 - \$35,141
One (1) position of Deputy Sheriff, \$29,897

and be it further

RESOLVED, that the funding for the positions of Correction Officer and Correction Lieutenant is included in the 2007 Jail Budget (3150) at line 1000 Personal Service, and the funding for the position of Deputy Sheriff is included in the 2007 Sheriff's Budget (3110) at line 1000 Personal Service; and be it further

RESOLVED, that the total funding for these positions is 100% state reimbursable;

and be it further

RESOLVED, that these positions shall terminate when the court security duties are transferred to the State; and be it further

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

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

RESOLUTION NO. 202-2007

RESOLUTION – TRANSFERRING FUNDS IN VARIOUS DEPARTMENTS

FELDSTEIN, IVERSEN, RELIC

WHEREAS, it appears that it will require funds to complete the year 2007 in certain items of the Otsego County Budget; and

WHEREAS, there are unexpended balances in other items of the 2007 budget; now, therefore, be it

RESOLVED, that the following transfers be and the same are hereby authorized, and the 2007 budget be and it is hereby amended accordingly, pursuant to Section 363 of the County Law:

	DEPARTMENT	ACCOUNT NAME	ACCOUNT CODE	AMOUNT
TRANSFERS				
FUND A- GENERAL FUND				
FROM:	District Attorney	Personal Service	A1166.1000	-2,244.00
TO:	District Attorney	Equipment	A1166.2000	2,244.00
FROM:	Public Defender ILS	Training	A1171.4050	-166,290.76
TO:	Public Defender ILS	Equipment	A1171.2000	700.10
		Mileage	A1171.4005	2,000.00
		Lodging, Meals & Tolls	A1171.4010	15,000.00
		Materials & Supplies	A1171.4500	25,000.00
		PSOT	A1171.4700	116,427.66
		Other	A1171.4800	5,000.00
		Contracts	A1171.4900	2,163.00
FROM:	Personnel	Other	A1430.4800	-130.00
TO:	Personnel	Mileage	A1430.4005	130.00
FROM:	Contingent	Other	A1990.4800	-9,500.00
TO:	Cooperstown Office Building	Other	A1625.4800	9,500.00

FROM:	Alcoholism	Personal Service	A4250.1000	-5,000.00
TO:	Alcoholism	Contracts	A4250.4900	5,000.00
FROM:	Mental Health	Personal Service	A4310.1000	-10,000.00
TO:	Mental Health	Contracts	A4310.4900	10,000.00
FROM:	Child & Youth Prog. Grant-MH	Catholic Charities/Reinv.	A4328.4800	-54,473.00
TO:	Harbour Program-Reinv.-MH	Other	A4326.4800	54,473.00
FROM:	Mental Health	Cath Char/Reinvest	A3488	54,473.00
TO:	Mental Health	State Harbour Prog. Reinv.	A3498	-54,473.00
FROM:	Planning	Mileage	A8020.4005	-500.00
TO:	Planning	Other	A8020.4800	500.00
<u>FUND D - COUNTY ROAD FUND</u>				
FROM:	Road Construction Projects	CR # 54	D5112.2040	-115,000.00
TO:	Road Construction Projects	CR # 13	D5112.2041	35,000.00
		CR # 34	D5112.2077	80,000.00
<u>BUDGET MODIFICATIONS</u>				
<u>FUND A - GENERAL FUND</u>				
Increase	Public Defender-ILS Fund	ILS Fund	A510 A3025	-65,221.00
Increase	Public Defender-ILS Fund	PSOT	A1171.4700A960	65,221.00
	Difference in 07 budget amount and actual received in 3/07			
Increase	Early Intervention Program	Federal	A510 A4451	-566.00
Increase	Early Intervention Program	Other	A4059.4800A960	566.00
	Cost of Living Adjustment			
Increase	Mental Health	Reimb MH Tanf	A510 A2709	-45,000.00
Increase	Harbour Program-Reimb-MH	MH/DSS	A4326.4810A960	45,000.00
Increase	Tourism	Tourism General Income	A510 A1913	-20,000.00
Increase	Tourism Administration	Other	A6411.4800A960	20,000.00
	Hall of Fame Inductions/Birnie Bus			
From:	Reserve for Occupancy Tax	Appropriated Reserve	A511	-9,450.00
To:	Tourism Administration	Other	A6411.4800A960	9,450.00
	Hall of Fame Inductions/Miscel. Expenses			
<u>FUND CG - Revolving Loan Fund</u>				

Increase	Planning	Flood Assist.	Victims	Housing	CG510 CG4989	-45,669.48
Increase	Planning	Flood Assist.	Victims	Housing	CG8668.4800A960	45,669.48

Seconded, Henderson and Stayton. Roll call. Total: 6,167; Ayes: 5,841; Noes: 326 - Rothenberger. Adopted.

RESOLUTION NO. 203-2007

**RESOLUTION – CREATING POSITION IN TREASURER'S OFFICE
(ACCOUNTANT)**

FELDSTEIN, IVERSEN, RELIC

RESOLVED, that the following position be and hereby is created in the Treasurer's Office, effective immediately:

Accountant, Grade 17,
\$32,970 - \$39,070 (\$1,220)

and be it further

RESOLVED, that the funding for this position is included in the 2007 County Treasurer's Budget (1325) at line 1000 Personal Service; and be it further

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

Seconded, Stayton. Roll call. Total: 6,167; Ayes: 5,841; Noes: 326 - Rothenberger. Adopted.

RESOLUTION NO. 204-2007

**RESOLUTION - ABOLISHING POSITION IN TREASURER'S OFFICE
(ACCOUNT CLERK-TYPIST)**

FELDSTEIN, IVERSEN, RELIC

RESOLVED, that the following position in the Treasurer's Office is abolished, effective August 15, 2007:

Account Clerk-Typist, 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, Henderson. Oral vote. Total: 6,167; Ayes: 5,841; Noes: 326 - Rothenberger. Adopted.

RESOLUTION NO. 205-2007

RESOLUTION – AUTHORIZING CHAIRMAN OF THE BOARD TO CONTRACT FOR THE ROOF REPLACEMENT AT THE MEADOWS OFFICE COMPLEX

MCCARTY, HENDERSON, HODNE

WHEREAS, bids have been requested and duly received by the Purchasing Agent for roof replacement at the Meadows Office Complex, 140 County Highway 33W, Cooperstown, New York; and

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

RESOLVED, that the Chairman of the Board of Representatives be and hereby is authorized to contract with the following firm as set forth below, in accordance with the specifications and bid heretofore received:

ITEM:	Roof Replacement of the Otsego County Meadows Office Complex 140 County Highway 33W Cooperstown, New York 13326
BIDDER:	American Roofing & Sheet Metal Inc. PO Box 595 West Winfield, New York 13491
COST:	Base Bid - \$ 109,890.00 Alternate # 1 - \$ 21,890.00

and be it further

RESOLVED, that the funding for this contract is included in the Meadows Building Budget (1630) at line 2510 Roof Replacement.

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

RESOLUTION NO. 206-2007

RESOLUTION - OPPOSING NEW STATE DIVISION OF CODE ENFORCEMENT AND ADMINISTRATION REGULATIONS REGARDING MOBILE HOME INSTALLERS

HODNE, POWERS, SCHWERD, DURKIN

WHEREAS, Title 19 (NYCRR), Chapter XXXII, Division of Code Enforcement and Administration, Part 1210, Manufactured Housing, effective March 19, 2007, requires installation of mobile homes by insured and bonded certified installers, on or after May 1, 2007; and

WHEREAS, in addition, the new regulations require that all manufactured homes, singlewides and doublewides, have an engineered support system or a support system that extends below the frost line; and

WHEREAS, the new regulations also require repair persons to be certified and licensed by the state; and

WHEREAS, these new regulations place a large financial burden on the new homeowner, substantially increasing the cost of installation, thus making it less affordable to purchase and install a manufactured home, or singlewide or doublewide mobile home; and

WHEREAS, this Board of Representatives opposes the new regulations for the aforesaid reasons; now, therefore, be it

RESOLVED, that this Board of Representatives wishes to go on record opposing the new Code regulations; and be it further

RESOLVED, that the Clerk of this Board is directed to send a certified copy of this resolution to Governor Eliot Spitzer, the County's state representatives, the Secretary of State and NYSAC.

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

RESOLUTION NO. 207-2007

RESOLUTION - RECOGNIZING THERESA CAPUANO AND UNITED WAY OF DELAWARE AND OTSEGO COUNTIES FOR LEADERSHIP IN THE 2006 FLOOD DISASTER RECOVERY EFFORTS

HODNE, POWERS, SCHWERD, DURKIN

WHEREAS, following the June 2006 floods in Otsego County, the flood related needs of many Otsego County residents have been met through the collaborative efforts of agencies and organizations participating in the local long term recovery committee under the leadership of the United Way of Delaware and Otsego Counties and its Executive Director, Theresa Capuano; and

WHEREAS, in spite of having passed the one year anniversary of last year's floods, Ms. Capuano and the United Way of Delaware and Otsego Counties continue to provide support to victims in Otsego County through the administration of the Otsego County Disaster Recovery Team Unmet Needs Fund; and

WHEREAS, in addition, Ms. Capuano and her organization are taking an active role in the important work of Otsego County's Human Services Disaster Preparedness and Planning Committee; now, therefore, be it

RESOLVED, that this Board of Representatives recognizes Theresa Capuano and the United Way of Delaware and Otsego Counties for providing excellent leadership in the on-going 2006 flood disaster recovery efforts and expresses its appreciation for meeting the needs of so many Otsego County residents who were affected by the devastation of the June 2006 floods.

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

**LOCAL LAW NO. 3 OF 2007
COUNTY OF OTSEGO, NEW YORK**

**A LOCAL LAW ESTABLISHING "CHILD SAFETY ZONES"
IN OTSEGO COUNTY**

BE IT ENACTED by the Board of Representatives of the County of Otsego as follows:

SECTION 1. LEGISLATIVE INTENT AND PURPOSE

- A. The Otsego County Board of Representatives finds and determines that due to the recidivism rate among convicted sex offenders following their release from confinement, there exists a heightened potential for reoccurrence of their crimes when they reside, have employment or frequent areas where children are likely to regularly congregate, such as public or non-public elementary, middle, and high schools, child care facilities, parks, playgrounds, public or private youth center or public swimming pools.
- B. The Otsego County Board of Representatives further determines that it is essential for Otsego County to make every effort to protect children from sex offenders who have committed sexual offenses against minors.
- C. The Otsego County Board of Representatives further determines that it is in the best interests of the health, safety and welfare of the residents of Otsego County, and particularly its children, to establish residency restrictions and restrictions on location of employment and other activities for sex offenders who have committed sexual offenses against minors.
- D. It is the purpose of this local law to prohibit sex offenders from residing, having employment or otherwise enter or remain within one thousand (1,000) feet of areas and facilities that would provide them easy access to potential victims.

SECTION 2. DEFINITIONS

- A. For purposes of this local law, the term sex offender shall mean a person who has been convicted of a sexual offense as defined in paragraph 1 of section 168-a of the New York State Corrections Law, and has been designated a Level 2 or Level 3 Sex Offender by the New York State Division of Criminal Justice Services.

- B. The term childcare facility shall mean a licensed and/or registered nursery, preschool, child day care center, group family day care home, and family day care home as defined by the New York State Social Services Law.
- C. The term residence shall mean the place where a person sleeps, which may include more than one location and may be mobile and/or transitory.
- D. The term employment shall mean doing work, whether or not for financial gain.
- E. The term child safety zone shall mean within one thousand (1,000) feet of the real property comprising a public or private, elementary, middle or high school, designated school bus stop, child care facility or licensed day care provider home, playground, public or private youth center or public swimming pool, and public or commercial recreational facility clearly designed to attract children.
- F. The Sex Offender Management Committee shall mean that committee designated by the Board of Representatives having jurisdiction over the administration of the provisions herein, and shall consist of the District Attorney, Director of Probation, Commissioner of the Department of Social Services, Director of Community Services, the County Attorney, Chairs of the Human Services and Public Safety and Legal Affairs Committees, and such other professional and administrative personnel as the Board may hereafter deem necessary or advisable.

SECTION 3. RESTRICTIONS

- A. A sex offender as herein defined shall not reside within a child safety zone.
- B. A sex offender as herein defined shall not have employment within a child safety zone.
- C. A sex offender as herein defined shall not loiter for purposes of committing any crime within a child safety zone.

SECTION 4. EXCEPTIONS

A sex offender as herein defined entering or remaining within a child safety zone does not commit a violation of this law if any of the following apply:

- A. The sex offender is serving a sentence at a jail, prison, juvenile facility or other correctional institution or facility, or is an inpatient in a hospital, hospice, mental health facility or nursing home. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that child safety zone.
- B. The sex offender has established employment that would otherwise be in violation of this local law prior to the effective date of this local law. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that child safety zone other than for purposes relating to schooling. In such case, the parent(s) or legal guardian of the minor contacted must be informed of the contact.

- C. The sex offender attends primary, secondary or post-secondary school that would otherwise be in violation of this local law. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that child safety zone.
- D. The sex offender only intermittently or sporadically enters a child safety zone for the purpose of work. However, this exception does not apply to an individual who initiates and maintains contact with a minor within that child safety zone.
- E. A child safety zone is newly located on or after the effective date of this local law. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that child safety zone.
- F. The sex offender is a minor or a ward under a guardianship. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that child safety zone.
- G. The sex offender enters a child safety zone for the purpose of exercising the right to vote. However, this exception does not apply to an individual who initiates or maintains contact with a minor in that child safety zone.
- H. The sex offender has applied for and has received a waiver, in whole or in part, from the restrictions contained herein from the Sex Offender Management Committee.

SECTION 5. PROHIBITION

Any person who resides or lives in a “Child Safety Zone” as defined in Section 2 (E.), shall have six months from receipt of written notice of the prohibition set forth herein to move. Failure to move location, which is in compliance with this section within that time period, shall constitute a violation of this section.

SECTION 6. PENALTIES

The first violation of the provisions of this local law shall be a Class B Misdemeanor punishable by a fine of up to \$500.00 and imprisonment of up to three (3) months in jail. A second or subsequent violation shall be a Class A Misdemeanor, punishable by a fine of up to \$1,000.00 and imprisonment of up to one (1) year in jail.

SECTION 7. CESSATION OF RESTRICTIONS

The restrictions outlined in Section 3 shall cease when the sex offender is no longer required to register and/or verify pursuant to New York State Correction Law Article 6-C, The Sex Offender Registration Act.

SECTION 8. SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the

remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 9. EFFECTIVE DATE

This local law shall become effective immediately upon the filing of this local law in the office of the New York Secretary of State.

This Local Law is sponsored by the Human Services Committee. Seconded, Schwerd and Stayton. Local Law laid over under the rules.

Representative Relic moved to suspend the rules and act upon late Resolution No. 208. Seconded, Fournier. Total: 6,167; Ayes: 6,167. Motion carried.

RESOLUTION NO. 208-2007

RESOLUTION - AMENDING RESOLUTION NO. 338 OF 2006 (MANAGERIAL/CONFIDENTIAL SALARIES)

FELDSTEIN, IVERSEN, RELIC

RESOLVED, that Resolution No. 338 of 2006, establishing salaries for Managerial/Confidential employees for the year 2007, be and is hereby amended as follows, effective January 15, 2007:

Increase Salary of Code Enforcement Officer to \$44,400.00

and be it further

RESOLVED, that the funding for this position is included in the 2007 Code Enforcement Budget (3620) at line 1000 Personal Service; and be it further

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

Seconded, Stayton. Roll call. Total: 6,167; Ayes: 4,952; Noes: 326 – Rothenberger; Abstained: 889 - Henderson, Iversen. Adopted.

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

All the general business of the Board having been transacted, the Chairman declared the meeting recessed until Wednesday, July 18, 2007 at 7:30 p.m. for a public hearing on the Local Law regarding child safety zones and the Board meeting to follow.