

**REGULAR SESSION  
FIRST DAY**

**Wednesday, August 5, 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, Schwerd, Stayton, Harrington, Stuligross

Under Privilege of the Floor, Alex Shields, Richfield Springs, expressed concerns for the creation of a Local Development Corporation (LDC) to oversee the proposed broadband project and with proceeding too quickly with the project in order to qualify for federal stimulus funding. The broadband project is connected to the public safety communications project. Mr. Shields remarked that the County Board has made honest efforts to fix the broken public safety communications system. He said that he will continue to support making the communications system the best the county can, but is leery of the creation of an LDC, which would own and administer the system. Mr. Shields feels that the county needs to wait for Blue Wing to complete its analysis before moving ahead.

Irving Hall stated that he will be running for the District No. 2 County Representative seat this year. He invited Chairman Powers to participate in discussions in the district.

Terry Bliss, Planning Director, introduced Jody Taylor, the new Director of Weights and Measures, to the County Board.

Cindy Macomber, Otsego County resident, taxpayer and employee, stated that the county employees are still without a contract. It has been approximately 1,300 days since their last raise. She said the only issues she hears about are salary increases and health insurance, even though there are other issues in the contract that need to be looked at. Ms. Macomber feels that the Fact Finder's results are reasonable and that the union and the county should be able to come to an agreement based on the results. Ms. Macomber also stated concerns about the treatment of different bargaining units based on the gender makeup.

Under Special Presentations, Deb Taylor, Otsego County Tourism Director, thanked the County Board for the opportunity to present the county's tourism program. Today's presentation will focus on the impact of tourism in Otsego County. She explained that they would focus on the business aspect of tourism.

Bill Michaels of the Fly Creek Cider Mill explained the benefits of joining the county's tourism program. He said that the Fly Creek Cider Mill was a Level 1 partner with the county. This partnership has provided the cider mill the ability to increase the number of people who come to the cider mill, to extend its tourism season, to increase the number of employees at the cider mill, to grow its online business and to generate additional sales tax for the county. Mr. Michaels stated that the Fly Creek Cider Mill has become an established tourism attraction in the county.

Mark Kingsley of the Inn at Cooperstown pointed out that Otsego County is blessed

with many assets. He has been able to successfully expand his business season through his partnership with the county. Mr. Kingsley said there is a good return on investing in tourism.

Steve Elliott, President of the Fenimore Art Museum and the Farmers Museum, explained that tourism provides employment and diversifies the economy for the county. The local attractions also add to the quality of life. He said that tourism is a competitive business, and we need to keep improving the product and continuing to invest in and market the area. Mr. Kingsley explained that Otsego County spends less than similar counties and felt that the county and the tourism partners need to work together to develop a longer view strategy and to support that strategy with investments.

Kevin Karn of Kimball Associates gave the County Board an update on the status of the Advanced Wireless Service (AWS) carriers' interest in the county's 2.1 gigahertz (GHz) frequency. He reviewed a map of the public safety communications towers in Otsego County and pointed out which connections some companies have expressed an interest in. He said that Stream Wireless and T-Mobile would upgrade only those sites they are interested in to digital. This would remove redundancy from the county's system because there would then be a mix of digital and analog services. Mr. Karn explained that the County Board needs to support upgrading the remaining public safety communications towers to digital, which could cost the county between \$600,000 and \$800,000 for just the towers. He said that Blue Wing's study will pinpoint what upgrades need to be done to the entire public safety communications system.

The following communications were read and ordered filed:

James P. Powers, Chairman of the Board – Letter appointing Daniel Wilber as the Officer to conduct administrative reviews regarding off-sale orders by the Director of Weights and Measures.

Thomas G. Donlon, NYS Office of Homeland Security – Letter awarding Otsego County \$81,000 in funding from the FY 2009 Emergency Operations Center Grant Program. There will be a required \$27,000 local match.

Fern J. Thomas, Psychiatrist – Letter tendering her resignation, effective August 7, 2009, as the Medical Director for the Otsego County Chemical Dependencies Clinic.

Verizon – Letter stating Verizon is not going to pursue its claim for alleged damage to a 50 pair buried cable on County Route 6 in the Town of Butternuts.

Notice of Claim – Joseph D. Roberts versus County of Otsego – For defendant's failure to act reasonably causing damage to plaintiff's business and emotional and financial stress. No amount stated.

The following reports are on file with the Clerk of the Board:

Otsego Manor - Financial Report for year ending December 31, 2008 by Bryans & Gramuglia

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

Representative Clark moved for an executive session prior to County Board action on Resolution No. 193-20090805 to discuss contract negotiations. Seconded, Relic. Total: 6,167; Ayes: 5,464; Absent: 703 – McCarty, Rothenberger. Motion carried. {The executive session was held later in the meeting.}

Representative Lindberg moved to dispense with the reading of all resolutions. Seconded, Dubben. Total: 6,167; Ayes: 5,464; Absent: 703 – McCarty, Rothenberger. Motion carried.

## **RESOLUTION NO. 177-20090805**

### **RESOLUTION - AUTHORIZING CHAIRMAN TO EXECUTE AMENDED CONTRACT WITH BIRNIE BUS COMPANY FOR CONTINUATION OF FARE BOX INCENTIVE PROGRAM AND RE-DESIGN OF OTSEGO EXPRESS WEBSITE**

#### **SCHWERD, LINDBERG, 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 to (1) allow for the continuation of the fare box employee incentive program and for the continuation of miscellaneous advertisement projects; and (2) for the re-design of the Otsego Express website to an ADA compliant site and provide continuing hosting and maintenance services; now, therefore, be it

RESOLVED, that the Chairman of this Board is authorized to execute an amended contract with the Birnie Bus Company, amending the existing contract to include the following modifications:

(1) Amendment One: The current contract includes an annual marketing allowance of \$35,000, of which the County agreed to contribute annually \$24,000 toward a fare box incentive program and \$11,000 in miscellaneous marketing efforts for advertisement. In 2008 a total of \$ 29,566.10 in fare box revenues were collected and returned to Birnie Bus for employee and advertisement incentives. Upon review of the collected fares and monthly payment for advertising, payments to Birnie Bus exceeded the contract allowance of \$35,000. An amendment to the contract shall allow for the continuation of the fare box employee incentive program based on the monthly fares collected and returned to Birnie Bus with an additional monthly allowance of \$1,100 for the continuation of miscellaneous advertisement projects.

(2) Amendment Two: Include the cost for Birnie Bus to re-design the Otsego Express website to an ADA compliant site and to provide continual hosting and maintenance services. The website proposal will include unlimited changes and updates to the site including schedule updates, closure messages, email feedback, etc. for a cost of:

- Re-design of professional website for Otsego Express –

one time cost \$ 2,800

- Hosting and Maintenance - \$ 180.00 per month \$ 2,160/year  
(Monthly cost of hosting and maintenance subject to activation of site and satisfaction of the county)

Birnie Bus agrees to the following:

1. All web site content shall remain the property of Otsego County.
2. The Domain Name (.com) will be registered by Otsego County and Otsego County agrees to pay the annual fee to register this domain.
3. Otsego County shall retain ownership of the domain name and the web page content upon the contract termination.
4. Birnie Bus agrees to give the County the original web site design in electronic format with files being in their native format, including, but not limited to, all images, static web page files and all programs, with associated databases.
5. Birnie Bus agrees to supply the County with all changes that are made to the site.
6. The web site will be designed to operate on a Microsoft IIS Server platform.
7. Dynamics pages must be developed in C Sharp.net or Visual Basic.net.
8. Database platform must be Microsoft SQL.
9. All services provided for design of the County Web site herein, shall be subject to direction, control and final decision making by the County, given the County will be the ultimate owner of the site. The County in exercising its rights here will not over rule the service provider's recommendations, except for good cause shown;

and be it further

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

RESOLVED, that this transaction does not involve any County funds, and the contract shall so state.

Seconded, Dubben. Roll call vote. Total: 6,167; Ayes: 4,905; Noes: 559 – Clark; Absent: 703 – McCarty, Rothenberger. Adopted.

## **RESOLUTION NO. 178-20090805**

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

#### **SCHWERD, LINDBERG, 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 \$77,040.00 in excess State Transit Operating Assistance (STOA) "clean-up" funds to the Birnie Bus Company for the use of buses owned by the Birnie Bus Company during the interim period beginning November 15, 2008 through July 15, 2009; 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 \$77,040.00 in excess STOA "clean-up" funds, for the use of buses owned by Birnie Bus Company during the interim period beginning November 15, 2008 through July 15, 2009; 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; and be it further

RESOLVED, that this transaction does not involve any County funds, and the contract shall so state.

Seconded, Fournier. Roll call vote. Total: 6,167; Ayes: 5,464; Absent: 703 – McCarty, Rothenberger. Adopted.

#### **RESOLUTION NO. 179-20090805**

#### **RESOLUTION - CREATING POSITIONS IN OTSEGO MANOR (UNIVERSAL WORKER II & CLERK)**

#### **JOHNSON, SCHWERD, MURPHY**

RESOLVED, that the following positions are hereby created in Otsego Manor, effective August 9, 2009:

One (1) position of Universal Worker II, part-time, Grade 06Z,  
\$10.6571 per hour

Two (2) positions of Clerk, part-time, Grade 5, \$10.71 per  
hour;

and be it further

RESOLVED, that the funding for these positions is included in the 2009 Infirmery Enterprise Budget (6020-E) at line 1000 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: 5,464; Absent: 703 – McCarty, Rothenberger. Adopted.

**RESOLUTION NO. 180-20090805**

**RESOLUTION - ABOLISHING POSITIONS AT OTSEGO MANOR  
(ACTIVITIES AIDE & KEYBOARD SPECIALIST)**

**LINDBERG, SCHWERD, DUBBEN, STAYTON**

RESOLVED, that the following positions at Otsego Manor are hereby abolished, effective August 9, 2009:

One (1) position of Activities Aide, part-time,  
Grade 03E, Position No. 3, \$10.0896 per hour

Two (2) positions of Keyboard Specialist, part-time,  
Grade 5, Position Nos. 5 and 6, \$10.71 per hour;

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, Relic. Oral vote. Total: 6,167; Ayes: 5,464; Absent: 703 – McCarty, Rothenberger. Adopted.

**RESOLUTION NO. 181-20090805**

**RESOLUTION – AMENDING RESOLUTION NO. 279  
OF 2007 – AMENDING THE OTSEGO COUNTY CASH  
RECEIPTS POLICY**

**JOHNSON, SCHWERD, MURPHY**

WHEREAS, the Otsego County Cash Receipts Policy was amended by Resolution No. 279 of 2007; and

WHEREAS, it is necessary from time to time to amend the county's policies; now, therefore, be it

RESOLVED, that the Otsego County Cash Receipts Policy is hereby amended to read as follows:

**CASH RECEIPTS POLICY  
OTSEGO COUNTY, NEW YORK**

1. Pre-numbered receipts are to be used by ALL departments. The receipts must include the date of the transaction, the amount received, the payer, and the signature or initials of the staff receiving the funds.
2. A receipt MUST be issued for all new or voided transactions. All voided receipts are to be kept on file to account for the pre-numbered receipt. The pre-numbered receipt sequence shall be accounted for by someone other than the staff collecting the funds.
3. A receipt book/ledger must be maintained for all receipts. The book shall include the date of the transaction, the payer information, a description of the transaction, amount received, and the specific account the funds get credited to.

All funds received shall be deposited either in the bank or with the Treasurer's Office on a weekly basis, minimally. At no time should accumulated receipts exceed \$100.00 without being deposited in the bank or with the Treasurer's Office. The date, bank, account, amount, and payer need to be recorded in the receipt book/ledger.

4. All funds received by individual departments shall be turned over to the Treasurer's Office by the 10th of the following month they were received, together with copies of all receipts.
5. Bank accounts maintained by individual departments MUST be reconciled monthly, upon receipt of the bank statement(s). Copies of the reconciled bank statement MUST be filed with the Treasurer's office by the 15th of the following month for which they are reconciling.
6. Individual departments that bill for services shall maintain an accounts receivable ledger. This ledger shall include the date of service, the debtor, a description of the transaction, the amount billed, and what account will be credited with payment, the date payment is made, and the date of any past due notices sent. If a debtor fails to pay for the services within thirty (30) days, past due notices are to be sent in monthly intervals for up to three (3) times. If there is no response after the three (3) past due notices have been sent out, the Treasurer should be notified so as to determine, with the County Attorney, the appropriate action to be taken against the debtor by Otsego County.
7. Petty cash funds are established for emergency and miscellaneous expenses, such as washing vehicles and freight on shipments, and NOT for purchases of equipment and/or supplies. Petty cash funds may be established only by virtue of a Board of Representatives resolution.
8. As with any departmental account, petty cash funds MUST be maintained by receipts and ledger as outlined above, such that when the receipts are added to the cash in the fund, the amount equals the established amount of the petty cash fund.
9. All departments that receive funds in payment of fines, penalties, fees or other monies shall file an annual report with the Clerk of the Board of all revenues received, and a copy provided to the Budget Officer. The report must be filed before the 1st of February of the following calendar year and include the nature and total

amount of the revenues. If no amount was received for any given year, the report shall so state.

10. All bank accounts MUST be interest bearing accounts, unless current federal, state, or local laws prohibit it.

11. All bank accounts must be authorized by the County Treasurer.

Seconded, Lindberg. Oral vote. Total: 6,167; Ayes: 5,464; Absent: 703 – McCarty, Rothenberger. Adopted.

## **RESOLUTION NO. 182-20090805**

### **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 Edmeston, County of Otsego and State of New York, described as follows:

Town of Edmeston, Blossom Kamen & Leslie Kamen,  
Tax Map No. 140.00-1-11.01, Residential, 5.03 acres,  
485 Monson Rd.

The records of the Otsego County Treasurer's Office disclose that required notices were properly served upon property owners, Blossom Kamen and Leslie Kamen, concerning unpaid taxes on the above parcel, including notice of entry of the In Rem Order of the County Court dated June 26, 2008, granting the County's motion for default judgment. Edward Greenaker, the mortgage holder, and lawfully entitled to notice of these proceedings was served notice, but at an address where the mortgage holder did not regularly reside, hence he did not receive actual notice of this tax delinquency proceeding, or the opportunity to pay the taxes prior to entry of the In Rem Order of June 26, 2008 or the recorded deed in June 2009.

Unaware of the above County tax enforcement proceeding, on September 25, 2008, Mr. Greenaker commenced a mortgage foreclosure action in Supreme Court, Otsego County as to this real property. It was the intention of the mortgage holder, Mr. Greenaker, in this foreclosure action, that he would then obtain a judgment of foreclosure, requiring the purchaser to pay the unpaid taxes to the Otsego County Treasurer's Office. Had Mr. Greenaker known that the County would take a deed in June 2009, he would have paid the unpaid taxes to protect the mortgage foreclosure action.

Furthermore, in the spring of 2009, and at a point that this mortgage foreclosure action was in process, the mortgage holder by his attorney and staff, contacted the Otsego County Treasurer's Office and asked generally of tax payment deadlines. However, they did not ask the precise question of the tax status of this particular Kamen property; particularly because the mortgage holder and attorney had not received notice of the prior In Rem proceeding and tax delinquency.

Thus the mortgage holder and his attorney honestly reached the mistaken conclusion that this residential property would not be taken for unpaid taxes until the calendar year 2010. Had the County Treasurer known of the foreclosure action, she would not have taken the deed. A good faith error thus occurred causing the current In Rem proceeding.

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 Blossom Kamen and Leslie Kamen, the record owners of the property.

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 June 19, 2009, and recorded in the Otsego County Clerk's Office on June 26, 2009 in Book 1124 of Deeds at Page 314; and

WHEREAS, this abandonment shall be subject to all existing liens and mortgages; 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: 5,464; Absent: 703 – McCarty, Rothenberger. Adopted.

**RESOLUTION NO. 183-20090805**

**RESOLUTION – CREATING POSITIONS IN OTSEGO  
MANOR'S LONG TERM HOME HEALTH CARE PROGRAM  
(FULL-TIME HOME HEALTH ASSISTANTS)**

**JOHNSON, SCHWERD, MURPHY**

RESOLVED, that the following positions be and hereby are created in Otsego Manor's Long Term Home Health Care Program, effective August 9, 2009:

Two (2) positions of Home Health Assistant, full-time,  
Grade 6, \$20,745.82 - \$24,389.82 (\$714)

and be it further

RESOLVED, that the funding for these positions is included in the 2009 Infirmary Enterprise Budget (6020-E); 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, Lindberg. Roll call vote. Total: 6,167; Ayes: 5,464; Absent: 703 – McCarty, Rothenberger. Adopted.

**RESOLUTION NO. 184-20090805**

**RESOLUTION - ABOLISHING POSITIONS IN OTSEGO  
MANOR'S LONG TERM HOME HEALTH CARE PROGRAM  
(PART-TIME HOME HEALTH ASSISTANTS)**

**LINDBERG, SCHWERD, DUBBEN, STAYTON**

RESOLVED, that the following positions in Otsego Manor's Long Term Home Health Care Program are hereby abolished, effective August 23, 2009:

Two (2) positions of Home Health Assistants,  
Grade 6, part-time, Position Nos. 9 and 4,  
\$11.388 per hour

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: 5,464; Absent: 703 – McCarty, Rothenberger. Adopted.

**RESOLUTION NO. 185-20090805 (original)**

**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:

<b>2009 TRANSFERS</b>
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	<b>DEPARTMENT</b>	<b>ACCOUNT NAME</b>	<b>ACCOUNT CODE</b>	<b>AMOUNT</b>
<b>A- GENERAL FUND</b>				
FROM:	Cooperstown Office Bldg.	Other	1625-4800-A	-251.00
TO:	<b>Cooperstown Office Bldg.</b>	<b>Equipment</b>	<b>1625-2000-A</b>	<b>251.00</b>
FROM:	Marine Recreation Division	Materials & Supplies	3100-4500-A	-1,000.00
TO:	<b>Marine Recreation Division</b>	<b>Other</b>	<b>3100-4800-A</b>	<b>1,000.00</b>
FROM:	Jail	Materials & Supplies	3150-4500-A	-3,400.00
TO:	<b>Jail</b>	<b>Appliances</b>	<b>3150-2615-A</b>	<b>3,400.00</b>
FROM:	Public Safety Comm	Equipment	3020-2000-A	-2,810.00
FROM:	Public Safety Comm	Mileage	3020-4005-A	-150.00
FROM:	Public Safety Comm	Labor & Repairs	3020-4811-A	-4,500.00
FROM:	911 Equipment & Mtc.	Mileage	3026-4005-A	-250.00
FROM:	911 Equipment & Mtc.	Materials & Supplies	3026-4500-A	-500.00
TO:	<b>Contingent II</b>	<b>Other</b>	<b>1991-4800-A</b>	<b>8,210.00</b>
FROM:	Public Health Nurses	Xerox	4072-4300-A	-500.00
TO:	<b>Public Health Nurses</b>	<b>Training</b>	<b>4072-4050-A</b>	<b>500.00</b>
FROM:	DSS-Foster Care	Foster Care	6119-4735-A	-121,700.00
TO:	<b>Social Services Admin</b>	<b>Postage &amp; UPS</b>	<b>6010-4400-A</b>	<b>2,500.00</b>
TO:	<b>Social Services Admin</b>	<b>Food Stamp/Job Search</b>	<b>6010-4648-A</b>	<b>2,700.00</b>
TO:	<b>Social Services Admin</b>	<b>Prior Years NYS Chgbks</b>	<b>6010-4805-A</b>	<b>15,000.00</b>
TO:	<b>Social Services Admin</b>	<b>Fees for Services</b>	<b>6010-4910-A</b>	<b>6,500.00</b>
TO:	<b>DSS-Juvenile Delinq Care</b>	<b>Juvenile Delinquent</b>	<b>6123-4736-A</b>	<b>95,000.00</b>
FROM:	DSS-Foster Care	Foster Care	6119-4735-A	-78,000.00
TO:	<b>Social Services Admin</b>	<b>Prior Years NYS Chgbks</b>	<b>6010-4805-A</b>	<b>78,000.00</b>
FROM:	Tourism Admin	Subscriptions/Dues	6411-4650-A	-2,000.00
TO:	<b>Tourism Admin</b>	<b>Lodging, Meals, Tolls, Etc.</b>	<b>6411-4010-A</b>	<b>2,000.00</b>
<b>E – ENTERPRISE FUND</b>				
FROM:	Infirmery - Enterprise	Building Repair	6020-4820-E	-34,000.00
TO:	<b>Infirmery - Enterprise</b>	<b>Equipment</b>	<b>6020-2000-E</b>	<b>34,000.00</b>
<b>2009 BUDGET MODIFICATIONS</b>				
<b>A – GENERAL FUND</b>				
Increase:	Sales of Prop & Comp for Loss	Sale of Equipment	0000-2665-A	12,870.00
Decrease:	Transportation	Public Trans/Birnie	0000-1789-A	-1,287.00
Decrease:	State Aid – Transportation	Section 5311 Capital	0000-3588-A	-1,287.00

Decrease:	Federal Aid – Transportation	Section 5311 Capital	0000-4588-A	-10,296.00
Increase:	State Aid – Social Services	Social Services Admin	0000-3610-A	207,519.00
Increase:	Federal Aid - Social Services	Social Services Admin	0000-4610-A	48,212.00
Increase:	Federal Aid - Social Services	Energy Crisis Assistance	0000-4641-A	3,254.00
Increase:	Social Services Admin	Contracts	6010-4900-A	258,985.00
Increase:	State Aid - Social Services	Social Services Admin	0000-3610-A	3,500.00
Increase:	Federal Aid - Social Services	Social Services Admin	0000-4610-A	300,801.00
Increase:	Social Services Admin	Personal Service	6010-1000-A	275,490.00
Increase:	Social Services Admin	Contracts	6010-4900-A	28,811.00

Seconded, Lindberg. Representative Johnson moved to amend the Resolution by adding the following Highway budget modification:

<b>D – COUNTY ROAD FUND</b>				
Decrease:	Road Construction Projects	Chip-Seal Program	5112-2093-D	40,000.00
Increase:	Maintenance	County Equip Charges	5110-4600-D	40,000.00
<b>DM- MACHINERY FUND</b>				
Increase:	Interfund Revenues	Transfer from Co Rd Fd Rentals	0000-2822-DM	40,000.00
Increase:	Machinery Fund	Parts	5130-4540-DM	40,000.00

Seconded, Relic and Lindberg. Oral vote on amendment. Total: 6,167; Ayes: 5,464; Absent: 703 – McCarty, Rothenberger. Motion carried.

**RESOLUTION NO. 185-20090805 (amended)**

**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:

<b>2009 TRANSFERS</b>				
	<b>DEPARTMENT</b>	<b>ACCOUNT</b>	<b>ACCOUNT</b>	<b>AMOUNT</b>

		NAME	CODE	
<b>A- GENERAL FUND</b>				
FROM:	Cooperstown Office Bldg.	Other	1625-4800-A	-251.00
TO:	<b>Cooperstown Office Bldg.</b>	<b>Equipment</b>	<b>1625-2000-A</b>	<b>251.00</b>
FROM:	Marine Recreation Division	Materials & Supplies	3100-4500-A	-1,000.00
TO:	<b>Marine Recreation Division</b>	<b>Other</b>	<b>3100-4800-A</b>	<b>1,000.00</b>
FROM:	Jail	Materials & Supplies	3150-4500-A	-3,400.00
TO:	<b>Jail</b>	<b>Appliances</b>	<b>3150-2615-A</b>	<b>3,400.00</b>
FROM:	Public Safety Comm	Equipment	3020-2000-A	-2,810.00
FROM:	Public Safety Comm	Mileage	3020-4005-A	-150.00
FROM:	Public Safety Comm	Labor & Repairs	3020-4811-A	-4,500.00
FROM:	911 Equipment & Mtc.	Mileage	3026-4005-A	-250.00
FROM:	911 Equipment & Mtc.	Materials & Supplies	3026-4500-A	-500.00
TO:	<b>Contingent II</b>	<b>Other</b>	<b>1991-4800-A</b>	<b>8,210.00</b>
FROM:	Public Health Nurses	Xerox	4072-4300-A	-500.00
TO:	<b>Public Health Nurses</b>	<b>Training</b>	<b>4072-4050-A</b>	<b>500.00</b>
FROM:	DSS-Foster Care	Foster Care	6119-4735-A	-121,700.00
TO:	<b>Social Services Admin</b>	<b>Postage &amp; UPS</b>	<b>6010-4400-A</b>	<b>2,500.00</b>
TO:	<b>Social Services Admin</b>	<b>Food Stamp/Job Search</b>	<b>6010-4648-A</b>	<b>2,700.00</b>
TO:	<b>Social Services Admin</b>	<b>Prior Years NYS Chgbks</b>	<b>6010-4805-A</b>	<b>15,000.00</b>
TO:	<b>Social Services Admin</b>	<b>Fees for Services</b>	<b>6010-4910-A</b>	<b>6,500.00</b>
TO:	<b>DSS-Juvenile Delinq Care</b>	<b>Juvenile Delinquent</b>	<b>6123-4736-A</b>	<b>95,000.00</b>
FROM:	DSS-Foster Care	Foster Care	6119-4735-A	-78,000.00
TO:	<b>Social Services Admin</b>	<b>Prior Years NYS Chgbks</b>	<b>6010-4805-A</b>	<b>78,000.00</b>
FROM:	Tourism Admin	Subscriptions/Dues	6411-4650-A	-2,000.00
TO:	<b>Tourism Admin</b>	<b>Lodging, Meals, Tolls, Etc.</b>	<b>6411-4010-A</b>	<b>2,000.00</b>
<b>E – ENTERPRISE FUND</b>				
FROM:	Infirmery - Enterprise	Building Repair	6020-4820-E	-34,000.00
TO:	<b>Infirmery - Enterprise</b>	<b>Equipment</b>	<b>6020-2000-E</b>	<b>34,000.00</b>
<b>2009 BUDGET MODIFICATIONS</b>				
<b>A – GENERAL FUND</b>				
Increase:	Sales of Prop & Comp for Loss	Sale of Equipment	0000-2665-A	12,870.00
Decrease:	Transportation	Public Trans/Birnie	0000-1789-A	-1,287.00
Decrease:	State Aid – Transportation	Section 5311 Capital	0000-3588-A	-1,287.00
Decrease:	Federal Aid – Transportation	Section 5311 Capital	0000-4588-A	-10,296.00

Increase:	State Aid – Social Services	Social Services Admin	0000-3610-A	207,519.00
Increase:	Federal Aid - Social Services	Social Services Admin	0000-4610-A	48,212.00
Increase:	Federal Aid - Social Services	Energy Crisis Assistance	0000-4641-A	3,254.00
Increase:	Social Services Admin	Contracts	6010-4900-A	258,985.00
Increase:	State Aid - Social Services	Social Services Admin	0000-3610-A	3,500.00
Increase:	Federal Aid - Social Services	Social Services Admin	0000-4610-A	300,801.00
Increase:	Social Services Admin	Personal Service	6010-1000-A	275,490.00
Increase:	Social Services Admin	Contracts	6010-4900-A	28,811.00
<b><u>D – COUNTY ROAD FUND</u></b>				
Decrease:	Road Construction Projects	Chip-Seal Program	5112-2093-D	40,000.00
Increase:	Maintenance	County Equip Charges	5110-4600-D	40,000.00
<b><u>DM- MACHINERY FUND</u></b>				
Increase:	Interfund Revenues	Transfer from Co Rd Fd Rentals	0000-2822-DM	40,000.00
Increase:	Machinery Fund	Parts	5130-4540-DM	40,000.00

Roll call vote on amended resolution. Total: 6,167; Ayes: 4,838; Noes: 626 – Fournier; Absent: 703 – McCarty, Rothenberger. Adopted as amended.

**RESOLUTION NO. 186-20090805**

**RESOLUTION – TO PURCHASE CERTAIN MEDICAL SUPPLIES FOR OTSEGO MANOR, PUBLIC HEALTH NURSING AND THE SHERIFF’S DEPARTMENT**

**LINDBERG, SCHWERD, DUBBEN, STAYTON**

WHEREASE, the Otsego County Purchasing Agent has advertised and received bids for certain medical supplies for Otsego Manor, Public Health Nursing and the Sheriff’s Department for the period of June 1, 2009 to May 31, 2010; and

WHEREAS, the bids have been reviewed and a recommendation has been made approving the lowest acceptable bid for medical supplies; and

WHEREAS, a complete listing of all prices for individual items is on file with the Clerk of the Board; now, and therefore, be it

RESOLVED, that the Department heads of Otsego Manor, Public Health Nursing, and the Sheriff be and hereby are authorized to purchase the medical supplies set forth in accordance with the specifications and bids therefore received; a complete listing of all prices for individual items being on file with the Clerk of the Board; and be it further

RESOLVED, that the purchase of said medical supplies is authorized in the 2009 budgets for each of the above mentioned departments.

Seconded, Relic and Fournier. Roll call vote. Total: 6,167; Ayes: 5,464; Absent: 703 – McCarty, Rothenberger. Adopted.

**RESOLUTION NO. 187-20090805**

**RESOLUTION – TO PURCHASE CERTAIN NON-DURABLE SUPPLIES  
FOR OTSEGO MANOR, PUBLIC HEALTH NURSING, PUBLIC SAFETY  
BUILDING (SHERIFF) AND OTSEGO COUNTY OFFICE BUILDING  
(BUILDING SERVICES DEPARTMENT)**

**LINDBERG, SCHWERD, DUBBEN, STAYTON**

WHEREAS, the Oneonta City School's Purchasing Agent has advertised and received bids for certain non-durable supplies for Otsego Manor, Public Health Nursing, Public Safety Building (Sheriff), the County Office Building (Building Services Department) and the City of Oneonta for the period of June 1, 2009 to May 31, 2010; and

WHEREAS, the bids have been reviewed and a recommendation has been made approving the lowest acceptable bid for non-durable supplies; and

WHEREAS, a complete listing of all prices for individual items is on file with the Clerk of the Board and the Purchasing Agents for the City of Oneonta and Oneonta City School District; now, therefore, be it

RESOLVED, that the Department heads of Otsego Manor, Public Health Nursing, Public Safety Building and the County Office Building (Building Services Department) be and hereby are authorized to purchase the non-durable supplies set forth in accordance with the specifications and bids therefore received; a complete listing of all prices for individual items being on file with the Clerk of the Board; and be it further

RESOLVED, that the purchase of said non-durable supplies is authorized in the 2009 budgets for each of the above mentioned departments.

Seconded, Relic and Stuligross. Roll call vote. Total: 6,167; Ayes: 5,464; Absent: 703 – McCarty, Rothenberger. Adopted.

Representative Lindberg moved to suspend the rules and act upon late Resolution Nos. 188 – 193. Seconded, Johnson. Total: 6,167; Ayes: 5,464; Absent: 703 – McCarty, Rothenberger. Motion carried.

**RESOLUTION NO. 188-20090805**

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

## SCHWERD, LINDBERG, 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 2009 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 2009 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 2009 by the Village;

5. All invoices must be received by the County by December 31, 2009 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, Murphy and Johnson. Representative Fournier moved to amend the resolution by decreasing the "\$100,000" payment to "\$90,000" in the first WHEREAS and the first RESOLVED paragraphs, decreasing "\$50,000" to "\$45,000" and

“\$25,000” to “\$22,500” in Item 1 of the second RESOLVED paragraph, decreasing “\$25,000” to “\$22,500” in Item 2 of the second RESOLVED paragraph, and decreasing “\$50,000” to “\$45,000” in Item 4 of the second RESOLVED paragraph. Seconded, Stayton. Roll call vote on amendment. Total: 6,167; Ayes: 1,858 – Clark, Fournier, Stayton, Stulgross; Noes: 3,606; Absent: 703 – McCarty, Rothenberger. Motion lost. Roll call vote on Resolution No. 188 as presented. Total: 6,167; Ayes: 4,838; Noes: 626 – Fournier; Absent: 703 – McCarty, Rothenberger. Adopted as presented.

## **RESOLUTION NO. 189-20090805**

### **RESOLUTION – APPROVING AMENDMENT XII TO THE OTSEGO COUNTY HEALTH CARE PLAN**

#### **JOHNSON, SCHWERD, MURPHY**

WHEREAS, the Otsego County Health Care Plan is amended to change the foot orthotic coverage; and

WHEREAS, Amendment XII, as set forth below, requires the approval of the Board of Representatives; now, therefore, be it

RESOLVED, that this Board of Representatives approves Amendment XII to the Otsego County Health Care Plan, effective January 1, 2009; said text of amendment reads as follows:

#### **THE OTSEGO COUNTY HEALTH CARE PLAN AMENDMENT XII EFFECTIVE JANUARY 1, 2009**

The Otsego County Health Care Plan is amended to change the foot orthotic coverage under the Plan.

Item 14(F) in the subsection entitled “Medical Expense Benefits” is added as follows:

(14) Durable Medical Equipment, Prosthetics, Medical Supplies, and Oxygen. The Plan covers the following services, subject to review of Medical Necessity and the patient’s condition:

(F) Foot Orthotics. The Plan covers the fitting and purchase of custom made foot orthotics if determined to be Medically Necessary for the relief or correction of any condition caused by an Injury or Sickness.

Over-the-counter foot orthotics are not covered under any circumstances, for any condition.

The item entitled “Durable Medical Equipment, Prosthetics, Medical Supplies, and Oxygen Limitations and Exclusions” in the subsection entitled “Medical Expense Benefits” is deleted

in its entirety and replaced with the following:

Durable Medical Equipment, Prosthetics, Medical Supplies, and Oxygen Limitations and Exclusions: Items used primarily for cosmetic purposes are not covered under the Plan. The Plan does not cover the cost of delivery and set up of deluxe equipment when standard equipment is available and adequate, or the cost of materials used to manufacture equipment.

Foot appliances and orthopedic shoes, whether or not custom-made, are not covered under the Plan.

Adjustments, maintenance and repairs to covered devices and medical supplies are covered if necessary due to normal wear or when required by a change in the patient's condition. Covered Services can be paid on a per session basis or through an approved maintenance agreement, unless covered by a manufacturer's warranty or purchase agreement. The Plan will also cover Medically Necessary loaner equipment used while repairs are being made.

The replacement of a Medically Necessary Covered Service or supply is covered only if:

- (i) The patient has experienced a change in their physiological condition, or
- (ii) Required repairs would exceed the cost of a replacement device or the parts that need to be replaced, or
- (iii) There has been irreparable change in the device's condition or in a part of the device due to normal wear and tear.

Item (17) in the section entitled "Plan Exclusions" is deleted in its entirety and replaced with the following:

- (17) Foot Care. For routine or palliative foot care such as treatment of corns, calluses, toenails, flat feet, fallen arches, chronic foot strain, reduction of nails, or symptomatic complaints of the feet, except if necessitated due to metabolic conditions such as diabetes. Also not covered are orthopedic shoes and other supportive devices and services for the treatment of weak, strained, flat, unstable or unbalanced feet, metal or bunions, unless otherwise stated elsewhere in the Plan.

Amendment XII to The Otsego County Health Care Plan is adopted effective January 1, 2009.

Seconded, Lindberg. Representative Johnson moved to Table the resolution. Seconded, Relic. Total: 6,167; Ayes: 4,838; Absent: 1,329 – Fournier, McCarty, Rothenberger. Motion carried. {See the ????????????????, 2009 County Board meeting for further action.}

**RESOLUTION NO. 190-20090805**

**RESOLUTION – AUTHORIZING DIRECTOR OF INFORMATION  
TECHNOLOGIES TO OFFER COMPUTER PROGRAMMER  
EMPLOYMENT AT STEP 3**

**JOHNSON, SCHWERD, MURPHY**

RESOLVED, that the Director of Information Technologies is authorized to offer Vito Papa, a prospective Computer Programmer, full-time employment at Grade 14, Step 3, at \$31,978.00 per annum, effective August 17, 2009; and be it further

RESOLVED, that the funds for the above position are included in the 2009 Information Technologies Budget (1680-A) at line 1000 Personal Service; and be it further

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

Seconded, Lindberg. Roll call vote. Total: 6,167; Ayes: 4,838; Absent: 1,329 – Fournier, McCarty, Rothenberger. Adopted.

**RESOLUTION NO. 191-20090805**

**RESOLUTION – AUTHORIZING THE CHAIRMAN OF THE BOARD  
TO SIGN CONTRACT WITH THE NEW YORK STATE  
DEPARTMENT OF ECONOMIC DEVELOPMENT**

**JOHNSON, SCHWERD, MURPHY**

WHEREAS, the County of Otsego is a designated Empire Zone through the New York State Department of Economic Development, Empire State Development; and

WHEREAS, Empire State Development is empowered by Section 963 of the General Municipal Law to make available financial support to assist with the administrative expenses of the Otsego County Empire Zone Administrative Board; and

WHEREAS, in full consideration for all the services provided by Otsego County Empire Zone in a manner satisfactory to Empire State Development, Empire State Development shall pay the Otsego County Empire Zone a sum not to exceed \$24,299.00, for the period July 1, 2008 to June 30, 2009, at the rates set forth in the budget approved by the Otsego County Zone Administrative Board; now, therefore, be it

RESOLVED, that the Chairman of the Board of Representatives is hereby authorized to sign the 2008-2009 contract between the New York State Department of Economic Development and the County of Otsego with terms as set forth above and to include such other provisions as are in the best interest of the County of Otsego.

Seconded, Harrington and Lindberg. Roll call vote. Total: 6,167; Ayes: 4,838; Absent: 1,329 – Fournier, McCarty, Rothenberger. Adopted.

**RESOLUTION NO. 192-20090805**

**RESOLUTION - TO APPROVE AN APPLICATION SUBMISSION  
TO USDA RURAL UTILITY SERVICES (RUS) BROADBAND  
INITIATIVE PROGRAM (BIP) AND THE DEPARTMENT OF  
COMMERCE NATIONAL TELECOMMUNICATIONS AND  
INFORMATION ADMINISTRATION (NTIA) BROADBAND  
TECHNOLOGY OPPORTUNITIES PROGRAM (BTOP) FOR  
BROADBAND INFRASTRUCTURE DEVELOPMENT THROUGH  
THE AMERICAN RECOVERY AND REINVESTMENT ACT**

**CLARK, RELIC, STAYTON**

WHEREAS, the American Recovery and Reinvestment Act of 2009 authorized the Rural Utility Service and the National Telecommunications and Information Administration with \$7.2 billion to expand access to broadband services in the United States; and;

WHEREAS the Recovery Act appropriates \$2.5 billion of budget authority for RUS to extend loans, grants and loan/grant combinations through the Broadband Initiatives Program to projects where at least 75 percent of an RUS – funded area is in a rural area that lacks sufficient access to high speed broadband service to facilitate rural economic development; and;

WHEREAS the Recovery Act also appropriates \$4.7 billion to NTIA to provide grants for broadband initiatives throughout the United States, including unserved and underserved areas aimed at spurring job creation, stimulate long-term economic growth and opportunity and narrow gaps in broadband deployment and adoption; and

WHEREAS, since 2005 the County has actively pursued plans to develop a County-wide Open Access Telecommunication Backbone through the completion of a County Telecommunication Infrastructure Inventory and a 2008 Open Access Telecommunication Business Plan; and

WHEREAS, the proposed project will consist of approximately 200 miles of “middle-mile” infrastructure, to provide fiber optic backbone access only; and

WHEREAS, the County of Otsego supports the development of a collaborative County-wide network in efforts to develop a robust, advanced broadband infrastructure aimed at providing an opportunity to achieve affordable broadband deployment throughout the County’s rural communities; and

WHEREAS, the County will seek to partner with existing service providers and private industry to provide all services over the fiber optic backbone; and;

WHEREAS, deploying broadband networks throughout Otsego County will enable continued improvements in community anchor institutions of healthcare, public safety, education, schools, colleges, community support organizations and businesses; and

WHEREAS, a technology-neutral open-access approach to removing barriers to broadband deployment will encourage lower prices, creation of more local consumer

choices, and a sustainable adoption of broadband service; and

NOW, THEREFORE, BE IT RESOLVED, that the County of Otsego endorses the submission of an ARRA Broadband Stimulus application to the USDA RUS and the Department of Commerce NTIA to support the development of an Open Access Telecommunication Backbone.

Seconded, Lindberg. Roll call vote. Total: 6,167; Ayes: 4,838; Absent: 1,329 – Fournier, McCarty, Rothenberger. Adopted.

An executive session was held to discuss contract negotiations. {The motion for the executive session was approved earlier in the meeting.}

The Board reconvened.

### **RESOLUTION NO. 193-20090805**

#### **RESOLUTION – AUTHORIZING THE CHAIRMAN OF THE BOARD TO EXECUTE AGREEMENT WITH LEATHERSTOCKING RAILWAY HISTORICAL SOCIETY FOR THE RIGHT TO BURY FIBER OPTIC CABLE WITHIN THE RAILROAD’S RIGHT-OF-WAY**

#### **CLARK, RELIC, STAYTON**

WHEREAS, the County of Otsego is currently laying a fiber optic cable underground from the County Office Building, 197 Main Street, Cooperstown, New York to the County Public Safety Building at 172 County Highway 33, Middlefield, New York; and

WHEREAS, a portion of this project includes burying the cable on railroad property; and

WHEREAS, it has been determined to be in the County’s best interest to contract with the Leatherstocking Railway Historical Society for the right to bury this fiber optic cable within the railroad’s right-of-way; now, therefore, be it

RESOLVED, that the Chairman of the Board be and hereby is authorized to enter into an agreement with The Leatherstocking Railway Historical Society, 136 E. Main Street, Milford, New York 13807, for the County’s right to bury fiber optic cable within the railroad’s right-of-way, in the amount of \$23,800.00, figured at \$5.22 per foot times 4,560 feet; and be it further

RESOLVED, that said agreement 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 funds for this project are included in the 2009 Public Safety Communications Budget (3020-A) at line 2750 Communication Backbone.

Seconded, Lindberg. Roll call vote. Total: 6,167; Ayes: 4,838; Absent: 1,329 – Fournier, McCarty, Rothenberger. Adopted.

Chairman Powers stated that he has a request from the Otsego County Soil and Water Conservation District for a letter of support from the county for a Susquehanna Headwaters Green Infrastructure and Water Quality Planning Project to develop a local natural resource inventory. The County Board had no objections to sending a letter of support.

All the general business of the Board having been transacted, the Chairman declared the meeting recessed until Wednesday, August 19, 2009 at 7:30 p.m.