

**REGULAR SESSION  
FIRST DAY**

**Wednesday, August 6, 2008**

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

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

Under Privilege of the Floor, Adrian Kuzminski of Sustainable Otsego pointed out that gas exploration could be the biggest thing to impact Otsego County. It is, however, the worst time to happen because of the lack of regulations regarding drilling for safeguards. The county is at risk because there is no protection from the state. It is time the county stood up to take responsibility and look at local regulations and resources. Over the long term it could benefit Otsego County, if it is done right. A moratorium is needed while the county looks into the issue.

Mary Jo Long, an Attorney from Chenango County, commented on the question of can a county enact a moratorium for drilling. She said that she thought it could be done. Moratoria Law is common law and is a way to put a temporary stop on an issue so the public can have a chance to review and comment on the matter. The court has said it is a valid stop gap during the government review process. The moratorium must be for a specific time frame that is reasonable. Also, a baseline study should be done now for proof if there are problems in the future. Even lease signers will be looking to local governments for protection.

James Andela of Richfield Springs stated that the gas companies will paint a rosy picture of economic development and increased employment in the county. However, in Ohio several houses have blown up from leaking gas that occurred during drilling. He believes that the benefits of drilling can be maximized while minimizing the negative impacts through proper oversight. He proposed the creation of the Otsego County Energy Authority as an independent producer and distributor of natural gas. This could limit the amount of drilling in the county to what is needed for use by local residents and businesses. The organization would do limited drilling and minimal distribution. An ideal program would generate electricity at the site for county users only. It could also sell compressed natural gas for use in vehicles. Natural gas is a limited resource and should be used only for local uses.

James Herman of Hartwick pointed out that companies use thousands of gallons of chemicals while drilling. Studies have shown that some of these chemicals are absorbed by animals and passed on to their babies. He suggested the county perform a baseline study of the water table now to determine the effects of future drilling.

Don Barber, Supervisor of Caroline, stated that gas and oil drilling is exempt from local land use laws. He is asking to correct this as we are at the beginning of a gas rush. The NYSDEC is not properly staffed to oversee gas drilling, and the regulations are not strong enough. Constituents are nervous about aquifer contamination due to the high demand for water. Few people will benefit from the royalties. He is trying to raise

awareness of the issue and encourage people to learn from the past.

Colleen Blacklock of Oneonta asked a few questions regarding the drilling of natural gas, including: Why do these companies want to lease the land instead of buy it? Where is the accountability for environmental accidents? Why don't the companies disclose the chemicals used in the fracturing process? Who will pay for various impacts to roads, infrastructure and social needs? Who will pay for birth defects? What if toxic holding areas become flooded and spread out? What is the impact on local fire departments? She stated that it is necessary to look closely at potential impacts and who will pay for them.

Sheila Ross, Deputy Commissioner of Elections, informed the County Board that the county will be holding a Conservative primary. The Board of Elections is consolidating the voting process so there will be fewer polling sites for the primary because of the small number of Conservative voters in the county.

Michael Whaling of Sharon Springs stated he agrees with the earlier comments regarding concerns about gas drilling and urged a moratorium on the issue.

Joe Homburger of Otsego Land Trust asked the County Board to support Resolution No. 226-2008 regarding the purchase of development rights when it is brought up for reconsideration later in the meeting. He said the Otsego County Farmland Protection Plan was adopted in 1999 by the County Board in anticipation of the plan being implemented. A favorable vote would be a sign of the implementation of the plan and will help farmers and farmland. He encouraged the County Board to support the resolution.

Martha Clarvoe of Otsego County Conservation Association reported that an informational meeting is scheduled for this evening in Oneonta concerning gas drilling.

Paul Mendelsohn of Cherry Valley stated that if we surge ahead with gas drilling, county residents will pay for damages to the road and water contamination. During drilling 60-80% of the toxic water generated will be recovered. He questioned what will happen to the rest. If the groundwater becomes contaminated, it will affect farming, tourism and living conditions. The NYSDEC has no regulations on hydrofracturing. The county needs to find out the liabilities. County stewardship is critical. He suggested a temporary delay to study the issue.

Cindy Macomber from the Department of Social Services stated that the county employees have gone nineteen months without a contract with no end in sight. She suggested that the 2009 County Budget include a salary increase for county employees back to 2007. Governor Paterson has said that New York State is in a recession, but that is no excuse for not planning for the county employees. The county's negotiator should only advise on legal issues and should not tell the County Board whether or not to settle the contract. She stated that money is often found to pay others for consulting work, but not for the county employees. County employees will continue to work with less resources, but will reach a point when the experienced workers will be gone and new employees will not be able to do all the extra work with less. What will happen when services cannot be provided. Ms. Macomber felt that this is an easy issue for the County Board to resolve and felt the county should move on.

Ed Lentz of New Lisbon urged the board to adopt a moratorium on gas drilling. If the County Board does not adopt a moratorium and study the issues, it will be a dereliction of

duties to its constituents.

Scott Fickbohm from the Soil and Water Conservation District voiced his support for the Otsego Land Trust and the Purchase of Development Rights grant application.

James Herman of Hartwick showed the County Board pictures from an internet site of a fracturing site with numerous water containers. He pointed out that trucking will impact the roads.

Andy Minning from Advocates for Cherry Valley stated that there is looming catastrophe with the proposed gas drilling. He asked the County Board to seek a leadership role and declare a one year moratorium on gas exploration.

A woman from Leonardsville, who was originally from the Netherlands, stated that she loves living in Otsego County because there is a lot of nature, clean air and water, friendly people and no crime. She felt that the county should not rush ahead with natural gas exploration and should take time to step back and look at the issues. She stated that from her experience in the Netherlands all the good living conditions will disappear if gas drilling occurs.

Charles Hudson of Cooperstown suggested that a public health authority study the impacts of gas drilling on public health.

Jeff Hale of Morris stated that if the County Board wants his vote, they should do a moratorium on gas drilling.

Audrey Scotto stated environmental problems will arise from hurrying and that she supports a moratorium on gas drilling.

The following communications were read and ordered filed:

F. David Sheppard, Office of Homeland Security – Letter awarding the county a \$335,440 Public Safety Interoperable Communication Grant.

Lee Kyriacou, NYS Office of Real Property Services – Letter awarding the county a \$50,000 Centralized Property Tax Administration Program Grant for a shared tax collection database.

Notice of Claim – Anna Manners and Charles W. Manners, Jr. as Administrator vs. the County of Otsego and Otsego Manor Nursing Home – For failure to provide prompt medical care and failure to properly train and supervise employees at Otsego Manor.

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

Probation Department and Retirement Report of Examination for the period  
January 1, 2006 through September 7, 2007 by the Office of the State  
Comptroller

Otsego County Space Occupancy Cost Analysis report for the year 2007 by  
Venesky & Company

Otsego County Indirect Cost Recovery Project for the year 2007 by Venesky &  
Company

Representative Lindberg introduced Don Zaengle, a Geologist from Worcester, to provide further information on natural gas exploration. Mr. Zaengle explained what the gas companies are going after in the ground. He stated that significant environmental impacts can occur, and people need good leases to protect themselves. He explained the geology of the area and pointed out that the gas companies are targeting the Utica Shale in Otsego County due to its high organic matter content. In the past black shales were not productive. However, due to the rise in natural gas prices, advances in exploration, high demand and an increase in reserve estimates, these areas are now cost effective for exploration. He explained seismic surveys and how they are conducted, horizontal drilling, hydrologic fracturing and the economics of a producing well. The rocks in this region are not homogenous, so not everyone will find a producing well. Mr. Zaengle pointed out that landowners need protections in their leases and need to get educated.

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

The Chairman declared a short break.

The Board reconvened.

Representative Relic moved for an executive session to conduct interviews for the Director of Public Health position. Seconded, Harrington. Total: 6,167; Ayes: 5,282; Absent: 885 – Rothenberger, Clark. Motion carried.

The Board reconvened.

Representative Lindberg moved to dispense with the reading of all the resolutions. Seconded, Harrington. Total: 6,167; Ayes: 4,171; Absent: 1,996 – Rothenberger, Fournier, Schwerd, Clark. Motion carried.

## **RESOLUTION NO. 240-20080806**

### **RESOLUTION - AUTHORIZING CHAIRMAN OF THE BOARD TO CONTRACT FOR PURCHASE OF CERTAIN SERVICES (BRIDGE REPLACEMENT, ROUTE 18 OVER WHARTON CREEK, BIN 3354010)**

#### **DUBBEN, RELIC, MURPHY**

WHEREAS, bids have been requested and duly received by the Purchasing Agent for a certain bridge replacement as set forth below; and

WHEREAS, the Superintendent of Highways 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 this Board of Representatives be and is hereby authorized to contract with the following firm as set forth below, in accordance with the specifications and bid heretofore received:

PROJECT: Replacement of Bridge:  
BIN 3354010, County Route #18 over  
Wharton Creek, Town of Pittsfield,  
County of Otsego, New York  
(FEMA 1650 DR-NY)

BIDDER: Bette & Cring, LLC  
22 Century Hill Drive  
Latham, New York 12110-2128

COST: \$684,271.00

and be it further

RESOLVED, that funding for this expenditure is included in the 2008 Highway Budget under D8760.4900, D5110.4500, and D5110.4800.

Seconded, Lindberg. Roll call vote. Total: 6,167; Ayes: 4,656; Absent: 1,511 – Clark, Fournier, Rothenberger. Adopted.

#### **RESOLUTION NO. 241-20080806**

#### **RESOLUTION - AMENDING RESOLUTION NOS. 22-2008 AND 25-2008 - AUTHORIZING AMENDED CONTRACTS FOR CERTAIN SERVICES UNDER OTSEGO COUNTY COMMUNITY SERVICES**

#### **SCHWERD, CLARK, LINDBERG, STULIGROSS**

RESOLVED, that the Chairman of the Board be and hereby is authorized to execute amended contracts with the following contractors; said contracts are being amended as a result of increased funding for the following services under Otsego County Community Services:

1. Amending Resolution No. 22-2008 - Rehabilitation Support Services, Inc., to develop and operate Supportive Case Management services as a component of the Single Point of Access System for Otsego County adults with serious mental illness and for seriously emotionally disturbed children, and to develop psychosocial rehabilitation programs, for the year 2008, to include additional funding for new beds, COLA and increase in state aid, amending contract amount from \$778,812.00 to \$829,285.00.
2. Amending Resolution No. 25-2008 - The Harbour Program of MHA in Ulster Co., Inc., for services of a Psychiatric Nurse Practitioner and to operate Adolescent Outreach Services for Adolescents aged 12 - 21 years, for the year 2008, to include funds for disaster relief, COLA and increase in state aid, amending contract amount from \$226,268.00 to \$294,673.00;

and be it further

RESOLVED, that the budget accounts covering these contracts shall be increased and modified accordingly, said funds being 100% state reimbursable.

Seconded, Relic. Roll call vote. Total: 6,167; Ayes: 5,282; Absent: 885 – Clark, Rothenberger. Adopted.

**RESOLUTION NO. 242-20080806**

**RESOLUTION - AUTHORIZING OTSEGO COUNTY  
COMMISSIONER OF SOCIAL SERVICES TO  
CONTRACT WITH OTSEGO NORTHERN CATSKILL BOCES**

**CLARK, SCHWERD, STULIGROSS**

WHEREAS, the Otsego County Department of Social Services has determined that the best interests of the students and their families located in the Otsego County school districts will be best served by maintaining a caseworker within each school district staffed by an Otsego County Department of Social Services caseworker; and

WHEREAS, the administration of Otsego Northern Catskill BOCES has proposed to contract with the County for the services of a caseworker to perform preventive services for the students and their families within the Otsego Area Occupational Center located at 1914 County Highway 35, Milford, New York ; and

WHEREAS, in addition to reimbursing the County in full for the local share of the salary of a caseworker, the administration of Otsego Northern Catskill BOCES has proposed to pay for the overhead and other benefits and costs of maintaining such position; and

WHEREAS, it appears to be in the best interests of the County of Otsego to contract for this position; now, therefore, be it

RESOLVED, that the Otsego County Commissioner of Social Services is hereby authorized to contract with Otsego Northern Catskill BOCES for the period August 15, 2008 through December 31, 2009 for preventive services, to be furnished by Otsego County, of a caseworker located in the above-listed location, with 12.5% of the salary, benefits, costs and other additional overhead necessary for the operation of the child preventive services program being paid for by Otsego Northern Catskill BOCES; and be it further

RESOLVED, that said 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 the funds for the above contract are included in the 2008 Social Services Administration Budget at line 6010.1000 Personal Service and consist of 50% federal funds, 37.5% state funds, and 12.5% school district funds.

Seconded, Lindberg. Roll call vote. Total: 6,167; Ayes: 5,282; Absent: 885 – Clark, Murphy. Adopted.

**RESOLUTION NO. 243-20080806**

**RESOLUTION – AUTHORIZING THE COMMISSIONER OF SOCIAL SERVICES TO CONTRACT WITH OPPORTUNITIES FOR OTSEGO TO PROVIDE SERVICES TO TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF) ELIGIBLES**

**CLARK, SCHWERD, STULIGROSS**

WHEREAS, the County has been awarded \$25,000 in TANF funds to support non-residential domestic violence services to Temporary Assistance to Needy Families (TANF) eligibles; and

WHEREAS, the County desires to contract with Opportunities for Otsego for the provision of services; now, therefore, be it

RESOLVED, that the Commissioner of the Department of Social Services, on behalf of the County of Otsego, is hereby authorized to contract with Opportunities for Otsego for the term April 1, 2008 to March 31, 2009; and that the contract shall include the following terms:

1. In no event shall the Department of Social Services' liability exceed the amount of \$21,689;
2. The contract shall contain such other and further conditions as are in the best interest of the county of Otsego;

and be it further

RESOLVED, that the funding for this contract is included in the 2008 Social Services Administration Budgets (6010) at line 4900 Contracted Expenses and consists of 100% federal funds.

Seconded, Fournier. Roll call vote. Total: 6,167; Ayes: 5,282; Absent: 885 – Clark, Rothenberger. Adopted.

**RESOLUTION NO. 244-20080806**

**RESOLUTION - AUTHORIZING CHAIRMAN OF THE BOARD TO EXECUTE A CONTRACT WITH THE CHENANGO, DELAWARE, OTSEGO WORKFORCE INVESTMENT BOARD FOR THE PROVISION OF YOUTH SERVICES**

**SCHWERD, CLARK, LINDBERG, STULIGROSS**

WHEREAS, the Otsego County Office of Employment and Training is willing to provide intake, assessment, and case management services to Youth to be enrolled in the Out-of-School Youth Program, in accordance with funds provided by the United States Department of Labor through the New York State Department of Labor; and

WHEREAS, the Chenango, Delaware, Otsego Workforce Investment Board has proposed a contract under which those services are to be provided; now, therefore, be it

RESOLVED, that the Chairman of the Board be and hereby is authorized to enter into an agreement with the Chenango, Delaware, Otsego Workforce Investment Board for the County of Otsego Office of Employment and Training to act as an operator of Intake, Assessment, and Case Management services for the Out-of-School Program in accordance with the provisions of the Workforce Investment Act of 1998 for the period July 1, 2008 to June 30, 2009, for an amount not to exceed \$45,500; 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 the funding for this Agreement is included in the 2008 WIA Program Budget and is 100% federal reimbursable.

Seconded, Fournier. Roll call vote. Total: 6,167; Ayes: 5,282; Absent: 885 – Clark, Rothenberger. Adopted.

#### **RESOLUTION NO. 245-20080806**

#### **RESOLUTION - AUTHORIZING CHAIRMAN OF THE BOARD TO EXECUTE AGREEMENT WITH DIANE C. CUSWORTH FOR PUBLIC HEALTH ADMINISTRATIVE AND CONSULTING SERVICES**

#### **SCHWERD, CLARK, LINDBERG, STULIGROSS**

WHEREAS, Diane C. Cusworth is the former Otsego County Public Health Director, having heretofore retired from County Service; and

WHEREAS, the County desires to enter into a contract with Diane C. Cusworth to provide professional Public Health Administrative and Consulting Services to the County's Health Department; and

WHEREAS, Diane C. Cusworth has expressed a willingness to provide such services to the County; now, therefore, be it

RESOLVED, that the Chairman of this Board is authorized to contract with Diane C. Cusworth, RN, BSN, MS, 570 Wedderspoon Hollow Road, Cooperstown, New York 13326, for the provision of professional Public Health Administrative and Consulting Services to the County's Health Department, at the rate of \$40.00 per hour, at the following amounts:

Amount of the contract not to exceed \$19,500.00 from 04/01/2008 to 07/10/2008

Amount of the contract not to exceed \$25,000.00 from 07/11/2008 to 12/31/2008

and be it further

RESOLVED, that the term of this contract shall terminate on December 31, 2008, or until such time as a candidate is hired by the County as Director of Public Health; and be it further

RESOLVED, the Health and Education Committee shall define the number of hours worked by Mrs. Cusworth and how long the contract will continue after the hiring of a Director of Public Health; and be it further

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

RESOLVED, that the funds for this expenditure are included in the 2008 Public Health Nurses Budget (4072) at line 4900-A Contracts.

Seconded, Fournier. Roll call vote. Total: 6,167; Ayes: 5,282; Absent: 885 – Clark, Rothenberger. Adopted.

**RESOLUTION NO. 246-20080806**

**RESOLUTION - AUTHORIZATION TO SUBMIT SMALL CITIES  
APPLICATION FOR THE RENEWABLE ENERGY DEVELOPMENT, INC.  
ECONOMIC DEVELOPMENT PROJECT**

**JOHNSON, SCHWERD, MCCARTY, ROTHENBERGER**

WHEREAS, the County of Otsego anticipates receiving an invitation to submit a Small Cities grant application for \$750,000 to assist the Renewable Energy Development, Inc. Economic Development Project; and

WHEREAS, this project has a total cost of \$3,130,000 and will create 124 new jobs over three years; and

WHEREAS, the County has held two public hearings on the Small Cities program and proposed project as required; now, therefore, be it

RESOLVED, that the Chairman of this Board is authorized to submit a full application to the New York State Office of Community Renewal for Small Cities grant assistance for the Renewable Energy Development, Inc. Economic Development Project; and be it further

RESOLVED, that the Chairman is authorized to execute a Funding Agreement with the New York State Office of Community Renewal and/or New York State Housing Trust Fund Corporation should the grant be awarded, and to take such actions as may be necessary to implement the proposed economic development project upon its approval.

Seconded, Powers, Murphy, Fournier, Lindberg, Dubben, Johnson, McCarty, Schwerd, Stayton, Harrington and Stuligross . Roll call vote. Total: 6,167; Ayes: 4,827; Abstained: 455 – Relic; Absent: 885 – Clark, Rothenberger. Adopted.

**RESOLUTION NO. 247-20080806**

**RESOLUTION - APPROVING ACCEPTANCE OF  
\$750,000 FROM STATE OF NEW YORK TO COMPLETE**

## **GREATER CATSKILLS FLOOD REMEDIATION PROGRAM**

### **FOURNIER, HARRINGTON, CLARK, STAYTON**

WHEREAS, the New York State Housing Trust Fund Corporation developed a Greater Catskills Flood Remediation Program to assist counties including Otsego County; and

WHEREAS, the purpose of this program is to provide funds to the counties of Broome, Chenango, Delaware, Herkimer, Montgomery, Orange, Otsego, Schoharie, Sullivan, Tioga and Ulster to enable the counties to purchase and demolish one or two family homes having been subject to one or more incidents of flooding since April 1, 2004, and as likely to be subject to future flood incidents that would cause substantial damage hereto; and

WHEREAS, Otsego County was granted \$750,000 for such program; now, therefore, be it

RESOLVED, that this Board of Representatives approves the acceptance of \$750,000 in grant funds from the State of New York to complete the Greater Catskills Flood Remediation Program; and be it further

RESOLVED, that the Chairman of this Board is authorized to sign any and all agreements and related documents with the New York State Office of Community Renewal that may be necessary for receipt of 2008 Greater Catskills Flood Remediation Program Grant Funds in the amount of \$750,000, to be administered through the Otsego County Office of Emergency Services and the Otsego County Planning Department; and be it further

RESOLVED, that said agreement(s) shall contain such terms and conditions as are in the best interest of the County of Otsego.

Seconded, Lindberg. Roll call vote. Total: 6,167; Ayes: 4,905; Noes: 377 – McCarty; Absent: 885 – Clark, Rothenberger. Adopted.

### **RESOLUTION NO. 248-20080806**

#### **RESOLUTION - AUTHORIZING THE RECOGNITION OF, AND EXTENSION OF LIABILITY INSURANCE, TO THE CITIZEN VOLUNTEER MEMBERS OF THE OTSEGO COUNTY RADIO AMATEUR CIVIL EMERGENCY SERVICE (OCRACES), OTSEGO COUNTY SPECIAL OPERATIONS TEAM (OCSOT) AND OTSEGO COUNTY ANIMAL RESPONSE TEAM (OCART)**

### **FOURNIER, HARRINGTON, CLARK, STAYTON**

WHEREAS, OCRACES has served the County through the Office of Emergency Services for many years without recognition and extension of insurance coverage. The service it provides to Otsego County is well documented and occurs on and within county property, as well as in the field; and

WHEREAS, OCSOT formed in late 2001, post the 9/11 attacks, its members were previously restricted to fire service personnel; that thereafter the County passed "Special Teams" legislation which extends liability insurance coverage to these "Special Teams" under New York State Volunteer Firemen's Benefit Law (VFBL); and

WHEREAS, a number of private sector individuals, that is, hospital staff, industry, etc. have expressed interest in volunteering and working with this group, but cannot be provided insurance coverage; and

WHEREAS, OCART is being established by the County Health Department and the Office of Emergency Services. This group has had several informational, organizational and planning meetings, classroom training and exercises. The next step is for it to become a functional response entity during disaster response; and

WHEREAS, it is in the best interests of the County of Otsego and its residents, to recognize these groups and extend liability insurances to their citizen volunteer members; now, therefore, be it

RESOLVED, that this Board of Representatives does hereby authorize the recognition of the citizen volunteer members of the OCRACES, OCSOT and the OCART; and be it further

RESOLVED, that this Board of Representatives extends liability insurance to these members; and be it further

RESOLVED, that upon adoption of this resolution, organizational rosters will be provided and maintained by each group, and such information shall be forwarded to the County Attorney for inclusion in the County's insurance coverage.

Seconded, Relic. Oral vote. Total: 6,167; Ayes: 5,282; Absent: 885 – Clark, Rothenberger. Adopted.

#### **RESOLUTION NO. 249-20080806**

#### **RESOLUTION - AUTHORIZING CHAIRMAN TO SIGN MEMORANDUM OF UNDERSTANDING (MOU) WITH OTSEGO LAND TRUST FOR ADMINISTRATION OF THE FARMLAND PRESERVATION PROJECT WITH RINGWOOD FARMS**

**MCCARTY, FOURNIER, MURPHY, ROTHENBERGER**

WHEREAS, the County of Otsego has received funding from the New York State Department of Agriculture and Markets' Farmland Protection Implementation Grant (FPIG) in the amount of \$715,025, to purchase development rights on approximately 316 acres in the Town of Springfield and in the Town of Warren in Herkimer County, known as Ringwood Farms; and

WHEREAS, the County will partner with Otsego Land Trust for the procurement of

services to implement and complete the requirements for purchasing and holding of the development rights; and

WHEREAS, the County and Otsego Land Trust has agreed to enter into a MOU to govern each role as partners in this effort; now, therefore, be it

RESOLVED, that the Chairman of this Board is authorized to enter into a MOU between the County of Otsego and Otsego Land Trust to implement, administer and complete the requirements for purchasing and holding of the development rights of Ringwood Farms; and be it further

RESOLVED, that the total purchase price is estimated at \$578,325 with administrative costs budgeted at \$71,700 and a 10% contingency allowance by the State of \$65,000; these dollar figures being estimates which will be adjusted accordingly upon completion of a formal appraisal, a boundary survey and the execution of the conservation easement with the landowners, contingent upon receipt of awarded FPIG grant funds by Otsego County from the New York State Department of Agriculture and Markets.

Seconded, Schwerd. Roll call vote. Total: 6,167; Ayes: 3,669; Noes: 1,613 – Relic, Fournier, Lindberg; Absent: 885 – Clark, Rothenberger. Adopted.

#### **RESOLUTION NO. 250-20080806**

#### **RESOLUTION - APPROVING EIGHT YEAR EXTENSION OF AGRICULTURAL DISTRICT NO. 3**

#### **MCCARTY, FOURNIER, MURPHY, ROTHENBERGER**

WHEREAS, by Resolution No. 81 of 1976, Agricultural District No. 3 located in the Towns of Cherry Valley, Middlefield, Otsego, Springfield and the Village of Cooperstown, was created; and

WHEREAS, pursuant to Section 303(a) of the Agriculture and Markets Law, this Board has reviewed Agricultural District No. 3; and

WHEREAS, during the review process, the County Planning Board and the Agricultural and Farmland Protection Board recommended that Agricultural District No. 3 be continued for another eight year term with modification by including parcels from Agricultural District Nos. 4, 5, 11 and 12 located in the Towns of Cherry Valley, Middlefield and Otsego; and

WHEREAS, there are no apparent adverse environmental impacts associated with the proposed continuation of such district with modification and no opposition was heard at the public hearing held on July 2, 2008; now, therefore, be it

RESOLVED, that Agricultural District No. 3 be and the same hereby is approved and continued, with modification to include parcels from Agricultural District Nos. 4, 5, 11 and 12 (the maps and specific designations of these parcels being as are on file with the Clerk of the Board) for another eight year term.

Seconded, Dubben and Lindberg. Oral vote. Total: 6,167; Ayes: 5,282; Absent: 885 – Clark, Rothenberger. Adopted.

**RESOLUTION NO. 251-20080806**

**RESOLUTION – APPROVING ADDITIONS TO CERTIFIED AGRICULTURAL DISTRICTS WITHIN OTSEGO COUNTY**

**MCCARTY, FOURNIER, MURPHY, ROTHENBERGER**

WHEREAS, Section 303-b of the New York State Agriculture and Markets Law provides for the inclusion of viable agricultural land within a certified agricultural district prior to the county established review period; and

WHEREAS, the Otsego County Board of Representatives established the month of February as the 30-day period in which landowners may petition Otsego County for inclusion of parcels of viable agricultural land within certified agricultural districts; and

WHEREAS, Otsego County received requests from six (6) landowners for inclusion of approximately 470 acres of viable agricultural land within certified agricultural districts; and

WHEREAS, the Otsego County Agricultural and Farmland Protection Board (AFPB) reviewed these requests and recommended that the following parcels consist predominantly of viable agricultural land and should be included in the County's certified agricultural districts:

317.00-1-39.00	126 acres	Fredrick Price	Town of Otego
128.00-2-38.05	9.8 acres	Maud Klingensmith	Town of Hartwick
128.00-2-22.08	53 acres	Carol Klingensmith	Town of Hartwick
24.00-1-19.00	116.8 acres	Daniel Cain	Town of Richfield

and

WHEREAS, subsequent to the AFPB meeting, the Town of Otego Assessor provided information that Charles Platt crops hay and raises heifers on his property, and for that reason the following parcels meet the criteria for viable agricultural lands and may be added to the district:

285.00-1-34.09	9 acres	Charles Platt	Town of Otego
285.00-1-35.00	10 acres	Charles Platt	Town of Otego

now, therefore, be it

RESOLVED, that the Otsego County Board of Representatives does hereby approve the approximately 324.6 acres of land as listed above be included in the respective Otsego County Agricultural Districts.

Seconded, Dubben. Oral vote. Total: 6,167; Ayes: 5,282; Absent: 885 – Clark, Rothenberger. Adopted.

Representative Relic withdrew **Resolution No. 252 – Creating Positions In Otsego Manor (Universal Worker II & Principle Account Clerk-Typist)**. {See September 3, 2008 County Board meeting for further action.}

Representative Harrington withdrew **Resolution No. 253 – Abolishing Positions In Otsego Manor (Universal Worker I & Account Clerk-Typist)**. See September 3, 2008 County Board meeting for further action.}

**RESOLUTION NO. 254-20080806**

**RESOLUTION - AMENDING OTSEGO COUNTY PURCHASING  
POLICY AND PROCEDURES**

**RELIC, SCHWERD, JOHNSON**

WHEREAS, the Otsego County Purchasing Policy and Procedures Manual was adopted by Resolution No. 287 of 1992 and last amended by Resolution No. 149 of 2006; and

WHEREAS, it is necessary to update and revise this manual from time to time; now, therefore, be it

RESOLVED, that the Otsego County Purchasing Policy and Procedures Manual, and all related policies, are hereby amended; said complete and amended Otsego County Purchasing Policy and Procedures Manual is on file with the Clerk of the Board of Representatives.

Seconded, Fournier and Lindberg. Representative Murphy moved to add the following further amendment to the Purchasing Policy under Procedures – Section 8: shall notify the County Treasurer “who shall confirm whether or not the appropriation balance is insufficient.” Seconded, Relic. Oral vote on policy amendment. Total: 6,167; Ayes: 5,282; Absent: 885 – Clark, Rothenberger. Motion carried. Roll call vote on Resolution. Total: 6,167; Ayes: 5,282; Absent: 885 – Clark, Rothenberger. Adopted.

**RESOLUTION NO. 255-20080806**

**RESOLUTION – TO PURCHASE CERTAIN NON-DURABLE  
SUPPLIES FOR THE PUBLIC SAFETY BUILDING**

**FOURNIER, HARRINGTON, CLARK, STAYTON**

WHEREAS, the Otsego County Purchasing Agent has advertised and received bids for certain non-durable supplies (food items) for the Public Safety Building for the period of July 1, 2008 to December 31, 2008; and

WHEREAS, the bids have been reviewed by the Public Safety and Legal Affairs

Committee and a recommendation has been made approving the lowest acceptable bid; and

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

RESOLVED, that the Department Head of the Public Safety Building be and hereby is authorized to purchase from the firms, the supplies set forth in accordance with the prices as are on file with the Clerk of the Board; and be it further

RESOLVED, that the funding for the purchase of said supplies is included in the 2008 Jail Budget (3150) at line 4525-A Food.

Seconded, Lindberg. Roll call vote. Total: 6,167; Ayes: 5,282; Absent: 885 – Clark, Rothenberger. Adopted.

### **RESOLUTION NO. 256-20080806**

#### **RESOLUTION - CREATING POSITIONS IN DEPARTMENT OF SOCIAL SERVICES (ACCOUNT CLERK-TYPIST AND CASEWORKER)**

#### **RELIC, SCHWERD, JOHNSON**

RESOLVED, that the following positions be and the same are hereby created in the Department of Social Services:

Account Clerk-Typist, Grade 7, \$21,215 - \$24,950 (\$747),  
rate of reimbursement: 50% federal and 50% state,  
effective August 6, 2008;

Caseworker, Grade 12, \$26,379 - \$31,159 (\$956),  
rate of reimbursement: 50% federal, 37.5% state and  
12.5% school, effective August 15, 2008;

and be it further

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

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

Seconded, Stuligross. Roll call vote. Total: 6,167; Ayes: 5,282; Absent: 885 – Clark, Rothenberger. Adopted.

### **RESOLUTION NO. 257-20080806**

#### **RESOLUTION - ABOLISHING POSITION IN**

**DEPARTMENT OF SOCIAL SERVICES (CLERK)**

**CLARK, SCHWERD, STULIGROSS**

RESOLVED, that the following position in the Department of Social Services is abolished, effective August 6, 2008:

Clerk, 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, Lindberg and McCarty. Oral vote. Total: 6,167; Ayes: 5,282; Absent: 885 – Clark, Rothenberger. Adopted.

**RESOLUTION NO. 258-20080806**

**RESOLUTION – DESIGNATING OTSEGO COUNTY ECONOMIC  
DEVELOPMENT APPLICANT AND OPERATOR OF THE  
NEW YORK STATE MATCHING FUNDS PROGRAM**

**JOHNSON, SCHWERD, MCCARTY, ROTHENBERGER**

WHEREAS, tourism is a major factor in the economy of Otsego County; and

WHEREAS, funds are available through the New York State Department of Commerce for the promotion of tourism; now, therefore, be it

RESOLVED, that the Otsego County Economic Development Department be and hereby is designated to apply to and operate the New York State Matching Funds program of the Department of Commerce; \$225,000.00 being committed by the County in this tourism promotion effort; and be it further

RESOLVED, that the \$225,000.00 will be included in the 2009 Publicity Budget (6410) at line 4830 Tourist Promotion; said funds to be allocated from the 2009 Otsego County Hotel/Motel and Similar Room Occupancy Tax revenues; and be it further

RESOLVED, that the Otsego County Economic Development Department will designate the project director authorized to sign all vouchers and encumbrances; and be it further

RESOLVED, that this resolution is contingent upon the approval of the state budget and availability of state funding.

Seconded, Lindberg. Roll call vote. Total: 6,167; Ayes: 5,282; Absent: 885 – Clark, Rothenberger. Adopted.

**RESOLUTION NO. 259-20080806**

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

**RELIC, SCHWERD, JOHNSON**

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

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

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

<b>2008 TRANSFERS</b>				
	<b>DEPARTMENT</b>	<b>ACCOUNT NAME</b>	<b>ACCOUNT CODE</b>	<b>AMOUNT</b>
<b>A - GENERAL FUND</b>				
FROM:	Traffic Safety Grant	Child Passenger Seats	3310-2300-A	-1,500.00
TO:	<b>Traffic Safety Grant</b>	<b>Mileage</b>	<b>3310-4005-A</b>	<b>750.00</b>
TO:	<b>Traffic Safety Grant</b>	<b>Lodging, Meals, Tolls, Etc.</b>	<b>3310-4010-A</b>	<b>750.00</b>
FROM:	PH Preparedness & Response	Communication Chrgs	4040-4822-A	-2,000.00
TO:	<b>PH Preparedness &amp; Response</b>	<b>Mat. &amp; Supplies</b>	<b>4040-4500-A</b>	<b>2,000.00</b>
FROM:	Department of Health	Personal Service	4010-1000-A	-25,000.00
TO:	<b>Public Health Nurses</b>	<b>Contracts</b>	<b>4072-4900-A</b>	<b>25,000.00</b>
FROM:	RIV Monitoring & Evaluations	Equipment Rental	4311-4600-A	-1,558.45
TO:	<b>RIV Monitoring &amp; Evaluations</b>	<b>Equipment</b>	<b>4311-2000-A</b>	<b>1,558.45</b>
FROM:	Intensive Case Management	Equipment Rental	4315-4600-A	-298.12
TO:	<b>Intensive Case Management</b>	<b>Other</b>	<b>4315-4800-A</b>	<b>298.12</b>
FROM:	Office of Emergency Services	Mat. & Supplies	3641-4500-A	-1,200.00
TO:	<b>Office of Emergency Services</b>	<b>Other-Fire Ext Maint</b>	<b>3641-4802-A</b>	<b>1,200.00</b>
<b>D - COUNTY ROAD FUND</b>				
FROM:	Maintenance	Personal Service	5110-1000-D	-60,000.00
TO:	<b>Maintenance</b>	<b>County Equip Charges</b>	<b>5110-4600-D</b>	<b>60,000.00</b>
<b>E - ENTERPRISE FUND</b>				

FROM:	Infirmary - Enterprise	Personal Service	6020-1000-E	-1,000.00
TO:	<b>Infirmary - Enterprise</b>	<b>Equipment Rental</b>	<b>6020-4600-E</b>	<b>1,000.00</b>
<b>2008 BUDGET MODIFICATIONS</b>				
<b>A - GENERAL FUND</b>				
Increase:	Stop DWI Reserves	Appropriated Reserves	0000-0511-A	4,000.00
Increase:	Stop DWI	Personal Service	3315-1000-A	2,000.00
Increase:	Stop DWI	Equipment	3315-2000-A	2,000.00
Increase:	Miscellaneous Reserves	Appropriated Reserves	0000-0511-A	1,920.89
Increase:	Stop DWI - Victims Impact Panel	Other	3316-4800-A	1,920.89
Increase:	Sheriff	Sheriff Grant	0000-3389-A	27,000.00
Increase:	Sheriff	Equipment	3110-2000-A	22,500.00
Increase:	Sheriff	Other	3110-4800-A	4,500.00
Increase:	Miscellaneous Reserves	Appropriated Reserves	0000-0511-A	22,665.38
Increase:	Local Emergency Planning Cmte	Education	3644-4815-A	2,419.71
Increase:	Local Emergency Planning Cmte	Planning	3644-4820-A	20,245.67
Increase:	Miscellaneous Reserves	Appropriated Reserves	0000-0511-A	18,502.80
Increase:	Office of Emergency Services	Equipment	3641-2000-A	6,502.80
Increase:	Office of Emergency Services	Mat. & Supplies	3641-4500-A	6,000.00
Increase:	Office of Emergency Services	Other	3641-4800-A	6,000.00
Increase:	Building Services	Court Annex Renovations	0000-3332-A	50,000.00
Increase:	Building Services	Annex Renovations	1626-4905-A	50,000.00
Increase:	Planning	AG Protection/Planning	0000-3911-A	715,025.00
Increase:	Planning	Farmland Protection Imp Grant	8020-4901-A	715,025.00
Increase:	Harbour Program Reinvestment	State Harbour Prog Reinv	0000-3498-A	28,405.00
Increase:	Harbour Program Reinvestment	MHA	4326-4693-A	28,405.00
Increase:	Contract - Mental Health - CSS	Rehab Support Services	0000-3495-A	47,937.00
Increase:	Contract - Mental Health - CSS	RSS - Reinvestment	0000-3500-A	2,536.00
Increase:	Contract - Mental Health - CSS	Other	4324-4800-A	47,937.00
Increase:	Contract - Mental Health - CSS	RSS - Reinvestment	4324-4810-A	2,536.00
Decrease:	Lead Poison Prevention	Lead Poison Prev	0000-4408-A	-500.00
Decrease:	Lead Poison Prevention	Mat. & Supplies	4054-4500-A	-500.00
Decrease:	Public Health Nurses	Immun Action Plan	0000-4410-A	-630.00
Decrease:	Public Health Nurses	Personal Service	4072-1000-A	-630.00

Decrease:	Social Services Admin	DSS-Childs Advocacy CTR	6010-4801-A	-129,876.00
Decrease:	Social Services Admin	Social Service Administration	0000-3610-A	-129,876.00
<b>DM - ROAD MACHINERY FUND</b>				
Increase:	Machinery Fund	Fuel	5130-4560-DM	60,000.00
Increase:	Interfund Revenues	Transfer From Co.Rd.Fd. Rentals	0000-2822-DM	60,000.00

Seconded, Lindberg. Roll call vote. Total: 6,167; Ayes: 4,656; Noes: 626 – Fournier; Absent: 885 – Clark, Rothenberger. Adopted.

**RESOLUTION NO. 260-20080806**

**RESOLUTION – AUTHORIZING CHAIRMAN TO SIGN APPLICATION FOR MEMBERSHIP IN ICLEI AND TO UNDERTAKE ICLEI’S FIVE MILESTONES**

**MCCARTY, FOURNIER, MURPHY, ROTHENBERGER**

WHEREAS, the Urban Environmental Accords adopted by local government delegates during the UN World Environment Day 2005 call for reduced emissions through energy efficiency, land use and transportation planning, waste reduction and wiser energy management; and

WHEREAS, 162 countries including the United States pledged under the United Nations Framework Convention on Climate Change to reduce their greenhouse gas emissions; and

WHEREAS, energy consumption, specifically the burning of fossil fuels, accounts for more than 80% of U.S. greenhouse gas emissions; and

WHEREAS, local government actions taken to reduce greenhouse gas emissions and increase energy efficiency provide multiple local benefits by decreasing air pollution, creating jobs, reducing energy expenditures, and saving money for the local government, its businesses, and its residents; and

WHEREAS, the Cities for Climate Protection® Campaign sponsored by ICLEI – Local Governments for Sustainability has invited Otsego County to join ICLEI (International Council for Local Environmental Initiatives) and become a partner in the Cities and Counties Climate Protection Program; now, therefore, be it

RESOLVED, that the County of Otsego, New York, will join ICLEI as a Full Member and will take a leadership role in promoting public awareness about the causes and impacts of climate change; and be it further

RESOLVED, that the County of Otsego will undertake ICLEI’s five milestones to reduce both greenhouse gas and air pollution emissions throughout the community, and

specifically:

- Conduct a greenhouse gas emissions inventory and forecast to determine the source and quantity of greenhouse gas emissions in the jurisdiction;
- Establish a greenhouse gas emissions reduction target;
- Develop an action plan with both existing and future actions which when implemented will meet the local greenhouse gas reduction target;
- Implement the action plan; and
- Monitor and report progress;

and be it further

RESOLVED that the County of Otsego requests assistance from ICLEI's Cities for Climate Protection Campaign as it progresses through the milestones.

Seconded, Stuligross and Stayton. Representative Relic moved to table Resolution No. 260-2008. Seconded, Fournier. Roll call vote. Total: 6,167; Ayes: 4,110; Noes: 1,172 – Murphy, Stayton, Stuligross; Absent: 885 – Clark, Rothenberger. Motion carried. {See October 1, 2008 County Board meeting for further action.}

Representative Fournier moved to suspend the rules and act upon late Resolution No. 261. Seconded, Johnson. Oral vote. Total: 6,167; Ayes: 5,282; Absent: 885 – Clark, Rothenberger. Motion carried.

#### **RESOLUTION NO. 261-20080806**

#### **RESOLUTION - APPOINTING DIRECTOR OF PUBLIC HEALTH**

#### **SCHWERD, CLARK, LINDBERG, STULIGROSS**

RESOLVED, that Heidi Bond be and hereby is appointed on a probationary basis to the position of Director of Public Health at an annual salary of \$60,000.00, effective immediately.

Seconded, Fournier. Roll call vote. Total: 6,167; Ayes: 5,282; Absent: 885 – Clark, Rothenberger. Adopted.

Representative McCarty moved to reconsider Resolution No. 226-20080702. Seconded, Schwerd. Roll call vote. Total: 6,167; Ayes: 3,669; Noes: 1,613 – Relic, Fournier, Lindberg; Absent: 885 – Clark, Rothenberger. Motion carried.

#### **RESOLUTION NO. 226-20080702**

#### **RESOLUTION - AUTHORIZING THE FILING OF STATE FUNDING APPLICATIONS FOR FARMLAND PROTECTION IMPLEMENTATION PROJECTS**

#### **MCCARTY, FOURNIER, MURPHY, ROTHENBERGER**

WHEREAS, the mission of the Otsego Land Trust is to conserve the distinctive rural character of the Otsego County region through protecting open space, lands of scenic value, fragile ecosystems, farmland and forestlands; and

WHEREAS, the Otsego Land Trust is prepared to lead initiatives to protect farmland in Otsego County, and to hold and monitor conservation easements under conditions acceptable to the New York State Department of Agriculture and Markets; and

WHEREAS, the County's authorization is requested for the filing of two (2) applications to the New York State Department of Agriculture and Markets for the funding of two (2) Farmland Protection Implementation Projects; and

WHEREAS, the proposed projects involve the purchase of development rights of the Weaver Farm and the Stitzel Farm in the Town of Springfield; and

WHEREAS, the Weaver Farm has approximately 107 acres; and

WHEREAS, the Stitzel Farm has approximately 1400 acres; 1027 acres in Otsego County and 373 acres in Herkimer County; and

WHEREAS, the funding application will be filed jointly with the County of Herkimer and will not involve any additional County funds; now, therefore, be it

RESOLVED, that this Board of Representatives authorizes the joint filing of two (2) applications, together with the County of Herkimer, with the New York State Department of Agriculture and Markets for the funding of two (2) Farmland Protection Implementation projects; namely, the purchase of development rights of the Weaver Farm and the Stitzel Farm in the Town of Springfield; and be it further

RESOLVED, that the Chairman of the Board is authorized to sign the associated state contract and any other documents that may be necessary to procure this funding.

Roll call vote on resolution. Total: 6,167; Ayes: 3,669; Noes: 1,613 – Relic, Fournier, Lindberg; Absent: 885 – Clark, Rothenberger. Adopted.

Representative Harrington moved to suspend the rules and act upon **Resolution No. 252 - 20080806 – Creating Positions In Otsego Manor (Universal Worker II & Principle Account Clerk-Typist)**. Seconded, Stayton. Roll call vote. Total: 6,167; Ayes: 3,443 – Fournier, Lindberg, Dubben, McCarty, Schwerd, Stayton, Harrington, Stuligross; Noes: 1,839 – Relic, Powers, Murphy, Johnson; Absent: 885 – Clark, Rothenberger. Motion lost because 4,112 votes (2/3 vote) were needed.

All the general business of the Board having been transacted, the Chairman declared the meeting recessed until Wednesday, August 20, 2008 at 7:30 p.m.