

**REGULAR SESSION
SECOND DAY**

Wednesday, August 15, 2007

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

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

Under Privilege of the Floor, Wenli Zheng from Cooperstown said he was still trying to free his parents who were arrested in China in 2005. They were sentenced to a five year term in prison for practicing Falun Gong for health reasons. Mr. Zeng asked the County Board to help spread awareness of the persecution and to send another letter to our federal representatives asking for assistance in stopping the persecution and freeing those people who have been arrested for practicing Falun Gong.

The following communications were read and ordered filed:

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

Mohawk Valley Economic Development District, Inc. - Annual Financial
Statements for 2006

Venesky & Company - Otsego County Space Occupancy Cost Analysis for 2006

Under Special Presentations, Ed Wesnofske, MOSA Board member, introduced Tim Bratton from Gershman, Brickener & Bratton, Inc. and Erin Crotty who were hired by MOSA to do a report of findings and recommendations on solid waste issues in the three county region. Tim Bratton reviewed the draft Phase I Report and recommendations concerning the Montgomery-Otsego-Schoharie Solid Waste Management Authority. He said that his group met with MOSA officials, county officials, garbage haulers and other stakeholders for their input on the matter. The four key issues identified that need significant improvement are resource allocation, communications, planning and governance. Both short term and long term recommendations were discussed. Mr. Bratton asked that comments on the report be submitted to MOSA by September 21, 2007 so a final report can be prepared and a decision made on whether to proceed with Phase II of the report and what items to include in Phase II.

Ed Wesnofske then introduced Mike Cahill, Oneida-Herkimer Authority's lawyer for flow control. Mr. Cahill stated that flow control is a tool for local governments to manage its solid waste. The purpose of flow control is to allow planning for an integrated solid waste management system, to serve as a revenue raising device and to protect a government's investment in solid waste facilities. Mr. Cahill argued for the legality of the Oneida-Herkimer Flow Control Local Law in front of the U.S Supreme Court and won. He said that MOSA's three counties could adopt an identical or similar flow control law that would also hold up in court. A flow control law would insure MOSA's economic self-sufficiency and eliminate the need for the counties to subsidize the tipping fee. MOSA could enforce the local laws for all three counties, in conjunction with a licensing program for garbage haulers. A plan of enforcement would be needed to insure compliance from the beginning.

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

Representative Fournier moved to dispense with the reading of all the resolutions. Seconded, Henderson. Total: 6,167; Ayes: 5,841; Absent: 326 - Rothenberger. Motion carried.

RESOLUTION NO. 233-2007

RESOLUTION - AUTHORIZING CHAIRMAN OF THE BOARD TO EXECUTE A CONTRACT BETWEEN HANCOCK & ESTABROOK, LLP AND THE COUNTY OF OTSEGO

FELDSTEIN, IVERSEN, RELIC

WHEREAS, it is in the best interest of the County to obtain the services of a labor negotiator to act on its behalf during negotiations regarding the contracts between the County of Otsego and the recognized bargaining units; and

WHEREAS, Hancock & Estabrook, LLP has submitted a proposal to perform these services for the County; now, therefore, be it

RESOLVED, that the Chairman of this Board be and is hereby authorized to contract with Hancock & Estabrook, LLP to perform these services at a cost of \$4,000 per month, excluding travel; plus \$200 per hour for partner's time, excluding travel; \$160 per hour for associate's time, excluding travel; \$110 for paralegal time, excluding travel; for additional services outlined in the proposal for the period June 1, 2007 through May 31, 2008; and be it further

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

RESOLVED, that a portion of the funding for this contract is included in the 2007 Board of Representatives Budget (1010) at line 4900 Contracts.

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

RESOLUTION NO. 234-2007

RESOLUTION – AMENDING RESOLUTION NO. 133 OF 1967 - INCREASING TAXES ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, ON OCCUPANCY OF HOTEL ROOMS AND ON AMUSEMENT CHARGES, PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK

FELDSTEIN, IVERSEN, RELIC

RESOLVED, by the Otsego County Board of Representatives, as follows:

SECTION 1. Section 4-A of Resolution No. 133 of 1967, enacted by the Otsego County Board of Representatives on December 7, 1967, imposing sales and compensating use taxes, as amended, is amended to read as follows:

SECTION 4-A. Imposition of additional rate of sales and compensating use taxes.

Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional one percent rate of such sales and compensating use taxes, for the period beginning December 1, 2003, and ending November 30, 2009. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating to or applicable to the administration and collection of the taxes imposed by sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

SECTION 2. Paragraph (C) of Subdivision (1) of Section 11 of Resolution No. 133 of 1967, enacted by the Otsego County Board of Representatives on December 7, 1967, imposing sales and use taxes, as amended, is amended to read as follows:

(C) With respect to the additional tax of one percent imposed for the period December 1, 2003, and ending November 30, 2009, in respect to the use of property used by the purchaser in this county prior to December 1, 2003.

SECTION 3. This enactment shall take effect on December 1, 2007.

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

All the general business of the Board having been transacted, the Chairman declared the meeting adjourned until Wednesday, September 5, 2007 for a public hearing on the inclusion of lands into certified agricultural districts at 10:00 a.m., for a public hearing on the eight year review of Agricultural District No. 2 at 10:05 a.m. and the Board meeting to follow.