

**REGULAR SESSION
SECOND DAY**

Wednesday, August 19, 2009

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

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

Under Privilege of the Floor, Cindy Macomber, county employee, resident and taxpayer, pointed out that the employees are still without a contract and employee leave time is still not on the pay stubs. She stated that at the last County Board meeting Resolution No. 190, which offered a county job at Step 3, was approved. If people will not work at the base salary, then maybe the county is not paying enough and should settle the union contract. Ms. Macomber also questioned the county funding a tourism webpage, which advertises private businesses, and sidewalks in Cooperstown. The tourist season is temporary. The county's focus should be on upgrading the internet and communications for full time residents and those who pay taxes. She stated that the county should do more for the full time people and look into more full time employment.

The minutes of July 1, 2009 were approved.

The following communications were read and ordered filed:

Psalm Wyckoff, Planner, Otsego County Planning Department – Letters from the Otsego County Agricultural and Farmland Protection Board recommending the continuation of Agricultural District No. 8 with modifications and the inclusion of an additional 632 acres into Agricultural District Nos. 3, 7 and 8.

Notice of Claim – Michael J. Stavola versus Otsego County Sheriff's Office, Otsego County District Attorney's Office, Otsego County Board of Supervisors – For failure to exercise due diligence in arresting and ascertaining factual basis for arrest and filing of accusatory instruments. No amount stated.

Notice of Claim – Tanya Johnson versus d.c.m.o. BOCES – For harassment and wrongful expulsion of Plaintiff from a course of study at DCMO BOCES. No amount stated.

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

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

RESOLUTION NO. 194-20090819

**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**

JOHNSON, SCHWERD, MURPHY

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, 2011. 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, 2011, 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 December 1, 2009.

Seconded, Relic and Lindberg. Roll call vote. Total: 6,167; Ayes: 5,841; Absent: 326 – Rothenberger. Adopted.

Representative Relic moved to suspend the Rules and act upon late Resolution No. 195. Seconded, Stuligross. Total: 6,167; Ayes: 5,841; Absent: 326 – Rothenberger. Motion carried.

RESOLUTION NO. 195-20090819

**RESOLUTION – APPROVING ECONOMIC RECOVERY
PROJECT FOR COUNTY ROUTE 33 IN TOWN OF
MIDDLEFIELD PIN 9753.53**

MCCARTY, HARRINGTON, RELIC

WHEREAS, the County Route 33, from the Village of Cooperstown Line north 11.29 miles to NYS Route 166, Town of Middlefield, Otsego County, PIN 9753.53, Economic Recovery Project (hereinafter “the Project”) in the County of Otsego, (hereinafter “the Municipality/Sponsor”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds and 0% non-federal funds;

NOW, THEREFORE, the Otsego County Board duly convened does hereby:

RESOLVE, that the Otsego County Board hereby approves the above Project; and it is hereby further

RESOLVED, that the County of Otsego agrees to advance the Project through the County of Otsego’s resources and agrees that the Otsego County Board hereby authorizes the County of Otsego to pay in the first instance the full Federal and non-Federal costs of any and all phase(s) or portions thereof and it is further hereby appropriates no other funds from any County account to complete the Project including all phase(s) or portions thereof; rather if the lowest responsible public bid exceeds the Federal Funding of \$1,315,000 then the bids shall be rejected and rebid until such point when the low bid is within the above Federal Funding, or the Federal Funding is increased to accommodate said lowest responsible bid cost; and it is hereby further

RESOLVED, that the Otsego County Board makes 100% commitment of the Federal and non-Federal share (if any) of the costs of the Construction and Construction Supervision and Inspection phase of work for the Projects or portions thereof, with the Federal share of such costs to be applied by the New York State Department of Transportation pursuant to the State/Local Agreements; and it is hereby further

RESOLVED, that the sum of \$1,315,000 is hereby appropriated from County Highway Appropriation Account 5112-2123-D - Co Hwy 33 (Stimulus) and made available to cover the cost of participation in the above phase of the Project; and hereby appropriates no further sums from any County Highway account or other funds necessary to complete the Project including all phases or portions thereof; and it is hereby further

RESOLVED, that upon completion of construction of the Project, or a fully usable portion thereof, the County of Otsego agrees to maintain the Project, or fully usable portion thereof, at their sole cost and expense; and it is hereby further

RESOLVED, that the Chairman of the Board of Representatives of the County of Otsego is hereby authorized to execute all necessary Agreements or certifications on behalf of the County of Otsego, (subject to the Municipal/Sponsor Attorney’s approval as to form and content), with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Projects and the County of Otsego’s first instance funding of the Federal and non-Federal share of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is hereby further

RESOLVED, that a certified copy of this Resolution be filed with the New York State

Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

Seconded, Stuligross. Roll call vote. 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 2, 2009 at 10:00 a.m.