

**REGULAR SESSION
FIRST DAY**

Wednesday, October 3, 2007

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

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

Under Privilege of the Floor, Myrna Thayne, Otsego County Treasurer, asked the County Board to hold its hearings regarding the use of public funds by her as Public Administrator before November 15, 2007 so that the truth can prevail. The County Board has wasted enough taxpayers' dollars.

Diane Elliott, Executive Director for the Foothills Performing Arts Center, updated the County Board on the booming summer the center has had. She said they are now partnered with ARC of Chenango, Delaware and Otsego Counties and Headstart to provide art programs.

Wenli Zheng from Cooperstown said that his parents were arrested in China for practicing Fulan Gong. He said he has a petition that he would like to have people sign. The petition will be sent to Congresswoman Kirsten Gillibrand.

Joseph Charity, Deputy Otsego County Treasurer, addressed the County Board to clarify remarks made at the last Administration Committee meeting. Staff in the Treasurer's Office has met with Jack Venesky and Harold Landers to review proposed changes for the 2008 budget. Some of the changes are being made. However, there is not enough time to make all of the proposed changes, analyze the results and verify that there are no mistakes. He said that they will do as much as they can, but urged the County Board to reconsider its request for additional information in the 2008 budget.

Rod Sluyter, President of the Canadarago Lake Association, said he was very interested in the County Board's efforts to help solve the lake problems.

Under Special Presentations, John Clarkson from the Governor's Commission for Local Government Efficiency and Competitiveness addressed the County Board. He said that the commission was established to look at local government structures and how to simplify and consolidate them. Mr. Clarkson said he has met with town and county officials regarding the flooding issues on Canadarago Lake. The commission thinks that the first step in solving the problems is to repair the dam and dredge the sand bar. The state has committed to provide technical and financial support for this project. In addition, the state is willing to reach out to our federal representatives and the Army Corps of Engineering for assistance. Mr. Clarkson said that he does not have all of the answers that the county has raised about the project regarding costs and liability. A long term plan needs to be developed to gather information. Mr. Clarkson urged the County Board to take rapid action and make use of state funds to work on the dam and sand bar. Chairman Lindberg said that the county needs to meet with all of the interested parties again for further discussion.

Kelly Conroy from OFO's Violence Intervention Program handed out information about the program. She said that the program serves about 300 children and adults every year. They provide counseling, a safe house and court advocacy. Ms. Conroy said that the program was highly appreciative of the county's support and recognition. Chairman Lindberg presented Ms. Conroy with a proclamation proclaiming October 2007 as Domestic Violence Awareness Month.

Scott Fickbohm from the Otsego County Soil and Water Conservation District (SWCD) updated the County Board on what he has been doing in regards to Canadarago Lake. He said he has written to the Army Corp of Engineers asking for their help and asked for letters of support from the county and the towns. He said that SWCD is willing to help the county to gather information and make an informed decision. His time on the project can be used as part of the local in-kind match for any grant. In addition, Mr. Fickbohm said he presented SWCD's 2008 budget to the Health, Education and Agricultural Committee. There is no increase of county funding requested for 2008.

Sharon Scofield, President, and Doug Geertgens, Vice President, of Cooperative Extension reviewed Cooperative Extension's request for the 2008 County Budget and updated the County Board on its livestock programs. Chairman Lindberg presented them with a proclamation proclaiming October 7 – 13, 2007 as Cornell Cooperative Extension Week and National 4-H Week in Otsego County.

The Chairman declared a short break.

The Board meeting reconvened.

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

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

Representative Hodne withdrew **Resolution No. 266-2007 - Authorizing the Chairman of the Board to sign contract with the New York State Department of Economic Development.** {See the December 5, 2007 County Board meeting for further action.}

RESOLUTION NO. 267-2007

RESOLUTION - AMENDING RESOLUTION NO. 150-2007- AUTHORIZING THE CHAIRMAN OF THE BOARD TO EXECUTE AMENDED CONTRACTS TO PROVIDE SUPPORTIVE SERVICES FOR ELDERLY RESIDENTS OF OTSEGO COUNTY UTILIZING EXPANDED IN-HOME SERVICES FOR THE ELDERLY FUNDING

HENDERSON, IVERSEN, STAYTON

WHEREAS, Resolution No. 150-2007 authorized the Chairman of the Board to execute renewal contracts with U. S. Care Systems, Inc., Robynwood Home for Adults, Visiting Nurses Home Care Corporation and At Home Care, Inc. to provide supportive services for elderly residents of Otsego County utilizing Expanded In-Home Services for the

Elderly Program Funding; and

WHEREAS, New York State regulations require that Cost Shares collected from program participants be used to expand services; and

WHEREAS, Cost Shares, in excess of those included in the 2007 budget, have been collected; now, therefore, be it

RESOLVED, that the Chairman of the Board is hereby authorized to execute amended agreements with U. S. Care Systems, Inc., Robynwood Home for Adults, Visiting Nurses Home Care Corporation and At Home Care, Inc. to increase funding by \$9,000.00 for the period April 1, 2007 to March 31, 2008. This amount is to be shared between all providers on a performance basis; and be it further

RESOLVED, that these funds will be included in the 2007 Office for the Aging budget and include no new local funds.

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

RESOLUTION NO. 268-2007

RESOLUTION – AUTHORIZING THE CHAIRMAN OF THE BOARD TO EXECUTE AMENDED CONTRACTS TO PROVIDE IN-HOME RESPITE SERVICES UTILIZING TITLE III E - THE NATIONAL FAMILY CAREGIVERS ACT FUNDING

HENDERSON, IVERSEN, STAYTON

WHEREAS, funding is available to pay for respite services under Title III E, The National Family Caregiver Act; and

WHEREAS, the Health, Education and Agriculture Committee of the Otsego County Board of Representatives approved contracting with U.S. Care Systems, Inc., Robynwood Home for Adults, Visiting Nurses Home Care Corporation and At Home Care, Inc. to provide such services for an amount not to exceed \$16,500.00 on December 11, 2006; and

WHEREAS, additional funding through Title III E is available in the amount of \$4,925.00 to pay for such services that include no new local dollars; now, therefore, be it

RESOLVED, that the Chairman of the Board is hereby authorized to execute amended agreements with U.S. Care Systems, Inc., Robynwood Home for Adults, Visiting Nurses Home Care Corporation and At Home Care, Inc. to increase funding by \$4,925.00 for the period January 1, 2007 to December 31, 2007. This amount is to be shared between all providers on a performance basis; and be it further

RESOLVED, that these funds will be included in the 2007 Office for the Aging budget and include no new local funds.

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

RESOLUTION NO. 269-2007

RESOLUTION - AUTHORIZING CHAIRMAN OF THE BOARD TO EXECUTE ANY AND ALL AGREEMENTS NECESSARY TO RECEIVE GRANT FUNDS FROM THE LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM

FOURNIER, FELDSTEIN, STAYTON, POWERS

WHEREAS, Otsego County has been awarded \$54,000 from the New York State Office of Homeland Security under the Law Enforcement Terrorism Prevention Program (LETPP); and

WHEREAS, funding for this grant is provided by the Federal Emergency Management Agency's National Preparedness Directorate; and

WHEREAS, the LETPP provides funds for the law enforcement community to support their terrorism prevention and preparedness efforts in the areas of training, exercises, intelligence and information-sharing, law enforcement investigations and operations; now, therefore, be it

RESOLVED, that the Chairman of this Board of Representatives be and is hereby authorized to sign any and all agreements through the New York State Office of Homeland Security that may be necessary to receive grant funds of \$54,000 from the LETPP; 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, Relic and Laguna. Roll call. Total: 6,167; Ayes: 6,167. Adopted.

RESOLUTION NO. 270-2007

RESOLUTION - AMENDING RESOLUTION NO. 266-2006 - AUTHORIZING COMMISSIONER OF SOCIAL SERVICES AND THE DIRECTOR OF OFFICE FOR THE AGING TO EXECUTE AN AGREEMENT FOR OPERATION OF A POINT OF ENTRY FOR LONG TERM CARE SERVICES

ROTHENBERGER, LAGUNA, MCCARTY

WHEREAS, Resolution No. 266-2006 authorized the Commissioner of Social Services and the Director of the Office for the Aging to execute an agreement for operation of a Point of Entry (POE) for long term care services for the period of October 1, 2006 through September 30, 2007 for an amount not to exceed \$52,000; and

WHEREAS, all monies have not been expended by September 30, 2007 and New York State Office for the Aging has authorized the extension of said funding through

December 31, 2007; now, therefore, be it

RESOLVED, that the Commissioner of Social Services and the Director of the Office of the Office for the Aging are authorized to enter into an amended agreement to extend said agreement through December 31, 2007; total expenditures not to exceed \$52,000 for the period October 1, 2006 through December 31, 2007; and be it further

RESOLVED, that the funding for this contract is included in the 2007 Social Services Administrative Budget (6010) at line 4900 Contracted Expenses and consists of 100% State funds.

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

RESOLUTION NO. 271-2007

RESOLUTION - APPROVING EIGHT YEAR EXTENSION OF AGRICULTURAL DISTRICT NO. 2

HODNE, POWERS, SCHWERD, DURKIN

WHEREAS, Agricultural District No. 2 in the Towns of Decatur, Maryland, Roseboom, Westford and Worcester consisting of 33,140 acres, was established on July 27, 1975; and

WHEREAS, Agricultural District No. 2 is being consolidated with a part of Agricultural Districts Nos. 4 and 11, consisting of 1,558 acres and located in the Towns of Roseboom and Westford; and

WHEREAS, pursuant to Section 303 (a) of the Agriculture and Markets Law, this Board has reviewed Agricultural District No. 2; and

WHEREAS, during the review process, the Agricultural and Farmland Protection Board recommended that District No. 2 be continued with modification for another eight year term by consolidation with parts of Agricultural Districts Nos. 4 and 11 located in the Towns of Roseboom and Westford; and

WHEREAS, there are no apparent adverse environmental impacts associated with the proposed continuation of such district with modifications and no opposition was heard at the public hearing held on September 5, 2007; now, therefore, be it

RESOLVED, that Agricultural District No. 2 be and the same hereby is approved and continued with modifications to include all of the aforementioned additional parcels for another eight year term.

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

RESOLUTION NO. 272-2007

RESOLUTION – APPROVING ADDITIONS TO CERTIFIED

AGRICULTURAL DISTRICTS WITHIN OTSEGO COUNTY

HODNE, POWERS, SCHWERD, DURKIN

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 four (4) landowners for inclusion of 487 acres of viable agricultural land within certified agricultural districts; and

WHEREAS, the Otsego County Agricultural and Farmland Protection Board reviewed these requests, determined that the parcels consist predominantly of viable agricultural land and recommended that all 487 acres of land as listed on the table filed with the Clerk of the Board be included in the county's certified agricultural districts; now, therefore, be it

RESOLVED, that the Otsego County Board of Representatives does hereby approve the 487 acres of land as listed on the table filed with the Clerk of the Board be included in certified Agricultural Districts Nos. 2, 6 and 7 within the County.

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

RESOLUTION NO. 273-2007

RESOLUTION - APPOINTING MEMBERS TO COMMUNITY SERVICES BOARD

HENDERSON, IVERSEN, STAYTON

RESOLVED, that pursuant to Section 41.11 of the Mental Hygiene Law, the following persons be and hereby are appointed members of the Otsego County Community Services Board for the terms indicated:

JOE JUDD
Executive Director
The ARC Otsego County
35 Academy Street
Oneonta, New York 13820
Term expiring December 31, 2008
(Replacing Maysie Wells)

REVA BALDWIN
106 Mather Farm Road
Oneonta, New York 13820
Term expiring December 31, 2008

(Replacing Joseph Fodero)

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

RESOLUTION NO. 274-2007

**RESOLUTION - APPOINTING INDIVIDUALS TO SERVE ON MENTAL
HEALTH SUBCOMMITTEE OF THE OTSEGO COUNTY COMMUNITY
SERVICES BOARD**

HENDERSON, IVERSEN, STAYTON

RESOLVED, that pursuant to Section 41.11 of the Mental Hygiene Law, the following individuals be and hereby are appointed to serve on the Mental Health Subcommittee of the Otsego County Community Services Board for the terms indicated:

JAMES ENNIS
85 Spruce Street
Oneonta, New York 13820
Term expiring December 31, 2008
(Replacing Maysie Wells)

PAULETTE MAJESTIC
7 State Street
Oneonta, New York 13820
Term expiring December 31, 2008
(Replacing Elizabeth-Elena Vera)

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

RESOLUTION NO. 275-2007

**RESOLUTION – CREATING TEMPORARY POSITIONS IN CODE
ENFORCEMENT OFFICE (FULL-TIME & PART-TIME BUILDING PLAN
TECHNICIANS)**

FELDSTEIN, IVERSEN, RELIC

RESOLVED, that the following temporary positions be and hereby are created in the Code Enforcement Office, effective October 3, 2007:

One (1) full-time temporary position of Building Plan Technician,
Grade 12, \$26,379 - \$31,159 (\$956)

Two (2) part-time temporary positions of Building Plan Technician,
Grade 12, \$14.7947 per hour

and be it further

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

RESOLVED, that these positions are funded through a grant from the New York State Education Department; and be it further

RESOLVED, that these positions will expire upon the exhaustion of funds or on June 30, 2008; 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, Fournier. Roll call. Total: 6,167; Ayes: 6,167. Adopted.

RESOLUTION NO. 276-2007

RESOLUTION - AUTHORIZING CHAIRMAN OF THE BOARD TO EXECUTE ANY AND ALL AGREEMENTS NECESSARY TO RECEIVE GRANT FUNDS FROM THE STATE HOMELAND SECURITY PROGRAM

FOURNIER, FELDSTEIN, STAYTON, POWERS

WHEREAS, Otsego County has been awarded \$73,000 from the New York State Office of Homeland Security under the State Homeland Security Program (SHSP); and

WHEREAS, funding for this grant is provided by the Federal Emergency Management Agency's National Preparedness Directorate; and

WHEREAS, the SHSP provides funds to support planning, equipment, training and exercise needs associated with preparedness and prevention activities for terrorist events using weapons of mass destruction involving chemical, biological, radiological, nuclear and explosive materials; now, therefore, be it

RESOLVED, that the Chairman of this Board of Representatives be and is hereby authorized to sign any and all agreements through the New York State Office of Homeland Security that may be necessary to receive grant funds of \$73,000 from the SHSP; 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, Relic. Roll call. Total: 6,167; Ayes: 6,167. Adopted.

RESOLUTION NO. 277-2007

RESOLUTION – COMMITTING TO CASH AND IN-KIND SERVICES FROM THE COUNTY FOR PARTICIPATION IN THE EMPIRE ZONE PROGRAM

HODNE, POWERS, SCHWERD, DURKIN

WHEREAS, the Empire Zone Program is a state-supported program, providing specific tax credits and other incentives for businesses to locate or expand within a specific area and create more jobs; and

WHEREAS, an Empire Zone has been established in the County of Otsego; and

WHEREAS, the Otsego County Empire Zone Administrative Board has been created to administer the Empire Zone; and

WHEREAS, matching funds are available from New York State to enable the Administrative Board to carry out its various functions in establishing and administering the Empire Zone and assisting enterprises in participation in its benefits; and

WHEREAS, the State Empire Zone Program requires a Resolution of Commitment from the County of Otsego for in-kind and cash matching funds; now, therefore, be it

RESOLVED, that the Board of Representatives be and hereby approves and commits to the following in-kind and cash matching funds for the July 1, 2007 to June 30, 2008 Empire Zone Program Year:

IN-KIND MATCH:

Committing for the program year July 1, 2007 to June 30, 2008, an in-kind match of \$18,103.00 from the County of Otsego available as of July 1, 2007, funds to be used as follows:

\$ 4,792.00 Fringe Benefits – Fringe Budget Account .8000
\$13,311.00 Salaries – Economic Development Budget 6425.1000
\$18,103.00

and be it further

RESOLVED, that the County of Otsego Industrial Development Agency has committed to provide \$15,000 toward the county's cash match requirement.

Seconded, Feldstein. Roll call. Total: 6,167; Ayes: 5,790; Abstained: 377 - McCarty. Adopted.

RESOLUTION NO. 278-2007

RESOLUTION – CREATING POSITION IN INFORMATION TECHNOLOGIES DEPARTMENT (MICROCOMPUTER SPECIALIST)

FELDSTEIN, IVERSEN, RELIC

RESOLVED, that the following position be and hereby is created in the Information Technologies Department, effective October 8, 2007:

Microcomputer Specialist, Grade 13,
\$27,569 - \$32,569 (\$1,000)

and be it further

RESOLVED, that the funding for this position is included in the 2007 Information Technologies Budget (1680) at line 1000 Personal Service; and be it further

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

Seconded, Fournier and Laguna. Roll call. Total: 6,167; Ayes: 6,167. Adopted. {See Resolution No. 298-2007 at the October 17, 2007 County Board meeting for further action.}

RESOLUTION NO. 279-2007

RESOLUTION – AMENDING RESOLUTION NO. 228 OF 1993 – AMENDING THE OTSEGO COUNTY CASH RECEIPTS POLICY

FELDSTEIN, IVERSEN, RELIC

WHEREAS, the Otsego County Cash Receipts Policy was adopted by Resolution No. 228 of 1993; and

WHEREAS, it is necessary from time to time 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.
4. 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.

5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. All bank accounts MUST be interest bearing accounts, unless current federal, state, or local laws prohibit it.

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

RESOLUTION NO. 280-2007 (original)

**RESOLUTION – AUTHORIZING OUT OF TITLE WORK IN THE
PROBATION DEPARTMENT**

FOURNIER, FELDSTEIN, STAYTON, POWERS

RESOLVED, that Jean Seeber, Probation Officer I, is authorized to work out of title as Director of Probation I, effective October 1, 2007, with such salary differential to commence thirty (30) days after said effective date, and until such time as she is notified that her services are no longer needed for this position; and be it further

RESOLVED, that the funding for this service is included in the 2007 Probation Budget (3140) at line 1000 Personal Service.

Seconded, Relic. Representative Fournier moved to amend the resolution to read as follows:

RESOLUTION NO. 280-2007 (amended)

**RESOLUTION – APPOINTING TEMPORARY DIRECTOR OF
PROBATION I**

FOURNIER, FELDSTEIN, STAYTON, POWERS

RESOLVED, that Jean Seeber, Probation Officer II, shall be temporarily appointed to the title of Director of Probation I, effective October 1, 2007, for a period not to exceed six months, with an annual salary of \$48,500.00; and be it further

RESOLVED, that the funding for this service is included in the 2007 Probation Budget (3140) at line 1000 Personal Service.

Seconded, Hodne. Total: 6,167; Ayes: 6,167. Motion carried. Roll call on amended resolution. Total: 6,167; Ayes: 6,167. Adopted as amended.

RESOLUTION NO. 281-2007

**RESOLUTION – PROCLAIMING OCTOBER 2007 AS DOMESTIC
VIOLENCE AWARENESS MONTH IN OTSEGO COUNTY**

HENDERSON, IVERSEN, STAYTON

WHEREAS, domestic violence, which had historically been merely a family secret and an unspeakable blemish within that family to be covered up, is and should be acknowledged as a crime in Otsego County; and

WHEREAS, even though one in three women and children are subjects of such abuse, this group alone cannot account as the only targets of domestic violence; may our county not forget the young boys, men, elderly and disabled persons, which are also counted among the victims; and

WHEREAS, domestic violence carries over into a victim's professional and scholastic circle and is non-discriminatory in its affected populations. The presence of such behavior affects the entire community in Otsego County, robbing citizens of peace in their own sanctuary; and

WHEREAS, every man, woman and child should know home to be a safe haven and

a place of warmth and security, whose walls are not to be taken as a permit to carry out acts of violence in privacy; and

WHEREAS, the personal safety of all people are a top priority and concern for the Violence Intervention Program at Opportunities for Otsego, Inc., municipal leaders, the general public, pastors, policy makers and the public servants; now, therefore, be it

RESOLVED, the Otsego County Board of Representatives hereby proclaims the month of October, 2007 as DOMESTIC VIOLENCE AWARENESS MONTH in the County of Otsego and encourages all citizens to actively participate in the scheduled activities and programs sponsored by OFO's Violence Intervention Program to work toward the elimination of personal and institutional violence.

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

RESOLUTION NO. 282-2007

RESOLUTION - PROCLAIMING OCTOBER 7 - 13, 2007 AS CORNELL COOPERATIVE EXTENSION WEEK AND NATIONAL 4-H WEEK IN OTSEGO COUNTY

HENDERSON, IVERSEN, STAYTON

WHEREAS, Cornell Cooperative Extension of Otsego County enables people to improve their lives and communities through partnerships that put experience and research knowledge to work; and

WHEREAS, the Cornell Cooperative Extension system is a viable partnership among federal, state and county governments, the educational outreach of Cornell University knowledge and research, and youth volunteers and staff; and

WHEREAS, nearly 500 professional educators partner with over 50,000 volunteers to assist more that six million individuals, families, communities, and business people in New York State and over 500 volunteers in Otsego County every year; and

WHEREAS, 4-H Youth Development has served one of every eight youth in New York State and continues to provide meaningful youth development experiences for nearly 3,500 youth in Otsego County; and

WHEREAS, the Otsego Association is a recognized leader in providing quality educational programming through initiatives in Children, Youth and Families, Agriculture and Food System Sustainability, Community and Economic Vitality, Environmental and Natural Resources, and Nutrition, Health and Safety Programs; and

WHEREAS, Cornell Cooperative Extension will continue to provide high quality, innovative educational programs and products that help New Yorkers build strong and vibrant communities; now, therefore, be it

RESOLVED, that the Otsego County Board of Representatives hereby designates the week of October 7 - 13, 2007 as CORNELL COOPERATIVE EXTENSION AND

NATIONAL 4-H WEEK in Otsego County.

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

RESOLUTION NO. 283-2007

RESOLUTION – CREATING POSITIONS IN COUNTY CORRECTIONAL FACILITY (CORRECTION OFFICERS)

FELDSTEIN, IVERSEN, RELIC

RESOLVED, that the following part-time positions be and hereby are created in the County's Correctional Facility, effective October 3, 2007:

Nine (9) part-time positions of Correction Officer,
Grade 09G, \$27,374 - \$31,694

and be it further

RESOLVED, that the funding for these positions is included in the 2007 Jail Budget (3150) at line 1000 Personal Service; and be it further

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

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

RESOLUTION NO. 284-2007

RESOLUTION OF APPRECIATION FOR SUSAN PIERRO

ENTIRE BOARD

WHEREAS, Susan Pierro has worked for the County of Otsego for thirty-eight (38) years from August 16, 1969 through September 28, 2007 in the Department of Social Services; and

WHEREAS, Susan Pierro has served the county as a Caseworker, Case Supervisor Grade B, Principal Social Welfare Examiner and Director of Social Services; and

WHEREAS, Susan Pierro has with sincere effort devoted herself to represent and protect the county's children, families and elderly in all human services matters; and

WHEREAS, the Otsego County Board of Representatives and other county employees will remember Susan Pierro for her strong commitment to and leadership of preventive services for the residents in the county; now, therefore, be it

RESOLVED, that the Otsego County Board of Representatives does hereby commend Susan Pierro for her loyalty and dedication in serving Otsego County and its

residents and wishes her well in her retirement and her future endeavors with her dogs.

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

RESOLUTION NO. 285-2007

RESOLUTION - ABOLISHING POSITION IN DEPARTMENT OF SOCIAL SERVICES (MICROCOMPUTER SPECIALIST)

FELDSTEIN, IVERSEN, RELIC

RESOLVED, that the following position in the Department of Social Services is hereby abolished, effective October 8, 2007:

Microcomputer Specialist, Grade 13

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, Stayton. Oral vote. Total: 6,167; Ayes: 6,167. Adopted. {See Resolution No. 299-2007 at the October 17, 2007 County Board meeting for further action.}

RESOLUTION NO. 286-2007

RESOLUTION - ABOLISHING POSITION IN DEPARTMENT OF SOCIAL SERVICES (SR. CLERK)

ROTHENBERGER, LAGUNA, MCCARTY

RESOLVED, that the following position in the Department of Social Services is abolished, effective December 31, 2007:

Sr. Clerk, Grade 7

and be it further

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

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

RESOLUTION NO. 287-2007

RESOLUTION - CREATING POSITIONS IN DEPARTMENT OF SOCIAL

**SERVICES (ACTING COMMISSIONER, SOCIAL SERVICES
CONSULTANT, CASEWORKER & SOCIAL WELFARE EXAMINER)**

FELDSTEIN, IVERSEN, RELIC

RESOLVED, that the following positions be and the same are hereby created in the Department of Social Services, effective October 3, 2007:

ACTING COMMISSIONER, Managerial/Confidential, \$65,000.00 per annum, position not to exceed one (1) year; funds are included in the 2007 Social Services Administration Budget (6010) at line 1000 Personal Service and consist of 50% federal and 25% state reimbursement and 25% local cost;

SOCIAL SERVICES CONSULTANT, temporary, Managerial/Confidential, \$37.50 per hour, eight (8) hours per week, funds are included in the 2007 Social Services Administration Budget (6010) at line 1000 Personal Service and consist of 50% federal and 25% state reimbursement and 25% local cost;

SOCIAL WELFARE EXAMINER, Grade 8, \$22,147 - \$26,077 (\$786); funds are included in the 2007 Social Services Administration Budget (6010) at line 1000 Personal Service and consist of 50% federal and 50% state reimbursement;

CASEWORKER, Grade 12, \$26,379 - \$31,159 (\$956); funds are included in the 2007 Social Services Administration Budget (6010) at line 1000 Personal Service and consist of 50% federal and 37.5% state reimbursement, and 12.5% grant funds (grant to improve staff to client ratio);

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, Stayton and Laguna. Roll call. Total: 6,167; Ayes: 5,790; Absent: 377 - McCarty. Adopted.

RESOLUTION NO. 288-2007

**RESOLUTION – TRANSFERRING FUNDS IN VARIOUS
DEPARTMENTS**

FELDSTEIN, IVERSEN, RELIC

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

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

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

2007 Transfers				
	DEPARTMENT	ACCOUNT NAME	ACCOUNT CODE	AMOUNT
A- GENERAL FUND				
FROM:	Alternatives to Incarceration	Telephone	3157-4100A	-400.00
FROM:	Alternatives to Incarceration	Other	3157-4800A	-200.00
TO:	Alternatives to Incarceration	Personnel	3157-1000A	600.00
FROM:	Alternatives to Incarceration	Materials & Supplies	3157-4500A	-200.00
TO:	Alternatives to Incarceration	Mileage	3157-4005A	200.00
FROM:	Alternatives to Incarceration	Materials & Supplies	3157-4500A	-20.00
TO:	Alternatives to Incarceration	Postage	3157-4400A	20.00
FROM:	Public Health Nurses	Contracted Services	4072-4900A	-2,000.00
TO:	Public Health Nurses	Equipment	4072-2000A	2,000.00
FROM:	Lead Poison Prevention	Training	4054-4050A	-335.00
TO:	Lead Poison Prevention	Postage	4054-4400A	335.00
FROM:	Central Mailing	Mileage	1670-4005A	-400.00
	Central Mailing	Postage	1670-4400A	-225.00
TO:	Central Mailing	Equipment Rental	1670-4600A	625.00
FROM:	Sheriff	Materials & Supplies	3110-4500A	-11,500.00
TO:	Sheriff	Equipment	3110-2000A	11,500.00
FROM:	Public Defender - ILS Fund	Personal Sv Other Than	1171-4700A	-56,925.30
TO:	Public Defender - ILS Fund	Equipment	1171-2000A	27,760.30
TO:	Public Defender - ILS Fund	Lodging, Meal, Tolls	1171-4010A	24,045.00
TO:	Public Defender - ILS Fund	Contracts	1171-4900A	5,120.00
FROM:	Mental Health	Personal Services	4310-1000A	-12,000.00
TO:	Mental Health	Other	4390-4800A	12,000.00
FROM:	Planning	Xerox	8020-4300A	-400.00
TO:	Planning	Postage	8020-4400A	400.00
FROM:	Safety Insp. - Code Enforce.	Mileage	3620-4005A	-2,000.00
FROM:	Safety Insp. - Code Enforce.	Xerox	3620-4300A	-50.00
TO:	Safety Insp. - Code Enforce.	Materials & Supplies	3620-4500A	2,050.00
D - COUNTY ROAD FUND				

FROM:	Road Construction Projects	C/R 35 Base Stabil/Pave	5112-2109D	-20,000.00
TO:	Road Construction Projects	C/R 39 Bridge	5112-2115D	20,000.00
FROM:	Road Construction Projects	C/R 34 Pave	5112-2077D	-14,127.55
TO:	Road Construction Projects	C/R 31 Recycle/Pave	5112-2074D	14,127.55
FROM:	Road Construction Projects	C/R 19 Bridge Replace	5112-2110D	-16,643.63
TO:	Road Construction Projects	C/R 31 Recycle/Pave	5112-2074D	16,643.63
FROM:	Road Construction Projects	C/R 54	5112-2040D	-3,500.00
TO:	Road Construction Projects	C/R 31 Recycle/Pave	5112-2074D	3,500.00
FROM:	Highway Administration	Materials & Supplies	5010-4500D	-1,600.00
TO:	Highway Administration	Other	5010-4800D	1,600.00
2007 BUDGET MODIFICATIONS				
A - GENERAL FUND				
Increase:	Fed Aid-Other Econ. Opport.	OFA III E	510A 0000-4776A	4,925.00
Increase:	Office for the Aging	Contracts	960A 6772-4900A	4,925.00
Increase:	Economic Assist. & Opportun.	OFA EISEP Fees	510A 0000-1975A	9,000.00
Increase:	Office for the Aging	Contracts	960A 6772-4900A	9,000.00
Increase:	State Aid-Transportation	(STOA) Bus System	510A 0000-3589A	23,918.10
Increase:	Federal Aid-Transportation	Section 5311 Oper.	510A 0000-4589A	191,343.80
Increase:	Transportation	Public Trans/Birnie	510A 0000-1789A	23,918.10
Increase:	Public Transportation Service	Equipment	960A 5630-2000A	239,180.00
Increase:	Federal Public Health	Haz Mit Grant	510A 0000-4312A	22,523.00
Increase:	Planning	Haz Mit Grant Exp.	960A 8021-4845A	22,523.00
Increase:	Codes & Building Services	Records Mgmt. Grant	510A 0000-3062A	27,817.00
Increase:	Safety Insp. - Code Enforce.	Personal Services	960A 3620-1000A	16,730.00
Increase:	Safety Insp. - Code Enforce.	Equipment	960A 3620-2000A	11,087.00

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

Representative Powers moved to suspend the rules and act upon the late Local Law and Resolution Nos. 289 - 292. Seconded, Relic. Total: 6,167; Ayes: 6,167. Motion carried.

**LOCAL LAW NO. 5 OF 2007
COUNTY OF OTSEGO, NEW YORK**

**A LOCAL LAW AUTHORIZING A REAL PROPERTY TAX
EXEMPTION FOR COLD WAR VETERANS**

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

Section 1. Legislative Intent

The Real Property Tax Law of the State of New York was amended by adding a new section 458-b authorizing a real property tax exemption for Cold War Veterans. It is the intention of this Board of Representatives, by passage of this newly adopted Local Law, to provide the exemptions under Section 458-b of the Real Property Tax Law to eligible persons for purposes of taxes levied by the County of Otsego.

Section 2. Definitions

a) "Cold War veteran" means a person, male or female, who served on active duty in the United States armed forces for a period of more than three hundred sixty-five days, during the time period from September second, nineteen hundred forty-five to December twenty-sixth, nineteen hundred ninety-one, was discharged or released therefrom under honorable conditions and has been awarded the Cold War recognition certificate as authorized under Public Law 105-85, the 1998 National Defense Authorization Act.

(b) "Armed forces" means the United States army, navy, marine corps, air force, and coast guard.

(c) "Active duty" means full-time duty in the United States armed forces, other than active duty for training.

d) "Service connected" means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from, a disability incurred or aggravated, in line of duty on active military, naval or air service.

(e) "Qualified owner" means a Cold War veteran, the spouse of a Cold War veteran, or the unremarried surviving spouse of a deceased Cold War veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a veteran is also the unremarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.

(f) "Qualified residential real property" means property owned by a qualified owner which is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to taxation, and only the remaining portion used exclusively for residential purposes shall be subject to the exemption provided by this section. Such property shall be the primary residence of the Cold War veteran or the unremarried surviving spouse of a Cold War veteran; unless the Cold War veteran or unremarried surviving spouse is absent from the property due to medical reasons or institutionalization for up to five years.

(g) "Latest state equalization rate" means the latest final equalization rate established by the state board pursuant to article twelve of this chapter.

(h) "Latest class ratio" means the latest final class ratio established by the state board pursuant to title one of article twelve of this chapter for use in a special assessing unit as defined in section eighteen hundred one of this chapter.

Section 3. Exemptions

(a) The Board of Representatives of the County of Otsego adopts this local law to provide that qualifying residential real property shall be exempt from taxation to the extent ten percent (10%) of the assessed value of such property; provided however, that such exemption shall not exceed eight thousand dollars or the product of eight thousand dollars multiplied by the latest state equalization rate of the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

(b) In addition to the exemption provided by paragraph (a) of this subdivision, where the Cold War veteran received a compensation rating from the United States Department of Veterans Affairs or from the United States Department of Defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed forty thousand dollars, or the product of forty thousand dollars multiplied by the latest state equalization rate for the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

Section 4. Limitations

(a) The exemption from taxation provided by this subdivision shall be applicable to county real property taxes, commencing with the 2008 assessment rolls, but shall not be applicable to taxes levied for school purposes.

(b) If a Cold War veteran receives the exemption under section four hundred fifty-eight or four hundred fifty-eight-a of Real Property Tax Law, the Cold War veteran shall not be eligible to receive the exemption under this section.

(c) The Otsego County Board of Representatives may adopt a local law to reduce the maximum exemption allowable in paragraph (a) of Section 3 and the exemption allowable in paragraph (b) of Section 3 to six thousand dollars, nine thousand dollars and thirty thousand dollars, respectively or four thousand dollars, six thousand dollars and twenty thousand dollars, respectively.

(d) The exemption provided by paragraph (a) of Section 3 shall be granted for a period of ten years. The commencement of such ten year period shall be governed pursuant to this subparagraph. Where a qualified owner owns qualifying residential real property on the effective date of this section, such ten year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring on or after the effective date of this section. Where a qualified owner does not own qualifying residential real property on the effective date of this section, such ten year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring at least sixty days after the date of purchase of qualifying residential real property; provided, however, that should the veteran apply for and be granted an exemption on the assessment roll prepared pursuant to a taxable status date occurring within sixty days after the date of purchase of residential real property, such ten year period shall be measured from the first assessment roll in which the exemption occurs. If, before the expiration of such ten year period, such exempt property is sold and replaced with other

residential real property, such exemption may be granted pursuant to this subdivision for the unexpired portion of the ten year exemption period.

(e) Notwithstanding the foregoing provisions of this section, no later than ninety days before the taxable status date next occurring on or after the thirty-first of December, two thousand seven, after a public hearing, the Otsego County Board of Representatives may adopt a local law to provide that the exemption shall be granted pursuant to this section for the purposes of taxes levied for such county. For the purposes of a county which is not an assessing unit, the taxable status date occurring on or after December thirty-first, two thousand seven shall mean the first such tax roll for which the county taxes are levied.

(f) Application for exemption shall be made by the owner, or all of the owners, of the property on a form prescribed by the state board. The owner or owners shall file the completed form in the assessor's office on or before the first appropriate taxable status date. The owner or owners of the property shall be required to refile each year. Applicants shall refile on or before the appropriate taxable status date.

Any applicant convicted of willfully making any false statement in the application for such exemption shall be subject to the penalties prescribed in the penal law.

(g) A local law adopted pursuant to this section may be repealed by the Otsego County Board of Representatives. Such repeal shall occur at least ninety days prior to the County's taxable status date.

This Local Law is offered by the Intergovernmental Affairs Committee. Seconded, Relic. Local Law laid over under the rules.

RESOLUTION NO. 289-2007

RESOLUTION – APPOINTING ACTING COMMISSIONER

ROTHENBERGER, LAGUNA

RESOLVED, that effective October 3, 2007, Joyce Boyd be and is hereby appointed Acting Commissioner, until such time as the position of full-time Commissioner of Social Services Group I is filled; and be it further

RESOLVED, that funding for this position is included in the 2007 Department of Social Services Administration Budget (6010) at line 1000-A Personal Service and is 50% federal reimbursement, 25% state reimbursement and 25% local funds.

Seconded, Hodne. Roll call. Total: 6,167; Ayes: 5,460; Abstained: 377 - McCarty; Absent: 330 - Laguna. Motion carried.

Representative Feldstein withdrew **Resolution No. 290 - Directing the Budget Officer to include additional information in the County's Tentative Budget** and **Resolution No. 291 - Authorizing the Chairman of the Board of Representatives to appoint Ad Hoc Committee to investigate the affairs of the County Treasurer acting**

as Public Administrator with respect to certain estates. {See the October 17, 2007 County Board meeting for further action.}

RESOLUTION NO. 292-2007

**RESOLUTION – AWARDING OTSEGO COUNTY CONTRACTS TO
BIRNIE BUS SERVICE, INC.**

HODNE, POWERS, SCHWERD, DURKIN

WHEREAS, Otsego County issued a Request for Proposals (RFP) for transportation services for its fixed route and Medicaid transportation; and

WHEREAS, said RFP was reviewed by the Intergovernmental Affairs Committee; and

WHEREAS, the Committee gave consideration to the Selection Criteria stated in Section 4.10 of the RFP; now, therefore, be it

RESOLVED, that the County of Otsego hereby awards a five (5) year and two (2) month contract for both Medicaid transportation and fixed route services beginning on November 1, 2007, with a first year cost of \$1,230,281.00 to Birnie Bus Service, Inc. of Rome, New York; and be it further

RESOLVED, the pricing for years 2 - 5 and beyond will require an annual adjustment of the Consumer Price Index (CPI), based index of All-Urban Consumers, New York, Northeastern, New Jersey - Long Island; and be it further

RESOLVED, that the funds for these contracts are included in the DSS/Medicaid Budget (6101) at line 4900 Contracted Transportation and in the Public Transportation Budget (5630) at line 4900 Contracts; reimbursement shall come from Medicaid, STOA, Federal Section 5311, and bus fares.

Seconded, Fournier. Roll call. Total: 6,167; Ayes: 5,837; Absent: 330 - Laguna. Adopted.

Representative Relic moved to suspend the rules and act upon late Resolution No. 293. Seconded, Powers and Schwerd. Total: 6,167; Ayes: 5,882, Noes: 285 - Stayton. Motion carried.

RESOLUTION NO. 293-2007

**RESOLUTION – URGING THE OTSEGO COUNTY CLERK NOT TO
ISSUE DRIVERS' LICENSES TO THOSE WITHOUT SOCIAL SECURITY
NUMBERS AND TO FOLLOW STATE AND FEDERAL LAW**

RELIC

WHEREAS, issuing drivers' licenses to illegal aliens would be a violation of the New York State Vehicle and Traffic Law, Section 502 (1), which specifically requires that a person must provide his social security number when applying for a New York State driver's license; and

WHEREAS, this 1995 law has been upheld by the New York State Court of Appeals as recently as June 7, 2007; and

WHEREAS, Governor Spitzer has ordered that drivers' licenses be issued to persons without social security numbers, in contravention of the law, by repealing a 2002 regulation that enacts the law; and

WHEREAS, the governor's action places our national security at risk by granting an important identification record to illegal immigrants; and

WHEREAS, the federal government has recognized the importance of the security of drivers' licenses and passed the Real ID Act, which requires social security number background checks of people applying for drivers' licenses; and Governor Spitzer's action will place his administration in violation of our own state law and it would also be in noncompliance with the federal Real ID Act; now, therefore, be it

RESOLVED, that the Otsego County Board of Representatives urges the Otsego County Clerk to continue compliance with state and federal law by requiring social security numbers for the issuance of drivers' licenses; and be it further

RESOLVED, that the Otsego County Board of Representatives petitions the governor to reverse his decision and to uphold state and federal law.

Seconded, Fournier. Representative Durkin moved to table Resolution No. 293. Seconded, Rothenberger. Total: 6,167; Ayes: 2,698 – Feldstein, Durkin, Iversen, Stayton, Rothenberger, Laguna, Hodne; Noes: 3,469 - Relic, Powers, Henderson, Fournier, Lindberg, McCarty, Schwerd. Motion to table lost. Representative Feldstein moved to delete the first RESOLVED paragraph and to amend the title by deleting "AND TO FOLLOW STATE AND FEDERAL LAW". Seconded, Iversen. Total: 6,167; Ayes: 2,698 - Feldstein, Durkin, Iversen, Stayton, Rothenberger, Laguna, Hodne; Noes: 3,469 - Relic, Powers, Henderson, Fournier, Lindberg, McCarty, Schwerd. Motion to amend lost. Roll call on original resolution. Total: 6,167; Ayes: 4,778; Noes: 999 - Stayton, Rothenberger, Hodne; Abstained: 390 - Iversen. Adopted as presented.

Representative McCarty asked the County Board to support a resolution for the county to be the lead agency for the Canadarago Lake flooding problems. Canadarago Lake is a great asset to the county. There were 5,219 boats launched this summer. The people spend money on gas, food, lodging and gifts within Otsego County. After discussion Chairman Lindberg directed the Intergovernmental Affairs Committee to review the matter further.

Representative Henderson said he handed out a letter at the September 19, 2007 County Board meeting stating the county should provide a leadership role to coordinate activities when there is a disaster within the county. He would like to see this responsibility taken on by a county employee, perhaps someone in the Planning Department. The county needs to be on top of it before a disaster happens.

All the general business of the Board having been transacted, the Chairman declared the meeting recessed until Wednesday, October 17, 2007 at 7:30 p.m. for a public hearing on the Local Law regarding a real property tax exemption for Cold War veterans and the Board meeting to follow.