

REGULAR SESSION FIRST DAY

Wednesday, December 5, 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, Hodne.

Under Privilege of the Floor Jennifer Jaroski Guinan from Growth Options for the 21st Century asked for county support to oppose federal bills S.953 and H.R.2125, which impose additional economic regulations on freight railroads and lead to more truck traffic on overcrowded highways and higher business costs. Freight rail transportation needs to remain a viable option for transporting goods in our country.

Lynn Marsh, representing a bipartisan group from Middlefield, Cherry Valley and Roseboom, thanked Phil Durkin for his service as their County Representative. It was a pleasure and an honor to have him in office serving them.

Diane Elliott, Executive Director of the Foothill Performing Arts Center, said the center had a great season. She updated the County Board on the on-going construction plans for the Foothills Performing Arts Center.

Roy Althiser asked the County Board during today's budget review to consider including funding to upgrade the Dispatchers' positions. This would be a way to retain Dispatchers, who constantly get trained by the county and then leave for another job. The cost would be \$70,550.

The minutes of August 1 and 15, 2007 and September 5 and 19, 2007 were approved and are on file with the Clerk of the Board.

The following communications were read and ordered filed:

Michelle Sperbeck, Schenevus - Letter stating Cornell Cooperative Extension does not need the increase in funds from the county, which are included in the 2008 tentative budget. In fact they should be decreased. The organization is no longer viable and certainly not credible and thus not worthy of our taxpayers hard earned money.

Notice of Claim - Nikki L. Burgher versus County of Delaware, Town of Sidney, Town of Unadilla and County of Otsego - For failing to provide and post appropriate warning signs and adequate supervision of work site for bridge located near intersection of Delaware County Route 44 and New York State Route 7. No amount is stated.

Notice of Claim - Diane L. Engler, O.B.O. Marleigh E. Fiacco versus County of Otsego Community Services Board, Otsego County Mental Health Clinic, Susan Dalesandro - For breach of a duty of confidentiality. No amount is stated.

The following report is on file with the Clerk of the Board:

Report of Examination by the Office of the New York State Comptroller - Code Enforcement Office Operations for the period January 1, 2006 – April 23, 2007

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

Representative Fournier moved to proceed with creating a Conflicts Office for the Public Defender cases by reviewing caseload numbers, staffing needs and budgetary needs. Seconded, Relic. Roll call. Total: 6,167; Ayes: 5,837; Absent: 330 - Laguna. Motion carried.

Representative Feldstein moved to dispense with the reading of all the reports and resolutions. Seconded, McCarty. Total: 6,167; Ayes: 5,837; Absent: 330 - Laguna. Motion carried.

MORTGAGE TAX - 2007

The Administration Committee presents the following report of Mortgage Tax distribution made in accordance with reports of the County Clerk and County Treasurer and in compliance with the provisions of law. The committee has reconciled the distribution of Mortgage Tax from April 1, 2007 through September 30, 2007 as follows:

Tax District	Amount Allocated To Tax District	Amount AppORTioned To Villages	Amount AppORTioned To City and Towns
Oneonta City	130,937.33		130,937.33
Burlington	12,285.37		12,285.37
Butternuts	10,975.22	1,014.11	9,961.11
Cherry Valley	13,278.97	1,905.56	11,373.41
Decatur	5,123.72		5,123.72
Edmeston	16,347.36		16,347.36
Exeter	14,269.10		14,269.10
Hartwick	44,883.97		44,883.97
Laurens	27,901.09	780.97	27,120.12
Maryland	16,894.33		16,894.33
Middlefield	46,882.09	2,536.64	44,345.45
Milford	31,325.96	1,531.71	29,794.25
Morris	14,453.83	1,936.76	12,517.07
New Lisbon	12,374.12		12,374.12
Oneonta Town	74,715.08		74,715.08
Otego	27,413.16	4,080.62	23,332.54
Otsego	107,286.47	23,256.18	84,030.29
Pittsfield	8,064.11		8,064.11
Plainfield	9,350.03		9,350.03
Richfield	19,915.85	3,319.52	16,596.33

Roseboom	5,940.69		5,940.69
Springfield	30,807.97		30,807.97
Unadilla	44,095.97	5,453.89	38,642.08
Westford	10,447.18		10,447.18
Worcester	17,479.15		17,479.15
Totals	753,448.12	45,815.96	707,632.16

Dated: January 31, 2008

The Administration Committee offers the following resolution and moves its adoption:

RESOLVED, that this Board issues its warrant to the County Treasurer for the distribution of the amount in her hands in accordance with the foregoing report.

Seconded, Powers. Total: 6,167; Ayes: 5,837; Absent: 330 – Laguna. Report adopted

TAX ROLL EXPENSE FOR 2008 TAX ROLL

<u>Towns</u>	<u>Number of Parcels</u>	<u>Expense to Town</u>
Oneonta City	3,592	\$10,776.00
Burlington	934	2,802.00
Butternuts	1,523	4,569.00
Cherry Valley	1,112	3,336.00
Decatur	452	1,356.00
Edmeston	1,418	4,254.00
Exeter	902	2,706.00
Hartwick	1,536	4,608.00
Laurens	1,515	4,545.00
Maryland	1,706	5,118.00
Middlefield	1,768	5,304.00
Milford	2,267	6,801.00
Morris	1,233	3,699.00
New Lisbon	1,040	3,120.00
Oneonta	2,554	7,662.00
Otego	1,848	5,544.00
Otsego	2,836	8,508.00
Pittsfield	1,055	3,165.00
Plainfield	746	2,238.00
Richfield	1,771	5,313.00
Roseboom	831	2,493.00

Springfield	1,195	3,585.00
Unadilla	2,642	7,926.00
Westford	924	2,772.00
Worcester	1,681	5,043.00

Totals: 39,081 \$117,243.00

Rate per Account: \$3.00

Representative Feldstein moved the foregoing report be approved. Seconded, Powers. Total: 6,167; Ayes: 5,837; Absent: 330 – Laguna. Report approved.

TOTAL ELECTION EXPENSE FOR 2008 TAX ROLL

The Administration Committee reports that in accordance with Section 233-a of County Law and Section 93 of the Election Law the following expenditures be charged against the various tax districts, as follows:

Tax District	Total No. of Machines	Total No. of Print Packs	# Insp. for class. Each \$25.00	First Election Expense	Second Election Expense	General Election Expense	Total Custodian Expense	Inspector Class Expense	Total Election Expense
Oneonta City	11	11	45	0.00	1,727.64	7,443.84	1,100.00	1,125.00	11,396.48
Burlington	2	2	7	0.00	575.88	850.48	200.00	175.00	1,801.36
Butternuts	2	2	13	0.00	0.00	1,700.96	200.00	325.00	2,225.96
Cherry Valley	4	4	14	0.00	1,151.76	1,700.96	400.00	350.00	3,602.72
Decatur	1	1	5	0.00	0.00	850.48	100.00	125.00	1,075.48
Edmeston	3	3	8	0.00	575.88	1,355.96	300.00	200.00	2,431.84
Exeter	2	2	4	0.00	575.88	850.48	200.00	100.00	1,726.36
Hartwick	4	4	17	0.00	1,151.76	1,700.96	400.00	425.00	3,677.72
Laurens	4	4	12	0.00	1,151.76	1,700.96	400.00	300.00	3,552.72
Maryland	3	3	18	0.00	0.00	2,551.44	300.00	450.00	3,301.44
Middlefield	4	4	13	0.00	1,151.76	1,700.96	400.00	325.00	3,577.72
Milford	3	3	23	0.00	0.00	2,551.44	300.00	575.00	3,426.44
Morris	2	2	13	0.00	0.00	1,700.96	200.00	325.00	2,225.96
New Lisbon	1	1	8	0.00	0.00	850.48	100.00	200.00	1,150.48
Oneonta	8	8	26	0.00	2,303.52	3,401.92	800.00	650.00	7,155.44
Otego	2	2	17	0.00	0.00	2,340.96	200.00	425.00	2,965.96
Otsego	4	4	24	0.00	0.00	3,401.92	400.00	600.00	4,401.92
Pittsfield	2	2	7	0.00	575.88	850.48	200.00	175.00	1,801.36
Plainfield	2	2	4	0.00	575.88	850.48	200.00	100.00	1,726.36
Richfield	4	4	12	0.00	1,151.76	1,700.96	400.00	300.00	3,552.72
Roseboom	2	2	8	0.00	575.88	850.48	200.00	200.00	1,826.36
Springfield	2	2	14	0.00	0.00	1,700.96	200.00	350.00	2,250.96
Unadilla	4	4	27	0.00	0.00	3,401.92	400.00	675.00	4,476.92
Westford	1	1	7	0.00	0.00	850.48	100.00	175.00	1,125.48
Worcester	4	4	21	0.00	0.00	3,401.92	400.00	525.00	4,326.92
Totals:	81	81	367	\$0.00	\$13,245.24	\$50,262.84	\$8,100.00	\$9,175.00	\$80,783.08

Representative Feldstein moved the foregoing report be approved. Seconded, Powers. Total: 6,167; Ayes: 5,837; Absent: 330 – Laguna. Report approved.

PETITION - LAURENS SUPERVISOR - CONSOLIDATED HEALTH DISTRICT

To the Board of Representatives of Otsego County:

I, the undersigned, Supervisor of the Town of Laurens, do respectfully petition that there be levied and assessed against the taxable property of the said Town of Laurens the sum of \$800.00 for the following purposes:

For the purpose of defraying the expenses for 2008 of the Laurens Consolidated Health District, which district includes the incorporated Village of Laurens, all in accordance with the Budget for 2008 adopted by the Laurens Consolidated Health District Board and filed with the Clerk of the Board of Representatives of Otsego County.

When the sum of \$800.00 has been collected, the same shall be paid to the Otsego County Treasurer and by him paid to the President of said Consolidated Health District or his successor in office.

Dated: November 16, 2007

OSCAR OBERKIRCHER, Supervisor
Town of Laurens, New York

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PETITION - MILFORD SUPERVISOR - CONSOLIDATED HEALTH DISTRICT

To the Board of Representatives of Otsego County:

I, the undersigned, Supervisor of the Town of Milford, do respectfully petition that there be levied and assessed against the taxable property of the said Town of Milford the sum of \$200.00 for the following purposes:

For the purpose of defraying the expenses for 2008 of the Milford Consolidated Health District, which district includes the incorporated Village of Milford, all in accordance with the Budget for 2008 adopted by the Milford Consolidated Health District Board and filed with the Clerk of the Board of Representatives of Otsego County.

When the sum of \$200.00 has been collected, the same shall be paid to the Otsego County Treasurer and by him paid to the President of said Consolidated Health District or his successor in office.

Dated: November 7, 2007

THOMAS R. GALE, Supervisor
Town of Milford, New York

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PETITION - MORRIS SUPERVISOR - CONSOLIDATED HEALTH DISTRICT

To the Board of Representatives of Otsego County:

I, the undersigned, Supervisor of the Town of Morris, do respectfully petition that there be levied and assessed against the taxable property of the said Town of Morris the sum of \$0.00 for the following purposes:

For the purpose of defraying the expenses for 2008 of the Morris Consolidated Health District, which district includes the incorporated Village of Morris, all in accordance with the Budget for 2008 adopted by the Morris Consolidated Health District Board and filed with the Clerk of the Board of Representatives of Otsego County.

When the sum of \$0.00 has been collected, the same shall be paid to the Otsego County Treasurer and by him paid to the President of said Consolidated Health District or his successor in office.

Dated: October 29, 2007

PETER MCCANN, Supervisor
Town of Morris, New York

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PETITION - OTEGO SUPERVISOR - CONSOLIDATED HEALTH DISTRICT

To the Board of Representatives of Otsego County:

I, the undersigned, Supervisor of the Town of Otego, do respectfully petition that there be levied and assessed against the taxable property of the said Town of Otego the sum of \$0.00 for the following purposes:

For the purpose of defraying the expenses for 2008 of the Otego Consolidated Health District, which district includes the incorporated Village of Otego, all in accordance with the Budget for 2008 adopted by the Otego Consolidated Health District Board and filed with the Clerk of the Board of Representatives of Otsego County.

When the sum of \$0.00 has been collected, the same shall be paid to the Otsego County Treasurer and by him paid to the President of said Consolidated Health District or his successor in office.

Dated: November 20, 2007

JOSEPH S. HURLBERT, Supervisor
Town of Otego, New York

Representative Feldstein moved to approve all of the foregoing reports. Seconded, Powers. Oral vote. Total: 6,167; Ayes: 5,837; Absent: 330 - Laguna. Adopted.

**OTSEGO COUNTY MUTUAL SELF-INSURANCE
(WORKERS' COMPENSATION) PLAN
ANNUAL ESTIMATE OF EXPENSES
FISCAL YEAR BEGINNING JANUARY 1, 2008**

<u>EXPENDITURES:</u>	<u>2007</u>	<u>2008</u>
1710.1000 Personal Service	63,862.00	66,481.00
1710.2000 Equipment	0.00	0.00
1710.4000 Contractual Expense		
.4000 Physicals	50,000.00	57,500.00
.4001 Investigative Services	250.00	250.00
.4005 Mileage	1,200.00	1,200.00
.4010 Lodging, Meals, Tolls, Etc.	1,000.00	1,000.00
.4100 Telephone	1,000.00	1,000.00
.4300 Xerox	100.00	100.00
.4400 Postage	1,800.00	1,800.00
.4500 Mat. & Supplies	750.00	750.00
.4800 Other	480,000.00	480,000.00
.4990 Trans. To Contributed	0.00	0.00
Total Contracted Expense	536,100.00	543,600.00
1720.4800 Benefits and Awards	950,000.00	2,032,556.00
9030.8000 Social Security	0.00	5,086.00
 TOTAL EXPENDITURES	 \$1,549,962.00	 \$2,647,723.00
0000.2401 Interest on Deposits	(0.00)	(50,000.00)
 TOTAL APPORTIONMENT	 \$1,549,862.00	 \$2,597,723.00

APPORTIONMENT OF 2008 EXPENSES

<u>PARTICIPANTS</u>	<u>PERCENT</u>	<u>AMOUNTS APPORTIONED</u>
Oneonta City	18.134	471,076.91
Burlington	0.324	8,420.23
Butternuts	0.880	22,882.77
Cherry Valley	0.495	12,861.69
Decatur	0.157	4,088.04
Edmeston	0.463	12,052.94
Exeter	0.281	7,319.24
Hartwick	4.664	121,173.34

Laurens	0.588	15,288.07
Maryland	0.504	13,102.91
Middlefield	1.062	27,604.34
Milford	1.009	26,232.66
Morris	0.477	12,416.47
New Lisbon	0.608	15,808.55
Oneonta	1.880	48,849.66
Otego	1.066	27,714.51
Otsego	3.187	82,812.86
Pittsfield	0.389	10,111.33
Plainfield	0.351	9,118.16
Richfield	1.269	32,971.37
Roseboom	0.275	7,160.21
Springfield	0.739	19,200.63
Unadilla	3.475	90,280.38
Westford	1.489	38,683.76
Worcester	1.790	46,513.19
Cherry Valley - Village	0.107	2,791.46
Cooperstown - Village	4.832	125,544.00
Laurens - Village	0.031	820.26
Milford - Village	0.116	3,016.87
Morris - Village	0.131	3,405.46
Otego - Village	1.045	27,157.12
Richfield Springs - Village	0.294	7,640.06
Unadilla -Village	0.724	18,824.09
Otsego County	47.148	1,224,779.46
TOTALS		2,597,723.00

Dated: November 27, 2007

Administration Committee
 Ronald R. Feldstein
 Nancy A. Iversen
 Gregory J. Relic

The Administration Committee moved to adopt the 2008 Workers' Compensation Budget. Seconded, Fournier. Roll call. Total: 6,167; Ayes: 5,837; Absent: 330 - Laguna. Adopted.

RESOLUTION NO. 266-2007

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

HODNE, POWERS, SCHWERD, DURKIN

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

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

WHEREAS, in full consideration for all the services provided by Otsego County Empire Zone in a manner satisfactory to Empire State Development, Empire State Development shall pay the Otsego County Empire Zone a sum not to exceed \$28,500.00, for the period July 1, 2007 to June 30, 2008, at the rates set forth in the budget approved by the Otsego County Zone Administrative Board; now, therefore, be it

RESOLVED, that the Chairman of the County Board of Representatives is hereby authorized to sign the 2007-2008 contract between the New York State Department of Economic Development and the County of Otsego with terms as set forth above and to include such other provisions as are in the best interest of the County of Otsego.

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

RESOLUTION NO. 321-2007

RESOLUTION - AUTHORIZING LOAN FROM OTSEGO COUNTY MICRO-ENTERPRISE LOAN PROGRAM (WEST BURLINGTON PIZZA & DELI)

FELDSTEIN, IVERSEN, RELIC

WHEREAS, Otsego County received a 2003 Micro-Enterprise Grant from the New York State Small Cities Community Development Block Grant (CDBG) to assist Otsego County Small Businesses; and

WHEREAS, the Otsego County Micro-Enterprise Loan Program has been established per the Grant Agreement from the repayments of a loan authorized by the Block Grant, said program to perform the purpose of assisting businesses to undertake projects that will retain or create jobs and/or expand the County's tax base in conformance to HUD requirements and Program Guidelines; and

WHEREAS, an application has been made by West Burlington Pizza & Deli/Vincent Cecere to receive a \$13,500 loan from this program; and

WHEREAS, a review and evaluation of said application by the Otsego County Department of Economic Development and the Administration Committee has determined that the project and proposal meet the guidelines and loan review criteria of the program; now, therefore, be it

RESOLVED, that the Chairman of the Board be and hereby is authorized to enter into a Loan and Development Agreement and other appropriate legal documents which will effectuate a \$13,500 loan to West Burlington Pizza & Deli/Vincent Cecere for a term of seven (7) years at an annual interest rate of four percent (4%); and be it further

RESOLVED, that the funds for this loan shall be included in the 2007 Community Development Budget, Account CG8695.4900; and be it further

RESOLVED, that the loan shall be subject to the terms and conditions described in the application proposal and as discussed in the Administration Committee and those legal documents shall be prepared by the County Attorney to contain these terms and provisions and others as are in the best interest of the County of Otsego.

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

RESOLUTION NO. 322-2007

RESOLUTION - AUTHORIZING LOAN FROM OTSEGO COUNTY MICRO-ENTERPRISE LOAN PROGRAM (FLAX ORGANIX)

FELDSTEIN, IVERSEN, RELIC

WHEREAS, Otsego County received a 2003 Micro-Enterprise Grant from the New York State Small Cities Community Development Block Grant (CDBG) to assist Otsego County Small Businesses; and

WHEREAS, the Otsego County Micro-Enterprise Loan Program has been established per the Grant Agreement from the repayments of a loan authorized by the Block Grant, said program to perform the purpose of assisting businesses to undertake projects that will retain or create jobs and/or expand the County's tax base in conformance to HUD requirements and Program Guidelines; and

WHEREAS, an application has been made by Flax Organix/Melinda Crofford to receive a \$13,500 loan from this program; and

WHEREAS, a review and evaluation of said application by the Otsego County Department of Economic Development and the Administration Committee has determined that the project and proposal meet the guidelines and loan review criteria of the program; now, therefore, be it

RESOLVED, that the Chairman of the Board be and hereby is authorized to enter into a Loan and Development Agreement and other appropriate legal documents which will effectuate a \$13,500 loan to Flax Organix/Melinda Crofford for a term of seven (7) years at an annual interest rate of four percent (4%); and be it further

RESOLVED, that the funds for this loan shall be included in the 2007 Community Development Budget, Account CG8695.4900; and be it further

RESOLVED, that the loan shall be subject to the terms and conditions described in the application proposal and as discussed in the Administration Committee and those legal documents shall be prepared by the County Attorney to contain these terms and provisions and others as are in the best interest of the County of Otsego.

Seconded, Henderson. Roll call. Total: 6,167; Ayes: 5,449; Abstained: 388 -

Hodne; Absent: 330 - Laguna. Adopted.

RESOLUTION NO. 323-2007

**RESOLUTION – AUTHORIZING CHAIRMAN OF THE BOARD
TO CONTRACT FOR THE DEMOLITION, REMOVAL AND DISPOSAL
OF STRUCTURES AND RESTORATION OF PROPERTIES
PARTICIPATING IN THE FEMA "BUY-OUT" PROGRAM
REGARDING FLOOD OF 2006**

HODNE, POWERS, SCHWERD, DURKIN

WHEREAS, proposals have been requested and duly received by the Purchasing Agent for a licensed asbestos contractor to demolish, remove and dispose of all above ground structures and restore each of the eight (8) properties participating in the Federal Emergency Management Agency (FEMA) "Buy-Out" program regarding the Flood of 2006; and

WHEREAS, the Planning Department has made a report to the Intergovernmental Affairs Committee of this Board and has made a recommendation to this Board that the proposal of Waste Recovery Enterprises, LLC be accepted; now, therefore, be it

RESOLVED, that the Chairman of the Board of Representatives be and hereby is authorized to contract with Waste Recovery Enterprises, LLC, P.O. Box 2189, Sidney, New York 13838, a licensed asbestos contractor, to demolish, remove and dispose of all above ground structures and restore each of the eight (8) properties that are participating in the FEMA "Buy Out" Program regarding the Flood of 2006, in the amount of \$131,500.00; and be it further

RESOLVED, that the above amount represents asbestos abatement for all eight (8) properties, and in the event an asbestos survey indicates that not all the properties need asbestos abatement, the County shall negotiate with Waste Recovery Enterprises, LLC to adjust this amount accordingly; and be it further

RESOLVED, that the funding for this contract is included in the 2007 FEMA "Buy-Out" Program (1940) at line 4000-A and consists of 100% FEMA grant funds.

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

RESOLUTION NO. 324-2007

**RESOLUTION - AUTHORIZING THE IMPLEMENTATION AND
FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL AID-
ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID
EMERGENCY RELIEF PROJECT, TO FULLY FUND THE LOCAL
SHARE OF FEDERAL-AID ELIGIBLE AND INELIGIBLE
PROJECT COSTS AND APPROPRIATING FUNDS THEREFORE**

MCCARTY, HENDERSON, HODNE

WHEREAS, a Project for the Flood of June 23 - 29, 2006, County Route 26 Bridge over Fly Creek, Otsego County, P.I.N. 9890-57 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, for Federal emergency relief that calls for the apportionment of the costs of such project to be borne at the ratio of 100% Federal funds; and

WHEREAS, Otsego County desires to advance the Project by making a commitment of 100% of the Federal share of the costs thereof;

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

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

RESOLVED, that the Otsego County Board hereby authorizes the County of Otsego to pay in the first instance 100% of the Federal share of the cost of Construction and Construction Inspection work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$69,078.00 is hereby appropriated from the 2007 Otsego County Highway Budget D5110.4500 and made available to cover the cost of participation in the Project; and it is further

RESOLVED, that in the event the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the Otsego County Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, that the Chairman of the Board of Representatives of Otsego County be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of Otsego County with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-aid-eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is 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, Relic and Schwerd. Roll call. Total: 6,167; Ayes: 5,837; Absent: 330 - Laguna. Adopted.

RESOLUTION NO. 325-2007

RESOLUTION - AMENDING RESOLUTION NO. 47-2007 - MODIFYING

**LEASE/PURCHASE AGREEMENT WITH CITIMORTGAGE, INC.
TO ADD PURCHASE OF SOFTWARE**

FOURNIER, FELDSTEIN, STAYTON, POWERS

WHEREAS, Resolution No. 47-2007 authorized the Chairman of the Board to enter into a lease/purchase agreement with Citimortgage, Inc. for the purpose of acquiring hardware, software and other related equipment provided by Black Creek Integrated Systems to upgrade the County's Jail Security System, for a term of 60 months, at a cost of \$454,720.00, with a current fixed rate of 4.195% and monthly payments of \$8,593.00; and

WHEREAS, it was necessary to purchase Sally-Port NY Booking and Inmate Management Software to integrate with the new security system; now, therefore, be it

RESOLVED, that Resolution No. 47-2007 is amended, and the Chairman of this Board is hereby authorized to enter into an amended lease/purchase agreement with Citimortgage, Inc. to add the purchase of Sally-Port NY Booking and Inmate Management Software to the new security system at the County Jail, at an additional cost of \$700.00 per month; and be it further

RESOLVED, that the funds for this additional software purchase are included in the Debt Service Budget (9785) at line 6700 Installment Pur. - Principal and at line 7700 Installment Pur. - Interest.

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

RESOLUTION NO. 326-2007

**RESOLUTION – AUTHORIZING COMMISSIONER OF SOCIAL
SERVICES TO CONTRACT WITH FAMILY SERVICES ASSOCIATION
TO PROVIDE A PARENT RESOURCE ROOM TO
TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF) ELIGIBLES**

ROTHENBERGER, LAGUNA, MCCARTY

WHEREAS, the County has been awarded Flexible Funding for Family Services funds (FFFS); and

WHEREAS, the County desires to utilize existing programming to obtain services for eligible families; and

WHEREAS, the County has included the Parent Resource Room in the local Flexible Funding for Family Services (FFFS) Plan; 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 Family Services Association for the term October 1, 2007 to December 31, 2008; and that said contract shall include the following terms:

1. In no event shall the Department of Social Service's liability exceed the sum of \$22,000.00 for the term of the contract;
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 2007 Social Services Administrative Budget (6010) at line 4900 Contracted Expenses and consists of 100% federal funds.

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

RESOLUTION NO. 327-2007

RESOLUTION – AUTHORIZING COMMISSIONER OF SOCIAL SERVICES TO CONTRACT WITH OPPORTUNITIES FOR OTSEGO TO PROVIDE WEATHERIZATION, REFERRAL, AND PACKAGING (WRAP) PROGRAM SERVICES TO HEAP ELIGIBLE HOUSEHOLDS

ROTHENBERGER, LAGUNA, MCCARTY

WHEREAS, the County has been notified by the New York State Office of Temporary and Disability Assistance that there is \$20,000.00 available to Otsego County for Weatherization, Referral, and Packaging (WRAP) Program services; and

WHEREAS, the County desires to avoid duplication by utilizing existing programming to obtain these services; and

WHEREAS, the Otsego County Department of Social Services will retain \$3,328.00 for administrative costs associated with the program; and

WHEREAS, Opportunities for Otsego will provide the WRAP services to HEAP eligible households for the period October 1, 2007 – September 30, 2008, at a cost not to exceed \$16,672.00; 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 execute a contract with Opportunities for Otsego for the term October 1, 2007 – September 30, 2008; and said contract shall include the following terms:

1. In no event shall the Department of Social Services' liability exceed the sum of \$16,672.00 for the term of the contract;
2. The contract shall contain such other and further conditions as are in the best interests of the County of Otsego;

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% federal funds.

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

RESOLUTION NO. 328-2007

RESOLUTION – AUTHORIZING COMMISSIONER OF SOCIAL SERVICES TO CONTRACT WITH CORNELL COOPERATIVE EXTENSION OF OTSEGO COUNTY TO PROVIDE NUTRITION EDUCATION TO FOOD STAMP ELIGIBLES

ROTHENBERGER, LAGUNA, MCCARTY

WHEREAS, the County has been awarded \$106,706.00 in Federal funds to support Nutrition Education for Food Stamp applicants and participants; and

WHEREAS, the Cornell Cooperative Extension of Otsego County can provide educational programming to enable Otsego County's Food Stamp population to make informed food choices that will support optimal nutritional health and well-being through a maximization of limited resources; and

WHEREAS, Cornell Cooperative Extension of Otsego County will provide the necessary local match of \$106,706.00; and

WHEREAS, the State has approved the Otsego Nutrition Education project with Otsego Cooperative Extension which provides for the Otsego County Department of Social Services to receive \$2,000.00 in Federal funds for administrative costs; 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 execute a contract with the Cornell Cooperative Extension of Otsego County for the purpose of providing services to Food Stamp eligibles for the term October 1, 2007 to September 30, 2008, and said contract shall include the following terms:

1. In no event shall the Department of Social Services' liability exceed the sum of \$106,706.00 for the term of the contract;
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 2007 Social Services Administration Budget (6010) at line 4900 Contracted Expenses and consists of 100% federal funds.

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

RESOLUTION NO. 329-2007

RESOLUTION - AUTHORIZING THE FILING OF A SHARED MUNICIPAL SERVICES INCENTIVE GRANT APPLICATION FOR STATE FUNDING FOR THE DESIGN PHASE OF AN EMERGENCY SERVICES TELECOMMUNICATIONS SYSTEM

DURKIN, FELDSTEIN, FOURNIER

WHEREAS, the Otsego County Emergency Services Telecommunications System (ESTS) includes an unreliable T-1 phone line connecting the E911 Center to a 30 year old microwave backbone; and

WHEREAS, this aged and fragmented ESTS requires frequent repairs, and service of the microwave backbone is increasingly difficult because of the scarcity of parts; and

WHEREAS, Otsego County E911 receives the calls for four law enforcement agencies, one full-time fire department, 28 volunteer fire departments, 15 emergency medical transportation departments, and 12 first responders in 60 emergency service zones; and

WHEREAS, the Otsego County Board of Representatives has formed a Telecommunications Committee to oversee plans to upgrade and improve the County's ESTS; and

WHEREAS, several agencies in the County, specifically the City of Oneonta and the Hartwick Fire District, maintain separate communications systems that upon successful implementation and operation will be rendered unnecessary or might be absorbed by the proposed County ESTS; and

WHEREAS, the upgrade of the County's ESTS presents an opportunity to consolidate the various separate communications systems and provide previously unrealized levels of interoperable services to the emergency first responders of all the municipalities in the County; and

WHEREAS, the project to upgrade and improve the County's ESTS will begin with a design phase; and

WHEREAS, the County, as lead applicant, will file a joint Shared Municipal Services Incentive (SMSI) grant, in partnership with the aforementioned municipalities/agencies; and

WHEREAS, the name of the project, as shown on the SMSI grant application, is: "Contract an Engineering Firm to Design an Emergency Services Telecommunications System"; and

WHEREAS, the project description, as shown on the SMSI grant applications, is: "The County of Otsego, in partnership with the co-applicants, including the City of Oneonta and the Fire District Hartwick, will contract with an engineering firm for the design phase of an emergency services telecommunications system (ESTS). The intent of this project is to consolidate the various communications systems separately maintained by the co-applicants while upgrading the existing 30 year old ESTS and to provide previously unrealized levels of interoperability to emergency first responders in all municipalities of the county. The anticipated outcome of the design phase will be a professionally developed request for proposals (RFP) for the implementation and construction phase of the project."; and

WHEREAS, the co-applicants will enter into good faith efforts to negotiate inter-municipal agreements with the County that will include each co-applicants rights and responsibilities with respect to participation, design, construction and implementation of a new County ESTS; and

WHEREAS, the inter-municipal agreements will also include a provision that the County's proposed ESTS will render the respective co-applicant's systems either unnecessary or will absorb those separate systems as part of the County ESTS; and

WHEREAS, based on a recent similar Madison County project, the total project cost is estimated to be between \$275,000 and \$375,000; and

WHEREAS, the County commits to providing all of the required local cash match of 10% of the actual project cost, up to \$37,000 from the County's Reserve Fund or the "Consultant" line item in the E911 budget; and

WHEREAS, the County designates Roy Althiser as the Lead Applicant Contact Person; and

WHEREAS, the County authorizes the Lead Applicant Contact Person to submit an application to the SMSI grant program for the 2007-2008 program year and to execute all financial and/or administrative processes related to the grant program; now, therefore, be it

RESOLVED, that this Board of Representatives authorizes the joint filing of an application, together with the co-applicants named above, with the New York State Department of State for the Shared Municipal Services Incentive grant to fund the project named and described above; 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.

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

RESOLUTION NO. 330-2007

RESOLUTION - AUTHORIZING CONTRACT FOR MANAGEMENT OF SELF-INSURANCE (WORKERS COMPENSATION) PROGRAM

FELDSTEIN, IVERSEN, RELIC

WHEREAS, by Resolution No. 354-2004, the County of Otsego contracted with Benetech, Inc. to provide professional claim service administration to the County of Otsego for its Workers Compensation Program for the term January 1, 2005 to December 31, 2007; and

WHEREAS, Benetech, Inc. has submitted a satisfactory proposal to the County to continue to provide professional claim service administration for the County's Workers Compensation Program; said services being professional in nature and not requiring public bidding; now, therefore, be it

RESOLVED, that the Chairman of this Board is hereby authorized to contract with Benetech, Inc., One Dodge Street, P.O. Box 348, North Greenbush, New York 12198-0348 to provide professional claim service administration to the County of Otsego for its Workers Compensation Program, for the term January 1, 2008 to December 31, 2010, at the following annual fees:

Year One (2008)	\$65,279.00
Year Two (2009)	\$67,237.00
Year Three (2010)	\$69,254.00

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 this contract are included in the County's Self-Insurance (Workers Compensation) Plan Budget (1710) at line 4800 Other Expenses.

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

RESOLUTION NO. 331-2007

**RESOLUTION - ADOPTING REVISIONS TO THE TENTATIVE
OTSEGO COUNTY BUDGET FOR 2008**

FELDSTEIN, IVERSEN, RELIC

WHEREAS, pursuant to Section 354 of the County Law, on November 15, 2007, the Budget Officer filed with this Board a tentative budget for 2008, together with the budget message; and

WHEREAS, the Board of Representatives held several budget sessions to review the 2008 Tentative County Budget for possible changes, alterations and revisions; now, therefore, be it

RESOLVED, that pursuant to Section 358 of the County Law, this Board does hereby approve the following changes, alterations and revisions for the 2008 Tentative

County Budget:

Account Code	Department	Budget Officer Tentative Budget	County Board Adjustment	2008 Revised Tentative Budget
APPROPRIATIONS				
FUND A – GENERAL FUND				
1010-1000-A	Board of Representatives	173,756	3,453	177,209
1165-1000-A	District Attorney	243,044	(4,183)	238,861
1166-1000-A	DA-Aid to Prosecution Grant	34,014	(778)	33,236
1170-1000-A	Public Defender	313,144	7,155	320,299
1320-1000-A	County Auditor	164,250	(1,025)	163,225
1325-1000-A	County Treasurer	445,245	(4,868)	440,377
1345-1000-A	Purchasing	36,000	(32,000)	4,000
1355-1000-A	Real Property Tax Service	188,552	(2,519)	186,033
1410-1000-A	County Clerk	458,460	(2,682)	455,778
1420-1000-A	County Attorney	69,108	(10,149)	58,959
1430-1000-A	Personnel	96,125	(1,312)	94,813
1450-1000-A	Elections	223,596	(2,404)	221,192
1625-1000-A	Cooperstown Office Building	687,904	(4,668)	683,236
1680-1000-A	Management Info. Systems	297,700	(649)	297,051
3020-1000-A	Public Safety Communications	530,088	(36,854)	493,234
3026-1000-A	911 Equipment & Maintenance	69,780	2,096	71,876
3110-1000-A	Sheriff	992,592	31,272	1,023,864
3157-1000-A	Alternatives to Incarceration	36,974	(612)	36,362
3315-1000-A	Stop DWI	20,800	(4,004)	16,796
3620-1000-A	Safety Inspection - Code Enf.	257,084	(1,869)	255,215
3641-1000-A	Office of Emergency Services	154,551	(3,556)	150,995
4010-1000-A	Department of Health	156,698	(3,101)	153,597
4040-1000-A	PH Preparedness & Response	41,967	(958)	41,009
4059-1000-A	Early Intervention Program	253,257	(1,274)	251,983
4060-1000-A	DOH-CWSN 3-5 Admin.	123,460	(1,274)	122,186
4250-1000-A	Alcoholism	516,959	(3,251)	513,708
4310-1000-A	Mental Health	736,323	(3,871)	732,452
4315-1000-A	Intensive Case Management	130,431	(2,973)	127,458
6010-1000-A	Social Services Administration	3,891,452	(7,761)	3,883,691
6411-1000-A	Tourism Administration	74,775	(1,708)	73,067
6425-1000-A	Economic Development	108,991	(965)	108,026
6430-1000-A	Empire Zone	29,243	(668)	28,575
6772-1000-A	Office for Aging	398,474	(2,926)	395,548
7310-1000-A	Youth Program	16,518	(284)	16,234
7510-1000-A	County Historian	2,486	(56)	2,430
8020-1000-A	Planning	194,525	(1,337)	193,188
1165-4700-A	District Attorney	17,000	(17,000)	0
1345-2000-A	Purchasing	1,250	(1,250)	0
1345-2335-A	Purchasing	6,000	(6,000)	0
1985-4900-A	Sales Tax	7,560,000	360,000	7,920,000
1991-4800-A	Contingent II	855,582	(855,582)	0
3026-4880-A	911 Equipment & Maintenance	50,000	(50,000)	0
3110-2400-A	Sheriff	0	100,000	100,000

3140-2000-A	Probation	1,750	250	2,000
3140-4005-A	Probation	10,000	2,000	12,000
8090-4680-A	Otsego Land Trust	6,000	1,500	7,500
8730-4680-A	Soil and Water Conservation	75,000	10,000	85,000
8751-4680-A	Extension Association	175,000	20,000	195,000
9501-9000-A	Interfund Transfer-Co Rd	6,752,353	401,341	7,153,694
9502-9000-A	Interfund Transfer-Enterprise	3,903,249	(1,609,780)	2,293,469
9030-8000-A	Fringe-Social Security	1,279,042	(72,222)	1,206,820
9060-8000-A	Fringe-Health Insurance	6,104,563	(91,963)	6,012,600
		38,965,115	(1,911,269)	37,053,846
<u>FUND CD – SPECIAL GRANTS</u>				
9030-8000-CD	Fringe-Social Security	17,346	(581)	16,765
9060-8000-CD	Fringe-Health Insurance	82,806	645	83,451
		100,152	64	100,216
<u>FUND D – COUNTY ROAD FUND</u>				
5010-1000-D	Highway Administration	141,845	(2,363)	139,482
5110-1000-D	Maintenance	1,783,609	202,193	1,985,802
5110-4600-D	Maintenance - Equip Charges	1,036,924	122,152	1,159,076
9030-8000-D	Fringe-Social Security	154,577	8,007	162,584
9060-8000-D	Fringe-Health Insurance	737,925	71,352	809,277
		3,854,880	401,341	4,256,221
<u>FUND DM – MACHINERY FUND</u>				
5130-4540-DM	Machinery Fund - Parts	150,000	75,000	225,000
5130-4560-DM	Machinery Fund - Fuel	350,000	50,000	400,000
9030-8000-DM	Fringe-Social Security	26,307	(1,373)	24,934
9060-8000-DM	Fringe-Health Insurance	125,587	(1,475)	124,112
		651,894	122,152	774,046
<u>FUND E – ENTERPRISE FUND</u>				
6020-1000-E	Infirmary - Enterprise	8,177,140	(9,045)	8,168,095
9030-8000-E	Fringe-Social Security	647,035	(22,176)	624,859
9060-8000-E	Fringe-Health Insurance	3,088,847	21,441	3,110,288
		11,913,022	(9,780)	11,903,242
<u>FUNDS S – WORKERS' COMPENSATION FUND</u>				
1710-1000-S	Workers' Compensation	66,481	(1,405)	65,076
9030-8000-S	Fringe-Social Security	5,086	(108)	4,978

		71,567	(1,513)	70,054
<u>FUND HE – CAPITAL PROJECT FUND</u>				
9501-9000-HE	Interfund Transfer to Manor	0	600,000	600,000
		0	600,000	600,000
<u>REVENUES</u>				
0000-1560-A	Codes Commercial Fees	(122,300)	(40,000)	(162,300)
0000-2810-D	Transfer from General	(6,752,353)	(401,341)	(7,153,694)
0000-2822-DM	Transfer from Co Rd Fund/Rentals	(1,036,924)	(122,152)	(1,159,076)
0000-2810-E	Transfer from General	(3,903,249)	1,609,780	(2,293,469)
0000-4790-CD	WIA Title 1B	(197,690)	(64)	(197,754)
0000-2401-S	Interest on Deposits	(50,000)	1,513	(48,487)
0000-2702-E	Prior Years Medicaid	0	(1,000,000)	(1,000,000)
0000-2815-E	Transfer from Capital Projects Fund	0	(600,000)	(600,000)
0000-1110-A	Sales Tax	(33,500,000)	500,000	(33,000,000)
		(45,562,516)	(52,264)	(45,614,780)

Seconded, Powers and Stayton. Chairman Lindberg asked if there were any proposed changes for the tentative 2008 Otsego County Budget.

Representative Iversen moved to approve using \$100,000 of the Bed Tax appropriations for the Village of Cooperstown to use for tourism related services, contingent upon proof of expenses. Seconded, Feldstein. Total: 6,167; Ayes: 3,776; Noes: 2,061 - Relic, Powers, Fournier, Schwerd, Absent: 330 - Laguna. Motion carried.

Representative Hodne moved to add \$100,000 in the Board of Representatives budget for a County Manager position for the last six months of the year. Seconded, Iversen and Rothenberger. Roll call. Total: 6,167; Ayes: 2,368 - Feldstein, Durkin, Iversen, Stayton, Rothenberger, Hodne; Noes: 3,469 – Relic, Powers, Henderson, Fournier, Lindberg, McCarty, Schwerd; Absent: 330 - Laguna. Motion lost.

Representative Feldstein moved to add \$70,500 to the Public Safety Communications Personal Service line for upgrading the Dispatchers' positions. Seconded, Stayton. Total: 6,167; Ayes: 2,853 - Feldstein, Durkin, Iversen, Schwerd, Stayton, Rothenberger, Hodne; Noes: 2,984 – Relic, Powers, Henderson, Fournier, Lindberg, McCarty; Absent: 330 - Laguna. Motion lost.

Representative Hodne moved to reduce the Communications Reserve Fund by \$250,000 and add an Entry Level Enhancement/Retention Reserve Fund for \$250,000. Seconded, Rothenberger. Total: 6,167; Ayes: 388 - Hodne; Noes: 5,449; Absent: 330 -

Laguna. Motion lost.

Representative Stayton moved to add \$250,000 for an Employee Enhancement Reserve Fund. Seconded, Hodne. Total: 6,167; Ayes: 1,558 - Feldstein, Stayton, Rothenberger, Hodne; Noes: 4,279; Absent: 330 - Laguna. Motion lost.

Representative Fournier moved to add a 2.6% salary increase for the Director of Probation. Seconded, Rothenberger. Total: 6,167; Ayes: 1,769 - Fournier, Lindberg, Stayton, Rothenberger; Noes: 4,068; Absent: 330 - Laguna. Motion lost.

There were no further proposed budget changes. Roll call vote on Resolution No. 331 as presented. Total: 6,167; Ayes: 3,491 – Relic, Powers, Feldstein, Henderson, Durkin, Iversen, Stayton, Hodne; Noes: 2,346 - Fournier, Lindberg, McCarty, Schwerd, Rothenberger; Absent: 330 - Laguna. Resolution No. 331 adopted as presented.

RESOLUTION NO. 332-3007

RESOLUTION - CREATING POSITION IN DIVISION OF CHILDREN WITH SPECIAL NEEDS (CHILDREN WITH SPECIAL NEEDS PROGRAM MANAGER)

FELDSTEIN, IVERSEN, RELIC

RESOLVED, that the following position in the Division of Children with Special Needs be and hereby is created, effective December 10, 2007:

Children with Special Needs Program Manager,
Managerial/Confidential, annual salary \$51,490.00

and be it further

RESOLVED, that the funding for this position is included in the 2007 Early Intervention Program Budget (4059) at line 1000 Personal Service (50%) and in the 2007 DOH-CWSN 3-5 Administration Budget (4060) at line 1000 Personal Service (50%) with reimbursement from Medicaid, state aid and private insurance; 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. Roll call. Total: 6,167; Ayes: 5,837; Absent: 330 - Laguna. Adopted.

RESOLUTION NO. 333-2007

RESOLUTION - ABOLISHING POSITION IN DIVISION OF CHILDREN WITH SPECIAL NEEDS (SENIOR SPECIAL EDUCATOR)

ROTHENBERGER, LAGUNA, MCCARTY

RESOLVED, that the following position in the Division of Children with Special Needs is abolished, effective December 31, 2007:

Senior Special Educator, Managerial/Confidential

and be it further

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

Seconded, Relic and Schwerd. Oral vote. Total: 6,167; Ayes: 5,837; Absent: 330 - Laguna. Adopted.

RESOLUTION NO. 334-2007

RESOLUTION - IN SUPPORT OF THE EFFORTS OF RURAL THREE FOR TOBACCO FREE COMMUNITIES AND REALITY CHECK TO RESTRICT TOBACCO ADVERTISING AT POINTS OF PURCHASE

HENDERSON, IVERSEN, STAYTON

WHEREAS, smoking is the number one cause of preventable death in the United States; and

WHEREAS, the Surgeon General has concluded that tobacco advertising contributes to youth smoking rates; and

WHEREAS, tobacco advertising in retail stores has a powerful influence on teens, who are significantly more likely to smoke due to advertising than they are due to peer pressure; and

WHEREAS, research shows that kids are more than twice as likely as adults to recall tobacco advertising after two weeks than adults; and

WHEREAS, the Otsego County Survey results of August 2007 state that 73.4% of adults saw cigarette advertising in the past 30 days; and

WHEREAS, the Otsego County Survey results of August 2007 state that 62% of Otsego County adults do not think tobacco advertising should be allowed on the outside of buildings; and

WHEREAS, the Otsego County Survey results of August 2007 state that 42.7% of Otsego County adults do not think tobacco advertising should be allowed on the inside of buildings; and

WHEREAS, the Otsego County Survey results of August 2007 state that 75.9% of Otsego County adults do not think that advertising should be allowed on the outside of buildings within 1,000 feet of schools, children's playgrounds, and daycare facilities; and

WHEREAS, the Otsego County Survey results of August 2007 state that 60.8% of Otsego County adults do not think that advertising should be allowed on the inside of buildings within 1,000 feet of schools, children's playgrounds, and daycare facilities; now, therefore, be it

RESOLVED, that the Otsego County Board of Representatives hereby expresses its support of the efforts of the Rural Three for Tobacco Free Communities and Realty Check. The Otsego County Board encourages retailers to reduce overall tobacco advertising in their place of business and to eliminate tobacco advertising from areas likely to be seen by children, including interior and exterior wall space below three feet, near candy displays, and on countertops.

Seconded, Feldstein. Roll call. Total: 6,167; Ayes: 3,277; Noes: 2,560 - Relic, Powers, Henderson, Fournier, Schwerd; Absent: 330 - Laguna. Adopted.

RESOLUTION NO. 335-2007

RESOLUTION - INCREASING RATES FOR OPERATION OF THE COPE'S CORNERS PARK CAMPGROUND

MCCARTY, HENDERSON, HODNE

WHEREAS, the County is the owner of the Copes Corners Park located in the Town of Butternuts; and

WHEREAS, it is in the best interests of the County to increase the fees associated with the public's use of the Copes Corners Park Campground, which were previously raised by Resolution No. 152 of 2003; now, therefore, be it

RESOLVED, that the *fees associated with the public's use of the Copes Corners Park Campground are increased as follows:

Camping per night	from \$15.00 to \$30.00
Camping per week	from \$75.00 to \$150.00
Camping per month	from \$200.00 to \$400.00
Camping per season	from \$800.00 to \$1,200.00

Day use visitor (campsite guests) from \$1.00/car to \$3.00/car
Dump station (for non-campers) from \$5.00 to \$10.00

Small Pavilion Rental	remains at \$30 per day
Large Pavilion Rental	remains at \$50 per day

*Utility costs are included in the above fees

Seconded, Fournier. Oral vote. Total: 6,167; Ayes: 4,402; Noes: 1,435 - Relic, Powers, Schwerd; Absent: 330 - Laguna. Adopted.

RESOLUTION NO. 336-2007

**RESOLUTION – CREATING POSITIONS AT OTSEGO MANOR
(UNIVERSAL WORKER II AND HOME HEALTH ASSISTANT)**

FELDSTEIN, IVERSEN, RELIC

RESOLVED, that the following positions be and hereby are created at Otsego Manor:

One (1) full-time position of Universal Worker II, Grade 06Z,
\$10.6571 - \$12.4766/hr. (\$0.3639), shift differential
\$0.2090/hr., effective October 31, 2007

One (1) part-time position of Universal Worker II, Grade 06Z,
\$10.6571/hr., effective October 15, 2007

Two (2) part-time positions of Home Health Assistant, Grade 6,
\$11.3988/hr., effective October 31, 2007

and be it further

RESOLVED, that the funding for these positions are included in the 2007 Infirmary - Enterprise Budget (6020) at line 1000 Personal Service with 40% state, 50% federal, and 10% county funds; 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, Schwerd. Roll call. Total: 6,167; Ayes: 5,837; Absent: 330 - Laguna. Adopted.

RESOLUTION NO. 337-2007

**RESOLUTION - ABOLISHING POSITIONS AT OTSEGO MANOR
(UNIVERSAL WORKER I)**

LAGUNA, ROTHENBERGER, FOURNIER

RESOLVED, that the following positions at Otsego Manor are abolished:

Two (2) positions of Universal Worker I, Grade 05,
#8 (effective October 31, 2007)
#22 (effective October 15, 2007)

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, Henderson and Schwerd. Oral vote. Total: 6,167; Ayes: 5,837; Absent: 330 - Laguna. Adopted.

RESOLUTION NO. 338-2007

RESOLUTION - SUPPORTING THE CREATION OF AN INDEPENDENT PUBLIC DEFENSE COMMISSION AND STATEWIDE PUBLIC DEFENSE SYSTEM AS RECOMMENDED BY THE KAYE COMMISSION

FOURNIER, FELDSTEIN, STAYTON, POWERS

WHEREAS, the right of accused individuals to legal representation regardless of their financial ability to hire an attorney is a hallmark of this State and Nation's commitment to equal justice; and

WHEREAS, the right to counsel is enshrined in the landmark decisions *Gideon v Wainwright* (United States Supreme Court, 1963) and *People v Witek* (New York State Court of Appeals, 1965) and decisions following them; and

WHEREAS, New York State's commitment to equal justice dates back to colonial days, as the *Witek* decision noted, and our courts had a century-long tradition of appointing counsel for the poor by the time the Sixth Amendment to the United States Constitution was adopted as part of the Bill of Rights; and

WHEREAS, in 1965 New York State began requiring the counties and New York City to provide legal services mandated by law, setting out in Article 18-B of the County Law a variety of programs that could be adopted for that purpose, all at local expense; and

WHEREAS, County Law Article 18-B also requires the counties and New York City to provide counsel for eligible litigants in various non-criminal matters in which a right to counsel exists, including certain Family Court matters; and

WHEREAS, the public defense system established by Article 18-B, local costs for which were originally envisioned as being offset by state revenue sharing funds, has devolved into an underfunded state mandate that financially burdens the counties and New York City; and

WHEREAS, experience and studies show that the county-by-county public defense system created by Article 18-B fails to ensure efficient, high quality representation to eligible clients across the state, resulting in an ongoing crisis in the justice system; and

WHEREAS, major flaws in the current patchwork system include lack of enforceable standards, lack of independence of the defense function, lack of adequate funding, and lack of accountability; and

WHEREAS, some eligible clients are denied counsel altogether or face delays in getting counsel; and

WHEREAS, public defense lawyers often lack the time, resources, or training to

research and investigate every client's case, to talk with and listen to every client, and to determine a strategy to further each client's best interest; and

WHEREAS, public defense clients and their lawyers often lack access to services necessary to prepare and conduct their cases, including interpreters, investigators, social workers, sentencing advocates, immigration experts and others; and

WHEREAS, a commission appointed by Chief Judge Judith S. Kaye concluded in 2006 that a new, fully state-funded, statewide public defender system headed by an independent public defense commission is needed to guarantee the right to counsel in New York State; and

WHEREAS, this new system is to be truly independent, entirely and adequately state funded, authorized to provide mandated legal service providers statewide through regional offices and contracts with programs able to meet relevant standards, and required to engage in standards-based, ongoing oversight of mandated legal services; and

WHEREAS, bi-partisan legislation to implement the recommendations of the Kaye Commission has been introduced into both houses of the New York State Legislature; and

WHEREAS, the recommendations of the Kaye Commission also have the support of the Governor; now, therefore, be it

RESOLVED, that Otsego County supports the creation by New York State of an independent public defense commission heading a statewide public defender system as recommended by the Kaye Commission and supported by the Governor and State Legislators of both parties; and be it further

RESOLVED, that Otsego County agrees with the Kaye Commission that as to this much-needed public defense reform "the time for further study is over" and "[t]he time for action is now;" and be it further

RESOLVED, that Otsego County encourages the Chief Judge, the Governor, State Legislators of both parties, and others to continue efforts to bring about public defense reform; and be it further

RESOLVED, that the Clerk of the Otsego County Board of Representatives shall forward copies of this resolution to New York State Chief Judge Judith S. Kaye, New York State Governor Eliot Spitzer, Senate Majority Leader Joseph Bruno, Senate Minority Leader Malcolm Smith, Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Assembly Minority Leader James N. Tedisco, New York State Senator James L. Seward, New York State Assemblymen Marc Butler, Peter D. Lopez and William Magee, Chairs of the Codes and Judiciary Committees of the New York State Senate and Assembly, the New York State Association of Counties, and The Campaign for an Independent Public Defense Commission.

Seconded, Relic and Iversen. Oral vote. Total: 6,167; Ayes: 5,837; Absent: 330 - Laguna. Adopted.

RESOLUTION NO. 339-2007

RESOLUTION - CREATING POSITIONS IN DEPARTMENT OF SOCIAL SERVICES (DEPUTY COMMISSIONER, ACCOUNT CLERK)

FELDSTEIN, IVERSEN, RELIC

RESOLVED, that the following positions be and the same are hereby created in the Department of Social Services, effective December 5, 2007:

Deputy Commissioner, Managerial/Confidential,
annual salary \$49,736, rate of reimbursement:
50% federal, 37.5% state and 12.5% county funds;

Account Clerk, Grade 06, \$20,324 - \$23,894 (\$714),
rate of reimbursement: 50% federal, 37% state, and
13% county funds;

and be it further

RESOLVED, that the funds for these positions are included in the 2007 Social Services Administration Budget (6010) at line 1000 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, Stayton. Roll call. Total: 6,167; Ayes: 5,837; Absent: 330 - Laguna. Adopted.

RESOLUTION NO. 340-2007

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

ROTHENBERGER, LAGUNA, MCCARTY

RESOLVED, that the following position in the Department of Social Services is abolished, effective December 5, 2007:

Keyboard Specialist, 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, Fournier and Schwerd. Oral vote. Total: 6,167; Ayes: 5,837; Absent: 330 - Laguna. Adopted.

RESOLUTION NO. 341-2007

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				
	<u>DEPARTMENT</u>	<u>ACCOUNT</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
		<u>NAME</u>	<u>CODE</u>	
FUND A- GENERAL FUND				
FROM:	Board of Representatives	Postage & UPS	1010-4400-A	-300.00
TO:	Board Of Representatives	Telephone	1010-4100-A	300.00
FROM:	Contingent	Other	1990-4800-A	-8,000.00
TO:	Coroners & Medical Examiner	P.S.O.T.	1185-4700-A	8,000.00
FROM:	Real Property Tax Service	Personal Service	1355-1000-A	-200.00
FROM:	Real Property Tax Service	Mileage	1355-4005-A	-100.00
FROM:	Real Property Tax Service	Postage & UPS	1355-4400-A	-100.00
TO:	Real Property Tax Service	Materials & Supplies	1355-4500-A	150.00
TO:	Real Property Tax Service	Other	1355-4800-A	250.00
FROM:	Personnel	Other	1430-4800-A	-100.00
TO:	Personnel	Mileage	1430-4005-A	100.00
FROM:	County Building-Courthouse	Materials & Supplies	1620-4500-A	-1,200.00
TO:	County Building-Courthouse	Heat & Lights	1620-4150-A	1,200.00
FROM:	Contingent	Other	1990-4800-A	-36,300.00
TO:	County Building-Courthouse	Renovations-State	1620-4200-A	36,300.00
FROM:	County Building-Old Jail	Materials & Supplies	1623-4500-A	-550.00
TO:	County Building-Old Jail	Heat & Lights	1623-4150-A	550.00
FROM:	Probation	Training	3140-4050-A	-2,000.00
TO:	Probation	Contracts	3140-4900-A	2,000.00

FROM:	Jail	Other	3150-4800-A	-13,610.00
TO:	Jail	Contracts	3150-4900-A	13,610.00
FROM:	Code Enforcement	Equipment	3620-2000-A	-95.00
FROM:	Code Enforcement	Mileage	3620-4005-A	-209.47
FROM:	Code Enforcement	Telephone	3620-4100-A	-500.00
TO:	Code Enforcement	Postage & UPS	3620-4400-A	500.00
TO:	Code Enforcement	Other	3620-4800-A	304.47
FROM:	Lead Poison Prevention	Materials & Supplies	4054-4500-A	-600.00
TO:	Lead Poison Prevention	Telephone	4054-4100-A	400.00
TO:	Lead Poison Prevention	Postage & UPS	4054-4400-A	200.00
FROM:	Early Intervention Program	Education (0-3)	4059-4807-A	-14,330.00
TO:	CWSN-Education	CPSE Admin Chg (3-5)	2960-4804-A	14,330.00
FROM:	Mental Health	Personal Service	4310-1000-A	-25,000.00
TO:	Psychiatric Exp-State Charges	Other	4390-4800-A	25,000.00
FROM:	Publicity	Personal Service	6410-1000-A	-1,429.00
FROM:	Publicity	Other-Tourism Booth	6410-4840-A	-656.00
TO:	Tourism Matching Funds	Contracts	6412-4900-A	2,085.00
FROM:	Tourism Administration	Lodging, Meals and Tolls	6411-4010-A	-500.00
FROM:	Tourism Administration	Telephone	6411-4100-A	-800.00
FROM:	Tourism Administration	Postage & UPS	6411-4400-A	-800.00
FROM:	Tourism Administration	Materials & Supplies	6411-4500-A	-1,500.00
FROM:	Tourism Administration	Contracts	6411-4900-A	-5,369.00
TO:	Tourism Administration	Other	6411-4800-A	8,969.00
FROM:	Tourism Matching Funds	Telephone	6412-4100-A	-1,200.00
FROM:	Tourism Matching Funds	Postage & UPS	6412-4400-A	-18,000.00
TO:	Tourism Matching Funds	Contracts	6412-4900-A	19,200.00
FROM:	Solid Waste & Recycling Prgm	Contracts	8160-4900-A	-2,100.00
TO:	Solid Waste & Recycling Prgm	Materials & Supplies	8160-4500-A	2,100.00
<u>D - COUNTY ROAD FUND</u>				
FROM:	County Road Maintenance	Personal Service	5110-1000-D	-5,000.00
TO:	County Road Maintenance	Transfer to Mach Fund	9901-9000-D	5,000.00
2007 BUDGET MODIFICATIONS				
<u>A - GENERAL FUND</u>				
Increase:	Probation	Donations to Probation	0000-2713-A	8,000.00
Increase:	Probation	Equipment	3140-2000-A	8,000.00
Increase:	Tourism	Cooperative Adv Reimb	0000-1916-A	2,128.00
Increase:	Tourism Matching Funds	Contracts	6412-4900-A	2,128.00

DM - MACHINERY FUND				
Increase:	Machinery	Transfer from Co Road	0000-5031-DM	5,000.00
Increase:	Machinery	Other	5130-4800-DM	5,000.00

Seconded, Henderson. Representative Fournier moved to add the following transfer:

A - GENERAL FUND				
From:	Probation	Personal Service	3140.1000-A	-\$11,450
To:	Probation	MIS Charges	3140-4850-A	\$11,450

Seconded, Relic. Total: 6,167; Ayes: 5,837; Absent: 330 - Laguna. Motion carried. Roll call on amended resolution. Total: 6,167; Ayes: 5,837; Absent: 330 - Laguna. Adopted as amended.

Representatives Relic and Fournier moved to suspend the rules and act upon late Resolution Nos. 342 - 343. Seconded, Durkin. Total: 6,167; Ayes: 5,837; Absent: 330 - Laguna. Motion carried.

RESOLUTION NO. 342-2007

RESOLUTION - CREATING POSITION IN MENTAL HEALTH DEPARTMENT (BUSINESS OFFICE MANAGER)

FELDSTEIN, IVERSEN, RELIC

RESOLVED, that the following position is hereby created in the Mental Health Department, effective December 5, 2007:

Business Office Manager, Managerial/Confidential,
annual salary \$34,000

and be it further

RESOLVED, that the funding for this position is included in the 2007 RIV Monitoring and Evaluation Budget (4311) at line 1000 Personal Service and consists of 100% State Office of Mental Health funds; 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, Rothenberger and Stayton. Roll call. Total: 6,167; Ayes: 4,520; Noes: 1,317 - Relic, McCarty, Schwerd; Absent: 330 - Laguna. Adopted.

RESOLUTION NO. 343-2007

RESOLUTION - ABOLISHING POSITION IN MENTAL HEALTH

DEPARTMENT (KEYBOARD SPECIALIST)

HENDERSON, IVERSEN, STAYTON

RESOLVED, that the following position in the Mental Health Department is abolished, effective December 5, 2007:

Keyboard Specialist ,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, Fournier. Oral vote. Total: 6,167; Ayes: 5,837; Absent: 330 - Laguna.

Representative Rothenberger moved for an executive session to discuss personnel. Seconded, Iversen. Total: 6,167; Ayes: 5,837; Absent: 330 - Laguna. Motion carried.

All the general business of the Board having been transacted, the Chairman declared the meeting recessed until Monday, December 10, 2007 at 2:00 p.m.