

**REGULAR SESSION
FIRST DAY**

Wednesday, July 5, 2017

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

Frazier, Powers, Clark, Stammel, Kennedy, Oberacker, Bliss, Marietta, McCarty, Wilber, Koutnik, Gelbsman, Carson, Stuligross.

Under Privilege of the Floor, Lisa Barr, Oneonta, NY stated that it is shameful that the Board meetings are held during the week day and asked that the Board not support Faso's appeal to the American Healthcare Act because if we lose this we will be losing a lot.

Dr. Douglas Delong, Roseboom, NY, Physician at Bassett Medical Center, stated that he opposes the resolution regarding Faso's legislation as it is financially irresponsible and morally unacceptable noting that 25% of New Yorkers have Medicaid and 2/3 of the individuals in nursing homes rely on Medicaid. Dr. Delong asked that the Board not support the resolution.

Dr. Antoinette Kuzminski, Retired Bassett Physician, asked that the Board not endorse H.R. 1871 as it is a mistake, it's unconstitutional, and is a threat to not for profit organizations such as Bassett, AO Fox, Springbrook, and Pathfinder Village noting that there will be collateral damage to the young and old.

Dr. Chris Kjolhede, practicing pediatrician and Co-Director of Bassett Healthcare Networks's School Based Health Program, stated that over 50% of the students enrolled in the School Based Health Program have Medicaid or Child Health Plus noting that the Faso-Collins amendment to the AHCA could have serious adverse affect on the viability of the program and on the health and well being of the children and adolescents that are served. Dr. Kjolhede stated that the proposed endorsement would be hasty, reckless and a quick fix for a very complex problem and asked that the Board not endorse the amendment as it currently stands.

Leslie Berliant, Middlefield, NY read comments from others that could not be present today including a Medicaid Service Coordinator who is concerned with government funding, quality of life, and that 22 million people could lose coverage. Janine Webster asked that the Board vote against the Faso Amendment noting that there will be loss of revenue, jobs, too much is at stake, and it would devastate the economy. Kathleen Taylor, Cherry Valley, NY stated that there are not many employers in this County and that the Board is closing its eyes to the serious money that will be lost. Ms. Taylor stated that rural hospitals will get hit hard and jobs and healthcare would be lost.

Leslie Berliant stated that 3,000 elderly people would lose Medicaid if Faso's amendment went through and \$797,000 would be lost in Otsego County.

Dr. John Davis, Ottoway Road, Middlefield, NY stated that he opposes Resolution 241 and stated that the Board needs to fully understand the Faso bill.

Dr. Richard Sternberg, Cooperstown, NY Retired Orthopedic Surgeon, Bassett Medical Center, stated that the federal government mandates that everyone that presents to the Emergency Room must be treated regardless of payment so hospitals will end up eating more costs noting that Bassett could have to close. Dr. Sternberg asked why is this even being voted on here as it has no direct bearing and to pass the resolution on behalf of the County is ridiculous.

Marion Carl, Cooperstown, NY stated she got 40 signatures from this room today opposing the Faso amendment noting that constituents are against this.

Donna Behrendt, Brook Street Oneonta, NY, stated that she is against H.R. 1871 original or as amended because supporting it is short sided, 75% of AO Fox Hospital's revenue comes from Medicaid and that by supporting this less money will come to NY from the Federal government. Ms. Behrendt stated that Otsego County is one of the poorest counties in NY State and changes in Medicaid funding would sorely affect many of our most needy citizens.

Kathy Maxim, Teacher, Gilbertsville, asked that the Board take the time to face the fact that this is not a healthcare bill but a mask for a tax cut bill, it will reduce healthcare, ensure tax breaks for the wealthy, and promises a few pennies in savings. Ms. Maxim stated she is disappointed that the Board would support this.

Maryann Whelan, Retired Bassett Physician, stated there were 5,258 Medicaid recipients in 2015, 2/3 of Medicaid payments go to nursing homes, the Faso-Collins amendment denies federal matching funds to Counties outside of NYC unless the State picks up the local share and the bill will result in job loss and the closure of rural hospitals.

Janet Rigby, Elm Street, Cooperstown, NY, County property owner and business owner stated that this legislation is an absolute disaster, funding should not be cut for such an important economic factor, and asked that the Board reach out to John Faso and educate him.

Maria Ajello, concerned tax payer and County stated that she has been before this Board 35 times asking for a resolution conveying the deed of her property and asking for a County Ethics Board. Mrs. Ajello stated that we need elected officials that have ethics and compassion and do right by the people.

Adrian Kuzminski, Sustainable Otsego, Fly Creek, NY, asked that the Board think about the Faso resolution again and not hold the people of Otsego County hostage.

Russ Ahrens, concerned tax payer and County employee asked where the ethics are in this county and stated that it is disgusting what the County has accomplished. Mr. Ahrens stated the County has a lot of work to do and asked that the County give Maria Ajello her home back.

Nicole Dillingham, Springfield Center, NY thanked all of the Doctors that came today in regards to the Faso resolution noting that Bassett is important to us and that the Faso resolution does nothing to fix high property taxes but just stops reimbursements to Albany. Ms. Dillingham recommended that to lower property taxes a group could be formed to go to Albany and talk to our reps to work out a solution.

James Dean, 15 Delaware Street, Cooperstown, NY, stated that he opposes the Faso resolution.

Brian Flynn, candidate running for the 19th Congressional District, stated that the Faso amendment takes money from the poor, sick and elderly. Mr. Flynn stated that he has been to Otsego County on numerous occasions and hears from the people that Otsego County needs affordable healthcare.

Paul Mendelsohn, Cherry Valley, NY stated that if taxes were to be reduced locally they would just be increased by the State and even if they were to be reduced would they stay that way.

Gina Keel, Hazel Street, Oneonta, NY stated that 1 in 5 children are in poverty, it's crazy to take away School Based Health centers, the county needs to look more deeply at the consequences as it is a political and short term effort and is despicable. Ms. Keel stated that we need a congressman that understands the math.

Dottie Hudson, Cooperstown, NY asked how much has the County spoken to the people at Bassett about the Faso legislation and stated that today from 2:00 p.m.-3:00 p.m. on WYMC 97.3 radio station Representative Faso would be taking questions.

JoAnn Gardner, Hartwick, NY stated that she works at a school and feels the Faso resolution would hurt the children and stated that each board member here probably knows somebody on Medicaid.

Annemarie Hosnedl, 274 River Street, Oneonta, NY stated that the doctors at Bassett have saved her life and she cannot imagine our area without it. Ms. Hosnedl stated she is against the Faso resolution, noting that Representative Faso has made no effort to talk to people, is not approachable, and is not representing us.

The minutes of June 7, 2017 were approved.

The following communications were read and ordered filed:

Letter received from Carol Roos, Cherry Valley, NY asking for the County to support the Susquehanna Animal Shelter

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

May 2017 Monthly Report of Alternatives to Incarceration Program Services rendered by Catholic Charities of Delaware and Otsego Counties

Under Special Presentations, Jordan Clements, District Manager of the Otsego County Soil and Water Conservation District gave an overview of the history of the district along with updates on the following including but not limited to: Agriculture Environmental Management (AEM), Ag Non- Point Source Grant, Ag Non-Point Source Funding, Conservation Reserve Easement Program (CREP), Water Quality Improvement Program (WQIP), Upper Susquehanna Coalition NFWF I-4 project, Ag plastic, education and outreach, earned income programs such as tree, fish, compost, and post pounder, Ag assessments, Wetland monitoring (NRCS Agreement), and future goals of the district.

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

During the report of the Intergovernmental Affairs Committee, Representative Marietta asked that the following questions about OtsegoNow be entered into the minutes:

I've asked at the April, May, June board meetings about the status of convening the Otsego County Board of Ethics. Again, I ask about the status of this entity, especially in regards to its role with OtsegoNow and their bylaws requiring this entity. Also in regards to Resolution 241-20170705, was it discussed with Otsego Now and did they have any perspective.

During the report of the Public Safety and Legal Affairs Committee, Representative Carson asked that the following be entered into the minutes:

In regards to moving forward with an MOU with the New York State Police, the NYSP will mandate how we run our department and will want to have an active part in the operation.

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

Representative Frazier moved for an executive session pursuant to Rule 47 1-H under the rules of order, for the proposed acquisition, sale, or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body. Seconded, Stuligross. Total: 6,228; Ayes: 6,228. Motion carried.

The Board reconvened.

Representative Koutnik moved to dispense with the reading of all resolutions. Seconded, Stuligross. Total: 6,228; Ayes: 6,228. Motion carried.

Board Chair Clark asked if any representative wished to remove a resolution(s) from the consent agenda so it can be acted upon separately.

Representative Koutnik removed Resolution No. 236, Representative Clark removed Resolution No. 238 and Representative Stammel removed Resolution No. 241.

Representative Gelbsman moved to withdraw Resolution No. 241-20170705, sponsored by the Administration Committee, Authorizing support of the Property Tax Reduction Act, H.R. 1871 to eliminate the local share of Medicaid. Seconded, Kennedy. Total: 1,996; Ayes: 1,557; Noes: 439- Frazier. Motion carried, Resolution withdrawn.

Board Chair Clark called for action on the consent agenda, excluding Resolution Nos. 236 and 238. Representative Koutnik moved to act upon the consent agenda, Resolution Nos. 230-235, 237, 239, and 240.

RESOLUTION NO. 230-20170705

**RESOLUTION – AUTHORIZING CHAIR OF
THE BOARD TO CONTRACT WITH
NEW YORK STATE DEPARTMENT OF HEALTH
TO RECEIVE GRANT FUNDS FOR
THE RABIES PROGRAM**

BLISS, STAMMEL, MARIETTA, KOUTNIK, CARSON

RESOLVED, that the Chair of the Board, on behalf of the Otsego County Department of Health, be and hereby is authorized to execute a grant agreement with New York State Department of Health (NYSDOH) to receive grant funds in the amount of \$17,148 per year for the Rabies Program, for the period April 1, 2017 through March 31, 2019 for a total cost not exceed \$34,926; and be it further

RESOLVED, that said grant agreement shall contain such other terms and provisions as are in the best interests of the County of Otsego.

RESOLUTION NO. 231-20170705

**RESOLUTION – AUTHORIZING THE COUNTY TO EXTEND THE AGREEMENT WITH
THOMA LTD., d/b/a THOMA DEVELOPMENT CONSULTANTS**

KENNEDY, GELBSMAN, OBERACKER, STAMMEL, STULIGROSS

WHEREAS, Onondaga County, through the Executive Department Division of Purchasing issued a Request for Proposal (RFP) #15-7500-002 seeking services to provide for a county wide grant writer; and

WHEREAS, Thoma Ltd, d/b/a Thoma Development Consultants was the successful vendor through Onondaga's RFP; and

WHEREAS, section 1.5.7 of the RFP states "Onondaga County will make this contract available to all municipalities, subject to eligibility under state law; and

WHEREAS, Otsego County is considered an eligible municipality and;

WHEREAS, Otsego County is interested in contracting for similar services as outlined in the RFP for 2015; and

WHEREAS, Otsego County sought and received confirmation from its Purchasing Agent to proceed with piggybacking contract #38715; and

WHEREAS, Otsego County extended the original contract through June 24, 2017; and

WHEREAS, Otsego County wishes to extend existing contract for another year; now, therefore, be it

RESOLVED, that this Board of Representatives authorizes the extension of the existing contract #38715 for Otsego County through June 24, 2018; and be it further

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

RESOLVED, that the funding for such services is included in the 2017 Planning Budget (8020-A) at line 4902 Contracts.

RESOLUTION NO. 232-20170705

RESOLUTION – AUTHORIZING CHAIR OF THE BOARD TO ENTER INTO A CONTRACT WITH CARE ENVIRONMENTAL CORPORATION FOR A 2017 HOUSEHOLD HAZARDOUS WASTE AND CESQG COLLECTION DAY

MCCARTY, KENNEDY, POWERS, KOUTNIK, MARIETTA

WHEREAS, in 2015, Otsego County participated in a multi-county request for proposals (RFP) prepared by the Fulton County Solid Waste Department to solicit bids for the Annual Household Hazardous Waste Day; and

WHEREAS, Care Environmental Corporation has submitted the lowest RFP to provide these professional services, the price being composed of component costs for multiple services and based on volumes historically generated; and

WHEREAS, the multi-county agreement between Care and Otsego County as issued through the RFP released by Fulton County is for one (1) year with two one year extensions; and

WHEREAS, this is the second and last extension allowed under the contract; and

WHEREAS, the Solid Waste and Environmental Concerns committee agreed to contract with Care to provide services for Otsego County's 2017 Household Hazardous Waste Event, Friday, September 8th and Saturday September 9th; now, therefore, be it

RESOLVED, that the Chair of this Board be and hereby is authorized to enter into a contract with Care Environmental Corporation, located at 4999 Carolina Forest Blvd. Suite 21, Myrtle Beach, South Carolina 29579, to provide services to the County at the Household Hazardous and CESQG Collection Day on September 8th and 9th, 2017. The County agrees to pay Care Environmental Corporation for the collection, disposal and transportation fees in an amount estimated at \$35,000 and based on 2016 total collectibles calculated by using the bid per unit cost; and be it further

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

RESOLVED, that the transportation and disposal fees generated by this 2017 Household Hazardous Waste and CESQG Disposal Day are included in the 2017 Solid Waste and Recycling Program Budget (8160-A) at line 4900 Contracts; said funds consisting of approximately 50% state aid, private funds and Solid Waste User Fee monies.

RESOLUTION NO. 233-20170705

**RESOLUTION - APPOINTING A MEMBER TO THE LOCAL
EARLY INTERVENTION COORDINATING COUNCIL**

BLISS, STAMMEL, MARIETTA, KOUTNIK, CARSON

RESOLVED, that the following individual is hereby appointed a member of the Local Early Intervention Coordinating Council:

BARBARA FINKELSTEIN
Services Access Liaison
Family Resource Network
46 Oneida Street
Oneonta, NY 13820
Term expiring December 31, 2018
(Replaces Renee Walker)

RESOLUTION NO. 234-20170705

**RESOLUTION – RECLASSIFYING A POSITION IN
THE PERSONNEL OFFICE
(PERSONNEL ASSISTANT)**

GELBSMAN, FRAZIER, KENNEDY, MCCARTY, KOUTNIK

RESOLVED, that the following position is reclassified in the Personnel Office, effective July 16, 2017:

**Personnel Assistant (#1), Managerial/Confidential, \$31,400 TO
Senior Personnel Assistant (#1), Managerial/Confidential, \$41,000**

and be it further

RESOLVED, that the funding for this position will come from unfunding the Personnel Assistant position and is included in the 2017 Personnel Budget (1430-A) 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.

RESOLUTION NO. 235-20170705

**RESOLUTION – AMENDING RESOLUTION NO. 23-20170104- ESTABLISHING SALARIES
FOR MANAGERIAL/CONFIDENTIAL
EMPLOYEES AND ELECTED OFFICIALS FOR THE YEAR 2017**

GELBSMAN, FRAZIER, KENNEDY, MCCARTY, KOUTNIK

RESOLVED, that Resolution No. 23-20170104 Establishing Salaries for Managerial/Confidential employees and elected officials for the year 2017 is amended as follows:

Increase Salary for the Probation Director II from \$51,895 to a range of \$55,000 - \$69,000, effective July 5, 2017

and be it further

RESOLVED, that funding for this increase is included in the Probation Budget (3140-A) at line 1000, Personal Service; and be it further

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

RESOLUTION NO. 237-20170705

**RESOLUTION - AUTHORIZING DEPARTMENT OF SOCIAL SERVICES TO
PURCHASE ACCUFUND ACCOUNTING SOFTWARE**

KOUTNIK, BLISS, KENNEDY, CARSON, OBERACKER

WHEREAS, the Otsego County 2017 Adopted Budget was approved by the Otsego County Board of Representatives on December 7, 2016; and

WHEREAS, the Department of Social Services budgeted an amount not to exceed \$26,356 for the purchase of Accufund Accounting Software; and

WHEREAS, the County's Purchasing Agent released an RFP No. 17-OTS-005, and after review, the Department Head and the Parent Committee approved of the proposal of Binnacle Technology; now, therefore, be it

RESOLVED, that the Commissioner of Social Services be and is hereby authorized to purchase AccuFund Accounting Software at a cost not to exceed \$26,356 from Binnacle Technology, 121 Samson Rock Drive, Madison, CT 06443; and be it further

RESOLVED, that the funding for this purchase is included in the 2017 Social Services Administration Budget (6010-A) at line 4835 IT Other/Software with estimated local cost of \$3,690.

RESOLUTION NO. 239-20170705

**RESOLUTION – APPROVING 2017 YOUTH BUREAU
RESOURCE ALLOCATION PLAN**

GELBSMAN, FRAZIER, KENNEDY, MCCARTY, KOUTNIK

WHEREAS, pursuant to the requirements of the New York State Office of Children and Family Services, a resolution has to be approved for submittal of the 2017 Youth Bureau Resource Allocation Plan; now, therefore, be it

RESOLVED, that the 2017 Youth Bureau Resource Allocation Program for the programs listed below is hereby approved.

**2017
Recommendation**

RECREATION

BUTTERNUTS	\$750
WORCESTER	\$1,625
MORRIS	\$500
CITY OF ONEONTA	\$5,350
TOWN OF ONEONTA	\$1,300
OTEGO YOUTH RECREATION	\$1,750
RICHFIELD SPRINGS	\$1,400
SPRINGFIELD	\$1,150
TOWN OF HARTWICK	\$500
UNADILLA RECREATION PROGRAM	\$1,800
MILFORD RECREATION	\$1,100

YOUTH BUREAU - ADMINISTRATION	\$6,101
2017 ALLOCATION	\$23,326

PROGRAMS

LEAF - Life Skills Training	\$1,150
Community Maternity Services	\$8,890
OFO – Violence Intervention Program	\$6,817
Laurens Youth Employment	\$1,300
Richfield Springs Community Center	\$7,149
Family Services Association – Parenting Resource Center	\$4,100
2017 ALLOCATION	\$29,406

SUMMARY

Recreation	\$23,326
Programs	\$29,406
TOTAL	\$52,732

RESOLUTION NO. 240-20170705

**RESOLUTION – TRANSFERRING FUNDS IN
VARIOUS DEPARTMENTS
(2017)**

GELBSMAN, FRAZIER, KENNEDY, MCCARTY, KOUTNIK

WHEREAS, it appears that it will require funds to complete the year 2017 in certain items of the Otsego County Budget; and

WHEREAS, there are unexpended balances in other items of the 2017 budget; now, therefore, be it

RESOLVED, that the following transfers be and the same are hereby authorized, and the 2017 budget be and is hereby amended accordingly, pursuant to Section 363 of the County Law:

2017 Budget Transfers				
	DEPARTMENT	ACCOUNT NAME	ACCOUNT CODE	AMOUNT
A- GENERAL FUND				
FROM:	Social Services Admin	Fees for Service	6010-4910-A	(8,000.00)
TO:	DSS Records Mgmt	Contracts	6011-4900-A	8,000.00
FROM:	Social Services Admin	Fees for Service	6010-4910-A	(3,483.86)
TO:	Social Services Admin	Other	6010-4800-A	3,483.86
FROM:	OFA	Senior Meals	6772-4767-A	(4,000.00)
TO:	OFA	Equipment	6772-2000-A	4,000.00
2017 Budget Modifications				
A -GENERAL FUND				
Increase:	Treasurer	MOSA Receivership	0000-2133-A	150,000.00
Increase:	Jail	Inmate Boarding	3150-4896-A	100,000.00
Increase:	Jail	Medical Expenses	3150-4895-A	50,000.00
Increase:	Public Safety Comm.	PSAP FY16	0000-3395-A	115,249.30
Increase:	Public Safety Comm.	PSAP FY16	3020-4901-A	115,249.30
Increase:	Treasurer	MOSA Receivership	0000-2133-A	4,062.00
Increase:	Personnel	Personal Service	1430-1000-A	4,062.00
D- MACHINERY FUND				
Increase:	Machinery	Sale of Scrap & Exc. Mat	0000-2650-DM	6,000.00
Increase:	Machinery	PPE & Work App.	5130-4505-DM	6,000.00

Seconded, Oberacker. Roll call vote on consent agenda. Total: 6,228; Ayes: 6,228. Adopted.

RESOLUTION NO. 236-20170705 (original)

RESOLUTION – CREATING TEMPORARY POSITION

**IN THE DEPARTMENT OF SOCIAL SERVICES
(TEMPORARY SENIOR CASEWORKER)**

GELBSMAN, FRAZIER, KENNEDY, MCCARTY, KOUTNIK

RESOLVED, that the following position is created in the Department of Social Services for up to 90 days for the purpose of transitioning into supervision in Child Welfare Services, effective August 1, 2017 until October 31, 2017:

Temporary Senior Caseworker (#9), Grade 14, \$35,815 - \$42,380 (\$1,313)

and be it further

RESOLVED, that the funding for this position is included the 2017 Social Services Administration Budget (6010-A) at line 1000 Personal Service; with estimated reimbursement rates of 50% federal, 0% state and 50% local costs; and be it further

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

Seconded, Stuligross. Representative Koutnik moved to amend Resolution 236-20170705 to eliminate the word Temporary three times as it appears in the title and under the 2nd Resolved and change the funding percentages to 62% Federal, 24% State and 14% Local. Seconded, Stuligross. Roll call vote on motion to amend. Total: 6,228; Ayes: 6,228. Motion carried.

RESOLUTION NO. 236-20170705 (amended)

**RESOLUTION – CREATING POSITION
IN THE DEPARTMENT OF SOCIAL SERVICES
(SENIOR CASEWORKER)**

GELBSMAN, FRAZIER, KENNEDY, MCCARTY, KOUTNIK

RESOLVED, that the following position is created in the Department of Social Services for up to 90 days for the purpose of transitioning into supervision in Child Welfare Services, effective August 1, 2017 until October 31, 2017:

Senior Caseworker (#9), Grade 14, \$35,815 - \$42,380 (\$1,313)

and be it further

RESOLVED, that the funding for this position is included the 2017 Social Services Administration Budget (6010-A) at line 1000 Personal Service; with estimated reimbursement rates of 62% federal, 24% state and 14% local costs; and be it further

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

Roll call vote on Resolution 236-20170705 as amended. Total: 6,228; Ayes: 6,228. Adopted.

RESOLUTION NO. 238-20170705

RESOLUTION- ADOPTING THE NEW YORK STATE UNIFIED SOLAR PHOTOVOLTAIC PERMITTING PROCESS FOR OTSEGO COUNTY

MCCARTY, KENNEDY, POWERS, KOUTNIK, MARIETTA

WHEREAS, New York State has developed a unified solar photovoltaic permitting process designed to streamline municipal permitting which will reduce costs for solar projects and support the growth of clean energy jobs across the state; and

WHEREAS, the County of Otsego is desirous of participating in the unified permitting process, thereby increasing the County's eligibility for various incentives and grants through the New York State Energy Research and Development Authority; now, therefore, be it

RESOLVED, that the County of Otsego adopts the New York State Unified Solar Permit as attached hereto as Exhibit I; and be it further

RESOLVED, that the County Board of Representatives authorizes the Planning Department to complete the grant application through the Streamlined Permitting Program to allow for the County to receive a grant award up to \$5,000 from the New York State Energy Research and Development Authority for the adoption of the United Solar Permit Application; and be it further

RESOLVED, that this resolution shall take effect immediately and a copy of this resolution, with Exhibit 1, shall be provided to the Building and Codes Department.

Seconded, Wilber. Roll call vote. Total: 6,228; Ayes: 6,228. Adopted.

**LOCAL LAW NO. C OF 2017
COUNTY OF OTSEGO, NEW YORK**

**A LOCAL LAW REPEALING THE WIRELESS COMMUNICATIONS
SURCHARGE AUTHORIZED BY ARTICLE SIX OF THE COUNTY LAW OF
THE STATE OF NEW YORK AND IMPOSED BY COUNTY OF OTSEGO
LOCAL LAW NO. 2 OF 2004; AND IMPOSING THE WIRELESS
COMMUNICATIONS SURCHARGES PURSUANT TO THE AUTHORITY OF
TAX LAW SECTION 186-g**

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

SECTION 1. REPEAL OF PRIOR LAW

Local Law No. 2 of 2004 entitled "A LOCAL LAW PROVIDING FOR THE ESTABLISHMENT OF AN E-911 WIRELESS SURCHARGE", is hereby repealed.

SECTION 2. IMPOSITION OF WIRELESS COMMUNICATIONS SURCHARGES

(a) Pursuant to the authority of Tax Law § 186-g, there are hereby imposed and there shall be paid surcharges within the territorial limits of the County of Otsego on: (i) wireless communications service provided to a wireless communications customer with a place of primary use within such County, at the rate of thirty cents per month on each wireless communications device in service during any part of the month; and (ii) the retail sale of prepaid wireless communications service sold within such County at the rate of thirty cents per retail sale, whether or not any tangible personal property is sold therewith.

(b) Wireless communications service suppliers shall begin to add such surcharge to the billings of its customers and prepaid wireless communications sellers shall begin to collect such surcharge from its customers commencing December 1, 2017.

(c) Each wireless communications service supplier and prepaid wireless communications seller is entitled to retain, as an administrative fee, an amount equal to three percent of its collections of the surcharges imposed by this Local Law provided that the supplier or seller files any required return and remits the surcharges due to the New York State Commissioner of Taxation and Finance on or before its due date.

SECTION 3. ADMINISTRATION OF SURCHARGES

The surcharges imposed by this Local Law shall be administered and collected by the New York State Commissioner of Taxation and Finance as provided in paragraph (8) of Tax Law § 186-g, and in a like manner as the taxes imposed by Articles Twenty-eight and Twenty-nine of the Tax Law.

SECTION 4. APPLICABILITY OF STATE LAW TO SURCHARGES IMPOSED BY THIS LOCAL LAW

All the provisions of Tax Law § 186-g shall apply to the surcharges imposed by this Local Law with the same force and effect as if those provisions had been set forth in full in this Local Law, except to the extent that any of those provisions is either inconsistent with or not relevant to the surcharges imposed by this Local Law.

SECTION 5. AUTHORIZED EXPENDITURES FROM NET COLLECTIONS

Net collections received by this County from the surcharges imposed by this Local Law shall be expended only upon authorization of the Board of Representatives of the County of Otsego and only for payment of system costs, eligible wireless 911 service costs, or other costs associated with the administration, design, installation, construction, operation, or maintenance of public safety communications networks or a system to provide enhanced wireless 911 service serving such County, as provided in paragraph (9) of Tax Law § 186-g, including, but not limited to, hardware, software, consultants, financing and other acquisition costs. The County shall separately account for and keep adequate books and records of the amount and object or purpose of all expenditures of all such monies. If, at the end of any fiscal year, the total amount of all such monies exceeds the amount necessary for payment of the above mentioned costs in such fiscal year, such excess shall be reserved and carried over for the payment of those costs in the following fiscal year.

SECTION 6. EFFECTIVE DATE

This Local Law shall take effect December 1, 2017.

Seconded, Carson. Local Law laid over under the rules until Wednesday, August 2nd, 2017 at 9:45 a.m.

All the general business of the Board having been transacted, the Board Chair declared the meeting adjourned until Wednesday, August 2, 2017 at 10:00 a.m.