

**REGULAR SESSION  
FIRST DAY**

**Wednesday, June 7, 2023**

This monthly Board Meeting was streamed via Facebook Live.

The Board Chair called the Board to order.

The roll was called and the following Representatives were found to be present: Frazier, Madsen, Brockway, Catan, Kennedy, Mickle, Bliss, Marietta, McCarty, Wilber, Oliver, Martini, Scanlon and Basile.

The Pledge of Allegiance was recited.

Under Privilege of the Floor, Ed Dawyot from the Hamlet of Welcome, in the Town of New Lisbon, stated that Indian Point is shutdown and that makes one less source of energy in New York State. Mr. Dawyot spoke about and explained electrical brownouts and how the low voltage can damage well pumps, refrigerators or anything with a motor. He suggested that possibly the County Administrator could look into a theft of services as we pay for a certain amount of energy that we won't be getting.

Carl Wenner from Fly Creek, NY, recited from the Declaration of Independence. Mr. Wenner expressed that it is the Board's job to secure the rights of citizens in Otsego County. He asked what the County's plan is for serious, catastrophic emergencies; there should be an emergency contingency budget.

Reina Fostyk, a lawyer who lives and works in Otsego County, in Cooperstown; and works for the Farmworker Legal Assistance Clinic at Cornell Law School with the support of the First Baptist and First Presbyterian Churches of Cooperstown, commented on the Emergency Order from May 16<sup>th</sup> related to migrants and asylum seekers. Ms. Fostyk stated that this order will likely cost taxpayers money and legal fees as the NYCLU and hotels have sued other counties; the Federal Judge issued a preliminary injunction finding it very likely to be unconstitutional. Ms. Fostyk discussed further and recommended that the order be rescinded.

Cindy Falk, from Cooperstown, asked the Board to reconsider the State of Emergency that was issued on May 16<sup>th</sup> as it is an unusual emergency declaration and that emergency declarations usually relate to weather events and explained her reasons why.

Maria Ajello stated that Article 7 part M in the revenue part of the state

budget was removed – leaving New York part of the home equity theft group. Ms. Ajello added that the Supreme Court ruled by unanimous decision, that it is unconstitutional to keep the excess funds of a home sold under the In Rem tax foreclosure noting that she has pleaded for months to return the excess funds. Ms. Ajello mentioned that now Resolution No. 245 is giving people more time to redeem under the In Rem foreclosure, adding that she was here six weeks before the auction with money in hand and was told no.

Russ Ahrens questioned some of the language in Resolution No. 245 as well as addressed other concerns.

The minutes of May 3<sup>rd</sup>, 2023 were approved.

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

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

County Administrator Wilson provided a written report update to representatives prior to the meeting for April and May. Mr. Wilson mentioned highlights including but not limited to backfilling 14 funded positions, served as a judge for New York History Day at SUNY Oneonta, have begun the data exchange process between MUNIS, ClearGov and Venesky softwares, completed hiring process and introduced the 2 new Budget Analysts: Bob Lawton and Jacinda Hotaling, spoke briefly about the executive order addressing the migrant and asylum seeking issue, attended the NYSAC Finance School and NYSCA Association.

Representative Wilber moved to dispense with the reading of all reports and resolutions. Seconded, Oliver. Oral vote. Total: 100. Ayes: 91; Absent: 9 - Catan. Motion carried.

Board Chair Bliss asked if any representative wished to remove any resolution(s) from the Consent Agenda so it can be acted upon separately. Representative Frazier removed resolution No. 226, Representative Martini removed resolution no. 235 and Representative Catan removed resolution no. 246.

Board Chair Bliss called for action on the Consent Agenda. Representative Kennedy moved to act upon the Consent Agenda Resolution Nos. 223 – 225, 227 – 234 and 236 - 245.

RESOLUTION NO. 223-20230607

RESOLUTION – AUTHORIZING THE COUNTY ADMINISTRATOR OR THE  
CHAIR OF THE BOARD TO CONTRACT WITH LEATHERSTOCKING  
EDUCATION ON ALCOHOLISM/ADDICTIONS FOUNDATION  
FOR THE PROVISION OF SUPPORT FOR CURRENT SERVICES

BASILE, MARIETTA, BROCKWAY, MARTINI, SCANLON

WHEREAS, funds are available through the New York State Office of Alcoholism and Substance Abuse Services (OASAS) to Otsego County for purposes of providing support of current services such as evidence-based school programming, hiring and retention incentives, parent/professional training, and agency infrastructure; and

WHEREAS, the Otsego County Community Services Department desires to contract with Leatherstocking Education on Alcoholism/Addictions Foundation (LEAF) for the abovementioned services; and

WHEREAS, all vendors are approved in advance by New York State, therefore, the procurement process was not utilized for the selection of the vendor for the above services; now, therefore, be it

RESOLVED, that the County Administrator or, if unavailable, the Chair of the Board is authorized to execute a contract with Leatherstocking Education on Alcoholism/Addictions Foundation (LEAF), 189 Main Street, Oneonta, NY 13820, for support of current services such as evidence-based school programming, hiring and retention incentives, parent/professional training, and agency infrastructure, for the period of July 1, 2023, through June 30, 2024, for an amount not to exceed \$100,000; and be it further

RESOLVED, that said contract shall contain such other terms and conditions that 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 2023 Addiction Recovery Budget (A4250) at line 549000 Contracts utilizing 100% State funds and will be contained in a similar budget line for 2024.

RESOLUTION NO. 224-20230607

RESOLUTION - AUTHORIZING THE COUNTY ADMINISTRATOR OR THE CHAIR OF  
THE BOARD TO EXECUTE A CONTRACT WITH FRIENDS OF RECOVERY OF  
DELAWARE AND OTSEGO FOR PEER RECOVERY WARM LINE SERVICES

BASILE, MARIETTA, BROCKWAY, MARTINI, SCANLON

WHEREAS, there is a need for peer recovery warm line services for the residents of Otsego County; and

WHEREAS, Friends of Recovery of Delaware and Otsego (FOR-DO) has agreed to provide such services; and

WHEREAS, this contract is fully reimbursed by NYS allocated funds and all vendors are preapproved by New York State so the procurement process was not utilized for the selection of the vendor for these services; now, therefore, be it

RESOLVED, that the County Administrator or, if unavailable, the Chair of the Board is hereby authorized to execute a contract with Friends of Recovery of Delaware and Otsego (FOR-DO), 22 Elm Street, Oneonta, NY 13820, for peer recovery warm line services, for the period of July 1, 2023, through June 30, 2024, for an amount not to exceed \$25,855; and be it further

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

RESOLVED, that the funds for this contract are included in the 2023 Addiction Recovery Budget (A4250) at line 549000 Contracts utilizing 100% State funds and will be contained in a similar budget line for 2024.

RESOLUTION NO. 225-20230607

RESOLUTION – AUTHORIZING THE COUNTY ADMINISTRATOR OR THE CHAIR OF THE BOARD TO CONTRACT WITH N.K BHANDARI ARCHITECTURE & ENGINEERING, P.C. (NKB) FOR BUILDING ASSESSMENT SERVICES

FRAZIER, MCCARTY, WILBER, OLIVER, MADSEN

WHEREAS, there is a need to for building assessment services of the Otsego County Buildings; and

WHEREAS, the Purchasing Agent was consulted and Request for Proposals #23-OTS-003 was offered for the abovementioned services; and

WHEREAS, an analysis of the proposals received was prepared by the County's Purchasing Agent and reviewed by the Building Services Department Head and the Public Works and Administration Committees; and

WHEREAS, it was determined to be in the best interest of the County to

contract with N.K Bhandari Architecture & Engineering, P.C. (NKB) for building assessment services; now, therefore, be it

RESOLVED, that the County Administrator or, if unavailable, the Chair of the Board is authorized to contract with N.K Bhandari Architecture & Engineering, P.C. (NKB), 1020 7<sup>th</sup> North Street, Suite 130, Liverpool, New York, 13088, for building assessment services of the Otsego County buildings, for an amount not to exceed \$109,500, for the period of June 1, 2023, through December 31, 2023; 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 funding for this expenditure shall be included in the 2023 Cooperstown Office Building Budget (A1625) at line 549000 Contracts and consists of 100% Local funds.

RESOLUTION NO. 227-20230607

RESOLUTION – AUTHORIZING THE COUNTY ADMINISTRATOR OR THE CHAIR OF THE BOARD TO CONTRACT WITH CENTER FOR PUBLIC SAFETY MANAGEMENT, LLC FOR THE DEVELOPMENT OF AN EMS STRATEGIC PLAN

KENNEDY, MARIETTA, MCCARTY, FRAZIER, MARTINI, WILBER

WHEREAS, Resolution 77-20220202, under RFP #21-OTS-005, authorized the contract with Center for Public Safety Management, LLC, through December 31, 2022, for the development of an Emergency Medical Services Strategic Plan to identify the needs of the County and the EMS districts it covers to aid in determining the future needs of this service, for an amount not to exceed \$50,000; and

WHEREAS, the RFP allows for two possible one year extensions, and it is the desire of Otsego County to extend the contract with Center for Public Safety Management, LLC for ongoing assistance with the implementation of an Emergency Medical Services Strategic Plan; now, therefore, be it

RESOLVED, that the County Administrator or, if unavailable, the Chair of the Board is authorized to extend the contract with Center for Public Safety Management, LLC, 475 K Street NW, STE 702, Washington, DC 20001, for ongoing assistance with the implementation of an Emergency Medical Services Strategic Plan, for the period of June 7, 2023, through December 31, 2023, for an additional amount not to exceed \$19,750; and be it further

RESOLVED, that said contract shall contain such terms and conditions as

are in the best interests of the County; and be it further

RESOLVED, that the funding for this purchase is included in the 2023 Planning Budget (A8020) at line 549000 Contracts utilizing 100% Local funds.

RESOLUTION NO. 228-20230607

RESOLUTION – AUTHORIZING THE CHAIR OF THE BOARD TO EXECUTE AN AGREEMENT WITH HEALTH RESEARCH, INC. TO RECEIVE GRANT FUNDS FOR STRENGTHENING US PUBLIC HEALTH INFRASTRUCTURE, WORKFORCE, AND DATA SYSTEMS

BASILE, MARIETTA, BROCKWAY, MARTINI, SCANLON

WHEREAS, \$542,241.00 in grant funds are available through the State of New York Department of Health for strengthening US Public Health infrastructure, workforce, and data systems, for the period of December 1, 2022, through November 30, 2027; and

WHEREAS, to access these grant funds, the County must contract with Health Research, Inc. said company serving as the administrator for these funds; now, therefore, be it

RESOLVED, that the Chair of the Board is hereby authorized to execute an agreement with Health Research, Inc. (HRI), Riverview Center, 150 Broadway, Suite 516, Menands, NY 12204, to access \$542,241.00 in grant funds for strengthening US Public Health infrastructure, workforce, and data systems, for the period of December 1, 2022, through November 30, 2027; and be it further

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

RESOLUTION NO. 229-20230607

RESOLUTION – AUTHORIZING THE COUNTY ADMINISTRATOR OR THE CHAIR OF THE BOARD TO CONTRACT WITH FAMILY RESOURCE NETWORK, INC. FOR FAMILY PEER ADVOCACY SERVICES

BASILE, MARIETTA, BROCKWAY, MARTINI, SCANLON

WHEREAS, Otsego County Community Services desires to contract with Family Resource Network to provide family peer advocacy services in conjunction

with the Family Stabilization Program; and

WHEREAS, all vendors are approved in advance by New York State, therefore, the procurement process was not utilized for the selection of the vendor for the above services; now, therefore, be it

RESOLVED, that the County Administrator or, if unavailable, the Chair of the Board is authorized to execute a contract with Family Resource Network, Inc., 46 Oneida Street, Oneonta, NY 13820, to provide family peer advocacy services in conjunction with the Family Stabilization Program, for the period of July 1, 2023, through June 30, 2024, for an amount not to exceed \$75,694; and be it further

RESOLVED, that said contract shall contain such other terms and conditions that 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 2023 Mental Health Budget (A4310) at line 549000 Contracts utilizing 100% Local funds and will be contained in a similar budget line for 2024.

#### RESOLUTION NO. 230-20230607

RESOLUTION – AMENDING RESOLUTION 162-20230405 – AUTHORIZING THE COUNTY ADMINISTRATOR OR THE CHAIR OF THE BOARD TO CONTRACT WITH WERCZYNSKI CONSTRUCTION FOR WORK AT THE TINY HOMES PROJECT LOCATION

CATAN, KENNEDY, MARIETTA, MICKLE, BASILE

WHEREAS, it is the desire of the County to utilize funds for the completion of Phase III of the Tiny Homes Project, project# 868PF28-17, to include work such as painting, finish carpentry, flooring, insulation, kitchen and bathroom work, electrical, plumbing, and mechanical work; and

WHEREAS, Resolution 162-20230405 authorized a change order and amended the contract with Werczynski Construction; and

WHEREAS, there is need to amend Resolution 162-20230405 to correct the total contract amount; now, therefore, be it

RESOLVED, that the County Administrator or, if unavailable, the Chair of the Board is authorized to sign an amended contract with Werczynski Construction, 403 Baum Road, Frankfort, NY 13340, to reflect additional work needed in connection with the Tiny Homes Project with a new cost not to exceed change order #1 increasing by \$17,000, for a total amended contract amount not to

exceed \$178,500; and be it further

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

RESOLVED, that the funding for this project is contained in the 2022 Planning Budget (A8020) at line 549000 Contracts utilizing 100% Federal funds.

RESOLUTION NO. 231-20230607

RESOLUTION – AUTHORIZING THE COMMISSIONER OF SOCIAL SERVICES TO CONTRACT WITH CATHOLIC CHARITIES OF DELAWARE, OTSEGO AND SCHOHARIE COUNTIES TO PROVIDE NY STATE RENTAL SUPPLEMENT PROGRAMMING

MARTINI, OLIVER, BASILE, BROCKWAY, SCANLON

WHEREAS, the Department of Social Services has been allocated New York State Rental Supplement Program funding for 2023 – 2024 and directed by New York State Office of Temporary and Disability Assistance (OTDA) to continue program without interruption from 2022 – 2023 to current allocation; and

WHEREAS, the County desires to utilize these funds in the most cost effective manner to provide quality services to those in need of rental assistance to avoid homelessness; and

WHEREAS, Catholic Charities of Delaware, Otsego and Schoharie Counties (CCDOS) is the provider of such services for Otsego County; now, therefore, be it

RESOLVED, that the Otsego County Commissioner of the Department of Social Services, on behalf of the County of Otsego, is hereby authorized to contract with Catholic Charities of Delaware, Otsego and Schoharie Counties, 179 Main St., Oneonta, NY 13820, to provide NYS Rental Supplement services, for the term of April 1, 2023, through March 31, 2024, in an amount not to exceed \$125,940 for the term of the contract; and be it further

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

RESOLVED, that the funding for the contract is included in the 2023 Social Services Administration Budget at line (A6010) at line 549000 Contracts with 100% NYS funds.



RESOLUTION NO. 232-20230607

RESOLUTION – AUTHORIZING THE OTSEGO COUNTY COMMISSIONER OF SOCIAL SERVICES TO CONTRACT WITH CDO WORKFORCE FOR THE SUMMER YOUTH EMPLOYMENT PROGRAM

MARTINI, OLIVER, BASILE, BROCKWAY, SCANLON

WHEREAS, there is funding available through the NYS Office of Temporary and Disability Assistance (NYS OTDA) in the amount of \$196,140 to the Department of Social Services for the purpose of introducing youth into the workforce and help them acquire skills that can be used to improve school performance and become responsible adults; and

WHEREAS, in order to receive the funding, a plan needs to be submitted by June 2, 2023, and the CDO Workforce needs to be trained in the State's program requirements and must meet the NYS OTDA deadline for plan submission; and

WHEREAS, the County desires to contract with CDO Workforce for the performance of said services as allowable in the May 22, 2023, Local Commissioners Memorandum 23-LCM-08 and as allowable in the NYS OTDA approved plan and provider certification agreement; now, therefore, be it

RESOLVED, that the Commissioner of the Department of Social Services is hereby authorized to contract with CDO Workforce, 12 Dietz Street, Oneonta, NY 13820, for the purpose of introducing youth into the workforce, for the period of May 1, 2023, through September 30, 2023, with final claiming by December 31, 2023, in an amount not to exceed \$175,310; 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 funding for this contract is included in the 2023 Office of Employment & Training Budget (A6294) at line 510000 Personal Service utilizing 100% State funds.

RESOLUTION NO. 233-20230607

RESOLUTION –AUTHORIZING THE COUNTY ADMINISTRATOR OR THE CHAIR OF THE BOARD TO CONTRACT WITH PRO-TECH SCALE SERVICE INC. FOR APPROACH REPAIRS TO 2 TRUCK SCALES AT THE ONEONTA TRANSFER STATION

MCCARTY, KENNEDY, BROCKWAY, OLIVER, MADSEN

WHEREAS, the approaches to two of the truck scales at the Oneonta Transfer station are in need of repairs; and

WHEREAS, the Otsego County Solid Waste Department requested quotes for the aforementioned service; and

WHEREAS, after review with the Purchasing Agent and the Solid Waste and Environmental Concerns and Administration Committees, it was determined to be in the best interest of the County to accept the quote from Pro-Tech Scale Service Inc., for the approach repairs to two truck scales at the Oneonta Transfer station; now, therefore, be it

RESOLVED, that the County Administrator or, if unavailable, the Chair of the Board is hereby authorized to contract with Pro-Tech Scale Service Inc., 227 Sulpher Springs Road, Amsterdam, NY 12010, for the approach repairs to two truck scales at the Oneonta Transfer station, for an amount not to exceed \$22,670.00, for the period of June 1, 2023, through December 31, 2023; and be it further

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

RESOLVED, that the funds for this expenditure shall be included in the 2023 Solid Waste & Recycling Program Budget (A8160) at line 545620 Maintenance, utilizing 100% Local funds.

RESOLUTION NO. 234-20230607

RESOLUTION - APPOINTING A MEMBER TO THE ALTERNATIVES  
TO INCARCERATION ADVISORY BOARD

WILBER, FRAZIER, MICKLE, OLIVER, CATAN

RESOLVED, that the following individual is hereby appointed to serve as a member on the Alternatives to Incarceration Advisory Board effective immediately:

AARON DEAN  
Public Defender  
197 Main Street  
Cooperstown, NY 13326  
(replaces Michael Trossett)

RESOLUTION NO. 236-20230607

RESOLUTION - APPOINTING DIRECTORS OF SOIL AND  
WATER CONSERVATION DISTRICT

BLISS

RESOLVED, that pursuant to Section 6 of the Soil and Water Conservation District Law, the following persons be and hereby are appointed Directors of the Soil and Water Conservation District of the County to serve for the terms and in the capacities indicated:

HELENE KRAHAM  
County At Large- Farmer  
2865 Co Hwy 33  
Cooperstown, NY 13326  
Term expiring December 31, 2024

EDWARD LENTZ  
County at Large-Landowner  
230 Dockstader Road  
New Lisbon, NY 13415  
Term expiring December 31, 2024

RESOLUTION NO. 237-20230607

RESOLUTION – AUTHORIZING EXPENDITURES IN CONNECTION  
WITH AUTOPSIES AND RELATED EXPENSES IN OTSEGO COUNTY

BASILE, MARIETTA, BROCKWAY, MARTINI, SCANLON

WHEREAS, pursuant to County Law section 671, a Coroner is required to make an inquiry into unnatural deaths within the County; and

WHEREAS, the above-mentioned inquiry may include autopsies at various hospitals with different physicians, along with other related expenses; and

WHEREAS, the Clerk of the Board will work with the purchasing agent to select vendors based on the procurement process; now, therefore, be it

RESOLVED, that the Clerk of the Board is hereby authorized to procure all

autopsies and other related expenses utilizing an amount not to exceed \$79,000 for the period of January 1, 2023, through December 31, 2023; and be it further

RESOLVED, that the selection of the vendor(s) shall be made by the Clerk of the Board in compliance with this Resolution, the County's Purchasing Policy and applicable law; and be it further

RESOLVED, that the funding for this expenditure is included in the 2023 Coroner's and Medical Examiner's Budget (A1185) at line 547110 Autopsy and Coroner utilizing 100% Local funds.

RESOLUTION NO. 238-20230607

RESOLUTION – AMENDING RESOLUTION 98-20230201 – AUTHORIZING  
THE SUPERINTENDENT OF HIGHWAY TO PROCURE ALL BRIDGE DECK  
SEALING MATERIALS AND SERVICES

FRAZIER, MCCARTY, WILBER, OLIVER, MADSEN

WHEREAS, the Highway Department has a need for bridge deck sealing materials and services for multiple projects in the County of Otsego; and

WHEREAS, the Highway Department budgeted an amount for bridge deck sealing materials and services; and

WHEREAS, the County's Purchasing Agent shall undertake the procurement process for said materials and services and provide an analysis of compliant vendors to the Superintendent of Highway; and

WHEREAS, after review of the analysis, the Superintendent of Highway is authorized, subject to the purchasing policy and applicable law, to select the vendor(s) and proceed with the projects in Otsego County; and

WHEREAS, there is a need to amend Resolution 98-20230201 to reflect the correct contract period of September 29, 2022, through September 30, 2023; now, therefore, be it

RESOLVED, that the Superintendent of Highway is hereby authorized to procure all materials and services related to bridge deck sealing, utilizing an amount in the Highway budget not to exceed \$26,000, for the period of September 29, 2022, through September 30, 2023; and be it further

RESOLVED, that the vendor(s) for this project shall be selected by the

Superintendent of Highway after the completion of the procurement process by the Purchasing Agent, and review of the analysis of compliant vendors provided by the Purchasing Agent; and be it further

RESOLVED, that the selection of the vendor(s) shall be made by the Superintendent of Highway in compliance with this resolution, the County's Purchasing Policy and applicable law; and be it further

RESOLVED, that the funds for this project are available in the 2023 Road Construction Projects Budget (D5112) at line 522200 Seal Program utilizing 100% Local funds.

RESOLUTION NO. 239-20230607

RESOLUTION – AMENDING RESOLUTION 97-2023020 – AUTHORIZING THE SUPERINTENDENT OF HIGHWAY TO PROCURE ALL MATERIALS AND SERVICES RELATED TO LOCAL BRIDGE REPAIRS AND MAINTENANCE

FRAZIER, MCCARTY, WILBER, OLIVER, MADSEN

WHEREAS, the Highway Department has a need for bridge repair materials and services in the County of Otsego for the repair of local County bridges; and

WHEREAS, the County's Purchasing Agent shall undertake the procurement process for said materials and services and provide an analysis of compliant vendors to the Superintendent of Highway; and

WHEREAS, after review of the analysis, the Superintendent of Highway is authorized, subject to the purchasing policy and applicable law, to select the vendor(s) and proceed with the repairs of County bridges; AND

WHEREAS, there is a need to amend Resolution 97-20230201 to reflect the correct contract period of June 1, 2023, through May 31, 2024; now, therefore, be it

RESOLVED, that the Superintendent of Highway is hereby authorized to procure all materials and services related to repairs to local County bridges, utilizing an amount in the Highway budget not to exceed \$180,000, for the period of June 1, 2023, through May 31, 2024; and be it further

RESOLVED, that the vendor(s) for these projects shall be selected by the Superintendent of Highway after the completion of the procurement process by the Purchasing Agent, and review of the analysis of compliant vendors provided

by the Purchasing Agent; and be it further

RESOLVED, that the selection of the vendor(s) shall be made by the Superintendent of Highway in compliance with this resolution, the County's Purchasing Policy, and applicable law; and be it further

RESOLVED, that the funds for this project are available in the 2023 Road Construction Projects Budget (D5112) at line 522100 Local Bridge Repairs utilizing 100% Local funds and shall be contained in a similar budget line for the subsequent year.

RESOLUTION NO. 240-20230607

RESOLUTION – ESTABLISHING THE STANDARD WORK DAY AND REPORTING DAYS FOR THE NYS AND LOCAL EMPLOYEES RETIREMENT SYSTEM FOR CERTAIN COUNTY OFFICIALS

KENNEDY, MARIETTA, MCCARTY, FRAZIER, MARTINI, WILBER

RESOLVED, that on behalf of the County of Otsego, Location code 10036, the Otsego County Board of Representatives hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this legislative body:

Name (First/Last)	Title	Current Term Begin and End Dates (mm/dd/yy-mm/dd/yy)	Standard Work Day (Hrs/day) Min. 6 hrs. Max. 8hrs.	Record Of Activities Result	Not submitted (Check only if official did not submit their ROA)	Pay Frequency	Tier 1 (check only if member is in Tier 1)
David Bliss	County Representative	01/01/2022-12/31/2023	6	15.45		Monthly	
Margaret Kennedy	County Representative	01/01/2022-12/31/2023	6	9.82		Monthly	
Andrew Marietta	County Representative	01/01/2022-12/31/2023	6	9.00		Monthly	
Jennifer Mickle	County Representative	01/01/2022-12/31/2023	6	5.27		Monthly	
Michelle Catan	County Representative	01/01/2022-12/31/2023	6	3.64		Monthly	
Daniel Wilber	County Representative	01/01/2022-12/31/2023	6	8.53		Monthly	

Clark Oliver	County Representative	01/01/2022-12/31/2023	6	0	√	Monthly	
Jillian Basile	County Representative	01/01/2022-12/31/2023	6	6.88		Monthly	
Kathleen Sinnott Gardner	County Clerk	01/01/2020-12/31/2023	7(Sept-June) 6(July-August)	18.95		Bi-weekly	
John Muehl	District Attorney	01/01/2020-12/31/2023	7(Sept-June) 6(July-August)	25.76		Bi-weekly	
Richard Devlin Jr.	Sheriff	01/01/2023-12/31/2026	7(Sept-June) 6(July-August)	31.36		Bi-weekly	
Allen Ruffles	Treasurer	01/01/2022-12/31/2025	7(Sept-June) 6(July-August)	22.55		Bi-weekly	
William Green	Assistant District Attorney	01/01/2020-12/31/2023	7(Sept-June) 6(July-August)	4.92		Bi-weekly	
Marvin Parshall Jr.	Assistant District Attorney	01/01/2020-04/14/2023	7(Sept-June) 6(July-August)	6.14		Bi-weekly	
Brandon Parshall	Assistant District Attorney	01/04/2021-04/14/2023	7(Sept-June) 6(July-August)	9.64		Bi-weekly	
Edward Gozigan	Assistant Public Defender	01/01/2022-12/31/2023	7(Sept-June) 6(July-August)	0	√	Bi-weekly	
Sarah Schmer	Assistant Public Defender	09/06/2022-03/31/2023	7(Sept-June) 6(July-August)	0	√	Bi-weekly	
Michael Trosset	Assistant Public Defender	03/07/2022-12/31/2023	7(Sept-June) 6(July-August)	11.59		Bi-weekly	
Denise Hollis	County Attorney	01/01/2022-12/31/2023	7(Sept-June) 6(July-August)	21.35		Bi-weekly	
Jeremy Hilton	Emergency Services Deputy Coordinator	01/01/2023-12/31/2023	7(Sept-June) 6(July-August)	.60		Quarterly	

RESOLUTION NO. 241-20230607

RESOLUTION – CREATING, FUNDING, AND FILLING A  
CERTAIN POSITION IN THE SHERIFF DEPARTMENT  
(DEPUTY SHERIFF – PART-TIME #1)

KENNEDY, MARIETTA, MCCARTY, FRAZIER, MARTINI, WILBER

RESOLVED, that the following position is approved to be created, funded, and authorized to be filled in the Sheriff Department, effective June 12, 2023;

**Deputy Sheriff – Part-Time (#1), Grade 13F, \$23.3750/hour**

and be it further

RESOLVED, that the funding for this position is included in the 2023 Sheriff Budget (A3110) at line 510020 Part Time; 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 Personnel Officer.

RESOLUTION NO. 242-20230607

RESOLUTION – AMENDING RESOLUTION 56-20230104 – TRANSFERRING AND  
MODIFYING FUNDS IN VARIOUS DEPARTMENTS FOR 2022 AND 2023

KENNEDY, MARIETTA, MCCARTY, FRAZIER, MARTINI, WILBER

WHEREAS, it appears that it will require funds to complete the year 2022 and 2023 in certain items of the Otsego County Budget; and

WHEREAS, there are unexpended balances in other items of the 2022 and 2023 budget years; and

WHEREAS, there is need to amend Resolution 56-20230104 to correct that a DSS budget modification was to be to the 2023 budget rather than 2022 budget; now, therefore, be it

RESOLVED, that the following transfers and modifications are authorized and the 2022 and 2023 budgets are hereby amended accordingly, pursuant to Section 363 of the County Law:



<b>2022 BUDGET TRANSFERS</b>				
<b>A-GENERAL FUND</b>				
<b>FROM:</b>	Contingent	Meadows Renovations	A1990 548000	59,000.00
<b>TO:</b>	Interfund Transfer	Interfund Transfer	A9901 590000	59,000.00
<b>D-Highway Fund</b>				
<b>FROM:</b>	Interfund Transfer	Interfund Transfer	D450310	59,000.00
<b>TO:</b>	Highway Building	Contracts	D5132 549400	59,000.00
<b>2022 BUDGET MODIFICATIONS</b>				
<b>A-GENERAL FUND</b>				
<b>INCREASE</b>	Sales Tax	Sales Tax	A411100	23,000.00
<b>INCREASE</b>	Interfund Transfer	Interfund Transfer	A9901 590000	23,000.00
<b>D – Highway Fund</b>				
<b>INCREASE</b>	Sales Tax	Sales Tax	D450310	23,000.00
<b>INCREASE</b>	Highway Building	Contracts	D5132 549400	23,000.00
<b>2023 BUDGET MODIFICATIONS</b>				
<b>A-GENERAL FUND</b>				
<b>INCREASE</b>	DSS	Social Services Admin	A6010 436100	429,815.00
<b>INCREASE</b>	DSS	Fees for Service	A6010 549100	429,815.00

RESOLUTION NO. 243-20230607

RESOLUTION – TRANSFERRING AND MODIFYING FUNDS IN  
VARIOUS DEPARTMENTS FOR 2023

KENNEDY, MARIETTA, MCCARTY, FRAZIER, MARTINI, WILBER

WHEREAS, it appears that it will require funds to complete the year 2023 in certain items of the Otsego County Budget; and

WHEREAS, there are unexpended balances in other items of the 2023 budget year; now, therefore, be it

RESOLVED, that the following transfers and modifications are authorized and the 2023 budget is hereby amended accordingly, pursuant to Section 363 of the County Law:

<b>2023 BUDGET TRANSFERS</b>				
<b>A – GENERAL FUND</b>				
<b>FROM:</b>	Contingent	Other	A1990 548000	1,000.00
<b>TO:</b>	Publicity	Website Support	A6410 549016	1,000.00
<b>FROM:</b>	Contingent	Other	A 1990 548000	19,750.00
<b>TO:</b>	Planning	Contracts	A 8020 549000	19,750.00
<b>FROM:</b>	Contingent	Other	A 1990 548000	219,773.00
<b>TO:</b>	Sheriff	Personal Service	A 3110 510000	36,000.00
<b>TO:</b>	Social Services Administration	Personal Service	A 6010 510000	183,773.00
<b>FROM:</b>	Child Advocacy Center	Mileage	A 3700 540050	1,400.00
<b>FROM:</b>	Child Advocacy Center	Lodging, Meals, Tolls	A 3700 540100	1,375.00
<b>FROM:</b>	Child Advocacy Center	Materials & Supplies	A 3700 545000	4,100.00
<b>FROM:</b>	Child Advocacy Center	Contracts	A 3700 549000	34,775.00
<b>FROM:</b>	Child Advocacy Center	Training	A 3700 540500	7,900.00
<b>FROM:</b>	Child Advocacy Center	Subscriptions & Dues	A 3700 546500	450.00
<b>TO:</b>	Child Advocacy Center	NCA Program Grant	A3700 547841	50,000.00
<b>2023 BUDGET MODIFICATIONS</b>				
<b>A – GENERAL FUND</b>				
<b>INCREASE:</b>	Social Services Admin	Social Services Admin	A 6010 436100	125,940.00
<b>INCREASE:</b>	Social Services Admin	Contracts	A 6010 549000	125,940.00
<b>D – HIGHWAY FUND</b>				
<b>INCREASE:</b>	County Road Fund	Consolidated Highway Aid	D 435010	1,389,870.98
<b>INCREASE:</b>	Chips	Capital Maintenance	D5113 522500	1,389,870.98
<b>INCREASE:</b>	County Road Fund	Pave NY	D 435010	3,546.17
<b>INCREASE:</b>	Chips	Capital Maintenance	D5113 522500	3,546.17

RESOLUTION NO. 244-20230607

RESOLUTION – TRANSFERRING AND MODIFYING FUNDS IN  
VARIOUS DEPARTMENTS FOR 2023

KENNEDY, MARIETTA, MCCARTY, FRAZIER, MARTINI, WILBER

WHEREAS, it appears that it will require funds to complete the year 2023 in certain items of the Otsego County Budget; and

WHEREAS, there are unexpended balances in other items of the 2023 budget year; now, therefore, be it

RESOLVED, that the following transfers and modifications are authorized and the 2023 budget is hereby amended accordingly, pursuant to Section 363 of the County Law:

<b><u>2023 BUDGET TRANSFERS</u></b>				
<b><u>A – GENERAL FUND</u></b>				
<b>FROM:</b>	Contingent	Other	A1990 548000	3,170,706.22
<b>TO:</b>	Board of Representatives	Full Time	A 1010-510010	8,014.05
<b>TO:</b>	District Attorney	Full Time	A 1165-510010	64,642.65
<b>TO:</b>	District Attorney	Pert Time	A 1165-510020	35,628.30
<b>TO:</b>	Public Defender	Full Time	A 1170-510010	59,934.00
<b>TO:</b>	Public Defender	Part Time	A 1170-510020	35,233.80
<b>TO:</b>	Coroners & Medical Examiner	Part Time	A 1185-510020	11,883.00
<b>TO:</b>	County Administrator	Full Time	A 1230-510010	15,000.15
<b>TO:</b>	County Auditor & Clerk of the Board	Full Time	A 1320-510010	23,266.95
<b>TO:</b>	County Treasurer	Full Time	A 1325-510010	55,806.30
<b>TO:</b>	Real Property Tax Service	Full Time	A 1355-510010	42,847.95
<b>TO:</b>	County Clerk	Full Time	A 1410-510010	62,427.00
<b>TO:</b>	County Attorney	Full Time	A 1420-510010	12,949.20
<b>TO:</b>	Personnel	Full Time	A 1430-510010	42,047.40
<b>TO:</b>	Elections	Full Time	A 1450-510010	37,683.00
<b>TO:</b>	Elections	Part Time	A1450-510020	1,350.00
<b>TO:</b>	Building Services	Full Time	A1625-510010	96,976.95
<b>TO:</b>	Building Services	Additional Hours	A1625-510040	2,370.00

TO:	Building Services	Overtime Hours	A1625-510050	408.45
TO:	Information Technologies	Full Time	A1680-510010	71,733.60
TO:	Unallocated Insurance	Part Time	A1910-510020	1,500.00
TO:	Public Safety Communications	Full Time	A3020-510010	192,100.20
TO:	Public Safety Communications	Part Time	A3020-510020	0.15
TO:	Public Safety Communications	Overtime Hours	A3020-510050	9,750.00
TO:	Code Enforcement	Full Time	A3620-510010	36,356.55
TO:	Code Enforcement	Part Time	A3620-510020	2,775.00
TO:	Emergency Services	Full Time	A3641-510010	24,637.80
TO:	Emergency Services	Part Time	A3641-510020	946.95
TO:	Child Advocacy Center	Full Time	A3700-510010	8,614.80
TO:	Child Advocacy Center	Part Time	A3700-510020	4,425.00
TO:	Department of Health	Full Time	A4010-510010	132,196.05
TO:	Department of Health	Part Time	A4010-510020	1,566.00
TO:	Department of Health	Additional Hours	A4010-510040	900.00
TO:	Department of Health	Overtime Hours	A4010-510050	450.00
TO:	Public Health Nursing	Full Time	A4040-510010	7,626.45
TO:	Addiction Recovery	Full Time	A4250-510010	57,554.25
TO:	Addiction Recovery	Part Time	A4250-510020	4,500.00
TO:	Addiction Recovery	Additional Hours	A4250-510040	450.00
TO:	Mental Health	Full Time	A4310-510010	123,760.95
TO:	Mental Health	Part Time	A4310-510020	3,750.00
TO:	Mental Health	Additional Hours	A4310-510040	4,566.75
TO:	Mental Health	Overtime Hours	A4310-510050	6,840.00
TO:	RIV Monitoring & Evaluation	Full Time	A4311-510010	12,916.50
TO:	RIV Monitoring & Evaluation	Additional Hours	A4311-510040	840.00
TO:	RIV Monitoring & Evaluation	Overtime Hours	A4311-510050	1,275.00
TO:	Intensive Case Management	Full Time	A4315-510010	10,062.00
TO:	Public Transportation Services	Full Time	A5630-510010	8,880.60
TO:	Social Services Administration	Full Time	A6010-510010	586,727.10
TO:	Social Services Administration	Part Time	A6010-510020	26,576.85
TO:	Social Services Administration	Additional Hours	A6010-510040	10,931.55
TO:	Social Services Administration	Overtime Hours	A6010-510050	2,995.35
TO:	DSS Records Management	Full Time	A6011-510010	4,979.55
TO:	Veterans	Full Time	A6510-510010	14,366.55

<b>TO:</b>	Veterans	Part Time	A6510-510020	3,000.00
<b>TO:</b>	Weights and Measures	Full Time	A6610-510010	8,558.70
<b>TO:</b>	Office for the Aging	Full Time	A6772-510010	81,849.30
<b>TO:</b>	Office for the Aging	Part Time	A6772-510020	5,529.30
<b>TO:</b>	Office for the Aging	Additional Hours	A6772-510040	75.00
<b>TO:</b>	Youth Program	Part Time	A7310-510020	2,881.65
<b>TO:</b>	Planning	Full Time	A8020-510010	26,769.75
<b>TO:</b>	Planning	Additional Hours	A8020-510040	120.00
<b>TO:</b>	Solid Waste & Recycling	Full Time	A8160-510010	0.15
<b>TO:</b>	Solid Waste & Recycling	Part Time	A8160-510020	6,567.90
<b>TO:</b>	Solid Waste & Recycling	Additional Hours	A8160-510040	141.75
<b>TO:</b>	General Fund	State Retirement	A9010-580010	269,856.61
<b>TO:</b>	General Fund	Social Security	A9030-580030	162,295.84
<b>TO:</b>	General Fund	Workers Comp	A 9040-580040	78,708.17
<b>TO:</b>	General Fund	Unemployment Insurance	A9050-580050	1,909.36
<b>TO:</b>	Interfund	Interfund Transfers Expense	A9901-590000	536,422.04
<b>FROM:</b>	Interfund	Interfund Transfers Expense	A9901-590000	536,422.04
<b>TO:</b>	County Road Fund	Interfund Transfers Revenue	D-450310	476,407.70
<b>TO:</b>	Machinery Fund	Interfund Transfers Revenue	DM-450310	47,810.73
<b>TO:</b>	Workers Comp Fund	Interfund Transfers Revenue	S-450310	12,203.61
<b>FROM:</b>	County Road Fund	Interfund Transfers Revenue	D-450310	476,407.70
<b>TO:</b>	Highway Administration	Full Time	D5010-510010	32,022.00
<b>TO:</b>	Maintenance	Full Time	D5110-510010	321,651.75
<b>TO:</b>	Maintenance	Overtime Hours	D5110-510050	30,000.00
<b>TO:</b>	County Road Fund	State Retirement	D9010-580010	48,803.30
<b>TO:</b>	County Road Fund	Social Security	D9030-580030	29,351.04
<b>TO:</b>	County Road Fund	Workers Comp	D9040-580040	14,234.30
<b>TO:</b>	County Road Fund	Unemployment Insurance	D9050-580050	345.31
<b>FROM:</b>	Machinery Fund	Interfund Transfers Revenue	DM-450310	47,810.73
<b>TO:</b>	Machinery	Full Time	DM5130-510010	38,414.25
<b>TO:</b>	Machinery	Overtime Hours	DM5130-510050	90.00
<b>TO:</b>	Machinery Fund	State Retirement	DM9010-580010	4,897.74
<b>TO:</b>	Machinery Fund	Social Security	DM9030-580030	2,945.58

<b>TO:</b>	Machinery Fund	Workers Comp	DM9040-580040	1,428.51
<b>TO:</b>	Machinery Fund	Unemployment Insurance	DM9050-580050	34.65
<b>FROM:</b>	Workers Comp Fund	Interfund Transfers Revenue	S-450310	12,203.61
<b>TO:</b>	Workers Compensation	Full Time	\$1710-510010	9,828.15
<b>TO:</b>	Workers Comp Fund	State Retirement	\$9010-580010	1,250.14
<b>TO:</b>	Workers Comp Fund	Social Security	\$9030-580030	751.85
<b>TO:</b>	Workers Comp Fund	Workers Comp	\$9040-580040	364.62
<b>TO:</b>	Workers Comp Fund	Unemployment Insurance	\$9050-580050	8.85

RESOLUTION NO. 245-20230607

RESOLUTION –AUTHORIZING REDEMPTION OF PARCELS TAKEN  
UNDER IN REM TAX FORECLOSURE

KENNEDY, MARIETTA, MCCARTY, FRAZIER, MARTINI, WILBER

WHEREAS, the County of Otsego is completing its 2021 In Rem Tax Foreclosure proceedings and will be taking title to various parcels of real property; and

WHEREAS, this Board has decided to allow property owners to redeem their properties and receive the deeds to those properties from the County upon the payment of the 2021 and 2022 taxes plus interest and penalties as of the date of payment plus an additional penalty of 15% of the total amount of taxes, penalties, and interest owed. In addition, payment of the 2023 taxes is also required at that time; and

WHEREAS, there may also be parcels from prior foreclosures which were not included in prior sales but which may be included in this year's 2023 foreclosure sale which will also be allowed to be redeemed upon payment of the taxes, interest and penalties plus 15% penalty of the total amount of taxes, interest and penalties owed for the appropriate years. In addition, payment of the 2023 taxes is also required at that time; now, therefore, be it

RESOLVED, that the County of Otsego hereby authorizes redemption as described above with payment to be made to the County of Otsego by cash or certified funds on or before July 31, 2023 at 3:00 p.m.; and be it further

RESOLVED, that the Chair of the Board is hereby authorized to execute any and all documents necessary to effectuate such transfers back to the respective

owners after such payment; and be it further

RESOLVED, that a certified copy of this Resolution be forwarded to the Otsego County Treasurer.

Seconded, Brockway. Roll Call vote on Consent Agenda. Total: 100. Ayes: 100. Adopted.

RESOLUTION NO. 226-20230607

RESOLUTION – AUTHORIZING THE 2023-2025 CONTRACT  
WITH THE CIVIL SERVICE EMPLOYEES ASSOCIATION

FRAZIER, MCCARTY, MARTINI

WHEREAS, the County of Otsego ("County"), and the Civil Service Employees Association, Inc., Local 1000 AFSCME, AFL-CIO, Otsego County Unit # 8100-00 Otsego County Local 839 ("CSEA") have been conducting negotiations and a tentative successor agreement was proposed by all parties between the County and CSEA which covered the period of January 1, 2023, to December 31, 2025; and

WHEREAS, the Otsego County Board of Representatives has been notified that the CSEA's members have voted in favor of ratification of the successor agreement on May 17, 2023; and

WHEREAS, the Board of Representatives has reviewed the terms of said agreement; now, therefore, be it

RESOLVED, that the Otsego County Board of Representatives hereby ratifies the terms of the successor agreement for January 1, 2023, to December 31, 2025, a copy of which is on file with the Clerk of the Board, to which reference is made as if the terms were fully set forth in this Resolution, and authorizes the Chair of the Board to execute the successor agreement on behalf of the County; and be it further

RESOLVED, that the Board hereby approves the appropriation of any additional funds necessary to implement the terms of said successor agreement.

Seconded, Wilber. Roll Call vote. Total: 100. Ayes: 100. Adopted.

RESOLUTION NO. 246-20230607

RESOLUTION – OF SYMPATHY FOR THE  
FAMILY FOR THE LOSS OF CHRISTOPHER ROBERT ERAMO

KENNEDY, MARIETTA, MCCARTY, FRAZIER, MARTINI, WILBER

WHEREAS, Chief Warrant Officer Christopher Robert Eramo, died in the line of duty on April 27, 2023, during his service to our Country; and

WHEREAS, Christopher Robert Eramo served his country honorably for over 18 years; and

WHEREAS, Christopher Robert Eramo was raised in Otsego County and a graduate of Oneonta High School; and

WHEREAS, the Otsego County Board of Representatives wants to pay tribute to this young man who so tragically gave his life for our Country; and

WHEREAS, Christopher Robert Eramo's service included tours of duty in support of Operation Iraqi Freedom and the Operation Enduring Freedom; and

WHEREAS, Christopher Robert Eramo received nine Army Commendations Medals, six Army Achievement Medals, the Valorous Unit Award, the Meritorious Unit Citation, the National Defense Medal, the Global War on Terrorism Service Medal and the Army Service Medal; and

WHEREAS, Christopher Robert Eramo loved the outdoors including camping, hiking, fishing and travel adventure; and

WHEREAS, Christopher Robert Eramo leaves behind a legacy which will long endure the passage of time and will remain as a comforting memory to all he served and befriended; now, therefore, be it

RESOLVED, that the Otsego County Board of Representatives pays tribute to Chief Warrant Officer Christopher Robert Eramo and hereby expresses its sympathy to his family on his untimely passing.

Seconded, Wilber, Oliver. Roll Call vote. Total: 100. Ayes: 100. Adopted.

RESOLUTION NO. 235-20230607

RESOLUTION – APPOINTING THE COMMISSIONER  
OF SOCIAL SERVICES GROUP I



MARTINI, OLIVER, BASILE, BROCKWAY, SCANLON

RESOLVED, that pursuant to Section 116 (1) of Social Services Law, Lisa Winne, be and is hereby appointed Commissioner of Social Services Group I for the County of Otsego for a term of five (5) years, commencing June 8, 2023, and ending June 7, 2028, at an annual salary of \$105,047; and be it further

RESOLVED, that the Commissioner of Social Services Group I shall be entitled to receive from the County reimbursement for all necessary expenses incidental to the transaction of County business; and be it further

RESOLVED, that the funding for this position is included in the 2023 Social Services Administration Budget (A6010) at line 510010 Full-Time, utilizing 66% Federal funds, 16% State funds, and 18% Local 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 Otsego County Personnel Officer and to the County Treasurer.

Seconded, Wilber, Catan. Roll Call vote. Total: 100. Ayes: 100. Adopted.

Board Chair Bliss declared a break.

The Board reconvened.

In the absence of any objections, Late Resolutions A, B, C and D were presented and acted upon in accordance with the Rules of Order and numbered Resolution Nos. 247, 248, 249 and 250.

#### RESOLUTION NO. 247-20230607

RESOLUTION – AMENDING RESOLUTION 130-20230301 – AUTHORIZING  
AN EXPENDITURE IN CONNECTION WITH BRIDGE WORK ON COUNTY  
ROUTE 1A IN OTSEGO COUNTY

FRAZIER, MCCARTY, WILBER, OLIVER, MADSEN

WHEREAS, the Otsego County 2023 Adopted Budget was approved by the Otsego County Board of Representatives on November 18, 2022; and

WHEREAS, the Highway Department budgeted an amount for the repair and maintenance of Otsego County owned bridges; and

WHEREAS, the County's Purchasing Agent shall undertake the procurement process for said services and provide an analysis of compliant vendors to the Superintendent of Highway; and

WHEREAS, after review of the analysis, the Superintendent of Highway is authorized, subject to the purchasing policy and applicable law, to select the vendor(s) and proceed with the work as needed on the County Route 1A Bridge; and

WHEREAS, the bid response was higher than anticipated and there is need to amend Resolution 130-20230301 to approve the increased amount; now, therefore, be it

RESOLVED, that the Superintendent of Highway is hereby authorized to move forward with necessary repairs to the County Route 1A bridge in Otsego County, utilizing an amount in the Highway budget not to exceed \$75,000, for the period of June 1, 2023, through September 30, 2023; and be it further

RESOLVED, that the vendor(s) for this project shall be selected by the Superintendent of Highway after the completion of the procurement process by the Purchasing Agent, and review of the analysis of compliant vendors provided by the Purchasing Agent; and be it further

RESOLVED, that the selection of the vendor(s) shall be made by the Superintendent of Highway in compliance with this Resolution, the County's Purchasing Policy and applicable law; and be it further

RESOLVED, that the funding for this expenditure is included in the 2023 Road Construction Budget (D5112) at line 522100 Local Bridge Repairs utilizing 100% Local funds.

Seconded, Brockway. Roll Call vote. Total: 100. Ayes: 100. Adopted.

#### RESOLUTION NO. 248-20230607

RESOLUTION – AUTHORIZING THE COUNTY ADMINISTRATOR OR THE CHAIR OF THE BOARD TO RENEW THE CONTRACTS WITH BIRNIE BUS SERVICES AND DURHAM SCHOOL SERVICES FOR PRESCHOOL TRANSPORTATION SERVICES FOR THE DEPARTMENT OF HEALTH

BASILE, MARIETTA, BROCKWAY, MARTINI, SCANLON

WHEREAS, Resolution 197-20200520 accepted bids under Bid# OTGOV-008-20 and authorized the contracts with Birnie Bus Services and Durham School Services for the period of July 1, 2020 through June 30, 2023 with the option of two extensions of one year each, for transportation services for preschool and early intervention programs; and

WHEREAS, the Otsego County Department of Health desires to utilize one of the two extensions for one year; and

WHEREAS, Birnie Bus Services and Durham School Services have expressed a willingness to continue to provide aforesaid services, for the period of July 1, 2023, through June 30, 2024; now, therefore, be it

RESOLVED, that County Administrator or, if unavailable, the Chair of the Board is hereby authorized to renew the contracts with Birnie Bus Services, 1300 Floyd Avenue, Rome, NY 13340, for the Herkimer and Utica areas, and with Durham School Services, 2601 Navistar Drive, Lisle, IL 60532, for the Delhi, Norwich, and Oneonta areas as per bid documents on file with the Purchasing Agent for transportation services as needed for the Department of Health's preschool and early intervention programs, not to exceed budgeted amounts for services provided by Birnie Bus Services and Durham School Services, for the period of July 1, 2023, through June 30, 2024; and be it further

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

RESOLVED, that the funding for this contract is included in the 2023 Children with Special Needs Transport Budget (A2960) at line 548011 Transportation (3-5) and the 2023 Early Intervention Program Budget (A4059) at line 548015 Transportation (0-3) utilizing 5% Federal funds, 50% State funds, and 45% Local funds and shall be contained in similar budget lines for subsequent years.

Seconded, Wilber. Roll Call vote. Total: 100. Ayes: 100. Adopted.

#### RESOLUTION NO. 249-20230607

RESOLUTION – AWARDING A BID AND AUTHORIZING THE COUNTY ADMINISTRATOR OR THE CHAIR OF THE BOARD TO CONTRACT WITH BIRNIE BUS SERVICES AND DURHAM SCHOOL SERVICES FOR PRESCHOOL TRANSPORTATION SERVICES FOR THE DEPARTMENT OF HEALTH

BASILE, MARIETTA, BROCKWAY, MARTINI, SCANLON

WHEREAS, the Department of Health, specifically the Division for Children with Special Needs has a need for transportation services for its preschool and early intervention programs; and

WHEREAS, the Purchasing Agent released Bid# OTGOV-005-23 for these services and after discussion with the Health and Education and Administration Committees it was determined that the lowest bids were made by Birnie Bus Services and Durham School Services for the period of July 1, 2023, through June 30, 2024, with the option of one extension of one year, to cover specific areas as per the bid review, a copy of which is on file with the Purchasing Agent; now, therefore, be it

RESOLVED, that the bid for transportation services is hereby awarded and the County Administrator or, if unavailable, the Chair of the Board is hereby authorized to contract with Birnie Bus Services, 1300 Floyd Avenue, Rome, NY 13340, for the Cobleskill area, and with Durham School Services, 2601 Navistar Drive, Lisle, IL 60532, for the Binghamton and Amsterdam areas as per bid documents on file with the Purchasing Agent, for transportation services as needed for the Department of Health's preschool and early intervention programs, not to exceed budgeted amounts for services provided by Birnie Bus Services and Durham School Services, for the period of July 1, 2023, through June 30, 2024; and be it further

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

RESOLVED, that the funding for this contract is included in the 2023 Children with Special Needs Transport Budget (A2960) at line 548011 Transportation (3-5) and the 2023 Early Intervention Program Budget (A4059) at line 548015 Transportation (0-3) utilizing 5% Federal funds, 50% State funds, and 45% Local funds and shall be contained in similar budget lines for subsequent years.

Seconded, Oliver. Roll Call vote. Total: 100. Ayes: 100. Adopted.

RESOLUTION NO. 250-20230607

RESOLUTION - DESIGNATING "JUNE  
IS DAIRY MONTH" IN OTSEGO COUNTY

KENNEDY

WHEREAS, June is Dairy month has been celebrated in the United States since 1937; and

WHEREAS, Otsego County is home to nearly 100 dairy farms which produce nearly 120 million pounds of milk per year; and

WHEREAS, those dairy farms sell nearly \$30 million dollars' worth of milk per year; and

WHEREAS, Otsego County dairy farms generate over \$70 million dollars in additional local and regional economic impact; and

WHEREAS, the Otsego County Board of Representatives recognizes not only the economic impact of our dairy farms, but also the value of the agriculture-based communities and bucolic landscapes that are stewarded by those dairies; now, therefore, be it

RESOLVED, that the month of June is now hereby proclaimed as DAIRY MONTH in Otsego County.

Seconded, Wilber. Roll Call vote. Total: 100. Ayes: 100. Adopted.

**LOCAL LAW NO. OF 2023  
COUNTY OF OTSEGO, NEW YORK**

**A LOCAL LAW AMENDING LOCAL LAW NO. 1 OF 2011 -  
PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT  
OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND  
BUILDING CONSTRUCTION CODE**

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

**SECTION 1. PURPOSE AND INTENT**

This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in Otsego County for those municipalities that have opted out. This local law is adopted pursuant to Section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this local law.

## **SECTION 2. DEFINITIONS**

In this local law the following terms shall have the meanings shown in this section:

"Addition" shall mean the extension or increase in area, height or equipment of a building.

"Alteration" shall mean any change, rearrangement or addition to a building other than repairs, or any modification in construction or in building equipment.

"Assembly Area" shall mean an area in any building, or in any portion of a building, that is primarily used or intended to be used for gathering fifty or more persons for uses including, but not limited to, amusement, athletic, entertainment, social, or other recreational functions; patriotic, political, civic, educational, or religious functions; food or drink consumption; awaiting transportation; or similar purposes.

"Building Permit" shall mean a building permit, construction permit, demolition permit, or other permit that authorizes the performance of work. The term "Building Permit" shall also include a Building Permit which is renewed, amended, or extended pursuant to any provision of this local law.

"Building System" shall mean a principal building component integral to occupancy, including but not limited to, electric, plumbing, heating, cooking and fire protection.

"Certificate of Compliance" shall mean a document issued by the County stating that work was done in compliance with approved construction documents and the Codes.

"Certificate of Occupancy" shall mean a document issued by the County certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to, and approved by the County and indicating that the building or structure, or portion thereof, is in a condition suitable for occupancy.

"Code Enforcement Officer" shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of Section 3 of this local law.

"Code Enforcement Personnel" shall include the Code Enforcement Officer and all Inspectors.

"Code Office" shall mean the Otsego County Code Enforcement Office.

"Codes" shall mean the Uniform Code and Energy Code.

"Conversion" shall mean a change of use or occupancy of any structure.

"County" shall mean Otsego County.

"Energy Code" shall mean the New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law.

"Equipment" shall mean those devices for which proper intended use and installation can safely allow occupancy of a building or structure including, but not limited to, lights, air conditioners, heaters and fire suppression devices.

"FCNYS" shall mean the Fire Code of New York State as currently incorporated by reference in 19 NYCRR Part 1225.

"Fire Safety Certificate" shall mean a certificate issued pursuant to Section 11 of this local law. The term "Fire Safety Certificate" shall also include a Fire Safety Certificate which is renewed, amended or extended pursuant to any provision of this local law.

"Fire Safety and Property Maintenance Inspection" shall mean an inspection performed to determine compliance with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated there in by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference.

"Hazardous Production Materials" shall mean a solid, liquid, or gas associated with semiconductor manufacturing that has a degree – of – hazard rating in health, flammability, or instability of Class 3 or 4, as ranked by NFPA 704 (Standard Systems For Identification of the Hazards of Materials for Emergency Response), and which is used directly in research, laboratory, or production processes which have, as their end product, materials that are not hazardous.

"Inspector" shall mean an inspector appointed pursuant to subdivision (d) of Section 3 of this local law.

"Mobile Food Preparation Vehicles" shall mean vehicles that contain cooking equipment that produce smoke or grease – laden vapors for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

"Multiple Dwelling" shall mean a structure that contains three or more permanent

dwelling units.

"Operating Permit" shall mean a permit issued pursuant to Section 10 of this local law. The term "Operating Permit" shall also include an Operating Permit which is renewed, amended or extended pursuant to any provision of this local law.

"Order to Remedy" shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of Section 17 of this local law.

"Permit Holder" shall mean the Person to whom a Building Permit or Operating Permit has been issued.

"Person" shall include an individual, corporation, Limited Liability Company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

"PMCNYS" shall mean the Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226.

"RCNYS" shall mean the Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220.

"Public Assembly" shall mean an occupancy which includes, among others, the use of a building or structure, or a portion thereof, for the gathering together of persons for purposes such as civic, social or religious functions, recreation, food or drink consumption or awaiting transportation. A room or space used for assembly purposes by less than 50 persons and accessory to another occupancy shall be included as part of that occupancy.

"Repair" shall mean the reconstruction, replacement, or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

"Residential Rental" shall mean a dwelling in which rooms, with or without board, are offered for rent. Rooming houses, dwellings rented out on a transient basis, dwellings rented for single-room occupancy and bed-and-breakfast dwellings are included in this definition. For purposes of this definition, "transient basis" shall mean the leasing of rooms or a portion of a dwelling to individuals for a term of less than three months, or where the tenant does not move his or her furniture, possessions and belongings into the dwelling with the intention of making it the tenant's official residence.

"Stop Work Order" shall mean an order issued pursuant to Section 6 of this local law.



"Sugarhouse" shall mean a building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup and/or maple sugar.

"Temporary Certificate of Occupancy" shall mean a certificate issued pursuant to subdivision (d) of Section 7 of this local law.

"Uniform Code" shall mean the New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted pursuant to Article 18 of the Executive Law.

### **SECTION 3. CODE ENFORCEMENT OFFICER AND INSPECTORS**

The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this local law. The Code Enforcement Officer shall also serve as the Fire Marshal of Otsego County. The Code Enforcement Officer shall be considered an official of the County of Otsego and shall supervise the County Code Enforcement Office.

(a) The Code Enforcement Officer shall have the following powers and duties:

(1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy / Certificates of Compliance, Temporary Certificates and Operating Permits, and the plans, specifications and construction documents submitted with such applications;

(2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy / Certificates of Compliance, Temporary Certificates of Occupancy and Operating Permits, and to include in terms and conditions as the Code Enforcement Officer may determine to be appropriate Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates of Occupancy, and Operating Permits;

(3) to conduct construction inspections; inspections to be made prior to the issuance of Certificates of Occupancy / Certificates of Compliance, Temporary Certificates of Occupancy and Operating Permits; fire safety and property maintenance inspections; inspections incidental to the investigation of complaints; and all other inspections required or permitted under any provision of this local law;

(4) to issue Stop Work Orders;

(5) to review and investigate complaints;

(6) to issue orders pursuant to subdivisions (a) of Section 17 (VIOLATIONS) of this local law;

(7) to maintain records;

(8) to collect fees as set by the Board of Representatives of this County;

(9) to pursue administrative enforcement actions and proceedings;

(10) in consultation with the Otsego County Attorney or Code Enforcement Attorney or Otsego County District Attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this local law; and

(11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.

(b) The Code Enforcement Officer shall be appointed by Board of Representatives of Otsego County. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

(c) One Deputy Code Enforcement Officer and one or more Inspectors may be appointed by the Code Enforcement Officer to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated there under.

(d) In the event that the Code Enforcement Officer or their Deputy is unable to serve as such for any reason, an individual shall be appointed by Board of Representatives of Otsego County to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her

appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.

(e) The compensation for the Code Enforcement Officer, Deputy Code Enforcement Officer and Inspectors shall be fixed from time to time by the Board of Representatives of Otsego County.

#### **SECTION 4. BUILDING PERMITS**

(a) Building Permits Required. Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof; the installation or replacement of any part of a septic system; the extension of an existing electrical system or the installation of any new electrical circuits; the installation, alteration or maintenance of fire protection equipment; and the installation of a solid fuel, combustible liquid, or gas burning heating appliance, chimney or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Code Enforcement Officer. Obtaining required permits shall be the sole responsibility of the General or Primary Contractor, or the Property Owner, only if the property owner is or acting as the General or Primary Contractor. Compliance with local Zoning and Land Use laws and regulations shall be required prior to the issuance of any Building Permit.

(b) Exemptions. No Building Permit shall be required for work in any of the following categories:

(1) construction or installation of one story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet (13.88 square meters);

(2) construction of temporary sets and scenery associated with motion picture, television, and theater uses;

(3) installation of window awnings supported by an exterior wall of a one-or-two family dwelling or multiple single-family dwellings (townhouses);

(4) installation of partitions or movable cases less than 5'-9" in height;

(5) painting, wallpapering, tiling, carpeting, or other similar finish work;

(6) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

(7) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or

(8) repairs, provided that the work does not have an impact on fire and life safety, such as (i) any part of the structural system; (ii) the required means of egress; or (iii) the fire protection system or the removal from service of any part of the fire protection system for any period of time.

(c) Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

(d) Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

(1) a description of the location, nature, extent, and scope of proposed work;

(2) the tax map number and the street address of the premises where the work is to be performed or any affected building or structure;

(3) the occupancy classification of any affected building or structure;

(4) where applicable, a statement of special inspections/certifications prepared in accordance with the provisions of the

Uniform Code, including but not limited to the following:

- a. proof of certification of installers of manufactured homes;
- b. all heating equipment to be listed and labeled by UL or other certified testing laboratory and installed according to manufacturer's instructions;
- c. electrical inspections from third party inspectors certified in the County.

(5) at least two (2) sets of construction documents (drawings and/or specifications) which shall be included if applicable, (i) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed; (iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and (v) where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines; and

(6) where applicable, evidence by contractors of Worker's Compensation Insurance and NYS Disability and Paid Family Leave Benefits Insurance or that an exemption of such insurance is on file in the Code Office.

(e) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents, which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp or in the case of electronic media, an electronic marking. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

(f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code

Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.

(g) Grace period for emergency work. All heating and septic permits have a five working day grace period for emergency work. A permit application must be filed with the Code Enforcement Officer within five working days of the date of installation and a final inspection must be conducted. Verbal notification shall be made to the Code Office by phone, in person, or by phone message prior to installation.

(h) Permits not issued where code violations exist. No Building Permit shall be issued where the subject property has an existing Uniform Code or Energy Code violation unless such Building Permit is a means to correct the existing violation.

(i) Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

(j) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

(k) Time limits. Building Permits shall become invalid unless the authorized work is commenced within six (6) months following the date of issuance. Building Permits shall expire twelve (12) months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

(l) Use Period for Tents, Membrane Structures and Canopies. Temporary tents, air-supported, air-inflated or tensioned membrane structures and canopies shall be used for a period of not more than 180 days within a 12 month period on a single premise.

(m) Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect,

inaccurate or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

(n) Fee. The fee specified in or determined in accordance with the provisions set forth in Section 18 (FEES) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

## **SECTION 5. CONSTRUCTION INSPECTIONS**

(a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.

(b) Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:

- (1) work site prior to the issuance of a Building Permit;
- (2) footing and foundation;
- (3) preparation for concrete slab;
- (4) framing;
- (5) structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building;
- (6) fire resistant construction;
- (7) fire resistant penetrations;
- (8) solid fuel burning heating appliances, chimneys, flues or gas vents;
- (9) Inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage,

system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls;

(10) installation, connection, and assembly of factory manufactured buildings and manufactured homes; and

(11) a final inspection after all work authorized by the Building Permit has been completed.

(c) Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Code and Energy Code. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

(d) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to the manner in the work fails to comply with the Uniform Code or Energy Code, including a citation to the specific code provision or provisions that have not been met. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

(e) Fee. The fee specified in or determined in accordance with the provisions set forth in Section 18 (FEES) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

## **SECTION 6. STOP WORK ORDERS**

(a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:

(1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is



required, and without regard to whether a Building Permit has or has not been issued for such work, or

(2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

(b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

(c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by registered mail / certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by registered mail / certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

(d) Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder and any other Person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order, other than work expressly authorized by the Code Enforcement Officer to correct the reason for issuing the Stop Work Order.

(e) Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under Section 17 (VIOLATIONS) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

## **SECTION 7. CERTIFICATES OF OCCUPANCY / CERTIFICATES OF COMPLIANCE**

(a) Certificates of Occupancy / Certificates of Compliance required. A Certificate of Occupancy / Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or sub classification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy / Certificate of Compliance.

(b) Issuance of Certificates of Occupancy / Certificates of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy / Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or sub classification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a Certificate of Occupancy / Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy / Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy / Certificate of Compliance:

- (1) a written statement of structural observations and/or a final report of special inspections, and
- (2) flood hazard certifications.
- (3) A written statement of the results of tests performed to show compliance with the Energy Code, and
- (4) Where applicable, the affixation of the appropriate seals, insignias, and manufacturer's data plates as required for factory manufactured buildings and/or manufactured homes.

(c) Contents of Certificate of Occupancy / Certificate of Compliance. A Certificate of Occupancy / Certificate of Compliance shall contain the following information:

- (1) the Building Permit number, if any;
- (2) the date of issuance of the Building Permit, if any;
- (3) the name, address and tax map number of the property;
- (4) if the Certificate of Occupancy / Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy / Certificate of Compliance is issued;
- (5) the use and occupancy classification of the structure;
- (6) the type of construction of the structure;
- (7) the occupant load of the assembly areas in the structure, if any;
- (8) any special conditions imposed in connection with the issuance of the Building Permit; and
- (9) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy / Certificate of Compliance and/or an embossed seal of the Code Enforcement Office and the date of issuance.

(d) Temporary Certificate of Occupancy. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate of Occupancy allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate of Occupancy unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate of Occupancy, may be occupied safely, (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate of Occupancy such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure. A Temporary Certificate of Occupancy shall be effective for a period of time, not to exceed six (6) months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate of Occupancy. During the specified period of effectiveness of the Temporary Certificate of Occupancy, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

(e) Revocation or suspension of Certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy / Certificate of Compliance or a Temporary Certificate of Occupancy was issued in error or on the basis of incorrect information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

(f) Fee. The fee specified in or determined in accordance with the provisions set forth in Section 18 (FEES) of this local law must be paid at the time of submission of an application for a Certificate of Occupancy / Certificate of Compliance or for Temporary Certificate.

## **SECTION 8. NOTIFICATION REGARDING FIRE OR EXPLOSION.**

The chief of any fire department providing firefighting services for a property within this County shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent.

## **SECTION 9. UNSAFE BUILDINGS, STRUCTURES, AND EQUIPMENT AND CONDITIONS OR IMMINENT DANGER**

(a) Identification and Subsequent Action. Unsafe buildings, structures and equipment in this County shall be identified and addressed in accordance with the following procedures:

(1) The Code Enforcement Officer shall have the authority to declare buildings and structures and equipment unsafe, and/or unfit for human occupancy, or a threat to public health and safety in accordance with the New York State Fire Code, Property Maintenance Code and other sections of the Uniform Code. The Code Enforcement Officer shall also have the authority to condemn said buildings, structures and equipment.

(2) The Code Enforcement Officer shall have the authority to order immediate remedy or repairs, or the immediate evacuation when in their judgment the building, structure or equipment is an immediate threat to human life, safety or health.

(3) The Code Enforcement Officer shall have the authority to order the immediate demolition or remedy of buildings, structures or equipment that have suffered severe structural damage due to fire, flood, collision, decay, collapse or partial collapse, or physical damage that has rendered that building

or structure an immediate threat of collapse or threat to life or public safety.

(4) The Code Enforcement Officer shall have the authority to seek demolition of condemned buildings and structures that are a public nuisance and a threat to public health or safety but are not an immediate danger of collapse or life safety.

(5) The Code Enforcement Officer shall commence appropriate legal action such as cooperative measures with the building, structure or equipment owner or through appropriate legal action.

(6) The Code Enforcement Officer shall have the authority to order an evaluation and/or inspection of a building, structure or equipment or portion thereof suspected of being unsafe or not in compliance of the Uniform Code. This evaluation or inspection shall be made by a qualified person such as an engineer, architect, electrical inspector, equipment technician or other qualified person to assist the Code Enforcement Officer in their determination. The Code Enforcement Officer shall have the authority to hire the same as listed above.

(b) Notice and Opportunity to be Heard. Upon identifying an unsafe building, structure and/or unsafe equipment pursuant to subdivision (a) of this section, the Code Enforcement Officer shall:

(1) Notify personally or in writing the owner or some one of the owner's executors, legal representatives, agents, lessees or another person having a vested or contingent interest in the property, by certified and first class mail or in person, addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in the same, as shown by the records of the Assessor or in the office of the County Clerk, of such determination. The notice shall contain the following statements as applicable:

a. The owner must vacate or repair or demolish said building or structure in accordance with the terms of the notice and this Section.

b. The occupant or lessee must vacate said building or structure or may have it repaired in accordance with the notice and remain in possession.

c. Any mortgagee, agent or other persons having an interest in said building may at his own risk repair, vacate or demolish said building or structure or have such work or act done, provided that any person notified under this subsection to repair, vacate or demolish any building shall be given such reasonable time, not exceeding 30 days, as may be necessary to do, or have

done, the work or act required by the notice provided for herein.

d. The Code Enforcement Officer shall set forth in the above notice a description of the building or structure and/or equipment deemed unsafe, a statement of the particulars which make the building or structure and/or equipment unsafe, and a directive requiring the same to be put in such condition as to comply with the terms of this Local Law within such length of time, not exceeding 30 days, as is reasonable.

e. The right of the owner or some one of the owner's executors, legal representatives, agents, lessees or another person having a vested or contingent interest in the property to present, before the Public Safety and Legal Affairs Committee, reasons why they believe that the code enforcement official's proposed action should not be taken; notice of the time within which they must request a hearing; and, the manner in which they must make that request.

(2) Place a notice at each entrance of all unsafe buildings or structures reading as follows: "THIS STRUCTURE IS UNSAFE AND ITS OCCUPANCY HAS BEEN PROHIBITED BY THE COUNTY OF OTSEGO CODE ENFORCEMENT OFFICER. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given the owner, or some one of the owner's executors, legal representatives, agents, lessees or another person having a vested or contingent interest in the property, by registered mail, addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representatives, agents, lessees or other person having vested or contingent interest in the same, as shown by the records of the Assessor or in the office of the County Clerk, of any building found by me to be an unsafe building within the standards set forth in this local law and/or any other applicable statute or regulation. It is unlawful to remove this notice until such notice is complied with."

(c) Duties of the Otsego County Public Safety and Legal Affairs Committee: When a hearing has been requested to review the actions of the Code Enforcement Officer, the Public Safety and Legal Affairs Committee shall:

(1) Hold a hearing and hear such testimony as the Code Enforcement Officer or the owner, or some one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the property as shown by the records of the Assessor or in the office of the County Clerk shall offer relative to the unsafe building.

(2) Make written findings of fact from the testimony offered pursuant to this section as to whether or not the building in question is an unsafe building within the terms hereof.

(3) Issue an order based upon findings of fact made pursuant to this Section commanding the owner, or some one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in the property as shown by the records of the Assessor or in the office of the County Clerk, to repair, vacate or demolish any building found to be an unsafe building within the terms of this chapter, and provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing said unsafe building; or any person not the owner of said unsafe building but having an interest in said building may demolish said unsafe building at his own risk to prevent the acquiring of a lien against the land upon which said unsafe building stands by in the County as provided herein.

## **SECTION 10. OPERATING PERMITS**

(a) Operating Permits required. Operating Permits shall be required for conducting any activity or for operating any type of building, structure, or facility listed below:

(1) manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;

(2) buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:

(i) Chapter 22, "Combustible Dust Producing Operations."  
"Facilities where the operation produces combustible dust;

(ii) Chapter 24, "Flammable Finishes." Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;

(iii) Chapter 25, "Fruit and Crop Ripening." Operating a fruit- or crop- ripening facility or conducting a fruit-ripening process using ethylene gas;

(iv) Chapter 26, "Fumigation and Insecticidal Fogging."  
"Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached

one-family dwelling;

(v) Chapter 31, "Tents, Temporary Special Event Structures, and Other Membrane Structures." Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;

(vi) Chapter 32, "High-Piled Combustible Storage." High-piled combustible storage facilities with more than 500 square feet (including aisles) of high-piled storage;

(vii) Chapter 34, "Tire Rebuilding and Tire Storage." Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire by products or operating a tire rebuilding plant;

(viii) Chapter 35, "Welding and Other Hot Work." Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one-or two-family dwelling;

(ix) Chapter 40, "Sugarhouse Alternative Activity Provisions." Conducting an alternative activity at a sugarhouse;

(x) Chapter 56, "Explosives and Fireworks." Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law section 270;

(xi) Section 307, "Open Burning, Recreational Fires and Portable Outdoor Fireplaces." Conducting open burning, not including recreational fires and portable outdoor fireplaces;

(xii) Section 308, "Open Flames." Removing paint with a torch, or using open flames, fire, and burning in connection with assembly areas or educational occupancies; and

(xiii) Section 319, "Mobile Food Preparation Vehicles." Operating a mobile food preparation vehicle in accordance with FCNYS.



- (3) energy storage systems, where the system exceeds the values shown in Table 1206.1 of the FCNYS or exceeds the permitted aggregate ratings in section R327.5 of the RCNYS.
- (4) buildings containing in one or more assembly areas;
- (5) outdoor events where the planned attendance exceeds 1,000 persons;
- (6) facilities that store, handle or use hazardous production materials;
- (7) parking garages as defined in subdivision (a) of section 13 of this local law;
- (8) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Otsego County Board of Representatives, and
- (9) other processes or activities or for operating any type of building, structure, or facility as determined by resolution adopted by Otsego County Board of Representatives.

Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation. Such Operating Permit shall be posted in plain sight, within 10 feet of the main entrance of the building for which it was issued.

(b) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

(c) Exemptions. Operating permits shall not be required for purposes or activities, or the buildings, structures, or facilities listed in the paragraphs (1) through (7) of subdivision (a) of this section, provided that the use is expressly

authorized by a certificate of occupancy or certificate of compliance, fire safety and property maintenance inspections are performed in accordance with section 11 (Fire Safety and Property Maintenance Inspections) of this local law, and condition assessments are performed in compliance with section 13 (Condition Assessments of Parking Garages) of this local law, as applicable.

(d) Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit. Such inspections shall be performed either in-person or remotely. Remote inspections in lieu of in-person inspections may be performed when, at the discretion of the Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or Inspector authorized by the Code Enforcement Officer, that the premises conform with the applicable requirements of the Uniform Code and the code enforcement program. Should a remote inspection not afford the County sufficient information to make a determination, an in-person inspection shall be performed. After, inspection, the premises shall be noted as satisfactory and the operating permit shall be issued, or the operating permit holder shall be notified as to the manner in which the premises fail to comply with either or both of the Uniform Code and the code enforcement program, including a citation to the specific provision or provisions that have not been met.

(e) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in his or her discretion, issue a single Operating Permit to apply to all such activities.

(f) Duration of Operating Permits. Operating permits shall be issued for a specified period of time consistent with local conditions, but in no event to exceed as follows:

(1) 180 days for tents, special event structures, and other membrane structures;

(2) 60 days for alternative activities at a sugar house;

(3) Three (3) years for the activities, structure, and operations determined per paragraph (9) of subdivision of the section, and

(4) One (1) year for all other activities, structures, and operations identified in subdivision (a) of this section.

The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

(e) Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

(f) Fee. The fee specified in or determined in accordance with the provisions set forth in Section 18 (FEES) of this local law must be paid at the time of submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

## **SECTION 11. FIRE SAFETY AND PROPERTY MAINTENANCE INSPECTIONS**

(a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:

(1) for buildings or structures which contain an area of public assembly - to be performed at least once every twelve (12) months;

(2) for public and private schools and colleges, including any buildings of such school or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities- to be performed at least once every twelve (12) months;

(3) for all multiple dwellings and all nonresidential occupancies - to be performed at least once every three years or as determined by the Code Enforcement Officer;

(4) for all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision - to be performed at least once every three years or as determined by the Code Enforcement Officer; and

(5) for residential rentals - to be performed at least once every twelve (12) months. Fire safety certificates for such required inspections will be issued only for properties that are in conformance with the current Otsego County Occupancy Tax Local Law.

Certificates issued for such inspections shall be posted in plain sight within ten (10) feet of the main entrance of the building or structure for which it was issued.

(b) Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform fire safety and property maintenance inspections, a remote inspection may be performed in lieu of in-person inspections when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or such authorized inspector that the premises conform with the applicable provision of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provision of 19 NYCRR Part 1226 and the publications incorporated therein by reference. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

(c) Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at any time upon:

(1) the request of the owner of the property to be inspected or an authorized agent of such owner;

(2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or

(3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist; provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

(d) OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New

York State Fire Administrator under Executive Law Section 156-e and Education Law Section 807-b.

Notwithstanding any other provision of this section to the contrary, the Code Enforcement Officer may accept an inspection performed by the Office of Fire Prevention and Control or other authorized entity pursuant to sections 807-a and 807-b of the Education Law and/or section 156-e of the Executive Law in lieu of a fire safety and property maintenance inspection performed by the Code Enforcement officer or by an Inspector, provided that:

1. The Code Enforcement Officer is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR section 1203.2(e);
2. The Code Enforcement Officer is satisfied that such inspection covers all elements required to be covered by a fire safety and property maintenance inspection;
3. Such inspections are performed no less frequently than once a year;
4. A true and complete copy of the report of each such inspection is provided to the Code Enforcement Officer; and
5. Upon receipt of each such report, the Code Enforcement Officer takes the appropriate action prescribed by section 17 (Violations) of this local law.

(e) Fee. The fee specified in or determined in accordance with the provisions set forth in Section 18 (FEES) of this local law must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

## **SECTION 12. COMPLAINTS**

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this local law, or any other local law or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

(a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

(b) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in Section 17 (VIOLATIONS) of this local law;

(c) if appropriate, issuing a Stop Work Order;

(d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

### **SECTION 13. CONDITION ASSESSMENTS OF PARKING GARAGES.**

(a) Definitions. For the purposes of this section:

1. the term "condition assessment" means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;
2. the term "deterioration" means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;
3. the term "parking garage" means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage of motor vehicles, excluding:
  - a. buildings in which the only level used for parking or storage of motor vehicles is on grade;
  - b. an attached or accessory structure providing parking exclusively for a detached one or two-family dwelling; and
  - c. a townhouse unit with attached parking exclusively for such unit;

4. the term “professional engineer” means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations;
5. the term “responsible professional engineer” means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term “responsible professional engineer” shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.
6. the term “unsafe condition” includes the conditions identified as “unsafe” in section 304.1.1, section 305.1.1, and section 306.1.1 of the PMCNYS; and
7. the term “unsafe structure” means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(b) Condition Assessments – general requirements. The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in subdivision (c) of this section, periodic condition assessments as described in subdivision (d) of this section, and such additional condition assessments as may be required under subdivision (e) of this section. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the County, in accordance with the requirements of subdivision (f) of this section. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.

(c) Initial Condition Assessment. Each parking garage shall undergo an initial condition assessment as follows:

- (1) Parking garages constructed on or after August 29, 2018, shall

undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure,

(2) Parking garages constructed prior to August 29, 2018, shall undergo an initial condition assessment as follows:

- a. if originally constructed prior to January 1, 1984, then prior to October 1, 2019;
- b. if originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and
- c. if originally constructed between January 1, 2003, and August 28, 2018, then prior to October 1, 2021.

(3) Any parking garage constructed prior to the effective date of the local law enacting this provision that has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment prior to August 1, 2023.

(d) Periodic Condition Assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed three (3) years.

(e) Additional Condition Assessments.

(1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the County shall require the owner or operator of such parking garage to cause such parking garage (or, if applicable, the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.

(2) If the County becomes aware of any new or increased deterioration which, in the judgment of the County, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision (c) of this section, the County shall require the owner



or operator of such parking garage to cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the County to be appropriate.

(f) Condition Assessment Reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the County within thirty (30) days. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:

(1) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;

(2) an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;

(3) an evaluation and description of the unsafe conditions;

(4) an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;

(5) an evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;

(6) an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;

(7) the responsible professional engineer's recommendation regarding preventative maintenance;

(8) except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and

(9) the responsible professional engineer's recommendation

regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in his or her professional judgment.

(g) Review Condition Assessment Reports. The County shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the County shall, by Order to Remedy or such other means of enforcement as the County may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraphs (2) and (3) of subdivision (f). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the County to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.

(h) The County shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the County with a written statement attesting to the fact that he or she has been so engaged, the County shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The County shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.

(i) This section shall not limit or impair the right or the obligation of the County:

(1) to perform such construction inspections as are required by Section 5 (CONSTRUCTION INSPECTIONS) of this local law;

(2) to perform such periodic fire safety and property maintenance inspections as are required by Section 11 (FIRE SAFETY) of this local law; and/or

(3) to take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the County by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

#### **SECTION 14. CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.**

(a) The Code Enforcement Officer shall determine the climatic and geographic design criteria for buildings and structures constructed within this County as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria to be so determined shall include but shall not necessarily be limited to, the following:

- (1) design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;
- (2) heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and
- (3) flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:

- (i) the accompanying Flood Insurance Rate Map (FIRM);
- (ii) Flood Boundary and Flood way Map (FBFM); and
- (iii) related supporting data along with any revisions thereto.

(b) The Code Enforcement Officer shall prepare a written record of the climatic and geographic design criteria determined pursuant to subdivision (a) of this section, shall maintain such record with in the office of the Code Enforcement Officer, and shall make such record readily available to the public.

**SECTION 15. RECORD KEEPING**

(a) Permanent Records. The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

- (1) all applications received, reviewed and approved or denied;
- (2) all plans, specifications and construction documents approved;
- (3) all Building Permits, Certificates of Occupancy / Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
- (4) all inspections and tests performed;
- (5) all statements and reports issued;
- (6) all complaints received;
- (7) all investigations conducted;
- (8) All condition assessment reports received;
- (9) all other features and activities specified in or contemplated by Sections 4 through 14, inclusive, of this local law; and
- (10) all fees charged and collected.

(b) Records are Public. All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least

the minimum time period so required by State law and regulation.

## **SECTION 16. PROGRAM REVIEW AND REPORTING**

(a) Monthly Reports. The Code Enforcement Officer shall submit monthly to the Public Safety Committee of this County a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in Section 15 (RECORD KEEPING) of this local law and a report and summary of all appeals or litigation pending or concluded.

(b) Annual Reports. The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this County on a form prescribed by the Secretary of State, a report of the activities of this County relative to administration and enforcement of the Uniform Code.

(c) Other Data to be Provided to the State. The Code Enforcement Officer shall, provide to the New York State Department of State, true and complete copies of the records and related materials this County is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with the administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

## **SECTION 17. VIOLATIONS**

(a) Orders to Remedy. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. An Order to Remedy shall be in writing; shall be dated and signed by the Code Enforcement Officer; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following:

"The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by \_\_\_\_ (specify date), which is thirty (30) days after the date of this Order to Remedy."

The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy (1) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30) days; to continue diligently to remedy such

violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this local law or by any other applicable statute, regulation, rule, local law or ordinance, and which Code Enforcement Officer may deem appropriate, during the period while such violations are being remedied. The Code Enforcement Officer shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by registered mail / certified mail within five (5) days of the date of the order. The Code Enforcement Officer shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered mail / certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

Additionally, an Order to Remedy issued in conjunction with Section 9 (UNSAFE BUILDING AND STRUCTURES) shall notify the owner and any other occupants of the Code Enforcement Officer's intention to post a "do not occupy" notice on the building or structure; and notify the owner/occupant of their right to a hearing before the Parent Committee of the Code Enforcement Office, at a time and place agreeable to both parties, in order to present reasons why the owner/occupant believes that the "do not occupy" action should not be taken.

(b) Appearance Tickets. The Code Enforcement Officer, Deputy Code Enforcement Officer, Code Office Attorney and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

(c) Penalties. In addition to those penalties proscribed by State law,

1. any Person who violates any provision of this local law, or any term or condition of any Building Permit, Certificate of Occupancy / Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to a civil penalty of not more than \$200 per day of violation; and

2. any Person who violates any provision of the Uniform Code, the Energy Code, or this local law, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice of order issued by the Code

Enforcement Officer pursuant to any provision of this local law, shall be liable to pay a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this paragraph shall be recoverable in an action instituted in the name of this County.

(d) Injunctive Relief. An action or proceeding may be instituted in the name of this County, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy / Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Order to Remedy, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Order to Remedy or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this County, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Parent Committee of the Code Enforcement Office.

(e) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in Section 6 (STOP WORK ORDERS) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in Section 6 (STOP WORK ORDERS) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of Section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of Section 382 of the Executive Law.

(f) Due process. Nothing in this local law, or in the Uniform Code, or in any regulation promulgated pursuant to subdivision (1) of Section 382 of the Executive Law, shall be construed as authorizing those responsible for administration and

enforcement of the Uniform Code to do so in a manner that deprives any person or entity of due process of law. In particular, but not by way of limitation, nothing in Section 9 (UNSAFE BUILDING AND STRUCTURES) relating to posting, placarding and/or condemnation of buildings or structures that are unsafe, unfit for human occupancy or unlawful shall be construed as authorizing the Code Enforcement Office to post, placard or condemn any such building or structure and/or to remove any owner or occupant or cause any owner or occupant to be removed from any such building or structure without providing such notice and opportunity to be heard (and, if applicable, right of appeal) as may be required under the applicable circumstances by applicable Constitutional provisions. In cases of imminent danger, posting, placarding, and condemning a building or structure and removing owners and occupants or causing owners and occupants to be removed without first providing an opportunity to be heard shall be permitted to the extent consistent with applicable Constitutional provisions, provided that the affected persons and entities are afforded the opportunity for a post-action hearing to the extent required by applicable Constitutional provisions.

#### **SECTION 18. FEES**

A fee schedule shall be established by resolution of the Board of Representatives of this County. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy / Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

#### **SECTION 19. INTERMUNICIPAL AGREEMENTS**

The Board of Representatives of this County may, by resolution, authorize the Code Enforcement Officer of this County to enter into an agreement, in the name of this County with other governments to carry out the terms of this local law, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

#### **SECTION 20. PARTIAL INVALIDITY**

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.



## SECTION 21. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

The Local Law is sponsored by the Public Safety and Legal Affairs Committee. Local Law laid over under the Rules.

Seconded, Martini, Brockway, Mickle. Local Law held over under the Rules for a Public Hearing on Wednesday, July 5<sup>th</sup>, 2023 at 9:50 a.m.

Board Chair Bliss requested an executive session to discuss the medical, financial, credit or employment history of a particular person or corporation or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. Representative Kennedy moved for approval. Seconded, Oliver. Including Jacinda Hotaling, Budget Analyst; County Attorney Denise Hollis; Penney Gentile, Personnel Officer and Matt Ryan, Labor Attorney. Oral vote. Total: 100. Ayes: 100. Motion carried.

Representative Marietta left the meeting during the executive session.

Representative Kennedy moved to reconvene out of executive session. Seconded, Oliver. Oral vote. Total: 100. Ayes: 94; Absent: 6- Marietta. Motion carried.

In the absence of any objections, Late Resolution E was presented and acted upon in accordance with the Rules of Order and numbered Resolution No. 251.

### RESOLUTION NO. 251-20230607

#### RESOLUTION – APPOINTING THE COUNTY YOUTH BUREAU DIRECTOR (PART-TIME)

KENNEDY, MARIETTA, MCCARTY, FRAZIER, MARTINI, WILBER

RESOLVED, that Steven Andrews be and hereby is appointed County Youth Bureau Director (part-time), effective July 3, 2023, at an annual salary not to exceed \$19,691; and be it further

RESOLVED, that the County Youth Bureau Director (part-time) shall be

entitled to receive from the County reimbursement for all necessary expenses incidental to the transaction of County business; 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 Otsego County Personnel Officer and the County Treasurer; and be it further

RESOLVED, that the funding for this position is included in the 2023 Youth Program Budget (A7310) at line 510020 Part-Time.

Seconded, Brockway. Roll Call vote. Total: 100. Ayes: 94; Absent: 6- Marietta. Adopted.

Representative Wilber motioned to adjourn. Seconded, Catan. Oral vote. Total: 100. Ayes: 94; Absent: 6- Marietta. Motion carried.

All the general business of the Board having been transacted, the Board Chair declared the meeting adjourned until Wednesday, July 5<sup>th</sup>, 2023 at 10:00 a.m.

